

1 HOUSE BILL NO. 619  
2 INTRODUCED BY Seidl

3  
4 A BILL FOR AN ACT ENTITLED "AN ACT TO MAKE CLEAR THE  
5 APPLICATION OF RETIREMENT FUND PROVISIONS TO COMMUNITY  
6 COLLEGE DISTRICTS; TO CHANGE THE DATE FOR COMMUNITY COLLEGE  
7 ELECTIONS TO THE FIRST TUESDAY IN APRIL; TO INCREASE TRAVEL  
8 EXPENSE REIMBURSEMENT OF TRUSTEES; TO CLARIFY COUNTY  
9 ATTORNEYS' DUTIES; AND TO GENERALLY REVISE AND CLARIFY  
10 POWERS AND DUTIES OF COMMUNITY COLLEGE DISTRICT TRUSTEES;  
11 AMENDING SECTIONS 75-7204, 75-8114, 75-8117, 75-8119, AND  
12 75-8305, R.C.M. 1947."

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 75-7204, R.C.M. 1947, is amended to  
16 read as follows:

17 "75-7204. Retirement fund. The trustees of any  
18 district employing personnel who are members of the teachers  
19 retirement system or the public employees retirement system,  
20 or who are covered by unemployment compensation, or who are  
21 covered by any federal social security system requiring  
22 employer contributions shall establish a retirement fund for  
23 the purposes of budgeting and paying the employer's  
24 contributions to such systems. The district's contribution  
25 for each employee who is a member of the teachers retirement

1 system shall be calculated in accordance with section  
2 75-6207. The district's contribution for each employee who  
3 is a member of the public employees retirement system shall  
4 be calculated in accordance with section 68-603, R.C.M.,  
5 1947. The district's contributions for each employee covered  
6 by any federal social security system shall be paid in  
7 accordance with federal law and regulation. The district's  
8 contribution for each employee who is covered by  
9 unemployment compensation shall be paid in accordance with  
10 section 87-109.

11 The trustees of any district required to make a  
12 contribution to any such system shall include in the  
13 retirement fund of the preliminary budget the estimated  
14 amount of the employer's contribution and such additional  
15 moneys, within legal limitations, as they may wish to  
16 provide for the retirement fund cash reserve. After the  
17 final retirement fund budget has been adopted, the trustees  
18 shall pay the employer contributions to such systems in  
19 accordance with the financial administration provisions of  
20 this title.

21 When the final retirement fund budget has been adopted,  
22 the county superintendent shall establish the levy  
23 requirement by:

24 (1) determining the sum of the moneys available to  
25 reduce the retirement fund levy requirement by adding:

1 (a) any anticipated moneys that may be realized in the  
2 retirement fund during the ensuing school fiscal year; and

3 (b) any cash available for reappropriation as  
4 determined by subtracting the amount of the end-of-the-year  
5 cash balance earmarked as the retirement fund cash reserve  
6 for the ensuing school fiscal year by the trustees from the  
7 end-of-the-year cash balance in the retirement fund. The  
8 retirement fund cash reserve shall not be more than  
9 thirty-five per cent (35%) of the final retirement fund  
10 budget for the ensuing school fiscal year and shall be used  
11 for the purpose of paying retirement fund warrants issued by  
12 the district under the final retirement fund budget.

13 (2) subtracting the total of the moneys available for  
14 reduction of the levy requirement as determined in  
15 subsection (1) from the budgeted amount for expenditures in  
16 the final retirement fund budget.

17 The county superintendent shall total the net  
18 retirement fund levy requirements separately for all  
19 elementary school districts, and all high school districts,  
20 and all community college districts of the county, including  
21 any prorated joint district levy requirements, and shall  
22 report each such levy requirement to the county  
23 commissioners on the second Monday of August as the  
24 respective county levy requirements for elementary district,  
25 and high school district, and community college district

1 retirement funds. The county commissioners shall fix and set  
2 such county levy in accordance with section 75-6717.

3 The net retirement fund levy requirement for a joint  
4 elementary district or a joint high school district shall be  
5 prorated to each county in which a part of such district is  
6 located in the same proportion as the district ANB of the  
7 joint district is distributed by pupil residence in each  
8 such county. The county superintendents of the counties  
9 affected shall jointly determine the net retirement fund  
10 levy requirement for each county as provided in section  
11 75-6721."

12 Section 2. Section 75-8114, R.C.M. 1947, is amended to  
13 read as follows:

14 "75-8114. Election of trustees after organization of  
15 community college district. After organization, the  
16 registered electors of the community college district shall  
17 vote for trustees on the first ~~Saturday~~ Tuesday in April,  
18 and such elections shall be conducted by the component  
19 elementary school districts within such community college  
20 district upon the order of the board of trustees of the  
21 community college district. Such order shall be transmitted  
22 to the appropriate trustees not less than forty (40) days  
23 prior to the regular school election day.

24 Notice of the community college district trustee  
25 election shall be given by the board of trustees of the

1 community college district by publication in one (1) or more  
 2 newspaper of general circulation within each county, not  
 3 less than once a week for two (2) consecutive weeks, the  
 4 last insertion to be no longer than one (1) week prior to  
 5 the date of the election. This notice shall be in addition  
 6 to the election notice to be given by the trustees of the  
 7 component elementary districts under the school election  
 8 laws.

9 Should trustees be elected other than at large  
 10 throughout the entire district, then only those qualified  
 11 voters within the area from which the trustee or trustees  
 12 are to be elected shall cast their ballots for the trustee  
 13 or trustees from that area. All candidates for the office of  
 14 trustee shall file their declarations of candidacy with the  
 15 secretary of the board of trustees of the community college  
 16 district not less than thirty (30) days prior to the date of  
 17 election. If an electronic voting system or voting machines  
 18 are not used in the component elementary school district or  
 19 districts which conduct the election, then the board of  
 20 trustees of the community college district shall cause  
 21 ballots to be printed and distributed for the polling places  
 22 in such component districts at the expense of the community  
 23 college district, but in all other respects said elections  
 24 shall be conducted in accordance with the school election  
 25 laws. All costs incident to election of the community

1 college trustees shall be borne by the community college  
 2 district including one-half (1/2) of the compensation of the  
 3 judges for the school elections; provided that, if the  
 4 election of the community college district trustees is the  
 5 only election conducted, the community college district  
 6 shall compensate the district for the total cost of the  
 7 election.\*

8 Section 3. Section 75-8117, R.C.M. 1947, is amended to  
 9 read as follows:

10 \*75-8117. Board of trustees meetings, quorum, travel,  
 11 reimbursements and seal. The board of trustees of the  
 12 community college shall hold monthly meetings within the  
 13 community college district on such day of the month the  
 14 trustees may set. The president and secretary of the board  
 15 or a majority of the board may also call special meetings of  
 16 the board of trustees at any time and place within the  
 17 community college district, if in their judgment necessity  
 18 requires it. The secretary of the board shall give each  
 19 member a forty-eight (48) hour written notice of all special  
 20 meetings.

21 A majority of the board of trustees shall constitute a  
 22 quorum for the transaction of business except that no  
 23 contract shall be let, teacher employed or dismissed, or  
 24 bill approved unless a majority of the total board  
 25 membership shall vote in favor of such action.

1 The members of the board of trustees shall receive ten  
2 cents ~~(10¢)~~ per mile mileage as provided for in 59-801 for  
3 the distance necessarily traveled in going to and returning  
4 from the place of the meeting and his place of residence  
5 each day that such trip is actually made.

6 The board shall keep a common seal with which to attest  
7 its official acts."

8 Section 4. Section 75-8119, R.C.M. 1947, is amended to  
9 read as follows:

10 \*75-8119. Courses of instruction and tuition fees. (1)  
11 A community college district shall provide instructional  
12 ~~classes, school or schools for student residents within the~~  
13 ~~community college district,~~ in academic, occupational, and  
14 adult education, subject to the approval of the board of  
15 regents of higher education. The board of trustees of such  
16 district may, in their discretion ~~determine the per capita~~  
17 ~~cost of such courses, file the same with the regents and~~  
18 ~~upon approval thereof by the regents shall require of all~~  
19 ~~nondistrict residents who are accepted as pupils, a tuition~~  
20 ~~fee in such sum as may be necessary for maintenance of such~~  
21 ~~course or courses. A different tuition may be established as~~  
22 ~~between nondistrict residents residing within the state of~~  
23 ~~Montana and those residing outside the state of Montana, and~~  
24 upon approval of the board of regents, prescribe:

25 (a) tuition rates for in-district students,

1 out-of-district students who are residents of the state of  
2 Montana, and students who are not residents of the state of  
3 Montana;

4 (b) matriculation charges; and  
5 (c) incidental fees, including building fees, for  
6 students in the community college.

7 (2) In addition thereto, such board of trustees may  
8 ~~charge resident students~~ prescribe such ~~amounts of other~~  
9 ~~fees~~ as it ~~deems~~ considers necessary to maintain such  
10 courses, taking into consideration such other funds as may  
11 be available under law for the support of such courses."

12 Section 5. There is a new section in Title 75, chapter  
13 81, R.C.M. 1947, that reads as follows:

14 Powers and duties. The trustees of a community college  
15 district shall, subject to supervision by the board of  
16 regents:

17 (1) have general control and supervision of the  
18 community college;

19 (2) adopt rules, not inconsistent with the  
20 constitution and the laws of the state, for the government  
21 and administration of the community college;

22 (3) grant certificates and degrees to the graduates of  
23 the community college;

24 (4) keep a record of its proceedings;

25 (5) have, when not otherwise provided by law, control

1 of all books, records, buildings, grounds, and other  
2 property of the community college;

3 (6) receive from the state board of land  
4 commissioners, other boards, agencies, or persons or from  
5 the government of the United States all funds, incomes, and  
6 other property the community college may be entitled to  
7 receive or accept and use and appropriate the property for  
8 the specific purpose of the entitlement, grant, or donation;

9 (7) have general control of all receipts and  
10 disbursements of the community college;

11 (8) appoint and dismiss a president and faculty for  
12 the community college, appoint and dismiss any other  
13 necessary officers, agents, and employees, fix their  
14 compensation, and set the terms and conditions of their  
15 employment;

16 (9) administer the tuition provision and otherwise  
17 govern the students of the community college district in  
18 accordance with the provisions of this chapter;

19 (10) call and conduct the elections of the district in  
20 accordance with the school election chapter of this title;

21 (11) participate in the teachers' retirement system of  
22 the state of Montana in accordance with the provisions of  
23 the teachers' retirement system chapter of this title; and

24 (12) participate in district boundary change actions in  
25 accordance with the provisions of the district organization

1 chapter of this title.

2 Section 6. Section 75-8305, R.C.M. 1947, is amended to  
3 read as follows:

4 "75-8305. Duty of county attorney. Upon request of the  
5 county superintendent or the trustees of any school district  
6 or community college district, the county attorney shall be  
7 their legal adviser and shall prosecute and defend all suits  
8 to which such persons, in their capacity as public  
9 officials, may be a party, however, the trustees of any  
10 school district or community college district may, upon  
11 consent of the county attorney, employ any other attorney  
12 licensed in Montana to perform any legal services in  
13 connection with school or community college board business."

-End-

Approved by Committee  
on Education

1 HOUSE BILL NO. 619  
 2 INTRODUCED BY SOUTH  
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 4 A BILL FOR AN ACT ENTITLED "AN ACT TO MAKE CLEAR THE  
 5 APPLICATION OF RETIREMENT FUND PROVISIONS TO COMMUNITY  
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 8 EXPENSE REIMBURSEMENT OF TRUSTEES; TO CLARIFY COUNTY  
 9 ATTORNEYS' DUTIES; AND TO GENERALLY REVISE AND CLARIFY  
 10 POWERS AND DUTIES OF COMMUNITY COLLEGE DISTRICT TRUSTEES;  
 11 AMENDING SECTIONS 75-7204, 75-8114, 75-8117, 75-8119, AND  
 12 75-8305, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 13 DATE."

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 75-7204, R.C.M. 1947, is amended to  
17 read as follows:

18 "75-7204. Retirement fund. The trustees of any  
 19 district employing personnel who are members of the teachers  
 20 retirement system or the public employees retirement system,  
 21 or who are covered by unemployment compensation, or who are  
 22 covered by any federal social security system requiring  
 23 employer contributions shall establish a retirement fund for  
 24 the purposes of budgeting and paying the employer's  
 25 contributions to such systems. The district's contribution

1 for each employee who is a member of the teachers retirement  
 2 system shall be calculated in accordance with section  
 3 75-6207. The district's contribution for each employee who  
 4 is a member of the public employees retirement system shall  
 5 be calculated in accordance with ~~section 68-603, R.C.M.~~  
 6 ~~1947 68-1704.~~ The district's contributions for each employee  
 7 covered by any federal social security system shall be paid  
 8 in accordance with federal law and regulation. The  
 9 district's contribution for each employee who is covered by  
 10 unemployment compensation shall be paid in accordance with  
 11 section 87-109.

12 The trustees of any district required to make a  
 13 contribution to any such system shall include in the  
 14 retirement fund of the preliminary budget the estimated  
 15 amount of the employer's contribution and such additional  
 16 moneys, within legal limitations, as they may wish to  
 17 provide for the retirement fund cash reserve. After the  
 18 final retirement fund budget has been adopted, the trustees  
 19 shall pay the employer contributions to such systems in  
 20 accordance with the financial administration provisions of  
 21 this title.

22 When the final retirement fund budget has been adopted,  
 23 the county superintendent shall establish the levy  
 24 requirement by:

- 25 (1) determining the sum of the moneys available to

1 reduce the retirement fund levy requirement by adding:

2 (a) any anticipated moneys that may be realized in the

3 retirement fund during the ensuing school fiscal year; and

4 (b) any cash available for reappropriation as

5 determined by subtracting the amount of the end-of-the-year

6 cash balance earmarked as the retirement fund cash reserve

7 for the ensuing school fiscal year by the trustees from the

8 end-of-the-year cash balance in the retirement fund. The

9 retirement fund cash reserve shall not be more than

10 thirty-five per cent (35%) of the final retirement fund

11 budget for the ensuing school fiscal year and shall be used

12 for the purpose of paying retirement fund warrants issued by

13 the district under the final retirement fund budget.

14 (2) subtracting the total of the moneys available for

15 reduction of the levy requirement as determined in

16 subsection (1) from the budgeted amount for expenditures in

17 the final retirement fund budget.

18 The county superintendent shall total the net

19 retirement fund levy requirements separately for all

20 elementary school districts, ~~and all high school districts,~~

21 ~~and all community college districts~~ of the county, including

22 any prorated joint district levy requirements, and shall

23 report each such levy requirement to the county

24 commissioners on the second Monday of August as the

25 respective county levy requirements for elementary district,

1 ~~and high school district, and community college district~~

2 retirement funds. The county commissioners shall fix and set

3 such county levy in accordance with section 75-6717.

4 The net retirement fund levy requirement for a joint

5 elementary district or a joint high school district shall be

6 prorated to each county in which a part of such district is

7 located in the same proportion as the district ANB of the

8 joint district is distributed by pupil residence in each

9 such county. The county superintendents of the counties

10 affected shall jointly determine the net retirement fund

11 levy requirement for each county as provided in section

12 75-6721."

13 Section 2. Section 75-8114, R.C.M. 1947, is amended to

14 read as follows:

15 "75-8114. Election of trustees after organization of

16 community college district. After organization, the

17 registered electors of the community college district shall

18 vote for trustees on the first ~~Saturday~~ Tuesday in April,

19 and such elections shall be conducted by the component

20 elementary school districts within such community college

21 district upon the order of the board of trustees of the

22 community college district. Such order shall be transmitted

23 to the appropriate trustees not less than forty (40) days

24 prior to the regular school election day.

25 Notice of the community college district trustee

1 election shall be given by the board of trustees of the  
 2 community college district by publication in one (1) or more  
 3 newspaper of general circulation within each county, not  
 4 less than once a week for two (2) consecutive weeks, the  
 5 last insertion to be no longer than one (1) week prior to  
 6 the date of the election. This notice shall be in addition  
 7 to the election notice to be given by the trustees of the  
 8 component elementary districts under the school election  
 9 laws.

10 Should trustees be elected other than at large  
 11 throughout the entire district, then only those qualified  
 12 voters within the area from which the trustee or trustees  
 13 are to be elected shall cast their ballots for the trustee  
 14 or trustees from that area. All candidates for the office of  
 15 trustee shall file their declarations of candidacy with the  
 16 secretary of the board of trustees of the community college  
 17 district not less than thirty (30) days prior to the date of  
 18 election. If an electronic voting system or voting machines  
 19 are not used in the component elementary school district or  
 20 districts which conduct the election, then the board of  
 21 trustees of the community college district shall cause  
 22 ballots to be printed and distributed for the polling places  
 23 in such component districts at the expense of the community  
 24 college district, but in all other respects said elections  
 25 shall be conducted in accordance with the school election

1 laws. All costs incident to election of the community  
 2 college trustees shall be borne by the community college  
 3 district including one-half (1/2) of the compensation of the  
 4 judges for the school elections; provided that, if the  
 5 election of the community college district trustees is the  
 6 only election conducted, the community college district  
 7 shall compensate the district for the total cost of the  
 8 election."

9 Section 3. Section 75-8117, R.C.M. 1947, is amended to  
 10 read as follows:

11 "75-8117. Board of trustees meetings, quorum, travel,  
 12 reimbursements and seal. The board of trustees of the  
 13 community college shall hold monthly meetings within the  
 14 community college district on such day of the month the  
 15 trustees may set. The president and secretary of the board  
 16 or a majority of the board may also call special meetings of  
 17 the board of trustees at any time and place within the  
 18 community college district, if in their judgment necessity  
 19 requires it. The secretary of the board shall give each  
 20 member a forty-eight (48) hour written notice of all special  
 21 meetings.

22 A majority of the board of trustees shall constitute a  
 23 quorum for the transaction of business except that no  
 24 contract shall be let, teacher employed or dismissed, or  
 25 bill approved unless a majority of the total board



1 membership shall vote in favor of such action.

2 The members of the board of trustees shall receive ~~ten~~  
3 ~~cents (10%) per mile mileage as provided for in 59-901~~ for  
4 the distance necessarily traveled in going to and returning  
5 from the place of the meeting and his place of residence  
6 each day that such trip is actually made.

7 The board shall keep a common seal with which to attest  
8 its official acts."

9 Section 4. Section 75-8119, R.C.M. 1947, is amended to  
10 read as follows:

11 "75-8119. Courses of instruction and tuition fees. (1)  
12 A community college district shall provide instruction,  
13 ~~classes, school or schools for student residents within the~~  
14 ~~community college district,~~ in academic, occupational, and  
15 adult education, subject to the approval of the board of  
16 regents of higher education. The board of trustees of such  
17 district may, in their discretion ~~determine the per capita~~  
18 ~~cost of such courses, file the same with the regents and~~  
19 ~~upon approval thereof by the regents shall require of all~~  
20 ~~nondistrict residents who are accepted as pupils, a tuition~~  
21 ~~fee in such sum as may be necessary for maintenance of such~~  
22 ~~course or courses. A different tuition may be established as~~  
23 ~~between nondistrict residents residing within the state of~~  
24 ~~Montana and those residing outside the state of Montana, and~~  
25 upon approval of the board of regents, prescribe:

1 (a) tuition rates for in-district students,  
2 out-of-district students who are residents of the state of  
3 Montana, and students who are not residents of the state of  
4 Montana;

5 (b) matriculation charges; and

6 (c) incidental fees, including building fees, for  
7 students in the community college.

8 (2) In addition thereto, such board of trustees may  
9 ~~charge resident students prescribe~~ such amounts ~~of other~~  
10 ~~fees~~ as it ~~deems~~ considers necessary to maintain such  
11 courses, taking into consideration such other funds as may  
12 be available under law for the support of such courses."

13 Section 5. There is a new section in Title 75, chapter  
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15 Powers and duties. The trustees of a community college  
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19 community college;

20 (2) adopt rules, not inconsistent with the  
21 constitution and the laws of the state, for the government  
22 and administration of the community college;

23 (3) grant certificates and degrees to the graduates of  
24 the community college;

25 (4) keep a record of its proceedings;

1 (5) have, when not otherwise provided by law, control  
2 of all books, records, buildings, grounds, and other  
3 property of the community college;

4 (6) receive from the state board of land  
5 commissioners, other boards, agencies, or persons or from  
6 the government of the United States all funds, incomes, and  
7 other property the community college may be entitled to  
8 receive or accept and use and appropriate the property for  
9 the specific purpose of the entitlement, grant, or donation;

10 (7) have general control of all receipts and  
11 disbursements of the community college;

12 (8) appoint and dismiss a president and faculty for  
13 the community college, appoint and dismiss any other  
14 necessary officers, agents, and employees, fix their  
15 compensation, and set the terms and conditions of their  
16 employment;

17 (9) administer the tuition provision and otherwise  
18 govern the students of the community college district in  
19 accordance with the provisions of this chapter;

20 (10) call and conduct the elections of the district in  
21 accordance with the school election chapter of this title;

22 (11) participate in the teachers' retirement system of  
23 the state of Montana in accordance with the provisions of  
24 the teachers' retirement system chapter of this title; and

25 (12) participate in district boundary change actions in

1 accordance with the provisions of the district organization  
2 chapter of this title.

3 Section 6. Section 75-8305, R.C.M. 1947, is amended to  
4 read as follows:

5 "75-8305. Duty of county attorney. Upon request of the  
6 county superintendent or the trustees of any school district  
7 or community college district, the county attorney shall be  
8 their legal adviser and shall prosecute and defend all suits  
9 to which such persons, in their capacity as public  
10 officials, may be a party, however, the trustees of any  
11 school district or community college district may, upon  
12 consent of the county attorney, employ any other attorney  
13 licensed in Montana to perform any legal services in  
14 connection with school or community college board business."

15 SECTION 7. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON  
16 ITS PASSAGE AND APPROVAL.

-End-

1 HOUSE BILL NO. 619

2 INTRODUCED BY SOUTH

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4 A BILL FOR AN ACT ENTITLED "AN ACT TO MAKE CLEAR THE  
5 APPLICATION OF RETIREMENT FUND PROVISIONS TO COMMUNITY  
6 COLLEGE DISTRICTS; TO CHANGE THE DATE FOR COMMUNITY COLLEGE  
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21 or who are covered by unemployment compensation, or who are  
22 covered by any federal social security system requiring  
23 employer contributions shall establish a retirement fund for  
24 the purposes of budgeting and paying the employer's  
25 contributions to such systems. The district's contribution

1 for each employee who is a member of the teachers retirement  
2 system shall be calculated in accordance with section  
3 75-6207. The district's contribution for each employee who  
4 is a member of the public employees retirement system shall  
5 be calculated in accordance with ~~section 68-603, R.C.M.~~  
6 ~~1947 ~~68-1704~~ 68-2504.~~ THE DISTRICT MAY LEVY A SPECIAL TAX TO  
7 PAY ITS CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT  
8 SYSTEM UNDER THE CONDITIONS PRESCRIBED IN 68-1704. The  
9 district's contributions for each employee covered by any  
10 federal social security system shall be paid in accordance  
11 with federal law and regulation. The district's  
12 contribution for each employee who is covered by  
13 unemployment compensation shall be paid in accordance with  
14 section 87-109.

15 The trustees of any district required to make a  
16 contribution to any such system shall include in the  
17 retirement fund of the preliminary budget the estimated  
18 amount of the employer's contribution and such additional  
19 moneys, within legal limitations, as they may wish to  
20 provide for the retirement fund cash reserve. After the  
21 final retirement fund budget has been adopted, the trustees  
22 shall pay the employer contributions to such systems in  
23 accordance with the financial administration provisions of  
24 this title.

25 When the final retirement fund budget has been adopted,

THIRD READING

1 the county superintendent shall establish the levy  
2 requirement by:

3 (1) determining the sum of the moneys available to  
4 reduce the retirement fund levy requirement by adding:

5 (a) any anticipated moneys that may be realized in the  
6 retirement fund during the ensuing school fiscal year; and

7 (b) any cash available for reappropriation as  
8 determined by subtracting the amount of the end-of-the-year  
9 cash balance earmarked as the retirement fund cash reserve  
10 for the ensuing school fiscal year by the trustees from the  
11 end-of-the-year cash balance in the retirement fund. The  
12 retirement fund cash reserve shall not be more than  
13 thirty-five per cent (35%) of the final retirement fund  
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15 for the purpose of paying retirement fund warrants issued by  
16 the district under the final retirement fund budget.

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18 reduction of the levy requirement as determined in  
19 subsection (1) from the budgeted amount for expenditures in  
20 the final retirement fund budget.

21 The county superintendent shall total the net  
22 retirement fund levy requirements separately for all  
23 elementary school districts, ~~and~~ all high school districts,  
24 ~~and all community college districts~~ of the county, including  
25 any prorated joint district levy requirements, and shall

1 report each such levy requirement to the county  
2 commissioners on the second Monday of August as the  
3 respective county levy requirements for elementary districts,  
4 ~~and high school districts, and community college district~~  
5 retirement funds. The county commissioners shall fix and set  
6 such county levy in accordance with section 75-6717.

7 The net retirement fund levy requirement for a joint  
8 elementary district or a joint high school district shall be  
9 prorated to each county in which a part of such district is  
10 located in the same proportion as the district ANB of the  
11 joint district is distributed by pupil residence in each  
12 such county. The county superintendents of the counties  
13 affected shall jointly determine the net retirement fund  
14 levy requirement for each county as provided in section  
15 75-6721."

16 Section 2. Section 75-8114, R.C.M. 1947, is amended to  
17 read as follows:

18 "75-8114. Election of trustees after organization of  
19 community college district. After organization, the  
20 registered electors of the community college district shall  
21 vote for trustees on the first ~~Saturday~~ Tuesday in April,  
22 and such elections shall be conducted by the component  
23 elementary school districts within such community college  
24 district up to the order of the board of trustees of the  
25 community college district. Such order shall be transmitted

1 to the appropriate trustees not less than forty (40) days  
2 prior to the regular school election day.

3 Notice of the community college district trustee  
4 election shall be given by the board of trustees of the  
5 community college district by publication in one (1) or more  
6 newspaper of general circulation within each county, not  
7 less than once a week for two (2) consecutive weeks, the  
8 last insertion to be no longer than one (1) week prior to  
9 the date of the election. This notice shall be in addition  
10 to the election notice to be given by the trustees of the  
11 component elementary districts under the school election  
12 laws.

13 Should trustees be elected other than at large  
14 throughout the entire district, then only those qualified  
15 voters within the area from which the trustee or trustees  
16 are to be elected shall cast their ballots for the trustee  
17 or trustees from that area. All candidates for the office of  
18 trustee shall file their declarations of candidacy with the  
19 secretary of the board of trustees of the community college  
20 district not less than thirty (30) days prior to the date of  
21 election. If an electronic voting system or voting machines  
22 are not used in the component elementary school district or  
23 districts which conduct the election, then the board of  
24 trustees of the community college district shall cause  
25 ballots to be printed and distributed for the polling places

1 in such component districts at the expense of the community  
2 college district, but in all other respects said elections  
3 shall be conducted in accordance with the school election  
4 laws. All costs incident to election of the community  
5 college trustees shall be borne by the community college  
6 district including one-half (1/2) of the compensation of the  
7 judges for the school elections; provided that, if the  
8 election of the community college district trustees is the  
9 only election conducted, the community college district  
10 shall compensate the district for the total cost of the  
11 election."

12 Section 3. Section 75-8117, R.C.M. 1947, is amended to  
13 read as follows:

14 "75-8117. Board of trustees meetings, quorum, travel,  
15 reimbursements and seal. The board of trustees of the  
16 community college shall hold monthly meetings within the  
17 community college district on such day of the month the  
18 trustees may set. The president and secretary of the board  
19 or a majority of the board may also call special meetings of  
20 the board of trustees at any time and place within the  
21 community college district, if in their judgment necessity  
22 requires it. The secretary of the board shall give each  
23 member a forty-eight (48) hour written notice of all special  
24 meetings.

25 A majority of the board of trustees shall constitute a

1 quorum for the transaction of business except that no  
 2 contract shall be let, teacher employed or dismissed, or  
 3 bill approved unless a majority of the total board  
 4 membership shall vote in favor of such action.

5 The members of the board of trustees shall receive ten  
 6 cents ~~(10¢)~~ per mile mileage as provided for in 59-801 for  
 7 the distance necessarily traveled in going to and returning  
 8 from the place of the meeting and his place of residence  
 9 each day that such trip is actually made.

10 The board shall keep a common seal with which to attest  
 11 its official acts."

12 Section 4. Section 75-8119, R.C.M. 1947, is amended to  
 13 read as follows:

14 "75-8119. Courses of instruction and tuition fees. (1)

15 A community college district shall provide instruction  
 16 ~~classes, school or schools for student residents within the~~  
 17 ~~community college district~~ in academic, occupational, and  
 18 adult education, subject to the approval of the board of  
 19 regents of higher education. The board of trustees of such  
 20 district may, in their discretion ~~determine the per capita~~  
 21 ~~cost of such courses, file the same with the regents and~~  
 22 ~~upon approval thereof by the regents shall require of all~~  
 23 ~~nondistrict residents who are accepted as pupils a tuition~~  
 24 ~~fee in such sum as may be necessary for maintenance of such~~  
 25 ~~course or courses. A different tuition may be established as~~

1 ~~between nondistrict residents residing within the state of~~  
 2 ~~Montana and those residing outside the state of Montana, and~~  
 3 ~~upon approval of the board of regents, prescribe:~~

4 (a) tuition rates for in-district students,  
 5 out-of-district students who are residents of the state of  
 6 Montana, and students who are not residents of the state of  
 7 Montana;

8 (b) matriculation charges; and

9 (c) incidental fees, including building fees, for  
 10 students in the community college.

11 (2) In addition thereto, such board of trustees may  
 12 ~~charge resident students prescribe~~ such amounts of other  
 13 ~~fees as it deems considers~~ necessary to maintain such  
 14 courses, taking into consideration such other funds as may  
 15 be available under law for the support of such courses."

16 Section 5. There is a new section in Title 75, chapter  
 17 81, R.C.M. 1947, that reads as follows:

18 Powers and duties. The trustees of a community college  
 19 district shall, subject to supervision by the board of  
 20 regents:

21 (1) have general control and supervision of the  
 22 community college;

23 (2) adopt rules, not inconsistent with the  
 24 constitution and the laws of the state, for the government  
 25 and administration of the community college;

1 (3) grant certificates and degrees to the graduates of  
2 the community college;

3 (4) keep a record of its proceedings;

4 (5) have, when not otherwise provided by law, control  
5 of all books, records, buildings, grounds, and other  
6 property of the community college;

7 (6) receive from the state board of land  
8 commissioners, other boards, agencies, or persons or from  
9 the government of the United States all funds, incomes, and  
10 other property the community college may be entitled to  
11 receive or accept and use and appropriate the property for  
12 the specific purpose of the entitlement, grant, or donation;

13 (7) have general control of all receipts and  
14 disbursements of the community college;

15 (8) appoint and dismiss a president and faculty for  
16 the community college, appoint and dismiss any other  
17 necessary officers, agents, and employees, fix their  
18 compensation, and set the terms and conditions of their  
19 employment;

20 (9) administer the tuition provision and otherwise  
21 govern the students of the community college district in  
22 accordance with the provisions of this chapter;

23 (10) call and conduct the elections of the district in  
24 accordance with the school election chapter of this title;

25 (11) participate in the teachers' retirement system of

1 the state of Montana in accordance with the provisions of  
2 the teachers' retirement system chapter of this title; and

3 (12) participate in district boundary change actions in  
4 accordance with the provisions of the district organization  
5 chapter of this title.

6 Section 6. Section 75-8305, R.C.M. 1947, is amended to  
7 read as follows:

8 "75-8305. Duty of county attorney. Upon request of the  
9 county superintendent or the trustees of any school district  
10 ~~or community college district~~, the county attorney shall be  
11 their legal adviser and shall prosecute and defend all suits  
12 to which such persons, in their capacity as public  
13 officials, may be a party, however, the trustees of any  
14 school district ~~or community college district~~ may, upon  
15 consent of the county attorney, employ any other attorney  
16 licensed in Montana to perform any legal services in  
17 connection with school ~~or community college~~ board business."

18 SECTION 7. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON  
19 ITS PASSAGE AND APPROVAL.

-End-

1 HOUSE BILL NO. 619  
 2 INTRODUCED BY SOUTH  
 3  
 4 A BILL FOR AN ACT ENTITLED "AN ACT TO MAKE CLEAR THE  
 5 APPLICATION OF RETIREMENT FUND PROVISIONS TO COMMUNITY  
 6 COLLEGE DISTRICTS; TO CHANGE THE DATE FOR COMMUNITY COLLEGE  
 7 ELECTIONS TO THE FIRST TUESDAY IN APRIL; TO INCREASE TRAVEL  
 8 EXPENSE REIMBURSEMENT OF TRUSTEES; TO CLARIFY COUNTY  
 9 ATTORNEYS' DUTIES; AND TO GENERALLY REVISE AND CLARIFY  
 10 POWERS AND DUTIES OF COMMUNITY COLLEGE DISTRICT TRUSTEES;  
 11 AMENDING SECTIONS 75-7204, 75-8114, 75-8117, 75-8119, AND  
 12 75-8305, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 13 DATE."  
 14  
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 16 Section 1. Section 75-7204, R.C.M. 1947, is amended to  
 17 read as follows:  
 18 \*75-7204. Retirement fund. The trustees of any  
 19 district employing personnel who are members of the teachers  
 20 retirement system or the public employees retirement system,  
 21 or who are covered by unemployment compensation, or who are  
 22 covered by any federal social security system requiring  
 23 employer contributions shall establish a retirement fund for  
 24 the purposes of budgeting and paying the employer's  
 25 contributions to such systems. The district's contribution

1 for each employee who is a member of the teachers retirement  
 2 system shall be calculated in accordance with section  
 3 75-6207. The district's contribution for each employee who  
 4 is a member of the public employees retirement system shall  
 5 be calculated in accordance with ~~section 68-683, R.C.M.~~  
 6 ~~1947 68-1704 68-2504.~~ THE DISTRICT MAY LEVY A SPECIAL TAX TO  
 7 PAY ITS CONTRIBUTION TO THE PUBLIC EMPLOYEES RETIREMENT  
 8 SYSTEM UNDER THE CONDITIONS PRESCRIBED IN 68-1704. The  
 9 district's contributions for each employee covered by any  
 10 federal social security system shall be paid in accordance  
 11 with federal law and regulation. The district's  
 12 contribution for each employee who is covered by  
 13 unemployment compensation shall be paid in accordance with  
 14 section 87-109.

15 The trustees of any district required to make a  
 16 contribution to any such system shall include in the  
 17 retirement fund of the preliminary budget the estimated  
 18 amount of the employer's contribution and such additional  
 19 moneys, within legal limitations, as they may wish to  
 20 provide for the retirement fund cash reserve. After the  
 21 final retirement fund budget has been adopted, the trustees  
 22 shall pay the employer contributions to such systems in  
 23 accordance with the financial administration provisions of  
 24 this title.

25 When the final retirement fund budget has been adopted,



1 the county superintendent shall establish the levy  
2 requirement by:

3 (1) determining the sum of the moneys available to  
4 reduce the retirement fund levy requirement by adding:

5 (a) any anticipated moneys that may be realized in the  
6 retirement fund during the ensuing school fiscal year; and

7 (b) any cash available for reappropriation as  
8 determined by subtracting the amount of the end-of-the-year  
9 cash balance earmarked as the retirement fund cash reserve  
10 for the ensuing school fiscal year by the trustees from the  
11 end-of-the-year cash balance in the retirement fund. The  
12 retirement fund cash reserve shall not be more than  
13 thirty-five per cent (35%) of the final retirement fund  
14 budget for the ensuing school fiscal year and shall be used  
15 for the purpose of paying retirement fund warrants issued by  
16 the district under the final retirement fund budget.

17 (2) subtracting the total of the moneys available for  
18 reduction of the levy requirement as determined in  
19 subsection (1) from the budgeted amount for expenditures in  
20 the final retirement fund budget.

21 The county superintendent shall total the net  
22 retirement fund levy requirements separately for all  
23 elementary school districts, ~~and~~ all high school districts,  
24 ~~and all community college districts~~ of the county, including  
25 any prorated joint district levy requirements, and shall

1 report each such levy requirement to the county  
2 commissioners on the second Monday of August as the  
3 respective county levy requirements for elementary districts,  
4 ~~and high school districts, and community college district~~  
5 retirement funds. The county commissioners shall fix and set  
6 such county levy in accordance with section 75-6717.

7 The net retirement fund levy requirement for a joint  
8 elementary district or a joint high school district shall be  
9 prorated to each county in which a part of such district is  
10 located in the same proportion as the district ANB of the  
11 joint district is distributed by pupil residence in each  
12 such county. The county superintendents of the counties  
13 affected shall jointly determine the net retirement fund  
14 levy requirement for each county as provided in section  
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16 Section 2. Section 75-8114, R.C.M. 1947, is amended to  
17 read as follows:

18 "75-8114. Election of trustees after organization of  
19 community college district. After organization, the  
20 registered electors of the community college district shall  
21 vote for trustees on the first ~~Saturday~~ Tuesday in April,  
22 and such elections shall be conducted by the component  
23 elementary school districts within such community college  
24 district upon the order of the board of trustees of the  
25 community college district. Such order shall be transmitted

1 to the appropriate trustees not less than forty (40) days  
2 prior to the regular school election day.

3 Notice of the community college district trustee  
4 election shall be given by the board of trustees of the  
5 community college district by publication in one (1) or more  
6 newspaper of general circulation within each county, not  
7 less than once a week for two (2) consecutive weeks, the  
8 last insertion to be no longer than one (1) week prior to  
9 the date of the election. This notice shall be in addition  
10 to the election notice to be given by the trustees of the  
11 component elementary districts under the school election  
12 laws.

13 Should trustees be elected other than at large  
14 throughout the entire district, then only those qualified  
15 voters within the area from which the trustee or trustees  
16 are to be elected shall cast their ballots for the trustee  
17 or trustees from that area. All candidates for the office of  
18 trustee shall file their declarations of candidacy with the  
19 secretary of the board of trustees of the community college  
20 district not less than thirty (30) days prior to the date of  
21 election. If an electronic voting system or voting machines  
22 are not used in the component elementary school district or  
23 districts which conduct the election, then the board of  
24 trustees of the community college district shall cause  
25 ballots to be printed and distributed for the polling places

1 in such component districts at the expense of the community  
2 college district, but in all other respects said elections  
3 shall be conducted in accordance with the school election  
4 laws. All costs incident to election of the community  
5 college trustees shall be borne by the community college  
6 district including one-half (1/2) of the compensation of the  
7 judges for the school elections; provided that, if the  
8 election of the community college district trustees is the  
9 only election conducted, the community college district  
10 shall compensate the district for the total cost of the  
11 election."

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13 read as follows:

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15 reimbursements and seal. The board of trustees of the  
16 community college shall hold monthly meetings within the  
17 community college district on such day of the month the  
18 trustees may set. The president and secretary of the board  
19 or a majority of the board may also call special meetings of  
20 the board of trustees at any time and place within the  
21 community college district, if in their judgment necessity  
22 requires it. The secretary of the board shall give each  
23 member a forty-eight (48) hour written notice of all special  
24 meetings.

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1 quorum for the transaction of business except that no  
2 contract shall be let, teacher employed or dismissed, or  
3 bill approved unless a majority of the total board  
4 membership shall vote in favor of such action.

5 The members of the board of trustees shall receive ten  
6 cents ~~(10¢)~~ per mile mileage as provided for in 59-801 for  
7 the distance necessarily traveled in going to and returning  
8 from the place of the meeting and his place of residence  
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16 ~~classes, school or schools for student residents within the~~  
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18 adult education, subject to the approval of the board of  
19 regents of higher education. The board of trustees of such  
20 district may, in their discretion ~~determine the per capita~~  
21 ~~cost of such courses, file the same with the regents and~~  
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24 ~~fee in such sum as may be necessary for maintenance of such~~  
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2 ~~Montana and those residing outside the state of Montana and~~  
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4 (a) tuition rates for in-district students,  
5 out-of-district students who are residents of the state of  
6 Montana, and students who are not residents of the state of  
7 Montana;

8 (b) matriculation charges; and

9 (c) incidental fees, including building fees, for  
10 students in the community college.

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12 charge ~~resident students~~ prescribe such amounts of other  
13 fees as it deems considers necessary to maintain such  
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15 be available under law for the support of such courses."

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19 district shall, subject to supervision by the board of  
20 regents:

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22 community college;

23 (2) adopt rules, not inconsistent with the  
24 constitution and the laws of the state, for the government  
25 and administration of the community college;

1 (3) grant certificates and degrees to the graduates of  
2 the community college;

3 (4) keep a record of its proceedings;

4 (5) have, when not otherwise provided by law, control  
5 of all books, records, buildings, grounds, and other  
6 property of the community college;

7 (6) receive from the state board of land  
8 commissioners, other boards, agencies, or persons or from  
9 the government of the United States all funds, incomes, and  
10 other property the community college may be entitled to  
11 receive or accept and use and appropriate the property for  
12 the specific purpose of the entitlement, grant, or donation;

13 (7) have general control of all receipts and  
14 disbursements of the community college;

15 (8) appoint and dismiss a president and faculty for  
16 the community college, appoint and dismiss any other  
17 necessary officers, agents, and employees, fix their  
18 compensation, and set the terms and conditions of their  
19 employment;

20 (9) administer the tuition provision and otherwise  
21 govern the students of the community college district in  
22 accordance with the provisions of this chapter;

23 (10) call and conduct the elections of the district in  
24 accordance with the school election chapter of this title;

25 (11) participate in the teachers' retirement system of

1 the state of Montana in accordance with the provisions of  
2 the teachers' retirement system chapter of this title; and

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4 accordance with the provisions of the district organization  
5 chapter of this title.

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9 county superintendent or the trustees of any school district  
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11 their legal adviser and shall prosecute and defend all suits  
12 to which such persons, in their capacity as public  
13 officials, may be a party, however, the trustees of any  
14 school district ~~or community college district~~ may, upon  
15 consent of the county attorney, employ any other attorney  
16 licensed in Montana to perform any legal services in  
17 connection with school ~~or community college~~ board business."

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-End-