

IN THE HOUSE

APRIL 8, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 House BILL NO. 839
2 INTRODUCED BY Sander

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THE BOARD OF
5 TRUSTEES OF A SCHOOL DISTRICT A METHOD TO PREVENT DILUTION
6 OF ACCESS TO THE ELECTORAL PROCESS FOR INDIAN MINORITIES BY
7 PROVIDING THE BOARD AN OPTION TO CREATE SINGLE-MEMBER
8 TRUSTEE DISTRICTS; TO PROVIDE THAT THE CREATION OF SUCH
9 DISTRICTS BE ACCOMPLISHED IN ORDER TO CONFORM TO FEDERAL LAW
10 PROHIBITING DILUTION OF ACCESS; AND AMENDING SECTIONS
11 20-3-305, 20-3-344, AND 20-20-301, MCA."

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

14 NEW SECTION. Section 1. Legislative intent. It is the
15 intent of the legislature to provide a board of trustees of
16 a school district with the option to:

17 (1) review the voting and population patterns of
18 Indian minorities of the school district, as determined by
19 the most recent federal decennial census, voting records,
20 and other pertinent information; and

21 (2) create single-member trustee districts within the
22 school district if the board determines that the present
23 trustee selection process does not serve the best interests
24 of the electors of the district or ensure that the access of
25 minority populations to the political process is not diluted

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2 NEW SECTION. Section 2. Plan for creating
3 single-member trustee districts. (1) The board of trustees
4 of a school district may establish a procedure for studying
5 the appropriateness of creating single-member trustee
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7 (2) If the board considers a single-member district
8 plan, the plan must establish single-member districts that:

9 (a) are as compact and equal in population and area as
10 possible; and

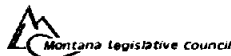
11 (b) provide equitable voting rights for the Indian
12 minorities residing within the school district by ensuring
13 that the access of such minorities to the political process
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15 Amendments of 1982, Public Law 97-205.

16 (3) If the board determines that it is in the best
17 interest of the electors of the school district, it shall:

18 (a) propose creation of a single-member trustee
19 district plan;

20 (b) schedule and hold a public hearing on the proposed
21 plan; and

22 (c) publish in a newspaper of general circulation in
23 the district a notice of the public hearing, including a map
24 of the proposed single-member trustee district plan, and the
25 reasons why the board believes that the plan satisfies the



1 criteria set forth in subsection (2).

2 (4) After the public hearing is held, the board shall
3 forward a copy of the proposed single-member trustee
4 district plan to the secretary of state and the
5 superintendent of public instruction for review and comment.
6 The copy of the proposed plan must be accompanied by:

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15 (5) After receiving comments from the secretary of
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20 (a) inform the county superintendent of schools of its
21 adoption;

22 (b) publish notice of the adoption in a newspaper of
23 general circulation within the district, including
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2 (c) file with the county clerk and recorder a
3 certificate designating the boundary lines and limits of
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5 (6) All successors to the board of trustees must be
6 elected in accordance with the adopted single-member trustee
7 district plan.

8 (7) No change in the boundaries of a trustee district
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13 for in 20-3-304, each trustee candidate in a single-member
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16 represented for at least 1 year prior to becoming a
17 candidate for the trustee position.

18 (2) Nomination of trustee candidates under the
19 provisions of 20-3-305 and 20-3-344 must be by electors of
20 the trustee district.

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23 vote under the provisions of 20-20-301.

24 Section 4. Section 20-3-305, MCA, is amended to read:
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 2 qualified to vote in a district under the provisions of
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2 (3) "MINORITY", AS USED IN [SECTIONS 1 AND 2], MEANS A
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STANDING COMMITTEE REPORT

SENATE

MARCH 25, 1987

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 839

third reading copy (blue color)

ALLOW SCHOOL TRUSTEES THE OPTION TO CREATE SINGLE-MEMBER TRUSTEE DISTRICTS

SANDS (BLAYLOCK)

Respectfully report as follows: That HOUSE BILL No. 839

Be amended as follows:

1. Title, line 6. Strike: "INDIAN"

2. Page 1, line 18. Strike: "Indian"

3. Page 2. Following: line 1. Insert: "(3) "Minority", as used in [sections 1 and 2], means a minority whose rights are protected under section 2 of the Voting Rights Act of 1965, (42 U.S.C.1973), as amended."

4. Page 2, line 9. Following: "compact" Insert: "in area" Following: "and" Insert: "as" Following: "population" Strike: "and area"

5. Page 2, line 11. Strike: "Indian"

6. Page 2, line 13. Strike: "such"

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Bob Brown

SENATOR BOB BROWN, Chairman.

3-25-87 6:30