

SENATE BILL NO. 306

INTRODUCED BY HERTEL

IN THE SENATE

FEBRUARY 3, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 9, 1993

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 10, 1993

PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 11, 1993

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993

INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

MARCH 8, 1993

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 10, 1993

SECOND READING, CONCURRED IN.

MARCH 12, 1993

THIRD READING, CONCURRED IN.
AYES, 94; NOES, 1.

MARCH 13, 1993

RETURNED TO SENATE.

IN THE SENATE

MARCH 15, 1993

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 306
2 INTRODUCED BY Hutzel
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STAGGERED
5 TERMS FOR SCHOOL BOARD TRUSTEES; PROVIDING AN EXCEPTION FOR
6 FILLING A TRUSTEE VACANCY; AND AMENDING SECTION 20-3-302,
7 MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "20-3-302. Legislative intent to elect less than
12 majority of trustees. (1) It is the intention of the
13 legislature that the terms of a majority of the trustee
14 positions of any district with elected trustees may not
15 regularly expire and be subject to election on the same
16 regular school election day. Therefore, in elementary
17 districts, there may not be more than three trustee
18 positions in first-class districts, two trustee positions in
19 second-class districts or third-class districts having five
20 trustee positions, or one trustee position in third-class
21 districts having three trustee positions regularly subject
22 to election at the same time. In high school districts there
23 may not be more than two additional trustee positions in
24 first- or second-class districts or more than one in
25 third-class districts regularly subject to election at the

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

9 (2) ~~While it is the intention of the legislature that~~
10 ~~the terms of a majority of trustees of any district may not~~
11 ~~regularly expire and be subject to election at the same~~
12 ~~time, it is recognized that the~~ In the following
13 circumstances, relating to the terms of trustees appointed
14 to newly created trustee positions, or to positions vacated
15 by death, resignation, or operation of law, may lead to a
16 subsequent school election in which a majority of trustee
17 positions are subject to election at the same time the
18 initial terms may be shortened to comply with the intent of
19 subsection (1):

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

22 (b) the consolidation of two or more elementary
23 districts to form an elementary district under the
24 provisions of 20-6-203 or the consolidation of two or more
25 high school districts to form a high school district under

1 the provisions of 20-6-315;

2 (c) the establishment of additional trustee positions
3 of a high school district under the provisions of 20-3-353
4 or 20-3-354 or new trustee positions under the provisions of
5 20-3-352(3);

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

8 ~~{e}--the-filling-of-a-trustee-position-that--has--become~~
9 ~~vacant--under--the--provisions--of--20-3-308--or--any--other~~
10 ~~provision-of-law;~~

11 ~~{f}{e}~~ the establishment of additional elementary
12 trustee positions under the provisions of 20-3-341(3); or

13 ~~{g}{f}~~ any other circumstance--arising--under--the--law
14 ~~wherein a-trustee-position-is-filled-by-appointment-subject~~
15 ~~to--election--at--the--next--regular--school--election~~ the
16 establishment of additional high school trustee positions
17 under the provisions of 20-6-313.

18 {3} If the change of a district's classification under
19 20-6-201 or 20-6-301 decreases the number of trustee
20 positions, the positions must be eliminated in a manner that
21 complies with the intent of subsection (1).

22 {4} Although the legislature intends that the terms of
23 a majority of trustees of any district may not regularly
24 expire and be subject to election at the same time, it is
25 recognized that filling a vacancy under 20-3-308 may lead to

1 a subsequent school election in which a majority of trustee
2 positions are subject to election at the same time."

3 **Section 2.** Section 20-6-201, MCA, is amended to read:

4 "20-6-201. Elementary district classification. (1) Each
5 elementary district shall have a classification of:

6 (a) first class, if it has a population of 6,500 or
7 more;

8 (b) second class, if it has a population of 1,000 or
9 more but less than 6,500; or

10 (c) third class, if it has a population of less than
11 1,000.

12 (2) The population of an elementary district ~~shall~~ must
13 be determined by the county superintendent on the basis of
14 the best available population information for the district.

15 (3) The county superintendent shall establish the
16 classification of each elementary district in the county on
17 the basis of the population determined for the district and
18 the district classification criteria prescribed in this
19 section. Whenever the population of an elementary district
20 increases or decreases requiring an adjustment of the
21 district classification according to the criteria prescribed
22 in this section, the county superintendent shall declare
23 ~~such~~ the district's classification to be changed in
24 accordance with the determined population, except that the
25 classification of an elementary district ~~shall~~ may not be

1 changed more than once every 5 years.

2 (4) Whenever the county superintendent changes an
3 elementary district's classification with the result that a
4 larger number of trustees is required on the elementary
5 board of trustees, the increased number of trustee positions
6 ~~shall~~ must be filled in the manner provided for filling
7 ~~trustee--vacancies in 20-3-302. Such--positions--shall-be~~
8 ~~subject-to-election-on-the-next-regular-school-election-day-~~
9 ~~if--the--county---superintendent---changes---an---elementary~~
10 ~~district's--classification--with--the--result--that-a-lesser~~
11 ~~number-of-trustees-is-required,-the-next-elementary--trustee~~
12 ~~positions--that--become-vacant-under-any-circumstances-shall~~
13 ~~not--be--filled--until--the--number--of--elementary--trustee~~
14 ~~positions-has-been-reduced-to-the-number-required-by-law."~~

-End-

APPROVED BY COMM. ON EDUCATION
AND CULTURAL RESOURCES

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19 second-class districts or third-class districts having five
20 trustee positions, or one trustee position in third-class
21 districts having three trustee positions regularly subject
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24 first- or second-class districts or more than one in
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1 same time. In high school districts operating a county high
2 school, there may not be more than two trustee positions to
3 be filled by members residing in the elementary district
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21 provisions of 20-6-217;

22 (b) the consolidation of two or more elementary
23 districts to form an elementary district under the
24 provisions of 20-6-203 or the consolidation of two or more
25 high school districts to form a high school district under

1 the provisions of 20-6-315;

2 (c) the establishment of additional trustee positions
3 of a high school district under the provisions of 20-3-353
4 or 20-3-354 or new trustee positions under the provisions of
5 20-3-352(3);

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

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16 establishment of additional high school trustee positions
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18 (3) If the change of a district's classification under
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22 (4) Although the legislature intends that the terms of
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1 a subsequent school election in which a majority of trustee
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3 **Section 2.** Section 20-6-201, MCA, is amended to read:

4 **"20-6-201. Elementary district classification.** (1) Each
5 elementary district shall have a classification of:

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12 (2) The population of an elementary district shall must
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18 the district classification criteria prescribed in this
19 section. Whenever the population of an elementary district
20 increases or decreases requiring an adjustment of the
21 district classification according to the criteria prescribed
22 in this section, the county superintendent shall declare
23 such the district's classification to be changed in
24 accordance with the determined population, except that the
25 classification of an elementary district shall may not be

1 changed more than once every 5 years.

2 (4) Whenever the county superintendent changes an
3 elementary district's classification with the result that a
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6 (d) the change of a district's classification under the
7 provisions of 20-6-201 and or 20-6-301;

8 ~~(e) the filling of a trustee position that has become~~
9 ~~vacant under the provisions of 20-3-308 or any other~~
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11 ~~(f)(e)~~ the establishment of additional elementary
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13 ~~(g)(f)~~ any other circumstance arising under the law
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