

MONTANA STATE SENATE  
EDUCATION COMMITTEE  
MINUTES OF THE MEETING

June 26, 1986

The fourth meeting of the Senate Education Committee for the Third Special Session, 49th Legislature, was called to order at 1:40 P.M. on June 26, 1986, by Chairman Chet Blaylock in Room 402 of the Capitol Building.

ROLL CALL: All committee members were present with the exception of Senator Brown.

CONSIDERATION OF SJR-1: Senator Jacobson, Senate District 36, presented this bill to the committee. She noted to the committee that with the exception of Senator Halligan, all of the members that served on the subcommittee on higher education had signed this bill. She said we heard a lot of testimony about the units of the university system and a number of points kept coming up. We felt that if we went to the Board of Regents and the Commissioner of Higher Education we could obtain a study on the long term direction of higher education institutions within the state of Montana. She reviewed the resolution with the committee on what the report from the Board of Regents would include. She presented the committee with an amendment to this bill, which is attached as Exhibit 1. She said these amendments are indicated in light of the floor action yesterday on HB 30. She is not in agreement with the method used, she feels it should be put in statute, not on HB 30.

PROPONENTS: Carrol Krause, Commissioner of Higher Education, gave testimony in support of this bill. He assured the committee that the Board of Regents will do everything in its ability to bring forward some planning to the long term future of higher education in Montana. He said we will respond to the best of our ability.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Smith asked Senator Jacobson if the amendment does not pass in the House, will the students of these programs be notified that there may be legislation that would increase their responsibility to pay back some of the loans.

Senator Jacobson said that amendment originated in the House, was taken off in our committee and was put back on the floor. It is there to stay and the students must be notified. She thinks what is in HB 30 is not workable. It puts the Commissioner of Higher Education in a very bad position of having to notify students of a change that may not be legal and it could perhaps get a lawsuit filed. She would hope that as we work through the session that we will be able to work something out along those lines.

Senator Mazurek asked Senator Jacobson why the Tech was singled out in subparagraph (2) on page 2.

Senator Jacobson said she thinks that is what the Commissioner is talking about. Are we going to make Tech into a good, viable mineral, petroleum mining engineering college. She said Montana Tech stands on its own as a mining college.

Senator Mazurek said that is a good objective but he is wondering why Montana Tech is singled out. If this is a good measure for Tech then why not do the same for the other specialty schools.

Senator Haffey said one of the reasons that was put in the resolution was it was the "spirit of the moment". This does not say anything about the other schools. These other schools are separate and special in their own sense. A number of things came together at the moment that produced the resolution and that is how it happened.

Mr. Krause said Montana Tech was one that was discussed by our committee. The Tech is going through a very serious crossroad on what should be done with the mineral engineering programs. Montana Tech has to decide whether it becomes highly specialized or whether the base should be broadened to give stability. Enrollments are up and down. They have had to terminate 22 faculty members because of the enrollment declines. If there are any more cuts we are afraid we will lose accreditation. He thinks the problem at Montana Tech is there because of what the minerals and petroleum are doing in the state.

Senator Regan asked Senator Jacobson if she thought it would do any good to have the Board of Regents look at this. She does not think this legislature will really back them up if they make major decisions and suggestions.

Senator Jacobson said in order to get these things accomplished you need two ingredients, 1) a good plan of action and 2) a financial crisis. We have got one and now we need the other. Reality has struck. Back in the 70's and early 80's we had the money to deal with what we had. She thinks it is recognized that we can't afford the system that we have. We have got to make it more efficient.

Senator Regan said she thought there was agreement that in the amendment offered by Senator Hammond that the language was unworkable. In the conference committee other language will be offered that will perhaps be more reasonable.

Hearing closed on SJR 1.

ACTION ON SJR 1: Senator Mazurek made a motion to move the amendments presented by Senator Jacobson (Exhibit 1).

Senator Regan offered a substitute motion. She motioned that the amendment presented be amended as follows:

Insert: "implementation of" on page 3, line 4,  
Following: "; and (8)" and before "a plan"

Senator Mazurek said he understands what she is doing but thinks it should require a statutory change.

Senator Jacobson asked Jack Noble to respond to this amendment. She said with the amendment you are putting on you are ordering the Board of Regents to implement this plan. She suspects this would be going against the constitution.

Jack Noble, Montana University System, said he is not sure how they would go about this. Students have already signed binding contracts committing them to attend an institution without any knowledge of pay backs. They do take the position that it would be appropriate this coming fall to plan to notify that the next legislature would consider pay backs for some portion of their cost for attending these institutions. He feels it is appropriate to consider this at a regular hearing when there can be opponents and proponents at the hearing to testify.

Senator Mazurek asked what the Board's position was as far as whether this could be done by the Board, as proposed by Senator Regan, without a change in the statute.

Mr. Noble would believe that the Board would probably have the power, if they so desired, to initiate a pay back. They feel they would like to have it in the statute.

Senator Regan said there have been many runs at this in the past and this is the first time that clearly the legislature, the Senate and the House, have passed the pay back idea. Clearly the constitution has provided the Regents the power to govern the university branch of the government. The idea of asking them to come up with a plan is a good one but if they don't choose to they won't. We can say to implement a plan and they still do not have to do that but on the other hand they have had a strong message.

Senator Regan's substitute motion failed with a vote of 4-5. See attached roll call vote sheet.

Senator Mazurek's original motion carried with the committee.

Senator Mazurek has a problem with singling the Tech out.

Senator Smith said he thinks that is addressed in subsection (3) (a) (b) (c).

Senator Regan has the same concern. She said she would make an amendment to the bill on page 2, lines 3-7, to read "(2) a long-term plan for achieving high quality academic programs in the university system, with consideration given to making individual units specialty schools within the system;".

Senator Blaylock asked what if you said simply "a long-term plan for achieving high quality academic programs in the university system;".

Senator Regan said that would work.

Senator Blaylock said if we are going to do this they will have to consider all the things listed in 3(a) (b) (c) for all the systems.

Senator Haffey said what Senator Regan wants is going to be done. He said that four education subcommittee members, Rep. Peck, Rep. Donaldson, Senator Jacobson and himself sat with the Board of Regents and this language was agreed upon in terms of the Tech.

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Senator Regan would move to amend the bill as was discussed. The motion carried. See attached roll call vote sheet.

Senator Mazurek made a motion to move the bill as amended. The motion carried unanimously.

There being no further business before the committee the meeting adjourned at 2:10 P.M.

  
SENATOR CHET BLAYLOCK, CHAIRMAN

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ROLL CALL

EDUCATION

COMMITTEE

49th THIRD SPECIAL SESSION - 1986

Date 6-26-86

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

Each day attach to minutes.

AMENDMENT TO SJR 1

introduced copy

1. Page 3, line 1.  
Strike: "and"

1. Page 3, line 4.  
Following: "programs"  
Insert: "; and

(8) a plan for some form of student repayment of out-of-state tuition within the WICHE, WAMI, and Minnesota Rural Dentistry programs, with consideration given for those students who return to the state of Montana to practice their professions"

SENATE EDUCATION

EXHIBIT NO. 1

DATE 6-26-86

BILL NO. SJR-1

ROLL CALL VOTE

SENATE COMMITTEE EDUCATION

Date June 26, 1986 Bill No. SJR-1 Time 2:04 P.M.

NAME	YES	NO
SENATOR BROWN	ABSENT	
SENATOR FARRELL		✓
SENATOR HAFLEY		✓
SENATOR MAZUREK		✓
SENATOR McCALLUM	✓	
SENATOR REGAN	✓	
SENATOR SMITH	✓	
SENATOR YELLOWTAIL		✓
SENATOR PINSONEAULT, VICE-CHAIRMAN	✓	
SENATOR BLAYLOCK, CHAIRMAN		✓

AGGIE HAMILTON  
Secretary

SENATOR BLAYLOCK  
Chairman

Motion: Senator Regan's substitute motion to amend the amendment  
(Exhibit 1) as follows: Insert: "implementation of"  
Following: "; and (8)" and before "a plan".  
The motion failed 4-5.

ROLL CALL VOTE

SENATE COMMITTEE EDUCATION

Date June 26, 1986 Bill No. SJR 1 Time 2:09 P.M.

NAME	YES	NO
SENATOR BROWN	ABSENT	
SENATOR FARRELL		✓
SENATOR HAFHEY	✓	
SENATOR MAZUREK	✓	
SENATOR McCALLUM	✓	
SENATOR REGAN	✓	
SENATOR SMITH	✓	
SENATOR YELLOWTAIL	✓	
SENATOR PINSONEAULT, VICE-CHAIRMAN		✓
SENATOR BLAYLOCK, CHAIRMAN	✓	

AGGIE HAMILTON  
Secretary

SENATOR BLAYLOCK  
Chairman

Motion: Senator Regan's motion to amend the resolution on  
page 2, lines 307, to read "(2) a long-term plan for achieving  
high quality academic programs in the university system;"  
The motion carried 7-2.

# STANDING COMMITTEE REPORT

June 26,

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MR. PRESIDENT

## EDUCATION

We, your committee on

## SENATE JOINT RESOLUTION

having had under consideration

No. 1

first

reading copy ( white )  
color

REQUIRE BOARD OF REGENTS TO REPORT ON LONG-TERM  
DIRECTION OF HIGHER ED.

Respectfully report as follows: That

## SENATE JOINT RESOLUTION

No. 1

be amended as follows:

1. Page 2, lines 4 through 6.

Following: "in" on line 4

Strike: "minerals" through "within" on line 6

2. Page 2, line 7.

Following: "the"

Insert: "university"

3. Page 3, line 1.

Strike: "and"

4. Page 3, line 4.

Following: "programs"

Insert: "; and

(3) a plan for some form of student repayment of  
out-of-state tuition within the WICHE, WAMI, and Minnesota Rural  
Dentistry programs, with consideration given for those students  
who return to the state of Montana to practice their professions"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

SENATOR CHET BLAYLOCK,

Chairman.