

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

SELECT COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN MONICA LINDEEN**, on February 4, 2005
at 3:09 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Monica Lindeen, Chairman (D)
Rep. Bill E. Glaser, Vice Chairman (R)
Rep. Norma Bixby (D)
Rep. Tim Dowell (D)
Rep. Dave Gallik (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Holly Raser (D)

Members Excused: None.

Members Absent: Rep. Jon Sonju (R)
Rep. Pat Wagman (R)

Staff Present: Connie Erickson, Legislative Branch
Kim Leighton, Committee Secretary
Chris Lohse, Legislative Branch
Eddy McClure, Legislative Branch
Jim Standaert, Legislative Branch

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

Committee Business Summary:

Hearing & Date Posted: HB 292, HB 416, 1/31/2005
Executive Action:

HEARING ON HB 292

Sponsor: REP. VERONICA SMALL-EASTMAN, HD 42, LODGE GRASS

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.1}

Opening Statement by Sponsor:

REP. SMALL-EASTMAN opened HB 292, and discussed the details of this bill. She provided written documents to support her testimony.

[EXHIBIT](#)(esh28a01)

[EXHIBIT](#)(esh28a02)

{Tape: 1; Side: A; Approx. Time Counter: 2.1 - 4.9}

(REP. JON SONJU entered.)

REP. SMALL-EASTMAN discussed specific portions of the exhibits. She stated, "Big and small schools are all in crisis." She also provided an amendment to this bill.

[EXHIBIT](#)(esh28a03)

{Tape: 1; Side: A; Approx. Time Counter: 4.9 - 10.1}

(REP. PAT WAGMAN entered.)

{Tape: 1; Side: A; Approx. Time Counter: 10.1 - 10.4}

Proponents' Testimony:

Dr. Dennis Massjo, Superintendent of Lodge Grass Public Schools, stood in support of HB 292, stating that Lodge Grass would benefit greatly from this bill.

Don Pretty On Top, Resident of Lodge Grass, stood in support of HB 292.

{Tape: 1; Side: A; Approx. Time Counter: 10.4 - 13.6}

Opponents' Testimony:

Lance Melton, Montana School Board Association(MTSBA), stated that this bill will create more problems if passed. He provided written testimony to support his opposition to HB 292.

[EXHIBIT](#)(esh28a04)

Dave Puyear, Montana Rural Education Association(MREA), stood in opposition to HB 292. He stated, "This is the wrong bill at the

wrong time. This bill rearranges the chairs on the deck of the Titanic."

Alvin Olsen, Board of Trustees, Whitewater Schools, stood in opposition of HB 292.

Donni Linn, Chairman, Saco School Board, stated that this bill would eliminate the school's ability to spend monies on other valuable resources.

John Prinkki, Carbon County Representative, attested that this bill is the wrong approach to funding education. He also asked why oil/gas is the only natural resource used to fund education.

REP. WAYNE STAHL, HD 35, SACO, reiterated that this is the wrong bill at the wrong time.

William Duffield, Montana Association of Oil Gas and Coal (MAOGC), claimed that this is not a fair way of doing things.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 0.8}

Informational Testimony:

Nancy Hall, Office of Public Instruction (OPI), spoke about Exhibit 1, which she had helped put together.

{Tape: 1; Side: B; Approx. Time Counter: 0.8 - 4.8}

Questions From The Committee:

REP. BOB LAKE asked Mr. Duffield where the money that is going to Corvalis is coming from. He asked where the gas well is in Ravalli County.

Mr. Duffield stated, "They got lucky."

REP. LAKE claimed that he has not seen an oil well in Ravalli County; he asked if the numbers in the bill are correct in terms of the amount of money going into Corvalis.

Mr. Duffield stated that he was not sure how to explain it.

REP. LAKE touched on Mr. Duffield's comment on leases. He asked if this pertained to leases of non production as well.

Mr. Duffield said, "No."

REP. NORMA BIXBY asked Nancy Hall the same question.

Ms. Hall stated that it could have been erroneous coding.

REP. VERDELL JACKSON asked Ms. Hall if she was acquainted with a similar bill that was heard last session.

Ms. Hall attested that she was not familiar with it.

REP. SMALL-EASTMAN also claimed that she was not familiar with it.

REP. JACKSON stated that he thought there was a precedent, and asked **REP. SMALL-EASTMAN** to elaborate on that.

REP. SMALL-EASTMAN redirected the question to Mr. Duffield.

Mr. Duffield stated that the precedent was to simplify the distribution of oil/gas.

REP. JACKSON inquired if there are winners and losers in this bill.

Mr. Duffield claimed that the bill is as revenue-neutral as possible.

REP. HOLLY RASER asked to hear more about some of the school districts not receiving oil/gas revenues.

REP. SMALL-EASTMAN stated that there are only certain districts that receive those revenues. She stated that they are looking for equatability for all school districts. She also addressed some of the opponents' problems with this bill.

REP. RASER then asked how she could include her school district in with those receiving revenues.

Mr. Melton brought up the topic of equity, and stated that she was not in one of those counties that receive benefits from oil and gas.

REP. RASER reiterated that taxpayers in certain counties are paying small amounts to help fund education. She then asked if some of these counties end up losing revenues due to this bill, would it be up to the homeowners and taxpayers to pick up the whole amount.

Mr. Melton stated that there would be a tremendous increase in taxes for the general fund.

REP. RASER inquired into the Ravalli County tax burden. **Mr. Melton** pointed out a document that Jim Standaert, Legislative Fiscal Division, prepared for the Renewal Commission. **REP. RASER** asked if Mr. Standaert might be able to provide this document.

VICE CHAIR BILL GLASER asked Ms. Hall about the whole picture in regard to the spreadsheet she prepared. He inquired if she could provide the spreadsheet to Mr. Standaert, so he could add it to his own. **Ms. Hall** claimed that she could do that.

{Tape: 1; Side: B; Approx. Time Counter: 4.8 - 23.1}

Closing Statement by Sponsor:

REP. SMALL-EASTMAN began by saying, "Did I open up a can of worms, or what?" She touched on the contributions of the Montana Quality Education Coalition. She added that somebody needs to step up and take action; "There are winners and losers; we need to care about everyone. This will provide immediate relief."

{Tape: 1; Side: B; Approx. Time Counter: 23.1 - 32}

HEARING ON HB 416

Sponsor: **REP. DAVE GALLIK, HD 79, HELENA**

Opening Statement by Sponsor:

REP. GALLIK introduced HB 416, and asked, "What does the legislature need to do to fulfill the court decision?" He stated specific portions of the bill and discussed them at more length.

REP. GALLIK reiterated the date of October 1, 2005 as the deadline for this process.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 11.2}

Proponents' Testimony:

Lance Melton, MTSBA, emphasized that this bill doesn't presume that the committee will have a definition; it provides guidelines for this process. This bill would allow the legislature an adequate amount of time to define a quality education system.

Bruce Messenger, Montana Quality Education Coalition(MQEC), stated, "This is the right bill at the right time." He touched on specifics of the bill and stated that the committee needs a planning process.

Dave Puyear, MREA, stressed that this bill references the accreditation standards, and mentioned Section 2, Subsection 6-b.

Darrell Rud, School Administrators of Montana (SAM), stated that it is important that a fair process is put in place.

Erik Burke, Montana Education Association-Montana Federation of Teachers (MEA-MFT), attested that this bill gets to the heart of what needs to happen, and this is a logical approach to the problem.

Bud Williams, OPI, stood in support of HB 416. He came representing the State Superintendent.

Steve Meloy, Board of Public Education (BPE), thanked REP. GALLIK for bringing this bill forward and including BPE.

Robert Leach, Citizen, expressed that he is concerned about the education system in Montana. He stated that, "Reading the accreditation standards can be like nailing down Jello." He believes that the committee would need to incorporate business people on the task force if this bill passes.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 1}

Opponents' Testimony:

Esther Fishbaugh, Citizen of Bozeman, explained that she is concerned about the price tag of this bill. The task force needs broader members such as: businessperson, parents, experts, lawyers, etc. She also claimed that the legislature should be held accountable for how they spend the taxpayers' money.

{Tape: 2; Side: B; Approx. Time Counter: 1 - 4.5}

Informational Testimony: None.

{Tape: 2; Side: B; Approx. Time Counter: 4.5 - 4.8}

Questions From The Committee:

REP. JON SONJU asked REP. GALLIK if the task force would continue after the date on the bill.

REP. GALLIK stated that there is latitude to go further; but the committee needs to keep the date of October 1, 2005 in mind.

REP. SONJU claimed that the committee has other bills that deal with defining a quality education system. He expressed some concern that there isn't enough time to form new committees and a task force, and resolve these bills.

REP. GALLIK stated that it is great if the committee is able to complete the task in 90 days. However, there is a huge problem if that doesn't happen. He stated that the committee needs to get on this now.

REP. SONJU asked **REP. GALLIK** to comment on the legislative seating authority to different education entities.

REP. GALLIK replied by stating that he doesn't want this legislature to lose hold of how to cost out educationally relevant factors.

REP. SONJU asked **REP. GALLIK** if he would be open to a friendly amendment to add business people and/or home-school families to the task force.

REP. GALLIK stated that he would like input from these areas, but he's not sure if an amendment to the bill is right. He stated, "I'm not saying no. I'm just saying it could be friendlier."

REP. LAKE inquired to **REP. GALLIK** as to why he wants to start over mid-session and form a new committee.

REP. GALLIK explained that he disagreed with the premise of **REP. LAKE's** question. He stated that he doesn't want to start over; he wants to move forward on this issue, and he feels this is the way to do it.

REP. LAKE asked, "Why wouldn't you have this committee move on with this?"

REP. GALLIK exclaimed that he makes a good point. He attested that this process needs to involve BPE, the Senate probably wants to be involved, and he is not sure if the legislature can afford it.

REP. LAKE brought up the issue of constitutional responsibility. He asked, "Why bring others to the table?"

REP. GALLIK stated that he would like to see this bill built with flexibility.

REP. PAT WAGMAN stated that **REP. LAKE** touched on many of his comments. He did ask **REP. GALLIK** about a possible amendment to simply add a few Senators to this committee.

REP. GALLIK attested that he is not completely adverse to that idea. However, he would like to have BPE at the table.

REP. WAGMAN expressed that he believes this committee can solve this problem, all parties involved need to compromise.

REP. GALLIK reiterated that he is ready to do this. He is simply not sure if the legislature is ready to spend a billion dollars on this.

REP. BIXBY emphasized that the committee cannot leave Indian education out of the task force.

REP. GALLIK pointed out where it is located in the bill.

CHAIRMAN LINDEEN had a technical question. She asked what the mechanism is to bring the legislative questions to the next legislative session.

REP. GALLIK attested that he is not sure because nobody knows where the committee will be by October 1, 2005.

CHAIRMAN LINDEEN pointed out the possibility of the presiding officer of BPE to co-chair this task force, and asked why.

REP. GALLIK stated that he wanted to send the message that the committee will solve the issues, and the part of BPE is very important.

VICE CHAIR GLASER asked a question about including the local school boards on this issue.

REP. GALLIK stated that he would consider that. The committee needs to decide what would work best.

VICE CHAIR GLASER attested that it is in the committee's best interest to keep the House and Senate apprised of what is going on.

REP. GALLIK stated that he would have no problem with that.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 2.4}

Closing Statement by Sponsor:

REP. GALLIK stated, "I hope you understand what I am trying to do." He added that the committee has partisanship; they just need to agree on some solutions.

ADJOURNMENT

Adjournment: 5:20 P.M.

REP. MONICA LINDEEN, Chairman

KIM LEIGHTON, Secretary

ML/kl

Additional Exhibits:

EXHIBIT ([esh28aad0.PDF](#))