

House BILL NO. 501

INTRODUCED BY Wagner Bergman ~~Clark~~ ORR Adams HARP ~~Clark~~

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING WHEN BALLOTS FOR CERTAIN SCHOOL BOND ELECTIONS MUST BE MADE AVAILABLE; REQUIRING THAT CERTAIN NOTICES BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IF THERE IS ONE IN THE SCHOOL DISTRICT; AND AMENDING SECTIONS 20-6-604, 20-9-426, 20-20-204, AND 20-20-401, MCA."

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

Section 1. Section 20-6-604, MCA, is amended to read:

"20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1)

Whenever the trustees of a district determine that a site, building, or any other real or personal property of the district is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district, the trustees may sell or otherwise dispose of the real or personal property in accordance with this section and without conforming to the provisions of 20-6-603. If a decision to sell or dispose of property is made, the trustees shall adopt a resolution to sell or otherwise dispose of the district real or personal property because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district.

(2) The resolution may not become effective for 14 days after the notice required in subsection (3) is made.

(3) The trustees shall ~~cause notices of the resolution to be published in a newspaper of general circulation in the district. If there is no newspaper of general circulation, the trustees shall cause notices of the resolution to be posted~~ provide notice of the resolution in the manner required for school elections in 20-20-204.

(4) A taxpayer may appeal the resolution of the trustees, at any time prior to the effective date of the resolution, to the district court by filing a verified petition with the clerk of the court and serving a copy of the petition upon the district. The petition must set out in detail the objections of the petitioner to the adoption of the resolution or to the disposal of the property. The service and filing of the petition stay the resolution until final determination of the matter by the court. The court shall immediately fix the time for

1 a hearing at the earliest convenient time. At the hearing, the court shall hear the matter de novo and may
 2 take testimony as it considers necessary. Its proceedings are summary and informal, and its decision is
 3 final.

4 (5) The trustees of a district that has adopted a resolution to sell or otherwise dispose of district
 5 real or personal property and, if appealed, has been upheld by the court shall sell or dispose of the real or
 6 personal property in any reasonable manner that they determine to be in the best interests of the district.

7 (6) The money realized from the sale or disposal of real or personal property of the district must
 8 be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion
 9 of the trustees."

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11 **Section 2.** Section 20-9-426, MCA, is amended to read:

12 "**20-9-426. Preparation and form of ballots for bond election.** (1) The school district shall cause
 13 ballots to be prepared for all bond elections, and whenever bonds for more than one purpose are to be
 14 voted upon at the same election, separate ballots ~~shall~~ must be prepared for each purpose.

15 (2) For bond elections that are not held in conjunction with a school election, the ballots for
 16 absentee voting must be printed and made available at least 30 days before the bond election.

17 (3) All ~~such~~ ballots ~~shall~~ must be substantially in the following form:

18 OFFICIAL BALLOT SCHOOL DISTRICT BOND ELECTION

19 INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words
 20 "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X
 21 or similar mark in the square before the words "BONDS--NO".

22 Shall the board of trustees be authorized to issue and sell bonds of this school district in the amount
 23 of dollars (\$....), bearing interest at a rate not more than percent (....%) ~~per annum~~ a year, payable
 24 semiannually, during a period not more than years, for the purpose (here state the purpose the same
 25 way as in the notice of election)?

26 BONDS -- YES.

27 BONDS -- NO."

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29 **Section 3.** Section 20-20-204, MCA, is amended to read:

30 "**20-20-204. Election notice.** (1) (a) When the trustees of ~~any~~ a district call a school election, they

1 shall give notice of the election not less than 20 days or more than 30 days before the day of the election
2 by:

3 (i) publication of the notice in a newspaper of general circulation if there is one in the district; ~~or~~
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5 (ii) posting notices in three public places in the district, provided that in incorporated cities and
6 towns, at least one notice ~~shall~~ must be posted at a public place in each ward or precinct.

7 (b) Whenever, in the judgment of the trustees, the best interest of the district will be served by
8 the supplemental publication of the school election notice in a radio or television broadcast, the trustees
9 may cause ~~such~~ that notification to be made.

10 (2) The notice of a school election, unless otherwise required by law, ~~shall~~ must specify:

11 (a) the date and polling places of the election;

12 (b) the hours that the polling places will be open;

13 (c) each proposition to be considered by the electorate;

14 (d) if there are trustees to be elected, the number of positions subject to election and the length
15 of term of each position; and

16 (e) where and how absentee ballots may be obtained.

17 (3) If more than one proposition is to be considered at the same school election, each proposition
18 must be set apart and separately identified in the same notice or published in separate notices."

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20 **Section 4.** Section 20-20-401, MCA, is amended to read:

21 **"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general
22 supervisors of school elections unless the trustees request and the county election administrator agrees to
23 conduct a school election under 20-20-417.

24 (2) Not less than 15 days before an election, the clerk of the district shall prepare a certified list
25 of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The
26 clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least
27 11 days ~~prior to~~ before the election, except as provided in 20-9-426(2) for a bond election not held in
28 conjunction with a school election. Names of candidates on school election ballots need not be rotated.

29 (3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with
30 the ballots and supplies necessary to conduct the election."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0501, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: An act specifying when ballots for certain school bond elections must be made available; requiring that certain notices be published in a newspaper of general circulation if there is one in the school district.

ASSUMPTIONS:

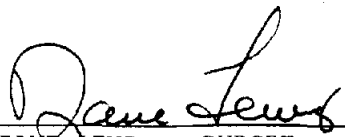
1. HB 501 requires school districts to make absentee ballots available 30 days before a school bond election if the election is not held in conjunction with a school election.
2. HB 501 does not change public notice requirements for school bond elections.
3. HB 501 does not place any additional fiscal burdens on school districts.

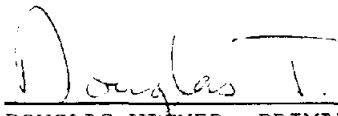
FISCAL IMPACT: None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

There would be no significant fiscal impact on school districts that are holding bond elections which are not in conjunction with school elections. The costs of printing ballots would be sustained by the district anyway, but they would have to be available to absentee voters 30 days rather than 11 days before the election.

If trustees have adopted a resolution to sell or dispose of property, notice of the resolution must be made in the manner required for school elections under 20-20-204, MCA; as amended by HB0501.

 2-13-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-17-97
DOUGLAS WAGNER, PRIMARY SPONSOR DATE

Fiscal Note for HB0501, as introduced

HB 501

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House BILL NO. *501*
INTRODUCED BY *Wagner* *Bergman* *Karna*
Clark *ORR* *Adams* *HARP* *Robert*

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"20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1)

Whenever the trustees of a district determine that a site, building, or any other real or personal property of the district is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district, the trustees may sell or otherwise dispose of the real or personal property in accordance with this section and without conforming to the provisions of 20-6-603. If a decision to sell or dispose of property is made, the trustees shall adopt a resolution to sell or otherwise dispose of the district real or personal property because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district.

(2) The resolution may not become effective for 14 days after the notice required in subsection (3) is made.

(3) The trustees shall ~~cause notices of the resolution to be published in a newspaper of general circulation in the district. If there is no newspaper of general circulation, the trustees shall cause notices of the resolution to be posted~~ provide notice of the resolution in the manner required for school elections in 20-20-204.

(4) A taxpayer may appeal the resolution of the trustees, at any time prior to the effective date of the resolution, to the district court by filing a verified petition with the clerk of the court and serving a copy of the petition upon the district. The petition must set out in detail the objections of the petitioner to the adoption of the resolution or to the disposal of the property. The service and filing of the petition stay the resolution until final determination of the matter by the court. The court shall immediately fix the time for

1 a hearing at the earliest convenient time. At the hearing, the court shall hear the matter de novo and may
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12 "**20-9-426. Preparation and form of ballots for bond election.** (1) The school district shall cause
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20 "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X
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22 Shall the board of trustees be authorized to issue and sell bonds of this school district in the amount
23 of dollars (\$....), bearing interest at a rate not more than percent (....%) ~~per annum a year~~, payable
24 semiannually, during a period not more than years, for the purpose (here state the purpose the same
25 way as in the notice of election)?

26 BONDS -- YES.

27 BONDS -- NO."

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30 "**20-20-204. Election notice.** (1) (a) When the trustees of ~~any~~ a district call a school election, they

1 shall give notice of the election not less than 20 days or more than 30 days before the day of the election
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5 (ii) posting notices in three public places in the district, provided that in incorporated cities and
6 towns, at least one notice ~~shall~~ must be posted at a public place in each ward or precinct.

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18 must be set apart and separately identified in the same notice or published in separate notices."
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20 **Section 4.** Section 20-20-401, MCA, is amended to read:

21 **"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general
22 supervisors of school elections unless the trustees request and the county election administrator agrees to
23 conduct a school election under 20-20-417.

24 (2) Not less than 15 days before an election, the clerk of the district shall prepare a certified list
25 of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The
26 clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least
27 11 days ~~prior to~~ before the election, except as provided in 20-9-426(2) for a bond election not held in
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INTRODUCED BY *Wagner* *Bergman* *McLain* *Karna*
Clark *ORR* *Adams* *HARP* *Richard*

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2 INTRODUCED BY WAGNER, BERGMAN, MOLNAR, KEENAN, CLARK, ORR, ADAMS, HARP, DEPRATU

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20 (2) The resolution may not become effective for 14 days after the notice required in subsection (3)
21 is made.

22 (3) The trustees shall ~~cause notices of the resolution to be published in a newspaper of general~~
23 ~~circulation in the district. If there is no newspaper of general circulation, the trustees shall cause notices~~
24 ~~of the resolution to be posted~~ provide notice of the resolution in the manner required for school elections
25 in 20-20-204.

26 (4) A taxpayer may appeal the resolution of the trustees, at any time prior to the effective date of
27 the resolution, to the district court by filing a verified petition with the clerk of the court and serving a copy
28 of the petition upon the district. The petition must set out in detail the objections of the petitioner to the
29 adoption of the resolution or to the disposal of the property. The service and filing of the petition stay the
30 resolution until final determination of the matter by the court. The court shall immediately fix the time for

1 a hearing at the earliest convenient time. At the hearing, the court shall hear the matter de novo and may
 2 take testimony as it considers necessary. Its proceedings are summary and informal, and its decision is
 3 final.

4 (5) The trustees of a district that has adopted a resolution to sell or otherwise dispose of district
 5 real or personal property and, if appealed, has been upheld by the court shall sell or dispose of the real or
 6 personal property in any reasonable manner that they determine to be in the best interests of the district.

7 (6) The money realized from the sale or disposal of real or personal property of the district must
 8 be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion
 9 of the trustees."

10

11 **Section 2.** Section 20-9-426, MCA, is amended to read:

11

12 **"20-9-426. Preparation and form of ballots for bond election.** (1) The school district shall cause
 13 ballots to be prepared for all bond elections, and whenever bonds for more than one purpose are to be
 14 voted upon at the same election, separate ballots ~~shall~~ must be prepared for each purpose.

14

15 (2) For bond elections that are not held in conjunction with a school election, the ballots for
 16 absentee voting must be printed and made available at least 30 days before the bond election.

15

16

17 (3) All ~~such~~ ballots ~~shall~~ must be substantially in the following form:

17

18 **OFFICIAL BALLOT SCHOOL DISTRICT BOND ELECTION**

18

19 **INSTRUCTIONS TO VOTERS:** Make an X or similar mark in the vacant square before the words
 20 "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X
 21 or similar mark in the square before the words "BONDS--NO".

19

20

21

22 Shall the board of trustees be authorized to issue and sell bonds of this school district in the amount
 23 of dollars (\$....), bearing interest at a rate not more than percent (....%) ~~per annum a year~~, payable
 24 semiannually, during a period not more than years, for the purpose (here state the purpose the same
 25 way as in the notice of election)?

22

23

24

25

26 BONDS -- YES.

26

27 BONDS -- NO."

27

28

29 **Section 3.** Section 20-20-204, MCA, is amended to read:

29

30 **"20-20-204. Election notice.** (1) (a) When the trustees of ~~any~~ a district call a school election, they

30

1 shall give notice of the election not less than 20 days or more than 30 days before the day of the election
2 by:

3 (i) publication of the notice in a newspaper of general circulation if there is one in the district; ~~or~~
4 and

5 (ii) posting notices in three public places in the district, provided that in incorporated cities and
6 towns, at least one notice ~~shall~~ must be posted at a public place in each ward or precinct.

7 (b) Whenever, in the judgment of the trustees, the best interest of the district will be served by
8 the supplemental publication of the school election notice in a radio or television broadcast, the trustees
9 may cause ~~such~~ that notification to be made.

10 (2) The notice of a school election, unless otherwise required by law, ~~shall~~ must specify:

11 (a) the date and polling places of the election;

12 (b) the hours that the polling places will be open;

13 (c) each proposition to be considered by the electorate;

14 (d) if there are trustees to be elected, the number of positions subject to election and the length
15 of term of each position; and

16 (e) where and how absentee ballots may be obtained.

17 (3) If more than one proposition is to be considered at the same school election, each proposition
18 must be set apart and separately identified in the same notice or published in separate notices."

19

20 **Section 4.** Section 20-20-401, MCA, is amended to read:

21 **"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general
22 supervisors of school elections unless the trustees request and the county election administrator agrees to
23 conduct a school election under 20-20-417.

24 (2) Not less than 15 days before an election, the clerk of the district shall prepare a certified list
25 of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The
26 clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least
27 11 days ~~prior to~~ before the election, except as provided in 20-9-426(2) for a bond election not held in
28 conjunction with a school election. Names of candidates on school election ballots need not be rotated.

29 (3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with
30 the ballots and supplies necessary to conduct the election."

-END-