

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Rep. H.S. "Sonny" Hanson, Chair, on January 15, 1993, at 3:53 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. 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: Rep. Bea McCarthy

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 42, HB 43, HB 91
Executive Action: HB 42, HB 48, HB 61

HEARING ON HB 42

Opening Statement by Sponsor:

REP. MCCULLOCH, House District 96, Billings Heights, remarking HB 42 has some problems needing attention, requested the committee to table the bill.

EXECUTIVE ACTION ON HB 42

Motion/Vote: REP. SPRING MOVED HB 42 BE TABLED. Motion carried unanimously.

HEARING ON HB 91

Opening Statement by Sponsor:

REP. JOHNSON, House District 23, Glendive, said HB 91 would allow school districts to apply any of their reappropriated general fund dollars either to the general fund permissive amount or to the district levy.

Proponents' Testimony:

Don Waldron, Montana Rural Education Association, stood in support of the bill. He stated it would give schools the flexibility to better manage their finances. He said schools would be able to save money rather than, as required, spend it or lose it by the last day of each year.

Bruce Moerer, Montana School Boards Association, asked for favorable consideration of the bill.

Loran Frazier, School Administrators of Montana, asked the committee to vote favorably on HB 91.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. SPRING asked the sponsor if there is a limit to the amount of money that can be transferred. He pointed out line 24, page 1 which contains the language, "any additional general fund budget amount..." REP. JOHNSON replied the issue is covered by current law.

Closing by Sponsor:

REP. JOHNSON asked for favorable consideration of HB 91. He stated it is a management tool that could help districts to reduce their voted and/or permissive levy amounts.

HEARING ON HB 43

Opening Statement by Sponsor:

REP. MCCULLOCH, House District 96, Billings Heights, indicated HB 43 is similar to HB 105 passed in the 1991 Legislative Session. He stated HB 43 would remove the grandfather clause contained in the present law. House Bill 43 states any administrator would

receive teacher salary upon return to the classroom, if they lost their administrative position because of financial reasons. He explained with the present grandfather clause in place, almost no-one is affected. REP. MCCULLOCH said administrators would not lose seniority and would be considered first for open administrative positions. He insisted a person should get paid for the position for which they were hired, and if the position changes the salary should change as well. House bill 43 would not affect administrators presently in the classroom.

Proponents' Testimony:

REP. NELSON, House District 19, Medicine Lake, said salary assurances within school districts make it very difficult for school boards to keep taxes down. She asked the committee to consider the extra financial burden put on the public because of the grandfather clause. She requested favorable consideration of HB 43.

Steve Henry, Billings Education Association, said HB 43 is an equity bill. He maintained the present law is discriminatory and does not allow schools to make the most efficient use of their money in times of fiscal stress. He asked the committee to give favorable consideration to HB 43.

Eric Feaver, Montana Education Association, noted strong support of HB 43 and commended REP. MCCULLOCH for introducing the piece of legislation.

Bruce Moerer, Montana School Boards Association, stating that although MSBA is not completely in favor of the bill, the association believes it is financially necessary. He requested the committee to vote favorably on HB 43.

Jerry Rukavina, Great Falls Education Association, said it would be irresponsible not to pass HB 43.

Scott McCulloch, Billings, requested favorable consideration of HB 43.

Tricia McMorris, Montana Education Association, Glasgow, stood in support of HB 43.

REP. MENAHAN, House District 67, Anaconda, asked to go on record in support of HB 43.

Wanda Grinde, Montana Education Association, Canyon Creek School, Yellowstone County, requested favorable consideration of HB 43.

Conrad Stroebe, President of Montana School Boards Association, asked the committee to vote in favor of HB 43.

REP. DOLEZAL, House District 34, Great Falls, asked to go on record in support of HB 43.

Opponents' Testimony:

Loran Frazier, School Administrators of Montana, explained the grandfather clause was included in the 1991 bill (HB 105) for reasons of fairness and equity. He remarked that individuals who are not part of the collective bargaining unit in the district have no seniority rights upon transferral. He stated a principal who is moved back into the classroom, with twenty years of administrative experience, could be the first teacher to lose her/his job if positions were eliminated. **Mr. Frazier** said real economic hardship could be recognized by those individuals accustomed to a higher salary.

Jim Wood, Principal of Sidney High School, stressed HB 43 could put present administrators in financial jeopardy.

Darrell Rud, Principal of Rimrock Elementary School, Billings, said quality schools are led by quality principals and administrators. He announced small schools would suffer if HB 43 were in place. **Mr. Rud** said qualified and committed individuals would be discouraged from taking positions at small schools in Montana. He urged the committee to oppose HB 43.

Ernie Jean, Superintendent of Schools, Florence-Carlton School District, Ravalli County, stood in opposition to the bill, indicating it would be a risk to administrators in smaller districts.

Steve Bradshaw, Principal of Red Lodge High School, Carbon County, asked the committee to oppose HB 43.

Bruce Whitehead, Principal of Hellgate Elementary, Missoula, stated the bill has a negative bent toward administration.

Scott Maks, Assistant Principal of Fergus High School, Lewistown, asked to go on record in opposition to HB 43.

Questions From Committee Members and Responses:

REP. GERVAIS asked **REP. MCCULLOCH** if he believes the bill is fair. **REP. MCCULLOCH** responded he does.

REP. DAILY asked the sponsor if the bill would encourage the hiring of out-of-state individuals. **REP. MCCULLOCH** replied he failed to see how. He said the bill is designed to handle problems which arise during crisis situations. **REP. DAILY** asked **REP. MCCULLOCH** to respond to the situation where administrators can lose seniority if they haven't previously taught in a district even if they have many years of administrative experience. **REP. MCCULLOCH** answered that seniority within a district can be maintained.

REP. DAILY asked **Bruce Moerer** to respond to the previous question. **Mr. Moerer** said seniority depends upon collective

bargaining agreements, not on statutes. **REP. DAILY** asked if districts with collective bargaining agreements for administrators would still have the ability to negotiate on seniority rights. **Mr. Moerer** said it is against present law for administrators to form unions. He said administrators cannot negotiate conditions into teachers' collective bargaining agreements. **REP. DAILY** asked if administrators can negotiate seniority into their own collective bargaining units. He asked if state law would take precedence over a negotiated contract. **Mr. Moerer** indicated a negotiated contract can contain stronger language than state law.

REP. DAILY asked **Eric Feaver** if MEA has any bargaining agreements which allow principals to retain their seniority upon returning to the classroom. **Mr. Feaver** replied in the affirmative. He said the Billings Education Association was a prime example.

REP. DAILY commented on the discrepancies in the testimonies of MEA and MSBA and asked that consideration of the bill be held until those questions are addressed.

REP. SIMPKINS asked **Conrad Stroebe** if there was a case in Billings where an individual taught in a classroom, became an administrator, and then went back to the classroom retaining the seniority they earned as an administrator. **Mr. Stroebe** said he was familiar with examples where this was the case and that they were the result of contract agreements in existence two years ago. **REP. SIMPKINS** reported he was familiar with a district where the senior principals were the ones moved back into the classroom while the junior principals retained their positions. He asked if this occurred in the Billings district. **Mr. Stroebe** replied he could not speak for the district as a whole.

REP. HANSON asked **Mr. Stroebe** if the cases to which he referred regarding the retention of seniority occurred under the grandfather clause. **Mr. Stroebe** replied they did not because the budget cuts in question occurred in 1988, before the legislation of 1991 was passed.

REP. ROSE asked **Mr. Whitehead** if administrators had the right to bargain with school boards. **Mr. Whitehead** responded he knew of very few principals who bargain officially with their school boards. He stated he was not included in his own district's bargaining unit and that inclusion is entirely dependent upon individual school districts.

REP. ELLIS asked **Mr. Whitehead** if it was his opinion all of state funding for grades K-12 comes from the general fund. **Mr. Whitehead** responded state equalization aid (SEA) contributes as well.

REP. HANSON asked how many individuals are affected by the bill. **Loran Frazier** replied he did not have a specific number, but he understood the number was small. **Eric Feaver** remarked no-one has

been affected yet. He explained HB 43 does not affect anyone in the classroom already drawing an administrator's salary.

REP. HANSON explained the bill would repeal one sentence in section 4, chapter 204, 1991.

REP. BRANDEWIE asked Mr. Frazier how many people would be affected by the bill if cuts were made. Mr. Frazier said it depends on the financial bills to pass the House and Senate.

Closing by Sponsor:

REP. MCCULLOCH stated the reason the grandfather clause was put on originally was not because of fairness. He called attention to the fact that teachers are the leaders of education. REP. MCCULLOCH said seniority can be included into district negotiations in a like manner to the Billings District contract. He commented HB 43 is accountable to the taxpayers and is the best use of taxpayer money. REP. MCCULLOCH stated if the bill does not pass, it is clear all of the cuts facing education will take place in the classroom. He asked for the committee's serious consideration and support of HB 43.

EXECUTIVE ACTION ON HB 48

Motion: REP. BRANDEWIE moved to amend HB 48.

Discussion:

REP. BRANDEWIE said the amendment would allow districts to circumvent the percentage turn-out requirements for a bond issue. He commented that districts could choose to hold an election one of two ways. One way would be by a mail ballot vote. The other method would be to notify all voters by mail of the bond issue and then to accept the majority of voters who turn out for the election. EXHIBIT 1

REP. HARRINGTON asked if mail ballots are acceptable. REP. HANSON said they are lawful.

REP. DOLEZAL asked Andrea Merrill to define the difference between absentee and mail ballots. Ms. Merrill said there are limits on the use of mail ballots. She explained mail ballots can be used for issues and bond propositions, but not to elect individuals into office. Ms. Merrill noted that with mail ballots, every elector gets a ballot in the mail, whereas absentee ballots are sent only at an individual's request.

REP. HANSON commented he believed Bozeman succeeded in having such a resolution pass. He noted the resolution was successful because the community had a hard time producing required percentages when students at the university left town.

REP. MCCULLOCH asked if the amendment would be cost prohibitive. REP. SIMPKINS suggested the cost to the district is the same, regardless of the voting procedure.

REP. MCCULLOCH stated the mailing costs would be much higher in a city larger than Helena. He insisted it was unnecessary to add another financial cost to the election process.

REP. BRANDEWIE commented the whole purpose is to force the school board to inform the public.

Vote: HB 48 BE AMENDED. Motion carried 16 to 2 with REPS. HARRINGTON and MCCULLOCH voting no. EXHIBIT 2

Motion: REP. HANSON MOVED HB 48 DO PASS AS AMENDED.

Discussion:

REP. SPRING stated his opposition to this piece of legislation. He said an election could have five voting individuals, three of whom could vote in favor of the proposal. He commented those three individuals could bond the rest of the community for the next twenty years.

Motion/Vote: REP. SPRING MADE A SUBSTITUTE MOTION THAT HB 48 BE TABLED. Motion carried 10 to 8 with REPS. WYATT, DAILY, DAVIS, DOLEZAL, HARRINGTON, GERVAIS, MCCARTHY, and MCCULLOCH voting no. (Rep. Harrington voting proxy for Reps. Wyatt and McCarthy.) EXHIBIT 3

EXECUTIVE ACTION ON HB 61

Motion: REP. HARRINGTON MOVED HB 61 DO NOT PASS.

Discussion:

REP. HARRINGTON remarked although it has a well-meaning intent, there are serious problems with the bill.

REP. SIMPKINS agreed with REP. HARRINGTON and commented, even if amended, the bill is narrowed down to just one age group, fifteen-year olds. He indicated even emancipated fifteen-year olds would not be covered under HB 61. The intent of keeping adolescents in school would probably not be accomplished by this piece of legislation.

REP. DOLEZAL asked to go on record in agreement with REP. HARRINGTON. He emphasized a parent's prerogative to cancel their child's license.

Motion/Vote: REP. ELLIS MADE A SUBSTITUTE MOTION HB 61 BE TABLED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:34 p.m.

H.S. "Sonny" Hanson
REP. H.S. "SONNY" HANSON, Chair

Susan Lenard
SUSAN LENARD, Secretary

HSH/SL

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

1/15/93

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	✓		

Amendments to House Bill No. 48
1st Reading Copy

Requested by Representative Brandewie
For the House Committee on Education

Prepared by Andrea Merrill
January 13, 1993

1. Title, line 8.

Following: "ELECTION"

Insert: "IF THE ELECTION IS CONDUCTED BY MAIL BALLOTING"

2. Page 1, line 16.

Following: "(1)"

Strike: "When"

Insert: "Except as provided in subsection (3), when"

(restore current language from Page 1, line 18 to page 2, line 23)

3. Page 3, line 5.

Following: line 4

Insert: "(3) If the trustees conduct a school bond election by mail ballot election as provided in 13-19-104, the school bond proposition is considered to have been approved and adopted if a majority of the votes of the electors qualified to vote under the provisions of 20-20-301 and voting in the election were cast in favor of the proposition, otherwise it is considered to have been rejected."

EXHIBIT 2
DATE 1/15/93
HB 48

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/15/93 BILL NO. HB 48 NUMBER _____

MOTION: To 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 3
DATE 1/15/93
HB 48

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 1/15/93 BILL NO. HB 48 NUMBER _____

MOTION:

to table 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	✓	

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education & Cultural Resources COMMITTEE

BILL NO. HB 42

DATE 1/15/93 SPONSOR(S) REP. McCulloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jan Riebhoff	MAEMSP/SAM		X
Darrell Rud	MAEMSP/SAM		X
Marsha Davis	MAEMSP		X
Robert Western	MAEMSP/Sam		X
MARVIN CARTER	MAEMSP		X
Don Waldron	MSBA		
Don Waldron	MSBA		X
Bruce W. Moore	MSBA		X
Marilyn Delger	MAESP/SAM		X
Merryl Fairman	MAEMSP/SAM		X
Louise C. Ferminson	MAESP/SAM		X
Ken Miller	RED LODGE SCHOOL		X
Steve Bradshaw	MASSP		X
Tim Dunn	MASSP/SAM		X

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**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education COMMITTEE BILL NO. HB 72
DATE 1/15/93 SPONSOR(S) Rep McCulloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim Wood	MASSP / SAM		X
Bobull	MASSP / SAM		X
Tammy Lacey	MAEMSP / SAM		X
Alicia Duncan	Ct Falls MAEMSP / SAM		X
Sherry Meadows	MAEMSP / SAM		X
Ramona Stout	MASH		X
Jo Swain	MAEMSP		X
Lynda Brannon	MASBO		X
Therese Baker	MAEMSP		X
Kathy Poake	MAEMSP - Monforton School		X
SANDRA SCOTT	WHITE SULPHUR SPRINGS SCH.		X
John	MAEMSP - Sam		X
Lynn Allison	MEIX	X	
Ernie Jean	Florence - Carlton		X

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Education COMMITTEE BILL NO. HB 42
DATE 1/13/93 SPONSOR(S) Rep McCalloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Glen E. J. J. J.	MAEMSP		X
CONRAD F. STROBE BILWINGS	MSBA		X

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Education & Cultural Resources COMMITTEE

BILL NO. HB 91

DATE 1/15/93 SPONSOR(S) REP. JOHNSON

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Don Waldron	MREA	✓	
Bruce W. Moe	BSBA	X	
Ramona Stout	MAEH	X	
Jo Swans	MAE MSP		
Wendy Seale	MAE MS		
KEN MILLER	RED LODGE SCHOOLS	✓	
Vaughn Proctor	MAE MSP - Monticello Sch	X	
SANDRA L. SCOTT	WHITE SULPHUR SPRINGS SCH. DIST	X	
Ernie Jean	Flower-Carlton Schools	X	
Conrad Stoebe	MSBA	X	
Loran Frazier	SAA	X	
Alicia Duman	MAE MSP - Gt. Falls	X	

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Education & Cultural Resources COMMITTEE

BILL NO. HB 43

DATE 1/15/93

SPONSOR(S) REP. McCulloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jan Riebhoff	MAEMPS / SAM		X
Darrell Ruel	MAEMSP / SAM		X
Marsha Davis	MAEMSP		X
Steve Henry	BEA	X	
MARVIN CARTER	MAEMSP		X
Scott McCulloch		X	
Robert E. Western	MAEMSP		X
Manda Grinde	MEA	X	
Andy Brattain	MEA	X	
Tricia McMoris	MEA	X	
Joe Brackley	MEA	X	
Bruce W. Goeer	MSBA	X	
Lynne E. Forman	MAESP / SAM		X
Marilyn Delger	MAESP / SAM		X

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Education COMMITTEE BILL NO. HB 43
DATE 1/15/93 SPONSOR(S) Rep. McCulloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Merdy Faberman	MAEMSP/SAM		X
Steve Bradshaw	MASSP / SAM		X
Tim Dunn	MASSP / SAM		X
Jim Wood	MASSP / SAM		X
Tammy Lacey	MAEMSP / SAM		X
80 Oaks	MASSP / SAM		X
Alicia Duncan	Gf. Falls MAEMSP / SAM		X
Sherry Meadows	MAEMSP / SAM		X
Ramona Storch	MASSP		
Joe Duran	MAEMSP		X
Viola Kales	MAEMSP		X
Ken Miller	Red Lodge Schools		X
Kathy Potho	MAEMSP		X
Sandra L. Scott	WHITE SULPHUR SPRINGS SCHOOLS -		X

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Education

COMMITTEE

BILL NO.

HB 13

DATE

4/15/93

SPONSOR(S)

Rep. McCulloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Wendy Hagen</u>	<u>MacSp / Sen</u>		X
<u>Jane Slattery</u>	<u>MEA / HEA</u>	X	
<u>Dennis Carlson</u>	<u>MEA</u>	X	
<u>David K. Hadden</u>	<u>EPSCERA / MEA</u>	X	
<u>John A. Yorkin</u>	<u>MEA / SEA</u>	X	
<u>Patricia L. Jami</u>	<u>MEA / WEA</u>	X	
<u>Lonnie Smith</u>	<u>MEA / RPEA</u>	X	
<u>Eri Chen</u>	<u>MSA</u>	X	
<u>Lynn Allison</u>	<u>MEA</u>	X	
<u>Jerry Runkavina</u>	<u>MEA</u>	X	
<u>Ernie Jean</u>	<u>Florence-Sutton Schools</u>		X
<u>Linda Nelson</u>	<u>Self</u>	X	
<u>Conrad F. Strocher</u>	<u>MSBA</u>	X	
<u>Donce Whitehead</u>	<u>HILLGATE ELEMENTARY Sch</u>		X

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Education COMMITTEE HB 43 BILL NO.
DATE 1/15/93 SPONSOR(S) Rep. McCulloch

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Loren Foraker	Stm		<input checked="" type="checkbox"/>

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