

MINUTES OF THE HOUSE EDUCATION COMMITTEE
February 20, 1981

The House Committee on Education convened at 11 a.m., Friday, February 20, 1981, in Room 130 of the State Capitol, with Chairman Eudaily presiding and all members present except Representatives Teague and Yardley who were excused.

Chairman Eudaily opened the meeting to a hearing on the following bills:

HOUSE JOINT RESOLUTION 31

REPRESENTATIVE ROBERT DOZIER, District 61, chief sponsor, said this bill would mandate the University System to recruit actively among the Hispanic population of the state. He introduced the following proponents:

MANUEL MACHADOS, Missoula, representing the Hispanics, spoke next in support and a copy of his testimony is EXHIBIT 1 of the minutes.

ROBERT FEDERICO, representing the Hispanics, spoke next in support. He said his people make up the nation's largest minority - 16 to 20 million. Their economic impact is estimated at about 14 billion annually paid in taxes. There are about 7,000 in Montana with over 4,000 in Yellowstone County plus about 10,000 migrants that come to the state - so they play an equally important role here. He said the resolution does not call for additional moneys as present personnel is used to develop the plan.

I.E. DAYTON, University System, said he appreciates the resolution. He introduced the following speaker who would tell the committee of some efforts that are going on presently.

CLARA SPOTTED ELK, University System, said a federal program called Talent Search was offered in the fall of 1980. She passed out brochures (a copy is EXHIBIT 2 of the minutes). This is part of a trio program with the first two parts "Talent Search" and "Upward Bound" making post secondary more accessible to disadvantaged students. It works through local coordinators. She said they have identified 17 high schools that have inordinate drop-out rates and the third part of the program works with these schools to help reduce the drop-out rate and recruit them for post secondary instruction. They have a statewide council which has agreed there is a need to develop specifically for students who don't respond to the standard recruitment because of cultural differences. She said they have helped some Hispanic people but are very limited by federal guidelines (90% needs to be conducted in rural areas) and financial restraints. She said they use volunteer help and peer counsellors. Talent Search alone won't do it - recognize the need and attempting to do as much as we can.

I.E. DAYTON, University System, said if we are going to recruit any disadvantaged group we have to look at people who have dropped out of high school. It is not only a job for the university system but for the local school district and the Office of Public Instruction. He suggested an amendment to add this to the resolution. He said the program just mentioned is likely to be on President Reagan's hit list. He suggested another amendment that would say a copy of this resolution be transmitted to the federal government to encourage that the guidelines and funding for the Talent Search Program be expanded, and for the Legislature to stand behind the program if the federal support drops out. He said the comment that this will cost no money is the weakness of the whole thing. It is not a free ride and he suggested that with the directive of the resolution should come something that could be deposited in the bank.

Rep. Dozier in closing said to encourage these people should not need to cost the state. He said the mystery and uncertainty of a college campus is an option many don't opt for, but is an option we should actively encourage them in. This resolution could be a first step.

There were no questions from the committee.

HOUSE JOINT RESOLUTION 37

REPRESENTATIVE ROBERT DOZIER, District 61, chief sponsor, said this bill was at the request of the Office of Public Instruction. It is to employ a person of Hispanic descent to study the educational problems affecting the citizens of Montana who are of Hispanic descent. These Hispanic students are usually one year behind anglo students by age and grade. It is also to develop a Hispanic culture awareness program. The person employed is to assist local districts in deterring drop outs.

ROBERT FEDERICO, representing Hispanics, said when HJR 19 of last session was passed there was no money attached for the study. Eighteen Hispanic groups worked to complete this study. Thousands were surveyed and many oral histories taken and it was a major work on the Hispanics in Montana. Now this information should be utilized. One major factor of the study was the concern of the families about education. This resolution would work in that area. Attitudes of school children would be tested as attitude affects learning. This person would survey needs and factors that hinder education among the Hispanic children.

MANUEL MACHADOS, Missoula, representing the Hispanics, said he supports the resolution. He said HJR 31 and HJR 37 dovetail for without high schoolers' awareness of what is available in post secondary education they will continue the syndrome that is developing in other places. He felt as long as the person hired was attuned to the Hispanic needs it was not essential he be of Hispanic descent. He said the Hispanics do feel a cultural loss and perhaps this could help bring a renaissance for these people in the state.

Rep. Dozier in closing said he feels the resolution addresses a problem. We do have a tremendous drop-out rate in the public school area and he felt a great deal of that was due to discouragement. The young people see no reason to stay in school. A high percentage of the low-cost labor market is made up of the Hispanics. If the cycle is going to be broken, we have to encourage these people to stay in school. It has to be addressed at both levels for if they don't stay in high school they can't go to college.

S. JAIME ARRENDO, Migrant Children's Educational Program, left written testimony which is EXHIBIT 3 of the minutes.

HOUSE JOINT RESOLUTION 43

REPRESENTATIVE DAVE BROWN, District 83, chief sponsor, said this is to request that the university system direct some energy toward studying problems of towns and cities. There is no expense to the state. Basically the bill directs the university system to work with UPSIG, a nonprofit group whose brochure was handed to the committee members and a copy is EXHIBIT 3 and part of the minutes. He said he wanted to emphasize to the committee that this organization which was formed by the Montana League of Cities and Towns is not a flaky operation. They are intent on solving through technology some of the problems most drastically impacting cities, towns and counties. He said we seem to graduate a group of people who tell you how to hit the nail without anything further being done. This resolution requests the university system to take a look at the practical problem solving and try to work with a group like UPSIG. Emphasize not all book learning but the ability to apply what they have learned.

DAN MIZNER, Montana League of Cities and Towns, said he felt UPSIG is a good program and they would like to work with the university system as they would be better able to analyze some of the technical problems.

I.E. DAYTON, University System, said he was glad to hear they would like to work with the university system. He said there was no free lunch built on student enrollment. He said the agricultural experiment station and the staff at the forestry division are charged by law to do a lot of applied laws but don't get funded to do a lot of the things. He said if they are sincere, send along a little money. Such an amendment could be made on page 3, line 9, following "identified" insert "and including the means of funding for each study."

Rep. Brown in closing said he anticipated these comments as he has worked in the research field. He said this kind of attitude is what is wrong with the university system. He said his concern and the concern of many people is that the educational process deals too much in the abstract and not enough in the practical aspect. He said it shouldn't require any additional funding and he rejected the proposed amendment by Mr. Dayton. He said this could raise the consciousness of the university toward the problems. He said he doesn't want to create a whole new depart-

ment dealing with cities and towns.

There were no questions.

Chairman Eudaily had the committee move into Room 129 which was vacated by the Business and Industry Committee so there would be more room for the committee and the witnesses.

HOUSE JOINT RESOLUTION 30

REPRESENTATIVE CARL SMITH, District 57, chief sponsor, said this is a resolution to name Don Manker as the poet laureate of Montana. He said he has known Mr. Manker all his life. Rep. Smith said he has had up to 100 letters encouraging this and he brought a few for the committee to see (EXHIBIT 5 is an example). He said he agreed with the amendment Rep. Dussault will explain.

REPRESENTATIVE ANN MARY DUSSAULT read EXHIBIT 6, memo from Bob Person of the Legislative Council, which gave a history of the poet laureate. She said rather than establish whether Mr. Manker is deserving of the poet laureate honor her amendments would give the authority to the Montana Arts Council to establish guidelines and decide who should be the poet laureate by the next session. A copy of these amendments is EXHIBIT 7 and part of the minutes. She said she would like to see the state of Montana establish this post.

J.D. HOLMES, Helena, Montana Institute of the Arts Foundation, supported the bill as amended. He said he didn't want to oppose on behalf of his group the original resolution that asked for Don Manker to be named the poet. He said Mr. Manker is a very well qualified candidate for the honor as are a number of other well known Montana poets.

Rep. Smith closed.

There were no questions.

HOUSE BILL 727

REPRESENTATIVE ANN MARY DUSSAULT, District 95, chief sponsor, said the title implies something that was not intended. In the title and on pages 2, 6 and 8 should be inserted following "approval" "and disapproval". This is to make clear that the Board of Regents can disapprove as well as approve the students' recommendations. The bill is to make clear that the student fees are to be used for student uses. She said it is only logical to provide a specific mechanism through their student government where they would have input in adopting the policies dealing with the use of their fees.

STEVE CAREY, Associated Students of the State of Montana, spoke in support. He said the purpose of the bill is to grant student governments advisory powers to the expenditures of the moneys collected as fees. He said they don't want control over it. He said the students in 1929 suggested assessing a fee to build

a student union. There was a law suit on the right to assess a fee in 1931 and this brought up the fact that it can be done as long as it is for the benefit of the fee payer. In 1933 the Attorney General agreed with the ruling. He said the present policy is very limited in scope. Any expenditure of fees can be done by the president of the university system if below a certain amount; if over \$25,000 it needs the Regents' approval; and if over \$200,000 some sort of student approval. He said \$20 are assessed for building fees and \$18 for activity fees each quarter and about half of that goes for bond indentures. He said what they are concerned about is the amount beyond the bonds as there has been a number of questionable expenditures. He mentioned the scandal in the athletic department and most recently in Missoula the purchase of contiguous property, which was done in a manner that did not ask the advice of the building fee advisory group. He said there is no specific criteria on how this money will be expended. He said he would like to see statutory recognition of the student government and its right to have advisory input in the fee moneys.

MICHAEL DAHLEM, Associated Students, read Rep. Dan Kemmis's testimony as Rep. Kemmis had been unable to stay. This is EXHIBIT 8 of the minutes. He said his job was to anticipate objections: 1) Bill is not necessary - we have seen the current practices where student needs and desires have not been responded to. Problems in the past but more concerned about the future. The language of the bill would indicate that duly elected officers would be consulted before any determination of fee expenditures is made. 2) Bill is unconstitutional - do not believe bill infringes on the power given the Board of Regents by the 1972 Constitution. He said this is the opinion of Rep. Kemmis and several other attorneys. 3) Inappropriate to put this kind of language into statute - believe there is examples of this already there like in the statute establishing trustee-trustor. 4) Bill is ambiguous - that objection is taken care of by the amendment. 5) Bill will keep the Regents from carrying out their duties - bill is not retroactive but for the future. 6) Bill will affect bond indentures and selling bonds because students have some authority over the bonds - should be no problem. 7) Students should have gone through the channels and addressed the Board of Regents first - we are talking about long-term policy and this should be on the statute books. Benefits expected - prevent potential abuses and improved dialog which would clarify the use of the fee moneys.

HOWARD RINEHARD, President of Teachers Union, spoke in support. He said shared government has become a strong tradition and this is just a natural extension. He felt responsible student input and faculty input is valuable.

JACK NOBLE, Montana University System, spoke in opposition. He gave a little background to language which has been on the books since the 1950s. He said this came out of a state need to expand the colleges because of the growth of the time. The state didn't have the money so it was agreed to sell revenue bonds.

The Legislature and the Regents constructed the language which was required by the bond council to sell bonds. The impact of the language of this bill will be to impair the bond contracts. He referred the committee to copies of a letter he received on this matter from Dorsey, Windhorst, Hannaford, Whitney and Hallady (copy is EXHIBIT 9). He said there is over \$50 million outstanding on these terms. He felt there was a question about the constitutionality of the bill. In regards to the students' statement that the fees should be spent to benefit students - area of subjective determination as expanding the campus is of benefit to the students and especially in years to come. He felt that prerogative should be left to the Board of Regents. He said there is a good record of student participation and they participate actively in all the committees. He also felt they should have brought their complaints to the Board of Regents first.

In closing Rep. Dussault said it is clear the letter presented by Mr. Noble was written in response to the unamended bill. She said the final authority rests with the Board of Regents. She said the law case in 1929 narrowly defined student use of these fees - student union was permitted "however if the proposed building was to be used for the housing, classrooms, etc., ... we might not be so..." inclined. Due process - doesn't seem to work as the internal process doesn't get carried out. Important for another reason. There has been times in the past when the Legislature has thought of appropriating this money. This language goes another step in clarifying what this money is to be used for.

Questions were asked by the committee.

Rep. Andreason asked Mr. Noble if he still sees a problem with the bill as amended. Mr. Noble said the Regents will now have the authority to set their own policies. He said he would need to refer this back to his attorneys that provided the letter.

Rep. Hannah asked concerning the piece of land purchased at the U of M. He asked since they just have input would this have made any difference. Mr. Carey said they would be informed of intentions. He said they would have had to seek approval from the Board of Regents if they had spent over \$25,000 so they just spent \$1 under. He said all they are asking for in this bill is that the students' opinions be listened to. He said they might have determined that the piece of property was a good purchase if they had been asked.

Rep. Hanson said on Page 2 the process is for the student group to establish some policies and submit them to the Board of Regents. What if the Board of Regents disapproves them? Rep. Dussault responded they would have to formulate more and the policies would remain as they are now.

HOUSE BILL 793

REPRESENTATIVE EARL LORY, District 99, chief sponsor, said this was a committee bill resulting from a request by involved people. The bill prescribes the duties for the head of the Deaf and Blind School in Great Falls. The bill deletes the last clause of Statute 20-8-103 that requires the head of the school to have taught three years in a school for the deaf. He suggested an amendment that would add "have been employed as a professional in a school for the deaf or blind."

SHARON CROMEENES, Association for the Blind, said he was a member of the search committee to screen applicants for the replacement of the present superintendent. He felt the proposed amendment would make the bill more palatable. He said the search committee faces some problems with the law as it is now it eliminates 1/3 of the applications and rules out some very good applicants. He said since the school is a dual school it is very important for the successful applicant to properly administer both schools. He said Senator Goodover had agreed the law should be changed and the statement removed that required having taught three years in a deaf school. He said their reason is that they are seeking someone with administrative background and while the experience is alright it should not rule out some very good applicants that have applied. He said he had no objection to Dr. Lory's amendment.

EDWARD VAN TIGHEN, Great Falls, Montana Association of the Deaf, said he was a member of the screening committee searching for the new superintendent. He said his association wants the law to remain as it is in the statutes. He felt the person chosen should have some classroom experience. He said the law is not unique as other states have similar requirements in their laws and he passed out copies of four pages showing similar requirements in other states (EXHIBIT 10).

HAROLD MILLION, Great Falls, representing self, spoke as an opponent. He said he was a member of the search committee and the father of a deaf child. He said he agrees with Mr. Van Tighen. He said the school is a dual one but overwhelmingly loaded toward the deaf - 110 deaf compared to 10 blind. The blind spend maybe one or two years and then return to the local school district. The average deaf child is there until about 19 years of age and the trend is to get them as early as possible. So there is no question the chief executive must have some idea of the problems of educating the deaf child. He said the education is very different from educating the hearing child as these children have no way to talk. He said the wrong man can destroy the program in six months. He said the school also plays a very important part in that it is a social center for the deaf as the school is the largest employer of deaf adults in Montana. He said he would not oppose the amendment. He said they have received 22 applications for the position and have ruled out only 5 and he didn't feel this was unusual. He said the law being discussed is the only qualification there is for the job, other than that he is to live in a house on the campus. So if this law were removed anybody could be eligible.

Rep. Lory said he had nothing further to add.

Chairman Eudaily said this was brought to the committee and we were asked to do something about it so it was made into a committee bill because of the time frame.

A letter opposing the bill was received from Robert LeMieut Ex. 11.

HOUSE BILL 808

REPRESENTATIVE AARON ANDREASON, District 24, said this is a committee bill and almost the exact replica of the bill presented last session by Rep. Vincent. The purpose of the bill is to take the salaried employees of the universities out of the statewide computer system. He said they are being paid after the fact in a floating period in the first third of the month. This has caused many problems and is causing a morale problem. The former system was much more adequate as they were paid at the beginning of each month and any discrepancies figured on the following month.

CHARLES BRYAN, University of Montana graduate, said he would like to enforce what Rep. Andreason has said. He said the payroll system has created havoc with faculty members - late penalty charges, etc.

DARRELL FENNER, Extension Agent, Kalispell, spoke in favor and a copy of his testimony is EXHIBIT 12.

REPRESENTATIVE JOHN VINCENT said the change came about because of some highway workers in the eastern part of the state falsifying or making mistakes on their reports. It was to correct these abuses that the Legislature made the ruling, never guessing what ramifications it would have. Justification was needed in one area but not at the university system with professionals. He said it was a pure accident the university system got involved with it and it is not appropriate. Certainly if everybody had been alerted to the impact it would not have passed the way it did.

JACK NOBLE, Commissioner of Finance, Montana University System, spoke in opposition. He said he would have liked to hear the testimony in 1977. He said they worked up to the 10 day lag slowly - took 4 1/2 months. He said they have some money invested in changing things over and if they have to go back through the swamp it will cost some more.

MR. SCHNEIDER said if this goes others may want the change also. There could be quite a few "me, toos" coming after. He wished it hadn't been enacted as it is inefficient to change.

Rep. Andreason in closing said the system is unnecessary to pay professional employees after the fact or to have them fill out little cards each month. He said this cause extra paper work. He said he would like to quote Dr. Lory "Computers were made for our use and we weren't made for the computer." He said maybe other employees should be included.

Questions were asked by the committee. Rep. Hannah asked concerning cost. Chrissy Douglas, University of Montana, said she would like to speak to the cost: \$230,000 initially and \$180,000 to undo it for a few. She said there is a problem in that this after the fact interferes with every kind of mechanism we provide for the fiscal analyst. If they ended up having two payrolls the cost would be \$88,000 a year additional operating cost. She said this might be low and it could be closer to \$101,000 for one campus with other campuses proportionate to that.

Rep. Lory asked what we need to do to go back to the good old days. What sort of language to repeal SBAS. Mr. Noble said the language would need to be amended in and perhaps a fiscal note would be a good idea.

Rep. Hanson asked if this could have far reaching effects on all state employees. Rep. Vincent said this deals only with the professional employees at Missoula, others with complaints would have to address the statute themselves.

Chairman Eudaily had Vice-Chairman Anderson assume the chair as he was carrying the following bill.

HOUSE BILL 732

REPRESENTATIVE RALPH S. EUDAILY, District 100, said this bill is also a committee bill. He said the need for this first became apparent when considering Rep. Keedy's bill on removing the requirement to be a citizen for a teacher. It was found the teacher oath is still in the law and the committee felt it should be removed as it is not used and is unconstitutional. He handed to the committee members a copy of a court decision in Missoula by Judge Russell Smith. A copy of this is EXHIBIT 13 of the minutes.

ROSEMARY RODGERS, representing self, appeared as an opponent. She said she did not realize it was unconstitutional. She said she stands opposed to removing anything that pertains to our constitution. A copy of the letter she presented to the members is EXHIBIT 14 of the minutes.

Rep. Eudaily said he appreciated her concern but this is just to unclutter the statutes and bring them up to date.

Chairman Eudaily resumed the chair and closed the hearings on the bills and opened the meeting to EXECUTIVE SESSION.

EXECUTIVE SESSION

House Bill 647 - Chairman Eudaily said he had been approached by some people from Billings who had a problem and asked if this bill could be considered again. Their suggested amendment is EXHIBIT 15 of the minutes. The bill has been tabled. The problem is the interpretation of what is meant by the second amendment on page 2, lines 19 and 20 of the bill. Their problem is with some 15 year old students who have not completed the 8th grade. They are unruly and they don't want them in the school but can't get rid of them because of the compulsory laws. In the present language they don't feel they have the power. They asked the attorney general if the language in the bill would do what they wanted it to do and he said it did. The school board disagreed and submitted the language on EX. 15.

Bob Stockton, OPI, in response to a request said he would give them some background. The state old law did require both 16 and have completed the 8th grade. When it was recodified the legal interpretation was that they didn't have to be either-they could quit. The school people came in and said that's not what we want and submitted the language to put them back. It was put in the compulsory enrollment but not compulsory attendance and since they wanted the old law it is now back under both provisions. He thought the expulsion process took care of that but not having studied the bill he didn't know.

Chairman Eudaily said in his discussion he was told the school board didn't want to take them to court.

Rep. Lory moved to take HB 647 from the table. The motion carried unanimously with those present (absent were Vincent, Dussualt, Teague, Donaldson, Yardley, Azzara). Rep. Lory then moved DO PASS. Rep. Hanson moved a substitute motion of DO NOT PASS. He said it is too easy to remove a child from a school. He felt they have the legal authority in the law already.

Rep. Hannah spoke for the bill. He said administrators should be more than social workers for students who don't want to be there. Rep. Andreason also felt this was a step in the right direction to allow students there to learn a chance to do so.

Rep. Meyer felt page 4, lines 1 and 2 would be a way to get rid of them. He felt most kids who didn't want to be there don't come.

Rep. Kitselman felt this could bring some lawsuits.

Rep. Hanson withdrew his motion. Rep. Kitselman made a substitute motion of tabling. Rep. Hannah said this smacks of unfair legislative as we have spent the first half solving Missoula problems and we come in with a simple Billings problem and it is tabled.

Question was called and the motion carried with Reps. Hannah, Lory, Andreason, O'Hara voting no and absent were Reps. Vincent, Dussualt, Teague, Donaldson, Yardley, Azzara.

Chairman Eudaily left to give testimony at another meeting and Vice-Chairman Anderson took the chair. He opened the meeting to a consideration of the tenure bills. He asked Rep. Vincent for a report as Rep. Donaldson the chairman of the subcommittee was absent at this time. Rep. Vincent said the subcommittee met a couple of times and had lengthy deliberations and decided they could not reach agreement in whole or in part. He said it is a difficult situation. Our intent was to leave them up to the committee to decide and to suggest a study. He said there seems to be willingness on the part of teachers, teacher organizations and school boards to work on this. With the time pressure now he didn't feel it was the right time to reach a rational decision on this problem. The minutes of the subcommittee meeting is EXHIBIT 16.

HOUSE BILL 276 - Rep. Kitselman moved to TABLE. Rep. Vincent said he would like to inform the committee that he thought the chief sponsors of both HB 276 and 400 would try to blast them out of committee.

Rep. Williams said he would go along with tabling this bill.

Rep. Dussault said there seems to be a mood in all committees to table rather than kill. Don't understand the psychology.

Rep. Lory said you don't have to go through an adverse committee report.

The question was called and the motion carried with Rep. Dussault and Rep. Hannah voting no and absent now were Reps. Eudaily, Yardley, Donaldson, Teague and Azzara.

HOUSE BILL 400 - Rep. Vincent said they couldn't reach accommodations on this bill either. The school boards need some kind of probationary period and they don't like to go along with binding arbitration. Tried to come up with working definitions of "incompetency," and "unfitness." He moved to TABLE the bill.

Rep. Williams said school boards can discharge teachers that are nontenured by saying they can hire someone else to do a better job than they do. He said Rep. Keedy has done a good job putting this together. The teacher can be let go for "due cause."

Rep. Vincent said they worked on that "due" cause, also "just" cause, "reasonable" cause, "substantiated" cause" - understand that I am speaking for the best action of the subcommittee. He said he teaches in a large school district that doesn't have these kind of problems.

Rep. Williams moved a substitute motion to bring the bill to the floor without a committee recommendation.

Rep. Vincent said he approves the motion but will vote against it because of the subcommittee work he did.

The question was called and the motion failed with Rep. Williams and Dussault voting yes and absent were Eudaily, Yardley, Donaldson, Teague and Azarra.

Vice-Chairman Anderson called for a vote on the original motion of TABLING. The motion carried with Reps. William, Dussault, and Hannah voting no and the same absent as the previous vote.

HOUSE BILL 665 - Rep. Lory moved DO NOT PASS. He said the reason was the cost which was \$6 million.

Rep. Anderson said there was a suggested amendment on page 4, line 16, following "is" insert "6%." He moved it.

Rep. Dussault asked how many school districts and what will the 6% do to the fiscal note. Mr. Bob Stockton was asked and replied in 1979-80 there were 200 elementary schools declining and 128 would be in excess of 6%; 105 high schools declining and 74 of them in excess of 6%. So it would cost for high schools and elementary schools \$2,304,900 annually using the 6% amendment.

Rep. Dussault questioned if the bill is worth it with the amendment. Rep. Hanson said any school can absorb a small decrease and he felt 6% would be a good limit as it would help the schools with a big loss and the others could possibly get by.

The question was called on the amendment and it carried with Reps. Vincent, Dussault, Kennerly and Williams voting no and absent were the same as the previous vote.

Rep. Lory withdrew his motion of DO NOT PASS.

Rep. Anderson said he would like to move another amendment. In this one the rolling average would be used the second year and not applicable to the first year of the biennium. The first year the increase in the foundation money is substantial but the second year the schools felt there would be a problem. This would lower the fiscal cost for the biennium and give the bill a better chance to pass.

Rep. Hannah asked if this would help Anaconda. Vice-Chairman Anderson said he thought so as they would get 25.8 infusion into their budget by HB 610 the first year and the second year this bill would help.

The question was called and the motion to accept this second amendment carried with Reps. Vincent, Hannah, Dussault, Kennerly voting no and absent were Reps. Eudaily, Yardley, Donaldson, Teague and Azzara.

Rep. Williams moved DO PASS AS AMENDED. Hannah moved a substitute motion to put in Sexton's amendment on page 4, line 17, to strike "shall" and insert "may." This motion carried unanimously with those present (same absent as previous vote).

Question was called on Rep. Williams's motion and the motion carried with Reps. Dussault, Kennerly and Vincent voting no and the same absent.

HOUSE BILL 726 - Rep. Vincent said he had been asked to put this bill in by his school district. He said this affects everyday problems and especially kids in special education. The nurses who opposed the bill said the parents should come to school and administer the medicine - this is not practical. He said some nurses are concerned about job security as school nurses can give medicines now. He said there is a liability section. It is also permissive - the school district may establish policies to permit this. He suggested an amendment on page 2, line 22, following "safe" insert "and secured." He said the safeguards are tight. He said the nurses have concerns but more concerns are corrected in passing the bill. He moved DO PASS as AMENDED.

Rep. Andreason asked about the liability of the teacher. Rep. Vincent suggested on page 1, line 21 to strike the words "in a criminal action." He said this would protect the teacher and the school nurse as well.

Rep. Williams asked what has brought on the need of this. Rep. Vincent replied special education would account for about 90% of it.

Rep. Williams expressed concern at putting more responsibility on the teacher. Rep. Vincent said with 12 to 14 buildings in the district and one school nurse, medications will be dispensed in those schools by others than the nurse.

Question was called on Rep. Vincent's first amendment to strike the words "in a criminal action" on page 1, line 21. The motion carried unanimously with those present. Now absent were Reps. Yardley, Donaldson, Teague and Azzara. Rep. Vincent moved his second amendment to add the words "and secured" on page 2, line 22, and this motion carried unanimously with those present (absent same as previous vote).

Rep. Vincent emphasized it was permissive and had very strict safeguards. Rep. Williams mentioned the only opponents were the two school nurses.

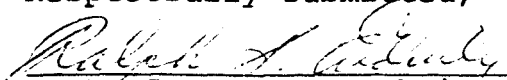
Chairman Eudaily asked concerning the medicines that need refrigeration. Could the trustees exclude this kind of policy. Rep. Vincent said yes.

Question was called on Rep. Vincent's previous motion of DO PASS AS AMENDED and the motion carried with Rep. Williams and Kitselman voting no and Reps. Yardley, Donaldson, Teague and Azzara absent.

The suggestion was made that Chairman Eudaily check out with the leadership and see if action can be taken on the remaining bills on Monday.

Rep. Vincent moved the meeting adjourn. Meeting adjourned at 2:55 p.m.

Respectfully submitted,


RALPH S. EUDAILY, Chairman

TESTIMONY FOR HJR 31

Mr. Chairman, Members of the Committee:

Increasingly, Hispanics throughout the United States and Montana specifically require recognition of the rather unique place that they occupy in the society and culture of their various population enclaves. In Montana, for example, approximately 12,000 Hispanics (principally Mexican-American) comprise approximately two percent of the population. But their concentrations reveal an essentially urbanized people with about 53 percent of the Hispanics concentrated in Yellowstone County. Second in importance in terms of Hispanic population is Cascade County, then Silver Bow, and finally Missoula County. Thus, we can see a sufficient population distribution to indicate the need for a recognition of their existence as an autochthonous group within the social fabric of the state. Furthermore, the lack of organized programs that appeal to and attract Hispanic students to the University of Montana System fails to recognize their integrity as a viable and recognizable group within the society of the state.

As I perceive the problem, there seems to be a two-pronged approach mandated by HJR 31. First of all, the University System needs to recruit actively among the Hispanic population of the state to at least bring student enrollment at a parity level with the Hispanic population in the state. For example, at the University of Montana, of a student population of

approximately 8,500, we have only 45 Hispanic students. Montana State has an even lower level. Probably the most execrable example of a negligible Hispanic enrollment appears at Eastern Montana College in Billings.

Yellowstone County has approximately 53 percent of the Hispanic population of the state or approximately 6,000 Hispanics. This constitutes about six percent of the population of the entire county. Yet, the institution of higher learning that services that part of the state has less than one percent of its student population composed of Hispanics. Lack of systematic recruitment of Hispanics for all units of the University System accounts in great part for the low numbers of Hispanics in the higher education programs of the state of Montana.

Recruitment of Hispanics and their successful completion of programs within the higher education programs of the state would serve a variety of purposes. It would produce a greater number of highly trained and skilled individuals. Secondly, it would provide positive role models for young Hispanics to emulate. This, in part, would reduce the high drop-out rate among Hispanics that is being experienced in Yellowstone, Cascade, and Silver Bow counties. That drop-out rate is approximately double that of Anglo students in those counties.

In part, recruitment of Hispanics in increasing numbers to the units of the State University System implies the offering of programs that will attract such students.

Hispanics in Montana are undergoing a painful cultural renaissance, attempting to ascertain their multicultural roots while at the same time trying to become productive members of a society. It is, therefore, incumbent upon the State University System to provide courses within existing programs that will assist Hispanic students in coming to grips with their cultural identities. At Montana State University, there is a three-quarter sequence on Latin America and a one-quarter course on Mexican history plus special topics courses. At the University of Montana there exists the following courses: a three-quarter sequence on History of Latin America; a two-quarter sequence on the History of Mexico; a one-quarter course on the Mexican American; a one-quarter course on the American Southwest. At Eastern Montana College there exists a one-quarter course entitled Latin American History (selected topics) and a one-quarter course on the History of Mexico. Additionally, Professor Robert Smith of EMC teaches a course on the 20th Century West in which he deals with the "Latin West." Foreign languages at all three institutions provide some courses in cultural awareness. Western Montana College at Dillon provides a single one-quarter course on Latin American History. In a recent conversation with a member of the EMC History Department, though the courses they have offered in Mexican and Latin American History have been in the catalog for the past ten years, this is the first year in which they have had enrollments over ten.

But this only addresses a single facet of a multifaceted problem. Financial aid needs attention. Hispanic students need to be encouraged to attend some branch of higher education within the state of Montana and at the same time need to be made aware of the variety of financial aid programs that are available to them. Financial aid offices must be attuned to the needs of Hispanic students and be willing to provide assistance when asked.

In no way does any of the above imply the creation of separate "Chicano Studies" programs or preferential treatment for Hispanic students in the University System. We have undergone some rather traumatic times with special ethnic studies programs that have been of questionable academic value though their capacity for consciousness-raising cannot be questioned. What is required, however, is a recognition of the reality of the Hispanic existence. Many Hispanics who may be recruited may have had marginal high school experiences. This will require remedial and supportive services to be provided by the different units of the State University System. Counseling and advising must be attuned to Hispanic needs and concerns. In many and probably most instances Hispanic needs and concerns will not vary appreciably from those of a general student population. But when the exception occurs, the University System must be ready to respond.

It is, therefore, incumbent upon the University System and its concomitant faculties and administrations to recognize

the integrity of the Hispanic in Montana. They are a viable people attempting to find their cultural wellsprings and at the same time trying to fit into the general flow of the society. The University of Montana System must respond to this segment of the society. As a state institution, it must serve all segments of its constituency.

WHO CAN GET HELP FROM TALENT SEARCH?

Many students will be eligible for help from a Talent Search coordinator. These include young people who are:

- Low-income
- Ages 14 to 27
- In high school and interested in going to college or vo-tech
- High School graduates who want to get more education
- College and vo-tech drop outs who want to go back to school
- Minorities



**WE HELP
YOU GO
TO SCHOOL**

Office of the Commissioner
of Higher Education
33 South Last Chance Gulch
Helena, Montana 59620
Phone: (406) 449-4772/3024

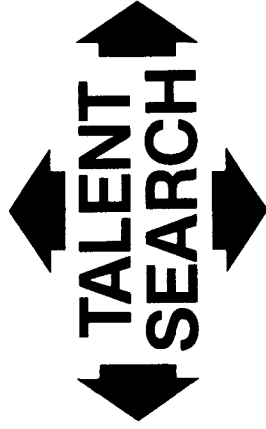
TS Form 28

6X.2

WHAT IS TALENT SEARCH?

It is a program funded by the Federal Department of Education as part of TRIO which includes Upward Bound, Talent Search and Special Services. These programs work together to make college and vocational training more accessible to disadvantaged students.

- Upward Bound offers a college experience for high school students.
- Talent Search recruits students by providing career and financial aid counseling.
- Special Services provides tutoring and supportive services to help students stay in and complete school.



HOW DOES TALENT SEARCH WORK?

The program works through local field coordinators who help young people with the processes of getting into school and obtaining enough financial aid to stay there. In Montana the coordinators are placed in areas where there is a high concentration of low-income students. They also help students in nearby areas.

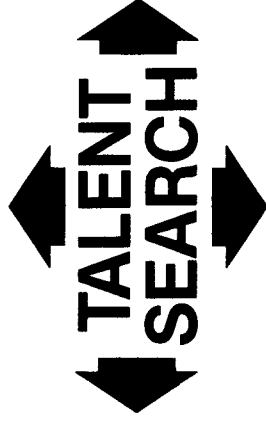
Coordinators are located at:

- Talent Search Coordinator
P.O. Box 117
Pablo, MT 59855
Phone: 676-4650
- Talent Search Coordinator
P.O. Box 850
Browning, MT 59417
Phone: 338-7538
- Talent Search Coordinator
Fort Peck Community College
Poplar, MT 59255
Phone: 768-5105
- Talent Search Coordinator
BIA - Education Department
Crow Agency, MT 59022
Phone: 638-2671

WHAT DO TALENT SEARCH COORDINATORS DO?

Talent Search coordinators can:

- Help drop outs get back into school, a G.E.D. program, college or vo-tech.
- Provide information about jobs and careers by using a Career Information System.
- Help students choose a school.
- Tell students about financial aid opportunities.
- Help students complete financial aid and admissions forms.
- Make sure students have enough funding to go to college or vo-tech.



6x.3

Migrant Children's Education Program

SCHOOL DISTRICT NO. 2 OF YELLOWSTONE COUNTY
BILLINGS ELEMENTARY SCHOOL DISTRICT
101 TENTH STREET WEST

Billings, Montana 59102

S. JAIME ARREDONDO
DIRECTOR

MIGRANT CHILDREN'S
EDUCATION PROGRAM
TELEPHONE 656-8514



February 19, 1981

Representative Ralph Eudaily
Chairman, Education Committee
Capitol Station
Helena, MT 59601

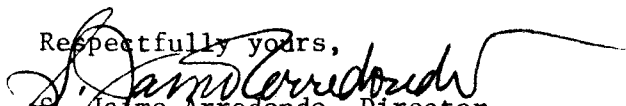
Dear Representative Eudaily:

This letter is to indicate my support for House Joint Resolution 37 urging the Office of Public Instruction, with the aide of state or federal funds, to have on it's staff a hispanic staff person to coordinate efforts in helping the hispanic population in public school systems of the State of Montana. A recent pilot survey was conducted by the HJR 19 Hispanic Task Force attempting to assess the needs of the hispanic population in Yellowstone County. Coordination with the Office of Public Instruction and local school districts proved very successful in identifying certain needs of the hispanic populations.

This pilot certainly is a model in attempting to address the needs of the hispanic students in the public school systems in the State of Montana. It is interesting to note that the study identified twenty-six (26) areas around the state having hispanic students of which I am sure educational needs could be addressed. The Needs Assessment Survey and a hispanic representative in the Office of Public Instruction could certainly mesh and compliment the expediting of addressing educational needs for hispanic students as needed. It is interesting to note that State Superintendent Ed Argenbright, in his address to the State Educators of Montana, in the publication "Montana Schools" is addressing the need to have the Office of Public Instruction better serve the state and local school systems "... while still giving some much needed property tax relief to local taxpayers." He also mentions his proposal in foundation program schedules to make "equality of education opportunity" more of a reality for all Montana school districts. With his intent to serve the cause of education in Montana the article also conveyed his wish to increase the number of subject area consultants in the Office of Public Instruction and make their assistance more directly available to schools. The intent of this service is oriented to have an agency open to suggestions and ideas from those we serve.

It is with the understanding of our State Superintendent's wishes to improve that I respectfully ask for your endorsement of House Joint Resolution 37 and hope that through the efforts of the Office of Public Instruction the need will be assessed and realized that a hispanic representative might help in seeing that the total cause in serving all Montana school districts will be met.

Respectfully yours,


S. Jaime Arredondo, Director
Migrant Children's Education Program

SJA/djb

UPSIG

Upper Plains States Innovation Group

R&D AGENDA PROJECTS

The following projects have been identified to address UPSIG's ten top priority problems. There is no single solution to any of these problems. The ten priority areas were selected by the UPSIG Board of Directors. The projects to address these priority areas are the result of discussions with more than one hundred resource persons.

While UPSIG has some funding available for these projects, action on most of these projects will depend on supplementary funding (Federal agencies, foundations, etc.). UPSIG will initially concentrate on the more feasible (and fundable) of these projects which have the fastest payback to cities and counties.

TEN PRIORITY AREAS:

- WASTE MANAGEMENT
- UNPAVED ROADS
- PAVING & PATCHING
- VEHICLES
- DATA PROCESSING
- VANDALISM
- PUBLIC SAFETY
- DUTCH ELM DISEASE
- WEED CONTROL
- SWIMMING POOLS

1. Waste Management Practices; Including Sewage and Solid Waste Recycling

1-1 Solid Waste Disposal Alternatives: Whether due to problems with present practices or interest in potential revenue sources, many communities are considering alternative solid waste disposal practices. The benefits and costs of these alternatives will be determined leading to a demonstration project(s) using cost-economical approaches.

1-2 Improving Refuse Collection Practices: Rising costs (personnel, equipment, transportation) are encouraging local officials to search for more efficient solid waste collection procedures. Workshops will be conducted on the appropriate options available to various sized communities; information sharing will be emphasized.

1-3 Sewage Treatment and Disposal Alternatives: Alternative sewage treatment and disposal alternatives may reduce costs and satisfy increased demands for local government sewage services. Additionally, various processed wastes can be used economically, promoting conservation practices. Interested local governments will be invited to participate in demonstration projects using the alternatives that prove cost-effective.

2. Improved Construction/Maintenance of Unpaved Roads

2-1 Control of Weeds on Road Shoulders: Windrows produced by blading road shoulders prevent water drainage from the road, leading to road deterioration. Test sites will be identified to demonstrate the effectiveness of low-growth plants that will crowd out tall-growing grasses and weeds, reducing or eliminating repetitive blading of unpaved road shoulders.

2-2 Construction Materials for Unpaved Roads: Composition classification of gravels for unpaved roads are needed to aid local engineers to prepare an optimal material mix. A facility that will analyze the composition of gravel samples sent in by local officials will be established. Referring to a materials composition guide, the sample gravel can then be modified by addition of the appropriate materials to provide a stable and standard unpaved road surface.

2-3 Alternative Road Stabilization Techniques: The relative merits of new soil binders and material mixes used for construction of unpaved roads are not well-documented. Costs and benefits of each approach will be determined and interested local governments will be invited to participate in demonstration projects using those binders and mixes that are cost-economical.

2-4 Removal of Windrows Produced by Road Blading: Windrows produced by blading operations are road hazards and prevent water drainage, leading to accelerated deterioration of unpaved roads. Equipment presently available can be modified to burn off excess plant material that hinders spreading and compacting of the windrow during blading operations. A demonstration project utilizing such a device will be conducted with results available to interested local governments.

3. Reduced Paving and Patching Costs

3-1 Mobile Asphalt Recycling Devices for Pothole Patching: Local governments can benefit from information on small scale mobile equipment which is available that recycles asphalt to produce a hot mix for use in patching potholes. A catalog will be prepared of manufacturers, cost and performance data, and local government contact persons with experience on this equipment.

3-2 Alternative Road Maintenance Materials and Techniques: Asphalt roads require periodic seal coats. Alternative seal coat materials will be identified and evaluated. Techniques allowing the use of less expensive aggregates will be evaluated. Promising options will be tested and demonstration projects conducted.

3-3 Pothole Repair Materials and Techniques: Cost-effective materials, equipment, and methods are sought for repairing potholes during the winter season. Cost-benefits of alternative patching materials/methods will be evaluated. Cost trade-offs between permanent patching materials and the less expensive temporary patches will be evaluated.

3-4 Alternative Surfacing Materials: Several technologies are available for reducing the costs of asphalt surfacing, (e.g. sulphur extended asphalt, recycled asphalt, foamed asphalt). Comparative costs will be documented for alternative surfacing approaches. Demonstration projects will be promoted where local government experience with these surfacing alternatives is not available.

4. Improved Vehicle Maintenance

4-1 Improved Purchasing Procedures: The cost-effectiveness of equipment depends on the life-cycle cost of the equipment. A workbook and/or workshops will be prepared covering model vehicle purchasing and replacement policies.

4-2 Preventive Maintenance Programs: Preventive Maintenance (PM) decreases the life-cycle costs of motor equipment by decreasing on-the-road breakdowns and improving fuel mileage. Workshops will be conducted in PM program management as well as practical training for operators and mechanics.

4-3 Fuel Monitoring/Control Systems: There are a variety of cost-effective fuel monitoring and control systems. Local governments do not know which of these would be cost-effective in their particular setting. A catalog of systems will be prepared along with implementation information and a demonstration program.

4-4 Conversion of Passenger Vehicles to Propane Fuel Systems: Several communities nationally have converted their passenger fleet to run on natural gas or propane. The cost-economies of these gases as a fuel (as well as methane) will be compared to that of gasoline in the upper plains region. If the economies are favorable a demonstration project will be conducted in an interested jurisdiction.

5. Increased Local Government Use of Computer Technology

5-1 Evaluating the Local Need for Data Processing: Many cities and counties feel they may have a need for data processing, but don't know how to determine if data processing would be cost-effective for them. An easy to use workbook will be prepared leading the local official through an evaluation of his locality's need for data processing.

5-2 Planning for Data Processing Needs: Cities and counties entering into data processing for the first time, as well as those considering expansion of software or hardware systems, have a need to develop a data processing plan. Workshops will be conducted at which attending localities will be instructed in the essential contents and process for preparing a five year data processing plan.

5-3 Data Processing Facility Selection: A variety of alternatives to the purchase of a computer are available to cities and counties including service bureaus and cooperative local government approaches. Mini and micro computers and facility management should also be considered. Workshops will be conducted at which local governments will be shown the variety of data processing facility options open to them.

5-4 County Land Records Information System: Counties need an integrated system for accessing related information from various departments including ownership and deed information, zoning, assessment and revenue information. Within a state, one system can be developed to meet the common needs of all counties. Smaller counties can access a centrally operated system via a terminal. Funding will be sought to develop such a system.

6. Vandalism Prevention and Control

6-1 Model Park Vandalism Prevention Program: Parks are the most commonly vandalized public facilities. There are many steps that can deter park vandalism, several of which are also applicable to other facilities. A model park program will be prepared which can be adapted by local governments in the region. Implementation of the program in communities will be followed and findings noted.

6-2 Education/Community Awareness Programs: Children and adults need to be made aware of the seriousness of the vandalism problem and of ways in which they can help reduce the problem. Grade school educational programs and community awareness programs such as Community Watch Programs, Crime Stoppers Anonymous, etc. can be effective in combatting vandalism. A guide to education/community awareness programs will be prepared including case studies and phone contacts for in place programs.

7. Public Safety Officer Productivity

7-1 Model Police Department Manual: Law enforcement agencies have a need for a policy manual which guides and governs peace officer procedures and conduct. This manual should be approved by the council/commission as a policy document. Guidelines for preparing such a manual along with a model manual will be prepared.

7-2 Stress Management Program: Police officer productivity can be severely affected by job related stress. Stress management programs should include the officer's family. Programs should be geared not only to new officers, but also to in-service training, and training for supervisors. A model stress management program will be prepared and implemented in an interested locality.

7-3 Jail Facility Consolidation: The special construction features of jail facilities coupled with the need to comply with Federal regulations and court decisions makes the capital cost of a jail facility prohibitive for a rural community with few inmates. A model approach to planning for a consolidated jail facility will be prepared with advice and input from national organizations and local law enforcement agencies.

7-4 Patrol Vehicle Locator Device: Technologies are available for identifying and locating the position of patrol vehicles on an electronically controlled grid map at a command center. Multiple towers receive digital radio transmissions from the vehicles, fixing their locations through triangulation. These systems are operational in urbanized areas. Funding will be sought for a demonstration project in the upper plains region.

7-5 Model Fire Run-Card System: Fire trucks and other emergency equipment have a need for on-the-spot information on the exact location of a caller's home, the most direct route to the site, and the location of the nearest source of water. Run-card systems have been developed by local fire units to provide this information to the emergency personnel. The best of these systems will be documented and implemented in a cooperating fire unit as a demonstration project.

8. Methods of Controlling Dutch Elm Disease

8-1 Local Level Workshops: There is a need for locally oriented training programs to advise appropriate city and county officials of successful methods for control of Dutch Elm Disease (DED). A workshop agenda will be prepared in collaboration with various local and state organizations; workshops will be conducted by either the Cooperative Extension Service or State Forest Services with administrative assistance from UPSIG.

8-2 Use of Bacterial Strains: While improved detection and sanitation programs have shown good results in control of DED, biological control programs have also shown great promise in this area. A demonstration project(s) testing the effectiveness of a bacterial strain deadly to the DED fungus will be conducted in an appropriate locality.

8-3 Trapping of Elm Beetles: Adult elm beetles, feeding on the vascular tissue of the elm, spread the fungus that causes DED rapidly through the tree. A recently developed trapping device will be utilized in a demonstration project(s) with the aim of evaluating its cost effectiveness as a control measure for spread of DED.

9. Weed Control; Including Environmental Impact of Chemical Treatment

9-1 Use of Innovative Chemical Applicators: Due to the rising expense of weed control chemicals, and their potential for adverse environmental impact, application techniques should provide the greatest coverage with the least quantity. A demonstration project(s) comparing recent innovations in application techniques will be conducted with the object of determining cost savings, strategic (terrain especially) limitations of the equipment and environmental impacts of the chemicals used.

9-2 Public Education Using Major Media Sources: Improving public awareness of local efforts to combat the spread of noxious weeds would aid local officials in their efforts. A public service announcement would be professionally prepared, emphasizing the swiftness of the spread of weeds, the methods of control, identifying characteristics, and the cost of infestation to government and private landowners.

9-3 Preparation of a Model Weed Control Guide for Local Governments: Local efforts to control the spread of noxious weeds are hampered by limited funds, inexperienced weed control officers, and significant absence of cooperation between government and private citizens. A document describing different methods of detection, control, and training opportunities for weed control officials will be prepared by UPSIG to facilitate local detection/control programs.

10. Techniques for Containing Costs/Increasing Revenue from Swimming Pools

10-1 New Construction of Swimming Pools: With construction of a swimming pool a major capital expense, local governments should have accessible information that aids in the selection of an appropriate pool size and design. A document describing the benefit/cost of automated maintenance systems, methods and materials for maintenance activities, and recent innovations in pool designs will be prepared by UPSIG and available to interested local governments.

10-2 Programs for Municipal Swimming Pools: Imaginative pool usage, incorporating various types of aquatic fitness/entertainment programs, can raise significant revenues for local governments. A description of successful programs, costs vs benefit of adding programs, and listing of training resource organizations will be documented by UPSIG for use by interested local governments.

10-3 Retrofit Design Options for Public Swimming Pools: Modification of existing swimming pools with attractive and attendance-boosting retrofit designs help local governments to turn money-losing pools into money-makers. Cost-benefit analyses (including case studies) of various design options will be documented for dissemination by the UPSIG staff; in conjunction with the documentation, a demonstration project(s) illustrating the cost effectiveness of one or more of the designs will be conducted in an appropriate locality.

Ex. 5

Jan. 23, 1981
Olive, MT 59343

Dear Representative Carl Smith,

I am asking your vote for a State poet Laureate. Don Manker is a highly qualified candidate for this position. He has sold hundreds of poems to magazines such as the Christian Science Monitor, Ladies Home Journal, Good House Keeping, Saturday Evening Post and Denver Post, just to name a few. Don has done many, many poetry workshops under State M.I.A. He belongs to Poetry Society of America in New York. Don is a charter member of Montana Institute of Arts. He has judged State M.I.A. poetry contests. Don has been honored by the State Capital Hall of Fame.

Don Manker is a native Montanan. He has written poetry most of his life.

My family and I would appreciate a vote for Don Manker as a State poet Laureate.

Sincerely,

Charles and Vera Carter
Powder River County Ranchers.

work hard on
this Carl -
Hope we are
successful
and back

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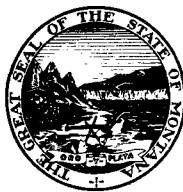


HOUSE MEMBERS

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CHAIRMAN
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ROBERT L. MARKS
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CHET BLAYLOCK
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FRANK HAZELBAKER



Montana Legislative Council

State Capitol
Helena, 59601

(406) 449-3064

13 February 1981

DIANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER

ELEANOR ECK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES

ROBERT PERSON
DIRECTOR, RESEARCH

SHAROLE CONNELLY
DIRECTOR, ACCOUNTING DIVISION

ROBERT C. PYFER
DIRECTOR, LEGAL SERVICES

TO: Representative Carl Smith

FROM: Bob Person *Bob*

RE: Poet laureate

In drafting the poet laureate resolution for you, I read just a little about poet laureate in the encyclopedia. I wanted to pass on to you some of what I found there so that you would understand how the resolution was put together.

Since the 17th century the poet laureate has been an officer in the household of the king or Queen of England. Before then, the term was applied as a symbol of distinction to any poet of eminence. It was conferred by universities as well as by the sovereign. "Laureate" refers to the crown of laurel used by the ancients to honor their heroes. So in this original sense, a poet laureate was a poet who was honored.

The resolution was drafted using the original sense of the term. The honor it confers need not be regarded as unique. The legislature might similarly honor other poets of eminence should it choose to do so.

Amendments to HOUSE JOINT RESOLUTION 30

1. Title, line 5.

Following: "MONTANA"

Strike: "HONORING THE"

2. Title, line 6.

Following: line 5

Strike: "DISTINGUISHED MONTANA POET, DON MANKER, BY DECLARING HIM THE"

Insert: "REQUESTING THE MONTANA ARTS COUNCIL TO PROVIDE THE 48TH LEGISLATURE WITH A PROCESS FOR ESTABLISHING THE POSITION OF"

3. Page 1, line 9, through line 7, page 2.

Strike: the balance of the resolution in its entirety after the title

Insert: "WHEREAS, it is fitting and proper to honor outstanding Montana artists; and

WHEREAS, many states have found it fit to identify a state poet laureate; and

WHEREAS, the Montana Arts Council consists of individuals from throughout the state having a background or interest in the arts which could be effectively used to suggest the duties of and criteria for choosing a Montana poet laureate.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

1. That the Montana Arts Council is requested to recommend to the 48th Legislature:

(a) The duties and responsibilities of a poet laureate of the state of Montana; and

(b) A process for designating a poet laureate of the state of Montana that would provide criteria for identifying persons who have the qualifications to be considered for this great honor and that will assure that Montana's poet laureate will bring honor and respect to the state of Montana.

2. That the secretary of state send a copy of this resolution to the chairman of the Montana Arts Council."

Testimony to House Committee on Education and Cultural Resources

Mr. Chairman:

This testimony is presented in support of HB 727. As ~~the~~ representative from ~~the~~ district which contains the University of Montana, I can speak of the continuing difficulty the student government there has had in maintaining a reasonable degree of control over their building fees. I can also assure the committee that student government has been utterly responsible in its efforts to guarantee that these student fees are used for the best interest of students. Given the difficulties that have existed in this area, and given the students' track record of responsibility, I believe

this bill is a workable solution to a pressing problem.

Opponents may argue that the ~~the~~ bill infringes upon the constitutional autonomy of the Board of Regents.

If you will examine the existing law which is here being amended, you will see a great variety of already existing statutory limitations on the Board's freedom of action in this area. The mild limitation of this bill is no different than existing limitations, and no less constitutional.

Thank you for considering this testimony.

Daniel Kemmis
District 94

Ex. 9

DORSEY, WINDHORST, HANNAFORD, WHITNEY & HALLADAY

2300 FIRST NATIONAL BANK BUILDING

MINNEAPOLIS, MINNESOTA 55402

1468 W-FIRST NATIONAL BANK BUILDING
ST. PAUL, MINNESOTA 55101
(612) 227-8017

(612) 340-2600
CABLE: DOROW
TELEX: 29-0605
TELECOPIER: (612) 340-2868

115 THIRD STREET SOUTHWEST
ROCHESTER, MINNESOTA 55901
(507) 288-3156

February 19, 1981

WILLIAM A. JOHNSTONE
(612) 340-2815

Mr. Jack Noble
Montana Higher Education Student
Assistance Corporation
33 South Last Chance Gulch
Helena, Montana 59601

Dear Mr. Noble:

You have asked our comments with respect to proposed legislation to amend Section 20-25-302(2), M.C.A. and Section 20-25-402(4)(b), M.C.A. We understand that the proposed amendment to Section 20-25-302(2) provides, "Student building fees shall be held and administered for students of the Montana university system in accordance with policies submitted by the respective representative student governments to the Board of Regents for approval". We understand that the proposed amendment to Section 20-25-402(4) adds the following language, "provided such action is taken in accordance with policies submitted by the respective representative student governments to the Board of Regents for approval".

We have the following comments regarding the proposed amendments:

1. There is some ambiguity as to the meaning and effect of both amendments. Do the amendments require the Board of Regents to approve the policies submitted by the respective representative student governments or merely to consider such policies in establishing policies of the Board with respect to student building fees and the pledge thereof? If the former, which is the Board of Regents to do in the event the policies submitted by the student government of one unit of the university system is in conflict with the policies submitted by the student government of another university system. Regardless of the merits of the legislation or our additional comments to follow, the purpose of the legislation ought to be clearly identified and plainly stated.

2. Article X, Section 9(2)(a) of the Montana Constitution provides:

"The government and control of the
Montana university system is vested
in a board of regents of higher

Mr. Jack Noble

-2-

February 19, 1981

education which shall have full power, responsibility and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law."

The proposed amendments, particularly if the policy submissions of the students are mandatory upon the Regents, seem at odds with this provision.

3. As you know the Board of Regents has issued and there are presently outstanding several series of revenue bonds for the payment of principal and interest on which the Board has pledged various student building fees imposed pursuant to the authority of Sections 20-25-302 and 20-25-402. In connection with the issuance of the bonds and the pledge of the revenues the Board and State entered into contractual relationships with the bondholders as to the imposition and collection of student fees at levels which will provide sufficient revenues to pay the principal of and interest on the bonds as due and as to the handling and administration of revenues. The contractual obligations of the Board and State may not be unilaterally altered by the Legislature, except in the most extraordinary circumstances, without violating Article 11, Section 31 of the Montana Constitution and Article I, Section 10 of the Federal Constitution which prohibit the state from passing laws impairing the obligation of contracts. To the extent that the proposed amendments qualify the authority of the Board of Regents to fulfill the obligations assumed in connection with outstanding bonds, they would appear to violate the constitutional provisions.

4. The quality of the security for revenue bonds payable from student fees and therefore their marketability and the rate of interest required to be paid thereon is a direct function of the authority of the Board of Regents to impose student fees at levels sufficient to produce adequate revenues for the payment of principal and interest on the bonds and to enter into other appropriate contractual arrangements regarding the pledging and administration of the revenues. Significant limitations on the authority of the Board to impose such rates and charges and pledge and administer the revenues will adversely affect the Board's ability to market such revenue bonds and the rate of interest that the bonds will bear.

Mr. Jack Noble

-2-

January 19, 1981

If you have any questions regarding the foregoing,
please do not hesitate to let us know.

Yours very truly,

DORSEY, WINDHORST, HANNAFORD,
WHITNEY & HALLADAY

By

William A. Johnstone
William A. Johnstone

WAJ/jn

MARYLAND SCHOOL FOR THE DEAF

P. O. Box 894
Columbia, Maryland 21044

POSITION VACANCY NOTICE

February 4, 1981

POSITION: Assistant Principal, Transitional Department

NATURE OF WORK: Responsible for the administration of the unit for multi-handicapped children, ages four through 14, including curriculum development and implementation, supervision and evaluation of teaching staff, supervision of IEP development, assist with staff development activities, coordination of class scheduling, teacher assignment, student activities, staffings, student evaluations and other responsibilities as designated by the Principal.

MINIMUM QUALIFICATIONS: Master's degree, CED certification in MHHI (preferred).
Two years' program administrative experience. Three years' teaching experience MHHI, 9 credits special education administration preferred.

SALARY: Negotiable, commensurate with degree, training and experience.

APPLICATION PROCEDURE: Interested persons are to submit a letter of application and resume to:

Dr. David M. Denton, Superintendent
Maryland School for the Deaf
101 Clarke Place
Frederick, Maryland 21701

CLOSING DATE: May 1, 1981

Ex.10

2-9-81
Bof

TEXAS SCHOOL FOR THE DEAF

Job Opportunity - Superintendent

Texas School for the Deaf is currently seeking applicants for the position of Superintendent. Individuals interested in applying will need to meet the following qualifications.

Mandatory Qualifications

The candidate must have:

- a broad based background in education of the deaf including experience in teaching, supervision, and administration.
- an earned advanced degree in a relevant field.
- a commitment to the philosophy of total communication and be able to communicate effectively with both deaf and hearing individuals.
- the ability to develop programs for meeting the educational, social/emotional, and economic needs of deaf children.
- successful experience in a residential setting.

Desired Qualifications

The candidate should have:

- outstanding human relations skills and ability to work effectively with the Governing Board, staff, parents and community.
- the ability to be a spokesperson for the school and to deal constructively with community and staff.
- the ability to deal effectively with state and federal agencies/organizations.
- the skill to delegate responsibility, achieve accountability, build moral, and instill confidence.
- knowledge of the budget process, the dynamics of changing school enrollment, and the needs of a pluralistic community.
- the flexibility to accommodate to changing conditions in a large and complex residential school.
- the commitment to help all students reach their maximum level of intellectual and physical development.

DIRECTOR, PSYCHOLOGICAL SERVICES

Responsible for developing and administering programs of psychological services for deaf, blind, and multihandicapped students, and for supervising professional staff of six. Doctorate in School, Educational, or Clinical Psychology required, along with training and/or experience in working with diverse populations of exceptional students and in establishing in-service relationships with instructional staff. Person employed must have or acquire manual communication skills. Salary range for 12 months: \$15,281 - \$21,659 (with 7% increase expected). Send inquiries and resumes to Lach Hyatt, Personnel Director, South Carolina School for the Deaf and the Blind, Spartanburg, S.C. 29302. Phone: (803) 585-7711.

SMALL RESIDENTIAL PROGRAM FOR EMOTIONALLY DISTURBED ADOLESCENTS POSITIONS CURRENTLY AVAILABLE

Experienced teachers of the deaf—eligible for New York state certification
Teacher aides
Child care workers
Part-time speech therapists, CCC required
Knowledge of sign language preferred. Salaries competitive.

Send resumes to:

Ms. Barbara Ihle
Lake Grove School
Moriches Road
Lake Grove, NY 11755
(516) 585-8776

POSITION AVAILABLE ASSISTANT OR ASSOCIATE PROFESSOR

Education of the Hearing Impaired

Responsibilities include teaching, supervision, advisement, program development, and research. Qualifications include earned doctorate in special education or related field from an accredited college or university, minimum of 2 years experience working with hearing-impaired individuals preferred, competence in simultaneous communication methods. Special education programs are offered at the bachelor's, master's, and doctoral level. Salary based on qualifications. Tenure-track position, available fall 1980. Apply by June 1, 1980 to Dr. Shirin Antia, Faculty

Search Committee, 232 Graham Hall, Department of Learning and Development, Northern Illinois University, DeKalb, Illinois 60115. Northern Illinois University is an affirmative action employer.

POSITIONS AVAILABLE

COORDINATOR: Curriculum & Program Evaluation: Ph.D. in Curriculum Dev., Ed. Tech., Ed. Eval., or related field; Master's degree and 5 yrs. of related exp. may be substituted; Min. 3 yrs. exp. in curriculum planning, dev., and implementation; Exp. in prog. eval. in programs for exceptional children; Skilled in manual comm. or willingness to learn; Application deadline 6/15/80; Expected date of empl. 7/80; Salary negotiable; Send letter of intent, resume, transcripts, and three letters of reference to: Michael L. Deninger, Acting Dean, KDES, Gallaudet College, 7th & Fla. Ave., N.E., Washington, D.C. 20002.

ASSISTANT PRINCIPAL: Master's degree in Ed. of the Deaf, Ed. Admin., or related field; Min. 3 yrs. teaching exp. in the ed. of the deaf; Prior supervisory exp. preferred, but not required; Proficiency in manual comm. or willingness to learn; Application deadline 6/15/80; Expected date of empl. 7/80; Salary negotiable; Send letter of intent, resume, transcripts, and three letters of reference to: Michael L. Deninger, Acting Dean, KDES, Gallaudet College, 7th & Fla. Ave., N.E., Wash., D.C. 20002.

SUPERVISOR: Diagnostic & Support Services: M.A. in Ed. of the Deaf, Sch. Psych., or related field; Min. 3 yrs. exp. in teaching exceptional children (at least 2 yrs. exp. in supervision and management of personnel engaged in diagnostic-prescriptive assessment); Skill in manual comm. or willingness to learn; Salary commensurate with exp. and trng.; Application deadline 6/15/80; Expected date of empl. 7/80; Send letter of intent, resume, transcripts, and three letters of reference to: Michael L. Deninger, Acting Dean, KDES, Gallaudet College, 7th & Fla. Ave., N.E., Wash., D.C. 20002.

PRINCIPAL: M.A. in Ed., Ed. of the Deaf, Sp. Ed Admin, Ed. Admin., or related field; Min. 5 yrs. exp. and at least 3 yrs. exp. in the administration and management of an ed. program for exceptional children; exp. in developing and managing budgets; Manual comm. required; Salary commensurate with exp. and trng.; Application deadline 6/15/80; Expected date of empl. 7/80; Send letter of intent, resume, transcripts, and three letters of reference to: Michael L. Deninger, Acting Dean, KDES, Gallaudet College, 7th & Fla. Ave., N.E., Wash., D.C. 20002.

Classified Ads

JOBS AVAILABLE

RESOURCE CENTER COORDINATOR

The Coordinator will be responsible for identifying, procuring, modifying, and developing materials for use in the project and will work closely with the Technical Assistance Coordinator to ensure that materials are suitable for use in the Local Technical Assistance Program. He/she will report directly to the Project Director and be responsible for supervising the Information Dissemination Specialist and support staff. A Bachelor's degree in education, rehabilitation or related field and a minimum of three years experience in work with disabled people, and fluency in manual communication are required. Salary up to \$21,000, depending on qualifications.

TECHNICAL ASSISTANCE TRAINERS (2)

The Trainers will assist in the selection of participants for Local Technical Assistance Program and assist the Technical Assistance Coordinator in developing, publicizing and conducting technical assistance workshops. He/she will report directly to the Technical Assistance Coordinator and provide direct supervision to the support staff. A Bachelor's degree or equivalent experience in programs for the disabled, knowledge of and sensitivity to the needs of the deaf people, and fluency in manual communication are required. Salary up to \$16-20,000, depending on qualifications.

TECHNICAL ASSISTANCE COORDINATOR

The Coordinator will be responsible for developing, publicizing, and conducting technical assistance workshops on Section 504 in each of the HEW regions, and assist in the selection of participants for the Local

TRAINING/LOGISTICS COORDINATOR

The Coordinator will be responsible for coordinating staff schedules for travel and meetings, make all travel arrangements, and will locate and reserve hotels, meeting rooms, interpreters, provide for the needs of people with other disabilities, and other support services. He/she will

POSITIONS AVAILABLE

Scranton State School for the Deaf.
Contact: Dr. Victor H. Galloway, Supt.
1800 N. Washington Ave., Scranton, PA 18509.

Director of Instruction - \$20,909-26,973 Masters in Deaf Education or Educational Administration required (doctoral preferred). Five years experience including two in teaching deaf and three in administrative capacity in a school for the deaf. Expertise in total communication.

Mathematics Teacher - \$11,272-19,375 Masters in Mathematics, Mathematics Education, Masters in Education with emphasis in math; or Bachelors in Mathematics and Masters in Deaf Education. Three years teaching experience in mathematics at junior high or secondary level with at least one year in a program for deaf. Knowledge of CAI highly desirable. Fluency in manual communication required.

Home Economics Teachers - \$11,272-19,375 Bachelors in Home Economics Education and a Master in Child Development; or Masters in Education of Deaf with a background in Home Economics to meet State Certification requirements. Fluency in manual communication required.

Parent/Infant Teacher - \$11,272-19,375 Masters in Deafness, Early Childhood Education and minimum of two years experience with young deaf. Manual communication skills required.

VACANCY ANNOUNCEMENT

Agency Director for the National Fraternal Society of the Deaf.

The Director will be responsible for the supervision for the Society's Field Representatives (Agents), the recruitment and training of new Representatives, and development of incentive programs for the Representatives. He/she will handle the applications for life insurance, and will attend certain affairs to acquaint the public with the Society. There is some travel involved, but not extensive, and is for the training of Field Representatives. A periodic newsletter will be prepared for the Field Representatives. Hospitalization and Life insurance, plus a pension plan, are included. There are excellent promotion opportunities. Salary is open, based on qualifications. Send complete resume to: Grand President, F.B. Sullivan; National Fraternal Society of the Deaf; 1300 W. Northwest Highway, Mt. Prospect, IL 60056. Deadline for applications is November 1, 1980.

PERSONAL

I would like to have American pen friends, boys and girls, 15-18 years.
Tommy Arnes, Blabaervn. 21, N-907, Tromsdaalen, Norway.

I want to get in contact with deaf American girls. Please write to:

3424 12th Ave. So. ^{Ex. 11}
Great Falls, Montana
59405
February 19, 1981

Honorable Representative Ralph Eudaily, Chairman
House of Representatives
Capitol Building
Helena, Montana 59601

Dear Representative Ralph Eudaily,

Please do not change or delete or add any word, phrase or sentence in connection with the qualification of superintendent for the Montana School for the Deaf and Blind under Education, Chapter 8, State School for the Deaf and Blind, Part 1 General Provisions, Sections 20-8-101 through 20-8-119.

The main reason is that three years experience of teaching deaf students benefits educators to acquire unique insight and better understanding of the reality of deafness.

Please bill HB 793.

Sincerely,
Robert L. Meritt

RALPH EUDAILY, CHAIR

HOUSE EDUCATION COMMITTEE

RE: HOUSE BILL 808

TESTIMONY OF DARRELL FENNER, EXTENSION AGENT, KALISPELL

I support House Bill 808 which excludes Professional Employees of the Montana University System from the "after the fact" or classified employee payroll system for the following reasons:

- We are professional employees, being required to fill out what amounts to a classified employees Time Card with none of the prerogatives such as:
 - II Overtime pay for overtime work.
 - II Compensatory time.
 - II A recognized pay plan
 - II Collective bargaining (at least Extension doesn't have it.)
- It requires Extension Field Agents (1 to 3 in each County) to submit their card by the 25th day of the month so that it will arrive in Bozeman by the 1st, so the "Quick" Computer can get our checks to us by the 15th. This amounts to ESTIMATING our sick or annual leave from the 25th till the end of the month. It seems to me that about 20 years ago when Frank Dunkle was head of State Fish and Game there was a big Flap about estimating leave.
 - II It does put Field Extension Agents such as myself in a questionable position.
- It's a kind of petty annoyance that does not help the morale of an organization. When government promulgates things like this on the citizenry, there is usually a howl about stupid paperwork and senseless Red Tape. (over)

- Out of Curiosity, I wonder if this bill included a Fiscal Note when it was passed two years ago?
- Further, based on some other testimony at the hearing Friday, why did it used to be cheaper to run two payrolls (Professional/Hourly) and now it's going to be more expensive. I thought the rationale for computers was to solve, not continue problems like this.
- I thank the members of the committee, and especially yourself Mr. Chairman for your earnest consideration in this matter.

Deall Fenn
Kalispell
226 Spruce Dr.

copies to
Bulger
Hastings Ord.
EX. 13

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

H. KIRK MCKENZIE,)	
)	
Plaintiff,)	Civil No. 2087
)	
v.)	
)	<u>OPINION AND ORDER</u>
DOLORES COLBURG, Superintendent)	
of Public Instruction for the)	
State of Montana, CAROLYN)	
FROJEN, Missoula County)	
Superintendent of Schools, and)	
LAND M. LINDBERGH, Chairman,)	
Trustees of Missoula County)	
School District #30,)	
)	
Defendants.)	

It appears from the pleadings in this case that plaintiff was employed as a teacher in School District No. 3, Missoula County. The written contract of employment required that plaintiff hold a valid teacher certificate. R.C.M. 1947 § 75-6004 provides in part as follows:

Any person may be certified as a teacher when he satisfies the following qualifications:

* * *

(6) He has subscribed to the following oath or affirmation before an officer authorized by law to administer oaths:

'I solemnly swear (or affirm) that I will support the constitution of the United States of America,

the constitution of the state of Montana, and the laws of the United States and the state of Montana, and will, by precept and example, promote respect for the flag and the institutions of the United States and the state of Montana, reverence for law and order and undivided allegiance to the government of the United States of America.'

Plaintiff did not hold a Montana certificate at the time of his appointment but did apply for certification in December

1971. He qualified for the certificate in all respects except that he refused to sign the oath required by the statute.

On that ground the defendant Superintendent of Public Instruction refused to issue the certificate and the defendant school board then terminated his employment effective January 1, 1972, because of the lack of a certificate. No reason other than the failure to sign the oath justifies the denial of the teacher certificate and the termination of employment.

The Supreme Court of the United States in the case of Baggett v. Bullitt, 377 U.S. 360 (1964), considered a law of the State of Washington requiring that as a condition of employment teachers subscribe to an oath with a meaning identical to that of the Montana oath.^{1/} The Supreme Court held

^{1/} The wording of the oaths is identical except that in the Washington oath the language appears "constitution and laws of the United States of America and of the State of Washington" in place of the Montana language "constitution of the United States of America, the constitution of the state of Montana, and the laws of the United States and the state of Montana," and in the Washington oath in one place the words "United States" appear in place of the Montana words "United States of America."

that the Washington oath and the statutory provision on which it was based were unconstitutionally vague. That decision, reaffirmed in McKay v. Rafferty, 321 F.Supp. 1177 (N.D. Cal. 1970), aff'd 400 U.S. 954 (1970), controls here. That portion of R.C.M. 1947 § 75-6004 quoted here is void; the act of the state superintendent of schools in refusing certification for plaintiff's noncompliance with said section is illegal and that illegality taints the action of the Board of Trustees of School District No. 30 in terminating plaintiff's contract. This court's jurisdiction is found in 28 U.S.C. § 1343(3). Any claim that R.C.M. 1947 § 74-6004(6) is constitutional would be clearly frivolous and the action of a three-judge court is not required. Bailey v. Patterson, 369 U.S. 31 (1962).

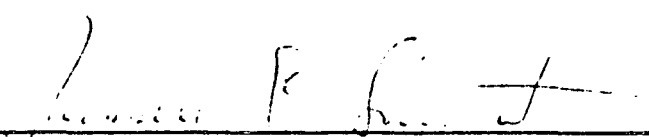
Plaintiff's motion for judgment on the pleadings is granted.

IT IS ORDERED, ADJUDGED, and DECREED, and this does ORDER, ADJUDGE, and DECREE:

1. That R.C.M. 1947 § 75-6004(6) is void under the Constitution of the United States; and
2. That the defendant Dolores Colburg, Superintendent of Public Instruction for the State of Montana, issue to the plaintiff a teacher certificate and that the Board of Trustees of School District No. 30 rescind its order terminating

plaintiff's employment and restore him to such rights as he enjoyed under his contract of employment.

DATED this 30th day of December, 1971.



Russell E. Smith
United States District Judge

2/20/81

Dear Rep. Anderson

We were stunned to see a deletion of an oath for a teacher or specialist as in HB 732. If they are unwilling to do so - as a requirement - we really don't need them to teach our children. Please help defeat HB 732. Most public school requirements in application & should be upheld in our nation.

Secondly - parents are truly outraged by the increased funding for the U. System without more accountability. The U. of M. at Tusculum is a disgrace. The athletic ^{board} of several years ago, the sexuality courses that have become highly pornographic and without character building value, the endless unAmerican activities etc. For the most part enrollment is down & yet they cry out louder for increased funding. Why? Inflation accounts for a SL / GHT increase but it is very past due that they become responsive to the many taxpayers ~~that~~ ^{who} is demanding more of the U. System than U. of M. is providing. The only recourse is less funding. But only recourse is less funding. The only recourse is less funding. The only recourse is less funding.

Ex. 15
A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE TRUSTEES
OF A SCHOOL DISTRICT TO EXCUSE A DISRUPTIVE CHILD FROM
COMPULSORY ATTENDANCE."

Add in 20-5-102, Section 1:

(g) excused by the board upon a determination that a
child's behavior is disruptive and whose continued attendance
would be detrimental to the educational program.

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MINUTES OF THE MEETING OF THE EDUCATION COMMITTEE
February 19, 1981

The Tenure-Teacher subcommittee of the Education Committee was called to order Thursday, February 19, 1981 at 1:25 p.m. by CHAIRMAN DONALDSON in Room 104, Capitol Building, Helena, Montana.

Members present: Representatives VINCENT, YARDLEY, HANSON, DONALDSON.

Discussion was held with regard to House Bills 276, 400, and 401 and the amendments proposed by the School Board Association.

REP. JOHN VINCENT moved to report back to the Education Committee that they studied the problem and could not receive a concensus and could not therefore, recommend any of the bills in whole, but would like the Committee to consider an interim study.

MOTION PASSED UNANIMOUSLY.

Meeting adjourned at 2 p.m.



REP. GENE DONALDSON, Chairman

pb