

1 *Senate* BILL NO. 301
 2 INTRODUCED BY *Dorely*
 3 *Follow*

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF SCHOOL TRUSTEES TO
 5 ACQUIRE REAL OR PERSONAL PROPERTY; AUTHORIZING SCHOOL TRUSTEES TO BORROW MONEY
 6 FROM A FEDERAL AGENCY TO PURCHASE REAL OR PERSONAL PROPERTY IF STATE OR FEDERAL
 7 FUNDS ARE USED EXCLUSIVELY TO REPAY THE LOAN; LIMITING THE LOAN AMOUNT TO THE YEAREND
 8 FUND BALANCES IN THE DISTRICT'S GENERAL FUND OPERATING RESERVES AND THE DISTRICT'S
 9 IMPACT AID FUND; AND AMENDING SECTION 20-6-603, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
 13 **Section 1.** Section 20-6-603, MCA, is amended to read:

14 **"20-6-603. Trustees' authority to acquire ~~or dispose of sites and buildings~~ real and personal**
 15 **property -- authority to borrow federal funds for purchase of real or personal property -- when election**
 16 **required.** (1) The trustees of a district may purchase, build, exchange, or otherwise acquire, ~~sell, or dispose~~
 17 ~~of sites and buildings~~ real or personal property of the district. Action may not be taken by the trustees
 18 without the approval of the qualified electors of the district at an election called for the purpose of approval
 19 unless:

20 (a) a bond issue has been authorized for the purpose of constructing, purchasing, or acquiring the
 21 ~~site or building~~ real or personal property;

22 (b) ~~an additional levy under the provisions of 20-9-353 has been approved for the purpose of~~
 23 ~~constructing, purchasing, or acquiring the site or building~~;

24 (c) the cost of constructing, purchasing, or acquiring the ~~site or building~~ real or personal property
 25 is financed without exceeding the ~~maximum~~ adopted or amended general fund budget amount for the
 26 district and, in the case of a site purchase, the site has been approved under the provisions of 20-6-621;

27 ~~or~~
 28 (c) the cost of constructing, purchasing, or acquiring real or personal property is financed by a loan
 29 from a federal agency in an amount that:

30 (i) does not exceed the yearend fund balances in the district's general fund operating reserves

1 provided in 20-9-104 and the impact aid fund provided in 20-9-514; and

2 (ii) is repaid exclusively from state or federal funds received by the district; or

3 (d) money is otherwise available under the provisions of this title and the ballot for the site approval
4 for the building incorporated a description of the building to be located on the site.

5 (2) When an election is conducted under the provisions of this section, it must be called under the
6 provisions of 20-20-201 and must be conducted in the manner prescribed by this title for school elections.
7 An elector qualified to vote under the provisions of 20-20-301 may vote in the election. If a majority of
8 those electors voting at the election approve the proposed action, the trustees may take the proposed
9 action."

10

-END-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Senate BILL NO. 301
Dorely *Johnson*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF SCHOOL TRUSTEES TO ACQUIRE REAL OR PERSONAL PROPERTY; AUTHORIZING SCHOOL TRUSTEES TO BORROW MONEY FROM A FEDERAL AGENCY TO PURCHASE REAL OR PERSONAL PROPERTY IF STATE OR FEDERAL FUNDS ARE USED EXCLUSIVELY TO REPAY THE LOAN; LIMITING THE LOAN AMOUNT TO THE YEAREND FUND BALANCES IN THE DISTRICT'S GENERAL FUND OPERATING RESERVES AND THE DISTRICT'S IMPACT AID FUND; AND AMENDING SECTION 20-6-603, MCA."

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

Section 1. Section 20-6-603, MCA, is amended to read:

~~"20-6-603. Trustees' authority to acquire or dispose of sites and buildings real and personal property -- authority to borrow federal funds for purchase of real or personal property -- when election required.~~ (1) The trustees of a district may purchase, build, exchange, or otherwise acquire, ~~sell, or dispose of sites and buildings~~ real or personal property of the district. Action may not be taken by the trustees without the approval of the qualified electors of the district at an election called for the purpose of approval unless:

(a) ~~a bond issue has been authorized for the purpose of constructing, purchasing, or acquiring the site or building~~ real or personal property;

(b) ~~an additional levy under the provisions of 20-9-353 has been approved for the purpose of constructing, purchasing, or acquiring the site or building;~~

(c) ~~the cost of constructing, purchasing, or acquiring the site or building~~ real or personal property is financed without exceeding the ~~maximum~~ adopted or amended general fund budget amount for the district and, in the case of a site purchase, the site has been approved under the provisions of 20-6-621;

~~or~~

(c) the cost of constructing, purchasing, or acquiring real or personal property is financed by a loan from a federal agency in an amount that:

(i) does not exceed the yearend fund balances in the district's general fund operating reserves

1 provided in 20-9-104 and the impact aid fund provided in 20-9-514; and

2 (ii) is repaid exclusively from state or federal funds received by the district; or

3 (d) money is otherwise available under the provisions of this title and the ballot for the site approval
4 for the building incorporated a description of the building to be located on the site.

5 (2) When an election is conducted under the provisions of this section, it must be called under the
6 provisions of 20-20-201 and must be conducted in the manner prescribed by this title for school elections.

7 An elector qualified to vote under the provisions of 20-20-301 may vote in the election. If a majority of
8 those electors voting at the election approve the proposed action, the trustees may take the proposed
9 action."

10

-END-

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Senate BILL NO. 301
D. Cheryl
Johnson

INTRODUCED BY _____
A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE AUTHORITY OF SCHOOL TRUSTEES TO ACQUIRE REAL OR PERSONAL PROPERTY; AUTHORIZING SCHOOL TRUSTEES TO BORROW MONEY FROM A FEDERAL AGENCY TO PURCHASE REAL OR PERSONAL PROPERTY IF STATE OR FEDERAL FUNDS ARE USED EXCLUSIVELY TO REPAY THE LOAN; LIMITING THE LOAN AMOUNT TO THE YEAREND FUND BALANCES IN THE DISTRICT'S GENERAL FUND OPERATING RESERVES AND THE DISTRICT'S IMPACT AID FUND; AND AMENDING SECTION 20-6-603, MCA."

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

Section 1. Section 20-6-603, MCA, is amended to read:

"20-6-603. Trustees' authority to acquire or dispose of sites and buildings real and personal property -- authority to borrow federal funds for purchase of real or personal property -- when election

required. (1) The trustees of a district may purchase, build, exchange, or otherwise acquire, ~~sell, or dispose~~ of sites and buildings real or personal property of the district. Action may not be taken by the trustees without the approval of the qualified electors of the district at an election called for the purpose of approval unless:

(a) a bond issue has been authorized for the purpose of constructing, purchasing, or acquiring the ~~site or building~~ real or personal property;

(b) ~~an additional levy under the provisions of 20-9-353 has been approved for the purpose of constructing, purchasing, or acquiring the site or building;~~

~~(c)~~ the cost of constructing, purchasing, or acquiring the ~~site or building~~ real or personal property is financed without exceeding the ~~maximum~~ adopted or amended general fund budget amount for the district and, in the case of a site purchase, the site has been approved under the provisions of 20-6-621; ~~or~~

(c) the cost of constructing, purchasing, or acquiring real or personal property is financed by a loan from a federal agency in an amount that:

(i) does not exceed the yearend fund balances in the district's general fund operating reserves

1 provided in 20-9-104 and the impact aid fund provided in 20-9-514; and

2 (ii) is repaid exclusively from state or federal funds received by the district; or

3 (d) money is otherwise available under the provisions of this title and the ballot for the site approval
4 for the building incorporated a description of the building to be located on the site.

5 (2) When an election is conducted under the provisions of this section, it must be called under the
6 provisions of 20-20-201 and must be conducted in the manner prescribed by this title for school elections.

7 An elector qualified to vote under the provisions of 20-20-301 may vote in the election. If a majority of
8 those electors voting at the election approve the proposed action, the trustees may take the proposed
9 action."

10

-END-