

HOUSE BILL NO. 867

2/18 Introduced  
2/18 Referred to State Administration  
2/19 Rereferred to Education & Cultural Resources  
2/22 Hearing  
2/23 Adverse Committee Report  
2/25 Bill Killed

1 HOUSE BILL NO. 867  
2 INTRODUCED BY Kadua Waldron

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE SCHOOL  
5 ELECTION DAY TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN  
6 JUNE; REQUIRING SCHOOL TRUSTEES TO HOLD AN ELECTION ON  
7 INCREASING THEIR BUDGET AUTHORITY AND LIMITING SUCH  
8 ELECTIONS TO ONE EACH YEAR; AND AMENDING SECTIONS 13-1-104,  
9 20-3-304, 20-9-111, 20-9-353, 20-20-105, AND 20-20-201,  
10 MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 13-1-104, MCA, is amended to read:

14 "13-1-104. Times for holding general elections. (1) A  
15 general election shall be held throughout the state in every  
16 even-numbered year on the first Tuesday after the first  
17 Monday of November to vote on ballot issues required by  
18 Article III, section 6, or Article XIV, section 8, of the  
19 Montana constitution to be submitted by the legislature to  
20 the electors at a general election, unless an earlier date  
21 is provided in a law authorizing a special election on an  
22 initiative or referendum pursuant to Article III, section 6,  
23 and to elect federal officers, state or multicounty district  
24 officers, members of the legislature, judges of the district  
25 court, and county officers when the terms of such offices

1 will expire before the next scheduled election for the  
2 offices or when one of the offices must be filled for an  
3 unexpired term as provided by law.

4 (2) A general election shall be held throughout the  
5 state in every odd-numbered year on the first Tuesday after  
6 the first Monday in November to elect municipal officers,  
7 officers of political subdivisions wholly within one county  
8 and not required to hold annual elections, and any other  
9 officers specified by law for election in odd-numbered years  
10 when the term for the offices will expire before the next  
11 scheduled election for the offices or when one of the  
12 offices must be filled for an unexpired term as provided by  
13 law.

14 (3) The general election for any political subdivision  
15 required to hold elections annually shall be held on school  
16 election day, the first Tuesday ~~of--April~~ after the first  
17 Monday in June of each year, and is subject to the election  
18 procedures provided for in 13-1-401."

19 Section 2. Section 20-3-304, MCA, is amended to read:

20 "20-3-304. Annual election. In each district an  
21 election of trustees shall be conducted annually on the  
22 regular school election day, the first Tuesday ~~of--April~~  
23 after the first Monday in June. Election of trustees shall  
24 comply with the election provisions of Title 13 and this  
25 title."

1 Section 3. Section 20-9-111, MCA, is amended to read:

2 "20-9-111. Initial budget items for completion --  
3 estimated budgeting authority. (1) During the month of March  
4 May, the county superintendent shall complete the portions  
5 of the budget form providing information about the last  
6 completed school year and, separate from the budget form,  
7 estimate the maximum amount to be available for the general  
8 fund budget in the ensuing year without an additional levy.  
9 By ~~April~~ June 10, the county superintendent shall send to  
10 each district two copies of the budget form, the general  
11 fund estimate, and any other information or data as may be  
12 required by the superintendent of public instruction or that  
13 the county superintendent may deem necessary.

14 (2) Upon receipt of the budget forms, the district  
15 shall complete those portions of them which require  
16 information about the then-current school year."

17 Section 4. Section 20-9-353, MCA, is amended to read:

18 "20-9-353. Additional budget authority and levy for  
19 general fund -- election for authorization to impose. (1)  
20 The trustees of any district may propose to adopt a general  
21 fund budget in excess of the general fund budget amount for  
22 such district as established by the schedules in 20-9-316  
23 through 20-9-321 for any of the following purposes:

24 (a) building, altering, repairing, or enlarging any  
25 schoolhouse of the district;

1 (b) furnishing additional school facilities for the  
2 district;

3 (c) acquisition of land for the district;

4 (d) proper maintenance and operation of the school  
5 programs of the district.

6 (2) When the trustees of any district determine that  
7 ~~an additional amount--of--financing~~ budget authority is  
8 required for the general fund budget that is in excess of  
9 the statutory schedule amount or the district's current  
10 budget authority, the trustees shall submit the proposition  
11 of ~~an additional levy~~ budget authority to raise such excess  
12 amount ~~of--general--fund--financing~~ to the electors who are  
13 qualified under 20-20-301 to vote upon such proposition  
14 except that no election shall be required to permit the  
15 school trustees to use federal funds received under Title I  
16 of Public Law 81-874 to increase the school district's  
17 general fund budget as established in 20-9-316 through  
18 20-9-321 by the amount of these funds. Such ~~special~~ election  
19 shall be called and conducted in the manner prescribed by  
20 this title for school elections. The ballot for such  
21 election shall state the amount of ~~money-to-be-raised-by~~  
22 additional ~~property---taxation~~ budget authority, the  
23 approximate number of mills required to raise such money in  
24 excess of other sources of revenue, and the purpose for  
25 which ~~such-money~~ the budget authority will be expended used,

1 and it shall be in the following format, with a separate  
 2 proposition for each purpose:

3 PROPOSITION

4 ~~Shall a levy be made in addition to the levies~~  
 5 ~~authorized by law in such number of mills as may be~~  
 6 ~~necessary to raise the sum of (state the amount to be raised~~  
 7 ~~by additional tax levy), and being approximately (give~~  
 8 ~~number) mills, for the purpose of (insert the purpose for~~  
 9 ~~which the additional tax levy is made)? Shall the trustees~~  
 10 ~~of the district be authorized to increase the general fund~~  
 11 ~~budget in the amount of (state the amount) to be financed by~~  
 12 ~~nontax revenue of (state the amount) and by an amount to be~~  
 13 ~~raised by an additional levy of (state the amount), being~~  
 14 ~~approximately (give the number) mills, for the purpose of~~  
 15 ~~(state the purpose for which additional budget authority~~  
 16 ~~will be used)?~~

17  FOR the additional levy budget authority.

18  AGAINST the additional levy budget authority.

19 (3) (a) Whenever the purpose of the additional budget  
 20 authority is to maintain and operate the school programs,  
 21 the trustees of a district are not required to submit to the  
 22 electors a proposition of additional budget authority but  
 23 may impose the additional levy required to raise such an  
 24 amount for an ensuing school fiscal year if the budget for  
 25 the ensuing school fiscal year does not require an

1 additional levy that exceeds the additional levy required  
 2 for the budget authority approved for the current fiscal  
 3 school year.

4 (b) Whenever the purpose of the additional budget  
 5 authority is to build, repair, alter, or enlarge a  
 6 schoolhouse or to furnish additional school facilities or to  
 7 acquire land, authorization for additional budget authority  
 8 is effective for only 1 school fiscal year.

9 ~~(3)~~(4) If the election on any additional levy budget  
 10 authority for the general fund is approved by a majority  
 11 vote of those electors voting at such election, the  
 12 proposition shall carry and the trustees may use any portion  
 13 or all of the authorized amount in adopting the preliminary  
 14 general fund budget. The trustees shall certify the  
 15 additional levy amount authorized by such ~~a special~~ election  
 16 on the budget form that is submitted to the county  
 17 superintendent, and the county commissioners shall levy such  
 18 number of mills on the taxable value of all taxable property  
 19 within the district, as prescribed in 20-9-141, as are  
 20 required to raise the amount of such additional levy.

21 ~~(4)~~(5) Authorization Except as provided in subsection  
 22 (3), authorization to levy an additional tax under the  
 23 provisions of this section shall be effective for only 1  
 24 school fiscal year and shall be authorized by ~~a special~~ an  
 25 election conducted ~~before August 1 of~~ on the regular school

1 election day preceding the school fiscal year for which it  
2 is effective."

3 Section 5. Section 20-20-105, MCA, is amended to read:

4 "20-20-105. Regular school election day and special  
5 school elections. The first Tuesday ~~of April~~ after the first  
6 Monday in June of each year shall be the regular school  
7 election day. Unless otherwise provided by law, special  
8 school elections may be conducted at such times as  
9 determined by the trustees."

10 Section 6. Section 20-20-201, MCA, is amended to read:

11 "20-20-201. Calling of school election. (1) At least  
12 40 days before any school election, the trustees of any  
13 district shall call such school election by resolution,  
14 stating the date and purpose of such election, and shall  
15 conduct it in accordance with the procedures required by  
16 law, when:

17 (a) an election must be held on the regular school  
18 election day;

19 (b) in their discretion, the trustees order an  
20 election for a purpose authorized by law;

21 (c) the county superintendent orders an election in  
22 accordance with the law authorizing such an order;

23 (d) the board of public education orders an election  
24 in accordance with the law authorizing such an order;

25 (e) the county commissioners order an election in

1 accordance with the law authorizing such an order;

2 (f) the board of trustees of a community college  
3 district orders an election in accordance with the law  
4 authorizing such an order (in which case the community  
5 college district shall bear its share of the cost of such  
6 election); or

7 (g) a school election is required by law under any  
8 other circumstances.

9 (2) An election for authorizing additional budget  
10 authority may be held only on the regular school election  
11 day.

12 ~~(2)~~(3) The resolution calling any school election  
13 shall be transmitted to the county election administrator no  
14 later than 35 days before the election in order to enable  
15 him to close the registration and prepare the lists of  
16 registered electors as required by school election laws."

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