

HOUSE EDUCATION COMMITTEE

February 16, 1983

The meeting was called to order by Chairman Fritz Daily in room 420 of the Capitol Building at 11:30 p.m., with all members present.

Chairman Daily opened the meeting to a hearing on House Bills: 686, 744, 746, 794, and House Joint Resolutions 21 and 22.

HOUSE BILL 794

REPRESENTATIVE WILLIAM HAND, District 82, Dillon, opened by saying House Bill 794 is an act to clarify the definition of school bus as defined in Title 20 and Title 61, by exempting certain motor vehicles from the definition. Rep. Hand then called on Chip Erdmann to explain the bill.

CHIP ERDMANN, Montana School Board Association, submitted written comments (see exhibit 1) and comments addressing the first draft of the bill. (see exhibit 2)

PROPONENTS

TERRY BROWN, Office of Public Instruction, voiced his support of the bill and said he would be available to answer any questions.

DON WALDRON, Hellgate Elementary School, submitted written comments. (see exhibit 3)

STEVE JOHNSON, Attorney General's Office, said I am neither a proponent nor an opponent. House Bill 794 would create certain common sense exceptions to what would be considered a school bus under law. It's purpose is the elimination of state over-regulation. Whatever is defined as a school bus under state law is subject to many restrictions. Problems will be solved by this bill in the area of car pooling. Some safety problems or risks are present in a situation where busses pick up school children on busy streets. In those cases, it is very appropriate to have flashing red lights and a yellow color, in order that the drivers can be easily recognized. In the case of athletic events and field trips there aren't those problems because you wouldn't have the busses stopping in traffic. It is a matter of policy, and we find the exceptions made are very rational.

JESS LONG, School Administrators of Montana, voiced the support of his organization for House Bill 794.

Rep. Hand closed.

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Questions from committee. Rep. Eudaily asked Mr. Erdmann who is responsible for liability. The response was under B(1) the parents would be primarily liable for any accident. Under B(2) there would be a combination. This is where the parents are reimbursed where there isn't a regular school bus route. The Office of Public Instruction has never had a case where they have come after the school district.

Chairman Daily closed the hearing on House Bill 794 at 11:50 p.m.

HOUSE JOINT RESOLUTIONS 21 and 22

REPRESENTATIVE ESTHER BENGTSON, District 59, Shepherd, opened by stating these resolutions deal with the collection of student loans and debts. The units of the university system have been diligent in pursuing the collection of student loans. Students have not repaid about 10% of the loans in Montana. Bankruptcy laws are federal in nature, and these two resolutions are directed to the Congress of the United States to amend bankruptcy laws to make it more difficult for individuals to discharge student loan debts in a bankruptcy proceeding.

PROPOSERS

IRVING DAYTON, Commissioner of Higher Education, said the university system has been working very conscientiously on the collection of student loans. At the present time, the United States Congress is working on revision of the federal bankruptcy law. They would be very interested in a declaration of concern from the Montana Legislature.

DR. LARRY WEINBERG, Montana University System, said I have a diagram for the information of the committee, outlining the time sequence for a chapter 7 bankruptcy. (see exhibit 4) Mr. Weinberg also handed out information regarding a resolution concerning bankruptcy. (see exhibit 5) The resolution permits schools to decline from providing a student transcript until there is a final discharge of debt. The school's aim is to get the money back. If a person needs that transcript to get a job that will supply the means to pay back the loan, we have no objection to releasing it. But if a student has defaulted on a loan, and never responded to our efforts to contact him and then wants the transcript, we want the option to say no. This is a major collection device. If the student debt is discharged and wiped off the books, we will release the transcript. Resolution 21 talks to the question of discharge. Student debts aren't automatically discharged in a bankruptcy. If the debts are more than five years old, or if there will be undue hardship placed upon the debtor by continuing the debt, the court can grant a discharge. We would like this discharge to take place after 10 years. Many of these loans have a 10 year pay back

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period. We are also asking that congress address the question of what constitutes undue hardship. A chapter 13 bankruptcy deals with the wage earner. If you have a job, you can go into a chapter 13 bankruptcy and pay back 1%, 1/2%, or 0% of the debt, and there are many courts that will uphold those kinds of pay back plans. Right now educational loans can't survive that process. Abuse destroys the credibility of student loans for those students who are responsible.

Rep. Bengtson closed.

Questions from committee. Rep. Kadas said you have the authority to withhold a transcript until that person files bankruptcy. When they do, you have to release the transcript, but you want to withhold it. Mr. Weinberg replied we want the ability to withhold it, this provides leverage.

Rep. Lory asked Mr. Weinberg if the transcript is the personal property of the student. The response was students have made that argument and lost in court decisions.

Rep. Eudaily asked Mr. Weinberg who is the institution creditor. The reply was the educational institution is the creditor, they made the loan.

Rep. Lory asked Mr. Weinberg how many students have taken advantage of these bankruptcy laws. The response was in the files right now, there are probably between 40 and 50 filings where there is a debt of some kind to the university system. 30 to 40 involve loans.

Chairman Daily closed the hearing on House Joint Resolutions 21 and 22 at 12:05 p.m.

HOUSE BILL 686

REPRESENTATIVE ANDREA HEMSTAD, District 40, Great Falls, opened by stating this is an act to transfer from the Department of Commerce to the Commissioner of Higher Education, the administration of post-secondary education in the institutions. Presently, the proprietary schools were under the consumer affairs units. Consumer affairs does not have the expertise to evaluate the schools or the curriculum for licensing proprietary post-secondary schools. The solution, which was found by the council on management, is to transfer the responsibility to the Department of Education, where there are areas of similar responsibility.

PROPOSERS

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GARY BUCHANAN, Department of Commerce, said we support the recommendation to move this function to the Commissioner of Higher Education. We have to concentrate on more consumer fraud and consumer protection issues in general.

JIM SPRING, Governor's Council on Management, said we feel this is really a house cleaning bill.

IRVING DAYTON, Commissioner of Higher Education, said this bill does simply move a function over, but it has to be explained in order to understand the logic. The statute refers not only to all proprietary schools, but to all educational institutions, so we are talking about a very broad range of institutions. In other states, this function is lodged somewhere in the higher education system, this is where the predominant expertise is. In Montana, we have a fairly complete division of labor between the Board of Regents, and the Board of Public Education and Office of Public Instruction. I think that division is at the post-secondary lines. This bill goes beyond vocational education or proprietary schools. I would like to propose an amendment on page 5 on the composition of the advisory council, it says the Superintendent of Public Instruction. I would add or his designee. The superintendent serves on a number of boards and councils. If you don't allow some delegation, it is impossible to schedule meetings.

HIDDE VAN DUYM, Board of Public Education, submitted a written copy of his testimony. (see exhibit 6)

OPPONENTS

ROD SVEE, Office of Public Instruction, said from the standpoint of credit for renewal, we oppose the bill. This statute was originally passed in 1975, the regulations were put into play at that time. In 1981, the exemption portion, 20-30-102, was changed to give the power to the Board of Regents, and remove the Board of Public Education. No adverse comments were made by the Office of Public Instruction or the Board of Public Education, because the bill went through the Business and Industry Committee, and we didn't even know it existed. The Governor's Task Force on Management then recommended the transfer to the Department of Education. Both the Office of Public Instruction and the commissioner's office were approached. We submitted a fiscal note stating that it would cost \$50,000. for one FTE and travel, in order for our office to handle it. We have no concern about the commissioner's office handling it. Our concern addresses the approval of credit for the renewal of teacher certificates. In the case of vocational teachers, it is the role and scope of Northern Montana College to provide training

for the recertification of vocational teachers. Because of the numbers involved, Northern Montana College simply cannot meet the demand, they must have help from other sources. If you look at the spread of our institutions in the northeastern and southeastern sections of the state, it makes much more sense to bring in courses from either North Dakota or Wyoming to meet the needs of teachers in those areas. Students and graduates within the State of Montana should have some freedom of choice. The university system is exempt from the Administrative Rules of Montana Act. Therefore, the possible rules that are set up under House Bill 686 are not subject to public hearing, and there is an absence of an appeals process. The commissioners office would decide and there would be no appeal from that decision. We would like to see that the wording of the exemption section be returned to it's original status. We would like to see the original wording of 20-30-102 returned with the department taken out and commissioner added in, so there is a safety check. (see exhibit 7)

GENE CHRISTIAANSEN, Office of Public Instruction, said I appear in opposition to House Bill 686 based upon the historical perspective Mr. Svec just went through. When this bill first appeared, there were 14 amendments suggested and supported by the Board of Public Education. Growing potential restraint is placed on out of state institutions that have met accreditation standards which are identical to those used to judge Montana institutions. There does not appear to be any provisions in House Bill 686 to exempt certain institutions from compliance. I would support the amendments proposed and handed out by Mr. Svec. This is of broad scope, and involves all institutions of higher education.

CHIP ERDMANN, Montana School Board Association, said this is one of those difficult bills to determine whether we are a proponent or an opponent. We don't oppose the intent, and we do support the amendments.

BILL ROOS, H & R Block, presented written copies of his testimony to the committee. (see exhibit 8)

Rep. Hemstad closed by saying the intent of the bill is to move from the Department of Commerce, the administration of post-secondary education. By moving to higher education, they have consulted on the type of licensing in these schools. Rep. Hemstad passed out a list of schools that are presently under the jurisdiction of the Department of Commerce for their licensing procedure. (see exhibit 9)

Questions from committee. Rep. Lory asked Mr. Dayton why he would want to be involved with an institution like a barber college.

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The answer was trying to define subgroups is going to get more difficult. In my opinion, the responsibility ought to be in one place. I can't support the amendments of the Office of Public Instruction. The bill should be adopted as submitted or killed. I don't want half the authority and all of the responsibility.

Rep. Peck said it was indicated the bill would not require public hearings in terms of rule making. Mr. Svec answered it is my understanding that the university system is exempt from the rules and procedures.

Chairman Daily closed the hearing at 12:45 p.m.

Rep. Daily turned the chair over to Vice Chairman Roland Kennerly.

HOUSE BILL 746

REPRESENTATIVE PAULA DARKO, District 22, Libby, opened by stating this bill is submitted at the request of the local people of my community, who are looking at further educational possibilities. The bill is for enabling legislation. It creates a service region for community colleges that is approved by the voters of the proposed service region, and it changes current law to allow annexation of a school district in a county contiguous to an existing community college district, upon voter approval, by members of that district.

PROPONENTS

BILL LANNON, Montana University System, said section 1 allows a service region to be created by various kinds of governing bodies. The service region can only be designated if there are certain conditions met. A service plan would be required. The board of trustees must approve designation, electors must approve by majority vote, and the board of regents must have approved. There must be a designed plan explaining the services the community college would offer, who would be eligible for these services, and what kinds of facilities would be used to house those services. The plan would also consider direct and indirect costs. The plan must indicate the approximate number of mills for which the service region will be responsible. Once the plan is written, it can be revised, but the parties involved need to come to grips with the revisions. The revisions must be made jointly by the governing body in the service region and the community college trustees. There is a five year period of time in which there is an opportunity to see that the program is going to work. Section 2 allows the governing body to tax themselves in the amount that is necessary in order to provide the services. Section 3 amends already existing language in the community college laws. That language defines the sources to which the

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community college funds itself, and it adds income from a political subdivision as part of the unrestricted budget of the community college. Section 4 deals with the annexation laws that presently exist in the community colleges. A school district has to be contiguous to the existing community college district.

DON GATZKE, Flathead Valley Community College, said we have been teaching a few courses in Libby for the past few years. Our funding is 53% state and 37% from our district tax base. Flathead County taxpayers are paying this 37% for Lincoln County residents. When the numbers increase, it becomes a burden on the taxpayers. People from Libby are saying they want more courses, but we do not care to expand the community college system. This bill would allow the people of Libby to tax themselves for the 37% that the people of Flathead are presently paying.

DON KETTNER, Dawson Community College, said our board of trustees decided that because of the number of requests we were receiving from the Sidney and Baker areas, we would establish two instructional sites in these communities. Since that time, we have had 250 students enrolled at these sites. This bill addresses the problem of funding. We have been offering courses there but with little quality control.

JUD FLOWER, Miles Community College, said there is not a very thorough understanding of community college funding in the state. Funding is state and local, with the local district picking up 47%, of which 12% is tuition. Increasing numbers of students coming from counties outside our district create a burden to reach out, that is becoming prohibitive. My institution may represent the zenith of that problem because the growth of the college is in many ways attributable to the out-of-district students. This is putting a mill levy burden on our taxpayers that has reached almost 52 mills this year. Because of the increase in enrollment, this will go higher next year. One solution to the problem has been to annex; to persuade counties to vote themselves into the district. Bond options within the proposal are permissive and subject to the vote of the people. Regents in the commissioners office have been concerned that language is developed that is consistent. There is a consistency to address both issues of control and limits.

SANDY WAGONER, Libby Chamber of Commerce, submitted written testimony. (see exhibit 10)

HARLEY PAULSEN, Libby, said we approached the University of Montana and Montana State University. They felt that the geographical separation of Libby would limit the amount of assistance that could be offered. The cost is prohibitive to bring

services that distance. We are talking about \$50 to \$75 per credit hour. The establishment of community college service centers would help with that problem. I would like to emphasize the focus to bring the education to the people rather than trying to facilitate people to travel to the institutions of higher education.

There were no opponents to House Bill 746.

Rep. Darko closed by saying I would emphasize that these methods will meet local needs and help to equalize the funding burden. This would be shared between the districts and counties receiving these services. We need to expand educational possibilities in our communities. We are going to have to diversify, and I think this is a method to do it.

Questions from committee. Rep. Miller asked Mr. Flower if the impact to these colleges is greater because of the unemployment situation. The response was I think we are all in agreement that educational institutions are affected with larger numbers of students during periods of economic decline. We don't have much control over that. Once the economy improves there is a washing through of those students.

Rep. Miller said once the mills are established, how do they come off again? Mr. Flower replied once the service is decreased the mills would also decrease.

Chairman Kennerly closed the hearing on House Bill 744 at 1:30 p.m.

HOUSE BILL 744

REPRESENTATIVE JAY FABREGA, District 44, Great Falls, said House Bill 744 would amend section 20-9-104, which is the general fund cash reserve. Present law says the school district may carry a cash reserve to cover general fund costs issued between July 1, and November 30, of the ensuing school year. The amount of the general fund cash balance that is earmarked as a cash reserve, present law says shall not exceed 35% of the general fund budget. In a few cases, the 35% can be misunderstood to mean that you can carry that much reserve regardless of whether you need it or not. The purpose of my bill is to say that the 35% is an upper limit. What is intended for the cash reserve is a reasonable amount anticipated to be necessary to cover all of the warrants issued between July 1, and November 30. Because of the law suits against local government entities, I believe this would be a useful tool for school districts. They should be aware that the 35% is an upper limit within that fund, but it should not be carried if it isn't needed.

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There were no proponents to House Bill 744.

OPPONENTS

JOHN DEENEY, Billings, said 35% is the upper legal limit. Monies that are in reserve are not just used from July 1 through November 30. It is a long process to get the money from the treasurer to the budgets. The intent of the law may have been to carry this money for a cash flow, but things have changed since then. Other areas that school districts are getting into for emergency budgets are law suits and situations with mandated tax adjustments. Money that is kept in reserve is very prudently invested in the best interest of the schools. Most are looking into cooperative repurchase agreement investments. A considerable amount of revenue comes in from interest. Local school boards have the authority to decide what their needs are. I do not like to see the state telling them how to handle their money through legislation.

WAYNE BUCHANAN, Montana School Boards Association, said the thing that jumped out at me was the vagueness of the language. You are requiring people to anticipate these things; it begs for the language to be misinterpreted. The superintendents are responsible to the voters and to the school boards. This bill would have a far reaching and profound effect on schools if the language is interpreted very strictly.

DON WALDRON, Hellgate Elementary School, said our interest is invested daily through a cooperative. We have made about 12% on it. I feel this is doing the taxpayer a service rather than a hinderance, by keeping that money available for needs and in case of emergencies. This interest amounts to five to six mills for us each year.

Rep. Fabrega closed by saying you can see there is a confusion of the law as it is written now. School districts that hold more money in that fund than what they need could be taken to court. The intent of the bill was to remove what I see as a contradiction where the law can be read one way or the other.

Questions from committee. Rep. Peck said I am having trouble seeing the necessity of this bill. Rep. Fabrega responded it is the duality in the interpretation. If the committee feels that school districts should have the 35% regardless of the circumstances, I would have no problem with that. I think we need to address it one way or another.

Chairman Kennerly closed the hearing on House Bill 744, at 1:45 p.m.

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EXECUTIVE SESSION

HOUSE JOINT RESOLUTION 21

Rep. Hannah moved House Joint Resolution 22, DO PASS, the motion carried unanimously.

HOUSE JOINT RESOLUTION 22

Rep. Hannah moved House Joint Resolution 22, DO PASS.

Rep. Kadas said right now as long as someone is not paying the debt they can withhold the transcripts. This could handicap the student from paying the debt in any case.

Rep. Miller said they aren't after the people with good intent. They are after the ones who take bankruptcy when they have no intent to pay the money back.

The motion carried with Representatives Hammond, Kadas, Lory, Nilson, Schye, Kennerly, and Daily voting no. No votes were recorded for Representatives Yardley and Kitselman.

HOUSE BILL 794

Rep. Lory moved House Bill 794, DO PASS, the motion carried unanimously.

HOUSE BILL 746

Rep. Peck moved House Bill 746, DO PASS.

Rep. Miller asked Rep. Donaldson how the mills are taken off once they are put on. The answer was there is a five year repeal period.

The motion carried with Rep. Hannah voting no.

HOUSE BILL 744

Rep. Eudaily moved to TABLE House Bill 744, the motion carried unanimously.

HOUSE BILL 686

Rep. Peck moved to TABLE House Bill 686, the motion carried unanimously.

HOUSE BILL 93

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Rep. Donaldson moved to take House Bill 93 from the table, the motion carried unanimously.

Rep. Donaldson said this gives the student from the small school, from 14 to 18 students, a better education. Rep. Donaldson then passed out a handout concerning the costs of House Bill 93 as amended. (see exhibit 11)

Chairman Daily said we are not deciding on the money, we are deciding on the concept, it will go to appropriations from here.

Rep. Donaldson moved the amendments to House Bill 93, DO PASS. (see exhibit 12)

Rep. Donaldson said we are talking about educational quality for all of the students in these schools.

The motion passed unanimously.

Rep. Donaldson moved House Bill 93, DO PASS as amended.

Rep. Hannah commented in the testimony, the problem was that they couldn't get the cooperation from the people in their community.

The motion carried with Representatives Sands and Hannah voting no.

HOUSE BILL 396

Rep. Keenan moved to TABLE House Bill 396, the motion carried unanimously.

HOUSE BILL 591

Rep. Nisbet moved House Bill 591, DO PASS.

Rep. Nisbet moved to amend House Bill 591 to reinsert "specialist" where it had been stricken from the bill.

Rep. Kitselman moved to amend line 5 to strike "after an act".

The amendments passed with Rep. Schye voting no.

Rep. Nisbet moved House Bill 591, DO PASS as amended, the motion carried unanimously.

HOUSE BILL 395

Rep. Kitselman moved to TABLE House Bill 395, the motion carried with Representatives Peck, Donaldson, Hannah, Sands, and Hammond voting no.

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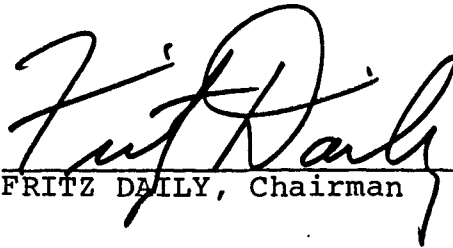
HOUSE BILL 625

Rep. Lory moved House Bill 625, DO PASS.

Rep. Lory moved the amendments (McBride) to House Bill 625, DO PASS, the motion passed unanimously. (see exhibit 13)

Rep. Kadas moved House Bill 625, DO PASS as amended, the motion carried with Representatives Peck, Daily, Hannah, Donaldson, Sands, and Eudaily voting no.

Chairman Daily adjourned the meeting at 2:20 p.m.


FRITZ DAILY, Chairman


Cheryl Fredrickson, secretary

VISITOR'S REGISTER

HOUSE Education

COMMITTEE

BILL 686

DATE 2/16

SPONSOR Hernstad

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Paul Christman	Helena	OPI		X
Yvonne van Deyn	Helena	Board of Public Educ	✓	
Kod Sree	Helena	OPI		X
William Ross	MISSOULA	H & K BLOCK		X
FA Olson	Helena	OBPP		
Jim Spruss	Billings	Gov. Council Mom	✓	
Jess W. Lamy	Helena	School Assoc / MT		X
Chip Edman	"	MSBA	AS AMENDED	
Pat Fairbank	Helena	Int. Federation of Teachers		
Gary Puchan	Helena	Opt. Comm		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
 WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Chp EROMANN Committee On HS Ed
 Address Adon Date 2/16/83
 Representing MSBIA Support X
 Bill No. 794 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill helps clear up the definition of "school bus" which was interpreted by the A.G. to mean every vehicle used for transportation of students to and from school and to and from athletic events.

2. This bill changes the definition of "school bus" in Title 61 and Title 20 and creates four exceptions. Exception 1 excludes private cars where no public compensation is received; Exception 2 excludes private vehicles that do receive public compensation under 20- (those authorized transportation but no bus route runs) Exception 3 - excludes school cars and vans when used for activity events or emergencies, Exception 4 - excludes over-the-road buses (Greyhound type) when used for activity events.

4. It also makes the definition of "school bus" in title 61 and title 20 uniform, which will clear up confusion in this area.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Attached are some comments to the first draft of this bill. Although the language has been changed slightly, the comments still address the problem.

Two recent Attorney General Opinions have created a serious problem for school districts and for those individuals who use their personal vehicles to transport students to school and school related events. 39 Atty. Gen. Ops. 63, issued June 14, 1982, held that "...all vehicles operated by or for public school districts, for the purpose of transporting children to and from school are 'school buses'...(and)... must comply with statutory provisions...relating to school bus equipment operation and inspection." In 38 Atty. Gen. Ops. 104, issued on September 9, 1980, the Attorney General rules: "'Transportation to or from school' is plainly broader than conveyance between a legal residence and school... In many cases, a child who is being transported on a school-sponsored field trip or to and from school athletic events or other authorized activities is being transported 'to or from school' in connection with the activity."

When taking these two opinions together, every vehicle used to transport students to and from school, field trips, and athletic events is a "school bus" under Title 61. This means the vehicle must meet a multitude of legal requirements. (see attached) In fact, anyone who is violating any of these requirements is subject to arrest.

This is obviously a situation that must be remedied. The Attorney General has suggested that a statutory change would best address the problem. This proposed bill was drafted by the Office of Public Instruction and the School Board Association.

The bill would make two changes in the current law:

(1) It would basically adopt the current definition of "school bus" in Title 61 as the definition for both Title 61 and Title 20. This will establish consistency and eliminate much confusion.

(2) The bill will also exclude four categories of vehicles from the definition of school bus:

(a) Privately owned and not operated for public compensation.

This would exclude parents who transport their children and other children to school without receiving reimbursement from the school district. (car pool)

(b) Used exclusively in the transportation of the children in the immediate family of the driver. This would exclude parents who receive individual reimbursement for transporting their children to and from school in their private vehicle.

(c) Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to and from activity events, or used to transport pupils to their homes in case of illness or other emergency situations. This would exclude school vans or car, or private vehicles which are used for extracurricular transportation. (This exclusion would address the problem pointed out by Rep. Hand in HB 89).

(d) Over the road passenger coaches when used for activity events. This would exclude the greyhound type buses used by many school districts for various activity events. At the same time it would prohibit the use of over the road passenger coaches to transport students to and from school.

ings. (1) All persons driving motor vehicles upon the public highways of this state outside of corporate limits of incorporated cities or towns where the view is obscure or when a moving train is within sight or hearing shall bring said vehicle to a full stop not less than 10 or more than 100 feet from where said highway intersects railroad tracks within this state, before crossing the same, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars.

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(2) The driver of any motor vehicle carrying passengers for hire or of any school bus or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall open the door (in the case of a school bus) and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossings and the driver shall not shift gears while crossing the track or tracks.

(3) No stop need be made at any such crossing where a police officer or highway patrolman or traffic-control signal directs traffic to proceed.

(4) This section shall not apply at street-railway grade crossings within a business or residence district.

History: (1) En. Sec. 1, Ch. 151, L. 1919; re-en. Sec. 3842, R.C.M. 1921; re-en. Sec. 3842, R.C.M. 1935; amd. Sec. 1, Ch. 115, L. 1957; amd. Sec. 20, Ch. 315, L. 1974; Sec. 72-164, R.C.M. 1947; (2) thru (4) Ap p. Sec. 90, Ch. 263, L. 1955; amd. Sec. 1, Ch. 244, L. 1977; Sec. 32-2193, R.C.M. 1947; Ap. p. Sec. 284, Ch. 5, L. 1971; Sec. 75-7007, R.C.M. 1947; R.C.M. 1947, 32-2193, 72-164(part), 75-7007(part).

61-9-402. Audible and visual signals on vehicles. (1) A police vehicle shall be equipped with a siren capable of giving an audible signal and may, but need not, be equipped with alternately flashing or rotating red or blue lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles the obligation to yield right-of-way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

(2) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren and an alternately flashing or rotating red light as specified herein.

(3) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(4) Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights shall be of a type and located on each bus as prescribed by the state board of education and approved by the division.

61-9-502. Semiannual inspection of school buses. (1) The division shall perform the semiannual inspection of school buses, one of which shall be at least 30 days prior to the beginning of the school term, and reinspect the buses, if necessary, before the beginning of the school term.

(2) The division's inspection shall determine if the school buses meet the minimum standards for school buses as adopted by the board of public education.

Ex 2
HB 794

61-8-351. Meeting or passing school bus. (1) The driver of a vehicle upon a highway or street either inside or outside the corporate limits of any city or town upon meeting or overtaking from either direction any school bus which has stopped on the highway or street for the purpose of receiving or discharging any school children shall stop the vehicle not less than 10 feet before reaching such school bus when there is in operation on said bus a visual flashing red signal as specified in 61-9-402 and said driver shall not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street on which they live and until such school bus resumes motion or the driver has signaled traffic to proceed. In addition the driver of a vehicle must slow and proceed with caution when meeting or overtaking from either direction any school bus which is preparing to stop on the highway or street for the purpose of receiving or discharging any school children as indicated by flashing amber lights as specified in 61-9-402.

(2) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, and in addition shall be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights shall be actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway or street whether inside or outside the corporate limits of any city or town for the purpose of receiving or discharging school children. However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a bus is stopped at the school site for purposes of receiving or discharging school children and such receipt or discharge does not involve street crossing by the children; and such lights may not be operated in violation of such a policy.

(3) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

History: Ap. p. Sec. 94, Ch. 263, L. 1955; amd. Sec. 1, Ch. 100, L. 1961; amd. Sec. 2, Ch. 250, L. 1965; amd. Sec. 1, Ch. 45, L. 1971; amd. Sec. 2, Ch. 244, L. 1977; Sec. 32-2197, R.C.M. 1947; Ap. p. Sec. 284, Ch. 5, L. 1971; Sec. 75-7007, R.C.M. 1947; R.C.M. 1947, 32-2197, 75-7007(part); amd. Sec. 1, Ch. 305, L. 1979.

61-9-511. Violation of chapter — penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter such person shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction such person shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both fine and imprisonment.

(3) On failure of payment of fines, the offender in cases of misdemeanor shall be imprisoned in the county jail in the county in which the offense has been committed, and said imprisonment shall be computed upon the basis of \$2 of said fine for each day's incarceration.

(4) Upon conviction the court costs, or any part thereof, may also be assessed against the defendant in the discretion of the court.

History: En. Sec. 154, Ch. 263, L. 1955; R.C.M. 1947, 32-21-157.

WITNESS STATEMENT

Name Don Waldron Committee On Ed.
 Address 2385 Plymouth Lane Date 2/16/83
Missoula Mt. 59882
 Representing Helgate Elem. + MCPT Support ✓
 Bill No. HB 794 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

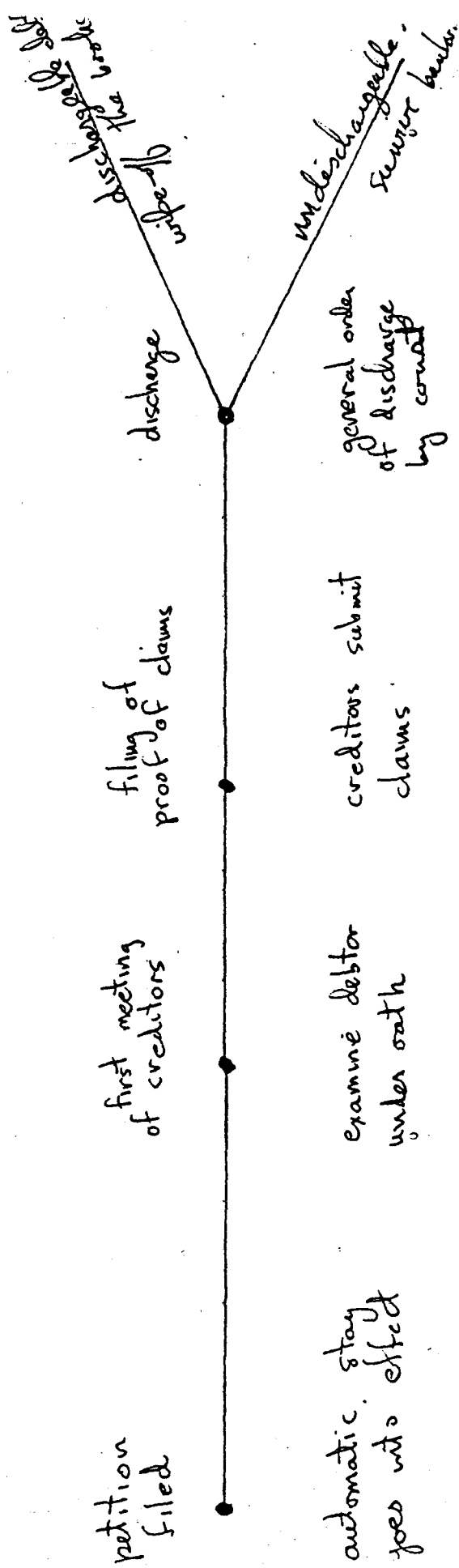
Comments:

1. We need to legalize what is presently practice
 attorney General Opinion put schools transportation in a bind.
2. Would like to see some safe ground for
 inspection of non school Bus circuit
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Time Sequence for a Chapter 7 BKY

(there may be exceptions in the order of events)



Time Sequence for a Chapter 13 BK7

(there may be exceptions in the order of events)

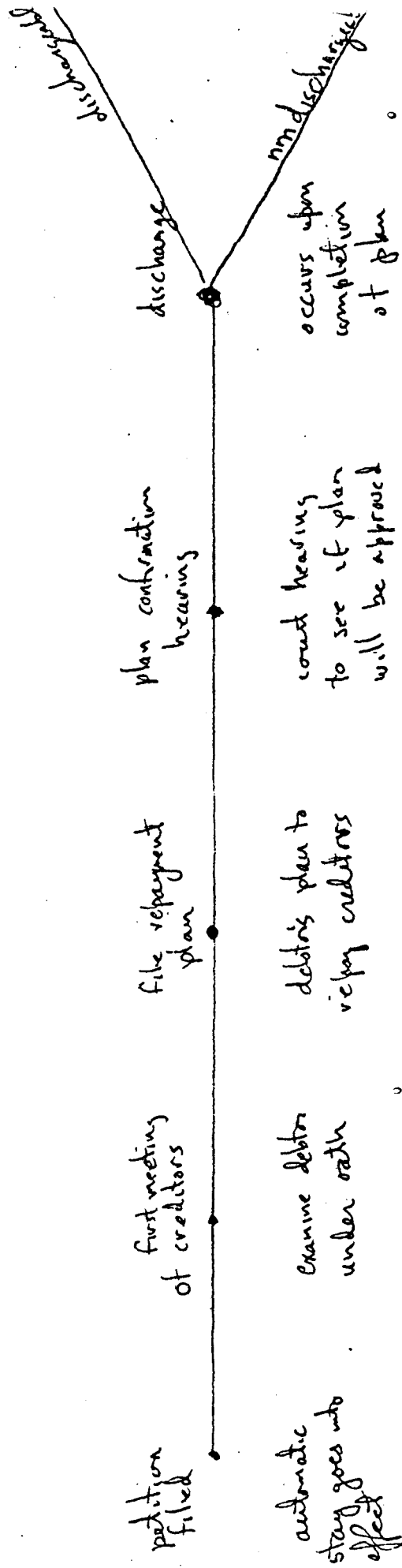




Exhibit 5
HJR 21, 22

COMMISSIONER OF HIGHER EDUCATION

TO: Irving E. Dayton
Commissioner of Higher Education

FROM: Laurence Weinberg
Assistant Chief Counsel *LW*

RE: Resolution Concerning Bankruptcy

DATE: October 15, 1982

The increasing number of personal bankruptcy filings is well documented. Also, the number and amount of defaults on student loans are of considerable public concern. Bankruptcy does provide an avenue to discharge student loans because of various statutory provisions. The resolution addresses some of these provisions and urges the federal Congress to take the necessary legislative actions to close the "loopholes." Because the bankruptcy law is federal, any changes must occur at the federal level. Hence, the resolution is addressed to the United States Congress.

The text of the resolution urges Congress to amend the bankruptcy law to make it more difficult to discharge student loan debts in a bankruptcy proceeding. Four specific changes are urged:

Section 523(a)(8) provides:

- "to a governmental unit, or a nonprofit institution of higher education, for an educational loan, unless --
- (A) such loan first became due before five years before the date of the filing of the petition; or
 - (B) excepting such debt from discharge under this paragraph will impose an undue hardship on the debtor and the debtor's dependents."

The first suggested amendment changes the five-year period in § 523(a)(8)(A) to a 10-year period. Loans that are into repayment more than five years are currently dischargeable. The amendment would extend the period to 10 years. This is reasonable inasmuch as the individual's ability to repay the loan should increase with the time out of school and an automatic discharge after only five years is arguably unfair to the lender. Subsection 523(a)(8)(B) provides for discharge when failure to grant a discharge would result in an undue hardship for the debtor. Congress did not define undue hardship, and the courts have been forced to develop judicial meanings for the term. The second suggested amendment asks Congress to adopt a three-tiered test developed by the courts and explained in some detail by the referenced decisions. Essentially the tests consist of:

- a. Mechanical test
- b. Good faith test
- c. Policy test

As the Court in In Re Lezer describes the approach:

"(1) Mechanical Test: The court must ask: Will the debtor's future financial resources for the longest foreseeable period of time allowed for repayment of the loan, be sufficient to support the debtor and his dependent at a subsistence or poverty standard of living as well as to fund repayment of the student loan? If this question is answered affirmatively, discharge of the student loan must be denied. If answered negatively, then the court must apply the good faith test:

(2) Good Faith Test: Here the court asks two questions:

(a) Was the debtor negligent or irresponsible in his efforts to minimize expenses, maximize resources, or secure employment?

(b) If "yes," then would lack of such negligence or irresponsibility have altered the answer to the mechanical test?

If the answer to the first part of the good faith test is no, then the debtor should be discharged of the obligation to repay his student loan. However, if the answers to both parts of the good faith test are "yes," then a presumption against discharge is established -- which may be rebutted by a negative answer to the third and final test.

(3) . . . Policy Test: The court must ask: Do the circumstances -- i.e., the amount and percentage of total indebtedness of the student loan and the employment prospects of the petitioner indicate:

(a) that the dominant purpose of the bankruptcy petition was to discharge the student debt, or

(b) That the debtor was definitely benefited financially from the education which the loan helped to finance?

If the answer to both parts of this question is a firm "no," then the debtor should be discharged from his student loan obligation. If the court answers "yes" to either part of the question, then discharge should be denied."

This approach represents a reasonable balance between the interests of the lender and the bankrupt.

Individual debtors generally file their petitions under Chapter 7 or Chapter 13 of the Bankruptcy Reform Act. Chapter 7 is the so-called straight liquidation, whereas Chapter 13 provides for wage earner plans. The discharge provisions of § 523 apply only to Chapter 7. Chapter 13 at present is much more liberal in permitting discharge. It is thus possible for a debtor to obtain a discharge of a student loan under Chapter 13, whereas a discharge under Chapter 7 would not be possible. This has led to substantial abuses where a debtor makes a minimal (.01 cent on the dollar or .00 cent on the dollar) repayment and secures complete discharge. Section 1325(a)(3) provides:

Ex 5
HR 21, 22

"(a) The court shall confirm a plan if --
(3) the plan has been proposed in good faith and not by
any means forbiddin by law."

Some courts have interpreted "good faith" to refer solely to the ability of the debtor to pay, whereas other courts have found the term to encompass the use of Chapter 13 to avoid the more restrictive discharge provisions of Chapter 7. The suggested amendment utilizes the latter approach and is consequently more favorable to the lender.

Finally, § 1328(a)(2) provides:

"(a) . . . , the court shall grant the debtor a discharge
of all debts . . . except any debt --
(2) of the kind specified in section 523(a)(5) of this
title."

The suggested amendment would add student loans to the discharge exceptions unless the loans were more than 10 years old or constituted an undue hardship. The type of debts found in § 523(a)(5) are alimony, maintenance, and child support debts.

If the above described amendments were made, the potential for abuse of the bankruptcy laws as a means of avoiding student loans would be greatly diminished.

LW/tt

Resolution of the Montana
Board of Regents of Higher Education

WHEREAS, student loan programs, whether federal, state, or private, serve an essential role in making quality education available to students from all economic classes; and

WHEREAS, the economic and social welfare of the state and the nation is strongly dependent upon the ability of the country to educate its citizens, regardless of their economic or social conditions; and

WHEREAS, the increasing number of bankruptcies resulting in the discharge of student loans serves to severely weaken student loan programs by reducing the amount of funds available for loans and by reducing the public creditability of such programs; and

WHEREAS, control of the provisions of the bankruptcy laws is vested in the federal government.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA BOARD OF REGENTS OF HIGHER EDUCATION:

THAT, the Congress of the United States is urged to amend the bankruptcy laws of the United States to make it more difficult for individuals to discharge student loans in bankruptcy proceedings while still preserving the flexibility necessary to permit those without present or foreseeable future repayment ability to obtain a discharge; and in particular the following changes in the law are urged to be made:

(1) Amend § 523(a)(8)(A) of the Bankruptcy Reform Act to provide for a 10-year period of nondischargeability.

(2) Amend § 523(a)(8)(B) of the Bankruptcy Reform Act to define undue hardship, incorporating the three-tiered analysis of In Re Johnson, 5 B.C.D 532 (1979) and In Re Lezer, 21 B.R. 783 (1982).

(3) Amend § 1325(a)(3) of the Bankruptcy Reform Act to clarify that the term "good faith" refers to both the debtor's ability to pay and the debtor's use of a Chapter 13 proceeding to avoid the nondischargeability provisions of Chapter 7 without providing for substantial repayment of the student loan debt.

(4) Amend § 1328(a)(2) of the Bankruptcy Reform Act to add debts provided for under § 523(a)(8) as exceptions to discharge under Chapter 13.

BE IT FURTHER RESOLVED:

Ex. 5

HJR 21, 2

THAT, copies of this Resolution be sent to the Montana Congressional Delegation, to the Secretary of Education, to the President of the Montana Senate, to the Speaker of the Montana House of Representatives, and to such other individuals as the Commissioner of Higher Education determines should receive a copy; and

THAT, the Senate and the House of Representatives of the State of Montana are urged to adopt a similar resolution placing the Montana Legislature in support of tightening the discharge provisions of the bankruptcy laws.



Ex 5
NR 21, 22

COMMISSIONER OF HIGHER EDUCATION

TO: Irving E. Dayton
Commissioner of Higher Education

FROM: Laurence Weinberg *LW*
Assistant Chief Counsel

RE: Resolution Concerning Bankruptcy and Student
Transcripts

DATE: November 5, 1982

As discussed in the earlier memorandum of October 15, 1982, also relating to bankruptcy, the large number of individual bankruptcies involving student loans has caused considerable adverse reaction to student loan programs in general. Any steps that can be taken to improve the collectability of student loans vis-a-vis the bankruptcy process are highly advisable.

Court decisions concerning the release of student transcripts to or for student debtors are a source of difficulty for collections. The ability of a school to refuse or condition the release of a student transcript is a powerful collection tool. Unfortunately the power of this collection device has been severely hampered by several recent court decisions. The resolution is designed to address and close these loopholes.

When an individual files a petition for bankruptcy, an automatic stay goes into effect pursuant to § 362 of the Bankruptcy Reform Act. The stay is a prohibition on all creditors, with certain exceptions, from taking any acts to collect pre-petition debts. The courts view the withholding of a transcript as an action by a school creditor to collect a student pre-petition debt. The fact that the student debt may very well not be discharged has not affected these decisions. Thus, courts have ordered both private and public colleges to furnish transcripts to student bankrupts. After the individual receives his general discharge, the school could then refuse to provide a transcript assuming that the student loan debt had not been discharged. What the courts have created is a "window" from the date of filing to the date of general discharge, during which time the debtor can obtain a copy of the student transcript irregardless of the final status of the student loan debt. The proposed changes in § 362 remedy this defect.

Some courts have indicated a willingness to consider transcript withholding to be a violation of § 525 when a state institution is involved. To forestall this section from being utilized by debtors, it is also amended.

Under Chapter 13 of the Bankruptcy Reform Act, a wage earner may file a so-called wage earner plan for repayment of debts. From the time the order for relief is issued by the court until the plan is defaulted upon or completed, the debtor is to be provided with transcripts. If the debtor defaults on the payments, the student loan is not discharged. Unfortunately the transcripts have already been provided. Consequently, § 1301 of the Bankruptcy Reform Act is also proposed for amendment.

All of the suggested changes are designed to permit a school to withhold release of a transcript to a student loan debtor who has filed in bankruptcy until the loan is declared discharged. In the case of a "stale" loan (one over five years old) this would occur upon issuance of a general discharge. For more recent loans (other than under Chapter 13), this will require a finding of undue hardship by the bankruptcy court pursuant to an adversary proceeding (a proceeding that the school is not required to initiate). For Chapter 13 proceedings, the ability to withhold the transcript will continue until completion of the court approved repayment program. Hopefully these changes will be beneficial.

If the student loan is discharged, then transcripts should be released.

LW/tt

RESOLUTION OF THE
MONTANA BOARD OF REGENTS
OF HIGHER EDUCATION

Ex 5
HJR 21, 22

WHEREAS, student loan programs play an essential role in making educational opportunities available to all persons; and

WHEREAS, the integrity of the student loan programs is based in great measure upon the ability of the institutions of higher learning to collect student loan debts; and

WHEREAS, a major tool in the collection of debts is the ability of the school to withhold furnishing transcripts to debtors; and

WHEREAS, the present bankruptcy statutes have been interpreted by the courts to require schools to furnish transcripts simply by virtue of the debtor filing a petition in bankruptcy.

NOW, THEREFORE, BE IT RESOLVED BY THE MONTANA BOARD OF REGENTS OF HIGHER EDUCATION:

THAT, the Congress of the United States is urged to amend the bankruptcy laws of the United States to permit an institutional creditor to withhold release of a transcript to a student loan debtor until such time, if it occurs, the student loan is declared discharged; and in particular the following changes in the law are urged to be made:

(1) Amend § 362(b) of the Bankruptcy Reform Act to add a new subsection (9) that provides: "under subsection (a) of this section, of the right of an educational institutional creditor to withhold release of the transcript of a student loan debtor until such time as the student loan debt is declared discharged by the bankruptcy court or other court of competent jurisdiction."

(2) Amend § 525 of the Bankruptcy Reform Act to clarify that this section is not violated by the refusal of a state school to provide a transcript to a student loan debtor unless the debt has been declared discharged.

(3) Amend § 1301 of the Bankruptcy Reform Act to add an additional exception subsection (d) to permit an educational institutional creditor to withhold the transcript of a student loan debtor until such time as the debt is discharged pursuant to § 1328 of the Bankruptcy Reform Act.

BE IT FURTHER RESOLVED:

THAT, copies of this Resolution be sent to the Montana Congressional Delegation, to the Secretary of Education, to the President of the Montana Senate, to the Speaker of the Montana House of Representatives, and to such other individuals as the Commissioner of Higher Education determines should receive a copy; and

THAT, the Senate and House of Representatives of the State of Montana are urged to adopt a similar resolution placing the Montana Legislature in support of amendments designed to preserve the ability of schools to use the student transcript as an aid in collecting student loan debts.

WITNESS STATEMENT

Name Walter Van Dyke Committee On Education
 Address 33 S. East Chance Gulch Date 16 Feb 83
 Representing Board of Public Education Support
 Bill No. HB 686 Oppose
 Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. No problems with the transfer of the office
2. However, the present bill potentially jeopardizes consumer choice and the board's governing of teacher certification.

4. Example: Dickinson State College and Eastern Montana College each want to offer a course for teachers in Blendrive. The criteria by which the Board and OPI accept courses for certification purposes would make Dickinson acceptable. It is accredited by both regional and national associations.

The Commissioner could decide otherwise. Specifically,

- (a) Page 5, line 21, gives him full power to establish criteria and page 10, line 14, states that he "may accept" national or regional accreditation;
- (b) the Board plays no role in the exemption statute 20-3-102(1);
- (c) the advisory council is a non-functional unit;
- (d) there is no appeal procedure in case the Commissioner denies an application.

The Commissioner does have considerable powers to limit choices in the offering of courses in Blendrive, Montana, if he decides to do so.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

From the Board's point of view it needs to be included in 20-30-102(1) as one of the powers which recognizes programs and courses of instruction

20-30-102. Exemptions. The following are exempt from the provisions of this chapter:

- (1) institutions accredited by a national or regional accrediting agency recognized by either the board of public education or the board of regents of higher education and notification of such recognition having been given to the department (commissioner) by either board;
- (2) education sponsored by a trade, business, professional, or fraternal organization solely for the membership of the organization or offered without the payment of fees;
- (3) avocational or recreational education and institutions offering such education exclusively;
- (4) education offered by charitable or religious institutions, organizations, or agencies unless such education is offered as leading toward educational credentials;
- (5) institutions possessing a valid certificate issued by the federal aviation agency;
- (6) schools of cosmetology possessing a valid certificate of registration issued under the provisions of Title 37, Chapter 31.

History: En. 75-9203 by Sec. 3, Ch. 296, L. 1974; amd. Sec. 1, Ch. 211, L. 1975; R.C.M. 1947, 75-9203.

20-30-102. Exemptions. The following are exempt from the provisions of this chapter:

- (1) any program or course of instruction of an institution accredited by a national or regional accrediting agency recognized by the board of regents of higher education and notification of such recognition having been given to the department by the board;
- (2) education sponsored by a trade, business, professional, or fraternal organization principally for the membership of the organization or offered without the payment of fees, unless such education is offered as leading toward educational credentials;
- (3) avocational or recreational education and institutions offering such education exclusively;
- (4) education offered by charitable or religious institutions, organizations, or agencies unless such education is offered as leading toward educational credentials;
- (5) institutions possessing a valid certificate issued by the federal aviation agency;
- (6) schools of cosmetology possessing a valid certificate of registration issued under the provisions of Title 37, chapter 31.

History: En. 75-9203 by Sec. 3, Ch. 296, L. 1974; amd. Sec. 1, Ch. 211, L. 1975; R.C.M. 1947, 75-9203; amd. Sec. 1, Ch. 469, L. 1979; amd. Sec. 2, Ch. 94, L. 1981.

Compiler's Comments

1981 Amendment: Substituted "any program or course of instruction of an institution" for "institutions" at the beginning of (1); deleted

"either the board of public education or" before "the board of regents" in the middle of (1); and made minor changes in phraseology in (1).

20-30-103. Administration. The department shall administer this chapter. To effect the purposes of this chapter, the department may request from any agency of the state and every agency shall provide such information

WITNESS STATEMENT

Exhibit 8

Name William D. Roos Committee On Education
 Address 217 West Broadway, Missoula Date 2-16-83
 Representing H&K Block Support _____
 Bill No. AB-686 Oppose X
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. WE FEEL THAT THE BUSINESS COMMUNITY SHOULD BE REGULATED BY THE DEPT. OF COMMERCE & NOT THE COMM. OF HIGHER ED. A ONE A YEAR CLASS IS NOT OUR MAIN FUNCTION
2. H&K BLOCK SUPPORTS SOME REGULATION & FEEL THAT THE REQUIREMENTS WE ARE NOW LICENSED UNDER ARE SUFFICIENT.
3. I QUESTION THE ADDITION OF ANOTHER ADJUDICATORY COMMITTEE & WILL ITS RECOMMENDATIONS BE HEARD. ALSO, WILL ALL TYPES OF BUSINESS BE ABLE TO OFFER INPUT TO THE COMMITTEE.
4. WE ARE CONCERNED ABOUT MORE REGULATIONS TO OPERATE UNDER.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Team 4
Report #15a
4/23/82
III-2

DEPARTMENT OF COMMERCE
CONSUMER AFFAIRS UNIT
1424 NINTH
HELENA, MONTANA 59620-0420

PHONE: 449-3163

Exhibit 9
HB 686

LICENSED MONTANA SCHOOLS

1. Alamon Training Center
2. American Institute of Pathologic Science
3. American Jet School
4. Big Sky Bible College
5. Big Sky Guide and Outfitters, Inc.
6. Big Sky Welding School
7. Distinctive Floral Creations Professional Training School
8. Erv Malnarich Outfitters and Guide School
9. FWL Outfitters and Guide School
10. H & R Block Income Tax School
11. Dan McCloy, Realtor
12. Montana Real Estate Institute
13. Professional Course Service
14. Professional Management Service
15. Rush's Outfitter and Guide School
16. Todd and Associates
17. Western College of Auctioneering
18. Wilderness Outfitters Outfitting and Packing Course
19. Yellowstone School of Broadcasting

Chairman & Board Members.

COMMUNITY COLLEGE RESEARCH COMMITTEE

Exhibit 10
HB 746

KNOWING THAT AMERICA'S TOMORROW IS BASED ON THE
EDUCATION OF HER PEOPLE TODAY, THE ^{*Libby*} CHAMBER OF
COMMERCE COMMUNITY COLLEGE RESEARCH COMMITTEE
WAS FORMED. *1971*

A. COMMITTEE MEMBERS:

1. *111 E. Lincoln Blvd. Libby, MT 59923*
HARLEY PAULSEN - SCHOOL DISTRICT #4
2. *P.O. Box AP Libby MT 59923*
JANENE BROWN - FIRST NATIONAL BANK - V.P.
3. SANDY MATHENY - INFORMATION OFFICER - USDA
4. GALEN HALL - USDA; INSTRUMENTAL IN LAYING
GROUND WORK FOR KOOTENAI - SALISH COMMUNITY
COLLEGE
5. *203 S. Y. L. Libby MT 59923*
DAN MILLER - ST. REGIS PERSONNEL MANAGER

(REPLACED KEN STAHL)
6. *Libby MT 59923*
SANDY WAGNER - COMMERCIAL UNDERWRITER

OFFICE MANAGER GLACIER INSURANCE COMPANY

1ST INSIGHT IN "FUTURING"

Ex. 10

HB 746

B. OUR PURPOSE WAS AND IS THREE-FOLD:

1. DETERMINE SOUTH LINCOLN COUNTY'S NEED
FOR A POST-SECONDARY EDUCATIONAL FACILITY
2. POSSIBLE RESOURCES FOR SECURING A FACILITY
(FVCC).
3. DETERMINING THE LEGALITICS INVOLVED IN ITS
ESTABLISHMENT.

C. NEED

1. SUPERVISORY MANAGEMENT PROGRAM
2. OTHER COLLEGE CREDIT COURSES WITHIN
COMMUNITY ED.
3. LIBBY COMMUNITY NEEDS SURVEY (OCTOBER 1981)
4. OUR SCHOOL AND COMMUNITY SURVEY IN TROY,
EUREKA, LIBBY
(BUSINESS, VOCATION - WELDING)

D. FACILITY SELECTION - SECURING RESOURCES

1. PREVIOUS COOPERATION WITH FVCC
2. MORE CONVENIENT AREA AND COST EFFECTIVE
BECAUSE OF ITS CLOSE PROXIMITY.

D. 4. ELIMINATED "INTER-STATE" LEGALITIES (MT.VS. ID.)

E. LEGALITIES (COMMUNITY COLLEGE SERVICE REGION)

Ex. 10
HB 746

1. MUST BE DEFINED
2. AFTER DEFINED OUTLINE PROCEDURE FOR ACTUAL ESTABLISHMENT.
3. NOW IN HANDS OF SCHOOL ADMINISTRATORS,
COUNTY COMMISSIONERS FOR INTERPRETATION AND RECOMMENDATIONS.
4. THIS IS NOT ITS FINAL LEGISLATIVE DRAFT.
ASK ? ?
5. WE WANT TO INPUT.

POINTS TO REMEMBER

1. NOT ASKING FOR \$
2. ONLY WANT TO PUT OUR TAX \$ TO BETTER USE
3. OPEN "COLLEGE" DOORS TO "ALL" WHO SEEK ITS TREASURES
4. HELP COLLEGIATE SYSTEM WITH SOME OF ITS PERTINENT PROBLEM - ENTRANCE REQUIREMENTS, CURRICULUM, LACK OF \$.

HUMANITY'S PROGRESSIVENESS WILL BE THE PRODUCT OF HER EDUCATION.

the reasons given above we recommend passage of #746

COSTS OF HB 93 (as amended)

1982-83 Data

<u>ANB</u>	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>	<u>No. of Schools</u>	<u>Cost of Increase</u>
14	\$21,658	\$29,358	\$7,700	9	
15	27,407	30,107	7,700	2	
16	23,155	30,855	7,700	3	
17	23,904	31,604	7,700	<u>5</u>	
			\$7,700	19	\$146,300

Foundation	\$117,040
Permissive	<u>29,260</u>
	\$146,300

	<u>Foundation</u>	<u>Permissive</u>	<u>Total</u>
Existing law	\$342,984	\$ 85,748	= \$428,732
Increase	\$117,040	\$ 29,260	= \$146,300
Expend. under proposed law	\$460,024	\$115,008	= \$575,032

Exhibit 11
HB 93

Proposed amendments to HB 93

1. Title, line 6.
Following: "FOR"
Strike: "TWO-TEACHER"
Insert: "INSTRUCTIONAL AIDE"
2. Page 1, lines 12 and 13.
Following: "for"
Strike: "two-teacher"
Following: "schools"
Strike: remainder of line 12 through "options" on line 13.
Insert: "of fourteen *through* seventeen pupils -- instructional aide funding"
3. Page 1, line 16.
Following: "of"
Strike: "20-9-316(4)"
Insert: "20-9-316(3)"
4. Page 1, line 17.
Following: line 16
Strike: "20-9-318(4)"
Insert: "20-9-318(3)"
5. Page 1, line 21.
Following: line 20
Strike: "two-teacher"
Insert: "instructional aide"
6. Page 2, line 18.
Following: "for"
Strike: "two-teacher"
Insert: "instructional aide"
7. Page 2, lines 19 through 23.
Following: "subsection (1)"
Strike: line 19 through "ANB" on line 23
Insert: "the district must hire an instructional aide"
8. Page 2.
Following: line 23
Insert: "(3) For the purposes of this section, the term
"instructional aide" means a paraprofessional who is under the
direct supervision of a teacher or a certified teacher."
9. Page 3.
Following: line 6
Insert: "(3) For schools with an ANB of at least 14 pupils but
less than 18 pupils that qualify for instructional aide funding
under [section 1], the maximum shall be \$26,533 plus \$651 per
pupil on the basis of the average number belonging over 14."
Renumber: subsequent subsections.

10. Page 3, lines 12 through 14.

Following: "teachers"

Strike: line 12 through "]" on line 14

11. Page 3, line 15.

Following: line 14

Strike: "\$32,596"

Insert: "\$34,227"

12. Page 3, line 16.

Following: "±8"

Strike: "14"

Insert: "18"

13. Page 4.

Following: line 21

Insert: "(3) For schools with an ANB of at least 14 pupils but less than 18 pupils that qualify for instructional aide funding under [section 1], the maximum shall be \$29,358 plus \$748.70 per pupil on the basis of the average number belonging over 14."

Renumber: subsequent subsections

14. Page 5, lines 2 through 4.

Following: "teachers"

Strike: line 2 through "]" on line 4

15. Page 5, line 5.

Following: line 14

Strike: "\$37,485"

Insert: "\$39,361"

16. Page 5, line 6.

Following: "±8"

Strike: "14"

Insert: "18"

July 1, 1983

AMEND HOUSE BILL 625 AS FOLLOWS:

1. Page 2, line 8.

Strike: "project"

2. Page 2, line 9.

Following: line 8

Strike: "architect"

Insert: "architecture and engineering division of the department
of administration"

3. Page 2, line 25 through line 3, page 3.

Following: "(3)."

Strike: the remainder of subsection (1) in its entirety

4. Page 3, line 11.

Following: line 10

Strike: "used"

Insert: "granted to the Montana arts council"

5. Page 3, line 24.

Following: "appoint a"

Insert: "three member"

6. Page 2, line 2.

Following: line 1

Strike: "include"

Insert: "consist of"

7. Page 4, line 3.

Following: "from the"

Insert: "user agency who is a resident of the"

8. Page 5, line 12.

Following: "date"

Insert: "-- applicability"

9. Page 5, line 13.

Following: "1983"

Insert: "and applies only to appropriations made by the 49th
legislature and subsequent legislatures"

STANDING COMMITTEE REPORT

February 16, 83

19.....

SPEAKER:

MR.

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **794**

first reading copy (**white**)
Color

"AN ACT TO CLARIFY THE DEFINITION OF "SCHOOL BUS" AS DEFINED IN TITLE 20 AND TITLE 61 BY EXEMPTING CERTAIN MOTOR VEHICLES FROM THE DEFINITION: AMENDING SECTIONS 20-10-101 AND 61-1-116, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **794**

DO PASS

STANDING COMMITTEE REPORT

February 16, 1933

19.....

SPEAKER

MR.

EDUCATION AND CULTURAL RESOURCES

We, your committee on

HOUSE JOINT RESOLUTION 21

having had under consideration Bill No.

first **white**

reading copy ()
Clerk

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA URGING THE CONGRESS OF THE UNITED STATES
TO AMEND THE BANKRUPTCY LAWS TO MAKE IT MORE DIFFICULT FOR INDI-
VIDUALS TO DISCHARGE STUDENT LOAN DEBTS IN A BANKRUPTCY PROCEEDING.

HOUSE JOINT RESOLUTION 21

Respectfully report as follows: That Bill No.

DQ PASS

STANDING COMMITTEE REPORT

February 16, 19 83

SPEAKER:

MR.

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE JOINT RESOLUTION Bill No. 22

first reading copy (white)
Order

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE CONGRESS OF THE UNITED STATES TO AMEND THE BANKRUPTCY LAWS TO PERMIT AN INSTITUTION OF HIGHER EDUCATION TO WITHHOLD RELEASE OF A TRANSCRIPT TO A STUDENT LOAN DEBTOR UNTIL THE STUDENT LOAN IS DECLARED DISCHARGED.

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 22

DO PASS _____