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SENATE BILL NO. 167  
INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO RESIGNATIONS OF DIRECTORS OF NONPROFIT CORPORATIONS; ALLOWING A DIRECTOR TO RESCIND A RESIGNATION; AND AMENDING SECTION 35-2-420, MCA."

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

**Section 1.** Section 35-2-420, MCA, is amended to read:

**"35-2-420. Resignation of directors.** (1)(a) A director may resign at any time by delivering written notice to the board of directors, its presiding officer, the president, or the secretary.

(b) A director may rescind a resignation within 5 days of resigning unless prohibited by the bylaws of the corporation or the articles of incorporation. The director's recission of a resignation must be in writing and delivered to the members of the board of directors.

(2) A resignation is effective when the notice is effective unless the notice specifies a later effective date or the director rescinds the resignation under subsection (1)(b). If a resignation is made effective at a later date, the board may fill the pending vacancy before the effective date if the board provides that the successor does not take office until the effective date."

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