

SENATE EDUCATION COMMITTEE

March 2, 1979

The Senate Education Committee met Friday, March 2, 1979, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:00 p.m. Committee members present were Senators Brown, O'Hara, Severson, Fasbender, Blaylock, Thomas, Richard Smith, and Anderson. Senators Ed Smith and McCallum were absent.

The following bills were heard: House Bill 264  
House Bill 459  
House Bill 283  
House Bill 428

HOUSE BILL 264

Representative Jack Moore, sponsor of the bill, stated the bill provides for requirements and controls on the use of facsimile signature machines by school districts. It provides for a metering device for control of the number of signatures. Representative Moore also presented a proposed amendment to cover the problem presented by districts who are using double signature single plates.

There were no proponents and no opponents to the bill. After a short discussion the hearing was closed on House Bill 264.

HOUSE BILL 459

Representative Curtiss, sponsor of the bill, stated the bill is intended to alleviate a hardship encountered by the trustees of a school district in setting the time and place for the final budget meeting which is held annually on the fourth Monday of July. The bill originally stated the meeting would be held at 10:00 a.m. which has created hardships in some areas as the trustees are volunteer and must take time from their occupations. Also the meeting is more a formality than anything else and because small crowds attend, a better time could be chosen. The meetings would still be held on the fourth Monday of July, but the time and place would be at the discretion of the trustees.

PROPOSERS

Leonard Sargent, representing the Montana School Boards Association, presented his written testimony in support of the bill to the committee. (attachment #1)

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There were no further proponents and no opponents to the bill.

Senator Thomas moved House Bill 459 Be Concurred In. The motion carried unanimously with Senators Ed Smith and McCallum absent.

#### HOUSE BILL 283

Representative Jack Moore, sponsor of the bill, stated the bill is intended to correct a "catch-22" situation between state and federal laws regarding exemption for trade, business, or professional organization educational courses. The federal law says the courses must be open to the public (non-members), and the state law says the courses can be offered only to members. He stated the Proprietary School Act is designed for trade schools which are in business to make a profit. The courses referred to in the bill are for non-profit trade and professional organizations such as a probate course offered by the Bar Association or insurance courses offered by an individual company. The bill would provide for a minimum amount of interference by either the state or federal laws.

#### PROPOSONENTS

Cliff Christian, representing the Montana Association of Realtors, stated they do have a problem as the federal law says they must offer their courses to non-members and the state law says they cannot. They have no interest in interfering with the Proprietary School Act which is intended to deal with schools operating for profit.

J.C. Weingartner, representing the State Bar of Montana, stated the support of that organization for the bill. He said they find themselves in the same predicament as the Realtors. He further stated they sponsor several seminars a year of this nature.

Jim Burns, representing the Department of Business Regulation, Proprietary School Bureau, presented his written testimony in support of the bill to the committee. (attachment #2)

There were no further proponents and no opponents to the bill. Representative Moore closed by saying he felt continuing education is a specific type of education and education refers to any kind of instruction and that is the reason continuing is stricken from the bill.

Following discussion, the hearing was closed on House Bill 283.

HOUSE BILL 428

Representative Jack Moore, sponsor of the bill, stated the bill is intended to define the composition of the membership to the Western Interstate Commission for Higher Education. He gave some background of his participation in a commission to study higher education in which a decision was made to stay with the basic WICHE compact. They felt it should be answerable to both the executive and legislative branches of government. He stated 7 of the 13 states in the compact require a legislator to be one of the three members. Nearly all the states have a professional person as well as a representative of higher education. He pointed out the compact says there must be a representative of higher education. He said the bill breaks the responsibility down to three categories and makes the members responsive to the executive and legislative branches.

There were no proponents and no opponents to the bill. There being no further discussion the hearing was closed on HB 428.

EXECUTIVE ACTION

HOUSE BILL 763.

Senator Blaylock moved the amendments to House Bill 763 (see attached committee report - attachment #3). The motion carried unanimously with Senators Ed Smith and McCallum absent.

Senator Blaylock moved House Bill 763 Be Concurred In As Amended. The motion carried unanimously with Senators Ed Smith and McCallum absent.

HOUSE BILL 132

Senator Fasbender moved the amendments to House Bill 132 (see attached committee report - attachment #4). The motion carried unanimously with Senators Ed Smith and McCallum absent.

Senator Fasbender moved House Bill 132 Be Concurred In As Amended. The motion carried unanimously with Senators Ed Smith and McCallum absent.

HOUSE BILL 428

Senator O'Hara moved House Bill 428 Be Concurred In. The motion carried unanimously with Senators Ed Smith and McCallum absent.

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HOUSE BILL 264

Senator Anderson moved the amendments to House Bill 264 (see attached committee report - attachment #5). The motion carried unanimously with Senators Ed Smith and McCallum absent.

Senator Anderson moved House Bill 254 Be Concurred In As Amended. The motion carried unanimously with Senators Ed Smith and McCallum absent.

HOUSE BILL 283

Senator Fasbender moved to reinsert the word "continuing" on page 1, line 19. The motion carried unanimously with Senators Ed Smith and McCallum absent.

Senator Thomas moved House Bill 283 Be Concurred In As Amended. The motion carried unanimously with Senators Ed Smith and McCallum absent.

There being no further business, the meeting adjourned to reconvene Monday, March 5, 1979, at 1:00 p.m.



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Senator Bob Brown, Chairman

jdr

SENATE EDUCATION COMMITTEE  
MARCH 2, 1979

HOUSE BILL 264 REPRESENTATIVE MOORE

House Bill 264 establishes new requirements for facsimile signature machines used by school districts. Currently, any warrant issued by a district is required to be signed by the chairman of the board of trustees and the clerk of the district before the warrant is negotiable. Only one of the signers, however, is allowed to have a facsimile signature device.

Under the proposed legislation, both signers will be allowed to have facsimile signature machines provided the machine has split facsimile signature plates for the signers, and a nonresettable metering mechanism to control the number of signatures on the warrants issued by the district. The facsimile signature plates will be kept by the district clerk under the supervision of the board of trustees.

HOUSE BILL 283 REPRESENTATIVE MOORE

This bill exempts education sponsored by trade, business, professional, or fraternal organizations, regardless of attendance, and fees from the laws governing proprietary education. In existing law such education must be provided solely for the membership of the organization or offered without the payment of fees before it is exempt. This legislation changes this exemption to include organizations that provide such education for its members but allows non-members to participate in the courses.

HOUSE BILL 428 REPRESENTATIVE MARKS

House Bill 428 specifies the composition, terms, and appointment procedure of members to the Western Interstate Commission for Higher Education. The Governor appoints the members. The term of each member is two years. The Board is composed of one member from the field of higher education, one member in a professional occupation, and one legislator.

HOUSE BILL 459 REPRESENTATIVE CURTISS

House Bill 459 authorizes the trustees of a school district to set the time and place of the final budget meeting. Existing law specifies that the meeting will be held at 10:00 a.m. on the fourth Monday in July. The trustees will still have to convene on the fourth Monday in July to consider the final budget, however, the trustees are authorized to set the time and place of the meeting under the proposed legislation.

Date 3/2/79

ROLL CALL

EDUCATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
Sen. Bob Brown, Chairman	X		
Sen. Ed Smith, Vice Chairman		X	
Sen. Jesse O'Hara	X		
Sen. George McCallum		X	
Sen. Elmer Severson	X		
Sen. Mike Anderson	X		
Sen. Chet Blaylock	X		
Sen. Larry Faspender	X		
Sen. Richard Smith	X		
Sen. Bill Thomas	X		

Each Day Attach to Minutes.







NAME: Len Sargent DATE: 3/2/79

ADDRESS: ~~4231~~ 501 N. Sanders, Helena

PHONE: 442-2180

REPRESENTING WHOM? Montana School Boards Assn.

APPEARING ON WHICH PROPOSAL: HB 459

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Housekeeping matter to eliminate 10am budget meeting requirement and allow local school board to set time & place of the meeting. 10am time was for convenience of Co. Commissioners who no longer are involved in that meeting.

NAME: Jim B... DATE: ...

ADDRESS: 805 N. Main St. Houston

PHONE: 419-3102

REPRESENTING WHOM? Department of Business Regulation  
Proprietary Security Bureau

APPEARING ON WHICH PROPOSAL: H.R. 2100

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TO: Members of the Senate Education Committee

FROM: James E. Burns, Chief, Proprietary School Bureau, Department of Business Regulation

SUBJECT: House Bill 283

The reason the Department is opposing this bill is very simple yet extremely crucial. It concerns the deletion of the word "continuing" from the language of this bill, House Bill 283.

This bill was introduced and heard in the House Education Committee with an amendment calling for the word "continuing" inserted to distinguish the type of education being considered for exemption status under the present Proprietary School Legislation (Title 20, Chapter 30).

During the House hearing, the Department testified on behalf of this bill. However, when the bill was brought up for third reading, a procedural problem surfaced. This was because the word "continuing" was not found in the title, therefore it was deleted and passed.

The reason this word is vital is because if there isn't a distinction made identifying the type of education exempt from the Proprietary School Act, then conceivably all education offered by these organizations could be exempt.

This would mean that if an organization wanted to offer basic, job entry level education, they could without any type of regulation. This could also open the door for "fly-by-night" institutions to form certain types of organizations and qualify for an exemption. Therefore, we submit that in present form this bill would be detrimental to the effectiveness of existing legislation.

We therefore request this committee to include the word "continuing" on line 19, page 1, prior to education. If this committee is bothered by the same procedural problem mentioned above, then amend the title to also include the word "continuing" on line 4 between the words exempt and education. If not, the Department recommends that the committee place a Do Not Pass recommendation

# STANDING COMMITTEE REPORT

..... March 2, ..... 19..79.....

MR. .... President .....

We, your committee on ..... Education .....

having had under consideration ..... House ..... Bill No. 459.....

Respectfully report as follows: That ..... House ..... Bill No. 459.....

BE CONCURRED IN

DO PASS

*90*

# STANDING COMMITTEE REPORT

March 2, 1979

MR. President

We, your committee on Education

having had under consideration House Bill No. 763

Respectfully report as follows: That House Bill No. 763  
third reading bill, be amended as follows:

1. Title, line 7.

Following: line 6

Strike: "REQUIRE"

Insert: "CLARIFY WHEN"

Following: "DRIVERS"

Insert: "AND"

2. Page 2, line 19.

Following: "children."

Insert: "However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a bus is stopped at the school site for purposes of receiving or discharging school children and such receipt or discharge does not involve street crossing by the children; and such lights may not be operated in violation of such a policy."

And, as so amended, BE CONCURRED IN

DO PASS.

*J.A.*

# STANDING COMMITTEE REPORT

.....March 2,..... 1973.....

MR. ....President.....

We, your committee on.....Education.....

having had under consideration.....House..... Bill No. 132.....

Respectfully report as follows: That.....House..... Bill No. 132.....  
third reading bill, be amended as follows:

1. Title, line 6.

Following: "SCHOOL DISTRICTS"

Insert: "AND REQUIRING VACANCIES TO BE FILLED WITHIN 60 DAYS"

2. Page 6, line 4.

Following: "appointment."

Insert: "If the trustees do not make the appointment within such  
60-day period, the county superintendent shall appoint, in  
writing, a competent person as a successor and notify such  
person of his appointment."

And, as so amended, BE CONCURRED IN

DEFEASSY *J.A.*

# STANDING COMMITTEE REPORT

.....March 2,..... 1972.....

MR. ....President.....

We, your committee on.....Education.....

having had under consideration .....House..... Bill No. ....423.....

Respectfully report as follows: That.....House..... Bill No. ....423.....

BE CONCURRED IN

DO PASS

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# STANDING COMMITTEE REPORT

.....March 2,..... 19 79.....

MR. ....President.....

We, your committee on.....Education.....

having had under consideration .....House..... Bill No. 283.....

Respectfully report as follows: That.....House..... Bill No. 283.....  
third reading bill, be amended as follows:

1. Page 1, line 19.  
Following: "~~CONFERRING~~"  
Insert: "Continuing"

And, as so amended, BE CONCURRED IN  
DO PASS

*Q.*

.....  
Chairman.



# STANDING COMMITTEE REPORT

March 5, 1979

MR. President

We, your committee on Education

having had under consideration House Bill No. 264

Moore (Anderson)

Respectfully report as follows: That House Bill No. 264  
third reading bill, be amended as follows:

1. Page 2, line 4.

Following: "have"

Insert: "a"

2. Page 2, lines 7 and 8.

Following: "applied"

Strike: remainder of line 7 through "WHICH" on line 8

Insert: ". Either split signature plates or a double signature plate may be used according to the requirements of the district. The signature plates and the device keys"

And as so amended, BE CONCURRED IN

DO-PASS

Chairman