

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LIBRARY DISTRICTS; PROVIDING
5 CITIES AND ELECTORS WITH AN EXPANDED ROLE IN THE CREATION, ENLARGEMENT, AND
6 GOVERNANCE OF PUBLIC LIBRARY DISTRICTS; AMENDING SECTIONS 22-1-702, 22-1-704, AND 22-1-706,
7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 22-1-702, MCA, is amended to read:

12 **"22-1-702. Creation or enlargement of public library district.** (1) Proceedings for the creation or
13 enlargement of a public library district or the conversion of a public library to a public library district may be
14 initiated by:

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

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

18 (2) The petition must contain:

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

20 (b) a map showing the boundaries;

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

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

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

29 (4) Upon receipt of a petition to create a public library district, the county clerk shall examine the petition
30 and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or



1 certify that the petition is sufficient and present it to the county governing body at its next meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **"22-1-704. Formation of public library district -- appointment of initial board of trustees.** (1) If a
22 majority of the votes cast at the election in the territory of each county included in the proposed public library
23 district approve the formation of the district, the governing body of each county shall, within 10 days of the receipt
24 of the official canvass of the result, certify that the district is formed.

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

1 **Section 3.** Section 22-1-706, MCA, is amended to read:

2 **"22-1-706. Election of board of trustees -- compensation -- removal -- single-member trustee**
3 **districts.** (1) After appointment of the initial members of the board of trustees, all members must be elected by
4 the electors of the public library district.

5 (2) The election of members to the board of trustees must be held in conjunction with the annual school
6 elections held pursuant to 20-3-304.

7 (3) (a) A candidate for the office of trustee of the public library district must be a resident of the district
8 and must be nominated by a petition, signed by at least five electors of the district and filed with the office of the
9 election administrator not earlier than 135 days or later than 75 days prior to the election day.

10 (b) If the district lies in more than one county, the petition for nomination must be presented to the
11 election administrator whose county contains the largest percentage of territory in the district.

12 (4) If the number of candidates is equal to or less than the number of positions to be elected, the election
13 administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing
14 body shall declare elected by acclamation each candidate who filed a nomination petition for a position. If a
15 nomination petition is not filed for an office, the county governing body of the county containing the largest
16 percentage of the territory in the public library district or the city governing body if the district was formed by the
17 conversion of a city public library to a public library district shall appoint a member to fill the term. A person
18 appointed pursuant to this subsection has the same term and obligations as a person elected to fill the office.

19 (5) The term of office of an elected board member begins on the date that the board member is elected
20 and qualified. The term of office of an elected member is 4 years, except that a simple majority of the members
21 of the first elected board shall serve a term of 2 years, with the minority of the board serving terms of 4 years. The
22 members serving 2-year terms must be selected by lot.

23 (6) A vacancy in the office of a member must be filled by appointment by the remaining members of the
24 board. The term of the appointed member expires upon the election and qualification of an elected successor or
25 upon the election of a member to fill the unexpired term of the vacant office. The election must be held at the next
26 scheduled school election held pursuant to 20-3-304.

27 (7) Members of the board of trustees serve without compensation.

28 (8) A trustee may be removed from office by a court of competent jurisdiction pursuant to state law
29 governing the removal of elected officials. If charges are brought against a trustee and if good cause is shown,
30 the governing body of the county containing the largest percentage of territory in the public library district or the

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

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

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

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

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

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

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

14

15 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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