

HOUSE BILL NO. 352

INTRODUCED BY ELLIOTT, GRINDE, REAM, GUTHRIE, DEMARS

IN THE HOUSE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
JANUARY 23, 1989	FIRST READING.
JANUARY 31, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 1, 1989	PRINTING REPORT.
FEBRUARY 2, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 3, 1989	ENGROSSING REPORT.
FEBRUARY 4, 1989	THIRD READING, PASSED. AYES, 95; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
	FIRST READING.
MARCH 8, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 9, 1989	SECOND READING, CONCURRED IN.
MARCH 11, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 11, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

15 (2) Neglect of duty includes three consecutive,
16 unexcused absences from regular meetings of the board of
17 supervisors. A majority vote of the board may excuse a
18 supervisor from attending a meeting."

-End-

INTRODUCED BILL
HB 352

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 352

INTRODUCED BY ELLIOTT, GRINDE, REAM, GUTHRIE, DEMARS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHAT
CONSTITUTES A VACANCY IN THE OFFICE OF CONSERVATION DISTRICT
SUPERVISOR AND NEGLECT OF DUTY AS A CAUSE FOR REMOVAL OF A
CONSERVATION DISTRICT SUPERVISOR; AND AMENDING SECTION
SECTIONS 76-15-312 AND 76-15-314, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. SECTION 76-15-312, MCA, IS AMENDED TO READ:

"76-15-312. Term of office and vacancies. (1) The term
of office of each supervisor shall be 4 years, except that
the supervisors who are first appointed by the department
shall be designated to serve for terms of 2 years from the
date of their appointment. An elected supervisor shall hold
office until his successor has been elected and has
qualified.

(2) A vacancy is created when any of the following
events occurs before the expiration of the term of the
incumbent:

(a) death;

(b) a determination pursuant to Title 53, chapter 21,
part 1, that the incumbent is mentally ill;

(c) resignation;

(d) removal from office;

(e) neglect of duty or malfeasance in office;

(f) ceasing to be a resident of the district;

(g) conviction of a felony or a violation of official
duties; or

(h) the decision of a court declaring void the
incumbent's election or appointment.

(2)(3) Any vacancy occurring in the office of an
elected supervisor shall be filled by appointment by the
remaining supervisors until the next regular election, when
a successor shall be elected to serve the unexpired term."

Section 2. Section 76-15-314, MCA, is amended to read:

"76-15-314. Removal of a supervisor. (1) A supervisor
may be removed by the board, upon notice and hearing, for
neglect of duty or malfeasance in office but for no other
reason.

(2) Neglect of duty includes three consecutive,
unexcused absences from regular meetings of the board of
supervisors. A majority vote of the board may excuse a
supervisor from attending a meeting."

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(2) A vacancy is created when any of the following events occurs before the expiration of the term of the incumbent:

(a) death;

(b) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent is mentally ill;

(c) resignation;

(d) removal from office;

(e) ~~neglect-of-duty-or-malefeasance-in-office~~ UNEXCUSED ABSENCE FROM THREE CONSECUTIVE REGULAR MEETINGS OF THE BOARD OF SUPERVISORS;

(f) ceasing to be a resident of the district;

(g) conviction of a felony or a violation of official duties; or

(h) the decision of a court declaring void the incumbent's election or appointment.

(3) FOR THE PURPOSE OF SUBSECTION (2)(E), A MAJORITY VOTE OF THE BOARD OF SUPERVISORS MAY EXCUSE A SUPERVISOR FROM ATTENDING A MEETING.

~~{2}{3}~~(4) Any vacancy occurring in the office of an elected supervisor shall be filled by appointment by the remaining supervisors until the next regular election, when a successor shall be elected to serve the unexpired term."

Section 2. Section 76-15-314, MCA, is amended to read:

"76-15-314. Removal of a supervisor. ~~{1}~~ A supervisor may be removed by the board AND A VACANCY CREATED UNDER 76-15-312(2)(D), upon notice and hearing, for neglect of duty or malefeasance in office but for no other reason.

~~{2}--Neglect--of--duty--includes--three--consecutive, unexcused--absences--from--regular--meetings--of--the--board--of supervisors--A-majority-vote--of--the--board--may--excuse--a supervisor--from--attending--a-meeting--"~~

-End-

-2-



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(f) ceasing to be a resident of the district;

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-End-

-2-

HB 352

REFERENCE BILL

