

HOUSE BILL NO. 379

INTRODUCED BY E. LIESER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LIBRARY DISTRICTS; PROVIDING CITIES AND ELECTORS WITH AN EXPANDED ROLE IN THE CREATION, ENLARGEMENT, AND GOVERNANCE OF PUBLIC LIBRARY DISTRICTS; CLARIFYING THE FINANCIAL AUTHORITY OF LIBRARY DISTRICT TRUSTEES; AMENDING SECTIONS 22-1-702, 22-1-704, 22-1-706, 22-1-707, AND 22-1-708, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 22-1-702, MCA, is amended to read:

"22-1-702. Creation or enlargement of public library district. (1) Proceedings for the creation or enlargement of a public library district or the conversion of a public library to a public library district may be initiated by:

(a) a petition signed by not less than 15% of the qualified electors who reside within the proposed district or the area to be added to an existing district; or

(b) a resolution of intent adopted by the county governing body; calling for the creation of a district.

(2) The petition must contain:

(a) the boundaries of the proposed public library district;

(b) a map showing the boundaries;

(c) subject to 15-10-420, the proposed maximum property tax mill levy that could be levied on property owners within the district for the operation of the district; and

(d) the proposed number of members on the board of trustees. The number of members must be five or seven.

(3) When the territory to be included in the proposed public library district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by not less than 15% of the qualified electors of the territory within the county proposed for inclusion in the district.

(4) Upon receipt of a petition to create a public library district, the county clerk shall examine the petition

1 and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or
2 certify that the petition is sufficient and present it to the county governing body at its next meeting.

3 (5) The text of the petition must be published as provided in 7-1-2121 in each county in which territory
4 of the proposed public library district lies.

5 (6) At a hearing on the proposed public library district to be held within 30 days after the next meeting
6 of the county governing body referred to in subsection (4), the county governing body shall hear testimony:

7 (a) of all interested persons on whether a district should be created;

8 (b) regarding the proposed boundary, the property tax mill levy, and the number of members of the board
9 of trustees; and

10 (c) on any other matter relating to the petition.

11 (7) After the hearing, if the county governing body determines that the proposed public library district
12 should be created or if the petition was signed by not less than 20% of the qualified electors who reside within
13 the proposed district, it the county governing body shall by resolution:

14 (a) set the boundaries of the proposed district;

15 (b) set the maximum mill levy for the proposed district;

16 (c) set the number of members to be on the board of trustees; and

17 (d) call for an election on the question of whether to create the district. The election may be:

18 (i) held in conjunction with a regular or primary election; or

19 (ii) conducted by mail ballot in accordance with the provisions of Title 13, chapter 19."
20

21 **Section 2.** Section 22-1-704, MCA, is amended to read:

22 **"22-1-704. Formation of public library district -- appointment of initial board of trustees.** (1) If a
23 majority of the votes cast at the election in the territory of each county included in the proposed public library
24 district approve the formation of the district, the governing body of each county shall, within 10 days of the receipt
25 of the official canvass of the result, certify that the district is formed.

26 (2) Within 30 days after the certification of the formation of the public library district, the governing body
27 of each county with territory included in the district shall jointly appoint the initial members of the district's board
28 of trustees. If the district was formed by the conversion of a city public library to a public library district, the city
29 governing body shall appoint the initial members of the district's board of trustees. The members shall serve until
30 their successors are elected and qualified."

- 1
- 2 **Section 3.** Section 22-1-706, MCA, is amended to read:
- 3 **"22-1-706. Election of board of trustees -- compensation -- removal -- single-member trustee**
- 4 **districts.** (1) After appointment of the initial members of the board of trustees, all members must be elected by
- 5 the electors of the public library district.
- 6 (2) The election of members to the board of trustees must be held in conjunction with the annual school
- 7 elections held pursuant to 20-3-304.
- 8 (3) (a) A candidate for the office of trustee of the public library district must be a resident of the district
- 9 and must be nominated by a petition; signed by at least five electors of the district and filed with the office of the
- 10 election administrator not earlier than 135 days or later than 75 days prior to the election day.
- 11 (b) If the district lies in more than one county, the petition for nomination must be presented to the
- 12 election administrator whose county contains the largest percentage of territory in the district.
- 13 (4) If the number of candidates is equal to or less than the number of positions to be elected, the election
- 14 administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing
- 15 body shall declare elected by acclamation each candidate who filed a nomination petition for a position. If a
- 16 nomination petition is not filed for an office, the county governing body of the county containing the largest
- 17 percentage of the territory in the public library district or the city governing body if the district was formed by the
- 18 conversion of a city public library to a public library district shall appoint a member to fill the term. A person
- 19 appointed pursuant to this subsection has the same term and obligations as a person elected to fill the office.
- 20 (5) The term of office of an elected board member begins on the date that the board member is elected
- 21 and qualified. The term of office of an elected member is 4 years, except that a simple majority of the members
- 22 of the first elected board shall serve a term of 2 years, with the minority of the board serving terms of 4 years. The
- 23 members serving 2-year terms must be selected by lot.
- 24 (6) A vacancy in the office of a member must be filled by appointment by the remaining members of the
- 25 board. The term of the appointed member expires upon the election and qualification of an elected successor or
- 26 upon the election of a member to fill the unexpired term of the vacant office. The election must be held at the next
- 27 scheduled school election held pursuant to 20-3-304.
- 28 (7) Members of the board of trustees serve without compensation.
- 29 (8) A trustee may be removed from office by a court of competent jurisdiction pursuant to state law
- 30 governing the removal of elected officials. If charges are brought against a trustee and if good cause is shown,

1 the governing body of the county containing the largest percentage of territory in the public library district or the
 2 city governing body if the district was formed by the conversion of a city public library to a public library district
 3 may suspend the trustee until the charges can be heard in a court of competent jurisdiction.

4 (9) (a) If the trustees determine that it is in the best interest of the electors of the public library district,
 5 they shall:

6 (i) propose the creation of a single-member trustee district plan with districts that are as compact in area
 7 and as equal in population as possible;

8 (ii) schedule and hold a public hearing on the plan; and

9 (iii) publish a notice of the public hearing as provided in 7-1-2121.

10 (b) After the public hearing is held, the trustees may amend, revise, approve, or disapprove the proposed
 11 plan. If the plan is adopted, the trustees shall publish notice of its adoption as provided in 7-1-2121.

12 (c) All successors to the board of trustees must be elected in accordance with the adopted
 13 single-member trustee district plan, and the election of each member must be submitted to the electors of the
 14 trustee district in which the candidate resides."

15

16 **Section 4.** Section 22-1-707, MCA, is amended to read:

17 **"22-1-707. Duties and powers of board of trustees.** (1) The board of trustees of a public library district
 18 shall:

19 (a) has exclusive control of the expenditure of funds in the account established in 22-1-708(3);

20 ~~(a)(b)~~ shall operate and maintain library property within the district and may conduct programs relating
 21 to libraries and make improvements to district property as the board considers appropriate;

22 ~~(b)(c)~~ shall prepare annual budgets as required by the county governing body or bodies;

23 ~~(c)(d)~~ shall pay necessary expenses of district staff members when on business of the district; and

24 ~~(d)(e)~~ shall prepare and submit any records required by the Montana state library.

25 (2) The board has all powers necessary for the betterment, operation, and maintenance of library
 26 property within the territory of the public library district, including establishing library locations. In the exercise of
 27 this general grant of powers, the board may:

28 (a) (i) employ or contract with administrative, professional, or other personnel necessary for the operation
 29 of the district; or

30 (ii) contract with other entities to provide or receive library services and to pay out or receive funds for

1 those library services;

2 (b) lease, purchase, or contract for the purchase of personal property, including property that after
3 purchase constitutes a fixture on real property;

4 (c) (i) lease, purchase, or contract for the purchase of buildings and facilities on lands controlled by the
5 district and may own and hold title to the buildings and facilities and equip, operate, and maintain the buildings
6 and facilities; or

7 (ii) receive by transfer, conditionally or otherwise, from a county or city, the ownership or control of a
8 library building, with all or any part of its property, provided that any existing debt of the governing body
9 transferring the interest tied to the property must remain an obligation of the governing body and may not become
10 an obligation of the district;

11 (d) adopt by resolution bylaws and rules for the operation and administration of the district;

12 (e) subject to 15-10-420, establish a property tax mill levy for the operation of the district as provided in
13 22-1-708;

14 (f) with the concurrence of the county governing body or bodies, accept donations of land or facilities
15 within the district to be used for district purposes;

16 (g) accept donations and devises of money or personal property;

17 (h) establish a library depreciation reserve fund as authorized and described in 22-1-716; and

18 (i) exercise other powers, not inconsistent with the law, necessary for the operation and management
19 of the district."

20

21 **Section 5.** Section 22-1-708, MCA, is amended to read:

22 **"22-1-708. Public library district budget -- property tax levy.** (1) The board of trustees shall annually
23 prepare a budget for the ensuing fiscal year and present the budget to the governing body of each county with
24 territory in the public library district at the regular budget meetings as prescribed in Title 7, chapter 6, part 40, and
25 certify the amount of money necessary for the operation of the district for the ensuing fiscal year.

26 (2) Subject to 15-10-420, the county governing body shall, annually at the time of levying county taxes,
27 fix and levy a tax on all taxable property within the public library district sufficient to raise the amount certified by
28 the board of trustees and approved by the electors. The tax levied may not in any year exceed the maximum
29 amount approved by the electorate in 22-1-703 or 22-1-709.

30 (3) All money raised by the levy provided for in subsection (2) must be deposited in an account held only

1 for the library district by the county treasurer, and any interest or earnings accrued must remain in the account."

2

3 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

4

- END -