

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 11, 1985

The eleventh meeting of the Senate Education and Cultural Resources Committee was called to order by the Vice Chairman, Senator Pinsoneault, at 1:05 p.m. in Room 402, State Capitol Building.

ROLL CALL: All members were present except Senator Blaylock, who was excused.

CONSIDERATION OF HOUSE BILL 144: The bill was presented by Helen Williams, Jefferson County Superintendent of Schools and representative of the Association of County Superintendents, for the sponsor, Representative Bob Marks, who was in session (Exhibit #1).

PROPOSERS:

WAYNE BUCHANEN, representing the Montana School Boards Association, spoke in favor of the bill.

BILL ANDERSON, Office of Public Instruction, said OPI supports the bill.

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

DISCUSSION:

SENATOR McCALLUM asked if the date June 15 instead of June 1 would be better as more tax dollars would have been collected. Mrs. Williams felt that would be a beneficial change.

CONSIDERATION OF HOUSE BILL 194: REPRESENTATIVE KOEHNKE, District 32, sponsor of the bill, stated the bill pertains only to county high schools and provides that the trustees of a county high school may call for an election on whether to issue bonds for a county high school without a petition calling for such an election. He stated as the law stands now a petition signed by 20% of the registered voters had to be obtained before an election. This requirement applies only to county high schools and the bill simply brings the law into conformity with the law affecting all other high schools.

PROPOSERS:

LINDA FORREY, Broadwater County High School Trustee, stated 20% of the electors in her district is 400 signatures. She feels this requirement is time and money wasted.

WAYNE BUCHANEN, Montana School Boards Association, supported the bill, stating the bill simply corrects language re county high schools, an anachronism which is just left over from other legislative action.

BILL ANDERSON, representing the Office of Public Instruction, urged support of the bill.

HELEN WILLIAMS, County Superintendents Association, supported the bill.

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

ACTION ON HOUSE BILL 194:

SENATOR McCALLUM moved House Bill 194 BE CONCURRED IN. The motion carried unanimously with Senators Blaylock and Smith absent.

CONSIDERATION OF HOUSE BILL 111: REPRESENTATIVE DAVE BROWN, District 72, sponsor of the bill, stated this bill represents action that wasn't in the special session. It places the 4510 permanent and partime members and employees of the University system under the Veterans Employment Preference Act. He stated there was concern that the work study and youth employment programs would be endangered by the bill. The new language on pages five and six of the bill clarifies that. He emphasized provisions of the bill apply only in a tie-breaker situation.

PROPOSERS: BOB DURKIE, representing the Veterans of Foreign Wars, urged support of the bill.

BILL LINDSAY, representing the American Legion, supported the bill, saying the University system is funded by tax dollars and those employees should comply with the law like the rest of state government.

RICH BROWN, Senior Vice Commander of the Disabled American Veterans, supported the bill saying it only asks to have veterans preference apply equally across state government.

JOE BRAND, Helena, said this is a watered down version of preference, but he does support it. He said he is a supporter of stronger veterans preference legislation for state government.

MARGE GREEN, Montana Farm Bureau Federation, supported the legislation (Exhibit #2).

OPPONENTS:

LEROY SCHRAM, Legal Counsel, Board of Regents, stated he opposed the bill for four reasons:

1) This bill is an attempt to begin to unravel a very delicate compromise reached during a special session only 14 months ago. The term "substantially equal" has not been litigated or ruled on yet.

2) The preference law is quite significant and is more than a tie-breaker. Anytime a veteran applies the burden is on the employer to show he is not the best qualified. OEO rules the burden of proof is on the applicant. He said the original legislation excluded all of education and subjectivity and sensitivity of education is the reason why education was excluded in the first place.

3) Re education, state dollars (tax dollars) are not followed, size isn't followed, and there is no state/local dichotomy. Either all education should be covered or none. There seems to be no logical reason why universities and community colleges are covered by preference, and not primary, secondary, and vo-tech.

4) HB 473 is currently being considered and would give points on tests for veterans. Mr. Schram feels this moves in the direction of absolute preference. He felt coverage is expanded here and if HB 473 passes, the huge preference controversy will re-open. He noted the bill also has an impact on the affirmative action program. When this is applied it will be 95% to males and is detrimental to women. He suggested the bill be held for action after transmittal or rereferred to Judiciary.

KATHY KARP, League of Women Voters, presented testimony in opposition to the bill (Exhibit #3).

JUD FLOWER, President, Miles Community College, stated a concern about quality of education if the final decision has to be a veteran rather than the best teacher. He feels it opens the door for unclear job descriptions and perhaps even litigation. He apposed the bill for the previously stated reasons also.

HOWARD FREYETTE, President, Flathead Community College, said he agreed with Schram and Flower. He said he puts the major part of his resources into the instructions side of his program and this bill would hamper that by requiring more administrative time and effort.

Don Kettner, President, Dawson Community College, agreed with the previous testimony. He said it is actually reverse discrimination when only university units and community colleges are included. He said the legislation should apply to all educational units or none.

DISCUSSION:

SENATOR SMITH asked if the committee needed to anticipate further erosion of the law next session.

REPRESENTATIVE BROWN said the line of demarcation is clearly drawn as vo-techs are under high school governance and community colleges receive state dollars.

SENATOR REGAN pointed out community colleges are funded 50% locally and have local governance.

REPRESENTATIVE BROWN replied they fall more under the university/state than local basis.

SENATOR REGAN stated women's groups agreed to the original veteran preference compromise, why aren't they at this hearing.

REPRESENTATIVE BROWN stated they told him they didn't care.

SENATOR HAFLEY said there were many supporters of the women's position in the special session, not just Senator Regan. He asked how many of the 4510 employees of the university system are women.

MR. SCHRAM said he really didn't know.

SENATOR HAFLEY asked if "substantially equal" continues to apply and the 4510 university employees are brought in, what will the ratio of men to women become over a five year period.

MR. SCHRAM said it was too speculative to answer, however, in his department in the six months following the initiation of the veterans preference legislation, the first five or six positions went to those with a preference. He said no doubt the proposed legislation will have a marginal cumulative effect on females.

SENATOR HAFLEY said the ballpark is getting bigger in terms of "substantial equality". He asked if the quality of education would go down.

MR. SCHRAM said yes, but it's a risky area and nine times out of ten employers will err on the side where the least trouble could occur.

SENATOR HAFLEY asked Mr. Schram to obtain the figures for a breakdown of educational and support staff, men, women, and veteran and handicapped ratios in the university system.

SENATOR BROWN felt education should either be in entirely or out entirely. He said he understood veterans preference is applied to units of local government so what is the rationale for applying it to the university system which is state funded.

REPRESENTATIVE BROWN said local government wanted to be included in the preference. The legislature addresses local districts as local, universities as state. Community colleges are a grey area but are more state than local.

SENATOR MAZUREK asked Ellen Feaver how the existing law is working.

ELLEN FEAVER, Director, Department of Administration, said she has no statewide statistics. However, in their department they are not receiving any complaints and no law suits are being filed. She stated hiring authorities are bending over

backwards to stay out of trouble. She stated further that well more than half of the new employees have preference.

SENATOR HAFLEY asked Representative Brown to clarify the response from the Women's Lobbyist Group.

REPRESENTATIVE BROWN said the group sees the bill as neither a help or a hinderance, therefore they were taking no stand.

SENATOR REGAN suggested taking professional people out and leaving the rest of the positions covered by the provisions of the bill.

REPRESENTATIVE BROWN said 2180 are professional and 1000+ are administrative. He said it wouldn't work and all need to be covered.

REPRESENTATIVE BROWN closed by saying he promised to bring this legislation back at the special session and here it is. He said he feels this is where the legislation should have stopped in that session. Further, there would be no further inroads made after this. He feels there is a clear line of demarcation and up to today he had been a strong supporter of community colleges. He felt Mr. Schram was protesting too much. He commented he resents this being represented as a shot to women as he is a strong supporter of women's rights and pointed out women's veterans ranks are going to be growing in the near future. He urged support for the bill.

ACTION ON HOUSE BILL 144:

SENATOR McCALLUM moved to amend the bill in the title and on page 3, line 18 from June 1 to June 15. The motion carried unanimously with Senator Blaylock absent.

SENATOR McCALLUM moved HB 144 BE CONCURRED IN AS AMENDED. The motion carried unanimously with Senator Blaylock absent. Senator Yellowtail will carry the bill on the floor.

RECONSIDERATION OF HOUSE BILL 11:

SENATOR PINSONEAULT said there was a request to bring HB 11 back to committee for further consideration as the School Board Association hasn't had a chance to review and comment on the amended bill.

Senate Education and
Cultural Resources Committee
February 11, 1985
Page 7, 1985

SENATOR REGAN felt the committee should leave it alone and let the House fix it.

SENATOR FARRELL said the bill actually established tenure for principals.

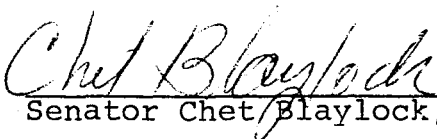
SENATOR MAZUREK said his concern was by amending the bill the committee imposed the highest standards for reassignment, higher than for termination.

SENATOR REGAN pointed out when a principal is dismissed, it makes a teacher out of him and the same standards apply for dismissal as for a teacher. She further resisted bringing the bill back to committee and offered to pass it for the day on the floor in order to allow the Montana School Boards Association representatives to look at it with her.

The committee agreed to that suggestion.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned.



Senator Chet Blaylock, Chairman

jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/11

NAME	PRESENT	ABSENT	EXCUSED
SENATOR PINSONEAULT	✓		
SENATOR BROWN	✓		
SENATOR REGAN	✓		
SENATOR SMITH	✓		
SENATOR HAFHEY	✓		
SENATOR YELLOWTAIL	✓		
SENATOR MAZUREK	✓		
SENATOR FARRELL	✓		
SENATOR McCALLUM	✓		
SENATOR BLAYLOCK, CHAIRMAN	EXCUSED		

DATE Feb. 11, 1985

COMMITTEE ON

Education & Cultural Resources

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with 2-

EXHIBIT 11
HB 144
FEB. 11, 1985
SEN. ED. &
CULT. RESOUR.
COMMITTEE

NAME Helon Williams BILL NO. H.B. #144
ADDRESS Jefferson Co. Supt. of Schools DATE 2/10/85
Boulder, Mt.
WHOM DO YOU REPRESENT Jeff. Co. Supt. of Schools
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I support HB#144 because it changes the law to reimburse out of county h.s. tuition into 2 equal payments, in June & Dec., rather than one. If enacted this will ease the burden in small counties where the county tax collections are insufficient to pay Unappropriated H.S. & the h.s. tuition. The out of county tuition for Jefferson Co. is over \$130,000 for 1983-84.

UNAPPROPRIATED H.S. DISTRIBUTION: AMOUNT \$ 122,514.77

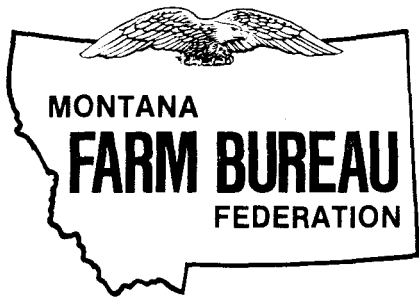
COUNTY TUITION :

Willow Creek	\$ 2,072.68 = $\frac{1}{2}$
3-Forks	1,549.21 = $\frac{1}{2}$
Helena H.S.	118,892.88
	<u>\$ 122,514.77</u>

UNAPPROPRIATED H.S.

Jefferson H.S. #1--0
Whitehall H.S. #2--0

Total amount owed	Helena H.S. is \$ 124,372.48
	Amount paid: 118,892.88
	Balance owed: \$ 5,479.60



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

EXHIBIT 2
HB 111
FEB. 11, 1985
SEN. EDUCATION
CUM. RES. COM.

TESTIMONY BY: Marg Green

BILL # HB-111

DATE 2/11/85

SUPPORT XXXX

OPPOSE

MR. Chairman and members of the committee:

My name is Marg Green and I represent the Montana Farm Bureau Federation. The members of the Farm Bureau, many of whom are veterans, believe in veterans preference. and that it should apply to all state employees. When one starts singleing out on sector of state employees and allowing them to be hired by different standards, although duties are comparable, you open up the door for discrimination. Uniformity through out the hiring of state employees will maintain clarity and fairness.

Thank you.

SIGNED

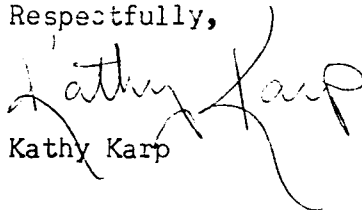
— FARMERS AND RANCHERS UNITED —

THE LEAGUE OF WOMEN VOTERS OF MONTANA

EXHIBIT 111
HB 111
FEB. 11, 1985
SEN. EDUCATION
& CULT. RES. COM.

The League position supports equal employment opportunities for all people. Any preference law is discriminatory and HB 111 strives to bring even more people under this unjust law. For this reason the League of Women Voters of Montana opposes HB 111.

Respectfully,


Kathy Karp

STANDING COMMITTEE REPORT

February 11, 1935

MR. PRESIDENT

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE BILL** No. **194**

third reading copy (**blue**)
color

(Senator McCallum will carry the bill.)

ALLOWING COUNTY H.S. TRUSTEES TO CALL BOND ELECTION WITHOUT PETITION

Respectfully report as follows: That **HOUSE BILL** No. **194**

BE CONCURRED IN

~~XXXXXX~~

~~DO NOT PASS~~
~~XXXXXXXXXX~~

Senator Chet Blaylock,

Chairman.

STANDING COMMITTEE REPORT

February 11,

19 85

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL

No. 144

third reading copy (blue)
color

(Senator Yellowtail will carry the bill.)

**TO PROVIDE THAT HIGH SCHOOL TUITION PAYMENTS BE PAID IN DECEMBER
AND JUNE**

Respectfully report as follows: That HOUSE BILL

No. 144

be amended as follows:

1. Title, line 9.

Following: "JUNE"

Strike: "1"

Insert: "15"

2. Page 3, line 18.

Following: "JUNE"

Strike: "1"

Insert: "15"

AND AS AMENDED
BE CONCURRED IN

~~XXXXXX~~

~~XXXXXX~~

Senator Chat Blaylock,

Chairman.

WOMEN'S LOBBYIST FUND

Box 1069
Helena, MT 59601
409-7917

February 13, 1985

Senator Pat Regan
Capitol Station
Helena, MT 59620

Dear Pat:

In response to your inquiry as to the Women's Lobbyist Fund's position on veterans' preference legislation, specifically H. B. 111, sponsored by Representative Dave Brown, I state the following:

The Women's Lobbyist Fund position is that the veterans' preference law passed during the Special Session should remain intact and be given a chance to work. A lot of thought and time went into its passage and we supported the compromise adopted. It should not be chipped away at.

Sincerely,

Anne Brodsky

Anne Brodsky
Women's Lobbyist Fund