

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

January 30, 1987

The seventh meeting of the Senate Education and Cultural Resources Committee was called to order at 1:03 p.m. by the Chairman, Senator Bob Brown, in Room 402, State Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SENATE BILL 174: SENATOR BROWN, District #2, sponsor of the bill, said the bill is an act to allow a school district to budget in the ensuing school fiscal year for the first interest and principal payment on a school bond if that payment was paid or accrued in the current school fiscal year.

PROPOSERS: BRUCE MOERER, Montana School Boards Association, said the bill is the result of a situation that existed in Lewistown. He referred to Exhibit #1. Budget planning is done by school boards in the spring. If they sell bonds in December, the first payment is due in June. The board hadn't budgeted for that payment in the fiscal year it had to be paid. This situation only occurs on the first payment and only in the year when a bond election is held in the second half of the year. This bill allows the board to retroactively recover the unbudgeted first payment and to correct the notification of non-compliance from the auditor.

There were no further proponents and no opponents to the bill.

DISCUSSION BY THE COMMITTEE MEMBERS: SENATOR MAZUREK asked about the notification of non-compliance from the auditor.

BOB STOCKTON, Office of Public Instruction, said all assets of the school district are pledged to pay the principal and interest on the bonds. The auditor's notice is a public document. If someone picks up on it, it would appear the board has broken the law by expending

non-budgeted payments. However, by law, they have to pay. This bill makes everything legal.

There being no further discussion, Senator Brown closed.

CONSIDERATION OF SENATE BILL 196: SENATOR BROWN, District 2, sponsor of the bill, said the bill requires speech therapists, school nurses, school psychologists, and any person who is an administrative officer or member of the instructional staff of the Board of Public Education to become members of the Teachers Retirement System. He said these people have been either covered by other plans here and there or not covered at all and they should have been under the Teachers Retirement System all along.

PROPOSERS: DAVID SENN, Teachers Retirement System, presented testimony in support of the bill (Exhibit #2).

CLAUDETTE MORTON, Executive Secretary, Board of Public Education presented testimony in support of the bill (Exhibit #3).

BARBARA BOOHER, Executive Director, Montana Nurses Association, presented her testimony in support of the bill (Exhibit #4).

PHIL CAMPBELL, representing the Montana Education Association, said this bill is really a housekeeping measure. The MEA fully supports it. They found a school nurse this past fall who was not covered under any plan, and several who were covered under other plans. This bill would clarify coverage for all those entitled to it.

There were no further proponents and no opponents to the bill.

ACTION ON SENATE BILL 196: SENATOR HAMMOND moved SB 196 DO PASS.

SENATOR MAZUREK referred to a suggested amendment by the Montana Nurses Association to insert "registered" before "nurses" on page 1, line 25. He felt this would exclude LPN's and didn't feel this is the vehicle to mandate that only registered nurses can be school nurses.

MR. SENN agreed with that opinion.

The motion CARRIED unanimously with Senators Smith and Neuman absent.

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FURTHER CONSIDERATION OF SENATE BILL 174: SENATOR PINSONEAULT
moved SB 174 DO NOT PASS.

SENATOR HAMMOND said the bill only provides a way to get the auditor off the school board's back. It doesn't do anything with the money.

SENATOR BROWN said the boards want to be in compliance with the law. The MSBA asked him to request the bill.

SENATOR PINSONEAULT withdrew the motion pending a ruling or research to see if the bill gives the school board authority to pay out of bond proceeds, out of the cash reserve, or simply keeps the auditor at bay.

There being no further business to come before the Committee, the meeting was adjourned.



Senator Bob Brown, Chairman

jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/30/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BOB BROWN	✓		
SENATOR CHET BLAYLOCK	✓		
SENATOR GEORGE McCALLUM	✓		
SENATOR ED SMITH	✓		
SENATOR PAT REGAN	✓		
SENATOR JOE MAZUREK	✓		
SENATOR BILL FARRELL	✓		
SENATOR TED NEUMAN	✓		
SENATOR DICK PINSONEAULT	✓		
SENATOR SWEDE HAMMOND	✓		

Each day attach to minutes.

SENATE Education COMMITTEE

BILL SB 196

VISITORS' REGISTER

DATE 11-21-96

Please note bill no. (check one)

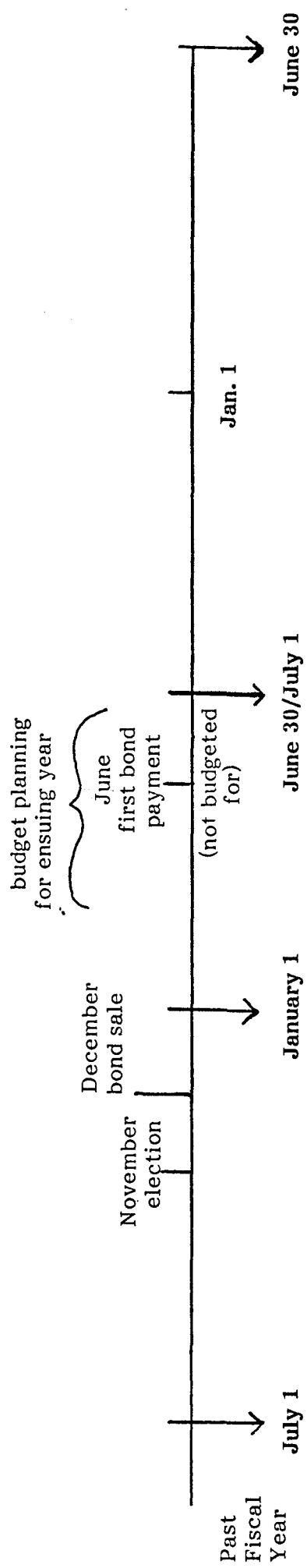
NAME	REPRESENTING	BILL #	SUPPORT	OPPC
Claudette Morton	Board of Public Education	SB196	✓	
Barbara E. Archer	Montana Nurses Assoc.	SB196	✓	
Maime Ferguson	AHEA	SB196	✓	
David Spear	Teachers Retirement	SB196	✓	
Bruce W. Moore	BCAA	196	✓	
Bruce W. Moore	MSBA	196	✓	
Jackie Whigg	Comm. of Higher Ed	127		✓
Phil Campbell	MEA	SB196	✓	
Nada Bondura	OPT	SB194		
Mae Mulcahy	M.F.T.	SB196	✓	
Pauline Anshel	OPT	174		
Kathleen Farrell		VISITOR		
John Zinne	Self	VISITOR		
Jane Finn	self	VISITOR		
MATT THIEL	CASLM	SB172		✓
Dorel Christensen	OPT Helena	SB196	✓	

SENATE EDUCATION

EXHIBIT NO. 7

DATE 11/5/87

BILL NO. SB 174



Ensuing Fiscal Year

Current Fiscal Year

Senate Bill 196

TESTIMONY
presented by
David L. Senn
Teachers' Retirement Division

TITLE

An act requiring certain professionals to become members of the Teachers' Retirement System.

The Teachers' Retirement Board supports senate bill 196. In 1944 the Board adopted a rule to require school nurses be covered under the Teachers' Retirement System. Since that time the law, which this rule was based upon, has changed and the Board's authority to enforce this rule has been questioned. The attorney for the Retirement Board recommended they pursue legislation to cover school nurses. They also decided to cover speech therapists and school psychologists at this time.

Another group that is being required to belong to Teachers' Retirement by this legislation is the professional staff at the Board of Public Education. In 1950 the Retirement Board adopted a rule requiring that the professional staff of the Board of Education be covered under the Teachers' Retirement System. Since that time the Board of Education has been divided into the Board of Higher Education and the Board of Public Education. While the Board of Higher Education continues to be covered to this day under the Teachers' Retirement System, the professional staff of the Board of Education has not. The Retirement Board believes that they too should be members of the Teachers' Retirement System.

We urge your approval of this bill in order that these professional positions may continue to be covered under Teachers' Retirement System.

DLS:dlh



Board of Public Education

TESTIMONY TO THE SENATE EDUCATION COMMITTEE ON SB 196

by Claudette Morton, Executive Secretary
Board of Public Education

Claudette Morton
Executive Secretary

BOARD MEMBERS

EX OFFICIO MEMBERS:

Ted Schwinden, Governor

Ed Argenbright, Superintendent
of Public Instruction

Carrol Krause, Commissioner
of Higher Education

APPOINTED MEMBERS:

Ted Hazelbaker, Chairman
Dillon

Alan Nicholson, Vice-Chairman
Helena

James Graham
Ismay

Sarah "Sally" Listerud
Wolf Point

Arthur "Rocky" Schauer
Libby

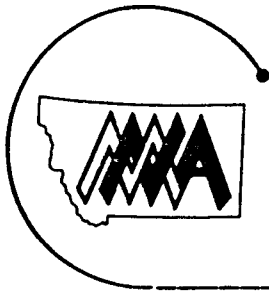
Bill Thomas
Great Falls

Thomas A. Thompson
Browning

The Board of Public Education requested SB196 as a house-keeping measure. Currently, Sec. 19-4-302 MCA (Montana Code Annotated) defines the groups which can be included in the Teacher's Retirement System. All educational groups, including the Office of Public Instruction and the Montana University System, are included except the employees of the Board of Public Education. This appears to be an oversight since the Board of Public Education is constitutionally responsible for supervision of the public school system, legislatively responsible for defining teacher certification and, thus, appropriate membership in this retirement system.

When the staff of the Board of Public Education was part of the Office of Public Instruction they were covered by these provisions. It appears to be a simple oversight that when the Board staff was separated from CPI by the Legislature this matter was not handled.

Therefore, we would request your concurrence in support of SB196.



Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

SB 196

The Montana Nurses' Association supports SB 196 which would require certain professionals to become members of the teachers' retirement system.

The bill would add school nurses, speech therapists, and school psychologists to those who would be required to be members.

Currently nurses who are school nurses are members of the teacher's retirement system, through the adoption of rules; however, the law needs to be amended through this bill to make the rules enforceable.

I offer one amendment to line, 24, to add the word "registered" before school nurse. This would make the bill in accordance with the interpretation of the Montana Nurse Practice Act which decided in May of 1984 that, "The Board of Nursing is of the opinion that the role and functions of a school nurse are beyond the scope and practice of practical nursing"... "Outcomes of nursing actions performed by the nurse functioning in the school system are not consistently predictable and therefore precludes the licensed practical nurse from practicing in this role".

I urge you to accept this amendment and give the bill as amended a DO PASS recommendation.

Respectfully submitted,
Barbara E. Booher
Executive Director, MNA

STANDING COMMITTEE REPORT

..... Feb. 3, 19. 37

MR. PRESIDENT

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

having had under consideration..... **SENATE BILL** No. **196**

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**REQUIRE PUBLIC EDUCATION BOARD STAFF TO JOIN TEACHERS'
RETIREMENT SYSTEM**

Respectfully report as follows: That..... **SENATE BILL** No. **196**

DO PASS

~~DO NOT PASS~~

..... **SENATOR BOB BROWN**