

MINUTES OF THE MEETING  
EDUCATION & CULTURAL RESOURCES COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

January 11, 1985

The meeting of the House Education & Cultural Resources Committee was called to order by Chairman Harrington at 3:00 p.m. on January 11, 1985 in Room 312-3 of the State Capitol building.

ROLL CALL: All members of the committee were present.

HOUSE BILL NO. 80: Hearing commenced on House Bill No. 80 with Irv Dayton from the University System speaking in behalf of its sponsor, Steve Waldron, District #58. The Committee was informed that this bill was introduced as the auditor found statues in non-compliance which relates to higher education. (See Exhibit #1) Section 2 and Section 4 deletes specific meeting dates and places and the required meetings which were held quarterly. Section 7 and Section 8 deletes a non-functioning Advisory Council and repeals statues on endowed professorships.

Chairman Harrington called for proponents of the bill. Harriett Meloy from the Board of Public Education spoke in favor of the bill.

There being no additional proponents or opponents, the floor was opened to discussion. Representative Eudaily asked why the quarterly dates were set for meetings of the Board of Regents, Board of Public Education, and State Board of Education. This question was answered by John Worthy stating that the dates coincided with the disbursement of funds--a system which is presently out of date.

Representative John Mercer voiced a concern of striking the section requiring the adoption of a seal to be used on all diplomas and documents. A duplicating section is less specific as to the imprint on the seal.

There being no further concerns or questions, the hearing on House Bill No. 80 was closed.

HOUSE BILL NO. 10: Hearing commenced on House Bill No. 10, sponsored by Representative Ralph Eudaily, District #60, who submitted the proposal at the request of the Code Commissioner. This is a bill procedural in nature, updating certain codes. Greg Petesch with the Legislative Council spoke on the conflicting amendments enacted and the need for Ch. 540 to be removed.

A call for proponents of this bill brought forward Bill Anderson from the Office of Public Instruction with his thanks and support for the bill.

There being no opponents, the floor was opened for discussion. Representative Peck recalled correspondence sent to the Office

of Public Instruction regarding this bill and the lack of communication received from them. Mr. Anderson apologized for this lack of communication and reiterated his support. Representative Hannah questioned the act of deleting the authority of the superintendent of public instruction to impose tax levies. Greg Petesch responded that the proposes bring up to date the current budgetary practices.

There being no further discussion on House Bill No. 10, hearing on this bill was closed.

ACTION ON HOUSE BILL NO. 11: It was moved by Ray Brandewie, seconded by Joe Hammond that House Bill No. 11, Do Pass. Representative Tom Hannah moved to adopt an amendment to this bill as follows:

1. Page 2, line 13.  
Following: line 12  
Insert: "(4) The provisions of subsection (2) do not affect a tenure teacher who is employed in an administrative position on or before the effective date of this act."

Discussion ensued regarding the act of receiving tenure as an administrator which was clarified by the committee researcher relaying that there isn't tenure on an administrative level, only as a teacher, according to Sec. 20-1-101.

Representatives Mercer and Brandewie voiced opposition to the amendment. Chairman Harrington called for a voice vote on the motion for adoption of the proposed amendment and the motion failed for lack of majority vote.

A roll call vote on the motion that House Bill No. 11 DO PASS showed 16 for, 2 against. The motion passed.

HOUSE BILL NO. 100: Representative Melvin Williams moved that House Bill No. 100 DO PASS with an amendment as follows:

1. Title, line 5.  
Following: "OF"  
Strike: "AN"  
Insert: "ANY FIRST-CLASS OR SECOND-CLASS"
2. Page 1, line 12.  
Following: "of"  
Strike: "an"  
Insert "any first-class or second-class"  
Following: "district"  
Insert: "as defined in 20-6-201"
3. Page 1, line 25.  
Following: line 24  
Insert: "(2) The trustees of any third-class

elementary district may establish a  
five-year-old schooling program as  
provided in subsection (1)."

Renumber: subsequent subsection

Discussion of the amendment ensued clarifying that it proposes mandatory kindergarten for any first-class or second-class elementary district. Representatives Brandewie voiced opposition to the bill and the amendment, while Representative Eudaily concurred with opposition to the bill. Chairman Harrington and Representative Peck reiterated that at times school districts use the kindergarten programs to get mill levies passed; i.e. threatening to drop the programs due to lack of funding. There was considerable opinion that programs should be optional according to district need.


A voice vote on the amendment was undeciding and a roll call vote was called for. The roll call vote showed 11 for, 7 opposed. The amendment passed as presented.

ACTION ON HOUSE BILL NO. 100: A motion was on the floor by Representative Williams to pass House Bill No. 100. The roll call vote showed a vote of 9 for and 9 against. The bill moved from the committee with NO RECOMMENDATIONS.

ACTION ON HOUSE BILL NO. 10: There was a motion of DO PASS made by Representative Brandewie, with a second by Representative Hammond. A voice vote indicated all in favor with the exception of one dissenting vote cast by Representative Hannah. The motion passed.

Executive Action on House Bill 80 will be held January 14th.

ADJOURN: There being no further business, the meeting adjourned at 4:15 p.m.

  
DAN HARRINGTON, CHAIRMAN

DH:crf

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-11-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		X (late)
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	✓	X (late)	
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓	X (late)	
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

# STANDING COMMITTEE REPORT

JANUARY 11

19 85

MR. SPEAKER

We, your committee on EDUCATION & CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 100

FIRST reading copy ( WHITE )  
color

**MANDATE KINDERGARTENS IN ALL ELEMENTARY SCHOOL DISTRICTS**

Respectfully report as follows: That HOUSE Bill No. 100

WITHOUT RECOMMENDATION

DO PASS  
XXXXXX

# STANDING COMMITTEE REPORT

JANUARY 11 19 35

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FIRST reading copy ( WHITE )  
color

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WITHOUT RECOMMENDATION

DO PASS

# STANDING COMMITTEE REPORT

JANUARY 11 19 35

PAGE 1 of 2

MR. SPEAKER

We, your committee on EDUCATION & CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 100

FIRST reading copy ( WHITE )  
color

## MANDATE KINDERGARTENS IN ALL ELEMENTARY SCHOOL DISTRICTS

Respectfully report as follows: That HOUSE Bill No. 100

### BE AMENDED AS FOLLOWS:

1. Title, line 5.  
Following: "OF"  
Strike: "AN"  
Insert: "ANY FIRST-CLASS OR SECOND-CLASS"
2. Page 1, line 12.  
Following: "of"  
Strike: "an"  
Insert: "any first-class or second-class"  
Following: "district"  
Insert: "as defined in 20-6-201"
3. Page 1, line 25.  
Following: line 24  
Insert: "(2) The trustees of any third-class

~~DO PASS~~

JANUARY 11

19 85

elementary district may establish a  
five-year-old schooling program as  
provided in subsection (1)."

Renumber: subsequent subsection

WITHOUT RECOMMENDATION



# ROLL CALL VOTE

HOUSE COMMITTEE EDUCATION

DATE 1-11-85 H.B. Bill No. 100 Time

NAME	YES	NO
Dan Harrington		
Ralph Eudaily		✓
Ray Brandewie		✓
William Glaser		✓
Joe Hammond	✓	
Tom Hannah		✓
Raymond Harbin	✓	
Roland Kennerly	✓	
Les Kitselman	✓	
John Mercer		✓
John Montayne		✓
Richard Nelson		✓
Jerry Nisbet	✓	
Ray Peck	✓	
Jack Sands		✓
Ted Schye	✓	
Fred Thomas		✓
Mel Williams	✓	
DAN HARRINGTON	✓	

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: Williams moved bill as amended, passed to floor  
with no recommendation

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\_\_\_\_\_

\_\_\_\_\_

# ROLL CALL VOTE

HOUSE COMMITTEE

EDUCATION

AMENDMENT TO

DATE 1-11-85

H.R. Bill No. 100

Time \_\_\_\_\_

NAME	YES	NO
Dan Harrington	✓	
Ralph Eudaily		✓
Ray Brandewie		✓
William Glaser	✓	
Joe Hammond	✓	
Tom Hannah		✓
Raymond Harbin	✓	
Roland Kennerly	✓	
Les Kitselman		✓
John Mercer	✓	
John Montayne		✓
Richard Nelson		✓
Jerry Nisbet	✓	
Ray Peck	✓	
Jack Sands	✓	
Ted Schye	✓	
Fred Thomas		✓
Mel Williams	✓	

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion:

Roll call motion for amendment

# STANDING COMMITTEE REPORT

JANUARY 11

19 85

MR. SPEAKER

We, your committee on EDUCATION & CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 10

FIRST reading copy ( WHITE )  
color

**GENERAL REVISION OF LAWS RELATING TO EDUCATION AND MINORS**

Respectfully report as follows: That HOUSE Bill No. 10

DO PASS

# STANDING COMMITTEE REPORT

JANUARY 31 19 85

MR. SPEAKER

We, your committee on EDUCATION & CULTURAL RESOURCES

having had under consideration HOUSE BILL Bill No. 11

FIRST reading copy ( WHITE )  
color

**ALLOW REASSIGNMENT OF TENURED SCH. ADMINISTRATOR WITH REDUCTION IN  
SALARY**

Respectfully report as follows: That HOUSE Bill No. 11

DO PASS

# ROLL CALL VOTE

HOUSE COMMITTEE EDUCATION

DATE 1-11-85 HB Bill No. 11 Time 3:35

NAME	YES	NO
Dan Harrington	✓	
Ralph Eudaily	✓	
Ray Brandewie	✓	
William Glaser	✓	
Joe Hammond	✓	
Tom Hannah		✓
Raymond Harbin	✓	
Roland Kennerly	✓	
Les Kitselman	✓	
John Mercer	✓	
John Montayne		✓
Richard Nelson	✓	
Jerry Nisbet	✓	
Ray Peck	✓	
Jack Sands	✓	
Ted Schye	✓	
Fred Thomas	✓	
Mel Williams	✓	

Secretary \_\_\_\_\_

Chairman \_\_\_\_\_

Motion: H.B. 11 DO PASS Brandewie moved, Hammond  
Second, Hannah moved & second

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOUSE BILL 80

"An Act to Generally Clarify Certain Laws Relating to Higher Education and the Board of Public Education . . . . ."

Explanatory Statement

This bill makes minor amendments to a number of sections of the statutes relating to higher education and the Board of Public Education. Most of the problems were identified in reports from the Legislative Auditor, although a few additional ones were found when the statutes were reviewed during preparation of this bill.

Section 1: The Commission on Federal Higher Education Programs (the so-called 1202 Commission) was set up by the state to oversee certain federally-funded programs. These programs have not been funded in the last few years, so the Commission has been inactive. The proposed amendment would make this section permissive, so that the Commission would be appointed and become active only if the federal programs were funded. The alternative would be to repeal this section, but then if federal funding became available it would be necessary to wait until the next legislative session to reinstate the Commission.

Section 2 and Section 4: These sections delete the requirement of specific meeting dates and places for the Board of Regents, Board of Public Education, and State Board of Education. There do not seem to be any statutory meeting dates for any comparable boards, and as a practical matter the meetings have to be scheduled when members are able to attend. The Board of Regents meets eight or nine times a year, the Board of Public Education meets eleven or twelve times a year, and the State Board of Education meets twice a year. Both the Board of Regents and the Board of Public Education hold the majority of their meetings in Helena, but the Regents also meet on University System campuses and sometimes at other locations, such as a community college. The Board of Public Education holds some meetings in Great Falls at the School for the Deaf and Blind, and also meets at public schools throughout the state. Good liaison between the two boards is accomplished by having the Executive Secretary of the Board of Public Education officed with the University System staff in Helena.

Section 3: This section changes "professional assistant" to "executive secretary" of the Board of Public Education to be consistent with the amendment which was made to Section 20-2-122 in 1983.

Section 5: This section deletes four paragraphs relating to the powers and duties of the Board of Regents.

The power to appoint an executive secretary should have been deleted in 1973 when the new constitution was implemented, since that office has been superseded by the office of Commissioner of Higher Education.

It seems unnecessary to specify the number of members in the Regents' budget committee. All Regents' committees consist of three members, although the Board generally deals with matters relating to the biennial budget while sitting as a committee of the whole.

The Board of Regents rotates its meetings among the campuses of the University System on a two-to three-year cycle. In addition, individual Regents visit campuses in connection with presidential search committees, inspections for the long-range building program, professional meetings, and cultural, social and athletic events. Under these circumstances, it is neither necessary nor practical for every Regent to visit every campus every year. The cost of these visits is not reflected in the way the Regents' budget is built, and additional funds for per diem and travel would be required if all the visits presently specified were actually made.

The last paragraph deleted duplicates paragraph (5), and also refers to the non-existent office of executive secretary.

Section 6: This section deals with reports on the use of federal Morrill-Nelson funds. The due date for the reports should have been changed at the time the end of the federal fiscal year was changed from June 30 to September 30.

Section 7 and Section 8: The Resident Student Financial Assistance Program Advisory Council set up by Section 2-15-1517 has never been appointed, and consequently has never met or functioned. It is replaced by the Guaranteed Student Loan Advisory Council set up by Section 2-15-1520, which has met regularly and has dealt with all aspects of student financial aid. There seems to be no need for two advisory councils covering the same general area.

Section 20-25-105 allows a person contributing \$15,000 or more to establish an endowed professorship in the University System. This is a matter which should be handled administratively rather than by legislation, since special negotiations would usually be involved in each case. Some idea of how old this section is can be gained from the fact that the current cost of endowing a professorship would be in the range of a million dollars.

Section 9: Provides for an immediate effective date.

## VISITOR'S REGISTER

HOUSE EDUCATION

COMMITTEE

BILL (S) HB 10 - HB 80

DATE 1-11-85

SPONSOR \_\_\_\_\_

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.