

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

March 5, 1977

The twenty-second meeting of the Senate Education Committee was called to order by Senator Chet Blaylock, Chairman, on the above date, in Room 402 of the State Capitol Building at 11:00 o'clock A. M.

ROLL CALL: All members of the Committee were present, with the exception of Senator Fasbender who was absent.

CONSIDERATION OF HOUSE BILL No. 239: An act to provide for denial of unemployment benefits to school employees whenever they have a contract or reasonable assurance of returning to work in the next academic year and to provide for a similar denial in the case of athletes and illegal aliens as provided for in Public Law 94-566.

Representative Joe Brand, Deer Lodge, House District #28, sponsor of the Bill, was called on to present his testimony. A film was shown pertaining to the subject matter of this legislation, entitled "The Bicentennial Amendments" which explained the federal unemployment compensation amendments of 1976, after which Rep. Brand suggested some amendments to the Bill be made.

Proponents of the Bill included:

Chad Smith, representing the Montana School Boards Association, stated certain school personnel such as bus drivers, maintenance men, mechanics and food service personnel are unemployed between the school terms and presently are eligible to draw employment benefits even though they knew when they were hired that they would not be working during the summer months, but would resume again in the fall. He explained that this situation should be remedied if these people are assured they will return to work as the expense to school districts which must presently bear the cost of unemployment benefits on a dollar for dollar basis is very high, citing that Missoula paid over \$8,000.00 last year which had to be charged back to the taxpayers in the school district.

Fred Barrett, State Employment Security Division, explained that certain federal requirements had to be met by the State; that the State had no choice when federal mandates applied because of supplemental assistance in the higher education systems. He further

stated it was impossible and unfair to separate workers in higher educational institutions from secondary schools when they had similar jobs and they did the same kind of work.

Opponents of the Bill included:

Jim Murray, Mont. AFL-CIO, suggested the Bill be put into a sub-committee for further study and questioned that teachers should be covered under the law as certain criteria must be met before a person is qualified for benefits, and the rules are quite strict; he felt the law was highly discriminatory but realized there was some "must" legislation involved with the federal regulations.

Vern Reinhart, Helena, Mont., representing the Retail Clerks Union, stated he represented about 200 employees working for the Universities which this legislation would affect; these people would like to work full time, but are laid off for lack of work during certain periods of the school year. It is hoped that they would be entitled to unemployment benefits as they are not in the same classification as teachers because they are paid hourly; also he advocated a subcommittee for this Bill.

Virgil Buettner, Bozeman, Mt., representing Teamsters Local #53, confirmed that people working at the University are not hired on an annual basis and do not have option of returning to work; when they work by the hour, they should be entitled to unemployment benefits and suggested amending page 4 where it refers to "reasonable assurance".

Nick Evankovich, school bus driver from Butte, Mont., representing Local #381, Amalgamated Transit Union, presented a letter from the members of the Union stating their objections strongly opposing the Bill.

Marie Mehrens, Butte, Mont., A.T.U. school bus driver, indicated she concurs with Jim Murray's statements.

When questioned by the Committee, Fred Barrett advised the amendments had not yet been worked out completely; that a more favorable rate for schools rather than the dollar for dollar charge-back had been proposed to take effect in July, but it is still not a comparable rating to private employers. Discussion was carried on regarding benefits paid to school bus drivers, if they contributed from their wages and the obligation of the district to furnish benefits and comply with governmental agencies.

Senator Blaylock proposed that on page 4, line 16, the word "reasonable" should be changed to "written" assurance of employment as reasonable could be an oral indication with no recourse on the part of the person expecting to be employed. The Chairman stated he would consider putting this Bill into a subcommittee for further study and amending.

There being no further questions, the Chair closed the hearing on House Bill 239.

CONSIDERATION OF HOUSE BILL No. 147: An act to extend to 99 years the term for which school district trustees may lease buildings from the county, another district, or any person; allowing such trustees to use rental money collected for any proper school purpose.

Representative Ann Mary Dussault, Missoula, House District 95, on behalf of Representative Scully, sponsor of the Bill, was called on to present her testimony. She explained the change in the existing law, per line 19, page 2, would be from the present 3 year lease term to 99 years and allows any amounts received from leasing for any proper school purpose; that the repealer part on page 3 would do away with the housing and dormitory fund which was not intended and should be amended as this fund carries about \$1 million. She also suggested the amendments relating to community colleges be considered.

Proponents of the Bill included:

Larry Huss, attorney representing D A Davidson & Co., presented amendments applying to community colleges, copy of which is attached.

John Cambell, manager for Helena School Districts, stated a 3-year term of lease has caused a hardship to many districts as the time is too short to make any long-range plans or major change such as relocating a school facility.

There was no opposition to the Bill, and Rep. Dussault declined a closing statement.

In response to Senator Mathers' question if the Bill could be changed to include the leasing of land as well as buildings, attorney Huss stated he felt this provision would not change the scope of the Bill. Upon discussion, Chairman Blaylock maintained it was exceedingly important for the land to be included in the lease provisions and directed the staff counsel to check into amendment language to accomplish this purpose.

The Chair closed the hearing on House Bill 147.

CONSIDERATION OF HOUSE BILL No. 351: An act to declare that persons may serve as assistant athletic coaches in private or parochial high schools without being regular faculty members.

Representative Mular, House District 85, Butte, Mont., sponsor of the Bill, was called on to present his testimony. He explained this only applied to private or parochial high schools; that these schools had been having trouble with their athletic programs due to lack of staff and financing; the rules of the M.H.A. require a coach or assistant must be accredited and teach 3 classes to be eligible. There are many persons available in the community who are fully qualified in a particular sport to go out and coach; these schools want healthy competitive sports and a chance to compete with other schools which this legislation would allow.

Proponents of the Bill included:

Steve J. Kasun, who said they were asking for the opportunity to apply and be hired in this assistant coaching capacity, either voluntarily or for pay; that he felt the present system was discriminatory in that persons are not hired to teach when they are supposed to coach.

There was no opposition to the Bill.

In closing, Rep. Mular mentioned that parents who put their children in these private schools carry an additional burden as tax-payers and should be given consideration in this regard.

When questioned by the Committee, Rep. Mular read the portion of the Mont. High School Association By-Laws which applied to sports to the effect that persons coaching must be certified and teach a certain number of hours.

Senator Blaylock voiced his concern for the hiring of persons who have not gone through some type of teacher training, to which Rep. Mular replied there has been disciplinary problems with coaches at times also; that some administrators have forced teachers to coach who do not want to do so, but must in order to keep their job and that the athletic department would screen these persons before hiring and he would also be under the supervision of the coach.

There being no further questions, the hearing on House Bill 351 was closed.

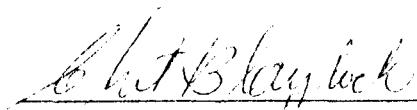
FURTHER CONSIDERATION OF HOUSE BILL No. 69: Senator Mathers advised he would, after talking with the Legislative finance office, recommend the Committee make H. B. 69 a special order of business and take one full day to consider it and ask people to attend from

the Legislative Analyst's office, the Board of Education and the State Superintendent's offices. He reasoned that it was unfair to ask this Committee to make such an important decision without all the facts from both sides being presented.

Discussion of this suggestion was carried on, with additional suggestions of asking school administrators from both large and small schools to attend. After considerable discussion and agreement by the Committee, the Chairman announced that next Saturday, March 12th, would be set aside for a full hearing on HB 69, starting at 10:00 o'clock A.M. in the Governor's Reception Room or Room 225.

ADJOURNMENT:

There being no further business, the meeting adjourned at 12:15 P.M.



Chet Blaylock, Chairman

ROLL CALL

EDUCATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date March 5,
1977

Each day attach to minutes.

SENATE

Education COMMITTEE

Bill No. 147, 239
4-351

VISITORS' REGISTER

DATE Mar. 5,
1977

Please note bill no

1973-7

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
John McHughes	A.T.U. School Bus Drivers	239		✓
Francine P. Farrell	G.T.U. School Bus Drivers	239		✓
Nick Garkovich	A.T.U. School Bus Drivers	239		✓
Leona Gersman	G.T.U. " " "	239		✓
Jeff Wulf	O.P.I.	69	Worcester	
Jeff Russell		351		✓
Maine Novak				
Mimi Mather				
Margaret Mather				
Brad Hettgenoller				
June Murray	Mont. State AFL-CIO	239		✓
Van Reinke	R.R.T.A.C. CLERKS UNION	239		✓
Larry Hess	P.A. Davidson & Co.	142	Amherst	
Barry Warner	OSPI			
Larry Clay	Board of Public Ed.			
Maggi Bellino	Teamsters Local 653	239	amount	
Carol Garrett	Emp. Sec. Div.	239		✓
Red Patten	—	—		
Joe Brand	Self-Rep. Rest	239		✓

NAME: Harry Hass DATE: 3/5/71

DATE: 3/5/77

ADDRESS: HELENA, MT

PHONE: 412-8070

REPRESENTING WHOM? D.H. Davidson & Co.

APPEARING ON WHICH PROPOSAL: HB 147

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

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Journal

Mr. President

We, your committee on Education have had under consideration House Bill No. 147

Respectfully report as follows: That House Bill No. 147 be amended as follows:

1. Amend the Title, Page 1, Line 5

Following: "SCHOOL"

Insert: "OR COMMUNITY COLLEGE"

2. Amend Section 2, Page 2, Line 13

Following: "district"

Insert: "including community college districts"

3. Amend Section 2, Page 2, Line 14

Following: "buildings"

Insert: ", including buildings acquired pursuant to Title 11, Chapter 41,"

4. Amend Section 3, Page 3, Line 1

Following: "district"

Insert: "including community college districts"

And as amended DO PASS

Chairman

Submitted by Person Name, Chairman

NAME: Virgil Buelthoo DATE: Mar. 6, 1978

ADDRESS: P. O. Box 1095 Boscawen, N.H. 03754

PHONE: 586-6705

REPRESENTING WHOM? Teamsters Local #53

APPEARING ON WHICH PROPOSAL: H.B. 239

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

COMMENTS: I want to delete on page 4 "or a reasonable assurance

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Fred Barrett

DATE:

ADDRESS:

P.O. Box 1728

PHONE:

449-3662

REPRESENTING WHOM?

E.S.D.

APPEARING ON WHICH PROPOSAL:

HB 239

DO YOU: SUPPORT? ✓

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John & Linda Jones DATE: 2/27/77
ADDRESS: 1619 Piedmont
PHONE: 792-9805

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: 251

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: VERN REEDER DATE: 3-5-77

ADDRESS: 1819 Lockley Helena, Mont

PHONE: 6183 2879

REPRESENTING WHOM? RETIRE CLERKS UNION

APPEARING ON WHICH PROPOSAL: 418 231

DO YOU: SUPPORT? AMEND? X OPPOSE? ✓

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Wade Mathews DATE: 11/18/22

ADDRESS: 1356 Sanyan Rd.

PHONE: 723-5229

REPRESENTING WHOM? A.T.U. School Board

APPEARING ON WHICH PROPOSAL: File 239

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? 1

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

H. J. 39

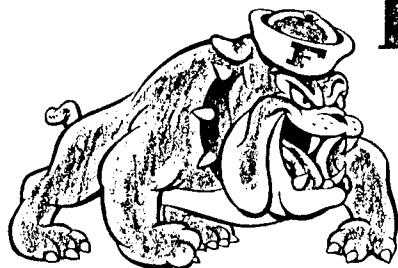
Chet Blaylock: Senator
Montana State Senate
Helena Montana

This is to introduce a paper
presenting for a group of small
bus drivers of School #381 Unemployment
Benefit Union of Butte, who strongly
oppose Bill 239.

The following people believe
this bill is unjustified by
discriminating against people
working for low wages.
The average income for a
month job as a school bus driver
is not more than \$3000.

Employed by School District are
many people who are the sole support
of families. This includes, teachers,
kitchen help, janitors, bus drivers,
and some engineers.

We feel the passage of this bill
entirely halts any financial aid
through the summer when the
what is definitely needed by
the above mentioned.



FRESNO STATE UNIVERSITY

Fresno, California 93740
Intercollegiate Athletics
209-487-1015

BATTLIN' BULLDOGS

February 7, 1977

Montana State Legislature
Helena, Montana

To Whom It May Concern:

The purpose of my writing this letter is to express my opinion on the issue of whether or not a person must be a college graduate or certified teacher in order to "coach" young people in the field of athletics.

I have long held the belief that there are gifted teachers (a coach is first a teacher) who have not had the desire nor the opportunity to become college degree holders. Men and women who have been great teachers in the fields of swimming and baseball, for instance, are abundant proof that all of the great teachers didn't get all of their learning from the "library."

I have had the benefit of playing football and baseball and learning great carry-over values from two men in my educational experience who were not college graduates. They were and still are, a great source of inspiration to me and countless others over a period of many years of dedicated service. One man was the Chief of Police and another a truck driver and sales representative. Neither had the opportunity for college educations. Both had the desire to follow other fields of endeavor and also had a "burning desire" to coach young men.

In my early coaching career, I had two dedicated assistant coaches. They were as professional as any coach I have encountered in my twenty six years. One did not have the opportunity to attend college, the other was a college graduate who preferred a career other than teaching school.

After all, what is the difference between a person who teaches mathematics all day and then goes to the athletic field to coach or of a person who follows another equally challenging

Montana State Legislature
February 7, 1977
Page Two

endeavor and then goes to the athletic field to do what they love most - - participate in coaching a sport which he or she might love and understand.

Going to college doesn't necessarily make a person understanding, compassionate and dedicated in dealing with young people.

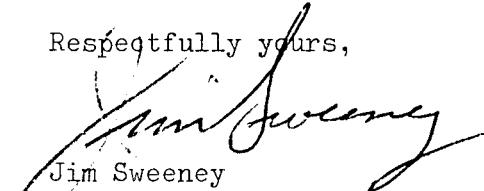
More and more in today's society it is becoming increasingly difficult to get people who are dedicated enough to put in the long hours it takes to work as coaches. More financially renumerative options are available (officiating, teaching drivers training, etc.). In the meantime we have a vast storehouse of eagerly awaiting people learning to "coach".

In these days of equal opportunity for the minorities, for women, for the aged, ad infinitum; why not equal opportunity for the person who doesn't have a college degree but who loves working with young people!

I have expressed my opinions in this lengthy dissertation. Opinions which may not be popular but which I strongly believe have room for consideration.

I would be available to substantiate any of these arguments if it would prove beneficial to the ambitions of the people this letter represents.

Respectfully yours,



Jim Sweeney
Head Football Coach
Fresno State University

JS:rl