

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 20, 1989, at
3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

HEARING ON HOUSE BILL 213

Presentation and Opening Statement by Sponsor:

Rep. Bill Strizich, District 41, Great Falls stated HB 213 would allow the Board of Regents to waive college tuition for survivors of firefighters and peace officers killed in the line of duty. Rep. Strizich said this proposed legislation is due to the special nature of the jobs performed protecting the lives and property of the citizens of the State of Montana. Specifically, survivors are to include spouse or children of full-time firemen, law enforcement officers or highway patrolmen. He said a fiscal note was not available at drafting but that there would be little impact. He also distributed an amendment changing the language in the bill. (EXHIBIT 1.)

Testifying Proponents and Who They Represent:

Edward Flies, Montana State Council of Professional Firefighters
Nadlean Jensen, Executive Director of Montana State Council #9,
A.F.L.-C.I.O.
Vern Erickson, Montana State Fireman's Association
Sgt. Steve Apgar, Highway Patrol Officer

Proponent Testimony:

Edward Flies stated this is a bill introduced last session by Rep. Nancy Keenan and that the only opposition at that time was from the Board of Regents. He said that the reasons the Board opposed the bill have been corrected by amendments and provided the committee with a copy of the minutes from the

meeting of the Education and Cultural Resources Committee on January 7, 1987. (EXHIBIT 2.)

Nadlean Jensen, (EXHIBIT 3.)

Vern Erickson stated support for HB 213 saying it would provide incentive for survivors to continue their post-secondary educational pursuits following a family tragedy of such great magnitude.

Sgt. Steve Apgar, (EXHIBIT 4.)

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Davis asked Mr. Flies if the term "patrolman" on line 14 could be amended to "patrol officer" and he replied he could see no reason not to do so.

Rep. Davis then asked Sgt. Apgar the same question and he replied that there currently was a bill being introduced which would rewrite the language in Montana Law to patrol officer versus patrolman. Rep. Nelson then added that particular bill had passed State Administration the previous day.

Rep. Stang asked Vern Erickson if he would oppose including volunteer firemen in this bill and he replied they would support legislation for waivers for volunteers under a separate bill. The intent was to keep HB 213 as simple as possible.

Rep. Eudaily asked Rep. Strizich if the definition of law enforcement officer meant paid law enforcement officers or if auxiliary deputies would fit the description. Rep. Strizich replied that the intent of the bill was to address full-time, sworn, law enforcement officers.

Rep. Wyatt asked Rep. Strizich to define "course of employment" as to its broadness of meaning. Rep. Strizich said this was brought up in the last session and that it legally means in the line of duty. It would not cover the officer at lunchtime or otherwise.

Rep. Zook asked Rep. Strizich if prison guards would be covered by this legislation and he answered he did not believe so since prison guards are not considered sworn law enforcement officers.

Closing by Sponsor: Rep. Strizich thanked the committee and said he would appreciate a DO PASS vote on HB 213.

DISPOSITION OF HOUSE BILL 213

Motion: Rep. Kilpatrick made the motion that HB 213 DO PASS.

Discussion: Rep. Simpkins asked Jack Noble of the Board of Regents if he felt this would open the door to more and more waivers from other groups and Mr. Noble replied that fee waivers are considered by categories on merit. He also said this particular waiver is not going to have an extensive impact and that most would empathize with a family's loss.

Rep. Phillips then asked for further clarification of a full-time employed member of a law enforcement agency. Sheriff Chuck O'Reilly of the Lewis & Clark County Sheriff's Department explained it means just that and the exceptions would be limited jurisdiction peace officers such as campus police and Department of Revenue Investigators who do not have full-fledged powers. They are not considered part of a law enforcement agency as defined by code. He added it would apply to sheriff and police departments, highway patrol, game wardens and State Attorney General Investigators.

Amendments, Discussion, and Votes: Rep. Eudaily made the motion to amend HB 213 as suggested by Rep. Strizich. The motion CARRIED upon unanimous voice vote. Rep. Cocchiarella made the motion to amend page 2, line 14 changing "patrolman" to "patrol officer" and the motion CARRIED upon unanimous voice vote. (See Attached Standing Committee Report)

Recommendation and Vote: Rep. Darko made the motion that HB 213 DO PASS AS AMENDED. The motion CARRIED upon unanimous voice vote.

HEARING ON HOUSE BILL 195

Presentation and Opening Statement by Sponsor:

Rep. Jim Rice, District 43, Helena stated HB 195 was introduced to remedy an unworkable deadline set forth in statute for the review of an appeal of a discharged teacher. Rep. Rice said that presently a discharged teacher has the right to file an appeal to the County Superintendent of Schools and a hearing must be held on that appeal within ten days giving neither side enough time to adequately prepare. The bill would mandate that the hearing must be scheduled within ten days but could be held anytime within the following forty days. He said the bill also includes the provision that if both sides agree to a different schedule they have the ability to do so.

Testifying Proponents and Who They Represent:

Bruce Moerer, Montana School Boards Association (MSBA)

Phil Campbell, Montana Education Association (MEA)

Proponent Testimony:

Bruce Moerer, (MSBA) said the time frame between filing an appeal and the hearing is almost impossible to meet having to line up witnesses, attorneys and other preparation. He stated the law isn't presently being complied with due to this short time frame.

Phil Campbell, (MEA) stated in reality he couldn't remember a hearing being held within the ten day limit which is not practical. He said HB 195 provides a reasonable remedy for the situation but the MEA would prefer a thirty day limit and would support an amendment to that affect.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Rep. Rice thanked the committee and said he would agree to amend HB 195 as discussed.

DISPOSITION OF HOUSE BILL 195

Motion: Rep. Stang made the motion that HB 195 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Stang made the motion to amend HB 195 to thirty days. The motion CARRIED on a unanimous voice vote. Rep. Eudaily then made the motion to amend HB 195 to insert "after the appeal" on page 3, line 7. The motion CARRIED unanimously upon voice vote.

Recommendation and Vote: Rep. Darko made the motion that HB 195 DO PASS AS AMENDED. The motion CARRIED upon unanimous voice vote.

HEARING ON HOUSE BILL 228

Presentation and Opening Statement by Sponsor:

Rep. Dan Harrington, District 68, Butte said HB 228 would give school districts the same opportunity to use the Board of Investments that cities, towns, counties and other government entities now have. He said this is a loan program financed by low cost bonds issued and backed by the Board of Investments. These loans would run from one to five years, are payable only through operating budgets, and are subject to the I-105 constraints. Voter approval is not required and the loans can be used to finance vehicles, equipment, real property and improvements of real property. Rep. Harrington provided the committee with a proposed written amendment on HB 228. (EXHIBIT 5.)

Testifying Proponents and Who They Represent:

Bruce Moerer, Montana School Boards Association (MSBA)
Dave Lewis, Executive Director, State Board of Investments

Proponent Testimony:

Bruce Moerer, (MSBA) said this bill does not intend to expand the day to day operating powers of schools. He said schools should have the same opportunities for financing available as local government units now enjoy.

Dave Lewis stated HB 228 would allow school districts to take advantage of a program providing lower cost money. The Board of Investments is able to sell bonds, get a lower rate of interest, and re-lend the money back to the cities, counties, fire districts and other entities.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Wallin asked David Ewer of the Board of Investments if these were general obligation bonds and Mr. Ewer replied no it would be a general promise to pay from any available source.

Closing by Sponsor: Rep. Harrington stated that HB 228 stays within the I-105 guidelines and is a step in the right direction. He thanked the committee and expressed hope for a DO PASS vote.

DISPOSITION OF HOUSE BILL 228

Motion: Rep. Harrington made the motion that HB 228 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Harrington made the motion to amend HB 228 as suggested. The motion CARRIED with Rep. Stang and Rep. Eudaily voting no.

Recommendation and Vote: Rep. Simpkins made the motion that HB 228 DO PASS AS AMENDED. Motion CARRIED with Reps. Stang, Davis, Eudaily, Wallin and Phillips voting no.

HEARING ON HOUSE BILL 229

Presentation and Opening Statement by Sponsor:

Rep. Dan Harrington, District 68, Butte said HB 229 would give school districts the ability to finance the removal of hazardous substances. HB 229 specifies that a district may issue bonds for a period of one to ten years without voter approval as the amendment suggests. (EXHIBIT 6.) Rep. Harrington also stated the financing mechanism is only applicable to the removal of determined hazardous materials.

Testifying Proponents and Who They Represent:

Bruce Moerer, Montana School Boards Association (MSBA)
Dave Lewis, Board of Investments
Jesse Long, School Administrators of Montana (SAM)
Phil Campbell, Montana Education Association (MEA)
Terry Minow, Montana Federation of Teachers (MFT)

Proponent Testimony:

Bruce Moerer, MSBA said there is a real problem facing schools considering the Federal requirements to remove or contain asbestos and other hazardous materials. He said there is a need to find a decent way in which to finance these costs and that HB 229 could provide an alternative to a school bonding issue and also address the Federal mandate.

Dave Lewis, Board of Investments said the service is possible because the Board is able to consolidate funding needs of all the various districts, borrow cheaper and as a result save money.

Jesse Long, SAM also stood in support of the bill for reasons previously stated.

Phil Campbell, MEA said the Federal Government has mandated the asbestos problem be cleaned up in schools. He said given the economic conditions in the state, the Montana the School Boards Association asked Congress to

postpone the deadline, which they did. However, the delay is just that, a delay. Mr. Campbell said given the problem HB 229 would provide the mechanism for a solution.

Terry Minow, MFT also stated support for HB 229.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Glaser asked Bruce Moerer to give an estimate of how many dollars are involved. Mr. Moerer answered that as an example Anaconda was looking at approximately a 1.4 million dollar cost to remove asbestos in schools in Anaconda.

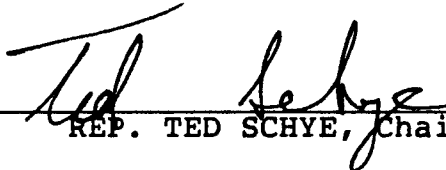
Rep. Eudaily asked Bruce Moerer if he could supply the committee with a list of school districts now borrowing money from the Board of Investments to buy trucks on a long term basis and Mr. Moerer said right now they cannot do so. The purpose of this legislation would be to get the districts a better financing rate since at present they are going through commercial financing at a much higher rate.

Rep. Simpkins asked Dave Lewis who would pay the ten year obligation on the bonds if the school district would fail to meet its obligation and Mr. Lewis replied that it is the general obligation of the district and the Board would go back against the district. Rep. Simpkins then asked Mr. Lewis if the Board could perhaps package together the needs of several districts into one loan to give a cheaper rate. Mr. Lewis answered that he believed it could be done.

Closing by Sponsor: Rep. Harrington stated HB 229 could well be the vehicle school districts could use facing major financial problems as far as financing removal of hazardous materials in schools. He thanked the committee and recommended a DO PASS vote.

ADJOURNMENT

Adjournment At: 6:00 p.m.



REP. TED SCHYE, Chairman

TS/dlm

1704.min

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 20, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chairman	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Ralph Eudaily	✓		
Rep. Floyd Gervais	✓		
Rep. Bill Glaser	✓		
Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Spring, Jr.	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Fred Thomas	✓		
Rep. Norm Wallin	✓		
Rep. Diana Wyatt	✓		
Rep. Tom Zook	✓		

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 213 (first reading copy -- white) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 4.

Strike: "WAIVING"

Insert: "TO PERMIT THE BOARD OF REGENTS TO WAIVE"

2. Page 1, line 12.

Strike: "(1)"

3. Page 1, line 13.

Strike: "(a)"

Insert: "(1)"

4. Page 1, line 16."

Strike: "(b)"

Insert: "(2)"

5. Page 1, line 25.

Strike: "(c)"

Insert: "(3)"

6. Page 2, lines 1 and 2.

Following: "age"

Strike: the remainder of line 1 through "shall" on line 2

Insert: "(4)"

7. Page 2, line 14.

Strike: "patrolman"

Insert: "patrol officer"

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 195 (first reading copy -- white) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 7.

Strike: "40"

Insert: "30"

2. Page 3, line 7.

Strike: "40"

Insert: "30"

Following: "days"

Insert: "after the appeal"

2:14 AM
1/21/89
JW

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that HOUSE BILL 228 (first reading copy -- white) do pass as amended.

Signed: _____

Ted Schye, Chairman

And, that such amendment read:

1. Page 1, line 13.

Following: "may"

Insert: ", without a vote of the electors of the district,"

Amend H.B. 213 as follows:

Page 2, line 2, delete "(2) the regents shall" and insert "(d)"

line 10, delete "(a)" and insert "(i)"

line 12, delete "(b)" and insert "(ii)"

line 14, delete "(c)" and insert "(iii)"

This amendment allows the Regents to apply the same guidelines to the new firefighter and peace officer fee waiver that they use with all other fee waivers. As the bill is written without the amendment the Regents are required to waive tuition but the bill left unanswered questions such as

1. Is only resident tuition waived or must non-resident tuition also be waived?
2. Since all University System charges are technically labelled as "fees" exactly what charges are to be waived? How are student activity fees, student health fees, or computer use fees to be treated?
3. Does the waiver apply to both undergraduate and graduate work? Can a person go indefinitely and get two bachelors degrees under the waiver?
4. Can a person be required to maintain a minimum grade point average while receiving the waiver?
5. Is a wife eligible for the waiver if she has remarried or is a child eligible if he has been adopted?

The amendment merely allows the Regents to handle these matters and to treat all fee waiver recipients the same way. The amended language will mirror the already existing language for the senior citizens waiver (p. 1, line 25 and p. 2, line 1) which has been administered by the Regents for many years now with no problems. The Office of the Commissioner of Higher Education has given its assurance that it will place before the Regents the necessary policy amendments to implement the amended bill. This would provide a full waiver of tuition which would amount to \$792 annually for a full time student.

VISITORS' REGISTER

EXHIBIT 2DATE 1-20-89

EDUCATION AND CULTURAL RESOURCES

COMMITTEE HB 213BILL NO. HB #23DATE Jan 7, 1987SPONSOR Rep. KEENAN

10/86

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Chuck O'Reilly	HELENA	X	
Mike O'Leary	Butte	X	
MATT TIEEL	ASLUM MISSOULA	X	
Jack Hootch	Butte	X	
Ed Keenan	Butte		
Ed L. Flin	Helena	X	
Tim BERGSTROM	MT. STATE FIREMANS ASSOC	X	
KEVIN OLSON	HAVRE / MT POLICE PROT. ASSOC	X	
Tracy Benner	" " " " "	X	
Michael Hunt	MT. Counsel Pro. FF	X	
Kristi & Jo Kenney	MISSOULA	X	
Jaime Zink	ASMSU		
TODD HUBAK	ASMSU		
Ray Blahm	Helena	X	
Alec Hansen	MLCT	X	
Stacy Green	Helena		
Rich Tucker	Helena	X	
ART KORN	BUTTE	X	
Jerry Hansen	MFT	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

20/16

BILL NO. HB# 23DATE JAN 7, 1984SPONSOR P. KEENAN

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>R. Madigan Jensen</i>	<i>Helena</i>	<i>X</i>	
<i>Sharon V. Goh</i>	<i>Mission</i>	<i>—</i>	
<i>Dave Drake</i>	<i>Butte</i>	<i>X</i>	

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

: PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



Montana Police Protective Assn.
To Serve and Protect
Since 1938

EX. 2
1/20/89
HB 213
3 of 16

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

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

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

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

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

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

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

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

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

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

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

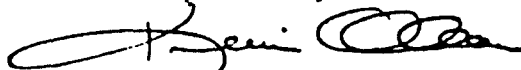
This would also encourage the surviving spouse or child to attend a in-state college or university if they had a interest in furthering their education.

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

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

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

Respectfully,

A handwritten signature in black ink, appearing to read "Kevin Olson", written over a horizontal line.

Kevin Olson
Legislative Committee
Montana Police Protective Association

HB 213 #2
1/20/89 1-7 87
5-86 HB# 23

House Education Committee
State Capitol Helena
Re: HB 23 (Kerian)

Dear Legislators

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

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

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

are reduced or eliminated

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

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

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

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

Sincerely yours,

Kanda Lee Gregory
Widow

Joni Lee Gregory age 18

Monell Gregory age 15

3314 Stephens
Missoula, MT 59801

January 6, 1987

House Education Committee
State Capitol
Helena, MT 59601

Dear Committee Members:

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

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

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

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

Thank you for your kind consideration of HB23.

Sincerely yours,

Nora LePiane Bradley

1/20/89
HB 213



THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59620-2602
(406) 444-6570

3
1-17-87
213
808/16

COMMISSIONER OF HIGHER EDUCATION

January 6, 1987

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

Dear Committee Members:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Carrol Krause".

Carrol Krause
Commissioner of Higher Education

CK/LS:lc

DATE 1-20-89

HB ~~425~~ 213**MONTANA LAW ENFORCEMENT MUSEUM***In Historic Old Montana State Prison*

9.6/10

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

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

5 January 1987

Dear Rep. Keenan:

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

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

Sincerely,



Mr. T. L. Tyler, Coordinator

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

January 7, 1987

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

ROLL CALL: All members were present.

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

PROPOSERS:

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

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

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

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

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

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

#2

1/20/89

HB 213

14 of 16

House Education and
Cultural Resources Committee
January 7, 1987
Page Two

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

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

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

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

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

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

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

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

OPPCNENTS:

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

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COMMITTEE DISCUSSION:

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

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

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

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

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

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provide a service under difficult and dangerous conditions.

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

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

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

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

CHAIRMAN SANDS then closed the hearing on HB #23.

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

REP. KEENAN moved that HB #23 DO PASS.

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

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

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REP. GLASER joined the committee at this point.

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

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

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

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

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

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

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

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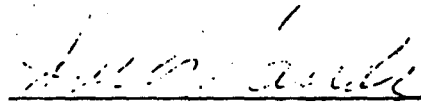
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Page Six

DISPOSITION OF HOUSE BILL NO. 23

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

ADJOURNMENT

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



REP. JACK SANDS, CHAIRMAN

ROLL CALL VOTE

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EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE JANUARY 7, 1987 BILL NO. HB # 23

NUMBER 1

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

TALLY

14

4

Stanley Herwin
Secretary

Jack Sands
Chairman

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

motion CARRIED - 14 to 4.

11.2

MONTANA STATE COUNCIL No. 9

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
Affiliated With A.F.L.—C.I.O.



Gerald W. McEntee
International President

William E. Lucy
International Secretary-Treasurer

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Phone: 265-9834

George E. McCammon, Treasurer
Rte. 1, Box 144
Townsend, MT 59644
Phone: 266-3592

January 20, 1989

TESTIMONY OF NADIEAN JENSEN

Proponent for H.B. 213

VICE-PRESIDENTS

Duane Hartman
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Phone: 723-5350

Dave Beadles
P.O. Box 307
Boulder, MT 59632
Phone: 225-3706

Leann Schaff
5807 Kerr Drive
Missoula, MT 59803
Phone: 251-3232

Mr. Chairman, Members of the Committee:

For the record my name is Nadiean Jensen, I am Executive Director of Montana State Council No. 9, American Federation of State, County and Municipal Employees, AFL-CIO. We represent five City Law Enforcement Agencies in Montana.

I am here today to ask you to support H.B. 213.

H.B. 213 would enable the surviving spouse or child/children to attain the education necessary to support themselves, if they meet the qualifications outlined on page 2, lines 5, 6 and 7.

Survivors do not receive sufficient benefits to cover the cost of the necessities of life, let alone an improved education and training for their entrance into the work force.

These officers leave home each work day never knowing if they will return to their home and family at the end of the work day. Knowing their family would be

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Executive Director

George F. Hagerman
Field Representative

Sharon Donaldson
Field Representative

Jim Mayes
Field Representative

Debbie Lesmeister
Sec./Bookkeeper

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H.B. 213

eligible to fulfill their education could reduce some of the stress suffered by the type of work the officer is involved in.

I would urge this Committee to vote in favor of H.B. 213.

Respectfully Submitted By

A handwritten signature in cursive script, appearing to read "Nadiean Jensen". The signature is written in dark ink and is positioned above the printed name.

R. NADIEAN JENSEN, Executive Director

EXHIBIT 4
DATE 1-20-89
HB 213

WITNESS STATEMENT

NAME SGT. STEVE ARGAR BILL NO. 213
ADDRESS 418 BUTLER ST. HELENA, MT. 59620
WHOM DO YOU REPRESENT? MONTANA LAW ENFORCEMENT MUSEUM
MONTANA ASSOCIATION OF HIGHWAY PATROLMEN
SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: LAW ENFORCEMENT OFFICERS ACROSS MONTANA PROVIDE
PROTECTION AND SERVICE TO THIS STATE AT GREAT PERSONAL RISK.
SEVENTY PEACE OFFICERS HAVE LOST THEIR LIVES IN
MONTANA'S FIRST CENTURY.

PEACE OFFICERS HAVE A DIFFICULT TIME BUDGETING FOR A COMFORTABLE LIFESTYLE FOR THE FAMILY. A COLLEGE EDUCATION IS ESPECIALLY DIFFICULT ON POLICE WAGES TO PROVIDE FAMILY MEMBERS. THE LOSS OF THE PEACE OFFICER AND BREADWINNER OFTEN MAKE THE CHILD'S EDUCATION IMPOSSIBLE.

LAW ENFORCEMENT OFFICERS CURRENTLY ISSUE CITATIONS IN THIS STATE THAT PROVIDE \$470,000 TO THE CRIME VICTIMS COMPENSATION FUND, EVERY YEAR. LAW ENFORCEMENT ALSO TURNS MANY THOUSANDS OF DOLLARS OVER TO SECONDARY SCHOOLS TO PROVIDE DRIVER EDUCATION FUNDING.

THIS BILL WOULD RECOGNIZE THE SACRIFICE OF THE PEACE OFFICER TO MONTANA AND INSURE THAT HIS CHILDREN DO NOT SUFFER BECAUSE A PARENT CHOSE TO PLACE HIMSELF AT RISK FOR THE PROTECTION OF MONTANA CITIZENS.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 5
DATE 1-20-89
HB 228

Amendments to House Bill No. 228
Introduced Copy

Requested by Representative Harrington
For the House Committee on Education

Prepared by Dave Cogley
January 19, 1989

1. Page 1, line 13.

Following: "may"

Insert: ", without a vote of the electors of the district,"

EXHIBIT 6
DATE 1-20-89
HB 229

Amendments to House Bill No. 229
Introduced Copy

Requested by Representative Harrington
For the House Committee on Education

Prepared by Dave Cogley
January 19, 1989

1. Page 1, line 14.

Following: "may"

Insert: ",without a vote of the electors of the district,"

2. Page 2.

Following: line 12

Insert: "(6) The principal amount of the obligation, when added to the outstanding bonded indebtedness of the district, may not exceed the debt limitation established in 20-9-406."

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 20, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO. HB 195DATE January 20, 1989SPONSOR Rice

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bruce Moerer	MSBA	X	
Phil Campbell	MEA	X with Amount 70 days	
Joe W. Loring	SAM	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 20, 1989

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEEBILL NO. HB 229DATE January 20, 1989SPONSOR Harrington

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
DAVID EWER	Board of Investments	✓	
Bruce W. Moorer	MSBA	✓	
Phil Campbell	MEA	✓	
James W. Long	SAM	✓	
Terry Munro	MFT	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.