

## HOUSE BILL NO. 176

INTRODUCED BY D. BEDEY, N. BALLANCE, J. ELLSWORTH, J. FULLER, K. HOLMLUND

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS GOVERNING THE CREATION OF NEW COMMUNITY COLLEGE DISTRICTS; REVISING LAWS FOR ELECTING TRUSTEES TO A NEW COMMUNITY COLLEGE DISTRICT; PROVIDING THAT THE LEGISLATURE IS THE SOLE AUTHORITY TO APPROVE A NEW COMMUNITY COLLEGE DISTRICT; AND AMENDING SECTIONS 20-15-204 AND 20-15-209, MCA."

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

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

**"20-15-204. Election of trustees -- districts from which elected -- terms of office.** (1) Pursuant to 20-15-208, the board of regents shall call and the county election administrator shall conduct the election of trustees of the proposed community college district at the same time as the election to be held for the approval of the community college district's organization.

(2) If the county election administrator determines that the proposal to organize a new community college district has carried pursuant to 20-15-209, the county election administrator shall determine which candidates have been elected trustees.

~~(2)~~(3) Seven trustees must be elected at large, except that if there is in the proposed community college district one or more high school districts or part of a high school district within the community college district with more than 43% and not more than 50% of the total population of the proposed district, as determined by the last census, then each such district or part of district shall elect three trustees and the remaining trustees must be elected at large from the remainder of the proposed community college district. Should any high school district or part of a high school district within the community college district have more than 50% of the population of the proposed district, then four trustees must be elected from that high school district or part of a high school district and the remaining trustees must be elected at large from the remainder of the proposed community college district.

~~(3)~~(4) If the trustees are elected at large throughout the entire proposed community college district, the three receiving the greatest number of votes must be elected for a term of 3 years, the two receiving the next greatest number of votes, for a term of 2 years, and the two receiving the next greatest number of votes, for a

1 term of 1 year. If the trustees are elected in any manner other than at large throughout the entire proposed  
 2 community college district, then the trustees elected shall determine by lot the three who shall serve for 3 years,  
 3 the two who shall serve for 2 years, and the two who shall serve for 1 year. Thereafter, all trustees elected shall  
 4 serve for terms of 3 years each."

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6 **Section 2.** Section 20-15-209, MCA, is amended to read:

7 **"20-15-209. Determination of approval or disapproval of proposition -- subsequent procedures**

8 **if approved.** (1) To carry, the proposal to organize the community college district must receive a majority of the  
 9 total number of votes cast. The county election administrator shall determine whether the proposal has received  
 10 the majority of the votes cast for each county within the proposed district and shall certify the results to the  
 11 regents. ~~Approval for the organization of a new community college district must be granted at the discretion of~~  
 12 ~~the legislature acting on the recommendation of the regents. If the certificate of the election shows that the~~  
 13 ~~proposition to organize the community college district has received a majority of the votes cast in each county~~  
 14 ~~within the proposed district, Prior to the legislative session immediately following the community college district~~  
 15 ~~organization election, the regents shall inform the legislature of the results of the election and shall provide a~~  
 16 ~~recommendation to the legislature. Authority to approve a new community college district lies solely with the~~  
 17 ~~legislature. If the legislature approves a new community college district, the regents may shall~~ make an order  
 18 declaring the community college district organized and cause a copy of the order to be recorded in the office of  
 19 the county clerk and recorder in each county in which a portion of the new district is located. ~~If the proposition~~  
 20 ~~carries, the county election administrator shall determine which candidates have been elected trustees. If the~~  
 21 ~~proposition to organize the community college district fails to receive a majority of the votes cast, a tabulation may~~  
 22 ~~not be made to determine the candidates elected trustees.~~

23 (2) Within 30 days of the date of the organization order, the regents shall set a date and call an  
 24 organization meeting for the board of trustees of the community college district and shall notify the elected  
 25 trustees of their membership and of the organization meeting. The notification must designate a temporary  
 26 presiding officer and secretary for the purposes of organization."

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