

1 SENATE BILL NO. 66

2 INTRODUCED BY B. LAKE

3 BY REQUEST OF THE EDUCATION AND LOCAL GOVERNMENT INTERIM COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCESS FOR CREATING A COMMUNITY
 6 COLLEGE DISTRICT; PROVIDING FOR REGISTERED ELECTORS TO PETITION COUNTY
 7 COMMISSIONERS FOR A PROPOSED DISTRICT; REQUIRING THE COUNTY COMMISSIONERS TO HOLD
 8 A HEARING ON THE PROPOSED CREATION OF A DISTRICT; REQUIRING A RECOMMENDATION BY THE
 9 COUNTY COMMISSION TO THE BOARD OF REGENTS; REQUIRING A JOINT RESOLUTION BY THE
 10 LEGISLATURE FOR APPROVAL OR DISAPPROVAL OF A DISTRICT; REQUIRING THAT ELECTIONS BE
 11 CONDUCTED BY THE COUNTY ELECTION ADMINISTRATOR; AMENDING SECTIONS 20-15-103, 20-15-202,
 12 20-15-204, 20-15-205, 20-15-206, 20-15-207, 20-15-208, 20-15-209, 20-15-210, AND 20-15-231, MCA;
 13 REPEALING SECTION 20-15-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
 17 **Section 1.** Section 20-15-103, MCA, is amended to read:

18 **"20-15-103. Supervision and coordination by board of regents.** Community college districts shall be
 19 under the supervision and coordination of the regents. The regents shall:

20 (1) supervise community college districts in accordance with the provisions of this section and 20-15-105;

21 (2) appoint a coordinator of community college districts and prescribe the duties of the coordinator;

22 (3) formulate and put into effect general policies for the supervision and coordination of community
 23 college districts;

24 (4) after consultation with the community college trustees, develop and implement policies that
 25 distinguish the regents' authority to supervise and coordinate and the trustees' authority to administer and control
 26 community colleges; and

27 (5) ~~call an election, determine the results of the election, and order and implement the organization of~~
 28 ~~a community college district in accordance with this chapter~~ vote on a favorable recommendation by the board
 29 of county commissioners to create a community college district."

30

1 **Section 2.** Section 20-15-202, MCA, is amended to read:

2 **"20-15-202. Petition for organization of community college district -- qualification of electors --**
 3 **county clerk and recorder's duties.** When the area of a proposed community college district satisfies the
 4 specified requirements, the registered electors of the area may petition the ~~regents~~ board of county
 5 commissioners of the county or counties in which the proposed district is located by filing the complete petition,
 6 addressed to the county commissioners, with the county clerk and recorder to call an election for the organization
 7 of a community college district. ~~Such~~ The petition ~~shall~~ must be signed by at least 20% of the registered electors
 8 within each county or a part of a county included in the area of the proposed community college district. The
 9 county clerk and recorder of the county or counties in which the proposed community college district is located
 10 shall, within 15 days, carefully examine the petition and the county records showing the qualifications of the
 11 petitioners and attach it to a certificate under the clerk and recorder's official signature and the seal of the office.
 12 The certificate must set forth:

13 (1) the total number of persons who are registered electors within the proposed community college
 14 district;
 15 (2) which and how many of the persons whose names are subscribed to the petition have all of the
 16 qualifications required of signers to the petition; and
 17 (3) whether the qualified signers constitute more or less than 20% of the registered electors of the
 18 proposed community college district."

19
 20 NEW SECTION. Section 3. Presentation of petition for organization of community college district
 21 **to board of county commissioners -- hearing required -- notice.** (1)The county clerk and recorder shall
 22 present the petition for the organization of the community college district and the clerk's certificate to the board
 23 of county commissioners of the county or counties in which the proposed community college district is located
 24 at the first regularly scheduled meeting held after the date the clerk has attached the certificate.

25 (2) The board shall carefully examine the petition and the clerk's certificate, and if the petition is in proper
 26 form and bears the requisite number of signatures of qualified petitioners and the clerk's certificate is in order,
 27 the board shall by resolution call a hearing on the creation of the district.

28 (3) Notice of the hearing required by this section must be published as provided in 7-1-2121.

29
 30 NEW SECTION. Section 4. Hearing on petition for organization of community college district. At

1 the time fixed for the hearing, the board of county commissioners shall hear testimony offered in support of or in
2 opposition to the petition for the creation of the community college district. The hearing may be adjourned from
3 time to time for the determination of the facts or for hearing petitioners or objectors without additional published
4 or posted notice, but an adjournment may not exceed 2 weeks from the date of the noticed and published
5 hearing. The commissioners shall cause a transcript or a recording of the hearing to be made.

6
7 **NEW SECTION. Section 5. Resolution of board of county commissioners.** The board of county
8 commissioners, upon completion of the hearing provided for in [section 4], shall proceed by resolution to approve
9 or disapprove the creation of the community college district. A simple majority of the commissioners voting on
10 the question is sufficient to approve the creation of the community college district. When the area of the proposed
11 community college district crosses more than one county, an affirmative vote of a simple majority of all the votes
12 cast by the boards of county commissioners is required for approval of the creation of the district. If the resolution
13 is in favor of approval, the board may make changes that it considers advisable in the boundaries of the proposed
14 community college district without including any additional lands not described in the petition. The resolution in
15 favor of approval must also include a current estimate of the mandatory tax levy provided for in 20-15-312 and
16 20-15-313 necessary to fund the proposed community college district and an estimate of the impact on a home
17 valued at \$100,000 and a home valued at \$200,000 in the district in terms of actual dollars in additional property
18 taxes that would be imposed on residences with those values. The estimate may also include a statement of the
19 impact on homes of any other value in the district.

20
21 **NEW SECTION. Section 6. Transmittal of recommendation of board of county commissioners.**
22 If the resolution of the board of county commissioners recommends the creation of the proposed community
23 college district, the board shall transmit a certified copy of its resolution as well as a copy of the transcript or the
24 recording of the hearing to the board of regents of higher education.

25
26 **NEW SECTION. Section 7. Action by board of regents of higher education.** Within 180 days after
27 its members have received the resolution and the transcript or the recording of the hearing held on the proposed
28 community college district, the board of regents of higher education shall vote for or against the creation of the
29 proposed district. If the vote is to approve the creation of the proposed community college district, the regents
30 shall provide a written analysis of their decision, along with their recommendation, to the president of the senate

1 and the speaker of the house.

2

3 **NEW SECTION. Section 8. Action by legislature.** Upon receiving the board of regents of higher
4 education's written analysis of their decision and recommendation in favor of the creation of the proposed
5 community college district, the Montana legislature shall, by joint resolution at its next regular session, either
6 approve or disapprove the creation of the proposed community college district.

7

8 **NEW SECTION. Section 9. Election on question of creating community college district.** (1) The
9 board of county commissioners, upon receiving a copy of the legislature's joint resolution approving the creation
10 of the proposed community college district, shall proceed by an order calling an election to refer the question of
11 the creation of the district to the persons qualified to vote on the proposition. The order must include a current
12 estimate of the mandatory tax levy provided for in 20-15-312 and 20-15-313.

13 (2) The board shall designate in its order whether a special election is to be held or whether the matter
14 is to be determined at the next general election. If a special election is ordered, the board shall specify the date
15 for the election. The special election must be held in conjunction with a regular or a primary election.

16 (3) At the election the proposition must be in substantially the following form:

17

PROPOSITION

18 Shall there be organized within the area comprising the School Districts of (elementary districts must
19 be listed by county), State of Montana, a community college district for the offering of 13th-year and 14th-year
20 courses, to be financed in part by a mandatory, nonvoted, community college district tax levy, and to be known
21 as the Community College District of, Montana, under the provisions of the laws authorizing community college
22 districts in Montana, as requested in the petition filed with the Board of County Commissioners at, Montana,
23 on the.... day of, 20...?

24 FOR organization.

25 AGAINST organization.

26 (4) The election must be held in all respects, as nearly as practicable, in conformity with the school
27 election laws.

28 (5) Only registered electors residing within the proposed community college district may vote on the
29 question of the organization of the district.

30

1 **Section 10.** Section 20-15-204, MCA, is amended to read:

2 **"20-15-204. Election of trustees -- districts from which elected -- terms of office.** (1) The regents
3 board of county commissioners shall provide for the election of trustees of the proposed community college
4 district at the election held for the approval of its organization. Seven trustees ~~shall~~ must be elected at large,
5 except that ~~should if there be~~ are in such proposed community college district one or more high school districts
6 or part of a high school district within the proposed community college district with more than 43% and not more
7 than 50% of the total population of the proposed district; as determined by the last census, then each ~~such~~ high
8 school district or part of a high school district shall elect three trustees and the remaining trustees ~~shall~~ must be
9 elected at large from the remainder of the proposed community college district. ~~Should any such~~ If the high school
10 district or ~~such~~ part of a high school district ~~have~~ has more than 50% of the population of the proposed community
11 college district, then four trustees ~~shall~~ must be elected from ~~such that~~ that high school district or ~~such~~ part of that high
12 school district and three trustees must be elected at large from the remainder of the proposed community college
13 district.

14 (2) If the trustees are elected at large throughout the entire proposed community college district, the
15 three receiving the greatest number of votes ~~shall be~~ are elected for a term of 3 years, the two receiving the next
16 greatest number of votes, for a term of 2 years, and the two receiving the next greatest number of votes, for a
17 term of 1 year. If the trustees are elected in any manner other than at large throughout the entire proposed
18 community college district, then the trustees elected shall determine by lot the three who shall serve for 3 years,
19 the two who shall serve for 2 years, and the two who shall serve for 1 year. Thereafter, all trustees elected shall
20 serve for terms of 3 years each."

21
22 **Section 11.** Section 20-15-205, MCA, is amended to read:

23 **"20-15-205. Call for nominations of trustee candidates and notice.** (1) A call for nominations of
24 trustee candidates for the proposed community college district ~~shall~~ must be made by the ~~regents~~ board of county
25 commissioners.

26 (2) Notice of the call for nominations ~~shall~~ must be published in at least one newspaper of general
27 circulation in each county or any portion of a county included in the proposed community college district once a
28 week for 3 consecutive weeks, the last ~~insertion~~ publication to be no less than 5 weeks prior to the date of the
29 election. ~~Such~~ The notice ~~shall~~ must describe the geographical composition of the board of trustees membership,
30 nomination procedure, and the proposal for the organization of a community college district."

1

2 **Section 12.** Section 20-15-206, MCA, is amended to read:

3 **"20-15-206. Nomination of candidates and provision of sample ballot.** (1) Nominations of candidates
4 for the trustee positions must be filed with the ~~regents~~ board of county commissioners at least 30 days prior to
5 the date of the election. Any five qualified electors may file nominations of as many persons as are to be elected
6 to the board of trustees of the proposed community college district from their respective community college
7 trustee election areas.

8 (2) The ~~regents~~ board of county commissioners shall provide the trustees of each district ordered to
9 conduct the community college district organization election with a sample of the ballot for the election of the
10 board of trustees. ~~Such~~ The sample ballot ~~shall~~ must be reproduced by the ~~trustees~~ county election administrator
11 in a sufficient number to be used as the trustee election ballot."
12

12

13 **Section 13.** Section 20-15-207, MCA, is amended to read:

14 **"20-15-207. Notice of organization election.** Notice of the community college district organization
15 election and the accompanying election of a board of trustees for the proposed community college district ~~shall~~
16 must be given by the ~~regents~~ board of county commissioners, by publication in at least one newspaper of general
17 circulation in each county or any portion of a county included in the proposed community college district, once
18 a week for 3 consecutive weeks, with the last insertion publication to be no more than 1 week prior to the date
19 of the election."
20

20

21 **Section 14.** Section 20-15-208, MCA, is amended to read:

22 **"20-15-208. Conduct of election.** The election for the organization of the community college district and
23 the election of trustees for ~~such~~ the community college district ~~shall~~ must be conducted, in accordance with the
24 school election laws, by the ~~trustees of the elementary districts~~ county election administrator ordered to call ~~such~~
25 the election. The cost of conducting ~~such~~ the election ~~shall~~ must be borne by the ~~districts~~ board of county
26 commissioners."
27

27

28 **Section 15.** Section 20-15-209, MCA, is amended to read:

29 **"20-15-209. Determination of approval or disapproval of proposition -- subsequent procedures**
30 **if approved.** (1) To carry, the proposal to organize the community college district must receive a majority of the

1 total number of votes cast, and the ~~coordinator of community college districts~~ county election administrator, from
 2 the results certified and attested, shall determine whether the proposal has received the majority of the votes cast
 3 for each county within the proposed district and shall certify the results to the ~~regents~~ board of county
 4 commissioners. ~~Approval for the organization of a new community college district must be granted at the~~
 5 ~~discretion of the legislature acting upon the recommendation of the regents.~~ If the certificate of the ~~coordinator~~
 6 ~~of community college districts~~ county election administrator shows that the proposition to organize the community
 7 college district has received a majority of the votes cast in each county within the proposed district, the ~~regents~~
 8 board of county commissioners may make an order declaring the ~~community college~~ district organized and cause
 9 a copy of the order to be recorded in the office of the county clerk and recorder in each county in which a portion
 10 of the new district is located. If the proposition carries, the ~~regents~~ board of county commissioners shall determine
 11 which candidates have been elected as trustees. If the proposition to organize the community college district fails
 12 to receive a majority of the votes cast, a tabulation may not be made to determine the candidates elected as
 13 trustees.

14 (2) Within 30 days of the date of the organization order, the ~~regents~~ board of county commissioners shall
 15 set a date and call an organization meeting for the board of trustees of the community college district and shall
 16 notify the elected trustees of their membership and of the organization meeting. The notification must designate
 17 a temporary presiding officer and secretary for the purposes of organization."
 18

19 **Section 16.** Section 20-15-210, MCA, is amended to read:

20 **"20-15-210. Qualification and organization of board of trustees.** (1) Newly elected members of the
 21 board of trustees of the community college district must be qualified by taking the oath of office prescribed by the
 22 constitution of Montana. At the organization meeting called by the board of ~~regents~~ county commissioners, the
 23 board of trustees must be organized by the election of a presiding officer and a secretary.

24 (2) The treasurer of the community college district is the county treasurer of the county in which the
 25 community college facilities are located. The duties of the county treasurer are referenced in 20-9-212."
 26

27 **Section 17.** Section 20-15-231, MCA, is amended to read:

28 **"20-15-231. Annexation of territory of districts to community college district.** (1) Whenever ~~40%~~
 29 20% of the registered electors of an elementary district or districts of a county that is contiguous to the existing
 30 community college district petition the board of trustees of a community college district for annexation of the

1 territory encompassed in ~~such~~ the elementary school districts, the board of trustees of the community college
 2 district may order an annexation election in the area defined by the petition. ~~Such~~ The election ~~shall~~ must be held
 3 on the next general election day.

4 (2) (a) Prior to the election on the question of annexation, the trustees shall adopt a plan that includes:

5 (i) a schedule that provides for the orderly transition from the existing trustee representation to the
 6 representation required by 20-15-204, ~~with such~~. The transition period may not ~~to~~ exceed 3 years from the date
 7 of the election on the question of annexation;

8 (ii) provisions relating to the assumption or nonassumption of existing community college district bonded
 9 indebtedness by the annexed area and provisions relating to the responsibilities of the annexed area for any
 10 bonded indebtedness if it withdraws from the district; and

11 (iii) a procedure by ~~means of~~ which the electors of the annexed area may withdraw the annexed area
 12 from the community college district and the conditions of ~~such~~ withdrawal.

13 (b) The plan required by this subsection (2) may not be changed by the trustees without the approval
 14 of a majority of the electors of the annexed area voting on the question. The bonding provisions of the plan set
 15 forth pursuant to subsection (2)(a)(ii) may not be changed.

16 (3) The election ~~shall~~ must be conducted in the proposed area for annexation in accordance with the
 17 requirements of the community college organization election, except that the board of trustees of the community
 18 college shall perform the requirements of the board of ~~regents~~ county commissioners and there ~~shall~~ may not be
 19 an election of the board of trustees of the community college.

20 (4) The proposition on the ballot ~~shall~~ must be as follows:

21 Shall school districts be annexed to and become a part of the Community College District of,
 22 Montana, to be financed in part by a mandatory, nonvoted community college district tax levy?

23 FOR annexation.

24 AGAINST annexation.

25 (5) To carry, the proposals to annex must receive a majority of the total votes cast ~~thereon~~ on the issue.

26 Upon receipt of the certified results of the election from the elementary districts encompassed in the proposed
 27 area to be annexed, the board of trustees of the community college district shall canvass the vote and declare
 28 the results of the election. If the annexation proposition carries, a certified copy of the canvassing resolution ~~shall~~
 29 must be filed in the office of the county clerk and recorder of the county encompassing the area to be annexed
 30 and, upon such filing, the area to be annexed ~~shall then become~~ becomes a part of the community college

1 district."

2

3 NEW SECTION. **Section 18. Repealer.** The following section of the Montana Code Annotated is
4 repealed:

5 20-15-203. Call of community college district organization election -- proposition statement.

6

7 NEW SECTION. **Section 19. Effective date.** [This act] is effective on passage and approval.

8

9 NEW SECTION. **Section 20. Codification instruction.** [Sections 3 through 10] are intended to be
10 codified as an integral part of Title 20, chapter 15, part 2, and the provisions of Title 20, chapter 15, part 2, apply
11 to [sections 3 through 10].

12

- END -