

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

SELECT COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN MONICA LINDEEN**, on April 15, 2005 at 8:10 A.M., in Room 172 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. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Holly Raser (D)
Rep. Jon Sonju (R)
Rep. Pat Wagman (R)

Members Excused: None.

Members Absent: Rep. Dave Gallik (D)

Staff Present: Kim Leighton, Committee Secretary
Eddy McClure, Legislative Branch

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

Committee Business Summary:

Hearing & Date Posted: SB 525, 4/14/2005
Executive Action: SB 525

HEARING ON SB 525

Sponsor: SEN. JON TESTER, SD 15, BIG SANDY

Opening Statement By Sponsor:

SEN. TESTER opened with an explanation of what this bill would do. He addressed the educational needs. He stated, "The Interim Committee is absolutely critical." He stressed how important it is that this works; he encouraged a do concur.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.2}

Proponents' Testimony:

REP. CAROL JUNEAU, HD 16, BROWNING provided a document to the Committee and explained how it applies to this bill. She explained what would happen with this Interim Committee and what they would discuss. Such topics would include if policy is in place, if curriculum is done, if standards are in place, and if resources are available.

{Tape: 1; Side: A; Approx. Time Counter: 4.2 - 6}

(REP. GLASER left.)

REP. JUNEAU touched on the issue of American Indian students and their achievement levels in the education system.

{Tape: 1; Side: A; Approx. Time Counter: 6 - 8.2}

(REP. WAGMAN left.)

REP. JUNEAU spoke about the language in regard to Native Americans on Page 2, Lines 27-29. She stressed the importance of assessing achievement levels. She posed the question, "What needs to be done?"

EXHIBIT(esh81a01)

Bruce Messinger, Montana Quality Education Coalition (MQEC), offered amendments to the Committee in the form of an exhibit. He explained how MQEC would like to see the bill amended. He stressed why this is important and suggested some time lines for this process.

{Tape: 1; Side: A; Approx. Time Counter: 8.2 - 12.4}

(REP. RASER left.)

Mr. Messinger pointed to the bottom of Page 3, Subsection C and stated that the process needs to be open to the public for input. He urged support for this.

EXHIBIT(esh81a02)

Joe Lamson, representing State Superintendent, Linda McCulloch, attested that she is in strong support of this bill. He added that the time line is quick.

Bob Vogel, Montana School Boards Association (MTSBA), wished to thank SEN. TESTER for bringing this forward. He also wanted to thank the Committee for all of their help on this process. He added that it is critically important that this go forward.

{Tape: 1; Side: A; Approx. Time Counter: 12.4 - 18.7}

Shawn White Wolf, Montana Indian Association, emphasized the importance of the language associated with the Indian Education For All Act (IEFAA).

{Tape: 1; Side: A; Approx. Time Counter: 18.7 - 20.6}

(REP. GLASER returned.)

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members: None.

{Tape: 1; Side: A; Approx. Time Counter: 20.6 - 21.2}

(REP. WAGMAN returned.)

Closing Statement By Sponsor:

SEN. TESTER explained what needs to happen if this is going to work. He added that it is critical to get public input in this process.

{Tape: 1; Side: A; Approx. Time Counter: 21.2 - 22.5}

(REP. GALLIK entered.)

EXECUTIVE ACTION ON SB 525

Motion: REP. RASER moved that SB 525 BE CONCURRED IN.

Discussion:

REP. WAGMAN offered several amendments on SB 525. He provided an explanation of how he would like to wordsmith the language. He also touched on a conceptual amendment he would like to see done. **EXHIBIT**(esh81a03)

Eddye McClure, Legislative Services Division, clarified what this would do to the bill.

REP. WAGMAN explained the language change and how that would affect the bill.

CHAIR LINDEEN confirmed with **REP. WAGMAN** what he intended with these amendments.

Motion: **REP. WAGMAN** moved that **AMENDMENT NO. 6 FROM EXHIBIT 3 BE ADOPTED.**

Discussion:

REP. BIXBY stated that she likes the word "shall" and therefore does not support this amendment.

REP. DOWELL claimed that he resists the amendment. The portion that **REP. WAGMAN** wants to eliminate contains a large number of people that greatly contribute to the educational process.

REP. GALLIK attested that his concern is not the differentiation of "may" versus "shall." His concern lies in the interpretation of "may." It could also be misconstrued as "may not" in the inclusion of the public.

REP. JACKSON stated he would like to see the Committee have as much flexibility as possible. He added that they need to keep this bill simple.

REP. WAGMAN proposed striking the language, "...work closely with...."

CHAIR LINDEEN stated that she didn't see the difference in the language by doing this.

Vote: Motion carried 8-2 by voice vote with **REP. BIXBY** and **REP. LINDEEN** voting no.

Motion: **REP. WAGMAN** moved that **AMENDMENT NO. 5 FROM EXHIBIT 3 BE ADOPTED.**

Discussion:

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

REP. GLASER attested that he believes this will get rid of some of the bruising in the Senate. He also does not believe that it will change anything.

REP. RASER stated that this amendment is ignoring the political reality. The majority party makes the appointments; they should just leave the bill as is.

REP. JACKSON asked **REP. GLASER** to expand on his response.

REP. GLASER claimed that now they would be going on a person's word; he talked to **SEN. TESTER** about this.

CHAIR LINDEEN attested that, "If you don't have a person's word, you have nothing." She added that her heartburn is that this amendment would involve striking the non-voting ex-officio members. Their input is important.

Substitute Motion/Vote: **REP. WAGMAN** made a substitute motion **TO SEGREGATE AMENDMENT NO. 5 ON EXHIBIT 3. Substitute motion failed 5-5 by voice vote with REP. GLASER, REP. JACKSON, REP. LAKE, REP. SONJU, and REP. WAGMAN voting aye.**

REP. LAKE attested that smaller is always better. He does not want to put limits on people; let the Committee do their work.

REP. WAGMAN stated that he agrees with **REP. LAKE**. A good example is the definition bill. He explained why it is a good idea to be more concise.

REP. DOWELL attested that it is a bad idea if the legislature gives any message that they are acting alone.

REP. GALLIK claimed he resists this amendment. It seems like they are excluding education professionals; these are the individuals who really deal with it. He also stressed the fact that this results from a lawsuit.

Vote: **Motion failed 5-5 by voice vote with REP. GLASER, REP. JACKSON, REP. LAKE, REP. SONJU, and REP. WAGMAN voting aye.**

Motion: REP. WAGMAN moved that AMENDMENTS NO. 1- 4 ON EXHIBIT 3 BE ADOPTED.

Discussion:

REP. RASER stated that she has heard a lot of concern. She added that they need to provide something legitimate to the Interim Committee.

REP. LAKE agreed with REP. RASER. He was questioning if they are using up words.

CHAIR LINDEEN reminded the Committee that SB 152 is being codified. She added that this is a study bill; it is giving the Committee direction. Therefore, she opposes this.

REP. LAKE claimed that there is no reason to put this in.

REP. RASER provided the Committee with some information that the School Renewal Commission did and what their position is on this matter.

Vote: Motion failed 5-5 by voice vote with REP. GLASER, REP. JACKSON, REP. LAKE, REP. SONJU, and REP. WAGMAN voting aye.

Motion/Vote: REP. GLASER moved that a CONCEPTUAL AMENDMENT BE ADOPTED. Motion failed 5-0 by voice vote with REP. GLASER, REP. JACKSON, REP. LAKE, REP. SONJU, and REP. WAGMAN voting aye.

{Tape: 1; Side: B; Approx. Time Counter: 2 - 21.4}

Motion/Vote: REP. LINDEEN moved that A CONCEPTUAL AMENDMENT BE ADOPTED. Motion failed 5-5 by voice vote with REP. BIXBY, REP. DOWELL, REP. GALLIK, REP. LINDEEN, and REP. RASER voting aye.

Motion/Vote: REP. RASER moved that SB 525 BE CONCURRED IN AS AMENDED. Motion failed 5-5 by voice vote with REP. BIXBY, REP. DOWELL, REP. GALLIK, REP. LINDEEN, and REP. RASER voting aye.

ADJOURNMENT

Adjournment: 9:20 A.M.

REP. MONICA LINDEEN, Chairman

KIM LEIGHTON, Secretary

ML/kl

Additional Exhibits:

EXHIBIT ([esh81aad0.PDF](#))