MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 30, 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 HB 335

Presentation and Opening Statement by Sponsor:

Rep. Harriet Hayne, District 10, Dupuyer said HB 335 is an act requiring the waiver of university fees for an honorably discharged veteran who is a Montana resident. She said the bill would make one change in the present statute in that it would qualify present Montana residents who did not enter the service from Montana for the same privileges in regard to the waiver of tuition and fees. She said this bill would not effect many veterans but would allow some veterans who are presently teaching in Montana and working in other professions the opportunity to complete degrees. Rep. Hayne offered an amendment to HB 335, (EXHIBIT 1.).

Testifying Proponents and Who They Represent:

Richard Stuhlmacher, Veteran and Teacher, Conrad LeRoy Schramm, Legal Counsel, Board of Regents Hal Manson, American Legion of Montana John Sloan, Military Order of the Purple Heart Eric Feaver, Montana Education Association George Poston, United Veterans Committee of Montana John Den Herder, Disabled American Veterans Bob Durkee, Veterans of Foreign Wars Walt Wheeling, American X-POWs and American Defenders of Battalion Cragador J. Henry Badt, Montana Association of County School Superintendents (MACSS) Mike Craig, Associated Students University of Montana (ASUM)

Proponent Testimony:

Richard Stuhlmacher said he served in Viet Nam and has lived and paid taxes in Montana for eleven years. He said he has also helped educate over 2,000 Montana children and even though he entered the military while living in another state should be subject to the same opportunity as those who entered the service while residing in Montana.

LeRoy Schramm, (EXHIBIT 2.).

- Hal Manson stated support for HB 335 and supported the amendment saying it is only fair that veterans who have gone into the service from outside the state and come to work and offer their talents to Montana be afforded every privilege available to others.
- John Sloan stated support for HB 335 saying he also supports the amendment.
- Eric Feaver also stood in favor of HB 335.

George Poston stood in support of HB 335 as amended.

John Den Herder stated support for the bill as amended.

Bob Durkee said his organization supports the equality of HB 335 as proposed by the sponsor.

Walt Wheeling stated support for HB 335.

- J. Henry Badt said the MACSS supports HB 335.
- Mike Craig said Montana has a distinguished history of recognizing its war veterans and that there is a number of Viet Nam Veterans in Montana who could greatly benefit from HB 335. He said HB 335 exemplifies Montana's tradition of veteran recognition.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Stang asked LeRoy Schramm what the University System considers to be a Montana resident. Mr. Schramm said the University System has a fairly intricate residency rule that is applied when people come in from out of state to school due to the approximate \$1,700.00 difference between in-state and out-of-state tuition. He said the main requirement is a person must reside in Montana for 12 months to qualify as a resident for fee purposes.

- Rep. Stang then asked Mr. Schramm if the person would also have to file a Montana State Tax Return and he replied the filing of income tax is probably the best and most powerful indicator in determining residency.
- Rep. Darko asked Hal Manson if HB 335 would apply to all veterans or only combat veterans. Mr. Manson is would include anyone in service during a war period.
- Rep. Simpkins asked Rep. Phillips to define "war veteran" asking if there were any possibility since there was no act of war in Korea or Viet Nam that these veterans would be excluded. Rep. Phillips said he didn't believe there would be any problem with the definition.

LeRoy Schramm added the University System has recognized both Korea and Viet Nam and there has been no problem. He said approximately 185 fee waivers given last year were Viet Nam war veterans.

- Rep. Eudaily asked LeRoy Schramm what the fiscal impact would be if a great deal of the fee waivers are waivers in the medical fields. Mr. Schramm answered that at present there is no restriction as far as undergraduate curriculum with many presently in the law school. He said there are specific requirements set however, such as a student must be working towards a degree, the undergraduate degree would need to be attained within at least 12 semesters and the student would have to maintain at least a C- average. He continued that the Board of Regents have always had the ability to determine whether a person is meeting its standards and meeting eligibility requirements.
- Chairman Schye asked LeRoy Schramm how many other states allow fee waivers for veterans and he replied he was not sure of exact figures but it was a very common practice.
- Chairman Schye then asked the sponsor of HB 335 if the fiscal note handed out to the committee (EXHIBIT 3.) was the one she intended to go to the floor with. Rep. Hayne said it was.
- <u>Closing by Sponsor:</u> Rep. Hayne said HB 335 is a very necessary piece of legislation and recommended a favorable committee report.

Presentation and Opening Statement by Sponsor:

Rep. Ralph Eudaily, District 60, Missoula said HB 397 involves a very simple name change adding after the name Western Montana College the words "of the University of Montana" because the Board of Regents have designated it as such. Rep. Eudaily also offered an amendment to HB 397, (EXHIBIT 4.).

Testifying Proponents and Who They Represent:

Carrol Krause, Commissioner of Higher Education Sheila Stearns, Vice-President, University of Montana (UM) Rep. Chuck Swysgood, District 73, Dillon

Proponent Testimony:

- Carrol Krause said HB 397 is a reflection of the merger between Western Montana College and the University of Montana and that there are potential legal problems without this recognition in statute.
- Sheila Stearns said the UM accepts its alliance with Western Montana College with a great sense of responsibility and in the spirit of cooperation for the benefit of both institutions of higher learning. She said both institutions have been working together to reduce duplication, promote efficiency, expand services and create better educational opportunities for students at both locations. Ms. Stearns also said HB 397 will clarify the statute as to what already exists in fact.
- Rep. Swysgood urged the committee to accept the amendment offered by Rep. Eudaily saying it is necessary for the performance of bonding as far as the college is concerned so lawsuits can not be instituted.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: None

<u>Closing by Sponsor:</u> Rep. Eudaily said HB 397 is worthy of passage and also called the committee's attention to Section 5 which simply allows and authorizes the code commissioner to make the legal name change anywhere in code when he discovers the name "Western Montana College". Motion: Rep. Darko made the motion that HB 397 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Eudaily made the motion to amend HB 397. The motion CARRIED upon unanimous voice vote.

Recommendation and Vote: Rep. Darko then made the motion that HB 397 DO PASS AS AMENDED. The motion CARRIED upon voice vote with Rep. Daily and Rep. Stang voting no.

HEARING ON HB 400

Presentation and Opening Statement by Sponsor:

Rep. John Vincent, District 80, Bozeman said HB 400 creates a Montana Centennial Scholarship Program and represents a long term investment in Montana during its centennial year. He said the basic idea is to appropriate each of Montana's high school districts an amount of money not to exceed \$10,000.00 to be matched in an equal amount from monies raised locally. Ideally, Rep. Vincent said a district could raise \$10,000.00 and with the match of \$10,000.00 from the State of Montana would develop a permanent Centennial Trust Fund Account so each and every year on a perpetual basis two students from that district would receive a substantial scholarship to attend college. He also said this would be inclusive of the Vocational Technical Centers as well.

Testifying Proponents and Who They Represent:

Carrol Krause, Commissioner of Higher Education Eric Feaver, Montana Education Association (MEA) Terry Minow, Montana Federation of Teachers (MFT) Dave Bishop, School Administrators of Montana (SAM) Bruce Moerer, Montana School Boards Association (MSBA) Brian Harlin, Associated Students Montana State University (ASMSU) J. Henry Badt, Montana Association of County School Superintendents (MACSS) Mike Craig, Associated Students University of Montana (ASUM) Rep. John Johnson, District 23, Glendive

Proponent Testimony:

Carrol Krause stood in support of HB 400 saying Montana does not have an extensive scholarship program of any kind and this would encourage scholarships to the University System and Vo-tech Centers in the state. He said at present the only scholarships Montana provided from state money are selected fee waivers and approximately \$250,000.00 of work study.

- Eric Feaver said HB 400 is an appropriate and relatively inexpensive way for the State Legislature to provide scholarships that may help to retain some of the best students in Montana. He proposed to amend the bill saying wherever reference was made to the Department of Administration a change be made to the Office of Public Instruction unless there is a technical reason for the Department of Administration to administer this scholarship program.
- Terry Minow said HB 400 provides an investment in Montana's greatest natural resource.
- Dave Bishop stated support for HB 400 in view of previous

testimony. He added this is a marvelous investment in the future of Montana children.

Bruce Moerer said this is not only a good investment but also provides a good incentive to Montana students.

Brian Harlin stated support for HB 400.

- J. Henry Badt said the MACSS endorses HB 400 which provides a great opportunity for Montana students.
- Mike Craig said ASUM enthusiastically supports HB 400 and the creation of the Centennial Scholarship Program in Montana. He commended Rep. Vincent for this proposal attempting recruitment of Montana high school students to attend college in the state.
- Rep. Johnson said after all the balloons are broken and the celebrations over there will not be much legacy left from the centennial year. HB 400 gives the 51st Legislature the opportunity to provide a legacy through this scholarship to the youth of the state.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Thomas asked Rep. Vincent what were his thoughts as far as going into the Coal Trust Fund for the estimated \$1.6 million dollars necessary to fund this effort. Rep. Vincent said he is consistently against tapping the Coal Trust Fund for any reason however, he added there may be a way to bond against the Coal Trust Fund or the Education Trust Fund which should be investigated further.

Rep. Nelson asked Rep. Vincent if the high school districts participating would use funds from donations or would this be a budgetary item for school districts. Rep. Vincent replied his intent is for the monies to be raised through fund raising projects at the local level, donations, and contributions and not from school budgets.

Rep. Nelson also asked if this was a "dollar for dollar" basis and Rep. Vincent answered that it was.

- Rep. Eudaily asked Rep. Vincent if it would be more beneficial to spread the money out each year with no one person receiving the scholarship for two successive years. He said there are graduating classes each year and students would be more encouraged if a different person was chosen each year. Rep. Vincent say this is correct if the goal is to maximize the number of scholarships on the front end.
- <u>Closing by Sponsor:</u> Rep. Vincent thanked the committee and stated once again that Montana ranks very low in the amount of scholarship money available to students. He said HB 400 is an appropriate idea for Montana's Centennial Year and that, "we will be judged by what we leave our kids and remembered for what we do".

DISPOSITION OF HB 46

Motion: Rep. Darko made the motion to TABLE HB 46.

- Discussion: None
- Amendments, Discussion, and Votes: None
- Recommendation and Vote: Motion CARRIED upon unanimous voice vote.

DISPOSITION OF HB 126

Motion: Rep. Eudaily made the motion to TABLE HB 126.

- Discussion: None
- Amendments, Discussion, and Votes: None

Recommendation and Vote: Motion CARRIED upon voice vote with Rep. Phillips and Rep. Wallin voting no.

DISPOSITION OF HB 173

Motion: Rep. Darko made the motion that HB 173 DO PASS.

Discussion: None

Amendments, Discussion, and Votes: Rep. Davis made the motion to amend HB 173. Following a great deal of discussion, Chairman Schye asked Rep. Darko and Rep. Davis if they would agree to withdraw their motions relative to the bill so the committee could take more time in making sure amendments to the bill were correct. Rep. Darko and Rep. Davis both agreed to withdraw their motions on HB 173.

Recommendation and Vote: None

DISPOSITION OF HB 299

Motion: Rep. Kilpatrick made the motion that HB 299 DO PASS.

- Discussion: Rep. Simpkins said he didn't believe the concerns addressed in HB 299 were a problem in his district in Great Falls.
- Rep. Harrington said he views HB 299 as important legislation because Butte has had many school closures.
- Rep. Kilpatrick said there are areas that do not have any representation resulting in Boards of Trustees from one area. He said HB 299 is an excellent bill.
- Rep. Eudaily asked Andrea Merrill if there are differences in area requirements between the high school and elementary districts. Ms. Merrill replied that first class elementary districts can divide into trustee districts if they so choose.

Rep. Daily remarked that it is getting very difficult finding people to run for school boards. He also said he would like to see HB 299 amended to include Billings only.

Rep. Nelson said this is a problem school districts need to solve for themselves.

Amendments, Discussion, and Votes: None

Recommendation and Vote: Rep. Nelson made the substitute motion that HB 299 DO NOT PASS. The motion CARRIED upon Roll Call Vote 11 yes, 8 no.

DISPOSITION OF HB 376

- Motion: Rep. Harrington made the motion that HB 376 DO NOT PASS. Rep. Simpkins then made a substitute motion that HB 376 DO PASS.
- Discussion: None
- Amendments, Discussion, and Votes: Rep. Simpkins offered amendments to HB 376 which proposed that local school trustees solve this issue of allowing homeschoolers access to their schools.
- Rep. Harrington voiced objection to the substitute motion saying this entire problem should not be put on the backs of local school trustees. He said those who wish to homeschool their children make their choice freely to do so.
- Rep. Simpkins said at the present time there is approximately one million dollars collected in taxes from those who homeschool their children. He said there appears to be a total reluctance on the part of the Office of Public Instruction to deal with this particular issue and that the Constitution guarantees equal opportunity of education for all.
- Recommendation and Vote: Rep. Stang made the motion to TABLE HB 376. Rep. Thomas then said he felt this was a bill that should be sent to the floor for debate. Motion to Table CARRIED upon Roll Call Vote 13 yes, 7 no.

ADJOURNMENT

Adjournment At: 7:00 p.m.

Chairman

TS/dlm

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DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 30, 1989

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STANDING COMMITTEE REPORT

January 31, 1989 Fage 1 of 1

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Mr. Speaker: We, the committee on <u>Education and Cultural</u> <u>Resources</u> report that <u>HOUSE BILL 397</u> (first reading copy -white) <u>do pass as amended</u>.

Signed:_________Ted Schye, Chairman

And, that such amendments read:

1. Title, line 7. Strike: "AND THE STATUS OF"

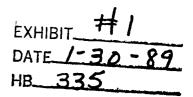
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STANDING COMMITTEE REPORT

January 30, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Education and Cultural</u> <u>Resources</u> report that <u>House Bill 299</u> (first reading copy -white) <u>do not pass</u>.

Signed:________Ted Schye, Chairman



HOUSE BILL 335

Line 15 Shall Read:

Shall have free incidental and registration fees and tuition



THE MONTANA UNIVERSITY SYSTEM

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



COMMISSIONER OF HIGHER EDUCATION

OFFICE OF LEGAL COUNSEL

TO: House Education Committee

FROM: LeRoy H. Schramm Chief Legal Counsel

DATE: January 30, 1989

RE: H.B. 335 (Hayne) Regarding Veterans Fee Waivers

This bill deletes the requirement that to be eligible for a University tuition waiver a veteran must have been a Montana resident when he entered the armed services. Instead it substitutes the requirement that a person needs only to be a present "bona fide resident" of Montana to qualify. Under state law and Regents policy this means a person must have been resident in Montana for twelve months before enrolling in college. This requirement means that the waiver will not be available to persons who would come to this state merely to take advantage of the free tuition.

The Board of Regents supports H.B. 335 with the addition of one amendment. At present the Regents waive incidental ("incidental fees" are synonymous with "tuition" under the nomenclature used by the Board of Regents) and registration fees for eligible veterans but do not waive fees which are assessed all students to pay The specifically for special services or student facilities. addition of the words "incidental and registration" before the "fees" on line 15 would write this practice into law. word Students receiving fee waivers also are subject to the Regents' requirements that they maintain a minimum passing grade point average and that they maintain satisfactory progress toward a degree. H.B. 335 does not change present practice on these matters and the Regents would continue to enforce these rules as they have done in the past.

The Regents believe that this bill reflects a fair trade-off: eligibility for the waiver is expanded somewhat while the type of fees subject to waiver is for the first time made explicit.

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THE MONTANA UNIVERSITY SYSTEM CONSISTS OF THE UNIVERSITY OF MONTANA AT MISSOULA, MONTANA STATE UNIVERSITY AT BOZEMAN, MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY AT BUTTE, WESTERN MONTANA COLLEGE AT DILLON, EASTERN MONTANA COLLEGE AT BILLINGS AND NORTHERN MONTANA COLLEGE AT HAVRE.

STATE OF MONTANA -	IONTANA - FISCAL NOTE	DTE	DAJE HB	
In compliance with a written request, there is hereby submitted		a Fiscal Note for <u>HB335</u> ,	35, as introduced	.ed.
DESCRIPTION OF PROPOSED LEGISLATION:				
A bill for an Act entitled: "An Act requiring the waiver of university tuit. war veteran who is a Montana resident; and amending Section 10-2-311, MCA."	r of university tion 10-2-311,	university tuition and fees for an honorably discharged 10-2-311, MCA."	es for an honor	ably discharged
ASSUMPTIONS:				
 Annual fee waiver is worth \$837.00 Currently, 185 fee waivers are being utilized from an eligible base of 35,000. a population of 298,000 veterans. Assume a 50% eligibility increase, or 17,50 35,000. Assume ratio of use remains the same (i.e. 185/35,000 * 17,500) 	zed from an eligible base of 35 a 50% eligibility increase, or 185/35,000 * 17,500)	base of 35,000. :rease, or 17,500	0	Five surrounding states have veterans above the current
т. Тираст.			FV01	
Current Pr Law nue <u>\$26,714,329</u> \$ 2	Difference (\$77,004)	Current Law \$26,714,329	F191 Proposed Law \$26,637,325	Difference (\$77,004)
LONG-RANGE EFFECTS:				
Could possibly encourage a large number of veterans moving tuition waiver.	ing to Montana	to obtain residency.	ency, therefore	earning a
				EXHIBI DATE HB
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SHACKLEFOR	HAF	HARRIET HAYNE, PRIJ	FRIMARY SPONSOR	DATE
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EXHIBIT___ DATE 1-3 HB.

Amendments to HB Bill No. 397 lst Reading Copy

Requested by Rep. Eudaily For the House Committee on Education

> Prepared by Andrea Merrill January 28, 1989

1. Title, line 7.
Strike: "AND THE STATUS OF"

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCESCOMMITTEE

BILL NO. 335

DATE January 30, 1989

SPONSOR Hayne

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
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Rich SROWN	MURD	\mathcal{V}	
Walt Wheeling	EX-POW ADBC	L	
Ale Manson	Querican Legen		
Mike Craig	ASUM		
Richard Stuhlmacher	Conrad	V	ļ
John E SLORN	Helenz Moph		
JACK HAYNE	DUPUYER	V	
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 397	DATE January	30, 1989	
SPONSOR Eudaily			
NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
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Sheila Stearns	Comy of H. El Uof M Missouch		
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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 400

DATE January 30, 1989

SPONSOR Vincent

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
DAVID, TSISHOP A	SAM	\checkmark	
S /ven Balle	MACSS	V	
Mike Cronice	ASUM	\checkmark	
Hert Balla	Helena	~	
Bruce W. Mierer	nsBa	~	
Terry Munoh	MFT		
BRIAN HARLIN	Asmisia		
HACY FARMER	Ashese	$\left \right\rangle$	
John Vincent			
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Eric From	ASMT MEA	2	
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

		ROLL CA	LL VOTE			
	EDUCATION AND	CULTURAL RES	SOURCES	 COMMITTE	E	
DATE	1-30-89	BILL NO.	299	 NUMBER _	# (-

NAME	AYE	NAY
Rep. Ted Schve, Chairman		
Rep. Fritz Daily, Vice-Chairman		
Rep. Vicki Cocchiarella		
Rep. Paula Darko	/,	
Rep. Ervin Davis	V /	
Rep. Ralph Eudaily		
Rep. Floyd Gervais	1	
Rep. Bill Glaser		
Rep. Dan Harrington		
Rep. John Johnson		
Rep. Tom Kilpatrick		
Rep. Richard Nelson		
Rep. John Phillips	V,	
Rep. Richard Simpkins		
Rep. Wilbur Spring, Jr.		
Rep. Barry "Spook" Stang		
Rep. Fred Thomas		
Rep. Norm Wallin		1
Rep. Diana Wyatt		V
Rep. Tom Zook		
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<u>Alianse & Mélitrick</u> <u>leel</u> Secretary <u>Ch</u> MOTION: <u>Substitute Motion</u> Ky Rep. 7 DO NOT PASS Motion CARR 8 mo.

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ROLL	CALL	VOTE
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	EDUCATION	AND	CULTURAL	RE	SOURCES		TTE	EE	
DATE	1-30-8	9	BILL N	0.	376	NUMBE	R	#2	

NAME	AYE	NAY/
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		

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12 Kittrick _____ Nur Secretary Chairman

MOTION: Kins

ROLL CALL VOTE		
EDUCATION AND CULTURAL RESOURCES	COMMITTEE	
DATE <u>1-30-89</u> BILL NO. <u>376</u>	NUMBER _ #	3
NAME	AYĘ	NAY
Rep. Ted Schye, Chairman		
Rep. Fritz Daily, Vice-Chairman		
Rep. Vicki Cocchiarella		
Rep. Paula Darko		
Rep. Ervin Davis		
Rep. Ralph Eudaily		
Rep. Floyd Gervais		V

Rep. Floyd Gervais	V
Rep. Bill Glaser	
Rep. Dan Harrington	
Rep. John Johnson	
Rep. Tom Kilpatrick	
Rep. Richard Nelson	
Rep. John Phillips	V.
Rep. Richard Simpkins	
Rep. Wilbur Spring, Jr.	
Rep. Barry "Spook" Stang	
Rep. Fred Thomas	
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Rep. Tom Zook	

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13 Chairman

MOTION: Mote nnc no

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