

SENATE EDUCATION COMMITTEE

February 14, 1979

The Senate Education Committee met Wednesday, February 14, 1979, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 12:30 p.m. Committee members present were Senators Brown, McCallum, O'Hara, Richard Smith, Ed Smith, Severson, Thomas, Fasbender, Blaylock, and Anderson.

The committee heard Senate Bills 362 and 441 and Senate Joint Resolutions 13 and 17.

SENATE JOINT RESOLUTION 17

Senator Manley, sponsor of the bill, stated the bill is intended to draw attention to the financial plight of the little community of Lincoln whose school burned. He said he felt the bill was self explanatory and introduced several people from Lincoln who were in attendance in support of the bill.

PROPOSERS

Richard Trerise, Superintendent of Schools, Lewis and Clark County, said anytime a school burns it creates an emergency situation. He felt the bill provided the means for a study to help alleviate the situation of no funds being available for rebuilding.

Bob Stockton, representing the Office of Public Instruction, stated he fully supports the bill as a means of studying the ramifications of fire disasters as there are no funds on the state level at all. Public Law 815 monies for public impact are available to Lincoln but they are very small and it takes years to get them. He stated there is a bill in which would allow districts to levy over the bonded capacity in case of emergency.

There being no opponents, Senator Manley closed by saying this is such a heart rending bill that the lady in legislative council who read the bill immediately gave him a contribution of \$25.

Following discussion by the committee Senator O'Hara moved Senate Joint Resolution 17 Do Pass. The motion carried unanimously with Senators Fasbender and Anderson absent.

SENATE BILL 362

Senator Richard Smith, sponsor of the bill, stated Senate Bill 362 is intended to reinstitute the school census. He stated Mr.

Harmala from the Office of Public Instruction had some amendments to propose.

Mr. Harmala presented the proposed amendments to the committee (attached). He stated these changes would make the bill more workable for school administrators in that their information would be at hand by February in order to facilitate contracting. On the basis of the census, it would be much easier to determine the number of teachers needed for the following year. He further stated the census provides legal documentation for social security and social services purposes. The census provides information which assists in compliance with student count and also under Public Law 94-142 in the Child Find project.

PROPOSERS

Sylvia Stugelmeyer, representing the Pondera County Superintendent of Schools, stated she is the secretary for Nellie Sherman, the Superintendent in Pondera County. Ms. Sherman had tried to get to the meeting to testify in support of the bill but had to return due to bad roads. Mrs. Stugelmeyer reported the following school superintendents also tried to attend but had to turn back due to the weather: Darrell Omsburg, Cut Bank, Larry Stollfus, Choteau, Thelma Roberts, Toole, Helen Loney, Cascade, Wilma Johnson, Teton, and Fred Boll, Silverbow, who had a conflicting hearing. All the aforementioned wished to have the record reflect their support of the bill.

Mrs. Stugelmeyer said she has worked in the school system for a number of years and now as secretary for the Superintendent she receives numerous requests each month from Social Security regarding verification of dates of birth. She pointed out that people who have no birth certificates can establish residence through a legal school census. The census assists that process as parents' names and birth certificate numbers are registered in the census material. Probation officers can also use the census to confirm legal age. She stated the school districts use the census to plan their budgets more effectively and assist with determining how many teachers they need. She further pointed out that a legal school census can be used to document age for voter registration and welfare and social services use the information often in their programs. She also pointed out that the law states superintendents shall determine how many trustees shall be elected from each district and that determination should be based on the census. She urged support for the bill.

Richard Trerise, Lewis and Clark County Superintendent of Schools, stated his support of the bill. He stated he would very much like to see the census reinstated as it is an invaluable aid in projections and availability of records.

There being no further proponents and no opponents to the bill, Senator Smith closed by calling attention to the fiscal note for \$22,833. He stated that is roughly 10¢ per child and is certainly well worth the expenditure.

SENATE BILL 441

Senator Lensink, sponsor of the bill, stated the bill is perhaps not earthshaking but felt it is most important in clarifying the conflict of interest situations which can arise re school trustee boards. He cited page 1, lines 24 and 25 which stated "pecuniary interest" does not include hold a minority interest in a corporation. He felt it was unnecessarily restrictive. He quoted the Attorney General's opinion in 1977 which said if a trustee is a minor stockholder he can't have anything to do with supplying school materials. He quoted several examples of conflicts of this nature in the Bozeman area. He stated he felt that three points should be adhered to in determining conflict of interest: 1. Is it legal; 2. Is it ethical; and 3. Is it wise. He said he would propose some amendments to the committee which would bring school districts under essentially the same law that everyone is. It seems the law as it concerns school boards is much more restrictive.

He proposed changes on page 1, line 25, to change minority interest to a 10% or less interest; suggested deleting lines 2 and 3 on page 2, and suggested that perhaps the word "contract" could be changed to reflect a less binding conotation.

PROPOSERS

Wayne Buchanan, representing the Montana School Boards Association, thanked Senator Lensink for sponsoring the legislation. He also quoted the Attorney General's opinion of 1977. He said he felt the amendments were wise and trustees should not be in the business of competing for major contracts and as well a percentage should be set for amounts of stock held by trustees. He pointed out that in rural areas co-ops are common and all who patronize them are automatically stockholders which could in some areas rule out almost everyone in the community as trustees. He further stated the bill is a good one and if amended it would be even better; it is simple and doesn't cost any money and carries out the intent of the Legislature.

Bob Stockton, representing the Office of Public Instruction, stated he supports the bill as trustees have been under tighter and harder restraints than other elected officials. He said there is one small community in eastern Montana which has only one grocery store and it is owned by a school trustee. Therefore, the school district has to drive 70 miles to shop for the

groceries for their school lunch program. He urged support of the bill.

Following discussion by members of the committee, the hearing was closed.

SENATE JOINT RESOLUTION 13

Senator Blaylock, sponsor of the bill, stated there are 14 niches in the second floor hall of the Capitol. He felt it is the perfect place to display pictures and vita of prominent Montanans - not politicians. He felt there should be representatives of all different areas of human endeavor. As examples he cited Gary Cooper, Harold Urey, Chelt Huntley. He stated the largest expense would be the lighting and the state architect, Phil Hauck, had estimated a minimum of \$5,000. The displays would be coordinated by the Montana Arts Council and there would be some expense incurred by them in that regard.

PROPONENTS

J.D. Holmes, representing the Montana Institute of the Arts Foundation, said he consulted the Director of the Montana Arts Council and they would be willing to take on the project but felt they would need additional appropriations to do it. He stated he felt the hall cries for something and with the heavy tourist traffic it would be a definite attraction. He suggested the displays could also be changed from time to time to give variety.

Sister JoAnn Daly, Montana Arts Council, said she supports anything which would promote the arts in the state. She repeated the need for additional monies to initiate the project.

Tom O'Connell, representing the state artchitect's office, stated he appeared as a guarded proponent. He said their office has had dozens of requests to fill the niches and to this point they have made the decision on what to use. He said they appreciated the resolution and pointed out the possible conflict with SB 123 which deals with the capitol planning commission commission.

Cliff Harmala asked if we are so poor that we can't afford to display our historical items. He stated this is a beautiful and historical building and we should do every-thing possible to enhance it.

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There being no further proponents and no opponents to the bill the hearing was opened for discussion by the committee.

Senator Blaylock moved SJR 13 be amended on page 1, line 11 by striking "a" and "spot" and inserting "places". The motion carried unanimously.

Senator Blaylock moved SJR 11 Do Pass As Amended. The motion carried unanimously.

There being no further bills to be heard, the committee went to executive session to consider Senate Bill 178, Senate Bill 2, and Senate Bill 362.

SENATE BILL 178

Senator McCallum moved to take Senate Bill 178 off the table. The motion carried 8 to 2 with Senators Fasbender and Blaylock moving no.

Senator Fasbender moved to amend the bill by striking "marijuana" and inserting "mind altering drugs" in the title and wherever necessary in the body of the bill. The motion carried unanimously.

Senator Blaylock moved SB 178 Do Pass As Amended.

Senator McCallum moved SB 178 Do Not Pass. The motion carried with Senators Brown and McCallum voting no.

SENATE BILL 2

Senator Blaylock moved Senate Bill 2 Do Pass. The motion carried unanimously.

SENATE BILL 362

Senator Richard Smith moved the amendments presented by Mr. Harmala (attached). The motion carried unanimously.

Senator Richard Smith moved Senate Bill 362 Do Pass As Amended. The motion failed.

Senator Fasbender moved Senate Bill 362 Do Not Pass. The motion carried.

There being no further business, the meeting adjourned to reconvene Friday, February 16, 1979 at 12:30 p.m.

R.R.

SJR 13
SJR 17

SENATE EDUCATION COMMITTEE

BILL SB 362
SB 441

VISITORS' REGISTER

DATE 2/14/77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPP
C.A. HARMALA	OPB	362	<input checked="" type="checkbox"/>	
J. D. Holmes	Mont. Inst. of the Arts Foundation	SJR 17	<input checked="" type="checkbox"/>	
SR. JOHN DALRY	ARTS ADVOCACY Montana Inst. of Arts	SJR 13	<input checked="" type="checkbox"/>	
Carlene Stogdner		SB 362	<input checked="" type="checkbox"/>	
TOM SCONELO	Arch & engr div.	SJR 13	<input checked="" type="checkbox"/>	
Mrs. Allen Holstad		SJR 17	<input checked="" type="checkbox"/>	
Wayne & Buchanan	Mt. School Boards	SB 491	<input checked="" type="checkbox"/>	
Thomas Thomas	Utah Inst. of Mt.			
Richard Trause	county supt	SJR 17 SB 362		
Pete Vekac	Lincoln School Dist #35	SJR 17	<input checked="" type="checkbox"/>	
Jellison Ogden	Lincoln School Dist #38	SJR 17	<input checked="" type="checkbox"/>	
Nanathy B. Anderson	Lincoln School Dist #38	SJR 17	<input checked="" type="checkbox"/>	
Shelley M. Sizer	Lincoln School Dist #38	SJR 17	<input checked="" type="checkbox"/>	
Fredrick L. Cyr	Lincoln School Dist #38	SJR 17	<input checked="" type="checkbox"/>	
John Cappola	Lincoln School Dist 38	SJR 17	<input checked="" type="checkbox"/>	
Bill Vento	Lincoln Dist #38	SJR 17	<input checked="" type="checkbox"/>	
Dwight Crawford	Lincoln " " "		<input checked="" type="checkbox"/>	
Frank Shuman	Lincoln " " "		<input checked="" type="checkbox"/>	

NAME: C. A. HARMALA DATE: 2-14-70

ADDRESS: 1011 RIVER AVE GLEN RIDGE

PHONE: 365-4422 450-1111 449-3256

REPRESENTING WHOM? CPI

APPEARING ON WHICH PROPOSAL: JB 302

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: WILL PRESENT WRITTEN AND ORAL

TESTIMONY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Georgia Rice
Superintendent

February 13, 1979

To: The Honorable Richard Smith
Senate Education Committee

From: On behalf of Superintendent of Public Instruction, Georgia Rice
by: C.A. Harmala, Educational Field Representative

Re: Senate Bill No. 362 (Matter of school census)

The Office of Public Instruction supports Senate Bill 362 with the following suggested changes:

Line 19, pg. 1, which reads "the school census shall be taken between Sept. 15 and Nov. 15" to read, "by Jan. 15."

Line 22, pg. 1, which reads "residence on Oct. 1" to read "on Jan. 1."

Line 22, pg. 4, which reads "on Oct. 1" to read "on Jan. 1."

Line 7, pg. 5, which reads "by Nov. 1" to read "by Feb. 1."

Lines 10 and 11, ^{p.5} which reads "Dec. 1" to read "Apr. 1."

The aforementioned changes do not change the intent of the bill but will assist city schools to plan staff additions or reductions more accurately than would the earlier dates.

NAME: Sylvia Thompson DATE: 1/10/78

ADDRESS: Box 1267 Grand St.

PHONE: 278-7776

REPRESENTING WHOM? Parker County Board of Supervisors

APPEARING ON WHICH PROPOSAL: SB 544

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Oral testimony

[Empty lined area for additional comments]

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

February 14, 1979

MR. President.....

We, your committee on..... Education.....

having had under consideration..... Senate Joint Resolution..... Bill No. 17.....

Respectfully report as follows: That..... Senate Joint Resolution..... Bill No. 17.....

DO PASS



STANDING COMMITTEE REPORT

February 14, 1979

MR. President

We, your committee on Education

having had under consideration Senate Joint Resolution Bill No. 13

Respectfully report as follows: That Senate Joint Resolution Bill No. 13 introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "are"
Strike: "a"
Following: "perfect"
Strike: "spot"
Insert: "places"

And, as so amended,

DO PASS

STANDING COMMITTEE REPORT

February 14

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MR. President

We, your committee on Education

having had under consideration Senate Bill No. 2

Respectfully report as follows: That Senate Bill No. 2

DO PASS

STANDING COMMITTEE REPORT

February 15, 1979

MR. President

We, your committee on Education

having had under consideration Senate Bill No. 172

Respectfully report as follows: That Senate introduced bill, be amended as follows: Bill No. 172

1. Title, lines 4 and 5.

Following: "ACT"

Strike: "REQUIRING"

Insert: "recommending"

Following: "THAT"

Strike: remainder of line 4 through "TAUGHT" on line 5

Insert: "units of instruction"

2. Title, line 5.

Following: "THE"

Insert: "potential"

Following: "OF"

Strike: "MARIJUANA"

Insert: "mind altering drugs be included in elementary and secondary school curriculum"

DO PASS

3. Page 1, line 9.
Following: line 8
Strike: "marijuana"
Insert: "mind altering drugs"
Following: "and"
Strike: "high"
Insert: "secondary"
4. Page 1, line 10.
Following: "Montana"
Strike: "shall"
Insert: "may"
5. Page 1, line 11.
Following: line 10
Strike: "course"
Insert: "unit of instruction"
Following: "the"
Insert: "potential"
Following: "of"
Strike: "marijuana (Cannabis sativa)"
Insert: "mind altering drugs"
6. Page 1, line 12.
Following: "the"
Strike: "course shall"
Insert: "instructional unit may"
7. Page 1, line 13.
Following: "the"
Insert: "potential"
8. Page 1, line 14.
Following: "the"
Strike: "drug"
Insert: "mind altering drugs"
9. Page 1, lines 17 through 19.
Strike: subsection (2) in its entirety

AND AS SO AMENDED, DO NOT PASS

SENATE COMMITTEE EDUCATION

Date 2/14/78 Senate Bill No. 178 Time _____

NAME	YES	NO
Senator Ed Smith, V. Chairman	X	
Senator Jesse O'Hara	X	
Senator George McCallum	X	
Senator Elmer Severson	X	
Senator Mike Anderson	X	
Senator Chet Blaylock		X
Senator Larry Fasbender		X
Senator Richard Smith	X	
Senator Bill Thomas	X	
Senator Bob Brown, Chairman	X	

Bill Robinson
Secretary

Bob Brown
Chairman

Motion: by Senator McCallum to take
SB 178 off the table

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE EDUCATION

Date 2/14/75 Senate Bill No. 198 Time _____

NAME	YES	NO
Senator Ed Smith, V. Chairman	X	
Senator Jesse O'Hara	X	
Senator George McCallum		X
Senator Elmer Severson	X	
Senator Mike Anderson	X	
Senator Chet Blaylock	X	
Senator Larry Fasbender	X	
Senator Richard Smith	X	
Senator Bill Thomas	X	
Senator Bob Brown, Chairman		X

Bill Robyans
Secretary

Bob Brown
Chairman

Motion: by Senator McCallum that SB 198
do not pass.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 15, 1979

MR. President

We, your committee on Education

having had under consideration Senate Bill No. 362

Respectfully report as follows: That Senate introduced bill, be amended as follows: Bill No. 362

1. Page 1, lines 19 and 20.

Following: "taken"

Strike: remainder of line 19 through "October" on line 20

Insert: "by January"

2. Page 1, line 22.

Following: "on"

Strike: "October"

Insert: "January"

3. Page 4, line 22.

Following: "on"

Strike: "October"

Insert: "January"

DO PASS

February 15, 1979

4. Page 5, line 7.

Following: "by"

Strike: "November"

Insert: "February"

5. Page 5, line 10.

Following: "than"

Strike: "December"

Insert: "April"

AND, AS SO AMENDED, DO NOT PASS

SENATE COMMITTEE EDUCATION

Date 2/14/78 Senate Bill No. 367 Time _____

NAME	YES	NO
Senator Ed Smith, V. Chairman		X
Senator Jesse O'Hara	<i>abstain</i>	
Senator George McCallum	X	
Senator Elmer Severson		X
Senator Mike Anderson	<i>abstain</i>	
Senator Chet Blaylock		X
Senator Larry Fasbender		X
Senator Richard Smith	X	
Senator Bill Thomas		X
Senator Bob Brown, Chairman		X

Gill Robinson
Secretary

Bob Brown
Chairman

Motion: by Senator Richard Smith that
SB 367 Do Pass As Amended.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE EDUCATION

Date 2/14/79 Senate Bill No. 362 Time _____

NAME	YES	NO
Senator Ed Smith, V. Chairman	y	
Senator Jesse O'Hara		<i>abstain</i>
Senator George McCallum		y
Senator Elmer Severson	y	
Senator Mike Anderson	y	
Senator Chet Blaylock	y	
Senator Larry Fasbender	y	
Senator Richard Smith		y
Senator Bill Thomas	y	
Senator Bob Brown, Chairman	y	

Bill Rebyans
Secretary

Bob Brown
Chairman

Motion: by Senator Fasbender that SB 362
Do Not Pass

(include enough information on motion--put with yellow copy of committee report.)