

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Rep. H.S. "Sonny" Hanson, on January 13, 1993,  
at 3:10 p.m.

#### ROLL CALL

##### Members Present:

Rep. Sonny Hanson, Chair (R)  
Rep. Alvin Ellis, Vice Chair (R)  
Rep. Ray Brandewie (R)  
Rep. Fritz Daily (D)  
Rep. Ervin Davis (D)  
Rep. Ed Dolezal (D)  
Rep. Dan Harrington (D)  
Rep. Jack Herron (R)  
Rep. Bob Gervais (D)  
Rep. Bea McCarthy (D)  
Rep. Scott McCulloch (D)  
Rep. Norm Mills (R)  
Rep. Bill Rehbein (R)  
Rep. Sam Rose (R)  
Rep. Dick Simpkins (R)  
Rep. Wilbur Spring (R)  
Rep. Norm Wallin (R)  
Rep. Diana Wyatt, Vice Chair (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council  
Susan Lenard, Committee Secretary

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### Committee Business Summary:

Hearing: HB 61, HB 105, HB 106  
Executive Action: HB 25, HB 40, HB 83, HB 89

#### HEARING ON HB 61

##### Opening Statement by Sponsor:

REP. JOHNSON, House District 23, Glendive, noted the intent of HB  
61 is to suspend the driver's license of a student, between the

ages of fifteen and eighteen, who chooses not to attend school. He offered an amendment to the bill to change the responsibility of absence notification from that of the county superintendent of schools to the district attendance officer. **EXHIBIT 1**

Proponents' Testimony:

**REP. JOHNSON** offered written testimony from **Fred Anderson**, Principal, Custer County District High School, who reported school attendance increased significantly in three other states which have laws similar to HB 61. **Mr. Anderson** also commented that insurance rates for the "under 25" category of drivers tended to decrease. **EXHIBIT 2**

**Darrell Beckstrom**, Chief of Records and Driver Patrol for the Motor Vehicle Division, provided written testimony addressing the need for an additional full-time position in his department if HB 61 were to pass. An amendment to the bill was offered. **EXHIBIT 3**

**Loran Frazier**, School Administrators of Montana, asked to be recorded in favor of HB 61, with amendments, commenting it should be left up to a district's board of trustees to decide if a student should be in school.

**Don Waldron**, Montana Rural Education Association, asked to go on record in support of HB 61 with amendments the committee decides are necessary.

**Bruce Moerer**, Montana School Boards Association, remarked MSBA is in favor of the concept of HB 61, with the understanding it may help to keep more adolescents in school.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

**REP. BRANDEWIE** asked **Darrell Beckstrom** if rule making authority could be added to establish a reinstatement fee so the bill could be self-supporting. **Mr. Beckstrom** replied it could be done.

**REP. HARRINGTON** asked **REP. JOHNSON** if he believed the bill would prevent students from withdrawing from school even if they don't attend and don't plan on attending. **REP. JOHNSON** responded the board of trustees would be responsible for identifying and dealing with those individuals.

**REP. DAILY** was concerned with instances where students might leave school for valid reasons, such as hardships or pregnancy. **REP. JOHNSON** referred to the amendments and commented that the attendance officer would know the circumstances surrounding the particular case. He said the amendments allow that driver's

licenses would not necessarily be suspended in such circumstances.

REP. ROSE asked for the actual numbers that define a "significant" increase in attendance, as noted in Fred Anderson's testimony. REP. JOHNSON was unable to provide the figures.

REP. SIMPKINS commented on the right of a student to leave school at the age of sixteen. He asked if this bill really covers only those students who are fifteen years old, since, by law, individuals are allowed to leave school on their sixteenth birthday. REP. JOHNSON responded the amendments would take care of that since the board of trustees would have the responsibility to decide. REP. SIMPKINS asked Andrea Merrill if this bill could apply to any individual over the age of sixteen who has lawfully chosen not to attend school. Ms. Merrill explained the amendment covers those individuals who are subject to the compulsory school attendance, or those who are enrolled but not attending. She said the way the amendment is written, those of age sixteen and older would not be covered since they are not subject to the compulsory attendance rules. REP. SIMPKINS commented the bill then covers just one year, while a student is fifteen years old.

REP. SIMPKINS asked Mr. Beckstrom about restrictive licenses that can be earned at the age of thirteen. He questioned if the bill covers those individuals. Mr. Beckstrom maintained there may be at most six such licenses across the state. He said they are given in only the most extreme hardship cases where the license is valid exclusively for home-to-school or to-school-bus-stop trips.

REP. DOLEZAL remarking on the statement made by Mr. Beckstrom that a parent has the right to suspend their child's license at any time, asked if lack of attendance could be a reason for doing so. Mr. Beckstrom replied a parent doesn't need to have a reason. The application for a driver's license for an individual under the age of eighteen requires a parent's signature. The parent may pull their signature at any time, thereby cancelling the license.

Closing by Sponsor:

REP. JOHNSON emphasized the bill was designed to help keep students in school and requested the committee's support of the action.

HEARING ON HB 105

Opening Statement by Sponsor:

REP. PECK, House District 15, Havre, said HB 105 would allow the board of trustees of a school district to transfer up to six percent of the district general fund to the district's building

reserve fund in order to encourage long-range planning. REP. PECK offered amendments to the bill. EXHIBIT 4

Proponents' Testimony:

Joyce Decker Wegner, Lake County Superintendent of Schools, provided written testimony explaining the bill would help to solve problems of debt service, bonding, and school building plans without the cost of additional state funding. EXHIBIT 5

Don Waldron, Montana Rural Education Association, asked MREA to be placed on record in favor of HB 105.

Robert Windel, Havre Superintendent of Schools, stating HB 105 enables schools to facilitate long-range planning, asked for the committee's support.

Steve Gaub, Charlo Superintendent of Schools, asked for favorable consideration of the bill noting it will allow schools to better manage their money.

Bruce Moerer, Montana School Boards Association, commented on the present situation whereby schools are required to utilize funds allocated to them by June 30th, or forfeit the remainder after that date. HB 105 allows schools an option to use those remaining funds by transferring it to the existing building fund.

Lynda Brannon, Montana Association of School Business Officials, noting MASBO support of HB 105, requested that the committee take a close look at the language on line 2, page 2 regarding the need to pass a resolution on the proposition defined in this bill.

Loran Frazier, School Administrators of Montana, asked that SAM be placed on record in support of HB 105.

Opponents' Testimony:

Tom Bilodeau, Montana Education Association, explained the state school spending on pupils in Montana is twenty percent behind the national average. He said HB 105 is a bad bill because it increases the confusion between operating costs and capital costs, does not allow for voter authorization, exacerbates disparities in capital costs and the general fund allowances, and does not define state involvement in capital expenditure for schools.

Terry Minow, Montana Federation of Teachers, commented HB 105 would lower the amount of reserves school districts are allowed to retain and would complicate school levy elections.

Questions From Committee Members and Responses:

REP. WALLIN asked if the bill would raise budgeting costs above the 104% cap. REP. PECK noted it would not go above the 104% cap, and that it only deals with funds not needed during the school year.

REP. DAILY asked REP. PECK if money held over would increase the reserve fund. REP. PECK responded the bill creates an opportunity to build up the fund for maintenance purposes already described in the long-range plans for the school. REP. DAILY asked if money in the building reserve could be shifted back into the general fund. REP. PECK replied this cannot be done. The transfer from one fund to another cannot be done without legislation similar to HB 105, which would allow for the transfer from the general fund to the building fund but not in the reverse.

REP. ELLIS asked if the next year's budget, with the 104% cap, would be affected if the school wanted to give this year's excess in money back. REP. PECK explained the district could transfer the remaining money back into the cash reappropriated account, thereby reducing the levy at the local level by "reusing" the excess amount. REP. PECK said the 104% cap is still in place and still applies.

REP. SIMPKINS asked Jack Copps, (from the Office of Public Instruction), if schools generally spend 93% of their general fund budgeted amount. Mr. Copps was unable to verify the specific amount, but offered that in his opinion, it would more likely be nearer 100% than the 93% figure. He commented that schools could more often than not use more money than was allocated.

REP. BRANDEWIE asked if REP. PECK believed local boards of trustees could make the decision whether this money is to be passed back to reduce the local levy, or put into the building fund. REP. PECK responded that the local trustees make the decision regarding the assignment of the extra money. REP. BRANDEWIE asked if money from this fund was to go strictly for maintenance or if it could be used for new buildings. He also asked if a limit should be put on the amount contained in the fund. REP. PECK replied that 6% of a one-year operating budget would not allow enough funds for construction of new buildings.

Closing by Sponsor:

REP. PECK reviewed the amendments and suggested those individuals opposed to the bill might be concerned with the possibility of local trustees removing money from classrooms and teachers to increase the building fund. He emphasized the bill does not present a threat to teachers or their salaries.

HEARING ON HB 106

Opening Statement by Sponsor:

REP. PECK, House District 15, Havre, indicated HB 106 transfers certification procedures to the Office of Public Instruction and increases certification fees to fund the entire certification process.

Proponents' Testimony:

Jack Cobbs, Office of Public Instruction (OPI), provided written materials defining the different components of HB 106. The first described the transfer of the certification process from the board of public education to OPI, while the second dealt with the fee increase for obtaining certification in Montana. EXHIBIT 6 and 7

Opponents' Testimony:

Wayne Buchanan, State Board of Public Education, announcing the certification council should be left in its present form, stood in opposition to HB 106.

REP. MENAHAN, House District 67, Anaconda said with regard to the increase in teacher's fees portion of the bill, all teachers and administrators need to go back to school in order to renew their certificates. REP. MENAHAN stated the costs incurred for taking re-certification courses should be taken into account when determining certification fees.

Joan Schmidt, Certification Standards and Practices Advisory Council, provided written recommendations from the council regarding HB 106. EXHIBIT 8

Eric Fever, Montana Education Association, remarked that a 333% increase in license fees is unreasonable. The Legislature would send a clear message it is acceptable to tax teachers in order to remedy education's current financial problems. He asked the committee to consider all of the amendments offered by Joan Schmidt.

Don Waldron, Montana Rural Education Association, asked MREA to be placed on record in opposition to HB 106.

Rick Floren, Certification Council, stood in opposition to the bill.

Terry Minow, Montana Federation of Teachers, commenting that state budget problems cannot be fixed by taxing a small group of individuals, expressed MFT's opposition to HB 106.

Bruce Moerer, Montana School Board Association, stated the bill would remove all of the compromises made during the formation of the Certification Council. He opposed the addition of higher costs to teachers and asked the committee not to vote in favor of HB 106.

Mary Sheekey Moe, Former Member of the Certification Council, asked to go on record in opposition to HB 106.

Questions From Committee Members and Responses:

REP. ROSE asked the sponsor if two additional full-time equivalent positions would be required at OPI. REP. PECK responded there are already three positions in OPI responsible for the re-certification process.

REP. SIMPKINS asked if there were existing statutes giving re-certification policy responsibility to the board of public education. He suggested that perhaps the three FTEs at OPI should be transferred to the board to carry out their duties. REP. PECK replied there were such statutes, but they currently do not prohibit OPI from performing the re-certification process.

REP. HANSON asked if a fiscal note was requested for the bill. REP. PECK stated the bill would not draw from the general fund and may, in fact, result in relieving the fund. Wayne Buchanan remarked that both the Board of Education and OPI were requested to prepare the fiscal note.

Closing by Sponsor:

REP. PECK commented he supported the testimony and amendments presented by Joan Schmidt. He said teachers should be responsible for the cost of re-certification considering all of the benefits they receive. REP. PECK explained that lines 6 and 7 on page 11 were inadvertently left in during the drafting process. He proposed amendments to the bill and asked for the committee's favorable consideration. EXHIBIT 9

EXECUTIVE ACTION ON HB 25

Motion: REP. GERVAIS MOVED HB 25 DO PASS.

Motion: REP. DAILY moved to amend HB 25.

Discussion:

REP. DAILY said the amendments were drafted because of the testimony presented by LeRoy Schram. He stated the bill may not be the best way to change the selection process of the board of

regents, but stressed it would improve the present situation. REP. DAILY explained the amendment would allow the legislature to appoint individuals other than legislators to the board. EXHIBIT 10A

REP. DOLEZAL asked if the amendment would allow any individual who requested to be chosen the opportunity to be selected. REP. DAILY responded that would be the case.

REP. WALLIN asked the sponsor if those appointed to the board now need to be approved by the Senate. REP. DAILY explained that they did, but said he could not recall any individual appointed by the governor for any board who did not receive approval from the Senate.

Vote: Motion to amend HB 25 carried unanimously.

Motion/Vote: REP. GERVAIS MOVED HB 25 DO PASS AS AMENDED. Motion failed 4 to 14 with REPS. DAILY, HARRINGTON, GERVAIS, and MCCULLOCH voting yes. EXHIBIT 10

Motion/Vote: REP. BRANDEWIE MOVED HB 25 BE TABLED. Motion carried 14 to 4 with REPS. DAILY, HARRINGTON, GERVAIS, and MCCULLOCH voting no. EXHIBIT 11

#### EXECUTIVE ACTION ON HB 40

Motion: REP. HARRINGTON MOVED HB 40 DO NOT PASS.

#### Discussion:

REP. HARRINGTON said the bill is poorly written as far as tenure and dismissal are concerned. He emphasized that present laws regarding dismissal are clear and more than adequate.

REP. SPRING rose in opposition to the bill. He said dismissals of tenured teachers can occur at the present time.

Motion: REP. SIMPKINS MADE A SUBSTITUTE MOTION THAT HB 40 DO PASS.

Motion: REP. SIMPKINS moved to amend HB 40.

#### Discussion:

Andrea Merrill explained the amendments would strike the words "instructional ineffectiveness" and replaced them with "incompetence" and "unsatisfactory performance", page one, line 14.



REP. SIMPKINS asked if incompetence would apply toward the exams teachers are required to take, where unsatisfactory performance would fall under the consideration of whether an individual teacher was doing his/her job.

REP. WYATT stated she was against the motion to put this amendment on what she considered a very bad piece of legislation. She said the bill would change the whole philosophy of teacher dismissal laws in Montana.

REP. ROSE commented the bill is an escape mechanism for supervisory personnel.

Vote: Motion to amend HB 40 passed 13 to 5 with REPS. DAVIS, MCCULLOCH, DOLEZAL, HARRINGTON, and WYATT voting no. EXHIBIT 12

Motion/Vote: REP. DAILY MOVED HB 40 BE TABLED. Motion carried unanimously.

#### EXECUTIVE ACTION ON HB 83

Motion: REP. MCCARTHY MOVED HB 83 DO PASS.

Motion/Vote: REP. DAILY moved to amend HB 83. Motion carried unanimously. EXHIBIT 13

Discussion: REP. MILLS questioned whether the four-year time limit on the bill could be changed to one-year. REP. DAILY responded that considering the potential in the state of terminating 150 or more teachers in a large district the four year limit was justified. He also commented on a bill in the Senate that does effectively the same thing as HB 83, but provides for a one-year limit.

REP. SIMPKINS asked REP. DAILY if the board of trustees of a district could decide to shift funds at the time the school was financially able to hire teachers back. REP. DAILY responded he believed the board had the power to transfer funds, but teachers must be offered a contract if positions are available.

REP. MCCULLOCH commented Billings has already had a situation where HB 83 would have required former teachers of the district to be rehired. He commented that individuals from outside the district filled the positions when they were reopened.

REP. DAILY offered another amendment which would alter page 5, line 6 to read "must be offered a contract" in place of "must be rehired," in response to REP. MILLS concern regarding the language.

Motion/Vote: REP. DAILY moved to amend HB 83 as noted above. The motion carried with REPS. REHBEIN and SPRING voting no.

Discussion: REP. HANSON asked REP. DAILY if the effective date could be altered to be effective on the first of July instead of "effective immediately." REP. DAILY responded that considering the situation facing the Legislature this session, the language should remain as it is.

Vote: HB 83 DO PASS AS AMENDED. Motion carried 13 to 5 with REPS. REHBEIN, SIMPKINS, SPRING, WALLIN, and ELLIS voting no. EXHIBIT 14

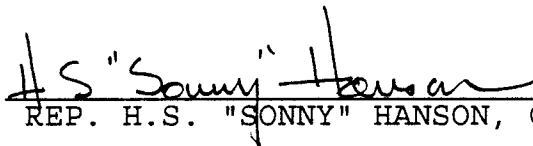
EXECUTIVE ACTION ON HB 89

Motion: REP. SIMPKINS MOVED HB 89 DO PASS.

Motion/Vote: REP. MCCARTHY MOVED THAT HB 89 BE TABLED. Motion carried 17 to 1 with REP. BRANDEWIE voting no. EXHIBIT 15

ADJOURNMENT

Adjournment: 5:42 p.m.

  
\_\_\_\_\_  
REP. H.S. "SONNY" HANSON, Chair

  
\_\_\_\_\_  
SUSAN LENARD, Secretary

HSH/SL

# HOUSE OF REPRESENTATIVES

## Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

1/13/93

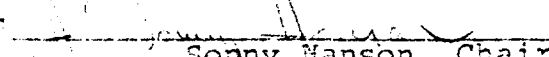
NAME	PRESENT	ABSENT	EXCUSED
REP. SONNY HANSON , CHAIR	✓		
REP. ALVIN ELLIS , VICE-CHAIR	✓		
REP. DIANA WYATT , VICE-CHAIR	✓		
REP. RAY BRANDEWIE	✓		
REP. FRITZ DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. ED DOLEZAL	✓		
REP. DAN HARRINGTON	✓		
REP. JACK HERRON	✓		
REP. BOB GERVAIS	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. NORM MILLS	✓		
REP. BILL REHBEIN	✓		
REP. SAM ROSE	✓		
REP. DICK SIMPKINS	✓		
REP. WILBUR SPRING	✓		
REP. NORM WALLIN	✓		

HOUSE STANDING COMMITTEE REPORT

January 14, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 83 (first reading copy -- white) do pass as amended .

Signed:   
Sonny Hanson, Chair

And, that such amendments read:

1. Page 3, line 13.

Strike: "rehired"

Insert: "offered a contract for rehire"

2. Page 3, line 14.

Following: "is"

Insert: "currently and appropriately"

3. Page 5, line 6.

Strike: "rehired"

Insert: "offered a contract for rehire for the next school year"

Amendments HB 61

EXHIBIT 1

DATE 1/13/93

HB 61

1. Title

Lines 7

Following: " THE STUDENT"

Strike: "IS NO LONGER ATTENDING SCHOOL;"

Insert: "WHO IS SUBJECT TO COMPULSORY SCHOOL ATTENDANCE IS TRUANT OR WHO IS ENROLLED AND NOT ATTENDING SCHOOL AND HAS NOT BEEN EXCUSED UNDER THE PROVISIONS OF 20-5-102 AND 20-5-103, OR BY THE BOARD OF TRUSTEES;

2. Title

Line 8

Following: "REQUIRING "

Strike: "A COUNTY SUPERINTENDENT"

Insert: "THE RESIDENT SCHOOL DISTRICT ATTENDANCE OFFICER"

3. Title

Line 12

Following: "SECTIONS 20-3-205"

Insert: ", 20-5-105"

4. Page 5

Line 22

Following: "year; and

Insert: "and"

5. Page 5

Lines 23-25

Strike in its entirety

6. Page 6

Line 1

Strike: " (27)"

Insert: " (26)"

7. Page 6

Line 4

Insert: "New Section 2. Section 20-5-105, MCA, is amended to read:

20-5-105. Attendance officer — powers and duties. The attendance officer of any district shall:

(1) be vested with police powers, the authority to serve warrants, and the authority to enter places of employment of children in order to enforce the compulsory attendance provisions of this title;

(2) take into custody any child subject to compulsory attendance who is not excused under the provisions of this title and conduct him to the school in which he is or should be enrolled;

(3) do whatever else is required to investigate and enforce the compulsory attendance provisions of this title and the pupil attendance policies of the trustees;

(4) institute proceedings against any parent, guardian, or other person violating the compulsory attendance provisions of this title;

(5) keep a record of his transactions for the inspection and information of the trustees and make reports in the manner and to whomever the trustees designate; ~~and~~

(6) notify the department of justice, pursuant to 61-5-206, whenever a student 15 years of age or older, but less than 18 years of age, who is subject to compulsory school attendance is truant, or who is enrolled and not attending a school and has not been excused under the provisions of 20-5-102 and 20-5-103 or by the board of trustees; and

(7) ~~(6)~~ perform any other duties prescribed by the trustees to preserve the morals and secure good conduct of the pupils of the district.

8. Page 6

Line 4

Strike: "Section 2."

Insert: "Section 3."

9. Page 7

Lines 13 and 14

Following: " 18 years of age"

Strike in its entirety

Insert: ", who is subject to compulsory school attendance is truant or who is enrolled and not attending a school and has not been excused under the provisions of 20-5-102 and 20-5-103 or by the board of trustees, and has been reported by the resident school district attendance officer as not attending school."

EXHIBIT 1  
DATE 1/13/93  
SB HB 61

10. Page 9.

Line 10

Following: "equivalent"

Strike: " . "

Insert: " , (d) has been excused from attending school under the provisions of 20-5-102 and 20-5-103 or by the student's resident board of trustees."



## CUSTER COUNTY DISTRICT HIGH SCHOOL

20 South Center, Miles City, MT 59301  
(406) 232-4920

Fred Anderson, PhD, Principal  
Jack Regan, Assistant Principal  
Ted Schreiber, Activities Director

January 12, 1993

EXHIBIT 2  
DATE 1/13/93  
HB 61

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TO: Chairperson Hanson and Members of the Education and Cultural Resources Committee

FROM:   
Fred Anderson, CCDHS Principal

RE: Testimony on House Bill 61

I apologize for not appearing in person; however, the weather conditions, combined with obligations in my local district, prohibit me from being there. Hopefully, it will be permissible to have Representative Johnson read my testimony in my absence.

I am testifying as a proponent of House Bill 61. This bill, as you know, proposes that the Department of Justice suspend the driver's license of students between the ages of 15 and 18 who have not obtained a high school diploma (graduated) or its equivalent and are no longer attending school. School attendance is defined as full time enrollment in a public, private or parochial school. Home schools fall under the classification of private schools. There is a provision in the bill providing an exception in cases of demonstrated financial hardship.

This bill is modeled after laws which have been in effect in New Jersey and Arkansas for about 4 years and in Texas for the past 2 years. The effects of the laws in those states have been as follows:

1. School attendance has increased significantly in each of the three states.
2. Insurance rates for drivers who fall in the age category of "under 25 motorists" have tended to decrease. The decrease in insurance rates occurs simply because the students spend less time as drivers. The reasons for this follow the same line of thought that prompts insurance companies to provide discounts for honor students. These discounts are not provided based on the



EXHIBIT 2  
DATE 1/13/93  
HB 61

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supposition that high achieving students have less accidents because of their ability levels, but because they spend less time driving and more time studying. Students who have dropped out of school tend to spend more time behind the wheel than their counterparts who are attending school. By reducing their driving time, the probability of them being involved in auto accidents is reduced accordingly.

In terms of fiscal impact, Budget Director, Mr. Dave Lewis, estimates that it will cost the State \$27,000.00 the first year of the biennium and an additional \$19,000.00 in fiscal year 1995. His estimate is based upon data generated by the Department of Justice which estimates there are 3,000 students between the ages of 15 and 18 who are currently not attending school. The cost is an estimate of the expense required to add 1 F.T.E. in the Motor Vehicle Department to monitor the 3,000 students between the ages of 15 and 18 who are not attending school.

If you approach this on a cost per student basis, it basically means that the State, in order to keep these students in school, will spend \$9.00 per student dropout the first year of the biennium, and \$6.33 per student dropout the second year of the biennium. This averages about \$7.67 per student dropout per year. Although it is always uncomfortable requesting resources from the State, and especially so this year considering the condition of Montana's economy, I believe that this minimum investment is certainly prudent in terms of its potential for producing students who are better qualified to enter our work force. The result will be more young people who are better prepared to enter the work force and ultimately become productive taxpaying citizens.

I urge you to support House Bill 61 and thank you for the opportunity of sharing this testimony with you.

AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO SUSPEND THE DRIVER'S LICENSE OF A STUDENT 15 YEARS OF AGE OR OLDER BUT LESS THAN 18 YEARS OF AGE UPON NOTIFICATION THAT THE STUDENT IS NO LONGER ATTENDING SCHOOL; REQUIRING A COUNTY SUPERINTENDENT TO NOTIFY THE DEPARTMENT OF JUSTICE WHEN SUCH A STUDENT IS NO LONGER ATTENDING SCHOOL; PROVIDING AN EXCEPTION IN CASES OF DEMONSTRATED FINANCIAL HARDSHIP PROHIBITING THE ISSUANCE OF A PROBATIONARY LICENSE; AMENDING SECTIONS 20-3-205 AND 61-5-206, mca; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

THE DEPARTMENT DOES NOT OPPOSE THIS LEGISLATION, HOWEVER THERE ARE A COUPLE OF CONCERNS.

#### FISCAL IMPACT:

According to the Bureau of Census, there are 3,630 people not in school, and/or not a high school graduate. This represents 8.1% of the 45,089 now enrolled.

To facilitate this new law, the Bureau would need one new FTE to:

1. Receive information from a county superintendent of schools that a person is not attending school.
2. Make a determination that a person falls into the correct category of the suspension.
3. Create a Driver Improvement file, do the necessary main frame computer work, send a pickup order for the license and notify the individual of the suspension by mail.
4. Restore the license upon notification from the country superintendent of school that the person is attending school, is 18 years of age, or has obtained a diploma or its equivalent.

#### CONCERNS:

There is currently is a law, (61-5-109) which allows a parent to cancel a driver's license of a child who is under the age of 18. This means not only that they are not able to receive a license until the age of 18, but that they must retest. During 1992 the department canceled 105 licenses under this law. The reasons given were numerous, including "does not live at home any longer, and I have no control" to "I don't think they are mature enough to drive".

Page 6, line 7 states that the department may not issue a probationary license, however on page 9 line 11 states there are exceptions for hardship. It would be better to strike the amendment on page 6 line 7 and amend page 9 starting on line 23 to read:

EXHIBIT

DATE 1/13/93

HB. 61

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IF A STUDENT 15 YEARS OF AGE OR OLDER WHO IS NOT ATTENDING SCHOOL PROVIDES CONVINCING EVIDENCE TO THE COUNTY SUPERINTENDENT OF SCHOOLS THAT A FINANCIAL HARDSHIP TO THE FAMILY WOULD RESULT FROM THE SUSPENSION OF THE STUDENT'S LICENSE, THE DEPARTMENT MAY GRANT AN PROBATIONARY LICENSE ~~EXCEPTION~~ ONLY TO THE EXTENT NECESSARY TO AMELIORATE THE HARDSHIP.

Amendments to House Bill No. 105  
1st Reading Copy

Requested by Representative Peck  
For the House Committee on Education

Prepared by Andrea Merrill  
January 13, 1993

1. Page 4, line 10.

Following: "budget"

Insert: ", as finally adopted under the provisions of 20-9-131  
and prior to the adoption of any amendments,"

2. Page 5, line 5.

Following: line 4

Insert: "Section 2. Section 20-9-368, MCA, is amended to read:

"20-9-368. Amount of guaranteed tax base aid -- reversion.

(1) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the elementary school districts in the county is the difference between the county mill value per elementary ANB and the statewide county mill value per elementary ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the elementary districts in the county.

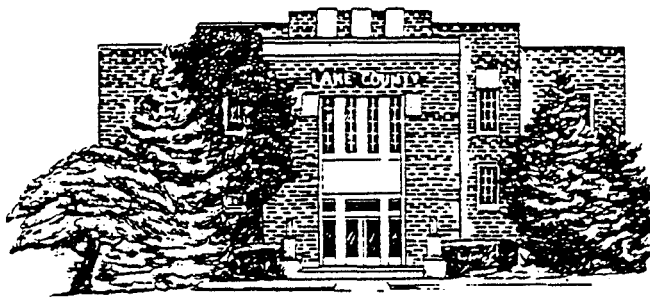
(2) The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the high school districts in the county is the difference between the county mill value per high school ANB and the statewide county mill value per high school ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the high school districts in the county.

(3) The amount of guaranteed tax base aid per ANB that a district may receive in support of its permissive amount of the general fund budget is the difference between the district mill value per ANB and the corresponding statewide district mill value per ANB, multiplied by the number of mills levied in support of the district's permissive amount of the general fund budget.

(4) Guaranteed tax base aid provided to any county or district under this section is earmarked to finance the fund or portion of the fund for which it is provided. If the actual expenditures and transfers from the fund or portion of the fund for which guaranteed tax base aid is earmarked are less than the amount budgeted, the guaranteed tax base aid reverts in proportion to the amount budgeted but not expended. If a county or district receives more guaranteed tax base aid than it is entitled to, the excess must be returned to the state as required by 20-9-344."

Renumber: subsequent sections

COUNTY COMMISSIONERS  
MIKE W. HUTCHIN  
District One  
RAY HARBIN  
District Two  
GERALD L. NEWGARD  
District Three  
  
TREASURER  
PATRICIA J. COOK  
  
CLERK AND RECORDER  
SURVEYOR  
RUTH E. HODGES



ASSESSOR  
LENORE A. ROAT  
  
SHERIFF AND CORONER  
JOE GELDRICH  
  
CLERK OF COURT  
KATHERINE E. PEDERSEN  
  
SUPERINTENDENT OF SCHOOLS  
JOYCE DECKER WEGNER  
  
COUNTY ATTORNEY  
LARRY J. NISTLER  
  
JUSTICE OF THE PEACE  
CHUCK WHITSON

# LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

January 13, 1993

EXHIBIT

DATE

5  
1/13/93  
HB 105

TO: Representative Ervin Davis

FROM: Joyce Decker Wegner, Lake County Superintendent of Schools

RE: TESTIMONY ON HB105, Wednesday, January 13, 1993, 3:00 p.m.

Honorable Representative Davis:

I would appreciate your testimony in support of HB105 on behalf of my office and school districts Charlo #7J, Arlee #8J, St. Ignatius #28 and Ronan #30. Hopefully Superintendent Gaub and myself will be arriving in time to offer our testimony.

MR. CHAIRMAN AND MEMBERS OF THE HOUSE EDUCATION COMMITTEE:

As Lake County Superintendent, I stand in firm support of HB105 to allow trustees of a school district to transfer up to 6% of the district general fund to the district building reserve fund. The bill encourages sound, fiscal, long-range building planning. No additional state funding is impacted and safeguards are in place. This bill goes a long ways toward solving debt service, bonding, and school building plans without great cost and in an equitable manner. It discourages the practice of last minute expenditures at fiscal year end to avoid reversions of state monies.

EXHIBIT 6

DATE 1/13/93

HB 106

EXHIBIT

DATE

SS

I. For transferring council to Superintendent of Public Instruction

- A. The Superintendent is charged by statute with the responsibility to make recommendations to the Board of Public Education on all matters regarding certification (20-4-102).
- B. The Superintendent is most knowledgeable in matters regarding certification as the certification process is the function of her office. It is the superintendent's duty to "issue, renew, or deny teacher certification and emergency authorization of employment." (20-3-106).
- C. The Council is best informed and best able to perform its duties as it is assigned to and works with those who have a working knowledge of certification matters.
- D. The Superintendent of Public Instruction is best equipped to make her recommendations to the Board of Public Education as she is advised by a council representative of those who seek certification.

## II. For increasing certification fees

1. The functions of certification in the Office of Public Instruction are totally dependent on state general fund dollars. The Office of Public Instruction currently maintains 23,800 active certification files and the numbers are increasing dramatically, more than 2,000 last year. The process is confusing and expensive.
2. Given present staffing, it is impossible to accommodate the increasing demands for certification information from schools, higher education institutions, individuals for out-of-state requests for information and applications, for additions to the data bases required by additional renewal requirements and, at the same time, maintain a reasonable processing time for processing certification and renewal applications. It is reasonable to anticipate a 200% increase in the workload in the next biennium. The office must either add three FTE staff or add one FTE and convert records and application materials and processing to electronic media. Electronic media is the least expensive and most logical short and long range alternative.
3. Other professions and occupations requiring a Montana license to practice, are generally responsible for the cost incurred.

An enclosed sampling of annual renewal fees indicates that only barbers and cosmetologists would pay less if teachers, administrators, and specialists were charged \$20.00 certificate renewal fee.

4. Given the present deficit, it is time for certification costs to be covered by certification fees.

APPLICATION AND LICENSE FEES  
 IN SELECTED PROFESSIONS AND OCCUPATIONS  
 FOR MONTANA

December 1992

<u>Profession or Occupation</u>	<u>Application or Initial Fee</u>	<u>One time Test Fee</u>	<u>Renewal Fee Per Year</u>
Barber	\$15	\$30	\$15
Cosmetologist/Manager/ Operator (Mont. trained)	\$35	(included)	\$10
Nursing	\$35	(separate)	\$20 (+\$20 if late)
Occupational Therapist	\$160	(included)	\$60
Psychologist	\$110	\$150	\$100
Public Accountant (out-of-state transfer fee \$70)	\$70	\$130	\$70
Realty: Broker	\$65	-	\$60
Realty: Sales	\$35 (+\$35 recovery fee)		\$30
Respiratory Care	\$60	(separate)	\$40
Sanitarians	\$50	\$90	\$35
Social Workers & Prof. Counselors	\$75 (+\$75 for original license)	\$75	\$75
Speech Pathologists & Audiologists	\$40 (+\$25 for wall license)		\$25
Teachers	\$6	\$80	\$6

Source: Information shown is result of telephone survey of Department of Commerce departments (OPI for teacher license). Details vary greatly and the reliability of this information is only assured as a generalized comparison of fees. For detailed information and regulations contact the source.



January 13, 1993  
House Education Committee  
2:00 p.m. in Room 312-1

CSPAC comments on HB106:

**1. HOUSING**

The Council has taken a neutral position at this time.

**2. CONTROL OVER STAFF**

[page 9, lines 6-7]

The council shall be provided research, administrative, and clerical staff assistance . . .

**3. CONTROL OVER FUNDS**

[page 8, lines 4-6]

- (a) 15% for expenses of the certification standards and practices advisory council created in 2-15-1522;
- (b) 15% for research in accordance with the duties of the council provided for in 20-4-133;
- (c) 70% to the . . .

**4. COMMUNICATION WITH BOARD OF PUBLIC EDUCATION**

[page 9, lines 19-21]

20-4-133. Duties of the council. (1) The council shall study and make recommendations to the board of public education and to the superintendent of public instruction in the following areas . . .

[page 10, lines 21-25 and page 11, lines 1-7]

(2) The council shall submit a written report annually to the board of public education and to the superintendent of public instruction with its recommendations for the above areas. The council may submit recommendations to the board of public education and to the superintendent of public instruction at other times that the council considers appropriate.

(3) The board of public education shall:

- (a) at a regularly scheduled meeting consider any recommendations and reports of the council; and
- (b) approve, disapprove, or modify each recommendation of the council by majority vote of the board.

**5. APPOINTMENTS TO CERTIFICATION ADVISORY COUNCIL**

Council members have indicated that the Board of Public Education should continue to participate in the appointment process. The Council meets January 25-26 and may have some specific recommendations after that meeting.

[page 1, lines 22-23]

[page 2, lines 15-18]

[page 7, lines 9-10]

Rep Peck

Amendments:

EXHIBIT 9  
DATE 1/13/93  
HB 106

1. Page 8, line 10, amend to read

instruction to fund the teacher,  
administrator, and specialist certification

reason: to clarify that the certification  
functions of the Office of Public  
Instruction include administrator  
certificates.

- II. Page 8, lines 4 through 11, amend to read

(2) ~~\$3~~ 15% for expenses of the certification  
standards and practices advisory council  
created in 2-15-1522;

(b) ~~\$3~~ 15% for the ~~board of public education~~  
superintendent of public instruction to be  
used by the certification standards and  
practices council for research in accordance  
with the duties of the council provided for in  
20-4-133.

(c) 70% to the superintendent of public  
instruction to fund the teacher,  
administrator, and specialist certification  
functions of the office of public instruction.

reason: it was not intended in the request  
for legislation that the \$3 (15% equivalent)  
for research be merged with the general  
operating expenses of the council.

EXHIBIT 10  
DATE 4/13/93  
HB 25

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 4/13/93 BILL NO. HB 25 NUMBER \_\_\_\_\_

MOTION: DO PASS AS AMENDED

NAME	AYE	NO
Rep. Sonny Hanson - Chair		✓
Rep. Alvin Ellis - Vice Chair		✓
Rep. Diana Wyatt - Vice Chair		✓
Rep. Ray Brandewie		✓
Rep. Fritz Daily	✓	
Rep. Ervin Davis		✓
Rep. Ed Dolezal		✓
Rep. Dan Harrington	✓	
Rep. Jack Herron		✓
Rep. Bob Gervais	✓	
Rep. Bea McCarthy		✓
Rep. Scott McCulloch	✓	
Rep. Norm Mills		✓
Rep. Bill Rehbein		✓
Rep. Sam Rose		✓
Rep. Dick Simpkins		✓
Rep. Wilbur Spring		✓
Rep. Norm Wallin		✓

4 14

EXHIBIT 11  
DATE 1/13/93  
HB 25

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/13/93 BILL NO. HB 25 NUMBER \_\_\_\_\_

MOTION: TABLE

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair	✓	
Rep. Ray Brandewie	✓	
Rep. Fritz Daily		✓
Rep. Ervin Davis	✓	
Rep. Ed Dolezal	✓	
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais		✓
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch		✓
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	

14 4

EXHIBIT 12  
DATE 1/13/93  
HB 40

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/13/93 BILL NO. HB 40 NUMBER       

MOTION: To Amend HB 40

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair		✓
Rep. Ray Brandewie	✓	
Rep. Fritz Daily	✓	
Rep. Ervin Davis		✓
Rep. Ed Dolezal		✓
Rep. Dan Harrington		✓
Rep. Jack Herron	✓	
Rep. Bob Gervais	✓	
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch		✓
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	
total	13	5

EXHIBIT 13  
DATE 1/13/93  
HB 83

Amendments to House Bill No. 83  
1st Reading Copy

Requested by Representative Daily  
For the House Committee on Education

Prepared by Andrea Merrill  
January 13, 1993

1. Page 3, line 13.  
Strike: "rehired"  
Insert: "must be offered a contract for rehire"
2. Page 3, line 14.  
Following: "is"  
Insert: "currently and appropriately"

EXHIBIT 14  
DATE 1/13/93  
HB 83

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/13/93 BILL NO. HB 83 NUMBER \_\_\_\_\_

MOTION: DO PASS AS AMEND.

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair		✓
Rep. Diana Wyatt - Vice Chair	✓	
Rep. Ray Brandewie	✓	
Rep. Fritz Daily	✓	
Rep. Ervin Davis	✓	
Rep. Ed Dolezal	✓	
Rep. Dan Harrington	✓	
Rep. Jack Herron	✓	
Rep. Bob Gervais	✓	
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein		✓
Rep. Sam Rose	✓	
Rep. Dick Simpkins		✓
Rep. Wilbur Spring		✓
Rep. Norm Wallin		✓

EXHIBIT 15  
DATE 1/13/93  
HB 89

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/13/93 BILL NO. HB 89 NUMBER \_\_\_\_\_

MOTION: \_\_\_\_\_  
table

NAME	AYE	NO
Rep. Sonny Hanson - Chair	✓	
Rep. Alvin Ellis - Vice Chair	✓	
Rep. Diana Wyatt - Vice Chair	✓	
Rep. Ray Brandewie		✓
Rep. Fritz Daily	✓	
Rep. Ervin Davis	✓	
Rep. Ed Dolezal	✓	
Rep. Dan Harrington	✓	
Rep. Jack Herron	✓	
Rep. Bob Gervais	⊗	
Rep. Bea McCarthy	✓	
Rep. Scott McCulloch	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Dick Simpkins	✓	
Rep. Wilbur Spring	✓	
Rep. Norm Wallin	✓	



**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Education & Cultural Resources

COMMITTEE

BILL NO. HB 61

DATE 1/13/93

SPONSOR(S) Rep. J. Johnson

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DARRELL BECKSTROM	Motor Vehicle Div.	X	
Don Walden	MREA	✓	
Don Fragi	SAHA	✓	
Rocky McDouan	MT. Juv. Prob. Off.		✓
Will Meehan	MT Juv. Prob. Off. Dist.		✓
Bruce W. Moerer	BSBA	X	
Glenn Wartman - Obie	AAA Montana		✓
ROGER McGLADWIN	INDEPENDENT INSURANCE AGENTS' ASSOC. OF MT.	X	
INDRY SUSAN MCG			X
LINDA COLLINS GARDINER MT	SELF		X
Danita Lane Seeley Lake			X
Arlene Diew E. Helena	Self		X
Nick Dick E. Helena	self		X
Raige Diehl E. Helena	Self		X

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Education COMMITTEE BILL NO. HB 61  
DATE 1/13/03 SPONSOR(S) Rep. John. Johnson

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Annie Diehl	self		✓
STEVE WHITE	self		X

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Education & Cultural Resources COMMITTEE

BILL NO. HB 105

DATE 1/13/93 SPONSOR(S) REP. PECK

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Steve Gant	Charle Schools #75	X	
Joyce Decker Wegner	Lake County Supt.	X	
Bic Floren	Havre Schools	X	
Don Walden	MREA	X	
Synda Brannon	MASBO	X	
Tom G. Foley	AFSCME		X
Loren Frazier	S Am	X	
Bruce W. Moore	MSBA	X	
Kathy Fabian	OPT		
TOM BLODGEN	NEA		X
Robert Windel	Havre Public Schls	X	
Terry Minow	MFT		X

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**HOUSE OF REPRESENTATIVES  
VISITOR REGISTER**

Education & Cultural Resources COMMITTEE

BILL NO. HB 106

DATE 1/13/93 SPONSOR(S) REP. PECK

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JACK COOPER	UPI	✓	
WAYNE BUCHANAN	BOARD of Pub. Ed.		✓
Joan Schmidt	Certification Adv. Council		✓
Don Decker	MR & EA		✓
Eri Ju	MSA		X
Bruce W. Moore	BSBA		✓
Ric Floren	Cert Council Member		✓
Rep. Menahan	DIT #67		✓
MARY S. MCG			✓
Terry Mirand	MFT		✓
Bonnie Spore	Cert. Council member		✓

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