

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.

HOUSE BILL NO. 87

INTRODUCED BY BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT CITY, COUNTY, SCHOOL DISTRICT, AND CERTAIN SPECIAL DISTRICT MILL LEVY QUESTIONS MUST BE VOTED ON BY AT LEAST 51 PERCENT OF THOSE ELECTORS QUALIFIED TO VOTE ON THE QUESTION AND THAT 50 PERCENT OF THE VOTES MUST BE CAST IN FAVOR OF THE QUESTION FOR APPROVAL; AMENDING SECTIONS 7-7-2237, 7-7-2238, 7-7-4235, 7-7-4236, 7-13-2328, 7-34-2136, 20-9-353, AND 20-9-428, MCA."

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

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

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

(2) If 40% 51% or more of the registered electors do vote on the question at the election and a majority 50% of the votes shall be cast in favor of the proposition,

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

Section 2. Section 7-7-2238, MCA, is amended to read:

"7-7-2238. Resolution to issue bonds. (1) If it is found that at the bonding election 40% 51% or more of the qualified electors entitled to vote at such election voted on such question and that a majority 50% of such votes were cast in favor of the issuing of such bonds, the board of county commissioners shall, at a regular or special meeting held within 30 days thereafter, pass and adopt a resolution providing for the issuance of such bonds.

(2) Such resolution shall recite:

- (a) the purpose for which such bonds are to be issued;
(b) the amount thereof;
(c) the maximum rate of interest the bonds may bear;
(d) the date they shall bear;
(e) the period of time through which they shall be payable; and
(f) the optional provisions, if any.

(3) Such resolution shall provide for the manner of the execution of the bonds. It shall provide that preference shall be given amortization bonds, but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The board may in 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) Whenever 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 (2) ~~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 91-874 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:

8 "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.

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

15 Section 8. Section 20-9-426, MCA, is amended to read:

16 "20-9-426. 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 (a) 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 ~~(1)(c) is more than 30% 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)(a) 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."

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Approved by Committee
on State Administration

HOUSE BILL NO. 87

INTRODUCED BY BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT CITY AND COUNTY SCHOOL DISTRICT AND CERTAIN SPECIAL DISTRICT MILE-LEVEE BOND QUESTIONS MUST BE VOTED ON BY AT LEAST 51 PERCENT OF THOSE ELECTORS QUALIFIED TO VOTE ON THE QUESTION AND THAT 60 PERCENT OF THE VOTES MUST BE CAST IN FAVOR OF THE QUESTION FOR APPROVAL; AMENDING SECTIONS 7-7-2237, 7-7-2238, 7-7-4235, AND 7-7-4236, 7-13-2328, 7-34-2136, 20-9-3537 AND 20-9-4287, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 7-7-2237, MCA, is amended to read:
"7-7-2237. Percentage of electors required to authorize bond issue. (1) Whenever the question of issuing county bonds for any purpose is submitted to the registered electors of a county at either a general or special election, not less than 40% 51% of the registered electors entitled to vote on the question must vote thereon; otherwise, the proposition shall be considered to have been rejected.

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

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

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

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

(3) Such resolution shall provide for the manner of the execution of the bonds. It shall provide that preference shall be given amortization bonds, but shall fix the denomination of serial bonds in case it shall be found advantageous to issue bonds in that form. The board may in 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 ~~It is 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 ~~{1} 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."~~

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

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

21 Section 7, Section 20-9-353, MCA, is amended to read:
 22 "20-9-353. Additional levy for general fund
 23 election for authorization to impose: (1) The trustees of
 24 any district may propose to adopt a general fund budget in
 25 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 118% 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 special 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 additional property
 6 taxation, the approximate number of mills required to raise
 7 such money, and the purpose for which such money will be
 8 expended, 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 mills as may be
 12 necessary to raise the sum of (state the amount to be raised
 13 by additional tax levy) and being approximately (give
 14 number) mills for the purpose of (insert the purpose for
 15 which the additional tax levy is made)?

--FOR the additional levys

--AGAINST the additional levys

18 (4) ~~At least 51% of the electors qualified to vote~~
 19 ~~under the provisions of 20-20-301 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 election, 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 20-9-141 as are required to raise the
 7 amount of such additional levys.

8 (5) 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. Only 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.

Section 8. Section 20-9-428, MCA, is amended to read:

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

23 (a) 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 supplied

1 by the county registrar for such school bond election;

2 (b) 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 (c) calculate the percentage of qualified electors

6 voting at the school bond election by dividing the amount

7 determined in subsection (1)(b) by the amount determined in

8 subsection (1)(a); and

9 (d) when the calculated percentage in subsection

10 (1)(c) 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 (e) when the calculated percentage in subsection

16 (1)(c) 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 (f) ~~(e)~~ when the calculated percentage in subsection

22 (1)(c) is 30% ~~50%~~ or less, the school bond proposition shall

23 be deemed to have been rejected;

24 (2) 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 election."

-End-