

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN DARYL TOEWS, on March 10, 1997, at
3:05 p.m., in Room 402.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. C.A. Casey Emerson, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. John R. Hertel (R)
Sen. Loren Jenkins (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)

Members Excused: Sen. Mignon Waterman (D)

Members Absent: None

Staff Present: Eddy McClure, Legislative Services Division
Janice Soft, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 314, HB 282; Posted 3/4/97
Executive Action: HB 183 BE CONCURRED IN AS
AMENDED; HB 314 BE CONCURRED
IN

EXECUTIVE ACTION ON HB 183

Discussion: SEN. BILL GLASER and Eddy McClure explained
Amendments HB018301.AEM (EXHIBIT 1).

Motion/Vote: SEN. BILL GLASER MOVED AMENDMENTS HB018301.AEM BE
CONCURRED IN. Motion CARRIED UNANIMOUSLY.

Motion/Vote: SEN. BILL GLASER MOVED HB 183 AS AMENDED BE
CONCURRED IN. Motion CARRIED UNANIMOUSLY. SEN. BILL GLASER will
carry HB 183.

{Tape: 1; Side: A; Approx. Time Count: 3:12 p.m.}

HEARING ON HB 314

Sponsor: REP. RICHARD SIMPKINS, HD 49, Great Falls

Proponents: Don Waldron, Montana Rural Education Association
Loran Frazier, School Administrators of Montana

Opponents: None

Opening Statement by Sponsor:

REP. RICHARD SIMPKINS, HD 49, Great Falls, said HB 314 encouraged a school district to establish and maintain a firearms safety education course. He said the course was designed to be a simple course, not a monstrous one, and distributed a pamphlet describing gun safety for children in Montana (**EXHIBIT 2**). REP. SIMPKINS said materials and grants were available and some schools already had them. He said he brought the bill because he thought it was as important as motorcycle, bicycle or playground safety.

Proponents' Testimony:

Don Waldron, Montana Rural Education Association (MREA), said they appreciated bills which suggested things to do. He said he felt HB 314 was a good bill and expressed the same opinion for Loran Frazier, School Administrators of Montana (SAM), who was in attendance but could not speak due to laryngitis.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. DELWYN GAGE asked if there were other places in the code where things were suggested. REP. RICHARD SIMPKINS said he thought motorcycle safety was suggested; however, there were not very many instances. He stressed HB 314 was put before the legislature to say it was interested in gun safety in schools, and rather than sending it in the form of a memorandum, it was in law. Don Waldron said one reason he supported HB 314 was to stress what was legitimate about having guns around the school, i.e. qualified people handling them around the school.

Closing by Sponsor:

REP. RICHARD SIMPKINS said HB 314 was a positive, rather than negative statement which encouraged schools to have gun safety programs.

{Tape: 1; Side: A; Approx. Time Count: 3:16 p.m.}

EXECUTIVE ACTION ON HB 314

Motion: SEN. LOREN JENKINS MOVED HB 314 BE CONCURRED IN.

Discussion: SEN. DELWYN GAGE asked Eddy McClure her opinion on the "encouraging" language and its being codified. She suggested if it would not be codified, there should be a section which would send it to the Board of Public Education, who would in turn send it to public school districts. The advantage of having it in code would be people would see it.

SEN. LOREN JENKINS asked if it would be a problem to have the Board of Public Education send it to the public schools, even if it was codified. Eddy McClure said it would be in the code so it could be found. SEN. JENKINS asked if the Board would still send copies to the school districts and Ms. McClure said she doubted it.

SEN. CASEY EMERSON asked if both MREA and SAM could respond to the question of schools getting copies of passed and failed legislation. Don Waldron said they sent a list of all introduced bills they followed to their member schools and informed them which passed and which did not. The list included a short synopsis of what the bills were about. He agreed with Ms. McClure if HB 314 was put into the code, not everyone would see it. He reiterated how he would notify the schools he dealt with and Loran Frazier would do the same with those he dealt with, but the two together would not cover everyone.

Dori Nielson, Office of Public Instruction (OPI), said if HB 314 was passed this year, information might be sent out which would say it happened; however, HB 314 covered something which would be continuing. She said a year from now many there would be many changes in administrators, which could mean their replacements might not be informed, i.e. people didn't usually read through the statutes.

SEN. LOREN JENKINS asked how long Joint Resolutions lasted -- if they even got out. Ms. Nielson said if the Board had been notified it was to look at something it might get into some permanent piece of information. SEN. JENKINS wondered if it stayed in the permanent piece or was it sent out only once. Ms. Nielson said some information standards were set.

Vote: Motion CARRIED UNANIMOUSLY 8-0. SEN. LOREN JENKINS will carry HB 314.

COMMITTEE DISCUSSION ON HB 347

SEN. DARYL TOEWS distributed copies of HB 347 ("gray bill") to the Committee (EXHIBIT 3) and said it came from Montana School Boards Association (MSBA). He asked the Committee to look it over, especially Page 3, and said when HB 347 was heard on March 7, 1997, the money asked for was a one-time thing; however, in

reality it was a request for long-term money. **SEN. TOEWS** said the request was for anything over 104% of the BASE.

SEN. BILL GLASER said it would be part of the new BASE budget forever.

SEN. CASEY EMERSON commented if, when it went to the voters, was 12% over the 4%, the new BASE would be the 12% over the 4%.

SEN. TOEWS agreed with **SEN. EMERSON** and told the Committee they needed to understand that when they looked at the "gray bill."

Eddy McClure and **SEN. TOEWS** said it would either open a new school or vocational facility.

{Tape: 1; Side: A; Approx. Time Count: 3:28 p.m.}

HEARING ON HB 282

Sponsor: REP. SCHIELL ANDERSON, HD 25, Livingston

Proponents: None

Opponents: None

Opening Statement by Sponsor:

REP. SCHIELL ANDERSON, HD 25, Livingston, said he would explain HB 282 as follows: South of Livingston there was a small elementary school district, Arrowhead. Current law allowed an elementary student from Arrowhead to attend elementary school in Livingston if that student had a sibling attending high school in Livingston. Such a decision was parents' choice only; the school districts had no say in the matter. HB 282 changed the situation in that the Arrowhead school district could have a say in whether the elementary student should be allowed to attend school in Livingston. Right now Livingston was full and reluctant to accept students from outside the district; therefore, parents would have to pay tuition if Arrowhead elementary students attended in Livingston. Current law, however, allowed the Arrowhead district to pay tuition to the Livingston district for those students, as well as for the ANB money to follow the students. HB 282 affected Arrowhead because it had an influx of students; therefore, it had to pass a bond issue to build an addition. However, in 1997-98, if Arrowhead elementary students followed their high school siblings into Livingston, Arrowhead stood to lose 24 of its 90 students; the implication of which would be it would receive much less money, thereby, making it very difficult to pay off the bond. If HB 282 passed, Arrowhead would not allow its students to attend in Livingston, nor would Livingston accept the Arrowhead students. **REP. ANDERSON** said he hoped HB 282 would have the same warm reception it got in the House.

Proponents' Testimony: None.

Opponents' Testimony: None.

{Tape: 1; Side: A; Approx. Time Count: 3:32 p.m.}

Informational Testimony:

Dori Nielson, Office of Public Instruction (OPI), said there were about six mandatory tuition statutes; one had to do with an elementary student waiting for a bus while the high school sibling went to school on another bus. She gave an example of a high school student from East Helena coming into Helena for school with the elementary sibling riding the same bus also; however, no tuition would be charged/paid for the elementary student because it was in the mandatory section. She said HB 282 would strike that from the mandatory section so in the future attendance and/or tuition charge would be a decision between the districts, i.e. local control.

Questions From Committee Members and Responses:

SEN. BARRY "SPOOK" STANG asked if a student could attend in another district without being accepted and paying tuition. Dori Nielson said the district could not selectively charge or not charge tuition -- either it charged everybody or didn't charge anybody. Also, if there was room in the district and it didn't want to charge, the situation probably wouldn't change much; however, if the district didn't want to accept students unless tuition was paid, the circumstances would change.

SEN. STANG asked what happened to the elementary student when the sibling graduated from high school. Ms. Nielson said the elementary student would have to return to Arrowhead.

SEN. CASEY EMERSON asked since the school district would have the power to keep students from attending in another district, would it also have the power to demand they attend with the siblings so another addition would not have to be built. Ms. Nielson said she didn't think they would; HB 282 didn't address that issue.

SEN. BILL GLASER said he thought if a receiving district extended a welcome and there was no tuition involved, that was enough. Ms. Nielson reiterated districts could not selectively choose who paid tuition and who didn't; therefore, if districts wanted students to attend, tuition might not be charged. She stated that would have to be board policy.

SEN. GLASER asked if HB 282 pertained if tuition wasn't charged. Ms. Nielson said HB 282 would still affect some districts somewhere because there were quite a few students across Montana who were in such a situation. SEN. GLASER asked what effect HB 282 would have on a district who didn't charge tuition but wanted the child. Ms. Nielson said the effect would probably be a

transportation issue. **SEN. DARYL TOEWS** said the issue was a zero issue, as far as HB 282 was concerned.

SEN. LOREN JENKINS wondered how HB 282 would affect a family with both elementary and high school children living in a remote rural area who ranched but bought a house in town and moved there so their high school child(ren) could attend high school. **Dori Nielson** thought if they were living in the district (town), it, and not the district in which the ranch was located, would be the district of residence. **SEN. TOEWS** suggested there be an answer by the time executive action was taken on HB 282.

SEN. DELWYN GAGE asked what the difference was between HB 282 and eliminating tuition. **Dori Nielson** said HB 282 was just another complication in the tuition issue of people living in rural Montana. She was of the opinion changes needed to be made slowly.

SEN. GAGE asked if the ANB funding followed the student when the count was taken twice a year. **Ms. Nielson** said it did, no matter what the conditions were.

SEN. CASEY EMERSON commented HB 282 was whether the parents or the school had the right to make the attendance decision. **Dori Nielson** said she felt HB 282 was a case of who might be paying.

SEN. EMERSON commented the school could decide to not take the child so the parents lost the right. **Ms. Nielson** said the district would not refuse to take the child unless there was criteria in place, i.e. no room, etc.

SEN. GLASER commented the district sold the bonds but didn't think they were paid off with ANB money, but with money from the taxpayers. He said this was a situation of teachers with classrooms but no students or money.

SEN. DEBBIE SHEA asked if the real issue was more about giving up than accepting a child into the school district. **Ms. Nielson** said it would depend on the local districts because sometimes they didn't want to give the students up while in others they couldn't house them.

SEN. DARYL TOEWS asked if Arrowhead was in the Livingston high school district and **REP. SCHIELL ANDERSON** said it was.

SEN. GAGE asked about the October 1 effective date and wondered if it should be July 1 instead. **REP. ANDERSON** said he thought it had been suggested the effective date should be changed to not be a standard date so the schools could plan ahead.

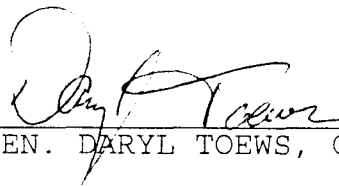
{Tape: 1; Side: A; Approx. Time Count: 3:47 p.m.}

Closing by Sponsor:

REP. SCHIELL ANDERSON said HB 282 was a question of whether Arrowhead would have any power to keep the students from leaving; however, it was not a perfect fix because currently Livingston charged tuition for its students. He shared a question raised by the House Education Committee which asked whether SB 282 removed school choice, and said he answered it by saying if Arrowhead couldn't keep its students, it would really "be up against the wall" financially. He said one of the main reasons students wanted to attend in Livingston was because of its sports program; something Arrowhead could not offer. REP. ANDERSON said if the sports were important enough to the parents, they could pay the tuition. He expressed hope HB 282 would BE CONCURRED IN unanimously.

ADJOURNMENT

Adjournment: The meeting adjourned at 3:49 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/JS