

HOUSE BILL NO. 746

INTRODUCED BY DARKO, MOHAR, B. BROWN, CONNELLY, CURTISS,
HART, ZABROCKI, MUELLER, DEVLIN, SHONTZ, ASAY

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1983	Committee recommend bill do pass. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Considered correctly engrossed.
February 21, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 17, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1983	Second reading, indefinitely postponed. Ayes, 24; Noes, 23.

IN THE HOUSE

March 19, 1983	Returned to House with amendments.
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March 22, 1983

On motion, request of Senate
granted for return of House
Bill 746 for further
consideration.

IN THE SENATE

March 23, 1983

Second reading, concurred
in.

March 25, 1983

Third reading, concurred in.
Ayes, 34; Noes, 15.

IN THE HOUSE

March 25, 1983

Returned to House with
amendments.

March 31, 1983

Second reading, amendments
concurred in.

April 1, 1983

Third reading, amendments
concurred in. Sent to
enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *746*
 2 INTRODUCED BY *Mark Moran Bob Brown Connelly*
 3 *Curtiss M. Hart Zabracki Mueller Dinkin*
 4 *Joey* A BILL FOR AN ACT ENTITLED: *AN* ACT CHANGING METHODS OF
 5 PROVIDING COMMUNITY COLLEGE SERVICES OUTSIDE OF PRESENT
 6 DISTRICTS BY AUTHORIZING THE CREATION OF COMMUNITY COLLEGE
 7 SERVICE REGIONS UPON APPLICATION BY THE GOVERNING BODY OF A
 8 COUNTY, MUNICIPALITY, OR ELEMENTARY OR HIGH SCHOOL DISTRICT;
 9 REQUIRING A SERVICE PLAN AND APPROVAL OF THE REGION
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 11 BOARD OF REGENTS; ALLOWING A PROPERTY TAX MILL LEVY TO FUND
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 16 CALLING AN ANNEXATION ELECTION; AMENDING SECTIONS 20-15-231
 17 AND 20-15-311, MCA; PROVIDING A TRANSITION PROVISION TO
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 19 IMMEDIATE EFFECTIVE DATE."

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

22 NEW SECTION. Section 1. Community college service
 23 regions -- creation. (1) The governing body of an elementary
 24 school district, high school district, county, or
 25 municipality not within a community college district may

1 designate itself a community college service region as
 2 provided in this section.

3 (2) A service region may be designated only if, within
 4 12 months preceding any designation, the following
 5 conditions are met:

6 (a) the service plan required by subsection (3) is
 7 available;

8 (b) the board of trustees of the community college
 9 district that will offer services within the region has
 10 approved the designation;

11 (c) the electors within the region have approved the
 12 designation by a majority of votes cast on the question in
 13 an election held on a regular school election day; and

14 (d) the board of regents has approved the designation.

15 (3) (a) At least 90 days prior to the granting of any
 16 of the approvals listed in subsections (2)(b) through (d), a
 17 written plan must be made available which:

18 (i) details the services the community college
 19 district will offer within the region;

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 23 house the services;

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INTRODUCED BILL
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community college district and the governing body designating the service region;

(v) estimates the number of persons expected to use the services within the region; and

(vi) estimates the mill levy necessary to fund the service region.

(b) The plan may be revised jointly by the region governing body and the board of trustees of the community college district as such revision may be necessary.

(4) A designation is effective for 5 years and after 5 years is effective unless rescinded by a majority of electors casting votes on the question in an election held on any regular school election day following expiration of the 5-year period. The question on rescission must be put on the ballot when requested at least 90 days prior to the election by the governing body designating the service region, by the community college board, or by a petition signed by 20% of the registered electors within the service region. The rescission is effective at the end of the first full academic year following the election rescinding the district designation.

NEW SECTION. Section 2. Tax levy for community college service region. A governing body designating a community college service region as provided in [section 1] may levy a tax on all real and personal property within the

region at a rate required to finance the services offered by a community college district for the region. The levy is in addition to any other levies allowed by law and is not subject to any statutory or charter limitations on levies. The levy must be made at the same time and in the same manner as the general levy of the political subdivision designating the region is made, and the revenues generated thereby must be collected at the same time and in the same manner. Within 30 days of collection, the appropriate revenues must be transmitted to the participating community college district.

Section 3. Section 20-15-311, MCA, is amended to read:

*20-15-311. Funding sources. The annual operating budget of a community college district shall be financed from the following sources:

(1) the estimated revenues to be realized from student tuition and fees, except those related to community service courses as defined by the board of regents;

(2) a mandatory mill levy on the community college district;

(3) the 1-mill adult education levy authorized under provisions of 20-15-305;

(4) the state general fund appropriation;

(5) an optional voted levy on the community college district that shall be submitted to the electorate in

accordance with general school election laws;

(6) all other income, revenue, balances, or reserves not restricted by a source outside the community college district to a specific purpose;

(7) income, revenue, balances, or reserves restricted by a source outside the community college district to a specific purpose. Student fees paid for community service courses as defined by the board of regents shall be considered restricted to a specific purpose;

~~(8) income from a political subdivision that is designated a community college service region under [section 1]."~~

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"20-15-231. Annexation of territory of districts to community college district. (1) Whenever 10% of the registered electors of an elementary district or districts of one a county ~~that is contiguous to the existing community college district~~ petition the board of trustees of a community college district for annexation of the territory encompassed in such elementary school districts, the board of trustees of the community college district ~~shall~~ may order an annexation election in the area defined by the petition. Such election shall be ordered within 60 days of the receipt of the petition.

(2) The election shall be conducted in the proposed

area for annexation in accordance with the requirements of the community college organization election, except that the board of trustees of the community college shall perform the requirements of the board of regents and there shall not be an election of the board of trustees of the community college.

(3) The proposition on the ballot shall be as follows:

Shall school districts be annexed to and become a part of the Community College District of, Montana?

☐ FOR annexation.

☐ AGAINST annexation.

(4) To carry, the proposals to annex must receive a majority of the total votes cast thereon. Upon receipt of the certified results of the election from the elementary districts encompassed in the proposed area to be annexed, the board of trustees of the community college district shall canvass the vote and declare the results of the election. If the annexation proposition carries, a certified copy of the canvassing resolution shall be filed in the office of the county clerk and recorder of the county encompassing the area to be annexed and, upon such filing, the area to be annexed shall then become a part of the community college district."

NEW SECTION. Section 5. Transition. (1) The board of trustees of a community college district may waive the

1 90-day time limit required in section 1(4) in 1983 for the
2 purpose of allowing approvals to be completed on the date of
3 the regular school election held in 1983 or on the date of
4 an election called pursuant to this subsection (2).

5 (2) The governing body of a political subdivision may
6 call a special election, to be held not later than July 1,
7 1983, for the purpose of obtaining elector approval as
8 required by section 1(2)(c).

9 ~~NEW SECTION.~~ Section 6. Effective date. This act is
10 effective on passage and approval.

-End-

App. by comm. on education
and cultural resources

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3 *Curtiss* *M. Hart* *Sabrochi* *Mueller* *Reikin*
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(2) The election shall be conducted in the proposed

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8 required by section 1(2)(c).

9 NEW SECTION. Section 6. Effective date. This act is
10 effective on passage and approval.

--End--

March 17, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 746 be amended as follows:

1. Page 2, line 13.

Following: "a"

Strike: "regular school"

Insert: "general"

2. Page 3, line 8.

Following: "body"

Insert: ", board of regents,"

3. Page 3, line 13.

Following: "any"

Strike: "regular school"

Insert: "general"

4. Page 5, line 23.

Following: "be"

Strike: remainder of line 23 through "petition" on line 24

Insert: "held at the next general election day"

5. Page 6, line 24.

Strike: section 5 in its entirety

Renumber: subsequent section

HOUSE BILL NO. 746

INTRODUCED BY DARKO, MOMAR, B. BROWN, CONNELLY,
CURTISS, ASAY, HART, ZABROCKI, MUELLER, DEVLIN, SHONTZ

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING METHODS OF PROVIDING COMMUNITY COLLEGE SERVICES OUTSIDE OF PRESENT DISTRICTS BY AUTHORIZING THE CREATION OF COMMUNITY COLLEGE SERVICE REGIONS UPON APPLICATION BY THE GOVERNING BODY OF A COUNTY, MUNICIPALITY, OR ELEMENTARY OR HIGH SCHOOL DISTRICT; REQUIRING A SERVICE PLAN AND APPROVAL OF THE REGION ELECTORATE, THE COMMUNITY COLLEGE BOARD OF TRUSTEES, AND THE BOARD OF REGENTS; ALLOWING A PROPERTY TAX MILL LEVY TO FUND REGIONAL COMMUNITY COLLEGE SERVICES; PROVIDING THAT ANNEXATION TO AN EXISTING COMMUNITY COLLEGE DISTRICT REQUIRES THE TERRITORY TO BE ANNEXED TO BE WITHIN A COUNTY CONTIGUOUS TO THE DISTRICT; ALLOWING TRUSTEES DISCRETION IN CALLING AN ANNEXATION ELECTION; AMENDING SECTIONS 20-15-231 AND 20-15-311, MCA; PROVIDING A TRANSITION PROVISION TO ALLOW CREATION OF REGIONS IN 1983; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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(2) A service region may be designated only if, within 12 months preceding any designation, the following conditions are met:

(a) the service plan required by subsection (3) is available;

(b) the board of trustees of the community college district that will offer services within the region has approved the designation;

(c) the electors within the region have approved the designation by a majority of votes cast on the question in an election held on a regular-school ~~GENERAL~~ election day; and

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(4) the state general fund appropriation;

(5) an optional voted levy on the community college district that shall be submitted to the electorate in accordance with general school election laws;

(6) all other income, revenue, balances, or reserves not restricted by a source outside the community college district to a specific purpose;

(7) income, revenue, balances, or reserves restricted by a source outside the community college district to a specific purpose. Student fees paid for community service courses as defined by the board of regents shall be considered restricted to a specific purpose;

~~(8) income from a political subdivision that is designated a community college service region under [section 1]."~~

Section 4. Section 20-15-231, MCA, is amended to read:

"20-15-231. Annexation of territory of districts to community college district. (1) Whenever 10% of the registered electors of an elementary district or districts of one a county ~~that is contiguous to the existing community college district~~ petition the board of trustees of a community college district for annexation of the territory encompassed in such elementary school districts, the board of trustees of the community college district ~~shall~~ may order an annexation election in the area defined by the

petition. Such election shall be ~~ordered within 60 days of the receipt of the petition~~ HELD ON THE NEXT GENERAL ELECTION DAY.

(2) The election shall be conducted in the proposed area for annexation in accordance with the requirements of the community college organization election, except that the board of trustees of the community college shall perform the requirements of the board of regents and there shall not be an election of the board of trustees of the community college.

(3) The proposition on the ballot shall be as follows:

Shall school districts be annexed to and become a part of the Community College District of, Montana?

☐ FOR annexation.

☐ AGAINST annexation.

(4) To carry, the proposals to annex must receive a majority of the total votes cast thereon. Upon receipt of the certified results of the election from the elementary districts encompassed in the proposed area to be annexed, the board of trustees of the community college district shall canvass the vote and declare the results of the election. If the annexation proposition carries, a certified copy of the canvassing resolution shall be filed in the office of the county clerk and recorder of the county encompassing the area to be annexed and, upon such filing,

the area to be annexed shall then become a part of the community college district."

~~NEW SECTION~~ Section 5. Transitions. (1) The board of trustees of a community college district may waive the 90-day time limit required in section 1(4) in 1983 for the purpose of allowing approvals to be completed on the date of the regular school election held in 1983 or on the date of an election called pursuant to this subsection (2).

(2) The governing body of a political subdivision may call a special election to be held not later than July 1, 1983, for the purpose of obtaining elector approval as required by section 1(2)(c).

~~NEW SECTION~~ Section 5. Effective date. This act is effective on passage and approval.

-End-