

## 1 HOUSE BILL NO. 555

2 INTRODUCED BY J. COHENOUR

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ANY SCHOOL BOARD TRUSTEE OF CERTAIN  
5 DISTRICTS TO PRESIDE OVER THE BOARD; AND AMENDING SECTIONS 20-3-321, 20-3-351, AND  
6 20-3-352, MCA."

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8 WHEREAS, if the boundaries of an elementary school district and a high school district do not coincide,  
9 then high school trustees known as additional trustees may be elected from areas outside of the elementary  
10 school district boundaries to serve on the high school board of trustees along with their elementary school trustee  
11 counterparts who also serve as trustees for the high school district; and

12 WHEREAS, the boards of trustees of school districts may combine their governance into a single school  
13 board and merge the administration of their school districts for purposes of economy and efficiency; and

14 WHEREAS, a combined school board may wish to elect an additional high school trustee as its presiding  
15 officer because of that person's valuable knowledge and experience; and

16 WHEREAS, current state law does not allow additional high school trustees to serve as the presiding  
17 officers of combined school boards because they are not members of the elementary district school board; and

18 WHEREAS, under a combined school board an elementary school district's integrity of governance can  
19 be protected by not allowing an additional high school trustee who is presiding over the board to vote on matters  
20 that pertain only to the elementary school district.

21

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

23

24 **Section 1.** Section 20-3-321, MCA, is amended to read:

25 **"20-3-321. Organization and officers.** (1) The trustees of each district shall annually organize as a  
26 governing board of the district after the regular election day and after the issuance of the election certificates to  
27 the newly elected trustees, but not later than the third Saturday of May. In order to organize, the trustees of the  
28 district must be given notice of the time and place where the organization meeting will be held, and at the meeting  
29 they shall choose one of their number as the presiding officer. In addition, except for the trustees of a high school  
30 district operating a county high school, the trustees shall employ and appoint a competent person, who is not a

1 member of the trustees, as the clerk of the district. The trustees of a high school district operating a county high  
2 school shall appoint a secretary, who must be a member of the board.

3 (2) The presiding officer of the trustees of any district shall serve until the next organization meeting and  
4 shall preside at all the meetings of the trustees in accordance with the customary rules of order. The presiding  
5 officer shall perform the duties prescribed by this title and any other duties that normally pertain to a presiding  
6 officer.

7 (3) An additional trustee as provided in 20-3-352(2) may serve as the presiding officer of the board of  
8 trustees of an elementary district described in 20-3-351(1)(a), but the additional trustee may not vote on issues  
9 pertaining only to the elementary district."

10

11 **Section 2.** Section 20-3-351, MCA, is amended to read:

12 **"20-3-351. Number of trustee positions in high school districts.** (1) Except as provided in  
13 20-3-352(3) and subsection (2) of this section, the trustees of a high school district must be composed of:

14 (a) the trustees of the elementary district in which the high school building is located or, if there is more  
15 than one elementary district in which the operating high school buildings are located, the trustees of the  
16 elementary district in which the operating high school building that was first constructed is located; and

17 (b) the additional trustee positions determined in accordance with 20-3-352(2).

18 (2) There must be seven trustee positions for each county high school.

19 (3) The trustees of an elementary district described in subsection (1)(a) may have as their presiding  
20 officer an additional trustee as determined by 20-3-352(2), but the additional trustee may not vote on issues  
21 pertaining only to the elementary district."

22

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

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

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

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

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

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

17 (d) Except for a nonvoting trustee position, the number determined in subsection (2)(c) must be the  
18 number of additional trustee positions, except that the number of additional trustee positions may not exceed four  
19 in a first- or second-class high school district or two in a third-class high school district except when two-thirds  
20 or more of the high school enrollment of the high school district and two-thirds or more of the taxable valuation  
21 of the high school district are located outside of the elementary district that has its trustees placed on the high  
22 school district trustees. When this situation exists, three additional trustees must be elected from the elementary  
23 school districts in which the high school is not located and one additional trustee must be elected at large in the  
24 high school district.

25 (e) An additional trustee may serve as the presiding officer of the board of trustees of an elementary  
26 district described in 20-3-351(1)(a), but the additional trustee may not vote on issues pertaining only to the  
27 elementary district.

28 (3) (a) If more than half of the electors of the high school district reside outside the territory of the  
29 elementary school district in which the high school district buildings are located, at least 10% of the electors of  
30 the high school district who are qualified to vote under the provisions of 20-20-301 may petition the county

1 superintendent, requesting an election to consider a proposition on the question of establishing one of the  
2 following alternative methods of electing the members of the high school district board of trustees:

3 (i) one trustee must be elected from each elementary school district with territory included in the high  
4 school district and two or three trustees must be elected at large in the high school district, whichever number  
5 results in an odd number of members on the board of trustees; or

6 (ii) the county superintendent shall establish four trustee nominating districts within the high school district  
7 but outside the territory of the elementary school district in which the high school buildings are located. One  
8 trustee must be elected from each trustee nominating district and three trustees must be elected from the  
9 elementary district in which the high school buildings are located, for a total of seven trustees on the high school  
10 district board of trustees. Trustees elected from the elementary district in which the high school buildings are  
11 located shall serve on both the high school district board of trustees and on the elementary school district board  
12 of trustees.

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

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

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

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

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