

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

The twenty-sixth meeting of the Education and Cultural Resources Committee was called to order by Chairman Jack Sands, on March 23, 1987, at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present.

EXECUTIVE SESSION:

CHAIRMAN SANDS requested a report by the subcommittee who considered HB 871, the bill dealing with the Montana School for the Deaf and Blind. Rep. HARRINGTON pointed out that both HB 870 and HB 871 are appropriation bills. However, the subcommittee didn't have a recommendation at this time. Consideration of these two bills was postponed.

ACTION ON SB 199:

REP NELSON moved that SB 199 BE CONCURRED IN. ANDI MERRILL, researcher for the Legislative Council, explained the proposed amendments. (See Exhibit .) She said the main purpose of amendment A is for the school districts that don't receive much state equalization aid. It would provide a protection for about seven or eight of the counties that count mostly on county equalization to fill up their school pot. The second amendment was suggested by districts that may have been involved in tax protest situations in the past or maybe PL 874 money.

In response to a statement made by Rep. Williams, Rep. Sands said this amendment would basically add the provision with regard to protested taxes, or non-tax revenue to deal with the 874 schools. And those who protested taxes, it would provide an exception in those cases.

REP. DAILY moved the amendments, the question was called and the motion CARRIED. The question was called on the BE CONCURRED IN AS AMENDED motion, and it CARRIED. Rep. Nelson will carry the bill on the floor of the House.

ACTION ON SB 302:

REP. HARRINGTON moved that SB 302 BE CONCURRED IN. CHAIRMAN SANDS called for the question, and it CARRIED unanimously. Rep. Williams will carry the bill.

ACTION ON SB 344:

REP. NELSON moved that SB 344 BE CONCURRED IN. CHAIRMAN SANDS noted there were amendments to the bill. He further moved the

amendments. He explained that the bill as introduced required an increase of the teacher certificate fee from \$2 to \$6. The money was taken out of the general fund and placed into a special account for the advisory council. This amendment reduces the fee increase from \$6 to \$4 making it a \$2 increase instead of the \$4 increase which was contained in the original bill. Another thing that the amendments do is keep the \$2 which had been previously contributed to the general fund in the general fund and place the \$2 increased fee in a special account for the teachers' advisory council. The amendments further seek to eliminate the language on page 3, lines 2 through 12 pertaining to the nomination structure. He said the Senate had amended the bill to provide nominees from any interested individual or group which he believes eliminated the whole rationale for the previous scheduling of the nominees. A part of this amendment would take that out.

REP. EUDAILY referred to page 6 and said it appears as if the amendment has been written to include something about \$3. He thought the \$4 was being split two and two. REP. SANDS said it is supposed to be \$2 and \$2. The amendment as is has \$2 and \$2, but on the particular sheet that was handed out, it had \$3 and \$1. Two dollars and two dollars is the way the amendment is offered.

In response to a question asked by REP. NISBET, REP. SANDS, said \$2 goes to the general fund and \$2 goes to the special revenue account which would be used to fund the advisory council.

In response to a question asked by REP. SWYSGOOD, REP. SANDS said the language is struck on page 2, line 23 through 25 because that is a part of the nominating process. If these amendments are adopted, the board of education would simply nominate from the qualified individuals; they wouldn't independently have to accept nominations from a particular group or organization.

Following further discussion, the question was called re the adoption of the amendments and the motion CARRIED unanimously.

REP. LORY moved SB 344 BE CONCURRED IN AS AMENDED. The question was called and the motion CARRIED. Chairman Sands will carry the bill on the floor.

RECONSIDERATION OF SB 127:

REP. DAILY moved to reconsider the committee's action on SB 127. He said some of the information that he had used in the previous hearing was inaccurate. He wished to clarify those figures

using some information he had obtained from the commissioner of higher education's office. (See Exhibit 1 .) He informed the committee that SB 127 has not been read across the rostrum.

REP. DAILY stated that the second page of the three page hand-out is probably the most significant page. It was stated at the earlier hearing that 12 or 13% of the students who are on the WICHE-WAME program are from out of state. He said that just isn't the case. Referring to these figures, 86% of the students in the WICHE-WAME program are people who attended high school in Montana and have lived in Montana. Also, it was stated that only 26% of the students who attended the WICHE-WAME program came back to Montana. Again, that figure, according to the commissioner of higher education is not accurate. He pointed out the figures on page 3 came also from the LFA's office. REP. DAILY feels it is important to have the accurate figures in considering this bill.

REP. SANDS stated he resists the motion for a couple of reasons. First, he thinks the committee already has disposed of the bill because the committee report was signed. He said he was aware of a bill authored by Rep. Keenan that was reported out of committee. There were those who felt it inappropriate to allow it back into committee for reconsideration after having been reported out. REP. SANDS feels the committee should be consistent in that regard. The second reason Rep. Sands gave for opposing the motion is because the bill was considered in committee, was voted on in committee; if Rep. Daily has new information with regards to this bill, he has the opportunity to offer amendments on the floor.

REP. WILLIAMS stated that he supports this bill. He said he would have preferred going the other route using upfront money rather than the pay back, but he understood this bill could not be amended to do that. The way the title of the bill was written, there was no provision for making that into upfront money. He said he resists the motion on the basis that there is not going to be much fiscal impact on this bill for a few years. He said there is a proposal to take \$35 million out of the school trust fund. This has been financed for the last four years out of the interest made off the school trust, and the total of the program costs around \$7 million for the biennium. He said if we end up eliminating the school trust, it will take a general fund appropriation of \$7 million to keep WICHE-WAME going. Even though he feels this is a good program, it needs some adjustments in the way it is being financed. He feels the people who choose to pursue these professions, which are high-income professions, should be partially responsible for the education they get.

REP. LORY said he is strongly opposed to this bill and will attempt to kill it on the floor of the House. He said he has been working with the board of regents and has a bill in the Appropriations Committee. The bill will require a 10% upfront which is what the regents have proposed and it also proposes taking 1.1/2 million dollars out of the education trust fund as a revolving scholarship fund. It makes available payable loans to students who cannot pay that 10% and makes the money available right away.

REP. KEENAN pointed out there was a distinct difference in procedure with regards to her bill and SB 127. Senate Bill 127 seems to be somewhere between this room and the rostrum.

REP. DAILY said in response to Rep. Williams' comments concerning the education trust fund that he doesn't think there is any doubt that the educational trust fund isn't going to be here when they are finished. But that is not the purpose of this bill at all. The purpose of this bill is to save the program, but he isn't sure that will be accomplished with this bill.

REP. MERCER commented on the question of allowing the bill back into committee for reconsideration. He said unless the House agrees to give it back to us, it isn't in our possession to even reconsider.

REP. WILLIAMS said he agrees with what Rep. Lory is trying to do. He said his number one preference is the upfront money. Even though he agrees with idea, he feels we need to hash this thing over and get some opinions as to how the state is affected by this program. Perhaps it would be better to allow the bill to be debated on second reading. Rep. Lory could then express his approach in trying to solve the problem.

CHAIRMAN SANDS called for further discussion on Rep. Daily's motion to reconsider. The question was called, and the motion CARRIED 10-8. REP. DAILY further moved that SB 127 BE NOT CONCURRED IN. REP. LORY made a substitute motion TO TABLE SB 127. The motion was non-debatable, the question called and the motion FAILED due to a tie vote 9-9. (Since the bill is legally out of committee, no further action was taken.)

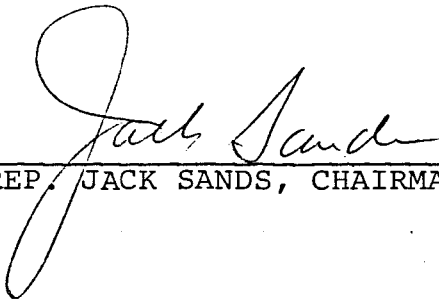
RECONSIDERATION OF SB 38:

REP. MERCER moved that the committee reconsider its action on SB 38. The question was called and the motion CARRIED. REP. MERCER further moved that SB 38 BE CONCURRED IN. CHAIRMAN SANDS asked if the committee had any questions.

Education and Cultural
Resources Committee
March 23, 1987
Page 5

REP. EUDAILY inquired if the amendments are still on the bill.
REP. SANDS replied yes. The question was called, and the
motion FAILED due to a tie vote 9-9. (Roll call vote no. 3.)

ADJOURN: There being no further business before the committee,
the meeting was adjourned at 1:40 p.m.



REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 23, 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 23, 19 87

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

report SENATE BILL NO. 302

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached



REP. JACK SANDS,

Chairman

REQUIRE APPROVAL OF HIGH SCHOOL TUITION FOR ONLY IN-STATE PLACEMENTS

REP. WILLIAMS WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

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color

STANDING COMMITTEE REPORT

MARCH 23, 19 87

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

report SENATE BILL NO. 199

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. JACK SANDS,

Chairman

LIMIT CASH RESERVE FUND OF A SCHOOL DISTRICT TO 15% OF GENERAL FUND BUDGET

1. Title, line 9.
Following: "YEAR"
Insert: ", WITH CERTAIN EXCEPTIONS"
2. Page 1, line 23.
Strike: "The"
Insert: "Except as provided in subsection (2), the"
3. Page 2, lines 8 to 10.
Following: "(2)"
Strike: remainder of line 8 through "THE" on line 10
Insert: "The"
4. Page 2, line 12.
Following: "YEAR"
Insert: "if:
(a) state equalization aid is less than 25% of the foundation program revenue generated in a county pursuant to 20-9-331 and 20-9-333; or
(b) the district receives payment of protested taxes or nontax revenue that was due the district for a previous school fiscal year and the payment exceeds 20% of the final general fund budget for the ensuing school fiscal year."

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REP. NELSON WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

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color

STANDING COMMITTEE REPORT

MARCH 23, 19 87

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

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do pass be concurred in as amended
 do not pass be not concurred in statement of intent attached

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E:SB199.txt/hm

REP. NELSON WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

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color

STANDING COMMITTEE REPORT

MARCH 23,

19 87

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

report SENATE BILL NO. 344

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. JACK SANDS,

Chairman

CREATE CERTIFICATION STANDARDS & PRACTICES COUNCIL TO BOARD OF PUBLIC EDUCATION

1. Title, line 9.
Following: "CERTIFICATES"
Insert: "FOR THE DISPOSITION OF A PORTION OF CERTIFICATION FEES TO COVER THE EXPENSES OF THE COUNCIL"
Strike: "SECTION"
Insert: "SECTIONS 17-7-502, AND"
2. Page 2, line 23 through page 3, line 14.
Following: "(3)"
Strike: remainder of line 23 through "May 1." on line 14, page 3
3. Page 3, line 17.
Strike: "request new nominees"
Insert: "appoint a person"
4. Page 3, line 18.
Following: "membership"
Insert: ", as provided in subsection (2),"
5. Page 3, line 19.
Following: "occurred"
Strike: remainder of line 19 through "subsection (3)"
Re-number: subsequent subsection
6. Page 6, line 15.
Strike: "\$6"
Insert: "\$4"
7. Page 6, line 20.
Strike: "\$6"
Insert: "\$4"

REP. SANDS WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

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8. Page 6, line 22.
Following: "treasurer"
Insert: "in the following manner:
(a) \$2"
9. Page 6, line 23.
Following: "(2)"
Insert: ";
(b) \$2 to the general fund"
10. Page 7, line 7.
Following: "certificates:"
Insert: "The money in the account is statutorily appropriated, as provided in 17-7-502, to the board of public education for expenses for the certification standards and practices advisory council created in [section 2]."
11. Page 7.
Following: line 7.
Insert: "Section 6. Section 17-7-502, MCA, is amended to read:
"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.
(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:
(a) The law containing the statutory authority must be listed in subsection (3).
(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.
(3) The following laws are the only laws containing statutory appropriations:
(a) 2-9-202;
(b) 2-17-105;
(c) 2-18-812;
(d) 10-3-203;
(e) 10-3-312;
(f) 10-3-314;
(g) 10-4-301;
(h) 13-37-304;

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(j) 15-36-112;
(k) 15-70-101;
(l) 16-1-404;
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(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-424;
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(v) 19-10-205;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
(dd) 20-6-406;
(ee) 20-8-111;
(ff) 23-5-612;
(gg) 37-51-501;
(hh) 53-24-206;
(ii) 75-1-1101;
(jj) 75-7-305;
(kk) 80-2-103;
(ll) 80-2-228;
(mm) 90-3-301;
(nn) 90-3-302;
(oo) 90-15-103; and
(pp) Sec. 13, HB 261, L. 1985; and
(qq) 20-4-109.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

Renumber: subsequent sections

8. Page 6, line 22.
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Insert: "in the following manner:
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9. Page 6, line 23.
Following: "(2)"
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(g) 10-4-301;
(h) 13-37-304;

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(j) 15-35-112;
(k) 15-70-101;
(l) 16-1-404;
(m) 16-1-410;
(n) 16-1-411;
(o) 17-3-212;
(p) 17-5-404;
(q) 17-5-404;
(r) 17-5-804;
(s) 19-8-504;
(t) 19-9-702;
(u) 19-9-1007;
(v) 19-10-705;
(w) 19-10-305;
(x) 19-10-506;
(y) 19-11-512;
(z) 19-11-513;
(aa) 19-11-606;
(bb) 19-12-301;
(cc) 19-13-604;
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Renumber: subsequent sections

~~XXXXXXXXXX~~

STANDING COMMITTEE REPORT

MARCH 23, 1987

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

report SENATE BILL NO. 344

do pass be concurred in as amended
 do not pass be not concurred in statement of intent attached

REP. JACK SANDS,

Chairman

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Insert: "appoint a person"
4. Page 3, line 18.
Following: "membership"
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REP. SANDS WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES

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(h) 13-37-304;

- (i) 15-31-702;
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Renumber: subsequent sections

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE MARCH 23, 1987 BILL NO. SB # 127

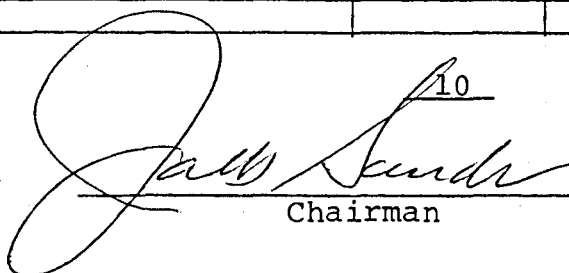
NUMBER 1

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		X
REP. RICHARD NELSON, VICE CHAIRMAN	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

TALLY

10 8


Secretary


Chairman

MOTION: REP. DAILY moved to reconsider action on SB # 127

the motion CARRIED 1- 8.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE MARCH 23, 1987 BILL NO. SB # 127

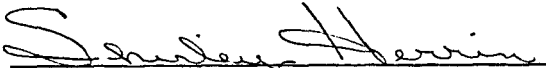
NUMBER 2

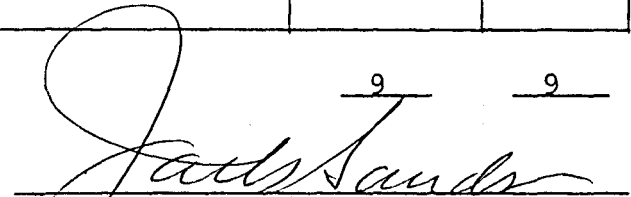
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		X
REP. RICHARD NELSON, VICE CHAIRMAN		X
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY	X	
REP. WILLIAM GLASER		X
REP. DAN HARRINGTON	X	
REP. NANCY KEENAN	X	
REP. ROLAND KENNERLY		X
REP. EARL LORY	X	
REP. JOHN MERCER		X
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS		X
REP. TED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

TALLY

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Secretary


Chairman

MOTION: REP. LORY MADE A SUBSTITUE MOTION TO REP. DAILY'S

MOTION THAT SB # 127 BE NOT CONCURRED IN - THAT SB # 127 be
TABLED - THE MOTION FAILED DUE TO A 9 - 9 TIE VOTE.

Since the bill was legally out of committee no further action
was taken.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES COMMITTEE

DATE MARCH 23, 1987 BILL NO. SB # 38 NUMBER 3

NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN	X	
REP. RICHARD NELSON, VICE CHAIRMAN		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	

TALLY

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Shirley Henrich
Secretary

Jack Sands
Chairman

MOTION: REP. MERCER moved to reconsider action on SB # 38, the
motion CARRIED on a voice vote.

REP. MERCER then moved that SB # 38 BE CONCURRED IN - the motion
FAILED on a 9 - 9 tie vote.

S.B. 127 DATA PERTAINING TO WICHE/WAMI PAYBACK

1. Do any of the other WICHE states require payback?

Answer: Only 3 of the 13 western states require payback.

Arizona
Colorado (Optometry Only)
Nevada

Idaho requires its medical students to pay \$3,136 up front in the form of a tuition surcharge.

2. Does Montana require any other students educated with public funds to pay back its educational support or work in Montana for 3 years.

Answer: No. The program would single out only those students enrolled in WICHE/WAMI programs for service payback. Lawyers, engineers, accountants, graduate students, etc. do not have a service/payback requirement. The bill is discriminatory.

3. Will S.B. 127 save the state any money?

Answer: Not for several years. The state will incur administrative costs close to \$50,000 before the payback period commences in the mid 1990's. The program will be very complex to administer and enforce.



WAMI Program/Medical Science

Telephone (406) 994-4411

December 9, 1986

H. "Swede" Hammond
Box 1366
Malta, MT 59538

Dear Senator Hammond:

I know that you have been concerned that out-of-state students have established minimal residencies in Montana for the purpose of taking advantage of the educational benefits of the WAMI and WICHE Programs. We have recently completed a study of the 255 students who have entered the WAMI Program since 1973. The following figures are our findings concerning the matter of residency.

Students who were born or attended
high school in Montana86%

Students residing in Montana for 6
or more years prior to application. 2%

Students residing in Montana for 3-5
years prior to application.10%

Students residing in Montana for 1-2
years prior to application. 2%

You are also probably aware that effective April, 1986 the residency requirement for eligibility for the WAMI and WICHE Programs has been increased from 1 to 3 years.

Thus, there has been and should be very little abuse of these programs by out-of-state students.

You will soon receive the report and legislation proposed by the University System in response to the joint conference committee resolution of last summer's special legislative session. If our office can be of any assistance in providing you with information concerning the WAMI Program, I hope you will call upon us. We have complete data on the current location and activities of students who have entered the WAMI Program.

Sincerely,

Stephen J. Guggenheim, M.D.

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RATE AT WHICH MONTANA WAMI STUDENTS
RETURN TO PRACTICE IN MONTANA

The rate has been calculated in two ways:

Method A:

The first is based on the number of physicians who are in practice at this time. This method excludes physicians in the military and those who have withdrawn from the program. It is, however, a number that can be compared with American Medical Association Data concerning students from other states.

MT WAMI Students Now in Practice	76
MT WAMI Students Now Practicing in MT	32

$$32/76 = 42\%$$

Method B:

The second method, which is consistent with the methods used in the analysis of the federal Carl D. Perkins Scholarship Program. This includes in the denominator all students who are not in medical school or residency training.

MT WAMI Students who are No Longer in Medical School or Residency	92
MT WAMI Students Now Practicing in MT	32

$$32/92 = 35\%$$

Some Montana students choose to practice in the other WAMI states, (Washington, Alaska and Idaho), but some students who begin as WAMI students in these states choose to practice in Montana. There are at least 16 such students now practicing in Montana and we feel that these students should be included as part of the "yield" of the program. If these students are included, the return percentages are:

By Method A	48/76 = 63%
By Method B	48/92 = 52%