

SENATE BILL 464

Introduced by Rapp-Svrcek

3/09	Introduced
3/09	Referred to State Administration
3/09	Fiscal Note Requested
3/11	Rereferred to Education & Cultural Resources
3/15	Fiscal Note Received
3/17	Hearing
3/18	Fiscal Note Printed
	Died in Committee

1 *Senate* BILL NO. 464
2 INTRODUCED BY *Rep. Smith*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING SCHOOL
5 DISTRICT TRUSTEES TO CONDUCT THE ELECTION OF TRUSTEES ON A
6 DATE OTHER THAN THE REGULAR SCHOOL ELECTION DAY; AMENDING
7 SECTIONS 7-16-2421, 7-34-2135, 20-3-304, 20-3-337, 20-3-338,
8 AND 20-15-221, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
9 DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 7-16-2421, MCA, is amended to read:

13 "7-16-2421. Election of commissioners. (1) After
14 appointment of the initial commission and except in the case
15 of vacancies, all members of the county park district
16 commission must be elected by the electors of the district.

17 (2) The election of members to the commission must be
18 held ~~in-conjunction-with-the-school-elections-held--pursuant~~
19 ~~to--20-3-304~~ on the regular school election day as provided
20 in 20-20-105.

21 (3) Candidates for the office of member of the county
22 park district commission must be nominated by petition filed
23 with the office of the election administrator at least 30
24 days prior to the election day and signed by at least five
25 electors of the district.

1 (4) If no nomination petition is filed for an office,
2 the county governing body shall appoint a member to fill the
3 term. A person appointed pursuant to this subsection has the
4 same term and obligations as a person elected to fill the
5 office. If there are no petitions of nomination for members
6 of the commission, no election need be held.

7 (5) The term of office of elected members commences
8 upon their being elected and qualified. The term of office
9 of an elected member of the county park district commission
10 is 4 years, except that a simple majority of the members of
11 the first elected board shall serve terms of 2 years, with a
12 minority of the board serving terms of 4 years. The members
13 serving 2-year terms must be selected by lot.

14 (6) A vacancy in the office of a member must be filled
15 by appointment by the remaining members of the commission.
16 The term of the appointed member expires upon the election
17 and qualification of an elected successor or upon the
18 election of a member to fill the unexpired term of the
19 vacant office. The election must be held at the next
20 scheduled school election."

21 **Section 2.** Section 7-34-2135, MCA, is amended to read:

22 "7-34-2135. Election required to impose special
23 additional mill levy. (1) Before each additional levy
24 provided for in 7-34-2134 may be made, the question shall be
25 submitted to a vote of the people at the next primary

election held in an even-numbered year or on the next regular school election day ~~held in accordance with 20-3-304 as provided in 20-20-105~~ or by mail ballot election as provided by Title 13, chapter 19, in the following form:

"Shall there be an additional levy of (specify number) mills upon the taxable property of the (specify hospital district) for 2 years necessary to raise the sum of (specify the approximate amount to be raised by the additional tax levy) for the purpose of (specify purpose for which the additional levy is made)?

☐ FOR an additional levy to raise the sum of (state the approximate amount to be raised by the additional tax levy), and being (give number) mills.

☐ AGAINST an additional tax levy to raise the sum of (state the approximate amount to be raised by the additional tax levy), and being (give number) mills."

(2) Notice of the election, clearly stating the amount and the purpose of the additional levy, must be given and the election held and conducted and the returns made in all respects in the manner prescribed by law with regard to the submission of questions to the electors under the general election laws."

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

"20-3-304. Annual election. In each district an

election of trustees ~~shall~~ must be conducted annually on the regular school election day, the first Tuesday of April, unless otherwise determined by the trustees. If the trustees determine to hold the election of trustees on a date other than the regular school election day, it must be held at the same time as a special school election as provided in 20-20-105. Election of trustees ~~shall~~ must comply with the election provisions of Title 13 and this title."

Section 4. Section 20-3-337, MCA, is amended to read:

"20-3-337. Plan for creating single-member trustee districts. (1) The board of trustees of a school district may establish a procedure for studying the appropriateness of creating single-member trustee districts within the school district.

(2) If the board considers a single-member district plan, the plan must establish single-member districts that:

(a) are as compact in area and as equal in population as possible; and

(b) provide equitable voting rights for the minorities residing within the school district by ensuring that the access of minorities to the political process is not diluted in contravention of the Voting Rights Act Amendments of 1982, Public Law 97-205.

(3) If the board determines that it is in the best

1 interest of the electors of the school district, it shall:

2 (a) propose creation of a single-member trustee
3 district plan;

4 (b) schedule and hold a public hearing on the proposed
5 plan; and

6 (c) publish in a newspaper of general circulation in
7 the district a notice of the public hearing, including a map
8 of the proposed single-member trustee district plan, and the
9 reasons why the board believes that the plan satisfies the
10 criteria set forth in subsection (2).

11 (4) After the public hearing is held, the board shall
12 forward a copy of the proposed single-member trustee
13 district plan to the secretary of state and the
14 superintendent of public instruction for review and comment.
15 The copy of the proposed plan must be accompanied by:

16 (a) a map indicating the circulation of the newspaper
17 in which the notice required in subsection (3) was
18 published;

19 (b) the published notice of the public hearing;

20 (c) a map of the proposed single-member trustee
21 district plan; and

22 (d) a summary of any public comments to the board
23 regarding the proposed plan.

24 (5) After receiving comments from the secretary of
25 state and the superintendent of public instruction, the

1 board of trustees may amend, revise, approve, or disapprove
2 the proposed plan. If the plan is adopted by the board, it
3 shall:

4 (a) inform the county superintendent of schools of its
5 adoption;

6 (b) publish notice of the adoption in a newspaper of
7 general circulation within the district, including
8 identification of the boundaries of each new single-member
9 trustee district and the implementation date of the plan;
10 and

11 (c) file with the county clerk and recorder a
12 certificate designating the boundary lines and limits of
13 each single-member trustee district.

14 (6) All successors to the board of trustees must be
15 elected in accordance with the adopted single-member trustee
16 district plan.

17 (7) No change in the boundaries of a trustee district
18 may be made within 3 months preceding a regular school
19 election day as provided in ~~20-3-304~~ 20-20-105."

20 **Section 5.** Section 20-3-338, MCA, is amended to read:

21 "20-3-338. Trustees elected by single-member district.

22 (1) At each annual election of trustees provided for in
23 20-3-304, each trustee candidate in a single-member trustee
24 district must be a qualified elector of the trustee district
25 and have resided in the trustee district to be represented

1 for at least 1 year prior to becoming a candidate for the
2 trustee position.

3 (2) Nomination of trustee candidates under the
4 provisions of 20-3-305 and 20-3-344 must be by electors of
5 the trustee district.

6 (3) The election of each trustee must be submitted to
7 the electors in the trustee district who are qualified to
8 vote under the provisions of 20-20-301."

9 **Section 6.** Section 20-15-221, MCA, is amended to read:

10 "20-15-221. Election of trustees after organization of
11 community college district. (1) After organization, the
12 registered electors of the community college district
13 qualified to vote under the provisions of 20-20-301 shall
14 annually vote for trustees on the regular school election
15 day provided for in ~~20-3-304~~ 20-20-105. The election ~~shall~~
16 must be conducted in accordance with the election provisions
17 of this title whenever such provisions are made applicable
18 to community college districts. Such The elections ~~shall~~
19 must be conducted by the component elementary school
20 districts within ~~such~~ the community college district upon
21 the order of the board of trustees of the community college
22 district. The order ~~shall~~ must be transmitted to the
23 appropriate trustees not less than 40 days prior to the
24 regular school election day.

25 (2) Notice of the community college district trustee

1 election ~~shall~~ must be given by the board of trustees of the
2 community college district by publication in one or more
3 newspapers of general circulation within each county, not
4 less than once a week for 2 consecutive weeks, the last
5 insertion to be no more than 1 week prior to the date of the
6 election. This notice ~~shall~~ must be in addition to the
7 election notice to be given by the trustees of the component
8 elementary districts under the school election laws.

9 (3) Should trustees be elected other than at large
10 throughout the entire district, then only those qualified
11 voters within the area from which the trustee or trustees
12 are to be elected shall cast their ballots for the trustee
13 or trustees from that area. In addition to the nominating
14 petition required by 20-15-219(2), all candidates for the
15 office of trustee shall file their declarations of candidacy
16 with the secretary of the board of trustees of the community
17 college district not less than 30 days prior to the date of
18 election. If an electronic voting system or voting machines
19 are not used in the component elementary school district or
20 districts which conduct the election, the board of trustees
21 of the community college district shall cause ballots to be
22 printed and distributed for the polling places in such
23 component districts at the expense of the community college
24 district, but in all other respects said elections shall be
25 conducted in accordance with the school election laws. All

1 costs incident to election of the community college trustees
2 shall be borne by the community college district, including
3 one-half of the compensation of the judges for the school
4 elections; provided that if the election of the community
5 college district trustees is the only election conducted,
6 the community college district shall compensate the district
7 for the total cost of the election."

8 NEW SECTION. **Section 7.** Effective date. [This act] is
9 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB464, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act allowing school district trustees to conduct the election of trustees on a date other than the regular school election day; amending Sections 7-16-2421, 7-34-2135, 20-3-304, 20-3-337, 20-3-338, and 20-15-221, MCA; and providing an immediate effective date."

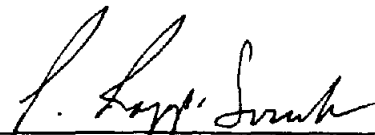
FISCAL IMPACT: No fiscal impact.



DAVE LEWIS, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

3/15/89



PAUL RAPP-SVRCEK, PRIMARY SPONSOR

DATE

3/17/89

Fiscal Note for SB464, as introduced

SB 464