

HB 710 INTRODUCED BY PISTORIA, ET AL.
ESTABLISH A SELECT COMMITTEE ON THE MONTANA HIGH
SCHOOL ASSOCIATION

2/11 INTRODUCED
2/11 REFERRED TO EDUCATION & CULTURAL RESOURCES
2/11 FISCAL NOTE REQUESTED
2/16 FISCAL NOTE RECEIVED
2/18 HEARING
2/20 TABLED IN COMMITTEE

1
 2 *House* BILL NO. *710*
 3 INTRODUCED BY *Pistoria Rep. Janet Lindley*
Peck *Edh Jeanne* *McLamb* *Ream* *Blaylock*
 4 *HARP*

5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SELECT
 6 COMMITTEE ON THE MONTANA HIGH SCHOOL ASSOCIATION; DEFINING
 7 THE POWERS AND DUTIES OF THE COMMITTEE; ALLOCATING FUNDS FOR
 8 OPERATION OF THE COMMITTEE; AND PROVIDING A TERMINATION DATE
 9 AND EFFECTIVE DATES."

10 WHEREAS, the Montana High School Association
 11 supervises, controls, and regulates interscholastic
 12 activities of high schools in Montana; and

13 WHEREAS, the Montana High School Association is a
 14 private, independent corporation that is not subject to
 15 regulation by the Board of Education, the Office of Public
 16 Instruction, or any other state educational agency; and

17 WHEREAS, the Montana High School Association receives
 18 public money but is not required to hold open public
 19 meetings and otherwise is not held accountable to the
 20 people; and

21 WHEREAS, there is no statutory basis for delegating the
 22 administration of interscholastic activities to the Montana
 23 High School Association; and

24 WHEREAS, Article X, section 8, of the Montana
 25 Constitution provides that the supervision and control of

1 the schools must be vested in the school district trustees;
 2 and

3 WHEREAS, Class AA-A high schools do not have fair
 4 voting representation in the meetings of the Montana High
 5 School Association; and

6 WHEREAS, in recent years there has been a pattern of
 7 overexpenditure by the Montana High School Association,
 8 which indicates a lack of good financial management; and

9 WHEREAS, there has been growing public concern
 10 regarding the governance of high school interscholastic
 11 activities by the Montana High School Association; and

12 WHEREAS, soundly conducted interscholastic activities
 13 aid young people in the development of sportsmanship,
 14 physical and mental ability, self-discipline, and other
 15 worthy traits; and

16 WHEREAS, interscholastic activities are an integral
 17 part of the educational process for the children of this
 18 state.

19 THEREFORE, the Legislature of the State of Montana
 20 finds it appropriate to establish a select committee on the
 21 Montana High School Association.

22
 23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 Section 1. Definition. As used in [this act],
 25 committee means the select committee on the Montana high



1 school association established in [section 2].

2 Section 2. Select committee on the Montana high school
3 association. (1) There is a select committee on the Montana
4 high school association.

5 (2) The committee consists of four members who must be
6 appointed as follows:

7 (a) one member of the house of representatives
8 appointed by the speaker of the house;

9 (b) one member of the house of representatives
10 appointed by the house minority leader;

11 (c) one member of the senate appointed by the
12 president of the senate; and

13 (d) one member of the senate appointed by the senate
14 republican floor leader.

15 (3) Members of the committee must be appointed by the
16 90th legislative day of the 50th legislative session.

17 Section 3. Term of office -- vacancies. (1) A member
18 of the committee shall serve until January 1, 1989.

19 (2) A vacancy on the committee must be filled in the
20 same manner as the original appointment.

21 Section 4. Officers -- meetings -- quorum. (1) The
22 committee shall choose from its membership a chairman and
23 vice-chairman.

24 (2) The committee shall meet upon the call of the
25 chairman or at the request of any two members.

1 (3) Three members constitute a quorum for the
2 transaction of business.

3 Section 5. Staff assistance -- committee support. (1)
4 The legislative council shall provide staff assistance to
5 the committee.

6 (2) The superintendent of public instruction and the
7 board of public education shall assist the committee as may
8 be required for the committee to carry out its duties.

9 Section 6. Compensation -- committee expenses --
10 allocation of interim study funds. (1) Members of the
11 committee are entitled to compensation and expenses as
12 provided in 5-2-302.

13 (2) Compensation and expenses of committee members
14 must be paid from funds appropriated to the legislative
15 council for interim studies.

16 (3) The legislative council shall allocate funds from
17 money appropriated for interim studies to the committee for
18 payment of committee expenses.

19 Section 7. Duties of committee. (1) The committee
20 shall study the operation, objectives, and financing of the
21 Montana high school association. In conducting its study,
22 the committee shall:

23 (a) examine the financial structure of the Montana
24 high school association;

25 (b) analyze the current system of fees that is used to

1 finance Montana high school association activities;

2 (c) review the bylaws of the Montana high school
3 association;

4 (d) study the rules and regulations of the Montana
5 high school association governing interscholastic activities
6 of high schools in Montana;

7 (e) evaluate issues of equity concerning operation of
8 the Montana high school association and the conduct of
9 interscholastic activities;

10 (f) hold hearings to identify problems in the policies
11 and administration of the Montana high school association;

12 (g) explore alternatives for the regulation of high
13 school interscholastic activities in Montana;

14 (h) consider the possibility of requiring state
15 supervision of the Montana high school association; and

16 (i) assess the feasibility of curtailing activities
17 sponsored by the Montana high school association and
18 transferring control of interscholastic activities to the
19 local school boards.

20 (2) The committee shall report the findings of its
21 study to the 51st legislature and, if necessary, make
22 recommendations for legislation.

23 **Section 8. Powers of committee.** In performing the
24 duties described in [section 7], the committee may:

25 (1) investigate and examine any issue it determines to

1 be pertinent to the conduct of its business;

2 (2) request assistance and information from any state
3 or local government agency;

4 (3) subpoena witnesses, books, records, and other
5 documents;

6 (4) administer oaths to witnesses in any matter under
7 examination by the committee;

8 (5) request preparation of such bills and resolutions
9 as may be required for presentation at any meeting of the
10 committee; and

11 (6) exercise any powers of a standing committee under
12 Title 5, chapter 5, part 1.

13 **Section 9. Termination date.** This act terminates
14 January 1, 1989.

15 **Section 10. Effective dates.** (1) Sections 1 through 5,
16 7 through 9, and this section are effective on passage and
17 approval.

18 (2) Section 6 is effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB710, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a select committee on the Montana High School Association; defining the powers and duties of the committee; allocating funds for operation of the committee; and providing a termination date and effective date.

ASSUMPTIONS:

1. A budget and staffing allocation will be developed in accordance with a study plan and work schedule approved by the select committee and the Legislative Council. No estimate is provided because the plan and allocation will be developed later and are within the discretion of the committees involved.
2. A requirement to support a committee out of funds appropriated for interim studies will reduce Council flexibility under 5-5-217, MCA, but can be supported with the proposed appropriation.

FISCAL IMPACT:

None.

David L. Hunter DATE 2/14/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Paul Pistoria DATE Feb. 16, 1987
PAUL PISTORIA, PRIMARY SPONSOR
Fiscal Note for HB710, as introduced.

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