

then Joe

House BILL NO. 313

Emission

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INTRODUCED BY

Brainard
Rehbein

DENNY

Smith
Emmitt

Wm E Boharski

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE REGULAR SCHOOL ELECTION DAY TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH YEAR AND REQUIRING SCHOOL DISTRICT TRUSTEES TO BE ELECTED ON THAT DAY; REQUIRING THE ELECTION FOR APPROVAL OF FINANCING FOR A SCHOOL DISTRICT GENERAL FUND BUDGET TO BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN JUNE OF EACH YEAR; LIMITING A SCHOOL DISTRICT TO ONE GENERAL FUND BUDGET FINANCING ELECTION EACH CALENDAR YEAR; REQUIRING ANY ANNUAL ELECTION FOR A POLITICAL SUBDIVISION, OTHER THAN A MUNICIPALITY, TO BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH YEAR; CHANGING THE MILL LEVY ELECTIONS AND TRUSTEE ELECTIONS FOR CERTAIN POLITICAL SUBDIVISIONS IN ACCORDANCE WITH THE CHANGES IN SCHOOL ELECTION DATES; AMENDING SECTIONS 7-14-1633, 7-34-2135, 13-1-104, 20-3-304, 20-9-353, 20-15-221, 20-20-105, AND 85-8-302, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 7-14-1633, MCA, is amended to read:

"7-14-1633. Election required to impose mill levy. (1) Before the levy provided for in 7-14-1632 may be made, the question must be submitted to a vote of the people at the next ~~regular~~ school election held in accordance with ~~20-3-304~~ 20-9-353 or by mail ballot election as provided by Title 13, chapter 19, in the following form:

"Shall there be a levy of (specify number, not to exceed 6) mills upon the taxable property of the (specify rail authority) necessary to raise the sum of (specify the approximate amount to be raised by the tax levy) for the purpose of (specify purpose for which the levy is made)?

- FOR the tax levy.
- AGAINST the tax levy."

(2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given, and the election must be held and conducted and the returns must be made in the manner prescribed by

1 law for the submission of questions to the electors under the general election laws."

2

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

4 **"7-34-2135. Election required to impose special additional mill levy.** (1) Before each additional levy
5 provided for in 7-34-2134 may be made, the question ~~shall~~ must be submitted to a vote of the people at
6 the next primary election held in an even-numbered year or on the next ~~regular~~ school election day held in
7 accordance with ~~20-3-304~~ 20-9-353 or by mail ballot election as provided by Title 13, chapter 19, in the
8 following form:

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

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

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

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

20

21 **Section 3.** Section 13-1-104, MCA, is amended to read:

22 **"13-1-104. Times for holding general elections.** (1) A general election ~~shall~~ must be held
23 throughout the state in ~~every~~ each even-numbered year on the first Tuesday after the first Monday of
24 November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the
25 Montana constitution to be submitted by the legislature to the electors at a general election, unless an
26 earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to
27 Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the
28 legislature, judges of the district court, and county officers ~~when the terms of such~~ the offices will expire
29 before the next scheduled election for the offices or when one of the offices must be filled for an unexpired
30 term as provided by law.

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

7 (3) The general election for any political subdivision, other than a municipality, required to hold
 8 elections annually ~~shall~~ must be held on ~~school election day,~~ the first Tuesday ~~of April~~ after the first
 9 Monday in November of each year, and is subject to the election procedures provided for in 13-1-401.

10 (4) The general election for a municipality required to hold elections annually may be held either
 11 on ~~school election day as provided in subsection (3)~~ the first Tuesday after the first Monday in June or on
 12 the first Tuesday after the first Monday in November, at the discretion of the governing body."

13
 14 **Section 4.** Section 20-3-304, MCA, is amended to read:

15 "**20-3-304. Annual election.** In each district, an election of trustees ~~shall~~ must be conducted
 16 annually on the regular school election day, the first Tuesday ~~of April~~ after the first Monday in November.
 17 Election of trustees ~~shall~~ must comply with the election provisions of Title 13 and this title."

18
 19 **Section 5.** Section 20-9-353, MCA, is amended to read:

20 "**20-9-353. Additional financing for general fund -- election for authorization to impose.** (1) Except
 21 as limited by 20-9-308, the trustees of a district may propose to adopt a general fund budget in excess of
 22 the maximum general fund budget amount for the district.

23 (2) Except as provided in 20-9-308(4)(b), when the trustees of a district determine that an
 24 additional amount of financing is required for the general fund budget that is in excess of the maximum
 25 general fund budget amount, the trustees shall submit the proposition to finance the excess amount of
 26 general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The
 27 special election must be called and conducted in the manner prescribed ~~by~~ in subsection (4) and this title
 28 for school elections. The ballot for the election must state the amount of money to be financed, the
 29 approximate number of mills required to raise all or a portion of the money, and the purpose for which the
 30 money will be expended. The ballot must be in the following format:

PROPOSITION

1
2 Shall the district be authorized to expend the sum of (state the amount to be expended), and being
3 approximately (give number) mills, for the purpose of (insert the purpose for which the additional financing
4 is made)?

5 FOR budget authority and any levy.

6 AGAINST budget authority and any levy.

7 (3) If the election on any additional financing for the general fund is approved by a majority vote
8 of the electors voting at the election, the proposition carries and the trustees may use any portion or all of
9 the authorized amount in adopting the preliminary general fund budget. The trustees shall certify any
10 additional levy amount authorized by the special election on the budget form that is submitted to the county
11 superintendent, and the county commissioners shall levy the authorized number of mills on the taxable
12 value of all taxable property within the district, as prescribed in 20-9-141, to raise the amount of the
13 additional levy.

14 (4) (a) Authorization to levy an additional tax under the provisions of this section is effective for
15 only 1 school fiscal year and must be authorized by a special election conducted ~~before August 1 of~~ on the
16 first Tuesday after the first Monday in June preceding the school fiscal year for which it is effective.

17 (b) A proposition required under this section may not be submitted to the electors more than one
18 time in the same calendar year.

19 (5) If the trustees of a district are required to submit a proposition to finance a BASE budget
20 amount, as provided in 20-9-308(2)(b), or an over-BASE budget amount, as provided in 20-9-308(3)(b),
21 to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4)."

22
23 **Section 6.** Section 20-20-105, MCA, is amended to read:

24 "**20-20-105. Regular school election day and special school elections.** The first Tuesday of ~~April~~
25 after the first Monday in November of each year ~~shall be~~ is the regular school election day. ~~Unless~~
26 ~~otherwise provided by law, special school elections may be conducted at such times as determined by the~~
27 ~~trustees."~~

28
29 **Section 7.** Section 20-15-221, MCA, is amended to read:

30 "**20-15-221. Election of trustees after organization of community college district.** (1) After

1 organization, the registered electors of the community college district qualified to vote under the provisions
 2 of 20-20-301 shall annually vote for trustees on the regular school election day provided for in ~~20-3-304~~
 3 20-20-105. The election ~~shall~~ must be conducted in accordance with the election provisions of this title
 4 whenever ~~such~~ the provisions are made applicable to community college districts. ~~Such~~ The elections ~~shall~~
 5 must be conducted by the component elementary school districts within ~~such~~ the community college district
 6 upon the order of the board of trustees of the community college district. The order ~~shall~~ must be
 7 transmitted to the appropriate trustees ~~not less than~~ at least 40 days prior to the regular school election
 8 day.

9 (2) Notice of the community college district trustee election ~~shall~~ must be given by the board of
 10 trustees of the community college district by publication in one or more newspapers of general circulation
 11 within each county, ~~not less than~~ at least once a week for 2 consecutive weeks, the last insertion to be
 12 no more than 1 week prior to the date of the election. This notice ~~shall be~~ is in addition to the election
 13 notice to be given by the trustees of the component elementary districts under the school election laws.

14 (3) ~~Should~~ If trustees are to be elected other than at large throughout the entire district, ~~then~~ only
 15 those qualified voters within the area from which the trustee or trustees are to be elected ~~shall~~ may cast
 16 their ballots for the trustee or trustees from that area. In addition to the nominating petition required by
 17 20-15-219(2), all candidates for the office of trustee shall file their declarations of candidacy with the
 18 secretary of the board of trustees of the community college district ~~not less than~~ at least 30 days prior to
 19 the date of election. If an electronic voting system or voting machines are not used in the component
 20 elementary school district or districts ~~which~~ that conduct the election, the board of trustees of the
 21 community college district shall cause ballots to be printed and distributed for the polling places in ~~such~~
 22 component districts at the expense of the community college district, but in all other respects, ~~said~~ the
 23 elections ~~shall~~ must be conducted in accordance with the school election laws. All costs incident to election
 24 of the community college trustees ~~shall be~~ must be borne by the community college district, including
 25 one-half of the compensation of the judges for the school elections; ~~provided that~~ However, if the election
 26 of the community college district trustees is the only election conducted, the community college district
 27 shall compensate the district for the total cost of the election."
 28

29 **Section 8.** Section 85-8-302, MCA, is amended to read:

30 **"85-8-302. Election of commissioners -- regular term of office.** (1) The regular election of

1 commissioners ~~shall must~~ be held annually in accordance with 13-1-104 and 13-1-401. The term of office
 2 of commissioners ~~shall commence~~ begins on the first Tuesday in ~~May~~ December following ~~their~~ the election.
 3 At the first regular election following the organization of a district and in districts organized and in existence
 4 on March 1, 1921, and ~~which~~ that, on petition, have been divided into divisions, at the first regular election
 5 following the date of the order making ~~such~~ the division, there ~~shall must~~ be elected three commissioners,
 6 one commissioner being elected from each division of which ~~he~~ the commissioner must be an actual
 7 landowner. One of the commissioners, to be determined by lot, shall hold office until the first Tuesday in
 8 ~~May~~ December in the year following ~~his~~ the commissioner's election; ~~another~~ Another of the
 9 commissioners, to be determined by lot, shall hold office until the first Tuesday in ~~May~~ December in the
 10 second year following ~~his~~ the commissioner's election; ~~and the~~ The third ~~of the commissioners~~
 11 commissioner shall hold office until the first Tuesday in ~~May~~ December in the third year following ~~his~~ the
 12 commissioner's election. ~~Thereafter~~ At subsequent elections, one commissioner ~~shall must~~ be elected each
 13 year, ~~who~~ and shall hold office for a term of 3 years and until ~~his~~ a successor is elected and qualified. The
 14 person elected as a commissioner in each year to succeed the commissioner whose term is then expiring
 15 must be elected as a commissioner from the same division as the commissioner ~~whom he~~ who is to
 16 ~~succeed~~ be succeeded.

17 (2) Each commissioner must be a resident of a county where a portion of the district lands is
 18 situated."
 19

20 **NEW SECTION. Section 9. Effective date -- applicability.** (1) [This act] is effective July 1, 1995,
 21 and applies to school elections to be held for the school fiscal year beginning July 1, 1996.

22 (2) The term of office of any commissioner, board member, or trustee affected by [this act]
 23 continues until a successor is elected under the provisions of [this act].

24 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0313, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

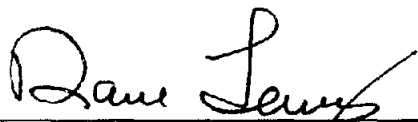
An act changing the regular school election day to the first Tuesday after the first Monday in November of each year and requiring school district trustees to be elected on that day; requiring the election for approval of financing for a school district general fund budget to be held on the first Tuesday after the first Monday in June of each year; limiting a school district to one general fund budget financing election each calendar year; requiring any annual election for a political subdivision, other than a municipality, to be held on the first Tuesday after the first Monday in November of each year; changing the mill levy elections and trustees elections for certain political subdivisions in accordance with the changes in school election dates.

ASSUMPTIONS:

1. School districts must adopt a preliminary general fund budget by the fourth Monday in June, and must publish notice of the preliminary budget meeting two weeks prior to the adoption of the preliminary budget. The notice of the preliminary budget hearing would need to be published within six days after the June budget election.
2. Under present law, school districts can hold multiple school levy elections between the first Tuesday in April and the fourth Monday in August, when the final district budget is adopted. HB 313 would limit the district to one election in June.
3. House Bill 313 has no effect on the requirement that districts reach their BASE budget level by July 1, 1997. The bill will have no effect on the amount of direct state aid or guaranteed tax base aid provided to school districts.
4. The bill may have a dampening affect on the growth in school district budgets because districts will be authorized to hold only one levy election.
5. School districts will be able to hold special elections to consider the sale of school bonds (20-9-421, MCA) or consolidation with another district (20-6-203, MCA).
6. Since the measure maintains the current administrative structure for school elections which separates the conduct of school elections from the conduct of other elections, the elections, while on the same day, will remain separate and duplicate in nature and therefore potential savings will be minimal.

FISCAL IMPACT: No impact on state revenues or expenditures.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

 1-24-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

MATT BRAINARD, PRIMARY SPONSOR DATE

Fiscal Note for HB0313, as introduced

HB 313

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

TECHNICAL NOTES:

1. Sections 20-4-204, 205, and 206, MCA require school trustees to offer teaching contracts by May 1 for the ensuing school year. Under HB 313, districts will have to offer teaching contracts prior to knowing the level of the district general fund budget and revenues.