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.

18

House BILL NO. 352 1 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHAT 5 CONSTITUTES NEGLECT OF DUTY AS A CAUSE FOR REMOVAL OF A 6 CONSERVATION DISTRICT SUPERVISOR; AND AMENDING SECTION 76-15-314, MCA." 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 76-15-314, MCA, is amended to read: 10 11 "76-15-314. Removal of a supervisor. (1) A supervisor 12 may be removed by the board, upon notice and hearing, for 13 neglect of duty or malfeasance in office but for no other 14 reason. 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

-End-

supervisor from attending a meeting."

Montana Legislative Council

INTRODUCED BILL HB 352

25

(c) resignation;

1

2

4

duties; or

APPROVED BY COMMITTEE ON AGRICULTURE LIVESTOCK & IRRIGATION

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2	INTRODUCED BY ELLIOTT, GRINDE, REAM, GUTHRIE, DEMARS
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHAT
5	CONSTITUTES A VACANCY IN THE OFFICE OF CONSERVATION DISTRICT
6	SUPERVISOR AND NEGLECT OF DUTY AS A CAUSE FOR REMOVAL OF A
7	CONSERVATION DISTRICT SUPERVISOR; AND AMENDING SECTION
8	SECTIONS 76-15-312 AND 76-15-314, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	SECTION 1. SECTION 76-15-312, MCA, IS AMENDED TO READ
12	"76-15-312. Term of office and vacancies. (1) The term
13	of office of each supervisor shall be 4 years, except that
14	the supervisors who are first appointed by the department
15	shall be designated to serve for terms of 2 years from the
16	date of their appointment. An elected supervisor shall hold
17	office until his successor has been elected and has
18	qualified.
19	(2) A vacancy is created when any of the following
20	events occurs before the expiration of the term of the
21	incumbent:
22	(a) death;
23	(b) a determination pursuant to Title 53, chapter 21,
24	part 1, that the incumbent is mentally ill;

6	(h) the decision of a court declaring void the
7	incumbent's election or appointment.
8	(3) Any vacancy occurring in the office of an
9	elected supervisor shall be filled by appointment by the
10	remaining supervisors until the next regular election, when
11	a successor shall be elected to serve the unexpired term."
1 2	Section 2. Section 76-15-314, MCA, is amended to read:
13	"76-15-314. Removal of a supervisor. (1) A supervisor
14	may be removed by the board, upon notice and hearing, for
15	neglect of duty or malfeasance in office but for no other
16	reason.
17	(2) Neglect of duty includes three consecutive,
18	unexcused absences from regular meetings of the board of
19	supervisors. A majority vote of the board may excuse a
20	supervisor from attending a meeting."

(e) neglect of duty or malfeasance in office;

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

(q) conviction of a felony or a violation of official

(d) removal from office;

-End-

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5	CONSTITUTES A VACANCY IN THE OFFICE OF CONSERVATION DISTRICT
6	SUPERVISOR AND NEGLECT-OF-DUTY-AS-A CAUSE FOR REMOVAL OF A
7	CONSERVATION DISTRICT SUPERVISOR; AND AMENDING SECTION
В	SECTIONS 76-15-312 AND 76-15-314, MCA."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	SECTION 1. SECTION 76-15-312, MCA, IS AMENDED TO READ:
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13	of office of each supervisor shall be 4 years, except that
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20	events occurs before the expiration of the term of the
21	incumbent:
22	(a) death;
23	(b) a determination pursuant to Title 53, chapter 21,
24	part 1, that the incumbent is mentally ill;
25	<pre>(c) resignation;</pre>

1	(d) removal from office;
2	(e) neglect-of-duty-or-malfeasance-in-office UNEXCUSED
3	ABSENCE FROM THREE CONSECUTIVE REGULAR MEETINGS OF THE BOARD
4	OF SUPERVISORS;
5	(f) ceasing to be a resident of the district;
6	(g) conviction of a felony or a violation of official
7	duties; or
8	(h) the decision of a court declaring void the
9	incumbent's election or appointment.
10	(3) FOR THE PURPOSE OF SUBSECTION (2)(E), A MAJORITY
11	VOTE OF THE BOARD OF SUPERVISORS MAY EXCUSE A SUPERVISOR
12	FROM ATTENDING A MEETING.
13	(2)(3)(4) Any vacancy occurring in the office of an
14	elected supervisor shall be filled by appointment by the
15	remaining supervisors until the next regular election, when
16	a successor shall be elected to serve the unexpired term."
17	Section 2. Section 76-15-314, MCA, is amended to read:
18	"76-15-314. Removal of a supervisor. $\frac{(\pm)}{(\pm)}$ A supervisor
19	may be removed by the board AND A VACANCY CREATED UNDER
20	76-15-312(2)(D), upon notice and hearing, for neglect of
21	duty or malfeasance in office but for no other reason.
22	+2}Neglectofdutyincludesthreeconsecutive;
23	unexcusedabsencesfromregularmeetings-of-the-board-of
24	supervisors A-majority-voteoftheboardmayexcusea



-End--2-

supervisor-from-attending-a-meeting-"

HB 352

1

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	INTRODUCED BY ELLIOTT, GRINDE, REAM, GUTHRIE, DEMARS
A B	ILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHAT
CONS	STITUTES A VACANCY IN THE OFFICE OF CONSERVATION DISTRICT
SUPI	ERVISOR AND NEGLECT-OF-BUTY-AS-A CAUSE FOR REMOVAL OF A
CONS	SERVATION DISTRICT SUPERVISOR; AND AMENDING SECTION
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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
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dat	e of their appointment. An elected supervisor shall hold
off	ice until his successor has been elected and has
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eve	nts occurs before the expiration of the term of the
inc	umbent:
	(a) death;
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par	t 1, that the incumbent is mentally ill;
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3	ABSENCE FROM THREE CONSECUTIVE REGULAR MEETINGS OF THE BOARD
4	OF SUPERVISORS;
5	(f) ceasing to be a resident of the district;
6	(g) conviction of a felony or a violation of official
7	duties; or
8	(h) the decision of a court declaring void the
9	incumbent's election or appointment.
10	(3) FOR THE PURPOSE OF SUBSECTION (2)(E), A MAJORITY
11	VOTE OF THE BOARD OF SUPERVISORS MAY EXCUSE A SUPERVISOR
12	FROM ATTENDING A MEETING.
13	+2+(4) Any vacancy occurring in the office of an
14	elected supervisor shall be filled by appointment by the
15	remaining supervisors until the next regular election, when
16	a successor shall be elected to serve the unexpired term."
17	Section 2. Section 76-15-314, MCA, is amended to read:
18	"76-15-314. Removal of a supervisor.

(d) removal from office;

supervisor-from-attending-a-meeting-"
-End-