

H. B. No. 153  
As Introduced

Topic: Court process

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\_\_\_\_\_ moved to amend as follows:

- In line 5 of the title, delete "principle" and insert "principal" 2
- In line 10, reinsert "(1)" 3
- In line 14, delete "the board of county commissioners shall declare" 4
- In line 15, delete "the office vacant and" 5
- In line 19, reinsert "(2)" 6
- In line 22, after "~~vacant.~~" insert "A vacancy of office 7  
determination shall be originated by the filing of a complaint in writing 8  
with the clerk of the court of common pleas of the county where the 9  
officer resides. The court shall assign the complaint for hearing and 10  
shall provide reasonable notice of the hearing to the county officer. The 11  
court shall hear evidence cited by the complaint and the county officer. 12  
The court may consider motions for judgment on the pleadings made pursuant 13  
to Civil Rule 12, motions to dismiss made pursuant to Civil Rule 41, and 14  
motions for summary judgment made pursuant to Civil Rule 56 that are filed 15  
before the hearing. If it appears the county officer has failed to perform 16



the officer's duties as provided in division (A) (1), (B), or (C) of this 17  
section, by clear and convincing evidence, the court shall remove the 18  
county officer from office and declare the office vacant." 19

In line 31, delete "the board of county commissioners shall declare 20  
the" 21

In line 32, delete "office vacant and" 22

In line 37, delete "the board of county commissioners" 23

In line 38, delete "shall declare the office vacant and" 24

The motion was \_\_\_\_\_ agreed to.