

MINUTES OF THE MEETING
SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES
FEBRUARY 16, 1981

The Senate Committee on Education and Cultural Resources met Monday, February 16, 1981, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:00 p.m.

ROLL CALL

Committee members present were Senators Brown, Smith, Mazurek, Thomas, McCallum, Severson, Haffey, Hammond, and Blaylock.

The following bills were heard by the committee:

SJR 13
SB 469
SB 440
SB 458
SB 456

CONSIDERATION OF SENATE JOINT RESOLUTION 13 AND SENATE BILL 469

SENATE JOINT RESOLUTION 13

"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF PUBLIC SCHOOL TRANSPORTATION NEEDS, INCLUDING FUNDING AND ELIGIBILITY REQUIREMENTS FOR SUCH TRANSPORTATION."

SENATE BILL 469

"AN ACT TO PROVIDE SCHOOLBUS TRANSPORTATION TO PUBLIC SCHOOL PUPILS RESIDING OVER 1 MILE BUT WITHIN THREE MILES FROM A PUBLIC SCHOOL; TO PROVIDE FOR REIMBURSEMENT OF SCHOOL DISTRICT TRANSPORTATION COSTS BY THE COUNTY AND STATE; TO PROVIDE FOR PAYMENT FOR TRANSPORTATION TO THE PUPILS' PARENTS OR GUARDIANS; TO PROVIDE FOR AN INCREASED GASOLINE LICENSE TAX FOR STATE REIMBURSEMENT OF TRANSPORTATION COSTS; AND AMENDING SECTIONS 15-70-101, 15-70-204, 15-70-205, and 20-10-145, MCA."

Senator Steve Brown, District 15, sponsor of the bill, asked that the two bills be heard together as SB 469 provides an immediate solution to the transportation problem within the 3 mile limit which exists in several areas of the state. He stated he represents the whole Helena valley which is full of dangerous roads and streets such as Montana Avenue and Green Meadow Drive. He said there is an elementary school in the valley and students in kindergarten through grade 12 have to walk along those roads every day. He said some valley parents have organized a private bus service serving over 210 children at a cost of \$90 per child per year. This is a very large effort to be maintained by a volunteer group. The district has helped just a bit but finally discontinued the assistance. The law does allow the district to provide transportation within the three mile limit but there are no financial incentives for them to do so. He added the district bus service is financed at 63-65¢ per bus mile by the district through the property tax. He acknowledged that 1/3 of the school age children are getting public school transportation and he realizes there is no way to afford busing all the students within the three mile limit. He reviewed SB 469 for the committee pointing out provisions for petitioning of the school board by 50 parents, holding a public hearing to establish whether the health, safety or welfare of the children is endangered, appeal process, reimbursement procedure, and a 1/2¢ gasoline tax for reimbursement to the districts. He stated Senate Joint Resolution 13 is intended to be a back up measure to Senate Bill 469. He said there are also other bills in the House of Representatives addressing the problem, one in particular by Representative Anderson.

PROPOSERS

Linda Currie, representing herself and as Chairman of the Rossiter School Bus Committee, Helena, pointed out energy consumption is a big problem and staggered dismissal times from 3:00 to 3:30 p.m. can mean a mother running her car for up to an hour just to pick up her children. She said she was not asking for free busing as parents in the Helena valley now pay \$90 per child per year, and under the bill they would continue to pay a proportionate share of the cost of bus service. She said the waiting list for bus service in the valley is long even though they run two buses on one route each day, reminding the committee this is an all volunteer operation. She said the three mile limit is arbitrary - why should a student living three miles from the

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school ride in safety while others living 2.7 and 2.9 miles have to walk in terribly dangerous situations. She said they had been at this for five years and have been constantly battling the bureaucracy.

Karen Lewis, a parent and a Helena valley resident, stated she feels victimized by the current law as she lives 2.9 miles from the school. She feels the old law is outdated and was written when children could walk in relative safety along the roads. She said as a parent, she is willing to share the cost as presented in Senator Brown's bill.

Pat Johnson, a parent and the bus driver for Rossiter, stated five years ago she helped organize the valley bus service. She said they started with fifty children and they now have over 200 with a long waiting list. At the present time, they are running three buses and can't run anymore. She said there are three main traffic arteries on the bus route. She questioned why the children who live .1 of a mile farther down the road than her children (at 2.9 miles from the school) get public transportation when they all pay equal taxes.

Bob Murdo, Helena valley resident, stated he lives in an area comprised of a sliver of land between the interstate highway and Montana Avenue. He lives 2.8 miles from Lincoln School in town, 1 mile from the Four Georgians School on the edge of town, and 1.4 miles from Rossiter in the valley. His children had to attend Lincoln School and in order to walk would have to either walk along the interstate or along Montana Avenue, a two lane, 50 mile per hour limit main artery which is traveled by 9,000 to 10,000 cars a day. The only option left was to bus three children and pay \$90 per child for the service. He pointed out the bus system is run by volunteers who have to collect the money, drive the bus, battle the bureaucracy and even throw the children off the bus if their parents don't pay. He felt the bills are a reasonable answer to the problem as parents help pay and the district is assisted also. He further pointed out the Helena valley situation is certainly not unique, these situations exist all over the state.

Chad Smith, representing the Montana School Boards Association, spoke in favor of SJR 13. He said the MSBA has had many inquiries in the past two years regarding transportation. He felt the interim study idea is good as it gives adequate time to really research the problem and to try to locate the resources to fund

it adequately. He said he heartily supports SJR 13 but had not had been able to obtain a copy of SB 469 to study before the hearing.

Richard Trerise, Lewis and Clark County Superintendent of Schools, and representing the Montana Organization of County Superintendents, said superintendents serve as Chairmen of the County Transportation Committees and as such are very concerned about this problem all across the state. He supported SJR 13 and added he hadn't been able to read SB 469.

(SB 469 was not prepared for public distribution by the printing department prior to the hearing.)

John Burnside, representing himself as a parent, stated he lives 2.7 miles from Jim Darcy School on the Lincoln Road in the Helena valley. He stated he has been in the military for 18 years and had never seen a situation like this. He said he personally feels the law is outdated and needs to be changed. He said he would have his children walk but Montana Avenue traffic and the climate don't lend themselves to that solution.

There were no opponents to the bills.

Senator Brown stated, in closing, that a fiscal note is being prepared.

CONSIDERATION OF SENATE BILL 440

"AN ACT TO REVISE THE LAW GOVERNING THE TERMS OF A CONTRACT NEGOTIATED BETWEEN THE TRUSTEES OF A SCHOOL DISTRICT AND THE CURRENT SCHOOL BUS CONTRACTOR; AMENDING SECTION 20-10-125, MCA."

Senator McCallum, District 12, sponsor of the bill, stated the bill was introduced as a committee bill by the Senate Committee on Education and Cultural Resources. He said the bill, which was drafted due to a concern raised by the bus transporters, raises the ceiling on the negotiated contract from 8% to 12%. He said the bill has safeguards in it, and the school boards can call for bids if they don't like the contractor's offer.

PROPOSERS

Charles Simonsen, President, Montana School Transporters Association, presented his written testimony in support of the bill (attachment #1).

Chad Smith, representing the Montana School Boards Association, stated his support for the bill. He said the ability to contract is in the law but limited to 8%. Districts are always trying to find good contractors and when they do, they want to keep them. He pointed out an 8% increase doesn't meet escalating costs - 12% is a much more adequate figure. He felt sure school boards won't automatically jump to the full 12%; they will want to keep the costs as low as possible. He said MSBA supports the bill, it is not just a bus transporters bill.

Martin Bates, Wilsall, a small bus contractor, stated his support for the bill saying it would let him negotiate every year with the school board, and the school board can look at the contract realistically and reach a fair settlement. He said his father drove the school bus for 41 years and he (Martin Bates) is now the contractor, so he feels they must be good transporters.

John Deeney, representing the Billings Public Schools, stated the 8% ceiling has forced them to negotiate their contracts one year at a time, rather than the former three year contracts. He said they just barely made it on 8% last year.

There were no opponents to the bill.

Senator McCallum closed.

ACTION ON SENATE BILL 440

Senator McCallum moved an immediate effective date. The motion carried unanimously.

Senator McCallum moved Senate Bill 440 Do Pass As Amended. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 458

"AN ACT TO CONTINUE THE MONTANA FOLKLIFE PROJECT UNDER THE MONTANA ARTS COUNCIL; REPEALING SECTION 6, CHAPTER 531, LAWS OF 1979."

Senator Blaylock, District 25, sponsor of the bill, introduced by request of the Senate Committee on Education and Cultural Resources, told the committee that J.D. Holmes' and Larry Korn's testimony regarding the bill was presented previously, (minutes, February 11, 1981) and he urged support of the bill quoting an old Indian saying, "People without a history are like the wind on the buffalo grass".

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PROPOSERS

J. D. Holmes, representing the Montana Institute of the Arts,
urged support of the bill.

There were no further proposers and no opponents of the bill.

Senator Blaylock closed.

ACTION ON SENATE BILL 458

Senator Blaylock moved Senate Bill 458 Do Pass. The motion
carried unanimously.

ACTION ON SENATE JOINT RESOLUTION 12

Senator Haffey moved Senate Joint Resolution 12 Do Pass. The
motion carried unanimously.

CONSIDERATION OF SENATE BILL 456

"AN ACT TO PROVIDE THAT THE TRUSTEES OF A SCHOOL
DISTRICT OPERATING AN ELEMENTARY SCHOOL OF LESS
THAN 10 ANB OR A HIGH SCHOOL OF LESS THAN 25 ANB
FOR 2 CONSECUTIVE YEARS SHALL APPLY TO HAVE THE
SCHOOL CLASSIFIED AS AN ISOLATED SCHOOL; AMENDING
SECTION 20-9-302, MCA."

Senator Mazurek, District 16, sponsor of the bill, introduced
by request of the Senate Committee on Education and Cultural
Resources, stated he had introduced the bill at the request
of Richard Trerise, Lewis and Clark County Superintendent of
Schools in response to problems very small districts encounter
with school isolation (minutes, February 11, 1981). He stated
it would save unnecessary expense and trouble for small districts
who find themselves in a stable enrollment situation but for
one reason or another fall below the 10 or 25 ANB one year
with every prospect of being back in compliance the following
year.

PROPOSERS

Richard Trerise, Lewis and Clark County Superintendent of Schools,
stated ANB has to be calculated in early spring and the applica-
tion for isolation submitted, if needed. He said the application
is very complicated and following completion of the application,
the County Superintendent and the County Commissioners must
approve it. Following that, it goes to the Office of Public
Instruction where they make a determination based on various
criteria. If the application is denied, the district loses

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half of its foundation monies and has to raise the difference in a voted levy. The original intent was to cause an evaluation of the district to determine if it is still viable and, Mr. Trerise said, that is a good idea. However, some small districts will fall below on a given year and lose half their foundation monies. This works a real hardship as they have to run a levy for the lost funds and they know they'll be back up the next year. This bill would give them a one year leeway with no penalty and he urged support of the bill.

Earl Wahlfrom, a member of the Canyon Creek School Board since 1956, stated his is a very small but well run district. He urged support of the bill noting the book work involved for a small district to apply for isolation is sizeable, to say the least. In his district, they have only one clerk and no other clerical help. He said they dropped below two different years, but always went back up as there may be some ebb and flow but no evidence of a declining enrollment.


There were no opponents to the bill.

Senator Mazurek closed.

ACTION ON SENATE BILL 456

Senator Mazurek moved Senate Bill 456 Do Pass. The motion carried unanimously.

There being no further business, the meeting adjourned to reconvene Wednesday, February 18, 1981, at 1:00 p.m.



Senator Bob Brown, Chairman

jdr

ROLL CALL

SENATE EDUCATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 11/12

NAME	PRESENT	ABSENT	EXCUSED
Senator Ed Smith			
Senator George McCallum			
Senator Elmer Severson			
Senator Swede Hammond			
Senator Chet Blaylock			
Senator Bill Thomas			
Senator Joseph Mazurek			
Senator Jack Haffey			
Senator Bob Brown, Chairman			

Each day attach to minutes.

DATE

FEB. 16, 1981

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES BILL NO. ^{SB 440} ^{SB 456} ^{SB 458}

SB 469

SB 440

SB 456

SB 458

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppo
Raven Lewis	myself	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Currie	Rossiter Valley Bus Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pat Johnson	Valley Bus Comm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. D. Holmes	HE/ENR		SB 458
Charles Simonsen	Mont. School Transportation Association		SB 440
Martin Bates	Wilsall Mont		SB 440
Bob Murdo	Helena Self		SB 469 ^{SSR 13}
Chap Smith	Mont Sch Bds Assn		SB 440 SSR 13
John & Burrowside	Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Deeney	S.D. 2, Billings	<input checked="" type="checkbox"/>	SB 440

(Please leave prepared statement with Secretary)

NAME: Linda Cuccie DATE: 2/16/81

ADDRESS: 5593 Eldorado Ct

PHONE: 458-9767

REPRESENTING WHOM? Myself & Bassiter Valley Bus Committee

APPEARING ON WHICH PROPOSAL: SB 469 & S.JR 13

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: will speak them

NAME: John Lewis DATE: Feb 11

ADDRESS: 4941 G Street N.W. D.C.

PHONE: 202-1742

REPRESENTING WHOM? NAACP

APPEARING ON WHICH PROPOSAL: HR 469

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Bt Johnson DATE: Feb 16, 1981

ADDRESS: 935 Grant St

PHONE: 413-4762

REPRESENTING WHOM? Parent Mail Bus

APPEARING ON WHICH PROPOSAL: SB 2169

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Bob Murda DATE: 2/16/81

ADDRESS: 1393 Big Horn Road

PHONE: 443-5625

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: STR 13 & SB 469

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

NAME: Richard Truist DATE: 2-16-81

ADDRESS: 316 N Park Helena

PHONE: 442-1010

REPRESENTING WHOM? Ca. Supt- Assoc.

APPEARING ON WHICH PROPOSAL: SJR 13 SE 456

DO YOU: SUPPORT? XX AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Charles Simonson DATE: 2-16-81

ADDRESS: P.O. Box 31133 - Billings 59107

PHONE: 248-3667

REPRESENTING WHOM? Mont. School Transportation Assoc.

APPEARING ON WHICH PROPOSAL: SB 440

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

Montana School Transportation Association

P.O. Box 31133
425 Sugar Avenue
Billings, Montana 59107
February 16, 1981

MSTA President: Charles Simonsen
And Manager of KAL Lines - Billings
School Bus Contractor
Phone: 248-3667

TO: 1981 Senate Education Committee

RE: Support for amending MT. School Law 75-7013, MCA Section 20-10-125

The Montana School Transportation Association is an organization of private school bus contractors whose 70 members own over 50% of the privately owned buses in Montana.

We would like to have you consider the following information:

1. With costs increasing as supported by the following tables, the 8% limit mandated by state law governing annual increases for operating Montana school buses routes is unrealistic.

<u>Year</u>	<u>U.S. Consumer Price Index all items</u> <u>%</u>	<u>Transportation Urban Index</u> <u>Year</u> <u>%</u>	<u>Billings Gasoline Semi-loads</u> <u>Date</u> <u>%</u>
77-78 Feb	6.3	77-78 Sep	4.9
1978	7.6		
1979	11.5	1979	14.5
79-80 Nov	12.6	79-80 Oct	15.0
			2-2-80 to 27.3 2-9-81 ----- 1-23-81 to 8.2 2-9-81

With an 8% rate increase ceiling compared to cost increases seen in the above table, many school bus contractors will likely be forced out of business or give up their contract for bids. Why should a reliable contractor who is providing economical service be forced to bid simply to circumvent the law? Bidding is unsure for an existing contractor when you consider we have had irresponsible contractors under bid existing contractors, providing unrealistic rates only to go out of business in a year or two.

2. A school bus contractor-school district relationship may be broken because of the 8% limitation when in fact both parties are satisfied with the relationship. The district may be aware the rates are very competitive and the services commendable.

Montana School Transportation Association

February 16, 1981

TO: 1981 Senate Education Committee

3. Many small contractors have called me during the last several months to ask if there are any options or any chance of the 8% law being amended. Some are having trouble convincing their bankers to stay with them or to finance a new bus. Consider interest increases since 1979 to finance a bus.

If we allow the private contractors to become financially unstable, we will undoubtedly create financing problems for other contractors on the basis of the reputation of the industry.

4. Local school boards do not have to renew a contract. They are not required to raise rates. If the contractor is not providing satisfactory service or if the district knows good service can be had more economically they are free to bid the contract.

(3) Transportation contracts between a district and a private party for the provision of school bus transportation shall be subject to the following requirements:

(a) the contract shall be completed in quadruplicate and, upon completion, one copy shall be for the county superintendent, one copy for the private party, one copy for the superintendent of public instruction, and one copy shall be retained by the district;

(b) the contract terms shall require conformance to the transportation law, policies of the board of public education, and rules of the superintendent of public instruction; and

(c) the contract shall be signed by the chairman of the trustees and the private party.

(4) A transportation contract between a parent or guardian of an eligible transportee and a district for the provision of individual transportation shall be subject to the following requirements:

(a) it shall be completed in quadruplicate and, upon approval, one copy shall be for the parent or guardian, one copy for the district, one copy for the county superintendent, and one copy for the superintendent of public instruction;

(b) it shall be completed on forms promulgated by the superintendent of public instruction;

(c) the parent or guardian shall sign an affidavit attesting to the place of residence of his child or children; and

(d) it shall be signed by the chairman of the trustees and the parent or guardian of the eligible transportees.

History: (1)En. 75-7011 by Sec. 288, Ch. 5, L. 1971; amd. Sec. 1, Ch. 198, L. 1971; Sec. 75-7011, R.C.M. 1947; (2) thru (4)En. 75-7012 by Sec. 289, Ch. 5, L. 1971; Sec. 75-7012, R.C.M. 1947; R.C.M. 1947, 75-7011(part), 75-7012.

20-10-125. Bid letting for contract bus — payments under transportation contract. (1) Before any contract with a private party for the provision of school bus transportation is awarded, the trustees shall:

(a) secure bids by publishing during a period of 21 days at least three calls for bids in a newspaper of the county that will give notice to the largest number of people of the district or in the official newspaper of the county; the trustees shall let the contract to the lowest responsible bidder, and the trustees shall have the right to reject any and all bids; or

(b) negotiate a new contract with the current school bus contractor ~~provided the negotiated contract costs do not exceed by more than 8% per year the basic costs of the previous year's contract and provided the duration of the negotiated contract is no longer than the duration of the previous contract.~~ Such a negotiated contract can be entered into only at a public meeting of the trustees at which meeting the patrons of the district may appear and be heard. Notice of the meeting must have been published in a newspaper of wide circulation within the district at least 1 week prior to the meeting.

(2) The provisions of this section for awarding a contract for school bus transportation shall be subject to the provisions of 20-9-204.

(3) The trustees shall not expend any moneys of the district for school bus transportation by a private party or for individual transportation unless:

NAME: Martin Bates DATE: 2-16-51

ADDRESS: Melrose, Mont

PHONE: 578-2552

REPRESENTING WHOM? Mont School Transportation Assn.

APPEARING ON WHICH PROPOSAL: SB 448

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

Multiple horizontal lines for writing comments.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

.....February 16,..... 1981.....

MR. **PRESIDENT**.....

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

having had under consideration **SENATE**..... Bill No **440**.....

Respectfully report as follows: That **SENATE**..... Bill No **440**.....

be amended as follows:

1. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.

Following: line 5

Insert: "Section 2. Effective date. This act is effective on passage and approval."

DO PASS

JRF

NAME: J. D. Holmes DATE: 2/16/81

ADDRESS: Helena

PHONE: 442-3258

REPRESENTING WHOM? Mont. Institute of the Arts Foundation

APPEARING ON WHICH PROPOSAL: SB 458

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

February 16,

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MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 458

Respectfully report as follows: That SENATE Bill No. 458

DO PASS

GA.

STANDING COMMITTEE REPORT

.....February 16,..... 1981.....

MR. PRESIDENT.....

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

having had under consideration SENATE JOINT RESOLUTION..... Bill No. 12.....

Respectfully report as follows: That SENATE JOINT RESOLUTION..... Bill No. 12.....

DO PASS

NAME: Earl Wallfome DATE: 2-16-81

ADDRESS: Box 476 Canyon Creek, Mt.

PHONE: 368-2265

REPRESENTING WHOM? School Dist # of LeElb Co.

APPEARING ON WHICH PROPOSAL: S.B. 456

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

February 16, 1981

MR. **PRESIDENT**

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

having had under consideration **SENATE** Bill No. **456**

Respectfully report as follows: That **SENATE** Bill No. **456**

DO PASS

O.A.