

HOUSE BILL 299

Introduced by Addy, et al.

1/19	Introduced
1/20	Referred to Education & Cultural Resources
1/21	Fiscal Note Requested
1/27	Hearing
1/28	Fiscal Note Received
1/30	Fiscal Note Printed
1/31	Committee Report--Bill Not Passed
2/01	Adverse Committee Report Rejected
2/03	2nd Reading Passed as Amended
2/06	3rd Reading Passed

Transmitted to Senate

2/07	Referred to Education & Cultural Resources
3/08	Hearing
3/13	Committee Report--Bill Not Concurred as Amended
3/13	Adverse Committee Report Adopted

1 *Hansa* BILL NO. *299*
2 INTRODUCED BY *Sen. Kimberly Kulstad*
3 *Sen. Whalen*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE COUNTY
5 SUPERINTENDENT OF SCHOOLS TO ESTABLISH SINGLE-MEMBER TRUSTEE
6 DISTRICTS IN EVERY SCHOOL DISTRICT IN WHICH 40,000 OR MORE
7 PEOPLE RESIDE; AND AMENDING SECTIONS 20-3-336, 20-3-337, AND
8 20-20-301, MCA."
9

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

11 NEW SECTION. Section 1. Single-member trustee
12 districts -- requirements. (1) Every school district in
13 which 40,000 or more people reside must be divided into
14 single-member trustee districts by the county
15 superintendent. The single-member trustee districts must be
16 as compact in area and as equal in population as possible
17 and must provide equitable voting rights for the minorities
18 residing within the school district by ensuring that the
19 access of minorities to the political process is not diluted
20 in contravention of the Voting Rights Act Amendments of
21 1982, Public Law 97-205.

22 (2) In establishing the single-member trustee
23 districts required under subsection (1), the county
24 superintendent shall:

25 (a) develop a plan for creation of single-member

1 trustee districts within the school district;

2 (b) schedule and hold a public hearing on the proposed
3 plan; and

4 (c) publish in a newspaper of general circulation in
5 the school district a notice of the public hearing,
6 including a map of the proposed single-member trustee
7 district plan and the reasons why the county superintendent
8 believes that the plan satisfies the criteria established in
9 subsection (1).

10 (3) After the public hearing is held, the county
11 superintendent shall forward a copy of the proposed
12 single-member trustee district plan to the secretary of
13 state and the superintendent of public instruction for
14 review and comment. Each copy of the proposed plan must be
15 accompanied by:

16 (a) a map indicating the circulation area of the
17 newspaper that published the notice required by subsection
18 (2);

19 (b) the published notice of the public hearing;

20 (c) a map of the proposed single-member trustee
21 district plan; and

22 (d) a summary of any public comments received by the
23 county superintendent regarding the proposed plan.

24 (4) After receiving comments from the secretary of
25 state and the superintendent of public instruction, the

1 county superintendent may amend, revise, approve, or
2 disapprove the proposed plan. If the plan is adopted by the
3 county superintendent, he shall:

4 (a) inform the district board of trustees of its
5 adoption;

6 (b) publish notice of the adoption in a newspaper of
7 general circulation within the district, including
8 identification of the boundaries of each new single-member
9 trustee district and the implementation date of the plan;
10 and

11 (c) file with the county clerk and recorder a
12 certificate designating the boundary lines and limits of
13 each single-member trustee district.

14 (5) All successors to the board of trustees of a
15 school district must be elected in accordance with the
16 adopted single-member trustee district plan and 20-3-338.

17 (6) No change in the boundaries of a trustee district
18 may be made within 3 months preceding a regular school
19 election day as provided for in 20-3-304.

20 **Section 2.** Section 20-3-336, MCA, is amended to read:

21 "20-3-336. Single-member trustee districts --
22 legislative intent -- minority defined. (1) It is the intent
23 of the legislature to provide a board of trustees of a
24 school district (other than a district for which
25 single-member trustee districts are required under [section

1 1]] with the option to:

2 (a) review the voting and population patterns of
3 minorities of the school district, as determined by the most
4 recent federal decennial census, voting records, and other
5 pertinent information; and

6 (b) create single-member trustee districts within the
7 school district if the board determines that the present
8 trustee selection process does not serve the best interests
9 of the electors of the district or ensure that the access of
10 minority populations to the political process is not diluted
11 in contravention of federal law.

12 (2) "Minority", as used in [section 1], 20-3-337, and
13 this section, means a minority whose rights are protected
14 under section 2 of the Voting Rights Act of 1965, (42 U.S.C.
15 1973), as amended."

16 **Section 3.** Section 20-3-337, MCA, is amended to read:

17 "20-3-337. Plan for creating single-member trustee
18 districts. (1) The board of trustees of a school district
19 (other than a district for which single-member trustee
20 districts are required under [section 1]) may establish a
21 procedure for studying the appropriateness of creating
22 single-member trustee districts within the school district.

23 (2) If the board considers a single-member district
24 plan, the plan must establish single-member districts that:

25 (a) are as compact in area and as equal in population

1 as possible; and

2 (b) provide equitable voting rights for the minorities
3 residing within the school district by ensuring that the
4 access of minorities to the political process is not diluted
5 in contravention of the Voting Rights Act Amendments of
6 1982, Public Law 97-205.

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

9 (a) propose creation of a single-member trustee
10 district plan;

11 (b) schedule and hold a public hearing on the proposed
12 plan; and

13 (c) publish in a newspaper of general circulation in
14 the district a notice of the public hearing, including a map
15 of the proposed single-member trustee district plan, and the
16 reasons why the board believes that the plan satisfies the
17 criteria set forth in subsection (2).

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

23 (a) a map indicating the circulation area of the
24 newspaper in which the notice required in subsection (3) was
25 published;

1 (b) the published notice of the public hearing;

2 (c) a map of the proposed single-member trustee
3 district plan; and

4 (d) a summary of any public comments to the board
5 regarding the proposed plan.

6 (5) After receiving comments from the secretary of
7 state and the superintendent of public instruction, the
8 board of trustees may amend, revise, approve, or disapprove
9 the proposed plan. If the plan is adopted by the board, it
10 shall:

11 (a) inform the county superintendent of schools of its
12 adoption;

13 (b) publish notice of the adoption in a newspaper of
14 general circulation within the district, including
15 identification of the boundaries of each new single-member
16 trustee district and the implementation date of the plan;
17 and

18 (c) file with the county clerk and recorder a
19 certificate designating the boundary lines and limits of
20 each single-member trustee district.

21 (6) All successors to the board of trustees must be
22 elected in accordance with the adopted single-member trustee
23 district plan.

24 (7) No change in the boundaries of a trustee district
25 may be made within 3 months preceding a regular school

1 election day as provided in 20-3-304."

2 **Section 4.** Section 20-20-301, MCA, is amended to read:

3 **"20-20-301. Qualifications of elector.** An individual
4 is entitled to vote at school elections if he has the
5 qualifications set forth in 13-1-111 and is a resident of
6 the school district or, in a school district that has been
7 apportioned into single-member trustee districts according
8 to [section 1] or 20-3-337, a resident of the trustee
9 district."

10 NEW SECTION. **Section 5.** Codification instruction.

11 [Section 1] is intended to be codified as an integral part
12 of Title 20, chapter 3, part 3, and the provisions of Title
13 20 apply to [section 1].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB299, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an Act entitled: "An Act to require the county superintendent of schools to establish single-member trustee districts in every school district in which 40,000 or more people reside; and amending Sections 20-3-336, 20-3-337, and 20-20-301, MCA."

EFFECT ON COUNTY:

Unable to determine.

Ray Shackelford 1/27/89
RAY/SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Kelly Addy Jan 28 '89
KELLY ADDY, PRIMARY SPONSOR DATE

Fiscal Note for HB299, as introduced

HB 299

RECOMMEND DO NOT PASS
ON MOTION, PRINTED AND
PLACED ON SECOND READING

1 *House* BILL NO. *299*
 2 INTRODUCED BY *Andy Kimbrey*
 3 *Jim Whalen*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE COUNTY
 5 SUPERINTENDENT OF SCHOOLS TO ESTABLISH SINGLE-MEMBER TRUSTEE
 6 DISTRICTS IN EVERY SCHOOL DISTRICT IN WHICH 40,000 OR MORE
 7 PEOPLE RESIDE; AND AMENDING SECTIONS 20-3-336, 20-3-337, AND
 8 20-20-301, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Single-member trustee
 12 districts -- requirements. (1) Every school district in
 13 which 40,000 or more people reside must be divided into
 14 single-member trustee districts by the county
 15 superintendent. The single-member trustee districts must be
 16 as compact in area and as equal in population as possible
 17 and must provide equitable voting rights for the minorities
 18 residing within the school district by ensuring that the
 19 access of minorities to the political process is not diluted
 20 in contravention of the Voting Rights Act Amendments of
 21 1982, Public Law 97-205.

22 (2) In establishing the single-member trustee
 23 districts required under subsection (1), the county
 24 superintendent shall:

25 (a) develop a plan for creation of single-member

1 trustee districts within the school district;
 2 (b) schedule and hold a public hearing on the proposed
 3 plan; and
 4 (c) publish in a newspaper of general circulation in
 5 the school district a notice of the public hearing,
 6 including a map of the proposed single-member trustee
 7 district plan and the reasons why the county superintendent
 8 believes that the plan satisfies the criteria established in
 9 subsection (1).
 10 (3) After the public hearing is held, the county
 11 superintendent shall forward a copy of the proposed
 12 single-member trustee district plan to the secretary of
 13 state and the superintendent of public instruction for
 14 review and comment. Each copy of the proposed plan must be
 15 accompanied by:
 16 (a) a map indicating the circulation area of the
 17 newspaper that published the notice required by subsection
 18 (2);
 19 (b) the published notice of the public hearing;
 20 (c) a map of the proposed single-member trustee
 21 district plan; and
 22 (d) a summary of any public comments received by the
 23 county superintendent regarding the proposed plan.
 24 (4) After receiving comments from the secretary of
 25 state and the superintendent of public instruction, the

1 county superintendent may amend, revise, approve, or
2 disapprove the proposed plan. If the plan is adopted by the
3 county superintendent, he shall:

4 (a) inform the district board of trustees of its
5 adoption;

6 (b) publish notice of the adoption in a newspaper of
7 general circulation within the district, including
8 identification of the boundaries of each new single-member
9 trustee district and the implementation date of the plan;
10 and

11 (c) file with the county clerk and recorder a
12 certificate designating the boundary lines and limits of
13 each single-member trustee district.

14 (5) All successors to the board of trustees of a
15 school district must be elected in accordance with the
16 adopted single-member trustee district plan and 20-3-338.

17 (6) No change in the boundaries of a trustee district
18 may be made within 3 months preceding a regular school
19 election day as provided for in 20-3-304.

20 **Section 2.** Section 20-3-336, MCA, is amended to read:

21 "20-3-336. Single-member trustee districts --
22 legislative intent -- minority defined. (1) It is the intent
23 of the legislature to provide a board of trustees of a
24 school district (other than a district for which
25 single-member trustee districts are required under [section

1 1]) with the option to:

2 (a) review the voting and population patterns of
3 minorities of the school district, as determined by the most
4 recent federal decennial census, voting records, and other
5 pertinent information; and

6 (b) create single-member trustee districts within the
7 school district if the board determines that the present
8 trustee selection process does not serve the best interests
9 of the electors of the district or ensure that the access of
10 minority populations to the political process is not diluted
11 in contravention of federal law.

12 (2) "Minority", as used in [section 1], 20-3-337, and
13 this section, means a minority whose rights are protected
14 under section 2 of the Voting Rights Act of 1965, (42 U.S.C.
15 1973), as amended."

16 **Section 3.** Section 20-3-337, MCA, is amended to read:

17 "20-3-337. Plan for creating single-member trustee
18 districts. (1) The board of trustees of a school district
19 (other than a district for which single-member trustee
20 districts are required under [section 1]) may establish a
21 procedure for studying the appropriateness of creating
22 single-member trustee districts within the school district.

23 (2) If the board considers a single-member district
24 plan, the plan must establish single-member districts that:

25 (a) are as compact in area and as equal in population

1 as possible; and

2 (b) provide equitable voting rights for the minorities
3 residing within the school district by ensuring that the
4 access of minorities to the political process is not diluted
5 in contravention of the Voting Rights Act Amendments of
6 1982, Public Law 97-205.

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

9 (a) propose creation of a single-member trustee
10 district plan;

11 (b) schedule and hold a public hearing on the proposed
12 plan; and

13 (c) publish in a newspaper of general circulation in
14 the district a notice of the public hearing, including a map
15 of the proposed single-member trustee district plan, and the
16 reasons why the board believes that the plan satisfies the
17 criteria set forth in subsection (2).

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

23 (a) a map indicating the circulation area of the
24 newspaper in which the notice required in subsection (3) was
25 published;

1 (b) the published notice of the public hearing;

2 (c) a map of the proposed single-member trustee
3 district plan; and

4 (d) a summary of any public comments to the board
5 regarding the proposed plan.

6 (5) After receiving comments from the secretary of
7 state and the superintendent of public instruction, the
8 board of trustees may amend, revise, approve, or disapprove
9 the proposed plan. If the plan is adopted by the board, it
10 shall:

11 (a) inform the county superintendent of schools of its
12 adoption;

13 (b) publish notice of the adoption in a newspaper of
14 general circulation within the district, including
15 identification of the boundaries of each new single-member
16 trustee district and the implementation date of the plan;
17 and

18 (c) file with the county clerk and recorder a
19 certificate designating the boundary lines and limits of
20 each single-member trustee district.

21 (6) All successors to the board of trustees must be
22 elected in accordance with the adopted single-member trustee
23 district plan.

24 (7) No change in the boundaries of a trustee district
25 may be made within 3 months preceding a regular school

1 election day as provided in 20-3-304."

2 **Section 4.** Section 20-20-301, MCA, is amended to read:

3 "20-20-301. Qualifications of elector. An individual
4 is entitled to vote at school elections if he has the
5 qualifications set forth in 13-1-111 and is a resident of
6 the school district or, in a school district that has been
7 apportioned into single-member trustee districts according
8 to [section 1] or 20-3-337, a resident of the trustee
9 district."

10 NEW SECTION. **Section 5.** Codification instruction.
11 [Section 1] is intended to be codified as an integral part
12 of Title 20, chapter 3, part 3, and the provisions of Title
13 20 apply to [section 1].

-End-

HOUSE BILL NO. 299

INTRODUCED BY ADDY, KIMBERLEY, KILPATRICK, HANNAH,
T. NELSON, DRISCOLL, SIMON, WHALEN, MCDONOUGH

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE COUNTY
SUPERINTENDENT OF SCHOOLS TO ESTABLISH SINGLE-MEMBER TRUSTEE
DISTRICTS IN EVERY ELEMENTARY SCHOOL DISTRICT IN WHICH
40,000 OR MORE PEOPLE RESIDE; AND AMENDING SECTIONS
20-3-336, 20-3-337, AND 20-20-301, MCA."

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

NEW SECTION. **Section 1.** Single-member trustee
districts -- requirements. (1) Every ELEMENTARY school
district in which 40,000 or more people reside must be
divided into single-member trustee districts by the county
superintendent. The single-member trustee districts must be
as compact in area and as equal in population as possible
and must provide equitable voting rights for the minorities
residing within the school district by ensuring that the
access of minorities to the political process is not diluted
in contravention of the Voting Rights Act Amendments of
1982, Public Law 97-205.

(2) In establishing the single-member trustee
districts required under subsection (1), the county
superintendent shall:

(a) develop a plan for creation of single-member
trustee districts within the school district;
(b) schedule and hold a public hearing on the proposed
plan; and
(c) publish in a newspaper of general circulation in
the school district a notice of the public hearing,
including a map of the proposed single-member trustee
district plan and the reasons why the county superintendent
believes that the plan satisfies the criteria established in
subsection (1).

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

(a) a map indicating the circulation area of the
newspaper that published the notice required by subsection
(2);

(b) the published notice of the public hearing;

(c) a map of the proposed single-member trustee
district plan; and

(d) a summary of any public comments received by the
county superintendent regarding the proposed plan.

(4) After receiving comments from the secretary of

1 state and the superintendent of public instruction, the
2 county superintendent may amend, revise, approve, or
3 disapprove the proposed plan. If the plan is adopted by the
4 county superintendent, he shall:

5 (a) inform the district board of trustees of its
6 adoption;

7 (b) publish notice of the adoption in a newspaper of
8 general circulation within the district, including
9 identification of the boundaries of each new single-member
10 trustee district and the implementation date of the plan;
11 and

12 (c) file with the county clerk and recorder a
13 certificate designating the boundary lines and limits of
14 each single-member trustee district.

15 (5) All successors to the board of trustees of a
16 school district must be elected in accordance with the
17 adopted single-member trustee district plan and 20-3-338.

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19 may be made within 3 months preceding a regular school
20 election day as provided for in 20-3-304.

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22 "20-3-336. Single-member trustee districts --
23 legislative intent -- minority defined. (1) It is the intent
24 of the legislature to provide a board of trustees of a
25 school district other than a district for which

1 single-member trustee districts are required under [section
2 1]] with the option to:

3 (a) review the voting and population patterns of
4 minorities of the school district, as determined by the most
5 recent federal decennial census, voting records, and other
6 pertinent information; and

7 (b) create single-member trustee districts within the
8 school district if the board determines that the present
9 trustee selection process does not serve the best interests
10 of the electors of the district or ensure that the access of
11 minority populations to the political process is not diluted
12 in contravention of federal law.

13 (2) "Minority", as used in [section 1], 20-3-337, and
14 this section, means a minority whose rights are protected
15 under section 2 of the Voting Rights Act of 1965, (42 U.S.C.
16 1973), as amended."

17 **Section 3.** Section 20-3-337, MCA, is amended to read:

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19 districts. (1) The board of trustees of a school district
20 (other than a district for which single-member trustee
21 districts are required under [section 1]) may establish a
22 procedure for studying the appropriateness of creating
23 single-member trustee districts within the school district.

24 (2) If the board considers a single-member district
25 plan, the plan must establish single-member districts that:

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4 residing within the school district by ensuring that the
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6 in contravention of the Voting Rights Act Amendments of
7 1982, Public Law 97-205.

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9 interest of the electors of the school district, it shall:

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11 district plan;

12 (b) schedule and hold a public hearing on the proposed
13 plan; and

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15 the district a notice of the public hearing, including a map
16 of the proposed single-member trustee district plan, and the
17 reasons why the board believes that the plan satisfies the
18 criteria set forth in subsection (2).

19 (4) After the public hearing is held, the board shall
20 forward a copy of the proposed single-member trustee
21 district plan to the secretary of state and the
22 superintendent of public instruction for review and comment.
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25 newspaper in which the notice required in subsection (3) was

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8 state and the superintendent of public instruction, the
9 board of trustees may amend, revise, approve, or disapprove
10 the proposed plan. If the plan is adopted by the board, it
11 shall:

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13 adoption;

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15 general circulation within the district, including
16 identification of the boundaries of each new single-member
17 trustee district and the implementation date of the plan;
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20 certificate designating the boundary lines and limits of
21 each single-member trustee district.

22 (6) All successors to the board of trustees must be
23 elected in accordance with the adopted single-member trustee
24 district plan.

25 (7) No change in the boundaries of a trustee district

1 may be made within 3 months preceding a regular school
2 election day as provided in 20-3-304."

3 **Section 4.** Section 20-20-301, MCA, is amended to read:

4 "20-20-301. Qualifications of elector. An individual
5 is entitled to vote at school elections if he has the
6 qualifications set forth in 13-1-111 and is a resident of
7 the school district or, in a school district that has been
8 apportioned into single-member trustee districts according
9 to [section 1] or 20-3-337, a resident of the trustee
10 district."

11 NEW SECTION. **Section 5.** Codification instruction.
12 [Section 1] is intended to be codified as an integral part
13 of Title 20, chapter 3, part 3, and the provisions of Title
14 20 apply to [section 1].

-End-