

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 11:30 a.m. in Room 5 of the Capitol Annex on Friday, February 16, 1979 by Chairman Peter J. Gilligan.

The roll was taken and shows Representatives Yardley and Kemmis excused. All other committee members were present.

The purpose of the meeting was to hear House Bills 721, 718, 383, 674, 428, 675, 460, 532 and 763.

Chairman Gilligan requested Representative Thoft to explain to the committee House Bill 460 (an act to revise the procedure for determining eligibility for and the amount of increase of a public school district foundation program due to an anticipated unusual enrollment increase). Representative Thoft explained to the committee the foundation program funds are now determined on three year previous enrollment causing a time lag and creating problems for fast growing districts.

Proponents of House Bill 460 were:

Bob Stockton, Administrator, Department of Financial Services, Office of Public Instruction, Helena, Mt. - Mr. Stockton told the committee the Office of Public Instruction endorses this bill. (See Exhibit 1)

Bill Willavize, Florence-Carlton Consolidated Schools, Dist. 15 & 6, Florence, Mt. - Mr. Willavize stated, "This problem becomes especially critical in the smaller districts with a yearly increasing student population but a very poor tax support base. Florence-Carlton is such a district so affected. Florence is located in the population boom center of Montana, the beautiful Bitterroot Valley. The growth rate from the fall of 1977 to the fall of 1978 was 18 percent. A mill raises just over \$2,100, suggesting the district does not have the tax base to accommodate such growth unaided." (For complete written testimony, See Exhibit 2)

John K. Smith, Lolo School Dist. 7, Lolo, Mt. - "Our growth rate has been increasing at a rapid rate for the past several years. All indications are that it will continue to do so." (See Exhibit 3)

Representative Gene Donaldson, 3890 Helberg Dr., Helena, Mt. - Representative Donaldson reiterated testimony above and told the committee without the help provided in this bill, several communities don't know what they will do.

Representative Bob Marks, Clancy, Mt. - Representative Marks told the committee because of the rapid growth in population in his district, the Clancy school is also faced with financial problems from the time lag in the present eligibility system.

There were no opponents of House Bill 460 present. The committee was allowed to question the witnesses and the hearing was closed.

Representative Donaldson was asked by Chairman Gilligan to explain to the committee House Bill 718. Representative Donaldson told the committee this bill clarifies the compulsory enrollment and attendance provisions of school law to make it clear that the compulsory provisions apply until a child reaches his sixteenth birthday.

Proponents of the bill were:

Bob Stockton, Administrator, Department of Financial Services, Office of Public Instruction, Helena, Mt. - Mr. Stockton told the committee this bill had been introduced at the request of the Office of Public Instruction to simply clarify the present law regarding compulsory attendance provisions of school law.

There were no opponents of the bill present. The committee was allowed to question the witnesses and the hearing on House Bill 718 was closed.

Chairman Gilligan requested Representative Pavlovich to explain to the committee House Bill 532. Representative Pavlovich told the committee HB 532 is an act to provide for the disqualification of a county superintendent from hearing matters of controversy under certain circumstances and provides for appointment of another county superintendent by the county superintendent of schools and authorizes payment of necessary and proper expenses by the county in which the controversy was initiated. Amendments were submitted.

Proponents of the bill were:

Pat Price, Montana Association of County School Superintendents, 501 N. Sanders, Helena, Mt. - Ms. Price stated, "The primary purpose of this bill as amended, is to allow County Superintendents to disqualify themselves as hearing officers, which is adequately covered in section 1, subsections 1 and 2. The addition of the new section, under section 3, clarifies the dilemma of how hearings will be paid for in the resident county of the County Superintendent when the appeal is made." (For complete written testimony, See Exhibit 4)

Lyle Eggum, Co-Director, Department of Basic Instructional Services, Office of Public Instruction, Helena, Mt. - Mr. Eggum told the committee that OPI supports the bill as amended. "The amendments reserve the State Superintendent's neutral position to hear appeals of decisions made as a result of these hearings." (See Exhibit 5)

Chad Smith, Montana School Boards Association, Helena, Mt. - Mr. Smith reiterated statements made previously and told the committee that MSBA strongly support this bill.

There were no opponents of House Bill 532 present. The amendments to House Bill 532 submitted by Representative Pavlovich are attached. (See Exhibit 6) The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Metcalf to explain to the committee House Bill 675 (an act to create the Montana Folklife Project under the Montana Arts Council to preserve and present Montana Folklife and to prescribe powers and duties of the Montana Folklife Project). Representative Metcalf told the committee this hearing dealt only with passage of the concept of the bill. The Appropriations Committee would re-hear the bill and determine funding. Representative Metcalf handed-out to the committee a copy of the Oregon Folklife Festival booklet. (See Exhibit 7)

Proponents of the bill were:

Shirley Cleary, 2102 E. Sixth Ave., Helena, Mt. - (Montana Arts Council Board Member) - Ms. Cleary told the committee her organization supports this bill and urges passage. (See Exhibit 8)

Sister Joeann Daley, 709 E. Third, Anaconda, Mt. - (Montana Arts Advocacy and Montana Institute of the Arts Foundation) - Sister Daley urged the committee to pass this bill. (See Exhibit 9)

David Nelson, 800 Ronald, Missoula, Mt. (Representing the Montana Arts Council) - Mr. Nelson told the committee, "This is very important and timely". (See Exhibit 10)

J.D. Holmes, Montana Institute of the Arts Foundation, Helena, Mt. - Mr. Holmes urged the committee to pass this bill and gave several reasons why Montana would benefit from a Folklife Project. (See Exhibit 11)

Written testimony in support of House Bill 675 was received from Curt Johnson, 1008 11th Ave., Helena, Mt., representing the Montana Student Lobby. (See Exhibit 12)

There were no opponents of House Bill 675 present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Ramirez to explain to the committee House Bill 383 (an act to require approval of the trustees of a receiving school district before a transfer of territory from another school district can be made).

Proponents of the bill were:

Leonard H. Sargent, Executive Director, Montana School Boards Association, 501 N. Sanders, Helena, Mt. - "MSBA stands in support of HB 383. The bill makes one change in existing law relating to transfer of territory from one elementary district to another. We are asking that a school board which is to receive such transfer

have something to say about the situation. It removes the present situation of having to accept territory without question, despite the possible hardship that acceptance might work upon the receiving district." (For complete written testimony, See Exhibit 13)

John B. Deeney, 2906 Colton, Billings, Mt. (Representing School Dist. 2, Billings) - Mr. Deeney stated, "Presently the county superintendent and county commissioners have complete authority to change school district boundaries. The local district receiving new area to their district have no vote in the decision. But the receiving district has to take full responsibility for education of students living in the area, now and in the future." (For complete written testimony, See Exhibit 14)

There were no opponents to HB 383 present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Moore to explain to the committee House Bill 428. Representative Moore told the committee this bill would specify the composition of the Western Interstate Commission for Higher Education (WICHE).

There were no proponents or opponents of House Bill 428 present; however, Blake Wordal, Assistant to Governor Judge, at the request of the Governor told the committee, "While the Governor neither supports nor opposes House Bill 428 at this time, he has asked me to brief your committee on what we have done with respect to accountability and responsiveness of WICHE to the Western States. Mr. Wordal gave a brief history and explanation of WICHE. He further stated, "It is the opinion of the Governor that WICHE has become more responsive and accountable to Montana and the other states in the region due to the work of the Task Force and Gubernatorial-Legislative Committee, closer scrutiny of WICHE appointments and better overall communication." (For complete written testimony, See Exhibit 15)

Written testimony was received from Curt Johnson, 1008 11th Ave., Helena, Mt. (Montana Student Lobby) in support of House Bill 428. (See Exhibit 16)

The committee was allowed to question the witnesses and the hearing on House Bill 428 was closed.

Chairman Gilligan requested Representative Day to explain to the committee House Bill 674 (an act to revise the requirements for mandatory approval for attendance at an elementary school outside the district of residence).

Proponents of the bill were:

Gary Toleman, Bloomfield Rt., Glendive, Mt. - Mr. Toleman explained his personal situation to the committee, stating his child had a personality conflict with the teacher in the Bloomfield School and feels this bill would allow his child to attend a larger school in Glendive where she could be in a better learning environment.

Bobbie Williams, Glendive, Mt. - Ms. Williams stated that she lives eleven miles from a larger school where she feels her children would be afforded a better education than at the rural school she lives closer to. Ms. Williams explained the financial burden this places on her family to the committee and urged passage of House Bill 674.

There were no opponents to HB 674 present. The committee was allowed to question the witnesses and the hearing was closed.

Chairman Gilligan requested Representative Eudaily to explain to the committee House Bill 763 (an act to require drivers to stop for school buses displaying flashing red signals in towns or cities and to require school bus drivers to actuate amber and red warning lights within cities or towns).

Proponents of House Bill 763 were:

Terry F. Brown, Pupil Transportation Consultant, Office of Public Instruction, Helena, Mt. - "The 1977 Legislature passed SB 332, which made some minor changes in Section 32-2197, RCM, 1947, to make the use of flashing red lights on school buses more uniform across our state. After our office received many complaints, I requested the Attorney General's opinion on the new law. (See Exhibit 17) He stated that it was against the law for school buses to use the flashing red light system within the incorporated city limits... My main concern is to provide the greatest degree of safety that we can for all children who ride school buses. Montana has a pupil transportation safety record better than most any state in the union... No one can guarantee that motorists will stop for a school bus using its flashing red lights, but we must try to provide as much protection as we can for school children in bus loading and unloading areas. (For complete written testimony, See Exhibit 18)

Chuck Smith, P.O. Box 4903, Helena, Mt. - (Representing Helena School District No. 1) - Mr. Smith reiterated points made by Mr. Brown above. (See Exhibit 19)

Cliff Steel, Butte, Mt. - (Representing School Dist. No. 1, Butte) Mr. Steel stated, "There are very critical safety factors involved if the present law is not amended to allow the use of flashing red lights when school bus stops are made to load and unload students." (For Complete written testimony, See Exhibit 20)

There were no opponents to House Bill 763 present. The committee was allowed to question the witnesses and the hearing was closed.

At this time the committee went into executive session. Chairman Gilligan told the committee that Representative Tropila had requested the committee to table House Bill 721 (an act to authorize school districts to establish programs for serving gifted and talented children) because a very similar bill in the Senate was introduced. Representative Magone moved the committee TABLE HB 721. The motion carried unanimously.

Representative Uhde moved to AMEND House Bill 191. The motion carried with Representatives Lund and Oberg voting no. Representative Uhde moved that HOUSE BILL 191, AS AMENDED, DO PASS. The motion carried with Representative Oberg voting no.

Representative Lory moved that HOUSE BILL 532 DO PASS. The motion carried with Representative Oberg voting no.

Representative Reichert moved that HOUSE BILL 675 DO PASS. The motion carried with Representatives Kvaalen and Oberg voting no.

Representative Oberg moved that HOUSE BILL 674 DO PASS. The motion carried with Representatives Eudaily, Lund, Nordvedt, Porter and Anderson voting no.

Representative Lory moved that HOUSE BILL 428 DO PASS. The motion carried with Representative Oberg voting no.

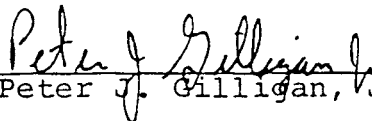
Representative Lory moved that HOUSE BILL 383 DO PASS. The motion carried unanimously.

Representative Lund moved that HOUSE BILL 718 DO PASS. The motion carried with Representative Nordtvedt voting no.

Representative Magone moved the committee AMEND House Bill 460 striking, "previous" and inserting "current" to eliminate the time lag in determining eligibility for foundation program funds. The motion carried unanimously. Representative Magone moved HOUSE BILL 460 AS AMENDED, DO PASS. The motion carried unanimously.

Representative Lory moved that HOUSE BILL 763 DO PASS. The motion carried unanimously.

The meeting adjourned at 2:30 p.m.


Peter J. Gilligan, Jr., Chairman

MJW