

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

HOUSE BILL NO. 48

INTRODUCED BY DOWELL

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

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

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

"20-9-428. Determination of approval or rejection of proposition at school district 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

1 who--voted--at-the-school-bond-election-from-the-tally-sheet
 2 or-sheets-for-such-election;
 3 ~~to~~--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 ~~to~~--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 ~~to~~--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 ~~to~~--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

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

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

6 "20-15-404. Trustees to adhere to certain other laws.
 7 Unless the context clearly indicates otherwise, the trustees
 8 of a community college district shall adhere to:

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

11 (2) the provisions of 20-1-201, 20-1-205, 20-1-211, and
 12 20-1-212;

13 (3) the school property provisions of 20-6-604,
 14 20-6-605, 20-6-621, 20-6-622, 20-6-624, 20-6-631, and
 15 20-6-633 through 20-6-636;

16 (4) the adult education provisions of 20-7-701 through
 17 20-7-713;

18 (5) the administration of finances provisions of
 19 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;

21 (6) the school bond provisions of 20-9-401 through
 22 20-9-412, 20-9-421 through 20-9-427, 20-9-429 through
 23 20-9-446, 20-9-451 through 20-9-456, and 20-9-461 through
 24 20-9-465;

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

1 20-9-503, 20-9-507, 20-9-508, and 20-9-511;
 2 (8) the educational cooperative agreements provisions
 3 of 20-9-701 through 20-9-704;
 4 (9) the school elections provisions of Title 20,
 5 chapter 20;
 6 (10) the students' rights provisions of 20-25-511
 7 through 20-25-516; and
 8 (11) the health provisions of 50-1-206."

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

16 (a) The trustees shall:

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

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

25 (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)(iii) 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.

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