

HOUSE BILL NO. 140

INTRODUCED BY KRENZLER

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE ON WHICH ELECTED COUNTY OFFICERS TAKE OFFICE; REQUIRING ELECTED OFFICERS TO MAKE A WRITTEN OATH OF OFFICE PRIOR TO JANUARY 1 FOLLOWING THE ELECTION; REQUIRING ELECTED OFFICERS TO TAKE AN ORAL OATH OF OFFICE AS SOON AFTER TAKING OFFICE AS POSSIBLE; AND AMENDING SECTION 7-4-2205, MCA."

WHEREAS, current law requires an elected official to take the oath of office on the first Monday of January succeeding the election; and

WHEREAS, the first Monday in January can be as late as the 7th day of January; and

WHEREAS, employing two elected officials in the same month can cause confusion and disagreement regarding compensation and benefits to each official; and

WHEREAS, employing the newly elected official on January 1 would simplify the payroll process, save local governments and taxpayers money, and make it easier for all concerned to remember the official transition date.

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

Section 1. Section 7-4-2205, MCA, is amended to read:

"7-4-2205. **Term of office -- oath.** (1) ~~Persons~~ Each person elected to ~~the different offices an office~~ named in 7-4-2203 ~~shall hold~~ holds their respective offices the office for the term of 4 years and until ~~their successors are~~ a successor is elected and qualified.

(2) ~~Persons~~ A person appointed to any of the different offices ~~serve~~ serves at the pleasure of the commissioners.

(3) ~~The officers~~ Each officer who is mentioned in this part and who is elected to office ~~must~~ shall:

(a) prior to January 1 following the election, make a written oath of office if the officer has not previously made a written oath for the term elected;

(b) take office on the first Monday day of January succeeding their the election; and

(c) take the oral oath of office as soon as possible after January 1 succeeding the election."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0140, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act changing the date on which elected county officers take office; requiring elected officers to make a written oath of office prior to January 1 following the election; requiring elected officers to take an oral oath of office as soon after taking office as possible.

ASSUMPTIONS:

1. The Office of the Secretary of State anticipates no fiscal impact.
2. The Department of Commerce, Local Government Assistance Division, Systems Program has reviewed the proposed legislation and found that the existing database/library does not include information that would contribute to defining the fiscal impact of this bill.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.

Dave Lewis 1-11-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Billie Krenzler 1-13-97
BILLIE KRENZLER, PRIMARY SPONSOR DATE

Fiscal Note for HB0140, as introduced

HB 140

MOTION TO TAKE FROM TABLE,
PRINT & PLACE ON 2ND READING

LOCAL GOVT COMMITTEE

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5 TAKE OFFICE; REQUIRING ELECTED OFFICERS TO ~~MAKE A WRITTEN~~ TAKE THE OATH OF OFFICE PRIOR
6 TO JANUARY 1 ON THE LAST BUSINESS DAY OF DECEMBER FOLLOWING THE ELECTION; REQUIRING
7 ELECTED OFFICERS TO TAKE AN ~~ORAL OATH OF OFFICE AS SOON AFTER TAKING OFFICE AS POSSIBLE~~
8 AT 12:01 A.M. ON JANUARY 1 FOLLOWING THE ELECTION; AND AMENDING SECTION 7-4-2205, MCA."
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10 WHEREAS, current law requires an elected official to take the oath of office on the first Monday
11 of January succeeding the election; and

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14 disagreement regarding compensation and benefits to each official; and

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23 office named in 7-4-2203 ~~shall hold~~ holds their respective offices the office for the term of 4 years and until
24 ~~their successors are~~ a successor is elected and qualified.

25 (2) ~~Persons~~ A person appointed to any of the different offices ~~serve~~ serves at the pleasure of the
26 commissioners.

27 (3) ~~The officers~~ Each officer who is mentioned in this part and who is elected to office ~~must~~ shall:

28 (a) ~~prior to January 1 following the election, make a written oath of office if the officer has not~~
29 previously made a written oath for the term elected; TAKE THE OATH OF OFFICE ON THE LAST BUSINESS
30 DAY OF DECEMBER FOLLOWING THE OFFICER'S ELECTION; AND

1 ~~(b) take office on the first Monday day of January succeeding their the election; and~~
2 ~~(c) take the oral oath of office as soon as possible after January 1 succeeding the election AT~~
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7 ELECTED OFFICERS TO TAKE ~~AN ORAL OATH OF OFFICE AS SOON AFTER TAKING OFFICE AS POSSIBLE~~
8 AT 12:01 A.M. ON JANUARY 1 FOLLOWING THE ELECTION; AND AMENDING SECTION SECTIONS
9 7-4-2105 AND 7-4-2205 , MCA."

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11 WHEREAS, current law requires an elected official to take the oath of office on the first Monday
12 of January succeeding the election; and

13 WHEREAS, the first Monday in January can be as late as the 7th day of January; and

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17 save local governments and taxpayers money, and make it easier for all concerned to remember the official
18 transition date.

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

21
22 **SECTION 1. SECTION 7-4-2105, MCA, IS AMENDED TO READ:**

23 **"7-4-2105. Term of office. (1)** The term of office of county commissioners is 6 years. A county
24 commissioner takes office ~~on the first Monday of~~ at 12:01 a.m. on January 1, succeeding the date of the
25 election at which the county commissioner was elected.

26 **(2) A county commissioner elected to take office shall take the oath of office on the last business**
27 **day of December following the commissioner's election, except as provided for in 7-4-2106."**

28
29 **Section 2.** Section 7-4-2205, MCA, is amended to read:

30 **"7-4-2205. Term of office -- oath. (1) ~~Persons~~ Each person elected to the ~~different offices an~~**

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