

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, Chairman, on  
February 3, 1989, at 1:00 pm in Room 402 in the State  
Capitol

#### ROLL CALL

Members Present: Senators; H. W. Hammond, Dennis Nathe,  
Chet Blaylock, Bob Brown, R. J. "Dick" Pinsoneault,  
William Farrell, Pat Regan, John Anderson Jr., and  
Joe Mazurek

Members Excused: None

Members Absent: None

Staff Present: Dave Cogley, Staff Researcher and  
Julie Harmala, Committee Secretary

Announcements/Discussion:

None

#### DISPOSITION OF SB 20

##### Discussion:

Senator Hammond opened the discussion on SB 20.

Senator Brown said, "I move an amendment to a mandatory 7  
PIR days and make them accountable for what is done on each  
of their work days."

Dave Cogley said, "The amendment will not work because it is  
not in the title of the bill."

Senator Farrell said that it was his understanding that when  
PIR days were for instruction, the principals and the  
superintendents put together how these days are used. "My  
superintendent says he keeps that information on file and  
nobody ever asks what they do with those days." It is not  
reported to OPI or the County Superintendent, it is just  
something that is on file in the cabinet, so this bill is  
doing something that is already done.

Senator Farrell added that he thought OPI required that PIR days be planned and recorded.

Senator Brown moved that SB 20 do not pass.

He added that there were 524 school districts in Montana that required 7 PIR days be used and 32 school districts that use less than that. He said that he could see where Senator Williams was coming from (the sponsor of SB 20). This will have a real effect with 1% of the amount of state aid coming out of the foundation program. 90% of the district just cut the education system, especially after the decision made this week, (The Loble Decision) it just seems like the wrong way to go.

Senator Hammond reminded the committee that four years ago, this idea came from superintendents as a way to save money.

Senator Farrell replied that was before they had I 105.

Senator Pineseault asked that he make a substitute motion to table SB 20.

Senator Brown withdrew his motion.

Senator Brown then ask Senator Williams if the committee puts this bill on the table, "with the good spirit that it will stay there, will you Senator Williams pull it out on the floor one day when I am tired?"

Senator Williams replied that maybe it could be used later as a money saving mechanism. He reminded the committee that of the 1700 members of MEA, who attend the conventions, this is just 1/3 of the certified teachers. He said he felt if this money was being spent there should be some accountability. He said that he had received letters from some teachers who are concerned and think that he is going in the right direction with this bill. These teachers have said that they are bored to death with the meetings they have to go to. He said this is a shame that they must attend meetings they do not like.

Senator Hammond repeated Senator Pineseault's motion to table SB 20.

Senator Farrell asked if this was a general or a revenue bill.

Senator Hammond replied that it is a revenue bill.

Senator Mazurek suggested that if the bill is held in reserve there are some people who are trying to get budgets

out and as a courtesy for them to know where they stand he would vote to kill the bill.

Senator Brown stated that this would have a \$73,000 impact in his district and his superintendent wants it dead, but he would agree to leave it in committee.

Senator Regan stated that even if the bill were to pass, the schools would be obligated to pay teachers. So the districts are going to have to pay the money or the state will if the districts come up short. Contracts will be set so there is no savings to the local taxpayers because the districts are under multi year contracts and that is a real problem. Two or three years are contracted, depending on negotiations.

Recommendation and Vote:

Senator Brown moved that SB 20 do not pass.

Senator Hammond called for the question.

THE MOTION CARRIED, THAT SB 20 DO NOT PASS.

Senator Brown will carry the adverse report to the floor.

DISPOSITION OF SB 281

Discussion:

Senator Hammond reminded the committee that SB 281 required the admittance of homeless children to public schools.

Senator Mazurek stated that he felt this was a situation that there is no choice because there is a federal statute.

Senator Hammond stated that he had checked into some of the questions and it said this was going to be a problem and this bill would not make it any worse or any better. Before the legislature is finished tuition will be done away with anyway.

Senator Nathe wondered if any games would be played with this bill passing and adults and high school athletics.

Senator Mazurek pointed out that there are still high school association rules and if the child needs to move to have a home, a transfer is allowed. If the transfer is for something else a transcript must be sent.

Senator Hammond stated that as the definition of a homeless child reads, there are only 38 kids in Montana. There are several thousand as defined by social services. When using the term homeless, this covers a lot of people.

Senator Regan asked if the OPI or the Board of Public Education compile information on the definition of homeless.

Senator Nathe said that the definition from the social services is quite broad and a child is considered homeless if they are not living with natural parents in a structure continuously.

Dave Cogley said that the definition of homeless of purposes of this act is "an individual who lacks a fixed regular and adequate night time residence and an individual who has a primary night time residence that is a supervised publicly or privately operated shelter. An institution provides temporary residence for individuals who plan to be institutionalized or a public or private place not designed for ordinarily used night time accommodation."

Senator Hammond stated that they had gotten an entirely different definition in their sub committee.

He also said that some schools charge tuition and never collect it. He said that if they charge one district they have to charge them all.

Senator Pinsoneault stated that a lot of things are done that are not legal, for example Arlee serves breakfast. There are no questions asked, it is for any child that comes.

Recommendation and Vote:

Senator Nathe moved that SB 281 do pass.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY THAT SB 281 DO PASS.

DISPOSITION OF SB 162

Amendments and Votes:

Senator Mazurek moved that we amend Section 2 of SB 162, to make it effective July 1, 1989.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY THAT SB 162 BE AMENDED TO BE EFFECTIVE JULY 1, 1989.

Senator Pinsoneault moved that SB 162 be amended to let the school districts down one day each year, it increases the denominator until the denominator and numerator are equal and they can teach any number of days they want. This makes for more equality for all schools.

Senator Pinsoneault called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Pinsoneault moved SB 162 as amended.

Senator Pinsoneault called for the question.

SB 162 WAS GIVEN A DO PASS AS AMENDED BY A ROLL CALL VOTE, 5 voting for the motion and 4 voting against the motion.

DISPOSITION OF HB 63

Discussion:

Senator Hammond reminded the committee that this bill was Rep. Ralph Eudaily's Bill was concerned with membership in the County Superintendent Association.

Senator Regan stated that she did not want to weaken MACO because she said, "The united front goes further than we think."

Senator Hammond stated that he hesitates to tell the county commissioners what to do; and the Superintendents of Schools also.

Senator Mazurek stated that this bill should be adopted because in 2 years the foundation program will change and they will have to get together.

Senator Nathe said that this bill would give county superintendents the right to do what they do now, legally.

Senator Mazurek commented that the superintendents do not have the authority to go to this convention.

Senator Blaylock stated that it is wrong to dictate to the counties and then not provide them with the money.

Amendments and Votes:

Senator Reagan moved to amend HB 63, so that line 17 is amended so public employees do not take advantage of the district.

Senator Mazurek called for the question.

THE MOTION TO AMEND SB 63 WAS CARRIED.

Recommendation and Vote:

Senator Regan moved that HB 63 do pass as amended.

THE MOTION WAS CARRIED THAT HB 63 DO PASS AS AMENDED.

Senator Mazurek will carry the bill to the House floor.

ADJOURNMENT

Adjournment At: 2:15 pm

  
Senator H. W. Hammond, Chairman

HH/jh

Senmin.203

ROLL CALL

EDUCATION

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 2-3-89

| NAME                              | PRESENT | ABSENT | EXCUSED |
|-----------------------------------|---------|--------|---------|
| <u>Chairman Swede Hammond</u>     | ✓       |        |         |
| <u>Vice Chairman Dennis Nathe</u> | ✓       |        |         |
| <u>Senator Chet Blaylock</u>      | ✓       |        |         |
| <u>Senator Bob Brown</u>          | ✓       |        |         |
| <u>Senator Dick Pinsoneault</u>   | ✓       |        |         |
| <u>Senator William Farrell</u>    | ✓       |        |         |
| <u>Senator Pat Regan</u>          | ✓       |        |         |
| <u>Senator John Anderson Jr.</u>  | ✓       |        |         |
| <u>Senator Joe Mazurek</u>        | ✓       |        |         |
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|                                   |         |        |         |

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 3, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration SB 20 (first reading copy -- white), respectfully report that SB 20 do not pass.

DO NOT PASS

Signed: *H. W. Hammond*

H. W. Hammond, Chairman

*11.6.189  
2/6/89 p.m.*



SENATE STANDING COMMITTEE REPORT

February 3, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration SB 281 (first reading copy -- white), respectfully report that SB 281 do pass.

DO PASS

Signed: H. W. Hammond  
H. W. Hammond, Chairman

H. C.  
2/6/89  
3:30 p.m.

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration SB 162 (first reading copy -- white), respectfully report that SB 162 be amended and as so amended do pass:

1. Title, line 8.

Following: "MCA;"

Insert: "PROVIDING A TRANSITION PERIOD FOR SCHOOL DISTRICTS WITH MORE THAN 180 PUPIL-INSTRUCTION DAYS;"

Strike: "IMMEDIATE"

2. Page 4, line 9.

Following: line 8

Insert: "NEW SECTION. Section 2. Transition period-- applicability. (1) The calculation of the ANB in 20-9-311 applies to school districts with 180 pupil-instruction days for the fiscal year ending June 30, 1989.

(2) The calculation of the ANB in 20-9-311 applies to each school district with more than 180 pupil-instruction days for the school fiscal year ending June 30, 1989, unless the district adds 1 day to the divisor used in calculating the ANB in the current school fiscal year and each ensuing school fiscal year until the divisor equals the number of pupil-instruction days used by the school district in the school fiscal year ending June 30, 1989."

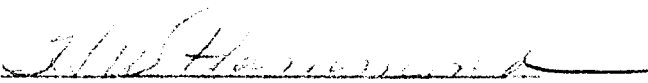
Renumber: subsequent section

3. Page 4, lines 9 and 10.

Strike: "on passage and approval"

Insert: "July 1, 1989"

AND AS AMENDED DO PASS

Signed: 

H. W. Hammond, Chairman

*Handwritten notes:*  
A.C. 1/16/89  
3:30 P.M.

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 63 (third reading copy -- blue), respectfully report that HB 63 be amended and as so amended be concurred in:

Sponsor: Eudaily (Regan)

1. Page 1, line 17.

Strike: "actual transportation"

2. Page 1, lines 17 and 18.

Strike: "and per diem allowance"

Insert: "as provided for state officials in 2-18-501 through 2-18-503"

AND AS AMENDED BE CONCURRED IN

Signed: H. W. Hammond  
H. W. Hammond, Chairman

410  
216159  
23: p.m.

AMENDMENT NO. 1  
2/3/89  
SB20  
Amend.

Amendments to Senate Bill No. 20  
Introduced Copy

Requested by Senator Williams  
For the Senate Committee on Education

Prepared by Dave Cogley  
February 3, 1989

1. Title, lines 4 and 5.

Strike: "DECREASING TO 5 THE MAXIMUM NUMBER OF"

Insert: "TO REQUIRE 7"

2. Title, line 5.

Strike: "THAT MAY"

Insert: "TO"

3. Page 1, line 17.

Strike: "5"

Insert: "7"

Strike: "may"

Insert: "must"

4. Page 1, line 18.

Following: "year"

Strike: ", provided that such days are"

Insert: ". The pupil-instruction-related activities must be"

5. Page 1.

Following: line 20

Insert: "Teacher participation in the approved pupil-instruction-  
related activities is required as a condition of  
employment."

Amendments to House Bill No. 63  
Third Reading Copy

Requested by Senator Regan  
For the Senate Committee on Education

Prepared by Dave Cogley  
February 1, 1989

1. Page 1, line 17.

Strike: "actual transportation"

2. Page 1, lines 17 and 18.

Strike: "and per diem allowance"

Insert: "as provided for state officials in 2-18-501 through 2-18-503"

ROLL CALL VOTE

SENATE COMMITTEE EDUCATION

Date 2-3-89 Bill No SB. 20 Time 1:20

| NAME                          | YES | NO |
|-------------------------------|-----|----|
|                               |     |    |
| Vice Chairman Dennis Nathe    | ✓   | ✓  |
| Senator Chet Blaylock         | ✓   |    |
| Senator Bob Brown             | ✓   |    |
| Senator Dick Pinsoneault      |     | ✓  |
| Senator William Farrell       | ✓   |    |
| Senator Pat Regan             | ✓   |    |
| Senator John Anderson         |     | ✓  |
| Senator Joe Mazurek           | ✓   |    |
| Chairman H.W. "Swede" Hammond |     | ✓  |
|                               |     |    |
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5 4

Julie Harmala  
Secretary

H. W. Swede Hammond  
Chairman

Motion: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ROLL CALL VOTE

SENATE COMMITTEE EDUCATION

Date 2-3-89 Bill No SB 162 Time 1:40

| NAME                          | YES | NO |
|-------------------------------|-----|----|
| Vice Chairman Dennis Nathe    | ✓   |    |
| Senator Chet Blaylock         |     | ✓  |
| Senator Bob Brown             |     | ✓  |
| Senator Dick Pinsoneault      | ✓   |    |
| Senator William Farrell       | ✓   |    |
| Senator Pat Regan             |     | ✓  |
| Senator John Anderson         | ✓   |    |
| Senator Joe Mazurek           |     | ✓  |
| Chairman H.W. "Swede" Hammond | ✓   |    |
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5 to 4

Julie Harmala  
Secretary

H. W. Swede Hammond  
Chairman

Motion: \_\_\_\_\_  
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