

HOUSE BILL NO. 10
INTRODUCED BY EUDAILY
BY REQUEST OF THE CODE COMMISSIONER

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Education and Cultural Resources.
January 12, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
January 14, 1985	Second reading, do pass.
January 15, 1985	Considered correctly engrossed.
January 16, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 18, 1985	Introduced and referred to Committee on Education and Cultural Resources.
January 29, 1985	Committee recommend bill be concurred in. Report adopted.
January 30, 1985	Second reading, concurred in.
February 1, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

February 4, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 10

2 AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO
3 EDUCATION AND MINORS; AMENDING SECTIONS 20-3-331, 20-6-321,
4 20-9-351, 20-9-352, 20-9-407, 20-15-403, 41-3-609,
5 41-3-1103, 41-3-1121, AND 41-5-601, MCA.

6 Section 1. 20-3-331. This amendment removes a
7 reference to section 2-9-104, MCA, which was repealed by
8 sec. 4, Ch. 675, L. 1983.

9 Section 2. 20-6-321. This amendment makes permanent
10 the bracketed word "without" inserted by the Code
11 Commissioner in 1983. The references in the section to
12 sections 20-6-315 and 20-6-319 are to sections governing
13 consolidation of districts without assumption of bonded
14 indebtedness.

15 Section 3. 20-9-407. This amendment increases the
16 reference to 29% of taxable value limitation on bonded
17 indebtedness to 45% of taxable value in two places, in order
18 to coincide with the 1981 amendment to 20-9-406, which sets
19 the limitation. In subsection (2), a reference to "this
20 section" is changed to 20-9-406 because that section
21 actually sets the limitations on indebtedness.

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23 inserted by Ch. 540, L. 1981. That chapter was entitled: "An
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25 the foundation program and permissive portions of public
26 school budgets; amending sections 20-9-345, 20-9-351, and
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28 Chapter 371, L. 1981, was entitled: "An act to remove
29 the authority of the superintendent of public instruction to
30 direct the imposition of statewide deficiency tax levies;
31 revising the method of financing elementary and secondary
32 schools; amending sections 20-3-205, 20-9-303, 20-9-343,
33 20-9-344, 20-9-351, and 20-9-352, MCA; repealing section
34 20-9-345, MCA; and providing an effective date."

35 The chapters enacted conflicting amendments to sections
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12 repealed by sec. 5, Ch. 1, Sp. L. 1981, and inserts a
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15 subsection (1)(g) which refers to adoption and
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 9 MCA."

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

12 Section 1. Section 20-3-331, MCA, is amended to read:
 13 "20-3-331. Purchase of liability insurance. The
 14 trustees of any district may purchase insurance coverage for
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 16 the death, injury, or disability of any person or damage to
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 18 pay the insurance premium cost from the general fund. ~~The~~
 19 ~~provisions of 2-9-104 shall apply to the provisions of this~~
 20 ~~section."~~

21 Section 2. Section 20-6-321, MCA, is amended to read:
 22 "20-6-321. High school district consolidation of
 23 districts in two or more counties. Any two or more high
 24 school districts located in two or more counties and whose
 25 territory is contiguous may consolidate to organize a joint

1 high school district. Whenever a joint district
 2 consolidation is considered by two or more districts, the
 3 procedure for consolidation ~~with-}{without}~~ the assumption of
 4 bonded indebtedness prescribed in 20-6-315 and 20-6-319 must
 5 be used, except that each district shall submit its
 6 resolution or petition and its election certificate to the
 7 county superintendent of its resident county and the several
 8 county superintendents shall jointly perform the duties
 9 prescribed for the county superintendent in 20-6-315."

10 Section 3. Section 20-9-407, MCA, is amended to read:

11 "20-9-407. Industrial facility agreement for bond
 12 issue in excess of maximum. (1) In a school district within
 13 which a new major industrial facility which seeks to qualify
 14 for taxation as class five property under 15-6-135 is being
 15 constructed or is about to be constructed, the school
 16 district may require, as a precondition of the new major
 17 industrial facility qualifying as class five property, that
 18 the owners of the proposed industrial facility enter into an
 19 agreement with the school district concerning the issuing of
 20 bonds in excess of the ~~29%~~ 45% limitation prescribed in
 21 20-9-406. Under such an agreement, the school district may,
 22 with the approval of the voters, issue bonds which exceed
 23 the limitation prescribed in this section by a maximum of
 24 ~~29%~~ 45% of the estimated taxable value of the property of
 25 the new major industrial facility subject to taxation when



1 completed. The estimated taxable value of the property of
 2 the new major industrial facility subject to taxation shall
 3 be computed by the department of revenue when requested to
 4 do so by a resolution of the board of trustees of the school
 5 district. A copy of the department's statement of estimated
 6 taxable value shall be printed on each ballot used to vote
 7 on a bond issue proposed under this section.

8 (2) Pursuant to the agreement between the new major
 9 industrial facility and the school district and as a
 10 precondition to qualifying as class five property, the new
 11 major industrial facility and its owners shall pay, in
 12 addition to the taxes imposed by the school district on
 13 property owners generally, so much of the principal and
 14 interest on the bonds provided for under this section as
 15 represents payment on an indebtedness in excess of the
 16 limitation prescribed in ~~this section~~ 20-9-406. After the
 17 completion of the new major industrial facility and when the
 18 indebtedness of the school district no longer exceeds the
 19 limitation prescribed in this section, the new major
 20 industrial facility shall be entitled, after all the current
 21 indebtedness of the school district has been paid, to a tax
 22 credit over a period of no more than 20 years. The credit
 23 shall as a total amount be equal to the amount which the
 24 facility paid the principal and interest of the school
 25 district's bonds in excess of its general liability as a

1 taxpayer within the district.

2 (3) A major industrial facility is a facility subject
 3 to the taxing power of the school district, whose
 4 construction or operation will increase the population of
 5 the district, imposing a significant burden upon the
 6 resources of the district and requiring construction of new
 7 school facilities. A significant burden is an increase in
 8 ANB of at least 20% in a single year."

9 Section 4. Section 20-9-351, MCA, is amended to read:
 10 "20-9-351. Funding of deficiency in state equalization
 11 aid. If the estimated state equalization level made under
 12 the provisions of 20-9-348 is less than 100% ~~or-if-the~~
 13 ~~permissive--funding--level--made--under--the--provisions--of~~
 14 ~~20-9-352--is--less--than--100%~~, it shall be the duty of the
 15 superintendent of public instruction to request the budget
 16 director to submit a request for a supplemental
 17 appropriation in the second year of the biennium that would
 18 be sufficient to complete the funding of the foundation
 19 programs ~~prescribed-under-20-9-348--and--of--the--permissive~~
 20 ~~programs--prescribed--under--20-9-352~~ of the elementary or
 21 secondary schools, or both, for the current biennium."

22 Section 5. Section 20-9-352, MCA, is amended to read:
 23 "20-9-352. Permissive amount and permissive levy. (1)
 24 Whenever the trustees of any district shall deem it
 25 necessary to adopt a general fund budget in excess of the

1 foundation program amount but not in excess of the maximum
 2 general fund budget amount for such district as established
 3 by the schedules in 20-9-316 through 20-9-321, the trustees
 4 shall adopt a resolution stating the reasons and purposes
 5 for exceeding the foundation program amount. Such excess
 6 above the foundation program amount shall be known as the
 7 "permissive amount", and it shall be financed by a levy on
 8 the taxable value of all taxable property within the
 9 district as prescribed in 20-9-141, supplemented with any
 10 biennial appropriation by the legislature for this purpose.
 11 The proceeds of such an appropriation shall be deposited to
 12 the state special revenue fund, permissive account.

13 (2) The district levies to be set for the purpose of
 14 funding the permissive amount are determined as follows:

15 (a) For each elementary school district, the county
 16 commissioners shall annually set a levy not exceeding 6
 17 mills on all the taxable property in the district for the
 18 purpose of funding the permissive amount of the district.
 19 The permissive levy in mills shall be obtained by
 20 multiplying the ratio of the permissive amount to the
 21 maximum permissive amount by 6 or by using the number of
 22 mills which would fund the permissive amount, whichever is
 23 less. If the amount of revenue raised by this levy, plus
 24 anticipated motor vehicle fees and reimbursement under the
 25 provisions of 61-3-532 and 61-3-536, is not sufficient to

1 fund the permissive amount in full, the amount of the
 2 deficiency shall be paid to the district from the state
 3 special revenue fund according to the provisions of ~~20-9-351~~
 4 ~~and-subsection~~ subsections (3) and (4) of this section.

5 (b) For each high school district, the county
 6 commissioners shall annually set a levy not exceeding 4
 7 mills on all taxable property in the district for the
 8 purpose of funding the permissive amount of the district.
 9 The permissive levy in mills shall be obtained by
 10 multiplying the ratio of the permissive levy to the maximum
 11 permissive amount by 4 or by using the number of mills which
 12 would fund the permissive amount, whichever is less. If the
 13 amount of revenue raised by this levy, plus anticipated
 14 motor vehicle fees and reimbursement under the provisions of
 15 61-3-532 and 61-3-536, is not sufficient to fund the
 16 permissive amount in full, the amount of the deficiency
 17 shall be paid to the district from the state special revenue
 18 fund according to the provisions of ~~20-9-351~~ and-subsection
 19 subsections (3) and (4) of this section.

20 (3) The superintendent of public instruction shall, if
 21 the appropriation by the legislature for the permissive
 22 account {program} for the biennium is insufficient, request
 23 the budget director to submit a request for a supplemental
 24 appropriation in the second year of the biennium. The
 25 supplemental appropriation shall provide enough revenue to

1 fund the permissive deficiency of the elementary and high
 2 school districts of the state. The proceeds of this
 3 appropriation shall be deposited to the state special
 4 revenue fund, permissive account, and shall be distributed
 5 to the elementary and high school districts in accordance
 6 with their entitlements as determined by the superintendent
 7 of public instruction according to the provisions of
 8 subsections (1) and (2) of this section.

9 ~~{3}~~(4) Such--distribution Distribution under this
 10 section from the state special revenue fund shall be made in
 11 two payments. The first payment shall be made at the same
 12 time as the first distribution of state equalization aid is
 13 made after January 1 of the fiscal year. The second payment
 14 shall be made at the same time as the last payment of state
 15 equalization aid is made for the fiscal year. If the
 16 appropriation is not sufficient to finance the deficiencies
 17 of the districts as determined according to subsection (2),
 18 each district will receive the same percentage of its
 19 deficiency. Surplus revenue in the second year of the
 20 biennium may be used to reduce the appropriation required
 21 for the next succeeding biennium or may be transferred to
 22 the state equalization aid state special revenue fund if
 23 revenues in that fund are insufficient to meet foundation
 24 program requirements."

25 Section 6. Section 20-15-403, MCA, is amended to read:

1 "20-15-403. Applications of other school district
 2 provisions. (1) When the term "school district" appears in
 3 the following sections outside of Title 20, the term
 4 includes community college districts and the provisions of
 5 those sections applicable to school districts apply to
 6 community college districts: 2-9-101, 2-9-111, 2-9-316,
 7 2-16-114, 2-16-602, 2-16-614, 2-18-703, 7-3-1101, 7-6-2604,
 8 7-6-2801, 7-7-123, 7-8-2214, 7-8-2215, 7-8-2216, 7-11-103,
 9 7-12-4106, 7-13-110, 7-13-210, 7-15-4206, 10-1-703,
 10 15-1-101, 15-6-204, 15-16-101, 15-16-601, 15-18-108,
 11 15-55-106, 15-70-301, 15-70-322, 17-5-101, 17-5-202,
 12 17-6-103, 17-6-204, 17-6-213, 17-7-201, 18-1-102, ~~18-1-105~~,
 13 18-1-112, 18-1-201, 18-2-101, 18-2-103, 18-2-113, 18-2-114,
 14 18-2-404, 18-2-408, 18-5-205, 19-1-102, ~~19-1-602~~, 19-1-811,
 15 22-1-309, 25-1-402, 27-18-406, 33-20-1104, 39-3-104,
 16 39-4-107, 39-31-103, 39-31-304, 39-71-116, 39-71-117,
 17 39-71-2106, 39-71-2206, 40-6-237, 41-3-1132, 49-3-101,
 18 49-3-102, 53-20-304, 77-3-321, 82-10-201, 82-10-202,
 19 82-10-203, 85-7-2158, and 90-6-208 and Rules 4D(2)(g) and
 20 15(c), M.R.Civ.P., as amended.

21 (2) When the term "school district" appears in a
 22 section outside of Title 20 but the section is not listed in
 23 subsection (1), the school district provision does not apply
 24 to a community college district."

25 Section 7. Section 41-3-609, MCA, is amended to read:

1 "41-3-609. Criteria for termination. (1) The court may
2 order a termination of the parent-child legal relationship
3 upon a finding that the circumstances contained in
4 subsection (1)(a), (1)(b), or (1)(c), as follows, exist:

5 (a) the parents have relinquished the child pursuant
6 to ~~40-6-132 through 40-6-134~~ 40-6-135;

7 (b) the child has been abandoned by his parents as set
8 forth in 41-3-102(3)(d); or

9 (c) the child is an adjudicated youth in need of care
10 and both of the following exist:

11 (i) an appropriate treatment plan that has been
12 approved by the court has not been complied with by the
13 parents or has not been successful; and

14 (ii) the conduct or condition of the parents rendering
15 them unfit is unlikely to change within a reasonable time.

16 (2) In determining whether the conduct or condition of
17 the parents is unlikely to change within a reasonable time,
18 the court must enter a finding that continuation of the
19 parent-child legal relationship will likely result in
20 continued abuse or neglect or that the conduct or the
21 condition of the parents renders the parents unfit, unable,
22 or unwilling to give the child adequate parental care. In
23 making such determinations, the court shall consider but is
24 not limited to the following:

25 (a) emotional illness, mental illness, or mental

1 deficiency of the parent of such duration or nature as to
2 render the parent unlikely to care for the ongoing physical,
3 mental, and emotional needs of the child within a reasonable
4 time;

5 (b) a history of violent behavior by the parent;

6 (c) a single incident of life-threatening or gravely
7 disabling injury to or disfigurement of the child caused by
8 the parent;

9 (d) excessive use of intoxicating liquor or of a
10 narcotic or dangerous drug that affects the parent's ability
11 to care and provide for the child;

12 (e) present judicially-ordered long-term confinement
13 of the parent;

14 (f) the injury or death of a sibling due to proven
15 parental abuse or neglect; and

16 (g) any reasonable efforts by protective service
17 agencies that have been unable to rehabilitate the parent.

18 (3) In considering any of the factors in subsection
19 (2) in terminating the parent-child relationship, the court
20 shall give primary consideration to the physical, mental,
21 and emotional conditions and needs of the child. The court
22 shall review and, if necessary, order an evaluation of the
23 child's or the parent's physical, mental, and emotional
24 conditions."

25 Section 8. Section 41-3-1103, MCA, is amended to read:

1 "41-3-1103. Powers and duties of department. (1) The
2 department shall:

3 (a) administer all state and federal funds allocated
4 to the department for youth foster homes, youth group homes,
5 and child-care agencies for youth in need of care, youth in
6 need of supervision, and delinquent youth;

7 (b) exercise licensing authority over all youth foster
8 homes, youth group homes, and child-care agencies;

9 (c) collect and disseminate information relating to
10 youth in need of care, youth in need of supervision, and
11 delinquent youth;

12 (d) provide for training of program personnel
13 delivering services;

14 (e) in cooperation with the department of institutions
15 and youth care facility providers, develop and implement
16 standards for youth care facilities;

17 (f) apportion and allocate placement budgets to all
18 judicial districts; and

19 ~~{g} seek public input on the plan prior to its~~
20 ~~adoption and implementation; and~~

21 ~~{h}~~{g} maintain adequate data on placements it funds
22 in order to keep the legislature properly informed of the
23 following:

24 (i) the breakdown of youth in need of care, youth in
25 need of supervision, and delinquent youth by category in

1 out-of-home care facilities;

2 (ii) the cost per facility for services rendered;

3 (iii) the type and level of care of services provided
4 by each facility;

5 (iv) a profile of out-of-home care placements by level
6 of care; and

7 (v) a profile of public institutional placements.

8 (2) The department may:

9 (a) enter into contracts with nonprofit corporations
10 or associations to provide facilities and services for youth
11 in need of care, youth in need of supervision, and
12 delinquent youth;

13 (b) accept gifts, grants, and donations of money and
14 property from public and private sources to initiate and
15 maintain community-based services to youth;

16 (c) adopt rules to carry out the administration and
17 purposes of this part.

18 (3) The department shall pay for room, board,
19 clothing, personal needs, transportation, and treatment in
20 district youth guidance homes, shelter care programs, and
21 foster care homes for youths committed to the department of
22 institutions who need to be placed in such facilities.
23 Youths committed to the department of institutions and
24 placed in residential facilities other than those described
25 above shall not be the financial responsibility of the

1 department of social and rehabilitation services unless such
2 placements have been approved in advance by the department
3 of social and rehabilitation services."

4 Section 9. Section 41-3-1121, MCA, is amended to read:

5 "41-3-1121. Foster care payments for youth court
6 placements. (1) The youth court may establish procedures for
7 finding, maintaining, and administering ~~shelter~~ substitute
8 care and foster homes approved by the court for youth within
9 the provisions of this part.

10 (2) Pursuant to 41-3-1122, the department shall make a
11 foster care payment for a child placed by the youth court
12 if:

13 (a) the child is placed in a youth care facility
14 licensed by the department or by an appropriate licensing
15 authority from another state;

16 (b) the youth court enters into an agreement according
17 to federal regulations with the department for the placement
18 of children;

19 (c) the placement of the child is reviewed as required
20 by 41-3-1115; and

21 (d) the youth court retains supervision of the child
22 in placement."

23 Section 10. Section 41-5-601, MCA, is amended to read:

24 "41-5-601. Publicity. (1) No publicity shall be given
25 to the identity of an arrested youth or to any matter or

1 proceeding in the youth court involving a youth proceeded
2 against as, or found to be, a delinquent youth or youth in
3 need of supervision except as provided in subsection (2).

4 (2) When a petition is filed under ~~this--section~~
5 41-5-501, publicity may not be withheld as to the identity
6 of any youth formally charged with or proceeded against or
7 found to be a delinquent youth as a result of the commission
8 of any offense that would be punishable as a felony if the
9 youth were an adult."

-End-

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21 Section 2. Section 20-6-321, MCA, is amended to read:
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7 county superintendent of its resident county and the several
8 county superintendents shall jointly perform the duties
9 prescribed for the county superintendent in 20-6-315."

10 Section 3. Section 20-9-407, MCA, is amended to read:
11 "20-9-407. Industrial facility agreement for bond
12 issue in excess of maximum. (1) In a school district within
13 which a new major industrial facility which seeks to qualify
14 for taxation as class five property under 15-6-135 is being
15 constructed or is about to be constructed, the school
16 district may require, as a precondition of the new major
17 industrial facility qualifying as class five property, that
18 the owners of the proposed industrial facility enter into an
19 agreement with the school district concerning the issuing of
20 bonds in excess of the 29% 45% limitation prescribed in
21 20-9-406. Under such an agreement, the school district may,
22 with the approval of the voters, issue bonds which exceed
23 the limitation prescribed in this section by a maximum of
24 29% 45% of the estimated taxable value of the property of
25 the new major industrial facility subject to taxation when



1 completed. The estimated taxable value of the property of
 2 the new major industrial facility subject to taxation shall
 3 be computed by the department of revenue when requested to
 4 do so by a resolution of the board of trustees of the school
 5 district. A copy of the department's statement of estimated
 6 taxable value shall be printed on each ballot used to vote
 7 on a bond issue proposed under this section.

8 (2) Pursuant to the agreement between the new major
 9 industrial facility and the school district and as a
 10 precondition to qualifying as class five property, the new
 11 major industrial facility and its owners shall pay, in
 12 addition to the taxes imposed by the school district on
 13 property owners generally, so much of the principal and
 14 interest on the bonds provided for under this section as
 15 represents payment on an indebtedness in excess of the
 16 limitation prescribed in ~~this section~~ 20-9-406. After the
 17 completion of the new major industrial facility and when the
 18 indebtedness of the school district no longer exceeds the
 19 limitation prescribed in this section, the new major
 20 industrial facility shall be entitled, after all the current
 21 indebtedness of the school district has been paid, to a tax
 22 credit over a period of no more than 20 years. The credit
 23 shall as a total amount be equal to the amount which the
 24 facility paid the principal and interest of the school
 25 district's bonds in excess of its general liability as a

1 taxpayer within the district.

2 (3) A major industrial facility is a facility subject
 3 to the taxing power of the school district, whose
 4 construction or operation will increase the population of
 5 the district, imposing a significant burden upon the
 6 resources of the district and requiring construction of new
 7 school facilities. A significant burden is an increase in
 8 ANB of at least 20% in a single year."

9 Section 4. Section 20-9-351, MCA, is amended to read:
 10 "20-9-351. Funding of deficiency in state equalization
 11 aid. If the estimated state equalization level made under
 12 the provisions of 20-9-348 is less than 100% ~~or-if-the~~
 13 ~~permissive--funding--level--made--under--the--provisions--of~~
 14 ~~20-9-352--is--less--than--100%~~, it shall be the duty of the
 15 superintendent of public instruction to request the budget
 16 director to submit a request for a supplemental
 17 appropriation in the second year of the biennium that would
 18 be sufficient to complete the funding of the foundation
 19 ~~programs prescribed under 20-9-348--and--of--the--permissive~~
 20 ~~programs--prescribed--under--20-9-352~~ of the elementary or
 21 secondary schools, or both, for the current biennium."

22 Section 5. Section 20-9-352, MCA, is amended to read:
 23 "20-9-352. Permissive amount and permissive levy. (1)
 24 Whenever the trustees of any district shall deem it
 25 necessary to adopt a general fund budget in excess of the

1 foundation program amount but not in excess of the maximum
 2 general fund budget amount for such district as established
 3 by the schedules in 20-9-316 through 20-9-321, the trustees
 4 shall adopt a resolution stating the reasons and purposes
 5 for exceeding the foundation program amount. Such excess
 6 above the foundation program amount shall be known as the
 7 "permissive amount", and it shall be financed by a levy on
 8 the taxable value of all taxable property within the
 9 district as prescribed in 20-9-141, supplemented with any
 10 biennial appropriation by the legislature for this purpose.
 11 The proceeds of such an appropriation shall be deposited to
 12 the state special revenue fund, permissive account.

13 (2) The district levies to be set for the purpose of
 14 funding the permissive amount are determined as follows:

15 (a) For each elementary school district, the county
 16 commissioners shall annually set a levy not exceeding 6
 17 mills on all the taxable property in the district for the
 18 purpose of funding the permissive amount of the district.
 19 The permissive levy in mills shall be obtained by
 20 multiplying the ratio of the permissive amount to the
 21 maximum permissive amount by 6 or by using the number of
 22 mills which would fund the permissive amount, whichever is
 23 less. If the amount of revenue raised by this levy, plus
 24 anticipated motor vehicle fees and reimbursement under the
 25 provisions of 61-3-532 and 61-3-536, is not sufficient to

1 fund the permissive amount in full, the amount of the
 2 deficiency shall be paid to the district from the state
 3 special revenue fund according to the provisions of ~~20-9-351~~
 4 ~~and-subsection subsections (3) and (4)~~ of this section.

5 (b) For each high school district, the county
 6 commissioners shall annually set a levy not exceeding 4
 7 mills on all taxable property in the district for the
 8 purpose of funding the permissive amount of the district.
 9 The permissive levy in mills shall be obtained by
 10 multiplying the ratio of the permissive levy to the maximum
 11 permissive amount by 4 or by using the number of mills which
 12 would fund the permissive amount, whichever is less. If the
 13 amount of revenue raised by this levy, plus anticipated
 14 motor vehicle fees and reimbursement under the provisions of
 15 61-3-532 and 61-3-536, is not sufficient to fund the
 16 permissive amount in full, the amount of the deficiency
 17 shall be paid to the district from the state special revenue
 18 fund according to the provisions of ~~20-9-351-and-subsection~~
 19 ~~subsections (3) and (4)~~ of this section.

20 (3) The superintendent of public instruction shall, if
 21 the appropriation by the legislature for the permissive
 22 account {program} for the biennium is insufficient, request
 23 the budget director to submit a request for a supplemental
 24 appropriation in the second year of the biennium. The
 25 supplemental appropriation shall provide enough revenue to

1 fund the permissive deficiency of the elementary and high
 2 school districts of the state. The proceeds of this
 3 appropriation shall be deposited to the state special
 4 revenue fund, permissive account, and shall be distributed
 5 to the elementary and high school districts in accordance
 6 with their entitlements as determined by the superintendent
 7 of public instruction according to the provisions of
 8 subsections (1) and (2) of this section.

9 ~~{3}~~(4) Such--distribution Distribution under this
 10 section from the state special revenue fund shall be made in
 11 two payments. The first payment shall be made at the same
 12 time as the first distribution of state equalization aid is
 13 made after January 1 of the fiscal year. The second payment
 14 shall be made at the same time as the last payment of state
 15 equalization aid is made for the fiscal year. If the
 16 appropriation is not sufficient to finance the deficiencies
 17 of the districts as determined according to subsection (2),
 18 each district will receive the same percentage of its
 19 deficiency. Surplus revenue in the second year of the
 20 biennium may be used to reduce the appropriation required
 21 for the next succeeding biennium or may be transferred to
 22 the state equalization aid state special revenue fund if
 23 revenues in that fund are insufficient to meet foundation
 24 program requirements."

25 Section 6. Section 20-15-403, MCA, is amended to read:

1 "20-15-403. Applications of other school district
 2 provisions. (1) When the term "school district" appears in
 3 the following sections outside of Title 20, the term
 4 includes community college districts and the provisions of
 5 those sections applicable to school districts apply to
 6 community college districts: 2-9-101, 2-9-111, 2-9-316,
 7 2-16-114, 2-16-602, 2-16-614, 2-18-703, 7-3-1101, 7-6-2604,
 8 7-6-2801, 7-7-123, 7-8-2214, 7-8-2215, 7-8-2216, 7-11-103,
 9 7-12-4106, 7-13-110, 7-13-210, 7-15-4206, 10-1-703,
 10 15-1-101, 15-6-204, 15-16-101, 15-16-601, 15-18-108,
 11 15-55-106, 15-70-301, 15-70-322, 17-5-101, 17-5-202,
 12 17-6-103, 17-6-204, 17-6-213, 17-7-201, 18-1-102, ~~18-1-105,~~
 13 18-1-112, 18-1-201, 18-2-101, 18-2-103, 18-2-113, 18-2-114,
 14 18-2-404, 18-2-408, 18-5-205, 19-1-102, ~~19-1-602,~~ 19-1-811,
 15 22-1-309, 25-1-402, 27-18-406, 33-20-1104, 39-3-104,
 16 39-4-107, 39-31-103, 39-31-304, 39-71-116, 39-71-117,
 17 39-71-2106, 39-71-2206, 40-6-237, 41-3-1132, 49-3-101,
 18 49-3-102, 53-20-304, 77-3-321, 82-10-201, 82-10-202,
 19 82-10-203, 85-7-2158, and 90-6-208 and Rules 4D(2)(g) and
 20 15(c), M.R.Civ.P., as amended.

21 (2) When the term "school district" appears in a
 22 section outside of Title 20 but the section is not listed in
 23 subsection (1), the school district provision does not apply
 24 to a community college district."

25 Section 7. Section 41-3-609, MCA, is amended to read:

1 "41-3-609. Criteria for termination. (1) The court may
2 order a termination of the parent-child legal relationship
3 upon a finding that the circumstances contained in
4 subsection (1)(a), (1)(b), or (1)(c), as follows, exist:

5 (a) the parents have relinquished the child pursuant
6 to ~~40-6-132 through 40-6-134~~ 40-6-135;

7 (b) the child has been abandoned by his parents as set
8 forth in 41-3-102(3)(d); or

9 (c) the child is an adjudicated youth in need of care
10 and both of the following exist:

11 (i) an appropriate treatment plan that has been
12 approved by the court has not been complied with by the
13 parents or has not been successful; and

14 (ii) the conduct or condition of the parents rendering
15 them unfit is unlikely to change within a reasonable time.

16 (2) In determining whether the conduct or condition of
17 the parents is unlikely to change within a reasonable time,
18 the court must enter a finding that continuation of the
19 parent-child legal relationship will likely result in
20 continued abuse or neglect or that the conduct or the
21 condition of the parents renders the parents unfit, unable,
22 or unwilling to give the child adequate parental care. In
23 making such determinations, the court shall consider but is
24 not limited to the following:

25 (a) emotional illness, mental illness, or mental

1 deficiency of the parent of such duration or nature as to
2 render the parent unlikely to care for the ongoing physical,
3 mental, and emotional needs of the child within a reasonable
4 time;

5 (b) a history of violent behavior by the parent;

6 (c) a single incident of life-threatening or gravely
7 disabling injury to or disfigurement of the child caused by
8 the parent;

9 (d) excessive use of intoxicating liquor or of a
10 narcotic or dangerous drug that affects the parent's ability
11 to care and provide for the child;

12 (e) present judicially-ordered long-term confinement
13 of the parent;

14 (f) the injury or death of a sibling due to proven
15 parental abuse or neglect; and

16 (g) any reasonable efforts by protective service
17 agencies that have been unable to rehabilitate the parent.

18 (3) In considering any of the factors in subsection
19 (2) in terminating the parent-child relationship, the court
20 shall give primary consideration to the physical, mental,
21 and emotional conditions and needs of the child. The court
22 shall review and, if necessary, order an evaluation of the
23 child's or the parent's physical, mental, and emotional
24 conditions."

25 Section 8. Section 41-3-1103, MCA, is amended to read:

1 "41-3-1103. Powers and duties of department. (1) The
2 department shall:

3 (a) administer all state and federal funds allocated
4 to the department for youth foster homes, youth group homes,
5 and child-care agencies for youth in need of care, youth in
6 need of supervision, and delinquent youth;

7 (b) exercise licensing authority over all youth foster
8 homes, youth group homes, and child-care agencies;

9 (c) collect and disseminate information relating to
10 youth in need of care, youth in need of supervision, and
11 delinquent youth;

12 (d) provide for training of program personnel
13 delivering services;

14 (e) in cooperation with the department of institutions
15 and youth care facility providers, develop and implement
16 standards for youth care facilities;

17 (f) apportion and allocate placement budgets to all
18 judicial districts; and

19 ~~{g}--seek--public--input--on--the--plan--prior--to--its~~
20 ~~adoption-and-implementation;-and~~

21 {h}{g} maintain adequate data on placements it funds
22 in order to keep the legislature properly informed of the
23 following:

24 (i) the breakdown of youth in need of care, youth in
25 need of supervision, and delinquent youth by category in

1 out-of-home care facilities;

2 (ii) the cost per facility for services rendered;

3 (iii) the type and level of care of services provided
4 by each facility;

5 (iv) a profile of out-of-home care placements by level
6 of care; and

7 (v) a profile of public institutional placements.

8 (2) The department may:

9 (a) enter into contracts with nonprofit corporations
10 or associations to provide facilities and services for youth
11 in need of care, youth in need of supervision, and
12 delinquent youth;

13 (b) accept gifts, grants, and donations of money and
14 property from public and private sources to initiate and
15 maintain community-based services to youth;

16 (c) adopt rules to carry out the administration and
17 purposes of this part.

18 (3) The department shall pay for room, board,
19 clothing, personal needs, transportation, and treatment in
20 district youth guidance homes, shelter care programs, and
21 foster care homes for youths committed to the department of
22 institutions who need to be placed in such facilities.
23 Youths committed to the department of institutions and
24 placed in residential facilities other than those described
25 above shall not be the financial responsibility of the

1 department of social and rehabilitation services unless such
2 placements have been approved in advance by the department
3 of social and rehabilitation services."

4 Section 9. Section 41-3-1121, MCA, is amended to read:

5 "41-3-1121. Foster care payments for youth court
6 placements. (1) The youth court may establish procedures for
7 finding, maintaining, and administering ~~shelter~~ substitute
8 care and foster homes approved by the court for youth within
9 the provisions of this part.

10 (2) Pursuant to 41-3-1122, the department shall make a
11 foster care payment for a child placed by the youth court
12 if:

13 (a) the child is placed in a youth care facility
14 licensed by the department or by an appropriate licensing
15 authority from another state;

16 (b) the youth court enters into an agreement according
17 to federal regulations with the department for the placement
18 of children;

19 (c) the placement of the child is reviewed as required
20 by 41-3-1115; and

21 (d) the youth court retains supervision of the child
22 in placement."

23 Section 10. Section 41-5-601, MCA, is amended to read:

24 "41-5-601. Publicity. (1) No publicity shall be given
25 to the identity of an arrested youth or to any matter or

1 proceeding in the youth court involving a youth proceeded
2 against as, or found to be, a delinquent youth or youth in
3 need of supervision except as provided in subsection (2).

4 (2) When a petition is filed under ~~this--section~~
5 41-5-501, publicity may not be withheld as to the identity
6 of any youth formally charged with or proceeded against or
7 found to be a delinquent youth as a result of the commission
8 of any offense that would be punishable as a felony if the
9 youth were an adult."

-End-

1 HOUSE BILL NO. 10

2 AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO
3 EDUCATION AND MINORS; AMENDING SECTIONS 20-3-331, 20-6-321,
4 20-9-351, 20-9-352, 20-9-407, 20-15-403, 41-3-609,
5 41-3-1103, 41-3-1121, AND 41-5-601, MCA.

6 Section 1. 20-3-331. This amendment removes a
7 reference to section 2-9-104, MCA, which was repealed by
8 sec. 4, Ch. 675, L. 1983.

9 Section 2. 20-6-321. This amendment makes permanent
10 the bracketed word "without" inserted by the Code
11 Commissioner in 1983. The references in the section to
12 sections 20-6-315 and 20-6-319 are to sections governing
13 consolidation of districts without assumption of bonded
14 indebtedness.

15 Section 3. 20-9-407. This amendment increases the
16 reference to 29% of taxable value limitation on bonded
17 indebtedness to 45% of taxable value in two places, in order
18 to coincide with the 1981 amendment to 20-9-406, which sets
19 the limitation. In subsection (2), a reference to "this
20 section" is changed to 20-9-406 because that section
21 actually sets the limitations on indebtedness.

22 Section 4. 20-9-351. This amendment removes language
23 inserted by Ch. 540, L. 1981. That chapter was entitled: "An
24 act to simplify utilization of funds available for financing
25 the foundation program and permissive portions of public
26 school budgets; amending sections 20-9-345, 20-9-351, and
27 20-9-352, MCA."

28 Chapter 371, L. 1981, was entitled: "An act to remove
29 the authority of the superintendent of public instruction to
30 direct the imposition of statewide deficiency tax levies;
31 revising the method of financing elementary and secondary
32 schools; amending sections 20-3-205, 20-9-303, 20-9-343,
33 20-9-344, 20-9-351, and 20-9-352, MCA; repealing section
34 20-9-345, MCA; and providing an effective date."

35 The chapters enacted conflicting amendments to sections
36 20-9-351 and 20-9-352. Because Ch. 317 substituted a
37 procedure applicable to current budgetary processes, and Ch.
38 540 contemplated usage of deficiency levies eliminated by
39 Ch. 317, the language inserted by Ch. 540 is being removed.

40 Section 5. 20-9-352. This amendment removes references
41 to section 20-9-351 which were inserted by Ch. 540, L. 1981
42 (see explanation above). As contemplated by Ch. 540, section
43 20-9-351 contained subsections (2) through (5) relating to

1 the use of deficiency levies which were removed by Ch. 317,
2 L. 1981. The amendment also inserts language in subsection
3 (3) which was not codified from Ch. 317, as being
4 apparently inconsistent with Ch. 540.

5 Section 6. 20-15-403. This amendment removes a
6 reference to section 18-1-105, MCA, which was repealed by
7 sec. 2, Ch. 92, L. 1979, and a reference to 19-1-602, since
8 the term "school district" was removed from that section by
9 Ch. 264, L. 1981.

10 Section 7. 41-3-609. This amendment removes a
11 reference to sections 40-6-132 through 40-6-134, which were
12 repealed by sec. 5, Ch. 1, Sp. L. 1981, and inserts a
13 reference to 40-6-135, which replaced the repealed sections.

14 Section 8. 41-3-1103. This amendment removes
15 subsection (1)(g) which refers to adoption and
16 implementation of a "plan" for community-based youth
17 services. The section mandating the plan was deleted from HB
18 24 (Ch. 465, L. 1983) but this reference to the "plan" was
19 retained.

20 Section 9. 41-3-1121. This amendment substitutes the
21 phrase "substitute care" for "shelter care" because
22 "substitute care" is defined and "shelter care" is not.
23 Shelter is included in the definition of "substitute care".

24 Section 10. 41-5-601. This amendment substitutes a
25 reference to 41-5-501 for "this section". Section 41-5-501
26 provides for filing a petition initiating youth court
27 proceedings. No petitions are filed under 41-5-601.

1 HOUSE BILL NO. 10
 2 INTRODUCED BY EUDAILY
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAWS RELATING TO EDUCATION AND MINORS; AMENDING
 7 SECTIONS 20-3-331, 20-6-321, 20-9-351, 20-9-352, 20-9-407,
 8 20-15-403, 41-3-609, 41-3-1103, 41-3-1121, AND 41-5-601,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 20-3-331, MCA, is amended to read:

13 "20-3-331. Purchase of liability insurance. The
 14 trustees of any district may purchase insurance coverage for
 15 the district, trustees, and employees against liability for
 16 the death, injury, or disability of any person or damage to
 17 property. If such insurance is purchased, the trustees shall
 18 pay the insurance premium cost from the general fund. The
 19 ~~provisions of 2-9-104 shall apply to the provisions of this~~
 20 ~~section."~~

21 Section 2. Section 20-6-321, MCA, is amended to read:

22 "20-6-321. High school district consolidation of
 23 districts in two or more counties. Any two or more high
 24 school districts located in two or more counties and whose
 25 territory is contiguous may consolidate to organize a joint

1 high school district. Whenever a joint district
 2 consolidation is considered by two or more districts, the
 3 procedure for consolidation with-~~f~~without the assumption of
 4 bonded indebtedness prescribed in 20-6-315 and 20-6-319 must
 5 be used, except that each district shall submit its
 6 resolution or petition and its election certificate to the
 7 county superintendent of its resident county and the several
 8 county superintendents shall jointly perform the duties
 9 prescribed for the county superintendent in 20-6-315."

10 Section 3. Section 20-9-407, MCA, is amended to read:

11 "20-9-407. Industrial facility agreement for bond
 12 issue in excess of maximum. (1) In a school district within
 13 which a new major industrial facility which seeks to qualify
 14 for taxation as class five property under 15-6-135 is being
 15 constructed or is about to be constructed, the school
 16 district may require, as a precondition of the new major
 17 industrial facility qualifying as class five property, that
 18 the owners of the proposed industrial facility enter into an
 19 agreement with the school district concerning the issuing of
 20 bonds in excess of the ~~29%~~ 45% limitation prescribed in
 21 20-9-406. Under such an agreement, the school district may,
 22 with the approval of the voters, issue bonds which exceed
 23 the limitation prescribed in this section by a maximum of
 24 ~~29%~~ 45% of the estimated taxable value of the property of
 25 the new major industrial facility subject to taxation when

1 completed. The estimated taxable value of the property of
 2 the new major industrial facility subject to taxation shall
 3 be computed by the department of revenue when requested to
 4 do so by a resolution of the board of trustees of the school
 5 district. A copy of the department's statement of estimated
 6 taxable value shall be printed on each ballot used to vote
 7 on a bond issue proposed under this section.

8 (2) Pursuant to the agreement between the new major
 9 industrial facility and the school district and as a
 10 precondition to qualifying as class five property, the new
 11 major industrial facility and its owners shall pay, in
 12 addition to the taxes imposed by the school district on
 13 property owners generally, so much of the principal and
 14 interest on the bonds provided for under this section as
 15 represents payment on an indebtedness in excess of the
 16 limitation prescribed in this section 20-9-406. After the
 17 completion of the new major industrial facility and when the
 18 indebtedness of the school district no longer exceeds the
 19 limitation prescribed in this section, the new major
 20 industrial facility shall be entitled, after all the current
 21 indebtedness of the school district has been paid, to a tax
 22 credit over a period of no more than 20 years. The credit
 23 shall as a total amount be equal to the amount which the
 24 facility paid the principal and interest of the school
 25 district's bonds in excess of its general liability as a

1 taxpayer within the district.

2 (3) A major industrial facility is a facility subject
 3 to the taxing power of the school district, whose
 4 construction or operation will increase the population of
 5 the district, imposing a significant burden upon the
 6 resources of the district and requiring construction of new
 7 school facilities. A significant burden is an increase in
 8 ANB of at least 20% in a single year."

9 Section 4. Section 20-9-351, MCA, is amended to read:
 10 "20-9-351. Funding of deficiency in state equalization
 11 aid. If the estimated state equalization level made under
 12 the provisions of 20-9-348 is less than 100% ~~or-if-the~~
 13 ~~permissive--funding--level--made--under--the--provisions--of~~
 14 ~~20-9-352--is--less--than--100%~~, it shall be the duty of the
 15 superintendent of public instruction to request the budget
 16 director to submit a request for a supplemental
 17 appropriation in the second year of the biennium that would
 18 be sufficient to complete the funding of the foundation
 19 ~~programs prescribed under 20-9-348 and of the permissive~~
 20 ~~programs prescribed under 20-9-352~~ of the elementary or
 21 secondary schools, or both, for the current biennium."

22 Section 5. Section 20-9-352, MCA, is amended to read:
 23 "20-9-352. Permissive amount and permissive levy. (1)
 24 Whenever the trustees of any district shall deem it
 25 necessary to adopt a general fund budget in excess of the

1 foundation program amount but not in excess of the maximum
 2 general fund budget amount for such district as established
 3 by the schedules in 20-9-316 through 20-9-321, the trustees
 4 shall adopt a resolution stating the reasons and purposes
 5 for exceeding the foundation program amount. Such excess
 6 above the foundation program amount shall be known as the
 7 "permissive amount", and it shall be financed by a levy on
 8 the taxable value of all taxable property within the
 9 district as prescribed in 20-9-141, supplemented with any
 10 biennial appropriation by the legislature for this purpose.
 11 The proceeds of such an appropriation shall be deposited to
 12 the state special revenue fund, permissive account.

13 (2) The district levies to be set for the purpose of
 14 funding the permissive amount are determined as follows:

15 (a) For each elementary school district, the county
 16 commissioners shall annually set a levy not exceeding 6
 17 mills on all the taxable property in the district for the
 18 purpose of funding the permissive amount of the district.
 19 The permissive levy in mills shall be obtained by
 20 multiplying the ratio of the permissive amount to the
 21 maximum permissive amount by 6 or by using the number of
 22 mills which would fund the permissive amount, whichever is
 23 less. If the amount of revenue raised by this levy, plus
 24 anticipated motor vehicle fees and reimbursement under the
 25 provisions of 61-3-532 and 61-3-536, is not sufficient to

1 fund the permissive amount in full, the amount of the
 2 deficiency shall be paid to the district from the state
 3 special revenue fund according to the provisions of ~~20-9-351~~
 4 and-subsection subsections (3) and (4) of this section.

5 (b) For each high school district, the county
 6 commissioners shall annually set a levy not exceeding 4
 7 mills on all taxable property in the district for the
 8 purpose of funding the permissive amount of the district.
 9 The permissive levy in mills shall be obtained by
 10 multiplying the ratio of the permissive levy to the maximum
 11 permissive amount by 4 or by using the number of mills which
 12 would fund the permissive amount, whichever is less. If the
 13 amount of revenue raised by this levy, plus anticipated
 14 motor vehicle fees and reimbursement under the provisions of
 15 61-3-532 and 61-3-536, is not sufficient to fund the
 16 permissive amount in full, the amount of the deficiency
 17 shall be paid to the district from the state special revenue
 18 fund according to the provisions of ~~20-9-351-and-subsection~~
 19 subsection (3) and (4) of this section.

20 (3) The superintendent of public instruction shall, if
 21 the appropriation by the legislature for the permissive
 22 account {program} for the biennium is insufficient, request
 23 the budget director to submit a request for a supplemental
 24 appropriation in the second year of the biennium. The
 25 supplemental appropriation shall provide enough revenue to

fund the permissive deficiency of the elementary and high school districts of the state. The proceeds of this appropriation shall be deposited to the state special revenue fund, permissive account, and shall be distributed to the elementary and high school districts in accordance with their entitlements as determined by the superintendent of public instruction according to the provisions of subsections (1) and (2) of this section.

†3) (4) Such--distribution Distribution under this section from the state special revenue fund shall be made in two payments. The first payment shall be made at the same time as the first distribution of state equalization aid is made after January 1 of the fiscal year. The second payment shall be made at the same time as the last payment of state equalization aid is made for the fiscal year. If the appropriation is not sufficient to finance the deficiencies of the districts as determined according to subsection (2), each district will receive the same percentage of its deficiency. Surplus revenue in the second year of the biennium may be used to reduce the appropriation required for the next succeeding biennium or may be transferred to the state equalization aid state special revenue fund if revenues in that fund are insufficient to meet foundation program requirements."

Section 6. Section 20-15-403, MCA, is amended to read:

"20-15-403. Applications of other school district provisions. (1) When the term "school district" appears in the following sections outside of Title 20, the term includes community college districts and the provisions of those sections applicable to school districts apply to community college districts: 2-9-101, 2-9-111, 2-9-316, 2-16-114, 2-16-602, 2-16-614, 2-18-703, 7-3-1101, 7-6-2604, 7-6-2801, 7-7-123, 7-8-2214, 7-8-2215, 7-8-2216, 7-11-103, 7-12-4106, 7-13-110, 7-13-210, 7-15-4206, 10-1-703, 15-1-101, 15-6-204, 15-16-101, 15-16-601, 15-18-108, 15-55-106, 15-70-301, 15-70-322, 17-5-101, 17-5-202, 17-6-103, 17-6-204, 17-6-213, 17-7-201, 18-1-102, ~~18-1-105~~, 18-1-112, 18-1-201, 18-2-101, 18-2-103, 18-2-113, 18-2-114, 18-2-404, 18-2-408, 18-5-205, 19-1-102, ~~19-1-602~~, 19-1-811, 22-1-309, 25-1-402, 27-18-406, 33-20-1104, 39-3-104, 39-4-107, 39-31-103, 39-31-304, 39-71-116, 39-71-117, 39-71-2106, 39-71-2206, 40-6-237, 41-3-1132, 49-3-101, 49-3-102, 53-20-304, 77-3-321, 82-10-201, 82-10-202, 82-10-203, 85-7-2158, and 90-6-208 and Rules 4D(2)(g) and 15(c), M.R.Civ.P., as amended.

(2) When the term "school district" appears in a section outside of Title 20 but the section is not listed in subsection (1), the school district provision does not apply to a community college district."

Section 7. Section 41-3-609, MCA, is amended to read:

1 "41-3-609. Criteria for termination. (1) The court may
2 order a termination of the parent-child legal relationship
3 upon a finding that the circumstances contained in
4 subsection (1)(a), (1)(b), or (1)(c), as follows, exist:

5 (a) the parents have relinquished the child pursuant
6 to ~~40-6-132 through 40-6-134~~ 40-6-135;

7 (b) the child has been abandoned by his parents as set
8 forth in 41-3-102(3)(d); or

9 (c) the child is an adjudicated youth in need of care
10 and both of the following exist:

11 (i) an appropriate treatment plan that has been
12 approved by the court has not been complied with by the
13 parents or has not been successful; and

14 (ii) the conduct or condition of the parents rendering
15 them unfit is unlikely to change within a reasonable time.

16 (2) In determining whether the conduct or condition of
17 the parents is unlikely to change within a reasonable time,
18 the court must enter a finding that continuation of the
19 parent-child legal relationship will likely result in
20 continued abuse or neglect or that the conduct or the
21 condition of the parents renders the parents unfit, unable,
22 or unwilling to give the child adequate parental care. In
23 making such determinations, the court shall consider but is
24 not limited to the following:

25 (a) emotional illness, mental illness, or mental

1 deficiency of the parent of such duration or nature as to
2 render the parent unlikely to care for the ongoing physical,
3 mental, and emotional needs of the child within a reasonable
4 time;

5 (b) a history of violent behavior by the parent;

6 (c) a single incident of life-threatening or gravely
7 disabling injury to or disfigurement of the child caused by
8 the parent;

9 (d) excessive use of intoxicating liquor or of a
10 narcotic or dangerous drug that affects the parent's ability
11 to care and provide for the child;

12 (e) present judicially-ordered long-term confinement
13 of the parent;

14 (f) the injury or death of a sibling due to proven
15 parental abuse or neglect; and

16 (g) any reasonable efforts by protective service
17 agencies that have been unable to rehabilitate the parent.

18 (3) In considering any of the factors in subsection
19 (2) in terminating the parent-child relationship, the court
20 shall give primary consideration to the physical, mental,
21 and emotional conditions and needs of the child. The court
22 shall review and, if necessary, order an evaluation of the
23 child's or the parent's physical, mental, and emotional
24 conditions."

25 Section 8. Section 41-3-1103, MCA, is amended to read:

1 "41-3-1103. Powers and duties of department. (1) The
2 department shall:

3 (a) administer all state and federal funds allocated
4 to the department for youth foster homes, youth group homes,
5 and child-care agencies for youth in need of care, youth in
6 need of supervision, and delinquent youth;

7 (b) exercise licensing authority over all youth foster
8 homes, youth group homes, and child-care agencies;

9 (c) collect and disseminate information relating to
10 youth in need of care, youth in need of supervision, and
11 delinquent youth;

12 (d) provide for training of program personnel
13 delivering services;

14 (e) in cooperation with the department of institutions
15 and youth care facility providers, develop and implement
16 standards for youth care facilities;

17 (f) apportion and allocate placement budgets to all
18 judicial districts; and

19 ~~(g) seek public input on the plan prior to its~~
20 ~~adoption and implementation; and~~

21 ~~(h)~~(g) maintain adequate data on placements it funds
22 in order to keep the legislature properly informed of the
23 following:

24 (i) the breakdown of youth in need of care, youth in
25 need of supervision, and delinquent youth by category in

1 out-of-home care facilities;

2 (ii) the cost per facility for services rendered;

3 (iii) the type and level of care of services provided
4 by each facility;

5 (iv) a profile of out-of-home care placements by level
6 of care; and

7 (v) a profile of public institutional placements.

8 (2) The department may:

9 (a) enter into contracts with nonprofit corporations
10 or associations to provide facilities and services for youth
11 in need of care, youth in need of supervision, and
12 delinquent youth;

13 (b) accept gifts, grants, and donations of money and
14 property from public and private sources to initiate and
15 maintain community-based services to youth;

16 (c) adopt rules to carry out the administration and
17 purposes of this part.

18 (3) The department shall pay for room, board,
19 clothing, personal needs, transportation, and treatment in
20 district youth guidance homes, shelter care programs, and
21 foster care homes for youths committed to the department of
22 institutions who need to be placed in such facilities.
23 Youths committed to the department of institutions and
24 placed in residential facilities other than those described
25 above shall not be the financial responsibility of the

1 department of social and rehabilitation services unless such
2 placements have been approved in advance by the department
3 of social and rehabilitation services."

4 Section 9. Section 41-3-1121, MCA, is amended to read:

5 "41-3-1121. Foster care payments for youth court
6 placements. (1) The youth court may establish procedures for
7 finding, maintaining, and administering shelter substitute
8 care and foster homes approved by the court for youth within
9 the provisions of this part.

10 (2) Pursuant to 41-3-1122, the department shall make a
11 foster care payment for a child placed by the youth court
12 if:

13 (a) the child is placed in a youth care facility
14 licensed by the department or by an appropriate licensing
15 authority from another state;

16 (b) the youth court enters into an agreement according
17 to federal regulations with the department for the placement
18 of children;

19 (c) the placement of the child is reviewed as required
20 by 41-3-1115; and

21 (d) the youth court retains supervision of the child
22 in placement."

23 Section 10. Section 41-5-601, MCA, is amended to read:

24 "41-5-601. Publicity. (1) No publicity shall be given
25 to the identity of an arrested youth or to any matter or

1 proceeding in the youth court involving a youth proceeded
2 against as, or found to be, a delinquent youth or youth in
3 need of supervision except as provided in subsection (2).

4 (2) When a petition is filed under ~~this--section~~
5 41-5-501, publicity may not be withheld as to the identity
6 of any youth formally charged with or proceeded against or
7 found to be a delinquent youth as a result of the commission
8 of any offense that would be punishable as a felony if the
9 youth were an adult."

-End-

1 HOUSE BILL NO. 10
 2 INTRODUCED BY EUDAILY
 3 BY REQUEST OF THE CODE COMMISSIONER
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAWS RELATING TO EDUCATION AND MINORS; AMENDING
 7 SECTIONS 20-3-331, 20-6-321, 20-9-351, 20-9-352, 20-9-407,
 8 20-15-403, 41-3-609, 41-3-1103, 41-3-1121, AND 41-5-601,
 9 MCA."

10

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

12 Section 1. Section 20-3-331, MCA, is amended to read:

13 "20-3-331. Purchase of liability insurance. The
 14 trustees of any district may purchase insurance coverage for
 15 the district, trustees, and employees against liability for
 16 the death, injury, or disability of any person or damage to
 17 property. If such insurance is purchased, the trustees shall
 18 pay the insurance premium cost from the general fund. ~~The~~
 19 ~~provisions-of-2-9-104-shall-apply-to-the-provisions-of--this~~
 20 ~~section."~~

21 Section 2. Section 20-6-321, MCA, is amended to read:

22 "20-6-321. High school district consolidation of
 23 districts in two or more counties. Any two or more high
 24 school districts located in two or more counties and whose
 25 territory is contiguous may consolidate to organize a joint



THERE ARE NO CHANGES IN HB 10
 AND WILL NOT BE RE-RUN. PLEASE
 REFER TO WHITE, YELLOW OR BLUE
 COPY FOR COMPLETE TEXT.

REFERENCE BILL
HB 10