

HOUSE BILL NO. 53
INTRODUCED BY BENEDICT

IN THE HOUSE

DECEMBER 30, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
JANUARY 4, 1993	FIRST READING.
JANUARY 12, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 13, 1993	PRINTING REPORT.
JANUARY 14, 1993	SECOND READING, DO PASS.
JANUARY 15, 1993	ENGROSSING REPORT.
JANUARY 16, 1993	THIRD READING, PASSED. AYES, 96; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
	FIRST READING.
JANUARY 25, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 26, 1993	SECOND READING, CONCURRED IN.
JANUARY 27, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

JANUARY 28, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.
FEBRUARY 1, 1993	SIGNED BY SPEAKER.

IN THE SENATE

FEBRUARY 1, 1993

SIGNED BY PRESIDENT.

IN THE HOUSE

FEBRUARY 3, 1993

DELIVERED TO GOVERNOR.

FEBRUARY 6, 1993

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

MARCH 3, 1993

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

MARCH 5, 1993

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.
AYES, 93; NOES, 4.

MARCH 6, 1993

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 11, 1993

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

MARCH 12, 1993

THIRD READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.
AYES, 48; NOES, 0.

IN THE HOUSE

MARCH 13, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 53

INTRODUCED BY BENEDICT

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS AS A PART-TIME OFFICE; PROVIDING 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 AN APPLICABILITY DATE."

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 -- part-time office allowed. (1) A county superintendent 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 must be elected at the general election preceding the expiration of the term of office of the incumbent.

(2) A person 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 at least 3 years of successful teaching

experience.

(3) (a) When the office of county superintendent of schools is consolidated with another county office within the county, the officeholder must have the qualifications listed in subsection (2) or shall, with the approval of the governing body, contract for the full performance of the duties required of a county superintendent in 20-3-207 and 20-3-210 with:

(i) another county superintendent, with the approval of the governing body of that county;

(ii) a former county superintendent; or

(iii) a person who:

(A) is a qualified elector;

(B) holds a valid administrative certificate as provided in 20-4-106(1)(c);

(C) takes the oath of office in 20-1-202;

(D) is bonded in the manner provided for county officers in Title 2, chapter 9, part 7; and

(E) attends instructional training in the duties of a county superintendent as offered by the superintendent of public instruction.

(b) Whenever a governing body contracts with a person for performance of the duties required of a county superintendent under the provisions of subsection (3)(a)(iii), the contract must be for at least the duration

of 1 school fiscal year.

(c) 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]. A part-time county superintendent shall perform all duties of that office that are 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 the office of the county superintendent open from 8 a.m. until 5 p.m. every day when he the county superintendent 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 times as business may require.

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

NEW SECTION. Section 3. Part-time office -- establishment -- restrictions. (1) A board of county commissioners that intends to establish the office of county

superintendent of schools as a part-time office shall:

(a) pass a resolution stating the intent of the board to consider the action;

(b) set a date for a hearing on the issue and provide proper notice of the hearing;

(c) conduct a hearing and accept testimony from any registered elector of the county who presents evidence for or against the establishment of the part-time office; and

(d) within 5 days of the hearing, issue an order regarding the establishment of the part-time office.

(2) A board may not issue an order establishing the office of county superintendent as a part-time office less than 7 days before the date on which declarations for nominations may first be filed for the office.

(3) A board may not establish the office of county superintendent as a part-time office during a term of office for which a county superintendent has been elected as a full-time officeholder.

NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 20, chapter 3, part 2, and the provisions of Title 20, chapter 3, part 2, apply to [section 3].

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval and applies to each county upon the beginning of the next term of office after [the

HB 0053/01

1 effective date of this act].

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCESHOUSE BILL NO. 53
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(2) A UPON VERIFICATION BY THE COUNTY CLERK AND RECORDER, A person is qualified to FILE FOR AND assume the office of county superintendent who:

(a) is a qualified elector;
(b) holds a valid teacher, CURRENT CLASS 1 PROFESSIONAL CERTIFICATE, CLASS 2 STANDARD CERTIFICATE, OR CLASS 3

ADMINISTRATIVE AND SUPERVISORY certificate issued by the superintendent of public instruction; and
(c) has at least 3 years of successful teaching experience.

(3) (a) When the office of county superintendent of schools is consolidated with another county office within the county, the officeholder must have the qualifications listed in subsection (2) or shall, with the approval of the governing body, contract for the full performance of the duties required of a county superintendent in 20-3-207 and 20-3-210 with:

(i) another county superintendent, with the approval of the governing body of that county;

(ii) a former county superintendent; or

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(A) is a qualified elector;

(B) holds a valid administrative certificate as provided in 20-4-106(1)(c);

(C) takes the oath of office in 20-1-202;

(D) is bonded in the manner provided for county officers in Title 2, chapter 9, part 7; and

(E) attends instructional training in the duties of a county superintendent as offered by the superintendent of public instruction.

(b) Whenever a governing body contracts with a person

for performance of the duties required of a county superintendent under the provisions of subsection (3)(a)(iii), the contract must be for at least the duration of 1 school fiscal year.

(c) 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]. A part-time county superintendent shall perform all duties of that office that are 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 the office of the county superintendent open from 8 a.m. until 5 p.m. every day when he the county superintendent 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 times as business may require.

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

NEW SECTION. Section 3. Part-time office --

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(a) pass a resolution stating the intent of the board to consider the action;

(b) set a date for a hearing on the issue and provide proper notice of the hearing;

(c) conduct a hearing and accept testimony from any registered elector of the county who presents evidence for or against the establishment of the part-time office; and

(d) within 5 days of the hearing, issue an order regarding the establishment of the part-time office.

(2) A board may not issue an order establishing the office of county superintendent as a part-time office less than 7 days before the date on which declarations for nominations may first be filed for the office.

(3) A board may not establish the office of county superintendent as a part-time office during a term of office for which a county superintendent has been elected as a full-time officeholder.

NEW SECTION. Section 4. Codification instruction.

[Section 3] is intended to be codified as an integral part of Title 20, chapter 3, part 2, and the provisions of Title 20, chapter 3, part 2, apply to [section 3].

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

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14 office allowed. (1) A county superintendent must be elected
15 in each county of the state unless a county manager form of
16 government has been organized in the county. The county
17 superintendent must be elected at the general election
18 preceding the expiration of the term of office of the
19 incumbent.

20 (2) A UPON VERIFICATION BY THE COUNTY CLERK AND
21 RECORDER, A person is qualified to FILE FOR AND assume the
22 office of county superintendent who:

23 (a) is a qualified elector;

24 (b) holds a valid teacher, CURRENT CLASS 1 PROFESSIONAL
25 CERTIFICATE, CLASS 2 STANDARD CERTIFICATE, OR CLASS 3

1 ADMINISTRATIVE AND SUPERVISORY certificate issued by the
2 superintendent of public instruction; and

3 (c) has at least 3 years of successful teaching
4 experience.

5 (3) (a) When the office of county superintendent of
6 schools is consolidated with another county office within
7 the county, the officeholder must have the qualifications
8 listed in subsection (2) or shall, with the approval of the
9 governing body, contract for the full performance of the
10 duties required of a county superintendent in 20-3-207 and
11 20-3-210 with:

12 (i) another county superintendent, with the approval of
13 the governing body of that county;

14 (ii) a former county superintendent; or

15 (iii) a person who:

16 (A) is a qualified elector;

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18 provided in 20-4-106(1)(c);

19 (C) takes the oath of office in 20-1-202;

20 (D) is bonded in the manner provided for county
21 officers in Title 2, chapter 9, part 7; and

22 (E) attends instructional training in the duties of a
23 county superintendent as offered by the superintendent of
24 public instruction.

25 (b) Whenever a governing body contracts with a person

for performance of the duties required of a county superintendent under the provisions of subsection (3)(a)(iii), the contract must be for at least the duration of 1 school fiscal year.

(c) 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]. A part-time county superintendent shall perform all duties of that office that are 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 the office of the county superintendent open from 8 a.m. until 5 p.m. every day when he the county superintendent 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~~ the office ~~shall~~ must be kept open at all times as business may require.

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6 schools is consolidated with another county office within
7 the county, the officeholder must have the qualifications
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10 duties required of a county superintendent in 20-3-207 and
11 20-3-210 with:

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18 provided in 20-4-106(1)(c);

19 (C) takes the oath of office in 20-1-202;

20 (D) is bonded in the manner provided for county
21 officers in Title 2, chapter 9, part 7; and

22 (E) attends instructional training in the duties of a
23 county superintendent as offered by the superintendent of
24 public instruction.

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

-End-

GOVERNOR'S AMENDMENTS TO
HOUSE BILL NO. 53
(REFERENCE COPY)
February 4, 1993

1. Title, line 7.
Following: "OFFICE;"
Insert: AUTHORIZING THE ADJUSTMENT OF SALARY FOR A PART-TIME
OFFICER;"
2. Page 3, line 9.
Following: "[section 3]"
Insert: ", and adjust the salary established in 7-4-2503 to
make it commensurate with the reduction in hours"

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1 public instruction.

2 (b) Whenever a governing body contracts with a person
3 for performance of the duties required of a county
4 superintendent under the provisions of subsection
5 (3)(a)(iii), the contract must be for at least the duration
6 of 1 school fiscal year.

7 (c) The superintendent of public instruction shall
8 prescribe a contract form to be used.

9 (4) The board of county commissioners may establish the
10 office of county superintendent as a part-time office under
11 the provisions of [section 3], AND ADJUST THE SALARY
12 ESTABLISHED IN 7-4-2503 TO MAKE IT COMMENSURATE WITH THE
13 REDUCTION IN HOURS. A part-time county superintendent shall
14 perform all duties of that office that are required by law."

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

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25 Saturdays. Said The office shall must be kept open at all

1 times as business may require.

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