

1 *Senate* BILL NO. *56*
 2 INTRODUCED BY *Walt Dornier, Marilyn Ferguson*
 3 *Bergan*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A
 5 DEFENDANT IN A CRIMINAL ACTION MAY NOT WAIVE HIS RIGHT TO A
 6 SPEEDY TRIAL WITHOUT THE CONSENT OF THE PROSECUTION."
 7

8 WHEREAS, the people of the state of Montana have a
 9 right to a fair and efficient system of criminal justice and
 10 to the protection afforded by the speedy sentencing of
 11 criminal offenders.
 12

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

14 Section 1. There is a new R.C.M. section numbered
 15 95-1907.1 that reads as follows:

16 95-1907.1. Waiver of speedy trial. The defendant may
 17 not waive his constitutional right to a speedy trial without
 18 the consent of the prosecution.

19 Section 2. There is a new R.C.M. section numbered
 20 95-2003.1 that reads as follows:

21 95-2003.1. Waiver of speedy trial. The defendant may
 22 not waive his constitutional right to a speedy trial without
 23 the consent of the prosecution.

-End-

9856

INTRODUCED BILL

On motion, reconsider
adverse committee report.

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Senate BILL NO. *56*
INTRODUCED BY *Walt Dorne* *Monly Ferguson*
Sergeant

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-End-

SECOND READING

SB56

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9B56

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-End-

THIRD READING

1 *Senate* BILL NO. 57
 2 INTRODUCED BY Watt Blaylock Legren
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
 5 CONSOLIDATION OF OFFICES OF COUNTY SUPERINTENDENTS OF
 6 SCHOOLS."
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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Consolidation of county superintendent
 10 offices — procedure — election. (1) Any two or more
 11 counties may consolidate their offices of county
 12 superintendent upon adoption of a proposal for that purpose
 13 by majority vote of the trustees of all of the elementary
 14 and high school districts of the counties party to the
 15 consolidation. The proposal may contain such provisions,
 16 consistent with [sections 1, 2, 3, and 4], as are considered
 17 necessary to effect the consolidation.

18 (2) The proposal may designate the county
 19 superintendent for any one of the counties party to the
 20 consolidation holding office at the time the proposal is
 21 adopted to serve as the consolidation county superintendent
 22 until the expiration of his term. If the consolidation
 23 county superintendent is so designated, the proposal
 24 requires the approval of such person for its adoption in
 25 addition to the majority vote referred to in subsection (1).

1 Alternatively, the proposal may state that the consolidation
 2 takes effect upon the expiration of the terms of office of
 3 the incumbent superintendents for the counties party to the
 4 consolidation, in which case the first consolidated county
 5 superintendent shall be elected at the general election
 6 preceding the expiration of such terms in the manner
 7 provided in subsection (3).

8 (3) The consolidation county superintendent shall,
 9 regardless of the forms of government of the respective
 10 counties, be elected, by the qualified electors of all of
 11 the counties party to the consolidation, at the general
 12 election preceding the expiration of the incumbent
 13 consolidation county superintendent's term of office.

14 Section 2. Powers and duties of consolidation county
 15 superintendent — applicability of other law. (1) The
 16 consolidation county superintendent shall, with respect to
 17 the districts within the counties party to the
 18 consolidation, exercise the powers and perform the duties
 19 prescribed for county superintendents.

20 (2) All other provisions relating to county
 21 superintendents apply to consolidation county
 22 superintendents, except where inconsistent with [sections 1,
 23 2, 3, and 4].

24 Section 3. Office and staff of consolidation county
 25 superintendent. (1) A consolidation county superintendent

1 shall be compensated for expenses and supplies as provided
2 in Title 75, chapter 58. However, the expense of such
3 compensation and supplies shall be borne by the counties
4 party to the consolidation in the proportion which the
5 average number belonging, as determined under Title 75,
6 chapter 69, in all of the public schools of all of the
7 districts in each such county bears to the average number
8 belonging in all of the public schools of all of the
9 districts in all such counties.

10 (2) The deputies and assistants of a consolidation
11 county superintendent shall be appointed as provided in
12 Title 75, chapter 58, except that such appointments shall be
13 made or approved jointly by the boards of all counties party
14 to the consolidation.

15 Section 4. Salary of consolidation county
16 superintendent. The salary of a consolidation county
17 superintendent shall be determined as provided in 25-605,
18 except that the populations and taxable valuations of all of
19 the counties party to the consolidation shall be added
20 together for purposes of making such determination.

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