

SENATE BILL 127

Introduced by Weeding, et al.

1/17	Introduced
1/18	Referred to Education & Cultural Resources
1/18	First Reading
1/28	Hearing
1/31	Committee Report--Bill Passed
2/04	2nd Reading Passed as Amended
2/05	3rd Reading Passed
	Transmitted to House
2/06	First Reading
2/06	Referred to Education & Cultural Resources
3/14	Hearing
4/01	Tabled in Committee

1 *Senate* BILL NO. *127*
 2 INTRODUCED BY *Eduding, Bengtson, Whalen*
 3 *Tom Nelson*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A BOARD OF
 5 COUNTY COMMISSIONERS TO ESTABLISH THE OFFICE OF COUNTY
 6 SUPERINTENDENT OF SCHOOLS AS A PART-TIME OFFICE; AMENDING
 7 SECTIONS 20-3-201 AND 20-3-204, MCA; AND PROVIDING AN
 8 IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."
 9

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

11 **Section 1.** Section 20-3-201, MCA, is amended to read:

12 "20-3-201. Election and qualifications. (1) A county
 13 superintendent ~~shall~~ must be elected in each county of the
 14 state unless a county manager form of government has been
 15 organized in the county. The county superintendent ~~shall~~
 16 must be elected at the general election preceding the
 17 expiration of the term of office of the incumbent.

18 (2) Any A person ~~shall-be~~ is qualified to assume the
 19 office of county superintendent who:

- 20 (a) is a qualified elector;
- 21 (b) holds a valid teacher certificate issued by the
 22 superintendent of public instruction; and
- 23 (c) has not less than 3 years of successful teaching
 24 experience.

25 (3) When the office of county superintendent of schools

1 is consolidated with another county office within the
 2 county, the officeholder ~~shall~~ must have the qualifications
 3 of subsection (2) or he shall, with the approval of the
 4 governing body, contract for the services of another county
 5 superintendent, with approval of the governing body of that
 6 county, to perform the duties required of a county
 7 superintendent in 20-3-207 and 20-3-210. The officeholder
 8 may contract for the services of another county
 9 superintendent to perform other duties required by law of a
 10 county superintendent. The superintendent of public
 11 instruction shall prescribe a contract form to be used.

12 (4) The board of county commissioners may establish the
 13 office of county superintendent as a part-time office to
 14 perform the duties of a county superintendent as required by
 15 law."

16 **Section 2.** Section 20-3-204, MCA, is amended to read:

17 "20-3-204. Office hours. (1) The Except for a part-time
 18 county superintendent provided for under 20-3-201(4), the
 19 county superintendent of schools shall keep his office open
 20 from 8 a.m. until 5 p.m. every day when he is not engaged in
 21 the supervision of schools except on holidays and on
 22 Saturdays, provided that when the county superintendent has
 23 a deputy or clerk, the office shall must be kept open from 8
 24 a.m. until 5 p.m. every day except holidays and except
 25 Saturdays. Said The office shall must be kept open at all



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1 times as business may require.

2 (2) This section ~~shall~~ does not apply to counties
3 operating under the county manager plan."

4 NEW SECTION. Section 3. Effective date --
5 applicability. [This act] is effective on passage and
6 approval and applies to each county upon the beginning of
7 the next term of office after [the effective date of this
8 act].

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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Senate BILL NO. *127*

INTRODUCED BY *Cluding, Bengtson, Whalen*
Tom Nelson

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS AS A PART-TIME OFFICE; AMENDING SECTIONS 20-3-201 AND 20-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

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

Section 1. Section 20-3-201, MCA, is amended to read:

"20-3-201. Election and qualifications. (1) A county superintendent ~~shall~~ must be elected in each county of the state unless a county manager form of government has been organized in the county. The county superintendent ~~shall~~ must be elected at the general election preceding the expiration of the term of office of the incumbent.

(2) Any A person ~~shall-be~~ is qualified to assume the office of county superintendent who:

- (a) is a qualified elector;
 - (b) holds a valid teacher certificate issued by the superintendent of public instruction; and
 - (c) has not less than 3 years of successful teaching experience.
- (3) When the office of county superintendent of schools

is consolidated with another county office within the county, the officeholder ~~shall~~ must have the qualifications of subsection (2) or he shall, with the approval of the governing body, contract for the services of another county superintendent, with approval of the governing body of that county, to perform the duties required of a county superintendent in 20-3-207 and 20-3-210. The officeholder may contract for the services of another county superintendent to perform other duties required by law of a county superintendent. The superintendent of public instruction shall prescribe a contract form to be used.

(4) The board of county commissioners may establish the office of county superintendent as a part-time office to perform the duties of a county superintendent as required by law."

Section 2. Section 20-3-204, MCA, is amended to read:

"20-3-204. Office hours. (1) ~~The~~ Except for a part-time county superintendent provided for under 20-3-201(4), the county superintendent of schools shall keep his office open from 8 a.m. until 5 p.m. every day when he is not engaged in the supervision of schools except on holidays and on Saturdays, provided that when the county superintendent has a deputy or clerk, the office ~~shall~~ must be kept open from 8 a.m. until 5 p.m. every day except holidays and except Saturdays. Said The office ~~shall~~ must be kept open at all



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1 times as business may require.

2 (2) This section ~~shall~~ does not apply to counties
3 operating under the county manager plan."

4 NEW SECTION. Section 3. Effective date --
5 applicability. [This act] is effective on passage and
6 approval and applies to each county upon the beginning of
7 the next term of office after [the effective date of this
8 act].

-End-

SENATE BILL NO. 127

INTRODUCED BY WEEDING, BENGTSON, WHALEN, T. NELSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS AS A PART-TIME OFFICE; TO PROVIDE THE PROCEDURE FOR ESTABLISHING THE PART-TIME OFFICE; AMENDING SECTIONS 20-3-201 AND 20-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES."

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

Section 1. Section 20-3-201, MCA, is amended to read:

"20-3-201. Election and qualifications. (1) A county superintendent shall must be elected in each county of the state unless a county manager form of government has been organized in the county. The county superintendent shall must be elected at the general election preceding the expiration of the term of office of the incumbent.

(2) Any A person shall-be is qualified to assume the office of county superintendent who:

(a) is a qualified elector;

(b) holds a valid teacher certificate issued by the superintendent of public instruction; and

(c) has not less than 3 years of successful teaching experience.

(3) When the office of county superintendent of schools is consolidated with another county office within the county, the officeholder shall must have the qualifications of subsection (2) or he shall, with the approval of the governing body, contract for the services of another county superintendent, with approval of the governing body of that county, to perform the duties required of a county superintendent in 20-3-207 and 20-3-210. The officeholder may contract for the services of another county superintendent to perform other duties required by law of a county superintendent. The superintendent of public instruction shall prescribe a contract form to be used.

(4) The board of county commissioners may establish the office of county superintendent as a part-time office, UNDER THE PROVISIONS OF [SECTION 3], to perform the duties of a county superintendent as required by law."

Section 2. Section 20-3-204, MCA, is amended to read:

"20-3-204. Office hours. (1) The Except for a part-time county superintendent provided for under 20-3-201(4), the county superintendent of schools shall keep his office open from 8 a.m. until 5 p.m. every day when he is not engaged in the supervision of schools except on holidays and on Saturdays, provided that when the county superintendent has a deputy or clerk, the office shall must be kept open from 8 a.m. until 5 p.m. every day except holidays and except



1 Saturdays. Said The office shall must be kept open at all
2 times as business may require.

3 (2) This section ~~shall~~ does not apply to counties
4 operating under the county manager plan."

5 NEW SECTION. SECTION 3. ESTABLISHING OFFICE OF COUNTY
6 SUPERINTENDENT OF SCHOOLS AS PART-TIME OFFICE. (1) A BOARD
7 OF COUNTY COMMISSIONERS THAT INTENDS TO ESTABLISH THE OFFICE
8 OF COUNTY SUPERINTENDENT OF SCHOOLS AS A PART-TIME OFFICE
9 SHALL:

10 (A) PASS A RESOLUTION STATING THE INTENT OF THE BOARD
11 TO CONSIDER THE ACTION;

12 (B) SET A DATE FOR A HEARING ON THE ISSUE AND PROVIDE
13 PROPER NOTICE OF THE HEARING;

14 (C) CONDUCT A HEARING AND ACCEPT TESTIMONY FROM ANY
15 REGISTERED ELECTOR OF THE COUNTY WHO PRESENTS EVIDENCE
16 EITHER FOR OR AGAINST THE ESTABLISHMENT OF THE PART-TIME
17 OFFICE; AND

18 (D) WITHIN 5 DAYS OF THE HEARING, ISSUE AN ORDER
19 REGARDING THE ESTABLISHMENT OF THE PART-TIME OFFICE.

20 (2) A BOARD MAY NOT ISSUE AN ORDER ESTABLISHING THE
21 OFFICE OF COUNTY SUPERINTENDENT AS A PART-TIME OFFICE LESS
22 THAN 7 DAYS BEFORE THE DATE ON WHICH DECLARATIONS FOR
23 NOMINATIONS MAY FIRST BE FILED FOR THE OFFICE.

24 (3) A BOARD MAY NOT ESTABLISH THE OFFICE OF COUNTY
25 SUPERINTENDENT AS A PART-TIME OFFICE DURING A TERM OF OFFICE

1 FOR WHICH A COUNTY SUPERINTENDENT HAS BEEN ELECTED AS A
2 FULL-TIME OFFICEHOLDER.

3 NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
4 [SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART
5 OF TITLE 20, CHAPTER 4, AND THE PROVISIONS OF TITLE 20,
6 CHAPTER 4, APPLY TO [SECTION 3].

7 NEW SECTION. Section 5. Effective date --
8 applicability. [This act] is effective on passage and
9 approval and applies to each county upon the beginning of
10 the next term of office after [the effective date of this
11 act].

-End-