HOUSE BILL NO. 117

INTRODUCED BY HANSON, NELSON, B. BROWN

IN THE HOUSE

| JANUARY 8, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES. |
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| JANUARY 21, 1987 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| JANUARY 22, 1987 | PRINTING REPORT. |
| JANUARY 23, 1987 | SECOND READING, DO PASS. |
| JANUARY 24, 1987 | ENGROSSING REPORT. |
| | THIRD READING, PASSED. AYES, 93; NOES, 1. |
| | TRANSMITTED TO SENATE. |
| | IN THE SENATE |
| JANUARY 26, 1987 | INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES. |
| MARCH 9, 1987 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| MARCH 12, 1987 | SECOND READING, CONCURRED IN. |
| MARCH 14, 1987 | THIRD READING, CONCURRED IN. AYES, 50; NOES, 0. |
| | RETURNED TO HOUSE. |
| | IN THE HOUSE |
| MARCH 14, 1987 | RECEIVED FROM SENATE. |
| | SENT TO ENROLLING. |

50th Legislature

LC 0435/01

H.B. BILL NO. 117 INTRODUCED BY M Harmen Nelson Bob Brown 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE BY WHICH TRUSTEES OF A SCHOOL DISTRICT MAY SELL OR DISPOSE 5 OF SCHOOL PROPERTY; AND AMENDING SECTION 20-6-604, MCA." 6 7 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 20-6-604, MCA, is amended to read: 10 "20-6-604. Sale of property when resolution passed 11 after hearing -- appeal procedure. (1) Whenever the trustees 12 of any district determine that a site, building, or any 13 other real or personal property of the district is or is 14 about to become abandoned, obsolete, undesirable, or 15 unsuitable for the school purposes of such district, the 16 trustees may sell or otherwise dispose of such real or personal property in accordance with this section and 17 18 without conforming to the provisions of 20-6-603.

19 (2)--The-trustees-of-any-district If a decision to sell 20 or dispose of property is made, the trustees shall adopt a 21 resolution stating-their--intention to sell or otherwise 22 dispose of <u>such</u> district real or personal property because 23 it is or is about to become abandoned, obsolete, 24 undesirable, or unsuitable for the school purposes of the 25 district.

1 (2) When such a resolution is adopted, the trustees shall set-the-date-of-the-trustees1-meeting-when-they-shall 2 consider-the-adoption-of-a-resolution-to-authorize-the--sale 3 or--other-disposition-of-such-real-or-personal-property--The Δ trustees-shall-cause-notices-to--be--posted--in--the--manner 5 required--for--school--elections--that-state-the-text-of-the resolution-of-intention-to-sell-or-dispose-of--the--real--or 7 personal--property--and--the--time;-date;-and-place-when-the 8 9 resolution-authorizing-the-sale-or-other-disposition-will-be 10 considered-for-adoption--Any-elector-of-the--district--shall 11 have--the-right-to-be-present-and-protest-the-passage-of-the resolution,-If-the-trustees--adopt--the--resolution--and--an 12 13 elector--has--protested-such-adoption-at-the-trustee-meeting conducted-for-the-hearing--on--the--resolution7--such cause 14 15 notices of the resolution to be published, within 3 days, in a newspaper of general circulation in the district or by a 16 radio or television broadcast. The resolution shall may not 17 become effective for 5 10 days after the date of its 18 19 adoption. 20 (3) Any taxpayer may appeal the resolution of the

(3) Any taxpayer may appeal the resolution of the trustees, at any time within 5 <u>10</u> days after the <u>effective</u> date of the resolution, to the district court by filing a verified petition with the clerk of such court and serving a copy of such petition upon the district. The petition shall set out in detail the objections of the petitioner to the



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1 adoption of the resolution or to the disposal of the 2 property. The service and filing of the petition shall stay 3 the resolution until final determination of the matter by 4 the court. The court shall immediately fix the time for a 5 hearing at the earliest convenient time. At the hearing, the 6 court shall hear the matter de novo and may take testimony as it deems necessary. Its proceedings shall be summary and 7 8 informal, and its decision shall be final.

(4) The trustees of a district that has adopted a 9 resolution to sell or otherwise dispose of district real or 10 personal property and, if appealed, has been upheld by the 11 court shall sell or dispose of such real or personal 12 property in any reasonable manner that they determine to be 13 in the best interests of the district. The moneys realized 14 from the sale or disposal shall be credited to the debt 15 16 service fund, building fund, general fund, or any combination of these three funds, at the discretion of the 17 trustees." 18

-End-

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50th Legislature

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APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

| 1 | HOUSE BILL NO. 117 | 1 | <u>(2)</u> When-such-a-resolution-isadoptedythetrustees |
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| 2 | INTRODUCED BY HANSON, NELSON, B. BROWN | 2 | shall set-the-date-of-the-trusteesmeeting-when-they-shall |
| 3 | | 3 | consider-the-adoption-of-a-resolution-to-authorize-thesale |
| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE | 4 | orother-disposition-of-such-real-or-personal-propertyThe |
| 5 | BY WHICH TRUSTEES OF A SCHOOL DISTRICT MAY SELL OR DISPOSE | 5 | trustees-shall-cause-notices-tobepostedinthemanner |
| 6 | OF SCHOOL PROPERTY; AND AMENDING SECTION 20-6-604, MCA." | 6 | requiredforschoolelectionsthat-state-the-text-of-the |
| 7 | | 7 | resolution-of-intention-to-sell-or-dispose-oftherealor |
| 8 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | 8 | personalpropertyandthetime;-date;-and-place-when-the |
| 9 | Section 1. Section 20-6-604, MCA, is amended to read: | 9 | resolution-authorizing-the-sale-or-other-disposition-will-be |
| 10 | "20-6-604. Sale of property when resolution passed | 10 | considered-for-adoptionAny-elector-of-thedistrictshall |
| 11 | after hearing appeal procedure. (1) Whenever the trustees | 11 | havethe-right-to-be-present-and-protest-the-passage-of-the |
| 12 | of any district determine that a site, building, or any | 12 | resolutionIf-the-trusteesadopttheresolutionandan |
| 13 | other real or personal property of the district is or is | 13 | electorhasprotested-such-adoption-at-the-trustee-meeting |
| 14 | about to become abandoned, obsolete, undesirable, or | 14 | conducted-for-the-hearing-on-the-resolutionsuch cause |
| 15 | unsuitable for the school purposes of such district, the | 15 | notices-of-the-resolution-to-be-published, within-3-days, in |
| 16 | trustees may sell or otherwise dispose of such real or | 16 | anewspaperof-general-circulation-in-the-district-or-by-a |
| 17 | personal property in accordance with this section and | 17 | radio-or-television-broadcast - The resolution-shall may not |
| 18 | without conforming to the provisions of 20-6-603. | 18 | becomeeffectivefor5 $\underline{10}$ daysafterthedate-of-its |
| 19 | (2)The-trustees-of-any-district <u>If a decision to sell</u> | 19 | adoption. |
| 20 | or dispose of property is made, the trustees shall adopt a | 20 | (3) THE RESOLUTION MAY NOT BECOME EFFECTIVE FOR 14 |
| 21 | resolution stating-their-intention to sell or otherwise | 21 | DAYS AFTER THE NOTICE REQUIRED IN SUBSECTION (3) IS MADE. |
| 22 | dispose of such district real or personal property because | 22 | (3) THE TRUSTEES SHALL CAUSE NOTICES OF THE RESOLUTION |
| 23 | it is or is about to become abandoned, obsolete, | 23 | TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE |
| 24 | undesirable, or unsuitable for the school purposes of the | 24 | DISTRICT. IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION, |
| 25 | district. | 25 | THE TRUSTEES SHALL CAUSE NOTICES OF THE RESOLUTION TO BE |

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- -the-trustee-meeting
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- L CIRCULATION IN THE
- GENERAL CIRCULATION,
- RESOLUTION TO BE

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SECOND READING

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POSTED IN THE MANNER REQUIRED FOR SCHOOL ELECTIONS IN 1 2 20-20-204. (4) Any taxpayer may appeal the resolution of the trustees, at any time within-5 $i\theta$ days-after PRIOR TO 3 4 the effective date of the resolution, to the district court 5 by filing a verified petition with the clerk of such court б and serving a copy of such petition upon the district. The 7 petition shall set out in detail the objections of the 8 petitioner to the adoption of the resolution or to the 9 disposal of the property. The service and filing of the 10 petition shall stay the resolution until final determination 11 of the matter by the court. The court shall immediately fix 12 the time for a hearing at the earliest convenient time. At 13 the hearing, the court shall hear the matter de novo and may 14 take testimony as it deems necessary. Its proceedings shall 15 be summary and informal, and its decision shall be final.

16 (4)(5) The trustees of a district that has adopted a 17 resolution to sell or otherwise dispose of district real or 18 personal property and, if appealed, has been upheld by the 19 court shall sell or dispose of such real or personal property in any reasonable manner that they determine to be 20 21 in the best interests of the district. The moneys realized from the sale or disposal shall be credited to the debt 22 23 service fund, building fund, general fund, or any combination of these three funds, at the discretion of the 24 25 trustees."

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1 HOUSE BILL NO. 117 INTRODUCED BY HANSON, NELSON, B. BROWN 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE 4 BY WHICH TRUSTEES OF A SCHOOL DISTRICT MAY SELL OR DISPOSE 5 OF SCHOOL PROPERTY: AND AMENDING SECTION 20-6-604, MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 20-6-604, MCA, is amended to read: 9 10 "20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1) Whenever the trustees 11 12 of any district determine that a site, building, or any other real or personal property of the district is or is 13 14 about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of such district, the 15 16 trustees may sell or otherwise dispose of such real or personal property in accordance with this section and 17 without conforming to the provisions of 20-6-603. 18 19

19 (2)--The-trustees-of-any-district If a decision to sell 20 or dispose of property is made, the trustees shall adopt a 21 resolution stating-their--intention to sell or otherwise 22 dispose of <u>such</u> district real or personal property because 23 it is or is about to become abandoned, obsolete, 24 undesirable, or unsuitable for the school purposes of the 25 district.

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+2)--When-such-a-resolution-is--adoptedy--the--trustees shall set-the-date-of-the-trustees+-meeting-when-they-shall consider-the-adoption-of-a-resolution-to-authorize-the--sale or--other-disposition-of-such-real-or-personal-property--The trustees-shall-cause-notices-to--be--posted--in--the--manner required--for--school--elections--that-state-the-text-of-the resolution-of-intention-to-sell-or-dispose-of---the--real--or personal--property--and--the--time--date--and-place-when-the resolution-authorizing-the-sale-or-other-disposition-will-be considered-for-adoption--Any-elector-of-the--district--shall have--the-right-to-be-present-and-protest-the-passage-of-the resolution--If-the-trustees--adopt--the--resolution--and--an elector--has--protested-such-adoption-at-the-trustee-meeting conducted-for-the-hearing--on--the--resolutiony--such cause notices-of-the-resolution-to-be-published;-within-3-days;-in a--newspaper--of-general-circulation-in-the-district-or-by-a radio-or-television-broadcast; The resolution-shall may not become--effective--for--5 10 days--after--the--date-of-its adoption-20 (3) THE RESOLUTION MAY NOT BECOME EFFECTIVE FOR 14 21 DAYS AFTER THE NOTICE REQUIRED IN SUBSECTION (3) IS MADE. 22 (3) THE TRUSTEES SHALL CAUSE NOTICES OF THE RESOLUTION

24 DISTRICT. IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION,

TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE

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THIRD READING

POSTED IN THE MANNER REQUIRED FOR SCHOOL ELECTIONS IN 1 2 20-20-204. (4) Any taxpayer may appeal the resolution of 3 the trustees, at any time within-5 10 days-after PRIOR TO the effective date of the resolution, to the district court 4 5 by filing a verified petition with the clerk of such court and serving a copy of such petition upon the district. The 6 petition shall set out in detail the objections of the 7 petitioner to the adoption of the resolution or to the 8 9 disposal of the property. The service and filing of the 10 petition shall stay the resolution until final determination 11 of the matter by the court. The court shall immediately fix 12 the time for a hearing at the earliest convenient time. At 13 the hearing, the court shall hear the matter de novo and may 14 take testimony as it deems necessary. Its proceedings shall be summary and informal, and its decision shall be final. 15 16 (4+)(5) The trustees of a district that has adopted a resolution to sell or otherwise dispose of district real or 17 18 personal property and, if appealed, has been upheld by the court shall sell or dispose of such real or personal 19

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Montana Legislative council

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REFERENCE BILL

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