

HOUSE BILL NO. 626

2/01 Introduced  
2/01 Referred to Education & Cultural Resources  
2/11 Hearing  
2/14 Committee Report-Bill Do Pass  
2/16 Rereferred to Education & Cultural Resources  
2/21 Committee Report-Bill Pass As Amended  
2/23 2nd Reading Do Not Pass  
2/23 Bill Killed

1 HOUSE BILL NO. 626 *Blaylock*  
 2 INTRODUCED BY *Richard Nelson, Bob Brown, Merce Harbin, C. Smith,*  
 3 *Compton, James W. Thomas, Paul Peterson, Blake*  
 4 *Endairy*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE VOTER  
 5 TURNOUT REQUIREMENTS FOR SCHOOL BOND ELECTIONS; AMENDING  
 6 SECTION 20-9-428, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 7 DATE."

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

10 Section 1. Section 20-9-428, MCA, is amended to read:

11 "20-9-428. Determination of approval or rejection of  
 12 proposition at bond election. (1) When the trustees canvass  
 13 the vote of a school district bond election under the  
 14 provisions of 20-20-415, they shall determine the approval  
 15 or rejection of the school bond proposition in the following  
 16 manner:

17 (a) determine the total number of electors of the  
 18 school district who are qualified to vote under the  
 19 provisions of 20-20-301 from the list of electors supplied  
 20 by the county registrar for such school bond election;

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

24 (c) calculate the percentage of qualified electors  
 25 voting at the school bond election by dividing the amount

1 determined in subsection (1)(b) by the amount determined in  
 2 subsection (1)(a); and

3 (d) when the calculated percentage in subsection  
 4 (1)(c) is 40% or more, the school bond proposition shall be  
 5 deemed to have been approved and adopted if a majority of  
 6 the votes of the electors qualified to vote under the  
 7 provisions of 20-20-301 and voting at the election shall  
 8 have been cast in favor of such proposition, otherwise it  
 9 shall be deemed to have been rejected; or

10 (e) when the calculated percentage in subsection  
 11 (1)(c) is more than 30% but less than 40%, the school bond  
 12 proposition shall be deemed to have been approved and  
 13 adopted if 60% or more of the votes shall have been cast in  
 14 favor of such proposition; otherwise it shall be deemed to  
 15 have been rejected; or

16 (f) when the calculated percentage in subsection  
 17 (1)(c) is 30% or less, the school bond proposition shall be  
 18 deemed to have been rejected;

19 (2) If the canvass of the vote establishes the  
 20 approval and adoption of the school bond proposition, the  
 21 trustees shall issue a certificate proclaiming the passage  
 22 of such proposition and the authorization to issue bonds of  
 23 the school district for the purposes specified on the ballot  
 24 for such school district bond election."

25 NEW SECTION. Section 2. Effective date. This act is



-2- INTRODUCED BILL  
 HB 626

LC 1449/01

1 effective on passage and approval.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1 HOUSE BILL NO. 626 *Blaylock*  
 2 INTRODUCED BY *Richard Nelson, Bob Brown, Merce Harlin, C. Smith*  
 3 *Compton, John L. Thomas, Park Peterson, Steve*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE VOTER *Endaily*  
 5 TURNOUT REQUIREMENTS FOR SCHOOL BOND ELECTIONS; AMENDING  
 6 SECTION 20-9-428, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE  
 7 DATE."

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

9 Section 1. Section 20-9-428, MCA, is amended to read:

10 "20-9-428. Determination of approval or rejection of  
 11 proposition at bond election. (1) When the trustees canvass  
 12 the vote of a school district bond election under the  
 13 provisions of 20-20-415, they shall determine the approval  
 14 or rejection of the school bond proposition in the following  
 15 manner:

16 (a) determine the total number of electors of the  
 17 school district who are qualified to vote under the  
 18 provisions of 20-20-301 from the list of electors supplied  
 19 by the county registrar for such school bond election;

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

23 (c) calculate the percentage of qualified electors  
 24 voting at the school bond election by dividing the amount

1 determined in subsection (i)(b) by the amount determined in  
 2 subsection (i)(a); and  
 3 (d) when the calculated percentage in subsection  
 4 (i)(c) is 40% or more, the school bond proposition shall be  
 5 deemed to have been approved and adopted if a majority of  
 6 the votes of the electors qualified to vote under the  
 7 provisions of 20-20-301 and voting at the election shall  
 8 have been cast in favor of such proposition, otherwise it  
 9 shall be deemed to have been rejected; or

10 (e) when the calculated percentage in subsection  
 11 (i)(c) is more than 30% but less than 40%, the school bond  
 12 proposition shall be deemed to have been approved and  
 13 adopted if 60% or more of the votes shall have been cast in  
 14 favor of such proposition; otherwise it shall be deemed to  
 15 have been rejected; or

16 (f) when the calculated percentage in subsection  
 17 (i)(c) is 30% or less, the school bond proposition shall be  
 18 deemed to have been rejected;

19 (2) If the canvass of the vote establishes the  
 20 approval and adoption of the school bond proposition, the  
 21 trustees shall issue a certificate proclaiming the passage  
 22 of such proposition and the authorization to issue bonds of  
 23 the school district for the purposes specified on the ballot  
 24 for such school district bond election."

25 NEW SECTION. Section 2. Effective date. This act is



LC 1449/01

1 effective on passage and approval.

-End-

RE-REFERRED AND  
APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

AS AMENDED

HOUSE BILL NO. 626

INTRODUCED BY NELSON, B. BROWN, MERCER, HARBIN,  
C. SMITH, BLAYLOCK, COMPTON, JENKINS, COHEN, THOMAS,  
PECK, HARP, PETERSON, DARKO, EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE VOTER  
TURNOUT REQUIREMENTS FOR SCHOOL BOND ELECTIONS; TO REQUIRE  
PUBLIC NOTICE AND A PUBLIC HEARING PRIOR TO A SCHOOL BOND  
ELECTION; AMENDING SECTION SECTIONS 20-9-422 AND 20-9-428,  
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 20-9-422, MCA, IS AMENDED TO READ:

"20-9-422. Additional requirements for trustees and  
trustees' resolution calling bond election. (1) In addition  
to the requirements for calling an election that are  
prescribed in 20-20-201 and 20-20-203, the trustees'  
resolution calling a school district bond election shall:

(1)(a) fix the exact amount of the bonds proposed to  
be issued, which may be more or less than the amounts  
estimated in a petition;

(2)(b) fix the maximum number of years in which the  
proposed bonds would be paid; and

(3)(c) in the case of initiation by a petition, state  
the essential facts about the petition and its presentation.

(2) When the trustees of any district call a school  
district bond election, they shall:

(a) within 20 days prior to the day of the election,  
conduct a public hearing on the bond election at a regular  
or special meeting of the trustees;

(b) provide for a notice of the public hearing  
required in subsection (2)(a) by a news story or  
advertisement concerning the hearing and the bond election  
in a newspaper of general circulation within the school  
district; and

(c) within 10 days prior to the day of the election,  
provide for a notice of the election as provided in  
subsection (2)(b)."

Section 2. Section 20-9-428, MCA, is amended to read:

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

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

~~(b) determine the total number of qualified electors~~

SECOND READING

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1 who--voted--at--the--school--bond--election--from--the--tally--sheet  
 2 or--sheets--for--such--election;  
 3 {c}--calculate--the--percentage--of--qualified--electors  
 4 voting--at--the--school--bond--election--by--dividing--the--amount  
 5 determined--in--subsection--(1)(b)--by--the--amount--determined--in  
 6 subsection--(1)(a);--and  
 7 {d)--when--the--calculated--percentage--in--subsection  
 8 (1)(c)--is--40%--or--more, the school bond proposition shall be  
 9 deemed to have been approved and adopted if a majority of  
 10 the votes of the electors qualified to vote under the  
 11 provisions of 20-20-301 and voting at the election shall  
 12 have been cast in favor of such proposition, otherwise it  
 13 shall be deemed to have been 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)--when--the--calculated--percentage--in--subsection  
 21 (1)(c)--is--30%--or--less, the school bond proposition shall be  
 22 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."  
 4 NEW SECTION. Section 3. Effective date. This act is  
 5 effective on passage and approval.

-End-