

HOUSE BILL NO. 132

INTRODUCED BY EUDAILY, KVAALEN, LORY,  
GILLIGAN, MAGONE

IN THE HOUSE

January 12, 1979	Introduced and referred to Committee on Education and Cultural Resources.
January 25, 1979	Committee recommend bill do pass. Report adopted.
January 26, 1979	Printed and placed on members' desks.
January 27, 1979	Second reading, do pass.
January 29, 1979	Considered correctly engrossed.
January 30, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Education.
March 3, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 6, 1979	Second reading, concurred in.
March 9, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 10, 1979	Returned from second house. Concurred in as amended.
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March 14, 1979

Second reading, amendments  
adopted.

March 15, 1979

Third reading, amendments  
adopted. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 132 *Mason*  
 2 INTRODUCED BY *Emily Kraakun Long Pelley*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING THE PROCEDURE  
 5 FOR FILLING TRUSTEE VACANCIES IN THIRD-CLASS SCHOOL  
 6 DISTRICTS UNIFORM WITH OTHER SCHOOL DISTRICTS; AMENDING  
 7 SECTIONS 20-3-205 AND 20-3-309, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 20-3-205, MCA, is amended to read:

11 "20-3-205. Powers and duties. The county  
 12 superintendent has general supervision of the schools of the  
 13 county within the limitations prescribed by this title and  
 14 shall perform the following duties or acts:

15 (1) determine, establish, and reestablish trustee  
 16 nominating districts and ~~fill additional trustee position~~  
 17 ~~vacancies~~ in accordance with the provisions of 20-3-352,  
 18 20-3-353, and 20-3-354;

19 (2) administer and file the oaths of members of the  
 20 boards of trustees of the districts in his county in  
 21 accordance with the provisions of 20-3-307;

22 ~~(3) fill by appointment any trustee position vacancies~~  
 23 ~~when required under the provisions of 20-3-309;~~

24 ~~(4) register the teacher certificate or emergency~~  
 25 ~~authorization of employment of any person employed in the~~

1 county as a teacher, principal, or district superintendent  
 2 in accordance with the provisions of 20-4-202;

3 ~~(5)(4)~~ act on each tuition application submitted to  
 4 him in accordance with the provisions of 20-5-301, 20-5-302,  
 5 20-5-304, and 20-5-311 and transmit the tuition information  
 6 required by 20-5-312;

7 ~~(6)(5)~~ file a copy of the audit report for a district  
 8 in accordance with the provisions of 20-9-203;

9 ~~(7)(6)~~ classify districts in accordance with the  
 10 provisions of 20-6-201 and 20-6-301;

11 ~~(8)(7)~~ keep a transcript and reconcile the district  
 12 boundaries of the county in accordance with the provisions  
 13 of 20-6-103;

14 ~~(9)(8)~~ fulfill all responsibilities assigned to him  
 15 under the provisions of this title regulating the  
 16 organization, alteration, or abandonment of districts;

17 ~~(10)(9)~~ act on any unification proposition and, if  
 18 approved, establish additional trustee nominating districts  
 19 in accordance with 20-6-312 and 20-6-313;

20 ~~(11)(10)~~ estimate the average number belonging (ANB) of  
 21 an opening school in accordance with the provisions of  
 22 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

23 ~~(12)(11)~~ process and, when required, act on school  
 24 isolation applications in accordance with the provisions of  
 25 20-9-302;

1        ~~(13)~~(12) complete the budgets, compute the budgeted  
2 revenues and tax levies, give notices of the budget  
3 meetings, file final and emergency budgets, and fulfill such  
4 other responsibilities assigned to him under the provisions  
5 of this title regulating school budgeting systems;

6        ~~(14)~~(13) submit an annual financial report to the  
7 superintendent of public instruction in accordance with the  
8 provisions of 20-9-211;

9        ~~(15)~~(14) quarterly, unless otherwise provided by law,  
10 order the county treasurer to apportion state moneys, county  
11 school moneys, and any other school moneys subject to  
12 apportionment in accordance with the provisions of 20-9-212,  
13 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

14        ~~(16)~~(15) act on any request to transfer average number  
15 belonging (ANB) in accordance with the provisions of  
16 20-9-313(3);

17        ~~(17)~~(16) calculate the estimated budgeted general fund  
18 sources of revenue in accordance with the provisions of  
19 20-9-348 and the other general fund revenue provisions of  
20 the general fund part of this title;

21        ~~(18)~~(17) compute the revenues and the district and  
22 county levy requirements for each fund included on each  
23 district's final budget and report such computations to the  
24 board of county commissioners in accordance with the  
25 provisions of the general fund, transportation, bonds, and

1 other school funds parts of this title;

2        ~~(19)~~(18) file and forward bus driver certifications,  
3 transportation contracts, and state transportation  
4 reimbursement claims in accordance with the provisions of  
5 20-10-103, 20-10-143, or 20-10-145;

6        ~~(20)~~(19) for districts which do not employ a district  
7 superintendent or principal, recommend library book and  
8 textbook selections in accordance with the provisions of  
9 20-7-204 or 20-7-602;

10        ~~(21)~~(20) notify the superintendent of public  
11 instruction of a textbook dealer's activities when required  
12 under the provisions of 20-7-605 and otherwise comply with  
13 the textbook dealer provisions of this title;

14        ~~(22)~~(21) act on district requests to allocate federal  
15 moneys for indigent children for school food services in  
16 accordance with the provisions of 20-10-205;

17        ~~(23)~~(22) perform any other duty prescribed from time to  
18 time by this title, any other act of the legislature, the  
19 policies of the board of public education, or the rules of  
20 the superintendent of public instruction;

21        ~~(24)~~(23) administer the oath of office to trustees  
22 without the receipt of pay for administering the oath;

23        ~~(25)~~(24) keep a record of his official acts, preserve  
24 all reports submitted to him under the provisions of this  
25 title, preserve all books and instructional equipment or

1 supplies, keep all documents applicable to the  
2 administration of the office, and surrender such records,  
3 books, supplies, and equipment to his successor;

4 ~~(26)~~(25) within 90 days after the close of the school  
5 fiscal year, publish an annual report in the county  
6 newspaper stating the following financial information for  
7 the school fiscal year just ended for each district of the  
8 county:

9 (a) the total of the cash balances of all funds  
10 maintained by the district at the beginning of the year;

11 (b) the total receipts that were realized in each fund  
12 maintained by the district;

13 (c) the total expenditures that were made from each  
14 fund maintained by the district; and

15 (d) the total of the cash balances of all funds  
16 maintained by the district at the end of the school fiscal  
17 year; and

18 ~~(27)~~(26) hold meetings for the members of the trustees  
19 from time to time at which matters for the good of the  
20 districts shall be discussed."

21 Section 2. Section 20-3-309, MCA, is amended to read:

22 "20-3-309. Filling vacated trustee position --  
23 appointee qualification and term of office. (1) Whenever a  
24 trustee position becomes vacant in any district--except--a  
25 ~~third-class-district~~, the remaining members of the trustees

1 shall declare such position vacant and they shall appoint,  
2 in writing within 60 days, a competent person as a  
3 successor. The trustees shall notify the appointee and the  
4 county superintendent of such appointment.

5 ~~(2) Whenever a trustee position becomes vacant in a~~  
6 ~~third-class-district, the remaining members of the trustees~~  
7 ~~shall declare such position vacant and notify the county~~  
8 ~~superintendent of the vacancy. The county superintendent~~  
9 ~~shall appoint in writing a competent person as a successor~~  
10 ~~and notify such person of his appointment.~~

11 ~~(3)~~(3) Any person who has been appointed to a trustee  
12 position shall qualify by completing and filing an oath of  
13 office with the county superintendent within 15 days after  
14 receiving notice of his appointment. Failure to file the  
15 oath of office shall constitute a continuation of the  
16 trustee position vacancy which shall be filled under the  
17 provisions of this section.

18 ~~(4)~~(3) Any person assuming a trustee position under  
19 the provisions of this section shall serve until the next  
20 regular school election and his successor has qualified."

-End-

43 134

Approved by Committee  
on Education &  
*Cultural Resources*

*HOUSE* BILL NO. *132* *Morgan*  
*Calvin Kraemer for Dillman*

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16 nominating districts ~~and--fill--additional--trustee--position~~  
17 ~~vacancies~~ in accordance with the provisions of 20-3-352,  
18 20-3-353, and 20-3-354;

19 (2) administer and file the oaths of members of the  
20 boards of trustees of the districts in his county in  
21 accordance with the provisions of 20-3-307;

22 ~~(3)--fill--by--appointment--any--trustee--position--vacancies~~  
23 ~~when--required--under--the--provisions--of--20-3-309;~~

24 (4)(3) register the teacher certificate or emergency  
25 authorization of employment of any person employed in the

1 county as a teacher, principal, or district superintendent  
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3 ~~(5)(4)~~ act on each tuition application submitted to  
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8 in accordance with the provisions of 20-9-203;

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11 ~~(8)(7)~~ keep a transcript and reconcile the district  
12 boundaries of the county in accordance with the provisions  
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14 ~~(9)(8)~~ fulfill all responsibilities assigned to him  
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17 ~~(10)(9)~~ act on any unification proposition and, if  
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21 an opening school in accordance with the provisions of  
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23 ~~(12)(11)~~ process and, when required, act on school  
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-> HB 132  
SECOND READING

1       ~~(13)~~(12) complete the budgets, compute the budgeted  
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6       ~~(14)~~(13) submit an annual financial report to the  
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16 accordance with the provisions of 20-10-205;

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18 time by this title, any other act of the legislature, the  
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21       ~~(24)~~(23) administer the oath of office to trustees  
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5 ~~(2)--Whenever--a--trustee--position--becomes--vacant--in--a  
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8 superintendent--of--the--vacancy--The--county--superintendent  
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11 ~~(3)~~(2) Any person who has been appointed to a trustee  
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-End-

HB 132



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 2 INTRODUCED BY *Calvin Kvaalen* *Log Dellyan*

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3 GILLIGAN, MAGONE

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2 20-9-302;

3 ~~(13)~~(12) complete the budgets, compute the budgeted  
4 revenues and tax levies, give notices of the budget  
5 meetings, file final and emergency budgets, and fulfill such  
6 other responsibilities assigned to him under the provisions  
7 of this title regulating school budgeting systems;

8 ~~(14)~~(13) submit an annual financial report to the  
9 superintendent of public instruction in accordance with the  
10 provisions of 20-9-211;

11 ~~(15)~~(14) quarterly, unless otherwise provided by law,  
12 order the county treasurer to apportion state moneys, county  
13 school moneys, and any other school moneys subject to  
14 apportionment in accordance with the provisions of 20-9-212,  
15 20-9-334, 20-9-347, 20-9-351, 20-10-145, or 20-10-146;

16 ~~(16)~~(15) act on any request to transfer average number  
17 belonging (ANB) in accordance with the provisions of  
18 20-9-313(3);

19 ~~(17)~~(16) calculate the estimated budgeted general fund  
20 sources of revenue in accordance with the provisions of  
21 20-9-348 and the other general fund revenue provisions of  
22 the general fund part of this title;

23 ~~(18)~~(17) compute the revenues and the district and  
24 county levy requirements for each fund included on each  
25 district's final budget and report such computations to the

1 board of county commissioners in accordance with the  
2 provisions of the general fund, transportation, bonds, and  
3 other school funds parts of this title;

4 ~~(19)~~(18) file and forward bus driver certifications,  
5 transportation contracts, and state transportation  
6 reimbursement claims in accordance with the provisions of  
7 20-10-103, 20-10-143, or 20-10-145;

8 ~~(20)~~(19) for districts which do not employ a district  
9 superintendent or principal, recommend library book and  
10 textbook selections in accordance with the provisions of  
11 20-7-204 or 20-7-602;

12 ~~(21)~~(20) notify the superintendent of public  
13 instruction of a textbook dealer's activities when required  
14 under the provisions of 20-7-605 and otherwise comply with  
15 the textbook dealer provisions of this title;

16 ~~(22)~~(21) act on district requests to allocate federal  
17 moneys for indigent children for school food services in  
18 accordance with the provisions of 20-10-205;

19 ~~(23)~~(22) perform any other duty prescribed from time to  
20 time by this title, any other act of the legislature, the  
21 policies of the board of public education, or the rules of  
22 the superintendent of public instruction;

23 ~~(24)~~(23) administer the oath of office to trustees  
24 without the receipt of pay for administering the oath;

25 ~~(25)~~(24) keep a record of his official acts, preserve

1 all reports submitted to him under the provisions of this  
 2 title, preserve all books and instructional equipment or  
 3 supplies, keep all documents applicable to the  
 4 administration of the office, and surrender such records,  
 5 books, supplies, and equipment to his successor;

6 ~~§26~~§25 within 90 days after the close of the school  
 7 fiscal year, publish an annual report in the county  
 8 newspaper stating the following financial information for  
 9 the school fiscal year just ended for each district of the  
 10 county:

11 (a) the total of the cash balances of all funds  
 12 maintained by the district at the beginning of the year;

13 (b) the total receipts that were realized in each fund  
 14 maintained by the district;

15 (c) the total expenditures that were made from each  
 16 fund maintained by the district; and

17 (d) the total of the cash balances of all funds  
 18 maintained by the district at the end of the school fiscal  
 19 year; and

20 ~~§27~~§26 hold meetings for the members of the trustees  
 21 from time to time at which matters for the good of the  
 22 districts shall be discussed."

23 Section 2. Section 20-3-309, MCA, is amended to read:

24 "20-3-309. Filling vacated trustee position --  
 25 appointee qualification and term of office. (1) Whenever a

1 trustee position becomes vacant in any district--~~except a~~  
 2 ~~third-class-district~~, the remaining members of the trustees  
 3 shall declare such position vacant and they shall appoint,  
 4 in writing within 60 days, a competent person as a  
 5 successor. The trustees shall notify the appointee and the  
 6 county superintendent of such appointment. ~~IF THE TRUSTEES~~  
 7 ~~DO NOT MAKE THE APPOINTMENT WITHIN SUCH 60-DAY PERIOD, THE~~  
 8 ~~COUNTY SUPERINTENDENT SHALL APPOINT, IN WRITING, A COMPETENT~~  
 9 ~~PERSON AS A SUCCESSOR AND NOTIFY SUCH PERSON OF HIS~~  
 10 ~~APPOINTMENT.~~

11 ~~§2) Whenever a trustee position becomes vacant in a~~  
 12 ~~third-class-district, the remaining members of the trustees~~  
 13 ~~shall declare such position vacant and notify the county~~  
 14 ~~superintendent of the vacancy. The county superintendent~~  
 15 ~~shall appoint in writing a competent person as a successor~~  
 16 ~~and notify such person of his appointment.~~

17 ~~§3~~§2 Any person who has been appointed to a trustee  
 18 position shall qualify by completing and filing an oath of  
 19 office with the county superintendent within 15 days after  
 20 receiving notice of his appointment. Failure to file the  
 21 oath of office shall constitute a continuation of the  
 22 trustee position vacancy which shall be filled under the  
 23 provisions of this section.

24 ~~§4~~§3 Any person assuming a trustee position under  
 25 the provisions of this section shall serve until the next

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1 regular school election and his successor has qualified."

-End-

March 3, 1979

SENATE STANDING COMMITTEE REPORT  
(Education)

That House Bill No. 132 be amended as follows:

1. Title, line 6.

Following: "SCHOOL DISTRICTS"

Insert: "AND REQUIRING VACANCIES TO BE FILLED WITHIN 60 DAYS"

2. Page 6, line 4.

Following: "appointment."

Insert: "If the trustees do not make the appointment within such 60-day period, the county superintendent shall appoint, in writing, a competent person as a successor and notify such person of his appointment."