

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

January 18, 1985

The third meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet Blaylock, at 1:05 p.m. in Room 402, State Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SENATE BILL 84: SENATOR BOB BROWN, District 2, sponsor of the bill stated the bill simply allows school districts to acquire property by lease-purchase agreement. He stated other public entities can lease-purchase and it is necessary for school districts in this day and age to have the same option. He cited, as an example, the computer area, where purchases may be obsolete before the payment is complete. He asked Chip Erdman to present a proposed amendment from the Office of Public Instruction.

PROPOSERS: CHIP ERDMAN, Montana School Boards Association, said the amendment (Exhibit #1) is appropriate as it incorporates exceptions in site elections into the bill. He noted section 20-6-621 deals with exceptions in general land purchases. He said the bill gives a needed flexibility to school boards in purchasing real property and equipment.

BILL ANDERSON, Office of Public Instruction, said he wanted to discuss the bill with the OPI lawyer, Rick Bartos, before giving full support.

There were no further proponents and NO OPPONENTS to the bill.

DISCUSSION: SENATOR MAZUREK asked Mr. Erdman why the bill was limited to lease/purchase.

CHIP ERDMAN replied according to statute Boards can currently purchase or lease, but cannot lease/purchase.

The committee asked Lee Heiman, Legislative Council Counsel, if the proposed amendment was necessary.

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LEE HEIMAN replied he felt the bill is sufficiently referenced in current statutes and it would be redundant to change it.

SENATOR REGAN moved Senate Bill 84 DO PASS.

Discussion was held concerning the proposed amendment. The Chairman felt the bill should be held until OPI can check with their attorney regarding the amendment.

SENATOR REGAN withdrew her motion.

BOB STOCKTON, Office of Public Instruction, presented a video tape on the Foundation Program.

ADJOURN: There being no further business, the meeting was adjourned.



Senator Chet Blaylock, Chairman

jdr

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Irudi Peterson	Judith Gap Schools	<input checked="checked" type="checkbox"/>	
Pat Price	" " "	<input checked="checked" type="checkbox"/>	
Chip EROMANN	MSBA	<input checked="checked" type="checkbox"/>	
For Kupper	Evergreen-Kalispell	<input checked="checked" type="checkbox"/>	
Shula Cates	OPI		
Julie Dallogio	MontPIRG		<input checked="checked" type="checkbox"/>
Jim Taylor	MUTC		<input checked="checked" type="checkbox"/>
Jeff Dietz	Billings VO-Tech		<input checked="checked" type="checkbox"/>
Erma Jean	Ophelia Public School	<input checked="checked" type="checkbox"/>	
Mary Jean Marron	Foto, MT	<input checked="checked" type="checkbox"/>	

(Please leave prepared statement with Secretary)

1. Page 1, line 13.
Following: "20-6-603"
Insert: "and 20-6-621"

20-6-603. Trustees' authority to acquire or dispose of sites and buildings — when election required. (1) The trustees of any district shall have the authority to purchase, build, exchange, or otherwise acquire or sell or otherwise dispose of sites and buildings of the district. Such action shall not be taken by the trustees without the approval of the qualified electors of the district at an election called for such approval unless:

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

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

(c) the cost of constructing, purchasing, or acquiring the site or building is financed without exceeding the maximum-general-fund-budget-without-a-vote amount prescribed in 20-9-316 through 20-9-321 and, in the case of a site purchase, the site has been approved under the provisions of 20-6-621; or

(d) moneys are otherwise available under the provisions of this title and the ballot for the site approval for such building incorporated a description of the building to be located on the site.

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

History: En. 75-8204 by Sec. 476, Ch. 5, L. 1971; R.C.M. 1947, 75-8204.

20-6-621. Selection of school sites, approval election, and lease of state lands. (1) The trustees of any district shall have the authority to select the sites for school buildings or for other school purposes, but such selection shall first be approved by the qualified electors of the district before any contract for the purchase of such site is entered into by the trustees, except the trustees shall have the authority to purchase or otherwise acquire property contiguous to an existing site that is in use for school purposes without a site approval election. Furthermore, the trustees may take an option on a site prior to the site approval election.

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

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

(a) be in a place that is convenient, accessible, and suitable;

(b) comply with the minimum size and other requirements prescribed by the department of health and environmental sciences of the state of Montana; and

(c) comply with the statewide building regulations, if any, promulgated by the department of administration.

(4) The board of land commissioners shall have the authority to sell, at the appraised value, or to lease for any period of time less than 99 years, at an amount of \$1 per year, to a district any tract of state land of not more than 10 acres to be used as a school site in such district.

History: En. 75-8203 by Sec. 475, Ch. 5, L. 1971; R.C.M. 1947, 75-8203; amd. Sec. 75, Ch. 575,