

1 H BILL NO. 147  
 2 INTRODUCED BY Scully, Bradley, Vincent, Ellen, Davis

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND TO 99 YEARS  
 5 THE TERM FOR WHICH SCHOOL DISTRICT TRUSTEES MAY LEASE  
 6 BUILDINGS FROM THE COUNTY, ANOTHER DISTRICT, OR ANY PERSON;  
 7 ALLOWING SUCH TRUSTEES TO USE RENTAL MONEY COLLECTED FOR ANY  
 8 PROPER SCHOOL PURPOSE; AMENDING SECTIONS 75-6801, 75-8209,  
 9 AND 75-8211; REPEALING SECTION 75-7214, R.C.M. 1947."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 75-6801, R.C.M. 1947, is amended to  
 13 read as follows:

14 "75-6801. Fund definitions. As used in this ~~title~~  
 15 title, unless the context clearly indicates otherwise\*  
 16 \* a "fund" means a separate detailed account of receipts and  
 17 expenditures for a specific purpose as authorized by law.  
 18 Funds are classified as follows:

19 (1) A "budgeted fund" means any fund for which a  
 20 budget must be adopted in order to expend any moneys from  
 21 such fund. The general fund, transportation fund, bus  
 22 depreciation reserve fund, elementary tuition fund,  
 23 retirement fund, debt service fund, leased facilities fund,  
 24 building reserve fund, adult education fund, nonoperating  
 25 fund, ~~post-secondary~~ postsecondary vocational-technical

1 center fund, and any other funds so designated by the  
 2 legislature shall be budgeted funds.

3 (2) A "nonbudgeted fund" means any fund for which a  
 4 budget is not required in order to expend any moneys on  
 5 deposit in such fund. The school food services fund,  
 6 miscellaneous federal programs fund, building fund, ~~housing~~  
 7 ~~and-dormitory-fund~~, traffic education fund, interlocal  
 8 ~~co-operative~~ cooperative fund and any other funds so  
 9 designated by the legislature shall be nonbudgeted funds."

10 Section 2. Section 75-8209, R.C.M. 1947, is amended to  
 11 read as follows:

12 "75-8209. Authorization to lease buildings for school  
 13 purposes. The trustees of any district ~~shall-have-the~~  
 14 ~~authority--to~~ may lease buildings suitable for school  
 15 purposes when it is within the best interests of the  
 16 district to lease such building from the county, another  
 17 district, or any person. ~~Except--as--provided--in--section~~  
 18 ~~75-8203,--such~~ Such lease may be for a term of not more than  
 19 ~~three--(3)~~ 99 years and, when the lease is for a period of  
 20 time that is longer than the current school fiscal year, the  
 21 lease requirements for the succeeding school fiscal years  
 22 shall be an obligation of the final budgets for such years."

23 Section 3. Section 75-8211, R.C.M. 1947, is amended to  
 24 read as follows:

25 "75-8211. Leasing district property and disposition of

1 any rentals. The trustees of any district ~~shall have the~~  
2 ~~authority to~~ may rent, lease, or let any buildings or  
3 facilities of the district under the terms specified by the  
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8 the trustees, be used for any proper school purpose and  
9 deposited in such fund as the trustees consider  
10 appropriate."

11 Section 4. Repealer. Section 75-7214, R.C.M. 1947, is  
12 repealed.

-End-

Approved by Committee  
on State Administration

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Sully, Bradley, Vincent, Evers, Davis

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HB 147

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12 repealed.

-End-

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2 INTRODUCED BY Sully, Bradley Vincent Ellen Davis

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24 building reserve fund, adult education fund, nonoperating  
25 fund, ~~post-secondary~~ postsecondary vocational-technical

1 center fund, and any other funds so designated by the  
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23 Section 3. Section 75-8211, R.C.M. 1947, is amended to  
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1 any rentals. The trustees of any district ~~shall have the~~  
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4 trustees. Any money collected for such rental, lease, or  
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6 ~~dormitory fund or that fund which finances the cost of~~  
7 ~~maintaining such real property.~~ may, in the discretion of  
8 the trustees, be used for any proper school purpose and  
9 deposited in such fund as the trustees consider  
10 appropriate."

11 Section 4. Repealer. Section 75-7214, R.C.M. 1947, is  
12 repealed.

-End-

April 4, 1977

SENATE  
STANDING COMMITTEE REPORT  
Education Committee

That House Bill No. 147, third reading, be amended as follows:

1. Amend title, line 6.  
Following: "BUILDINGS"  
Insert: "OR LAND"  
Following: "COUNTY,"  
Insert: "MUNICIPALITY,"
2. Amend title, line 6.  
Following: "PERSON"  
Insert: "IF PRIOR APPROVAL OF THE QUALIFIED ELECTORS OF THE DISTRICT IS OBTAINED"
3. Amend title, line 8.  
Following: "75-6801,"  
Insert: "75-7414,"
4. Amend title, line 9.  
Following: "AND 75-8211"  
Strike: "; REPEALING SECTION 75-7214"
5. Amend page 2, section 1, line 7.  
Following: "~~fund~~"  
Insert: "housing and dormitory fund,"
6. Amend page 2, section 2, line 12.  
Following: "buildings"  
Insert: "or land"
7. Amend page 2, section 2, line 14.  
Following: "buildings"  
Insert: "or land"
8. Amend page 2, section 2, line 16.  
Following: "building"  
Insert: "or land"  
Following: "county,"  
Insert: "municipality,"
9. Amend page 2, section 2, line 18.  
Following: "~~such~~"  
Strike: "Such"  
Insert: "The"
10. Amend page 2, section 2, line 19.  
Following: "~~3~~"  
Strike: "99"  
Insert: "3"  
Following: "years"  
Strike: "and, when"  
Insert: "unless prior approval of the qualified electors of the district is obtained in the manner prescribed by law for school elections; in which case the lease may be for a term of not more than 99 years. Whenever"

11. Amend page 3, section 3, line 2.  
Following: "buildings"  
Insert: ", land"

12. Amend page 3, section 4, line 11.  
Following: "Section 4."  
Strike: "Repealer."

13. Amend page 3, section 4, line 12.  
Following: line 11  
Strike: "repealed."  
Insert: "amended to read as follows:

"75-7214. Housing and dormitory fund. (1) The trustees of any district that provides pupil or teacher housing in district-owned buildings under a lease or rental agreement with pupils or teachers or receives moneys under the provision of ~~section~~ 75-8211 ~~shall~~ may establish a housing and dormitory fund. All moneys received from such lease or rental agreements ~~shall~~ may be deposited with the county treasurer to the credit of the housing and dormitory fund, general fund, ~~or~~ the debt service fund, or any other appropriate fund. Whenever the end-of-the-year cash balance of ~~the a~~ housing and dormitory fund is more than ~~three-thousand-dollars~~ (\$3,000), such cash balance in excess of ~~three-thousand dollars~~ (\$3,000) shall be transferred to the general fund of the district.

(2) Any expenditure of moneys from ~~the a~~ housing and dormitory fund shall be made for the maintenance and operation of the district-owned buildings to which the lease or rental agreements apply or for the acquisition of additional housing or dormitory facilities. The financial administration of the housing and dormitory fund shall be in accordance with the financial administration provisions of this title for a nonbudgeted fund." "



April 6, 1977

SENATE  
COMMITTEE OF THE WHOLE

That House Bill No. 147 be amended as follows:

1. Amend Senate Standing Committee amendment no. 3.  
Strike: "75-7414"  
Insert: "75-7214"

## HOUSE BILL NO. 147

INTRODUCED BY SCULLY, BRADLEY, VINCENT, ELLERD, DAVIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND TO 99 YEARS THE TERM FOR WHICH SCHOOL DISTRICT TRUSTEES MAY LEASE BUILDINGS OR LAND FROM THE COUNTY, MUNICIPALITY, ANOTHER DISTRICT, OR ANY PERSON IF PRIOR APPROVAL OF THE QUALIFIED ELECTORS OF THE DISTRICT IS OBTAINED; ALLOWING SUCH TRUSTEES TO USE RENTAL MONEY COLLECTED FOR ANY PROPER SCHOOL PURPOSE; AMENDING SECTIONS 75-6801, ~~75-7214~~ 75-7214, 75-8209, AND 75-8211; ~~REPEALING SECTION 75-7214~~, R.C.M. 1947."

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building reserve fund, adult education fund, nonoperating fund, ~~post-secondary~~ postsecondary vocational-technical center fund, and any other funds so designated by the legislature shall be budgeted funds.

(2) A "nonbudgeted fund" means any fund for which a budget is not required in order to expend any moneys on deposit in such fund. The school food services fund, miscellaneous federal programs fund, building fund, ~~housing and dormitory fund~~, HOUSING AND DORMITORY FUND, traffic education fund, interlocal ~~co-operative~~ cooperative fund and any other funds so designated by the legislature shall be nonbudgeted funds."

Section 2. Section 75-8209, R.C.M. 1947, is amended to read as follows:

"75-8209. Authorization to lease buildings OR LAND for school purposes. The trustees of any district ~~shall have the authority to~~ may lease buildings OR LAND suitable for school purposes when it is within the best interests of the district to lease such building OR LAND from the county, MUNICIPALITY, another district, or any person. ~~Except as provided in section 75-8203, such~~ Such THE lease may be for a term of not more than three ~~(3)~~ 99 3 years ~~and when~~ UNLESS PRIOR APPROVAL OF THE QUALIFIED ELECTORS OF THE DISTRICT IS OBTAINED IN THE MANNER PRESCRIBED BY LAW FOR SCHOOL ELECTIONS; IN WHICH CASE THE LEASE MAY BE FOR A TERM

1 ~~OF NOT MORE THAN 99 YEARS, WHENEVER~~ the lease is for a  
 2 period of time that is longer than the current school fiscal  
 3 year, the lease requirements for the succeeding school  
 4 fiscal years shall be an obligation of the final budgets for  
 5 such years."

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 9 any rentals. The trustees of any district ~~shall have the~~  
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 17 ~~deposited in such fund as the trustees consider~~  
 18 appropriate."

19 Section 4. ~~Repeater~~ Section 75-7214, R.C.M. 1947, is  
 20 ~~repeated~~ AMENDED TO READ AS FOLLOWS:

21 "75-7214. Housing and dormitory fund. (1) The trustees  
 22 of any district that provides pupil or teacher housing in  
 23 district-owned buildings under a lease or rental agreement  
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1 and dormitory fund. All moneys received from such lease or  
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 3 treasurer to the credit of the housing and dormitory fund,  
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 15 administration of the housing and dormitory fund shall be in  
 16 accordance with the financial administration provisions of  
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-End-