

MINUTES OF THE MEETING  
EDUCATION AND CULTURAL RESOURCES COMMITTEE  
50TH LEGISLATIVE SESSION  
HOUSE OF REPRESENTATIVES

January 7, 1987

The meeting of the Education and Cultural Resources Committee was called to order by Chairman Sands on January 7, 1987 at 1:00 p.m. in Room 312-D of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 23: Rep. Nancy Keenan, House District No. 66, sponsor of the bill, stated that HB #23 deals with an act waiving university and college tuition for survivors of firefighters or peace officers killed in the course of employment. She drew attention to the fiscal note that was submitted regarding the bill. See EXHIBIT #1.

PROPOSERS:

KEVIN OLSON, Havre police officer and member of the legislative committee for the Montana Police Protective Association, was the first witness to speak in support of the bill. He read a prepared statement, see EXHIBIT #2.

NAOMI SULLIVAN, Anaconda, a surviving spouse of a police officer who was killed in the line of duty, testified that she and three of her five children were in college at the time of her husband's death, and urged the committee's support of the bill.

JO KIMERLY, Missoula, another police widow spoke in favor of the bill. She also passed out a letter from another widow who was unable to attend the hearing, Wanda Lee Gregory, see EXHIBIT #3. She then read a letter from a third widow from Missoula, Nora LePiane Bradley, see EXHIBIT #4.

TERRY MINNOW, representing the Montana Federation of Teachers and a representative of the faculty of Northern, Western and the University of Montana rose in support of the measure.

ALEC HANSEN, representing the Montana League of Cities and Towns, rose in support of the bill.

CHUCK O'REILLY, Sheriff of Lewis and Clark County and a member of the Board of Montana Police Officers Association spoke on behalf of the Montana Association of Chiefs of Police. He stated that both organizations were in support

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Cultural Resources Committee  
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of this bill, and they would like to see the surviving children of law officers on an equal par with the prisoners of Montana State Prison who also don't have to pay tuition. He urged the passage of the bill.

NADINE JENSEN, Executive Director of Montana Council No. 9, American Federation of State, County and Federal Employees, AFL/CIO, rose in support of the bill and stated she felt there should be some recourse for the survivors of police officers and firefighters.

MATT THIEL, representing the Associated Students of the University of Montana, stated they would like to rise in support of this bill also as they feel it would be a just and appropriate use of the fee waivers.

TIM BERGSTROM, representing the Montana Fireman's Association rose in support of the legislation.

RAY BLEHM, State Fire Marshall spoke in favor of the bill.

ART KORN, Butte, secretary-treasurer of the Montana State Volunteer Fireman's Association, rose in support of the bill.

ED FLIES, representing the Montana Council of Professional Firefighters also rose in support of the bill.

DAVE FISHER, representing the Silver Bow Fire Council, stated his support for the bill.

OPPONENTS:

PAUL DUNHAM, Director of Research and Services for the University System, explained that although he was not necessarily here to oppose the bill, he did want to provide the committee with some information concerning recent action taken by the Board of Regents. He stated the Board of Regents had recently asked the Education Subcommittee of the Appropriations Committee to consider the possible elimination of several categories of fee waivers which are currently in the bill due to the State's current fiscal situation. See EXHIBIT #5.

COMMITTEE DISCUSSION:

Rep. Harrington inquired of Rep. Keenan if she had any problem including volunteer firemen in the bill, to which she replied she would because of the opponents concern of the cost to the University System, and also because to her knowledge there are 400 volunteer departments in the state and thousands of volunteer firefighters. She stated her intent was to include only paid fire fighters and police officers. If having an amendment added would defeat the bill because of the cost then she would oppose the amendment.

REP. EUDAILY commented that there are other groups that should be included in the bill in order to be fair to all of the people in Montana. Rep. Keenan responded by stating there is a very definite difference between the potential of a school teacher being shot in a classroom compared to a police officer who every day of his life goes into situations of potential hazard.

REP. DAILY asked Sheriff O'Reilly to address the question of the hazards of police duty now in comparison to years past. Sheriff O'Reilly informed the committee that he only had to draw his weapon once during the first seven years he was in law enforcement but couldn't begin to count the number of times he drew it during his first year as sheriff. He said the drug problem is the contributing factor to the violence and that we are fighting a losing battle over drugs in Montana.

REP. MERCER questioned Paul Dunham whether it was mandatory or optional that fees be waived for people from the prison. Mr. Dunham stated that there are some mandatory and some not.

CHAIRMAN SANDS inquired of Alec Hansen why as a matter of public policy these benefits should come out of the budget of the university system rather than the budget of the employer of the individuals who serve. Mr. Hansen replied that some of the benefits they receive are paid partially by the state and by the employee. He said that although cities could set up a fund to provide this kind of a benefit, he felt that the bill was really not asking for the appropriation of money but rather recognition of these people who

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provide a service under difficult and dangerous conditions.

There followed a short discussion concerning the various practices of different communities regarding insurance.

REP. DAILY asked Paul Dunham if the university system currently counts the students who are receiving fee waivers in their FTE count. Mr. Dunham replied they were.

CHAIRMAN SANDS asked Rep. Keenan to define killed in the course and scope of employment. What about a heart attack? She explained that it would still be killed in the line of duty as long as they were working at the time.

There being no further proponents or opponents to the bill, Rep. Keenan closed by saying that although the legislative body is sensitive to the issue of finances this session, especially to the bind that higher education is in, that the money in this bill would be a mere pittance to the amount of money they will be dealing with in the next ninety days. She stated she felt they had a responsibility as a state to our police officers and firefighters, and it would be a way of saying to their survivors that as they risk their lives for us every day that we appreciate that.

CHAIRMAN SANDS then closed the hearing on HB #23.

CHAIRMAN SANDS reviewed the procedure that would be followed during the hearings. At this point he introduced Andrea Merrill, who will be serving the committee in the capacity of the Legislative Council staff member, and Shirley Herrin, who will serve as the secretary.

REP. KEENAN moved that HB #23 DO PASS.

REP. SWYSGOOD stated he would have to take exception to limiting the bill to be paid full time police officers and firefighters because the members in his district are all volunteers.

REP. DAILY moved to amend the bill to include volunteer firemen, however, he requested the committee to vote against the amendment if they would be unable to vote for the bill with the amendment.

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REP. GLASER joined the committee at this point.

REP. NELSON listed a number of volunteer groups that could justifiably be included in this bill.

REP. DAILY withdrew his amendment. Chairman Sands noted that without objection the amendment was withdrawn. Rep. Daily recommended they pass the bill as is and then consider amending it to include the volunteer groups in the next session.

REP. EUDAILY questioned whether a surviving spouse would be considered a survivor if he or she remarried. Rep. Keenan moved that issue be clarified and that Andi Merrill be allowed to draw up the necessary verbage for that amendment. Chairman Sands called for a vote on the amendment, the motion CARRIED unanimously.

REP. EUDAILY noted that there was no effective date included in the bill and if they let it go without an effective date that it would not become law until October 1, 1987, which would be after the fall term started, and wondered if they should consider setting an effective date of July 1, 1987. Rep. Keenan stated she had no objection to that. Rep. Eudaily moved to amend the bill to include an effective date of July 1, 1987. The Chairman called for the vote, motion CARRIED unanimously.

REP. THOMAS inquired whether Rep. Keenan had considered whether there was a financial need for recipients. Rep. Keenan replied that she had not because the bill was modeled after the veteran's bill.

REP. PHILLIPS inquired as to the terminology, course and scope of employment versus the term "line of duty". Andrea Merrill explained that is the language that is used in the statutes.

REP. EUDAILY noted that in the title it referred only to "course" and on page two, line eight it refers only to "course", but on page two, line four it says "course and scope". Rep. Keenan said she did not object to deleting the word "scope" on page two, line four, and so moved. Chairman Sands called for the vote, motion CARRIED unanimously.

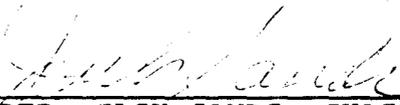
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DISPOSITION OF HOUSE BILL NO. 23

The question was called for; Chairman Sands stated it was on a DO PASS AS AMENDED motion. The motion CARRIED with 14 favorable and 4 opposing votes.

ADJOURNMENT

There being no further business to come before this committee, the hearing was adjourned at 2:11 p.m.

  
\_\_\_\_\_  
REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

RECREATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date JAN 7, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	✓		
REP. RICHARD NELSON, VICE CHRMN.	✓		
REP. FRITZ DAILY	✓		
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON	✓		
REP. NANCY KEENAN	✓		
REP. ROLAND KENNERLY	✓		
REP. EARL LORY	✓		
REP. JOHN MERCER	✓		
REP. GERALD NISBET	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. BARRY STANG	✓		
REP. TONIA STRATFORD	✓		
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS	✓		
REP. MEL WILLIAMS	✓		

# STANDING COMMITTEE REPORT

January 7,

19 87

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report HOUSE BILL # 23

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

REP. JACK SANDS,

Chairman

**TUITION WAIVER FOR SURVIVORS OF POLICE OFFICERS AND FIREFIGHTERS.**

**BE AMENDED AS FOLLOWS:**

- 1) Title, line 7  
Following: "MCA"  
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
- 2) Page 2, line 4  
Following: "course"  
Strikes: "and scope"
- 3) Page 2, line 7  
Following: "the"  
Insert: "unremarried"
- 4) Page 2, line 8  
Following: line 7  
Insert "the surviving"
- 5) Page 2, line 15  
Following: line 14  
Insert: "NEW SECTION. Section 2.  
Effective date. This act is  
effective July 1, 1987."

FIRST

reading copy ( WHITE )  
color

ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE JANUARY 7, 1987 BILL NO. HB # 23

NUMBER 1

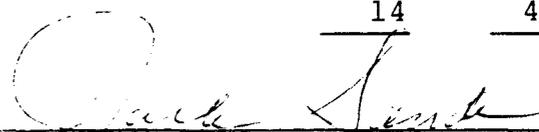
NAME	AYE	NAY
REP. JACK SANDS, CHAIRMAN		X
REP. RICHARD NELSON, VICE CHAIRMAN	X	
REP. FRITZ DAILY	X	
REP. RALPH EUDAILY	X	
REP. WILLIAM GLASER		X
REP. DAN HARRINGTON	X	
REP. NANCY KEENAN	X	
REP. ROLAND KENNERLY	X	
REP. EARL LORY		X
REP. JOHN MERCER	X	
REP. GERALD NISBET	X	
REP. JOHN PHILLIPS	X	
REP. TED SCHYE	X	
REP. BARRY STANG	X	
REP. TONIA STRATFORD	X	
REP. CHARLES SWYSGOOD		X
REP. FRED THOMAS	X	
REP. MEL WILLIAMS	X	

TALLY

14

4

  
Secretary

  
Chairman

MOTION: REP. KEENAN moved that HB # 23 DO PASS AS AMENDED -

motion CARRIED - 14 to 4.



exhibit - #2  
Date - 1-7-87  
HB - #2A



**Montana Police Protective Assn.**  
*To Serve and Protect*  
Since 1938

My name is Kevin Olson and I am a Police Officer for the City of Havre and am also a member of the Legislative Committee for the Montana Police Protective Association.

I am here today to endorse and support House Bill 23, which would waive tuition costs for a spouse and child of a peace officer or fire fighter who dies in the scope and course of his employment.

By working in the field of public safety we all make great sacrifices during the course of our careers. The odd working hours and the hazardous duties of both peace officers and fire fighters are just a few.

During these careers we work hard to build our little nest eggs for our families and our future. However as these past years have proven to be financially difficult for all us, trying to keep these nest eggs and continue to build them has become very difficult.

It would be of great relief to know that if something were to happen to me, that my wife and child could obtain a discounted education in order to start a career so that they could retain a fair standard of life style.

Now when I say discounted education, this is exactly all that this bill is. This benefit bill is only waiving the tuition charges, which of course is only a part of the cost of a college education. The beneficiaries of this bill would still be accountable for room, board, books, and other miscellaneous student fees.

Now lets sit back and examine the numbers that we are looking at.

There are approximately 1,200 peace officers in the State of Montana. There have been 17 peace officers that have died in the line of duty over the past 41 years. Now of all of the spouses of these officers that would have benefited from this bill, it would be safe to say that less then 50% of them would take advantage of this benefit.

Along this same line of thinking it would be realistic to say that not all of the surviving children would take advantage of this benefit either.

Now looking at the tuition charges for a full-time student attending Northern Montana College in Havre, that is if there will still be a Northern Montana College in Havre, is costs approximately \$350 per quarter. With this figure, that would come out to \$1,050 per year or \$4,200 for a 4 year degree in some field.

In looking at all these figures we must remember that this money is not coming out of anyone's pocket. It is not like most other benefits where you have to appropriate funds from somewhere in order for it to work.

Another good thing about this bill is that if a surviving spouse or child takes advantage of this benefit, they will be paying money to a college or university in the form of room, board, books, and miscellaneous student fees.

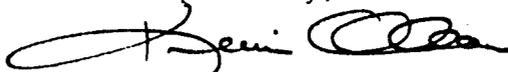
This would also encourage the surviving spouse or child to attend a in-state college or university if they had a interest in furthering their education.

Now we all realize the difficult job you have this session especially with the University System being so strapped for funds.

But, the important thing to remeber is that this is only a discount being offered to those whose loved ones have given their lives in the everlasting effort of serving and protecting the public of the many Montana communities.

Thank you for your time and consideration in reference to this bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin Olson", with a large, sweeping flourish extending to the left.

Kevin Olson  
Legislative Committee  
Montana Police Protective Association

Exhibit # 3

Date - 1-7-87

HB - # 23

House Education Committee  
State Capital Helena  
Re: HB 23 (Kuran)

Dear Legislators

The undersigned request that you view favorably HB 23 (Kuran). My husband and father Sgt Donald Ernest Gregory was killed on January 27, 1976 we did not receive a net lump sum death benefit compensation. Missoula County did not have an insurance program in effect that covered his death.

At the time of Donald's death we did not have any insurance on him whatsoever. We were trying to buy a home at that time, and could not afford life insurance.

Our social security stops when the children reach age 18, but that is about the time they're leaving high school. In addition to, the widows also stops when the youngest child reaches age 16. So at a time when the children are wanting to pursue their educational dreams and goals benefits

are reduced or eliminated  
Providing this benefit to  
the children would not put  
an undo burden on the state  
as the schools are already  
in place and operating.

Again in our case, we  
did not receive any lump  
sum payment on Donald's  
death, other benefits are  
reduced or eliminated upon  
the children reaching age 18.

The hope and prayer that  
you consider this legislation  
favorably so that the children  
can pursue their education.

Thank you for your time  
and effort in this manner. We  
deeply appreciate any help  
you can give us.

Sincerely yours,

Kanda Lu Gregory  
widow

Joi Lee Gregory age 18

Ronelle Gregory age 15



THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH  
HELENA, MONTANA 59620-2602

(406) 444-6570

EXHIBIT # 5  
DATE 1-7-87  
HB # 23

COMMISSIONER OF HIGHER EDUCATION

January 6, 1987

Education Committee  
Montana House of Representatives  
Capitol Station  
Helena, MT 59620

Dear Committee Members:

I write to you with a request regarding HB 23 (Keenan) which grants a tuition waiver to survivors of police officers and firefighters killed in the line of duty. While this bill has a laudable purpose, it does run counter to a resolution adopted by the Board of Regents of Higher Education. By this resolution the Regents have requested, due to the state's present fiscal constraints, that the legislature repeal the fee waiver provisions for veterans, persons released from state custodial institutions, and senior citizens. This request of the Regents is being conveyed to the Education Subcommittee of the Appropriations Committee for consideration and possible creation of a committee bill.

HB 23 runs counter to the spirit of the Regents' request and should be considered in conjunction with the Education Subcommittee's treatment of the above-mentioned fee waivers. Therefore, I request that when this committee finishes its consideration of HB 23, it forward the bill to the Appropriations Committee for review by the Education Subcommittee.

Sincerely,

*Carrol Krause*

Carrol Krause  
Commissioner of Higher Education

CK/LS:lc

Exhibit #4  
Date 1-7-87  
HB# 23

EXHIBIT # 4  
DATE 1-7-87  
HB # 23

3314 Stephens  
Missoula, MT 59801

January 6, 1987

House Education Committee  
State Capitol  
Helena, MT 59601

Dear Committee Members:

I am Nora LePiane Bradley and I have two sons, Stephen A. LePiane, Jr., age eighteen (18), and Christopher LePiane, age fifteen (15). Their father, Stephen A. LePiane, Sr., was a police officer on the Missoula City Police Force. While on duty backing up a sheriff's deputy on a call, he was killed in the line of duty at 2:30 a.m. on November 5, 1982.

I feel HB23, waiving college tuition for survivors of firefighters and police officers killed in the line of duty, would be very beneficial to the children and widows of these officers. These survivors have experienced mental anguish and loss of financial support after such a tragedy. I believe a bill to waive the college tuition for these survivors would insure their college education which otherwise might be denied them.

Not only am I thinking of my two sons (one a senior and one a sophomore in high school), but also feel it would be an incentive for those now in these hazardous jobs to remain, and would be a large consideration for those now contemplating entering these positions.

At the present time I understand there is only a minimal number of eleven people that qualify for this waiver. Thus it would not be a major financial burden on the State of Montana. Hopefully, at any given time, the number qualifying for this waiver would be small.

Thank you for your kind consideration of HB23.

Sincerely yours,

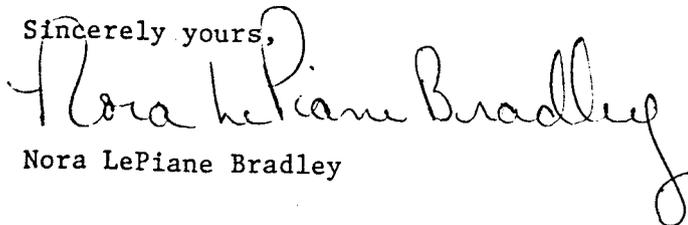
  
Nora LePiane Bradley

EXHIBIT # 6

DATE 1-7-87

HB # 23

# MONTANA LAW ENFORCEMENT MUSEUM

*In Historic Old Montana State Prison*

1106 Main Street  
Deer Lodge, Montana 59722  
406-846-3111

Nancy Keenan, Representative  
Montana House of Representatives  
Capitol Building  
Helena, Montana 59620

5 January 1987

Dear Rep. Keenan:

Much too often the service and valor of law enforcement officers goes unnoticed. And there is little done to encourage and support the family left behind when an officer sacrifices his very life for the safety and protection of others' property and lives. The law enforcement officer's life is not an easy one. At any given moment he may be called upon to step into life-threatening situations to ensure the well being of those whom he may not even know. He is not only entrusted with the future of others' lives but also that of his own family and loved ones on a salary and benefits program often times that is insufficient. A firefighter's lot is the same. Whenever duty calls to lay their lives on the line, an act of valor and love for fellow man few would consider, they give their all, and sometimes their own precious lives. And their families are often times left with no hope of livelihood for their futures.

On behalf of the members and committee of the Montana Law Enforcement Museum, I extend our support in favor of the passage of your House Bill that would provide valuable educational assistance to the surviving families of law enforcement officers and firefighters killed in the line of duty. It is our desire that this bill be swiftly and successfully passed into Montana law.

Sincerely,

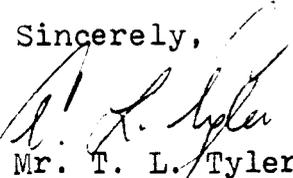
  
Mr. T. L. Tyler, Coordinator

EXHIBIT #7  
DATE 1-7-83  
HB #23

WITNESS STATEMENT

NAME Paul C. Dunham BILL NO. HB 2  
ADDRESS Helena DATE 1/7/86  
WHOM DO YOU REPRESENT? Mt. Univ. System  
SUPPORT \_\_\_\_\_ OPPOSE ~~\_\_\_\_\_~~ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: See attached letter from  
Commissioner Krause

EXHIBIT # 8  
DATE 1-7-87  
HB # 23

WITNESS STATEMENT

NAME MATTHEW THIEL BILL NO HB-23  
ADDRESS 676 N. DAVIS RD 3 Helena DATE Jan 7,  
WHOM DO YOU REPRESENT? Ass. students at U of M  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

ASUM, including PRESIDENT PAUL TOSS,  
SUPPORT THIS BILL AS IT IS a just  
and appropriate use of <sup>fee</sup> WATKINS

WITNESS STATEMENT

EXHIBIT #9  
DATE 1-7-87  
HB #23

NAME Dave Fisher

BILL NO. HB 23

ADDRESS 1908 S. Washington St.

DATE 1-7-87

WHOM DO YOU REPRESENT? Silver Fire Council

SUPPORT  OPPOSE \_\_\_\_\_ AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:  
Will talk at hearing.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HB. # 23

DATE Jan 7, 1987

SPONSOR REP. KEENAN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Chuck O'BEILLY	HELENA	X	
Mike Outo	Butte	X	
MATT THIEL	ASUM MISSOULA	X	
Jack Woody	Butte	X	
Ed Kelover	Butte		
Edward L. Flie	Helena	X	
Tim BERGSTROM	MT. STATE FIREMANS ASSOC	X	
KEVIN OLSON	HAURE / MT POLICE PROT. ASSOC	X	
Tracy Beaver	" " " " "	X	
Michael Hunt	MT. Coanell Pro. FF	X	
Kristi & Jo Keniery	missoula	X	
Jaime Zink	ASMSU		
TODD HUDAK	ASMSU		
Ray Blehm	Helena	X	
Alec Hausen	MLCT	X	
Shawn Galen	Helena		
Rick Tucker	Helena	X	
ART KORN	BUTTE	X	
Jimmy Monow	MFT	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

