

MINUTES OF THE MEETING  
EDUCATION AND CULTURAL RESOURCES COMMITTEE  
MONTANA STATE SENATE

March 11, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 11, 1983, at 1:00 p.m. in Room 402, State Capitol.

ROLL CALL: All committee members were present except Senators Smith and Gage who were absent.

Todd Fuller and Scott Blackman, students from Cascade High School and members of the FFA Chapter, spoke to the committee about their Supervised Occupational Experience Programs. Todd has been involved in managing a lawn and garden service and Scott in sheep production (exhibits #1 and #2). The committee was very impressed with the young men's accomplishments and wished them good luck in their future endeavors.

HOUSE BILL 196: Representative Peck, District 8, sponsor of the bill, said the bill enables the Board of Public Education to adopt policies regarding gifted and talented programs. He noted rules were originally going to be adopted governing gifted and talented programs but because of 1) the expense, and 2) the Board had adopted policies governing special education already, the bill was submitted in this form with an effective date of July 1, 1984.

PROPOSERS

Julie Adams, a student from Cascade High School, presented her testimony in support of the bill (exhibit #3).

Hidde Van Duym, Executive Secretary, Board of Public Education, submitted his testimony in support of the bill (exhibit #4).

Chip Erdmann, representing the Montana School Boards Association, urged support of the bill.

OPPOSERS

Nancy Lukinbill, representing the Office of Public Instruction, submitted her testimony in opposition to the bill (exhibit #5).

Sue Hanson, School District #5, Kalispell, submitted her testimony in opposition to the bill (exhibit #6).

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Education and Cultural Resources  
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Patricia Armiston, School District #5, Kalispell, a teacher of gifted and talented students, said she feels they can handle the program themselves and don't need guidelines or policies from the state.

There being no further witnesses, Representative Peck closed.

HOUSE BILL 746: Representative Darko, District 22, said the bill was requested by local people and the Presidents of the Community Colleges.

#### PROPOSERS

Bill Lannon, Community College Coordinator, Commissioner of Higher Education, explained the bill for the committee, saying it enables communities to vote money through property taxes for a community college service region. The bill provides for protection of off-campus educational quality, trustee approval, plan development and tax support. He also submitted a proposed amendment (exhibit # 7).

Sandy Wagner, Chamber of Commerce Community College Research Committee, Libby, presented her testimony in support of the bill (exhibit #8).

Don Kettner, President, Dawson Community College, Glendive, spoke in support of the bill quoting from the "Technical Report on Adult and Continuing Education", Montana Commission on Postsecondary Education #5 (exhibit # 9). He told of the success of the two satellite services DCC has established in Sidney and Baker currently serving over 350 students on a 3 quarter basis.

Dr. Don Gatzke, President, Flathead Community College, urged support of the bill.

Dr. John Cook, Miles City Community College, urged support of the bill as it will allow access to surrounding areas and extension of services.

Kathleen Walker, Trustee, Flathead Community College, urged support of the bill.

Senator John Mohar, District 11, stated the bill will help in retraining, an area becoming increasingly important due to current economic conditions.

Representative Glen Mueller, District 21, spoke in support of the bill.

There were no opponents to the bill and the hearing was closed.

HOUSE BILL 239:

Representative Hemstad, District 40, sponsor of the bill, said it was introduced at the request of the state auditor. She said the bill is very simple in that it adds language clarifying pay back of overpayment by the federal government of forest receipt funds.

PROPOSERS

Jo Isaacs, Auditor's Office, submitted materials in support of the bill to the committee (exhibit #10).

OPPOSERS

Richard Trerise, Montana Association of County Superintendents, questioned the intent of the bill. He said interest would be lost during the year if the money was held and not invested and no payment was made until year end.

There being no further opposers, the hearing was closed.

HOUSE BILL 315: Representative Wallin, District 76, presented his testimony regarding the bill (exhibit #11).

PROPOSERS

Chip Erdmann, Montana School Boards Association, spoke in support of the bill (exhibit #12).

Jim Kembel, Building Codes Division, Department of Administration, offered his support and assistance to the committee.

There being no further proposers and no opposers to the bill, the hearing was closed.

ACTION ON HOUSE BILL 315: Senator Severson moved House Bill 315 BE CONCURRED IN. The motion carried unanimously with Senators Smith and Gage absent.

HOUSE BILL 428: Representative Ellison, District 73, sponsor of the bill, said the bill simply allows secondary districts to change their boundaries in the same manner as elementary districts.

#### PROPONENTS

Bob Stockton, Office of Public Instruction, said OPI requested the bill. He said, at present, county commissioners have sole control of high school district boundaries.

Wayne Buchanan, Montana School Boards Association, urged support of the bill.

Pat Conroy, Superintendent of Schools, Browning, asked that the bill be amended so that the appeals section is uniform.

#### OPPONENTS

Richard Trerise, Montana County Superintendents, said he had a concern re the appeal procedure, also. He said he would not oppose the bill if that section were clarified.

There were no further opponents. Bob Stockton, OPI stated a section was inadvertantly left out which includes the appeal procedures which are of concern. He said he would provide that information to the committee.

Representative Ellison closed.

#### EXECUTIVE SESSION

ACTION ON HOUSE BILL 746: Senator Elliott moved to amend page 3, line 8 with the Lannon amendment. The motion carried with Senators McCallum, Gage, and Smith absent.

Senator Severson asked to have amendments drawn which would set elections at the general election.

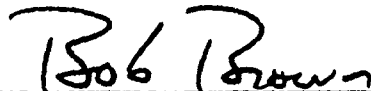
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ACTION ON HOUSE BILL 239: Senator Elliott moved House Bill 239 BE NOT CONCURRED IN. The motion carried with Senators McCallum, Gage and Smith absent.

ADJOURN! There being no further business, the meeting was adjourned.



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Senator Bob Brown, Chairman

jdr

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/11/83

NAME	PRESENT	ABSENT	EXCUSED
Senator Bob Brown, Chairman	X		
Senator Ed Smith, V. Chairman		X	
Senator Roger Elliott	X		
Senator Delwyn Gage		X	
Senator George McCallum	X		
Senator Elmer Severson	X		
Senator Harry Berg	X		
Senator Chet Blaylock	X		
Senator Jack Haffey	X		
Senator Joseph Mazurek	X		

TO: The Senate Committee on Education and Cultural Resources

FROM: Lee Heiman, Committee Counsel

DATE: March 11, 1983

RE: Summaries of House Bills 196, 239, 315, 428, and 746

House Bill 196 (Peck). Provides that policy direction on programs for gifted and talented children originate with the Board of Public Education and be administered by the Superintendent of Public Instruction.

House Bill 239 (Hemstad). Provides that distribution of forest reserve money by the State Treasurer need not be made to counties until the State Treasurer has received the entire amount.

House Bill 315 (Wallin). Provides that a municipality or county with a building code is included with the Department of Administration, as an entity that may approve plans and specifications for building, enlarging, or remodeling a school. Requires conformity with a building code rather than rules of the Department of Administration.

House Bill 428 (Ellison). Establishes new provisions for consolidation and annexation for high school districts. Involves an election, determination of jointly assuming bonded indebtedness, and time restrictions unless a total district is involved. Provides for cross county boundary consolidation to become a joint district. Provides annexation of smaller districts to a larger district. Repealed sections are attached.

House Bill 746 (Darko). Provides for establishing, after an election, community college service regions that comprise a local government unit or school district that is not within a community college district. Provides for the service to be provided to the region by the community college and for funding such services. Bill also changes annexation to a community college district by requiring the annexed school district area to be in a county contiguous with the community college district. Allows some discretion in the community college district trustees regarding the annexation.

Repealed  
By HB 428

**20-6-302. Methods of changing high school district boundaries.**

(1) The trustees of any high school district, except the trustees of a high school located in a county which has not been divided into high school districts or become a high school district by county high school unification, may request a change of the high school boundaries of their district or county as provided by this section.

(2) Whenever the trustees of a high school district shall pass a resolution requesting the change of their district's boundary or the redivision of the county into high school districts, they shall send such resolution to the county superintendent. When the trustees request a boundary change of their district or a redivision of the county into high school districts, they shall describe the requested boundary change or redivision and give the reasons therefor. A requested boundary change of a district shall conform to one of the following types:

(a) consolidation of high school districts shall be the merging of two or more high school districts to form a single high school district;

(b) annexation shall be the attachment of all the territory of a high school district to another high school district or districts;

(c) transfer of territory shall be the detachment of territory from a high school district and the attachment of such territory to another high school district or districts; or

(d) creation of a new high school district shall be the formation of a new high school district from the territory presently incorporated in the requesting high school district.

(3) Whenever the trustees of any high school district request a boundary change or a redivision that would create a joint high school district or in any way affect the boundary of an existing joint high school district, they shall send the boundary change resolution to the county superintendent of each county that would be affected by such boundary change.

History: En. 75-6519 by Sec. 178, Ch. 5, L. 1971; R.C.M. 1947, 75-6519.

**20-6-305. Approval of high school district boundary when elementary district territory divided by commission.** If the order of a high school boundary commission would divide the territory of any elementary district between two or more high school districts or would divide the territory of a joint elementary district which is located within the county between high school districts, the county superintendent shall, under the provisions of 20-20-201, order the trustees of such elementary district to call an election. The election shall be called and conducted in the manner prescribed in this title for school elections. An elector who may vote on the proposition shall be qualified under the provisions of 20-20-301. If the election is required because of the division of the territory of a joint elementary district located in the county, the electors shall be residents of such territory. If a majority of the electors voting at such election approve the division of the elementary district or the county's territory in a joint elementary district, the order of the high school boundary commission shall be approved. If a majority of the electors voting at such election do not approve such division, the high school boundary commission shall reconsider its action and shall establish different high school boundary lines, subject to the same limitations herein described.

History: En. 75-6522 by Sec. 181, Ch. 5, L. 1971; R.C.M. 1947, 75-6522.

**20-6-306. Counterproposed high school district boundaries by electors and election.** (1) Whenever a high school boundary commission issues an order to change high school district boundary lines, 20% or more of the electors of any elementary district with territory affected by the high school boundary change who are qualified to vote under 20-20-301 may protest the boundaries established by the order of the commission within 30 days after the date of the order. The protest shall be in the form of a petition addressed to the county superintendent and shall provide a



counterproposition to the new high school boundaries established by the order of the commission for the disposition of the territory of the elementary district for high school districting purposes. The provisions of this section shall not be used in elementary districts that have approved high school boundaries under 20-6-305.

(2) When the county superintendent receives a valid petition from an elementary district, he shall, within 10 days after the receipt of the petition, order the trustees of the elementary district to call an election to consider the high school boundary counterproposition described in the petition. The trustees shall call and conduct the election in the manner prescribed in this title for school elections. An elector who may vote on the proposition shall be qualified to vote under 20-20-301. If a majority of the electors voting at the election approve the counterproposition, the high school boundaries described by the counterproposition shall be approved and the order of the high school boundary commission shall be amended to establish such high school boundaries. If a majority of the electors voting at the election disapprove the counterproposition, the order of the high school boundary commission shall be confirmed and shall be final.

History: En. 75-6523 by Sec. 182, Ch. 5, L. 1971; amd. Sec. 12, Ch. 266, L. 1977; R.C.M. 1947, 75-6523.

**20-6-310. Consolidation of high school districts by county commissioners.** The board of county commissioners of any county shall have the authority to consolidate any two or more high school districts of the county whenever it appears to them that it would be for the best interest of the pupils and other residents of the districts and the county. The board of county commissioners shall have complete responsibility and authority to determine all questions involved in effecting the consolidation of the high school districts, except that before it shall become effective any such boundary change shall be approved by the superintendent of public instruction.

History: En. 75-6527 by Sec. 186, Ch. 5, L. 1971; R.C.M. 1947, 75-6527.

DATE

March 11, 1983

COMMITTEE ON

Education &amp; Cultural Resources

HB 196, 746, 315, 239, 428

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Bill Lannan	Mont Univ System	746	✓	
DON KETTNER	DAWSON Cm College	746	✓	
W James Kembel	Dept of Admin	315	Information	
Josaphie ISAAC	State Auditor	239	✓	
Sue Lanson	School Dist #5 Kalispell	196		✓
Ellie Arnstine	" " " "	196		✓
Janet Phillips	" "	196		✓
Julie Adams	myself	196	✓	
Don Gateke	Flathead Valley Community College	746	✓	
Kathleen D. Stalker	Trustee Flathead Valley CC	746	✓	
Leonard Bondani	self			
Todd Fuller	Cascade FFA Chapter			
Scott Blackman	Cascade FFA Chapter			
Harold A. Gerhardt	Cascade High School			
Andrea D. Magnus	Community College Member Committee	746	✓	
Wade van Wyke	Board of Public Ed	196		
Richard Verise	MACSS	428		✓
James C. Meloy	Deputy Public Ed.	196	✓	
Pat Conroy	School Dist #9, Browning	428		✓ in part
Wayne Buchanan	MSBA	428		✓
Chip ERDMANN	MSBA	HB 315	✓	
Grant Gallup	Browning School Dist #9	HB 428		✓
Bryan Gallup	SELF	HB 428		✓
Janene Brown	Community College Research Comm Libby Area Chamber of Commerce	HB 746	✓	
JOHN KOCH	MOLES COMMUNITY COLLEGE	HB 746	✓	

DATE \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

13/11/83  
March 11, 1983

Senator Brown  
Chairman Senate Education Committee

Chairman Brown and distinguished members of the Senate Education Committee, I am Todd Fuller and this is Scott Blackman from the Cascade High School FFA Chapter. On behalf of Scott and myself I would like to thank you for this opportunity to talk with you. We would like to discuss our Supervised Occupational Experience Programs, more commonly called SOE, and their correlation with vocational agriculture and the FFA

My program involves me with the business aspect of agriculture. I own and manage a lawn and garden service in the town of Cascade. I began this project as a freshman with a \$1000.00 loan. I purchased the necessary equipment and supplies needed to get started. During that 1st year I maintained 6 lawns per week. Through the last four years I have increased my business and assets to its current level, which is maintaining 11 lawns and caring for the City of Cascade Parks, and Cemetery. I have paid off my original loan and now have an inventory worth over 2500.00. During these four years as a vo-ag student and member of the FFA, I have been able to take my learning in the classroom and apply them to my project. The skills and knowledge from Small engines, Vo-ag I & II and FFA judging contest have been very beneficial to my project. I used mechanics skills to maintain my equipment, record keeping to ensure good management, plant seed identification for lawn maintenance techniques, and drafting and surveying procedures to build my greenhouse. The FFA promotes the operation of SOE programs by offering incentives of cash and recognition awards for individuals who excel and establish well managed programs. These are two applications for such awards that Scott and I have applied for. My SOE program through Vocational Agriculture and the FFA have given me the vital knowledge and skills I will need in the future. I now have the experience to compete successfully in the real world job market.

Todd Fuller

Todd Fuller  
Vice-president  
Cascade FFA Chapter

3/11/83  
March 11, 1983

Senator Brown  
Chairman Senate Education Committee

Todd's SOE program was involved in the field of agribusiness. My project is in another aspect of agriculture known as production. As a freshman I started my program of sheep production by purchasing five bumb lambs. A few months later I received 20 purebred columbia ewe lambs as a gift from my grandfather. I improved my flock during the next 3 years by purchasing 2 registered rams and another registered ewe. My current inventory is over \$6000.00 and consists of 30 ewes, 6 rams, and 29 lambs.

I have been involved in many activities found in the sheep industry, including shearing, breeding, lambing and vaccinating techniques. I am also an active member of the Montana Columbia Sheep Breeders Association and the National Columbia Sheep Breeders Association.

The Vo-ag Classes and FFA activities I have been involved in have taught me many useful skills which I have used in my project. I have been able to apply range management, financial management, construction skills, plant identification and animal science knowledge to production of my project. By using my classroom learning I have been able to make my SOE project both educational and efficient.

My goals for the future are to go to college and receive a degree in Farm Management and Then I would like to return to my families ranch and continue in the area of sheep production.

Vocational Agriculture and the FFA have helped me to reach most of my short term goals and I know they will help me reach any long term goals, which I may strive for.

*Scott Blackman*

Scott Blackman  
1st Vice- President  
Cascade FFA Chapter

(This sheet be used by those testify g on a bill.)

NAME: Julio Adams DATE: 3/11/83

ADDRESS: P.O. Box 234 Cascade, MT.

PHONE: 468-2566

REPRESENTING WHOM? Julio Adams

APPEARING ON WHICH PROPOSAL: H.B. 196

DO YOU: SUPPORT? ✓ AMEND?        OPPOSE?       

COMMENT: Strongly support the passage.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Montana House of Representatives

STATE CAPITOL  
HELENA, MONTANA 59620  
PHONE (406) 449-4800

REPRESENTATIVE TED NEUMAN  
HOUSE DISTRICT 33  
VAUGHN, MONTANA 59847  
(406) 965-3325

COMMITTEES:  
TAXATION  
NATURAL RESOURCES  
LOCAL GOVERNMENT  
WATER  
ECONOMIC DEVELOPMENT

*Exhibit H-3  
3/11/83*

Mr. Chairman, Members of the committee, I am Julie Adams a student of Cascade High School representing myself.

We have many programs in our schools for the slow and average students but few to none for our gifted and talented ones.

I've always heard that it's a terrible thing to waste but I think it's a crime when you waste the largest natural resource we have, mind power.

On this note I'd like to urge you to pass H.B. 196  
Thank you.

*Julie Adams*

The Big Sky Country

3/11/83  
(This sheet be used by those testify g on a bill.)

NAME: HIDDE VAN DUYN DATE: 11 MAR 83

ADDRESS: 33 SO. LAST CHANCE CULCH.

PHONE: 449 2785

REPRESENTING WHOM? BOARD OF PUBLIC EDUC.

APPEARING ON WHICH PROPOSAL: HB 196

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT: ATTACHED

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.





# Board of Public Education

## BOARD MEMBERS

### EX OFFICIO MEMBERS:

Ted Schwinden, Governor

Ed Argenbright, Superintendent of  
Public Instruction

Irving E. Dayton, Commissioner  
of Higher Education

### APPOINTED MEMBERS:

Allen D. Gunderson, Chairman  
Billings

Jean Robocker, Vice Chairman  
Kalispell

James Graham  
Jsmay

George A. Johnson  
Great Falls

Harriett C. Meloy  
Helena

Arthur Schauer  
Libby

Thomas A. Thompson  
Browning

Hidde Van Duym  
Executive Secretary

## TESTIMONY FOR THE HOUSE EDUCATION COMMITTEE

### SUPPORTING HB 196

I am Hidde Van Duym, Executive Secretary to the Board of Public Education.

For several years the Board has been concerned about the need for a statewide policy for gifted and talented children. There is none in existence now.

At the last Board meeting, a mother and father presented materials to the Board which demonstrated that their child was exceptionally gifted, that the public school system was not meeting the child's needs, and that there was justification for special education which they were willing to finance themselves by starting a private school for gifted children. Because the parents were able and willing to meet their children's needs, the issue of the Board's responsibilities in this area was not raised, but under other circumstances it could have been. It was clear that the Board needs a policy for the gifted and talented just as much as it needs it, and has, for the handicapped.

The absence of such a policy is of concern because the Constitution specifically states that "it is the goal... to establish a system of education which will develop the full educational potential of each person." Since the Board has the constitutional responsibility to exercise general supervision over the public school system it is responsible for the educational entitlements of the gifted and talented. The Legislature needs to give the Board the authority to fulfill its constitutional responsibility.

HB 196 provides that authority to the Board. Its text uses the same wording as is found in the statute for the handicapped. No change is intended in the present execution of the gifted and talented programs in the Office of Public Instruction.

There will be no fiscal impact because the bill explicitly leaves the funding of the programs in the hands of the legislature. I call your attention to MCA 20-7-903(2) "must be funded by money appropriated to the Superintendent for that purpose."

I urge you to provide the Board with the needed authority in this area.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL  
HELENA, MONTANA 59620  
(406) 449-3095

Ed Argenbright  
Superintendent

March 11, 1983

To: Bob Brown, Chairman  
Members of the Committee  
Senate Education Committee

From: The Office of Public Instruction

Re: HB 196--Gifted and Talented

The Office of Public Instruction does not support the layering of an additional administrative process relating to the disbursement of small grant awards to local school districts to serve gifted and talented students.

We do, however, appreciate the House accepting our recommendations for the following amendments to the original bill:

1. Section 1, 20-2-121, Adopting Policies instead of rules;
2. Section 4, 20-7-904, Effective Date: July 1, 1984.

If this bill is deemed necessary by the Senate Education Committee, the Office of Public Instruction will work together with the Board of Public Education to produce results which will nurture an already existing open line of communication for the structuring of gifted and talented programs in Montana.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL  
HELENA, MONTANA 59620  
(406) 449-3095

Ed Argenbright  
Superintendent

March 11, 1983

To: Bob Brown, Chairman  
Members of the Committee  
Senate Education Committee

From: The Office of Public Instruction

Re: Gifted and Talented Criteria and Procedures Committee

The 1981 Legislature appropriated funds for the development of gifted and talented programs in Montana. A total of \$200,000 was allocated for the biennium to assist school districts in strengthening the quality of elementary and secondary education through support of locally initiated proposals and activities designed to improve educational practices for gifted and talented students.

The criteria and procedures for the gifted and talented grants were developed by two working committees set up by Superintendent Argenbright. The first committee drew up the initial framework and submitted their recommendations to a second working committee for review before submitting the final draft to Superintendent Argenbright. The initial working committee comprised the following persons:

Don Gundlach, Administrator, Miles City  
Gail Hanninen, Project Director, Gifted/Talented, Kalispell  
Nancy Lukenbill, Specialist, Gifted/Talented Program,  
Office of Public Instruction  
Karen Sexton, Teacher, Project Promise, Helena  
Paul Stebbins, Director, Leep Project, Libby  
Karen Takach, Parent, Monforton School District

The final review committee included the following:

Senator Bob Brown, Whitefish  
Jan Monforton, Parent, Kalispell  
Sue Dolezal, Secondary Teacher, Stevensville  
Jean Hagan, School Administrator, Red Lodge  
Jean Dayton, Office of Commissioner of Higher Education,  
Helena  
Dr. Ben Surwill, Dean of Ed., Eastern Montana College  
Anita Johnson, School Board Association, Lewistown  
Andrea Bartelt, Director, PACE, Great Falls

After final review from the committee, the criteria and procedures were approved and submitted to Superintendent Argenbright for final consideration.

## HOUSE BILL NO. 196

INTRODUCED BY PECK, DARKO, HARP, J. BROWN

BY REQUEST OF THE BOARD OF PUBLIC EDUCATION

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF PUBLIC EDUCATION TO ADOPT POLICIES FOR PROGRAMS TO SERVE GIFTED AND TALENTED CHILDREN; AMENDING SECTIONS 20-2-121, 20-7-903, AND 20-7-904, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education -- powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification, specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of 20-1-302;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of 20-1-303 and 20-1-304;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(9) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

(10) adopt rules POLICIES for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904; and

to perform any other duty prescribed from time to

1 time by this title or any other act of the legislature."

2 Section 2. Section 20-7-903, MCA, is amended to read:

3 "20-7-903. Funding---of---programs Programs to serve

4 gifted and talented children ---compliance-with-board-policy

5 ---funding. (1) The---superintendent--of--public--instruction

6 shall--adopt--criteria--for--gifted--and--talented--children's

7 program--proposals--and--the--procedures--for--submission--of---such

8 proposals Ibe--conduct--of---programs--to--serve--gifted--and

9 talented--children--must--comply--with--the--policies--recommended

10 by--the--superintendent--of--public--instruction--and--adopted--by

11 the--board--of--public--education.

12 (2) Proposals approved by the superintendent of public

13 instruction in accordance with policies of the board of

14 public education must be funded by money appropriated to the

15 superintendent for that purpose.

16 (3) A school district shall match funds provided by

17 the superintendent for a gifted and talented children's

18 program with equal funds from other sources. "In kind"

19 contributions may not be used to constitute such a match.

20 Funds must be administered by the school district as

21 provided in 20-9-507.

22 (4) The superintendent of public instruction may

23 deduct reasonable costs of administration from the funds

24 appropriated for the purposes of this part."

25 Section 3. Section 20-7-904, MCA, is amended to read:

1 "20-7-904. Review and recommendations of proposals.

2 (1) Program Ibe--policies--of--the--board--of--public--education

3 must--assure--that--program proposals submitted by school

4 districts to the superintendent of public instruction shall

5 contain:

6 (a) evidence that identification procedures are

7 comprehensive and appropriate;

8 (b) a program description including stated needs and

9 measurable objectives designed to meet those needs;

10 (c) evidence that the activities are appropriate and

11 will serve to achieve the program objectives; and

12 (d) a method to evaluate the effectiveness of the

13 program.

14 (2) School districts may request assistance from the

15 staff of the superintendent in formulating program

16 proposals.

17 (3) The superintendent of public instruction must

18 establish--a--procedure--for--proposed--review--and--approval--shall

19 supervise--and--coordinate--the--programs--for--gifted--and

20 talented--children--by:

21 (a) recommending to the board of public education the

22 adoption--of--those--policies--necessary--to--establish--a--planned

23 and--coordinated--program; and

24 (b) establishing a procedure for review and approval

25 of program proposals."

HB 0196/02

1 SECTION 4. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY

2 1, 1984

-End-

HB 196

-5-

3/11/81 (This sheet be used by those testify g on a bill.)

NAME: Sue Hanson DATE: 3/11

ADDRESS: 1135 Whitefish Stage Kalispell, MT

PHONE: 257-2082

REPRESENTING WHOM? School Dist. #5

APPEARING ON WHICH PROPOSAL: HB 196

DO YOU: SUPPORT?        AMEND?        OPPOSE? X

COMMENT: Would like to see left in OPI  
because of services we have received

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3/11/83

OPI GIFTED/TALENTED SERVICES UTILIZED BY KALISPELL SCHOOL DISTRICT #5 AND SURROUNDING  
AREAS

I. Program Grants

- A. Involved program leaders throughout the state in developing grant processes and procedures.
- B. Offered grant writing workshops in Kalispell & throughout the state to assist in the grant writing process.
- C. Grants awarded in our area:

1981-82 - Kalispell - "Serve & Inspire the Gifted Handicapped Today" - \$4461.99  
Cayuse Prairie - \$4461.00  
Swan River

1982-83 - Kalispell - "A G/T Program Connection" - \$5000.00  
Cayuse Prairie - \$4860.00  
Swan River  
Helena Flats - 2500.00  
Libby - 5000.00  
Plains - 940.00 - Science Grant  
St. Ignatius - 1010.00 - Science Grant

II. Information Clearinghouse

- A. Developed catalogue of gifted programs/models in Montana.
- B. Developed catalogue of in-state speakers in gifted by subject area.
- C. Included articles/bulletins pertinent to gifted in Montana Schools and OPI Report
- D. Identified and disseminated gifted and talented inservice, conference & workshop information.
- E. Identified & disseminated information regarding special programs & opportunities for gifted children (i.e. Expanding Horizons Program, etc.)
- F. Developed a videotape which described three program models in Montana. OPI staff have not advocated one model over another. These decisions have been made locally by each district.

III. Assisted with specific inservice training opportunities.

Made available workshops in: Creative Problem Solving  
Olympics of the Mind  
Convocation

IV. Direct assistance to AGATE

- A. Shared responsibility for bringing nationally recognized leaders in gifted education to participate as speakers in the yearly AGATE Statewide Conference.
- B. Played an active role in assisting AGATE members to coordinate statewide resource and information.



(This sheet be used by those testify g on a bill.)

NAME: Patricia Ormiston DATE: 3/11

ADDRESS: Box 64 Kalispell

PHONE: 755-7569

REPRESENTING WHOM? School Dist. No. 5

APPEARING ON WHICH PROPOSAL: H B 196

DO YOU: SUPPORT?            AMEND?            OPPOSE? X

COMMENT: I feel at this time our local  
level has the greater expertise to serve  
our G/T program.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Bill #7  
5/11/53

Amend HB 746 as follows:

Page 3, line 8  
after: "governing body"  
insert: ", the board of regents"

Lannan  
amend

EX-100  
3/11/83

(This sheet ( ) be used by those testifying on a bill.)

NAME: Sandra Wagner DATE: 3/11/83

ADDRESS: P.O. Box 153, Libby, Mt.

PHONE: 293-5010

REPRESENTING WHOM? Chamber of Commerce Community College Research Committee

APPEARING ON WHICH PROPOSAL: HB 746

DO YOU: SUPPORT? ✓ AMEND?        OPPOSE?       

COMMENT: We strongly support passage of HB 746 to better educate the people of Montana particularly those who reside in the rural areas.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3/11/83  
Sandy Wagner  
Exhibit #8  
3/11/83

COMMUNITY COLLEGE RESEARCH COMMITTEE

KNOWING THAT AMERICA'S TOMORROW IS BASED ON THE  
EDUCATION OF HER PEOPLE TODAY, THE CHAMBER OF  
COMMERCE COMMUNITY COLLEGE RESEARCH COMMITTEE  
WAS FORMED.

A. COMMITTEE MEMBERS:

1. HARLEY PAULSEN - SCHOOL DISTRICT #4
2. JANENE BROWN - FIRST NATIONAL BANK - V.P.
3. SANDY MATHENY - INFORMATION OFFICER - USDA
4. GALEN HALL - USDA; INSTRUMENTAL IN LAYING  
GROUND WORK FOR KOOTENAI - SALISH COMMUNITY  
COLLEGE
5. DAN MILLER - ST. REGIS PERSONNEL MANAGER  
(REPLACED KEN STAHL)
6. SANDY WAGNER - COMMERCIAL UNDERWRITER  
OFFICE MANAGER GLACIER INSURANCE COMPANY  
1ST INSIGHT IN "FUTURING"

B. OUR PURPOSE WAS AND IS THREE-FOLD:

1. DETERMINE SOUTH LINCOLN COUNTY'S NEED  
FOR A POST-SECONDARY EDUCATIONAL FACILITY
2. POSSIBLE RESOURCES FOR SECURING A FACILITY  
(FVCC).
3. DETERMINING THE LEGALITICS INVOLVED IN ITS  
ESTABLISHMENT.

C. NEED

1. SUPERVISORY MANAGEMENT PROGRAM
2. OTHER COLLEGE CREDIT COURSES WITHIN  
COMMUNITY ED.
3. LIBBY COMMUNITY NEEDS SURVEY (OCTOBER 1981)
4. OUR SCHOOL AND COMMUNITY SURVEY IN TROY,  
EUREKA, LIBBY  
(BUSINESS, VOCATION - WELDING)

D. FACILITY SELECTION - SECURING RESOURCES

1. PREVIOUS COOPERATION WITH FVCC
2. MORE CONVENIENT AREA AND COST EFFECTIVE  
BECAUSE OF ITS CLOSE PROXIMITY.

D. 4. ELIMINATED "INTER-STATE" LEGALITIES (MT.VS. ID.)

E. LEGALITIES (COMMUNITY COLLEGE SERVICE REGION)

1. MUST BE DEFINED
2. AFTER DEFINED OUTLINE PROCEDURE FOR ACTUAL  
ESTABLISHMENT.
3. NOW IN HANDS OF SCHOOL ADMINISTRATORS,  
COUNTY COMMISSIONERS FOR INTERPRETATION  
AND RECOMMENDATIONS.
4. THIS IS NOT ITS FINAL LEGISLATIVE DRAFT.  
  
ASK       ?               ?
5. WE WANT TO INPUT.

POINTS TO REMEMBER

1. NOT ASKING FOR \$
2. ONLY WANT TO PUT OUR TAX \$ TO BETTER USE
3. OPEN "COLLEGE" DOORS TO "ALL" WHO SEEK ITS  
TREASURES
4. HELP COLLEGIATE SYSTEM WITH SOME OF ITS  
PERTINENT PROBLEM -  
  
ENTRANCE REQUIREMENTS, CURRICULUM,  
  
LACK OF \$.

HUMANITY's PROGRESSIVENESS WILL BE THE PRODUCT OF HER  
EDUCATION.

Exhibit 119  
3/11/83

Kittner

FROM: "Technical Report on Adult & Continuing Education" MONTANA COMMISSION ON POSTSECONDARY EDUCATION May, 1974

### RECOMMENDATIONS

1. We in Montana should change our priorities toward the education of all citizens, at all stages of life.
2. All post-secondary institutions in the state have an important role to play - and should play it to the fullest extent - in satisfying the needs for adult and continuing education.
3. Post-secondary institutions should cooperate with one another and with governmental agencies, business, industry, private agencies and professional associations and groups to develop programs and delivery systems to meet adult and continuing education needs.
4. Greater financial resources should be devoted to serving the educational needs of adults.
5. With special implications for the rural areas, delivery systems should be adopted to take adult and continuing education to the citizens, whose commitments do not always permit them to travel to where the educational opportunities are ordinarily available.
6. Non-traditional modes of education, such as the previously-mentioned educational television, should be adopted to serve adult learners who do not fit the traditional image of the college student.

RECEIVED  
STATE AUDITORS  
OFFICE

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE  
P.O. BOX 2417

Washington, D.C. 20013

JUN 2 2 32 PM '79  
HELENA, MONT.

5540

JUN 13 1979



Treasurer, State of Montana  
Helena, Montana 59601

Dear Sir:

I am pleased to announce that we are now able to make an interim payment of funds due you from the National Forest Receipts. The interim payment will be made October 1 and will consist of 75 percent of the estimate that we published earlier this year. This means that you will now receive a majority of the funds 2 months earlier than before.

This interim payment will be calculated only on the estimated amount due the State. We will not be able to calculate the amount due the counties in time for the October 1 payment. However, you will have the options of (1) distributing the funds to the counties based on our earlier projections; (2) holding the funds in an interest bearing account for later distribution; or (3) using another procedure you may prescribe.

The balance of the payments will be made in early December and will include the county calculations.

Since this is an estimated procedure, there will be some small risk of overpayment. If there is an overpayment, you will have to refund the overpayment in December.

Payments made to the counties based on receipts from the use of National Grasslands will not be affected by the new policy. The counties' share of these funds will continue to be made on or about March 1 of each year.

For your information, enclosed is a summary of the procedure we will now follow in processing the 25 percent payment of monies due the States and counties from National Forest receipts.

Sincerely,

JOHN R. McGUIRE  
Chief

Enclosure

*John R. McGuire*  
Titles 17.3-211, 17.3-212 MCA.  
Forest Revenue Shared Rev.



Procedure for Administering the 25 Percent  
Payment of Monies Received from National Forest to  
the States, 16 U.S.C. 500, as Amended

January -

Publish and distribute to the State Treasurers, the estimated payment to be made in the next fiscal year based on estimated receipts for the current fiscal year ending September 30. The distribution will be made in late January or early February.

October -

Pay to the State Treasurers, 75 percent of the estimate published in January or February. This estimate may be adjusted if the estimated receipts for a particular National Forest will vary more than 25 percent from the original estimate. The individual State affected will be notified of the revision. The interim payment will be made on October 1.

December -

Make final payment early in December to State Treasurers based on actual receipts and acreages for each National Forest.

RECEIVED  
STATE AUDITORS  
OFFICE  
JUL 2 2 32 PM '79  
HELENA, MONT.

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

FEDERAL BUILDING  
P.O. BOX 7669  
MISSOULA, MONTANA 59807

6540  
December 31, 1980



E.V. "Sonny" Omholt  
State Auditor  
Room 270, Sam W. Mitchell Bldg.  
Helena, MT 59601

Subject: 25 percent Payment to States -  
National Forest Fund

Dear Mr. Omholt,

During a recent telephone discussion between Josephie Isaak and John Baker of our office, it was agreed that we would provide additional input regarding federal requirements associated with the interim payment procedure.

The payment procedures for the subject payment for fiscal year 1979 and thereafter were changed to provide for an interim payment on or about October 1 and a final payment on or about December 1. This change, providing for an interim payment, was administratively authorized by the Secretary of Agriculture to assist in speeding up cash flow to the states. The interim payment is 75 percent of the calculated payment based on estimated receipts. The final payment is the net amount due to accomplish full payment based on actual receipts.

Distribution of the interim payment below the state level is not necessary for conformance to federal requirements. These requirements are associated with the final payment and related distribution basis.

If there is a need for clarification or further information please feel free to contact either John Baker or myself.

Sincerely,

GEORGE M. FLEMING  
Director  
Fiscal Management

RECEIVED  
STATE AUDITORS  
OFFICE  
JAN 5 10 19 AM '81  
HELENA, MONT.

		Overpaid Oct 79 from in Dec 79	Overpaid Oct 80 from Dec Dec 80	Wendell Overpaid Oct 81 from Dec 80	Wendell Overpaid Oct 82 from Dec 81
1	Beaverhead				
2	Broadwater				
3	Carbon				
4	Carter				
5	Cascade			118752	
6	Chouteau			27135	
7	Deer Lodge				
8	Fergus			57173	
9	Flathead				
10	Gallatin		2492502		
11	Glacier			5537	
12	Golden Valley			16484	
13	Granite			1921355	
14	Jefferson	352464		2644254	
15	Judith Basin			189681	
16	Lake				
17	Lewis & Clark				
18	Lincoln				
19	Madison				
20	Meagher				
21	Mineral		1313644		584477
22	Missoula				
23	Park		3062857		
24	Pondera			75170	
25	Powder River				
26	Powell				
27	Ravalli				4388738
28	Rosebud				
29	Sanders		3429459		3734675
30	Silver Bow	111438		990524	
31	Stillwater				
32	Sweet Grass		617750		
33	Teton			249921	
34	Wheatland			100298	
35					
36	Totals	453902		6396284	
37			109,162.12		8707890
38					
39					
40					

Industries

(2)

(5)

(12)

(3)

Prior years records on the distribution of Forest Reserve Funds show that the distributions were made in September of the calendar years 1970 through 1975. In 1976 the new Federal fiscal year was established and the fiscal year distribution was in September 1976 with a supplemental distribution for the three months transitional period in December 1976. Distributions were the latter part of December in 1977 and 1978. In 1979, the United States Department of Agriculture, Forest Service, made an interim payment to the State of Montana. Distribution of the interim payment was made in October 1979. Receipt of the final payment in December 1979 and the actual calculation of the distribution due each county showed that two counties had been overpaid. The distribution of the 1980 interim payment was made in October and the final receipt and calculation in December 1980 revealed that five counties had been overpaid.

The United States Department of Agriculture, Forest Service, sends the 25% PAYMENT TO STATES to the state of Montana in two separate payments. A listing of an estimated amount to be paid each county is submitted with the first payment and a new listing based on actual earnings for each county is furnished with the final payment.

The fiscal year 1980 original estimated amount to be paid to county treasurers and the listing of actual earnings for each county differed from \$72,839.56 over estimated to \$560,494.97 under estimated. Therefore, overpayments to counties can result from such estimating and must be balanced with underpayments to other counties.

There is no historic consistency in the actual amount of payments to each county treasurer in the past five (5) years in relation to the total payments to the state of Montana.

## I N F O R M A T I O N

Due to the amount of overpayment in October 1981, letters were sent to the five (5) counties on January 15, 1981.

Sanders returned their overpayment of \$ 34,294.59 on February 6, 1981.

Gallatin returned their overpayment of \$ 24,925.02 on February 5, 1981.

Sweet Grass returned their overpayment of \$ 6,177.50 on February 10, 1981.

A follow up letter was sent to the two (2) remaining counties on August 14, 1981.

Mineral returned their overpayment of \$ 13,136.44 on September 22, 1981.

Park County telephoned the State Auditor's Office and stated that they did not have any money and could not return the \$ 30,628.57.

The interim payments are an estimated procedure. If the United States Department of Agriculture, Forest Service does overpay the State of Montana on an interim payment and the payment is distributed, it is reasonable that a number of counties will be overpaid. There is no provision to demand return of the money from the counties and no other resources are available to use for distribution or to return to the United States Department of Agriculture, Forest Service.

Surplus or idle cash in the state treasury is invested with the interest going to the state's General Fund. Large deposits such as the Forest Reserve Funds are invested within one (1) business day after being received by the state treasury division.

Distribution payments to counties, as a rule, are processed and mailed within four (4) working days after the treasury division notifies the State Auditor that the Forest Reserve money has been received.

Underpaid counties are understandable unhappy and have requested full payment.



# STATE OF MONTANA

OFFICE OF  
E. V. "SONNY" OMHOLT

STATE AUDITOR  
COMMISSIONER OF INSURANCE  
SECURITIES COMMISSIONER  
CENTRAL PAYROLL SYSTEM

HELENA, MONTANA 59601

January 1983

Distribution of the interim payments were made in  
October 1979 resulting in two counties being overpaid  
and October 1980 resulting in five counties being  
overpaid.

~~Had the interim payments been distributed in  
October 1981 twelve counties would have been overpaid  
and October 1982 three counties would have been overpaid.~~

No other resources are available to use in the distribution,  
therefore, any overpayment means that others must be underpaid.

The legislative auditor has recommended that this office  
request a change to MCA 17-3-211.

HOUSE BILL 315

House Bill 315, which we have before us this afternoon, has been corrected by the Committee on Education and Cultural Resources to build in safeguards. I believe that it basically does what it originally intended in most localities. The present law requires any alternation in a building housing school children to have plans and specifications submitted to the State Department of Administration. There are many small jobs which should not require the expense and delay which this entails. The School Board Association realizes that this law has to be changed to permit minor alterations that do not effect the structure from a safety standpoint. In actual practice, what has been occurring in a great many cases is that some work has been done without any approval, in order to avoid the delay and expense on small jobs. There is a certain exposure to that. Under this law, in those areas that have a city or county building code that conforms with the state building code, such review and inspection will place them in compliance. In areas where there are no local codes they must still send the building plans to the state Building and Code Enforcement jurisdiction. I believe this will save money for those districts that have local building codes, will expedite those jobs and will place the school board members in a better legal position.

NORM WALLIN, Representative

dh

NAME: Chip Eromann DATE: 3/11/85

ADDRESS: Helena

PHONE: 442-2180

REPRESENTING WHOM? MSBA

APPEARING ON WHICH PROPOSAL: HB 315

DO YOU: SUPPORT? X AMEND?        OPPOSE?       

COMMENT: This bill would localize the school  
bullding inspection in areas that have  
adopted building codes. It would  
not create any gaps in the inspection  
process, but would avoid  
duplication.

It also limits the scope of the  
statute to buildings that students  
are housed in.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



WITNESS STATEMENT

Name W. JAMES KEMBEL Committee On Education  
Address Building Codes Division Date March 11, 1981  
Department of Administration  
Representing Dept. of Admin. Support /  
Bill No. HB 315 Oppose /  
Amend /

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The Department has no objection to the bill as currently amended and will be available to answer any questions you might have.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

# STANDING COMMITTEE REPORT

March 11, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **315**

**Wallin (Severson)**

Respectfully report as follows: That **HOUSE** Bill No. **315**

**BE CONCURRED IN**  
**XXXX**

(This sheet ( be used by those testify g on a bill.)

NAME: Pat Conroy DATE: 3-11-83

ADDRESS: Box 610, Browning

PHONE: 338-2215

REPRESENTING WHOM? School Dist #9

APPEARING ON WHICH PROPOSAL: H.B. 428

DO YOU: SUPPORT?        AMEND? ✓ OPPOSE?       

COMMENT: Local control concerning transfer of  
territory

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet    be used by those testify g on a bill.)

NAME: Richard Trevisi DATE: 3-11

ADDRESS: Helen

PHONE: \_\_\_\_\_

REPRESENTING WHOM? MACSS

APPEARING ON WHICH PROPOSAL: NB 428

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? ✓

COMMENT: Local Control

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# STANDING COMMITTEE REPORT

March 11, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **239**

**Hemstad (Elliott)**

Respectfully report as follows: That **HOUSE** Bill No. **239**

BE NOT CONCURRED IN

~~XXXXXX~~

J.C.

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 3/11/83 House Bill No. 239 Time \_\_\_\_\_

NAME	YES	NO
_____		
_____		
Senator Bob Brown, Chairman	X	
Senator Ed Smith, Vice Chairman		
Senator Roger Elliott	X	
Senator Delwyn Gage		
Senator George McCallum		
Senator Elmer Severson	X	
Senator Harry Berg	X	
Senator Chet Blaylock		X
Senator Jack Haffey	X	
Senator Joseph Mazurek	X	
_____		
_____		

Jill Rohyans  
Secretary JILL ROHYANS

Bob Brown  
Chairman SENATOR BOB BROWN

Motion: clerk Senator Elliott that House  
Bill 239 Be Not Concurred In

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