

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: Chair Ryan Zinke, on February 16, 2011 at 3:00 PM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Ryan Zinke, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. Gary Branae (D)
Sen. Taylor Brown (R)
Sen. Tom Facey (D)
Sen. Bob Hawks (D)
Sen. Bob Lake (R)
Sen. Frederick (Eric) Moore (R)
Sen. Sharon Stewart-Peregoy (D)

Members Excused:

Sen. Jeff Essmann (R)

Members Absent: None

Staff Present: Casey Barrs, Legislative Branch
Gilda Clancy, Committee Secretary

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 315, 2/14/2011
Executive Action: SB 208, SB 80, SB 280, SJ 11, SB 244

HEARING ON SB 315

Opening Statement by Sponsor:

00:02:19 Sen. Rick Ripley (R), SD 9, opened the hearing on SB 315, Revise school law on standard of review for school board decisions.

Proponents' Testimony:

00:05:18 Lance Melton, Montana School Boards Association (MTSBA)

[EXHIBIT\(eds38a01\)](#)

00:13:49 Dave Puyear, Montana Rural Education Association (MREA)

Opponents' Testimony:

00:18:27 Eric Feaver, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

[EXHIBIT\(eds38a02\)](#)

[EXHIBIT\(eds38a03\)](#)

00:35:28 Sen. Stewart-Peregoy left the committee meeting.

00:37:26 Ann Gilke, Chief Counsel, Office of Public Instruction (OPI)

[EXHIBIT\(eds38a04\)](#)

00:47:37 Kathryn Pfister, Montana Association of County School Superintendents (MACSS)

00:52:21 Steve Engebretson, Superintendent, Dawson County Schools

Informational Testimony: None

Questions from Committee Members and Responses:

00:53:58 Sen. Lake
00:54:51 Eric Feaver, MEA-MFT
00:59:51 Sen. Lake
01:00:25 Eric Feaver
01:01:21 Sen. Hawks
01:01:55 Ann Gilke, OPI
01:02:16 Sen. Facey
01:02:46 Lance Melton
01:03:17 Sen. Facey
01:03:40 Lance Melton
01:04:51 Sen. Branae
01:07:02 Lance Melton
01:08:01 Sen. Branae
01:08:54 Sen. Ripley
01:09:55 Sen. Branae
01:10:01 Sen. Ripley
01:10:15 Sen. Brown
01:10:45 Lance Melton

01:12:48 Sen. Brown
01:13:34 Lance Melton
01:16:48 Sen. Hawks
01:17:26 Lance Melton
01:18:47 Sen. Hawks
01:19:11 Sen. Facey
01:19:37 Lance Melton
01:19:44 Sen. Facey
01:19:56 Lance Melton

Closing by Sponsor:

01:22:04 Sen. Ripley
01:24:00 Sen. Ripley left the committee meeting.

EXECUTIVE ACTION ON SB 208

01:24:44 **Motion:** Sen. Hawks moved that **SB 208 DO PASS.**

Discussion:

01:25:56 Sen. Hawks
01:26:28 Casey Barrs, Legislative Services Division (LSD)
EXHIBIT(eds38a05)

01:27:24 **Motion:** Sen. Hawks moved that **SB 208 BE AMENDED.**

Discussion:

01:27:36 Sen. Moore
01:27:50 Casey Barrs, LSD
01:28:04 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.
01:28:16 **Motion/Vote:** Sen. Hawks moved that **SB 208 DO PASS AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

EXECUTIVE ACTION ON SB 80

01:30:10 **Motion/Vote:** Sen. Brown moved that **SB 80 BE TABLED.** Motion carried 7-3 by roll call vote with Sen. Branae, Sen. Hawks and Sen. Stewart-Peregoy voting no. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

EXECUTIVE ACTION ON SB 280

01:31:40 **Motion/Vote:** Sen. Brown moved that **SB 280 DO PASS**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

EXECUTIVE ACTION ON SJ 11

01:33:30 **Motion:** Sen. Zinke moved that **SJ 11 DO PASS**.

01:34:58 **Motion:** Sen. Zinke moved that **SJ 11 BE AMENDED**.
[EXHIBIT\(eds38a06\)](#)

Discussion:

01:35:31 Sen. Hawks
01:36:12 Chairman Zinke

01:36:48 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

01:37:31 **Motion:** Sen. Zinke moved that **SJ 11 BE AMENDED**.
[EXHIBIT\(eds38a07\)](#)

Discussion:

01:38:07 Sen. Hawks
01:38:32 Chairman Zinke

01:38:39 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

Discussion:

01:39:17 **Motion:** Sen. Facey moved that **SJ 11 BE AMENDED WITH A CONCEPTUAL AMENDMENT STRIKING LINES 17 AND 18 (SEE EXHIBIT 7)**.

Discussion:

01:40:09 Chairman Zinke
01:40:48 Sen. Lake
01:41:16 Chairman Zinke

01:41:25 **Vote:** Motion carried 9-1 by roll call vote with Sen. Moore voting no. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

01:42:07 **Motion:** Sen. Facey moved that **SJ 11 BE AMENDED WITH A CONCEPTUAL AMENDMENT**.

Discussion:

01:43:20 Sen. Brown
01:43:58 Sen. Lake
01:44:31 Sen. Facey
01:45:31 Sen. Lake objected to the prior motion.
01:45:42 Chairman Zinke
01:45:54 Sen. Facey withdrew the motion.

01:46:08 **Motion/Vote:** Sen. Brown moved that **SJ 11 DO PASS AS AMENDED**. Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

EXECUTIVE ACTION ON SB 244

01:47:53 **Motion:** Sen. Lake moved that **SB 244 DO PASS**.

Discussion:

01:48:04 Sen. Facey
01:49:21 Sen. Lake
01:50:28 Sen. Hawks
01:51:34 Sen. Lake
01:52:22 Sen. Brown
01:52:45 Chairman Zinke
01:53:06 Sen. Lake
01:54:09 Sen. Hawks
01:54:55 Sen. Lake

01:55:28 **Vote:** Motion failed 3-7 by roll call vote with Sen. Brown, Sen. Lake and Sen. Moore voting aye. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

01:56:21 **Motion/Vote:** Sen. Facey moved that **SB 244 BE TABLED**. Motion carried 7-3 by roll call vote with Sen. Brown, Sen. Lake and Sen. Moore voting no. Sen. Essmann, Sen. Ripley and Sen. Stewart-Peregoy voted by proxy.

ADJOURNMENT

Adjournment: 5:31 P.M.

Gilda Clancy, Secretary

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Additional Documents:

EXHIBIT([eds38aad.pdf](#))