

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.

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.

1 H.B. BILL NO. 117  
 2 INTRODUCED BY M. Hansen Nelson Bob Brown  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE PROCEDURE  
 5 BY WHICH TRUSTEES OF A SCHOOL DISTRICT MAY SELL OR DISPOSE  
 6 OF SCHOOL PROPERTY; AND AMENDING SECTION 20-6-604, MCA."  
 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  
 17 personal property in accordance with this section and  
 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 such 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  
 2 shall ~~set the date of the trustees' meeting when they shall~~  
 3 ~~consider the adoption of a resolution to authorize the sale~~  
 4 ~~or other disposition of such real or personal property. The~~  
 5 ~~trustees shall cause notices to be posted in the manner~~  
 6 ~~required for school elections that state the text of the~~  
 7 ~~resolution of intention to sell or dispose of the real or~~  
 8 ~~personal property and the time, date, and place when the~~  
 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~~  
 12 ~~resolution. If the trustees adopt the resolution and an~~  
 13 ~~elector has protested such adoption at the trustee meeting~~  
 14 ~~conducted for the hearing on the resolution, such cause~~  
 15 ~~notices of the resolution to be published, within 3 days, in~~  
 16 ~~a newspaper of general circulation in the district or by a~~  
 17 ~~radio or television broadcast. The resolution shall may not~~  
 18 ~~become effective for 5 10 days after the date of its~~  
 19 ~~adoption.~~

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

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  
7 as it deems necessary. Its proceedings shall be summary and  
8 informal, and its decision shall be final.

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

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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

Section 1. Section 20-6-604, MCA, is amended to read:

"20-6-604. Sale of property when resolution passed after hearing -- appeal procedure. (1) Whenever the trustees of any district determine that a site, building, or any other real or personal property of the district is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of such district, the trustees may sell or otherwise dispose of such real or personal property in accordance with this section and without conforming to the provisions of 20-6-603.

~~(2)~~ The trustees of any district if a decision to sell or dispose of property is made, the trustees shall adopt a resolution ~~stating their intention~~ to sell or otherwise dispose of such district real or personal property because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the district.

~~(2)~~ When such a resolution is adopted, 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 resolution, 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 to 10 days after the date of its adoption.~~

~~(3)~~ (2) THE RESOLUTION MAY NOT BECOME EFFECTIVE FOR 14 DAYS AFTER THE NOTICE REQUIRED IN SUBSECTION (3) IS MADE.

~~(3)~~ THE TRUSTEES SHALL CAUSE NOTICES OF THE RESOLUTION TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT. IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION, THE TRUSTEES SHALL CAUSE NOTICES OF THE RESOLUTION TO BE

1 POSTED IN THE MANNER REQUIRED FOR SCHOOL ELECTIONS IN  
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  
4 the effective date of the resolution, to the district court  
5 by filing a verified petition with the clerk of such court  
6 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  
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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  
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(3)(2) THE RESOLUTION MAY NOT BECOME EFFECTIVE FOR 14 DAYS AFTER THE NOTICE REQUIRED IN SUBSECTION (3) IS MADE.

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