

HOUSE BILL NO. 186
INTRODUCED BY NATHE

IN THE HOUSE

JANUARY 14, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON EDUCATION & CULTURAL RESOURCES.

JANUARY 28, 1987 COMMITTEE RECOMMEND BILL
 DO PASS. REPORT ADOPTED.

JANUARY 29, 1987 PRINTING REPORT.

JANUARY 30, 1987 SECOND READING, DO PASS.

JANUARY 31, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 94; NOES, 0.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE
 ON EDUCATION & CULTURAL RESOURCES.

MARCH 5, 1987 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN. REPORT ADOPTED.

MARCH 9, 1987 SECOND READING, CONCURRED IN.

MARCH 11, 1987 THIRD READING, CONCURRED IN.
 AYES, 50; NOES, 0.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 12, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

1 HB BILL NO. 186
2 INTRODUCED BY NATH

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
5 THE HOUSING AND DORMITORY FUND TO THE LEASE OR RENTAL
6 AGREEMENT FUND; AND AMENDING SECTIONS 20-3-324, 20-9-201,
7 AND 20-9-509, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 20-9-509, MCA, is amended to read:

11 "20-9-509. Housing--and--dormitory Lease or rental
12 agreement fund. (1) The trustees of any district that
13 provides pupil or teacher housing in district-owned
14 buildings under a lease or rental agreement with pupils or
15 teachers or receives moneys under the provision of 20-6-507
16 may establish a housing--and--dormitory lease or rental
17 agreement fund. All moneys received from such lease or
18 rental agreements may be deposited with the county treasurer
19 to the credit of the housing-and-dormitory lease or rental
20 agreement fund, general fund, the debt service fund, or any
21 other appropriate fund. Whenever the end-of-the-year cash
22 balance of a housing-and-dormitory lease or rental agreement
23 fund is more than \$10,000, such cash balance in excess of
24 \$10,000 shall be transferred to the general fund of the
25 district.

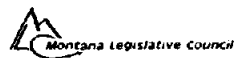
1 (2) Any expenditure of moneys from a housing--and
2 dormitory lease or rental agreement fund shall be made for
3 the maintenance and operation of the district-owned
4 buildings to which the lease or rental agreements apply or
5 for the acquisition of additional housing or dormitory
6 facilities. The financial administration of the housing-and
7 dormitory lease or rental agreement fund shall be in
8 accordance with the financial administration provisions of
9 this title for a nonbudgeted fund."

10 Section 2. Section 20-3-324, MCA, is amended to read:

11 "20-3-324. Powers and duties. As prescribed elsewhere
12 in this title, the trustees of each district shall have the
13 power and it shall be their duty to perform the following
14 duties or acts:

15 (1) employ or dismiss a teacher, principal, or other
16 assistant upon the recommendation of the district
17 superintendent, the county high school principal, or other
18 principal as the board may deem necessary, accepting or
19 rejecting such recommendation as the trustees shall in their
20 sole discretion determine, in accordance with the provisions
21 of Title 20, chapter 4;

22 (2) employ and dismiss administrative personnel,
23 clerks, secretaries, teacher aides, custodians, maintenance
24 personnel, school bus drivers, food service personnel,
25 nurses, and any other personnel deemed necessary to carry



1 out the various services of the district;

2 (3) administer the attendance and tuition provisions
3 and otherwise govern the pupils of the district in
4 accordance with the provisions of the pupils chapter of this
5 title;

6 (4) call, conduct, and certify the elections of the
7 district in accordance with the provisions of the school
8 elections chapter of this title;

9 (5) participate in the teachers' retirement system of
10 the state of Montana in accordance with the provisions of
11 the teachers' retirement system chapter of Title 19;

12 (6) participate in district boundary change actions in
13 accordance with the provisions of the districts chapter of
14 this title;

15 (7) organize, open, close, or acquire isolation status
16 for the schools of the district in accordance with the
17 provisions of the school organization part of this title;

18 (8) adopt and administer the annual budget or an
19 emergency budget of the district in accordance with the
20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
22 accordance with the provisions of the school financial
23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
25 levy, additional levy, cash reserve, and state impact aid

1 amount for the general fund of the district in accordance
2 with the provisions of the general fund part of this title;

3 (11) establish, maintain, budget, and finance the
4 transportation program of the district in accordance with
5 the provisions of the transportation parts of this title;

6 (12) issue, refund, sell, budget, and redeem the bonds
7 of the district in accordance with the provisions of the
8 bonds parts of this title;

9 (13) when applicable, establish, financially
10 administer, and budget for the tuition fund, retirement
11 fund, building reserve fund, adult education fund,
12 nonoperating fund, school food services fund, miscellaneous
13 federal programs fund, building fund, housing-and-dormitory
14 lease or rental agreement fund, traffic education fund, and
15 interlocal cooperative agreement fund in accordance with the
16 provisions of the other school funds parts of this title;

17 (14) when applicable, administer any interlocal
18 cooperative agreement, gifts, legacies, or devises in
19 accordance with the provisions of the miscellaneous
20 financial parts of this title;

21 (15) hold in trust, acquire, and dispose of the real
22 and personal property of the district in accordance with the
23 provisions of the school sites and facilities part of this
24 title;

25 (16) operate the schools of the district in accordance

1 with the provisions of the school calendar part of this
2 title;

3 (17) establish and maintain the instructional services
4 of the schools of the district in accordance with the
5 provisions of the instructional services, textbooks,
6 vocational education, and special education parts of this
7 title;

8 (18) establish and maintain the school food services of
9 the district in accordance with the provisions of the school
10 food services parts of this title;

11 (19) make such reports from time to time as the county
12 superintendent, superintendent of public instruction, and
13 board of public education may require;

14 (20) retain, when deemed advisable, a physician or
15 registered nurse to inspect the sanitary conditions of the
16 school or the general health conditions of each pupil and,
17 upon request, make available to any parent or guardian any
18 medical reports or health records maintained by the district
19 pertaining to his child;

20 (21) for each member of the trustees, visit each school
21 of the district not less than once each school fiscal year
22 to examine its management, conditions, and needs;

23 (22) procure and display outside daily in suitable
24 weather at each school of the district an American flag
25 which shall be not less than 4 feet by 6 feet; and

1 (23) perform any other duty and enforce any other
2 requirements for the government of the schools prescribed by
3 this title, the policies of the board of public education,
4 or the rules of the superintendent of public instruction."

5 Section 3. Section 20-9-201, MCA, is amended to read:

6 "20-9-201. Definitions and application. (1) As used in
7 this title, unless the context clearly indicates otherwise,
8 "fund" means a separate detailed account of receipts and
9 expenditures for a specific purpose as authorized by law.
10 Funds are classified as follows:

11 (a) A "budgeted fund" means any fund for which a
12 budget must be adopted in order to expend any money from
13 such fund. The general fund, transportation fund, bus
14 depreciation reserve fund, elementary tuition fund,
15 retirement fund, debt service fund, leased facilities fund,
16 building reserve fund, adult education fund, nonoperating
17 fund, postsecondary vocational-technical center fund, and
18 any other funds so designated by the legislature shall be
19 budgeted funds.

20 (b) A "nonbudgeted fund" means any fund for which a
21 budget is not required in order to expend any money on
22 deposit in such fund. The school food services fund,
23 miscellaneous federal programs fund, building fund, housing
24 and--dormitory lease or rental agreement fund, traffic
25 education fund, interlocal cooperative fund, and any other

1 funds so designated by the legislature shall be nonbudgeted
2 funds.

3 (2) The school financial administration provisions of
4 this title apply to all money of any elementary or high
5 school district except the extracurricular money realized
6 from pupil activities. The superintendent of public
7 instruction has general supervisory authority over the
8 school financial administration provisions, as they relate
9 to elementary and high school districts, as prescribed by
10 law and shall establish such rules as are necessary to
11 secure compliance with the law."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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12 agreement fund. (1) The trustees of any district that
13 provides pupil or teacher housing in district-owned
14 buildings under a lease or rental agreement with pupils or
15 teachers or receives moneys under the provision of 20-6-607
16 may establish a housing--and--dormitory lease or rental
17 agreement fund. All moneys received from such lease or
18 rental agreements may be deposited with the county treasurer
19 to the credit of the housing-and-dormitory lease or rental
20 agreement fund, general fund, the debt service fund, or any
21 other appropriate fund. Whenever the end-of-the-year cash
22 balance of a housing-and-dormitory lease or rental agreement
23 fund is more than \$10,000, such cash balance in excess of
24 \$10,000 shall be transferred to the general fund of the
25 district.

1 (2) Any expenditure of moneys from a housing--and
2 dormitory lease or rental agreement fund shall be made for
3 the maintenance and operation of the district-owned
4 buildings to which the lease or rental agreements apply or
5 for the acquisition of additional housing or dormitory
6 facilities. The financial administration of the housing-and
7 dormitory lease or rental agreement fund shall be in
8 accordance with the financial administration provisions of
9 this title for a nonbudgeted fund."

10 Section 2. Section 20-3-324, MCA, is amended to read:

11 "20-3-324. Powers and duties. As prescribed elsewhere
12 in this title, the trustees of each district shall have the
13 power and it shall be their duty to perform the following
14 duties or acts:

15 (1) employ or dismiss a teacher, principal, or other
16 assistant upon the recommendation of the district
17 superintendent, the county high school principal, or other
18 principal as the board may deem necessary, accepting or
19 rejecting such recommendation as the trustees shall in their
20 sole discretion determine, in accordance with the provisions
21 of Title 20, chapter 4;

22 (2) employ and dismiss administrative personnel,
23 clerks, secretaries, teacher aides, custodians, maintenance
24 personnel, school bus drivers, food service personnel,
25 nurses, and any other personnel deemed necessary to carry

1 out the various services of the district;

2 (3) administer the attendance and tuition provisions
3 and otherwise govern the pupils of the district in
4 accordance with the provisions of the pupils chapter of this
5 title;

6 (4) call, conduct, and certify the elections of the
7 district in accordance with the provisions of the school
8 elections chapter of this title;

9 (5) participate in the teachers' retirement system of
10 the state of Montana in accordance with the provisions of
11 the teachers' retirement system chapter of Title 19;

12 (6) participate in district boundary change actions in
13 accordance with the provisions of the districts chapter of
14 this title;

15 (7) organize, open, close, or acquire isolation status
16 for the schools of the district in accordance with the
17 provisions of the school organization part of this title;

18 (8) adopt and administer the annual budget or an
19 emergency budget of the district in accordance with the
20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
22 accordance with the provisions of the school financial
23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
25 levy, additional levy, cash reserve, and state impact aid

1 amount for the general fund of the district in accordance
2 with the provisions of the general fund part of this title;

3 (11) establish, maintain, budget, and finance the
4 transportation program of the district in accordance with
5 the provisions of the transportation parts of this title;

6 (12) issue, refund, sell, budget, and redeem the bonds
7 of the district in accordance with the provisions of the
8 bonds parts of this title;

9 (13) when applicable, establish, financially
10 administer, and budget for the tuition fund, retirement
11 fund, building reserve fund, adult education fund,
12 nonoperating fund, school food services fund, miscellaneous
13 federal programs fund, building fund, ~~housing-and-dormitory~~
14 lease or rental agreement fund, traffic education fund, and
15 interlocal cooperative agreement fund in accordance with the
16 provisions of the other school funds parts of this title;

17 (14) when applicable, administer any interlocal
18 cooperative agreement, gifts, legacies, or devises in
19 accordance with the provisions of the miscellaneous
20 financial parts of this title;

21 (15) hold in trust, acquire, and dispose of the real
22 and personal property of the district in accordance with the
23 provisions of the school sites and facilities part of this
24 title;

25 (16) operate the schools of the district in accordance

1 with the provisions of the school calendar part of this
2 title;

3 (17) establish and maintain the instructional services
4 of the schools of the district in accordance with the
5 provisions of the instructional services, textbooks,
6 vocational education, and special education parts of this
7 title;

8 (18) establish and maintain the school food services of
9 the district in accordance with the provisions of the school
10 food services parts of this title;

11 (19) make such reports from time to time as the county
12 superintendent, superintendent of public instruction, and
13 board of public education may require;

14 (20) retain, when deemed advisable, a physician or
15 registered nurse to inspect the sanitary conditions of the
16 school or the general health conditions of each pupil and,
17 upon request, make available to any parent or guardian any
18 medical reports or health records maintained by the district
19 pertaining to his child;

20 (21) for each member of the trustees, visit each school
21 of the district not less than once each school fiscal year
22 to examine its management, conditions, and needs;

23 (22) procure and display outside daily in suitable
24 weather at each school of the district an American flag
25 which shall be not less than 4 feet by 6 feet; and

1 (23) perform any other duty and enforce any other
2 requirements for the government of the schools prescribed by
3 this title, the policies of the board of public education,
4 or the rules of the superintendent of public instruction."

5 Section 3. Section 20-9-201, MCA, is amended to read:
6 "20-9-201. Definitions and application. (1) As used in
7 this title, unless the context clearly indicates otherwise,
8 "fund" means a separate detailed account of receipts and
9 expenditures for a specific purpose as authorized by law.
10 Funds are classified as follows:

11 (a) A "budgeted fund" means any fund for which a
12 budget must be adopted in order to expend any money from
13 such fund. The general fund, transportation fund, bus
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15 retirement fund, debt service fund, leased facilities fund,
16 building reserve fund, adult education fund, nonoperating
17 fund, postsecondary vocational-technical center fund, and
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19 budgeted funds.

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21 budget is not required in order to expend any money on
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3 (2) The school financial administration provisions of
4 this title apply to all money of any elementary or high
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6 from pupil activities. The superintendent of public
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17 agreement fund. All moneys received from such lease or
18 rental agreements may be deposited with the county treasurer
19 to the credit of the housing-and-dormitory lease or rental
20 agreement fund, general fund, the debt service fund, or any
21 other appropriate fund. Whenever the end-of-the-year cash
22 balance of a housing-and-dormitory lease or rental agreement
23 fund is more than \$10,000, such cash balance in excess of
24 \$10,000 shall be transferred to the general fund of the
25 district.

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2 (3) administer the attendance and tuition provisions
3 and otherwise govern the pupils of the district in
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6 (4) call, conduct, and certify the elections of the
7 district in accordance with the provisions of the school
8 elections chapter of this title;

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13 accordance with the provisions of the districts chapter of
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15 (7) organize, open, close, or acquire isolation status
16 for the schools of the district in accordance with the
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18 (8) adopt and administer the annual budget or an
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20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
22 accordance with the provisions of the school financial
23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
25 levy, additional levy, cash reserve, and state impact aid

1 amount for the general fund of the district in accordance
2 with the provisions of the general fund part of this title;

3 (11) establish, maintain, budget, and finance the
4 transportation program of the district in accordance with
5 the provisions of the transportation parts of this title;

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7 of the district in accordance with the provisions of the
8 bonds parts of this title;

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11 fund, building reserve fund, adult education fund,
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16 provisions of the other school funds parts of this title;

17 (14) when applicable, administer any interlocal
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19 accordance with the provisions of the miscellaneous
20 financial parts of this title;

21 (15) hold in trust, acquire, and dispose of the real
22 and personal property of the district in accordance with the
23 provisions of the school sites and facilities part of this
24 title;

25 (16) operate the schools of the district in accordance

1 with the provisions of the school calendar part of this
2 title;

3 (17) establish and maintain the instructional services
4 of the schools of the district in accordance with the
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7 title;

8 (18) establish and maintain the school food services of
9 the district in accordance with the provisions of the school
10 food services parts of this title;

11 (19) make such reports from time to time as the county
12 superintendent, superintendent of public instruction, and
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14 (20) retain, when deemed advisable, a physician or
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20 (21) for each member of the trustees, visit each school
21 of the district not less than once each school fiscal year
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23 (22) procure and display outside daily in suitable
24 weather at each school of the district an American flag
25 which shall be not less than 4 feet by 6 feet; and

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4 or the rules of the superintendent of public instruction."

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 20 sole discretion determine, in accordance with the provisions
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3 and otherwise govern the pupils of the district in
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16 for the schools of the district in accordance with the
17 provisions of the school organization part of this title;

18 (8) adopt and administer the annual budget or an
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20 provisions of the school budget system part of this title;

21 (9) conduct the fiscal business of the district in
22 accordance with the provisions of the school financial
23 administration part of this title;

24 (10) establish the ANB, foundation program, permissive
25 levy, additional levy, cash reserve, and state impact aid

1 amount for the general fund of the district in accordance
2 with the provisions of the general fund part of this title;

3 (11) establish, maintain, budget, and finance the
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12 nonoperating fund, school food services fund, miscellaneous
13 federal programs fund, building fund, ~~housing-and-dormitory~~
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19 accordance with the provisions of the miscellaneous
20 financial parts of this title;

21 (15) hold in trust, acquire, and dispose of the real
22 and personal property of the district in accordance with the
23 provisions of the school sites and facilities part of this
24 title;

25 (16) operate the schools of the district in accordance

1 with the provisions of the school calendar part of this
2 title;

3 (17) establish and maintain the instructional services
4 of the schools of the district in accordance with the
5 provisions of the instructional services, textbooks,
6 vocational education, and special education parts of this
7 title;

8 (18) establish and maintain the school food services of
9 the district in accordance with the provisions of the school
10 food services parts of this title;

11 (19) make such reports from time to time as the county
12 superintendent, superintendent of public instruction, and
13 board of public education may require;

14 (20) retain, when deemed advisable, a physician or
15 registered nurse to inspect the sanitary conditions of the
16 school or the general health conditions of each pupil and,
17 upon request, make available to any parent or guardian any
18 medical reports or health records maintained by the district
19 pertaining to his child;

20 (21) for each member of the trustees, visit each school
21 of the district not less than once each school fiscal year
22 to examine its management, conditions, and needs;

23 (22) procure and display outside daily in suitable
24 weather at each school of the district an American flag
25 which shall be not less than 4 feet by 6 feet; and

1 (23) perform any other duty and enforce any other
2 requirements for the government of the schools prescribed by
3 this title, the policies of the board of public education,
4 or the rules of the superintendent of public instruction."

5 Section 3. Section 20-9-201, MCA, is amended to read:
6 "20-9-201. Definitions and application. (1) As used in
7 this title, unless the context clearly indicates otherwise,
8 "fund" means a separate detailed account of receipts and
9 expenditures for a specific purpose as authorized by law.
10 Funds are classified as follows:

11 (a) A "budgeted fund" means any fund for which a
12 budget must be adopted in order to expend any money from
13 such fund. The general fund, transportation fund, bus
14 depreciation reserve fund, elementary tuition fund,
15 retirement fund, debt service fund, leased facilities fund,
16 building reserve fund, adult education fund, nonoperating
17 fund, postsecondary vocational-technical center fund, and
18 any other funds so designated by the legislature shall be
19 budgeted funds.

20 (b) A "nonbudgeted fund" means any fund for which a
21 budget is not required in order to expend any money on
22 deposit in such fund. The school food services fund,
23 miscellaneous federal programs fund, building fund, housing
24 ~~and--dormitory~~ lease or rental agreement fund, traffic
25 education fund, interlocal cooperative fund, and any other

1 funds so designated by the legislature shall be nonbudgeted
2 funds.

3 (2) The school financial administration provisions of
4 this title apply to all money of any elementary or high
5 school district except the extracurricular money realized
6 from pupil activities. The superintendent of public
7 instruction has general supervisory authority over the
8 school financial administration provisions, as they relate
9 to elementary and high school districts, as prescribed by
10 law and shall establish such rules as are necessary to
11 secure compliance with the law."

-End-