

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

March 13, 1985

The 20th meeting of the Senate Education and Cultural Resources Committee was called to order by the Vice Chairman, Senator Dick Pinsoneault, at 1:02 p.m. in Room 402, State Capitol Building.

ROLL CALL: All committee members were present with the exception of of Senator Blaylock who was excused.

CONSIDERATION OF HOUSE BILL 549: REPRESENTATIVE COBB, District 42, sponsor of the bill, said the bill is just a housekeeping bill which clarifies certain laws relating to school district finance and budget procedures. Estimation of the state equalization is no longer done, trustees do not pay insurance premiums from the general fund, all monies are given back to the state, and definition clarification were the reasons given for the changes. The changes simply reflect amendments that have made in other sections of the statutes in past sessions.

PROPOSERS:

BOB STOCKTON, Office of Public Instruction, said the bill was introduced at the request of OPI and simply cleans up language in finance and budget laws.

CHIP ERDMAN, Montana School Boards Association, said his organization is satisfied that the bill is simply a housekeeping measure in keeping with already enacted changes.

There being no further proponents and no opponents, Representative Cobb closed.

CONSIDERATION OF HOUSE BILL 608: REPRESENTATIVE WILLIAMS, District 85, sponsor said the bill requires mandatory approval of a tuition application when an elementary or high school student is transferred from the student's resident district as the result of a court order. His further testimony is attached (Exhibit #1). He noted this is a discretionary option for the districts.

PROPONENTS:

CHIP ERDMAN, Montana School Boards Association, said the bill was approved at the MSBA convention. He said the present statute only applied to abused, neglected, dependent, or delinquent children, however, there are other reasons for children to be transferred to a new district by court order. This ensures the sending district will send the tuition to the receiving district. He noted the exception is in divorce cases which need to be left to the discretion of the court.

JESS LONG, School Administrators of Montana, expressed support for the bill.

There being no further proponents and no opponents to the bill, Representative Williams closed.

CONSIDERATION OF HOUSE BILL 534: REPRESENTATIVE HANNAH, District 86, sponsor, said the bill is the result of meetings with teachers, administrators, and school boards who wanted the flexibility to set back the school district trustee elections from April to May. This would enable the districts to better judge the amount of foundation program funding in order to more accurately set the voted levy amount. Three elections could still be held within the framework of a thirty day leeway.

PROPONENTS:

CHIP ERDMAN, Montana School Boards Association, supported the bill as it gives school boards more time and flexibility in setting trustee elections.

JESS LONG, School Administrators of Montana, expressed support for the bill.

There were no further proponents and no opponents to the bill.

SUE BARTLETT, Lewis and Clark County Clerk and Recorder, rose as a "ponent". She pointed out some potential "ripple effect" problems that could arise if the bill passes. She noted special districts such as fire districts, irrigation districts, and hospital districts piggy back their elections on the trustee election. This saves them quite a bit of money. If the trustee elections were to move to May, the special district elections would still have to be held in April and at a considerable cost. She said the mail ballot bill is working its way through the session and if it passes the special districts could save the cost of the election although the mail ballot is also an expense.

Another complication arises in closing voter registration. It adds another date or dates to closings and generates more work and expense, especially for smaller counties who are not on computers.

DISCUSSION:

SENATOR HAFHEY wondered if it would be possible to move the other elections ahead also.

LEE HEIMAN, Committee Counsel, said it could be done but it would be extensive and require a suspension of rules by both houses.

MS. BARTLETT said there is no easy solution but this bill is less complicated than moving all the elections to June.

SENATOR HAFHEY said it would be better to try it for two years and find out what needs to be corrected.

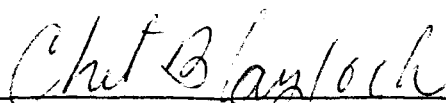
REPRESENTATIVE HANNAH felt there would be no reason to use this except in legislative years.

There being no further discussion, the hearing was closed.

PRESENTATION:

Robert L. Docktor, Helena High School, presented a program to the committee on PROJECT ADVENTURE, an exemplary physical education program conducted for sophomores and seniors. The program developed out of the Outward Bound program, and is a physical skill development course based on group solutions to various problems. Three students spoke to the committee stating the program enabled them to conquer many fears and become more trusting and self-reliant. The students were KEVIN BARTSCH, ERIKA JAUDIRK, exchange student from Sweden, and Steven Suden.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned.

  
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Senator Chet Blaylock, Chairman

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3/13

[illegible]

3/13

## Education & Cultural Resources

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Captain \_\_\_\_\_)



# MONTANA SCHOOL BOARDS ASSOCIATION

EXHIBIT #1  
HB 608  
SEN. EDUCATION  
AND CULT. RES.  
MAR. 13, 1985  
501 North Sanders  
Helena, Montana 59601  
Telephone: 406/442-2180  
Wayne G. Buchanan, Executive Director

February 13, 1985

TO: REPRESENTATIVE MEL WILLIAMS

FROM: CHIP ERDMANN

RE: HB608 - Mandatory approval of a tuition application  
when a transfer is the result of a court order.

This bill was originally requested by the Billings district,  
and was approved by the membership of the School Boards  
Association at their convention.

The bill adds a reason for mandatory tuition approval when a  
student is transferred from one district to another as the  
result of a court order. The bill amends both sections 20-5-  
301 (elementary) and 20-5-311 (high school).

The elementary statute already had a provision [(3)(e)] which  
required tuition approval when a student was declared an  
abused, neglected or dependent child under section 41-3-102,  
or a delinquent youth under 41-5-103, and ordered to a  
licensed child care institution in a different school  
district. This does not, however, cover all situations where  
a child is transferred. In many cases an abused, neglected,  
dependent or delinquent determination is not made by the  
court. This bill will cover those situations where a student  
is transferred to a new district pursuant to a court order  
regardless of a determination under 41-3-102 and 41-5-103.

There was no provision dealing with any type of court order  
in the high school tuition statute. This bill inserts in  
the high school statute a provision similar to the one  
inserted in the elementary statute.

Under the bill the new provisions are exempted from the  
geographic restrictions of the tuition statutes. They also  
do not apply to court orders issued under Title 40, Chapter  
4, Part 2, which covers divorce decrees.

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