

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: Chair Scott Reichner, on March 21, 2011 at 3:17 PM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Scott Reichner, Chair (R)
Rep. Kris Hansen, Vice Chair (R)
Rep. Edith (Edie) McClafferty, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Joanne G. Blyton (R)
Rep. Christy Clark (R)
Rep. Lila Walter Evans (R)
Rep. Sue Malek (D)
Rep. Jonathan McNiven (R)
Rep. Jean Price (D)
Rep. Daniel R. Salomon (R)
Rep. Ted Washburn (R)
Rep. Jeffery W. Welborn (R)

Members Excused: Rep. Franke Wilmer (D)

Members Absent: Rep. Bob Wagner (R)
Rep. Mark Blasdel (R)

Staff Present: Marissa Stockton, Committee Secretary
Dan Whyte, Legislative Services Division

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 141, 3/14/2011; SB 208, 3/14/2011; SB 315, 3/14/2011
Executive Action: HB 603

00:00:59 Chairman Reichner

HEARING ON SB 208

Opening Statement by Sponsor:

00:01:05 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 208, Allowing Saturday school in K-12 schools.

00:02:28 Chairman Reichner

Proponents' Testimony:

00:02:44 Marco Ferro, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

00:03:02 Lance Melton, Montana School Board Association (MTSBA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:03:52 Rep Salomon
00:04:08 Sen. Erickson
00:04:17 Chairman Reichner
00:04:22 Rep. Washburn
00:04:43 Sen. Erickson
00:05:24 Rep. Washburn
00:05:47 Sen. Erickson
00:06:25 Rep. Wagner
00:06:43 Sen. Erickson
00:07:34 Rep. Wagner
00:07:45 Rep. Clark
00:08:11 Sen. Erickson
00:08:36 Chairman Reichner
00:08:50 Sen. Erickson
00:09:04 Rep. McNiven
00:09:33 Sen. Erickson
00:09:46 Rep. McNiven
00:10:21 Sen. Erickson
00:10:58 Rep. McNiven
00:11:28 Sen. Erickson
00:12:01 Chairman Reichner
00:12:05 Rep. Wagner
00:12:20 Dan Whyte, Legislative Services Division
00:12:41 Chairman Reichner

Closing by Sponsor:

00:12:45 Sen. Erickson

00:13:51 Chairman Reichner

HEARING ON SB 315

Opening Statement by Sponsor:

00:14:34 Sen. Rick Ripley (R), SD 9, opened the hearing on SB 315, Revise school law on standard of review for school board decisions.

00:16:42 Chairman Reichner

Proponents' Testimony:

00:17:02 Lance Melton, MTSBA

[**EXHIBIT\(edh63a01\)**](#)

[**EXHIBIT\(edh63a02\)**](#)

00:25:59 Chairman Reichner

00:26:49 Lance Melton, MTSBA

00:27:41 Chairman Reichner

00:27:53 Dave Puyear, Montana Rural Education Association (MREA)

00:30:10 Chairman Reichner

Opponents' Testimony:

00:30:23 Dennis Parman, Office of Public Instruction (OPI)

00:35:04 Chairman Reichner

00:35:12 Eric Feaver, MEA-MFT

[**EXHIBIT\(edh63a03\)**](#)

00:35:24 Rep. Welborn left.

00:43:30 Chairman Reichner

00:43:40 Eric Feaver, MEA-MFT

00:47:19 Rep. Welborn returned.

00:48:58 Rep. Washburn left.

00:51:22 Rep. McClafferty left.

00:54:43 Chairman Reichner

00:54:57 Marcia Davis, Superintendent, School Administrators of Montana (SAM)

00:56:28 Rep. Hansen left.

00:58:47 Chairman Reichner

00:58:55 Steve Engebretson, Superintendent, Dawson Public Schools

01:03:02 Rep. Wilmer arrived.

01:03:43 Rep. Hansen returned.

01:06:10 Chairman Reichner

Informational Testimony: None

Questions from Committee Members and Responses:

01:06:23	Chairman Reichner
01:06:47	Lance Melton, MTSBA
01:07:01	Chairman Reichner
01:07:20	Rep. Bennett left.
01:07:37	Lance Melton, MTSBA
01:13:07	Chairman Reichner
01:13:27	Lance Melton, MTSBA
01:13:29	Chairman Reichner
01:13:32	Lance Melton, MTSBA
01:13:59	Chairman Reichner
01:14:53	Lance Melton, MTSBA
01:14:57	Rep. McClafferty left.
01:16:04	Chairman Reichner
01:16:11	Rep. Wagner
01:16:49	Dave Puyear, MREA
01:17:39	Rep. Wagner
01:17:42	Dave Puyear, MREA
01:18:11	Rep. Wagner
01:18:14	Rep. Reichner
01:18:19	Rep. Wagner
01:19:18	Dave Puyear, MREA
01:19:58	Rep. Wagner
01:20:41	Rep. Bladel arrived.
01:20:54	Chairman Reichner
01:20:58	Rep. Wagner
01:21:07	Dave Puyear, MREA
01:21:54	Chairman Reichner
01:21:58	Rep. Salomon
01:22:12	Rep. Wagner left.
01:22:32	Lance Melton, MTSBA
01:23:40	Chairman Reichner
01:23:51	Rep. Salomon
01:24:05	Lance Melton, MTSBA
01:24:18	Rep. Salomon
01:24:36	Lance Melton, MTSBA
01:24:51	Rep. Salomon
01:25:04	Lance Melton, MTSBA
01:25:13	Rep. Salomon
01:25:24	Lance Melton, MTSBA
01:25:28	Rep. Salomon
01:25:37	Lance Melton, MTSBA
01:25:54	Rep. Salomon
01:26:11	Lance Melton, MTSBA
01:26:43	Chairman Reichner
01:26:47	Rep. Malek
01:27:23	Marcia Davis, Superintendent in Helena

01:28:32 Rep. Malek
01:29:01 Marcia Davis, SAM
01:29:34 Rep. Malek
01:29:38 Rep. McClafferty and Rep. Bennett returned
01:29:46 Marcia Davis, SAM
01:30:18 Rep. Malek
01:30:26 Chairman Reichner
01:30:34 Rep. Malek
01:30:52 Steve Engebretson
01:31:02 Rep. Wagner returned
01:31:10 Rep. Malek
01:31:30 Steve Engebretson
01:31:54 Rep. Malek
01:32:18 Steve Engebretson
01:32:35 Rep. Malek
01:32:39 Chairman Reichner
01:32:44 Rep. Malek
01:33:13 Eric Feaver, MEA-MFT
01:36:33 Chairman Reichner
01:36:37 Rep. Clark
01:37:12 Lance Melton, MTSBA
01:37:43 Chairman Reichner

Closing by Sponsor:

01:37:49 Sen. Ripley
01:38:21 Rep. Malek left.
01:40:30 Chairman Reichner

HEARING ON SB 141

Opening Statement by Sponsor:

01:41:03 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 141, Address bullying in Montana schools.

[EXHIBIT\(edh63a04\)](#)

01:41:13 Chairman Reichner left.
01:41:50 Rep. Malek returned.
01:45:33 Rep. Hansen

Proponents' Testimony:

01:45:57 Denise Juneau, OPI

[EXHIBIT\(edh63a05\)](#)

[EXHIBIT\(edh63a06\)](#)

[EXHIBIT\(edh63a07\)](#)

[EXHIBIT\(edh63a08\)](#)

01:52:24 Rep. Hansen
01:52:29 Steve Bullock, Attorney General
01:57:40 Rep. Hansen
01:57:46 Lance Melton, MTSBA
02:00:22 Rep. Hansen
02:00:30 Gail O'Loughlin
02:03:39 Rep. Washburn returned.
02:03:58 Becca Harper
02:06:29 Torey Keltner, Helena Police Department
02:09:03 Rep. Hansen
02:09:09 Marco Ferro, MEA-MFT

Questions from Committee Members and their Responses:

02:09:55 Rep. Hansen
02:10:20 Rep. Washburn
02:10:33 Torey Keltner
02:10:54 Rep. Washburn
02:11:04 Torey Keltner
02:11:17 Rep. Washburn
02:11:27 Torey Keltner
02:12:00 Rep. Washburn
02:12:11 Torey Keltner
02:13:03 Rep. Hansen
02:13:09 Rep. Wagner
02:13:39 Rep. Malek left.
02:13:44 Torey Keltner
02:14:35 Rep. Hansen

Further Proponents:

02:14:44 Lynda Brannon, Montana Indian Education Association (MIEA)
02:18:16 Rep. Hansen
02:18:25 Nicole Gray
02:19:22 Rep. Malek returned.
02:19:45 Rep. Hansen
02:19:49 Vickie Turner, Department of Health and Human Resources
02:21:30 Rep. Hansen
02:21:34 Donald Harr, Montana Psychiatric Association

EXHIBIT(edh63a09)

EXHIBIT(edh63a10)

02:25:44 Rep. Hansen
02:25:46 Aimee Gromljev, Billings Clinic
02:26:02 Don Judge, Montana Nurses Association
02:26:29 Bruce Messinger, Superintendent, Helena School District
02:27:31 Kevin Hamm
02:28:11 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
02:28:31 Jack Johnson

EXHIBIT(edh63a11)

02:29:49 Al Smith, Montana Trial Lawyers Association (MTLA)

02:30:51 Beth Brannamom, Disability Rights of Montana
02:31:24 Jamee Greer, Montana Human Rights Network

Opponents' Testimony:

02:31:55 Laurie Page
[EXHIBIT](#)(edh63a12)
02:34:12 Harris Himes, Montana Eagle Forum
02:35:54 Rep. Malek
02:36:01 Rep. Hansen
02:36:10 Harris Himes
02:36:47 Rep. Hansen
02:36:56 Mike Fellows
02:37:44 Rep. Hansen

Informational Testimony: None

Questions from Committee Members and Responses:

02:37:54 Rep. Wagner
02:38:26 Al Smith, MTLA
02:38:51 Rep. Wagner
02:39:19 Al Smith, MTLA
02:39:34 Rep. Wagner
02:39:36 Al Smith, MTLA
02:39:45 Rep. Wagner
02:40:59 Al Smith, MTLA
02:41:34 Rep. Wagner
02:42:05 Al Smith, MTLA
02:42:11 Rep. Hansen
02:42:21 Rep. Washburn
02:42:37 Bruce Messinger
02:42:38 Rep. Washburn
02:42:54 Bruce Messinger
02:43:34 Rep. Washburn
02:43:50 Bruce Messinger
02:44:26 Rep. Washburn
02:44:33 Bruce Messinger
02:45:09 Rep. Washburn
02:45:29 Bruce Messinger
02:46:23 Rep. Washburn
02:47:01 Bruce Messinger
02:48:20 Rep. Washburn
02:48:41 Rep. McClafferty
02:49:02 Denis Juneau, OPI
02:50:41 Rep. Hansen
02:50:44 Rep. Clark
02:51:07 Kelsen Young
02:51:53 Rep. Clark
02:52:15 Kelsen Young

02:52:56 Rep. Blasdel left.
02:53:18 Rep. Hansen
02:53:23 Rep. Salomon
02:53:53 Bruce Messinger
02:54:44 Rep. Hansen
02:54:47 Rep. Wilmer
02:54:59 Rep. Blasdel returned.
02:55:51 Steve Bullock
02:57:33 Rep. Wilmer
02:57:51 Steve Bullock
02:58:26 Rep. Malek
02:58:46 Steve Bullock
03:00:04 Rep. Malek
03:00:23 Gail O'Laughlin
03:01:13 Rep. Malek
03:01:30 Gail O'Laughlin
03:02:01 Rep. Malek
03:02:39 Bruce Messinger
03:04:12 Rep. Malek
03:04:22 Rep. Wagner left.
03:04:34 Denise Juneau, OPI
03:05:34 Rep. Evans
03:06:04 Denise Juneau, OPI
03:06:23 Rep. Evans
03:06:26 Denise Juneau, OPI
03:08:31 Rep. Evans
03:08:34 Denise Juneau, OPI
03:09:56 Rep. Hansen
03:10:35 Steve Bullock
03:11:04 Rep. Hansen
03:11:36 Steve Bullock
03:12:23 Rep. Hansen
03:12:58 Al Smith, MTLA
03:13:07 Rep. Hansen
03:13:13 Al Smith, MTLA

Closing by Sponsor:

03:13:31 Sen. Gillian
EXHIBIT(edh63a13)
03:13:53 Rep. Hansen

03:13:57 Sen. Gillian
03:18:58 Rep. Hansen

03:19:44 5 Minute Break
03:26:15 Meeting resumed with all members present except for Rep. McNiven and Rep. Reichner

03:26:17 Rep. Hansen

EXECUTIVE ACTION ON HB 603

03:26:31 **Motion:** Rep. Blasdel moved that **HB 603 DO PASS.**

03:26:35 Rep. Hansen

03:26:50 **Motion:** Rep. Blasdel moved that **HB 603 BE AMENDED.**
EXHIBIT(edh63a14)

Discussion

03:27:51 Rep. Hansen
03:28:00 Rep. Blasdel
03:32:54 Rep. Hansen
03:33:05 Rep. Washburn
03:33:19 Rep. Blasdel
03:33:51 Rep. Hansen
03:33:57 Rep. Bennett
03:34:31 Rep. Blasdel
03:35:09 Rep. Hansen
03:35:17 Rep. Wilmer
03:35:54 Rep. Blasdel
03:36:04 Dan Whyte, LSD
03:36:51 Rep. Wilmer
03:37:03 Rep. Blasdel
03:37:52 Rep. McClafferty
03:38:12 Rep. Blasdel
03:38:15 Rep. McClafferty
03:38:28 Dan Whyte, LSD
03:38:50 Rep. McClafferty
03:38:58 Dan Whyte, LSD
03:39:06 Rep. Hansen
03:39:40 Dan Whyte, LSD

03:40:47 **Vote:** Motion carried 11-5 by roll call vote with Rep. Bennett, Rep. Malek, Rep. McClafferty, Rep. Price and Rep. Wilmer voting no. Rep. McNiven and Rep. Reichner voted by proxy.

03:40:49 **Motion:** Rep. Blasdel moved that **HB 603 DO PASS AS AMENDED.**

Discussion:

03:40:55 Rep. Hansen
03:40:59 Rep. McClafferty
03:41:15 Rep. Hansen
03:41:40 Rep. Evans
03:42:08 Rep. Hansen
03:42:11 Rep. Price
03:43:29 Rep. Blasdel
03:44:51 Rep. Price

03:46:47 Rep. Hansen
03:46:50 Rep. Price
03:46:59 Rep. Hansen
03:47:03 Rep. Clark
03:48:16 Rep. Hansen
03:48:19 Rep. Bennett
03:49:30 Rep. Hansen
03:49:35 Rep. Washburn
03:51:07 Rep. Hansen
03:51:11 Rep. Washburn
03:51:31 Rep. Wilmer
03:56:58 Rep. Hansen
03:57:03 Rep. McClafferty
03:57:36 Rep. Hansen
03:57:39 Rep. Wagner
04:02:45 Rep. Hansen
04:02:48 Rep. Welborn

04:02:51 **Vote:** Motion carried 11-5 by roll call vote with Rep. Bennett, Rep. Malek, Rep. McClafferty, Rep. Price and Rep. Wilmer voting no. Rep. McNiven and Rep. Reichner voted by proxy.

04:03:46 Rep. Malek
04:04:05 Rep. Hansen
04:04:21 Rep. Malek
04:04:40 Rep. Hansen
04:04:56 Rep. Wilmer
04:05:11 Rep. Hansen
04:05:16 Rep. Wilmer
04:05:18 Rep. Hansen
04:05:40 Rep. McClafferty
04:05:43 Rep. Hansen

ADJOURNMENT

Adjournment: 04:05:45

Marissa Stockton, Secretary

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Additional Documents:

EXHIBIT([edh63aad.pdf](#))