

House BILL NO. *469*

INTRODUCED BY

Blainard / Russ Wells / Jon

DENNY Simpkins Kasten Curkiss Walter Emerson

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL DISTRICT TRUSTEES TO SUBMIT LEVY, BOND, AND ALL OTHER FUNDING PROPOSITIONS TO QUALIFIED ELECTORS AT A SINGLE ELECTION HELD ONCE EACH CALENDAR YEAR ON THE REGULAR SCHOOL ELECTION DAY; PROVIDING AN EXCEPTION TO THE LIMITATION IN THE CASE OF AN UNFORESEEN EMERGENCY; AMENDING SECTIONS 20-9-353, 20-9-421, 20-9-452, 20-20-105, AND 20-20-201, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 20-9-353, MCA, is amended to read:

"20-9-353. Additional financing for general fund -- election for authorization to impose. (1) The trustees of a district may propose to adopt:

(a) a budget amount up to the BASE budget amount for the district general fund that is within the limitations and required budget increases provided in 20-9-308(2);

(b) an over-BASE budget amount for the district general fund that does not exceed the maximum general fund budget for the district or other limitations, as provided in 20-9-308(3); or

(c) a general fund budget amount in excess of the maximum general fund budget amount for the district, as provided in 20-9-308(4).

(2) When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the additional amount of general fund financing to the electors who are qualified under 20-20-301 to vote upon the proposition. The special election must be called and conducted in the manner prescribed by this title for school elections. The ballot for the election must state the amount of money to be financed, the approximate number of mills required to raise all or a portion of the money, and the purpose for which the money will be expended. The ballot must be in the following format:

PROPOSITION

Shall the district be authorized to expend the sum of (state the additional amount to be expended),

1 and being approximately (give number) mills, for the purpose of (insert the purpose for which the additional
2 financing is made)?

3 FOR budget authority and any levy.

4 AGAINST budget authority and any levy.

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

12 (4) Authorization to levy an additional tax to support a budget amount adopted as allowed by
13 20-9-308(4) is effective for only 1 school fiscal year.

14 (5) All levies adopted under this section must be authorized by ~~a special~~ an election conducted
15 ~~before August 1 of the school fiscal year for which it is effective~~ pursuant to 20-20-105.

16 (6) If the trustees of a district are required to submit a proposition to finance an increased amount
17 up to the BASE budget amount, as provided in 20-9-308(2)(b), an increased over-BASE budget amount,
18 as provided in 20-9-308(3)(a), or an amount in excess of the maximum general fund budget amount for the
19 district as allowed by 20-9-308(4) to the electors of the district, the trustees shall comply with the
20 provisions of subsections (2) through (4)."

21

22 **Section 2.** Section 20-9-421, MCA, is amended to read:

23 **"20-9-421. Election to authorize ~~the~~ issuance of school district bonds ~~and the methods of~~**
24 **~~introduction.~~** A school district ~~shall~~ may not issue bonds for any purpose other than that provided in
25 15-1-402 and 20-9-412 unless the issuance of bonds has been authorized by the qualified electors of the
26 school district at an election called for the purpose of considering a proposition to issue ~~such~~ the bonds.
27 A school district bond election ~~shall~~ must be called by a resolution as prescribed under the provisions of
28 20-20-201 when:

29 (1) the trustees, of their own volition, adopt a resolution to that effect; or

30 (2) the trustees have received a petition ~~which asks~~ requesting that an election be held pursuant

1 to 20-20-105 to consider a bond proposition and ~~which~~ the petition has been validated under the provisions
2 of 20-9-425."

3

4 **Section 3.** Section 20-9-452, MCA, is amended to read:

5 **"20-9-452. Purposes and petition for county high school bonds.** (1) Any county where a county
6 high school that has not been placed in a high school district is located may become indebted by the
7 issuance of bonds for the purposes of:

8 (a) purchasing or erecting a building or buildings for high school purposes;

9 (b) remodeling, enlarging, or repairing a building or buildings for high school purposes;

10 (c) purchasing equipment for high school purposes;

11 (d) purchasing, erecting, or equipping a high school dormitory or gymnasium;

12 (e) purchasing a suitable site or sites for such high school building; or

13 (f) refunding or redeeming any outstanding bonds originally issued for any of the foregoing
14 purposes.

15 (2) In order to initiate any bonding proposition for the above purposes:

16 (a) the trustees of a county high school may initiate and adopt a resolution in accordance with the
17 provisions of 20-9-422 requesting the board of county commissioners to submit ~~such~~ the bond proposition
18 to the qualified electors of the county; or

19 (b) a petition signed by not less than 20% of the electors of the county who are qualified under
20 20-20-301 may be presented to the trustees of the county high school. ~~Such~~ The petition ~~shall~~ must
21 request the submission of a bond proposition to the qualified electors of the county and ~~shall~~ must specify
22 the purpose or purposes of the proposed bond issue and the amount of bonds to be issued. ~~Such~~ The
23 petition ~~shall~~ must conform with the petition requirements prescribed in 20-9-423. If the trustees of the
24 county high school approve a validated petition for a bond proposition, they shall request the board of
25 county commissioners of the county to submit ~~such~~ the bond proposition to the qualified electors of the
26 county pursuant to the requirements of 20-20-105."

27

28 **Section 4.** Section 20-20-105, MCA, is amended to read:

29 **"20-20-105. Regular school election day and special school elections -- limitation -- exception.** (1)
30 The first Tuesday of April of each year ~~shall be~~ is the regular school election day. ~~Unless otherwise provided~~

1 ~~by law~~, Except as provided in subsection (3), a proposition requesting additional funding under 20-9-353,
 2 20-9-421, or 20-9-452 may be submitted to the electors only once each calendar year on the regular school
 3 election day.

4 (2) Subject to the provisions of subsection (1), special school elections may be conducted at ~~such~~
 5 times as determined by the trustees.

6 (3) The provisions of subsection (1) do not apply in the event of an unforeseen emergency. As
 7 used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5)."

8
 9 **Section 5.** Section 20-20-201, MCA, is amended to read:

10 **"20-20-201. Calling of school election.** (1) At least 40 days before any school election, the
 11 trustees of any district shall call ~~such~~ the school election by resolution, stating the date and purpose of
 12 ~~such~~ the election, and shall conduct it in accordance with the procedures required by law, when:

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

14 (b) in their discretion, the trustees order an election for a purpose authorized ~~by law~~ pursuant to
 15 the requirements of 20-20-105;

16 (c) the county superintendent orders an election in accordance with the law authorizing ~~such~~ an
 17 order;

18 (d) the board of public education orders an election in accordance with the law authorizing ~~such~~
 19 an order;

20 (e) the county commissioners order an election in accordance with the law authorizing ~~such~~ an
 21 order;

22 (f) the board of trustees of a community college district orders an election in accordance with the
 23 law authorizing ~~such~~ an order, in which case the community college district shall bear its share of the cost
 24 of ~~such~~ the election); or

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

26 (2) The resolution calling ~~any~~ a school election ~~shall~~ must be transmitted to the county election
 27 administrator no later than 35 days before the election in order to enable ~~him~~ the administrator to close the
 28 registration and prepare the lists of registered electors as required by school election laws."

29

30 **NEW SECTION. Section 6. Effective date -- applicability.** [This act] is effective July 1, 1997, and

1 applies to school elections held in school fiscal years beginning after July 1, 1997.

2 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0469, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring school district trustees to submit levy, bond and all other funding propositions to qualified electors at a single election held once each calendar year on the regular school election day; providing an exception to the limitation in the case of an unforeseen emergency.

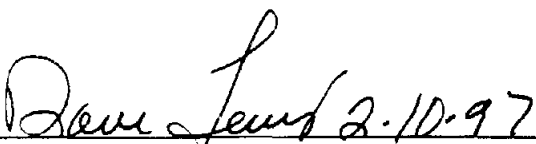
ASSUMPTIONS:

1. All school districts must adopt a general fund budget at least equal to the BASE budget effective July 1, 1997. The state does not participate in the funding of the over-BASE portion of the budget.
2. With the exception of an unforeseen emergency, HB 469 limits school districts to one general fund budget levy election and one school bond election each year, on the first Tuesday in April. If a levy election fails school trustees would not be authorized to propose a second election on the same question.
3. OPI does not collect data on the number of school elections that do not pass on the first attempt.

FISCAL IMPACT: No impact on the state general fund or on state funding for schools.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

If a general fund budget election fails, a school district must limit its general fund budget to the lesser of the prior year budget or the prior year budget per ANB times the current year ANB.


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

MATT BRAINARD, PRIMARY SPONSOR DATE

Fiscal Note for HB0469, as introduced

HB 469

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2 INTRODUCED BY BRAINARD, PROUSE, WELLS, JORE, DENNY, SIMPKINS, KASTEN, CURTISS,
3 WALTERS, EMERSON
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL DISTRICT TRUSTEES TO SUBMIT LEVY,
6 BOND, AND ALL OTHER FUNDING PROPOSITIONS TO QUALIFIED ELECTORS AT ~~A SINGLE ELECTION~~
7 ~~HELD ONCE~~ NO MORE THAN TWO ELECTIONS EACH CALENDAR YEAR ~~ON THE REGULAR SCHOOL~~
8 ~~ELECTION DAY~~; PROVIDING AN EXCEPTION TO THE LIMITATION IN THE CASE OF AN UNFORESEEN
9 EMERGENCY; AMENDING SECTIONS 20-9-353, 20-9-421, 20-9-452, 20-20-105, AND 20-20-201, MCA;
10 AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."
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16 trustees of a district may propose to adopt:

17 (a) a budget amount up to the BASE budget amount for the district general fund that is within the
18 limitations and required budget increases provided in 20-9-308(2);

19 (b) an over-BASE budget amount for the district general fund that does not exceed the maximum
20 general fund budget for the district or other limitations, as provided in 20-9-308(3); or

21 (c) a general fund budget amount in excess of the maximum general fund budget amount for the
22 district, as provided in 20-9-308(4).

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

30 PROPOSITION

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

4 [] FOR budget authority and any levy.

5 [] AGAINST budget authority and any levy.

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

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 14 20-9-308(4) is effective for only 1 school fiscal year.

15 (5) All levies adopted under this section must be authorized by a ~~special~~ an election conducted
 16 ~~before August 1 of the school fiscal year for which it is effective~~ pursuant to 20-20-105.

17 (6) If the trustees of a district are required to submit a proposition to finance an increased amount
 18 up to the BASE budget amount, as provided in 20-9-308(2)(b), an increased over-BASE budget amount,
 19 as provided in 20-9-308(3)(a), or an amount in excess of the maximum general fund budget amount for the
 20 district as allowed by 20-9-308(4) to the electors of the district, the trustees shall comply with the
 21 provisions of subsections (2) through (4)."

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24 "**20-9-421. Election to authorize the issuance of school district bonds and the methods of**
 25 **introduction.** A school district ~~shall~~ may not issue bonds for any purpose other than that provided in
 26 15-1-402 and 20-9-412 unless the issuance of bonds has been authorized by the qualified electors of the
 27 school district at an election called for the purpose of considering a proposition to issue ~~such~~ the bonds.
 28 A school district bond election ~~shall~~ must be called by a resolution as prescribed under the provisions of
 29 20-20-201 when:

30 (1) the trustees, of their own volition, adopt a resolution to that effect; or

1 (2) the trustees have received a petition ~~which asks~~ requesting that an election be held pursuant
 2 to 20-20-105 to consider a bond proposition and ~~which the petition~~ has been validated under the provisions
 3 of 20-9-425."

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 5 **Section 3.** Section 20-9-452, MCA, is amended to read:

6 **"20-9-452. Purposes and petition for county high school bonds.** (1) Any county where a county
 7 high school that has not been placed in a high school district is located may become indebted by the
 8 issuance of bonds for the purposes of:

- 9 (a) purchasing or erecting a building or buildings for high school purposes;
 10 (b) remodeling, enlarging, or repairing a building or buildings for high school purposes;
 11 (c) purchasing equipment for high school purposes;
 12 (d) purchasing, erecting, or equipping a high school dormitory or gymnasium;
 13 (e) purchasing a suitable site or sites for such high school building; or
 14 (f) refunding or redeeming any outstanding bonds originally issued for any of the foregoing
 15 purposes.

16 (2) In order to initiate any bonding proposition for the above purposes:

17 (a) the trustees of a county high school may initiate and adopt a resolution in accordance with the
 18 provisions of 20-9-422 requesting the board of county commissioners to submit ~~such the~~ bond proposition
 19 to the qualified electors of the county; or

20 (b) a petition signed by not less than 20% of the electors of the county who are qualified under
 21 20-20-301 may be presented to the trustees of the county high school. ~~Such The~~ petition ~~shall~~ must
 22 request the submission of a bond proposition to the qualified electors of the county and ~~shall~~ must specify
 23 the purpose or purposes of the proposed bond issue and the amount of bonds to be issued. ~~Such The~~
 24 petition ~~shall~~ must conform with the petition requirements prescribed in 20-9-423. If the trustees of the
 25 county high school approve a validated petition for a bond proposition, they shall request the board of
 26 county commissioners of the county to submit ~~such the~~ bond proposition to the qualified electors of the
 27 county pursuant to the requirements of 20-20-105."

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 29 **Section 4.** Section 20-20-105, MCA, is amended to read:

30 **"20-20-105. Regular school election day and special school elections -- limitation -- exception.** (1)

1 The first Tuesday of April of each year ~~shall be~~ is the regular school election day. ~~Unless otherwise provided~~
 2 ~~by law,~~ Except as provided in subsection (3), a proposition requesting additional funding under 20-9-353,
 3 20-9-421, or 20-9-452 may be submitted to the electors only ~~once~~ TWICE each calendar year ~~on the~~
 4 regular school election day.

5 (2) Subject to the provisions of subsection (1), special school elections may be conducted at ~~such~~
 6 times ~~as~~ determined by the trustees.

7 (3) The provisions of subsection (1) do not apply in the event of an unforeseen emergency. As
 8 used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5)."

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10 **Section 5.** Section 20-20-201, MCA, is amended to read:

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

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

15 (b) in their discretion, the trustees order an election for a purpose authorized ~~by law~~ pursuant to
 16 the requirements of 20-20-105;

17 (c) the county superintendent orders an election in accordance with the law authorizing ~~such~~ an
 18 order;

19 (d) the board of public education orders an election in accordance with the law authorizing ~~such~~
 20 an order;

21 (e) the county commissioners order an election in accordance with the law authorizing ~~such~~ an
 22 order;

23 (f) the board of trustees of a community college district orders an election in accordance with the
 24 law authorizing ~~such~~ an order, ~~in which case the community college district shall bear its share of the cost~~
 25 ~~of such~~ the election}; or

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

27 (2) The resolution calling ~~any~~ a school election ~~shall~~ must be transmitted to the county election
 28 administrator no later than 35 days before the election in order to enable ~~him~~ the administrator to close the
 29 registration and prepare the lists of registered electors as required by school election laws."

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10 AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO SECOND READING COPY
(YELLOW) FOR COMPLETE TEXT.**