

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

The twentieth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands at 1:00 p.m. on March 6, 1987 in Room 312-D of the State Capitol.

ROLL CALL: The roll was called with all members being present with the exception of Reps. Daily, Mercer and Thomas who were absent.

CONSIDERATION OF SENATE BILL NO. 273:

SENATOR PAT REGAN, Senate District No. 47, sponsor of SB 273 stated that this bill will only affect 16 districts in the state, but the effect is rather significant. She said that current law requires school trustees to visit each and every school in their district at least once a year. This may sound like a simple task for most districts, but in Billings, school trustees are required to visit a total of 33 schools. In order to make a proper visitation, they should spend a couple of hours at each school. This task is overwhelming for the trustees from Great Falls, Helena (to a lesser degree), Missoula, Butte and Bozeman that all have multi-schools.

The bill provides on page 4, lines 20 through 24, subsection 21, for each member of the trustees to visit each school of the district not less than once each fiscal year to examine its management conditions and needs. She referred to significant language, "except trustees from first class school districts may share the responsibility for visiting each school in the district." The permissive language would allow them to do this instead of mandating it.

PROPOSERS:

BOB ANDERSON, Montana School Board Association, said this legislation was adopted at their delegate assembly in September and ratified in October at their annual meeting. The present statute is a throw back to a time when the trustees across the state were really the administrators within many of those districts. They did not have administrators, and the trustees performed that task. Mr. Anderson said this system is no longer feasible. Senate Bill 273 gives these trustees a chance to do a better job.

OPPOSERS:

None

There being no questions, Senator Regan closed. Hearing closed on SB 273.

CONSIDERATION OF HOUSE BILL NO. 276:

SENATOR PINSONEAULT, Senate District #27, sponsor of this bill stated that SB 276 was brought to his attention pursuant to his duties as a school board chairman in school district #28. This bill addresses a situation where you have one school district who under the law might petition the county superintendent with a majority of the voters in that particular school district for the acquisition of real estate from an adjacent school district. This is significant to him because he said they have a tremendous amount of trust property in Lake County. His county sits right in the heart of the Flathead reservation, so shifting property around is a pretty significant step. This was done during his tenure on the school board.

Senator Pinsoneault said his bill would provide information concerning the transfer of certain properties; it is spread out amongst the county commissioners who are informed, and they in turn can inform their constituents of property transfer. He pointed out that the bill had been amended in the senate committee to include a majority on the board. He feels this will provide a good protection for the superintendent. He said the executive secretary for the Montana County Superintendents Association supports this measure the last time it was presented.

PROPONENTS:

None

OPPONENTS:

None

CHAIRMAN SANDS opened the hearing up for questions.

REP. EUDAILY asked why the material at the bottom of page 2 and at the top of page 3 was stricken. He said it doesn't indicate what will happen if the certification isn't signed.

SENATOR PINSONEAULT stated the original language in the bill was his; however the association didn't concur and he figured "half a loaf" is better than none. He said he has no problem with reinstating the language.

In response to a question asked by REP. EUDAILY, SENATOR PINSONEAULT said the Montana Association of County Superintendents objected to the language because they took exception to the fact that they were infringing on their turf. He urged the committee to concur in this bill.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 276:

REP. PHILLIPS moved that SB 276 BE CONCURRED IN. Chairman Sands called for discussion. REP. EUDAILY brought attention to the stricken language on line 15. He questioned whether or not it is important enough to have a logical sequence of events by reinserting the language.

CHAIRMAN SANDS feels the bill doesn't do a lot without the stricken language except impose some kind of paperwork requirement. REP. EUDAILY said all it does now is add a step which would require them to take it to the commissioners. The majority of them approved it, but otherwise, they do it as it is presently done.

REP. WILLIAMS asked if the signatures are not gotten and the process is not completed, would it just be dropped? REP. EUDAILY replied no, with the way the bill is written, it doesn't seem to him like they would be able to proceed with the county commissioner's approval.

REP. LORY moved the material leaving the majority be inserted on page 2, line 21 through page 3, line 3. As a part of that motion, REP. EUDAILY moved to substitute on line 21 the language "signed by a majority" in lieu of "signed by each member."

The question was called, and the motion CARRIED with Rep. Glaser and Rep. Stang voting no. Chairman Sands called for further discussion on the bill as amended. There being no further discussion the question was called on the motion that SB 276 BE CONCURRED IN AS AMENDED, and the motion CARRIED with Rep. Nisbet dissenting.

ACTION ON SENATE BILL NO. 273:

REP. GLASER moved SB 273 BE CONCURRED IN. The question was called and the motion CARRIED unanimously.

RECONSIDERATION OF HOUSE BILL NO. 683:

REP. HARRINGTON moved to take HB 683 off the table. He feels the foundation bill should be placed on second reading to see what direction it will take. It is one of the most important parts of the whole state budget, he said.

REP. EUDAILY said he understands Rep. Harrington's point on this matter, but there is some further work being done on possibilities for the foundation program for the next biennium and the work is not yet completed.

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REP. EUDAILY feels we'd be getting the cart before the horse until enough material is provided to determine what the possibilities are.

REP. HARRINGTON said he is worried about holding off because of the possibility of not only a zero-zero but other cuts taking place.

REP. EUDAILY doesn't think anybody knows where we are at this state of the game, but he thinks schools would be pretty happy with zero-zero funding. He said he is trying to hold it as close to a zero-zero as he can and still have enough money left to finance it. He noted even at zero-zero it would amount to \$94-96 million, and there are a lot of "iffy" things involved, and was concerned if we push too fast, we might end up with a lot less than if we work our way through and come up with something more realistic with the money that we have available.

REP. HARRINGTON said that schools will not be happy with the zero-zero funding. Many districts are going to suffer a great deal as a result. He remarked that some school districts will be in such dire straits they would not know what to do, and his district would be one of them.

REP. SWYSGOOD expressed his concerns regarding the issue. He said that not knowing just exactly where we are, it could be a mistake to act hastily at this particular point in time. He remarked that having talked to his constituents they are not happy about the situation but if it could be held at zero-zero funding they will live by it. However, he felt the committee would be acting too prematurely by not having the whole picture to take action at this time.

REP. WILLIAMS inquired as to the amount of dollars it would take to hold to zero-zero funding. REP. HARRINGTON replied he thought it would be \$94 million. REP. WILLIAMS then asked if this bill would add another \$45 million, to which REP. HARRINGTON responded he believed so.

CHAIRMAN SANDS said that even though he has agreed with Rep. Harrington on this issue in the past, he doesn't feel that we have a realistic view of where our financial situation is at present. He said we don't know what will happen with the sales tax, the income tax surcharge or the so called "windfall". He feels we would be acting blindly if we tried to move the foundation program bill out now, and that if it were moved to the floor, it would be referred to the appropriations committee and the education committee would not be able to make any decision on the bill.

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REP. HARRINGTON said he thinks it is pretty close to the same period of time that the foundation program began to move last session, and he hopes that the House would look at it and see what direction it is going.

REP. SWYSGOOD said he thinks it would be a disservice right now to education if we act on it at this particular point.

REP. EUDAILY said he wanted to make the point again that if this bill passes out of committee, it will immediately go to the Appropriations Committee which will end what this committee has to say about it. He thinks that is the danger they face at this time.

The question was called, and the motion FAILED with 6 favorable votes and 9 opposing votes. (See roll call vote.)

REP. NELSON informed the committee that he intended to offer two or three short one-word amendments to SB 174 on the floor that will bring some clarification to it. He said that on line 7 of the title of the bill, "LEGAL DEBT" could be interpreted to mean any debt, and so the word "BOND" is going to be reinserted in place of it. Similar changes will be made on page 3, the last paragraph. A similar phrasing on line 15, where it says "legal debt" will be amended by inserting the word "bond." In addition a short phrase relative to a budgetary terminology will be added to avoid the possibility of anybody thinking that could be used to cover any expenses other than a bonded situation.

ADJOURN: There being no further business, the meeting was adjourned at 1:35 p.m.



REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 6, 1987

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

STANDING COMMITTEE REPORT

MARCH 6,

19 37

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report SENATE BILL NO. 273

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. JACK SANDS,

Chairman

ALLOW TRUSTEES TO SHARE RESPONSIBILITY TO VISIT EACH SCHOOL ANNUALLY

See back

REP. GLASER WILL CARRY THE BILL IN THE HOUSE OF REPRESENTATIVES

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BLUE

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STANDING COMMITTEE REPORT

MARCH 6, 19 87

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- | | | |
|--------------------------------------|---|---|
| <input type="checkbox"/> do pass | <input checked="" type="checkbox"/> be concurred in | <input type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

Chairman

REP. JACK SANDS,

ALLOW TRUSTEES TO SHARE RESPONSIBILITY TO VISIT EACH SCHOOL ANNUALLY

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REP. JACK SANDS,

Chairman

COUNTY COMMISSIONERS TO REVIEW HIGH SCHOOL DISTRICT TRANSFER OF TERRITORY

1. Page 2, line 20.

Following: "met"

Striker: "."

2. Page 3, line 3.

Following: "insert"

Insert: "or with a notation, signed by a majority of the board, that the criteria have not been met. The board's certification is binding on the county superintendent unless the county superintendent believes that the certification is in error. A dispute between the board and the county commissioners must be decided by the superintendent of public instruction and the decision of the superintendent of public instruction of the matter is final."

(See back)

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THIRD

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reading copy ()
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MARCH 6, 19 87

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REP. JACK SANDS, Chairman

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REP. EUDAILY WILL CARRY THE BILL IN THE HOUSE OF REPRESENTATIVES

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ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE MARCH 6, 1987 BILL NO. HB # 683

NUMBER 1

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

TALLY

Shirley Herwin
Secretary

Jack Sands 6 9
Chairman

MOTION: REP. HARRINGTON moved to take HB # 683 off the table.
the motion FAILED 6 in favor - 9 opposed

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. _____ SENATE BILL NO. 273 DATE MARCH 6, 1987

SPONSOR SEN. REGAN

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Bob Anderson	MSBA	X	
Curt Peck	MT FARMER / STOCKMAN		

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

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. SENATE BILL NO. 276

DATE MARCH 6, 1987

SPONSOR SEN. PINSONEAULT

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE

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

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