

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on February 18, 2005 at 3:45 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. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Joe McKenney (R)
Rep. Scott Sales (R)
Rep. Dan Villa (D)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: Rep. Tim Dowell (D)
Rep. Bob Lake (R)
Rep. Holly Raser (D)
Rep. Jon Sonju (R)

Members Absent: None.

Staff Present: Chris Lohse, Legislative Branch
Eddye 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 652, 2/14/2005; HB 747,
2/16/2005; HB 660, 2/14/2005; HB
628, 2/11/2005
Executive Action: HB 435; HB 628; HB 652; HB 747; HB
660; HB 629; HB 681; HB 672

EXECUTIVE ACTION ON HB 435

Motion: REP. BRANAE moved that HB 435 DO PASS.

Discussion:

REP. BRANAE testified as to the importance of the bill. The scholarships in the bill will help many students in the state. The bill will give financial help to those who need it and it will reward the people who have done well on a merit-basis. It will encourage many students to obtain a post-secondary education. By awarding the scholarships, he believed Montana would retain many people who would otherwise move outside of the state. The bill offers about 1,000 scholarships, some on merit and some will be given on need. The bill puts a great amount of emphasis on two-year programs. There have been changes in the bill since it began and there has been a great deal of cooperation on both sides of the aisle. There are three sets of amendments to the bill.

Motion: REP. BRANAE moved to Amend HB 435.

EXHIBIT(edh40a01)

Discussion:

REP. BRANAE said all the amendments that were to be offered were consensus amendments. Some of his amendments dealt with private colleges. The amendments have worked around the problem that state money could not go to private schools. Donations could be made or solicited from the state's citizens. Any private donation that came in would be put in a special fund and that fund would make scholarship awards to students who attend private colleges in the state. The amendments expanded on the duties of the council that would be awarding the scholarships and made provisions for non-traditional students. The bill would now include students from accredited non-public schools. The bill would include students who are not products of the public schools but have taken a GED test and scored well on a standardized test to be eligible for the scholarships.

REP. WARD asked if it was possible treat segments of the Branae Amendments separately. His concern was that there is no law that would keep him from donating to a private college without the amendments. He saw no need for that portion of the amendments.

REP. BRANAE informed him that there might be organizations or industries that might wish to contribute to the program discussed in the bill. REP. WARD asked if it would be legal for a private organization to contributed money to the program. The

organization would be giving the money to the State and the State can't give the money to a private school. **REP. BRANAE** said he had asked the same question and he had been assured that this method of handling the money would be legal because the money would go to a special fund and not the State. The special fund would award the scholarships.

REP. MCKENNEY informed the committee that a great deal of work had gone into the amendment packages. Both political parties, the Governor's Office, and the Governor had worked hard. What was before the committee was a consensus to alleviate the concerns that many had with the bill. When the Committee is done with the amendments, the bill still will not be perfect. He suggested that the Committee keep the amendments as written.

REP. SALES reported that he shared the same sentiments about the Branae Amendments as **REP. WARD**. He wished to segregate the amendments that pertain to a private college from the remaining amendments.

Eddye McClure informed him that he could make a motion to segregate all the amendments that dealt with Montana private colleges.

Motion/Vote: **REP. SALES** moved **TO SEGREGATE ALL THE SPECIFIC AMENDMENTS THAT HAD TO DO WITH SCHOLARSHIPS FOR PRIVATE COLLEGES IN THE BRANAE AMENDMENTS (EXHIBIT 1)**. The motion failed 4-12 by roll call vote with **REP. BUTCHER**, **REP. KOOPMAN**, **REP. SALES**, and **REP. WARD** voting aye. **REPS. BUTCHER**, **DOWELL**, **GRINDE**, **KOOPMAN**, **LAKE**, **RASER**, and **SONJU** voted by proxy.

Vote: Motion that **BRANAE AMENDMENTS (EXHIBIT 1)** to **HB 435** BE **ADOPTED**. It carried 13-3 by roll call vote with **REP. KOOPMAN**, **REP. SALES**, and **REP. WARD** voting no. **REPS. BUTCHER**, **DOWELL**, **GRINDE**, **KOOPMAN**, **LAKE**, **RASER**, and **SONJU** voted by proxy.

Motion: **REP. BRANAE** moved that **HB 435** DO PASS AS AMENDED.

Motion: **REP. ANDERSEN** moved that **HB 435**, BE FURTHER AMENDED. [**EXHIBIT**](#) (edh40a02)

Discussion:

REP. ANDERSEN explained her amendments. The amendments would allow a student who had received a scholarship and attended the freshman and sophomore years in a Montana college or university to transfer to an out-of-state public college or university to complete the student's junior and senior years if it was

necessary for the student to complete the final two years of a four-year degree program.

REP. BRANAE stood in strong support of the amendments.

Vote: Motion that HB 435 BE AMENDED with ANDERSEN AMENDMENTS (EXHIBIT 2) carried 14-2 by roll call vote with REP. VILLA and REP. WARD voting no. REPS. BUTCHER, DOWELL, GRINDE, KOOPMAN, LAKE, RASER, and SONJU voted by proxy.

Motion: REP. ANDERSEN moved that HB 435 DO PASS AS AMENDED.

Motion: REP. ANDERSEN moved that HB 435 BE FURTHER AMENDED.
[EXHIBIT](#) (edh40a03)

Discussion:

REP. ANDERSEN informed the committee that REP. LAKE's amendments revised the definition of "at large student" so that the bill would include the home school students.

Eddye McClure explained that REP. LAKE wanted the "at large student" eligibility to include a grade point average or a standardized college admission test.

REP. ANDERSEN explained that earmarking one scholarship for each high school on a merit-basis in Montana might create a problem. A school might not have a student that applied for a merit-based scholarship, so the words, "which may be" were added to the bill, to replace, "will be."

REP. BRANAE agreed with the explanation by REP. ANDERSEN. He also believed that the amendments were worthy and he would support them.

Vote: Motion that the LAKE AMENDMENTS to HB 435 BE ADOPTED carried 14-2 by roll call vote with REP. CAMPBELL and REP. WARD voting no. REPS. BUTCHER, DOWELL, GRINDE, KOOPMAN, LAKE, RASER, and SONJU voted by proxy.

Motion: REP. BRANAE moved that HB 435 DO PASS AS AMENDED.

Discussion:

REP. BRANAE reported to the committee that because of the additions made to the bill, the office of the Commissioner of Higher Education had notified him that there will be additional work that they had not initially planned on in administering the

program and they may have to add a full-time employee to handle the scholarship program. It would cause a slight change in the fiscal note.

REP. MCKENNEY notified the committee that he had not supported the bill in its original form but a great amount of work had been put into the amended bill and he agreed with the amendments and he could support the bill as amended. He asked **REP. BRANAE** for reassurance that he and the Governor's Office would do everything possible to see that the spirit of the amendments stay on the bill as it went through the continuing process. He asked for **REP. BRANAE**'s comment on his request. **REP. BRANAE** informed him that he appreciated his comments and would do everything he could to see that the bill stayed as it was passed in committee.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 30}

{Tape: 1; Side: B}

Vote: Motion that HB 435 DO PASS AS AMENDED carried 14-2 by roll call vote with **REP. KOOPMAN** and **REP. SALES** voting no. **REPS. BUTCHER, DOWELL, GRINDE, KOOPMAN, LAKE, MCKENNEY, RASER, and SONJU** voted by proxy.

HEARING ON HB 652

Opening Statement by Sponsor:

Sponsor: REPRESENTATIVE JILL COHENOUR, HD 78, East Helena

REP. COHENOUR opened the hearing on **HB 652** which would allow school buses to cross district boundaries to pickup students that live in their district. The bus would cross an adjacent district boundary to pickup students in its district and then come across the neighboring boundary and back into its own district. The bill was presented to clarify present law. She wished to clarify that the bus was not picking up students who lived out of its district.

Proponents' Testimony:

Ron Whitmoyer, Superintendent, East Helena Public Schools, rose in support of the bill and presented written testimony which included a map of his district.

EXHIBIT(edh40a04)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 6.1}

Bob Gilbert, Montana School Bus Contractors Association, informed the committee that he had taken a copy of the bill to an

association meeting and the response was that they had been doing what the bill allowed for years. He rose in support of the bill and asked the committee to make legal what had been done for years.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. COHENOUR informed the committee that the bill would not change the procedures followed in each district for bus routes. The bill was just a clarification of law.

HEARING ON HB 747

Sponsor: ROBYN DRISCOLL, HD 51, Billings

Opening Statement by Sponsor:

REP. DRISCOLL opened the hearing on HB 747 which was a bill to limit liability for student construction projects. She informed the committee that she believed the bill was a way to keep children in school. The bill would limit the liability of a school district for civil damages resulting from student labor. The bill did not limit liability rising from injuries that might occur in the construction of a building. The Career Center in Billings requires enrolled students to take required English, social studies, and mathematics as well as learning job skills that will serve them well when they graduate. Many of the students are kids who might not stay in school if they weren't allowed to attend the Career Center. In the construction program the students build a home that is put up for sale when completed. It was her opinion that the program needs to remain a part of the Career Center curriculum. There would be full disclosure to the buyer that the project was constructed as part of a public school education program and was in whole or part constructed by students. She believed the bill would keep kids in school until graduation and help them prepare for life after graduation. Many of the students at the Career Center will not go on to post-secondary schools.

Proponents' Testimony:

Darrell Rud, Executive Director, School Administrators of Montana, sent written testimony with the SPONSOR.
EXHIBIT(edh40a05)

Stan Barr, Associate Principal at the Billings Career Center, School District #2, informed the committee that he had been involved with the Career Center House Project for approximately twenty-two years and in that time they had had a relationship with the Home Builders Association program. The Home Builders Association had been the major player in the construction of the homes over a period of twenty-nine years. Because society has become so litigious, the Home Builders Association had decided to not to be the general contractor on the homes being built by the students. He was asking the committee for the ability for school districts to become general contractors and take some of the liability responsibilities off the volunteers from the Home Builders Association. There are between 80 and 100 students involved with the Career Center home and the students are cross-curricular in nature. There are students from the electrical, home interior design, graphics, and metals programs working on the house. The current home should sell for \$250,000 and in 1976 the home sold for \$42,000 which illustrated that the homes have kept up with the market.

Cathy Warhank, representing the Superintendent of Public Instruction, rose in support of the bill. She felt **HB 747** fairly represented both parties involved. It gives notice to buyers of completed school construction projects while limiting the liability of the school districts that have such education programs.

Jeff Hindoien, Legal Council for the Helena Public School District stood in support of the bill. Helena conducts the same sort of endeavor with its upper-end carpentry classes and those involved with the program share the same sentiments as the Billings Career Center. He felt the bill would fill the risk-management gap that the Helena Schools have struggled with in writing their projects.

Barbara Yahvah, Interim Associate Dean of Academic Affairs University of Montana--Helena College of Technology asked the committee to add her school program to the bill. Her school offers the same programs described in the Billings and Helena high school districts.

Stuart Doggett, Montana Community Colleges, asked that the bill include the colleges that he represented.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. ANDERSEN inquired of Steve Barr as to what happens to the money received from the buyer of the house. **Mr. Barr** informed her that the money goes into an account. In 1976 the lot cost \$4,600 and the one purchased in 2005 was \$49,500. The Home Builders Association is the major financier behind the project. The association re-invests the money but money is retained to cover the cost of the students getting to the job in an appropriate amount of time.

REP. KOOPMAN requested information from **REP. DRISCOLL**. He wondered how many school districts in the state had programs like the ones described. **REP. DRISCOLL** referred the question to Steve Barr. **Mr. Barr** believed there might be four school districts with such programs. The reason that there are not more is the liability issue. If the bill was to pass, it would open up doors and he believed there would be many more programs started in the state. The programs would probably connect with post-secondary schools like the colleges of technology. Billings is in partnership with a college of technology so their students can articulate agreements and go into the college at a post-secondary level and earn an Associate's Degree in various areas.

REP. KOOPMAN asked if Mr. Barr believed, from the advice he had received from attorneys, that the bill would solve the problem of liability. **Mr. Barr** informed him that from his experience the school had shared a great relationship with the Home Builders Association for twenty-nine years. The members had spent a great amount of time volunteering with the students. They have become nervous about the liability issue, especially when they are volunteering their time. Jeff Hindoien was asked for his opinion. **Mr. Hindoien** believed the bill supplied the kind of coverage needed for the school district. He felt the bill had broad language and didn't see the opportunity for the wording to be picked apart. **REP. KOOPMAN** asked about the liability coverage for the students during the school day. **Mr. Hindoien** said all of the parties involved in building the house felt they could get their risk-management pieces in order and insurance coverages in place to cover the students during the school day.

Closing by Sponsor:

REP. DRISCOLL repeated that she felt the bill would keep some kids in school and the program might send a student off to a two-year post-secondary program.

HEARING ON HB 660

Sponsor: REPRESENTATIVE ALAN OLSON, HD 45, Roundup

Opening Statement by Sponsor:

REP. OLSON opened the hearing on **HB 660**. The bill directed the school district clerk to give the county treasurer a minimum of 30 hours' notice in advance of cash demands to meet payroll, claims, and electronic transfers that are in excess of \$50,000. If there are any fees associated with the transactions, the district must be assessed a fee equal to any charges required by the state investment pool of other investment managers for improperly noticed withdrawal of funds.

{Tape: 1; Side: B; Approx. Time Counter: 6.1 - 30}

{Tape: 2; Side: A}

Proponents' Testimony:

Ronda Carpenter-Wiggers, Montana County Treasurers Association, informed the committee that the problem was not widespread but had arisen in a couple of instances and caused late and overdraft fees. By law the school district money needs to be invested until the working day before it's required to be distributed. Normally the treasurers know what day payday occurs, but if payday is on a different day than normal, or the school does something that requires more than \$50,000, the treasurers have to call the Short Term Investment Pool (STIP) before 2:00P.M. the day before to get the money released. Checks that are distributed to teachers, etc., get to the bank before the transfer to the bank, and earns some bank charges. She had checked with county treasurers and they did not know of a bank bouncing school checks but there had been fees charged.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. OLSON had talked to his county superintendent in Musselshell County and she had never had the problem described in the hearing. She could see where there could be a problem and without the bill it could cost the county funds some money.

HEARING ON HB 628

Sponsor: REPRESENTATIVE PAUL CLARK, HD 13, Trout Creek

Opening Statement by Sponsor:

REP. CLARK opened the hearing on **HB 628**, and reported that Northwestern Montana is the home for many alternative adolescent residential schools, programs and outdoor wilderness programs. He was the founder of his program, Galena Ridge, which is one of the outdoor wilderness programs. He worked with at-risk kids. The bill was really a business bill and did not pertain to education. The bill would create a board, and the board would develop rules for registration of alternative adolescent programs. The board would look into the possibility of licensure, should the program go in that direction. He was not in a business that takes any money from the state. They are in a business where the state taxes them, where they have employees, and they are in a growing business.

Many of the kids in his program came from out of state. He did not work with kids that had been referred to him by the State of Montana or payed for by the State. The estimated annual revenues coming into Montana from the out-of-state programs had increased to about \$40 million. They have programs serving between 800 and 1,000 students and most of them are from out of state and are voluntarily sent to the programs by their parents because their parents and the family system are in family crisis. He works with kids that are typically chemically dependent or at least have a long history of substance abuse. The kids may have had problems with the law or be on the verge of that kind of trouble. He would like to see a board established so that programs can proceed toward getting a better understanding of how they can work, some self-regulation (not to keep new programs from coming to Montana) and to make sure that the programs in Montana are of high quality. He would not have been before the committee if the programs were not being pursued for regulation by the Department of Public Health and Human Services (DPHHS). He felt they were functioning fine being unregulated. He did not feel all the programs in Montana could be bunched together in a basket under the umbrella of DPHHS. He was before the committee asking for

the opportunity to regulate their programs themselves in a responsible and accountable way and a way that would not cost the State money. He wanted it done in a way that would maintain the programs' independence, and where the programs pay their own expenses and pay the Department of Labor and Industry for their expenses that are directed toward their process. He walked the committee through the bill.

[EXHIBIT](#) (edh40a06)

Proponents' Testimony:

SEN. JIM ELLIOT rose in support of the bill because the schools were in his district and he had attended the meeting to attest to the character and the integrity of the people who run the programs addressed in the bill. The most important thing that he had seen as an outsider was the way the kids came to the program and the way they left it. What he had seen in the programs was, to the largest extent possible, good. He informed the committee that they were seeing a group of people with a willingness to come together as a profession with many facets and to work together to achieve a framework of regulation that is appropriate for the many facets of the profession and suitable to the profession.

John Santa, Co-founder of Montana Academy of Co-educational Therapeutic Boarding School in Lost Prairie, Montana, rose in support of the bill. They have 80 students and 65 well-trained members on their staff. The students need environments that are nurturing, structured, and will contain them and allow them to grow up and mature enough to become productive adults. He believed the leaders of the programs could come together and create appropriate standards that are far superior to being dictated to from outside sources.

Christina Johnson rose in support of the bill and presented written testimony.

[EXHIBIT](#) (edh40a07)

{Tape: 2; Side: A; Approx. Time Counter: 0 - 25.7}

Matt Ihrig, enrolled in Spring Creek Lodge Academy, testified that the program had helped him earn his high school diploma, gain self confidence, morals, goals, and confidence and self-esteem.

Penny James, Trout Creek, testified that she and her husband own one of the programs being discussed. When she thought of being regulated by an outside entity, in an industry and profession

such as theirs, it was difficult for her. She desired to be part of a board and be able to speak to the things that they already had been researching and working on.

Brandee Dellasilva was enrolled at Spring Creek for twelve months. She graduated the program eight months ago and since then she has earned scholarships for college and has traveled around the state talking to students about drugs. Spring Creek program had changed her life around.

Randy Lovel, Physician, had been to treatment in 1993. He introduced his daughter who was a graduate of Spring Creek.

{Tape: 2; Side: A; Approx. Time Counter: 25.7 - 30}

{Tape: 2; Side: B}

Renel Hanson, Monarch School, reported that she represented about 65 students and 40 staff members. She informed the committee that she and her colleagues were very passionate about what they do.

Elizabeth Kleg, Chrysalis resident, testified that before arriving at Chrysalis her life was unmanageable from the time she was twelve years old and coming to Chrysalis was a rebirth for her and her family.

Rachel Berlin-Allaire reported that she had lived at Chrysalis for two years. Before arriving there, she had been making very poor decisions and her parents decided to send her to Chrysalis. She had learned to love herself and in doing so had gained values and morals.

Liz Gochnauer, Carroll College student, testified that she had graduated from the Chrysalis program about six months ago. At fifteen she had been expelled from high school and her parents sent her away. Her life is changed and she is earning A's in college. She never dreamed she could do that.

Time had run out for the proponents. They were asked to come to the podium and state their names.

Laurel Jones presented written testimony.

EXHIBIT(edh40a08)

Ramsey Riddell

Emily Lovell

Kenny Pannell

Jay Whitacre

Sara Bowles

Angele Anjalipainfield

Mickey Manning

Ali Turner

Laurie Worth

Darya Brutoco

Mary Alexine

Rick Reed

James Kraus

Carol Santa

Ron Mendenhall

Jacqueline Rutzke

Jerry Bottorff

Jean Windham presented written testimony from Pinehaven Christian School as they were not able to attend the hearing.

[EXHIBIT](#) (edh40a09)

Dana Tash

Mike Chism

Wade Boteler

Charlie Speicher

Amanda Locket

Teran Adams

Alex Banker

Sarah Musante

Heather Pruett

Norman Kahn

Steffani White

Vickie Horton

Elizabeth Ebberhard

Kaitlan Lennen

Hillary Carter-liggett

Rick Wedell

[EXHIBIT](#) (edh40a10)

{Tape: 2; Side: B; Approx. Time Counter: 0 - 13.2}

Opponents' Testimony:

Kimberly Gardner, Administrator of Alternative Youth Adventures, Boulder, rose in opposition to the bill. She presented written testimony and written opposition testimony from Gerald Robert Byrd; M. Angela Johnson, LCPC, NCC, EAPI; John J. Madsen, MSW; and Linda Fowler, MSW, LCSW.

[EXHIBIT](#) (edh40a11)

[EXHIBIT](#) (edh40a12)

[EXHIBIT](#) (edh40a13)

[EXHIBIT](#) (edh40a14)

[EXHIBIT](#)(edh40a15)

[EXHIBIT](#)(edh40a16)

John Clymer testified that he had worked with children for a number of years and his greatest concern was the protection of children. He recognized that the bill addressed a very difficult issue in the state. He believed there were 36 programs across the state that would be part of the bill. He informed the committee that sometimes the children receive the promised help, but others don't receive it and may even receive harsh treatment. He believed it was the responsibility of the State of Montana to regulate the facilities. The bill recognized that there is a concern but he didn't believe the bill would meet the needs of the programs. He pointed out the weaknesses in the bill. He was very worried about how the facilities handle the mental health issues when they are not regulated. Another weakness he saw was no governmental involvement in the board that was to be created.

{Tape: 2; Side: B; Approx. Time Counter: 13.2 - 30}

{Tape: 3; Side: A}

SEN. TRUDY SCHMIDT, SD 11, Great Falls, testified that she had sponsored a bill in the Senate that addressed some of the same kinds of issues as the present house bill. She was sorry the committee would hear a bill of such magnitude so late in the session. She believed that the programs discussed in the house bill should be under the direction of DPHHS.

Mary Dalton, Department of Public Health and Human Services, Division of Quality Assurance, presented written testimony.

[EXHIBIT](#)(edh40a17)

Informational Testimony:

Bud Williams, Office of Public Instruction, presented his written testimony at the end of the hearing.

Lisa Addington, Health Care Chief of Department of Labor, offered information as to how **SB 101** would be administered by DPHHS in comparison to the bill the committee was hearing which would be overseen by a board.

Questions from Committee Members and Responses:

REP. GALVIN-HALCRO explained to the committee why Education was hearing the bill instead of the Business and Labor Committee. That committee could not fit it into their schedule and it was felt that the Education Committee could make time to hear it.

REP. SALES informed the committee that he did not like regulation and wondered why the SPONSOR had brought the bill to the session. **REP. CLARK** testified that they could see regulations coming and they wanted to be pro-active.

REP. WINDHAM asked **SEN. ELLIOT** if the issues in the two bills might be a subject for an interim study. The Senate bill was offered as an exhibit. **SEN. ELLIOT** was in favor of **HB 628** although he knew the Senate bill was at the request of DPHHS. **EXHIBIT**(edh40a18)

REP. KOOPMAN requested information from the SPONSOR. He pondered how the programs could succeed the proposed regulation without state government regulations. He didn't understand why the bill was proposed when the programs had functioned so well without any government regulations. He also wondered if there was anything stopping the groups to do what the bill proposed without any legislation. **REP. CLARK** testified that the programs desired to be self-policing and self-regulatory in nature. They brought the legislation because they knew there were individuals seeking legislation to regulate them under DPHHS.

REP. ANDERSEN asked the SPONSOR about Page 2, Section 3. She was curious about what the new board would do with all the requested information. **REP. CLARK** reported that the authors of the bill were looking to get a sense of standards to regulate the programs and use the information to present to the legislature. **REP. ANDERSEN** asked him if all of the schools or programs that he was aware of would be included in the gathering of the information requested in the bill. **REP. CLARK** informed her that not all of the programs he knew of would fit in the definition of the programs in the bill.

REP. GALVIN-HALCRO informed **REP. CLARK** that she did not see a definition in the bill for a wilderness program and wondered why it wasn't there. **REP. CLARK** assured her that the definitions in the bill included wilderness programs. **REP. GALVIN-HALCRO** asked the SPONSOR if any of the programs he knew of received Average Number Belonging (ANB) monies from OPI. **REP. CLARK** informed her that he did not know of a program that received state money. **REP. GALVIN-HALCRO** asked the SPONSOR if he would keep records and report to the next session the information that had been discussed during the hearing. She asked that the information include any problems or accidents that occurred in the two years. **REP. CLARK** assured her that he could do that.

REP. BUTCHER explained to the SPONSOR that he believed on Page 1, Line 13, where it discussed the board make-up, the programs

involved should make up a list of nominees for the board positions just as other groups under the direction of boards make recommendations to the governor for his selection. **REP. CLARK** informed him the programs would be comfortable with that procedure.

REP. WINDHAM also required information from the SPONSOR. She felt it was very important that the board discussed in the bill had legitimacy. She questioned the governor appointing two members from the general public. **REP. CLARK** was sure the appointments would be made appropriately.

Closing by Sponsor:

REP. CLARK asserted that the criticism from OPI and DPHHS did not apply to the programs he had seen in operation. He was firm in his belief that the programs could regulate themselves as they had been operating for a number of years. He took exception to the opposition testimony as he had information about the programs that were in conflict to what had been said.

EXECUTIVE ACTION ON HB 628

Motion: **REP. WINDHAM** moved that HB 628 DO PASS.

Motion/Vote: **REP. WINDHAM** moved that HB 628 BE AMENDED. Motion carried unanimously by voice vote. REPS. LAKE and SONJU voted by proxy.

[EXHIBIT](#) (edh40a19)

Motion/Vote: **REP. WINDHAM** moved a CONCEPTUAL AMENDMENT FOR AN IMMEDIATE EFFECTIVE DATE ON THE BILL. Motion carried unanimously by voice vote. REPS. LAKE and SONJU voted by proxy.

Motion: **REP. WINDHAM** moved that HB 628 DO PASS AS AMENDED.

Discussion:

REP. BUTCHER spoke in favor of the bill as he felt the programs should be left alone but he realized they felt bureaucracy ascending down on them to engulf them into their nets of regulation. He was familiar with several programs that had not attended the hearing and had observed very closely their operations and he was very intrigued with them. He wished to allow the programs to remain independent and create their programs to meet the needs of troubled children.

REP. SALES reported that he hoped the Senate bill would be defeated and **HB 628** would pass out of both houses. He would be supporting the bill.

REP. ANDERSEN testified that she would support the bill and she reported that she was very impressed with the poise and maturity of the students she was able to visit with. She wished to thank the students for giving her the opportunity to spend time with them.

REP. WINDHAM reported that she felt the bill represented the understanding that the government is not going to go away. The programs are being pro-active and they do want to be responsible and accountable. She believed that peer review is a wonderful way of control. She commented that the programs are private industry at its best.

REP. GALVIN-HALCRO said she was not going to support the bill in committee because she was concerned about the "bad apples out there" that the committee had not heard about. She didn't see the bill addressing them. She planned to visit with the SPONSOR and do what she could to have her concerns met.

Vote: Motion that **HB 628 DO PASS AS AMENDED** carried 13-3 by roll call vote with REPS. **GALVIN-HALCRO**, **REP. KOOPMAN**, and **REP. MCKENNEY** voting no. REPS. **LAKE**, **RASER**, and **SONJU** voted by proxy.

EXECUTIVE ACTION ON HB 652

Motion: **REP. CAMPBELL** moved that **HB 652 DO PASS**.

Motion: **REP. GALVIN-HALCRO** moved that **HB 652 BE AMENDED**.

Discussion:

REP. GALVIN-HALCRO passed out an amendment and explained it. The amendment was at the request of a school in her district. The school's concern was about an independent elementary district that fell in a high school district and it loses enrollment as the high school bus transports independent elementary district pupils out of the district and into the high school district. The independent elementary district is helpless to stop the situation because the pupils are in the transportation service area for the high school but not in the elementary school district. The students from the independent elementary district are being transported across district boundaries due to the transportation service area language. The amendment will not inhibit what the SPONSOR was trying to do in the bill.

EXHIBIT (edh40a20)

REP. ANDERSEN pressed REP. GALVIN-HALCRO about language in Section ii of the amendment. REP. GALVIN-HALCRO assured her she understood it correctly.

Vote: Motion that AMENDMENT TO HB 628 BE ADOPTED carried unanimously by voice vote. REPS. BUTCHER, SONJU, LAKE and RASER voted by proxy.

Motion/Vote: REP. GALVIN-HALCRO moved that HB 652 DO PASS AS AMENDED. Motion carried unanimously by voice vote. REPS. BUTCHER, SONJU, LAKE and RASER voted by proxy.

EXECUTIVE ACTION ON HB 747

Motion: REP. VILLA moved that HB 747 DO PASS.

Motion/Vote: REP. VILLA moved to AMEND HB 747. Motion carried unanimously by voice vote. REPS. RASER, LAKE, BUTCHER and SONJU voted by proxy
[EXHIBIT](#)(edh40a21)

Motion/Vote: REP. VILLA moved that HB 747 DO PASS AS AMENDED. Motion carried unanimously by voice vote. REPS. RASER, LAKE and SONJU voted by proxy.

EXECUTIVE ACTION ON HB 660

Motion/Vote: REP. VILLA moved HB 660 DO PASS. Motion carried unanimously by voice vote. REPS. RASER, LAKE and SONJU voted by proxy.

Motion/Vote: REP. VILLA moved that HB 660 BE PLACED ON THE CONSENT CALENDAR. Motion carried.

EXECUTIVE ACTION ON HB 629

Motion: REP. KOOPMAN moved that HB 629 DO PASS.

Motion: REP. KOOPMAN moved that HB 629 BE AMENDED.

Discussion:

REP. KOOPMAN had his amendments passed out and he wished to explain them. His amendments re-incorporated his preamble into

the bill. He had failed to get the preamble to the bill coordinator before the bill was printed.

EXHIBIT (edh40a22)

REP. DOWELL was concerned about the 4th "Whereas" on the amendments. He felt it was referring to schools and he didn't understand "whatever methods" as it seemed very board to him. He would oppose the amendment. **REP. KOOPMAN** replied that it was meant to be broad but he was open to changing the wording.

Vote: Motion that **AMENDMENT TO HB 629 BE ADOPTED** carried 15-1 with **REP. GALVIN-HALCRO** voting no. **REPS. SONJU, LAKE and RASER** voted by proxy.

Motion: **REP. KOOPMAN** moved that **HB 629 DO PASS AS AMENDED**.

Discussion:

REP. KOOPMAN announced that he had been promoting bills that gave more options to local school districts. He believed that being flexible on occasion and selecting a candidate for teaching in a school who may not be certified would be an advantage. Private schools have had that advantage for a long time unless they were seeking accreditation.

REP. VILLA explained that he would oppose the bill. He believed that the bill eliminated the requirement that teachers be of good moral and professional character and the requirement that a teacher swear allegiance to the Constitutions of the United States and the State of Montana. He offered a motion to table the bill. The **CHAIRPERSON** did not recognize the motion.

REP. BUTCHER informed the committee that he had gone through the teacher certification process and taught. The only valuable part of his teaching education was the student teaching experience. Education classes to him were a total waste of time. He knows there are highly trained people in communities that are not qualified to teach in the schools and those people don't teach because of the hassle of getting certified. A union card tends to protect poor teachers. He liked the option the bill gave to school boards. He would be supporting.

REP. GALVIN-HALCRO informed **REP. BUTCHER** that presently a student spends a semester in student teaching.

REP. BRANAE believed that the bill would be a disaster in working with the No Child Left Behind Act. He would not be able to support the bill.

Vote: Motion that HB 629 DO PASS AS AMENDED failed 8-8 by roll call vote with REP. ANDERSEN, REP. BUTCHER, REP. KOOPMAN, REP. LAKE, REP. MCKENNEY, REP. SALES, WARD, and REP. SONJU voting aye. REPS. LAKE, RASER, and SONJU voted by proxy.

EXECUTIVE ACTION ON HB 681

Motion: REP. BRANAE moved that HB 681 DO PASS.

Discussion:

REP. ANDERSEN informed the committee she was going to support the bill. She believed if schools found it easier to consolidate and not be made to feel they had to consolidate, it would happen and there would be less stress involved.

REP. WINDHAM agreed with REP. ANDERSEN.

REP. DOWELL reported that in 1987 the Legislature passed a measure which was an incentive for schools to consolidate and two schools in his district did consolidate and for a time the students were known for the school they came from but soon they felt as one. He believed the bill should be supported.

{Tape: 3; Side: B; Comments: Side A of Tape 3 skipped during the hearing and is not always understandable.}

Vote: Motion carried unanimously by roll call vote with REPS. LAKE, RASER, and SONJU voting by proxy.

Motion/Vote: REP. VILLA moved to put HB 681 ON THE CONSENT CALENDAR. Motion failed with REP. BUTCHER voting no.

EXECUTIVE ACTION ON HB 672

Motion: REP. BUTCHER moved that HB 672 DO PASS.

Discussion:

REP. WINDHAM felt there had been very positive testimony in favor of the bill during the hearing. There were no opponents.

REP. BUTCHER had looked at the problems schools are having. A utility bill would be an example. A school can't predict what the cost will be due to changing weather and fuel costs. The bill would allow the schools to build a small fund for

maintenance. He didn't sign the fiscal note because he felt it was impossible to know what the amount might be.

REP. ANDERSEN informed the SPONSOR that the title of the bill says the money would be used for facility repair and maintenance but in the text of the bill it allows the money to be spent for a variety of reasons. **REP. BUTCHER** informed her that the bill writer didn't want to create a fund within a fund so they made facility repair and maintenance one of the flex fund categories.

REP. DOWELL reported that the bill gave schools flexibility and he would support the bill.

Vote: Motion that HB 672 DO PASS carried unanimously by voice vote. REPS. LAKE, SONJU and RASER voted by proxy.

Bud Williams, OPI presented written informational testimony on **HB 628** at the close of the meeting.

EXHIBIT(edh40a23)

ADJOURNMENT

Adjournment: 7:45 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

NINA ROATCH-BARFUSS, Secretary

KG/nb

Additional Exhibits:

EXHIBIT ([edh40aad0.PDF](#))