

HOUSE BILL 141

Introduced by Spring, et al.

1/12	Introduced
1/12	Referred to Education & Cultural Resources
1/12	First Reading
1/18	Hearing
1/20	Committee Report--Bill Passed
1/22	2nd Reading Passed
1/25	3rd Reading Passed
	Transmitted to Senate
1/27	Fist Reading
1/27	Referred to Education & Cultural Resources
2/01	Hearing
2/12	Tabled in Committee

1 *House* BILL NO. *141*
 2 INTRODUCED BY *Spring AKLSTAD*
 3 *Davos* *Stanford Lumm*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
 5 NONVOTING HIGH SCHOOL TRUSTEE POSITION CREATED FOR AN
 6 ELEMENTARY DISTRICT TERRITORY WITHOUT EQUITABLE
 7 REPRESENTATION ON THE BOARD OF TRUSTEES IS A VOTING TRUSTEE
 8 POSITION; AND AMENDING SECTIONS 20-3-302 AND 20-3-352, MCA."
 9

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

11 **Section 1.** Section 20-3-302, MCA, is amended to read:

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

1 third-class districts regularly subject to election at the
 2 same time. In high school districts operating a county high
 3 school, there may not be more than two trustee positions to
 4 be filled by members residing in the elementary district
 5 where the county high school building is located or more
 6 than one trustee position to be filled by members residing
 7 outside of the elementary district where the county high
 8 school building is located subject to election at the same
 9 time.

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

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

21 (b) the consolidation of two or more elementary
 22 districts to form an elementary district under the
 23 provisions of 20-6-203;

24 (c) the establishment of additional trustee positions
 25 of a high school district under the provisions of 20-3-353

1 or 20-3-354 or new trustee positions under the provisions of
2 20-3-352(3);

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

5 (e) the filling of a trustee position that has become
6 vacant under the provisions of 20-3-308 or any other
7 provision of law;

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

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

13 **Section 2.** Section 20-3-352, MCA, is amended to read:

14 **"20-3-352. Request and determination of number of high**
15 **school district additional trustee positions ----nonvoting**
16 **trustee.** (1) As provided in 20-3-351(1)(b), a high school
17 district, except a high school district operating a county
18 high school, may have additional trustee positions when the
19 trustees of a majority of the elementary districts with
20 territory located in the high school district, but without
21 equitable representation on the high school district
22 trustees under the provision of 20-3-351(1)(a), request the
23 establishment of additional trustee positions under the
24 provisions of subsection (2) or when the electors approve an
25 alternative method of electing members of the board of

1 trustees under the provisions of subsection (3).

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

10 (a) The taxable valuation of the elementary district
11 that has its trustees placed on the high school trustees
12 must be divided by the number of positions on the trustees
13 of the elementary district to determine the taxable
14 valuation per trustee position.

15 (b) The taxable valuation used for the calculation in
16 subsection (2)(a) must be subtracted from the taxable
17 valuation of the high school district to determine the
18 taxable valuation of the territory of the high school
19 district without representation on the high school district
20 trustees.

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

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

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

19 (3) (a) If more than half of the electors of the high
20 school district reside outside the territory of the
21 elementary school district in which the high school district
22 buildings are located, at least 10% of the electors of the
23 high school district who are qualified to vote under the
24 provisions of 20-20-301 may petition the county
25 superintendent, requesting an election to consider a

1 proposition on the question of establishing the following
2 alternative method of electing the members of the high
3 school district board of trustees:

4 (i) one trustee to be elected from each elementary
5 school district with territory included in the high school
6 district; and

7 (ii) two or three trustees to be elected at large in the
8 high school district, whichever number results in an odd
9 number of members on the board of trustees.

10 (b) (i) When the county superintendent receives a valid
11 petition, the county superintendent shall order the trustees
12 of the high school district to conduct an election on the
13 next regular school election day on the proposition allowed
14 under the provisions of subsection (3)(a).

15 (ii) If the electors of the district approve a
16 proposition to establish the alternative method of electing
17 the high school board of trustees, the county superintendent
18 shall order that the members of the board of trustees be
19 elected according to subsection (3)(a) at the next regular
20 school election.

21 (c) Whenever the trustees are elected at one regular
22 election under subsection (3)(b), the members who are
23 elected shall draw by lot to determine their terms of
24 office. The terms of office by trustee position must be
25 divided as equally as practicable among 1-, 2-, and 3-year

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1 terms.

2 (d) A petition to call an election for the purposes of
3 subsection (3) may not be submitted to the county
4 superintendent more than one time in each 5-year period."

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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3 *Davos* *Stanford* *Miller*
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11 **Section 1.** Section 20-3-302, MCA, is amended to read:

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

1 third-class districts regularly subject to election at the
2 same time. In high school districts operating a county high
3 school, there may not be more than two trustee positions to
4 be filled by members residing in the elementary district
5 where the county high school building is located or more
6 than one trustee position to be filled by members residing
7 outside of the elementary district where the county high
8 school building is located subject to election at the same
9 time.

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

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

21 (b) the consolidation of two or more elementary
22 districts to form an elementary district under the
23 provisions of 20-6-203;

24 (c) the establishment of additional trustee positions
25 of a high school district under the provisions of 20-3-353

or 20-3-354 or new trustee positions under the provisions of 20-3-352(3);

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

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

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

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

Section 2. Section 20-3-352, MCA, is amended to read:

"20-3-352. Request and determination of number of high school district additional trustee positions ----nonvoting trustee. (1) As provided in 20-3-351(1)(b), a high school district, except a high school district operating a county high school, may have additional trustee positions when the trustees of a majority of the elementary districts with territory located in the high school district, but without equitable representation on the high school district trustees under the provision of 20-3-351(1)(a), request the establishment of additional trustee positions under the provisions of subsection (2) or when the electors approve an alternative method of electing members of the board of

trustees under the provisions of subsection (3).

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

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

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

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

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

4 (d) ~~Except-for-a-nonvoting-trustee--position,--the~~ The
5 number determined in subsection (2)(c) must be the number of
6 additional trustee positions, except that the number of
7 additional trustee positions may not exceed four in a first-
8 or second-class high school district or two in a third-class
9 high school district except when two-thirds or more of the
10 high school enrollment of the high school district and
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12 school district are located outside of the elementary
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15 additional trustees must be elected from the elementary
16 school districts in which the high school is not located and
17 one additional trustee must be elected at large in the high
18 school district.

19 (3) (a) If more than half of the electors of the high
20 school district reside outside the territory of the
21 elementary school district in which the high school district
22 buildings are located, at least 10% of the electors of the
23 high school district who are qualified to vote under the
24 provisions of 20-20-301 may petition the county
25 superintendent, requesting an election to consider a

1 proposition on the question of establishing the following
2 alternative method of electing the members of the high
3 school district board of trustees:

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5 school district with territory included in the high school
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7 (ii) two or three trustees to be elected at large in the
8 high school district, whichever number results in an odd
9 number of members on the board of trustees.

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11 petition, the county superintendent shall order the trustees
12 of the high school district to conduct an election on the
13 next regular school election day on the proposition allowed
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15 (ii) If the electors of the district approve a
16 proposition to establish the alternative method of electing
17 the high school board of trustees, the county superintendent
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19 elected according to subsection (3)(a) at the next regular
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