

1 *Senate* BILL NO. 89  
 2 INTRODUCED BY Murphy Hall (Request of Dept of Pub. Ind.)  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
 5 ELECTION OF TRUSTEES OF ALL HIGH SCHOOL DISTRICTS OPERATING  
 6 A COUNTY HIGH SCHOOL, PROVIDING THAT NO MORE THAN TWO OF THE  
 7 TRUSTEE POSITIONS ELECTED FROM THE DISTRICT IN WHICH THE  
 8 COUNTY HIGH SCHOOL IS LOCATED OR NO MORE THAN ONE OF THE  
 9 TRUSTEE POSITIONS ELECTED FROM THE DISTRICT OR DISTRICTS IN  
 10 WHICH THE COUNTY HIGH SCHOOL IS NOT LOCATED SHALL BE SUBJECT  
 11 TO ELECTION AT THE SAME TIME, PROVIDING FOR THE APPOINTMENT  
 12 OF TRUSTEES TO FILL VACANT TRUSTEE POSITIONS, PROVIDING FOR  
 13 THE COMPOSITION, ORGANIZATION AND OFFICERS OF BOARDS OF  
 14 TRUSTEES OF HIGH SCHOOL DISTRICTS OPERATING COUNTY HIGH  
 15 SCHOOLS AND REMOVING THE COUNTY SUPERINDENT AS SECRETARY TO  
 16 A JOINT BOARD OF TRUSTEES; AMENDING SECTIONS 75-5906,  
 17 75-5907, 75-5918, 75-5924, 75-5927, 75-5928, R.C.M. 1947;  
 18 AND REPEALING SECTIONS 75-5920, 75-5921, 75-5922, 75-5923,  
 19 AND 75-5925, R.C.M. 1947."

20  
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 Section 1. Section 75-5906, R.C.M. 1947, is amended to  
 23 read as follows:

24 "75-5906. Election and term of office. Every trustee  
 25 position prescribed by this Title, ~~except the trustee~~

1 ~~positions--of-a-high-school-district-operating-a-county-high~~  
 2 ~~school,~~ shall be subject to election and the term of office  
 3 for each position shall be three (3) years unless it is  
 4 otherwise specifically prescribed by this Title."

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

7 "75-5907. Legislative intent to elect less than  
 8 majority of trustees. It is the intention of the legislature  
 9 that the terms of a majority of the trustee positions of any  
 10 district with elected trustees shall not regularly expire  
 11 and be subject to election on the same regular school  
 12 election day. Therefore, in elementary districts, there  
 13 shall not be more than three (3) trustee positions in first  
 14 class districts, two (2) trustee positions in second class  
 15 districts, or one (1) trustee position in third class  
 16 districts regularly subject to election at the same time. In  
 17 high school districts there shall not be more than two (2)  
 18 additional trustee positions in first or second class  
 19 districts, or more than one (1) in third class districts  
 20 regularly subject to election at the same time. In high  
 21 school districts operating a county high school, there shall  
 22 not be more than two (2) trustee positions to be filled by  
 23 members residing in the elementary district where the county  
 24 high school building is located or more than one (1) trustee  
 25 position to be filled by members residing outside of the

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

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

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

14 (2) the consolidation of two (2) of more elementary  
 15 districts to form an elementary district under the  
 16 provisions of section 75-6506;

17 (3) the establishment of additional trustee positions  
 18 of a high school district under the provisions of section  
 19 75-5904 or 75-5905;

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

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

25 (6) any other circumstance arising under the law

1 wherein a trustee position is filled by appointment subject  
 2 to election at the next regular school election."

3 Section 3. Section 75-5918, R.C.M. 1947, is amended to  
 4 read as follows:

5 "75-5918. Filling vacated trustee position, appointee  
 6 qualification and term of office. Whenever a trustee  
 7 position becomes vacant ~~in a first or second class district,~~  
 8 in any district except a third class district, the  
 9 remaining members of the trustees shall declare such  
 10 position vacant and they shall appoint, in writing, a  
 11 competent person as a successor. The trustees shall notify  
 12 the appointee and the county superintendent of such  
 13 appointment.

14 Whenever a trustee position becomes vacant in a third  
 15 class district, the remaining members of the trustees shall  
 16 declare such position vacant and notify the county  
 17 superintendent of the vacancy. The county superintendent  
 18 shall appoint, in writing, a competent person as a successor  
 19 and notify such person of his appointment.

20 Any person who has been appointed to a trustee position  
 21 shall qualify by completing and filing an oath of office  
 22 with the county superintendent in not less than fifteen (15)  
 23 days after receiving notice of his appointment. Failure to  
 24 file the oath of office shall constitute a continuation of  
 25 the trustee position vacancy which shall be filled under the

1 provisions of this section.

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

5 Section 4. Section 75-5924, R.C.M. 1947, is amended to  
6 read as follows:

7 "75-5924. Membership of elected trustees of high  
8 school district operating county high school and nomination  
9 of candidates. ~~Whenever the election of the~~ The trustees of  
10 a high school district operating a county high school ~~has~~  
11 ~~been approved by the electorate, the~~ trustees shall be  
12 composed of the following:

13 (1) four (4) trustee positions filled by members  
14 residing in the elementary district where the county high  
15 school building is located; and

16 (2) three (3) trustee positions filled by members one  
17 of whom resides in each of the three (3) trustee nominating  
18 districts in the territory of the high school district  
19 outside of the elementary district where the county high  
20 school building is located. The county superintendent ~~and~~  
21 ~~board of county commissioners~~ shall establish the nominating  
22 districts and, unless it is impossible, such districts shall  
23 have coterminous boundaries with elementary district  
24 boundaries.

25 The provisions of section 75-5913 shall govern the

1 nomination of candidates for the trustee election prescribed  
2 in this section."

3 Section 5. Section 75-5927, R.C.M. 1947, is amended to  
4 read as follows:

5 "75-5927. Organization and officers. The trustees of  
6 each district shall annually organize as a governing board  
7 of the district after the regular election day and after the  
8 issuance of the election certificates to the newly elected  
9 trustees but not later than the third Saturday of April.  
10 ~~except that if the trustees of a high school district~~  
11 ~~operating a county high school are not elected they shall~~  
12 ~~annually organize as the governing board at the first~~  
13 ~~regular meeting of January.~~ In order to organize, the  
14 trustees of the district shall be given notice of the time  
15 and place where the organization meeting will be held and,  
16 at such meeting, they shall choose one of their number as  
17 the chairman. In addition, except for the trustees of a high  
18 school district operating a county high school, the trustees  
19 shall employ and appoint a competent person, who is not a  
20 member of the trustees, as the clerk of the district. The  
21 trustees of a high school district operating a county high  
22 school shall appoint a secretary, who shall be a member of  
23 the board.

24 The chairman of the trustees of any district shall  
25 serve until the next organization meeting and shall preside

1 at all the meetings of the trustees in accordance with the  
2 customary rules of order. He shall perform the duties  
3 prescribed by this Title and any other duties that normally  
4 pertain to such officer."

5 Section 6. Section 75-5928, R.C.M. 1947, is amended to  
6 read as follows:

7 "75-5928. Joint board of trustees organization and  
8 voting membership. Whenever the trustees of a high school  
9 district operating a county high school and the trustees of  
10 the elementary district where the county high school  
11 building is located deem it to be within the best interests  
12 of the two districts, they may form a joint board of  
13 trustees for the purpose of co-ordinating the educational  
14 program of both districts. When a joint board of trustees is  
15 formed, all of the members of both districts' trustees shall  
16 be members of the joint board of trustees, and each member  
17 shall have the right to participate in the meetings but  
18 voting on matters considered by the joint board shall be  
19 limited by the provisions of this section.

20 At the first meeting of the joint board of trustees,  
21 there shall be a chairman of the joint board of trustees  
22 selected from among the membership. ~~if--the--county~~  
23 ~~superintendent--is--a--member--of--the--high--school--trustees,--he~~  
24 ~~shall--be--the--secretary,--otherwise,~~ A a secretary of the  
25 joint board shall be selected from the membership. The

1 chairman, when selected as a voting member, shall not be  
2 disqualified from voting because of his position of chairman  
3 of the board. The secretary shall not be a voting member  
4 except that he shall cast the deciding vote when three (3)  
5 successive ballots have resulted in a tie vote of the joint  
6 board of trustees.

7 The voting membership of the joint board of trustees  
8 shall be equalized between the trustee membership of the two  
9 participating districts. After the selection of the chairman  
10 and the secretary, if necessary, the voting membership shall  
11 be:

12 (1) all of the membership of the elementary district  
13 trustees unless one of its members is selected as secretary,  
14 in which case such member shall not be a voting member; and

15 (2) the members of the high school district trustees  
16 who are selected by such trustees as voting members of the  
17 joint board in a number equal to the number of voting  
18 members of the elementary district trustees as established  
19 under subsection (1) above. The names of the voting  
20 membership selected by the high school trustees shall be  
21 submitted in writing to the secretary of the board and shall  
22 be the only members of such district's trustees eligible to  
23 vote on joint board matters unless such list is revised in  
24 writing by the high school trustees.

25 Each voting member shall be entitled to cast one vote,

LC 0760

1 individually, upon every matter submitted to the joint board  
2 for a vote."

3 Section 7. Sections 75-5920, 75-5921, 75-5922,  
4 75-5923, and 75-5925, R.C.M. 1947, are repealed.

-End-

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Approved by Committee  
on Education

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*Senate* BILL NO. 89  
INTRODUCED BY Murphy Harshbarger (Request of Dept. of Pub. Inst.)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ELECTION OF TRUSTEES OF ALL HIGH SCHOOL DISTRICTS OPERATING A COUNTY HIGH SCHOOL, PROVIDING THAT NO MORE THAN TWO OF THE TRUSTEE POSITIONS ELECTED FROM THE DISTRICT IN WHICH THE COUNTY HIGH SCHOOL IS LOCATED OR NO MORE THAN ONE OF THE TRUSTEE POSITIONS ELECTED FROM THE DISTRICT OR DISTRICTS IN WHICH THE COUNTY HIGH SCHOOL IS NOT LOCATED SHALL BE SUBJECT TO ELECTION AT THE SAME TIME, PROVIDING FOR THE APPOINTMENT OF TRUSTEES TO FILL VACANT TRUSTEE POSITIONS, PROVIDING FOR THE COMPOSITION, ORGANIZATION AND OFFICERS OF BOARDS OF TRUSTEES OF HIGH SCHOOL DISTRICTS OPERATING COUNTY HIGH SCHOOLS AND REMOVING THE COUNTY SUPERINDENT AS SECRETARY TO A JOINT BOARD OF TRUSTEES; AMENDING SECTIONS 75-5906, 75-5907, 75-5918, 75-5924, 75-5927, 75-5928, R.C.M. 1947; AND REPEALING SECTIONS 75-5920, 75-5921, 75-5922, 75-5923, AND 75-5925, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
Section 1. Section 75-5906, R.C.M. 1947, is amended to read as follows:  
"75-5906. Election and term of office. Every trustee position prescribed by this Title, ~~except the trustee~~

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~~positions of a high school district operating a county high school,~~ shall be subject to election and the term of office for each position shall be three (3) years unless it is otherwise specifically prescribed by this Title."

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 and be subject to election on the same regular school election day. Therefore, in elementary districts, there shall not be more than three (3) trustee positions in first class districts, two (2) trustee positions in second class districts, or one (1) trustee position in third class districts regularly subject to election at the same time. In high school districts there shall not be more than two (2) additional trustee positions in first or second class districts, or more than one (1) in third class districts regularly subject to election at the same time. In high school districts operating a county high school, there shall not be more than two (2) trustee positions to be filled by members residing in the elementary district where the county high school building is located or more than one (1) trustee position to be filled by members residing outside of the

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

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

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

14 (2) the consolidation of two (2) of more elementary  
 15 districts to form an elementary district under the  
 16 provisions of section 75-6506;

17 (3) the establishment of additional trustee positions  
 18 of a high school district under the provisions of section  
 19 75-5904 or 75-5905;

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

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

25 (6) any other circumstance arising under the law

1 wherein a trustee position is filled by appointment subject  
 2 to election at the next regular school election."

3 Section 3. Section 75-5918, R.C.M. 1947, is amended to  
 4 read as follows:

5 "75-5918. Filling vacated trustee position, appointee  
 6 qualification and term of office. Whenever a trustee  
 7 position becomes vacant ~~in a first or second class district,~~  
 8 in any district except a third class district, the  
 9 remaining members of the trustees shall declare such  
 10 position vacant and they shall appoint, in writing, a  
 11 competent person as a successor. The trustees shall notify  
 12 the appointee and the county superintendent of such  
 13 appointment.

14 Whenever a trustee position becomes vacant in a third  
 15 class district, the remaining members of the trustees shall  
 16 declare such position vacant and notify the county  
 17 superintendent of the vacancy. The county superintendent  
 18 shall appoint, in writing, a competent person as a successor  
 19 and notify such person of his appointment.

20 Any person who has been appointed to a trustee position  
 21 shall qualify by completing and filing an oath of office  
 22 with the county superintendent in not less than fifteen (15)  
 23 days after receiving notice of his appointment. Failure to  
 24 file the oath of office shall constitute a continuation of  
 25 the trustee position vacancy which shall be filled under the

1 provisions of this section.

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

5 Section 4. Section 75-5924, R.C.M. 1947, is amended to  
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7 "75-5924. Membership of elected trustees of high  
8 school district operating county high school and nomination  
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12 composed of the following:

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14 residing in the elementary district where the county high  
15 school building is located; and

16 (2) three (3) trustee positions filled by members one  
17 of whom resides in each of the three (3) trustee nominating  
18 districts in the territory of the high school district  
19 outside of the elementary district where the county high  
20 school building is located. The county superintendent ~~and~~  
21 ~~board of county commissioners~~ shall establish the nominating  
22 districts and, unless it is impossible, such districts shall  
23 have coterminous boundaries with elementary district  
24 boundaries.

25 The provisions of section 75-5913 shall govern the

1 nomination of candidates for the trustee election prescribed  
2 in this section."

3 Section 5. Section 75-5927, R.C.M. 1947, is amended to  
4 read as follows:

5 "75-5927. Organization and officers. The trustees of  
6 each district shall annually organize as a governing board  
7 of the district after the regular election day and after the  
8 issuance of the election certificates to the newly elected  
9 trustees but not later than the third Saturday of April,  
10 ~~except that if the trustees of a high school district~~  
11 ~~operating a county high school are not elected they shall~~  
12 ~~annually organize as the governing board at the first~~  
13 ~~regular meeting of January.~~ In order to organize, the  
14 trustees of the district shall be given notice of the time  
15 and place where the organization meeting will be held and,  
16 at such meeting, they shall choose one of their number as  
17 the chairman. In addition, except for the trustees of a high  
18 school district operating a county high school, the trustees  
19 shall employ and appoint a competent person, who is not a  
20 member of the trustees, as the clerk of the district. The  
21 trustees of a high school district operating a county high  
22 school shall appoint a secretary, who shall be a member of  
23 the board.

24 The chairman of the trustees of any district shall  
25 serve until the next organization meeting and shall preside



1 at all the meetings of the trustees in accordance with the  
2 customary rules of order. He shall perform the duties  
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5 Section 6. Section 75-5928, R.C.M. 1947, is amended to  
6 read as follows:

7 "75-5928. Joint board of trustees organization and  
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9 district operating a county high school and the trustees of  
10 the elementary district where the county high school  
11 building is located deem it to be within the best interests  
12 of the two districts, they may form a joint board of  
13 trustees for the purpose of co-ordinating the educational  
14 program of both districts. When a joint board of trustees is  
15 formed, all of the members of both districts' trustees shall  
16 be members of the joint board of trustees, and each member  
17 shall have the right to participate in the meetings but  
18 voting on matters considered by the joint board shall be  
19 limited by the provisions of this section.

20 At the first meeting of the joint board of trustees,  
21 there shall be a chairman of the joint board of trustees  
22 selected from among the membership. ~~If the county~~  
23 ~~superintendent is a member of the high school trustees, he~~  
24 ~~shall be the secretary, otherwise, a~~ a secretary of the  
25 joint board shall be selected from the membership. The

1 chairman, when selected as a voting member, shall not be  
2 disqualified from voting because of his position of chairman  
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6 board of trustees.

7 The voting membership of the joint board of trustees  
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9 participating districts. After the selection of the chairman  
10 and the secretary, if necessary, the voting membership shall  
11 be:

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16 who are selected by such trustees as voting members of the  
17 joint board in a number equal to the number of voting  
18 members of the elementary district trustees as established  
19 under subsection (1) above. The names of the voting  
20 membership selected by the high school trustees shall be  
21 submitted in writing to the secretary of the board and shall  
22 be the only members of such district's trustees eligible to  
23 vote on joint board matters unless such list is revised in  
24 writing by the high school trustees.

25 Each voting member shall be entitled to cast one vote,

LC 0760

- 1 individually, upon every matter submitted to the joint board
- 2 for a vote.\*
- 3 Section 7. Sections 75-5920, 75-5921, 75-5922,
- 4 75-5923, and 75-5925, R.C.M. 1947, are repealed.

-End-

1 *Senate* BILL NO. 89  
 2 INTRODUCED BY Mungley Hallboke (Request of Dept. of Pub. Ind.)  
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 14 TRUSTEES OF HIGH SCHOOL DISTRICTS OPERATING COUNTY HIGH  
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1 ~~positions of a high school district operating a county high~~  
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 12 election day. Therefore, in elementary districts, there  
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3 While it is the intention of the legislature that the  
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 6 time, it is recognized that the following circumstances,  
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 15 districts to form an elementary district under the  
 16 provisions of section 75-6506;

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 23 vacant under the provisions of section 75-5917 or any other  
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1 wherein a trustee position is filled by appointment subject  
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3 Section 3. Section 75-5918, R.C.M. 1947, is amended to  
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5 "75-5918. Filling vacated trustee position, appointee  
 6 qualification and term of office. Whenever a trustee  
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 9 remaining members of the trustees shall declare such  
 10 position vacant and they shall appoint, in writing, a  
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20 Any person who has been appointed to a trustee position  
 21 shall qualify by completing and filing an oath of office  
 22 with the county superintendent in not less than fifteen (15)  
 23 days after receiving notice of his appointment. Failure to  
 24 file the oath of office shall constitute a continuation of  
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1 provisions of this section.

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7 "75-5924. Membership of elected trustees of high  
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12 composed of the following:

13 (1) four (4) trustee positions filled by members  
14 residing in the elementary district where the county high  
15 school building is located; and

16 (2) three (3) trustee positions filled by members one  
17 of whom resides in each of the three (3) trustee nominating  
18 districts in the territory of the high school district  
19 outside of the elementary district where the county high  
20 school building is located. The county superintendent ~~and~~  
21 ~~board of county commissioners~~ shall establish the nominating  
22 districts and, unless it is impossible, such districts shall  
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24 boundaries.

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4 read as follows:

5 "75-5927. Organization and officers. The trustees of  
6 each district shall annually organize as a governing board  
7 of the district after the regular election day and after the  
8 issuance of the election certificates to the newly elected  
9 trustees but not later than the third Saturday of April,  
10 ~~except that if the trustees of a high school district~~  
11 ~~operating a county high school are not elected they shall~~  
12 ~~annually organize as the governing board at the first~~  
13 ~~regular meeting of January.~~ In order to organize, the  
14 trustees of the district shall be given notice of the time  
15 and place where the organization meeting will be held and,  
16 at such meeting, they shall choose one of their number as  
17 the chairman. In addition, except for the trustees of a high  
18 school district operating a county high school, the trustees  
19 shall employ and appoint a competent person, who is not a  
20 member of the trustees, as the clerk of the district. The  
21 trustees of a high school district operating a county high  
22 school shall appoint a secretary, who shall be a member of  
23 the board.

24 The chairman of the trustees of any district shall  
25 serve until the next organization meeting and shall preside

1 at all the meetings of the trustees in accordance with the  
2 customary rules of order. He shall perform the duties  
3 prescribed by this Title and any other duties that normally  
4 pertain to such officer."

5 Section 6. Section 75-5928, R.C.M. 1947, is amended to  
6 read as follows:

7 "75-5928. Joint board of trustees organization and  
8 voting membership. Whenever the trustees of a high school  
9 district operating a county high school and the trustees of  
10 the elementary district where the county high school  
11 building is located deem it to be within the best interests  
12 of the two districts, they may form a joint board of  
13 trustees for the purpose of co-ordinating the educational  
14 program of both districts. When a joint board of trustees is  
15 formed, all of the members of both districts' trustees shall  
16 be members of the joint board of trustees, and each member  
17 shall have the right to participate in the meetings but  
18 voting on matters considered by the joint board shall be  
19 limited by the provisions of this section.

20 At the first meeting of the joint board of trustees,  
21 there shall be a chairman of the joint board of trustees  
22 selected from among the membership. ~~If--the--county~~  
23 ~~superintendent--is--a--member--of--the--high--school--trustees,--he~~  
24 ~~shall--be--the--secretary,--otherwise, A~~ a secretary of the  
25 joint board shall be selected from the membership. The

1 chairman, when selected as a voting member, shall not be  
2 disqualified from voting because of his position of chairman  
3 of the board. The secretary shall not be a voting member  
4 except that he shall cast the deciding vote when three (3)  
5 successive ballots have resulted in a tie vote of the joint  
6 board of trustees.

7 The voting membership of the joint board of trustees  
8 shall be equalized between the trustee membership of the two  
9 participating districts. After the selection of the chairman  
10 and the secretary, if necessary, the voting membership shall  
11 be:

12 (1) all of the membership of the elementary district  
13 trustees unless one of its members is selected as secretary,  
14 in which case such member shall not be a voting member; and

15 (2) the members of the high school district trustees  
16 who are selected by such trustees as voting members of the  
17 joint board in a number equal to the number of voting  
18 members of the elementary district trustees as established  
19 under subsection (1) above. The names of the voting  
20 membership selected by the high school trustees shall be  
21 submitted in writing to the secretary of the board and shall  
22 be the only members of such district's trustees eligible to  
23 vote on joint board matters unless such list is revised in  
24 writing by the high school trustees.

25 Each voting member shall be entitled to cast one vote,

LC 0760

1 individually, upon every matter submitted to the joint board  
2 for a vote."

3 Section 7. Sections 75-5920, 75-5921, 75-5922,  
4 75-5923, and 75-5925, R.C.M. 1947, are repealed.

-End-

1 SENATE BILL NO. 89

2 INTRODUCED BY MURPHY, HAZELBAKER

3 (REQUESTED BY DEPARTMENT OF PUBLIC INSTRUCTION)

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE

6 ELECTION OF TRUSTEES OF ALL HIGH SCHOOL DISTRICTS OPERATING

7 A COUNTY HIGH SCHOOL, PROVIDING THAT NO MORE THAN TWO OF THE

8 TRUSTEE POSITIONS ELECTED FROM THE DISTRICT IN WHICH THE

9 COUNTY HIGH SCHOOL IS LOCATED OR NO MORE THAN ONE OF THE

10 TRUSTEE POSITIONS ELECTED FROM THE DISTRICT OR DISTRICTS IN

11 WHICH THE COUNTY HIGH SCHOOL IS NOT LOCATED SHALL BE SUBJECT

12 TO ELECTION AT THE SAME TIME, PROVIDING FOR THE APPOINTMENT

13 OF TRUSTEES TO FILL VACANT TRUSTEE POSITIONS, PROVIDING FOR

14 THE COMPOSITION, ORGANIZATION AND OFFICERS OF BOARDS OF

15 TRUSTEES OF HIGH SCHOOL DISTRICTS OPERATING COUNTY HIGH

16 SCHOOLS AND REMOVING THE COUNTY SUPERINTENDENT AS SECRETARY TO

17 A JOINT BOARD OF TRUSTEES; AMENDING SECTIONS 75-5906,

18 75-5907, 75-5918, 75-5924, 75-5927, 75-5928, R.C.M. 1947;

19 AND REPEALING SECTIONS 75-5920, 75-5921, 75-5922, 75-5923,

20 AND 75-5925, R.C.M. 1947."

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

22 Section 1. Section 75-5906, R.C.M. 1947, is amended to  
23 read as follows:  
24

25 "75-5906. Election and term of office. Every trustee

1 position prescribed by this Title, ~~except the trustee~~

2 ~~positions of a high school district operating a county high~~

3 ~~school~~, shall be subject to election and the term of office

4 for each position shall be three (3) years unless it is

5 otherwise specifically prescribed by this Title."

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

8 "75-5907. Legislative intent to elect less than

9 majority of trustees. It is the intention of the legislature

10 that the terms of a majority of the trustee positions of any

11 district with elected trustees shall not regularly expire

12 and be subject to election on the same regular school

13 election day. Therefore, in elementary districts, there

14 shall not be more than three (3) trustee positions in first

15 class districts, two (2) trustee positions in second class

16 districts, or one (1) trustee position in third class

17 districts regularly subject to election at the same time. In

18 high school districts there shall not be more than two (2)

19 additional trustee positions in first or second class

20 districts, or more than one (1) in third class districts

21 regularly subject to election at the same time. In high

22 school districts operating a county high school, there shall

23 not be more than two (2) trustee positions to be filled by

24 members residing in the elementary district where the county

25 high school building is located or more than one (1) trustee



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

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

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

15 (2) the consolidation of two (2) of more elementary  
 16 districts to form an elementary district under the  
 17 provisions of section 75-6506;

18 (3) the establishment of additional trustee positions  
 19 of a high school district under the provisions of section  
 20 75-5904 or 75-5905;

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

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

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

4 Section 3. Section 75-5918, R.C.M. 1947, is amended to  
 5 read as follows:

6 "75-5918. Filling vacated trustee position, appointee  
 7 qualification and term of office. Whenever a trustee  
 8 position becomes vacant ~~in a first or second class district,~~  
 9 in any district except a third class district, the  
 10 remaining members of the trustees shall declare such  
 11 position vacant and they shall appoint, in writing, a  
 12 competent person as a successor. The trustees shall notify  
 13 the appointee and the county superintendent of such  
 14 appointment.

15 Whenever a trustee position becomes vacant in a third  
 16 class district, the remaining members of the trustees shall  
 17 declare such position vacant and notify the county  
 18 superintendent of the vacancy. The county superintendent  
 19 shall appoint, in writing, a competent person as a successor  
 20 and notify such person of his appointment.

21 Any person who has been appointed to a trustee position  
 22 shall qualify by completing and filing an oath of office  
 23 with the county superintendent in not less than fifteen (15)  
 24 days after receiving notice of his appointment. Failure to  
 25 file the oath of office shall constitute a continuation of

1 the trustee position vacancy which shall be filled under the  
2 provisions of this section.

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

6 Section 4. Section 75-5924, R.C.M. 1947, is amended to  
7 read as follows:

8 "75-5924. Membership of elected trustees of high  
9 school district operating county high school and nomination  
10 of candidates. ~~Whenever the election of the~~ The trustees of  
11 a high school district operating a county high school ~~has~~  
12 ~~been approved by the electorate, the trustees~~ shall be  
13 composed of the following:

14 (1) four (4) trustee positions filled by members  
15 residing in the elementary district where the county high  
16 school building is located; and

17 (2) three (3) trustee positions filled by members one  
18 of whom resides in each of the three (3) trustee nominating  
19 districts in the territory of the high school district  
20 outside of the elementary district where the county high  
21 school building is located. The county superintendent ~~and~~  
22 ~~board of county commissioners~~ shall establish the nominating  
23 districts and, unless it is impossible, such districts shall  
24 have coterminous boundaries with elementary district  
25 boundaries.

1 The provisions of section 75-5913 shall govern the  
2 nomination of candidates for the trustee election prescribed  
3 in this section."

4 Section 5. Section 75-5927, R.C.M. 1947, is amended to  
5 read as follows:

6 "75-5927. Organization and officers. The trustees of  
7 each district shall annually organize as a governing board  
8 of the district after the regular election day and after the  
9 issuance of the election certificates to the newly elected  
10 trustees but not later than the third Saturday of April. 7.  
11 ~~except that if the trustees of a high school district~~  
12 ~~operating a county high school are not elected they shall~~  
13 ~~annually organize as the governing board at the first~~  
14 ~~regular meeting of January.~~ In order to organize, the  
15 trustees of the district shall be given notice of the time  
16 and place where the organization meeting will be held and,  
17 at such meeting, they shall choose one of their number as  
18 the chairman. In addition, except for the trustees of a high  
19 school district operating a county high school, the trustees  
20 shall employ and appoint a competent person, who is not a  
21 member of the trustees, as the clerk of the district. The  
22 trustees of a high school district operating a county high  
23 school shall appoint a secretary, who shall be a member of  
24 the board.

25 The chairman of the trustees of any district shall

1 serve until the next organization meeting and shall preside  
 2 at all the meetings of the trustees in accordance with the  
 3 customary rules of order. He shall perform the duties  
 4 prescribed by this Title and any other duties that normally  
 5 pertain to such officer."

6 Section 6. Section 75-5928, R.C.M. 1947, is amended to  
 7 read as follows:

8 "75-5928. Joint board of trustees organization and  
 9 voting membership. Whenever the trustees of a high school  
 10 district operating a county high school and the trustees of  
 11 the elementary district where the county high school  
 12 building is located deem it to be within the best interests  
 13 of the two districts, they may form a joint board of  
 14 trustees for the purpose of co-ordinating the educational  
 15 program of both districts. When a joint board of trustees is  
 16 formed, all of the members of both districts' trustees shall  
 17 be members of the joint board of trustees, and each member  
 18 shall have the right to participate in the meetings but  
 19 voting on matters considered by the joint board shall be  
 20 limited by the provisions of this section.

21 At the first meeting of the joint board of trustees,  
 22 there shall be a chairman of the joint board of trustees  
 23 selected from among the membership. ~~If--the--county~~  
 24 ~~superintendent-is-a-member-of-the-high-school--trustees--he~~  
 25 ~~shall--be--the--secretary--otherwise,~~ A a secretary of the

1 joint board shall be selected from the membership. The  
 2 chairman, when selected as a voting member, shall not be  
 3 disqualified from voting because of his position of chairman  
 4 of the board. The secretary shall not be a voting member  
 5 except that he shall cast the deciding vote when three (3)  
 6 successive ballots have resulted in a tie vote of the joint  
 7 board of trustees.

8 The voting membership of the joint board of trustees  
 9 shall be equalized between the trustee membership of the two  
 10 participating districts. After the selection of the chairman  
 11 and the secretary, if necessary, the voting membership shall  
 12 be:

13 (1) all of the membership of the elementary district  
 14 trustees unless one of its members is selected as secretary,  
 15 in which case such member shall not be a voting member; and

16 (2) the members of the high school district trustees  
 17 who are selected by such trustees as voting members of the  
 18 joint board in a number equal to the number of voting  
 19 members of the elementary district trustees as established  
 20 under subsection (1) above. The names of the voting  
 21 membership selected by the high school trustees shall be  
 22 submitted in writing to the secretary of the board and shall  
 23 be the only members of such district's trustees eligible to  
 24 vote on joint board matters unless such list is revised in  
 25 writing by the high school trustees.

1           Each voting member shall be entitled to cast one vote,  
2 individually, upon every matter submitted to the joint board  
3 for a vote."

4           Section 7. Sections 75-5920, 75-5921, 75-5922,  
5 75-5923, and 75-5925, R.C.M. 1947, are repealed.

-End-