

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

**Call to Order:** By **CHAIRMAN ALVIN A. ELLIS, JR.**, on February 17, 1997, at 3:00 P.M., in Room 312-1.

#### ROLL CALL

##### **Members Present:**

Rep. Alvin A. Ellis, Jr., Chairman (R)  
Rep. Peggy Arnott, Vice Chairman (Majority) (R)  
Rep. Dan W. Harrington, Vice Chairman (Minority) (D)  
Rep. Paul Bankhead (R)  
Rep. Kim Gillan (D)  
Rep. George Heavy Runner (D)  
Rep. Sam Kitzenberg (R)  
Rep. Bob Lawson (R)  
Rep. Gay Ann Masolo (R)  
Rep. Linda McCulloch (D)  
Rep. Norm Mills (R)  
Rep. William Rehbein, Jr. (R)  
Rep. John "Sam" Rose (R)  
Rep. Richard D. Simpkins (R)  
Rep. Joe Tropila (D)  
Rep. Allan Walters (R)

**Members Excused:** Rep. Matt Denny  
Rep. Antoinette R. Hagener

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Services Division  
Alberta Strachan, Committee Secretary

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 542 (2/13/97); HB 552  
(2/13/97); HB 560 (2/17/97).  
Executive Action: HB 552; HB 246; HB 448; HB  
449; HB 487; HB 490.

#### HEARING ON HB 552

**Opening Statement by Sponsor:** REP. STEVE VICK, H.D. 31  
introduced the bill. EXHIBIT 1, 2.  
{Tape: 1; Side: 1; Approx. Time Count: .3; Comments: Rep. Vick  
provided information regarding Bozeman Public Schools and states  
that allow part-time attendance.}

**Proponents' Testimony:**

Henry Cloud, Bitterroot Education Association. EXHIBIT 3A through 3E.

{Tape: 1; Side: 1; Approx. Time Count: 7.6; Comments: Mr. Cloud provided testimony from Anya Cloud; Megan Sangster; Katy Majors, Stevensville School District #2; newspaper article from the Bitterroot Star; and Patricia Cloud.}

Megan Sangster, Bitterroot Education Association.

{Tape: 1; Side: 1; Approx. Time Count: 12.2.}

Abrei Cloud, Bitterroot Education Association.

{Tape: 1; Side: 1; Approx. Time Count: 12.6.}

Linda Taylor, Bitterroot Education Association.

{Tape: 1; Side: 1; Approx. Time Count: 15.5.}

Arlette Randash, Eagle Forum.

{Tape: 1; Side: 1; Approx. Time Count: 16.5.}

Sharon Hoff, Montana Catholic Conference.

{Tape: 1; Side: 1; Approx. Time Count: 17.8.}

**Opponents' Testimony:**

Don Waldron, Montana Rural Education Association. EXHIBIT 4.

{Tape: 1; Side: 1; Approx. Time Count: 18.8.}

Cathy Swift, Attorney, Montana Rural Education Association.

{Tape: 1; Side: 1; Approx. Time Count: 19.5.}

Lance Melton, Montana School Boards Association.

{Tape: 1; Side: 1; Approx. Time Count: 24.3.}

Erik Feaver, Montana Education Association.

{Tape: 1; Side: 1; Approx. Time Count: 28.0.}

**Informational Testimony:**

Dori Nielson, Office of Public Instruction.

{Tape: 1; Side: 1; Approx. Time Count: 31.1.}

**Questions From Committee Members and Responses:**

{Tape: 1; Side: 1; Approx. Time Count: 32.5.}

**Closing by Sponsor:** REP. VICK closed on the bill.

{Tape: 2; Side: 1; Approx. Time Count: 12.8.}

**HEARING ON HB 542**

**Opening Statement by Sponsor:** REP. RAY PECK, H.D. 91 introduced the bill. EXHIBIT 5.

{Tape: 1; Side: 2; Approx. Time Count: 15.2; Comments: Rep. Peck provided an estimated out of county tuition paid with 55 Mills for the fiscal year 1995.}

Proponents' Testimony:

Kathy Fabiano, Office of Public Instruction.  
{Tape: 1; Side: 2; Approx. Time Count: 20.7.}

Opponents' Testimony: None.  
{Tape: 1; Side: 2; Approx. Time Count: 24.6.}

Informational Testimony: None.

Questions From Committee Members and Responses:  
{Tape: 1; Side: 2; Approx. Time Count: 24.8.}

Closing by Sponsor: REP. PECK closed on the bill.  
{Tape: 1; Side: 2; Approx. Time Count: 26.5.}

HEARING ON HB 560

Opening Statement by Sponsor: REP. RAY PECK, H.D. 91 introduced the bill. EXHIBIT 6.  
{Tape: 1; Side: 2; Approx. Time Count: 29.9; Comments: Rep. Peck provided information regarding the investment of proceeds arising from sale of county high school construction bonds.}

Proponents' Testimony:

Dori Nielson, Office of Public Instruction.  
{Tape: 1; Side: 2; Approx. Time Count: 34.2.}

Opponents' Testimony: None.  
{Tape: 1; Side: 2; Approx. Time Count: 35.4.}

Informational Testimony: None.

Questions From Committee Members and Responses:  
{Tape: 1; Side: 2; Approx. Time Count: 35.9.}

Closing by Sponsor: REP. PECK closed on the bill.  
{Tape: 1; Side: 2; Approx. Time Count: 37.7.}

EXECUTIVE ACTION ON HB 552

Motion: REP. REHBEIN MOVED HB 552 DO PASS.  
{Tape: 1; Side: 2; Approx. Time Count: 39.2.}

Motion/Vote: REP. MILLS MADE A SUBSTITUTE MOTION HB 552 BE TABLED. Question was called. Motion carried 11-5 on a roll call

vote with REP. BANKHEAD, REHBEIN, SIMPKINS and WALTERS voting no and REP. KITZENBERG not voting.

{Tape: 1; Side: 2; Approx. Time Count: 40.8.}

#### EXECUTIVE ACTION ON HB 246

**Motion:** REP. SIMPKINS MOVED HB 246 BE REMOVED FROM TABLE.

{Tape: 2; Side: 1; Approx. Time Count: .5.}

**Motion:** REP. SIMPKINS moved to adopt the amendments.

{Tape: 2; Side: 1; Approx. Time Count: .9.}

#### Discussion:

{Tape: 2; Side: 1; Approx. Time Count: 2.1.}

**Vote:** Question was called. Motion carried 9-8 to removed HB 246 from table with REPS. HARRINGTON, GILLAN, HAGENER, HEAVY RUNNER, MASOLO, MCCULLOCH, MILLS and TROPILA voting no, REP. DENNY and HAGENER voting by proxy and REP. KITZENBERG not voting.

{Tape: 2; Side: 1; Approx. Time Count: 16.0.}

**Vote:** Question was called. Motion carried 10-7 to adopt the amendments on a roll call vote with REPS. HARRINGTON, GILLAN, HAGENER, HEAVY RUNNER, MASOLO, MCCULLOCH and TROPILA voting no, REP. DENNY and HAGENER voting by proxy and REP. KITZENBERG not voting.

{Tape: 2; Side: 1; Approx. Time Count: 21.5.}

**Motion/Vote:** REP. SIMPKINS MOVED HB 246 DO PASS AS AMENDED.

Question was called. Motion carried 10-7 on a roll call vote with REPS. HARRINGTON, GILLAN, HAGENER, HEAVY RUNNER, MASOLO, MCCULLOCH and TROPILA voting no, REP. DENNY and HAGENER voting by proxy and REP. KITZENBERG voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 22.1.}

#### EXECUTIVE ACTION ON HB 448

**Motion/Vote:** REP REHBEIN MOVED HB 448 BE TABLED. Question was called. Motion carried unanimously 18-0 with REP. DENNY and HAGENER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 25.9.}

#### EXECUTIVE ACTION ON HB 449

**Motion:** REP. SIMPKINS MOVED HB 449 DO PASS.

{Tape: 2; Side: 1; Approx. Time Count: 25.9.}

**Motion:** REP. SIMPKINS moved to adopt the Kottel amendments.

{Tape: 2; Side: 1; Approx. Time Count: 29.4.}

**Discussion:**

{Tape: 2; Side: 1; Approx. Time Count: 29.7.}

**Vote:** Question was called. Motion carried 17-1 with REP. REHBEIN voting no and REP. DENNY and HAGENER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 36.2.}

**Discussion:**

{Tape: 2; Side: 1; Approx. Time Count: 36.5.}

**Motion/Vote:** REP. SIMPKINS MOVED HB 449 DO PASS AS AMENDED. Question was called. Motion failed 5-12 on a roll call vote with REPS. ELLIS, HEAVY RUNNER, MASOLO, SIMPKINS and WALTERS voting yes and REP. DENNY and HAGENER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 38.4.}

**Motion/Vote:** REP. SIMPKINS MOVED HB 449 BE TABLED. Question was called. Motion carried 18-0 with REP. DENNY and MASOLO voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 40.8.}

**EXECUTIVE ACTION ON HB 487**

**Motion:** REP. MILLS MOVED HB 487 DO PASS.

{Tape: 2; Side: 1; Approx. Time Count: 41.0.}

**Discussion:**

{Tape: 2; Side: 1; Approx. Time Count: 42.0.}

**Vote:** Question was called. Motion carried 12-6 with REPS. ELLIS, REHBEIN, SIMPSON, BANKHEAD, LAWSON and WALTERS voting no and REP. DENNY and HAGENER voting by proxy.

{Tape: 2; Side: 1; Approx. Time Count: 44.0.}

**EXECUTIVE ACTION ON HB 490**

**Motion:** REP. KITZENBERG MOVED HB 490 DO PASS.

{Tape: 2; Side: 1; Approx. Time Count: 45.0.}

**Discussion:**

{Tape: 2; Side: 2; Approx. Time Count: .5.}

**Motion/Vote:** REP. HEAVY RUNNER MADE A SUBSTITUTE MOTION HB 490 BE TABLED. Question was called. Motion carried 16-2 with REPS. KITZENBERG and DENNY voting no and REP. DENNY and HAGENER voting by proxy.

{Tape: 2; Side: 2; Approx. Time Count: 3.6.}

ADJOURNMENT

Adjournment: 5:25 P.M.

  
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REP. ALVIN A. ELLIS, Jr., Chairman

  
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ALBERTA STRACHAN, Secretary

AAE/ajs