

State of Montana
46th Legislative Session

EDUCATION COMMITTEE

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 12:30 p.m., Friday, February 9, 1979 in Room 5 of the Capitol Annex by Chairman Peter J. Gilligan.

The roll was taken and shows Representatives Daily and Eudaily excused; all other committee members were present.

The purpose of the meeting was to hear House Bills 336, 220, 236 and 265.

Chairman Gilligan requested Representative Seifert to explain to the committee House Bill 220 (an act allowing trustees of any school district or community college to hire legal counsel at their discretion to perform legal services in connection with school or community college board business). Representative Seifert told the committee this bill would allow the trustees to hire counsel other than the county attorney who is often very busy and can't work closely with the school boards. Another reason for this bill is it would allow school boards, in cases which may warrant the need for a more experienced lawyer specializing in a particular field, to engage his services. The Office of Public Instruction endorses this bill.

Proponents of House Bill 220 were:

Wayne Buchanan, Montana School Boards Association, 501 N. Sanders, Helena, Mt. - Mr. Buchanan stated that the present law binds the school board to the county attorney unless he gives permission for the school board to select another attorney. The area of school law has become very specialized and complex. (See Exhibit 1)

Bill Lannon, Commissioner of Higher Education Office, Helena, Mt. - "I represent the Community Colleges and support this bill to allow the trustees to hire a lawyer without first receiving the consent of the county attorney." (See exhibit 2)

Bob Stockton, Administrator, Financial Services Dept., Office of Public Instruction, Helena, Mt. - The Office of Public Instruction supports this bill.

There were no opponents of House Bill 220 present. Representative Seifert told the committee that most school boards will still elect to use the county attorney to help keep costs down, but it will give them the option to hire another attorney if they feel it is necessary. The committee was allowed to question the witnesses and the hearing was closed.

Representative Lory was asked to explain HB 336 (an act to amend section 39-31-103, MCA by qualifying the definition of public employee as related to faculty members of the Montana University System) to the committee. Representative Lory asked Irving E. Dayton of the Commissioner of Higher Education Office to address the bill.

Proponents of HB 336 were:

Irving E. Dayton, Office of the Commissioner of Higher Education, Montana University System, 33 S. Last Chance Gulch, Helena, Mt. - Mr. Dayton stated, "The Commissioner and Regents take the position that faculty members in the University System are primarily bound together by a community of interests as faculty members. They are only secondarily members of various professions and academic disciplines. We see no justification for excluding by statute one licensed profession (engineering) from collective bargaining in the University System while including many others." (For complete written testimony, See Exhibit 3)

Opponents of HB 336 were:

Ed Nurse, 2116 Lockey, Helena, Mt. - Mr. Nurse stated, "Basically engineers are opposed to collective bargaining because of the relationship they have with clients and employers." (See Exhibit 4)

Gustav Stolz, Jr., 106 Rocky Mountain Cr., Butte, Mt. - (Representing the Engineering Faculty at Montana Tech) - Mr. Stoltz stated, "I am presenting testimony opposing HB 336. I present the results of a survey (opinion) of the engineering faculty at Montana Tech which shows that 24 out of 25 balloting engineering faculty members are against this legislation." (See Exhibit 5)

Ralph W. Zimmer, 1307 Cherry Dr., Bozeman, Mt. - (Representing a majority of the faculty of the College of Engineering, MSU) Mr. Zimmer stated, "For a variety of reasons, a majority of the faculty members of the College of Engineering at MSU are opposed to being included in a collective bargaining unit. I have brought petitions supporting that position." (See Exhibit 6)

H.S. (Sonny) Hanson, Montana Technical Council, Helena, Mt. - "Engineers generally do not want to belong to unions because they feel the loss of their identity." (For complete written testimony, See Exhibit 7)

The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan asked Representative Oberg to explain to the committee HB 236 (an act to require the Board of Public Education to approve vo-ed programs at Montana State Prison; providing for

the Office of Public Instruction to administer the program).

Proponents of the Bill were:

David Sexton, Montana Education Association, 1232 E. Sixth Ave., Helena, Mt. - Mr. Sexton told the committee his organization supports this bill.

Testimony regarding HB 236 was also received from Larry Johnson of the Office of Public Instruction. (See Exhibit 8)

There were no opponents of HB 236 present. The committee was allowed to question the witnesses and the hearing was closed.

Representative Holmes was requested to explain HB 265 (an act providing for a transportation fee to all eligible transportees; and revising the definition of an eligible transportee) to the committee. Representative Holmes told the committee of a situation in Billings where some school districts are running into a problem meeting the costs of transporting pupils and are required to charge parents for this service. Another problem with the transportation system is that some students are not allowed the privilege of riding the buses although when walking they have to cross very busy streets.

Proponents of the Bill were:

Senator Towe, 2739 Gregory Dr. S., Billings, Mt. - Senator Towe reiterated Representative Holmes concerns regarding the safety of children who are required to cross busy streets and are not afforded the privilege of riding the buses.

Joan Kuneff, 2040 Monad Rd, Billings, Mt. - Ms. Kuneff expressed her concern for the children crossing the busy streets and urged the committee to support this bill. (See Exhibit 9)

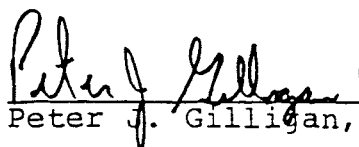
Wayne Buchanan, Montana School Boards Association, 501 N. Sanders, Helena, Mt. - Mr. Buchanan told the committee his organization supports the bill, however subsection (ii) on page 3, lines 3-7, are much too vague to be useful. (See Exhibit 10)

Roland Kuneff, 2040 Monad Rd., Billings, Mt. - Mr. Kuneff spoke briefly in support of HB 236. (See Exhibit 11)

Bob Stockton, Administrator, Financial Services Department of the Office of Public Instruction, Helena, Mt. - Mr. Stockton spoke briefly in support of the bill.

There were no opponents of the bill present. The committee was allowed to question the witnesses and the hearing was closed.

The meeting adjourned at 2:25 p.m.


Peter J. Gilligan, Jr., Chairman

Sub-Committee on Special Education Bills
(HB 171, 298, 446, 116, 453, 468, 295)
Minutes of Meeting

A meeting of the Sub-Committee of the Education Committee of the House of Representatives was called to order at 7:30 p.m. Friday, February 9, 1979 in Room 5, Capitol Annex, by Chairman Jack Uhde. The other committee members who were present, were Representatives Oberg and Lory.


There was discussion among the sub-committee members concerning HB 171, and questions were asked of several witnesses present. Representative Oberg moved that the sub-committee AMEND HB 171 to put the sunset date at June 30, 1981. The sub-committee passed the amendments unanimously. Representative Oberg moved that the sub-committee AS AMENDED, DO PASS HB 171. The motion carried unanimously.

HB 298 was considered by the sub-committee and witnesses were questioned. The sub-committee discussed possible amendments to the bill. Representative Oberg moved that the sub-committee AMEND HB 298 as follows: Strike: "Special Education" on lines 12 and 22. The motion passed unanimously. Representative Oberg moved that the sub-committee AS AMENDED, DO PASS HB 298. The motion carried unanimously.

The sub-committee questioned witnesses present concerning HB 446 and also discussed amendments to the bill presented to the committee by Representative Dussault. Representative Oberg moved to AMEND HB 446 as requested by Representative Dussault. The motion passed unanimously. Representative Oberg moved the the sub-committee AS AMENDED, DO PASS HB 446. The motion carried unanimously.

Chairman Uhde asked that the sub-committee postpone action on HB 116, 453, 468 and 295 until a later date. The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Jack Uhde, Chairman

MJW