

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 February 5, 1993, at 3:24 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. Dick Simpkins (R)
Rep. Wilbur Spring (R)
Rep. Norm Wallin (R)
Rep. Diana Wyatt, Vice Chair (D)

Members Excused: None.

Members Absent: Rep. Sam Rose

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 398, HB 403, HB 410
Executive Action: HB 202, HB 324, HB 376, HB 348, HB 403,
HB 410

HEARING ON HB 403

Opening Statement by Sponsor:

REP. BIRD, House District 52, Superior, explained HB 403 was requested by the Montana School Boards Association to deal with

is found on page 2 lines 6 through 8, where it provides an exception for bonds refunded by school districts under Title 17, chapter 5, part 16. Schools may not be refunded by the issuance of new bonds unless the rate of issuance of the new bonds is at least one half of one percent per annum less than the rate of the ones to be released.

Proponents' Testimony:

Bruce Moerer, Montana School Boards Association, said HB 403 results from a request from a small school outside of Billings. He noted it would allow schools the opportunity to make use of the Intercap Program but would not provide guarantees for its use. Its cost effectiveness would be determined at the time of the investment.

Don Waldron, Montana Rural Education Association, stated small schools have been in a turmoil the past few years over the financing of bonds because rates have been so high. Since HB 403 presents the opportunity for schools to save money, he asked for the committee's favorable consideration of the bill.

Gene Huntington, Manager of Public Finance for Dain Bosworth, said the original statute was intended to make sure a district would not reinvest if it was not secure enough to do so. He said it could have caused problems with refinancing or in combining new financing. He supported the change offered by HB 403.

Loran Frazier, School Administrators of Montana, stood in support of the bill.

Opponents' Testimony: None.

Informational Testimony:

REP. DAVID EWER, House District 45, Helena, said HB 403 would directly affect both school districts and the Board of Investments. He stated, under current law, if a school district desires to refund bonds it must have a determinable savings in order to purchase fixed rate bonds. The Board of Investments, under the Judicial Finance Consolidation Act, does offer programs with fixed-rate bonds. House Bill 403 would enable school districts to take advantage of the Intercap Program, a variable rate program. He noted the Municipal Finance Act is a law authorizing the Board of Investments to offer a variety of municipal rate programs to local governments, of which Intercap is a part. The law states in order to refinance it must be determined a savings is in place, yet the Board cannot guarantee a savings does exist. **REP. EWER** insisted the Intercap Program is going to be cost effective on any given day for at least that year. He stressed he could not guarantee the interest rate would be lower over a period of five or six years. The law currently states rates must be lower. It remains a fundamental public policy issue, schools need to be given a variable rate program

(InterCap) whose rates are lower, but without the guarantee these rates will remain lower, there is a possibility they might not qualify under current requirements of law.

Questions From Committee Members and Responses:

REP. SIMPKINS asked REP. EWER if Title 17, chapter 5, part 16, on line 7, identifies the InterCap Fund. REP. EWER explained Title 17, chapter 5, part 16 refers to the Municipal Finance Consolidation Act, which is an act empowering InterCap, school refunding, and about four other programs. REP. SIMPKINS asked for the length of time the InterCap program is in force. REP. EWER replied it could be up to ten years, but wanted to stress the Board of Investments could not empower local governments to do anything other than what they themselves are empowered to do. REP. SIMPKINS asked if the same scrutiny is used in the payment method rather than floating the loan for a series of consecutive ten year terms. REP. EWER replied there are sufficient statutes for local governments which state they cannot continue to roll over debt, and the Board of Investments cannot empower them to do so either. He reminded the committee these are general obligation bonds voted for and approved by school districts.

REP. ELLIS asked why a district needs to refinance. Mr. Moerer responded many school districts sold bonds in the late 70's, early 80's, when a ten fold percent interest rate could be recognized. At present, since the percentage rate is so low, a great savings can be recognized if a school refinances.

Closing by Sponsor:

REP. BIRD closed the hearing on HB 403 and asked for favorable consideration of the bill.

HEARING ON HB 398

Opening Statement by Sponsor:

REP. J. JOHNSON, House District, Glendive, explained HB 398 contained three components of change to tuition. He said it would set up a flat rate for tuition to replace the complicated formula districts must now follow. He offered technical amendments to allow the figures to be based on statewide expenditure of data. The second change states tuition rates for family services would be based on placement of group homes for students without disabilities. It would change present law to include payment for other extensive programs. The third change addresses the difference in the payment in tuition of ANB for high schools and elementary schools. EXHIBIT 1

Proponents' Testimony:

Dan Martin, Superintendent of Glendive Public Schools, described HB 398 as a means of finding a more simple solution to the tuition calculation problem. He stood in support of the amendments offered by Rep. Johnson. Mr. Martin suggested HB 398 would address an ever increasing group of students. These students do not qualify for special education nor special education funding but do require extra costs to educate. He commented it will cost more money to bring those "needs" students into an appropriate level of regular education. He proposed the sending districts should be responsible for the costs of educating these children, not the receiving schools.

Virginia Agley, Educator in Glendive, MT, remarked she has seen major changes in the makeup of the student population in Montana. She stressed the necessity of additional funding to effectively meet the needs of this new student population. Ms. Agley urged the committee to support HB 398.

Don Waldron, Montana Rural Education Association, said the part of the bill addressing the flat rate is very important. He stressed this rate is vital in order to keep educational costs on an equal basis. He specifically requested the committee's support for the flat tuition rate component.

Willie Day, Eastern Montana Coalition, commented he was advised by the mayor of Glendive to support the bill. He asked for favorable consideration of the bill with the amendments offered.

Loran Frazier, School Administrators of Montana, stood in support of the bill with amendments.

Bruce Moerer, Montana School Boards Association, stood in support of the bill with amendments.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. BRANDEWIE asked Dan Martin if the language in the bill would cover a student who chose to go to school in a different or neighboring district. Mr. Martin replied it would fall under the heading of place consignment.

Closing by Sponsor:

REP. JOHNSON explained HB 398 would help receiving districts get additional funds from sending districts in order to assist those student who are most in need of extra educational guidance.

HEARING ON HB 410Opening Statement by Sponsor:

REP. SIMPKINS, House District 39, Great Falls, commended most schools for having American flags in their classrooms. He stated HB 410 would require classrooms to have a flag in each classroom, no smaller than 12 by 18 inches. This requirement would place no financial burden on school districts because if they feel it is not proper to fit it into their budget, most veteran organizations are willing to supply flags at no charge to the school districts. He noted an exemption would exclude classrooms where the flag would get soiled, i.e. machine shops. REP. SIMPKINS explained that since schools are encouraged to say the pledge of allegiance, requiring the flag to be present is reasonable.

Proponents' Testimony:

Hal Manson, American Legion of Montana, declared there is not enough evidence in the schools to bring forth the feeling of patriotism in young people. He stressed veteran's organizations are committed to making sure flags are present in the local area schools. Mr. Manson mentioned there might be some small rural schools across Montana without the opportunity to be supplied by local veteran organizations. He affirmed the American Legion strongly believes every classroom should have a flag.

George Poston, United Veterans Committee of Montana, said, since patriotism starts at an early age, the number one symbol of the number one nation in the world belongs in the classrooms in Montana. He asked for a Do Pass recommendation on HB 410.

Don Waldron, Montana Rural Education Association, stood in support of the bill.

Opponents' Testimony: None.Questions From Committee Members and Responses:

REP. HARRINGTON said he has taught for thirty years and has always had a flag in his classroom. Although he will vote in favor of this bill, he asked the sponsor if he believed it was truly necessary to make it state law. REP. SIMPKINS replied he has noticed the absence of the American flag in some classrooms and at a few sports events and school speeches. He added he would like a bill such as this one not to be necessary. He asserted if all HB 410 did was bring the absence of the flag to someone's attention who then would put one up, the intent of the bill would be recognized.

REP. MCCARTHY stated there should be a provision that flags raised must be clean. REP. SIMPKINS agreed, saying there is a proper code in displaying a flag.

Closing by Sponsor: REP. SIMPKINS closed the hearing on HB 410.

EXECUTIVE ACTION ON HB 410

Motion/Vote: REP. WALLIN MOVED HB 410 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 403

Motion/Vote: REP. DAVIS MOVED HB 403 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 202

Motion: REP. MCCARTHY MOVED HB 202 DO PASS.

Discussion:

REP. HANSON brought it to the attention of the committee that amendments, prepared by Andrea Merrill, were distributed and ready to be considered. EXHIBIT 1B

REP. DOLEZAL asked if the proposed amendments line the definition of attendance center up with the one found in HB 210. Ms. Merrill stated they put the definition in agreement exactly with HB 210 as amended on the floor yesterday. She said the other amendments are just technical ones not altering the intent of the bill. REP. DOLEZAL asked if HB 202 was still needed because of all of the technical amendments. Ms. Merrill replied it was.

Motion/Vote: REP. BRANDEWIE MOVED HB 202 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. ELLIS MADE A SUBSTITUTE MOTION THAT HB 202 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 376

Motion: REP. DAVIS MOVED HB 376 DO PASS.

Discussion:

REP. DAVIS stated there is a remote possibility that PL-874 monies might be used in this. REP. DAVIS explained if the bill were passed, as is, it would take an enormous fiscal note. He

suggested the committee allow it to be referred to appropriations. He explained if the authorization for use of PL-874 money is approved, there would be no fiscal impact.

REP. HANSON asked if he was requesting the bill be passed directly from the committee to appropriations without going on the floor. REP. DAVIS replied that was his request.

REP. WYATT asked if the committee has the power to take such an action. REP. HANSON stated the committee can refer bills directly to appropriations.

REP. DOLEZAL asked if HB 376 is similar to HB 105 which allowed a 6% transfer limit into the school's building fund. REP. DAVIS replied it was not the same. House Bill 376 would utilize money not part of the foundation fund. REP. DOLEZAL stated one of the concerns of HB 105 was the lack of a limit on how big the fund could get. He asserted HB 376 does not adequately address that very problem either. He expressed his reluctance to pass the bill out of the committee.

REP. GERVAIS said Public Law 874 was being changed.

REP. BRANDEWIE stated schools need some vehicle to meet the northwest accreditation standards. He asked the committee to support the request made by REP. DAVIS.

REP. SIMPKINS asked if a fiscal note would need to be requested even if it went to appropriations. REP. DAVIS answered he requested one and it would be sent right to appropriations also.

REP. SIMPKINS commenting on the confused state of funding in education remarked the most evident thing in this and other discussions regarding school funding is that an equalization program needs to be put into effect. He said he supported the request to send HB 376 down to appropriations.

Motion: REP. DAVIS withdrew his Do Pass motion and MOVED HB 376 BE REFERRED TO APPROPRIATIONS.

Vote: HB 376 BE MOVED TO APPROPRIATIONS. Motion carried 16 to 2 with REPS. DOLEZAL and WYATT voting no.

EXECUTIVE ACTION ON HB 324

Motion: REP. BRANDEWIE MOVED HB 324 DO PASS.

Discussion:

REP. BRANDEWIE commented HB 324 is a non-lawsuit method of solving the problem between the Board of Public Education and the legislature. He said the lawsuit stated the Board may not act in

a manner obligating the expenditures of public funds unless the Board's actions are approved and funded by the legislature. Amendments to the bill were presented. **EXHIBIT 2**

Motion/Vote: REP. BRANDEWIE moved to amend HB 324, to remove the Board of Regents from the bill. Motion carried unanimously.

Motion: REP. BRANDEWIE MADE A SUBSTITUTE MOTION THAT HB 324 DO PASS AS AMENDED.

Discussion:

REP. HARRINGTON said schools are given the time to meet requirements of the Gifted and Talented Program. He stressed the legislature adopted the program in the first place and then removed the funding during a special session. REP. HARRINGTON stated this constitutional amendment is not necessary.

REP. WYATT commented she would not support HB 324 even though she believed discussion of the issue to be necessary.

REP. ELLIS stated too many of the requirements of the Board of Public Education are staff oriented. He said new staff and new programs aren't always needed. It was noted many states are allowing students new and different opportunities while remaining within the realm of existing programs and staff. REP. ELLIS explained the lawsuit was founded on the basis the legislature said the Board of Public Education could not demand schools to implement the Gifted and Talented Program. The Board argued the language allowed schools "shall" set up the program whereas the legislature argued they "may." REP. ELLIS asserted both the Board of Public Education and the legislature are far too isolated from the public, and the public suffers in the process. He noted his support for HB 324.

REP. DOLEZAL commented he signed on the bill for similar reasons as Rep. Wyatt. He said he believed greater separation has occurred between what the legislature and the Board are each trying to do. He stated the message has gotten across and HB 384 would move more appropriately in the right direction. It would give more legislative authority to the Board of Public Education. REP. DOLEZAL said the effort and expense of trying to get this constitutional amendment through are not worth the potential results. He stated he will vote against it.

REP. MCCULLOCH asked Ms. Merrill if HB 324 and HB 384 are essentially the same thing. Ms. Merrill replied they are not. She said the directions in HB 384 are more specific as to how the Board would execute the legislative intent than the message of HB 324. She explained HB 324 is broader bill. She asserted both bills could pass without conflict.

REP. MCCARTHY clarified for the committee that the Office of Public Instruction is not the staff for the Board of Public Education. The staff of the Board of Public Education consists of **Wayne Buchanan** and one other staff person. She said their budget totaled \$120,000, which included travel expenses of the seven board members.

REP. REHBEIN asked if HB 324 and HB 384 could be combined into one bill. **REP. SIMPKINS** said by following **REP. HARRINGTON'S** logic, the Board of Public Education could, for example, make a rule to increase the number of days in the school year. This rule, absent of any other approval, could result in costing the state millions of dollars. He said the Legislature would be powerless to stop it. **REP. SIMPKINS** said the ultimate question in all of this discussion was whether the Board of Public Education can pass rules contrary to the laws passed by the Legislature and which obligate the citizens of Montana. He stressed this proposed constitutional amendment would very clearly state the Board cannot do so. He stated HB 384 would simply be a law defining the procedures to be followed. If these procedures are not followed, policy cannot be implemented.

REP. REHBEIN, remarking on Rep. Wyatt's comments, suggested the discussion of this subject would be improved by putting the bill on the floor of the House.

REP. MILLS said the people of Montana would believe an attempt was made by the legislature to consider the wishes of the public if this bill was passed to the floor.

REP. BRANDEWIE stressed the intent of HB 324 is not a frivolous idea. He reported Judge Sherlock's decision states the Board of Public Education is superior to the Montana State Legislature. In essence it has given an appointed body the authority to tax people and to impose programs on the Legislature and on people of the state of Montana. **REP. BRANDEWIE** articulated his belief the people of this state have the right to some control over the amount of money they spend. He suggested the last election was an indication of how strongly the people want this control.

REP. DAVIS stated it was questionable whether or not HB 324 is truly necessary and suggested it might not be a valid enough reason for all of the expense and effort.

REP. REHBEIN commented on the number of bills he has seen come out of various committees with different results than would have occurred had they been voted on by the public. He observed the committee is afraid to let the people decide how the Legislature should spend their money.

REP. SPRING stated he would vote for HB 324 because he would like to see it discussed on the floor. He said it would, however, be too confusing to the public if it was put on the ballot.

Vote: HB 324 DO PASS AS AMENDED. Motion carried 10 to 8 with REPS. DAILY, DAVIS, DOLEZAL, HARRINGTON, GERVAIS, MCCARTHY, MCCULLOCH, and WYATT voting no. EXHIBIT 3

EXECUTIVE ACTION ON HB 348

Motion: REP. MCCARTHY MOVED HB 348 DO NOT PASS.

Discussion:

REP. MCCARTHY distributed an explanation of the bill written by Jack Copps, Deputy Superintendent of the Office of Public Instruction, to the committee. She reported it was neither a pro nor con argument on the bill. EXHIBIT 4

REP. ELLIS stated many boards are ignoring present laws dealing with this very subject.

REP. MCCARTHY said a board of trustees can presently be charged for breaking current laws. If this bill were to pass there would be nothing to prevent the board from stipulating benefits differing or contrary from the current state benefits. She stressed HB 348 would be similar to giving a carte blanche on superintendent's contracts.

REP. SIMPKINS asked if HB 348 truly addressed the question of local control. He said since the members of the board of trustees are elected by the people it is their responsibility to ensure the members of the board will treat their money wisely. He said it is up to the people to decide what should be done.

REP. WALLIN stressed it is the superintendent who runs the board. He said it would be irresponsible to entrust an individual with the power to determine his/her own benefits.

REP. SPRING said HB 348 would be similar to giving a blank check to superintendents.

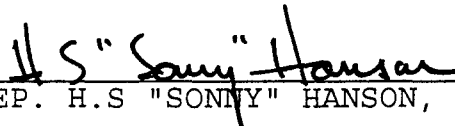
REP. BRANDEWIE noted local school boards are well informed by school teachers that too much money is being spent on administrators. He emphasized a board of trustees needs to be cognizant of what it spends.

Motion/Vote: REP. BRANDEWIE MADE A SUBSTITUTE MOTION THAT HB 348 DO PASS. Motion failed 4 to 14 with REPS. BRANDEWIE, MILLS, REHBEIN, and SIMPKINS voting yes. EXHIBIT 5

Motion/Vote: REP. BRANDEWIE MOVED HB 348 BE TABLED. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:59 p.m.



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



SUSAN LENARD, Secretary

HSH/SL

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

2/5/93

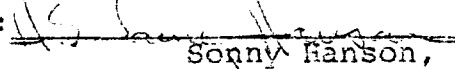
NAME	PRESENT	ABSENT	EXCUSED
REP. SONNY HANSON , CHAIR	✓		
REP. ALVIN ELLIS , VICE-CHAIR	✓		
REP. DIANA WYATT , VICE-CHAIR	✓		
REP. RAY BRANDEWIE	✓		
REP. FRITZ DAILY	✓		
REP. ERVIN DAVIS	✓		
REP. ED DOLEZAL	✓		
REP. DAN HARRINGTON	✓		
REP. JACK HERRON	✓		
REP. BOB GERVAIS	✓		
REP. BEA MCCARTHY	✓		
REP.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

HOUSE STANDING COMMITTEE REPORT

February 8, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 202 (first reading copy -- white) do pass as amended .

Signed: 
Sonny Hanson, Chair

And, that such amendments read:

1. Page 1, line 24 through page 2, line 2.

Strike: line 24 through page 2, line 2 in their entirety

Renumber: subsequent subsections

2. Page 4, line 3.

Following: line 2

Insert: "(13) "School attendance center" means a location, identified by a school district, where students are provided an instructional program under the administration of a school or school district. A school attendance center must be located within the boundaries of the school district that establishes the center."

Renumber: subsequent subsections

3. Page 17, line 11.

Strike: "and purchase or otherwise acquire"

4. Page 27, line 11.

Following: "between the"

Insert: "school"

5. Page 27, line 14.

Strike: "has"

Insert: "anticipates"

6. Page 27, line 20.

Strike: "The"

Insert: "No later than May 10 of each year, the"

7. Page 27, line 25.

Following: "~~(iii)~~ the"

Strike: "current"

Committee Vote:

Yes 11, No 1.

310941SC.Hss

Insert: "ensuing year's certified"

8. Page 28, lines 1 through 3.

Strike: line 1 through "levels" on line 3

9. Page 28, line 6.

Strike: "(iii)"

Insert: "(ii)"

10. Page 28, line 8.

Following: "(b)"

Insert: "An elementary school district that has an enrollment increase in the current year that results in an adjusted ANB of at least 14 but less than 18 pupils and is approved under the provisions of 20-9-166 may submit the application provided for under subsection (1)(a) during the current school year.

(c)"

11. Page 28, line 10.

Strike: "anticipated or current"

Insert: "actual or adjusted"

12. Page 28, lines 12 through 15.

Following: "~~of~~"

Strike: remainder of line 12 through "year" on line 15

13. Page 29, lines 16 through 23.

Following: "account" on line 16

Strike: remainder of line 16 through "(b)" on line 23

Insert: "."

14. Page 32, lines 2 through 9.

Following: "account" on line 2

Strike: remainder of line 2 through "(b)" on line 10

Insert: "."

15. Page 33, line 18.

Strike: "Out-of-county"

Insert: "County"

16. Page 33, line 25.

Following: "~~(2)~~"

Insert: "(1)"

17. Page 34, lines 6 and 7.

Following: "tuition" on line 6

Strike: remainder of line 6 through "responsible" on line 7

18. Page 34.

Following: line 7

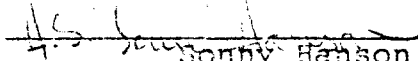
Insert: "(2) Prior to remittance of funds to the state treasurer under the provisions of 15-1-504 and 20-9-212, the county superintendent shall direct the county treasurer to deduct from the revenue available in the basic special county tax for elementary schools account the amount required for the month to pay the county's obligation for elementary out-of-state tuition."

HOUSE STANDING COMMITTEE REPORT

February 8, 1993

Page 1 of 2

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

Signed: 
Sonny Hanson, Chair

And, that such amendments read:

1. Title, line 7.
Following: line 6
Strike: "OF REGENTS AND THE BOARD"
2. Title, line 9.
Strike: "BOARDS"
Insert: "BOARD"
3. Page 1, line 25.
Following: "~~full~~"
Insert: "full"
4. Page 3, line 1.
Strike: "(4) A board created under this section"
Insert: "(c) The board"
5. Page 3, line 10.
Page 3, line 14.
Strike: "educational boards"
Insert: "the board of public education"
6. Page 3, line 11.
Page 3, line 15.
Strike: "the expenditure"
Insert: "expenditures"
7. Page 3, line 11.
Page 3, line 16.
Strike: "the"

Committee Vote:
Yes , No .

310949SC.Hss

February 8, 1993
Page 2 of 2

3. Page 3, line 12.
Page 3, line 16.
Strike: "boards"
Insert: "board"

310949SC.H35

HOUSE STANDING COMMITTEE REPORT

February 3, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 403 (first reading copy -- white) do pass .

Signed: S. Sonny Hanson
Sonny Hanson, Chair

Committee Vote:
Yes , No .

3110006C.Hss

HOUSE STANDING COMMITTEE REPORT

February 8, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 410 (first reading copy -- white) do pass.

Signed: 115 "Sonny" Hanson
Sonny Hanson, Chair

Committee Vote:
Yes 12, No 1.

3110016C.Hss

Amendments to House Bill No. 398
1st Reading Copy

EXHIBIT 1
DATE 2/5/93
HB 398

Requested by Representative Johnson
For the Committee on Education

Prepared by Andrea Merrill
February 8, 1993

1. Page 1, line 19.
Following: "rate"
Insert: "for each funding category in the foundation program
schedules"
2. Page 2, line 12.
Following: "data"
Insert: "for the general fund, debt service fund, and retirement
fund"
3. Page 2, line 24.
Following: "costs"
Strike: "may"
Insert: "must"
4. Page 3, line 4.
Strike: "negotiate"
Insert: "approve"
5. Page 10, line 15.
Following: "rate"
Insert: "for each funding category in the foundation program
schedules"
6. Page 10, line 18.
Following: "data"
Insert: "for the general fund, debt service fund, and retirement
fund"
7. Page 11, line 2.
Strike: "20-5-301(3)(e) and (3)(f)"
Insert: "20-5-311(2)(b)"
8. Page 11, line 4.
Strike: "may"
Insert: "must"
9. Page 11, line 9.
Strike: "negotiate"
Insert: "approve"

Amendments to House Bill No. 202
1st Reading Copy

Requested by
the House Committee on Education

Prepared by Andrea Merrill
February 5, 1993

1. Page 1, line 24 through page 2, line 2.
Strike: line 24 through page 2, line 2 in their entirety
Renumber: subsequent subsections
2. Page 4, line 3.
Following: line 2
Insert: "(13) "School attendance center" means a location,
identified by a school district, where students are provided
an instructional program under the administration of a
school or school district. A school attendance center must
be located within the boundaries of the school district that
establishes the center."
Renumber: subsequent subsections
3. Page 17, line 11.
Strike: "and purchase or otherwise acquire"
4. Page 27, line 11.
Following: "between the"
Insert: "school"
5. Page 27, line 14.
Strike: "has"
Insert: "anticipates"
6. Page 27, line 20.
Strike: "The"
Insert: "No later than May 10 of each year, the"
7. Page 27, line 25.
Following: "~~(ii)~~ the"
Strike: "current"
Insert: "ensuing year's certified"
8. Page 28, lines 1 through 3.
Strike: line 1 through "levels" on line 3
9. Page 28, line 6.
Strike: "(iii)"
Insert: "(ii)"
10. Page 28, line 8.

Amendments to House Bill No. 324
1st Reading Copy

Requested by Representative Stovall
For the Committee on Education

Prepared by Andrea Merrill
February 1, 1993

1. Title, line 7.
Following: line 6
Strike: "OF REGENTS AND THE BOARD"
2. Title, line 9.
Strike: "BOARDS"
Insert: "BOARD"
3. Page 1, line 25.
Following: "~~full~~"
Insert: "full"
4. Page 3, line 1.
Strike: "(4) A board created under this section"
Insert: "(c) The board"
5. Page 3, line 10.
Page 3, line 14.
Strike: "educational boards"
Insert: "the board of public education"
6. Page 3, line 11.
Page 3, line 15.
Strike: "the expenditure"
Insert: "expenditures"
7. Page 3, line 11.
Page 3, line 16.
Strike: "the"
8. Page 3, line 12.
Page 3, line 16.
Strike: "boards"
Insert: "board"

Following: "(b) "

Insert: "An elementary school district that has an enrollment increase in the current year that results in an adjusted ANB of at least 14 but less than 18 pupils and is approved under the provisions of 20-9-166 may submit the application provided for under subsection (1)(a) during the current school year.

(c) "

11. Page 28, line 10.

Strike: "anticipated or current"

Insert: "actual or adjusted"

12. Page 28, lines 12 through 15.

Following: "of"

Strike: remainder of line 12 through "year" on line 15

13. Page 29, lines 16 through 23.

Following: "account" on line 16

Strike: remainder of line 16 through "(b)" on line 23

Insert: "."

14. Page 32, lines 2 through 9.

Following: "account" on line 2

Strike: remainder of line 2 through "(b)" on line 10

Insert: "."

15. Page 33, line 18.

Strike: "Out-of-county"

Insert: "County"

16. Page 33, line 25.

Following: "~~(2)~~"

Insert: "(1)"

17. Page 34, lines 6 and 7.

Following: "tuition" on line 6

Strike: remainder of line 6 through "responsible" on line 7

18. Page 34.

Following: line 7

Insert: "(2) Prior to remittance of funds to the state treasurer under the provisions of 15-1-504 and 20-9-212, the county superintendent shall direct the county treasurer to deduct from the revenue available in the basic special county tax for elementary schools account the amount required for the month to pay the county's obligation for elementary out-of-state tuition."

EXHIBIT 3
DATE 2/5/93
HB 324

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 2/5/93 BILL NO. HB 324 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	✓	

Do pass as amended 10 to 8

10 8



EXHIBIT 4
DATE 2/5/93
HB 348

OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3095

Nancy Keenan
Superintendent

February 3, 1993

MEMORANDUM

TO: Representative Bea McCarthy
FROM: Jack Copps, Deputy Superintendent
Office of Public Instruction
RE: HB 348

Per your request.

2-18-601(2) defines a district superintendent as a public employee. As such, a district superintendent qualifies for the sick leave and vacation benefits provided in 2-18-611, 2-18-612, and 2-18-618, MCA. An attorney general's opinion, Volume 38, Opinion No. 20, concludes that these benefits are mandatory, both minimum and maximum, and cannot be varied.

HB 348 exempts a district superintendent as a public employee. Thus a district superintendent would not qualify for the mandatory sick leave and vacation benefits provided in law. Sick leave and vacation benefits would become a negotiable option for district superintendents and local boards of trustees. And the negotiated benefits would not be limited by the previously mentioned attorney general's opinion. The benefits could be greater than, the same as, or less than those provided public employees.

PLEASE NOTE: This complete document may be located at the Historical Society. (The exhibit contains copies of Opinions of the Attorney General applicable to this bill - HB 343).

EXHIBIT 5
DATE 2/5/93
HB 348

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL VOTE

DATE 2/5/93 BILL NO. HB 348 NUMBER _____

MOTION: DO PASS

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

table - unanimous

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education & Cultural Resources

COMMITTEE

BILL NO. HB 398

DATE 2/5/93

SPONSOR(S) REP. JOHNSON

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAN MARTIN	OLENDIVE SCHOOLS	X	
Don Waldron	Mt Rural Ed	X	
Lynda Brennan	MASBO	?	
Willie Day	EASTERN MT. COALITION	✓	
Bruce W. Moore	MSBA	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education & Cultural Resources COMMITTEE BILL NO. HB 403

DATE 2/5/93 SPONSOR(S) REP. BIRD

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bruce W. Meier	MSBA	X	
Loran Inge	SAM	X	
Virginia Egli	MEA	X	
Judie Woodhouse	MEA	X	
Sandra Jensen	MEA	X	
Don Waldron	MEA	✓	
Eugene Hentrich	SA Paul Rosenthal	✓	

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**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Education & Cultural Resources COMMITTEE BILL NO. HB 410
DATE 2/5/93 SPONSOR(S) REP. SIMPKINS

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
George Poston	United Veterans Com. of MT	✓	
HAL MANSON	AMERICAN LEGION OF MT	✓	
Tony Cumming	MARINE CORPS LEAGUE	✓	
Don Waldron	MT Rural Ed	✓	
Lorri Strom	MEA		✓
Elaine Rose	MEA		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.