

House Bill 87

In The House

January 6, 1981	Introduced and referred to Committee on State Administration.
January 14, 1981	Committee recommend bill do pass as amended.
January 15, 1981	Bill printed and placed on members' desks.
January 16, 1981	Second reading do not pass.

1                    HOUSE    BILL NO. 87

2    INTRODUCED BY BURNETT

3

4    A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT CITY,  
5    COUNTY, SCHOOL DISTRICT, AND CERTAIN SPECIAL DISTRICT MILL  
6    LEVY QUESTIONS MUST BE VOTED ON BY AT LEAST 51 PERCENT OF  
7    THOSE ELECTORS QUALIFIED TO VOTE ON THE QUESTION AND THAT 60  
8    PERCENT OF THE VOTES MUST BE CAST IN FAVOR OF THE QUESTION  
9    FOR APPROVAL; AMENDING SECTIONS 7-7-2237, 7-7-2238,  
10   7-7-4235, 7-7-4236, 7-13-2328, 7-34-2136, 20-9-353, AND  
11   20-9-428, MCA."

12

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

14   Section 1. Section 7-7-2237, MCA, is amended to read:  
15   "7-7-2237. Percentage of electors required to  
16   authorize bond issue. (1) Whenever the question of issuing  
17   county bonds for any purpose is submitted to the registered  
18   electors of a county at either a general or special  
19   election, not less than 40% 51% of the registered electors  
20   entitled to vote on the question must vote thereon;  
21   otherwise, the proposition shall be considered to have been  
22   rejected.

23   (2) If 40% 51% or more of the registered electors do  
24   vote on the question at the election and a-majority 60% of  
25   the votes ~~shall be~~ are cast in favor of the proposition,

1    then the proposition shall be considered to have been  
2    approved and adopted."

3                    Section 2. Section 7-7-2238, MCA, is amended to read:  
4                    "7-7-2238. Resolution to issue bonds. (1) If it is  
5    found that at the bonding election 40% 51% or more of the  
6    qualified electors entitled to vote at such election voted  
7    on such question and that a-majority 60% of such votes were  
8    cast in favor of the issuing of such bonds, the board of  
9    county commissioners shall, at a regular or special meeting  
10   held within 30 days thereafter, pass and adopt a resolution  
11   providing for the issuance of such bonds.

12                   (2) Such resolution shall recite:  
13                   (a) the purpose for which such bonds are to be issued;  
14                   (b) the amount thereof;  
15                   (c) the maximum rate of interest the bonds may bear;  
16                   (d) the date they shall bear;  
17                   (e) the period of time through which they shall be  
18                   payable; and  
19                   (f) the optional provisions, if any."

20                   (3) Such resolution shall provide for the manner of  
21                   the execution of the bonds. It shall provide that preference  
22                   shall be given amortization bonds, but shall fix the  
23                   denomination of serial bonds in case it shall be found  
24                   advantageous to issue bonds in that form. The board may in  
25                   its discretion provide that such bonds may be issued and

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1 sold in two or more series or installments.

2 (4) The resolution shall adopt a form of notice of the  
3 sale of the bonds."

4 Section 3. Section 7-7-4235, MCA, is amended to read:  
5 "7-7-4235. Percentage of electors required to  
6 authorize the issuing of bonds. (1) Wherever the question of  
7 issuing bonds for any purpose is submitted to the registered  
8 electors of a city or town at either a general or special  
9 election, not less than 40% ~~51%~~ of the registered electors  
10 entitled to vote on the proposition or question must vote  
11 thereon; otherwise, the proposition shall be considered to  
12 have been rejected.

13 (2) If 40% ~~51%~~ or more of the registered electors do  
14 vote on the proposition or question at the election and a  
15 majority 60% of the votes are cast in favor of the question  
16 or proposition, then the proposition or question shall be  
17 considered to have been adopted and approved."

18 Section 4. Section 7-7-4236, MCA, is amended to read:

19 "7-7-4236. Resolution to issue bonds. (1) If 40% ~~51%~~  
20 or more of the qualified electors of the city or town  
21 entitled to vote on the question of issuing bonds voted  
22 thereon and a majority 60% of the votes were cast in favor  
23 of the issuing of the bonds, the city or town council shall,  
24 at a regular or special meeting held within 30 days  
25 thereafter, pass a resolution providing for the issuance of

1 the bonds.

2 (2) The resolution shall recite:

3 (a) the purpose for which the bonds are to be issued;  
4 (b) the amount thereof;  
5 (c) the maximum rate of interest the bonds may bear;  
6 (d) the date they shall bear;  
7 (e) the period of time through which they are payable;  
8 and

9 (f) that any bond may be redeemed in full, at the  
10 option of the city or town, on any interest payment date  
11 after expiration of one-half of the term for which the bond  
12 was issued.

13 (3) The resolution shall provide for the manner of  
14 execution of the bonds. It shall provide that preference  
15 shall be given amortization bonds but shall fix the  
16 denomination of serial bonds in case it shall be found  
17 advantageous to issue bonds in that form. The council may in  
18 its discretion provide that such bonds may be issued and  
19 sold in two or more series or installments.

20 (4) The resolution shall adopt a form of notice of the  
21 sale of the bonds."

22 Section 5. Section 7-13-2328, MCA, is amended to read:

23 "7-13-2328. Sufficient vote required to issue bonds.  
24 (1) If from such returns it appears that at least ~~51%~~ of the  
25 qualified electors entitled to vote on the question did not

1 vote thereon, the proposition shall be considered to have  
 2 been rejected.

3 121 If from--such--returns--it--appears--that 51% or more  
 4 of the qualified electors voted on the proposition at the  
 5 election and 50% or more of the votes cast on-the-question  
 6 at--such--election were in favor of and assented to the  
 7 incurring of such indebtedness, then the board of directors  
 8 may by resolution, at such time or times as it considers  
 9 proper, provide for the form and execution of the bonds and  
 10 for the issuance of any part thereof."

11 Section 6. Section 7-34-2136, MCA, is amended to read:  
 12 "7-34-2136. Approval required to impose special  
 13 additional mill levy. (1) A majority Sixty percent of the  
 14 votes cast shall be necessary to permit the additional levy  
 15 provided for in 7-34-2134, which shall be collected in the  
 16 same manner as other hospital district taxes.

17 (2) If the calculated percentage of qualified electors  
 18 voting in the election is less than 30% 51%, the additional  
 19 levy shall be deemed to have been rejected."

20 Section 7. Section 20-9-353, MCA, is amended to read:  
 21 "20-9-353. Additional levy for general fund --  
 22 election for authorization to impose. (1) The trustees of  
 23 any district may propose to adopt a general fund budget in  
 24 excess of the general fund budget amount for such district  
 25 as established by the schedules in 20-9-316 through 20-9-321

1 for any of the following purposes:  
 2 (a) building, altering, repairing, or enlarging any  
 3 schoolhouse of the district;  
 4 (b) furnishing additional school facilities for the  
 5 district;  
 6 (c) acquisition of land for the district;  
 7 (d) proper maintenance and operation of the school  
 8 programs of the district.

9 (2) However, when the trustees adopt a total general  
 10 fund budget which exceeds 110% of the general fund budget  
 11 for the preceding year, they shall file a notice of this  
 12 increase with the superintendent of public instruction,  
 13 setting forth the specific reasons for increasing the  
 14 budget.

15 (3) When the trustees of any district determine that  
 16 an additional amount of financing is required for the  
 17 general fund budget that is in excess of the statutory  
 18 schedule amount, the trustees shall submit the proposition  
 19 of an additional levy to raise such excess amount of general  
 20 fund financing to the electors who are qualified under  
 21 20-20-301 to vote upon such proposition except that no  
 22 election shall be required to permit the school trustees to  
 23 use federal funds received under Title I of Public Law  
 24 81-374 to increase the school district's general fund budget  
 25 as established in 20-9-316 through 20-9-321 by the amount of

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1 these funds. Such special election shall be called and  
2 conducted in the manner prescribed by this title for school  
3 elections. The ballot for such election shall state the  
4 amount of money to be raised by additional property  
5 taxation, the approximate number of mills required to raise  
6 such money, and the purpose for which such money will be  
7 expended, and it shall be in the following format: .

### “PROPOSITION

9 Shall a levy be made in addition to the levies  
10 authorized by law in such number of mills as may be  
11 necessary to raise the sum of (state the amount to be raised  
12 by additional tax levy), and being approximately (give  
13 number) mills, for the purpose of (insert the purpose for  
14 which the additional tax levy is made)?

15 FOR the additional levy.

## 16 AGAINST the additional levy.\*

17 (4) At least 51% of the electors qualified to vote  
18 under the provisions of 20-20-301 must vote on the question;  
19 otherwise, the proposition shall be considered to be  
20 rejected. If the election on any additional levy for the  
21 general fund is approved by a majority-vote 60% of those  
22 electors voting at such election, the proposition shall  
23 carry and the trustees may use any portion or all of the  
24 authorized amount in adopting the preliminary general fund  
25 budget. The trustees shall certify the additional levy

1 amount authorized by such a special election on the budget  
2 form that is submitted to the county superintendent, and the  
3 county commissioners shall levy such number of mills on the  
4 taxable value of all taxable property within the district,  
5 as prescribed in 20-9-141, as are required to raise the  
6 amount of such additional levy.

15                   Section 8. Section 20-9-428, MCA, is amended to read:  
16                   "20-9-428. Determination of approval or rejection of  
17 proposition at bond election. (1) When the trustees canvass  
18 the vote of a school district bond election under the  
19 provisions of 20-20-415, they shall determine the approval  
20 or rejection of the school bond proposition in the following  
21 manner:

22 (e) determine the total number of electors of the  
23 school district who are qualified to vote under the  
24 provisions of 20-20-301 from the list of electors supplied  
25 by the county registrar for such school bond election;

1        (b) determine the total number of qualified electors  
2        who voted at the school bond election from the tally sheet  
3        or sheets for such election;

4        (c) calculate the percentage of qualified electors  
5        voting at the school bond election by dividing the amount  
6        determined in subsection (1)(b) by the amount determined in  
7        subsection (1)(a); and

8        (d) when the calculated percentage in subsection  
9        (1)(c) is 40% ~~51%~~ or more, the school bond proposition shall  
10       be deemed to have been approved and adopted if a majority  
11       60% of the votes shall have been cast in favor of such  
12       proposition, otherwise it shall be deemed to have been  
13       rejected; or

14       ~~(e) when the calculated percentage in subsection  
15       is more than 39% but less than 40%, the school bond  
16       proposition shall be deemed to have been approved and  
17       adopted if 60% or more of the votes shall have been cast in  
18       favor of such proposition, otherwise it shall be deemed to  
19       have been rejected; or~~

20       ~~(f) when the calculated percentage in subsection  
21       (1)(c) is 30% 50% or less, the school bond proposition shall  
22       be deemed to have been rejected.~~

23       (2) If the canvass of the vote establishes the  
24       approval and adoption of the school bond proposition, the  
25       trustees shall issue a certificate proclaiming the passage

1        of such proposition and the authorization to issue bonds of  
2       the school district for the purposes specified on the ballot  
3       for such school district bond election."

-End-

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Approved by Committee  
on State Administration

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

14                   Section 1. Section 7-7-2237, MCA, is amended to read:

15                   "7-7-2237. Percentage of electors required to

16                   authorize bond issue. (1) Whenever the question of issuing

17                   county bonds for any purpose is submitted to the registered

18                   electors of a county at either a general or special

19                   election, not less than 40% ~~51%~~ of the registered electors

20                   entitled to vote on the question must vote thereon;

21                   otherwise, the proposition shall be considered to have been

22                   rejected.

23 (2) If 40% 51% or more of the registered electors do  
24 vote on the question at the election and a--majority 60% A  
25 MAJORITY of the votes shall--be are cast in favor of the

1 proposition, then the proposition shall be considered to  
2 have been approved and adopted."

3                   Section 2. Section 7-7-223B, MCA, is amended to read:

4                   "7-7-223B. Resolution to issue bonds. (1) If it is

5                   found that at the bonding election ~~40%~~ 51% or more of the

6                   qualified electors entitled to vote at such election voted

7                   on such question and that ~~a majority~~ 60% A MAJORITY of such

8                   votes were cast in favor of the issuing of such bonds, the

9                   board of county commissioners shall, at a regular or special

10                  meeting held within 30 days thereafter, pass and adopt a

11                  resolution providing for the issuance of such bonds.

12 (2) Such resolution shall recite:

13 (a) the purpose for which such bonds are to be issued;

14 (b) the amount thereof;

15 (c) the maximum rate of interest the bonds may bear;

16 (d) the date they shall bear;

17 (e) the period of time through which they shall be

18 payable; and

19 (f) the optional provisions, if any.

20 (3) Such resolution shall provide for the manner of

21 the execution of the bonds. It shall provide that preference

22 shall be given amortization bonds, but shall fix the

23 denomination of serial bonds in case it shall be found

24 advantageous to issue bonds in that form. The board may in

25 its discretion provide that such bonds may be issued and

1 sold in two or more series or installments.

2 (4) The resolution shall adopt a form of notice of the  
3 sale of the bonds."

4 Section 3. Section 7-7-4235, MCA, is amended to read:  
5 "7-7-4235. Percentage of electors required to  
6 authorize the issuing of bonds. (1) Wherever the question of  
7 issuing bonds for any purpose is submitted to the registered  
8 electors of a city or town at either a general or special  
9 election, not less than 40% ~~51%~~ of the registered electors  
10 entitled to vote on the proposition or question must vote  
11 thereon; otherwise, the proposition shall be considered to  
12 have been rejected.

13 (2) If 40% ~~51%~~ or more of the registered electors do  
14 vote on the proposition or question at the election and a  
15 majority ~~60%~~ A MAJORITY of the votes are cast in favor of  
16 the question or proposition, then the proposition or  
17 question shall be considered to have been adopted and  
18 approved."

19 Section 4. Section 7-7-4236, MCA, is amended to read:  
20 "7-7-4236. Resolution to issue bonds. (1) If 40% ~~51%~~  
21 or more of the qualified electors of the city or town  
22 entitled to vote on the question of issuing bonds voted  
23 thereon and a-majority ~~60%~~ A MAJORITY of the votes were cast  
24 in favor of the issuing of the bonds, the city or town  
25 council shall, at a regular or special meeting held within

1 30 days thereafter, pass a resolution providing for the  
2 issuance of the bonds.

3 (2) The resolution shall recite:  
4 (a) the purpose for which the bonds are to be issued;  
5 (b) the amount thereof;  
6 (c) the maximum rate of interest the bonds may bear;  
7 (d) the date they shall bear;  
8 (e) the period of time through which they are payable;  
9 and  
10 (f) that any bond may be redeemed in full, at the  
11 option of the city or town, on any interest payment date  
12 after expiration of one-half of the term for which the bond  
13 was issued.

14 (3) The resolution shall provide for the manner of  
15 execution of the bonds. It shall provide that preference  
16 shall be given amortization bonds but shall fix the  
17 denomination of serial bonds in case it shall be found  
18 advantageous to issue bonds in that form. The council may in  
19 its discretion provide that such bonds may be issued and  
20 sold in two or more series or installments.

21 (4) The resolution shall adopt a form of notice of the  
22 sale of the bonds."

23 Section 5--Section 7-13-2328, MCA, is amended to read:  
24 "7-13-2328--Sufficient--vote--required-to-issue-bonds--  
25 ~~fit-if-from-such-returns-it-appears-that-at-least-51%-of-the~~

1 qualified electors entitled to vote on the question did not  
 2 vote thereon the proposition shall be considered to have  
 3 been rejected;  
 4 if from such returns it appears that 51% or more  
 5 of the qualified electors voted on the proposition at the  
 6 election and 60% or more of the votes cast on the question  
 7 at such election were in favor of and assented to the  
 8 incurring of such indebtedness, then the board of directors  
 9 may by resolution at such time or times as it considers  
 10 proper provide for the form and execution of the bonds and  
 11 for the issuance of any part thereof;"

Section 6. Section 7-34-2136v-MEA is amended to read:  
 "7-34-2136v- Approval required to impose special  
 additional mill levy. A majority sixty percent of the  
 votes cast shall be necessary to permit the additional levy  
 provided for in 7-34-2134v which shall be collected in the  
 same manner as other hospital district taxes.

If the calculated percentage of qualified electors  
 voting in the election is less than 30% 51% the additional  
 levy shall be deemed to have been rejected."

Section 7. Section 20-9-353v-MEA is amended to read:  
 "20-9-353v- Additional levy for general fund  
 election for authorization to impose. If the trustees of  
 any district may propose to adopt a general fund budget in  
 excess of the general fund budget amount for such district

1 as established by the schedules in 20-9-316 through 20-9-321  
 2 for any of the following purposes:  
 3 (a) building, altering, repairing, or enlarging any  
 4 schoolhouse of the district;  
 5 (b) furnishing additional school facilities for the  
 6 district;  
 7 (c) acquisition of land for the district;  
 8 (d) proper maintenance and operation of the school  
 9 programs of the district;  
 10 (2) However when the trustees adopt a total general  
 11 fund budget which exceeds 120% of the general fund budget  
 12 for the preceding year they shall file a notice of this  
 13 increase with the superintendent of public instruction  
 14 setting forth the specific reasons for increasing the  
 15 budget;  
 16 (3) When the trustees of any district determine that  
 17 an additional amount of financing is required for the  
 18 general fund budget that is in excess of the statutory  
 19 schedule amount the trustees shall submit the proposition  
 20 of an additional levy to raise such excess amount of general  
 21 fund financing to the electors who are qualified under  
 22 20-20-301 to vote upon such proposition except that no  
 23 election shall be required to permit the school trustees to  
 24 use federal funds received under title I of Public Law  
 25 81-874 to increase the school district's general fund budget

1   as-established-in-20-9-316-through-20-9-321-by-the-amount-of  
2   these--funds--Such--spectet--election--shall--be-called-and  
3   conducted-in-the-manner-prescribed-by-this-title-for--school  
4   elections--The--ballot--for--such--election-shall-state-the  
5   amount--of--money--to--be--raised--by--additionet--property  
6   taxationy--the-approximate-number-of-mitts-required-to-raise  
7   such-money--and-the-purpose-for-which--such--money--will--be  
8   expendedy-and-it-shall-be-in-the-following-format

## ■ PROPOSITION

10 Shall--a--levy--be--made--in--addition--to--the--levies  
11 authorized--by--law--in--such--number--of--mitts--as--may--be  
12 necessary--to--raise--the--sum--of--(state--the--amount--to--be--raised  
13 by--addition)--)--tax--levy);--and--being--approximately--to--give  
14 number--)--mitts--for--the--purpose--of--(insert--the--purpose--for  
15 which--the--additional--tax--levy--is--made);

16 --FOR-the-additionat-terv-

## 17 --AGAINST-the-additionet-tevys"

18       at--least--51%--of--the--electors--qualified--to--vote  
19       under--the--provisions--of--20--20--381--must--vote--on--the--question  
20       otherwise--the--proposition--shall--be--considered--to--be  
21       rejected--if--the--election--on--any--additional--levy--for--the  
22       general--fund--is--approved--by--a--majority--vote 50% of--those  
23       electors--voting--at--such--elections--the--proposition--shall  
24       carry--and--the--trustees--may--use--any--portion--or--all--of--the  
25       authorized--amount--in--adopting--the--preliminary--general--fund

1 budget--The--trustees--shall--certify--the--additional--levy  
2 amount--authorized--by--such-a-special-election-on-the-budget  
3 form--that-is-submitted-to-the-county-superintendent--and-the  
4 county-commissioners--shall--levy--such-number-of-mills-on--the  
5 taxable--value--of-all-taxable-property-within-the-district--  
6 as-prescribed-in-26-9-14iv--as--are--required--to--raise--the  
7 amount-of-such-additional--levy

8                    t57--Authorization--to--levy--an--additional--tax--under--the  
9        provisions--of--this--section--shall--be--effective--for--only--1  
10      school--fiscal--year--and--shall--be--authorized--by--a--special  
11      election--conducted--before--August--1--of--the--school--fiscal--year  
12      for--which--it--is--effective--60ty--one--such--additional--levy--for  
13      the--maintenance--and--operation--of--the--school--programs--of--a  
14      high--school--district--may--be--imposed--by--a--high--school  
15      district--in--a--given--school--fiscal--year."

16                   Section-8---Section-28-9-428v-MCAv-is-amended-to-read+

17                   \*28-9-428---Determination--of--approvav-or-rejection-of

18                   proposition-at-bond-elections---fij-When-the-trustees-canvass

19                   the-vote-of--a--school--district--bond--election--under--the

20                   provisions--of--28-28-415v-they-shall-determine-the-approvav

21                   or-rejection-of-the-school-bond-proposition-in-the-following

22                   manners\*

23            that--determine--the--total--number--of--electors--of--the  
24    school---district--who--are--qualified--to--vote--under--the  
25    provisions--of--20--20--301--from--the--list--of--electors--submitted

1 by-the-county-registrar-for-such-school-bond-election  
 2       fbj--determine--the--total-number-of-qualified-electors  
 3 who-voted-at-the-school-bond-election-from-the--tally--sheet  
 4 or-sheets-for-such-election  
 5       tct--calculate--the--percentage--of--qualified-electors  
 6 voting-at-the-school-bond-election-by--dividing--the--amount  
 7 determined--in-subsection-#fbj--by-the-amount-determined-in  
 8 subsection-#fbj--and  
 9       tdj--when--the--calculated--percentage--in--subsection  
 10 #fbj--is-40% 51% or-more, the-school-bond-proposition-shall  
 11 be--deemed--to--have--been--approved--and--adopted--if a-majority  
 12 60% of-the-votes-shall--have--been--cast--in--favor--of--such  
 13 proposition--otherwise--it--shall--be--deemed--to--have--been  
 14 rejected--or  
 15       tct--when--the--calculated--percentage--in--subsection  
 16 #fbj--is--more--than-30%--but--less--than-40%, the-school-bond  
 17 proposition-shall--be--deemed--to--have--been--approved--and  
 18 adopted--if-60%--or--more--of--the--votes--shall--have--been--cast--in  
 19 favor--of--such--proposition--otherwise--it--shall--be--deemed--to  
 20 have--been--rejected--or  
 21       ffjfbj--when--the--calculated--percentage--in--subsection  
 22 #fbj--is-30% 50% or-less, the-school-bond-proposition-shall  
 23 be--deemed--to--have--been--rejected--  
 24       t2j--if--the--canvass--of--the--vote--establishes--the  
 25 approval--and--adoption--of--the--school--bond--proposition--the

1 trustees--shall--issue-a-certificate--proclaiming--the--passage  
 2 of--such--proposition--and--the--authorization--to--issue--bonds--of  
 3 the--school--district--for--the--purposes--specified--on--the--ballot  
 4 for--such--school--district--bond--elections--"  
 -End-