

SENATE EDUCATION COMMITTEE

March 12, 1979

The Senate Education Committee met Monday, March 12, 1979, in Room 402 of the Capitol Building. Senator Bob Brown called the meeting to order at 1:00 p.m. Committee members present were Senators Brown, Ed Smith, Thomas, O'Hara, Richard Smith, Anderson, Severson, Fasbender, McCallum, and Blaylock.

The following bills were heard: House Bill 458
House Bill 718
House Bill 675
House Bill 532
House Bill 473.

HOUSE BILL 458 REPRESENTATIVE KEYSER

Representative Keyser, sponsor of the bill, stated the purpose of the bill is to deal with small schools, mostly all 3rd class schools, who do not meet on a regular basis. This bill would allow them to approve the minutes of the previous meeting at the next meeting of the board as long as it is not more than forty days later.

PROPONENTS

Wayne Buchanan, representing the Montana School Boards Association, stated that the original legislation stated the minutes must be approved in 30 days. If a board of trustees meets on a regular day, i.e. second Monday each month, then they can be in violation of the law if the second Monday stretches into the 5th week in a month. He pointed out that in those cases about half the boards in the state would be in violation at some time during any given year.

There were no further proponents and no opponents to the bill and the hearing was closed on House Bill 458.

HOUSE BILL 718 REPRESENTATIVE DONALDSON

Representative Donaldson, sponsor, stated the bill is intended to clear up confusion in the compulsory enrollment and attendance provisions that now exist in the statutes. He said lines 20-23 on page 1 are new material which make clear that compulsory provisions apply until the child's 16th birthday or the date of completion of the work of the eighth grade. The same provisions are included on page 3 of the bill.

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PROPOSAL

Bob Stockton, representing the Office of Public Instruction, stated OPI requested the bill. He said the confusion existed following recodification which seemed to change the intent of the legislation. The 45th Legislature then attempted to straighten that out but the end result was a compulsory enrollment but no compulsory attendance provision. They have had conflicting opinions from the Attorney General and therefore have come to the legislature to ask for clarification once and for all.

There being no further proponents and no opponents, the hearing was closed on House Bill 718.

HOUSE BILL 675 REPRESENTATIVE METCALF

Representative Metcalf, sponsor, stated the purpose of the bill is to establish a Montana Folklife Project to be attached to the Montana Arts Council. The Library of Congress has provided several folklorists for nine months and there is an appropriations bill in for \$20,000 per year for two years to be taken out of the coal tax cultural and esthetic projects monies. The basic goals are to identify, preserve, and document the folk arts and traditions of Montana and to make that information accessible to the public. He said the idea is not to collect artifacts as much as the living history of the state. He further stated there are many folklore traditions in this state and they should be preserved. He presented a booklet on the Central Oregon Folklife Festival to the committee (attachment #1).

PROPOSAL

Shirley Cleary, a Helena artist, stated she moved here from Washington, D.C. eight years ago. She was immediately impressed with the country and the remnants of settlements in Montana. She began painting the old machines she found in the ghost towns and old settlements and while doing that found herself exposed to an increasing number of stories, songs, and traditions which had become part of the history of the various machines. She said the machines and the verbal history are disappearing and should be preserved and therefore urged the committee to support the bill.

Sister Joe Ann Daley, representing the Montana Arts Council, said she traveled 87,000 Montana miles last year in her work assisting small communities in developing their cultural assets. She

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said she has been impressed with the many facets of Montana life and folklore. The project is essential to documenting the various historical lifestyles of the many communities in Montana. She felt it is most necessary to have professional help to accomplish this.

David Nelson, Executive Director of the Montana Arts Council, said the bill represents an extreme amount of work with the Library of Congress. He stated the living historical information is seldom recorded and those people who know it are getting older and we are losing much of our oral history with them. He said we have vast collections of artifacts and the collections of oral and living history should be as well collected and preserved.

J.D. Holmes, representing the Montana Institute of the Arts Foundation, stated that organization's support for the bill. He said such a program will expand the knowledge of our state's cultural heritage. We need to document our musical, occupational, and recreational history and this bill is a good means of doing it.

There being no further proponents and no opponents to the bill, the hearing was closed on House Bill 675.

HOUSE BILL 532 REPRESENTATIVE PAVLOVICH

Representative Pavlovich, sponsor, stated this bill allows the county superintendent to be disqualified or disqualify themselves from a hearing, to appoint another superintendent to preside in their place, and to allow for payment of expenses.

PROPONENTS

Pat Price, representing the Montana Association of County School Superintendents, presented her written testimony in support of the bill to the committee (attachment #2).

Lyle Eggum, representing the Office of Public Instruction, presented his written testimony in support of the bill to the committee (attachment #3).

Theresa Love, Townsend, County Superintendent of Schools, presented her written testimony in support of the bill to the committee (attachment #4).

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Chad Smith, representing the Montana School Boards Association, stated this revision has been needed for some time. There has existed the possibility for bias or conflict of interest. He said this legislation would parallel the district judge procedure for disqualification. He noted the Superintendent of Public Instruction should not be the person to choose the hearing officer in the case of a disqualification, as she is the next level of appeal.

Fred Bull, County Superintendent of Schools, Butte, urged support of the bill.

There being no further proponents and no opponents, the hearing was closed on House Bill 532.

HOUSE BILL 473 REPRESENTATIVE ROSENTHAL

Representative Rosenthal, sponsor of the bill, stated the bill defines members of the armed forces assigned to stations in Montana, their spouse and dependent children as residents for the purposes of attending units of the University system or post-secondary vocational-technical centers. The tuition fees would be the same as for residents of the state.

He presented a letter in support of the bill from Georgia Rice, Superintendent of Public Instruction (attachment # 5).

Representative Rosenthal also presented a statistical compilation of information regarding residency determination for tuition purposes in other states (attachment #6).

He stated Malmstrom Air Force Base generates \$200 million into the economy of Great Falls each year or 42-48% of the total economy of the city. Many military personnel and their dependents are working part or full time jobs off base which generates tax dollars for the state. He felt the passage of the bill would not create a great rush to the university system units or vo-tech centers. It, however, would benefit the family just coming into the state with children who are seniors in high school.

John Bell, representing himself as a taxpayer, said this is a good bill. He pointed out the Legislature has been traditionally generous to military personnel and it has paid off. Many military people are retiring in Montana and this is a little more inducement for them to stay - especially senior officers who will soon be retiring.

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There being no further proponents and no opponents, the hearing was closed on House Bill 473.

The committee met in Executive Session.

HOUSE BILL 480

Senator McCallum moved House Bill 480 be taken off the table.
The motion carried unanimously.

Senator Anderson moved House Bill 480 Be Not Concurred In.
The motion failed on a roll call vote (see attached roll call sheet #7).

HOUSE BILL 718

Senator O'Hara moved House Bill 718 Be Concurred In. The motion carried unanimously.

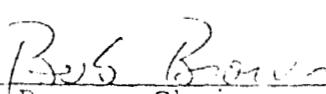
HOUSE BILL 458

Senator Ed Smith moved House Bill 458 Be Concurred In. The motion carried unanimously.

HOUSE BILL 217

Senator McCallum moved House Bill 217 Be Concurred In. The motion carried unanimously.

There being no further business, the meeting adjourned to reconvene Wednesday, March 14, 1979.



Senator Bob Brown, Chairman

Date 3/12/79

ROLL CALL

EDUCATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

DATE: MARCH 12, 1979

COMMITTEE ON

EDUCATION

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One Support <input checked="" type="checkbox"/> Oppos <input type="checkbox"/>
Theresa I. How	County Superintendent School	HB 532	<input checked="" type="checkbox"/>
Leslie Eggeman	Office of Public Safety	HB 552	<input checked="" type="checkbox"/>
Bob + Carol	HB 552	HB 552	<input type="checkbox"/>
John Bell	self	HB 473	<input type="checkbox"/>
Janet L. Bell	HB 473	HB 473	<input type="checkbox"/>
Wayne Buchanan	MSBA	HB 459	<input checked="" type="checkbox"/>
Chuck Smith	Montana 76ers	HB 458	<input checked="" type="checkbox"/>
Pete Price	Mont. Assoc. Co. School Sept.	HB 532	<input checked="" type="checkbox"/>
Ridgertown Daley	Montana Arts Advocacy	HB 675	<input checked="" type="checkbox"/>
Julia Newmiller	Montana City Council	HB 675	<input checked="" type="checkbox"/>
Philippa Phillips	Montana City Council Member	HB 675	<input checked="" type="checkbox"/>
J. D. Holmes	Montana City Council	HB 675	<input type="checkbox"/>
Dan O. Nelson	Montana City Council	HB 675	<input checked="" type="checkbox"/>
Bob Stachler	OSPT	HB 459	<input checked="" type="checkbox"/>
Fred Bull	Co. Sept. Butte	HB 552	<input type="checkbox"/>

SENATE EDUCATION COMMITTEE
March 12, 1979

HOUSE BILL 473 REPRESENTATIVE ROSENTHAL

This bill expands the definition of resident for tuition purposes. A member of the armed forces of the United States assigned to and residing in Montana, his spouse, or his dependent children are included in the definition of resident student. Thus, by making military residents and their families residents of Montana, tuition payments for them are waived at the university system and at post-secondary vocational-technical education centers.

HOUSE BILL 532 REPRESENTATIVE PAVLOVICH

House Bill 532 provides for the disqualification of county superintendents from hearings in certain cases, appointment of the disqualified superintendent's replacement in such hearing, and the proper payment of expenses of the hearing. The county superintendent is disqualified from a hearing when he has an interest, or is related to either party through either marriage or family ties, or if either party in the hearing feels the superintendent is biased or prejudiced against him. When a superintendent is disqualified, he must appoint another county superintendent to hear the case. The cost incurred for the hearing is borne by the county in which the hearing occurred.

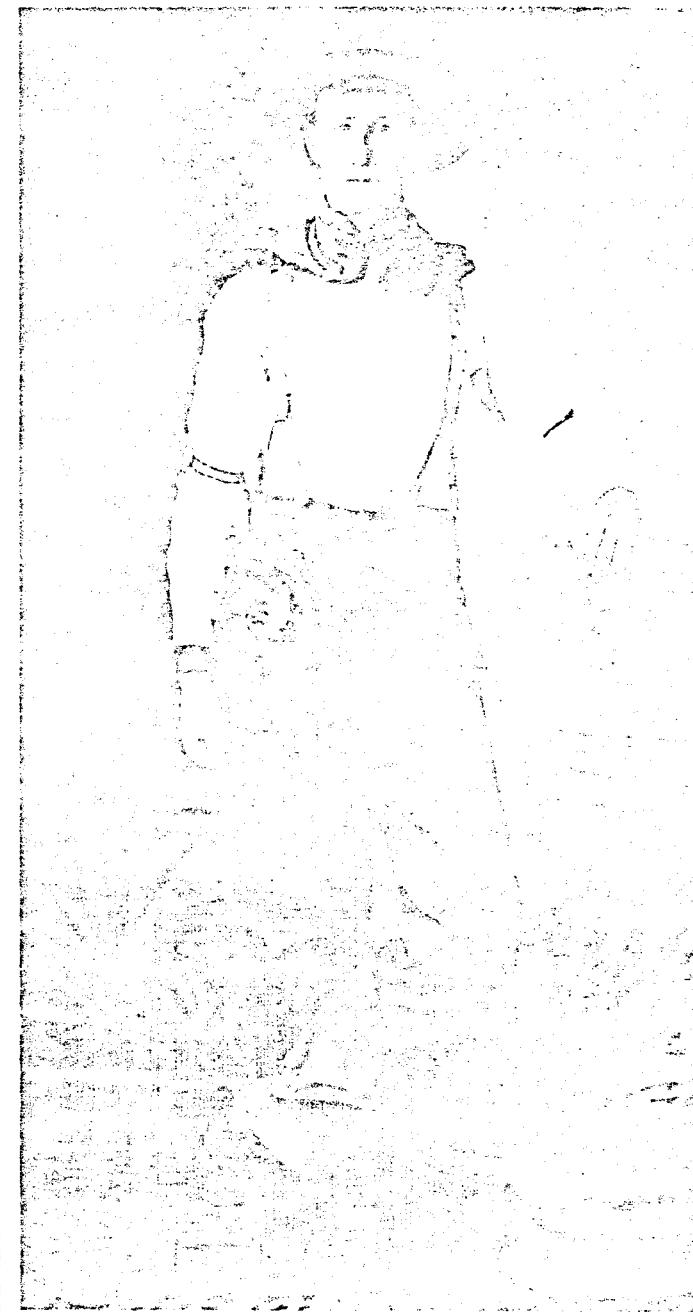
HOUSE BILL 548 REPRESENTATIVE HARPER

House Bill 548 clarifies the definition of benefit year for unemployment compensation after the initial year of receiving such compensation. In existing law, it is confusing as to when a benefit year ends after the initial 52 consecutive week requirement for unemployment benefits is fulfilled. The proposed legislation pinpoints the end of the initial benefit year, the commencement of the subsequent benefit year, and specifies that benefits for subsequent benefit years may not be received until expiration of the current benefit year.

HOUSE BILL 675 REPRESENTATIVE METCALF

House Bill 675 creates the Montana Folklife Project. The purpose of the project is to preserve and study traditional customs and culturally based expressions of ranching, farming, logging, mining, trapping, exploration, Indian culture, and cowboy life. The project would have authority to accept gifts, grants, and other forms of assets donated to the project; enter into contracts with and award grants to various people and groups; research customs and other traditions; and cooperate with other Montana agencies or groups interested in Folklife heritage.

1974
CENTRAL OREGON FOLKLIFE FESTIVAL



NAME Pat Price

BILL NO. AB 532

ADDRESS 501 W. Standard

DATE 2-16-79

WHOM DO YOU REPRESENT Pat Price Co. School Super

SUPPORT

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comment on:

The primary purpose of this bill as amended is to allow Co. Super to disqualify themselves as hearing officers, which is adequately covered in section 1, sub. sec. 1 & 2.

The amendment to sub. 1, sub. section 3, removes the St. Dept. from appellate power of appeals because it is not the right avenue of appeal.

In Section 2, sub. sec. 2, a provision for payment of expenses made for non-resident Co. Super who are appointed to hear appeals outside of their own County.

The addition of the new section, under sub. section 3, sub. section 4, clarifies the dilemma of how hearing would be paid for in the resident County of the Co. Super. It whom the appeal is made.

I would urge a recommendation of do pass on this bill.

NAME: J. L. Englehardt DATE: 10/17/67

ADDRESS: Capital Bldg. - Atlanta

PHONE: 444-0418

REPRESENTING WHOM? Office of Public Utilities

APPEARING ON WHICH PROPOSAL: HR 532

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: We urge your Committee to accept the bill as provided and to make no changes.

It is entirely fair for the hearing officer to be present at the hearing.

It is important that the hearing officer be present at the hearing to hear the testimony of the hearing officer from the other party, if so requested.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Theresa I. Love
County Superintendent of Schools
Broadwater County
Townsend, Montana 59644

March 12, 1979

TO: Senate Education Committee
RE: FOR H.B. 532
FROM: Theresa I. Love
County Superintendent

I am in support of H.B. 532 in that there are times when a local county superintendent may be too involved with the controversy. The county superintendent may have evaluated the teacher or may be well acquainted with the party involved which could result in prejudice.

To safeguard the appeal process, I feel that it would be best to be able to disqualify yourself.

IN-STATE / OUT-OF-STATE RESIDENCY DETERMINATION FOR TUITION PURPOSES -- MILITARY PERSONNEL

STATE	IN-STATE	OUT-OF-STATE	POLICY DETERMINED BY				NOTES
			Statute	Higher Ed Agency	Indiv.	Inst.	
Alabama	X				X		Alabama Code: Student may not earn residency while attending state institution but conditions of residency classification determined by institutions.
Alaska					X		Official board (University of Alaska) policy-- One year in state before residency--in practice, military personnel charged in-state rates.
Arizona	X						
Arkansas	X				X		Regulations recommended by Board of Higher Education and adopted by institutions.
California	X				X		Resident status for one year after which serviceman must declare residency or pay out-of-state tuition.
Colorado					X		
Connecticut	X				X		
Delaware					X		Residency policy set by each (3) institutional board but all charge military personnel out-of-state tuition.
District of Columbia					X		Three months residency required.
Florida					X		Regents of Florida system.
Georgia					X		
Hawaii					X		

STATE	IN-STATE	OUT-OF-STATE	POLICY DETERMINED BY				NOTES
			Statute	Higher Ed Agency	Inliv. Inst.	Other	
Idaho	X		X		X		No state law--policy and regulations developed by each (4) Board of Control--not by Board of Higher Education.
Illinois	X				X		Varies by institution--most institutions grant military personnel in-state tuition rates.
Indiana		X			X		
Iowa	X			X			
Kansas	X			X			
Kentucky	X			X			
Louisiana	X			X			
Maine	X			X			
Maryland	X			X			Board of Regents for University of Maryland and Board of Trustees for State Universities and Colleges set own policies as does each community college--in practice most military pay in-state tuition--University of Maryland official policy requires previous six months stationed in state.
Massachusetts			X	X			Until 1978 Massachusetts granted in-state tuition to military personnel.
Michigan			X				
Minnesota			X				
Mississippi			X				
Missouri			X				

STATE	POLICY DETERMINED BY				NOTES
	IN-STATE	OUT-OF-STATE	Statute	Higher Ed Agency	
Montana				X	Legislation may be introduced this session (1979) to grant in-state tuition to all servicemen.
Nebraska	X		X		
New Hampshire	X		X		Constitutional amendment would be required to change the law. In practice most state schools charge in-state tuition.
New Jersey		X	X		
New Mexico	X		X		
New York		X	X		Change unlikely.
North Carolina		X	X		Some schools near Fort Bragg grant in-state tuition.
North Dakota	X			X	
Ohio	X			X	
Oklahoma	X			X	
Oregon	X			X	
Pennsylvania	X	X		X	Board of State Colleges and University director grant in-state tuition to military personnel.
Rhode Island	X				Auditor General controls residency at Penn State, Temple and Pittsburgh--out-of-state tuition.
South Carolina		X		X	Commissioner of Education.
South Dakota		X		X	Residency for military personnel after 12 months.

STATE	POLICY DETERMINER				NOTES
	IN-STATE	OUT-OF-STATE	Statute	Higher Ed Agency	
Tennessee	X			X	
Texas	X		X	X	
Utah	X			X	
Vermont		X			Residency determined by trustees of University of Vermont and Board of State Colleges.
Virginia		X	X		Exceptions to out-of-state tuition provided military under certain circumstances.
Washington	X		X		
West Virginia		X	X	X	Military granted residency after 12 months.
Wisconsin	X		X		
Wyoming	X			X	
TOTALS	35	18	17	18	12 3

Footnotes

California and Pennsylvania fit in both in-state and out-of-state columns.

States with out-of-state residency for military personnel determined by state higher education agency--2--Montana, South Dakota.

States with out-of-state residency for military personnel determined by statute--8--California, Colorado, Massachusetts, New York, North Carolina, Virginia and West Virginia.

States with out-of-state residency for military personnel determined by institutions--8--Alaska, Delaware, District of Columbia, Indiana, Maryland, Michigan, Pennsylvania and Vermont.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59601
(406) 449-3095

Georgia Rice
Superintendent

February 5, 1979

The Honorable Jonas H. Rosenthal
House of Representatives
State Capitol
Helena, MT 59601

Dear Representative Rosenthal:

I have the following information concerning your inquiry on H.B.473 and its effect on the postsecondary vocational technical centers of Montana.

According to our records, winter quarter total enrollment at the five vocational technical centers is 2,382 students. Of the 2,382 students only 14 are paying out of state tuition. The 14 students are equally divided between Billings and Helena Vocational Technical Centers. Our statistics do not show any out of state tuition is being paid by students in Butte, Great Falls or Missoula.

From the above figures, we can deduct that H.B. 473 would have no significant fiscal effect on the postsecondary vocational technical center budgets. If students are encouraged to enroll in a center as a result of passage of the legislation obviously this would be a positive effect for which we would all be grateful.

Thank you for your inquiry. I hope that this information will be helpful, Representative Rosenthal, and please let me know if I can assist you again.

Sincerely,

Georgia Rice
GEORGIA RICE
Superintendent

GR:cw

cc: Larry Key

SENATE COMMITTEE EDUCATION

Date 3/12/79 Name Blaine Bill No. 480 Time _____

NAME	YES	NO
Senator Ed Smith, V. Chairman		X
Senator Jesse O'Hara		X
Senator George McCallum		X
Senator Elmer Severson	X	
Senator Mike Anderson	X	
Senator Chet Blaylock		X
Senator Larry Fasbender	X	
Senator Richard Smith	X	
Senator Bill Thomas		X
Senator Bob Brown, Chairman	X	

Jill Lohman
SecretaryBob Brown
Chairman

Motion: by Senator Anderson that
House Bill 480 be not passed
here.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 12, 1973

MR. President

We, your committee on Education

having had under consideration House Bill No. 713

Donaldson (O'Hara)

Respectfully report as follows: That House Bill No. 713

BE CONCURRED IN

REINASCH

STANDING COMMITTEE REPORT

March 12, 1973

MR. President.....

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

having had under consideration House..... Bill No. A53.....

Keyser (Smith, Ed)

Respectfully report as follows: That..... House..... Bill No. A53.....

BE CONSIDERED IN
NOVEMBER