

HOUSE BILL NO. 856

INTRODUCED BY S. FITZPATRICK, B. LER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME PERIOD WHEN AN INCUMBENT'S OFFICE BECOMES VACANT; PROVIDING AN APPROPRIATION; AMENDING SECTION 2-16-501, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 2-16-501, MCA, is amended to read:

**"2-16-501. Vacancies created.** An office becomes vacant on the occurrence of any one of the following events 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 suffers from a mental disorder and is in need of commitment;
- (3) the effective date stipulated in the resignation of the incumbent;
- (4) removal of the incumbent from office;
- (5) the incumbent's ceasing to be a resident of the state or, if the office is local, of the district, city, county, town, or township for which the incumbent was chosen or appointed or within which the duties of the incumbent's office are required to be discharged;
- (6) except as provided in 10-1-1008, absence of the incumbent from the state, without the permission of the legislature, beyond the period allowed by law;
- (7) the incumbent's ceasing to discharge the duty of the incumbent's office for the period of 3 ~~4~~ consecutive months, except when prevented by sickness, when absent from the state by permission of the legislature, or as provided in 10-1-1008;
- (8) conviction of the incumbent of a felony or of an offense involving moral turpitude or a violation of the incumbent's official duties;
- (9) the incumbent's refusal or neglect to file the incumbent's official oath or bond within the time

1 prescribed;

2 (10) the decision of a competent tribunal declaring void the incumbent's election or appointment."

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4 NEW SECTION. Section 2. Appropriation. There is appropriated \$100 from the general fund to the  
5 legislative services division for the fiscal year beginning July 1, 2025, for the purpose of monitoring and  
6 reporting the status of [this act] to legislators who request this information.

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8 NEW SECTION. Section 3. Effective dates. (1) Except as provided in subsection (2), [this act] is  
9 effective on passage and approval.

10 (2) [Section 2] is effective July 1, 2025.

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12 NEW SECTION. Section 4. Retroactive applicability. [This act] applies retroactively, within the  
13 meaning of 1-2-109, to vacancies beginning on or after January 1, 2025.

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