CHAPTER NO. 384\_\_\_,

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# 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 <b>, 1</b> 979		Second reading, do pass.
January 24, 1979		Considered correctly engrossed.
January 25, 1979		Third reading, passed. Transmitted to second house.
	IN THE HOU	SE
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 SEN	ATE
March 16, 1979		Returned from second house. Concurred in. Sent to enrolling.
		Reported correctly enrolled.

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easter BILL NO. 126 1 INTRODUCED BY 2 BY REQUES OF THE CODE COMMISSIONER 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 5 LAW RELATING TO EDUCATION; REPEALING SECTION 20-6-623. MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 20-3-106, MCA, is amended to read: 9 10 "20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the 11 general supervision of the public schools and districts of 12 the state, and he shall perform the following duties or acts 13 in implementing and enforcing the provisions of this title: 14 15 (1) resolve any controversy resulting from the proration of joint costs by a joint board of trustees under 16 17 the provisions of 20-3-362; (2) issue, renew, or deny teacher certification and 18 emergency authorizations of employment and give notice of

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;

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;

(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;

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; 26  $6^{-1}$ 

SB 124 --- INTRODUCED BILL

1(12) generally supervise the school financial2administration 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
 average number belonging (ANB) in accordance with the
 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
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(18) provide for the uniform and equal provision of
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(19) approve or disapprove an adult education program
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5 with the provisions of 20-9-703 and 20-9-704;

6 (22) prescribe the form and contents of and approve or
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9 (23) approve or disapprove the conduct of school on a
10 Saturday or on pupil-instruction-related days in accordance
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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
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17 (25) collect and maintain a file of curriculum guides
18 and assist schools with instructional programs in accordance
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(26) establish and maintain a library of visual, aural,
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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;

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(28) administer and perform the duties as the executive
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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
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(31) supervise and coordinate the conduct of special
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13 (32) administer the traffic education program in
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(33) administer the school food services program in
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18 (34) review school building plans and specifications in
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20 (35) prescribe the method of identification and signals
21 to be used by school safety patrols in accordance with the
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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. NCA. is amended to read: #20-3-354. Redetermination of additional trustee 2 3 positions and subsequent adjustments. At-ony--time Whenever there is a revision of the taxable valuation of the high 4 5 school district or the elementary districts within it or there is a reclassification of the elementary district which 6 7 has its trustees placed on the high school district board of я trustees, the county superintendent shall redetermine the 9 number of additional trustee positions for the high school 10 district in accordance with 20-20-20-3-352. 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. 20 such additional trustee positions shall be filled in the 21 manner prescribed under the provisions of 20-3-309. Each additional trustee position filled by appointment under this 22 Z3 section shall be subject to election at the next regular school election.\* Z4

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 Z best interest of the pupils affected, the trustees of any district shell-have-the-power-end-sutherity-to may close any 3 school of the district, except that the closure of a junior 4 5 high school sholl may be closed jointly only by joint action of the trustees of the elementary district and the high 6 7 school district in which the school is located. Whenever the trustees of a district close a school of the district, they 8 9 shall provide the pupils of the closed school with 10 transportation and tuition, if regulred, 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, may expend funds from the band fund and the park fund of 15 16 sold 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 playgroundst 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 countyy-city-or-towny or school district officer after a period of 25 years." 2 3 Section 6. Section 20-9-431, MCA, is amended to read: "20-9-431. Publication of notice of sale of school 4 district bonds. (1) The trustees shall cause a copy of the 5 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 0 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 tend--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 some newspaper in the city of New York." 18 19 Section 7. Section 20-9-433, NCA, 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 Z3 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

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1 the school district and shall be executed by the chairman of the trustees and the school district clerk in accordance Z with Z-16-114. If the bonds are purchased by the board of 3 land-commissioners investments, all payments of principal or 4 5 interest shall be made at the office of the state treasurer. (2) The trustees shall cause the bonds, with the 6 attached coupons, to be printed at the expense of the school 7 district at the lowest commercial rates." 8

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

(b) when the purchaser is anybody other than the board
of tend-commissioners investments, deliver the bonds to such
purchaser when full payment of the bonds has been made by
the purchaser.

22 (2) If any of the trustees shall-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-convictedy-he and shall be punished

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

(3) All moneys money realized from the sale of school 3 4 district bonds shall be paid to the county treasurer, and he shall credit such moneys money to the building fund of the 5 school district issuing such the bonds, except moneys money 6 realized for the purposes defined in 20-9-403(1)(c) and 7 (1)(d) shall be deposited in the debt service fund for the 8 purchase of such bonds. The moneys money realized from the 9 sale of school district bonds shall be immediately available 10 11 to such school district, and the trustees may expend such 12 woneys goney without budgeted authorization for-the-surpose 13 or-purposesy-but only for such the purposesy 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 of the purpose or purposes of a bond issue, the excess 19 moneys money realized from such bond issue shall be 20 transferred to the debt service fund of the school district 21 22 to be used for the redemption or purchase of bonds of such issue." **Z**3 Section 9. Section 20-9-436, HCA, is amended to read: 24

24 Section 9. Section 20-9-430, HLA, 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 tend--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 Nontana 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 Z2 shall apply such money in payment of as many of such bonds 23 as can be paid and redeemed. The county treasurer shall give notice not less than 30 days before the next interest due 24 25 date to the board of tand-commissioners investments that on such interest due date such bond-or bonds will be paid.
Before such interest due date, the county treasurer shall
remit to the state treasurer the amount of money that is
necessary to pay the bond-or bonds that are being redeemed
and the interest due on such bonds. When the state treasurer
receives such payment, he shall cancel such hond-or bonds
and any unpaid coupons of such bonds and return the canceled
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 sufficient to pay and redeem the bond-or bonds. If the bond 24 25 or bonds are not presented for payment and redemption on

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such interest due date.
 on such interest due date.

(3) Whenever there is money available in any school 3 district debt service fund sufficient to pay and redeem one 4 or more outstanding bonds not yet due or redeemable and not 5 held by the state of Montana, the trustees of such school 6 7 district may direct the county treasurer to purchase such bond-or bonds of the district if this can be done at not я more than par and accrued interest or at such reasonable 9 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-ore 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-countyy-cityy 23 the trustees of a school districty--irrigation--districty--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 issued or created after February 6, 1923, such officer-or 3 officers-and-the-members-of-such-board-or-body--of--officers 4 shaff---be trustees are jointly and severally liable to the 5 countyy-cityy--school--districtsy--irrigation--districty--or 6 7 other--municipal-or-public-corporation school district which they represent if they shall fail to perform any such duties 8 9 so required by law, as specified in this section hereby specified, in an amount equal to the sum which would have 10 11 been added to such fund had they performed such duty. 12 Provided--thaty--when Howavar, whenever any such board shall 13 fail or neglect of trustees fails or neglects to perform any such duty, no minority member of said the board who shall 14 have moved seid the board or voted in favor of a performance 15 16 of such duty shall may be held liable." 17 Section 12. Section 20-9-465, HCA, is amended to read:

18 #20-9-465. Action to restrain bond issue -- time for 19 bringing. (1) No action een may be brought for the purpose 20 of restraining the issuance and sale of bonds or other obligations by any school district or for the purpose of 21 22 restraining the levy and collection of taxes for the payment 23 of such bonds or other obligations after the expiration of Z4 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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expiration of 60 days from the date of the resolution
 authorizing the issuance thereof on account of any defect.
 irregularity, or informality in giving notice of or not in
 holding the election; nor shall may any defense based upon
 any such defect, irregularity, or informality be interposed
 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.<sup>m</sup>

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:

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

(2) will not involve any partisan or nonpartisan
 political activity associated with a candidate or contending
 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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purpose of enjoining such violation or for an order
 directing compliance with the provisions of this <u>chapter</u> and
 all rules and orders issued by the department."
 Section 15. Repealer. Section 20-6-623. MCA. is
 repealed.

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SB 0126/02

1	SENATE BILL NO. 126	1	(4) serve on the teachers' retirement board in
2	INTRODUCED BY BLAYLOCK	2	accordance with the provisions of 2-15-1010;
3	BY REQUEST OF THE CODE COMMISSIONER	3	(5) prescribe absentee voting forms and rules in
4		4	accordance with the provisions of 20-20-104;
5	A BILL FUR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	5	(6) approve or disapprove the orders of a high school
6	LAN RELATING TO EDUCATION; REPEALING SECTION 20-6-623, MCA.*	6	boundary commission in accordance with the provisions of
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	(7) approve or disapprove the opening or reopening of
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(12) generally supervise the school financial 1 administration provisions as prescribed by 20-9-201(2); 2 (13) prescribe and furnish the annual report forms to 3 4 enable the districts to report to the county superintendent 5 in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the county superintendents to 6 report to the superintendent of public instruction in 7

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21 <u>(2)\_Any\_school\_district\_may\_cooperate\_in\_such</u> 22 programs<sup>#</sup>

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

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1	raceipt may be destroyed by any county <del>, city-or-town,</del> or
2	school district officer after a period of 25 years."
Э	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 <del>landcommissioners</del>
15	iovestments.
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 i
18	some newspaper in the city of New York."
19	Section 7. Section 20-9-433, MCA, is amended to read:
20	<pre>#20-9-433. Form and printing of school district bonds.</pre>
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 $na$ of

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the school district and shall be executed by the chairman of 1 the trustees and the school district clerk in accordance 2 with 2-16-114. If the bonds are purchased by the board of 3 tend-commissioners investments, all payments of principal or 4 interest shall be made at the office of the state treasurer. 5 (2) The trustees shall cause the bonds, with the 6 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. NCA, 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 fand--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

(b) when the purchaser is anybody other than the board
of lend-commissioners investments, deliver the bonds to such
purchaser when full payment of the bonds has been made by
the purchaser.

(2) If any of the trustees shell-fell <u>fails</u> or refuse
<u>refuses</u> to pay into the proper county treasury the money
arising from the sale of any bonds, he shall-be-deemed is
guilty of a felony-if-convictedy-he and shall be punished

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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 school district issuing such the bonds, except moneys money 6 7 realized for the purposes defined in 20-9-403(1)(c) and (1)(d) shall be deposited in the debt service fund for the 8 9 purchase of such bonds. The moneys money realized from the sale of school district bonds shall be immediately available 10 11 to such school district, and the trustees may expend such 12 soneys soney without budgeted authorization for-the-purpose 13 or-purposesy-but only for such the purposesy 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."

Section 9. Section 20-9-436, MCA, is amended to read:
 #20-9-436. County attorney to assist in the

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proceedings. The trustees of any school district conducting 1 bond proceedings shall prepare and maintain a transcript of 2 3 their bond proceedings. It is a part of the official duties of the county attorney of every county of this state to - 44 advise and assist the trustees of each school district of 5 his county in its bond proceedings. Before any transcript of 6 7 school district bond proceedings is sent to the board of 8 Nond--commissioners investments, he shall carefully examine 9 such transcript, and the transcript shall may not be sent until he has attached his opinion to the transcript that the 10 11 proceedings are in full compliance with law. The trustees of 12 any school district, however, may, upon consent of the county attorney, employ any attorney licensed in Nontana to 13 14 assist the county attorney in the performance of his 15 duties.\*

Section 10. Section 20-9-441, MCA, is amended to read: 16 #20-9-441. Redemption of bonds -- investment of debt 17 service fund moneys. (1) Whenever there is a sufficient 18 amount of money in any school district debt service fund 19 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 as can be paid and redeemed. The county treasurer shall give 23 notice not less than 30 days before the next interest due 24 date to the board of land-commissioners investments that on 25

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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 and any unpaid coupons of such bonds and return the canceled 7 bonds and coupons to the county treasurer. 8

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

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

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

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."

19Section 11. Section 20-9-444, MCA, is amended to read:20#20-9-444. Liability of officers for fallure to21provide fund for payment of bonds. When any-officer-or22afficers-or-board-or-body-of-officers-of-any-countyw-cityw23the trustees of a school districtw-irrigation--districtw-or24other--municipal--or-public--corporation--of--the-state are25required by law to provide, by a levy of taxes or by

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certifying the amount of money required or otherwise, a 1 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 shell--be trustees are jointly and severally liable to the county-cityy--school--districts--irrigation--districty--or 6 7 other--- sunicipal-or-public-corporation school district which 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--thaty--when However, whenever any such board shall 13 fail-or-neglect of trustees fails or neglects to perform any such duty, no minority member of said the board who shall 14 15 have moved said the board or voted in favor of a performance 16 of such duty shell 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 obligations or, if no election was held thereon, after the 25

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

7 (2) This section applies but is not limited to any
B 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:

(1) will not result in the displacement of employedworkers 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

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1 office;

(3) will not involve the construction. operation. or
maintenance of so much of any facility as is used or to be
used for sectarian instruction or as a place of worship; and
(4) in the case of nonprofit organizations other than
governmental units. will result in employment which is in
the general public interest rather than in the interest of a
particular group."

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

"20-30-405. Enforcement -- injunction. (1) The county 11 12 attorney of any county in which a postsecondary educational institution or an agent thereof is found, at the request of 13 14 the department or on his own motion, may bring any appropriate action or proceeding (including injunctive 15 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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purpose of enjoining such violation or for an order
 directing compliance with the provisions of this <u>chapter</u> and
 all rules and orders issued by the department."
 Section 15. Repealer. Section 20-6-623. MCA. is

5 repealed.

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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
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-givenoticeof
20	teachercertificationsuspension-or-revocation-proceedings
21	tobeconductedbytheboardofpubłiceducationin
22	accordancewith-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;
~ /	states in accordance with the provisions of the south

1	(4) serve on the teachers <sup>®</sup> 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	coundary 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 <u>20-9-506;</u>
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;

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{12} generally supervise the school financial
 administration provisions as prescribed by 20-9-201(2);
 (13) prescribe and furnish the annual report forms to
 enable the districts to report to the county superintendent
 in accordance with the provisions of 20-9-213(5) and the

annual report forms to enable the county superintendents to
report to the superintendent of public instruction in
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;

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

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

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(20) request. accept. deposit. and expend federal
 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;

q (23) approve or disapprove the conduct of school on a
 Saturday or on pupil-instruction-related days in accordance
 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;

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

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

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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;

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

18 (34) review school building plans and specifications in
 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.<sup>m</sup>

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1 Section 2. Section 20-3-354, MCA, is amended to read: z "20-3-354. Redetermination of additional trustee 3 positions and subsequent adjustments. At-onv--time Whenever 4 there is a revision of the taxable valuation of the high school district or the elementary districts within it or 5 there is a reclassification of the elementary district which 6 7 has its trustees placed on the high school district board of ß 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 the number of additional trustee positions is less than the 14 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 section shall be subject to election at the next regular 23

24 school election.\*

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

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"20-6-509. School closure. When Whenever it is in the 1 best interest of the pupils affected, the trustees of any 2 district shall-have-the-power-and-authority-to may close any 3 4 school of the district. except that the-closure-of a junior high school shall may be closed jointly only by joint action 5 of the trustees of the elementary district and the high 6 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."

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

21 <u>(2) Any school district may cooperate in such</u> 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

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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
B 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 <del>and-commissioners</del> 15 <u>investments</u>.

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.\*

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

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9 Section 8. Section 20-9-435, MCA, is amended to read:
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1 by imprisonment in the state prison for not less than 1 year 2 or more than 10 years.

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3 (3) All moneys money realized from the sale of school district bonds shall be paid to the county treasurer, and he . 5 shall credit such moneys money to the building fund of the school district issuing such the bonds, except moneys money 6 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 purchase of such bonds. The moneys money realized from the 9 sale of school district bonds shall be immediately available 10 11 to such school district, and the trustees may expend such moneys money without budgeted authorization for-the-purpose 12 13 or-purposesy-but only for such the purposesy 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." Section 9. Section 20-9-436, MCA, is amended to read: 24 25 #20-9-436. County attorney to assist in the

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certifying the amount of money required or otherwise, a 1 2 sinking fund or fund required to pay at maturity any bonds 3 issued or created after February 6, 1923, such officer-or officers-and-the-members-of-such-board-or-body--officers 4 5 shall--be trustees are jointly and severally liable to the 6 countyy-cityy--school--districtsy--irrigation--districty--or 7 other--municipal-ar-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 specified, in an amount equal to the sum which would have 10 been added to such fund had they performed such duty. 11 12 Provided--thaty--when However, whenever any such board shall 13 feil-or-neglect of trustees fails or neglects to perform any such duty, no minority member of said the board who shall 14 have moved said the board or voted in favor of a performance 15 of such duty shell may be held liable." 16

Section 12+ Section 20-9-465+ MCA+ is amended to read: 17 #20-9-465. Action to restrain bond issue -- time for 18 bringing. (1) No action can may be brought for the purpose 19 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 60 days from the date of the election on such bonds or 24 25 obligations or, if no election was held thereon, after the

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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 <u>in</u> 4 holding the election; nor shelf <u>may</u> 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.<sup>m</sup>

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:

(1) will not result in the displacement of employedworkers or impair existing contracts for services;

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

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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 attorney of any county in which a postsecondary educational 12 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) in any court of competent jurisdiction for the enforcement 17 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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purpose of enjoining such violation or for an order
 directing compliance with the provisions of this <u>chapter</u> and
 all rules and orders issued by the department."
 Section 15. Repealer. Section 20-6-623, MCA, is
 repealed.

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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 LAW RELATING TO EDUCATION; REPEALING SECTION 20-6-623, MCA.\* 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 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 general supervision of the public schools and districts of 12 13 the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title: 14 (1) resolve any controversy resulting from the 15 proration of joint costs by a joint board of trustees under 16 17 the provisions of 20-3-362; 18 (2) issue, renew, or deny teacher certification and 19 emergency authorizations of employmenti and-give--notice--of teacher--certification--suspension-or-revocation-proceedings 20 21 to--be--conducted--by--the--board--of--public--education--in accordance--with-the-provisions-of-the-teacher-certification 22 23 part-of-this-titlet

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 boundary commission in accordance with the provisions of 6 7 20-6-311; 8 (7) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502+ Q 10 20-6-503, 20-6-504, or 20-6-505; 11 (B) approve or disapprove school isolation within the 12 limitations prescribed by 20-9-302; 13 (9) generally supervise the school budgeting procedures prescribed by law in accordance 14 with the 15 provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 16 20-9-505 20-9-506; 17 18 (10) establish a system of communication for calculating joint district revenues in accordance with the 19 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 additional state aid for an emergency budget in accordance 24 25 with the approval and disbursement provisions of 20-9-166;

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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;

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

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(20) request, accept, deposit, and expend federal
 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;

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

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(28) administer and perform the duties as the executive 1 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:

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

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

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.\*

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l 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 <u>Whenever</u> 4 there is a revision of the taxable valuation of the high 5 school district or the elementary districts within it or there is a reclassification of the elementary district which 6 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 district in accordance with 20-20-201 20-3-352. If there is 10 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 nominating districts. If the number of additional trustee 18 positions is more than the previous number of positions, 19 such additional trustee positions shall be filled in the 20 21 manner prescribed under the provisions of 20-3-309. Each additional trustee position filled by appointment under this 22 23 section shall be subject to election at the next regular school election." 24 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 school of the district, except that the etosure of a junior 4 5 high school shall may be closed jointly only by joint action of the trustees of the elementary district and the high 6 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.\*

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

21 <u>121\_Aox\_\_school\_\_district\_\_may\_cooperate\_in\_such</u> 22 programs\*

23 Section 5. Section 20-9-215. 4CA, is amended to read:
24 #20-9-215. Destruction of certain financial records.
25 Any claim, warrant, voucher, bond, or treasurer's general

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receipt may be destroyed by any county<del>-city-pr-towny</del> or school district officer after a period of 25 years." Section 6. Section 20-9-431, MCA, is amended to read: "20-9-431. Publication of notice of sale of school district bonds. (1) The trustees shall cause a copy of the

5 district bonds. (1) The trustees shall cause a copy
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 fond--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."

Section 7. Section 20-9-433, MCA, is amended to read: "20-9-433. Form and printing of school district bonds. (1) It shall is not be necessary for the trustees to prescribe the detailed form of the bonds to be issued, but the bonds must conform to all legal requirements for their payment whether they are issued as amortization or serial bonds. The bonds and coupons shall be issued in the name of

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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 tand-commissioners investments, all payments of principal or 4 5 interest shall be made at the office of the state treasurer. (2) The trustees shall cause the bonds, with the 6 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 fend--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.

(2) If any of the trustees shall-fails or refuse
<u>refuses</u> to pay into the proper county treasury the money
arising from the sale of any bonds, he shall-be--deemed is
guilty of a felony-if-convictedy-he and shall be punished

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

(3) All moneys money realized from the sale of school з district bonds shall be paid to the county treasurer, and he shall credit such moneys money to the building fund of the 5 school district issuing such the bonds, except moneys money 6 7 realized for the purposes defined in 20-9-403(1)(c) and (1)(d) shall be deposited in the debt service fund for the • 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 moneys without budgeted authorization for-the-purpose 13 or-purposesy-but only for such the purposesy for which the bonds were authorized by the school district bond election. 14 15 Under the provisions of 7-6-2802, the trustees may invest such-moneys the money for which there is no immediate demand 16 17 and the interest earned by such investment shall be used in 18 the manner provided therein. After the full accomplishment of the purpose or purposes of a bond issue, the excess 19 moneys money realized from such bond issue shall be 20 transferred to the debt service fund of the school district 21 22 to be used for the redemption or purchase of bonds of such 23 issue." Section 9. Section 20-9-436, MCA, is amended to read: 24 25 #20-9-436. County attorney to assist in the

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1 proceedings. The trustees of any school district conducting Z 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 ۲ tend--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 county attorney, employ any attorney licensed in Montana to 13 14 assist the county attorney in the performance of his duties." 15

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

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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 receives such payment, he shall cancel such bond-or bonds 6 7 and any unpaid coupons of such bonds and return the canceled A 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 least 30 days before the next interest due date, that the 19 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 sufficient to pay and redeem the bond-or bonds. If the bond 24 25 or bonds are not presented for payment and redemption on

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such interest due date. the accrual of interest shall cease
 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 held by the state of Montana, the trustees of such school 6 7 district may direct the county treasurer to purchase such band-or bonds of the district if this can be done at not ß more than par and accrued interest or at such reasonable 9 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."

19Section 11. Section 20-9-444, MCA, is amended to read:20#20-9-444. Liability of officers for failure to21provide fund for payment of bonds. When any--officer--or22officers--or--board-or-body-of-officers-of-any-county--city23the trustees of a school district--irrigation--districty--or24other--municipal--or--public--corporation--of--the-state are25required by law to provide. by a levy of taxes or by

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1 certifying the amount of money required or otherwise, a 2 sinking fund or fund required to pay at maturity any bonds issued or created after February 6, 1923, such officer-or 3 4 officers-and-the-members-of-such-board-or-body--of--officers 5 shall--be trustees are jointly and severally liable to the countyy-cityy--school--districtsy--irrigation--districty--or 6 7 other--municipal-or-public-corporation school\_district which 8 they represent if they shall fail to perform any such duties so required by law, as specified in this section hereby 9 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--thaty--when <u>Howevers whenever</u> 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."

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(3) will not involve the construction, operation, or
maintenance of so much of any facility as is used or to be
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governmental units, will result in employment which is in
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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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purpose of enjoining such violation or for an order
 directing compliance with the provisions of this <u>chapter</u> and

3 all rules and orders issued by the department."

4 Section 15. Repealer. Section 20-6-623, NCA, is

5 repealed.

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