

CHAPTER NO. 384,

SENATE BILL NO. 126

INTRODUCED BY BLAYLOCK

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on Education.
January 20, 1979	Committee recommend bill do pass as amended. Report adopted.
January 22, 1979	Printed and placed on members' desks.
January 23, 1979	Second reading, do pass.
January 24, 1979	Considered correctly engrossed.
January 25, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Education and Cultural Resources.
March 9, 1979	Committee recommend bill be concurred in. Report adopted.
March 13, 1979	Second reading, concurred in.
March 15, 1979	Third reading, concurred in.

IN THE SENATE

March 16, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *126*
 2 INTRODUCED BY *Blaylock*
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 6 LAW RELATING TO EDUCATION; REPEALING SECTION 20-6-623, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 20-3-106, MCA, is amended to read:

10 "20-3-106. Supervision of schools -- powers and
 11 duties. The superintendent of public instruction has the
 12 general supervision of the public schools and districts of
 13 the state, and he shall perform the following duties or acts
 14 in implementing and enforcing the provisions of this title:

15 (1) resolve any controversy resulting from the
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18 (2) issue, renew, or deny teacher certification and
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 21 to be conducted by the board of public education in
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24 (3) negotiate reciprocal tuition agreements with other
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1 (4) serve on the teachers' retirement board in
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3 (5) prescribe absentee voting forms and rules in
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5 (6) approve or disapprove the orders of a high school
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 17 ~~20-9-505~~ ~~20-9-506~~;

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23 (36) perform any other duty prescribed from time to
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9 number of additional trustee positions for the high school
10 district in accordance with ~~20-20-201~~ 20-3-352. If there is
11 a change in the allowable number of additional trustee
12 positions, the county superintendent shall reestablish the
13 trustee nominating districts in accordance with 20-3-353. If
14 the number of additional trustee positions is less than the
15 previous number of positions, the county superintendent
16 shall designate which present additional positions shall ~~be~~
17 ~~to~~ terminate upon his order reestablishing the trustee
18 nominating districts. If the number of additional trustee
19 positions is more than the previous number of positions,
20 such additional trustee positions shall be filled in the
21 manner prescribed under the provisions of 20-3-309. Each
22 additional trustee position filled by appointment under this
23 section shall be subject to election at the next regular
24 school election."

25 Section 3. Section 20-6-509, MCA, is amended to read:

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1 "20-6-509. School closure. ~~When whenever~~ it is in the
 2 best interest of the pupils affected, the trustees of any
 3 district ~~shall have the power and authority to~~ may close any
 4 school of the district, except that ~~the closure of~~ a junior
 5 high school ~~shall~~ may be closed ~~jointly~~ only by joint action
 6 of the trustees of the elementary district and the high
 7 school district in which the school is located. Whenever the
 8 trustees of a district close a school of the district, they
 9 shall provide the pupils of the closed school with
 10 transportation and tuition, if required, to other schools in
 11 accordance with the provisions of this title."

12 Section 4. Section 20-7-801, MCA, is amended to read:

13 "20-7-801. Public recreation program authorized. (1)
 14 Any city or town, including any board of park commissioners,
 15 may expend funds from the band fund and the park fund of
 16 ~~said the city or town and any school district or board~~
 17 ~~thereof may cooperate~~ for the purpose of operating a program
 18 of public recreation and playgrounds and for this purpose
 19 may acquire, equip, and maintain land, buildings, ~~and/or~~
 20 other recreation facilities.

21 (2) Any school district may cooperate in such
 22 program."

23 Section 5. Section 20-9-215, MCA, is amended to read:

24 "20-9-215. Destruction of certain financial records.
 25 Any claim, warrant, voucher, bond, or treasurer's general

1 receipt may be destroyed by any county, ~~city or town~~ or
 2 school district officer after a period of 25 years."

3 Section 6. Section 20-9-431, MCA, is amended to read:

4 "20-9-431. Publication of notice of sale of school
 5 district bonds. (1) The trustees shall cause a copy of the
 6 notice of sale of the bonds to be:

7 (a) published once a week for 4 successive weeks
 8 preceding the date of the sale in a newspaper as determined
 9 by the trustees;

10 (b) published once, not less than 30 days prior to the
 11 date of sale, in some daily newspaper of the state that has
 12 a general circulation throughout the state when the bond
 13 issue to be sold is \$10,000 or more; and

14 (c) sent to the board of ~~land~~ land--commissioners
 15 investments.

16 (2) If the bond issue to be sold is \$10,000 or more,
 17 the trustees may cause a brief notice to be published in
 18 some newspaper in the city of New York."

19 Section 7. Section 20-9-433, MCA, is amended to read:

20 "20-9-433. Form and printing of school district bonds.

21 (1) It ~~shall~~ is not be necessary for the trustees to
 22 prescribe the detailed form of the bonds to be issued, but
 23 the bonds must conform to all legal requirements for their
 24 payment whether they are issued as amortization or serial
 25 bonds. The bonds and coupons shall be issued in the name of

1 the school district and shall be executed by the chairman of
2 the trustees and the school district clerk in accordance
3 with 2-16-114. If the bonds are purchased by the board of
4 ~~land-commissioners investments~~, all payments of principal or
5 interest shall be made at the office of the state treasurer.

6 (2) The trustees shall cause the bonds, with the
7 attached coupons, to be printed at the expense of the school
8 district at the lowest commercial rates."

9 Section 8. Section 20-9-435, MCA, is amended to read:

10 "20-9-435. Delivery of school district bonds and
11 disposition of sale moneys. (1) After the school district
12 bonds have been registered, the county treasurer shall:

13 (a) when the board of ~~land-commissioners investments~~
14 has purchased such bonds, forward the bonds to such state
15 board which, in turn, shall cause the bonds to be sent to
16 the state treasurer and shall cause the bonds to be paid for
17 in the manner provided by law; or

18 (b) when the purchaser is anybody other than the board
19 of ~~land-commissioners investments~~, deliver the bonds to such
20 purchaser when full payment of the bonds has been made by
21 the purchaser.

22 (2) If any of the trustees ~~shall fail~~ fails or refuse
23 ~~refuses~~ to pay into the proper county treasury the money
24 arising from the sale of any bonds, he ~~shall--be--deemed is~~
25 guilty of a felony~~-if-convicted-~~ and shall be punished

1 by imprisonment in the state prison for not less than 1 year
2 or more than 10 years.

3 (3) All ~~moneys money~~ realized from the sale of school
4 district bonds shall be paid to the county treasurer, and he
5 shall credit such ~~moneys money~~ to the building fund of the
6 school district issuing such ~~the~~ bonds, except ~~moneys money~~
7 realized for the purposes defined in 20-9-403(1)(c) and
8 (1)(d) shall be deposited in the debt service fund for the
9 purchase of such bonds. The ~~moneys money~~ realized from the
10 sale of school district bonds shall be immediately available
11 to such school district, and the trustees may expend such
12 ~~moneys money~~ without budgeted authorization ~~for-the-purpose~~
13 ~~or-purposes-~~ but only for such ~~the~~ purposes for which the
14 bonds were authorized by the school district bond election.
15 Under the provisions of 7-6-2802, the trustees may invest
16 ~~such-moneys the money~~ for which there is no immediate demand
17 and the interest earned by such investment shall be used in
18 the manner provided therein. After the full accomplishment
19 of the purpose or purposes of a bond issue, the excess
20 ~~moneys money~~ realized from such bond issue shall be
21 transferred to the debt service fund of the school district
22 to be used for the redemption or purchase of bonds of such
23 issue."

24 Section 9. Section 20-9-436, MCA, is amended to read:

25 "20-9-436. County attorney to assist in the

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1 proceedings. The trustees of any school district conducting
 2 bond proceedings shall prepare and maintain a transcript of
 3 their bond proceedings. It is a part of the official duties
 4 of the county attorney of every county of this state to
 5 advise and assist the trustees of each school district of
 6 his county in its bond proceedings. Before any transcript of
 7 school district bond proceedings is sent to the board of
 8 ~~land-commissioners investments~~, he shall carefully examine
 9 such transcript, and the transcript shall ~~may~~ not be sent
 10 until he has attached his opinion to the transcript that the
 11 proceedings are in full compliance with law. The trustees of
 12 any school district, however, may, upon consent of the
 13 county attorney, employ any attorney licensed in Montana to
 14 assist the county attorney in the performance of his
 15 duties."

16 Section 10. Section 20-9-441, MCA, is amended to read:
 17 "20-9-441. Redemption of bonds -- investment of debt
 18 service fund moneys. (1) Whenever there is a sufficient
 19 amount of money in any school district debt service fund
 20 available to pay and redeem one or more bonds of such school
 21 district held by the state of Montana, the county treasurer
 22 shall apply such money in payment of as many of such bonds
 23 as can be paid and redeemed. The county treasurer shall give
 24 notice not less than 30 days before the next interest due
 25 date to the board of ~~land-commissioners investments~~ that on

1 such interest due date such ~~bond-or~~ bonds will be paid.
 2 Before such interest due date, the county treasurer shall
 3 remit to the state treasurer the amount of money that is
 4 necessary to pay the ~~bond-or~~ bonds that are being redeemed
 5 and the interest due on such bonds. When the state treasurer
 6 receives such payment, he shall cancel such ~~bond-or~~ bonds
 7 and any unpaid coupons of such bonds and return the canceled
 8 bonds and coupons to the county treasurer.

9 (2) Whenever there is a sufficient amount of money in
 10 any school district debt service fund available to pay and
 11 redeem one or more optional bonds of such school district
 12 not held by the state of Montana, not yet due but then
 13 redeemable or becoming redeemable on the next interest due
 14 date, the county treasurer shall apply such available money
 15 in payment of as many of such bonds as can be paid and
 16 redeemed. The county treasurer shall give notice to the
 17 holder of the ~~bond-or~~ bonds, if known to him, or to any bank
 18 or financial institution at which the bonds are payable, at
 19 least 30 days before the next interest due date, that the
 20 ~~bond-or~~ bonds will be paid and redeemed on such date. If the
 21 bonds are payable at some bank or financial institution, the
 22 county treasurer shall remit to the bank or financial
 23 institution, before such interest due date, an amount
 24 sufficient to pay and redeem the ~~bond-or~~ bonds. If the ~~bond~~
 25 or bonds are not presented for payment and redemption on

1 such interest due date, the accrual of interest shall cease
2 on such interest due date.

3 (3) Whenever there is money available in any school
4 district debt service fund sufficient to pay and redeem one
5 or more outstanding bonds not yet due or redeemable and not
6 held by the state of Montana, the trustees of such school
7 district may direct the county treasurer to purchase such
8 bond-or bonds of the district if this can be done at not
9 more than par and accrued interest or at such reasonable
10 premium as the trustees may feel justified in paying, but in
11 no case exceeding 6%.

12 (4) Whenever the trustees cannot purchase outstanding
13 bonds of the school district at a reasonable price, the
14 available debt service fund moneys money shall be invested
15 by the trustees under the provisions of 20-9-213(4). Such
16 investments shall be sold in ample time before the debt
17 service fund moneys-are money is required for the payment of
18 the bonds of the school district."

19 Section 11. Section 20-9-444, MCA, is amended to read:

20 "20-9-444. Liability of officers for failure to
21 provide fund for payment of bonds. When ~~any-officer--or~~
22 ~~officers--or--board-or-body-of-officers-of-any-county-city~~
23 the trustees of a school district, irrigation-district, or
24 ~~other--municipal--or--public--corporation--of--the-state~~ are
25 required by law to provide, by a levy of taxes or by

1 certifying the amount of money required or otherwise, a
2 sinking fund or fund required to pay at maturity any bonds
3 issued or created after February 6, 1923, such officer-or
4 ~~officers-and-the-members-of-such-board-or-body-of-officers~~
5 ~~shall-be~~ trustees are jointly and severally liable to the
6 ~~county-city--school--districts--irrigation--districts--or~~
7 ~~other--municipal--or--public--corporation~~ school district which
8 they represent if they shall fail to perform any such duties
9 so required by law, as specified in this section hereby
10 ~~specified,~~ in an amount equal to the sum which would have
11 been added to such fund had they performed such duty.
12 ~~Provided-that,--when~~ However, whenever any such board shall
13 ~~fail-or-neglect~~ of trustees fails or neglects to perform any
14 such duty, no minority member of ~~and the~~ board who shall
15 have moved ~~and the~~ board or voted in favor of a performance
16 of such duty shall may be held liable."

17 Section 12. Section 20-9-465, MCA, is amended to read:

18 "20-9-465. Action to restrain bond issue -- time for
19 bringing. (1) No action ~~can~~ may be brought for the purpose
20 of restraining the issuance and sale of bonds or other
21 obligations by any school district or for the purpose of
22 restraining the levy and collection of taxes for the payment
23 of such bonds or other obligations after the expiration of
24 60 days from the date of the election on such bonds or
25 obligations or, if no election was held thereon, after the

1 expiration of 60 days from the date of the resolution
 2 authorizing the issuance thereof on account of any defect,
 3 irregularity, or informality in giving notice of or not in
 4 holding the election; nor shall ~~may~~ any defense based upon
 5 any such defect, irregularity, or informality be interposed
 6 in any action unless brought within this period.

7 (2) This section applies but is not limited to any
 8 action and defense in which the issue is raised whether a
 9 voted debt or liability has carried by the required majority
 10 vote of the electors qualified and offering to vote
 11 thereon."

12 Section 13. Section 20-25-706, MCA, is amended to
 13 read:

14 "20-25-706. Eligibility. Any local governing body;
 15 state or local administrative agency, department, board,
 16 commission; judicial, legislative, or other governmental
 17 unit; or nonprofit private organization is eligible to
 18 employ Montana students under the program as determined by
 19 the board of regents of higher education and within the
 20 funding limitations of the program, which eligibility:

21 (1) will not result in the displacement of employed
 22 workers or impair existing contracts for services;

23 (2) will not involve any partisan or nonpartisan
 24 political activity associated with a candidate or contending
 25 group or ~~factor~~ faction in an election for public or party

1 office;

2 (3) will not involve the construction, operation, or
 3 maintenance of so much of any facility as is used or to be
 4 used for sectarian instruction or as a place of worship; and

5 (4) in the case of nonprofit organizations other than
 6 governmental units, will result in employment which is in
 7 the general public interest rather than in the interest of a
 8 particular group."

9 Section 14. Section 20-30-405, MCA, is amended to
 10 read:

11 "20-30-405. Enforcement -- injunction. (1) The county
 12 attorney of any county in which a postsecondary educational
 13 institution or an agent thereof is found, at the request of
 14 the department or on his own motion, may bring any
 15 appropriate action or proceeding (including injunctive
 16 proceedings or criminal proceedings pursuant to 20-30-403)
 17 in any court of competent jurisdiction for the enforcement
 18 of the provisions of this chapter.

19 (2) Whenever it shall appear to the department that
 20 any person, agent, group, or entity is, is about to, or has
 21 been violating any of the provisions of this chapter or any
 22 of the lawful rules or orders of the department, it may, on
 23 its own motion or on the written complaint of any person,
 24 file a petition for injunction in any court of competent
 25 jurisdiction against such person, group, or entity for the

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1 purpose of enjoining such violation or for an order
2 directing compliance with the provisions of this chapter and
3 all rules and orders issued by the department."

4 Section 15. Repealer. Section 20-6-623, MCA, is
5 repealed.

-End-

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14 the number of additional trustee positions is less than the
15 previous number of positions, the county superintendent
16 shall designate which present additional positions ~~shall~~ are
17 to terminate upon his order reestablishing the trustee
18 nominating districts. If the number of additional trustee
19 positions is more than the previous number of positions,
20 such additional trustee positions shall be filled in the
21 manner prescribed under the provisions of 20-3-309. Each
22 additional trustee position filled by appointment under this
23 section shall be subject to election at the next regular
24 school election."

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 2 best interest of the pupils affected, the trustees of any
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 4 school of the district, except that ~~the closure of~~ a junior
 5 high school ~~shall~~ ~~may~~ be closed ~~jointly~~ ~~only~~ by joint action
 6 of the trustees of the elementary district and the high
 7 school district in which the school is located. Whenever the
 8 trustees of a district close a school of the district, they
 9 shall provide the pupils of the closed school with
 10 transportation and tuition, if required, to other schools in
 11 accordance with the provisions of this title."

12 Section 4. Section 20-7-801, MCA, is amended to read:

13 "20-7-801. Public recreation program authorized. (1)
 14 Any city or town, including any board of park commissioners,
 15 may expend funds from the band fund and the park fund of
 16 ~~said the city or town and any school district or board~~
 17 ~~thereof may cooperate~~ for the purpose of operating a program
 18 of public recreation and playgrounds, and for this purpose
 19 ~~may~~ acquire, equip, and maintain land, buildings, ~~and/or~~
 20 other recreation facilities.

21 (2) Any school district may cooperate in such
 22 programs."

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24 "20-9-215. Destruction of certain financial records.
 25 Any claim, warrant, voucher, bond, or treasurer's general

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 2 school district officer after a period of 25 years."

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 5 district bonds. (1) The trustees shall cause a copy of the
 6 notice of sale of the bonds to be:

7 (a) published once a week for 4 successive weeks
 8 preceding the date of the sale in a newspaper as determined
 9 by the trustees;

10 (b) published once, not less than 30 days prior to the
 11 date of sale, in some daily newspaper of the state that has
 12 a general circulation throughout the state when the bond
 13 issue to be sold is \$10,000 or more; and

14 (c) sent to the board of ~~land~~ ~~commissioners~~
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16 (2) If the bond issue to be sold is \$10,000 or more,
 17 the trustees may cause a brief notice to be published in
 18 some newspaper in the city of New York."

19 Section 7. Section 20-9-433, MCA, is amended to read:

20 "20-9-433. Form and printing of school district bonds.

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 22 prescribe the detailed form of the bonds to be issued, but
 23 the bonds must conform to all legal requirements for their
 24 payment whether they are issued as amortization or serial
 25 bonds. The bonds and coupons shall be issued in the name of

1 the school district and shall be executed by the chairman of
 2 the trustees and the school district clerk in accordance
 3 with 2-16-114. If the bonds are purchased by the board of
 4 ~~land-commissioners investments~~, all payments of principal or
 5 interest shall be made at the office of the state treasurer.

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 7 attached coupons, to be printed at the expense of the school
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 11 disposition of sale moneys. (1) After the school district
 12 bonds have been registered, the county treasurer shall:

13 (a) when the board of ~~land-commissioners investments~~
 14 has purchased such bonds, forward the bonds to such state
 15 board which, in turn, shall cause the bonds to be sent to
 16 the state treasurer and shall cause the bonds to be paid for
 17 in the manner provided by law; or

18 (b) when the purchaser is anybody other than the board
 19 of ~~land-commissioners investments~~, deliver the bonds to such
 20 purchaser when full payment of the bonds has been made by
 21 the purchaser.

22 (2) If any of the trustees ~~shall fail~~ fails or refuse
 23 ~~refuses~~ to pay into the proper county treasury the money
 24 arising from the sale of any bonds, he ~~shall be deemed~~ is
 25 guilty of a felony ~~if convicted~~ and shall be punished

1 by imprisonment in the state prison for not less than 1 year
 2 or more than 10 years.

3 (3) All ~~moneys money~~ realized from the sale of school
 4 district bonds shall be paid to the county treasurer, and he
 5 shall credit such ~~moneys money~~ to the building fund of the
 6 school district issuing such ~~the~~ bonds, except ~~moneys money~~
 7 realized for the purposes defined in 20-9-403(1)(c) and
 8 (1)(d) shall be deposited in the debt service fund for the
 9 purchase of such bonds. The ~~moneys money~~ realized from the
 10 sale of school district bonds shall be immediately available
 11 to such school district, and the trustees may expend such
 12 ~~moneys money~~ without budgeted authorization ~~for the purpose~~
 13 ~~or purposes~~ but only for such ~~the~~ purposes for which the
 14 bonds were authorized by the school district bond election.
 15 Under the provisions of 7-6-2802, the trustees may invest
 16 such ~~moneys the money~~ for which there is no immediate demand
 17 and the interest earned by such investment shall be used in
 18 the manner provided therein. After the full accomplishment
 19 of the purpose or purposes of a bond issue, the excess
 20 ~~moneys money~~ realized from such bond issue shall be
 21 transferred to the debt service fund of the school district
 22 to be used for the redemption or purchase of bonds of such
 23 issue."

24 Section 9. Section 20-9-436, MCA, is amended to read:

25 "20-9-436. County attorney to assist in the

1 proceedings. The trustees of any school district conducting
 2 bond proceedings shall prepare and maintain a transcript of
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 4 of the county attorney of every county of this state to
 5 advise and assist the trustees of each school district of
 6 his county in its bond proceedings. Before any transcript of
 7 school district bond proceedings is sent to the board of
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 9 such transcript, and the transcript shall ~~not~~ may not be sent
 10 until he has attached his opinion to the transcript that the
 11 proceedings are in full compliance with law. The trustees of
 12 any school district, however, ~~may~~, upon consent of the
 13 county attorney, employ any attorney licensed in Montana to
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 15 duties."

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 18 service fund moneys. (1) Whenever there is a sufficient
 19 amount of money in any school district debt service fund
 20 available to pay and redeem one or more bonds of such school
 21 district held by the state of Montana, the county treasurer
 22 shall apply such money in payment of as many of such bonds
 23 as can be paid and redeemed. The county treasurer shall give
 24 notice not less than 30 days before the next interest due
 25 date to the board of ~~land-commissioners investments~~ that on

1 such interest due date such bond-or bonds will be paid.
 2 Before such interest due date, the county treasurer shall
 3 remit to the state treasurer the amount of money that is
 4 necessary to pay the bond-or bonds that are being redeemed
 5 and the interest due on such bonds. When the state treasurer
 6 receives such payment, he shall cancel such bond-or bonds
 7 and any unpaid coupons of such bonds and return the canceled
 8 bonds and coupons to the county treasurer.

9 (2) Whenever there is a sufficient amount of money in
 10 any school district debt service fund available to pay and
 11 redeem one or more optional bonds of such school district
 12 not held by the state of Montana, not yet due but then
 13 redeemable or becoming redeemable on the next interest due
 14 date, the county treasurer shall apply such available money
 15 in payment of as many of such bonds as can be paid and
 16 redeemed. The county treasurer shall give notice to the
 17 holder of the bond-or bonds, if known to him, or to any bank
 18 or financial institution at which the bonds are payable, at
 19 least 30 days before the next interest due date, that the
 20 bond-or bonds will be paid and redeemed on such date. If the
 21 bonds are payable at some bank or financial institution, the
 22 county treasurer shall remit to the bank or financial
 23 institution, before such interest due date, an amount
 24 sufficient to pay and redeem the bond-or bonds. If the bond
 25 or bonds are not presented for payment and redemption on

1 such interest due date, the accrual of interest shall cease
2 on such interest due date.

3 (3) Whenever there is money available in any school
4 district debt service fund sufficient to pay and redeem one
5 or more outstanding bonds not yet due or redeemable and not
6 held by the state of Montana, the trustees of such school
7 district may direct the county treasurer to purchase such
8 bond or bonds of the district if this can be done at not
9 more than par and accrued interest or at such reasonable
10 premium as the trustees may feel justified in paying, but in
11 no case exceeding 6%.

12 (4) Whenever the trustees cannot purchase outstanding
13 bonds of the school district at a reasonable price, the
14 available debt service fund moneys ~~money~~ shall be invested
15 by the trustees under the provisions of 20-9-213(4). Such
16 investments shall be sold in ample time before the debt
17 service fund moneys ~~are~~ money is required for the payment of
18 the bonds of the school district."

19 Section 11. Section 20-9-444, MCA, is amended to read:
20 "20-9-444. Liability of officers for failure to
21 provide fund for payment of bonds. When any ~~officer or~~
22 ~~officers or board or body of officers of any county city~~
23 ~~the trustees of a~~ school district ~~irrigation district or~~
24 ~~other municipal or public corporation of the state~~ are
25 required by law to provide, by a levy of taxes or by

1 certifying the amount of money required or otherwise, a
2 sinking fund or fund required to pay at maturity any bonds
3 issued or created after February 6, 1923, such ~~officer or~~
4 ~~officers and the members of such board or body of officers~~
5 ~~shall be~~ trustees are jointly and severally liable to the
6 ~~county city school districts irrigation district or~~
7 ~~other municipal or public corporation~~ school district which
8 they represent if they shall fail to perform any such duties
9 so required by law, as specified in this section hereby
10 specified, in an amount equal to the sum which would have
11 been added to such fund had they performed such duty.
12 ~~Provided that when~~ however, whenever any such board shall
13 ~~fail or neglect of trustees fails or neglects~~ to perform any
14 such duty, no minority member of said ~~the~~ board who shall
15 have moved said ~~the~~ board or voted in favor of a performance
16 of such duty shall may be held liable."

17 Section 12. Section 20-9-465, MCA, is amended to read:

18 "20-9-465. Action to restrain bond issue -- time for
19 bringing. (1) No action can may be brought for the purpose
20 of restraining the issuance and sale of bonds or other
21 obligations by any school district or for the purpose of
22 restraining the levy and collection of taxes for the payment
23 of such bonds or other obligations after the expiration of
24 60 days from the date of the election on such bonds or
25 obligations or, if no election was held thereon, after the

1 expiration of 60 days from the date of the resolution
 2 authorizing the issuance thereof on account of any defect,
 3 irregularity, or informality in giving notice of or not in
 4 holding the election; nor shall ~~may~~ any defense based upon
 5 any such defect, irregularity, or informality be interposed
 6 in any action unless brought within this period.

7 (2) This section applies but is not limited to any
 8 action and defense in which the issue is raised whether a
 9 voted debt or liability has carried by the required majority
 10 vote of the electors qualified and offering to vote
 11 thereon."

12 Section 13. Section 20-25-706, MCA, is amended to
 13 read:

14 "20-25-706. Eligibility. Any local governing body;
 15 state or local administrative agency, department, board,
 16 commission; judicial, legislative, or other governmental
 17 unit; or nonprofit private organization is eligible to
 18 employ Montana students under the program as determined by
 19 the board of regents of higher education and within the
 20 funding limitations of the program, which eligibility:

21 (1) will not result in the displacement of employed
 22 workers or impair existing contracts for services;

23 (2) will not involve any partisan or nonpartisan
 24 political activity associated with a candidate or contending
 25 group or feeter faction in an election for public or party

1 office;

2 (3) will not involve the construction, operation, or
 3 maintenance of so much of any facility as is used or to be
 4 used for sectarian instruction or as a place of worship; and

5 (4) in the case of nonprofit organizations other than
 6 governmental units, will result in employment which is in
 7 the general public interest rather than in the interest of a
 8 particular group."

9 Section 14. Section 20-30-405, MCA, is amended to
 10 read:

11 "20-30-405. Enforcement -- injunction. (1) The county
 12 attorney of any county in which a postsecondary educational
 13 institution or an agent thereof is found, at the request of
 14 the department or on his own motion, may bring any
 15 appropriate action or proceeding (including injunctive
 16 proceedings or criminal proceedings pursuant to 20-30-403)
 17 in any court of competent jurisdiction for the enforcement
 18 of the provisions of this chapter.

19 (2) Whenever it shall appear to the department that
 20 any person, agent, group, or entity is, is about to, or has
 21 been violating any of the provisions of this chapter or any
 22 of the lawful rules or orders of the department, it may, on
 23 its own motion or on the written complaint of any person,
 24 file a petition for injunction in any court of competent
 25 jurisdiction against such person, group, or entity for the

1 purpose of enjoining such violation or for an order
2 directing compliance with the provisions of this chapter and
3 all rules and orders issued by the department.*

4 Section 15. Repealer. Section 20-6-623, MCA, is
5 repealed.

-End-

SENATE BILL NO. 126

INTRODUCED BY BLAYLOCK

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAW RELATING TO EDUCATION; REPEALING SECTION 20-6-623, MCA."

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

Section 1. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of joint costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment; ~~and give notice of teacher certification suspension or revocation proceedings to be conducted by the board of public education in accordance with the provisions of the teacher certification part of this title;~~

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;

(5) prescribe absentee voting forms and rules in accordance with the provisions of 20-20-104;

(6) approve or disapprove the orders of a high school boundary commission in accordance with the provisions of 20-6-311;

(7) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(8) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

(9) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and ~~20-9-505~~ 20-9-506;

(10) establish a system of communication for calculating joint district revenues in accordance with the provisions of 20-9-151;

(11) approve or disapprove the adoption of a district's emergency budget resolution under the conditions prescribed in 20-9-163 and publish rules for an application for additional state aid for an emergency budget in accordance with the approval and disbursement provisions of 20-9-166;

1 (12) generally supervise the school financial
2 administration provisions as prescribed by 20-9-201(2);

3 (13) prescribe and furnish the annual report forms to
4 enable the districts to report to the county superintendent
5 in accordance with the provisions of 20-9-213(5) and the
6 annual report forms to enable the county superintendents to
7 report to the superintendent of public instruction in
8 accordance with the provisions of 20-3-209;

9 (14) approve, disapprove, or adjust an increase of the
10 average number belonging (ANB) in accordance with the
11 provisions of 20-9-313 and 20-9-314;

12 (15) distribute state equalization aid in support of
13 the foundation program in accordance with the provisions of
14 20-9-342, 20-9-346, and 20-9-347;

15 (16) estimate the statewide equalization level for the
16 foundation program in accordance with the provisions of
17 20-9-348;

18 (17) distribute state impact aid in accordance with the
19 provisions of 20-9-304;

20 (18) provide for the uniform and equal provision of
21 transportation by performing the duties prescribed by the
22 provisions of 20-10-112;

23 (19) approve or disapprove an adult education program
24 for which a district proposes to levy a tax in accordance
25 with the provisions of 20-7-705;

1 (20) request, accept, deposit, and expend federal
2 moneys in accordance with the provisions of 20-9-603;

3 (21) authorize the use of federal moneys for the
4 support of an interlocal cooperative agreement in accordance
5 with the provisions of 20-9-703 and 20-9-704;

6 (22) prescribe the form and contents of and approve or
7 disapprove interstate contracts in accordance with the
8 provisions of 20-9-705;

9 (23) approve or disapprove the conduct of school on a
10 Saturday or on pupil-instruction-related days in accordance
11 with the provisions of 20-1-303 and 20-1-304;

12 (24) recommend standards of accreditation for all
13 schools to the board of public education and evaluate
14 compliance with such standards and recommend accreditation
15 status of every school to the board of public education in
16 accordance with the provisions of 20-7-101 and 20-7-102;

17 (25) collect and maintain a file of curriculum guides
18 and assist schools with instructional programs in accordance
19 with the provisions of 20-7-113 and 20-7-114;

20 (26) establish and maintain a library of visual, aural,
21 and other educational media in accordance with the
22 provisions of 20-7-201;

23 (27) license textbook dealers and initiate prosecution
24 of textbook dealers violating the law in accordance with the
25 provisions of the textbooks part of this title;

1 (28) administer and perform the duties as the executive
2 officer of the board of public education for vocational
3 education in accordance with the provisions of 20-7-302;

4 (29) consider applications for the designation of a
5 postsecondary vocational-technical center in accordance with
6 the provisions of 20-7-311;

7 (30) establish a fund for the handling of postsecondary
8 vocational-technical center fees in accordance with the
9 provisions of 20-7-333;

10 (31) supervise and coordinate the conduct of special
11 education in the state in accordance with the provisions of
12 20-7-403;

13 (32) administer the traffic education program in
14 accordance with the provisions of 20-7-502;

15 (33) administer the school food services program in
16 accordance with the provisions of 20-10-201, 20-10-202, and
17 20-10-203;

18 (34) review school building plans and specifications in
19 accordance with the provisions of 20-6-622;

20 (35) prescribe the method of identification and signals
21 to be used by school safety patrols in accordance with the
22 provisions of 20-1-408; and

23 (36) perform any other duty prescribed from time to
24 time by this title, any other act of the legislature, or the
25 policies of the board of public education."

1 Section 2. Section 20-3-354, MCA, is amended to read:
2 "20-3-354. Redetermination of additional trustee
3 positions and subsequent adjustments. ~~At any time whenever~~
4 there is a revision of the taxable valuation of the high
5 school district or the elementary districts within it or
6 there is a reclassification of the elementary district which
7 has its trustees placed on the high school district ~~board of~~
8 trustees, the county superintendent shall redetermine the
9 number of additional trustee positions for the high school
10 district in accordance with ~~20-20-201~~ ~~20-3-352~~. If there is
11 a change in the allowable number of additional trustee
12 positions, the county superintendent shall reestablish the
13 trustee nominating districts in accordance with 20-3-353. If
14 the number of additional trustee positions is less than the
15 previous number of positions, the county superintendent
16 shall designate which present additional positions ~~shall~~ ~~are~~
17 ~~to~~ terminate upon his order reestablishing the trustee
18 nominating districts. If the number of additional trustee
19 positions is more than the previous number of positions,
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21 manner prescribed under the provisions of 20-3-309. Each
22 additional trustee position filled by appointment under this
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 18 of public recreation and playgrounds ~~and for this purpose~~
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 8 preceding the date of the sale in a newspaper as determined
 9 by the trustees;

10 (b) published once, not less than 30 days prior to the
 11 date of sale, in some daily newspaper of the state that has
 12 a general circulation throughout the state when the bond
 13 issue to be sold is \$10,000 or more; and

14 (c) sent to the board of ~~land~~ ~~commissioners~~
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 4 necessary to pay the ~~bond-or~~ bonds that are being redeemed
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 6 receives such payment, he shall cancel such ~~bond-or~~ bonds
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 17 holder of the ~~bond-or~~ bonds, if known to him, or to any bank
 18 or financial institution at which the bonds are payable, at
 19 least 30 days before the next interest due date, that the
 20 ~~bond-or~~ bonds will be paid and redeemed on such date. If the
 21 bonds are payable at some bank or financial institution, the
 22 county treasurer shall remit to the bank or financial
 23 institution, before such interest due date, an amount
 24 sufficient to pay and redeem the ~~bond-or~~ bonds. If the ~~bond~~
 25 or bonds are not presented for payment and redemption on

1 such interest due date, the accrual of interest shall cease
2 on such interest due date.

3 (3) Whenever there is money available in any school
4 district debt service fund sufficient to pay and redeem one
5 or more outstanding bonds not yet due or redeemable and not
6 held by the state of Montana, the trustees of such school
7 district may direct the county treasurer to purchase such
8 bond or bonds of the district if this can be done at not
9 more than par and accrued interest or at such reasonable
10 premium as the trustees may feel justified in paying, but in
11 no case exceeding 6%.

12 (4) Whenever the trustees cannot purchase outstanding
13 bonds of the school district at a reasonable price, the
14 available debt service fund moneys ~~money~~ shall be invested
15 by the trustees under the provisions of 20-9-213(4). Such
16 investments shall be sold in ample time before the debt
17 service fund moneys ~~are money~~ is required for the payment of
18 the bonds of the school district."

19 Section 11. Section 20-9-444, MCA, is amended to read:
20 "20-9-444. Liability of officers for failure to
21 provide fund for payment of bonds. When ~~any--officer--or~~
22 ~~officers--or--board-or-body-of-officers-of-any-county--city~~
23 ~~the trustees of a~~ school district, ~~irrigation--district--or~~
24 ~~other--municipal--or--public--corporation--of--the-state~~ are
25 required by law to provide, by a levy of taxes or by

1 certifying the amount of money required or otherwise, a
2 sinking fund or fund required to pay at maturity any bonds
3 issued or created after February 6, 1923, such ~~officer or~~
4 ~~officers and the members of such board or body--of--officers~~
5 ~~shall--be~~ trustees are jointly and severally liable to the
6 ~~county--city--school--districts--irrigation--district--or~~
7 ~~other--municipal--or--public--corporation~~ school district which
8 they represent if they ~~shall~~ fail to perform any such duties
9 so required by law, as specified in this section hereby
10 specified, in an amount equal to the sum which would have
11 been added to such fund had they performed such duty.
12 ~~Provided--they--when~~ However, whenever any such board ~~shall~~
13 ~~fail--or--neglect~~ of trustees fails or neglects to perform any
14 such duty, no minority member of said ~~the~~ board who ~~shall~~
15 have moved said ~~the~~ board or voted in favor of a performance
16 of such duty ~~shall~~ may be held liable."

17 Section 12. Section 20-9-465, MCA, is amended to read:
18 "20-9-465. Action to restrain bond issue -- time for
19 bringing. (1) No action can may be brought for the purpose
20 of restraining the issuance and sale of bonds or other
21 obligations by any school district or for the purpose of
22 restraining the levy and collection of taxes for the payment
23 of such bonds or other obligations after the expiration of
24 60 days from the date of the election on such bonds or
25 obligations or, if no election was held thereon, after the

1 expiration of 60 days from the date of the resolution
 2 authorizing the issuance thereof on account of any defect,
 3 irregularity, or informality in giving notice of or not in
 4 holding the election; nor shall ~~may~~ any defense based upon
 5 any such defect, irregularity, or informality be interposed
 6 in any action unless brought within this period.

7 (2) This section applies but is not limited to any
 8 action and defense in which the issue is raised whether a
 9 voted debt or liability has carried by the required majority
 10 vote of the electors qualified and offering to vote
 11 thereon."

12 Section 13. Section 20-25-706, MCA, is amended to
 13 read:

14 "20-25-706. Eligibility. Any local governing body;
 15 state or local administrative agency, department, board,
 16 commission, judicial, legislative, or other governmental
 17 unit; or nonprofit private organization is eligible to
 18 employ Montana students under the program as determined by
 19 the board of regents of higher education and within the
 20 funding limitations of the program, which eligibility:

21 (1) will not result in the displacement of employed
 22 workers or impair existing contracts for services;

23 (2) will not involve any partisan or nonpartisan
 24 political activity associated with a candidate or contending
 25 group or factor ~~faction~~ in an election for public or party

1 office;

2 (3) will not involve the construction, operation, or
 3 maintenance of so much of any facility as is used or to be
 4 used for sectarian instruction or as a place of worship; and

5 (4) in the case of nonprofit organizations other than
 6 governmental units, will result in employment which is in
 7 the general public interest rather than in the interest of a
 8 particular group."

9 Section 14. Section 20-30-405, MCA, is amended to
 10 read:

11 "20-30-405. Enforcement -- injunction. (1) The county
 12 attorney of any county in which a postsecondary educational
 13 institution or an agent thereof is found, at the request of
 14 the department or on his own motion, may bring any
 15 appropriate action or proceeding (including injunctive
 16 proceedings or criminal proceedings pursuant to 20-30-403)
 17 in any court of competent jurisdiction for the enforcement
 18 of the provisions of this chapter.

19 (2) Whenever it shall appear to the department that
 20 any person, agent, group, or entity is, is about to, or has
 21 been violating any of the provisions of this chapter or any
 22 of the lawful rules or orders of the department, it may, on
 23 its own motion or on the written complaint of any person,
 24 file a petition for injunction in any court of competent
 25 jurisdiction against such person, group, or entity for the

1 purpose of enjoining such violation or for an order
2 directing compliance with the provisions of this ~~chapter~~ and
3 all rules and orders issued by the department."

4 Section 15. Repealer. Section 20-6-623, MCA, is
5 repealed.

-End-

1 SENATE BILL NO. 126

2 INTRODUCED BY BLAYLOCK

3 BY REQUEST OF THE CODE COMMISSIONER

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAW RELATING TO EDUCATION; REPEALING SECTION 20-6-623, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 20-3-106, MCA, is amended to read:

10 "20-3-106. Supervision of schools -- powers and
11 duties. The superintendent of public instruction has the
12 general supervision of the public schools and districts of
13 the state, and he shall perform the following duties or acts
14 in implementing and enforcing the provisions of this title:

15 (1) resolve any controversy resulting from the
16 proration of joint costs by a joint board of trustees under
17 the provisions of 20-3-362;

18 (2) issue, renew, or deny teacher certification and
19 emergency authorizations of employment; ~~and give notice of~~
20 ~~teacher certification suspension or revocation proceedings~~
21 ~~to be conducted by the board of public education in~~
22 ~~accordance with the provisions of the teacher certification~~
23 ~~part of this title;~~

24 (3) negotiate reciprocal tuition agreements with other
25 states in accordance with the provisions of 20-5-314;

1 (4) serve on the teachers' retirement board in
2 accordance with the provisions of 2-15-1010;

3 (5) prescribe absentee voting forms and rules in
4 accordance with the provisions of 20-20-104;

5 (6) approve or disapprove the orders of a high school
6 boundary commission in accordance with the provisions of
7 20-6-311;

8 (7) approve or disapprove the opening or reopening of
9 a school in accordance with the provisions of 20-6-502,
10 20-6-503, 20-6-504, or 20-6-505;

11 (8) approve or disapprove school isolation within the
12 limitations prescribed by 20-9-302;

13 (9) generally supervise the school budgeting
14 procedures prescribed by law in accordance with the
15 provisions of 20-9-102 and prescribe the school budget
16 format in accordance with the provisions of 20-9-103 and
17 ~~20-9-505 20-9-506;~~

18 (10) establish a system of communication for
19 calculating joint district revenues in accordance with the
20 provisions of 20-9-151;

21 (11) approve or disapprove the adoption of a district's
22 emergency budget resolution under the conditions prescribed
23 in 20-9-163 and publish rules for an application for
24 additional state aid for an emergency budget in accordance
25 with the approval and disbursement provisions of 20-9-166;

1 (12) generally supervise the school financial
2 administration provisions as prescribed by 20-9-201(2);

3 (13) prescribe and furnish the annual report forms to
4 enable the districts to report to the county superintendent
5 in accordance with the provisions of 20-9-213(5) and the
6 annual report forms to enable the county superintendents to
7 report to the superintendent of public instruction in
8 accordance with the provisions of 20-3-209;

9 (14) approve, disapprove, or adjust an increase of the
10 average number belonging (ANB) in accordance with the
11 provisions of 20-9-313 and 20-9-314;

12 (15) distribute state equalization aid in support of
13 the foundation program in accordance with the provisions of
14 20-9-342, 20-9-346, and 20-9-347;

15 (16) estimate the statewide equalization level for the
16 foundation program in accordance with the provisions of
17 20-9-348;

18 (17) distribute state impact aid in accordance with the
19 provisions of 20-9-304;

20 (18) provide for the uniform and equal provision of
21 transportation by performing the duties prescribed by the
22 provisions of 20-10-112;

23 (19) approve or disapprove an adult education program
24 for which a district proposes to levy a tax in accordance
25 with the provisions of 20-7-705;

1 (20) request, accept, deposit, and expend federal
2 moneys in accordance with the provisions of 20-9-603;

3 (21) authorize the use of federal moneys for the
4 support of an interlocal cooperative agreement in accordance
5 with the provisions of 20-9-703 and 20-9-704;

6 (22) prescribe the form and contents of and approve or
7 disapprove interstate contracts in accordance with the
8 provisions of 20-9-705;

9 (23) approve or disapprove the conduct of school on a
10 Saturday or on pupil-instruction-related days in accordance
11 with the provisions of 20-1-303 and 20-1-304;

12 (24) recommend standards of accreditation for all
13 schools to the board of public education and evaluate
14 compliance with such standards and recommend accreditation
15 status of every school to the board of public education in
16 accordance with the provisions of 20-7-101 and 20-7-102;

17 (25) collect and maintain a file of curriculum guides
18 and assist schools with instructional programs in accordance
19 with the provisions of 20-7-113 and 20-7-114;

20 (26) establish and maintain a library of visual, aural,
21 and other educational media in accordance with the
22 provisions of 20-7-201;

23 (27) license textbook dealers and initiate prosecution
24 of textbook dealers violating the law in accordance with the
25 provisions of the textbooks part of this title;

1 (28) administer and perform the duties as the executive
2 officer of the board of public education for vocational
3 education in accordance with the provisions of 20-7-302;

4 (29) consider applications for the designation of a
5 postsecondary vocational-technical center in accordance with
6 the provisions of 20-7-311;

7 (30) establish a fund for the handling of postsecondary
8 vocational-technical center fees in accordance with the
9 provisions of 20-7-333;

10 (31) supervise and coordinate the conduct of special
11 education in the state in accordance with the provisions of
12 20-7-403;

13 (32) administer the traffic education program in
14 accordance with the provisions of 20-7-502;

15 (33) administer the school food services program in
16 accordance with the provisions of 20-10-201, 20-10-202, and
17 20-10-203;

18 (34) review school building plans and specifications in
19 accordance with the provisions of 20-6-622;

20 (35) prescribe the method of identification and signals
21 to be used by school safety patrols in accordance with the
22 provisions of 20-1-408; and

23 (36) perform any other duty prescribed from time to
24 time by this title, any other act of the legislature, or the
25 policies of the board of public education."

1 Section 2. Section 20-3-354, MCA, is amended to read:
2 "20-3-354. Redetermination of additional trustee
3 positions and subsequent adjustments. At any time whenever
4 there is a revision of the taxable valuation of the high
5 school district or the elementary districts within it or
6 there is a reclassification of the elementary district which
7 has its trustees placed on the high school district board of
8 trustees, the county superintendent shall redetermine the
9 number of additional trustee positions for the high school
10 district in accordance with ~~20-20-201~~ 20-3-352. If there is
11 a change in the allowable number of additional trustee
12 positions, the county superintendent shall reestablish the
13 trustee nominating districts in accordance with 20-3-353. If
14 the number of additional trustee positions is less than the
15 previous number of positions, the county superintendent
16 shall designate which present additional positions shall ~~be~~
17 ~~to~~ terminate upon his order reestablishing the trustee
18 nominating districts. If the number of additional trustee
19 positions is more than the previous number of positions,
20 such additional trustee positions shall be filled in the
21 manner prescribed under the provisions of 20-3-309. Each
22 additional trustee position filled by appointment under this
23 section shall be subject to election at the next regular
24 school election."

25 Section 3. Section 20-6-509, MCA, is amended to read:

1 "20-6-509. School closure. When ~~whenever~~ it is in the
 2 best interest of the pupils affected, the trustees of any
 3 district ~~shall have the power and authority to~~ may close any
 4 school of the district, except that ~~the closure of~~ a junior
 5 high school ~~shall~~ may be closed ~~jointly only by joint action~~
 6 ~~of~~ the trustees of the elementary district and the high
 7 school district in which the school is located. Whenever the
 8 trustees of a district close a school of the district, they
 9 shall provide the pupils of the closed school with
 10 transportation and tuition, if required, to other schools in
 11 accordance with the provisions of this title."

12 Section 4. Section 20-7-801, MCA, is amended to read:
 13 "20-7-801. Public recreation program authorized. (1)
 14 Any city or town, including any board of park commissioners,
 15 may expend funds from the band fund and the park fund of
 16 ~~said city or town and any school district or board~~
 17 ~~thereof may cooperate~~ for the purpose of operating a program
 18 of public recreation and playgrounds and for this purpose
 19 may acquire, equip, and maintain land, buildings, and/or
 20 other recreation facilities.

21 (2) Any school district may cooperate in such
 22 program."

23 Section 5. Section 20-9-215, MCA, is amended to read:
 24 "20-9-215. Destruction of certain financial records.
 25 Any claim, warrant, voucher, bond, or treasurer's general

1 receipt ~~may be destroyed by any county-city-or-town or~~
 2 school district officer after a period of 25 years."

3 Section 6. Section 20-9-431, MCA, is amended to read:
 4 "20-9-431. Publication of notice of sale of school
 5 district bonds. (1) The trustees shall cause a copy of the
 6 notice of sale of the bonds to be:

7 (a) published once a week for 4 successive weeks
 8 preceding the date of the sale in a newspaper as determined
 9 by the trustees;

10 (b) published once, not less than 30 days prior to the
 11 date of sale, in some daily newspaper of the state that has
 12 a general circulation throughout the state when the bond
 13 issue to be sold is \$10,000 or more; and

14 (c) sent to the board of ~~and--~~commissioners
 15 investments.

16 (2) If the bond issue to be sold is \$10,000 or more,
 17 the trustees may cause a brief notice to be published in
 18 some newspaper in the city of New York."

19 Section 7. Section 20-9-433, MCA, is amended to read:

20 "20-9-433. Form and printing of school district bonds.
 21 (1) It ~~shall~~ is not be necessary for the trustees to
 22 prescribe the detailed form of the bonds to be issued, but
 23 the bonds must conform to all legal requirements for their
 24 payment whether they are issued as amortization or serial
 25 bonds. The bonds and coupons shall be issued in the name of

1 the school district and shall be executed by the chairman of
 2 the trustees and the school district clerk in accordance
 3 with 2-16-114. If the bonds are purchased by the board of
 4 ~~tand-commissioners investments~~, all payments of principal or
 5 interest shall be made at the office of the state treasurer.

6 (2) The trustees shall cause the bonds, with the
 7 attached coupons, to be printed at the expense of the school
 8 district at the lowest commercial rates."

9 Section 8. Section 20-9-435, MCA, is amended to read:

10 "20-9-435. Delivery of school district bonds and
 11 disposition of sale moneys. (1) After the school district
 12 bonds have been registered, the county treasurer shall:

13 (a) when the board of ~~tand--commissioners investments~~
 14 has purchased such bonds, forward the bonds to such state
 15 board which, in turn, shall cause the bonds to be sent to
 16 the state treasurer and shall cause the bonds to be paid for
 17 in the manner provided by law; or

18 (b) when the purchaser is anybody other than the board
 19 of ~~tand-commissioners investments~~, deliver the bonds to such
 20 purchaser when full payment of the bonds has been made by
 21 the purchaser.

22 (2) If any of the trustees ~~shall--fail~~ fails or refuse
 23 ~~refuses~~ to pay into the proper county treasury the money
 24 arising from the sale of any bonds, he ~~shall--be--deemed is~~
 25 guilty of a felony ~~--if-convicted--he~~ and shall be punished

1 by imprisonment in the state prison for not less than 1 year
 2 or more than 10 years.

3 (3) All ~~moneys money~~ realized from the sale of school
 4 district bonds shall be paid to the county treasurer, and he
 5 shall credit such ~~moneys money~~ to the building fund of the
 6 school district issuing such ~~the~~ bonds, except ~~moneys money~~
 7 realized for the purposes defined in 20-9-403(1)(c) and
 8 (1)(d) shall be deposited in the debt service fund for the
 9 purchase of such bonds. The ~~moneys money~~ realized from the
 10 sale of school district bonds shall be immediately available
 11 to such school district, and the trustees may expend such
 12 ~~moneys money~~ without budgeted authorization ~~for-the-purpose~~
 13 ~~or-purposes--but only for such the purposes~~ for which the
 14 bonds were authorized by the school district bond election.
 15 Under the provisions of 7-6-2802, the trustees may invest
 16 ~~such-moneys the_money~~ for which there is no immediate demand
 17 and the interest earned by such investment shall be used in
 18 the manner provided therein. After the full accomplishment
 19 of the purpose or purposes of a bond issue, the excess
 20 ~~moneys money~~ realized from such bond issue shall be
 21 transferred to the debt service fund of the school district
 22 to be used for the redemption or purchase of bonds of such
 23 issue."

24 Section 9. Section 20-9-436, MCA, is amended to read:

25 "20-9-436. County attorney to assist in the

1 proceedings. The trustees of any school district conducting
 2 bond proceedings shall prepare and maintain a transcript of
 3 their bond proceedings. It is a part of the official duties
 4 of the county attorney of every county of this state to
 5 advise and assist the trustees of each school district of
 6 his county in its bond proceedings. Before any transcript of
 7 school district bond proceedings is sent to the board of
 8 ~~land-commissioners investments~~, he shall carefully examine
 9 such transcript, and the transcript shall ~~not~~ ^{may} not be sent
 10 until he has attached his opinion to the transcript that the
 11 proceedings are in full compliance with law. The trustees of
 12 any school district, however, may, upon consent of the
 13 county attorney, employ any attorney licensed in Montana to
 14 assist the county attorney in the performance of his
 15 duties."

16 Section 10. Section 20-9-441, MCA, is amended to read:

17 "20-9-441. Redemption of bonds -- investment of debt
 18 service fund moneys. (1) Whenever there is a sufficient
 19 amount of money in any school district debt service fund
 20 available to pay and redeem one or more bonds of such school
 21 district held by the state of Montana, the county treasurer
 22 shall apply such money in payment of as many of such bonds
 23 as can be paid and redeemed. The county treasurer shall give
 24 notice not less than 30 days before the next interest due
 25 date to the board of ~~land-commissioners investments~~ that on

1 such interest due date such bond-or bonds will be paid.
 2 Before such interest due date, the county treasurer shall
 3 remit to the state treasurer the amount of money that is
 4 necessary to pay the bond-or bonds that are being redeemed
 5 and the interest due on such bonds. When the state treasurer
 6 receives such payment, he shall cancel such bond-or bonds
 7 and any unpaid coupons of such bonds and return the canceled
 8 bonds and coupons to the county treasurer.

9 (2) Whenever there is a sufficient amount of money in
 10 any school district debt service fund available to pay and
 11 redeem one or more optional bonds of such school district
 12 not held by the state of Montana, not yet due but then
 13 redeemable or becoming redeemable on the next interest due
 14 date, the county treasurer shall apply such available money
 15 in payment of as many of such bonds as can be paid and
 16 redeemed. The county treasurer shall give notice to the
 17 holder of the bond-or bonds, if known to him, or to any bank
 18 or financial institution at which the bonds are payable, at
 19 least 30 days before the next interest due date, that the
 20 bond-or bonds will be paid and redeemed on such date. If the
 21 bonds are payable at some bank or financial institution, the
 22 county treasurer shall remit to the bank or financial
 23 institution, before such interest due date, an amount
 24 sufficient to pay and redeem the bond-or bonds. If the bond
 25 or bonds are not presented for payment and redemption on

1 such interest due date, the accrual of interest shall cease
2 on such interest due date.

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4 district debt service fund sufficient to pay and redeem one
5 or more outstanding bonds not yet due or redeemable and not
6 held by the state of Montana, the trustees of such school
7 district may direct the county treasurer to purchase such
8 bond or bonds of the district if this can be done at not
9 more than par and accrued interest or at such reasonable
10 premium as the trustees may feel justified in paying, but in
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12 (4) Whenever the trustees cannot purchase outstanding
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24 ~~other--municipal--or--public--corporation--of--the-state~~ are
25 required by law to provide, by a levy of taxes or by

1 certifying the amount of money required or otherwise, a
2 sinking fund or fund required to pay at maturity any bonds
3 issued or created after February 6, 1923, such ~~officer or~~
4 ~~officers and the members of such board or body--of--officers~~
5 ~~shall--be~~ trustees are jointly and severally liable to the
6 ~~county, city,--school--districts,--irrigation--district,--or~~
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8 they represent if they shall fail to perform any such duties
9 so required by law, as specified in this section hereby
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11 been added to such fund had they performed such duty.
12 ~~Provided--that,--when~~ ~~However, whenever~~ any such board shall
13 ~~fail or neglect of trustees fails or neglects~~ to perform any
14 such duty, no minority member of ~~said the~~ board who shall
15 have moved ~~said the~~ board or voted in favor of a performance
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24 60 days from the date of the election on such bonds or
25 obligations or, if no election was held thereon, after the

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 2 authorizing the issuance thereof on account of any defects,
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 5 any such defect, irregularity, or informality be interposed
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 19 the board of regents of higher education and within the
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21 (1) will not result in the displacement of employed
 22 workers or impair existing contracts for services;

23 (2) will not involve any partisan or nonpartisan
 24 political activity associated with a candidate or contending
 25 group or factor ~~faction~~ in an election for public or party

1 office;

2 (3) will not involve the construction, operation, or
 3 maintenance of so much of any facility as is used or to be
 4 used for sectarian instruction or as a place of worship; and

5 (4) in the case of nonprofit organizations other than
 6 governmental units, will result in employment which is in
 7 the general public interest rather than in the interest of a
 8 particular group."

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11 "20-30-405. Enforcement -- injunction. (1) The county
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 13 institution or an agent thereof is found, at the request of
 14 the department or on his own motion, may bring any
 15 appropriate action or proceeding (including injunctive
 16 proceedings or criminal proceedings pursuant to 20-30-403)
 17 in any court of competent jurisdiction for the enforcement
 18 of the provisions of this chapter.

19 (2) Whenever it shall appear to the department that
 20 any person, agent, group, or entity is, is about to, or has
 21 been violating any of the provisions of this chapter or any
 22 of the lawful rules or orders of the department, it may, on
 23 its own motion or on the written complaint of any person,
 24 file a petition for injunction in any court of competent
 25 jurisdiction against such person, group, or entity for the

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1 purpose of enjoining such violation or for an order
2 directing compliance with the provisions of this chapter and
3 all rules and orders issued by the department."

4 Section 15. Repealer. Section 20-6-623, MCA, is
5 repealed.

-End-