

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Schye, on February 13, 1989, at 3:00 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Springs, Jr.

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

HEARING ON HOUSE BILL 518

Presentation and Opening Statement by Sponsor:

Rep. Stickney, House District 26, stated that HB 518 is an act to revise budget procedures for Community Colleges and to allow the CC to retain and expend student tuition and fee revenues in excess of a certain amount. HB 518 keeps the CC basic structure together except for one change; It allows the CC to retain income generated by increases in tuition and fees over the present level. The current funding for the CC is from the state, local and student tuition and fees. If the student tuition and fees are increased, it will decrease the local levy. HB 518 is an attempt to keep the funding that CC have and will allow the local elected board with the cooperation of the Regents to raise tuition levels when necessary and the CC will be able to retain portion as the reusable budget. Rep. Stickney distributed copies of the amendments that will signify the change, but stated that it will not change the intent of the bill. Rep. Stickney stated that the President of the Miles City Community College is present and will give the Committee more information regarding the proposal. (See EXHIBIT 1).

Testifying Proponents and Who They Represent:

Judd Flower, President of Miles City Community College
Rep. Ray Peck, HD 15, Havre, MT.

Proponent Testimony:

President Flower stated that he was representing the three CC in

support of this legislation. President Flower stated that the CC have had a growing problem for several years. The method for the CC funding has not had an effective measure to increase tuition and to keep them on a level significant to a portion of the total revenues. The combination of local levies generated from tuition and taxes is capped by a total that cannot be changed. President Flower stated that HB 518 is an opportunity to increase the CC budget authority by using the tuition increases above a certain level for that purpose. President Flower summarized the changes made that represents and approaches the same objective. President Flowers stated that the joint Education Subcommittee has been working with the Governor's office and the Regents to handle the funding for the CC in a package which makes it too complicated to address the formula in Rep. Stickney's bill. The three basic sources of CC funding are: 1) State appropriations, 2) local mandatory taxes, and 3) tuition and fees. President Flower stated that a fixed percentage would not apply equally to each of the CC, and the CC's raise about 8 to 12 percent of the total budget in tuition and fees. The tuition and fees that are collected would be determined by what would be appropriated by the local Board of Trustees and approved by the Regents. President Flower urged the Committee's support of HB 518.

Rep. Peck stated that as chairman of the Appropriation's Education Subcommittee, they did not pass the motion subject to the bill, but are in agreement of HB 518. Rep. Peck stated that the Subcommittee does have a problem with the bill because it differs with the School Foundation program. If the local levy is increased, the tuition would be decreased because so much goes into per student FTE. He stated that in the current biennium, the general fund is providing 48 percent of the budget for each of the three CC, and the CC are providing 52 percent. The local levy is 10 to 12 percent in tuition and fees. Rep. Peck stated that there would not be a runaway in this area because of the locations that the CC are in are very conservative. Rep. Peck stated that the Appropriation's Subcommittee is in agreement with this bill but are still in control of the amount that the CC will be able to budget per student.

Rep. Zook wanted to go on record in support of HB 519.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Nelson stated that Flathead CC opposes this bill because of the 70 percent stipulation that would damage CC, and asked President Flower

if he knew anything about it? President Flower stated that the requirement in the package would include a significant increase in tuition and fees for the CC as a component in that package. President Flower stated that it is higher for Flathead CC, 59 percent for Miles City CC, 65 to 68 percent for Dawson CC and 70 to 80 percent for Flathead CC. President Flower stated that the CC tuition are one of the lowest in the country at this time. He stated that Montana CC have not kept pace because the students have not been asked to share a portion of the burden because of the funding system that has been in place for a number of years. President Flower stated that it is more significant in terms of percentages than dollars. He stated that the intent of the Commissioner's office and the Board of Regents is to keep the tuition and fees more comparable to the University System as they increase theirs.

Rep. Simpkins asked President Flower what are the tuitions at the CC now? President Flowers stated that the tuition is \$300 a year, \$100 a quarter for in-district and \$150 for out-of-district students. The tuition and fees combined are double that, about \$200 a quarter, and will go up under the proposal currently in the Appropriation's Subcommittee.

Rep. Glaser asked President Flower if Miles City CC was assessing themselves at 40 mills? President Flower replied that the formula requires that when the state appropriates 48 percent, the local share will be 52 percent. He stated that as each session goes by, the state has decreased their share so the local levy has had to be raised.

Rep. Glaser asked President Flower what the millage is at Dawson and Flathead CC? President Flowers replied that Dawson CC is around 39 and thought Flathead was about 15.

Closing by Sponsor: Rep. Stickney closed by asking the Committee Members to approve HB 518. She stated that this is the first time that they have had a bill that offers flexibility in the budget authority area for Community Colleges.

HEARING ON HOUSE BILL 517

Presentation and Opening Statement by Sponsor:

Rep. Peck, House District 15, stated that HB 517 is at the request of the Board of Regents to clarify a situation that the Board of Regents does not have any control or evaluation of courses coming in at the college level from out-of-state in the state of Montana. He stated that this bill will basically give the Board of Regents the control in approving a course brought in at the college level to be of a degree type of program.

Testifying Proponents and Who They Represent:

Don Habbe, Acting Deputy Commissioner of Higher Education
Judd Flower, President of Miles City Community College

Proponent Testimony:

Dr. Habbe stated that he is speaking on behalf of the University System. He stated that the impact of HB 517 is to secure the regulations of course and program offerings by out-of-state Institutions within the state of Montana. Dr. Habbe stated that the Regent's concern is with the increasing knowledge in telecommunications and the media which makes it easier to offer programs and courses in the state. If those Institutions are currently accredited regionally in their home area, than there is no Montana review. Dr. Habbe stated that the Board of Regents feel that if there could be some kind of review in the state that is in comparison to what Montana has to submit to, it would be an improvement.

Judd Flower, President of Miles City CC, distributed written testimony from Laura Lenau, R.N., Nursing Director, Miles City CC. She states in her testimony that there is a decrease in fiscal and human resources in Montana and an increase in recruitment of Montana students by out-of-state schools, especially southeastern Montana which is heavily recruited by North Dakota. She stated that the impact on local resources will be critical. (See EXHIBIT 3).

Testifying Opponents and Who They Represent:

Doctor John Voorhis, Director and Teacher of Certification of Montana, OPI
Claudette Morton, Executive Secretary of Board of Public Education
Jess Long, School Administrators of Montana (SAM)
Bruce Moerer, MSBA

Opponent Testimony:

Dr. Voorhis stated that his office opposes HB 517 for two reasons: 1) This is the third time in ten years that this issue has come before a Legislative Committee, it places another barrier for teachers and administrators seeking professional development credit from any accredited college beyond the boundaries of the state of Montana. Dr. Voorhis stated that Montana currently accepts college credits and certifications from in and out-of-state, and 2) the acceptance of credits for Montana citizens has not been done unilaterally in the past by the Board of Regents. Dr. Voorhis stated that the office offered an amendment to resolve their particular concerns and to continue their home standing approval of courses for teachers and administrators in the state, but was rejected by the Commissioner of Higher Education's office. Dr. Voorhis stated that the people in rural Montana will be harmed the most without the availability of sources in maintaining their certificates.

Dr. Voorhis urged a do not pass without an appropriate amendment to allow his office to approve those particular courses.

Ms. Morton stated that the Board of Public Education oppose HB 517 because of the 22,500 certified professionals which are required to meet re-certification rules. The BPE is required by the state constitution to supervise the public school system, and by Legislature to set certification policies. She stated that a review of courses is made for re-certification through the Office of Public Instruction followed by the Board of Public Education's policies. Ms. Morton strongly urged the Committee to accept the amendment that Dr. Voorhis has offered and distributed copies to the Committee Members. She stated that without the approval of the amendment, the Board of Public Instruction cannot support HB 517. (See EXHIBIT 4).

Mr. Long stated that the availability of telecommunications or by any means, is an important part of training of professional administrators. He felt that the programs offered from Institutions from out of state increases the capabilities of administrators. Mr. Long urged the Committee to do not pass HB 517.

Mr. Moerer stated that MSBA wants to go on record in opposition of HB 517 for the reasons already heard in above testimony.

Questions From Committee Members: None

Closing by Sponsor: Rep. Peck closed stating that he sees this bill as a quality control method. He stated that re-certification is not a one course program and it is more common for the people to go to summer school than to pick up one course through telecommunications, etc.. Rep. Peck stated that when there is an accredited institution involved, there should not be a problem having the course approved by the Regents. Rep. Peck informed Chairman Schye that in order to clarify this that maybe there should be a statement of intent to define what the Board of Regent's concern is.

HEARING ON HOUSE BILL 514

Presentation and Opening Statement by Sponsor:

Rep. Hansen, House District 57, opened stating that HB 514 is an act to remove the voter turnout requirement for the school district's bond elections. Rep. Hansen stated that she believes the 30 percent that is required is unfair for those that vote in the school elections.

Testifying Proponents and Who They Represent:

Bruce Moerer, MSBA

Terry Minow, MFT
Jess Long, SAM
Henry Badt, MA of City School Superintendent
Garth Jacobsen, Secretary of State
Paula Darko, Representative
Don Judge, Montana State AFL-CIO
Eleanor Vaughn, Senator

Proponent Testimony:

Mr. Moerer stated that even though this bill has been before the Committee in past Legislation, it is being approached differently this year. Mr. Moerer stated that a bill has been introduced in the Senate that will be coming into the house that will cancel voter registration every two years instead of 4 years. He explained that it will take off those extra people on the voter registration polls and it will compute if the 30 percent requirement is met. Mr. Moerer stated that this is the most fair way to deal with this situation because the majority rules. Mr. Moerer distributed a chart that shows what the voter turnout does under current law. (See EXHIBIT 5).

Mr. Campbell wanted to go on record in support of HB 514. He stated that this is better way to clean out the voter registration every two years.

Ms. Minow wanted to go on record in support of this proposal.

Mr. Long asked for a do pass on HB 514.

Mr. Badt stated his support for HB 514.

Mr. Jacobsen stated that the reason the Secretary of State's office is in support of this bill are: 1) They are concerned about voter turnout, under the present system voter turnout is discouraged, and 2) HB 514 removes the artificial barriers and makes the majority of participants rule.

Ms. Darko expressed her concern of non-voter turnouts and wanted to go on record in support of HB 514.

Mr. Judge stated his support for HB 514 and explained that voter turnout requirements for school bond elections were established when only property owners voted in those elections. He stated that with this bill the majority of those involved in voting will determine the out come of the issues. (See EXHIBIT 6)

Sen. Vaughn wanted to go on record in support of HB 514.

Testifying Opponents and Who They Represent:

Lorna Frank, Farm Bureau
Kay Thornberg, Women Involved in Farm Economics (WIFE)

Mary Daubek, representing self and other voters

Opponent Testimony:

Ms. Frank stated that the Farm Bureau represents 3,600 members throughout the state and they feel that due to inflationary trends and increased pressure on monetary resources voting on bond issues should remain as it is under current law or require at least 51 percent participation. She stated that the property owners would have less control and they are the ones who have to pay the bill. (See EXHIBIT 7).

Ms. Thornberg stated that WIFE has some concerns about HB 514. She stated that the farmers and ranchers are always busy in the spring of the year and forget to stop work and vote in school elections. (See EXHIBIT 8).

Ms. Daubek stated she is opposed to HB 514. She states that this bill is against the schools and voters. Ms. Daubek stated that more people need to be influenced to vote, but she does not think that by having a simple majority, teachers and school children taking the notices home to their parents to vote in favor of a school bond is fair.

Questions From Committee Members: None

Closing by Sponsor: Rep. Hansen closed stating that it is frustrating for school officials when they have to manage the money, keep the schools open and teach the children when their hands are tied in this fashion. She stated that it creates an incentive for the school administrators to repeat elections when they have the majority of the votes and the bond fails.

HEARING ON HOUSE BILL 561

Presentation and Opening Statement by Sponsor:

Rep. Addy, House District 94, stated that HB 561 questions when does a teacher lose tenure once they have it? Rep. Addy stated they can lose tenure when they are dismissed and not re-hired. Under the collective bargaining agreements there is usually language employed by the Teachers Association and the school board. If a teacher has to be laid off due to reduction in school enrollments or funding and are re-hired do they get their tenure back or did they ever lose it. Rep. Addy stated that the Montana ruling has been silent on this and Legislature needs to decide and make a ruling on this question. He stated that after 21 months a teacher does not have re-call rights, except in Missoula where the local school district has ruled on a 36 month re-call right. Under this bill, a teacher could be called back and re-instated in the same position as before including the statutory tenure rights. (See EXHIBITS 9 and 10).

Testifying Proponents and Who They Represent:

Phil Campbell, MEA

Terry Minow, MFT

Proponent Testimony:

Mr. Campbell stated that this bill states that if a teacher has tenure and has been laid off and if they retain some kind of employment or relationship with the school district through the collective bargaining agreement and have recall rights, than the teacher should be able to maintain their tenure when they resume their teaching position. (See EXHIBIT 9 and 10).

Ms. Minow stated that this is a fair bill and wanted to go on record in support of HB 561.

Testifying Opponents and Who They Represent:

Bruce Moerer, MSBA

Don Waldron, Supt. of Hellgate Elementary School

Opponent Testimony:

Mr. Moerer stated that under the current tenure law when a teacher is terminated the entire relationship with the district is severed. Mr. Moerer stated that there are a lot of collective bargaining agreements at this time that provide for re-call and those districts that have entered into those collective bargaining agreements and when they re-call those people they think they are hiring a non-tenure teacher. Mr. Moerer suggested an amendment if the Committee Members wanted to consider this bill, on line 5, strike the word "employment" and insert the word "tenure" so the collective bargaining agreement would have to specify those rights.

Mr. Waldron stated he opposes this bill because the majority of the schools have policies that have two year protections.

Questions From Committee Members: Rep. Simpkins asked Mr.

Campbell if the teachers are required to have continued education requirements with a tenure status over a period of time? Mr. Campbell stated that in order to maintain a teacher certification they have to have a certain amount of credits and did not feel this bill applied to this.

Rep. Eudaily asked Mr. Waldron if this bill is to be negotiated into the contract why should anything be written into the statutes? Mr. Waldron stated that if a person does not have a negotiated contract everything is automatically included, but if there is a negotiated contract, the contract takes preference over a tenure teacher that is terminated because

of the financial condition of the district requires a reduction in the number of teachers employed.

Rep. Zook asked Mr. Campbell if the contracts that are issued in the spring are subject to approval of the voted levies? Mr. Campbell stated that it varies among the districts, but felt that in the majority of the schools that is not the case.

Closing by Sponsor: Rep. Addy closed stating that he is not trying to change the rules in the middle of the game. He stated that given the unique situation of a tenure teacher being terminated because of financial conditions of the school this bill tries to determine what a fair ruling would be. Rep. Addy stated that tenure is a matter of statute, it is not something that is bargained for, it entitles that person to not be dismissed except for a cause.

HEARING ON HOUSE BILL 569

Presentation and Opening Statement by Sponsor:

Rep. Nisbet, House District 35, opened stating that HB 569 is adding some wording. A minimum of the 3 of the required 7 pupil instruction related days be for instructional and professional development of in-service training. This bill makes it mandatory rather than permissive the closing of the schools for instructional and professional developmental days for those meetings.

Testifying Proponents and Who They Represent:

Eric Feaver, MEA
Terry Minow, MFT

Proponent Testimony:

Mr. Feaver stated that MEA rises in strong support of HB 569.

Mr. Feaver stated that this bill will do a lot for the teachers of the state of Montana, their employers, the board of Trustees, tax payers and students. Mr. Feaver distributed a handout on the policy governing pupil instruction-related days which mandates 2 days in October. Mr. Feaver stated that teachers have an obligation to the public in upgrading their skills. (See EXHIBIT 12).

Ms. Minow urged the support of HB 569.

Testifying Opponents and Who They Represent:

Bruce Moerer, MSBA
Jess Long, SAM

Opponent Testimony:

Mr. Moerer stated that most schools do conduct professional

development days. He stated that the Board of Public Education requires three days of in-service training at the present time. Mr. Moerer stated that this bill is not cost effective because of the locations throughout the state.

Mr. Long stated that his objection to this bill is that it takes away the option for vacation days on the part of the school district. He felt that the districts would want to take advantage of the vacation days and use their in-service days at some other time.

Questions From Committee Members: Rep. Eudaily asked Mr. Feaver if he had a system to follow up on these teachers that say they are going to attend these 2 day sessions and then do not attend? Mr. Feaver stated that this bill does not address that and felt that if the teacher does not want to go then they would not get paid for it. Unless the school districts demand to be shown the registration list they would not know, but he stated that there are only a handful of teachers that he knows of that do not attend and are not receiving payment for it.

Closing by Sponsor: Rep. Nisbet closed.

HEARING ON HOUSE BILL 618

Presentation and Opening Statement by Sponsor:

Rep. Schye, House District 18, opened by stating that his bill is the School Foundation bill. He stated that this bill keeps the School Foundation schedule the same and increases it by only 4 percent. Rep. Schye said he has had many calls from superintendents around the state asking him what should they do with their budgeting process. He stated that they do not know what to run their mill levies at if the State goes into the new equalization system. Rep. Schye stated that he came up with this bill from the select Committee on Education. He stated that this bill is a part of what will take place with the equalization process that Legislature is in. The 4 percent will be for the first year of the biennium than the equalization process will take place in the second year of the biennium. Rep. Schye stated that this will be a phase in period and is not putting off the equalization process. The 4 percent would mean an increase of \$11.134 million above the Governor's budget. Rep. Schye stated that it is imperative that the schools have this money and it is up to Legislature to find it. He stated that there will be options to choose from.

Testifying Proponents and Who They Represent:

Nancy Keenan, Superintendent of Office of Public Instruction
Pat Melby, Represents the schools that were the plaintiffs in the underfunded lawsuit.

Bruce Moerer, MSBA

Terry Minow, MFT
Ira Hammond, Saco School
Eric Feaver, MEA
Jim Koke, Superintendent of Schools East Helena
Claudette Morton, BPE
Jess Long, SAM
Don Waldron

Proponent Testimony:

Supt. Keenan stated that she is representing the Montana students and is in support of HB 516. Supt. Keenan stated that when hard times come upon Montana it affects the students and this bill will keep the school districts going for a least one year of the biennium. Supt. Keenan stated that the school districts will be submitting their budgets on the fourth Monday of June, but the base on which the budgets are established is the amount they expect to receive from the State's School Foundation Program and urged hurried passage of this piece of Legislation. (See EXHIBIT 14).

Rep. Peck wanted to go on record in support of HB 618.

Mr. Melby stated that the supreme court just passed down the decision that Montana's current system is unconstitutional. Mr. Melby distributed a handout. (See EXHIBIT 15).

Mr. Moerer stated that funding in Montana schools have reached a critical point and this bill is a positive way of approaching that. He stated that the schools will need help financially the first year of the biennium before the school equalization can go into affect. The 4 percent is a plan that a majority of the people and educators have come to a consensus on to give the students of Montana a better quality education.

Ms. Minow stated that MFT is in full support of this bill. She stated that MFT would prefer that the schedule increases by the projected increase of the CPI so the schools will not fall further behind in their share of the State's support.

Mr. Hammond stated that the success of any program, whether private or public sector depends on planning and long term goals. He felt that HB 618 will give Montana schools and Legislature the time they need to work out an equatable solution.

Mr. Feaver stressed his and the MEA's strong support for HB 618 and urged the Committee Members to support HB 516.

Mr. Koke gave an example of what the difference is between 4 and 0 percent in his district: 1) He stated that because E. Helena is now an incorporated town his district will lose about \$10,000, and 2) to make the budget balance last year they had to go into their reserve of about 17 percent which

brought it down to 10 percent. He stated that if there is a 0 percent they will have a revenue shortfall of about \$64,000. He also stated that they have re-negotiated the teachers' contracts that will cost \$45,000, so at 0 percent they would be starting at a minus \$100,000 this coming biennium. Mr. Koke stated that if they are able to start out at 4 percent they will only have to come up with the negotiated contract agreements.

Ms. Morton stated that last session, Legislature asked the Board of Public Education to take an accreditation study and work with the interim Finance Committee to find funding solutions. She stated that they were able to see that the income stayed the same even though the costs went up and urged the Committee's support of HB 516.

Mr. Long asked the Committee to support HB 618 bill.

Mr. Waldron stated that they are pleased that the 4 percent is on the table. He urged the Committee and Legislature to find the funds to support this bill.

Testifying Opponents and Who They Represent:

Wayne Phillips, Governor Stephen's liaison

Opponent Testimony:

Mr. Phillips stated that the Governor was in a meeting and was not able to speak with him regarding their opposition to the bill and apologized for the discourtesy. Mr. Phillips stated that the Governor does support education, but leadership, meaning the supreme court recommendation on February 1, requires that they oppose it because education must be equalized and Montana must eliminate spending discrepancies. He stated that this bill means merely spending more money on the system as it exists now and has been found unconstitutional. Mr. Phillips stated that the supreme court has prioritized the funding and that is for equalization. He stated that all this bill will do is delay the process of equalization. Mr. Phillips stated that the Governor asks that the Committee start on the equalization process immediately.

Questions From Committee Members: Rep. Harrington asked Mr. Phillips if the Governor's office had some plan on the equalization process? Mr. Phillips replied that they will have an answer at 11:30 tomorrow morning.

Closing by Sponsor: Rep. Schye closed stating that this is an important piece of Legislation even though the Governor has a plan the school funding needs to be addressed now. The school districts have to have their budget plans now because there is not a big plan to solve this problem before July 1.

DISPOSITION OF HOUSE BILL 324

Motion: Rep. Nelson motioned a do pass.

Discussion: None

Amendments, Discussion, and Votes: Rep. Cocchiarella motioned a do pass on the amendment. Rep. Davis explained his amendment. The question was called. The motion CARRIED unanimously.

Recommendation and Vote: Rep. Darko moved HB 324 as amended. The question was called. The motion CARRIED unanimously to DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 364

Motion: Rep. Nelson motioned a do pass.

Discussion: None

Amendments, Discussion, and Votes: Rep. Nelson moved the amendments. Rep. Nelson explained his amendments. (See EXHIBIT 17). The motion was to adopt the amendment on line 16. Roll call vote was taken. The motion CARRIED 12/6.

Recommendation and Vote: Rep. Stang moved HB 364 as amended. The question was called. The motion CARRIED unanimously to DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 271

Motion: Rep. Wallin moved HB 271.

Discussion: None

Amendments, Discussion, and Votes: The motion was made to adopt the amendments. (See EXHIBIT 18). Roll call vote was taken. The motion FAILED 6/13.

Recommendation and Vote: Rep. Daily motioned to table HB 271. Roll call vote was taken. The motion CARRIED 13/6 to TABLE HB 271.

DISPOSITION OF HOUSE BILL 618

Motion: Rep. Stang moved HB 618

Discussion: None

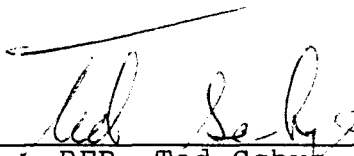
Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Stang moved a do pass. Roll call vote was taken. The motion CARRIED 11/8 to DO PASS.

There being no further business the Committee was adjourned.

ADJOURNMENT

Adjournment At: 5:00 p.m.



REP. Ted Schye, Chairman

TS/cj

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DAILY ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-13-89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chair.	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Floyd Gervais	✓		
ok Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Diana Wyatt	✓		
Rep. Bill Glaser	✓		
Rep. Ralph Eudaily	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Springs, Jr.			✓
ok Rep. Fred Thomas	✓		
Rep. Norm Wallin	✓		
Rep. Tom Zook	✓		

STANDING COMMITTEE REPORT

February 14, 1989

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Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 324 (first reading copy -- white) do pass as amended.

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 5.

Following: "DISTRICT"

Insert: "TO ESTABLISH A POLICY"

2. Page 1, line 20.

Following: "may"

Strike: "delegate to the clerk of the district"

Insert: "adopt a policy that establishes the limits and"

3. Page 1, line 21.

Following: "authority"

Insert: "of the clerk of the district "

STANDING COMMITTEE REPORT

February 14, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 364 (first reading copy -- write) do pass as amended .

Signed: _____
Ted Schva, Chairman

And, that such amendments read:

1. Title, line 10.

Following: "IN"

Insert: "A"

Following: "SCHOOL"

Insert: "OTHER THAN A POSTSECONDARY SCHOOL"

2. Title, lines 11 and 12.

Following: "PERSONAL"

Strike: remainder of line 11 through "RELIGIOUS" on line 12

Following: "GROUNDS;"

Insert: "TO REQUIRE THAT A RELIGIOUS EXEMPTION BE REASSERTED
ANNUALLY BY AFFIDAVIT, SUBJECT TO A PENALTY FOR PERJURY;"

3. Title, line 13.

Following: "REQUIREMENTS;"

Insert: "TO DELETE THE 30-DAY GRACE PERIOD FOR TRANSFER PUPILS;
TO REQUIRE A SCHOOL TO RELEASE IMMUNIZATION RECORDS OF A
TRANSFERRING PUPIL;"

4. Title, line 15.

Following: "20-5-405,"

Insert: "AND 20-5-408."

5. Page 2, lines 2 and 3.

Following: "preschool,"

Strike: remainder of line 2 through "university" on line 3

Insert: "or postsecondary school"

6. Page 2, line 12.

Insert: "(6) "Postsecondary school" means a vocational-technical center, a community college, a unit of the Montana university system, or a private university or college."
Renumber: subsequent subsections

7. Page 2, lines 21 and 22.

Following: "individuals,"

Strike: remainder of line 21 through "establishment" on line 22

8. Page 2, lines 23 and 24.

Following: "work of"

Insert: ":

(a) "

Following: "grade 12"

Strike: remainder of line 23 through "university" on line 24

Insert: ";

(b) a postsecondary school; or

(c) a preschool"

9. Page 3, lines 1 and 2.

Following: "required -- "

Strike: remainder of line 1 through "transfers" on line 2

Insert: "release and acceptance of immunization records"

10. Page 3, line 2.

Following: "school"

Insert: "other than a postsecondary school"

11. Page 3, line 10.

Following: "attendance; "

Insert: "or"

12. Page 3, lines 11 through 23.

Following: "exemption"

Strike: remainder of line 11 through line 23

Insert: ".

(2) (a) The governing authority of a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(i) has been immunized against rubella and measles

(rubeola) in the manner and with immunizing agents approved by the department; or

(ii) files for an exemption.

(b) The governing authority of a postsecondary school may impose immunization requirements as a condition of attendance that are more stringent than those required by [this act]."

(3) A pupil who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The school district to which a

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pupil transfers shall accept the photocopy as evidence of immunization. Within 10 days after a transferring pupil ceases attendance at the school of origin, the school shall send the original immunization records for the pupil to the school district to which the pupil transfers."

13. Page 4, line 1.

Following: "school"

Insert: "other than a postsecondary school"

14. Page 4, line 9

Following: "medical"

Insert: "or religious"

15. Page 4, line 20.

Following: line 19

Insert: "(1) When a parent, guardian, or adult who has the responsibility for the care and custody of a minor seeking to attend school or the person seeking to attend school, if an adult, signs and files with the governing authority, prior to the commencement of attendance each school year, a notarized affidavit on a form prescribed by the department stating that immunization is contrary to the religious tenets and practices of the signer, immunization of the person seeking to attend the school may not be required prior to attendance at the school. The statement must be maintained as part of the person's immunization records. A person who falsely claims a religious exemption is subject to the penalty for perjury provided in 45-7-201."

Re-number: subsequent subsections

16. Page 5, line 20.

Following: line 19

Insert: "Section 5. Section 20-5-408, MCA, is amended to read:

"20-5-408. Enforcement. (1) The governing authority of any school other than a postsecondary school shall prohibit from further attendance any pupil allowed to attend conditionally who has failed to obtain the immunizations required by 20-5-403(1) within time periods established by the department until that pupil has been immunized as required by the department or unless that pupil has been exempted under 20-5-405.

(2) Each governing authority shall file a written report on the immunization status of all pupils under its jurisdiction with the department and the local health department at times and on forms prescribed by the department.

(3) The local and state health departments shall have access to all information relating to immunization of any pupil in any school."

Re-number: subsequent sections

STANDING COMMITTEE REPORT

February 14, 1999

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 618 (first reading copy -- white) do pass.

Signed: _____
Ted Schve, Chairman

AMEND H.B. 518 as follows:

EXHIBIT 1
DATE Feb 13, 1989
HB 518

Page 1, line 17, strike "unrestricted appropriated budget" and insert "general fund appropriation"

Page 2, lines 6 and 7, strike "unrestricted appropriated budget authorized by the legislature and approved by the regents" and insert "calculated dollar amount per full time equivalent student"

Page 2, line 11, following "(b)" strike the rest of the page and insert "The mandatory levy must represent a specific percentage of the calculated dollar amount per full time equivalent student. This percentage must be specified for each community college by the board of trustees of the district and approved by the regents."

Page 3, line 1, reinstate the stricken "(b) of" and precede it with the newly inserted "subsections a and".

Page 3, line 2, delete "(b)" and insert in its place "plus the revenue derived from tuition and fee schedules approved by the regents and unrestricted income from any other source"

Page 3, line 3, delete "appropriated"

Page 3, delete lines 4 through 9.

Page 3, line 10 delete "(d)" and "total"

Page 3, line 13, delete "(e)" and reinstate "(d)"

Page 3, line 16, delete "(f)" and reinstate "(e)"

Page 3, line 19, delete "(g)" and reinstate "(f)"

Page 3, line 20, delete amended language and reinstate stricken language.

Further, amend the title as follows, page 1, line 7, delete "IN EXCESS OF A CERTAIN AMOUNT"

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE BUDGET
2 PROCEDURES FOR COMMUNITY COLLEGES; TO ALLOW A COMMUNITY COLLEGE
3 TO RETAIN AND EXPEND STUDENT TUITION AND FEE REVENUE; AMENDING
4 SECTIONS 20-15-310 AND 20-15-312, MCA; AND PROVIDING AN
5 EFFECTIVE DATE."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 20-15-310, MCA, is amended to read:

9 "20-15-310. Appropriation. It is the intent of the
10 legislature that all community college spending, other than
11 from restricted funds or funds generated by an optional, voted
12 levy, be ~~controlled-under~~ governed by the provisions of this
13 part and the state general appropriations act. The ~~unrestricted~~
14 ~~budget state general fund appropriation-shall~~ must be based on
15 a calculated dollar amount per full-time equivalent student.
16 The student count may not include those enrolled in community
17 service courses as defined by the board of regents."

18
19 Section 2. Section 20-15-312, MCA, is amended to read:

20 "20-15-312. Calculation and approval of operating budget.

21 (1) Annually by June 15, the board of trustees of a community
22 college shall submit an operating budget to the board of
23 regents for their review. The operating budget of the community
24 college shall must be financed in the following manner:

25 (a) ~~General--fund--appropriation-~~ The general fund

1 appropriation shall must represent a specific percentage of the
2 ~~total-unrestricted-budget-authorized-by-the-legislature-and~~
3 ~~approved-by-the-regents~~ calculated dollar amount per full time
4 equivalent student. This percentage shall must be specified in
5 the appropriations act appropriating funds to the community
6 colleges for each biennium.

7 (b) ~~An-estimate-of-revenues-to-be-generated-by-student~~
8 ~~tuition-and-fees,-and-all-other-unrestricted-income,-revenues,~~
9 ~~or-balances-shall-be-added-to-the-state-general-fund~~
10 ~~appropriation-and-the-total-subtracted-from-the-total~~
11 ~~unrestricted-budget.-The-difference-shall-be-obtained-by-a~~
12 ~~mandatory-levy.-~~ The mandatory levy must represent a specific
13 percentage of the calculated dollar amount per full time
14 equivalent student. This percentage must be specified for each
15 community college by the board of trustees of the district and
16 approved by the regents.

17 (c) The funding obtained in ~~subsectiøn~~ subsections (a)
18 and (b) of subsection (1) plus the revenue derived from tuition
19 and fee schedules approved by the regents and unrestricted
20 income from any other source is the amount of the unrestricted
21 budget. A detailed expenditure schedule for the unrestricted
22 budget shall must be submitted to the board of regents for
23 their review and approval.

24 (d) The amount estimated to be raised by the voted levy
25 shall must be detailed separately in an expenditure schedule.

1 (e) The spending of each restricted funding source shall
2 must be detailed separately in an expenditure schedule.

3 (f) The expenditure schedules provided in subsections
4 (c), (d), and (e) of subsection (1) shall must represent the
5 total operating budget of the community college.

6 ~~(g)---If---revenues---to---the---unrestricted---budget---exceed~~
7 ~~estimates,---the---excess---shall---be---used---to---reduce---the---mandatory~~
8 ~~levy---in---the---subsequent---year.~~

9 (2) The board of regents shall review the proposed total
10 operating budget and all its components and make any changes it
11 determines necessary. A The board of trustees of a community
12 college district shall operate within the limits of the
13 operating budget approved by the board of regents.

14

15 NEW SECTION. Section 3. Effective date. [This act] is
16 effective July 1, 1989.

17

-End-

18

19

20

21

22

23

24

25



MILES COMMUNITY COLLEGE

2715 Dickinson

MILES CITY, MONTANA 59301

Telephone (406) 232-3031

EXHIBIT 3
DATE Feb 13, 19
HB 517

Written Testimony in Support of HB 517.

Submitted to the House Committee on Education and Cultural Resources



Submitted by Laura Lenau, R.N., M.S., Nursing Program Director,
Miles Community College, Miles City, Montana

I have been a faculty member at Miles Community College (MCC), an institution of higher education, for the past ten years. During that time I have observed a decrease in fiscal and human resources and an increase in recruitment of Montana students by out-of-state schools. Southeastern Montana is heavily recruited by North Dakota schools. It is currently evident that North Dakota programs, specifically in nursing, are making inroads in Southeastern Montana with their off-campus courses and programs and will be utilizing resources that are already marginal for our in-state programs. The impact on local resources will be critical.

A specific example is the Montana Healthcare Network facilitation of course offerings in Montana by Minot State University. These course offerings are a pilot to assess student interest with a goal of establishing nursing coursework in Glendive, Sidney, Glasgow, and Miles City. The existing resources in these communities are not sufficient to support an AD/RN and BSN program simultaneously. At the present time negotiations have begun to utilize Glendive hospital facilities for clinical experience affiliation with Miles Community College. Utilization of these clinical sites would be thwarted by out-of-state intervention.

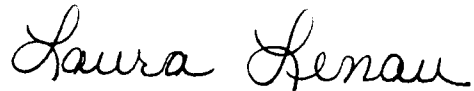
With the nursing shortage at a critical stage, explorations of cost effective shared utilization of limited resources has been ongoing between MCC and Northern Montana College (NMC) resulting in current articulation agreements. This articulation allows AD/RN graduates to continue their education at NMC with complete acceptance of credits. Grant applications have been submitted by NMC to create a consortium to facilitate the laddering of nursing education and the delivery of curriculum to geographically isolated areas. These actions demonstrate that efforts to meet the academic needs of geographically isolated students are being made by Montana schools.

Montana students are supporting out-of-state courses and programs that Montana schools could be offering at the same sites if the fiscal resources were available to the Montana institutions of higher education. Many of our schools are small and the economies of scale do not operate in our favor.

While Montana institutions and programs are required to meet specific standards for mandatory state approval, out-of-state institutions and programs are not required to meet equivalent criteria within our state. This inconsistency produces incomplete and questionable quality control.

The above practices are discriminatory against Montana schools. HB 517 would place reasonable quality control on out-of-state institutions offering off-campus courses in our state. It would also limit the use of Montana resources for the benefit of out-of-state facilities.

I urge you to support HB 517 with your "do pass" vote.

A handwritten signature in cursive script that reads "Laura Lenau".

Laura Lenau, R.N., M.S.
Director, MCC Nursing Program

EXHIBIT 4
DATE Feb 13, 1989
HB 517

(1) any program or course of instruction leading to certification
~~of~~ from an institution accredited by a national or regional accrediting
agency and recognized by the board of regents of higher education or the
board of public education ~~and notification of such recognition having been~~
~~given to the department by the board~~ either utilized its
approval process for which the board has given the
~~department notification of recognition and of course approval as provided~~
in 20-25-107(3);

EXHIBIT

5

DATE

Feb 13, 1989

HB

514

HB 514

Under current law, Section 20-9-428, concerning a passage of a school bond issue:

Assume 1,000 registered voters

# Voters	# Votes For	Pass/Fail
300	300	F
301	181	P
399	239	F
400	200	P



EXHIBIT 12
DATE Feb 13, 1989
HB 514

JAMES W. MURRY
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

Testimony of Don Judge before the House Education and Cultural Resources
Committee on House Bill 514, February 13, 1989

Mr. Chairman and members of the Committee, for the record, I am Don Judge representing the Montana State AFL-CIO in support of House Bill 514 which would remove the voter turnout requirements for school district bond elections.

The voter turnout requirements for school bond elections were established when only property owners voted in those elections. The requirements insured that a sufficient number of property owners cast their ballots in favor of increasing their property taxes. The restriction that only property owners participate in these elections was found unconstitutional and now all eligible voters are able to vote in school district bond elections. However, the requirements for voter passage of school bond issues continue to reflect stricter standards than those required in other elections.

All issues, whether involving school district bonds or not, should pass or fail with a plurality of those voting in elections at the polls. Any election conducted to decide an issue should be determined by the voters themselves, not by those who stay at home. The Montana State AFL-CIO works diligently to improve voter turnout in all elections. There is nothing we would like better than to have a 100% voter turnout for every election. Unfortunately, that will never be the case. Those who are interested and informed go to the polls on election day and vote. But in school bond elections, those who do cast their ballots are penalized by having to meet artificial turnout barriers to overcome the apathy of those who don't take their democratic rights and opportunities seriously?

The representatives of school districts can convey to you the horror stories regarding voter turnout for school bond elections. They can also more accurately portray the problems which they have had meeting the 30% threshold contained in current law. These problems are enhanced in areas where the numbers of actual, active registered voters in a community are substantially lower than those contained on the list of registered voters in the county clerk and recorder's office. This problem is most apparent in communities like Bozeman, Havre, Missoula and Dillon where turnover of college students can artificially inflate the turnout threshold.

TESTIMONY OF DON JUDGE
HOUSE BILL 514, FEBRUARY 13, 1989
PAGE TWO

Mr. Chairman, members of the Committee, opponents of House Bill 514 would argue that we need the provisions of current law to protect taxpayers from small groups of citizens who would foist unwarranted school bonds on the taxpayers. We would argue that those who would oppose such issues have the same obligation as those who support them -- to get involved and make sure that, in our democratic form of government, a majority of those voting will determine the outcome.

We urge you to give favorable consideration to House Bill 514.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT 7
DATE Feb 13, 1989
HB 514

BILL # HB 514; TESTIMONY BY: Lorna Frank
DATE Feb. 13, 1989; SUPPORT _____; OPPOSE Yes

Mr. Chairman, members of the committee, for the record my name is Lorna Frank representing 3600 Montana Farm Bureau members.

Farm Bureau would like to go on record as opposing HB 514. Due to inflationary trends and increased pressure on monetary resources voting on bond issues should remain as it is under current law or require at least 51% participation.

Removing the requirement on voter turn out would mean less control by the local property owner. They are the ones who have to pay the bill and should have some control.

SIGNED: Lorna Frank

EXHIBIT 8
DATE Feb 13, 1989
HB 514

Ms. Chairman & members of the committee.
My name is Kay Norenberg representing WIFE
(Women Involved In Farm Economics)

We oppose HB 514.

We have some concerns about this bill in ^{rural areas} poor voter turnout is history on both regular school elections and bond elections. Farmers and ranchers are always busy in the spring of the year and many times fail to stop work to vote in school elections. If we change our process to vote it could mean a bond would pass because of failure to get those voters out who are against the bond issue.

These same people end up paying the bill on these bonds. Maybe we can say it's their own fault, they should have taken the time to vote on such an important issue & this serves them right for giving up their right to vote. That's a hard lesson for someone who is trying to take care of his livelihood.

We believe the process is fair now and would recommend a do not pass on HB 514.

Thank you!

- c. Non-Voluntary Transfers are the movement of an employee to a different building for which the teacher has not applied.
 - 1) Requests for the transfer of a teacher which are initiated by the principal, supervisor, or Board shall be communicated in writing with the reason(s) for the transfer stated to the person(s) involved in the transfer prior to the final Board action.

8.11

REDUCTION IN FORCE

- a. A Reduction in Force and the term "layoff" as used herein shall mean any suspension from employment arising out of a reduction in the teacher work force of the District, and shall be separate and distinct from the terms retirement, resignation, non-renewal, discharge, dismissal, or termination.
- b. Grades 7-12, Grades K-6, and Post Secondary Vocational-Technical Center shall be considered as separate units for purposes of this section so that the layoff procedure with respect to one such unit shall not apply to other units.
- c. Non-tenured teachers shall be excluded from this Reduction in Force provision.
- d. If the layoff affects a particular educational program or unit, layoffs will be confined to personnel employed in such program or unit. However, nothing shall be interpreted or applied so as to prohibit the Board from assigning laid off personnel to positions in other units or programs, for which they are qualified. held by less senior teachers.
- e. Definition - Seniority shall be defined as the total length of continuous service, including full credit for service of less than a full duty day or service of less than a full contract year, if a teacher has signed a contract for the ensuing school year with the District. Seniority shall accrue from the date of employment. Seniority will not be broken by approved leaves of absence. Seniority will not be broken by employment by the Board in a position outside the appropriate unit if the Board required certification/license for employment in that position. In the event of identical dates of employment, those holding advanced preparation as of November 15, 1985, shall have precedent. In the event of both identical dates of employment and advanced preparation, rank shall be determined by lot. This order once established shall not change. Teachers hired after November 15, 1985, shall accrue seniority solely by date of hire.
- f. Loss of Seniority - A teacher shall lose his seniority for any of the following reasons:
 - 1) if teacher is dismissed and not subsequently reinstated.
 - 2) if teacher retires.
 - 3) if teacher resigns.
 - 4) if teacher overstays a leave of absence without obtaining an extension of the leave.

- g. Seniority List - A seniority list shall be prepared by the Board at least once a year not later than January 1. Needed corrections to this list shall be presented to the Board in writing prior to January 20. Corrections after this date may be made only with the written agreement of the Board. A copy of this list shall be provided to the Association and shall be available in all buildings for review during regular working hours.
- h. When a reduction in force takes place, the least senior teacher shall be laid off first, provided that the least senior teacher does not have experience and qualifications that are substantially greater than a more senior teacher. If the less senior teacher has such experience and qualifications, a more senior teacher shall be laid off first.
- i. Recall
 - 1) Grievance rights for violation of recall shall exist for up to twenty-one (21) months from the last day of work, but in no event can a grievance be filed beyond the time limits established for Level 1 of the Grievance Procedure if the aggrieved party becomes aware of the occurrence of the grievance or, with reasonable diligence, should have become aware of the occurrence of the grievance.
 - 2) When recalling to the former teacher's District assignment, the most senior teacher shall be the first recalled, provided that a less senior teacher does not have experience and qualifications that are substantially greater than the more senior teacher. In such event, the less senior teacher shall be recalled first.
 - 3) When recalling to a teaching position other than the previous District assignment, the most senior teacher must have experience and qualifications that are substantially greater than all other personnel.
 - 4) The Board shall give written notice of recall from layoffs by sending a registered or certified letter, return receipt requested, to said teacher at the teacher's last known address. The teacher's address as it appears on the Board's record shall be conclusive when used in connection with layoffs, recalls, or other notices to the teacher. It shall be the responsibility of each teacher to notify the Board of any changes of address. If the Board is not able to cause delivery of the notice of recall within fifteen (15) days of the date that such notice was sent, it shall result in forfeiture on the part of the teacher to any further rights to reinstatement.
 - 5) The teacher on recall who signs a contract with another school district shall notify the District immediately or shall forfeit all rights to recall.
 - 6) If the District has knowledge that any teacher on recall is under contract with another school district, the District is under no requirement to offer a contract to a teacher on recall unless the District has received notice that the other employer is aware of the possibility of recall to District employment, and the other employer has agreed to release the teacher upon recall by the District.
- j. The Board shall be the sole determinant of: (1) the number of teachers employed in each school program(s); (2) the continuation, elimination, or modification of each school program(s); and (3) of the quality of each school program(s).

Included in the duty day is the teacher's obligation to participate in faculty meetings, departmental meetings, parent conferences and in-service meetings. Open house functions for the high school or advisory committee meetings which may occur outside the regular school day will be attended at no additional pay to teachers; however, schools will be on professional schedule with dismissal time for teachers the same as for students on the day of Open House. Teachers chaperoning school dances outside the duty day will be on a voluntary basis and paid \$15.00 per dance; this, however, excludes the extra-curricular activities for which the teacher is already getting a stipend as listed in Schedules B-2 (A) and (B). In the event there are insufficient numbers of volunteers, teachers may be assigned to chaperone on a rotational basis of all teachers at their respective schools at the rate of pay specified above.

10.7 Career Increment

Those teachers who are paid at the top of the M.A.+45 column of the schedule and meet the following conditions shall receive one or both of the following career increments in addition to their regular teaching salary.

- A. The first career increment is a monetary sum equal to twice the amount of the largest M.A. increment on the teacher's salary schedule.

These teachers must have completed ten years full-time teaching in the Missoula County High School District, and must have a current satisfactory evaluation report.

- B. The second career increment is a monetary sum equal to one-half the amount of the largest M.A. increment on the teacher's salary schedule.

These teachers must have completed three years at the first career increment level, and must have a current satisfactory evaluation report. This is effective for the 1988-89 salary schedule.

- 10.8 Lunch Period: At their option, all teachers shall have an uninterrupted, duty free period for lunch of forty-five minutes, in addition to the five-minute passing time. At the discretion of the district, an individual school shall be allowed to vote to determine if the work day shall be shortened by reducing the duty free lunch period.

ARTICLE 11

REDUCTION IN FORCE

In the event the Board determines to lay off or recall staff, the following provisions shall apply:

- 11.1 Determination of R.I.F.: The Board will determine which instructional and curricular areas, including all student activities, athletics, and classes will be maintained at their present levels; and which will be reduced or eliminated.
- 11.2 Order of Lay Off: Necessary staff reductions will be achieved through the following steps, in the order listed:
- A. Normal attrition from retirement and resignation.
 - B. Part-time non-tenured teachers.
 - C. If further reductions are required, full-time non-tenured teachers will be laid off next.
 - D. If further reductions are required, tenured teachers will be laid off according to the seniority provision described below.
- 11.3 Seniority Defined: Seniority shall mean the number of years of continuous service, excluding summer session, extended employment, adult and continuing education program, and any other special programs outside the normal work assignment. Part-time teachers shall accrue seniority on a pro-rata basis and shall be able to displace junior teachers. Further, seniority shall be determined as follows:
- A. Seniority shall commence with the first day of actual service to the school district including authorized leaves of absence which allow for accrual of seniority.
 - B. If actual service among or between employees is equal, the level of advanced educational preparation shall govern (i.e.: master's degree in endorsement area over bachelor's degree, major over minor, and at the MVTC, appropriate work experience outside of education).
 - C. If the above-defined criteria are equal, the date of hiring shall govern.
 - D. In case the foregoing criteria are equal, seniority shall be resolved by a flip of the coin or drawing of lots.
- 11.4 Seniority Lists
- A. It shall be the responsibility of the district to develop the seniority list by department and said seniority shall be recognized district-wide.
 - B. This list shall include the certification(s) and endorsement(s) for all tenured teachers.

- C. Seniority for probationary teachers shall not be recognized until tenure is achieved, at which time seniority shall be counted from the first day of continuous service in the regular school term and as subsequently ascertained in 11.3. There shall be similarly maintained a listing of all probationary teachers, listing their area(s) of certification, but not their starting date with the district.
- D. The school district will send seniority confirmation sheets to teachers at the beginning of the school year. Said sheets will be used to develop the district seniority list. The teacher shall indicate that the information is correct or incorrect and forward the confirmation sheets to the personnel office within five working days.

If the district does not concur with the returned information, the teacher will be notified within fifteen working days. The personnel director will meet with the teacher to correct the disputed information. Should the parties not agree after conferring on the matter, the teacher may pursue his/her seniority placement through the grievance procedure after the seniority list has been posted.

- E. The seniority list shall be posted in each district building by November 15th of each school year and a copy of the seniority list shall be delivered to the president of the Association simultaneously with this posting. Any teacher disagreeing with his/her seniority placement shall notify immediately the personnel director.

11.5 Lay Off

- A. A tenured teacher proposed for lay off shall have the right to displace a less senior teacher provided that the teacher has an endorsement in that subject area or provided that the less senior teacher is in a program in which an endorsement is not required.
- B. At such time that a teacher is notified of his/her lay off, said teacher may exercise his/her bumping privilege(s).
- C. Teachers who leave the bargaining unit to serve as administrators in the district shall retain seniority accrued in the bargaining unit but seniority shall not accrue for the period of time spent as an administrator. Administrators who were not previously members of the bargaining unit shall only accrue seniority from the first date of assignment to a position in the bargaining unit.

Ex #11
Pg 4

11.6 Recall

- A. No new teacher shall be employed by the school district while a certified, qualified (i.e.: major, or endorsement with previous teaching experience in the district in that subject area for any part of two years), tenured teacher capable of performing the work is on lay off. Tenured teachers shall first be recalled in inverse order from which they were laid off provided that they must be certified and qualified in the appropriate category and able to perform the work.
- B. Teachers placed on lay off shall retain all seniority and tenure rights they had accrued as of date of lay off, and shall earn additional seniority during the period of lay off, subject to the limitations in (E) below.
- C. When placed on lay off, a teacher shall maintain a current address with the school district and if a position becomes available for the teacher on lay off, the school district shall provide written notice by registered mail, return receipt requested. The teachers shall have fourteen calendar days from the date of receipt of such notice to accept reemployment. Failure on the part of the teacher to accept reemployment within fourteen calendar days of receipt of recall notice shall constitute forfeiture on the part of the teacher to any further rights of reemployment or reinstatement.
- D. If the school district is unable to effect a delivery of a registered letter, return receipt requested, at the last address left with the school district by the teacher, the district after five days shall send a notice by certified mail, and the fourteen day period provided herein shall commence running at the time the notice by certified mail is sent.
- E. Reemployment rights shall automatically cease thirty-six months from the date of lay off. If while on lay off, the teacher gives notice of termination/resignation, said teacher's reemployment rights shall cease.

11.7 Effect

- A. For purposes of this Article, ability or capability to perform the work shall refer only to the teachers' abilities and capabilities within their areas of certification and endorsement. Extra-curricular abilities or capabilities shall not be considered by the district.
- B. Nothing in this Article shall be construed to limit the authority of the School Board to determine the number of employees, the establishment and priority of programs or the right to reduce staff. Therefore, such action shall not be subject to the grievance procedure provided in this Agreement.

EXHIBIT 11
DATE Feb 13, 1989
HB 561

Amendment to House Bill 561
introduced (white) copy

1. page 2, line 5.

Following: continued

Strike: "employment"

Insert: "tenure"

Sub-Chapter 1

Pupil Instruction-Related Days

10.65.101 POLICY GOVERNING PUPIL INSTRUCTION-RELATED DAYS APPROVED FOR FOUNDATION PROGRAM CALCULATIONS (1) A school which in any year was in session for at least 180 pupil instruction days may count for the following year's foundation program a total of not more than seven days in addition to the required 180 pupil instruction days, provided that such additional days were used for one or more of the following purposes in accordance with the regulations hereby established:

(a) Preschool staff orientation held prior to the beginning of pupil instruction for the purpose of organization of the school year.

(b) Staff professional development programs scheduled during the year for the purpose of improving instruction which may include professional organizations' instructional and professional development programs. If the district includes statewide professional organizations' programs as part of its staff development, it must provide alternative staff development for those not attending.

(c) Parent-teacher conferences for the purpose of acquainting parents with the school and the progress of their children.

(d) Post-school record and report completion at the end of the pupil instruction year. This day may be divided so as to provide one-half day at the end of each semester.

(e) A school district may count for the following year's foundation program a total of not more than three and one-half days in addition to the required 90 pupil instruction days for kindergarten purposes, provided that such additional days were used for one or more of the above-named purposes and upon proper submission of the application to the state superintendent. (History: Sec. 20-2-121, 20-2-121(6) MCA; IMP, 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77; AMD, 1985 MAR p. 353, Eff. 9/1/86; AMD, 1987 MAR p. 102, Eff. 1/30/87.)

10.65.102 APPLICATION FOR AUTHORIZATION TO SCHEDULE PUPIL INSTRUCTION-RELATED DAYS (1) An application for authorization to schedule pupil instruction-related days must be submitted to the state superintendent of public instruction by May 1 of the year preceding the school year in which such days are desired to be included with pupil instruction days for the subsequent year's foundation program calculations. Days for which approval is not granted may not be included for foundation program calculations. (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77.)

10.65.103 PROGRAM OF APPROVED PUPIL INSTRUCTION-RELATED DAYS

(1) A copy of the program planned and executed for each approved day (except the state teachers' association meetings) must be kept on file in the office of the appropriate school official. Such program may be subject to review by the state superintendent of public instruction.

(2) The program for each approved day referred to in ARM 10.65.101 (1) (a) - (d) shall be planned and executed so as to require the participation of the entire professional staff for at least six hours.

(3) Saturdays and holidays, while not pupil instruction days, may be approved for pupil instruction-related days noted in ARM 10.65.101 (1) (a) - (d), if requested. (History: Sec. 20-2-121 MCA; IMP, Sec. 20-1-304 MCA; Eff. 7/1/62; ARM Pub. 11/26/77.)

10.55.205 Professional Development (1) The school district shall provide, as part of a continuous program for the improvement of instruction and administration, a minimum of three days of professional development annually for each certified employee. A day of professional development is defined as six hours of actual contact time. Professional development time may be divided into no less than two hour increments to facilitate delivery of professional development programs.

(2) By April 15 of each year, the school district shall formulate a plan for professional development which includes:

(a) Goals and objectives stating the needs appropriate to the professional development of teachers, administrators and other professional personnel.

(b) Acceptable activities.

(c) Methods of evaluation required for each activity contained in the plan.

(3) For purposes of development and evaluation of the plan, the board of trustees shall establish an advisory committee including but not limited to teachers, administrative personnel and trustees. A majority of the committee shall be teachers.

(4) The plan shall be on file in the school's administrative office or with the county superintendent and shall be available to employees and patrons of the district. (History: Sec. 20-7-101, 20-2-121(6) MCA; IMP, Sec. 20-7-101, 20-1-304 MCA: Eff. 7/1/76; AMD 1981 MAR p. 608, Eff. 6/26/81; AMD, 1981 MAR p. 1492, Eff. 11/13/81; AMD, 1982 MAR p. 2176, Eff. 12/31/82; AMD, 1985 MAR p. 353, Eff. 9/1/86; AMD, 1987 MAR p. 102, Eff. 1/30/87.)

Montana House of Representatives
School Foundation Program
Fact Sheet

EXHIBIT 13
DATE Feb 13, 1989
HB 618
pg 1

Fiscal Year	CPI % Chg.	Schedule % Chg.
79	9.42%	7.00%
80	13.28%	8.00%
81	11.60%	10.00%
82	8.66%	18.00%
83	4.36%	15.00%
84	3.67%	4.00%
85	3.93%	3.00%
86	2.84%	4.00%
87	2.21%	1.00%
88	4.14%	0.00%
89	4.65%	0.00%
=====		
90	4.85%	4.00%
=====		
Cumulative		
Increase 79-89	93.61%	94.09%
Increase 79-90	103.00%	101.85%
=====		

Maximum General Fund Budget Without a Vote

Estimated Cost FY 90 @ 4% \$289.489 M
Estimated Cost FY 90 @ 0% \$278.355 M

Estimated Increase \$11.134 M

=====

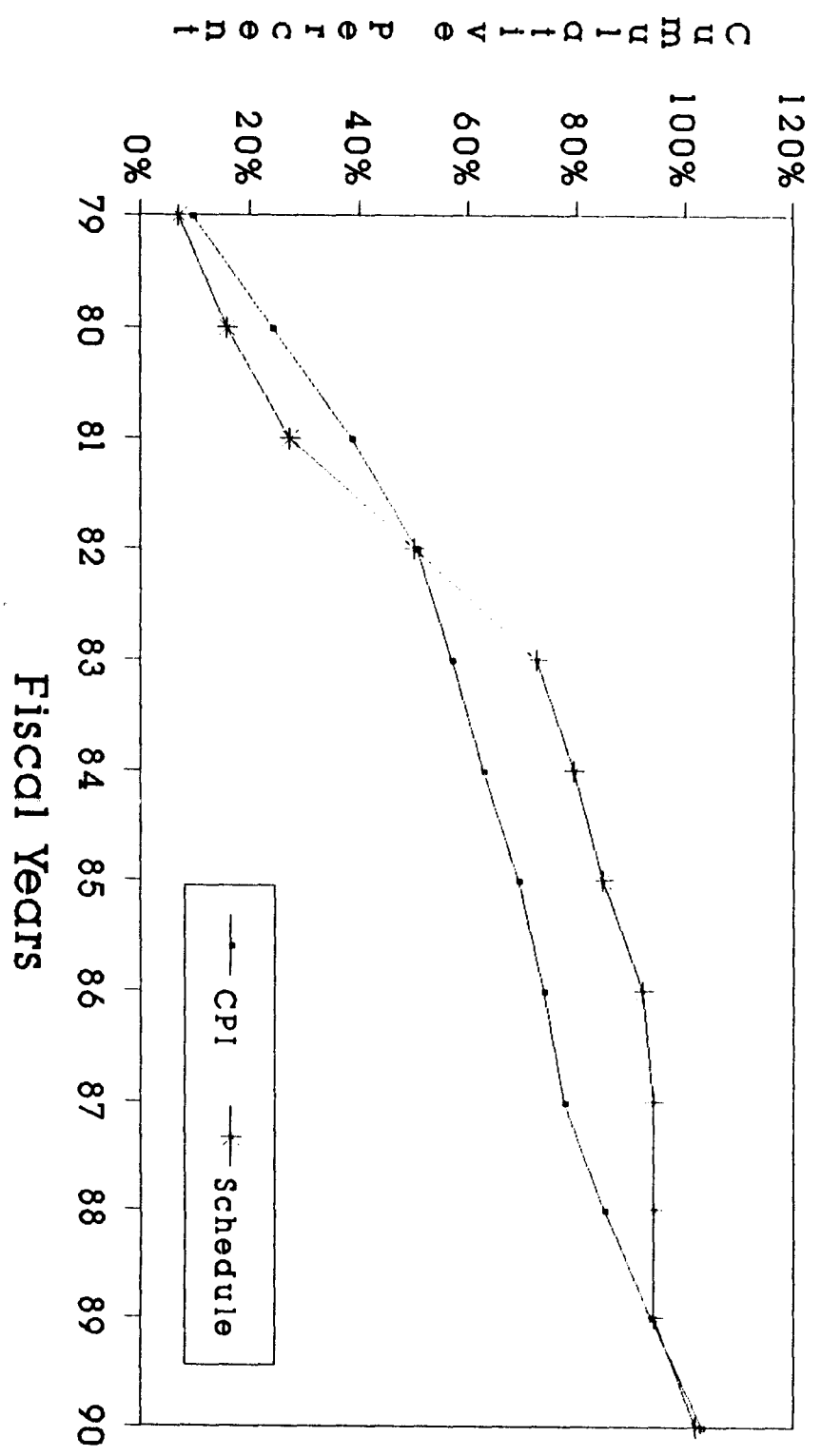
School Foundation Program FY 90

Estimated General Fund @ 4% \$36.635 M -
Estimated General Fund @ 0% \$25.501 M -

Estimated Increase \$11.134 M -

=====

Montana House of Representatives School Foundation Program CPI Versus Schedule Increases



The Office of Public Instruction

EXHIBIT 14
DATE Feb 13, 1989
HB 618

PS1 State Capitol
Helena, Montana 59620
(406) 444-3654



Nancy Keenan
State Superintendent

February 13, 1989

MEMORANDUM

TO: House Education Committee
FROM: ~~NK~~ Nancy Keenan, Superintendent of Public Instruction
RE: Foundation Program Increases and Inflationary Comparison

Please find attached comparisons of FY1984 to FY1989 in Foundation Program schedule increases. In addition, I have provided the total percent increase over those years in comparison to the Consumer Price Index for the same period.

I have made the same comparison for FY1981 to FY1989. The data from 1981 allows analysis of the influence of the increase of 18% and 15% in FY1982 and FY1983.

If you need further information, please feel free to contact my office.

Attachment

Ex# 14

PS 2

FOUNDATION PROGRAM

Fiscal Yr	ANB	Foundation Program (wo Sp. Ed.) *MGFBWW(LFA Approp) Fndn Schedule (CPI)	**Schedule increases	CY CPI	FY CPI	
1984	150,705	260,500,000	261,688,639	4.0%	107.6	101.8
1985	151,246	266,800,000	270,975,961	3.0%	109.6	105.8
1986	151,565	281,970,000	282,140,784	4.0%	113.6	108.8
1987	150,811	283,760,000	283,413,929	0.0%	115.5	111.2
1988	150,278	285,360,000	281,885,568	0.0%	118.3	115.8
1989	149,320	286,843,000	279,471,093	0.0%	124.3	121.2
Change 84-89	-0.9%	10.1%	6.8%	15.5%	19.1%	

*Maximum General Fund Budget Without a Vote

**Increases are to the Foundation

CPI - 1982-84 = 100.0 SA

Program Schedules

CY - Calendar Year

FY - Fiscal Year

Ex. #14
pg 3

FOUNDATION PROGRAM

Fiscal Yr	ANB	Foundation Program (wo Sp. Ed.)		**Schedule Increases	CY CPI	FY CPI
		*MGFBWV(LFA Approp)	Fndn Schedule (DFI)			
1981	158,175	218,200,000	215,352,000	10.0%	96.5	86.6
1982	154,331	221,300,000	223,333,333	18.0%	99.6	94.1
1983	152,105	248,950,000	253,681,959	15.0%	103.9	99.2
1984	150,705	260,500,000	261,688,639	4.0%	107.6	101.8
1985	151,246	266,800,000	270,975,961	3.0%	107.6	105.8
1986	151,565	281,970,000	282,140,784	4.0%	113.6	108.8
1987	150,811	283,760,000	283,413,929	0.0%	115.5	111.2
1988	150,278	285,360,000	281,885,968	0.0%	118.3	115.8
1989	149,320	286,643,000	279,491,093	0.0%	124.3	121.2
Change 81-89	-5.6%	31.5%	29.8%		28.8%	40.0%

*Maximum General Fund Budget Without a Vote

**Increases are to the Foundation

CPI - 1982-84 = 100.0 SA

Program Schedules

CY - Calendar Year

FY - Fiscal Year

LUXAN & MURFITT

ATTORNEYS AT LAW

MONTANA CLUB BUILDING • 24 W. SIXTH AVE.

P.O. Box 1144 • P.O. Box 1186

HELENA, MONTANA 59624

(406) 442-7450

TELECOPIER (406) 442-7361

EXHIBIT

DATE Feb 13, 1989

HB 618

H. J. LUXAN (1918-1984)

WALTER S. MURFITT

MICHAEL J. MULRONEY

GARY L. DAVIS

TERRY B. COSGROVE

DALE E. REAGOR

PATRICK E. MELBY

MICHAEL J. RIELEY

MICHAEL S. BECKER

JODIE L. JOHNSON

991

February 13, 1989

Representative Ted Schye
Montana House of Representatives
State Capitol
Helena, MT 59620

RE: House Bill 618: "An Act to Increase By 4 Percent
the Maximum General Fund Budget Schedules for
Elementary Schools and High Schools for School
Fiscal Year 1989-90."

Dear Representative Schye:

As you know, I represent the schools that were the
Plaintiffs in the Underfunded School lawsuit in which the
Supreme Court recently handed down an opinion finding
Montana's present system of school funding unconstitutional.

On behalf of the Plaintiffs in that lawsuit, I wish to
extend our support for House Bill 618. That support, of
course, is made with the understanding that House Bill 618
would be an integral part of an overall school funding
equalization plan ultimately devised by this Legislature
consistent with the educational community consensus points of
which you are aware.

As I have testified previously at the House Select
Committee on Education, my clients believe that a new funding
system which provides sufficient funding for quality educa-
tion on an equalized basis can be phased in. In that regard,
we recognize that it would be nearly impossible to implement
a completely new system by July 1, 1989. We anticipate, for
that reason, that as part of a new school funding program,
schools must be funded for fiscal year 1990 under the current
foundation program. An increase in foundation program
funding, therefore, is essential.

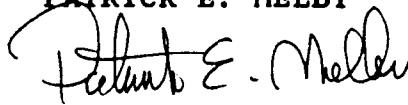
EX #15
pg 2

Representative Ted Schye
February 13, 1989
Page 2

I would be happy to provide further information or clarification on my clients' position to you or the House Education Committee at any time you so desire.

Sincerely,

PATRICK E. MELBY

A handwritten signature in cursive script, appearing to read "Patrick E. Melby".

for LUXAN & MURFITT

PEM/jb

cc: Underfunded Schools

SACO

PANTHER



P.O. Box 298
321 Highway 243
Saco, MT 59261

SCHOOLS

EXHIBIT 16 75/
DATE Feb 13, 1989
HB 618

District #12
Phillips County
(406) 527-3221

February 13, 1989

To; House Education Committee

Re: HB #618

From: Ira Hammond, Administrative Assistant
Representing Saco School Board, Administration and
Taxpayers of Saco

I have 20+ years experience in public education, fifteen years as a farmer-rancher, and several terms on the Saco Lutheran Church Board and Saco City Council. Success of any program (whether it be in the private or public sector) depends on planning and long term goals. HB #618 will give Montana Schools and the Montana Legislature time to work out an equitable solution to the decree of the Montana Supreme Court.

The past Foundation Program has been at 0/0% and was even reduced by 2% two years ago. No business or industry can sustain a 0/0% growth and still expect increased quality and productivity, in the face of increased costs of operating. Paper is up 50% this year and text books are up 30% to 40%. These increased costs are in addition to the financial impact of preparing for Project Excellence.

The uncertainty of the future of Montana Schools could create a panic exodus of teachers and administrators from our great state. This could leave us with classrooms without teachers, offices without administrators and schools without learning. We can't afford to let the same scenario of the Montana University System happen to Montana's elementary and high schools.

It is imperative to create a stable basis for planning for next the year. Mill levy election resolutions need to be set by February 23rd. Local District's hands are tied waiting for a decision on our future funding system.

WE CAN'T HIDE OUR PANTHER PRIDE!

Proponents of the Equity Lawsuit are agreeable with the bill if the increase of 4% is retained. This would enable them to experience relief for next year, while awaiting the new Equalization Program. Without the increase, they will oppose this bill.

Montana Schools have been doing an outstanding job of educating our young people. Most of us are products of Montana Schools. We can't take a chance on haphazard, slip shod, bandaid-quick fix- to something as critical as education of our young people.

Sincerely,

A handwritten signature in cursive script that reads "Ira Hammond". The signature is fluid and extends to the right with a long, sweeping tail.

Ira Hammond,
Administrative Assistant

EXHIBIT 17
DATE Feb 13, 1989
HB 364

Amendments to HB Bill No. 364
1st Reading Copy

Requested by Rep. Nelson
For the HOuse Committee on Education

Prepared by Andrea Merrill
February 13, 1989

1. Title, line 10.

Following: "IN"

Insert: "A"

Following: "SCHOOL"

Insert: "OTHER THAN A POSTSECONDARY SCHOOL"

2. Title, lines 11 and 12.

Following: "PERSONAL"

Strike: remainder of line 11 through "RELIGIOUS" on line 12

Following: "GROUNDS;"

Insert: "TO REQUIRE THAT A RELIGIOUS EXEMPTION BE REASSERTED
ANNUALLY BY AFFIDAVIT, SUBJECT TO A PENALTY FOR PERJURY;"

3. Title, line 15.

Following: "REQUIREMENTS;"

Insert: "TO DELETE THE 30-DAY GRACE PERIOD FOR TRANSFER PUPILS;
TO REQUIRE A SCHOOL TO RELEASE IMMUNIZATION RECORDS OF A
TRANSFERRING PUPIL;"

4. Title, line 16.

Following: line 15

Insert: "AND 20-5-408,"

5. Page 2, lines 2 and 3.

Following: "preschool,"

Strike: remainder of line 2 through "university" on line 3

Insert: "or postsecondary school"

6. Page 2, line 12.

Insert: "(6) "Postsecondary school" means a vocational-
technical center, a community college, a unit of the Montana
university system, or a private university or college."

Renumber: subsequent subsections

7. Page 2, lines 21 and 22.

Following: "individuals,"

Strike: remainder of line 21 through "establishment" on line 22

8. Page 2, lines 23 and 24.

Following: "work of"

Insert: ":

(a)"

Following: "grade 12"

Strike: remainder of line 23 through "university" on line 24

Insert: ";

- (b) a postsecondary school; or
- (c) a preschool"

9. Page 3, line 2.

Following: "school"

Insert: "other than a postsecondary school"

10. Page 3, line 10.

Following: "attendance;"

Insert: "or"

11. Page 3, lines 11 through 14

Following: "exemption"

Strike: remainder of line 11 through "apply" on line 14

12. Page 3, line 15.

Strike: "(2) A person"

Insert: "(2)(a)The governing authority of a postsecondary school may not allow any person to commence attendance as a pupil unless the person:

(i) has been immunized against rubella and measles (rubeola) in the manner and with immunizing agents approved by the department; or

(ii) files for an exemption.

(b) The governing authority of a postsecondary school may impose immunization requirements as a condition of attendance that are more stringent than those required by [this act]."

13. Page 3, lines 16 through 23.

Following: "another"

Strike: remainder of subsection (2)

Insert: "may photocopy immunization records in the possession of the school of origin. The school district to which a pupil transfers shall accept the photocopy as evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the school shall send to the original immunization records for the pupil to the school district to which the pupil transfers."

14. Page 4, line 1.

Following: "school"

Insert: "other than a postsecondary school"

15. Page 4, line 10

Following: line 9

Insert: "or religious"

16. Page 4, line 20.

Following: line 19

Insert: "(1) When a parent, guardian, or adult who has the responsibility for the care and custody of a minor seeking

to attend school, or the person seeking to attend school, if an adult, signs and files with the governing authority, prior to the commencement of attendance each school year, a notarized affidavit on a form prescribed by the department stating that immunization is contrary to the religious tenets and practices of the signer, immunization of the person seeking to attend the school may not be required prior to attendance at the school. The statement must be maintained as part of the person's immunization records. A person who falsely claims a religious exemption is subject to the penalty for perjury provided in 45-7-201.

Renumber: subsequent subsections" -

17. Page 5, line 20.

Following: line 19

Insert: "Section 1. Section 20-5-408, MCA, is amended to read:

"20-5-408. Enforcement. (1) The governing authority of any school other than a postsecondary school shall prohibit from further attendance any pupil allowed to attend conditionally who has failed to obtain the immunizations required by 20-5-403(1) within time periods established by the department until that pupil has been immunized as required by the department or unless that pupil has been exempted under 20-5-405.

(2) Each governing authority shall file a written report on the immunization status of all pupils under its jurisdiction with the department and the local health department at times and on forms prescribed by the department.

(3) The local and state health departments shall have access to all information relating to immunization of any pupil in any school. "

Renumber: subsequent sections

Amendments to House Bill No.271
Introduced Copy

Requested by Rep. Wallin
For the Committee on Education

Prepared by Dave Cogley
January 9, 1989

1. Title, lines 4 and 5.
Following: "REQUIRE"
Strike: "INSTRUCTION IN"

2. Title, line 5.
Following: "SCHOOLS"
Insert: "THAT OFFER INSTRUCTION RELATING TO PERSONAL HEALTH TO
ALSO PROVIDE INSTRUCTION"

3. Title, lines 6 through 8.
Following: "WEDLOCK;"
Strike: remainder of line 6 through "ABORTION;" on line 8
Insert: "TO ESTABLISH CRITERIA FOR SEX EDUCATION INSTRUCTIONAL
COURSES;"

4. Page 1, line 19.
Strike: "prescribe"
Insert: "emphasize"

5. Page 1, line 22.
Following: "district"
Insert: "that offers instruction relating to personal health"

6. Page 1, line 25, through page 2, line 4.
Strike: subsection (4) in its entirety

7. Page 2.
Following: line 4
Insert: "NEW SECTION. Section 2. Criteria for sex education
courses. All sex education course material and instruction
that discusses sexual intercourse must:
(1) be appropriate for the age of students for whom it is
presented;
(2) stress that abstinence is the only contraceptive method
that is fully effective and that all other methods of
contraception carry a risk of failure in preventing unwanted
teenage pregnancy. Statistics based on the latest medical
information must be provided to pupils citing the failure and
success rates of condoms and other contraceptives in preventing
pregnancy.
(3) stress that sexually transmitted diseases are serious
possible hazards of sexual intercourse. Pupils must be provided
with statistics based on the latest medical information citing
the failure and success rates of condoms in preventing AIDS and
other sexually transmitted diseases.
(4) include a discussion of the possible emotional and

psychological consequences of preadolescent and adolescent sexual intercourse out of wedlock and the consequences of unwanted adolescent pregnancy;

(5) stress that pupils should abstain from sexual intercourse until they are ready for marriage;

(6) teach honor and respect for monogamous heterosexual marriage;

(7) advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock;

(8) emphasize that the pupil has the power to control personal behavior. Pupils must be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for oneself and others.

(9) teach pupils to not make unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances;

(10) teach that it is wrong to take advantage of or to exploit another person; and

(11) encourage youth to resist negative peer pressure."

Renumber: subsequent sections

8. Page 2, line 10.

Strike: "and (4)"

Insert: "and [section 2]"

9. Page 2, line 12.

Strike: "[Section 2] is"

Insert: "[Sections 2 and 3] are"

10. Page 2, line 14.

Strike: "[section 2]"

Insert: "[sections 2 and 3]"

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 518

DATE February 13, 1989

SPONSOR Stickney

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Judson H. Flower	MILES CITY MILES COMMUNITY COLLEGE	✓	
Krystin Deschamps	ASUM		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE February 13, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO. 514DATE February 13, 1989SPONSOR S. Hansen

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Katy Blamer Ames	PO Box 461, Helena	✓	
Bruce W. Meyer	SSBA	✓	
Don Judge	MT STATE AFL-CIO	✓	
Gareth Jacobson	Sec. of State	✓	
John W. Loring	S. A. M	✓	
Terry M. Law	MFT	✓	
Phil Campbell	MEA	✓	
Loral Mosher	Mt. Steeplegrowers		X
Lorna Frank	Tarun Lincan		X
Kay Norenberg	WIFE		X
Mrs Mary E. Durbek	Self & other voters		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO. 561DATE February 13, 1989SPONSOR Addy

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bruce W. Neerer	MSBA		✓
Terry Plunow	MFT	✓	
Phil Campbell	MEA	✓	
Linda Frank	Tam Bureau		✓
J. Henry Galt	MACSS	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE February 13, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO. 618DATE February 13, 1989SPONSOR Schye

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>James W. Loney</i>	<i>S.A.M</i>	✓	
<i>Jim Koke</i>	<i>East Helena Schools</i>	✓	
<i>Bruce W. Moe</i>	<i>MSB2</i>	✓	
<i>erry Mawer</i>	<i>MFT</i>	✓	
<i>Claudette Morton</i>	<i>Board of Public Ed</i>	✓	
<i>John B. Campbell</i>	<i>MASBO</i>	✓	
<i>Chris Dushy</i>	<i>LWMA</i>		
<i>Thif Campbell</i>	<i>MEA</i>	✓	
<i>Ira Hammond</i>	<i>Saco Schools</i>	✓	
<i>Allie Lee Hammond</i>	<i>Saco Schools</i>	✓	
<i>J. B. Smith</i>	<i>MACSS</i>	✓	
<i>N. Keenan</i>	<i>Supt OPI</i>	✓	
<i>D.R. Walden</i>	<i>S.A.M</i>	✓	
<i>Pat Nelson</i>	<i>Underhill School</i>	✓	
<i>Wayne Phillips</i>	<i>Gov's Office</i>		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 2-13-89

BILL NO. 364

NUMBER _____

NAME	AYE	NAY
Rep. Ted Schye, Chairman		✓
Rep. Fritz Daily, Vice-Chairman		✓
Rep. Vicki Cocchiarella		✓
Rep. Paula Darko	✓	
Rep. Ervin Davis	✓	
Rep. Ralph Eudaily	✓	
Rep. Floyd Gervais		✓
Rep. Bill Glaser	✓	
Rep. Dan Harrington		✓
Rep. John Johnson	✓	
Rep. Tom Kilpatrick	✓	
Rep. Richard Nelson	✓	
Rep. John Phillips	✓	
Rep. Richard Simpkins	✓	
Rep. Wilbur Spring, Jr.	Excused	
Rep. Barry "Spook" Stang	✓	
Rep. Fred Thomas		✓
Rep. Norm Wallin	✓	
Rep. Diana Wyatt	Excused	
Rep. Tom Zook	✓	

TALLY

Claudia Johnson
Secretary

Ted Schye 12 6
Chairman

MOTION: The Motion was to Adopt the
Amendment on line 16

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 2-13-89 BILL NO. 271 NUMBER #1

NAME	AYE	NAY
Rep. Ted Schye, Chairman		✓
Rep. Fritz Daily, Vice-Chairman		✓
Rep. Vicki Cocchiarella		✓
Rep. Paula Darko		✓
Rep. Ervin Davis		✓
Rep. Floyd Gervais		✓
Rep. Dan Harrington		✓
Rep. John Johnson		✓
Rep. Tom Kilpatrick		✓
Rep. Barry "Spook" Stang		✓
Rep. Diana Wyatt		✓
Rep. Bill Glaser	✓	
Rep. Ralph Eudaily		✓
Rep. Richard Nelson		✓
Rep. John Phillips	✓	
Rep. Richard Simpkins	✓	
Rep. Wilbur Spring, Jr.		
Rep. Fred Thomas	✓	
Rep. Norm Wallin	✓	
Rep. Tom Zook	✓	

TALLY

Claudio Johnson
Secretary

6 13
Ted Schye
Chairman

MOTION: Amendments failed

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 2-13-89 BILL NO. 271 NUMBER #2

NAME	AYE	NAY
Rep. Ted Schye, Chairman	✓	
Rep. Fritz Daily, Vice-Chairman	✓	
Rep. Vicki Cocchiarella	✓	
Rep. Paula Darko	✓	
Rep. Ervin Davis	✓	
Rep. Floyd Gervais	✓	
Rep. Dan Harrington	✓	
Rep. John Johnson	✓	
Rep. Tom Kilpatrick	✓	
Rep. Barry "Spook" Stang	✓	
Rep. Diana Wyatt	✓	
Rep. Bill Glaser		✓
Rep. Ralph Eudaily	✓	
Rep. Richard Nelson	✓	
Rep. John Phillips		✓
Rep. Richard Simpkins		✓
Rep. Wilbur Spring, Jr.		✓
Rep. Fred Thomas		✓
Rep. Norm Wallin		✓
Rep. Tom Zook		✓

TALLY

13 6

Jeanne McFetrich Secretary Ted Schye Chairman

MOTION: Talk Motion

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 2-13-89

BILL NO. 618

NUMBER _____

NAME	AYE	NAY
Rep. Ted Schye, Chairman	✓	
Rep. Fritz Daily, Vice-Chairman	✓	
Rep. Vicki Cocchiarella	✓	
Rep. Paula Darko	✓	
Rep. Ervin Davis	✓	
Rep. Floyd Gervais	✓	
Rep. Dan Harrington	✓	
Rep. John Johnson	✓	
Rep. Tom Kilpatrick	✓	
Rep. Barry "Spook" Stang	✓	
Rep. Diana Wyatt	✓	
Rep. Bill Glaser		✓
Rep. Ralph Eudaily		✓
Rep. Richard Nelson		✓
Rep. John Phillips		✓
Rep. Richard Simpkins		✓
Rep. Wilbur Spring, Jr.		✓
Rep. Fred Thomas		✓
Rep. Norm Wallin		✓
Rep. Tom Zook		✓

TALLY

Claudia Johnson
Secretary

11
Ted Schye
Chairman

MOTION:

Rep. Stang made the motion
to adapt HB 618. The motion
CARRIED 11/8.