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House BILL NO. 79
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INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR DETERMINATION OF A VACANCY IN A COUNTY OFFICE; AND PROVIDING FOR REMOVAL OF ELECTED OR APPOINTED OFFICIALS."

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

NEW SECTION. **Section 1. Determination of vacancy in county office.** An office is vacant when one of the following events occurs before the expiration of the term of the incumbent:

- (1) the death of the incumbent;
- (2) a determination pursuant to Title 53, chapter 21, part 1, that the incumbent is mentally ill;
- (3) the resignation of the incumbent;
- (4) the removal of the incumbent from office;
- (5) the absence of the incumbent from the county continuously for more than 15 days without the consent of the county commissioners;
- (6) the open neglect or refusal of the incumbent to discharge the incumbent's duties;
- (7) the ceasing of the incumbent to be a resident of the county;
- (8) the ceasing of the incumbent to discharge the duties of the incumbent's office for a period of 3 consecutive months, except when prevented by illness or when absent from the county by permission of the county commissioners;
- (9) the conviction of the incumbent of a felony or of an offense involving moral turpitude or a violation of the incumbent's official duties;
- (10) the refusal or neglect of the incumbent to file an official bond within the time prescribed; or
- (11) the decision of a competent tribunal declaring void the election or appointment of the incumbent.

NEW SECTION. **Section 2. Removal of elected or appointed officers.** The county commissioners may, upon entering written charges upon their journal, after notice to the party, and after a hearing by the county commissioners with the county attorney or other legal representative, remove an elected or



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1 appointed county officer by a vote of two-thirds of all the members-elect.

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3 NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
4 as an integral part of Title 7, chapter 4, part 22, and the provisions of Title 7, chapter 4, part 22, apply to
5 [sections 1 and 2].

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