

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By VICE-CHAIRMAN JOHN HERTEL, on March 1, 1995,
at 3:30 p.m.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. John R. Hertel, Vice Chairman (R)
Sen. C.A. Casey Emerson (R)
Sen. Delwyn Gage (R)
Sen. Loren Jenkins (R)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Steve Doherty (D)
Sen. Gary Forrester (D)
Sen. Barry "Spook" Stang (D)

Members Excused: Sen. Mignon Waterman (D)

Members Absent: N/A

Staff Present: Eddye McClure, Legislative Council
Janice Soft, Committee Secretary

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

Committee Business Summary:

Hearing: HB 300, HB 77, HB 167
Executive Action: None

HEARING ON HB 300

VICE-CHAIRMAN JOHN HERTEL CHAIRED THE MEETING IN THE ABSENCE OF
CHAIRMAN DARYL TOEWS

Opening Statement by Sponsor:

REP. GAY ANN MASOLO, HD 40, Townsend, said HB 300 adds six more
counties to the seismic risk zone and requires schools within
that zone to establish and implement an earthquake emergency
plan. She said since schools are required to conduct eight fire
drills per school year, earthquake emergency drills could be

combined with them; therefore, costing the school districts no extra money.

Proponents' Testimony:

Fred Naeher, Manager, Montana Earthquake Hazard Reduction Program, read his written testimony (EXHIBIT 1) and distributed two handouts (EXHIBITS 2 & 3).

Mary Alice Cook, Advocates for Montana's Children, said her organization strongly supports HB 300.

Opponents' Testimony:

Craig Brewington, Superintendent, Hellgate Elementary School, Missoula, distributed copies of a letter which explains the seismic zones for the City of Missoula. (EXHIBIT 4). He stated HB 300 says if a school's county location is partially in seismic zone 3, it must implement earthquake emergency procedures, even if its actual location is seismic zone 2B. **Mr. Brewington** felt it was unfair to require a school to implement those procedures if its location was in the 2B section of the county.

Mr. Brewington said the above problem would affect building codes and costs because location in seismic zone 3 requires extra measures to make buildings earthquake-safe.

Mr. Brewington asked the committee to consider the above concerns before making a decision on HB 300. He suggested HB 300 could be amended to address those issues.

Questions From Committee Members and Responses:

SEN. KEN MESAROS pointed out the major portion of Lewis & Clark County was located in seismic zone 2B, yet was listed in HB 300 as zone 3. **Fred Naeher** said HB 300 said schools which were obviously in zone 2B would not need to conduct earthquake emergency procedures, while those located in zone 3 would be required to do so. Lewis & Clark County is split and if the school is located on the line, it could decide what to do. **Mr. Naeher** pointed out if school districts are in close proximity to zone 3, the earthquake damage could affect a 350-square-mile area.

SEN. CASEY EMERSON asked if a death in a Montana school ever occurred because of an earthquake. **Fred Naeher** said Montana earthquakes have happened outside normal school hours; however, a student spends about one-third of his day inside a school building and another third in other activities, so the potential for an earthquake disaster is very real. He stated the public tends to place trust in the safety of school buildings, which is another reason to have earthquake emergency procedures in place.

SEN. EMERSON asked if school districts could implement earthquake emergency procedures without **HB 300**. **Mr. Naeher** said they could, but unless such a procedure was required, the districts probably would not do so.

SEN. LOREN JENKINS asked how severe the risk was. **Mr. Naeher** said Montana was the fourth most geologically active state in the United States. He said western Montana had an active fault line, experiencing 11,000 earthquakes since 1982. Most of these have not been felt by the public but have been picked up by seismic centers.

SEN. JENKINS asked how many quakes had damaged buildings. **Fred Naeher** said Montana had experienced six major earthquakes since 1925 which have caused building damage. **SEN. JENKINS** asked where the quakes were located. **Mr. Naeher** said the Hebgen Lake earthquake occurred in 1959 and killed 24 people; the Helena quake in 1935 killed about 6 people.

SEN. JENKINS said **HB 300** listed some counties in zone 2B, while the map showed them in zone 1, i.e. Choteau, Fergus, Golden Valley, Hill, Judith Basin, Liberty, Toole. **Fred Naeher** said the map was revised in September, 1994, and focused on school areas in zones 2B, 3 and 4. He pointed out seismic zone 3 was the only zone affected by **HB 300**. **SEN. JENKINS** asked for explanation of zone 0 and **Mr. Naeher** said the numbers were engineering terms and did not mean there was no earthquake risk; rather, the ground movement would pose little or no risk to structures. He called attention to the legend in the lower left-hand corner which explained the numbers.

SEN. DELWYN GAGE asked if there were other statutes dealing with seismic zone 3 which were not mentioned in **HB 300**, but might affect the bill. **Mr. Naeher** said there were none and he stressed **HB 300** did not deal with building codes.

SEN. MESAROS commented it may be necessary for the committee to change the language in **HB 300** to coincide with the zones on the map. **Mr. Naeher** said the map came from International Conference of Building Code Officials.

SEN. HERTEL asked the difference in per/square foot cost between a building in zone 2B and zone 3. **Craig Brewington** said the cost in zone 3 would be 20-25% higher than in zone 2b.

Closing by Sponsor:

REP. MASOLO reminded the committee of recent earthquake disasters in California, Japan and Colombia which showed what nature can do without warning. She stressed **HB 300** was not about building codes, but about teaching students how to react in case of earthquake emergency. **REP. MASOLO** urged DO PASS for **HB 300**.

VICE CHAIRMAN JOHN HERTEL RELINQUISHED THE CHAIR TO CHAIRMAN
DARYL TOEWS.

HEARING ON HB 77

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 64, Missoula, said HB 77 clarifies Montana Code to conform with the Federal Stewart B. McKinney Act, which is an act to provide funding for homeless children.

REP. COCCHIARELLA drew the committee's attention to the fiscal note which stated 2,028 homeless children had been identified in Montana. She said HB 77 clarifies tuition laws according to the Stewart B. McKinney Act, though she had not found any school who was charging a homeless child tuition. REP. COCCHIARELLA urged a DO PASS for HB 77 to ensure conformity to the Stewart B. McKinney Act, thus qualifying Montana for available funding for homeless children.

Proponents' Testimony:

Joe Stauduhar, Missoula County Public Schools, expressed support for HB 77.

Loran Frazier, School Administrators of Montana (SAM), (also testifying for Montana Rural Education Association (MREA), expressed support for HB 77.

Mary Alice Cook, Advocates for Montana's Children, said her organization supported HB 77.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. STEVE DOHERTY asked for explanation of the Stewart B. McKinney Act. REP. COCCHIARELLA said it sets up programs so school districts can access grants to provide homeless children with educational opportunities, even if they have no place to live. She also said she would get copies of the Act for committee members (EXHIBIT 5).

SEN. JENKINS asked for clarification of tuition -- did it mean tuition between districts or tuition to a tutor. REP. COCCHIARELLA said it meant homeless children who usually didn't have a district, making it impossible for a district to collect tuition. Therefore, HB 77 addressed district tuition.

SEN. GAGE asked if there was a definition of "homeless child" and were children included who were homeless because of their own decision. REP. COCCHIARELLA said sometimes children will hide the fact they're homeless; therefore, identifying them is almost

impossible. The definition of a homeless child is one who does not have permanent shelter for the night.

SEN. EMERSON asked if there were school districts who did not waive tuition for homeless children. REP. COCCHIARELLA said she had found none who were charging for homeless children.

Closing by Sponsor:

REP. COCCHIARELLA expressed hope that something can be done for those who are identified as homeless through the change of a law which is not currently being practiced. She stressed the fact this bill does not provide money, but does provide opportunities for districts to help these children.

HEARING ON HB 167

Opening Statement by Sponsor:

REP. DEBBIE SHEA, HD 35, Butte, said she sponsored HB 167 at the request of the Governor's Office and the Office of Public Instruction. REP. SHEA said HB 167 was so important to Montana and its students, she was confident bipartisanship would prevail.

REP. SHEA said school districts throughout Montana have adopted the essence of HB 167, but passing of time and changing of school boards and administrators caused these policies to change also. She said one of the intents of HB 167 was to address and resolve case-by-case situations as school districts see fit. However, only when HB 167 is enacted into law, will the consistent uniform enforcement of adopted school district policies have the teeth to make local policies succeed. REP. SHEA said HB 167 will remove the potential of having the district policy challenged by a disgruntled parent and will force them to challenge the law.

REP. SHEA stated no gun ownership rights are being challenged in HB 167; rather, the challenges are the fears which prevail in the school without the passing of HB 167.

Proponents' Testimony:

Pat Haffey, Senior Policy Advisor for Education, Governor's Office, expressed support for HB 167. She said the Governor's Office had worked with the Office of Public Instruction, Department of Family Services and the general public. All believe HB 167 is a good bill.

Gail Gray, Assistant Superintendent of Public Instruction, said HB 167, if passed, will do three things: (1) Send a very clear message from the adults of Montana that settling problems with guns is not an option; (2) Let everyone know school is a safe haven in spite of what life is like at home or on the street; (3)

Allow compliance with the Federal Elementary and Secondary Education Act (ESEA) which requires a law such as **HB 167** to be in place before federal funds are received. **Ms. Gray** explained Montana receives approximately \$50 million in federal monies which would be jeopardized if Montana did not have a gun-free law. She urged support for **HB 167**.

Beth Baker, Department of Justice, said Attorney General Mazurek shared the commitment of Governor Racicot and Superintendent Keenan to keep violence from our schools. **Ms. Baker** said last fall both Attorney General Mazurek and Superintendent Keenan conducted five community forums across the state to listen to people as they talked about youth violence. They learned in Missoula, during the past year, police had been called to every middle and high school in the district to respond to calls regarding weapons in these schools. She said **HB 167** sends a positive and constructive message and asked the committee's support.

Michael Keedy, Montana School Boards Association (MSBA), declared MSBA's support for **HB 167** without exception or reservation. He recounted how the 1965 ESEA was amended and extended by The Improving America's Schools Act (IASA) in 1994, and the change included a gun-free schools law which requires legislation such as **HB 167**. **Mr. Keedy** said the continuation of federal public education funds is contingent upon legislation which requires school districts to adopt policies calling for at least one year's expulsion of students who bring firearms onto school property. In addition, these students must be referred to local law enforcement agencies or juvenile justice systems, depending on the student's age. IASA also requires school districts to allow the chief administrative officer to provide exceptions to the expulsion policy on a case-by-case basis. **Mr. Keedy** applauded **REP. SHEA'S** fashioning of **HB 167** which provides exactly what gun-free schools requires. He pointed out **HB 167** is a response to a federal mandate, which is passed to local school boards; however, MSBA supports **HB 167** because the policy embodied in the bill is sound and sensible in that it addresses the increasing incidents of violence at a younger age.

Mr. Keedy said the fiscal note is reverse because if **HB 167** is not enacted, Montana will lose a minimum of \$40 million per year in federal funds for public education.

Terry Minow, Montana Federation of Teachers (MFT), (also testifying for Montana Education Association (MEA)), said MFT and MEA strongly support **HB 167** because guns do not belong in schools. **Ms. Minow** said guns and the fear they raise cannot be tolerated within our schools. Teachers, students, staff and parents need a learning environment which is free from the threat of violence. She said support for **HB 167** was support for schools, teachers, staff, students and parents.

Mary Alice Cooper, Advocates for Montana's Children, said she, as a former teacher, strongly urged DO PASS for **HB 167** for the protection of all.

Christine Kaufmann, Montana Human Rights Network, said the Human Rights Network celebrated diversity and countered bigotry, hatred and intolerance. Very often, school conflicts center on intolerance of differences and diversity. She said teachers are encouraged to incorporate diversity training into the curriculum and to provide training in non-violent resolutions of conflicts. **Ms. Kaufmann** said schools were encouraged to have processes in place to handle conflicts in a democratic manner where all voices can be heard and respected; however, when bullies have guns, peaceful resolution is almost impossible. She urged support for **HB 167**.

Loran Frazier, School Administrators of Montana (SAM), (also testifying for **Montana Rural Education Association (MREA)**), said the number of violent incidences is increasing; therefore, he urged support for **HB 167**.

Frank Kromkonski, Department of Family Services (DFS) and **Director Hank Hudson**, expressed support for **HB 167**, saying DFS worked with both the Governor's Office and OPI in the drafting of the bill.

Opponents' Testimony:

Gary Marbut, Montana Shooting Sports Association, Guns of America, Citizens Committee of the Right to Bear Arms, Western Montana Fish & Game Association, Big Sky Pack and Shooting Club, said his organizations reluctantly opposed **HB 167**, because guns should not be taken to school, except in certain circumstances. He distributed copies of **SJR 15** & **SJR 16**, saying both were adopted by the 1989 legislature (**EXHIBIT 6**) and were examples of the exceptions. **Mr. Marbut** said the real reason for opposition to **HB 167** is no new school authority is created because schools already have it through two 1994 federal acts.

Mr. Marbut referred to laws which already cover **HB 167**: (1) Federal law, Gun-Free School Zones Act, which allows federal prosecution for anyone bringing a gun to school; (2) **45-8-328** makes it unlawful to bring guns into a public building; (3) **45-8-316** allows prosecution for concealed firearms; (4) **45-8-351** authorizes cities to enact ordinances preventing persons from taking firearms into public buildings.

Mr. Marbut said **HB 167** is not about student safety, but about potholes on the road to federal funding. He expressed opposition for **HB 167**.

Steve Knobel, School Board Trustee, Manhattan, MT, said his concern was the federal government's definition of a firearm, explaining it could include such things as a squirt gun, Boy

Scout knife, etc. He asked the committee to consider the above carefully before making a decision on **HB 167**. He expressed concern federal funding may become more tightly tied to further restrictions and mandates. He stated he would like to see the acceptance of federal monies stopped.

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Alfred "Bud" Elwell, Weapons Collectors Society of Montana & Northwest Arms Collectors, echoed **Gary Marbut's** testimony there already are laws to cover the content of **HB 167**. He said he considered **HB 167** a negative testing ground for things to come and urged DO NOT PASS for **HB 167**.

Questions From Committee Members and Responses:

SEN. MESAROS asked the definition of "school." **REP. SHEA** said it was to be defined at the local level, i.e. school building itself, parking lot, playground, etc. **SEN. MESAROS** said his concern was rural areas and the potential problems, i.e. guns in a pickup. **REP. SHEA** claimed local definition as well as case-by-case decisions in dealing with such a problem and recounted how both are included in **HB 167**.

SEN. EMERSON related he taught school for 28 years and never during that time was it lawful to bring knives or guns to school. He wondered if schools no longer have such authority, even without **HB 167**. **REP. SHEA** said federal laws cover the bringing of such articles to school; however, what is needed is a law which clearly states expulsion from school for a calendar year will be the punishment.

SEN. EMERSON said the 1995 legislative session has been trying to decrease government controls and mandates while attempting to increase local control. He wondered if **REP. SHEA** considered **HB 167** a mandate from the federal government to the legislature to the school districts. She replied **HB 167** could be considered a mandate and the federal monies which come with the mandate are important; however, the bottom line is keeping our schools safe.

SEN. JENKINS asked for clarification regarding local school board authority mentioned in **SEN. MESAROS'** testimony as opposed to the above-mentioned mandate. **REP. SHEA** said school districts have the option of setting parameters.

SEN. JENKINS said he still had a question regarding the line between local control and the mandate. **Gail Gray** said **HB 167** clearly states once the local board establishes its policy, convicted students will be expelled; however, the questionable issue is the definition of "school."

SEN. JENKINS asked if the above was defined in 18 U.S.C. 921. **Gail Gray** said the school area was not defined, though weapons were.

SEN. JENKINS said he could not see where **HB 167** defined "school", and he was having a problem mandating a school adopt **HB 167** without defining what "school" was. **Gail Gray** said that particular wording was intentionally chosen to coincide with the federal wording, which did not define "school."

SEN. JENKINS wanted clarification regarding school boards optionally defining the school building as "school", so if a student brings a firearm into the building, he or she would be expelled. **Gail Gray** said **HB 167** intended "school" to be at least a building; expanding the definition was left to local school boards.

SEN. JENKINS also asked for affirmation of his understanding school boards already have the authority not to allow guns on school property, but what is needed is a law stating a student will be expelled for a year if he or she brings a firearm to school. **Gail Gray** affirmed.

SEN. DOHERTY said one-year expulsion is clear, and wondered if the school board's authority to make exceptions was just as clear. **Gail Gray** concurred.

SEN. GAGE asked if federal standards clarify whether each state must have an expulsion law or local school districts must have an expulsion policy. **Gail Gray** said federal law clearly says each state must have a law.

SEN. GAGE asked where the language for **HB 167** came from. **Gail Gray** answered it came from the federal statutes, and further explained the specific language came from a committee composed of members from the Attorney General's Office, the Office of Public Instruction, the Governor's Office and other educational players in Helena.

SEN. GAGE referred to page 1, line 22, of **HB 167** and asked for clarification of "change the placement of a student with a disability...." and wondered if its meaning was changing placement of a student with a disability for any reason. **Gail Gray** said it specifically referred to students under IDEA, which means they will be expelled for 45 days and during that time, the school must come up with another plan.

Closing by Sponsor:

REP. SHEA said **HB 167** belonged to everyone, not just special interest groups. Vigilance was needed to make schools safe learning havens for youth. She urged DO PASS for **HB 167**.

REP. SHEA said **SEN. JOHN "J.D." LYNCH** agreed to carry **HB 167**.

ADJOURNMENT

Adjournment: The meeting adjourned at 4:50 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/jes

MONTANA SENATE
1995 LEGISLATURE
EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE _____

3/1/95

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STATE OF MONTANA LEGISLATURE

TESTIMONY FOR HB-300

GIVEN BY FRED NAEHER

EARTHQUAKE PROGRAM MANAGER

March 1, 1995

Chairman and members of the Senate Education and Cultural Resources
Committee:

My name is Fred Naeher, manager for the Montana Earthquake Hazard Reduction Program. This program is a section of the Disaster and Emergency Services Divison, Department of Military Affairs.

As the earthquake program manager, I am very interested in promoting programs that will help make schools safer for students. State law 20-7-1101 already requires eleven counties in the orginal seismic zone 3 to establish and implement an earthquake emergency plan and procedures for earthquake drills. House Bill 300 is an amendment to the law which updates the seismic zones and adds six more counties to seismic zone 3: Flathead, Lake, Lincoln, Missoula, Sanders and Granite.

I have made earthquake education presentations to schools and school superintendents this past 3 months and the response has been very positive. As a result, earthquake preparedness training has been scheduled with the six counties previously cited. All the training, materials and advice are at no cost to the school districts. The funding for this program is provided by the Federal

-page 2-

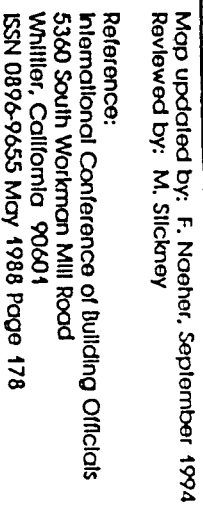
Emergency Management Agency. Funding for training and planning will continue until all counties have a plan in place.

This training will give the school districts the tools they need to prepare and exercise an emergency plan, to conduct a hazard hunt in their buildings and to conduct 4 earthquake drills a year. The four mandated earthquake drills can be completed concurrently with fire drills, thus adding approximately 3 more minutes to a regularly scheduled fire drill. This procedure is supported by the State Fire Marshall's Office and the Office of Public Instruction.

Our goal is to provide a positive earthquake preparedness program for communities in high seismic risk zones, so that they will have the self confidence and knowledge to do the right thing during the next earthquake. By having a preparedness plan in place and by scheduling earthquake drills, school districts will be relieved of any liability due to a seismic event or other natural hazards.

This bill will save lives and reduce property damage. I encourage you to please consider passing this bill.

0 - <.075G	Ground movement, Little to no risk to structures.
1 - .075G	Ground movement. Some risk to structures
2A - .15G	Possible minor damage
2B - .20G	Possible damage
3 - .3G	Probable major damage
4 - .4G	Very probable major damage



PLEASE NOTE: Lines are approximate and are intended for quick reference only.

NATION

Quake rocks Puget Sound

SEATTLE (AP) — The strongest earthquake to hit Puget Sound in 30 years caused no serious damage or injuries but jolted memories that the Pacific Northwest is earthquake country.

Saturday night's 5.0 magnitude quake was felt as far north as Canada and as far south as Salem, Ore. It was centered 10 miles south of Seattle.

The quake, which struck at 7:11 p.m., shattered some store windows, knocked groceries off shelves and cracked the walls of two aging brick fire stations in Tacoma.

But its main victims were nerves.

"It started shaking the whole trailer," said Scott Shabaz, who lives about 2½ miles south of the epicenter. "I have a rude friend that comes by once in a while and likes to do that with his truck."

Jennifer Fitzgerald, a supermarket worker in suburban Issaquah, said, "People were shaken up a lot."

The tremor was the strongest to hit the Seattle area since a 6.5 earthquake struck April 29, 1965, injuring at least 31 people. In 1949, a 7.1 quake near Olympia killed eight people.

Saturday's quake, which lasted between 10 and 20 seconds, occurred close to the earth's surface, within its crust, seismologists said.

"Shallow earthquakes pose a particular hazard because they're closer to the people and the homes," said Ruth Ludwin, a research scientist with the University of Washington seismology lab.

Montana also at risk, experts say

By RALPH BARTHOLDT
for the Missoulian

When it comes to earthquakes, some experts believe that western Montana is on shaky ground.

Mike Stickney, director of earthquake studies at the Montana Bureau of Mines in Butte, said western Montana has a long history of seismic activity, including some quakes with magnitudes rivaling the recent Kobe, Japan, tremor which measured 7.2 on the Richter scale.

In the past 9,000 years, two temblors with magnitudes between 7 and 7.5 have occurred on the Mission Fault, a break that runs along the west front of the Mission Mountain Range north of Missoula. The latest occurred about 3,500 years ago.

Although that seems like a long time ago, it is relatively recent geologically, Stickney said.

The Mission Fault wasn't known to be active until three or four years ago, Stickney said. Based on that knowledge western Montana was recently bumped up from a zone 2 to a zone 3 on seismic risk maps.

The Hebgen Lake, Mont., area, where a 7.1

tremor killed 28 people in 1959, shares a zone 4 rating — most likely to see seismic activity — with California and some parts of Nevada.

The Mission Fault stores the potential for another destructive jolt, Stickney said.

"Absolutely, there is reason for concern," he said. Most of the structures built in the Flathead Valley are built for zone 2. Many buildings in western Montana, including some in downtown Missoula were erected before any

earthquake code was effect, he said. And Missoula is just 50 kilometers from the southern point of the Mission Fault.

Geologists are still theorizing about the causes of Montana's quakes. Don Hyndman, a University of Montana geologist, said the most popular theory has the Basin and Range — a broad belt of mountain ranges separated by flat basin floors that stretches from Mexico to Montana — spreading out. The spreading may be a result of the Pacific Plate moving north, dragging part of the continent with it. The many faults of the Basin and Range area may be a result of the spreading, he said.



DEPARTMENT OF PUBLIC WORKS/BUILDING INSPECTION DIVISION

435 RYMAN MISSOULA, MT 59802-4297 (406) 523-4647

February 28, 1995

SENATE EDUCATION

EXHIBIT NO. 4

DATE 3/1/95

BILL NO. HB 300

Mr. Craig Brewlington,
Superintendent
Hellgate Elementary School
2385 Flynn Lane
Missoula, MT 59802

Re: Seismic Zones - Missoula City

Dear Mr. Brewlington:

This letter is to confirm our conversation of earlier this morning regard the State Building Code and the Seismic Zone that the City of Missoula uses.

From the present seismic map which is found in the current Uniform Building Code [UBC] (which is the State adopted Building Code), the Seismic line between Zones 2B and 3 appears to be located East of the City of Missoula. In the earlier Seismic maps (prior to UBC 1988 Edition), there was a much clearer delineation between Seismic Zones (S.Z.) 2 and 3 and their proximity to Missoula. However, in the 1988 Edition of the UBC, the Seismic map was changed to its present configuration and the designation of S.Z. 2 was changed to S.Z. 2B (with no change in the seismic requirements).

When this mapping change took place, I had questioned whether Missoula still remained in S.Z. 2B or if it should be in S.Z. 3. I contacted the International Conference of Building Officials [ICBO] (the UBC code authors), the State Building Code Bureau, and also the Federal Emergency Management Administration (FEMA). They all agreed with our assessment, that the City area was located in S.Z. 2B.

I hope this has been helpful.

Sincerely,

Peter A. Mion, C.B.O.
Building Official

Education for

Homeless

Children and

Youth

PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH**SEC. 321. AMENDMENTS TO TABLE OF CONTENTS.**

The table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking subtitles A and B of title VII and inserting the following:

"Subtitle A—Adult Education for the Homeless

"Sec. 701. State literacy initiatives.

"Subtitle B—Education for Homeless Children and Youth

"Sec. 721. Statement of policy.

"Sec. 722. Grants for State and local activities for the education of homeless children and youth.

"Sec. 723. Local educational agency grants for the education of homeless children and youth.

"Sec. 724. Secretarial responsibilities.

"Sec. 725. Definitions.

"Sec. 726. Authorization of appropriations."

SEC. 322. ADULT EDUCATION FOR THE HOMELESS.

Subtitle A of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421 et seq.) is amended to read as follows:

"Subtitle A—Adult Education for the Homeless

"SEC. 701. STATE LITERACY INITIATIVES.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and recipients of funds under the Adult Education Act, title II of the Job Training Partner-

ship Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

"(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy training and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau)."

SEC. 323. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"SEC. 721. STATEMENT OF POLICY.

"It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State edu-

cational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than \$100,000.

"(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

"(3) DEFINITION.—As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—

"(1) IN GENERAL.—(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

"(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

"(2) **SPECIAL RULE.**—If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

"(f) **FUNCTIONS OF THE OFFICE OF COORDINATOR.**—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle;

"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(3) develop and carry out the State plan described in subsection (g);

"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out the Secretary's responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) **STATE PLAN.**—

"(1) **IN GENERAL.**—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State student performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

"(D) describe procedures that ensure that—

"(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

"(ii) homeless children and youth who meet the relevant eligibility criteria are able to par-

ticipate in Federal, State, or local before- and after-school care programs;

"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

"(i) transportation issues; and

"(ii) enrollment delays that are caused by—

"(I) immunization requirements;

"(II) residency requirements;

"(III) lack of birth certificates, school records, or other documentation; or

"(IV) guardianship issues;

"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

"(2) **COMPLIANCE.**—Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

"(3) **LOCAL EDUCATIONAL AGENCY REQUIREMENTS.**—(A) The local educational agency of each homeless child and youth to be assisted under this subtitle shall, according to the child's or youth's best interest, either—

"(i) continue the child's or youth's education in the school of origin—

"(I) for the remainder of the academic year; or

"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.

"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

"(4) **COMPARABLE SERVICES.**—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

"(A) transportation services;

"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

"(C) programs in vocational education;

"(D) programs for gifted and talented students; and

"(E) school meals programs.

"(5) **RECORDS.**—Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

"(B) in a manner consistent with section 444 of the General Education Provisions Act.

"(6) **COORDINATION.**—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families, including services and programs funded under the Runaway and Homeless Youth Act.

"(7) **LIAISON.**—(A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that—

"(i) homeless children and youth enroll and succeed in the schools of that agency; and

"(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services.

"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

"(8) **REVIEW AND REVISIONS.**—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

"(9) **COORDINATION.**—Where applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.

"SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

"(a) **GENERAL AUTHORITY.**—

"(1) **IN GENERAL.**—The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

"(2) **SERVICES.**—Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where such services are provided through programs to homeless students on school grounds, schools may provide services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, in the same setting or classroom. To the maximum extent practicable, such services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

"(3) **REQUIREMENT.**—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

"(b) **APPLICATION.**—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines is-

sued by the Secretary. Each such application shall include—

"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

"(C) AWARDS.—

"(1) **IN GENERAL.**—The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

"(2) **NEED.**—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

"(D) such other criteria as the agency determines appropriate.

"(3) **DURATION OF GRANTS.**—Grants awarded under this section shall be for terms not to exceed three years.

"(d) **AUTHORIZED ACTIVITIES.**—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;

"(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

"(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

"(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

"(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

"(7) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

"(8) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

"(9) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

"(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

"(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

"(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

"(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

"(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

"(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

"(a) **REVIEW OF PLANS.**—In reviewing the State plans submitted by the State educational agencies under section 722(a), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

"(b) **TECHNICAL ASSISTANCE.**—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

"(c) **EVALUATION AND DISSEMINATION.**—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

"(d) **SUBMISSION AND DISTRIBUTION.**—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

"(e) **DETERMINATION BY SECRETARY.**—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (d), shall determine

the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(f).

"(f) **REPORTS.**—The Secretary shall prepare and submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

"SEC. 725. DEFINITIONS.

"For the purpose of this subtitle, unless otherwise stated—

"(1) the term 'Secretary' means the Secretary of Education; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated \$30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999."

MONTANA SHOOTING SPORTS ASSOCIATION
P.O. BOX 4924, MISSOULA 59806 (549-1252)

SENATE JOINT RESOLUTION NO. 16 (final form - reprint)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING RIFLE COMPETITION IN SECONDARY SCHOOLS OF MONTANA.

WHEREAS, Montana has a long and honorable tradition of appropriate firearms use; and

WHEREAS, firearms and shooting are a common ingredient of life in Montana; and

WHEREAS, of the 50 states, Montana has the second highest percentage of residents purchasing hunting licenses; and

WHEREAS, as many as 85% of Montana households are estimated to contain firearms; and

WHEREAS, the right of Montana citizens to keep and bear arms is a right guaranteed under both the Montana and United States Constitutions; and

WHEREAS, it is expected that Montana citizens will continue a high level of private ownership of firearms; and

WHEREAS, a number of Olympic shooters, disproportionate to the size of Montana's population, have come from Montana; and

WHEREAS, the shooting sports are acceptable competitive activities throughout the World; and

WHEREAS, the shooting sports are not commonly recognized in Montana's secondary schools as acceptable competitive activities; and

WHEREAS, the shooting sports in Montana currently enjoy a safety record that cannot be matched by any other organized sport; and

WHEREAS, the shooting sports are an area of competition in which the small rural Montana secondary schools can compete on equal footing with the large urban Montana secondary schools; and

WHEREAS, the shooting sports are an area of competition that allows excellence and meaningful participation, regardless of gender or certain physical handicaps;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Montana Legislature encourage the adoption of rifle shooting competition as an acceptable intramural and interscholastic sport in the high schools of Montana.

(2) That the Montana Legislature encourage the educators and educational administrators of Montana to rely on the expertise and resources of the shooting and sporting community in Montana to aid in implementing a program of rifle shooting competition in and among the high schools of Montana.

(3) That the Montana Legislature expect schools to rely on the private resources of the Montana shooting community, rather than public funds, for the recommended implementation of the program.

(4) That the Montana Legislature encourage the educators and educational administrators of Montana, together with the Montana High School Association, to design and implement appropriate rifle shooting competition in and among the high schools of Montana.

MONTANA SHOOTING SPORTS ASSOCIATION
P.O. BOX 4924, MISSOULA 59806 (549-1252)
SENATE JOINT RESOLUTION NO. 15 (final form - reprint)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING FIREARMS SAFETY TRAINING FOR SCHOOL-AGE CHILDREN IN MONTANA.

WHEREAS, of the 50 states, Montana has the second highest percentage of residents purchasing hunting licenses, and

WHEREAS, as many as 85% of Montana households are estimated to contain firearms, and

WHEREAS, improper or unsupervised use or handling of firearms by children can be hazardous, and

WHEREAS, a small, but unfortunate and preventable, number of children in Montana are the victims of unnecessary firearms accidents each year, and

WHEREAS, the right of Montana citizens to keep and bear arms is a right guaranteed under both the Montana Constitution and the United States Constitutions, and

WHEREAS, it is expected that Montana citizens will continue to have a high level of private ownership of firearms, and

WHEREAS, safety training for other life hazard or injury hazard topics, such as fire escape, is currently conducted in elementary schools, and

WHEREAS, widespread firearms safety training for school-age children could result in a significant reduction in firearm-related injuries and deaths among Montana children;

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature encourage the provision of firearms safety training for school-age children in Montana through cooperation between school districts and appropriate local organizations that represent the shooting and sporting community in Montana. The cooperation should include:

- (1) The dissemination of information on firearms safety;
- (2) Information on the availability of firearms safety training programs offered by the appropriate local organizations; and
- (3) An offer by school districts of use of a school facility during after-school hours for any firearms safety training program offered by an appropriate local organization that represents the shooting and sporting community.

DATE 3 - 1 - 95

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: HB 167 , HB 77 , HB 300

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
FRED NAEHER	DISASTER + Emergency Services EARTHQUAKE PROGRAM	300	X	
Steve Knobel	myself	167		X
Gail Gray	OPD	167	X	
Beth Baker	Dept of Justice	167	✓	
Donnie Baker	MT Disaster + Emergency Serv.	300	✓	
SCOTT REED	Missoula Public Sch.	77	✓	
Mary Alice Cook	Adm. Serv. MTS Children	77 167	✓ ✓	
Frank Konkowski	DFS	167	✓	
JOE STAUDHAR	MISSOULA PUBLIC SCHOOLS	77	✓	
Craig Brewington	SD #4 Missoula	300		X
Robert Trane	STAM	167 77	✓ ✓	
Don Waldron	WRER	167 77	✓ ✓	
CARY HARBUT	MISSOULA GOV. COUNCIL WMFLA BSPSC	167		✓
Pat Haffey	Governor's Office	HB 167	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3/01

SENATE COMMITTEE ON Ed.

BILLS BEING HEARD TODAY: HB 77, 167, 300

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Michael Keck	MSBA	167	X	
Terry Minich	MFT/MEA	167	X	
Lawrence Lawrence Hlad	Glasgow School Dist	167		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY