

1 House BILL NO. 116  
 2 INTRODUCED BY Cosy Lund Johnson  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 75-5902, 75-5907 AND 75-5908, R.C.M. 1947, TO INCREASE THE  
 6 NUMBER OF SCHOOL TRUSTEES IN A THIRD CLASS ELEMENTARY  
 7 DISTRICT FROM THREE (3) TO FIVE (5) UPON THE UNANIMOUS VOTE  
 8 OF THE BOARD OF TRUSTEES AND PROVIDE FOR THEIR ELECTION."  
 9

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

11 Section 1. Section 75-5902, R.C.M. 1947, is amended to  
 12 read as follows:

13 "75-5902. Number of trustee positions. The number of  
 14 trustee positions in a district shall vary in the following  
 15 manner according to the type of district:

16 (1) The number of trustee positions in each elementary  
 17 district shall vary according to the district's  
 18 classification, as established by section 75-6503;

19 (a) there shall be seven (7) trustee positions in a  
 20 first class elementary district;

21 (b) there shall be five (5) trustee positions in a  
 22 second class elementary district; or

23 (c) there shall be three (3) trustee positions in a  
 24 third class elementary district, however upon the unanimous  
 25 vote of the board of trustees, the number may be increased

1 to five (5) trustee positions at the next trustee election,  
 2 provided that notice of such action of the board of trustees  
 3 be published by the clerk of the district in a newspaper of  
 4 general circulation in the county prior to January 1 of the  
 5 year of such trustee election.

6 (2) The trustees of a high school district, except a  
 7 high school district operating a county high school, shall  
 8 be composed of:

9 (a) the trustees of the elementary district where the  
 10 high school building is located, or, if there is more than  
 11 one (1) elementary district where high school buildings are  
 12 located, the trustees of the elementary district designated  
 13 by the high school boundary commission; and

14 (b) the additional trustee positions determined in  
 15 accordance with section 75-5903.

16 (3) The trustees of a high school district operating a  
 17 county high school shall be composed of seven (7) trustee  
 18 positions."

19 Section 2. Section 75-5907, R.C.M. 1947, is amended to  
 20 read as follows:

21 "75-5907. Legislative intent to elect less than  
 22 majority of trustees. It is the intention of the legislature  
 23 that the terms of a majority of the trustee positions of any  
 24 district with elected trustees shall not regularly expire  
 25 and be subject to election on the same regular school

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1 election day. Therefore, in elementary districts, there  
 2 shall not be more than three (3) trustee positions in first  
 3 class districts, two (2) trustee positions in second class  
 4 districts, or third class districts having five (5) trustee  
 5 positions, or one (1) trustee position in third class  
 6 districts having three (3) trustee positions regularly  
 7 subject to election at the same time. In high school  
 8 districts there shall not be more than two (2) additional  
 9 trustee positions in first or second class districts, or  
 10 more than one (1) in third class districts regularly subject  
 11 to election at the same time.

12 While it is the intention of the legislature that the  
 13 terms of a majority of trustees of any district shall not  
 14 regularly expire and be subject to election at the same  
 15 time, it is recognized that the following circumstances,  
 16 relating to the terms of trustees appointed to newly created  
 17 positions or to positions vacated by death, resignation or  
 18 operation of law, may lead to a subsequent school election  
 19 in which a majority of trustee positions are subject to  
 20 election at the same time:

21 (1) the creation of a new elementary district under  
 22 the provisions of section 75-6518;

23 (2) the consolidation of two (2) of more elementary  
 24 districts to form an elementary district under the  
 25 provisions of section 75-6506;

1 (3) the establishment of additional trustee positions  
 2 of a high school district under the provisions of section  
 3 75-5904 or 75-5905;

4 (4) the change of a district's classification under  
 5 the provisions of section 75-6503;

6 (5) the filling of a trustee position which has become  
 7 vacant under the provisions of section 75-5917 or any other  
 8 provision of law; ~~or~~

9 (6) the establishment of additional elementary trustee  
 10 positions under the provisions of section 75-5902(c); or

11 (7) any other circumstance arising under the law  
 12 wherein a trustee position is filled by appointment subject  
 13 to election at the next regular school election."

14 Section 3. Section 75-5908, R.C.M. 1947, is amended to  
 15 read as follows:

16 "75-5908. Determination of terms after creation or  
 17 consolidation of elementary districts. Whenever the trustees  
 18 are elected at one (1) regular school election under the  
 19 circumstances described in subsections (1) and (2) of  
 20 section 75-5907, the members who are elected shall draw by  
 21 lot to determine their terms of office. Such terms of office  
 22 by trustee position shall be:

23 (1) three (3) for three (3) years, two (2) for two (2)  
 24 years, and two (2) for one (1) year in a first class  
 25 elementary district;

1           (2) two (2) for three (3) years, two (2) for two (2)  
2 years, and one (1) for one (1) year in a second class  
3 elementary ~~district~~ districts and third class elementary  
4 districts having five (5) trustee positions; or  
5           (3) one (1) for three (3) years, one (1) for two (2)  
6 years, and one (1) for one (1) year in a third class  
7 elementary district having three (3) trustee positions."

-End-

H13/16

Approved by Committee  
on Education

1 House BILL NO. 116  
2 INTRODUCED BY Cosby Grand Johnson  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
5 75-5902, 75-5907 AND 75-5908, R.C.M. 1947, TO INCREASE THE  
6 NUMBER OF SCHOOL TRUSTEES IN A THIRD CLASS ELEMENTARY  
7 DISTRICT FROM THREE (3) TO FIVE (5) UPON THE UNANIMOUS VOTE  
8 OF THE BOARD OF TRUSTEES AND PROVIDE FOR THEIR ELECTION."  
9

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

11 Section 1. Section 75-5902, R.C.M. 1947, is amended to  
12 read as follows:

13 "75-5902. Number of trustee positions. The number of  
14 trustee positions in a district shall vary in the following  
15 manner according to the type of district:

16 (1) The number of trustee positions in each elementary  
17 district shall vary according to the district's  
18 classification, as established by section 75-6503;

19 (a) there shall be seven (7) trustee positions in a  
20 first class elementary district;

21 (b) there shall be five (5) trustee positions in a  
22 second class elementary district; or

23 (c) there shall be three (3) trustee positions in a  
24 third class elementary district, however upon the unanimous  
25 vote of the board of trustees, the number may be increased

1 to five (5) trustee positions at the next trustee election,  
2 provided that notice of such action of the board of trustees  
3 be published by the clerk of the district in a newspaper of  
4 general circulation in the county prior to January 1 of the  
5 year of such trustee election.

6 (2) The trustees of a high school district, except a  
7 high school district operating a county high school, shall  
8 be composed of:

9 (a) the trustees of the elementary district where the  
10 high school building is located, or, if there is more than  
11 one (1) elementary district where high school buildings are  
12 located, the trustees of the elementary district designated  
13 by the high school boundary commission; and

14 (b) the additional trustee positions determined in  
15 accordance with section 75-5903.

16 (3) The trustees of a high school district operating a  
17 county high school shall be composed of seven (7) trustee  
18 positions."

19 Section 2. Section 75-5907, R.C.M. 1947, is amended to  
20 read as follows:

21 "75-5907. Legislative intent to elect less than  
22 majority of trustees. It is the intention of the legislature  
23 that the terms of a majority of the trustee positions of any  
24 district with elected trustees shall not regularly expire  
25 and be subject to election on the same regular school

1 election day. Therefore, in elementary districts, there  
 2 shall not be more than three (3) trustee positions in first  
 3 class districts, two (2) trustee positions in second class  
 4 districts, or third class districts having five (5) trustee  
 5 positions, or one (1) trustee position in third class  
 6 districts having three (3) trustee positions regularly  
 7 subject to election at the same time. In high school  
 8 districts there shall not be more than two (2) additional  
 9 trustee positions in first or second class districts, or  
 10 more than one (1) in third class districts regularly subject  
 11 to election at the same time.

12 While it is the intention of the legislature that the  
 13 terms of a majority of trustees of any district shall not  
 14 regularly expire and be subject to election at the same  
 15 time, it is recognized that the following circumstances,  
 16 relating to the terms of trustees appointed to newly created  
 17 positions or to positions vacated by death, resignation or  
 18 operation of law, may lead to a subsequent school election  
 19 in which a majority of trustee positions are subject to  
 20 election at the same time:

21 (1) the creation of a new elementary district under  
 22 the provisions of section 75-6518;

23 (2) the consolidation of two (2) or more elementary  
 24 districts to form an elementary district under the  
 25 provisions of section 75-6506;

1 (3) the establishment of additional trustee positions  
 2 of a high school district under the provisions of section  
 3 75-5904 or 75-5905;

4 (4) the change of a district's classification under  
 5 the provisions of section 75-6503;

6 (5) the filling of a trustee position which has become  
 7 vacant under the provisions of section 75-5917 or any other  
 8 provision of law; ~~or~~

9 (6) the establishment of additional elementary trustee  
 10 positions under the provisions of section 75-5902(c); or

11 (7) any other circumstance arising under the law  
 12 wherein a trustee position is filled by appointment subject  
 13 to election at the next regular school election."

14 Section 3. Section 75-5906, R.C.M. 1947, is amended to  
 15 read as follows:

16 "75-5906. Determination of terms after creation or  
 17 consolidation of elementary districts. Whenever the trustees  
 18 are elected at one (1) regular school election under the  
 19 circumstances described in subsections (1) and (2) of  
 20 section 75-5907, the members who are elected shall draw by  
 21 lot to determine their terms of office. Such terms of office  
 22 by trustee position shall be:

23 (1) three (3) for three (3) years, two (2) for two (2)  
 24 years, and two (2) for one (1) year in a first class  
 25 elementary district;

1           (2) two (2) for three (3) years, two (2) for two (2)  
2 years, and one (1) for one (1) year in a second class  
3 elementary ~~district~~ districts and third class elementary  
4 districts having five (5) trustee positions; or  
5           (3) one (1) for three (3) years, one (1) for two (2)  
6 years, and one (1) for one (1) year in a third class  
7 elementary district having three (3) trustee positions."

-End-

1 House BILL NO. 116  
 2 INTRODUCED BY Craig Lund Jackson  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 75-5902, 75-5907 AND 75-5908, R.C.M. 1947, TO INCREASE THE  
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 17 district shall vary according to the district's  
 18 classification, as established by section 75-6503;

19 (a) there shall be seven (7) trustee positions in a  
 20 first class elementary district;

21 (b) there shall be five (5) trustee positions in a  
 22 second class elementary district; or

23 (c) there shall be three (3) trustee positions in a  
 24 third class elementary district, however upon the unanimous  
 25 vote of the board of trustees, the number may be increased

1 to five (5) trustee positions at the next trustee election,  
 2 provided that notice of such action of the board of trustees  
 3 be published by the clerk of the district in a newspaper of  
 4 general circulation in the county prior to January 1 of the  
 5 year of such trustee election.

6 (2) The trustees of a high school district, except a  
 7 high school district operating a county high school, shall  
 8 be composed of:

9 (a) the trustees of the elementary district where the  
 10 high school building is located, or, if there is more than  
 11 one (1) elementary district where high school buildings are  
 12 located, the trustees of the elementary district designated  
 13 by the high school boundary commission; and

14 (b) the additional trustee positions determined in  
 15 accordance with section 75-5903.

16 (3) The trustees of a high school district operating a  
 17 county high school shall be composed of seven (7) trustee  
 18 positions."

19 Section 2. Section 75-5907, R.C.M. 1947, is amended to  
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21 "75-5907. Legislative intent to elect less than  
 22 majority of trustees. It is the intention of the legislature  
 23 that the terms of a majority of the trustee positions of any  
 24 district with elected trustees shall not regularly expire  
 25 and be subject to election on the same regular school

1 election day. Therefore, in elementary districts, there  
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 3 class districts, two (2) trustee positions in second class  
 4 districts, or third class districts having five (5) trustee  
 5 positions, or one (1) trustee position in third class  
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 7 subject to election at the same time. In high school  
 8 districts there shall not be more than two (2) additional  
 9 trustee positions in first or second class districts, or  
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12 While it is the intention of the legislature that the  
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 15 time, it is recognized that the following circumstances,  
 16 relating to the terms of trustees appointed to newly created  
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 19 in which a majority of trustee positions are subject to  
 20 election at the same time:

- 21 (1) the creation of a new elementary district under  
 22 the provisions of section 75-6518;  
 23 (2) the consolidation of two (2) of more elementary  
 24 districts to form an elementary district under the  
 25 provisions of section 75-6506;

1 (3) the establishment of additional trustee positions  
 2 of a high school district under the provisions of section  
 3 75-5904 or 75-5905;

4 (4) the change of a district's classification under  
 5 the provisions of section 75-6503;

6 (5) the filling of a trustee position which has become  
 7 vacant under the provisions of section 75-5917 or any other  
 8 provision of law; or

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3 elementary district districts and third class elementary  
4 districts having five (5) trustee positions; or  
5           (3) one (1) for three (3) years, one (1) for two (2)  
6 years, and one (1) for one (1) year in a third class  
7 elementary district having three (3) trustee positions."

-End-

HOUSE BILL NO. 116

INTRODUCED BY CASEY, LUND, JACOBSEN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 75-5902, 75-5907 AND 75-5908, R.C.M. 1947, TO INCREASE THE NUMBER OF SCHOOL TRUSTEES IN A THIRD CLASS ELEMENTARY DISTRICT FROM THREE (3) TO FIVE (5) UPON THE UNANIMOUS MAJORITY VOTE OF THE BOARD OF TRUSTEES AND PROVIDE FOR THEIR ELECTION."

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Section 1. Section 75-5902, R.C.M. 1947, is amended to read as follows:

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(a) there shall be seven (7) trustee positions in a first class elementary district;

(b) there shall be five (5) trustee positions in a second class elementary district; or

(c) there shall be three (3) trustee positions in a third class elementary district, however upon the unanimous

MAJORITY vote of the board of trustees, the number may be increased to five (5) trustee positions at the next trustee election, provided that notice of such action of the board of trustees be published by the clerk of the district in a newspaper of general circulation in the county prior to January 1 of the year of such trustee election.

(2) The trustees of a high school district, except a high school district operating a county high school, shall be composed of:

(a) the trustees of the elementary district where the high school building is located, or, if there is more than one (1) elementary district where high school buildings are located, the trustees of the elementary district designated by the high school boundary commission; and

(b) the additional trustee positions determined in accordance with section 75-5903.

(3) The trustees of a high school district operating a county high school shall be composed of seven (7) trustee positions."

Section 2. Section 75-5907, R.C.M. 1947, is amended to read as follows:

"75-5907. Legislative intent to elect less than majority of trustees. It is the intention of the legislature that the terms of a majority of the trustee positions of any district with elected trustees shall not regularly expire

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 4 class districts, two (2) trustee positions in second class  
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- 23 the provisions of section 75-6518;
- 24 (2) the consolidation of two (2) of more elementary
- 25 districts to form an elementary district under the

- 1 provisions of section 75-6506;
- 2 (3) the establishment of additional trustee positions
- 3 of a high school district under the provisions of section
- 4 75-5904 or 75-5905;
- 5 (4) the change of a district's classification under
- 6 the provisions of section 75-6503;
- 7 (5) the filling of a trustee position which has become
- 8 vacant under the provisions of section 75-5917 or any other
- 9 provision of law; ~~or~~
- 10 (6) the establishment of additional elementary trustee
- 11 positions under the provisions of section 75-5902(c); or
- 12 (7) any other circumstance arising under the law
- 13 wherein a trustee position is filled by appointment subject
- 14 to election at the next regular school election."

15 Section 3. Section 75-5908, R.C.M. 1947, is amended to  
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- 25 years, and two (2) for one (1) year in a first class

1 elementary district;

2 (2) two (2) for three (3) years, two (2) for two (2)  
3 years, and one (1) for one (1) year in a second class  
4 elementary ~~district~~ districts and third class elementary  
5 districts having five (5) trustee positions; or

6 (3) one (1) for three (3) years, one (1) for two (2)  
7 years, and one (1) for one (1) year in a third class  
8 elementary district having three (3) trustee positions."

-End-