

HOUSE BILL 48

Introduced by Dowell

12/23	Introduced
12/30	Referred to Education & Cultural Resources
1/04	First Reading
1/11	Hearing
1/15	Tabled in Committee

1 HOUSE BILL NO. 48

2 INTRODUCED BY DOWELL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE VOTER
5 TURNOUT REQUIREMENTS FOR SCHOOL DISTRICT BOND ELECTIONS AND,
6 BY REFERENCE, FOR ELECTIONS FOR ASSUMPTION OF BONDED
7 INDEBTEDNESS IN A SCHOOL DISTRICT CONSOLIDATION OR
8 ANNEXATION ELECTION; REVISING THE DETERMINATION OF APPROVAL
9 OR REJECTION OF A BOND PROPOSAL FOR A COMMUNITY COLLEGE
10 DISTRICT; AMENDING SECTIONS 20-9-428 AND 20-15-404, MCA; AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

21 {a}--~~determine the total number of electors of the~~
22 ~~school district who are qualified to vote under the~~
23 ~~provisions of 20-20-301 from the list of electors supplied~~
24 ~~by the county registrar for such school bond election;~~

25 {b}--~~determine the total number of qualified electors~~

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 (1)(c)
8 is 40% or more, the school bond proposition shall be deemed
9 is considered to have been approved and adopted if a
10 majority of the votes shall of the electors qualified to
11 vote under the provisions of 20-20-301 and voting at the
12 election have been were cast in favor of such the
13 proposition, otherwise it shall be deemed is considered to
14 have been rejected; or

15 {e}--when the calculated percentage in subsection (1)(c)
16 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}--when the calculated percentage in subsection (1)(c)
22 is 30% or less, the school bond proposition shall be deemed
23 to have been rejected.

24 (2) If the canvass of the vote establishes the approval
25 and adoption of the school bond proposition, the trustees

shall issue a certificate proclaiming the passage of such the proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for such the school district bond election."

Section 2. Section 20-15-404, MCA, is amended to read:

"20-15-404. Trustees to adhere to certain other laws. Unless the context clearly indicates otherwise, the trustees of a community college district shall adhere to:

(1) the teachers' retirement provisions of Title 19, chapter 4;

(2) the provisions of 20-1-201, 20-1-205, 20-1-211, and 20-1-212;

(3) the school property provisions of 20-6-604, 20-6-605, 20-6-621, 20-6-622, 20-6-624, 20-6-631, and 20-6-633 through 20-6-636;

(4) the adult education provisions of 20-7-701 through 20-7-713;

(5) the administration of finances provisions of 20-9-115, 20-9-134, 20-9-207, 20-9-208, 20-9-210, 20-9-215, 20-9-221 through 20-9-224, and 20-9-512;

(6) the school bond provisions of 20-9-401 through 20-9-412, 20-9-421 through 20-9-427, 20-9-429 through 20-9-446, 20-9-451 through 20-9-456, and 20-9-461 through 20-9-465;

(7) the special purpose funds provisions of 20-9-502,

20-9-503, 20-9-507, 20-9-508, and 20-9-511;

(8) the educational cooperative agreements provisions of 20-9-701 through 20-9-704;

(9) the school elections provisions of Title 20, chapter 20;

(10) the students' rights provisions of 20-25-511 through 20-25-516; and

(11) the health provisions of 50-1-206."

NEW SECTION. Section 3. Determination of approval or rejection of proposition at community college district bond election. (1) When the trustees canvass the vote of a community college district bond election under the provisions of 20-20-415, they shall determine the approval or rejection of the community college district bond proposition in the following manner:

(a) The trustees shall:

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

(ii) determine the total number of qualified electors who voted at the community college district bond election from the tally sheet or sheets for the election; and

(iii) calculate the percentage of qualified electors

1 voting at the community college district bond election by
2 dividing the amount determined in subsection (1)(a)(ii) by
3 the amount determined in subsection (1)(a)(i).

4 (b) When the calculated percentage in subsection
5 (1)(a)(iii) is 40% or more, the community college district
6 bond proposition is considered to have been approved and
7 adopted if a majority of the votes were cast in favor of the
8 proposition; otherwise, it is considered to have been
9 rejected.

10 (c) When the calculated percentage in subsection
11 (1)(a)(iii) is more than 30% but less than 40%, the
12 community college district bond proposition is considered to
13 have been approved and adopted if 60% or more of the votes
14 were cast in favor of the proposition, otherwise it is
15 considered to have been rejected.

16 (d) When the calculated percentage in subsection
17 (1)(a)(iii) is 30% or less, the community college district
18 bond proposition is considered to have been rejected.

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

1 NEW SECTION. **Section 4.** Codification instruction.
2 [Section 3] is intended to be codified as an integral part
3 of Title 20, and the provisions of Title 20 apply to
4 [section 3].

5 NEW SECTION. **Section 5.** Effective date. [This act] is
6 effective on passage and approval.

-End-