

HOUSE BILL NO. 534

INTRODUCED BY SPRING, BARNETT, MENAHAN, R. DEBRUYCKER

IN THE HOUSE

FEBRUARY 1, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 14, 1991                  COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 15, 1991                  PRINTING REPORT.

FEBRUARY 16, 1991                  SECOND READING, DO PASS.

FEBRUARY 18, 1991                  ENGROSSING REPORT.

FEBRUARY 19, 1991                  THIRD READING, PASSED.  
AYES, 99; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 20, 1991                  INTRODUCED AND REFERRED TO COMMITTEE  
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 25, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 28, 1991                    SECOND READING, CONCURRED IN.

APRIL 1, 1991                    THIRD READING, CONCURRED IN.  
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991                    RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 10, 1991                   THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *534*  
 2 INTRODUCED BY *Spring* *Burnett* *Montana*  
 3 *Montana*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD  
 5 FOR ESTABLISHING A HIGH SCHOOL TRUSTEE POSITION FOR  
 6 REPRESENTATION FOR ANY TERRITORY OF THE DISTRICT THAT IS  
 7 WITHOUT REPRESENTATION ON THE DISTRICT BOARD OF TRUSTEES;  
 8 AND AMENDING SECTION 20-3-352, MCA."

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

11 **Section 1.** Section 20-3-352, MCA, is amended to read:

12 \*20-3-352. Request and determination of number of high  
 13 school district additional trustee positions. (1) As  
 14 provided in 20-3-351(1)(b), each a high school district,  
 15 except a high school district operating a county high  
 16 school, may have additional trustee positions when the  
 17 trustees of a majority of the elementary districts with  
 18 territory located in the high school district, but without  
 19 representation on the high school district trustees under  
 20 the provision of 20-3-351(1)(a), request the establishment  
 21 of such additional trustee positions.

22 (2) A request for additional trustee positions shall  
 23 must be made to the county superintendent by a resolution of  
 24 the trustees of each elementary district. When a resolution  
 25 has been received from a majority of the elementary

1 districts without representation on the high school district  
 2 trustees, the county superintendent shall determine the  
 3 number of additional trustee positions for the affected high  
 4 school district in accordance with the following procedure:

5 (a) The taxable valuation of the elementary district  
 6 which that has its trustees placed on the high school  
 7 trustees shall must be divided by the number of positions on  
 8 the trustees of such the elementary district to determine  
 9 the taxable valuation per trustee position.

10 (b) The taxable valuation used for the calculation in  
 11 subsection (2)(a) above shall must be subtracted from the  
 12 taxable valuation of the high school district to determine  
 13 the taxable valuation of the territory of the high school  
 14 district without representation on the high school district  
 15 trustees.

16 (c) The taxable valuation determined in subsection  
 17 (2)(b) above-shall must be divided by the taxable valuation  
 18 per trustee position calculated in subsection (2)(a) above.  
 19 The resulting quotient shall must be rounded off to the  
 20 nearest whole number, except that when the quotient is less  
 21 than 0.5, at least one trustee position must be established  
 22 for the territory without representation on the high school  
 23 district board of trustees under the provision of  
 24 20-3-351(1)(a).

25 (3) The number determined in subsection (2)(c) above

LC 0583/01

1 ~~shall~~ must be the number of additional trustee positions,  
2 except that the number of additional trustee positions ~~shall~~  
3 may not exceed four in a first- or second-class high school  
4 district or two in a third-class high school district except  
5 when two-thirds or more of the high school enrollment of the  
6 high school district and two-thirds or more of the taxable  
7 valuation of the high school district are located outside of  
8 the elementary district ~~which~~ that has its trustees placed  
9 on the high school district trustees. When this situation  
10 exists, three additional trustees ~~shall~~ must be elected from  
11 the elementary school districts ~~where~~ in which the high  
12 school is not located and one additional trustee ~~shall~~ must  
13 be elected at large in the high school district."

-End-

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

HOUSE BILL NO. 534

INTRODUCED BY SPRING, BARNETT, MENAHAN, R. DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD FOR ESTABLISHING A HIGH SCHOOL TRUSTEE POSITION FOR REPRESENTATION FOR ANY TERRITORY OF THE DISTRICT THAT IS WITHOUT EQUITABLE REPRESENTATION ON THE DISTRICT BOARD OF TRUSTEES; AND AMENDING SECTION SECTIONS 20-3-302, 20-3-351, AND 20-3-352, MCA."

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

**Section 1.** Section 20-3-352, MCA, is amended to read:

"20-3-352. Request and determination of number of high school district additional trustee positions. (1) As provided in 20-3-351(1)(b), each a high school district, except a high school district operating a county high school, may have additional trustee positions when the trustees of a majority of the elementary districts with territory located in the high school district, but without EQUITABLE representation on the high school district trustees under the provision of 20-3-351(1)(a), request the establishment of such additional trustee positions UNDER THE PROVISIONS OF SUBSECTION (2) OR WHEN THE ELECTORS APPROVE AN ALTERNATIVE METHOD OF ELECTING MEMBERS OF THE BOARD OF TRUSTEES UNDER THE PROVISIONS OF SUBSECTION (3).

(2) A request for additional trustee positions ~~shall~~ must be made to the county superintendent by a resolution of the trustees of each elementary district. When a resolution has been received from a majority of the elementary districts without representation on the high school district trustees, the county superintendent shall determine the number of additional trustee positions for the affected high school district in accordance with the following procedure:

(a) The taxable valuation of the elementary district ~~which that~~ has its trustees placed on the high school trustees ~~shall~~ must be divided by the number of positions on the trustees of such the elementary district to determine the taxable valuation per trustee position.

(b) The taxable valuation used for the calculation in subsection (2)(a) ~~above~~ shall must be subtracted from the taxable valuation of the high school district to determine the taxable valuation of the territory of the high school district without representation on the high school district trustees.

(c) The taxable valuation determined in subsection (2)(b) ~~above~~ shall must be divided by the taxable valuation per trustee position calculated in subsection (2)(a) ~~above~~. The resulting quotient ~~shall~~ must be rounded off to the nearest whole number, except that when the quotient is less than 0.5, at least one trustee position must be established

1 for the territory without representation on the high school  
 2 district board of trustees under the provision of  
 3 20-3-351(1)(a).

4 {3}(D) The number determined in subsection (2)(c) above  
 5 shall must be the number of additional trustee positions,  
 6 except that the number of additional trustee positions shall  
 7 may not exceed four in a first- or second-class high school  
 8 district or two in a third-class high school district except  
 9 when two-thirds or more of the high school enrollment of the  
 10 high school district and two-thirds or more of the taxable  
 11 valuation of the high school district are located outside of  
 12 the elementary district which that has its trustees placed  
 13 on the high school district trustees. When this situation  
 14 exists, three additional trustees shall must be elected from  
 15 the elementary school districts where in which the high  
 16 school is not located and one additional trustee shall must  
 17 be elected at large in the high school district.

18 (3) (A) IF MORE THAN HALF OF THE ELECTORS OF THE HIGH  
 19 SCHOOL DISTRICT RESIDE OUTSIDE THE TERRITORY OF THE  
 20 ELEMENTARY SCHOOL DISTRICT IN WHICH THE HIGH SCHOOL DISTRICT  
 21 BUILDINGS ARE LOCATED, AT LEAST 10% OF THE ELECTORS OF THE  
 22 HIGH SCHOOL DISTRICT WHO ARE QUALIFIED TO VOTE UNDER THE  
 23 PROVISIONS OF 20-20-301 MAY PETITION THE COUNTY  
 24 SUPERINTENDENT, REQUESTING AN ELECTION TO CONSIDER A  
 25 PROPOSITION ON THE QUESTION OF ESTABLISHING THE FOLLOWING

1 ALTERNATIVE METHOD OF ELECTING THE MEMBERS OF THE HIGH  
 2 SCHOOL DISTRICT BOARD OF TRUSTEES:

3 (I) ONE TRUSTEE TO BE ELECTED FROM EACH ELEMENTARY  
 4 SCHOOL DISTRICT WITH TERRITORY INCLUDED IN THE HIGH SCHOOL  
 5 DISTRICT; AND

6 (II) TWO OR THREE TRUSTEES TO BE ELECTED AT LARGE IN THE  
 7 HIGH SCHOOL DISTRICT, WHICHEVER NUMBER RESULTS IN AN ODD  
 8 NUMBER OF MEMBERS ON THE BOARD OF TRUSTEES.

9 (B) (I) WHEN THE COUNTY SUPERINTENDENT RECEIVES A VALID  
 10 PETITION, THE COUNTY SUPERINTENDENT SHALL ORDER THE TRUSTEES  
 11 OF THE HIGH SCHOOL DISTRICT TO CONDUCT AN ELECTION ON THE  
 12 NEXT REGULAR SCHOOL ELECTION DAY ON THE PROPOSITION ALLOWED  
 13 UNDER THE PROVISIONS OF SUBSECTION (3)(A).

14 (II) IF THE ELECTORS OF THE DISTRICT APPROVE A  
 15 PROPOSITION TO ESTABLISH THE ALTERNATIVE METHOD OF ELECTING  
 16 THE HIGH SCHOOL BOARD OF TRUSTEES, THE COUNTY SUPERINTENDENT  
 17 SHALL ORDER THAT THE MEMBERS OF THE BOARD OF TRUSTEES BE  
 18 ELECTED ACCORDING TO SUBSECTION (3)(A) AT THE NEXT REGULAR  
 19 SCHOOL ELECTION.

20 (C) WHENEVER THE TRUSTEES ARE ELECTED AT ONE REGULAR  
 21 ELECTION UNDER SUBSECTION (3)(B), THE MEMBERS WHO ARE  
 22 ELECTED SHALL DRAW BY LOT TO DETERMINE THEIR TERMS OF  
 23 OFFICE. THE TERMS OF OFFICE BY TRUSTEE POSITION MUST BE  
 24 DIVIDED AS EQUALLY AS PRACTICABLE AMONG 1-, 2-, AND 3-YEAR  
 25 TERMS.

1        (D) A PETITION TO CALL AN ELECTION FOR THE PURPOSES OF  
 2        SUBSECTION (3) MAY NOT BE SUBMITTED TO THE COUNTY  
 3        SUPERINTENDENT MORE THAN ONE TIME IN EACH 5-YEAR PERIOD."

4        **SECTION 2. SECTION 20-3-302, MCA, IS AMENDED TO READ:**

5        "20-3-302. Legislative intent to elect less than  
 6        majority of trustees. (1) It is the intention of the  
 7        legislature that the terms of a majority of the trustee  
 8        positions of any district with elected trustees ~~shall~~ may  
 9        not regularly expire and be subject to election on the same  
 10       regular school election day. Therefore, in elementary  
 11       districts, there ~~shall~~ may not be more than three trustee  
 12       positions in first-class districts, two trustee positions in  
 13       second-class districts or third-class districts having five  
 14       trustee positions, or one trustee position in third-class  
 15       districts having three trustee positions regularly subject  
 16       to election at the same time. In high school districts there  
 17       ~~shall~~ may not be more than two additional trustee positions  
 18       in first- or second-class districts or more than one in  
 19       third-class districts regularly subject to election at the  
 20       same time. In high school districts operating a county high  
 21       school, there ~~shall~~ may not be more than two trustee  
 22       positions to be filled by members residing in the elementary  
 23       district where the county high school building is located or  
 24       more than one trustee position to be filled by members  
 25       residing outside of the elementary district where the county

1       high school building is located subject to election at the  
 2       same time.

3       (2) While it is the intention of the legislature that  
 4       the terms of a majority of trustees of any district ~~shall~~  
 5       may not regularly expire and be subject to election at the  
 6       same time, it is recognized that the following  
 7       circumstances, relating to the terms of trustees appointed  
 8       to newly created positions or to positions vacated by death,  
 9       resignation, or operation of law, may lead to a subsequent  
 10       school election in which a majority of trustee positions are  
 11       subject to election at the same time:

12       (a) the creation of a new elementary district under the  
 13       provisions of 20-6-217;

14       (b) the consolidation of two or more elementary  
 15       districts to form an elementary district under the  
 16       provisions of 20-6-203;

17       (c) the establishment of additional trustee positions  
 18       of a high school district under the provisions of 20-3-353  
 19       or 20-3-354 or new trustee positions under the provisions of  
 20       20-3-352(3);

21       (d) the change of a district's classification under the  
 22       provisions of 20-6-201 and 20-6-301;

23       (e) the filling of a trustee position ~~which~~ that has  
 24       become vacant under the provisions of 20-3-308 or any other  
 25       provision of law;

1 (f) the establishment of additional elementary trustee  
2 positions under the provisions of 20-3-341(3); or

3 (g) any other circumstance arising under the law  
4 wherein a trustee position is filled by appointment subject  
5 to election at the next regular school election."

6 **SECTION 3. SECTION 20-3-351, MCA, IS AMENDED TO READ:**

7 "20-3-351. Number of trustee positions in high school  
8 districts. (1) The Except as provided in 20-3-352(3), the  
9 trustees of a high school district, except a high school  
10 district operating a county high school, ~~shall~~ must be  
11 composed of:

12 (a) the trustees of the elementary district where in  
13 which the high school building is located or, if there is  
14 more than one elementary district where in which high school  
15 buildings are located, the trustees of the elementary  
16 district designated by the high school boundary commission;  
17 and

18 (b) the additional trustee positions determined in  
19 accordance with 20-3-352(2).

20 (2) The trustees of a high school district operating a  
21 county high school ~~shall~~ must be composed of seven trustee  
22 positions."

-End-



## 1 HOUSE BILL NO. 534

2 INTRODUCED BY SPRING, BARNETT, MENAHAN, R. DEBRUYCKER

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD  
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7 WITHOUT EQUITABLE REPRESENTATION ON THE DISTRICT BOARD OF  
8 TRUSTEES; AND AMENDING ~~SECTION~~ SECTIONS 20-3-302, 20-3-351,  
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17 school, may have additional trustee positions when the  
18 trustees of a majority of the elementary districts with  
19 territory located in the high school district, but without  
20 EQUITABLE representation on the high school district  
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22 establishment of such additional trustee positions UNDER THE  
23 PROVISIONS OF SUBSECTION (2) OR WHEN THE ELECTORS APPROVE AN  
24 ALTERNATIVE METHOD OF ELECTING MEMBERS OF THE BOARD OF  
25 TRUSTEES UNDER THE PROVISIONS OF SUBSECTION (3).

1 (2) A request for additional trustee positions ~~shall~~  
2 must be made to the county superintendent by a resolution of  
3 the trustees of each elementary district. When a resolution  
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10 ~~which that~~ has its trustees placed on the high school  
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13 the taxable valuation per trustee position.

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15 subsection (2)(a) ~~above shall~~ must be subtracted from the  
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17 the taxable valuation of the territory of the high school  
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THIRD READING

1 for the territory without representation on the high school  
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 5 shall must be the number of additional trustee positions,  
 6 except that the number of additional trustee positions shall  
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18 (3) (A) IF MORE THAN HALF OF THE ELECTORS OF THE HIGH  
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 12 positions in first-class districts, two trustee positions in  
 13 second-class districts or third-class districts having five  
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 25 residing outside of the elementary district where the county

1 high school building is located subject to election at the  
 2 same time.

3        (2) While it is the intention of the legislature that  
 4 the terms of a majority of trustees of any district ~~shall~~  
 5 may not regularly expire and be subject to election at the  
 6 same time, it is recognized that the following  
 7 circumstances, relating to the terms of trustees appointed  
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 10 school election in which a majority of trustee positions are  
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 13 provisions of 20-6-217;

14        (b) the consolidation of two or more elementary  
 15 districts to form an elementary district under the  
 16 provisions of 20-6-203;

17        (c) the establishment of additional trustee positions  
 18 of a high school district under the provisions of 20-3-353  
 19 or 20-3-354 or new trustee positions under the provisions of  
 20 20-3-352(3);

21        (d) the change of a district's classification under the  
 22 provisions of 20-6-201 and 20-6-301;

23        (e) the filling of a trustee position which that has  
 24 become vacant under the provisions of 20-3-308 or any other  
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8 districts. (1) ~~The~~ Except as provided in 20-3-352(3), the  
9 trustees of a high school district, except a high school  
10 district operating a county high school, ~~shall~~ must be  
11 composed of:

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13 which the high school building is located or, if there is  
14 more than one elementary district where in which high school  
15 buildings are located, the trustees of the elementary  
16 district designated by the high school boundary commission;  
17 and

18 (b) the additional trustee positions determined in  
19 accordance with 20-3-352(2).

20 (2) The trustees of a high school district operating a  
21 county high school ~~shall~~ must be composed of seven trustee  
22 positions."

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 25, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 534 (third reading copy -- blue), respectfully report that House Bill No. 534 be amended and as so amended be concurred in:

1. Page 1, line 14.

Following: "positions"

Insert: "-- nonvoting trustee"

2. Page 2, line 25.

Following: "one"

Insert: "nonvoting"

3. Page 3, line 4.

Strike: "The"

Insert: "Except for a nonvoting trustee position, the"

Signed:



Chet Blaylock, Chairman

~~MA~~ 3-25-91  
Adm. Coord.

873 3-25 12:15  
Sec. of Senate

HB 534

SENATE

HOUSE BILL NO. 534

INTRODUCED BY SPRING, BARNETT, MENAHAN, R. DEBRUYCKER

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE METHOD FOR ESTABLISHING A HIGH SCHOOL TRUSTEE POSITION FOR REPRESENTATION FOR ANY TERRITORY OF THE DISTRICT THAT IS WITHOUT EQUITABLE REPRESENTATION ON THE DISTRICT BOARD OF TRUSTEES; AND AMENDING ~~SECTION~~ SECTIONS 20-3-302, 20-3-351, AND 20-3-352, MCA."

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

**Section 1.** Section 20-3-352, MCA, is amended to read:

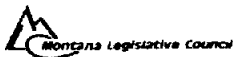
**"20-3-352. Request and determination of number of high school district additional trustee positions -- NONVOTING TRUSTEE.** (1) As provided in 20-3-351(1)(b), each a high school district, except a high school district operating a county high school, may have additional trustee positions when the trustees of a majority of the elementary districts with territory located in the high school district, but without EQUITABLE representation on the high school district trustees under the provision of 20-3-351(1)(a), request the establishment of ~~such~~ additional trustee positions UNDER THE PROVISIONS OF SUBSECTION (2) OR WHEN THE ELECTORS APPROVE AN ALTERNATIVE METHOD OF ELECTING MEMBERS OF THE BOARD OF TRUSTEES UNDER THE PROVISIONS OF SUBSECTION (3).

(2) A request for additional trustee positions ~~shall~~ must be made to the county superintendent by a resolution of the trustees of each elementary district. When a resolution has been received from a majority of the elementary districts without representation on the high school district trustees, the county superintendent shall determine the number of additional trustee positions for the affected high school district in accordance with the following procedure:

(a) The taxable valuation of the elementary district ~~which that~~ has its trustees placed on the high school trustees ~~shall~~ must be divided by the number of positions on the trustees of ~~such the~~ elementary district to determine the taxable valuation per trustee position.

(b) The taxable valuation used for the calculation in subsection (2)(a) ~~above shall~~ must be subtracted from the taxable valuation of the high school district to determine the taxable valuation of the territory of the high school district without representation on the high school district trustees.

(c) The taxable valuation determined in subsection (2)(b) ~~above-shall~~ must be divided by the taxable valuation per trustee position calculated in subsection (2)(a) ~~above.~~ The resulting quotient ~~shall~~ must be rounded off to the nearest whole number, ~~except that when the quotient is less than 0.5, at least one~~ NONVOTING trustee position must be



1 established for the territory without representation on the  
 2 high school district board of trustees under the provision  
 3 of 20-3-351(1)(a).

4 (3)(D) The EXCEPT FOR A NONVOTING TRUSTEE POSITION, THE  
 5 number determined in subsection (2)(c) above shall must be  
 6 the number of additional trustee positions, except that the  
 7 number of additional trustee positions shall may not exceed  
 8 four in a first- or second-class high school district or two  
 9 in a third-class high school district except when two-thirds  
 10 or more of the high school enrollment of the high school  
 11 district and two-thirds or more of the taxable valuation of  
 12 the high school district are located outside of the  
 13 elementary district which that has its trustees placed on  
 14 the high school district trustees. When this situation  
 15 exists, three additional trustees shall must be elected from  
 16 the elementary school districts where in which the high  
 17 school is not located and one additional trustee shall must  
 18 be elected at large in the high school district.

19 (3) (A) IF MORE THAN HALF OF THE ELECTORS OF THE HIGH  
 20 SCHOOL DISTRICT RESIDE OUTSIDE THE TERRITORY OF THE  
 21 ELEMENTARY SCHOOL DISTRICT IN WHICH THE HIGH SCHOOL DISTRICT  
 22 BUILDINGS ARE LOCATED, AT LEAST 10% OF THE ELECTORS OF THE  
 23 HIGH SCHOOL DISTRICT WHO ARE QUALIFIED TO VOTE UNDER THE  
 24 PROVISIONS OF 20-20-301 MAY PETITION THE COUNTY  
 25 SUPERINTENDENT, REQUESTING AN ELECTION TO CONSIDER A

1 PROPOSITION ON THE QUESTION OF ESTABLISHING THE FOLLOWING  
 2 ALTERNATIVE METHOD OF ELECTING THE MEMBERS OF THE HIGH  
 3 SCHOOL DISTRICT BOARD OF TRUSTEES:

4 (I) ONE TRUSTEE TO BE ELECTED FROM EACH ELEMENTARY  
 5 SCHOOL DISTRICT WITH TERRITORY INCLUDED IN THE HIGH SCHOOL  
 6 DISTRICT; AND

7 (II) TWO OR THREE TRUSTEES TO BE ELECTED AT LARGE IN THE  
 8 HIGH SCHOOL DISTRICT, WHICHEVER NUMBER RESULTS IN AN ODD  
 9 NUMBER OF MEMBERS ON THE BOARD OF TRUSTEES.

10 (B) (I) WHEN THE COUNTY SUPERINTENDENT RECEIVES A VALID  
 11 PETITION, THE COUNTY SUPERINTENDENT SHALL ORDER THE TRUSTEES  
 12 OF THE HIGH SCHOOL DISTRICT TO CONDUCT AN ELECTION ON THE  
 13 NEXT REGULAR SCHOOL ELECTION DAY ON THE PROPOSITION ALLOWED  
 14 UNDER THE PROVISIONS OF SUBSECTION (3)(A).

15 (II) IF THE ELECTORS OF THE DISTRICT APPROVE A  
 16 PROPOSITION TO ESTABLISH THE ALTERNATIVE METHOD OF ELECTING  
 17 THE HIGH SCHOOL BOARD OF TRUSTEES, THE COUNTY SUPERINTENDENT  
 18 SHALL ORDER THAT THE MEMBERS OF THE BOARD OF TRUSTEES BE  
 19 ELECTED ACCORDING TO SUBSECTION (3)(A) AT THE NEXT REGULAR  
 20 SCHOOL ELECTION.

21 (C) WHENEVER THE TRUSTEES ARE ELECTED AT ONE REGULAR  
 22 ELECTION UNDER SUBSECTION (3)(B), THE MEMBERS WHO ARE  
 23 ELECTED SHALL DRAW BY LOT TO DETERMINE THEIR TERMS OF  
 24 OFFICE. THE TERMS OF OFFICE BY TRUSTEE POSITION MUST BE  
 25 DIVIDED AS EQUALLY AS PRACTICABLE AMONG 1-, 2-, AND 3-YEAR

1 TERMS.

2 (D) A PETITION TO CALL AN ELECTION FOR THE PURPOSES OF  
 3 SUBSECTION (3) MAY NOT BE SUBMITTED TO THE COUNTY  
 4 SUPERINTENDENT MORE THAN ONE TIME IN EACH 5-YEAR PERIOD."

5 SECTION 2. SECTION 20-3-302, MCA, IS AMENDED TO READ:

6 "20-3-302. Legislative intent to elect less than  
 7 majority of trustees. (1) It is the intention of the  
 8 legislature that the terms of a majority of the trustee  
 9 positions of any district with elected trustees ~~shall~~ may  
 10 not regularly expire and be subject to election on the same  
 11 regular school election day. Therefore, in elementary  
 12 districts, there ~~shall~~ may not be more than three trustee  
 13 positions in first-class districts, two trustee positions in  
 14 second-class districts or third-class districts having five  
 15 trustee positions, or one trustee position in third-class  
 16 districts having three trustee positions regularly subject  
 17 to election at the same time. In high school districts there  
 18 ~~shall~~ may not be more than two additional trustee positions  
 19 in first- or second-class districts or more than one in  
 20 third-class districts regularly subject to election at the  
 21 same time. In high school districts operating a county high  
 22 school, there ~~shall~~ may not be more than two trustee  
 23 positions to be filled by members residing in the elementary  
 24 district where the county high school building is located or  
 25 more than one trustee position to be filled by members

1 residing outside of the elementary district where the county  
 2 high school building is located subject to election at the  
 3 same time.

4 (2) While it is the intention of the legislature that  
 5 the terms of a majority of trustees of any district ~~shall~~  
 6 may not regularly expire and be subject to election at the  
 7 same time, it is recognized that the following  
 8 circumstances, relating to the terms of trustees appointed  
 9 to newly created positions or to positions vacated by death,  
 10 resignation, or operation of law, may lead to a subsequent  
 11 school election in which a majority of trustee positions are  
 12 subject to election at the same time:

13 (a) the creation of a new elementary district under the  
 14 provisions of 20-6-217;

15 (b) the consolidation of two or more elementary  
 16 districts to form an elementary district under the  
 17 provisions of 20-6-203;

18 (c) the establishment of additional trustee positions  
 19 of a high school district under the provisions of 20-3-353  
 20 or 20-3-354 or new trustee positions under the provisions of  
 21 20-3-352(3);

22 (d) the change of a district's classification under the  
 23 provisions of 20-6-201 and 20-6-301;

24 (e) the filling of a trustee position ~~which that~~ which has  
 25 become vacant under the provisions of 20-3-308 or any other



1 provision of law;

2 (f) the establishment of additional elementary trustee  
3 positions under the provisions of 20-3-341(3); or

4 (g) any other circumstance arising under the law  
5 wherein a trustee position is filled by appointment subject  
6 to election at the next regular school election."

7 **SECTION 3. SECTION 20-3-351, MCA, IS AMENDED TO READ:**

8 "20-3-351. Number of trustee positions in high school  
9 districts. (1) The Except as provided in 20-3-352(3), the  
10 trustees of a high school district, except a high school  
11 district operating a county high school, ~~shall~~ must be  
12 composed of:

13 (a) the trustees of the elementary district where in  
14 which the high school building is located or, if there is  
15 more than one elementary district where in which high school  
16 buildings are located, the trustees of the elementary  
17 district designated by the high school boundary commission;  
18 and

19 (b) the additional trustee positions determined in  
20 accordance with 20-3-352(2).

21 (2) The trustees of a high school district operating a  
22 county high school ~~shall~~ must be composed of seven trustee  
23 positions."

-End-