

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The third meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on January 14, 1987, at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present except Rep. Schye who was excused.

CONSIDERATION OF HOUSE BILL NO. 117:

Rep. Stella Jean Hansen, House District No. 57, sponsor of the bill, stated the purpose of the bill was to revise the procedure by which trustees of a school district may sell or dispose of school property. She asked the Chairman's permission to add, on page 2 line 5, the word "two" so they would have to notify the public at least twice that they were disposing or selling property.

PROPOSERS:

BRUCE MOERER, representing the Montana School Boards Association, stated he supported the bill because it streamlines the procedure of disposing of property, and it also protects the rights of any citizen to protest and also lengthens the time for a citizen to protest from five days to ten days.

There were no further proponents nor any opponents to the bill.

QUESTIONS FROM THE COMMITTEE:

REP. THOMAS questioned Rep. Hansen if her amendment would read to insert the word "two" before the word "notices" on page 2, line 15. Rep. Hansen replied that was correct. He then asked if it could be changed on page 2, lines 16 and 17, to strike, "or by a radio or television broadcast" and only have the notices inserted in a newspaper. Rep. Hansen explained her understanding of the present method of showing intent to dispose of property is to send notices to each school polling place within the county, and this bill would streamline the procedure so there would be the option of placing the notices in the newspaper, or on the radio or television.

REP. MERCER had a question for Bruce Moerer. He expressed his concern that with this bill they would be going from an explicit method of requiring notices be posted to using either newspaper, radio or television without having any

specific requirements. He informed the committee there was a weekly newspaper in his district which would make it impossible to insert ads within three days. He felt some specific things needed to be included in the bill regarding the time limit for advertising. Mr. Moerer responded that he thought the bill could be amended to change the three day period to within two weeks which would still leave reasonable time limits.

REP. HANSEN, closed by stating the School Boards Association thought this would be an easier way to contact the public than by posting notices at all the schools in the district. She agreed that the three days for publishing notices should be changed because of the districts that only have a weekly newspaper.

CHAIRMAN SANDS closed the hearing on HB # 117 and opened the hearing on HB # 121.

CONSIDERATION OF HOUSE BILL NO. 121:

REP. KADAS, House District No. 51, sponsor of the bill, stated he introduced HB # 121 at the request of the Montana Association of School Business Officials. He said there are four different sections each dealing with a different area of the election law.

PROPOSERS:

LARRY JOHNSON, clerk for the Missoula elementary school district no. 1, and director for the Montana School Board Association, explained that HB # 121 is a housekeeping bill to facilitate the election process without any additional costs included. He noted the first issue is to change the time period for candidates filing for election to at least forty days before a regular school election. He commented that HB # 35, sponsored by Rep. Peterson addressed the same issue and has already been passed by the committee.

The second item he pointed out was to allow the election polls to open at 7:00 a.m. for the convenience of people on their way to work. He added that would not be required but would be optional.

He stated the third issue in the bill is that of publication for elections. He said on page 2 and 3 a school district must currently post notices in three public places in the district or at each place of polling or at each precinct. He said

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this bill allows election notices to be advertised either in the newspaper or on the radio.

Mr. Johnson reported the last issue is calling for absentee ballots to be available 11 days before the election. He said there currently is no provision in school law to make ballots available at any particular time before the election which causes an inconvenience to those voters who wish to vote on absentee ballots.

BOB STOCKTON, Office of Public Instruction, stated that the Superintendent supports this bill because it addresses some troublesome areas.

BRUCE MOERER, representing the Montana School Boards Association, rose in support of the bill.

OPPONENTS:

There were none.

QUESTIONS FROM THE COMMITTEE:

REP. SWYSGOOD asked Mr. Johnson why it was necessary to eliminate trustees administering oaths to election judges on page 4, lines 14 and 15. Mr. Johnson explained he had inadvertently omitted that issue in his presentation. He stated that school laws now require the trustees to administer an oath to the election judges, however in Title 13 of the election laws, election judges are required to take an oath but they may administer the oath to each other. He pointed out if this is deleted from the bill then Title 13 would govern school elections in that particular point and it would be much more convenient to have the election judges administer the oath to each other than to have the trustees administer that oath.

REP. PHILLIPS inquired why they just didn't change the language to the same as Title 13. Mr. Johnson responded he would not be opposed to adopting the words of Title 13 right into the bill at this point.

REP. LORY questioned Bob Stockton about the change from 20 days to 40 days for the filing of candidates petitions. He noted the trustees don't have to announce the election until 20 - 30 days so a person who would like to be elected would have to file his petition before the trustees ever announce an election. He questioned how an ordinary citizen would know that the election was the first Tuesday in April in

order to get a petition in 40 days before the trustees say there is going to be an election. Mr. Stockton replied it certainly wouldn't hurt to have the board of trustees of the district put an ad in the paper saying that petitions for trustees would have to be in by a certain date.

REP. WILLIAMS asked Mr. Johnson if the bill read that you would not have to publish a notice in the newspaper but could use the radio without using any other media, on page 3, line 8. Mr. Johnson replied that was correct. Rep. Williams inquired if it wouldn't be more proper to use a newspaper if one was available and then use the word "and" instead of the word "or". Mr. Johnson responded he would have no objection to that change.

REP. KADAS' closing statement was in regard to the first issue in the bill concerning changing the time period from 20 to 40 days. He stated he would defer to the committee's decision regarding Rep. Peterson's HB # 35.

CHAIRMAN SANDS closed the hearing on HB # 121 and opened the hearing on HB # 60.

REP. HARRINGTON, House District # 68, sponsor of HB # 60, stated it is an idea to use a three year period of rolling averages to distinguish the ANB in determining the foundation program. He said the reason the bill was submitted in this form was to meet some of the problems school districts have with decreasing enrollments and lack of reserve general revenue. He stated the bill meets the problem faced by about 21 school districts, with the governors budget calling for zero-zero funding, along with many of the statements made in the legislature that the foundation will be funded at a zero-zero level for the next two years.

REP. SCHYE joined the meeting at this point.

REP. HARRINGTON remarked he would not have any problem with an amendment to sunset the bill into this biennium.

PROPOSERS:

TERRY MINNOW, representing the Montana Federation of Teachers rose in support of HB # 60. She stated the bill represented a concept that the MFT has worked for for a long time, by allowing a school district to average its ANB the bill will mitigate the effect of a loss of school foundation support as a result of a drop in enrollment.

ERIC FEAVER, President of the Montana Education Association, added his support to the bill. He said he concurred with Rep. Harrington that a potential sunset would be useful in the next biennium. He suggested that this committee consider exactly how much of a decrease in ANB would be significant to allow the rolling average to be implemented. He stated that the loss of one or two students ANB in a particular school system should not necessarily automatically qualify them for rolling average consideration. He commented that a 10% reserve was not adequate for a school system and that 15% reserve would be more appropriate.

BRUCE MOERER, representing the Montana School Boards Association stated he supports the bill from the standpoint that some of the schools that have suffered declining enrollments will now be given the option of planning a little better and will have a little more stability in their funding source.

OPPONENTS:

SANDRA WHITNEY, representing the Montana Taxpayers Association, stated when she reviewed the bill she went to the budgets and checked all of the school districts in towns with a population of 2,000 or more and found there is only one town whose schools could qualify under this bill. She reported she calculated the effect this bill would have had if it had been in effect during the current school year and out of the approximate \$700 thousand in the state fiscal note, approximately \$430 thousand would go to Butte. She noted the fiscal note states that school districts with declining enrollments could conceivably reappropriate cash, bringing their reserves below the 10% level which would obligate the state for an average of 4.6 million annually. She also opposed the idea of a sunset because if a school district did reappropriate its' cash, when the bill sunseted and they resumed the regular method of calculating ANB the taxpayers would be hit extremely hard. She said she thought this was a special interest legislation and it would have a tremendous impact on the State, and urged the committee not to pass this legislation.

REP. HARRINGTON closed by responding to the Montana Taxpayers Association figures in Ms. Whitney's report. He read a lengthy list of school districts who would be suffering losses in the foundation program but who would benefit by the passage of HB # 60. He agreed that Butte was one of the districts that was hit the hardest because of a tremendous loss in

population and a loss in taxable valuation but that Butte is starting to climb back up. He noted that the State of Montana is liable for the education of all students in the State of Montana, wherever they reside. He suggested that amendments could be made to the bill to avert any possible landslide of school districts giving up their reserves in order to qualify under this bill.

QUESTIONS FROM THE COMMITTEE:

A discussion followed concerning how the ANB was calculated. The question arose whether the ANB amount on page 4, line 16 referred to dollar amount or student count. Andrea Merrill explained the term ANB amount always means student count. Mr. Johnson recommended the bill be amended by striking the word "amount" in lines 16, 18 and 19 so it would read "the average number belonging for the ensuing school year may be calculated by averaging the ANB from the current year and the two previous years if the current years ANB is less than the previous years ANB".

REP. THOMAS questioned the definition of the term, "current school year." Andrea Merrill clarified the terms "current school year" as the year they are presently in; the ensuing year as the next year; and the previous year as the year before the current year.

REP. WILLIAMS noted the law states what a maximum reserve can be and asked why there isn't a minimum reserve. Mr. Stockton replied he would like to see a minimum reserve but the problem with having a minimum would be what would you do if they fall below the minimum.

REP. HARRINGTON stated if the committee would want to amend the bill to take some of the fiscal impact out of it he would have no problem with that. He then requested the committee hold onto the bill to wait to determine what the funding situation would be.

CHAIRMAN SANDS closed the hearing on HB # 60.

EXECUTIVE SESSION:

REP. HARRINGTON moved to table HB # 60. The motion CARRIED unanimously.

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CHAIRMAN SANDS asked Rep. Mercer if he was ready to present the amendments to Rep. Hanson's bill, HB # 117. Rep. Mercer reported that the amendments would include more than merely changing the posting of notices requirements in the bill, that it would also eliminate the public's option to object to the resolution. He said he would like to redraft the amendments. Chairman Sands announced the committee would postpone action on this bill until Friday to allow Rep. Mercer to confer with Rep. Hansen concerning the amendments.

ACTION ON HOUSE BILL NO. 121:

REP. THOMAS moved DO PASS on HB # 121. Chairman Sands asked for discussion from the committee.

REP. LORY said he would like to amend page 3, line 1, to "more than 40 days". He reiterated his concern that the average person who may want to be a candidate for trustee would not know he would have to turn in his petition before the election was announced.

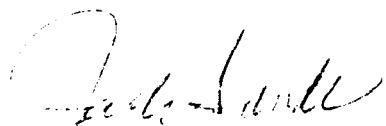
REP. WILLIAMS stated he felt if there was a newspaper available the notice should be published in the newspaper regardless of whether you use the radio or television.

REP. KEENAN remarked since there were some concerns about the bill she thought it would be appropriate to recommend that Andrea Merrill draft those amendments rather than trying to write the amendments within the committee. She felt the bill could be acted upon quickly if the amendments were available in proper form.

REP. LORY noted a minor correction on line 17 in HB # 117. He reported the legislative council had changed the word "shall" to the word "may", and the word has to be "shall" because that is the way the code is written.

ADJOURNMENT:

Being no further business to come before the committee, the meeting adjourned at 2:04 p.m.



Rep. Jack Sands, Chairman

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JAN 14, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	✓		
REP. RICHARD NELSON, VICE CHRMN.	✓		
REP. FRITZ DAILY	✓		
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON	✓		
REP. NANCY KEENAN	✓		
REP. ROLAND KENNERLY	✓		
REP. EARL LORY	✓		
REP. JOHN MERCER	✓		
REP. GERALD NISBET	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE			✓
REP. BARRY STANG	✓		
REP. TONIA STRATFORD	✓		
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS	✓		
REP. MEL WILLIAMS	✓		

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HB # 60

DATE JAN - 14, 1987

SPONSOR Rep. Harrington

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Gite Mitchell	Helena		
Lynda Beannon	Helena		
Jean Pfeffer	"		
Bruce W. Hoener	" - MSBA	X	
Sandra Whitney	Helena		✓
Julie Burk	Helena	✓	
S. Dean	Helena	✓	
Terry Muraw	MT	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.