

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN DARYL TOEWS, on March 24, 1997, at  
3:09 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)  
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Eddye 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: HJR 21, HJR 8, SJR 15; Posted  
3/12/97

Executive Action: HJR 21, HJR 8, HB 469 TABLED,  
HB 542

#### HEARING ON SJR 15

Sponsor: SEN. TOM KEATING, SD 5, Billings

Proponents: SEN. MIKE HALLIGAN, SD 34, Missoula  
Nancy Keenan, Superintendent of Public  
Instruction  
Joe Mazurek, Attorney General  
Bob Brown, Former President of the Senate  
Don Judge, AFL-CIO  
Jim Jensen, Montana Environmental Information Center  
Eric Feaver, Montana Education Association

**Brad Martin, Montana Democratic Party**

Opponents:     None

Opening Statement by Sponsor:

**SEN. TOM KEATING, SD 5, Billings,** said SJR 15 was the work of many people who wished to commemorate the long and faithful service, both legislative and public, of Sen. Chet Blaylock. He recounted when he became a senator in 1981, Sen. Blaylock was already a sitting senator and both served on the Labor Committee and he couldn't remember a time when he and Chet voted alike on a difficult bill. **SEN. KEATING** said he had a great deal of respect for Sen. Blaylock because he was an honest, principled man who had a great deal of integrity. He related one Saturday morning the Committee was hearing the Right-to-Work bill (which Sen. Blaylock couldn't stand) in Room 325 because of the many testifiers, and that was the morning their granddaughter was born. He explained Sen. Blaylock and he shared two grandchildren because Chet's daughter and his son were married. **SEN. KEATING** said when the two families visited, they didn't talk about sales tax but discussed weather and religion.

**SEN. TOM KEATING** said SJR 15 praised Chet, and rightfully so, but it also established the authority of the Senate to have a commemorative area on the wall near the door of the Senate. He explained some of the distinguished members would have their memorials placed there in memory of their long and faithful service. He asked the Committee to give SJR 15 DO PASS.

Proponents' Testimony:

**SEN. MIKE HALLIGAN, SD 34, Missoula,** said as Senators matured in the process, it was most evident in the respect for the First Amendment rights, i.e. agree vehemently on issues but still remain the best of friends. He remarked how Chet's hallmark was ardent floor debate on Constitutional issues because he had been part of the Constitutional Convention. **SEN. HALLIGAN** recounted how, when the Democrats were shirking from finding a candidate, Chet "stepped to the plate" this last time to ensure their points of view were recognized and heard. **SEN. HALLIGAN** suggested three things Chet was known for: (1) Language in the Constitution which called for a free, basic, quality education; (2) Teacher Negotiation Act; (3) Coal Tax Trust.

**Nancy Keenan, Superintendent of Public Instruction,** said Chet was a personal friend and a fellow legislator with whom she spent many hours the last year on the campaign trail. She said he was: (1) A man of courage because he sponsored a bill to appropriate \$6 million of state funding for school facilities when budgets were being cut in 1993; (2) A man of vision because he sponsored school equalization proposals long before it became fashionable to discuss the issue in the legislature; (3) A man of inconsistency because he sponsored additional monies for buses

and in the next session sponsored legislation to cut the buses. **Ms. Keenan** declared Chet was a man of honor who quoted Shakespeare; she suggested Shakespeare would say the following about Sen. Blaylock: If it be a sin to covet honor, I am the most offending soul. She urged the Committee's unanimous approval of SJR 15.

**Joe Mazurek, Attorney General**, said the best description of Sen. Blaylock was "the conscience of the Senate", explaining people might not agree with Chet but they always knew where he stood and if he thought something was the right thing to do, he would do it. He said one of the things he liked about SJR 15 was Chet had so much respect for the institution of the legislature and the Senate that memorializing him and others who served with him as well as those who served in the future was appropriate. **Mr. Mazurek** said he hoped he would also be remembered as someone who had fun in the legislature and recounted how there was always mischief between him and Bob Brown, i.e. Sen. Blaylock was a man of principle but was also able to enjoy the process as friends.

**Bob Brown, Former President of the Senate**, said he and Chet Blaylock spent 20 years on the Education Committee in Room 402, explaining he was Chairman four times and Sen. Blaylock was Chairman four times, which was one reason he was involved in much legislation with Chet. **Mr. Brown** said when they served in the 1970s, there was a lot of competition among the School Boards Association (MSBA), Montana Education Association (MEA) and Montana Federation of Teachers (MFT). He said the two of them worked together to try to get the educational community to function together as a community, rather than constantly being at swords' points. He said Chet was a good friend and more than worthy of the memorial. He urged the Committee's support.

**Don Judge, AFL-CIO**, read his written testimony. (EXHIBIT 1)

**Jim Jensen, Montana Environmental Information Center**, said he concurred with everything said so far and said he managed Chet's campaign when he ran for the U. S. Congress in 1984. **Mr. Jensen** stated what he learned from that experience he hoped the Senate, Education Committee and legislature would look to in the future; that being changing the way business was done. He explained one of the reasons the Constitution was ratified was Chet's leadership as a Constitutional Convention delegate when he requested the delegates not be seated by party, but alphabetically in order to change the partisan nature; thereby, ensuring the Constitution not be driven by partisan politics. He urged the Senate to consider trying that once, even though it would be hard, explaining the most appropriate living memorial to Chet Blaylock would be for the Senate to look back and use his wisdom to change and improve the way it did business. He expressed thanks to **SEN. KEATING** for bringing the legislation and even though it was a rare occasion for them to agree, he hoped they might be to do so again in the future.

**Eric Feaver, Montana Education Association (MEA) & Montana Federation of Teachers (MFT)**, said both organizations rose in support with the other proponents of SJR 15 in Chet's memory. He said Chet was a teacher, a unionist, member of the MEA, an advocate of public education for all God's children and the author of the School Collective Bargaining Act. **Mr. Feaver** stated Chet was a defender of the concept good government was a good thing and was chagrined at the idea government was a bad thing, which was why he ran for governorship -- government was here to serve the people and must be protected. Chet also believed taxes to support government must be adequate and equitable; in fact, even a dyed-in-the-wool Democrat (Chet) concluded a sales tax might be a good thing. He maintained Sen. Blaylock was the legislature's greatest historian, along with Bob Brown, because if one wanted to find out what happened in Montana's legislative and political recent past, he or she could ask Chet who had anecdotes galore. **Mr. Feaver** suggested one of the great tragedies of Chet's death was he couldn't become what he deserved to be, i.e. an oral history project for any university system graduate student who wanted to get on with someone who knew what happened, who had met the people and who had dealt with the issues which made Montana what it was today.

**Mr. Feaver** said Chet was his personal friend and regretted he died before the things of the last election could be mended; however, those were risks politics sometimes had to take and he was convinced if Chet were still alive they could be doing the things they had done before the election. He said it was appropriate that Chet be the first Senator to be remembered by the implementation of SJR 15 and knew the Committee would give it DO PASS.

**Brad Martin, Montana Democratic Party**, said Chet was not a person who sought praise, though he clearly deserved it. He was a friend, partisan, statesman and believed strongly in doing what was right for Montana's children, environment and workers. **Mr. Martin** said Chet was the chairman of the delegation to the 1996 Democratic National Convention. He said there were fewer people he held in higher regard or respected more than Chet, and one reason was because of his belief in people, in being kind, in doing right by them and in serving them. **Mr. Martin** expressed appreciation for the honor SJR 15 gave Sen. Blaylock.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

**SEN. TOM KEATING** said Chet's family had some campaign funds left over so they decided to pursue the idea of a memorial plaque in the Capitol. He said he worked with several Senators who talked about having an area set aside for the memorial plaques, stressing the family would pay for the plaque; therefore, it

would cost the state nothing. **SEN. KEATING** said the family would be very pleased if the Committee passed SJR 15.

{Tape: 1; Side: A; Approx. Time Count: 3:33 p.m.}

#### HEARING ON HJR 8

Sponsor: REP. MATT BRAINARD, HD 62, Missoula

Proponents: Bob Frazier, University of Montana Campuses

Opponents: None

#### Opening Statement by Sponsor:

REP. MATT BRAINARD, HD 62, Missoula, said HJR 8 should be agreeable to everyone except avid Cats supporters. He said in 1995, the Grizzly team won the national championship and in 1996 were the runners-up. REP. BRAINARD said the team was an exhibit of classic education, i.e. blending and training of mind and body. Missoula was very proud of them and he suggested the whole state should be as well.

#### Proponents' Testimony:

Bob Frazier, University of Montana Campuses, said no other program generated more attendance than the Grizzly athletic football program -- about 18,000 per game from all over Montana as well as the northwestern United States. He informed the Committee the team had more Division IAA All-Americans than any other team in the United States, as well as for the past two years more Division I Academic All-Americans than any other program.

Opponents' Testimony: None.

#### Questions From Committee Members and Responses:

SEN. CASEY EMERSON commented the most important part was the conduct and sportsmanship of the Grizzly team on the field -- it was fantastic.

#### Closing by Sponsor:

REP. MATT BRAINARD said before the team became famous, on Saturday a man from Corrections stopped at his business and said since John Reed was there, there wasn't nearly the trouble with the young athletes as previously; in fact, it was very seldom they had to arrest a team member for disorderly conduct. REP. BRAINARD maintained that was one reason for the team's success, because it was an exercise in discipline and self-control. He said another thing which made him proud of the team was the number of players who were from Montana, suggesting the Grizzly coaches and staff recruited Montana kids with good character and

potential and helped them reach their maximum potential. He hoped the Committee would support HJR 8.

{Tape: 1; Side: A; Approx. Time Count: 3:40 p.m.}

HEARING ON HJR 21

Sponsor: REP. MATT DENNY, HD 63, Missoula

Proponents: Matt Sturgis, Speech & Debate Coach, Loyola  
Michael Brannon, Loyola Sacred Heart Student  
Hilary Parsons, Loyola Sacred Heart Student  
Christine Grenier, Loyola Sacred Heart Student  
David Holman, Loyola Sacred Heart Student  
Angela Julianni, Loyola Sacred Heart Student  
Jud Link, Loyola Sacred Heart Student  
Bob Brown, Private Citizen  
Loran Frazier, School Administrators of Montana

Opponents: None

Opening Statement by Sponsor:

REP. MATT DENNY, HD 63, Missoula, said HJR 21 was brought to congratulate the Loyola Speech and Debate Program for their 14 consecutive state championships. He said their achievements included: (1) 14 consecutive state championships, a state record for winning extra-curricular activities including sports activities; (2) Winning 44 consecutive tournaments since 1992; (3) Winning the Class ABC Team Title four times in the last five years; (4) 45 out of 220 students competed in the Program in 1996-1997; (5) 34 individual divisional champions over that time; (6) 36 of their students placed in the top five during the last five seasons at state; (7) 21 individual state champions since 1984. He said students were in attendance and would relate their experiences to the Committee.

Proponents' Testimony:

Matt Sturgis, Speech & Debate Coach, Loyola, said the 14-consecutive-state-championship streak began during President Reagan's first term in 1984, adding when he started in 1981 there were only six speech-stereotyped students on the team. He said his goal was to make students aware that speech was for everyone, a process which was long and hard; today 45 out of 220 students competed and 10% of the student body qualified for the state tournament. Mr. Sturgis related the first year he kicked three students off the team for disciplinary reasons and at his first meet, other coaches told him they were tired of the behavior of the Loyola students; if things didn't change, they wouldn't be invited to tournaments (if there were no tournament invitations, there would be no competition). He stated literally hundreds of students had competed since then and they developed skills which would benefit them for a lifetime, i.e. preparation, effort,

organization in order to communicate effectively, handling success and disappointment, commitment to a team and working together, learning to console and to be consoled, respect and professionalism. **Mr. Sturgis** said very often when the team stayed in motels, the management would comment on the team's good behavior, professional appearance and how they gave the future hope; therefore, he was very proud of them. He expressed thanks to the students who came with him, their parents and supporters who donated the thousands of dollars to the program. He informed the Committee Loyola was a private school which contributed about \$1,500 to their Speech & Debate budget of \$8,000; the rest came from private donations so the victory belonged to them as well. **Matt Sturgis** reiterated how the Speech & Debate Team represented competitive and academic excellence, something education should strive for.

**Michael Brannon, Loyola Sacred Heart Junior**, said he contributed to the Speech & Debate Championship through a speech on misinterpretations on history and the need for teaching reform. He said the research was not the purpose for his participation; rather, it was the exercise of his freedom of speech, since he was not yet 18 and couldn't vote. He said they were tomorrow's citizens and he had a duty to become a good citizen, and speech & debate allowed him to practice those now so he could act responsibly in the future. He stated just after our country's Constitution was written, anti-Federalists voiced their opinions; thereby, ensuring Americans receiving the Bill of Rights, which included the freedom of speech. **Mr. Brannon** said positives of Speech & Debate included gaining confidence, learning to use writing and speaking abilities, and receiving a varsity letter; however, more important was the fact Mr. Sturgis instilled confidence in his students and participated in each of their lives -- each competitor strove to be better because of him. He said they owed thanks to many people, beginning with Patrick Henry, including **REP. MATT DENNY** and ending when Mr. Sturgis created his last citizen.

**Hilary Parsons, Loyola Sacred Heart Junior**, said being in the Lincoln - Douglas debate had: (1) Given her confidence in her ability to express herself without fear of criticism from others; (2) Taught her dedication and hard work were necessary to achieve success; (3) Taught her to excel individually; (4) Taught her the importance of teamwork. She said in a society where mediocrity was accepted, it was refreshing to know people still strove for excellence, something she saw in both coaches. **Ms. Parsons** said Mr. Sturgis' dedication to the Speech & Debate program inspired her as a competitor and as a human being. She stated Speech & Debate was a program which should be recognized for excellence.

**Christine Grenier, Loyola Sacred Heart Freshman**, said when she decided to attend Loyola she had no idea of the accomplishments of the Speech & Debate Team. She said when she was invited to join the team and choose her event, she chose Expository because it sounded like the easiest; however, she discovered it involved

so much research and writing, she wanted to quit. She said Mr. Sturgis encouraged her, saying it would get easier and be more fun after the first meet -- and it was. **Ms. Grenier** said being involved gave her confidence to speak before a group, explaining previously if she had a speech to give in front of a class, she would practice over and over the night before and be confident -- until she stood in front of the class. She related how Mr. Sturgis encouraged the students to do their best, which they would know they had done when they could sit down and not think about what they would have said or done differently. **Ms. Grenier** said the skills she had learned had served her in other classes as well as in everyday situations; in fact, she was using those skills that very moment in that she had the courage to stand before the Committee to speak. She knew even after she would graduate, the skills would continue to pay off.

**David Holman, Loyola Sacred Heart Sophomore**, said many things contributed to success, hard work, dedication, undying perseverance, and Mr. Sturgis embodied all the above because in 16 years, he had transformed the Team into what it was now. He suggested Mr. Sturgis was the flame beneath the kindling of 100+ students who had gone before, setting the legacy for them to follow. He said it wasn't until about four or five years ago the record had been eyed by coaches and competitors at Loyola; prior to that there was a desire to compete mentally with other students, to belong to a family within the Team, to prepare themselves for a possibly rough future and to show everyone Generation X had plenty of bright spots. **Mr. Holman** said Speech & Debate prepared students for the inside world also by teaching the ability to talk comfortably with others, to not be afraid to state opinions and back them up with facts; however, the promotion of the hard work ethic and acceptance of only a person's best were important also. He said he felt at home on the yellow buses going to and from meets; however, he had never come home with a long face because he had always come home victorious.

*{Tape: 1; Side: B; Approx. Time Count: 3:56 p.m.}*

**Angela Julianni, Loyola Sacred Heart Junior**, related how as a freshman she was shunned, pushed around and treated badly by other schoolmates; in fact, she pleaded with her parents to send her to a public school because of the treatment she received. She said she joined the Speech & Debate Team and knew she had found a safe haven because of the acceptance she experienced. She said she loved everything about speech, including the new friendships she had made and being on a winning team. **Ms. Julianni** said one reason the Team was so successful was its family-like aspect, explaining she got hugs whether she did poorly or excellently; with all the positive energy around her she became a new woman who no longer sat in a corner at dances, ate alone at lunch or called her mother for a ride home. She credited her confidence and success to being a part of the Team



and gave thanks to Mr. Sturgis for being such a great coach and wonderful friend.

**Jud Link, Loyola Sacred Heart Junior**, said as a freshman he had never shied away from debate and had a good track record of arguing. He said Speech & Debate became one of the most enjoyable and useful co-curricular activities in which he had ever participated, explaining when as a freshman, he would come into a library completely overwhelmed with the stacks of information; however, it was now like a tool in the hands of a mechanic and he could find exactly what he wanted when he needed it. He said debate had also helped him in writing and critical analysis because he could organize his thoughts and speak them verbally so writing essays was easy. **Mr. Link** said he had also learned the value of teamwork through his event of team debate because of the pointers traded with each other when practicing or competing. He stated the thrill of the win and rare agony of defeat was one reason to recognize the Program as well as the coaches. He urged the Committee to pass HJR 21.

**Bob Brown, Private Citizen**, said he coached Speech & Debate at Big Fork at the same time Matt Sturgis coached at Loyola, 1984. He said they weren't particularly concerned about Loyola at the ABC Tournament in 1984; however, Loyola came home with the championship and Big Fork got second place. He said Matt Sturgis was a quality person who he had cheered on ever since that year.

**Loran Frazier, School Administrators of Montana (SAM)**, said SAM wanted to go on record as congratulating the Loyola Speech & Debate Team as well as the coach.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

**SEN. DELWYN GAGE** asked how the team stood nationwide. **Matt Sturgis** said he didn't know. **SEN. GAGE** asked if there was a movement to have a national championship and **Mr. Sturgis** said he would be curious to know.

**SEN. MIKE SPRAGUE** said the positive tended to be accentuated while the negative tended to be eliminated and wondered how students were taught to end their sentences with an exclamation point. **Matt Sturgis** said more flies were caught with honey than vinegar and he firmly believed that. He said the students could verify things weren't always pleasant, i.e. sometimes he and they sat down for a chat or corrected some things.

**SEN. LOREN JENKINS** commented 14 years of championships spoke very highly of both the teams and the coaches.

Closing by Sponsor:

REP. MATT DENNY said it was refreshing to hear from the Loyola students rather than from the same people the legislature always heard from. He asked the Committee to join the House Committee in congratulating the team with a DO CONCUR motion.

{Tape: 1; Side: B; Approx. Time Count: 4:10 p.m.}

EXECUTIVE ACTION ON HJR 21

Motion/Vote: SEN. BARRY "SPOOK" STANG MOVED HJR 21 BE ADOPTED. Motion CARRIED UNANIMOUSLY 11-0. SEN. MIKE HALLIGAN will carry HJR 21.

EXECUTIVE ACTION ON HJR 8

Motion/Vote: SEN. BARRY "SPOOK" STANG MOVED HJR 8 BE ADOPTED. Motion CARRIED UNANIMOUSLY 11-0. SEN. DALE MAHLUM will carry HJR 8.

EXECUTIVE ACTION ON SJR 15

Motion: SEN. MIGNON WATERMAN MOVED SJR 15 BE ADOPTED.

Discussion: SEN. DARYL TOEWS said he felt a hard look had to be taken at memorials in the Capitol, etc., explaining others who had passed away had made major sacrifices. He suggested it was necessary to step back from the emotion of the moment and look at how it all played out. He stated putting a memorial up outside the Senate and then trying to go back through history to determine who to immortalize would be very difficult, even though SJR 15 called for longevity to be a criteria. SEN. TOEWS said after giving the matter much thought, he thought Amendments SJR01501.AEM (EXHIBIT 2) would be more appropriate; therefore, he offered them as an alternative. He suggested there could be many memorials outside the Senate and then the House would want to be included.

SEN. MIKE SPRAGUE asked SEN. TOEWS if he had checked with the sponsor and was told he hadn't.

SEN. CASEY EMERSON suggested postponing Executive Action until the next time the Committee met, explaining approval should be gotten from the sponsor.

SEN. DEBBIE SHEA asked if everyone who had passed away would be honored in this memorial, or would it be just those who had gone beyond the call and served well, explaining there were memorials in our Capitol, Washington, D.C., Mt. Rushmore, etc., which did not honor everyone. She said she didn't think every senator would be memorialized.

SEN. MIGNON WATERMAN WITHDREW HER MOTION SJR 15 BE ADOPTED.

EXECUTIVE ACTION ON HB 469

Motion/Vote: SEN. DELWYN GAGE MOVED TO TABLE HB 469. Motion CARRIED 6-5 ON A ROLL CALL VOTE.

EXECUTIVE ACTION ON HB 542

Discussion: Eddy McClure referred to Amendments HB054205.AEM (EXHIBIT 3) and said she added "enrolling for the first time."

SEN. LOREN JENKINS suggested TABLING HB 542 but SEN. TOEWS asked the bill be discussed first.

SEN. BILL GLASER said if the Committee kept ignoring the problem, it would return in a more vicious form each time. He felt an attempt should be made to control things before they got so big they'd "eat them alive."

SEN. JOHN HERTEL said he thought HB 542 was a fairness issue, to a certain degree, and wondered if it was fair for Lewis & Clark County to help pay the tuition for Fergus County; however, some counties would have a very tough time with HB 542. He gave an example of a county east of here where half the students were 80 or 90 miles from their district school; attending there would be a real hardship. SEN. HERTEL said the decision was not an easy "yes or no."

SEN. DELWYN GAGE asked if it was fair for people who worked in Helena to live outside Helena because the taxes were lower. He expressed confidence some of those same people voted against school levies in their home districts or counties because they didn't want their taxes raised; in reality, they were not paying penny one toward their children's education. He asked if that was fair to the rest of the people in the Helena district.

SEN. BARRY "SPOOK" STANG said he agreed with some of the concerns of SEN. HERTEL; however, he agreed with SEN GLASER in that the problem needed to be dealt with because it would never go away. He stated rather than TABLE HB 542, he would rather see the Committee work on a later effective date so the people who found themselves in this situation would have time to adjust. SEN. STANG said he didn't think it was fair for the people in his district to pay so people in Jefferson County could send their students to Helena; neither did he think it fair to shut the door on the problem today. He said he didn't think much would change, except perhaps the people of Jefferson County might have to pay their own way, stressing he was using Jefferson County as the example because it seemed to be the most-used during the testimony. He said he didn't think the people in Boulder (Jefferson County) would refuse to pay the tuition for the students who went to Helena because the people in Montana City could say they'd petition to join the Helena district. If it was successful, it would mean the tax base would be part of the Helena High School District, something they wouldn't be willing

to take a chance with. He maintained it would be cheaper to pay the tuition than lose the tax base; however, it would make the people in Jefferson County be more responsible to their school because they would be paying for the tuition through their local property taxes. **SEN. STANG** suggested both the parents and school boards needed time to adjust to that; TABLING HB 542 would not "put their feet to the fire" and force them to address the issue.

**SEN. DEBBIE SHEA** said her amendments gave 2001 as the year (EXHIBIT 4) while **SEN. MIGNON WATERMAN'S** amendments HB054201.AEM (EXHIBIT 5) suggested 2000 as the year; each amendment gave communities time to make arrangements or alternative plans. She said she hoped the Committee would consider those years, particularly 2001.

**SEN. LOREN JENKINS** said existing law said both sides had to approve the petition to cross county lines, i.e. both Helena and Jefferson County, and asked what would be done if Jefferson County wouldn't approve the petition. **SEN. STANG** said since over 70% of the people of the County lived at this end of the district, it would be simple to get them to approve, and since Helena would receive the ANB money plus the additional class space, he was quite sure both would accept it.

**SEN. JENKINS** said he made the TABLING motion on purpose because: (1) He really wasn't thinking of Jefferson County because HB 542 would affect his county worse than anything shown on the books right now; (2) Some counties were paying much more into the school equalization than they were getting out; (3) The fiscal note showed nothing on transportation; therefore, he maintained not as much would be saved as the fiscal note showed; (4) Testimony said the savings would fund an OPI program and he could see no reason for that.

**SEN. DARYL TOEWS** asked if the permissive mills were GTB weighted. **Kathy Fabiano, Office of Public Instruction**, said they weren't and were outside the 95 mills.

**SEN. GAGE** challenged **SEN. JENKINS'** remarks, saying testimony indicated there was only one county which put more into equalized funding than it took out.

**SEN. EMERSON** said school choice might be hurt a bit by HB 542.

**SEN. GLASER** said there were three issues: (1) Does the district or state pay the local bill; (2) Does the district take care of its own children or doesn't it; (3) If the children weren't being taken care of, district lines should be moved around so it could be accomplished.

Vote: **SEN. LOREN JENKINS** MOVED TO TABLE HB 542. Motion FAILED  
3-8 ON A ROLL CALL VOTE.

Discussion: Eddye McClure drew the Committee's attention to Amendment #2 of (EXHIBIT 4) and explained it was a technical amendment.

Motion/Vote: SEN. MIGNON WATERMAN MOVED DO PASS ON THE TECHNICAL AMENDMENT. Motion CARRIED UNANIMOUSLY.

Motion: SEN. DELWYN GAGE MOVED DO PASS ON AMENDMENT #1 OF (EXHIBIT 4).

Discussion: SEN. DARYL TOEWS said it referred to geographical problems, i.e. mountains, rivers, etc.

Eddye McClure said "(1)(d), or (1)(e)" should be added.

SEN. TOEWS explained it said the state would pay if there was a road or mountain in the way.

Vote: Motion CARRIED 9-2 WITH SEN. BARRY "SPOOK" STANG AND SEN. DARYL TOEWS VOTING NO.

Discussion: Eddye McClure said Amendments #3 and #4 (EXHIBIT 4) didn't have to be dealt with because they could work off the other amendments, all of which dealt basically with changing the applicability date. She stated SEN. GLASER'S amendments (EXHIBIT 3) said the date was "upon passage and approval", and for those people who enrolled after July 1, 1997.

SEN. GLASER said it meant high school students who were currently attending out of the district but getting state support would continue to get state support until they were out of high school ("grandfathering in"). If a child lived next door and the school district wished for them to go alongside with a new child, the sending district or parents would have to pay the tuition. He suggested the advantage was it gave people time to either provide the service or move the line. He believed if it was pushed back to the local level to be solved, it would get done.

SEN. DEBBIE SHEA said if a child were adopted and brought into a family, the family would have to pay for that child while the state paid for the others. SEN. GLASER said if the eighth grade child went into ninth grade it would have to be decided if the parents or school district would pay the tuition, or if the child would go where he or she should be going.

SEN. SHEA asked how many students would be affected. SEN. GLASER said the immediate impact would not be much but would grow as time moved on. He said it had to be worked out whether a new school should be built or if the line should be moved.

SEN. MIGNON WATERMAN said she thought the issue should be settled now and not put off, partly because of the districts most affected (Jefferson County & Helena). Helena just passed a bond issue so if they wanted to downsize the building program, it

needed to know now. Also, Jefferson County was looking at a bond issue this fall so they also needed to know now. She stated she felt the big issue was if a student, junior, for example, who moved into the district should be allowed to go with the student who had been a resident; that was the difference between SEN. GLASER'S amendment (EXHIBIT 3) and hers (EXHIBIT 5).

*{Tape: 2; Side: A; Approx. Time Count: 4:43 p.m.}*

Kathy Fabiano, OPI, said currently the county superintendent sent a list of the students who were attending out-of-county to OPI. She asked if she understood correctly that list would be "etched in stone" for the next three years and was told that was correct. She said they would be crossed off the calculations for district levies during that time; therefore, it would be administratively feasible.

Eddye McClure said the amendments referred to high school students but wondered if there were elementary students who were crossing the line and if so, would SEN. GLASER'S amendment allow them to go all the way if they enrolled for the first time after July 1, 1997. Ms. Fabiano said if it wasn't distinguished between elementary and all students, OPI would have that list, not for three but for twelve years.

Ms. McClure said in SEN. WATERMAN'S (EXHIBIT 5) and SEN. SHEA'S (EXHIBIT 4) amendments she treated all students the same way. She said she didn't get a chance to ask SEN. GLASER if he intended to protect the high school students or students all the way through.

SEN. GLASER said it was his intention to solve the high school problem within four years so the districts could make the decisions and leave the state out of subsidizing the counties who were currently unwilling to support their kids. He said his amendment came from the citizens of Jefferson County who said they could do that to get rid of the problem in the long run.

SEN. DARYL TOEWS asked for clarification the elementary would be immediate and the high school would be grandfathered. SEN. GLASER said the elementary would be between the districts rather than the state.

SEN. STEVE DOHERTY asked for the difference between SEN. SHEA'S and SEN. WATERMAN'S amendments, saying he would vote for an immediate effective date. SEN. GLASER said there were basically two amendments: (1) One said all ceased in four or five years (SEN. SHEA'S & SEN. WATERMAN'S); (2) One said if the intention was to be "high school student friendly", they had to be respected (SEN. GLASER'S). He reiterated his amendment referred to high school students only; districts had to solve their own problems for the elementary students, even if it involved moving the district line.

SEN. MIKE SPRAGUE said he didn't think the residents really realized what they would do with the grandfathering issue because they probably moved to the area for lower taxes, lifestyle, etc., and now had to pay more to attend the school of their choice; in other words, "grandfathering" would make their property values suffer because when the house was sold, the buyer would not be buying any school rights. He suggested the "time certain" allowed time for plans to be made.

SEN. WATERMAN asked if there was a way to take the Glaser Amendment (EXHIBIT 3) but end the tuition in 2000; therefore, both elementary and high school students would be allowed some time. SEN. GLASER said it was his point of view school districts who were escaping or unwilling to support their students were being subsidized, and the practice needed to be ended. He thought the means of accomplishment should be friendliest to the students.

SEN. WATERMAN commented both she and SEN. GLASER were thinking of high school students in their amendments, and she was trying to figure how to handle the situation for the elementary students; therefore, she suggested the same time frame.

*{Tape: 2; Side: A; Approx. Time Count: 4:52 p.m.}*

Eddye McClure said the amendments of both SEN. SHEA and SEN. WATERMAN treated payment for both elementary and high school students the same.

SEN. GLASER said his primary reasons were to remove the districts from the state coffers and to be "kid-friendly".

SEN. TOEWS maintained in order to be "kid-friendly", time certain was needed so everyone could plan.

SEN. SHEA contended 2001 instead of 2000 would allow eighth graders to finish through their high school year because it was too late for parents to change plans or prepare for their childrens' high school careers.

Motion: SEN. CASEY EMERSON MOVED DO PASS ON #3 OF AMENDMENTS HB054201.AEM (EXHIBIT 6).

Discussion: Eddye McClure explained it would be easiest to change the date to 2001 on SEN. WATERMAN'S amendment (EXHIBIT 5). The suggestion was agreeable to both SEN. SHEA and SEN. WATERMAN.

SEN. LOREN JENKINS commented Jefferson County didn't have enough room to handle the students but Helena did. He wondered how much the state would have to pay if Boulder (Jefferson County) decided to expand its school in building funds. SEN. TOEWS said it would involve GTB money. SEN. JENKINS received affirmation when he asked if the district would have to pay for it themselves if they had to build.

SEN. DELWYN GAGE said there would be high school students who had attended a high school for three years and then the fourth year would be cut off. SEN. TOEWS said that would be their choice. SEN. GAGE commented with the date certain they would know as of July 1, 1997, if the students were seventh or eighth graders they wouldn't finish high school with the tuition paid.

SEN. GLASER said the child could finish school wherever the districts agreed but they would no longer be subsidized out of income tax.

SEN. JENKINS said it was tuition only, and it didn't come from income tax but from property tax. SEN. GLASER said the money was filled from the General Fund and when the state stopped paying, income tax would be relieved.

SEN. GAGE commented all sorts of money went into the General Fund.

Vote: Motion DO PASS ON #3 OF AMENDMENTS HB054201.AEM CARRIED 10-1 WITH SEN. STEVE DOHERTY VOTING NO.

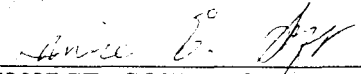
Motion/Vote: SEN. MIGNON WATERMAN MOVED HB 542 AS AMENDED BE CONCURRED IN. Motion CARRIED 9-2 WITH SEN. JOHN HERTEL AND SEN. LOREN JENKINS VOTING NO. SEN. MIGNON WATERMAN will carry HB 542.



ADJOURNMENT

**Adjournment:** The meeting adjourned at 4:59 p.m.

  
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SEN. DARYL TOEWS, Chairman

  
\_\_\_\_\_  
JANICE SOFT, Secretary

DT/JS