SENATE BILL NO. 306
INTRODUCED BY HERTEL

FEBRUARY 3, 1993

FEBRUARY 9, 1993

FEBRUARY 10, 1993

FEBRUARY 11, 1993

FEBRUARY 23, 1993

MARCH 8, 1993

MARCH 10, 1993
MARCH 12, 1993

MARCH 13, 1993

MARCH 15, 1993

IN THE SENATE
INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION \& CULTURAL RESOURCES.

FIRST READING.
COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

PRINTING REPORT.
SECOND READING, DO PASS.
ENGROSSING REPORT.

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

TRANSMITTED TO HOUSE.
IN THE HOUSE

INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION \& CULTURAL RESOURCES.

FIRST READING.
COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

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

RETURNED TO SENATE.
IN THE SENATE
RECEIVED FROM HOUSE.
SENT TO ENROLLING.
REPORTED CORRECTLY ENROLLED.

## Sencat_ aris no. 306 <br> INTRODUCED BY beetel

 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STAGGERED TERMS FOR SCHOOL BOARD TRUSTEES; PROVIDING AN EXCEPTION FOR FILLING A TRUSTEE VACANCY; AND AMENDING SECTION 20-3-302, MCA."BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 20-3-302, MCA, is amended to read:
-20-3-302. Legislative intent to elect less than majority of trustees. (1) It is the intention of the legislature that the terms of a majority of the trustee positions of any diatrict with elected trustees may not regularly expire and be subject to election on the same regular school election day. Thereforef-in In elementary districts, there may not be more than three trustee positions in first-class districts, two trustee positions in second-class districts or third-class districts having five trustee positions, or one trustee position in third-class districts having three trustee positions regularly subject to election at the same time. In high school districts there may not be more than two additional trustee positions in first- or second-class districts or more than one in third-class districts regularly subject to election at the
same time. In high school districts operating a county high school, there may not be more than two trustee positions to be filled by members residing in the elementary district where the county high school building is located or more than one trustee position to be filled by members residing outside of the elementary district where the county high school building is located subject to election at the same time.
(2) Whize-it-ia-the-intention-of-the--tegistature--that the--terms-of-a-majority-of-trustees-of-any-distriet-may-not regułariy-expire-and-be-subject--to--ełeetion-at--the--same timer---it---is---recognized---that--the In the following circumstancest relating to the-terms-of--trustees--appointed to newly created trustee positions, or-to-positions-vacated by-deatht-resignationt-or-operation-of-zawt-may--zead--to--a aubsequent--achooz--etection--in-whieh-a-majority-of-trustee positions-are-subject-to--etection--at--the--same--time the initial terms may be shortened to comply with the intent of subsection (1):
(a) the creation of a new elementary district under the provisions of 20-6-217;
(b) the consolidation of two or more elementary districts to form an elementary district under the provisions of 20-6-203 or the consolidation of two or more high school districts to form a high school district under

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the provisions of 20-6-315;
(c) the establishment of additional trustee positions 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 or 20-6-301;
tet--the-fititing-of-a-trustee-position-that--has--become vacant--under--the--provisions--of--ze-3-3日日--or--any--other proviston-of-ław;
tft(e) the establishment of additional elementary trustee positions under the provisions of 20-3-341(3); or
tgt(f) any-other-eireumstance--arising--under--the--taw wherein a-trustee-position-is-fitited-by-appointment-subject to--etection--at--the--next--regułar--schooz--etection the establishment of additional high school trustee positions under the provisions of 20-6-313.
13) If the change of a district's classification under 20-6-201 or 20-6-301 decreases the number of trustee positions, the positions must be eliminated in a manner that complies with the intent of subsection (1).
(4) Although the legislature intends that the terms of a majority of trustees of any district may not regularly expire and be subject to election at the same time, it is recognized that filling a vacancy under 20-3-30B may lead to
a subsequent school election in which a majority of trustee positions are subject to election at the same time."

Section 2. Section 20-6-201, MCA, is amended to read:
-20-6-201. Elementary district classification. (1) Each elementary district shall have a classification of:
(a) first class, if it has a population of 6,500 or more;
(b) second class, if it has a population of 1,000 or more but less than 6,500; or
(c) third class, if it has a population of less than 1,000.
(2) The population of an elementary district shati must be determined by the county superintendent on the basis of the best available population information for the district.
(3) The county superintendent shall establish the classification of each elementary district in the county on the basis of the population determined for the district and the district classification criteria prescribed in this section. Whenever the population of an elementary district increases or decreases requiring an adjustment of the district classification according to the criteria prescribed in this section, the county superintendent shall deciare sueh the district's classification to be changed in accordance with the determined population, except that the classification of an elementary district shatz may not be
changed more than once every 5 years.
(4) Whenever the county superintendent changes an elementary district's classification with the result that a larger number of trustees is required on the elementary board of trustees, the increased number of trustee positions shatł must be filled in the manner provided for fitłing trastee--vacancies in 20-3-302. Sueh--positions--shati-be subject-to-etection-on-the-next-regutar-schoot-ełection-day. if--the--county---superintendent---changes---an---ełementary
 number-of-trustees-is-requiredr-the-next-etementary--trustee positions--that--become-vacant-under-any-eireumstances-shatz not--be--fiłzed--antiz--the--number--of--ełementary--trustee positions-has-been-redueed-to-the-number-required-by-ław-"
-End-

same time. In high school districts operating a county high school, there may not be more than two trustee positions to be filled by sembers residing in the elementary district where the county high school building is located or more than one trustee position to be filled by members residing outside of the elementary district where the county nigh school building is located subject to election at the same time.
(2) White-ite-is-the-intention-of-the--iegiatature--that the-terma-of-e-majority-of-trustees-of-any-diatriet-may-not regułariy-expire-and-be-subjeet--to--ełection--at--the--same timer---it---is---recognined---that--the In the following circumstancest relating to the-terna-of--truatees--appointed to newly created trustee positiond ${ }_{\perp}$ or-to-ponttions-vacated by-deathr-reaignationp-or-operation-of-ławr-may--iead--to--oubsequent--sehooz--zzection--in-whteh-a-majority-of-truatee positions-are-aubject-to--ekection--at--the--aame--time the initial terns may be shortened to comply with the intent of subsection (1):
(a) the creation of anew elementary district under the provisions of 20-6-217:
(b) the consolidation of two or more elementary districta to form an elesentary district under the provisions of 20-6-203 or the consolidation of two or more high school diatricts to forn high school digtrict under

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SECOND READING

| (c) the establishment of additional trustee positions | 2 |
| :---: | :---: |
| of a high school district under the provisions of 20-3-353 | 3 |
| or 20-3-354 or new trustee positions under the provisions of | 4 |
| 20-3-352(3) ; | 5 |
| (d) the change of a district's classification under the | 6 |
| provisions of 20-6-201 and or 20-6-301; | 7 |
| tet--the-fizitng-of-a-trustee-position-that-has--become | 8 |
| vacant--under--the--provisions--of--20-3-308--or--any--other | 9 |
| proviaion-of-tawt | 10 |
| tfi(e) the eatablishment of additional elementary | 11 |
| trustee positions under the provisions of 20-3-341(3); or | 12 |
| tgiff) any-other-eireumatence--arising-under--the--taw | 13 |
| wherein a-trustee-position-is-fitied-by-appointment-subject | 14 |
| to--etection--at--the--next--regutar--schooz--eteetion the | 15 |
| eatablishment of additional high school trustee positions | 16 |
| under the provisions of 20-6-313. | 17 |
| (3) If the change of a district's classification under | 18 |
| 20-6-201 or 20-6-301 decreases the number of trustee | 19 |
| positions, the positions must be eliminated in a manner that | 20 |
| complies with the intent of subsection (1). | 21 |
| (4) Although the legialature intends that the terms of | 22 |
| a manority of trustees of any diatrict may not regularly | 23 |
| expire and be subject to election at the same time, it is | 24 |
| recognized that filling a vacancy under 20-3-309 may lead to | 25 |

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

Section 2. Section 20-6-201, mcA, is amended to read:
-20-6-201. Elementary district classification. (1) Each elementary district shall have a classification of :
(a) first class, if it has a population of 6,500 or more;
(b) second class, if it has a population of 1,000 or more but less than 6.500; or
(c) third class, if it has a population of less than 1,000.
(2) The population of an elementary district shati must be determined by the county superintendent on the basis of the best available population information for the district.
(3) The county superintendent shall establish the classification of each elementary district in the county on the basis of the population determined for the district and the district classification criteria prescribed in this section. Whenever the population of an elementary district increases or decreases requiring an adjustment of the district classification according to the criteria prescribed in this section, the county superintendent shall declare such the diatrict'a classification to be changed in accordance with the deternined population, except that the classification of an elementary district sham may not be

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changed more than once every 5 years.
(4) Whenever the county superintendent changes an elementary district's classification with the result that a larger number of trustees is required on the elementary bourd of trustees, the increased number of trustee positions shał must be filled in the manner provided for fiłłing trustee--vacancies in 20-3-302. Such-positions--shati-be subjeet-to-ezection-on-the-next-reguiar-schooz-ezeetion-dayT if--the--county---auperintendent---changes---an---etementary distrietso--etaseification--with--the--resułt--that-a-tesser number-of-truatees-ta-requiredr-the-nezt-etementary--truatee pesitiona--that--beeome-vacant-under-any-circumstances-shałł not--be--fitied--untiz--the--number--of--ezementary--trustee pooitions-has-been-reduced-to-the-number-required-by-taw-" -End

Inrmoouced ar $\qquad$
 TERMS FOR SCHOOL BOARD TKOSTEES; PMOVIDING AM EXCEPPIIOM FOR FILLING A truster vacancy; and ambiolige swctiom 20-3-302, men."

Section 1. Section 20-3-302, mCA, is amended to read:
-20-3-362. Legialative iatent to elect leas than majority of truntees. (1) it is the intention of the legialature that the termat of amority of the truatee positions of any district with elected trustees may not regularly expire and be subject to election on the same regular achool election day. shereforer--in in elementary districts, there may not be more than three trustee positions in first-clase diatricte, two trustee positions in eecond-clage districte or third-clage diatricts having five trustee positions, or one trustee ponition in third-clase dietricts having three trustee positions regulariy subject to election at the same ties. In high achool districts there may not be more thin two additional truatee poaitiona in first- or second-class districts or core than one in third-clase dietricte regularly aubject to election at the

[^0](c) the establimbent of additional truatee positions of a high echool district under the provisions of 20-3-353 or 20-3-354 or mew trustee positions under the provisions of 20-3-352(3):
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(3) If the chance of a digtrict's clagaification under 20-6-201 or 20-6-301 decreaces the number of trustee poaltions, the position must be elininated in a manner that complies with the latent of suberection (1).
(4) Althone the leqielature intende that the terme of a mojority of trusteen of anr dietrict eay not requieriy expire and be mubiect to election the same time, it is recognised that filling a vacancy under 20-3-30s ay lead to

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(2) The population of an elementary district shatz must be determined by the county auperintendent on the basia of the beat available population information for the district.
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(b) the consolidation of two or more elementary districts to form an elementary district under the provisions of 20-6-203 or the consolidation of two or more high school districts to form a high school district under
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(3) If the change of a district's classification under 20-6-201 or 20-6-301 decreases the number of trustee positions, the positions must be eliminated in a manner that complies with the intent of subsection \{l\}.
(4) Although the legislature intends that the terms of a majority of trustees of any district may not regularly expire and be subject to election at the same time, it is recognized that filling a vacancy under 20-3-308 may lead to
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-20-6-201. Elementary district classification. (1) Each elementary district shall have a classification of
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changed more than once every 5 years.
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-End-


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    (2) Matze-4t-te-the-4meention-of-the-ikegiazatere--that the-terme-of-m-majerity-of-trwnteen-of-any-dtatriet-mer-mot segniariy-onctre-and-be-mabject--to-election--at--the-ame therp--it---te---recognterd--that--the in the following circunatancest relating to the-terme-at--truatera--appotnted
    
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     penttione--that--become-vecent-uaner-any-circumpances-ohaizi
     penttione-ha-been-redweed-to-the-number-reqzis red-by-zava" - Ind-

