

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - SPECIAL SESSION**

COMMITTEE ON EDUCATION

Call to Order: By Senator Blaylock, on December 7, 1993, at
11:07 a.m.

ROLL CALL

Members Present:

Sen. Chet Blaylock, Chair (D)
Sen. Harry Fritz, Vice Chair (D)
Sen. John Brenden (R)
Sen. John Hertel (R)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)
Sen. Bill Wilson (D)
Sen. Bill Yellowtail (D)

Members Excused: Senator Brown

Members Absent: None

Staff Present: Eddye McClure, Legislative Council
David Martin, Committee Secretary

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

Committee Business Summary:

Hearing: SJR 1, SB 30,
Executive Action: SJR 1

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 1

Eddye McClure, Legislative Council, explained that there would be two sets of amendments. She said Senator Toews' amendments would clarify and clean up language in SJR 1. Senator Blaylock's amendments would strip all language including the sale of State Lands out of the resolution.

Motion: Senator Toews moved amendments to SJR 1. (Exhibit #1,3).

Discussion: Senator Toews said his intent was to comply to current law in relation to the movement of funds to the permanent trust which would comply with federal law.

Senator Yellowtail asked about the nature of the permanent trust. He asked if this was a constitutional trust.

Ms. McClure explained that the money would go the appropriate trust fund, not to the SEA. She said that both the Toews amendments and the Blaylock amendments could not pass since they were in direct conflict with each other.

Senator Waterman said she felt it was important that the Committee pass this amendment regardless of what happened to subsequent amendments. She said it would clean up the language and ensure that money ends up in the proper place.

Vote: The motion to amend SJR 1 (exhibit 1,3) carried unanimously.

Motion: Senator Blaylock moved SJR 1 be amended (Exhibit #2).

Discussion: Senator Blaylock said this amendment would remove language from the previous amendment except pertaining to the exchange of state land. He did not feel the Legislature should order the sale of these lands. He said the advisory committee to the State Land Board, set up under SB 424, would thoroughly discuss this issue.

Senator Stang said that SJR 1 could be "killed" to avoid House amendments.

Senator Wilson said SJR 1 could be brought out on an adverse committee report and that perhaps the bill should be tabled.

Senator Toews said removing land sale provisions would gut the bill. He said, in reference to the sale of State Lands, that the committee on the Land Board is not designed to discuss the sale of lands. SJR 1 would encourage the State Land Board to look into the sale of State Lands. He was aware that some members of the committee did not want to sell State Lands and pointed out that 30% of the state is federally owned. In addition, the Fish Wildlife and Parks (FWP) is acquiring land for wildlife habitat so there are more places for people to hunt. He said State Lands could be sold at a 7% return and a part of that return could be used for habitat enhancement and for sportsmen. Money would be saved and poor people would still have a place to hunt and fish. He did not favor holding property that does not make money. This Resolution does not send a message to the Land Board to liquidate non-profitable lands but rather the legislature would have to go back to the taxpayers to raise money to support these lands.

Senator Brenden said he supported Senator Toews' amendments. He said the State will be in the "land business" for a long time. Sometimes State Lands are held because people are enamored with them and SJR 1 would give the State another option in the liquidation of non-profitable State Lands.

Vote: The motion on Senator Blaylock's amendments failed 2-5, roll call vote.

Motion: Senator Yellowtail moved SJR 1 be amended as follows: On page 2, line 20, following the comma, strike line 20, line 21, through sale comma, on line 22.

Discussion: Senator Yellowtail said this portion of SJR 1 provides a new burden to the Department of State Lands. The removal of that clause would take DSL off the hook since they could not realistically accomplish this task anyway. In addition, it would meet with the on-going mission of the Department.

Senator Toews said he included that language so lands would be reviewed when a lease came up and so business was not conducted as usual. He agreed that all 41,000 leases could not be reviewed quickly.

Vote: The motion to amend SJR carried 6-2, roll call vote.

Motion: Senator Toews moved SJR 1 do pass as amended. (exhibit 3)

Vote: Motion carried 5-3.

EXECUTIVE ACTION ON SENATE BILL 30

Motion: Senator Wilson moved to amend SB 30. (Exhibit 4)

Discussion: Senator Wilson explained the main change was on page 8. He said there about 24,000 teachers in the State of Montana and the recertification charge is six dollars. SB 30 would raise that fee to \$20. He said since teachers would be shouldering the burden of the increase, some of the money should go to the Superintendent of Public Instruction (OPI) to encourage professional teacher development programs. He said at the \$6 fee rate the state receives \$144,000 per year, but under Senator Swysgood's bill it will jump to \$480,000.

Senator Stang asked how much money would be available to develop the program. He said he wanted to make sure the money was well spent. He would rather have permission be granted to run the program and then have the OPI come to the General Fund to get the money.

Senator Wilson asked Jack Copps, Deputy Superintendent of the OPI to give his perspective. Mr. Copps said no money was coming from the General Fund to the OPI to operate the certification function. That amounts to \$323,000 which come from the General Fund. There is a \$6 per year certification fee and the certificates last for five years (\$30 total for the 5 year period). He said all of those funds go to the Certification Council not to OPI.

Senator Wilson said the proposal is to increase the fee from \$30

to \$100 and to use the \$70 increase to offset the money that is coming from the General Fund. It would seem that a lot more money would be generated than the office currently operates on but that is not necessarily true. The office maintains 24,000 certificates while there are only 11,700 teachers in Montana which means that 51% of the Certificate holders are not teaching in the State. He said the fee increase will eliminate many certificate holders from other states. In addition, multiple holders of certificates within the state may reduce the number of certificates they maintain. OPI expects a 20 percent reduction in the number of certificates, so the amount of money to renew certificates would remain the same. SB 30 would not generate additional dollars for OPI. He said that there is a potential to overestimate but that would be better than underestimating.

Senator Wilson said OPI supports professional development of teachers, but there must be the necessary resources to accomplish that goal. If the 70 percent increase were cut in half then there would not be enough money left to issue certificates. He said it might be possible to reduce the 70 percent to sixty percent, take the 30 percent going to the council, reduce that to 20 percent and still accomplish the same thing.

Eric Feaver, Montana Education Association (MEA), said he would assume any errors in the figures that Senator Wilson used earlier, they were only projections. He did not know how OPI could project the number of certificate holders in Montana. Many people wanted to come to teach here and do not let their certificates expire, and he did not know what effect the fee increase would have on the number of certificate holders. He said a more determinant factor is the experience factor, and to be recertified an experience factor needed to be fulfilled during that 5 year period.

Mr. Feaver said his concern is whether the office would have any money upon passage of SB 30. The Certification Office will be funded whether this bill passes or not. He said SB 30 transfers a General Fund obligation to a license fee holder. The amendment would split the difference in the increased license fee between the General Fund and the certificate holder's best interests, which is professional development. He said the office would not be hurt and the increase could be considered a teacher tax. He pointed out that teachers supported the creation of the advisory council which led to the first increase in teacher's certification fees since 1948. The research fund was created two sessions ago and the research money could be removed from the body of the bill and applied to the certification function. He said that would provide better rationalization for those actions.

Mr. Feaver said he did not think that OPI was advantaged by this bill. He also said that teachers and administrators would not receive any benefit from raising the fee.

Senator Stang asked how much money will go to run the program and if there will be any excess money to go the General Fund. Mr. Feaver said on page 8 of the bill, the \$14 increase goes into the certification function at OPI and would relieve the General Fund of that expense. He said of that one-half should go into teacher professional development and one-half into the certification office.

Senator Stang asked how much money would be spent on the "new" teacher development program and how many teachers would benefit. Mr. Feaver said \$30,000 in 5 years. Senator Stang said that will be about \$1 per year per teacher.

Senator Waterman said she supported the amendment because it is good for children and education in Montana and teachers need the opportunity for staff development. She said there are not a corporations today that do not put money into staff development. It is not done in education at the local level and the certification council is the appropriate place to accomplish this. She said \$1 per teacher per year is not a lot of money but it is a step in the right direction. Programs could be developed on the state wide level. She said she supported the movement of the certification from the Board of Public Education to the Certification Office.

Senator Yellowtail said this amendment would make SB 30, which is already flawed, a worse bill. He said SB 30 contains 2 separate subjects, the substantive matter of the transfer of statutory responsibilities mixed in with a fee increase. In addition, this would create a new program which is not the business of this Special Session. He agreed the issue needs to be addressed but not in the Special Session. The Committee should decline the amendment, reduce the increase in the fees and have that go to a partial funding of the Certification in the Office of Public Instruction. The issue between OPI and the Certification Board should be left for a future legislature.

Sen Blaylock asked for clarification of Senator Yellowtail's proposal. Senator Yellowtail said the amendment should be killed and all but one section of the bill should be stripped, except for section 3 which deals with the fees. He said the fee should be reduced to some arbitrary number, for example \$15, and that fee should go to OPI solely for the purpose of teacher certification. Teachers would not like this, but he could not think of an example where licensure fees pay for a professional development function. He said this would simplify and clean up SB 30 in addition to addressing the funding concerns of the Special Session.

Senator Toews said he concurred with Senator Yellowtail, teachers need to pick up their own tab.

Senator Brenden said he agreed with Senator Yellowtail about

earmarked funds but did not understand how he could support partial earmarked funds.

Vote: The motion on Senator Wilson's amendment failed 3-6, roll call vote.

Discussion: The committee discussed possible clarifications to Senator Yellowtail's proposed amendments.

Senator Waterman suggested that work on SB 30 be postponed since it was a complicated issue.

Motion: Senator Stang moved that the amendments be voted on "in concept" to avoid having the staff prepare amendments which may not be necessary.

Substitute Motion/Vote:

Vote: Senator Wilson made a substitute motion that SB 30 be Tabled. Motion carried 5-4 on Roll Call Vote.

ADJOURNMENT

Adjournment: 12:01 p.m.



SENATOR BLAYLOCK, Chair

David Martin, Secretary
(Sylvia Kinsey, Secretary)

CB/dm

ROLL CALL

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES DATE

12-7-93

[illegible]

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
December 7, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Joint Resolution No. 1 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 1 be amended as follows and as so amended do pass.

Signed: Chet Blaylock
Senator Chet Blaylock, Chair

That such amendments read:

1. Title, line 8.
Following: "FOR THE"
Strike: "SCHOOL"
Following: "TRUST"
Strike: "ACCOUNT"
Insert: "FUNDS"

2. Page 1, line 22.
Following: "in the"
Strike: "school"
Following: "trust"
Strike: "fund"
Insert: "funds"

3. Page 2, line 15.
Strike: "school"
Following: "trust"
Insert: "funds"

4. Page 2, lines 20 through 22.
Following: "lands" on line 20
Strike: remainder of line 20 through "sale," on line 22

5. Page 2, lines 23 and 24.
Following: "in the"
Strike: remainder of line 23 through "schools" on line 24
Insert: "appropriate permanent fund"

-END-

3.

SJR 1

DATE 12-7-93

TIME

A.M.

P.M.

[illegible]

MARTIN
SECRETARY

1247000
CHAIR

MOTION: *Burt Lock, App. C*

SIR.

DATE 12-7-93

TIME

A.M.

P.M.

[illegible]

SECRETARY

CHAIR

MOTION: YELLOWTAIL AMEND

7

SJR 1

DATE 12-7-93

TIME 11:26

A.M. P.M.

[illegible]

MARTIN

SECRETARY

BLAYLOCK

CHAIR

MOTION: DP AA SJR 1 SEN. TOEWS MOVED
SJR 1 DO PASS AS AMENDED.

ROLL CALL VOTE 4

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES_ BILL NO.
SB 30

DATE 12-7-93 TIME 11:54 (A.M.) P.M.

[illegible]

MARTIN

SECRETARY

BRAYLOCK

CHAIR

MOTION: Amend - Wilson

(#11)

SB 30

DATE 12-7-93

TIME 11:59

A.M

P.M.

[illegible]

SECRETARY

CHAIR

MOTION: TABLE | SEN. WILSON MADE A SUBSTITUTE
MOTION THAT SB 30 BE TABLED.

Amendments to Senate Joint Resolution No. 1
First Reading Copy

Requested by Senator Toews
For the Committee on Senate Education

Prepared by Eddye McClure
December 4, 1993

Official
Final

1. Title, line 8.
Following: "FOR THE"
Strike: "SCHOOL"
Following: "TRUST"
Strike: "ACCOUNT"
Insert: "FUNDS"

2. Page 1, line 22.
Following: "in the"
Strike: "school"
Following: "trust"
Strike: "fund"
Insert: "funds"

3. Page 2, line 15.
Strike: "school"
Following: "trust"
Insert: "funds"

4. Page 2, lines 20 through 22.
Following: "lands" on line 20
Strike: remainder of line 20 through "sale," on line 22

5. Page 2, lines 23 and 24.
Following: "in the"
Strike: remainder of line 23 through "schools" on line 24
Insert: "appropriate permanent fund"

(2)

Amendments to Senate Joint Resolution No. 1
First Reading Copy

Requested by Senator Blaylock
For the Committee on Senate Education

Prepared by Eddy McClure
December 4, 1993

SENATE EDUCATION
EXHIBIT NO. 2
DATE 12-7-93
BILL NO. SJR.1

fair

1. Title, lines 6 and 7.
Following: "TO" on line 6
Strike: remainder of line 6 through "TO" on line 7
2. Title, line 8.
Strike: "TO" through "ACCOUNT"
3. Page 1, lines 19 through 24.
Strike: lines 19 through 24 in their entirety
4. Page 2, lines 12 through 25.
Following: "That" on line 12
Strike: remainder of line 12 through "that" on line 25

S. STATE EDUC.
EXHIBIT NO. 4
DATE 12-7-93
BILL NO. SB 30

12-7-93
SB 30

Amendments to Senate Bill No. 30
First Reading Copy

Requested by Senator Wilson
For the Committee on Senate Education

Prepared by Eddye McClure
December 7, 1993

1. Title, line 8.
Following: the second "CERTIFICATION"
Insert: "AND TEACHER PROFESSIONAL DEVELOPMENT"
2. Title, line 9.
Following: "INSTRUCTION;"
Insert: "INCREASING THE DUTIES OF THE SUPERINTENDENT OF PUBLIC
INSTRUCTION; INCREASING THE DUTIES OF THE CERTIFICATION
STANDARDS AND PRACTICES ADVISORY COUNCIL;"
3. Page 7, line 3.
Following: "20-4-132;"
Strike: "and"
Insert: "(34) design, deliver, and promote teacher professional
development programs; and"
Renumber: subsequent subsection
4. Page 8, line 2.
Following: "\$3"
Strike: "70%"
Insert: "35%"
5. Page 8, line 8.
Strike: "."
Insert: ";"
(d) 35% to the superintendent of public instruction to fund
teacher professional development programs."
6. Page 10, line 11.
Strike: "and"
Insert: "(f) design and delivery of teacher professional
development programs; and"
Renumber: subsequent subsection