

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on February 14, 2005 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Tim Dowell (D)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Holly Raser (D)
Rep. Scott Sales (R)
Rep. Jon Sonju (R)
Rep. Dan Villa (D)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: None.

Staff Present: Chris Lohse, Legislative Branch
Eddie McClure, Legislative Branch
Nina Roatch-Barfuss, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: HB 578, 2/8/2005; HB 574, 2/8/2005;
HJ 17, 2/8/2005
Executive Action: HJ 17, HB 578, HB 151, HB 525

HEARING ON HB 574

Sponsor: REPRESENTATIVE GARY BRANAE, HD 54, Billings

Opening Statement by Sponsor:

REP. BRANAE opened the hearing on HB 574 which dealt with the issue of how school district bond issues may be passed. Under current law, if a school bond issue is put before the voters, whether or not the bond issue is passed, the result depended not only on the number of electors who voted in favor of the bond proposition, but also upon the percentage of voters who actually participated in the election. When the percentage of qualified electors who vote is 40% or more, then the bond issue can pass by a simple majority. If more than 30%, but less than 40%, of the qualified registered electors vote, then the issue must pass by a 60% approval of the voters before the bond issue can be approved. If less than 30% of the qualified registered voters vote, the issue automatically fails regardless of how many voters vote for or against the issue. The bill seeks to simplify the system and put it in line with the way other government entities hold their elections. The method he had described pertained only to school bond issues.

REP. BRANAE passed out an amendment to the bill and explained the need for it. That bill had limited the time for holding elections and that was not the intention of the SPONSOR. The amendment corrected that wording. He wished to allow the school district to decide when it wanted to hold an election.

EXHIBIT (edh36a01)

Proponents' Testimony:

Gary Amestoy, Sidney Public Schools, rose in support of the bill because he believed the present system for determining whether or not a school bond issue is approved or failed is balanced more in favor of the members of the electorate who do not vote, as compared to the members of the electorate who do vote. In their last bond election the voter turnout did not meet the 30% requirement, so even though the voters approved the issue by 75%, the bond issue failed. The bond issue was to repair and expand upon a science wing. It wasn't for what some would consider a frivolous part of the education system. The Sidney School Board had gone to great lengths to advertise the election. Montana has a system that discourages people from voting and makes it easy for people to refuse to vote when an election can be influenced by their staying home. Exercising the most fundamental right of a citizen, which is to vote, should influence elections. Montana's system encourages voter apathy. It has been emphasized

across our nation to "...count every vote and every vote counts."

{Tape: 1; Side: A; Approx. Time Counter: 0 - 14.3}

Dan Marten, Billings Public Schools, stood in support of the bill and did so for a variety of reasons. Billings has about 30 buildings that are from 20 to 100 years old. Most of the schools in Billings are expected to last 100 years. Most architects create buildings to last 40 or 50 years. In the course of the last 25-30 years, they have accumulated a great deal of deferred maintenance, not considering replacement of exhausted facilities. The deferred maintenance in Billings is somewhere between \$60 and \$150 million. Currently in Billings they have two building reserve levies. The law allows a district to vote on a building reserve levy, which is a simple majority of those who show up. The money can be used to fix projects and the district is using that mechanism to fix some of things that have to happen. The district has \$10 million in the elementary fund and \$5 million in the high school fund for emergencies. From a financial point of view it isn't a very good deal for the taxpayers if they vote building reserve levies and use simple majority logic, which is the American way, because the school forgoes all the Guaranteed Tax Base (GTB) money to match. Last year Billings passed a bond issue to build an elementary school for \$10 million. Four million of that money is going to come to the district via GTB reimbursement. The Billings high schools are overcrowded and there is a great need for a fourth one. This bill would give the district a better chance to acquire the approval of the voters.

{Tape: 1; Side: A; Approx. Time Counter: 14.3 - 23}

Bob Vogel, Montana School Boards Association (MSBA), rose in favor of the bill and stated that he agreed with much of what the former two speakers had said.

Erik Burke, Montana Education Association-Montana Federation of Teachers (MEA-MFT), stood in support of the bill and its amendment. He informed the committee that there are very few democratic elections where there is a presumption of a "no" vote. The present policy in Montana presumes a "no" vote.

Mary Whittinghill, Montana Taxpayers Association (MTA), informed the committee that her organization supported the bill before the amendment. She believed a school bond election should be held under the original language of the bill at a general election or in conjunction with a primary election or a mail ballot. MTA would not like to see the amendment added to the bill.

{Tape: 1; Side: A; Approx. Time Counter: 23 - 25}

Opponents' Testimony:

Jane Nofsinger, Montana Eagle Forum, rose in opposition to the bill. She distributed a handout. She claimed the form was a being used in the public school system. The teacher has to complete the report to receive his/her paycheck. Eagle Forum supported voting in school elections and favored any bill in which the greatest number of voters came out; however, they opposed **HB 574** because it leaves out the majority of the voters. **EXHIBIT** (edh36a02)

Esther Fishbaugh, Bozeman taxpayer, stated that she wanted to see the school districts work hard to get the information to the taxpayers and let the taxpayers make the decisions. She believed the schools needed to exert more effort to sell the public on the needs of the school system. She believed the bill would be to the benefit of the schools to not advertise the bond well.

{Tape: 1; Side: A; Approx. Time Counter: 25 - 30}

{Tape: 1; Side: B; Comments: The tape was changed to Side B during Ms. Fishbaugh's testimony.}

Glen Oppel, Montana Association of Realtors (MAR), rose in opposition to the bill because they were concerned for the property taxpayers. Taxpayers are carrying a huge burden presently at the local level of taxation. MAR felt the taxpayer should not be penalized because he/she didn't vote. The present law is in place to protect the property taxpayer.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.3}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LAKE requested information from **REP. BRANAE**. He asked the **SPONSOR** what percent of the school bond issues failed last year.

REP. BRANAE asked to refer the question to **Bob Vogel**. **Mr. Vogel** was not able to supply the answer but said he would get the information for the committee. **REP. LAKE** said he wanted the information so that he could see whether it is a statewide problem or a local problem.

REP. KOOPMAN asked **Gary Amestoy** if it was plausible that a voter staying away is a form of voting for some people. **Mr. Amestoy** agreed with him but felt a voter should physically have to vote in order for the vote to count.

REP. KOOPMAN asked **Dan Marten**, "Do you have any concern that this type of legislation, which basically veers away from the policy

that if you are going to tax the people, a large percentage of the people being taxed ought to vote a positive vote?" He felt that the bill in combination with **HB 302**, which authorized payed superintendents to lobby on taxpayer time for bond issues, would generate a taxpayer revolt against the school systems because they are tired of shabby treatment. He sought Mr. Marten's opinion. **Mr. Marten** told the REPRESENTATIVE that the situation had not been a problem in the city and the county bond elections. They don't have the restraints the school districts have and they rely on majorities for their bond issues. He felt the school boards are just as concerned about taxes as the taxpayers. He felt it was safe to say that school superintendents are more concerned about taxes than the boards are, and probably the taxpayers.

REP. KOOPMAN redirected his question to Mary Whittinghill. He asked her the same question he posed to Mr. Marten. **Ms. Whittinghill** informed him MTA would withdraw its support of the bill if the amendment was put on it. MTA felt if the school election was held during a primary or general election, voters would turn out in greater numbers. As far as **HB 302** was concerned, she felt the more information that gets out to the voters, the more informed they will be.

REP. DOWELL asked Mr. Marten if he could think of any other situations in the voting community that required a super majority. **Mr. Martin** said, "No, I cannot."

REP. DOWELL testified that apparently communities can run a bond for sewer, courthouse, jail, swimming pool, etc. He asked Glen Oppel for a rationale as to why school bond elections should be different from other government bond issues. **Mr. Oppel** explained he believed that the participation requirements are in place because schools often have their bond elections not in conjunction with the general election. School elections have a lower turnout; and because of the lower turnout, it behooves the government to require a certain level of participation.

REP. DOWELL asked whether the other elections (not school elections) were held during primary or general elections. **Mr. Oppel** said that he believed that was true. **REP. DOWELL** asked Mr. Oppel if he would have any objections to a school bond being treated as any other bond issue if the election was held during a general election. **Mr. Oppel** reported that he felt a simple majority would be acceptable if the bond issue was put forth during a primary or general election.

REP. ANDERSEN required information from Dan Marten. She wondered if the bond issue in Billings was a mail election or if it was

held in conjunction with the regular school levy. **Mr. Marten** informed her it was a mail ballot. **REP. ANDERSEN** requested the turnout for the mail ballot. **Mr. Marten** thought it was about 60%. **REP. ANDERSEN** asked if he could guess why the issue failed. **Mr. Marten** felt that one of the reasons had to be that the dollar amount was large. Another reason had to have been the location that the board had selected for the high school site. There was disagreement as to where the new high school should be located. Voters don't understand the mill levy process. **REP. ANDERSEN** asked if the information was well conveyed to the voters in the district. **Mr. Marten** felt it had been but it was not a well understood issue.

{Tape: 1; Side: B; Approx. Time Counter: 4.3 - 19.5}

Closing by Sponsor:

REP. BRANAE declared the bill was trying to address a matter of fairness. He felt that it is difficult to get members of society to vote in all kinds of elections. He said the district can give the voters all kinds of information but it can't make people vote.

HEARING ON HJ 17

Sponsor: REPRESENTATIVE DAVE MCALPIN, HD 94, Missoula

Opening Statement by Sponsor:

REP. DAVE MCALPIN opened the hearing on **HJ 17** by distributing two handouts. The resolution was in support of more physical activity for students in high school and grade school. The first handout was from USA TODAY relative to activities among youth. The second handout was an amendment to the resolution. The amendment was a compromise with the Montana School Boards Association (MSBA) and the Office of Public Instruction (OPI). At present, our country spends 97% of its health care dollars on treatment and only 3% on wellness and prevention. The Center for Disease Control estimates that one of three children born in 2000 will eventually be diagnosed with Type II Diabetes which is non-hereditary diabetes. He felt the cause was the greatly reduced amount of physical activity in a person's life, particularly in schools. He believed the population has a different form of diet that has deteriorated over time to lead to more quick energy foods and less healthy alternative foods. Statistics show that there will be an enormous cost if the present scenario is allowed to develop with students being so inactive, and Type II Diabetes is allowed to manifest itself among the state's young people.

The amendment acts as a compromise. It includes the lower level grades, initially the resolution was directed at the high schools in the state. The amendment does not list a particular number of years in physical education, but instead it requests a greater level of physical activity for school students.

[EXHIBIT \(edh36a03\)](#)

[EXHIBIT \(edh36a04\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 19.5 - 24.3}

HEARING ON HB 578

Sponsor: REPRESENTATIVE VERONICA SMALL-EASTMAN, HD 42 Lodge Grass

Opening Statement by Sponsor:

REP. MCALPIN read a written statement from **REP. SMALL-EASTMAN**. She was not able to attend the hearing due to an emergency at home. **"HB 578** is an act regulating the use of vending machines in public schools and prescribing the kinds of foods and beverages that may be sold in a school vending machine. **HB 578** is a bill to prevent childhood obesity in school age children. I don't want vending machines to be prohibited from the schools because they are a source of revenue for schools, however, I want the pop, candy, and other unhealthy foods prohibited from being sold in these vending machines. It is my hope that these vending machines would be used to sell such healthy foods as milk, yogurt, crackers, cheese, granola bars etc.

"Decreased physical activity and the over-consumption of high calorie foods has mainly contributed to an epidemic of overweight and obese young people. What, how much, and when children eat is critical to their daily welfare and ability to learn. The epidemic of eating disorders, obesity and diabetes among school children were not recognized in school populations 50 years ago. Yet today our school children's health faces a battle between fast food and junk food which contributes to conditions like obesity and diabetes in children. These types of junk foods provide quick energy and substitutes for missed meals that keep them alert. However, it does not mean that the food is healthy.

"As data continues to mount showing the long term implications and the long-range costs associated with obesity, state officials are looking for solutions to the problems which some experts predict could become the Twenty-first Century's most deadly health epidemic. Today's major causes of death are heart disease, cancer, and Type II Diabetes, which can often be directly linked to unhealthy eating behavior that usually begins

during childhood and middle-teen years. If current trends are not curbed, obesity will continue to cause more deaths and will cripple state medical infrastructures as the cost of related chronic diseases increase. According to the United States Department of Agriculture, competitive food policies exist in many states and include laws that restrict access to food and beverage machines in the schools. There are twenty-five states that have specific legislation regarding machines in schools and one state, Arkansas, has passed legislation banning vending machines in elementary schools. School districts have the opportunity to create a healthy environment for our school children by providing them with a model lifestyle of healthy eating. I would be horrified if the Montana School Association would oppose this bill because they should be looking out for the health welfare of our school children and not the economic side of their pocketbooks.

Proponents were encouraged to testify for either or both **HJ 17** and **HB 578**.

Proponents' Testimony:

Cliff Christian, American Heart Association, American Stroke Association, Montana Dietetic Association, rose in support of **HJ 17**. He presented written testimony.

EXHIBIT(edh36a05)

{Tape: 1; Side: B; Approx. Time Counter: 24.3 - 30}

{Tape: 2; Side: A; Comments: Mr. Christian's testimony's began on Tape 2, Side A}

Gloria Lambertz, Past-president for the Montana Association for Health, Physical Education, Recreation, and Dance (MAHPRD).

MAHPRD is a state organization with membership comprised of health enhancement teachers throughout the state. MAHPRD stood in support of **HJ 17** as amended. She believed it was critical that Montana youth of all ages get appropriate amounts of physical activity.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 10.6}

Barbara Broberg, Montana Women Involved in Farm Economics, rose in support of the **HJ 17**.

Bob Vogel, Montana School Boards Association (MSBA), rose in support of **HJ 17** and handed out a copy of the resolution with the amendments put into it so that it would be easier to understand. There had been a great deal of discussion during the session about defining quality in education. The resolution is a good message for the legislature to send to the Board of Public

Education related to accreditation standards and the standards that they set. **Mr. Vogel** felt the amendments expanded the scope of the resolution. He testified that it is very important to catch kids when they are at the elementary level to make sure that their habits and practices are developed from that age. The bill originally requested four years of physical education for high school students. Other legislative bills request other subjects to be mandatory and school days just can't handle many more subjects than are now offered.

[EXHIBIT](#) (edh36a06)

Bede Lovitt, Montana Medical Association, stood in strong support of both **HJ 17** and **HB 578**. She believed both are paths that lead to good health.

Elaine Taylor, Montana Beverage Association, rose in support of **HJ 17**. She handed out a survey on physical activity that was taken with comments from parents and teachers. She testified that student time spent on TV and video games increased by 93% from 1997-2002 while time spent on sports decreased by 22%.

[EXHIBIT](#) (edh36a07)

Mary McCue, Montana Dental Association (MDA), rose in support of **HB 578**. She presented written testimony.

[EXHIBIT](#) (edh36a08)

Marty Wangen, Montana Dental Hygienists Association, rose in support of **HB 578** and presented written testimony.

[EXHIBIT](#) (edh36a09)

{Tape: 2; Side: A; Approx. Time Counter: 10.6 - 19.4}

Opponents' Testimony:

Bob Vogel, MSBA, rose in opposition to **HB 578** and testified that the difficulty they had with the bill had to do with local control. MSBA believed the bill dealt with decisions that needed to be set by policy at the local school district level.

Jane Nofsinger, Montana Eagle Forum, testified that her organization supports healthy eating and exercise. Montana Eagle Forum opposed the resolution and the bill. The organization felt that they cover issues that should be handled at the local level. Montana Eagle Forum saw discrimination in the resolution. It takes resources away from academic instruction. She noted the exhibit that she had passed out earlier. She felt the resolution and bill if passed, would embarrass people, hurt people's feelings, make fun of people and make them feel helpless, make

them feel inferior and uncomfortable, name-call and attack people because they are different in any way.

Elaine Taylor, Montana Beverage Association (MBA), began her testimony by distributing written testimony from Darrell Rud, Executive Director, School Administrators of Montana which was in opposition to **HB 578**. She testified that her organization had enjoyed very good associations with schools for many years. The Montana Beverage Association felt beverage issues were local issues. They have worked very hard with the schools to work with their choices and make them available. MBA had adopted "Model Business Practices" and she passed out a copy of that program. There are schools that have requested non-carbonated drinks, and schools that have requested timers on the machines so that they can decide when the products will become available to the students. A study showed that the average carbonated beverage consumption from school vending machines came to 1 1/2 cans per week per student. The study was done for only students that had access to the machines. **Ms. Taylor** quoted a study by the Institute of Medicine that stated that the obesity issue is a large complex problem and not associated with one distinct product and needs to be addressed broad-range.

[EXHIBIT \(edh36a10\)](#)

[EXHIBIT \(edh36a11\)](#)

[EXHIBIT \(edh36a12\)](#)

[EXHIBIT \(edh36a13\)](#)

Steve Jonasen, Montana Vending Company, Great Falls, rose in opposition to **HB 578**. The company has been in business for 30 years and agreed that the control belonged at the district level. His company gave each school administrator the power to control when the machines were on and off and the choice of what is to be offered in the machines. The middle schools have what is called healthy choice machines and that is what they provide. He believed that exercise is the key to good health. The proceeds from his vending machines went directly to each individual school. They found their way to student councils, annual funds, National Honor Society, etc.

{Tape: 2; Side: A; Approx. Time Counter: 19.4 - 30}

{Tape: 2; Side: B}

Carl Lehrkind, President of Lehrkind's Coca Cola in Bozeman, stood in support of **HJ 17** and in opposition to **HB 578**. He reported that he and his competition have worked closely with the school system in Bozeman and it has worked well.

Ken Jonasen, Montana Vending Company, Great Falls, wished to emphasize that the food and vending industries are well aware of

problems of obesity. As the industry has progressed it has tried to find healthy snacks to put into schools and local businesses.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 5.1}

Informational Testimony:

Rick Chiotti, OPI, on behalf of Superintendent of Schools, Linda McCulloch, presented informational testimony on **HB 17**. The Superintendent believed the purpose of the resolution was to increase and improve physical activity opportunities. They are important efforts that help reduce weight-related health problems such as diabetes among the youth. Beside the obvious health benefits of being more fit, there is growing evidence that kids learn better as healthy individuals. The amendments that have been offered clarify the benefits of physical activity belonging to all students in all grades. The Superintendent believed the resolution was the proper way to approach the Board of Public Education and local school boards regarding curricular content, classroom instruction and accreditation standards.

Karen Fairbrother, Nurse Diabetes Educator at St. Pete's Hospital, reported that diabetes is epidemic. During the past 20 years there has been a consistent increase in weight and obesity and there is definitely a link to diabetes. Her concern with the populations was not just with the state, region, country or the world, but she dealt with individual people. She testified that the high cost of diabetes is considerable. If a child is obese, the metabolic syndrome leads to heart disease in a very few years. She handed out a report on diabetes and heart disease and discussed it briefly.

EXHIBIT(edh36a14)

A handout was approved by the CHAIRPERSON from the National Confectioners Association.

EXHIBIT(edh36a15)

Questions from Committee Members and Responses:

REP. WARD sought information from Bede Lovitt as to whether she was concerned about the amendment to **HJ 17** weakening the resolution. **Ms. Lovitt** had not seen the amendment. **REP. WARD** explained the amendment to her. **Ms. Lovitt** said she would not deny that the amendment had lessened the impact of the resolution, but she recognized the pressures on schools trying to contend with every kind of class that was available.

REP. CAMPBELL informed Elaine Taylor that there was a real problem in the REPRESENTATIVE's district with childhood diabetes. There are 802 juvenile diabetics on her reservation. She

wondered about the material that had been distributed and whether there was a place to find the fact that a can of pop contains eleven to eighteen teaspoons of sugar. **Ms. Taylor** stated that the brochure did not address that information, but all soft drink products have the nutrition guidelines on the containers. Every beverage is different depending on the amount of sugar that is contained in it. **REP. CAMPBELL** believed children learn to read at about the third grade and didn't believe that information would help young children who had access to vending machines in elementary schools. **Ms. Taylor** reported that she did not have suppliers that put vending machines in elementary schools, but rural schools could be an exception.

REP. MCKENNEY wished information about **HJ 17** from Bob Vogel. The REPRESENTATIVE didn't feel he could see a great change in physical activity in the schools from when he was a child to the present. He wondered if the committee was addressing the correct problem. He thought the problem might not be the school activities but the after-school activities. He believed they had changed dramatically. He desired Mr. Vogel's comment. **Mr. Vogel** affirmed that the REPRESENTATIVE had made a good point. **Mr. Vogel** felt the value of the resolution and talking about the standards that schools have for health and physical education were important. He said there are a number of after-school programs that take a very close look at health enhancement activities, both physical education and healthy lifestyle sorts of instruction beyond the regular school day. He believed the resolution and looking at the what the schools' health enhancement curriculum has to offer are good guidelines to try to build healthy habits, not only during the school day but throughout the course of a person's lifetime.

REP. KOOPMAN asked the SPONSOR about a possible amendment to the resolution. It appeared to **REP. KOOPMAN** that part of the problem is that school by nature is sedentary. He agreed that there are physical education classes at certain time. Most home-schooled children do not experience the kind of problems that had been talked about during the hearing, such as obesity and diabetes and they certainly are not on Ritalin. He wondered if the committee should be thinking about shortening the school day. **REP. MCALPIN** advised him that when one considers the No Child Left Behind standards, of which physical activity is a minor component, and the other encouragement that school districts have received to increase standards and accountability of the school day, he didn't believe it would be appropriate to shorten the school day.

Closing by Sponsor:

REP. MCALPIN declared the statistics were clear that the number of graded classes of physical education and the duration throughout school had been reduced for very legitimate reasons, such as higher academic standards. The handouts showed that there are schools that have been able to accomplish higher test scores along with increased activity. Montana should strive for that goal.

REP. MCALPIN reported that he had talked to **REP. SMALL-EASTMAN** about **HB 578** and she feels very strongly that the time for compromise has come and gone. The health crisis is so real that she has thought it through and believes the prohibition on the vending machines is appropriate and positive.

EXECUTIVE ACTION ON HJ 17

Motion: **REP. VILLA** moved that HJ 17 DO PASS.

Motion: **REP. VILLA** moved that HJ 17 BE AMENDED.

Discussion:

REP. VILLA testified that the amendments to **HJ 17** made a bad resolution into a good one. He could not support a requirement of four years of physical education in the high schools to the Public Board of Education.

Vote: The motion on the amendment to HJ 17 carried 16-0 by voice vote.

Motion: **REP. VILLA** moved that HJ 17 DO PASS AS AMENDED.

Discussion:

REP. WINDHAM declared that the problems sounded like problems from the 1960's. Physical fitness has a very powerful correlation to academic skills and the fact is that Montana isn't doing as much physical education as they use to do. Being physically fit allows a student to concentrate for a longer length of time. She supported the resolution.

REP. LAKE said that the statement about physical activity had been made many times. He didn't believe the resolution was worthy of the committee's time.

REP. ANDERSEN reported that the schools meet the required time for classes and activities. Students use to get out and run about during recess, but the academic school demands have taken away most of the recesses. She felt the resolution would load more requirements onto the schools and she believed that much of the problem lies with what the students do before and after school. She didn't believe the committee could legislate that problem.

REP. DOWELL spoke in favor of the resolution. He agreed with **REP. ANDERSEN** but noticed that the legislature would have to deal with what is done during the school hours. He notified the committee that he would support the resolution.

{Tape: 2; Side: B; Approx. Time Counter: 5.1 - 30}

{Tape: 3; Side: A}

REP. GALVIN-HALCRO cited that she had learned a long time ago that one can't teach something just one time. People don't get it. Most often the average student will get it if he hears it five to seven times. When she teaches, she makes sure she covers the pertinent information that many times and give the students practice because she wants them to do well. Adults leave themselves reminders of what they need to do. The legislature needs to give the school system a reminder about taking care of one's self.

Vote: The motion on HJ 17 as amended passed 10-6 by a roll call vote with **REPS. ANDERSEN, BUTCHER, KOOPMAN, LAKE, SALES** and **SONJU** voting no.

EXECUTIVE ACTION ON HB 578

Motion: **REP. BRANAE** moved that HB 578 DO PASS.

Discussion:

REP. SONJU notified the committee that he saw the bill as anti-business and would not support it.

REP. MCKENNEY explained that it looked to him like the local school boards had the ability to negotiate how vending machines are handled in their schools. He would oppose the bill.

REP. CAMPBELL declared that she would support the bill. She felt that adults can control what goes on in their homes; but there is that time in school when adults cannot control what happens. She would like to see vending machines regulated.

REP. BRANAE stated that he struggled with the bill and believed he would oppose it. The local control issue is big and he would like to give the industry the opportunity to offer health foods in their vending machines. He stated he would not support the bill.

REP. WINDHAM held that she would not support the bill. She believed that it was a local issue and if the public did not like how it was handled, it could change the makeup of the school board.

REP. RASER wondered if society knew twenty years ago what it knows now about health costs, if it would have done something about tobacco, etc. Society is paying for tobacco caused health problems and diabetes is coming on strong.

REP. GRINDE announced that she would support the bill because she knew the long term effect and cost of unhealthy eating. The bill did not take the vending machines away, it would regulate what was put in them.

REP. GALVIN-HALCRO noted that distributors had worked hard in her school district to offer good choices. She could support the bill.

Vote: Motion to pass HB 578 failed 5-11 on a roll call vote with REPS. CAMPBELL, DOWELL, GRINDE, RASER, and WARD voting aye.

Motion/Vote: REP. VILLA moved that HB 578 BE TABLED AND THE VOTE REVERSED. The motion carried.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 10.9}

EXECUTIVE ACTION ON HB 151

Motion: REP. GALVIN-HALCRO moved that HB 151 DO PASS.

REP. GALVIN-HALCRO distributed an amendments to the bill.
[EXHIBIT](#)(edh36a16)

Motion: REP. GALVIN-HALCRO moved that HB 151 BE AMENDED.

Discussion:

REP. GALVIN-HALCRO explained the amendments. They cut the number of individuals that would be eligible to take advantage of the

credit waiver. They allowed three credits in any five-year period, where before the bill allowed five credits in five years.

REP. BRANAE asked if she had any idea of what effect the amendments would have on the original fiscal note. He also wondered about the university system's concerns that were expressed during the hearing of the bill.

REP. GALVIN-HALCRO replied that she could not speak for the university system. The changes would cut the fiscal note drastically. Less than half of the original teachers would be eligible.

REP. SONJU asked for verification that the fiscal note would be cut in half.

REP. GALVIN-HALCRO informed him that the fiscal note would probably be less than half of the original one.

Ms. McClure reported that if the university system grants one fee waiver, then they usually grant all of them on the list so that they avoid getting in trouble with being preferable in waiving fees.

REP. LAKE voiced a need to know what an average credit would cost.

REP. GALVIN-HALCRO informed him that it depended on which unit of the system one attended. It can be as low as \$50 and as high as \$176.

Vote: The motion to amend HB 151 passed 15-1 on a roll call vote with **REP. DOWELL** voting no.

Motion: **REP. GALVIN-HALCRO** moved that HB 151 DO PASS AS AMENDED.

Discussion:

REP. BRANAE informed the committee that he would support the bill as he believed it would help with teacher retention in Montana.

REP. CAMPBELL stated that she would support the bill.

REP. KOOPMAN reported that he would oppose the bill. The Education Committee is suppose to be focusing on educationally relevant factors, and he did not believe the bill did that. Studies, to his knowledge, show there is no correlation between continuing education of teachers and an improved educational product.

REP. WINDHAM requested information from **REP. KOOPMAN**. She asked for names of the studies that he talked about showing no correlation between continuing education and improved teaching.

REP. KOOPMAN replied that he could not produce them on the spot. He assured her that he would produce them at the next committee meeting.

REP. GALVIN-HALCRO asked **REP. KOOPMAN** if the material pertained to a bill he would be addressing during that meeting.

REP. KOOPMAN said his information would deal with the requested information and a bill he would be presenting.

REP. GALVIN-HALCRO asked that the information in question contain the copyright date also.

REP. KOOPMAN assured her he would bring that information.

REP. DOWELL informed the committee that the court acted last fall and identified what some of the educationally factors are, and among them are the recruitment and retention of teachers. The bill is a measure that would allow Montana to encourage the retention of teachers.

REP. RASER took issue with **REP. KOOPMAN's** statement that further education for the teacher did not improve the teacher's ability to teach. She believed mechanics, plumbers, etc. need to be upgraded in their skills. Teachers are the same and the more they learn about teaching, the more effective they can be in the classroom. Administration and school boards must approve the credits as to whether they are applicable to a teacher's position.

REP. SONJU reported he would support the bill and he believed it was a small price to pay for a good investment.

REP. ANDERSEN agreed that many of the courses taken by teachers enhance their ability to better teach the children. She said she didn't see anything in the bill that made staying in the state mandatory after they used the free credits. She believed the training might enhance the teacher's ability to find a better job in another state. She would oppose the bill.

REP. GALVIN-HALCRO asked **REP. ANDERSEN** if she would be more comfortable if there was an amendment requiring the teacher to stay in the state for additional years and teach in Montana.

REP. SALES informed the committee he would oppose the bill. The fiscal note talks about the balance of the cost being born by other students. The cost of tuition is already too high and he could not support a bill that would raise college tuition.

REP. GALVIN-HALCRO replied that when she was working on the amendments with MEA-MFT; she was told the bill should not cause a raise in tuition in the system.

REP. BUTCHER agreed that many industries require continuing education, but the participants have to pay for that education. He recalled looking at previous numbers of students going to college on fee waivers and the numbers were significant. The burden must be picked up by the other students. Someone has to pay the freight. He believed the bill to be piece-meal legislation. The committee needed to look at more comprehensive things rather than looking at this type of legislation.

Vote: The motion carried 10-6 on a roll call vote with REPS. ANDERSEN, BUTCHER, KOOPMAN, MCKENNEY, SALES, and WARD voting no.

EXECUTIVE ACTION ON HB 525

Motion: REP. VILLA moved that HB 525 DO PASS.

Discussion:

REP. VILLA believed the bill opened the opportunities to enhance the abilities of the Native American Indians to participate on the various boards. The map that the committee received during the hearing outlines that the reservations do not have equal representation in applying for board positions nor an equal chance to participate on the boards.

{Tape: 3; Side: A; Approx. Time Counter: 10.9 - 30}

{Tape: 3; Side: B}

REP. GALVIN-HALCRO summarized information supplied by REP. JUNEAU as to the number of members on the boards and what the qualifications were to sit on each board. The districts were changed in 2003 in **SB 149** with the purpose "...of revising the composition of the districts from which the district dean and apportionment commission members are appointed for the purpose of population equality and reducing the number of districts from four to two and making corresponding revisions in the Board of Education, the Board of Regents, Coal Board, and Hard Rock Mining Board appointment provisions."

REP. LAKE informed the committee he did not see a problem with the district boundaries. The Flathead Reservation has a population nearly equal to the sum of the other six reservations. The districts are about equal in population without the bill.

REP. KOOPMAN recommended a "no" vote on the bill. He was raised to not recognize differences in people and he wouldn't do it as a legislator.

Vote: The motion failed 7-9 on a roll call vote with **REPS. BRANAE, CAMPBELL, DOWELL, GRINDE, RASER, VILLA, and WINDHAM** voting aye.

Motion: **REP. VILLA** moved that HB 525 BE TABLED AND THE VOTE REVERSED. The motion carried.

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/nr

Additional Exhibits:

EXHIBIT ([edh36aad0.PDF](#))