

SB 322 INTRODUCED BY NEUMAN, REGAN, ECK, ET AL.
REORGANIZE SCHOOL DISTRICTS; CREATE STATE AND LOCAL
REORGANIZATION COMMITTEES

2/11 INTRODUCED
2/11 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/11 FISCAL NOTE REQUESTED
2/16 HEARING
2/18 FISCAL NOTE RECEIVED
2/20 TABLED IN COMMITTEE

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SENATE BILL NO. 322
INTRODUCED BY Therese Egan Ed Miller
Beck Bradley Stacy Meyer

A BILL FOR AN ACT ENTITLED: "AN ACT TO REORGANIZE AND IMPROVE THE PUBLIC SCHOOL SYSTEM OF THE STATE OF MONTANA; TO CREATE A MONTANA SCHOOL REORGANIZATION COMMISSION AND REGIONAL AND COUNTY SCHOOL REORGANIZATION COMMITTEES TO ACCOMPLISH THE REORGANIZATION OF SCHOOL DISTRICTS; TO DEFINE MINIMUM REQUIREMENTS FOR CREATION OF SCHOOL DISTRICTS; TO PROVIDE FOR DISPOSITION OF PROPERTY AND DEBTS OF ALTERED OR ABOLISHED DISTRICTS; TO PROVIDE EFFECTIVE DATES FOR CREATION AND CONTINUATION OF SCHOOL DISTRICTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, there is widespread public interest in Montana in recognizing the economic reality of limited financial resources within the state, even for funding such an important public obligation as the state's public school system; and

WHEREAS, much public dialogue about conserving the state's limited resources and providing a basic quality public school system has centered on the possibility of more cost-efficient organization and administration of the state's numerous school districts; and

WHEREAS, it is possible and desirable to reorganize the

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state's school districts and their many functions in order to deliver an adequate educational system in a more cost-effective manner.

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

Section 1. Short title. [This act] may be cited as the "School District Reorganization Act".

Section 2. Purpose. The purpose of [this act] is to:

(1) reorganize and improve the school districts in Montana by reducing the number of school districts while maintaining as many attendance units as are in the best interest of pupils who now attend such units;

(2) simplify and make more efficient the administration of the public elementary and secondary schools of the state;

(3) provide that all school districts be part of a unified system, offering a program of instruction from kindergarten through grade 12;

(4) provide adequate, more equalized funding to the school districts to ensure that the districts will be able to provide the basic quality education required by the Montana constitution and to meet the standards of school accreditation established by the board of public education as the basic instructional program for the public schools of Montana;



1 (5) guarantee that any state or local cost savings
2 that result from implementation of [this act] will be shared
3 between the school districts and the property taxpayers of
4 the districts;

5 (6) provide the conditions and prerequisites for the
6 creation of new school districts for the purposes of [this
7 act];

8 (7) distribute more equitably to the taxpayers of the
9 state the cost of public school education;

10 (8) establish the procedures and official agencies by
11 which the purposes of [this act] may be accomplished;

12 (9) provide for the establishment of trustee districts
13 within a school district created under the provisions of
14 [this act]; and

15 (10) promote revision of any school laws of Montana
16 that require revision for compliance with the purposes of
17 [this act].

18 Section 3. Definitions. As used in [this act], the
19 following definitions apply:

20 (1) "Abolished district" means a district that ceases
21 to exist after the effective date for abolition of districts
22 as provided in [section 13].

23 (2) "Altered district" means a district that continues
24 to exist under the provisions of [this act] and from which
25 territory is detached and annexed to one or more successor

1 districts.

2 (3) "Area" means the territory encompassed by each
3 regional committee.

4 (4) "Attendance center" means a school building of a
5 district that is being used for pupil instruction.

6 (5) "County committee" means a county school
7 reorganization committee created in [section 10].

8 (6) "Regional committee" means a regional school
9 reorganization committee created in [section 8] and composed
10 of the counties or portions of counties assigned to the
11 regional committee by the state commission as provided in
12 [section 6].

13 (7) "Regional plan" means a school district
14 reorganization plan proposed by a regional committee and
15 submitted to the state commission as provided in [section
16 12].

17 (8) "State commission" means the Montana school
18 reorganization commission created in [section 4].

19 (9) "Successor district" means a district that is
20 created or continued under the provisions of [this act] and
21 to which territory of an abolished or altered district is
22 annexed.

23 Section 4. Creation and termination of state
24 commission. (1) There is a Montana school reorganization
25 commission.

1 (2) The state commission is composed of nine members
2 appointed by the governor. The governor shall appoint the
3 members of the state commission no later than June 1, 1987.

4 (3) The membership must include:

- 5 (a) one classroom teacher;
- 6 (b) one member of a school board of trustees;
- 7 (c) one school administrator;
- 8 (d) one member of the board of public education; and
- 9 (e) one member of the public from each of the public
10 service commission districts set forth in 69-1-104.

11 (4) The governor shall select the chairman and
12 vice-chairman from the membership of the state commission,
13 who shall be voting members of the commission.

14 (5) The state commission terminates July 1, 1989,
15 unless its term is extended by the 51st legislature.

16 Section 5. Organization of state commission. (1) The
17 governor shall call the first meeting of the state
18 commission no later than July 1, 1987.

19 (2) The superintendent of public instruction shall
20 provide staff to the commission to perform the following
21 duties:

- 22 (a) offer technical assistance when requested;
- 23 (b) keep appropriate minutes and records of all
24 proceedings, decisions, and actions of the state commission;
25 and

1 (c) preserve all correspondence, maps, exhibits, and
2 other material submitted to or produced by the state
3 commission.

4 (3) The state commission shall meet as often as
5 necessary for the performance of its duties prescribed by
6 [this act].

7 (4) A majority of the members of the state commission
8 constitutes a quorum for the transaction of business.

9 Section 6. Powers and duties of state commission. The
10 state commission shall: (1) organize, direct, and coordinate
11 the work of reorganizing the school districts of the state
12 in accordance with the provisions of [this act] and with
13 implementation by the board of public education as provided
14 in [section 23];

15 (2) determine the area to be encompassed by each
16 regional committee;

17 (3) approve each regional plan, including setting the
18 boundaries of each district that is created or continued, in
19 order to establish a statewide school district
20 reorganization plan;

21 (4) require that each regional plan is based on the
22 criteria provided in [section 16] and includes consideration
23 of the topic set forth in [section 12(2)];

24 (5) prescribe, when necessary, additional procedures
25 consistent with [this act] to be followed by regional

1 committees, county committees, and school districts;

2 (6) consult with and advise the regional and county
3 committees in performing the duties of the regional and
4 county committees in accordance with [this act];

5 (7) provide a final report to the governor, the board
6 of public education, and the legislature by no later than
7 July 1, 1988, containing at least the following:

8 (a) the final actions of the commission;

9 (b) the final boundaries of each school district
10 created or continued under the provisions of [this act]; and

11 (c) any recommendations to the legislature and the
12 board of public education for further policy and statutory
13 changes that would enhance the purposes of [this act];

14 (8) establish any subcommittees necessary for the
15 purposes of [this act];

16 (9) require that each regional committee report from
17 time to time on the progress of the committee in formulating
18 a regional plan for the area and take such steps as are
19 necessary to expedite the work of the regional committee;

20 (10) (a) examine each regional plan submitted under the
21 provisions of [section 12];

22 (b) approve, disapprove, or recommend modification of
23 each plan by majority action of the state commission; and

24 (c) provide notice to a regional committee of
25 approval, disapproval, or recommended modification by the

1 state commission for a regional plan;

2 (11) hold a joint meeting with a regional committee or
3 committees if the state commission recommends modification
4 of a regional plan or plans, to resolve disputes within the
5 plan. The decision of the state commission on any dispute is
6 final.

7 (12) perform the necessary work of redistricting the
8 area of a regional committee if the regional committee fails
9 to complete its work and to submit a plan to the state
10 commission by March 1, 1988;

11 (13) report to the board of public education at least
12 twice a year on the progress of the regional plans and other
13 duties of the state commission; and

14 (14) grant special approval within a regional plan for
15 any school district that may be created or continued but
16 that does not meet the requirements of [section 16].

17 Section 7. Compensation and expenses of members of
18 state commission and regional committees. (1) The appointed
19 members of the state commission and the regional committees
20 shall receive travel expenses as provided for in 2-18-501
21 through 2-18-503 for each day of attendance at a commission
22 or committee meeting or in performance of any duty or
23 service as a commission or committee member.

24 (2) The appointed members of the state commission
25 shall receive compensation as provided in 2-15-124 for each

1 day of attendance at a commission meeting or in performance
2 of any duty or service as a commission member.

3 Section 8. Creation of regional school reorganization
4 committees. The state commission shall:

5 (1) determine the area to be encompassed by each
6 regional school reorganization committee using county
7 boundaries and school district boundaries to determine the
8 areas whenever possible; and

9 (2) include entire counties within each area, unless
10 geographic or demographic conditions exist that suggest that
11 a portion of a county should be included in the area of
12 another regional committee. For the purpose of this
13 subsection, an existing joint school district with an
14 attendance center that is over 20 miles from the attendance
15 center of another district must be included in the same
16 area.

17 Section 9. Members of county and regional committees
18 -- district representatives. (1) The county commissioners of
19 each county shall appoint, by no later than July 1, 1987:

20 (a) the county superintendent of schools as a member
21 of the county committee; and

22 (b) six trustees of operating school districts in the
23 county to be members of the county committee and the
24 regional committee to which the county is assigned. Each
25 class of school district in the county, as provided in

1 20-6-201 and 20-6-301, must be represented by two trustees
2 from districts of that class. In any county in which only
3 two classes of district exist, three trustees must be
4 appointed from each class. In any county in which only one
5 class of district exists, six trustees must be appointed
6 from districts of the existing class.

7 (2) Each school district board of trustees in a county
8 may appoint an official representative to attend any meeting
9 of a county or regional committee.

10 Section 10. Purpose and organization of county
11 committee. (1) Each county must have a county committee to
12 recommend to the regional committee to which it is assigned
13 a county plan for reorganizing the county school districts.
14 Each county plan must include consideration of the topics
15 required in [section 12(2)].

16 (2) Each county committee shall:

17 (a) be organized in the manner provided in [section
18 11] for a regional committee;

19 (b) hold its first meeting by August 1, 1987;

20 (c) hold a public meeting on the recommended county
21 plan prior to submission of the recommendations to the
22 regional committee or committees to which the county is
23 assigned; and

24 (d) submit a recommended school reorganization plan to
25 the regional committee by January 1, 1988.

1 Section 11. Organization of regional committee. (1)
2 Each regional committee shall hold its first meeting by
3 September 1, 1987.

4 (2) At the first meeting, the regional committee
5 shall:

6 (a) organize by electing a chairman and vice-chairman,
7 who shall hold each position for the life of the committee;
8 and

9 (b) establish by resolution the time for the holding
10 of regular meetings.

11 (3) The chairman of a regional committee:

12 (a) may call a special meeting of the committee upon
13 no less than 3 days' notice to the members and the public;
14 and

15 (b) shall cause a notice to be made of each meeting of
16 the committee at least 3 days before the meeting in a
17 newspaper of general circulation in the area, with
18 supplemental publication on radio or television if such
19 notice is considered to be in the public interest.

20 (4) The regional committee shall keep minutes of the
21 meetings and preserve any records, correspondence, maps,
22 exhibits, and other materials produced by or submitted to
23 the committee.

24 (5) A majority of the members of a regional committee
25 constitutes a quorum.

1 (6) The regional committee terminates July 1, 1989,
2 unless the term is extended by the 51st legislature.

3 Section 12. Powers and duties of regional committee.
4 Each regional committee shall:

5 (1) review each county committee's recommended
6 reorganization plan submitted under [section 10] and prepare
7 a detailed regional redistricting plan in accordance with
8 the purposes of [this act] and the requirements of [section
9 16];

10 (2) require that the county committee's
11 recommendations for reorganization include consideration of:

12 (a) potential cost savings of any school
13 reorganization recommended by the county committee;

14 (b) transportation plans and the potential cost of
15 such plans;

16 (c) possible coordination or consolidation of
17 administrative costs and duties;

18 (d) teacher and staff salary adjustments, if
19 necessary;

20 (e) educational improvements made possible by a
21 recommended school reorganization; and

22 (f) possible social or economic impacts on the
23 communities involved in any proposed district
24 reorganization;

25 (3) perform the following duties in preparation of a

1 regional plan:

2 (a) define and map the boundaries of each school
3 district created or continued by the regional plan;

4 (b) designate each district by consecutive numbers;

5 (c) determine the method of apportionment,
6 distribution, and assumption of property and indebtedness of
7 school districts affected by the plan, in the manner
8 prescribed in [sections 19 through 21]; and

9 (d) analyze and include the information required of
10 counties in subsection (2);

11 (4) hold a public meeting on the proposed regional
12 plan before the plan is submitted to the state commission as
13 provided in [section 6];

14 (5) meet with any other regional committee on matters
15 of mutual concern; and

16 (6) report to the state commission on the progress of
17 its work or related matters when requested.

18 Section 13. Effective dates of state school district
19 reorganization plan. (1) No regional plan is effective until
20 the plan has been formally approved by the state commission.

21 (2) All school districts that are created or continued
22 by a regional plan and approved by the state commission on
23 or before June 30, 1989, come into existence at midnight on
24 June 30, 1989, and any school district to be abolished by a
25 regional plan and approved by the state commission on or

1 before June 30, 1989, ceases to exist at midnight on June
2 30, 1989.

3 Section 14. Moratorium on trustee elections. (1) A
4 school district may not elect a trustee in 1989 until a
5 regional plan providing for the continued existence of the
6 district is approved by the state commission. A trustee of a
7 school district that continues in existence after June 30,
8 1989, under an approved regional plan shall hold office
9 until a successor is elected and qualified.

10 (2) A school district that is created under a regional
11 plan approved by the state commission shall elect a board of
12 trustees who shall qualify and take office after such
13 election. The election must be called and held in the manner
14 provided in [section 22].

15 (3) The elected trustees of a district created under
16 an approved plan shall coordinate with the trustees of any
17 affected district to prepare a budget and operation plan for
18 the new district.

19 Section 15. Contracts protected -- consideration as
20 property. (1) A district superintendent, principal, teacher,
21 or other employee of a school district who has a continuing
22 contract or right of tenure under Montana law is protected
23 and the board of trustees of the district in which the
24 person will perform duties shall recognize and give effect
25 to such contract or right of tenure.

1 (2) No contract of employment of a school district may
2 be considered as property or as having value for the
3 purposes of fixing the apportionment of property of an
4 abolished or altered district as provided in [sections 19
5 through 21].

6 Section 16. Minimum requirements for school districts.
7 No school district may be created after passage and approval
8 of [this act], either by approval by the state commission of
9 a regional plan or in any other manner, unless the district
10 meets the following requirements at the time of creation or
11 is granted a variance from such requirements as allowed in
12 [section 6(14)]:

13 (1) The school district must have and maintain within
14 its boundaries one or more accredited high schools. To
15 comply with this subsection, a high school must have at
16 least an average number belonging of 100 or more, unless the
17 high school has been granted approval by the state
18 commission as provided in [section 6(14)].

19 (2) The taxable valuation of a school district must be
20 sufficient to provide an adequate and equitable property tax
21 base.

22 (3) All territory of a school district must be
23 contiguous.

24 (4) Each school district created or continued by an
25 approved regional plan must be created or continued in such

1 a manner as to ensure that Montana continues to receive the
2 maximum amount of federal funds allocated in 20-9-143.

3 Section 17. Restrictions on state funding. After June
4 30, 1989, a school district:

5 (1) may not receive state funding if the district has
6 not been created or continued according to the purposes and
7 procedures of [this act]; and

8 (2) must aggregate the ANB of the district for
9 calculating state funding under Title 20.

10 Section 18. Disposition of records of abolished school
11 districts. All files and records of a school district that
12 is abolished by a regional plan approved by the state
13 commission must be lodged with the school district that
14 encompasses the largest portion of the abolished school
15 district.

16 Section 19. Annexation of abolished district into
17 single district. (1) When the territory of an abolished
18 district becomes a part of the territory of one successor
19 district, all of the tangible property, real and personal,
20 of the abolished district becomes the property of the
21 successor district and all funds remaining to the credit of
22 the abolished district after providing for payment of
23 outstanding debts, except bonded indebtedness, must be
24 transferred to the successor district.

25 (2) Any unpaid taxes levied against property in the

1 abolished district must be credited to the successor
2 district as follows:

3 (a) taxes levied for the retirement of bonded
4 indebtedness must be credited to the sinking fund for such
5 bonds if any portion remains unpaid, or if the indebtedness
6 has been paid in full, the payment must be credited to the
7 general fund of the successor district; and

8 (b) all other unpaid taxes levied for the abolished
9 district must be credited to the general fund of the
10 successor district.

11 Section 20. Annexation of abolished district to two or
12 more successor districts. When the territory of an abolished
13 district is annexed to and becomes part of two or more
14 successor districts, all of the tangible property, real and
15 personal, must be apportioned in the following manner:

16 (1) Property of the abolished district that is
17 situated in the portion of the territory of the abolished
18 district annexed to a successor district must become the
19 property of the successor district receiving the territory
20 in which the property is situated.

21 (2) The value of all tangible property of an abolished
22 district and the intangible property not having a fixed
23 value must be determined and established in the regional
24 plan, subject to approval by the state commission. If no
25 agreement can be reached, appraisers may be appointed by the

1 district court of the county in which the property is
2 located, and such appraisers shall make an appraisal and
3 report on such property.

4 (3) The total value of tangible and intangible
5 property of the abolished district must be determined and
6 each successor district must be entitled to share in the
7 assets of the abolished district in the ratio that the total
8 taxable value of the abolished territory annexed to the
9 successor district bears to the total taxable value of the
10 abolished district. If, because of the valuation of tangible
11 property situated in a successor district, such successor
12 district will receive a greater share of the assets of the
13 abolished district than its proportionate share based on the
14 ratio of taxable valuation, the successor district shall
15 issue warrants to a successor district receiving less than
16 its proportionate share of assets of the abolished district
17 in an amount equal to the excess.

18 (4) All indebtedness of the abolished district, except
19 bonded indebtedness, remaining unpaid after applying all
20 available funds must be the joint and several liability of
21 the successor districts and the indebtedness must be
22 apportioned to and assumed by the districts in the same
23 ratio that the total taxable valuation of the territory of
24 the abolished district annexed to a successor district bears
25 to the total taxable valuation of the abolished district.

1 (5) Any bonded indebtedness of the abolished district
 2 remains an indebtedness against all of the taxable property
 3 within the territory of the abolished district against which
 4 such bonds were originally issued and must be paid out of
 5 levies to be made against such taxable property.

6 Section 21. Territory detached from altered district.

7 (1) The property and funds, including subsequent tax
 8 receipts and surplus left in sinking funds after payment of
 9 bonds, from an altered district must be distributed,
 10 apportioned, and transferred in the same manner as provided
 11 in [section 20]. The altered district must retain the same
 12 proportion of its tangible and intangible property and funds
 13 as it would receive if it were a successor district.

14 (2) All indebtedness, except bonded indebtedness, of
 15 an altered district remaining unpaid after applying all
 16 available funds must be apportioned to the altered district
 17 and the successor district or districts in the same ratio
 18 that the total taxable valuation of the territory of the
 19 altered district annexed bears to the total taxable
 20 valuation of the altered district before its change of
 21 boundaries. The entire indebtedness of the altered district
 22 remains the primary obligation of the altered district, but
 23 the trustees of each successor district shall issue a
 24 warrant equal to the amount of indebtedness apportioned to
 25 each successor district, which warrants must be paid if

1 funds are available or shall thereafter draw interest as for
 2 other warrants.

3 (3) The altered district shall set a levy to pay the
 4 principal and interest of such warrants as soon as possible.
 5 A special levy for this purpose may be called by the
 6 trustees without submitting a proposition to the electors of
 7 the district.

8 (4) Any bonded indebtedness of the altered district
 9 remains an indebtedness against all of the taxable property
 10 within the territory of the district before it was altered.

11 Section 22. Board of trustees. (1) Each school
 12 district created or continued by a regional plan as approved
 13 by the state commission must have a board of seven trustees.

14 (2) The district must be divided into trustee
 15 districts, as compact and equal in population and area as
 16 possible, using the latest federal decennial census.

17 (3) A trustee must be nominated from each of the
 18 trustee districts and elected by a vote of the qualified
 19 electors of the trustee district.

20 Section 23. Implementation by board of public
 21 education. The board of public education shall implement the
 22 reorganization plan approved by the state commission for the
 23 reorganization of school districts in Montana.

24 Section 24. Implementation dates. It is the intent of
 25 the legislature to establish the following implementation

1 dates for the purposes of [this act]:

2 (1) The governor shall appoint the state commission by
3 June 1, 1987, as provided in [section 4].

4 (2) The county commissioners of each county shall
5 appoint the members of the county committee by July 1, 1987,
6 as provided in [section 9].

7 (3) Each county committee shall submit a recommended
8 school reorganization plan to the regional committee to
9 which it is assigned by January 1, 1988, as provided in
10 [section 10].

11 (4) Each regional committee shall submit a regional
12 school reorganization plan to the state commission by March
13 1, 1988, as provided in [section 6].

14 (5) The state commission must approve each regional
15 plan and provide a final report to the governor,
16 legislature, and board of public education by July 1, 1988,
17 as provided in [section 6].

18 (6) The board of public education shall implement the
19 reorganization plans following the submission of the final
20 report of the state commission.

21 (7) A school district created or continued by an
22 approved regional plan shall elect a board of trustees and
23 coordinate with the trustees of any district affected by the
24 creation or continuation of the district.

25 (8) All school districts created or continued by a

1 regional plan shall come into existence at midnight on June
2 30, 1989, as provided in [section 13].

3 Section 25. Code commissioner instructions. For the
4 purpose of this act, the code commissioner shall review and
5 identify all sections of the Montana Code Annotated that
6 require revision for compliance with this act.

7 Section 26. Effective date. This act is effective on
8 passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB322, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to reorganize and improve the public school system of the state; to create a school reorganization commission and regional and county school reorganization committees to accomplish the reorganization of school districts; to define minimum requirements for creation of school districts; to provide for disposition of property and debts of altered or abolished districts; to provide effective dates for creation and continuation of school districts.

ASSUMPTIONS:

1. No district consolidations will take place in the 1989 biennium.
2. Professional and clerical staff time would be provided by existing staff from the Office of Public Instruction.
3. Additional travel expenses would be required for OPI staff, and the Board of Public Education.
4. Assume 10 meetings in FY88, 20 meetings in FY89. Each meeting will last an average of two days.
5. Per diem and travel expenses would be required for nine members of state commission.
6. Regional committee costs will be paid from district budgets.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>	\$ 0	\$26,469	\$ 26,469	\$ 0	\$55,266	\$ 55,266
<u>Funding:</u> General Fund	\$ 0	\$26,469	\$ 26,469	\$ 0	\$55,266	\$ 55,266

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local costs for committee support would be substantial due to the number of members required and the required payment of travel expenses. Because the exact number of regional committees and their exact size is not known, specific dollar impact cannot be estimated.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

It is not possible to determine the long term fiscal impact of this legislation until the new districts are established. It is reasonable to assume that there will be savings to the state general fund if small high schools consolidate into larger entities.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Section 17(1) prohibits provision of state funding to any district that has not been created or continued by the provisions of this act. This provision may conflict with Article 10, Section 1(2) of the state constitution.

David L. Hunter DATE 2/17/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Ted Neuman DATE Feb 28, 1987
TED NEUMAN, PRIMARY SPONSOR

Fiscal Note for SB322, as introduced.

SB 322