

MINUTES OF THE MEETING
SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES
JANUARY 30, 1981

The Senate Committee on Education and Cultural Resources met Friday, January 30, 1981, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:00 p.m.

ROLL CALL

Committee members present were Senators Brown, Smith, Mazurek, Thomas, McCallum, Severson, Haffey, Hammond and Blaylock.

The following bills were heard by the committee: Senate Bill 262
Senate Bill 281.

CONSIDERATION OF SENATE BILL 262

"AN ACT TO WAIVE THE MINIMUM REQUIREMENTS FOR PUPIL
INSTRUCTION DAYS WHEN A SCHOOL IS CLOSED BY REASON
OF A DECLARATION OF EMERGENCY."

Senator VanValkenburg, District 50, sponsor of the bill, stated the bill was introduced due to the circumstances following the Mt. St. Helens eruption in late May, 1980. He said schools in the northwest part of the state were closed up to four days and it was useless to try to make up the days that late in the school year. He said emergencies or disasters are very rare and the bill might not be utilized but it is necessary to have it in place.

PROPOSERS

Duane Johnson, representing the Montana School Boards Association, stated the Montana School Boards Association passed a resolution supporting this concept at its convention this fall. The resolution arose at the convention due to the problems encountered with school attendance days lost due to the Mt. St. Helens eruption. The present law says three days of an emergency must be made up. This created a special problem as it occurred at the end of the school year. He urged wholehearted support of the bill.

Dave Sexton, representing the Montana Education Association, stated the bill may never be used but it does need to be on the books in case of another situation such as the Mt. St. Helens eruption.

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Betti Christie, representing the Office of Public Instruction, urged support of the bill as the problem due to the Mt. St. Helens eruption put the Superintendent of Public Instruction in a bad position in May of 1980. The Attorney General ruled, because of law, the missed days had to be made up.

There were no further proponents, no opponents, and Senator Van Valkenburg declined to make closing remarks.

ACTION ON SENATE BILL 262

Senator McCallum moved SB 262 DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 281

"AN ACT TO PROVIDE FOR THE RESCHEDULING OF SCHOOL ELECTIONS THAT ARE CANCELLED DUE TO DECLARATION OF A STATE OF EMERGENCY OR DISASTER."

Senator Van Valkenburg, District 50, sponsor of the bill, stated this is a companion bill to Senate Bill 262 and deals with an emergency being called right at the time of a school election.

PROPOSERS

Duane Johnson, representing the Montana School Boards Association, stated the MSBA passed a resolution at their convention supporting this concept also. He said many districts had to cancel elections due to the fallout and it necessitated waiting 40 days before they could reschedule. In some cases, it meant the district only had two chances to get their levies passed instead of the usual three. He urged support of the bill.

Dave Sexton, representing the Montana Education Association, urged support of the bill.

Betti Christie, representing the Office of Public Instruction, urged support of the bill.

There were no further proponents, no opponents, and Senator Van Valkenburg declined to make any closing remarks.

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ACTION ON SENATE BILL 281

Senator McCallum moved Senate Bill 281 DO PASS. The motion carried unanimously.

EXECUTIVE SESSION

ACTION ON SENATE BILL 154

The committee discussed Senate Bill 154 and the proposed amendments (attachment #1). They agreed to discuss the bill further and present further amendments to it Monday, February 2.

ACTION ON SENATE BILL 197

Senator McCallum moved Senate Bill 197 DO NOT PASS. After discussion regarding the age discrimination provision, the bill passed on a roll call vote (attachment #2).

ACTION ON SENATE BILL 125

Senator Thomas moved Senate Bill 125 DO NOT PASS.

Senator Mazurek made a substitute motion to pass consideration until Monday, February 2. The motion carried unanimously.

There being no further business, the meeting adjourned to reconvene Monday, February 2, 1981, at 1:00 p.m.



Senator Bob Brown, Chairman

jdr

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

JANUARY 30, 1981

BILL SUMMARY

SENATE BILLS 262 and 281

Senator VanValkenburg, Sponsor

SENATE BILL 262

This bill provides that if the governor declares an emergency, as he is authorized to do, and schools are closed, the pupil instruction days that are lost do not need to be rescheduled in order to meet the 180 days required to receive full school foundation support. This new section is different from the current emergency school closure law that reduces foundation support by 1/180th for each closure day that is not made up. This bill will be helpful if Mt. Rainier goes off near the end of the school year. If Mt. Helena erupts it won't do us any good anyway.

SENATE BILL 281

Senate Bill 281 would allow school elections to be cancelled and rescheduled if the governor declares a state of emergency or disaster. The bill provides that, as soon as convenient after the termination of the emergency declaration, the trustees shall set a new date. The new date must be on a Tuesday after notice is published for 7 consecutive days in a newspaper of general circulation in the district and posted for seven days at all polling places.

ROLL CALL

SENATE EDUCATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 11-26

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Ed Smith</u>	/		
<u>Senator George McCallum</u>	/		
<u>Senator Elmer Severson</u>	.		
<u>Senator Swede Hammond</u>	.		
<u>Senator Chet Blaylock</u>	.		
<u>Senator Bill Thomas</u>	.		
<u>Senator Joseph Mazurek</u>	.		
<u>Senator Jack Haffey</u>	.		
<u>Senator Bob Brown, Chairman</u>	/		

Each day attach to minutes.

SENATE CULTURAL RESOURCES COMMITTEE

SENATE
BILLS 262
381

VISITORS' REGISTER

DATE 1/30/81

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Ruane Johnson DATE: 1-30-81

ADDRESS: 501 N. Sanders, Helena MT.

PHONE: 442-2180

REPRESENTING WHOM? MT. School Board Assoc.

APPEARING ON WHICH PROPOSAL: S.B. 262

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Betta Christie DATE: 1-30-81

ADDRESS: 707 Poplar St, Helena

PHONE: 449-5643

REPRESENTING WHOM? Office Public Instruction

APPEARING ON WHICH PROPOSAL: SB 281 and SB 262

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: problems due to Mt. St. Helens put the Supt.
of Public Instruction in a bad position in
May 1980 - Attorney General ruled that,
because of law, these missed days had
to made up

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Ruane Johnson DATE: 1-30-81

ADDRESS: 501 N. Sanders, Helena, MT.

PHONE: 442-2180

REPRESENTING WHOM? MT. School Board Association

APPEARING ON WHICH PROPOSAL: S.B. 281

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

January 30, 19 81

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 262

Respectfully report as follows: That SENATE Bill No. 262

DO PASS

HC

STANDING COMMITTEE REPORT

January 30,

1981

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE

Bill No. 281

Respectfully report as follows: That SENATE

Bill No. 281

DO PASS

L.C.

PROPOSED DISCUSSION DRAFT OF SENATE BILL 154

Title would be amended to delete reference to open meeting law.

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

Section 1. Section 20-3-322, MCA, is amended to read:

"20-3-322. Meetings and quorum. (1) The trustees of a district shall hold at least the following number of regular meetings:

(a) an organization meeting, as prescribed by 20-3-321;

(b) a preliminary budget meeting, as prescribed by 20-9-113; and

(c) in first-class elementary districts, not less than one regular meeting per month; or

(d) in any other district, regular meetings during the months of April, July, October, and January.

(2) The trustees of the district shall adopt a policy setting the day and time for the minimum number of regular school meetings prescribed in subsection (1)(c) or (1)(d) and, in addition, any other regular meeting days the trustees wish to establish; such meetings shall be conducted in school buildings or on other property belonging to the district.

(3) Special meetings of the trustees may be called by the chairman or any two members of the trustees by giving each member a 48-hour written notice of the meeting.

(4) No business shall be transacted by the trustees of a district unless it is transacted at a regular meeting or a properly called special meeting. A quorum for any meeting shall be a majority of the trustees' membership. All trustee meetings shall be public meetings, as prescribed by 2-3-201, except that the trustees may recess to an executive session under the provisions of 2-3-203.

(5) The trustees of a district shall give notice of all meetings in the manner prescribed in [section 2]."

New Section 2. Notice of meetings of board of trustees of a school district. (1) The board of trustees of a school district as defined in 20-6-101 shall give notice of regular ~~and special~~ meetings in the following manner:

(a) by posting a notice of the meeting at least 48 hours before the meeting on the main door of the building in which the school district administration office is located. If there is no such administration office, the notice must be posted on the main door of the principal school building in the district;

(b) by providing a copy of the notice at least 48 hours before the meeting to a daily newspaper of general circulation in the district;

(c) by ~~including in~~ the notice of the meeting the place, time, and intended agenda of the meeting;

(d) by delivering written notice of the meeting at least 48 hours before the meeting to any individual who is scheduled to be the subject of discussion or action at any meeting.

(2) At a meeting of the board of trustees, the trustees may take action only on the agenda items that were announced in the notice required by subsection (1), except that the board may act on nonpersonnel-related items if such items are raised spontaneously in good faith.

Section 3. The codification instructions to include the new section in open meeting law would be changed to include it in school law.

STANDING COMMITTEE REPORT

.....January 30,..... 9 81...

MR.PRESIDENT.....

We, your committee onEDUCATION AND CULTURAL RESOURCES.....

having had under considerationSENATE..... Bill No. 197

Respectfully report as follows: That.....SENATE..... Bill No. 197

DO NOT PASS

DO PASS

PR.

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES

Date Jan. 30, 1981 SENATE Bill No. 197 Time 1:56 p.m.

NAME	YES	NO
Senator Ed Smith	X	
Senator George McCallum	X	
Senator Elmer Severson	X	
Senator Swede Hammond	X	
Senator Chet Blaylock		X
Senator Bill Thomas		X
Senator Joseph Mazurek		X
Senator Jack Haffey		X
Senator Bob Brown, Chairman	X	

Secretary

Chairman

Motion: by Senator McCallum that Senate Bill 197 Do Not Pass.

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