

SENATE BILL NO. 74
INTRODUCED BY B. KEENAN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF LAND COMMISSIONERS TO SELL OR LEASE NOT MORE THAN 25 ACRES FOR AN ELEMENTARY SCHOOL AND 50 ACRES FOR A HIGH SCHOOL TO A SCHOOL DISTRICT FOR USE AS A SCHOOL SITE; AMENDING SECTION 20-6-621, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

WHEREAS, the 1997 Legislature enacted Senate Bill No. 131, to amend section 20-6-621, MCA, by adding subsection (4), which authorized the Board of Land Commissioners to sell, at the appraised value, or lease for any period of time less than 99 years, for \$1 a year, to a school district any tract of state land of not more than 25 acres for use as an elementary school site or 50 acres of land for use as a high school site; and

WHEREAS, on October 3, 1997, in response to litigation by MonTRUST, a nonprofit citizen's organization, the Board of Land Commissioners and the Department of Natural Resources and Conservation signed an agreement with Montanans for the Responsible Use of the School Trust, stipulating that any decision by the Board to exercise its discretion to sell or lease land to a school district for a school site under the provisions of section 20-6-621(4), MCA, would constitute a violation of the trust principles of the Montana Constitution or The Enabling Act; and

WHEREAS, based on the stipulation agreement, the 1999 Legislature enacted Senate Bill No. 80, which amended section 20-6-621, MCA, by striking subsection (4) and thereby removed the Board's authority to sell or lease state land for public school sites; and

WHEREAS, the Montana Legislature believes that authorizing the Board of Land Commissioners to sell or lease small tracts of state land to a school district for use as a school site is a valid public purpose and does not constitute a violation of the trust principles of the Montana Constitution or The Enabling Act.

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

Section 1. Section 20-6-621, MCA, is amended to read:

"20-6-621. Selection of school sites -- approval election -- lease of state lands. (1) (a) Except as provided in subsection (1)(b), the trustees of a district may select the sites for school buildings or for other school purposes, but the selection must first be approved by the qualified electors of the district before a contract for the

purchase of a site is entered into by the trustees.

(b) The trustees may purchase or otherwise acquire property contiguous to an existing site that is in use for school purposes without a site approval election. The trustees may take an option on a site prior to the site approval election.

(2) The election for the approval of a site must be called under the provisions of 20-20-201 and must be conducted in the manner prescribed by this title for school elections. An elector who may vote at a school site election is qualified to vote under the provisions of 20-20-301. If a majority of those voting at the election approve the site selection, the trustees may purchase the site. A site approval election is not required when the site was specifically identified in an election at which an additional levy or the issuance of bonds was approved for the purchase of the site.

(3) Any site for a school building or other building of the district that is selected or purchased by the trustees must:

- (a) be in a place that is convenient, accessible, and suitable;
- (b) comply with the minimum size and other requirements prescribed by the department of public health and human services; and
- (c) comply with the statewide building regulations, if any, promulgated by the department of labor and industry.

(4) The board of land commissioners may sell, at the appraised value, or lease for any period of time less than 99 years, at an amount of \$1 a year, to a district any tract of state land of not more than:

- (a) 25 acres to be used as a site in the district for an elementary school; or
- (b) 50 acres to be used as a site in the district for a high school."

NEW SECTION. Section 2. Effective date -- applicability. [This act] is effective on passage and approval and applies to state land sold or leased on or after [the effective date of this act].

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