

House BILL NO. 437

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INTRODUCED BY Wells  
Emerson

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NONVOTING HIGH SCHOOL TRUSTEE POSITION CREATED FOR AN ELEMENTARY DISTRICT TERRITORY WITHOUT EQUITABLE REPRESENTATION ON THE BOARD OF TRUSTEES TO A VOTING TRUSTEE POSITION; AND AMENDING SECTIONS 20-3-302 AND 20-3-352, 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 district with elected trustees may not regularly expire and be subject to election on the same regular school election day. 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) In the following circumstances relating to newly created trustee positions, 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 the provisions of 20-6-315;
- (c) the establishment of additional trustee positions of a high school district under the provisions

1 of 20-3-353 or 20-3-354 or new trustee positions under the provisions of 20-3-352~~(3)~~;

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

3 (e) the establishment of additional elementary trustee positions under the provisions of  
4 20-3-341(3); or

5 (f) the establishment of additional high school trustee positions under the provisions of 20-6-313.

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

9 (4) Although the legislature intends that the terms of a majority of trustees of any district may not  
10 regularly expire and be subject to election at the same time, it is recognized that filling a vacancy under  
11 20-3-308 may lead to a subsequent school election in which a majority of trustee positions are subject to  
12 election at the same time."

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

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

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

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

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

4 (c) The taxable valuation determined in subsection (2)(b) must be divided by the taxable valuation  
5 per trustee position calculated in subsection (2)(a). The resulting quotient must be rounded off to the  
6 nearest whole number, except that when the quotient is less than 0.5, at least one ~~nonvoting~~ trustee  
7 position must be established for the territory without representation on the high school district board of  
8 trustees under the provision of 20-3-351(1)(a).

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

17 (3) (a) If more than half of the electors of the high school district reside outside the territory of the  
18 elementary school district in which the high school district buildings are located, at least 10% of the  
19 electors of the high school district who are qualified to vote under the provisions of 20-20-301 may petition  
20 the county superintendent, requesting an election to consider a proposition on the question of establishing  
21 the following alternative method of electing the members of the high school district board of trustees:

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

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

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

29 (ii) If the electors of the district approve a proposition to establish the alternative method of electing  
30 the high school board of trustees, the county superintendent shall order that the members of the board of

1 trustees be elected according to subsection (3)(a) at the next regular school election.

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

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

7 -END-

APPROVED BY COM ON EDUCATION  
AND CULTURAL RESOURCES

1 HOUSE BILL NO. 437

2 INTRODUCED BY Wells  
3 Emerson

4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NONVOTING HIGH SCHOOL TRUSTEE  
5 POSITION CREATED FOR AN ELEMENTARY DISTRICT TERRITORY WITHOUT EQUITABLE  
6 REPRESENTATION ON THE BOARD OF TRUSTEES TO A VOTING TRUSTEE POSITION; AND AMENDING  
7 SECTIONS 20-3-302 AND 20-3-352, MCA."

8

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

10

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

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

24 (2) In the following circumstances relating to newly created trustee positions, the initial terms may  
25 be shortened to comply with the intent of subsection (1):

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

27 (b) the consolidation of two or more elementary districts to form an elementary district under the  
28 provisions of 20-6-203 or the consolidation of two or more high school districts to form a high school  
29 district under the provisions of 20-6-315;

30 (c) the establishment of additional trustee positions of a high school district under the provisions

1 of 20-3-353 or 20-3-354 or new trustee positions under the provisions of 20-3-352~~(3)~~;

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

3 (e) the establishment of additional elementary trustee positions under the provisions of  
4 20-3-341(3); or

5 (f) the establishment of additional high school trustee positions under the provisions of 20-6-313.

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

9 (4) Although the legislature intends that the terms of a majority of trustees of any district may not  
10 regularly expire and be subject to election at the same time, it is recognized that filling a vacancy under  
11 20-3-308 may lead to a subsequent school election in which a majority of trustee positions are subject to  
12 election at the same time."

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

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

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

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

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

4 (c) The taxable valuation determined in subsection (2)(b) must be divided by the taxable valuation  
5 per trustee position calculated in subsection (2)(a). The resulting quotient must be rounded off to the  
6 nearest whole number, except that when the quotient is less than 0.5, at least one ~~nonvoting~~ trustee  
7 position must be established for the territory without representation on the high school district board of  
8 trustees under the provision of 20-3-351(1)(a).

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

17 (3) (a) If more than half of the electors of the high school district reside outside the territory of the  
18 elementary school district in which the high school district buildings are located, at least 10% of the  
19 electors of the high school district who are qualified to vote under the provisions of 20-20-301 may petition  
20 the county superintendent, requesting an election to consider a proposition on the question of establishing  
21 the following alternative method of electing the members of the high school district board of trustees:

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

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

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

29 (ii) If the electors of the district approve a proposition to establish the alternative method of electing  
30 the high school board of trustees, the county superintendent shall order that the members of the board of

1 trustees be elected according to subsection (3)(a) at the next regular school election.

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

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

7 -END-



## 1 HOUSE BILL NO. 437

2 INTRODUCED BY WELLS, EMERSON

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~CHANGING THE NONVOTING~~ ALLOWING THE TRUSTEES OF  
5 A SCHOOL DISTRICT TO GRANT VOTING PRIVILEGES TO A HIGH SCHOOL TRUSTEE POSITION CREATED  
6 FOR AN ELEMENTARY DISTRICT TERRITORY WITHOUT EQUITABLE REPRESENTATION ON THE BOARD  
7 OF TRUSTEES ~~TO A VOTING TRUSTEE POSITION~~; AND AMENDING SECTIONS 20-3-302 AND 20-3-352,  
8 MCA."

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

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

13 **"20-3-302. Legislative intent to elect less than majority of trustees.** (1) It is the intention of the  
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15 regularly expire and be subject to election on the same regular school election day. In elementary districts,  
16 there may not be more than three trustee positions in first-class districts, two trustee positions in  
17 second-class districts or third-class districts having five trustee positions, or one trustee position in  
18 third-class districts having three trustee positions regularly subject to election at the same time. In high  
19 school districts there may not be more than two additional trustee positions in first- or second-class districts  
20 or more than one in third-class districts regularly subject to election at the same time. In high school  
21 districts operating a county high school, there may not be more than two trustee positions to be filled by  
22 members residing in the elementary district where the county high school building is located or more than  
23 one trustee position to be filled by members residing outside of the elementary district where the county  
24 high school building is located subject to election at the same time.

25 (2) In the following circumstances relating to newly created trustee positions, the initial terms may  
26 be shortened to comply with the intent of subsection (1):

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

28 (b) the consolidation of two or more elementary districts to form an elementary district under the  
29 provisions of 20-6-203 or the consolidation of two or more high school districts to form a high school  
30 district under the provisions of 20-6-315;

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

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

4 (e) the establishment of additional elementary trustee positions under the provisions of  
5 20-3-341(3); or

6 (f) the establishment of additional high school trustee positions under the provisions of 20-6-313.

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

10 (4) Although the legislature intends that the terms of a majority of trustees of any district may not  
11 regularly expire and be subject to election at the same time, it is recognized that filling a vacancy under  
12 20-3-308 may lead to a subsequent school election in which a majority of trustee positions are subject to  
13 election at the same time."

14  
15 **Section 2.** Section 20-3-352, MCA, is amended to read:

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

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

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

1 the taxable valuation per trustee position.

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

5 (c) The taxable valuation determined in subsection (2)(b) must be divided by the taxable valuation  
6 per trustee position calculated in subsection (2)(a). The resulting quotient must be rounded off to the  
7 nearest whole number, except that when the quotient is less than 0.5, at least one ~~nonvoting~~ **NONVOTING**  
8 trustee position must be established for the territory without representation on the high school district board  
9 of trustees under the provision of 20-3-351(1)(a) AND THE HIGH SCHOOL BOARD OF TRUSTEES MAY  
10 GRANT VOTING PRIVILEGES TO THAT TRUSTEE.

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

20 (3) (a) If more than half of the electors of the high school district reside outside the territory of the  
21 elementary school district in which the high school district buildings are located, at least 10% of the  
22 electors of the high school district who are qualified to vote under the provisions of 20-20-301 may petition  
23 the county superintendent, requesting an election to consider a proposition on the question of establishing  
24 the following alternative method of electing the members of the high school district board of trustees:

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

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

29 (b) (i) When the county superintendent receives a valid petition, the county superintendent shall  
30 order the trustees of the high school district to conduct an election on the next regular school election day

1 on the proposition allowed under the provisions of subsection (3)(a).

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

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

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

10

-END-