

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2323

2001 SENATE EDUCATION

SB 2323

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2323

Senate Education Committee

Conference Committee

Hearing Date 01-30-01

Tape Number	Side A	Side B	Meter #
1	X		0 - 28.3
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes:CHAIRMAN FREBORG called the committee to order.

ROLL CALL TAKEN with all members present.

CHAIRMAN FREBORG called the hearing on SB 2323 which relates to the open enrollment of students registered in military installation school districts.

**Testimony in support of SB 2323.**

SENATOR O'CONNELL, District 6, spoke on the bill. He stated this bill will clear up the law.

There is some confusion whether the two military bases have the right to open-enroll.

SENATOR FREBORG asked if there has been a problem. SENATOR O'CONNELL stated there has been a problem at Glenburn and the attorney representing Glenburn Public Schools would be testifying.

REPRESENTATIVE HUNSKOR, District 6, feels students living on military installations should have the same right as those who do not live on military bases in regard to the open-enrollment law.

GARY THUNE, Attorney representing the Glenburn School District, supports this bill. (see attached testimony). Both Air Bases are treated as a separate and individual school district. Minot Air Force Base (MAFB) contracts with Minot Public Schools which has an elementary school and a middle school on the base that they staff and offer classes there and bus the other students to Minot. In Grand Forks, on the base there, the Public School District owns the buildings. SENATOR FREBORG asked if a bill were to pass which stated the district of residence must pay tuition what would happen. MR. THUNE stated there is a bill reflective of this pending which takes open enrollment and put into resident a payment of a quarter for each of the next four years. The school district of residence for these students is the MAFB, and he thinks the tuition requirement would come from MAFB because they are contracting for services from Minot. If tuition is a variable in the case of open enrollment, that would be charged to the district of residence. SENATOR COOK asked if the base has a school board. He replied they do. They are appointed by DPI and have duties outlined in statute. The dollars required for education on the bases come from the FEDS in an impact aid situation. SENATOR KELSH asked what dollar amount is paid from the base to Minot Public School Dist. Per student. MR. THUNE replied foundation aid and tuition apportionment follow the student to the school they attend. There is an annual contract between the MAFB and the Minot School Dist. GREG McNARY, Supt. Of Schools in Glenburn spoke in support of SB 2323. (see attached) He stated Glenburn buses students to and from the base and get tuition apportionment, foundation aid, and impact aid. There is a complex formula for this. In the 2000 - 2001 school year they will receive a total of \$130,000. The statute relating to tuition apportionment is NDCC 15-40.3-03.

Page 3  
Senate Education Committee  
Bill/Resolution Number SB 2323  
Hearing Date 01-30-01

JULIE ROHLK presented testimony in support of SB 2323. (see attached).

JERRY COLEMAN, DPI, supports the bill. He would like to see an emergency clause added since it clarifies what has already been going on since the inception of open-enrollment.

**There was no testimony in opposition to SB 2323.**

**SENATOR O'CONNELL moved to apply the emergency clause to the bill. Seconded by**

**SEN. WANZEK. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Amendment adopted.**

**SENATOR WANZEK moved a DO PASS as AMENDED. Seconded by SEN.**

**O'CONNELL. Roll Call Vote: 7 YES. 0 NO. 0 Absent. Motion Carried**

**Carrier: SENATOR O'CONNELL**

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/23/2001

Bill/Resolution No.: SB 2323

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill allows a student who is a resident of a military installation school district to participate in open enrollment under 15-40.3.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

There is no estimated fiscal impact on state foundation aid or tuition apportionment. The impact, if any would be at the district level.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Jerry Coleman	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-4051	<b>Date Prepared:</b>	01/25/2001

PROPOSED AMENDMENTS TO SENATE BILL NO. 2323

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 1, after line 14, insert:

<sup>3</sup>  
"SECTION 2. EMERGENCY. This Act is declared to be an emergency  
measure."

Renumber accordingly

Date: 1-30-01  
Roll Call Vote #: /

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2323

Senate Education Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken amend Apply emergency clause

Motion Made By Sen. O'Connell Seconded By Sen. Wanzek

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent: apply emergency clause



Date: 1-30-01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2323

Senate Education Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DPA

Motion Made By Sen. Wanzek Seconded By Sen. O'Connell

Senators	Yes	No	Senators	Yes	No
Senator Freborg - Chairman	✓		Senator Christenson	✓	
Senator Flakoll - Vice Chairman	✓		Senator Kelsh	✓	
Senator Cook	✓		Senator O'Connell	✓	
Senator Wanzek	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. O'Connell

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2323: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

Page 1, line 3, after "districts" insert "; and to declare an emergency"

Page 1, after line 14, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2001 HOUSE EDUCATION

SB 2323

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2323

House Education Committee

Conference Committee

Hearing Date 03/05/01

Tape Number	Side A	Side B	Meter #
#1	X		53 to 1370
Committee Clerk Signature <i>Ann Melbert</i>			

Minutes:

Chairman R. Kelsch, Vice-Chair T. Brusegaard, Rep. Bellow, Rep. Grumbo, Rep. Haas, Rep. Hanson, Rep. Hawken, Rep. Hunskor, Rep. Johnson, Rep. Meier, Rep. Mueller, Rep. Nelson, Rep. Nottestad, Rep. Solberg, Rep. Thoreson

Chairman Kelsch: We will now open the hearing on SB2323.

Sen. O'Connell: (District 6) This bill clarifies the language. There's some confusions as to whether they could open enroll or not. They have their own school board, so they can do this.

Rep. Hunskor: (District 6) I'm in favor of this bill and I'd like to encourage your support for it.

Gary Thune: (Atty. Representing Glenburn Public School Districts) \*Please refer to written testimony\*

Rep. Bellow: This legislation does not allow open enrollment into the air force base?

Thune: The statute simply clarifies that the students that reside on the air force base are permitted to participate in open enrollment. In Grand Forks, students can open enroll in, but this statute is not intended to address that issue.

Greg McNary: (Superintendent of Glenburn Public Schools) Glenburn has participated in open enrollment since the inception of the open enrollment statute. Students from the Minot air force base comprise the majority of students who open enroll to the Glenburn schools. The legislation is simply to clarify the existing practice where students from the Minot air force base have been treated the same as ND students. It does not seek special treatment, it's only to ensure that these students are afforded the same open enrollment opportunities as the other students in ND.

Rep. Mueller: What is this bill fixing that we had problems with?

McNary: The way I understand it, if a district is what's called a nonoperating district, they may not participate in open enrollment. There was some question as to whether or not the Minot air force base district was a nonoperating district, because they contract to Minot. We don't believe that's the case.

Ernie Devlin: (Parent) \*Please refer to written testimony\*

Jule Rohlk: (Parent) \*Please refer to written testimony\*

Rep. Nottestad: I move a DO PASS.

Rep. Mueller: Second.

Chairman Kelsch: Committee discussion.

The motion of DO PASS passes with 15 YAY 0 NAY 0 ABSENT

Floor Assignment: Rep. Hunskor

Date: 3/5/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~SB 232~~ SB 232 3

House House Education Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Nottestad Seconded By Rep. Mueller

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson	✓	
Rep. Larry Bellew	✓		Rep. Bob Hunskor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Melor	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Rep. Hunskor

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 5, 2001 12:07 p.m.

**Module No: HR-37-4806**  
**Carrier: Hunskor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2323, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2323 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SB 2323



