

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - 1st SPECIAL SESSION

#### SUBCOMMITTEE ON EDUCATION

Call to Order: By Chairman Peck, on June 24, 1989, at 9:20 a.m.

#### ROLL CALL

Members Present: all

Members Excused: None

Members Absent: None

Staff Present: Keith Wolcott, LFA

Announcements/Discussion: Chairman Peck said Senators Hammond and Nathe had been in another meeting and had not been at the hearing for House Bill 44 and asked if they had any questions in regard to the hearing or the bill. Senator Hammond and Senator Nathe indicated they had no immediate questions.

Tape 1, side A, 012.

Dr. Krause said the Board of Regents took approximately 4 hours of testimony as relates to the entrenchment plan. He said the board voted to eliminate the program in 1990 with the exception that if other funds could be found to continue the program they would extend the elimination date to 1991. He said the possibility of coming back to the next legislature, looking at the formula and certain high cost programs which have a large public service component in them. He said then the public service aspect which was not really a part of the curriculum could be addressed and determined. He said we need to look at the possibility of raising enough funds to keep the program for one more year, but even with that, it will be slated for a phase out in 1991, but then the legislature could address the issue to see if it were possible to keep it.

Representative Peck said the information was given that about 40 undergraduates and 20 grad students in this program. He asked what the FTE is for the professional and non-professional for staff for this program? Dr. Krause said the FTE students is just under 60. The number of staff is 7.5 and the non-professional would probably be one. He said it would not be very many but did not have the exact figure.

(040) Senator Jacobson said she had a proposal to present the committee. She said a number of people have been meeting and visiting in an attempt to come up with something they

would feel more comfortable with. She said the proposal would decrease the amount from \$390,000 to \$200,000. She said this is a general statement since the agreement they have is still being worked on. She said people are talking with the University Teacher's Union, discussing super tuition for the students for one year, and the University has decided they could pick up the difference if those kinds of things can be agreed upon. She said it would be her intention to ask the interim committee on Higher Education to look at this program and the nursing program at MSU to see if there is some alternative to funding the programs.

Motion: Motion by Senator Jacobson to amend page 1, line 13 to strike \$390,000 and insert \$200,000, and on page 1 following line 14 to insert "The funds appropriated in this act are contingent upon the University of Montana maintaining the communications sciences and disorders program through June 30, 1991".

Discussion: Senator Hammond said Senator Jacobson had mentioned some conditions that weren't mentioned in the motion, that this motion left it up to the University as to how to raise the funds. Senator Jacobson said that was the second motion, but she had been asked by the people from Missoula to try to go with a more generalized amendment because they have not met with the union yet, and felt a little uncomfortable with the committee spelling it out. She said the other amendment would read "The funds appropriated in this act are contingent upon the university teachers union of the University of Montana forgoing a portion of the fiscal 1990 faculty pay increase as contained in its contract with the university and the Board of Regents approving a super tuition for the communication sciences and disorders program for the 1991 biennium." She said they could go with either amendment, they do the same thing, but she thought it was a little easier for the university and the people negotiating if we keep it open. She said if those things don't happen we are back to square one.

(100) Senator Hammond said, that is because of the \$200,000? Senator Jacobson answered that the \$200,000 was inadequate to fund the program and the bulk of the money we are asking for would be from the university teacher's union.

Senator Hammond asked if they had made any determination as to what the super tuition would be, and Senator Jacobson said they looked at it yesterday, started to calculate it, and decided to wait and let the university make that decision. She said they had looked at the programs that had super tuition, and the architectural program in Bozeman, and decided it was better to let the Regents look at it and make a decision.

(116) Representative Marks asked if the super tuition at

pharmacy was \$1,000 and Dr. Krause answered yes. Representative Marks asked, if the super tuition were applied to sophomores and up we would have 5 classes that would be paying super tuition? Senator Jacobson said they are estimating it would bring in between \$20,000 and \$30,000 for one year. Dr. Krause said he thought the estimate was about a maximum of \$30,000.

(130) Representative Marks asked, in regard to both potential amendments if they were basing it at \$1,000 tuition. Senator Jacobson said yes, but only on the graduate students. Rep. Marks said, then the undergraduates would not be paying any? Dr. Krause said that is the understanding when the estimate of \$30,000 since it is primarily a graduate program.

(140) Representative Marks asked when the pharmacy school collects the super tuition. Dr. Krause said on the third year. He said there are really 3 years, the other 2 years are pre-pharmacy where they take their freshman and sophomore science courses, so it is on the upper 3 years where the students are actually in the pharmacy program.

Representative Marks said he was trying to compare what was being discussed here with the pharmacy program, and Dr. Krause said it would be quite comparable.

There was further discussion on comparable tuition. Dr. Krause went into further detail and said Mr. Parker could answer more questions if the committee so desired.

(173) Senator Nathe asked about the super tuition, he said law school is 3 years, pharmacy school is 3 years, architecture is 3 years and Dr. Krause said they were really not changing it on CSD since they were keeping the super tuition only on the professional component. Chairman Peck pointed out this was not specific in the motion which is very general and would leave it up to the unit to sort this out.

(188) Senator Hammond asked how long this program been producing people that serve here in Montana. Dr. Krause said since 1960.

(196) Chairman Peck said the motion is to adopt the proposed amendment. Senator Jacobson asked if the amendment should read Board of Regents rather than University of Montana. It was agreed, and since the request was from the sponsor of the amendment Chairman Peck allowed the change.

(218) Senator Hammond said it seemed to him in the deliberations in the general session left it pretty much up to the Board of Regents on the modifieds. They chose them and it was sort of okayed whatever they wanted to do. He said we had some difficulties at the end of the session determining the bottom line on money for education. He said now we come

back and are asked to come up with more money, and said it could be problems either way. He said he felt by our actions we have become involved in something we really have not been involved in.

Chairman Peck reminded the committee they were only voting on the amendment, not on the bill itself.

Recommendation and vote on amendment: Voted, passed,  
Representative Marks voting no.

Senator Jacobson said while she shared some of Senator Hammond's concerns, after working with all the people yesterday, there is a real concerted effort by any number of people to try to save the program. She said once a program like this was closed it would take another 10 years to start another one up, and this would buy a year and at that point the Legislature could make a conscious decision as to whether the program would be kept.

Representative Peck said the chair would really disagree with her because he did not feel it is up to the Legislature to determine whether a program is continued or not. He said if the legislature decided which programs were to be in the units the Board of Regents would rise up in righteous indignation, and he felt rightfully so, and he felt this was an attempt to do this. He said this is a good program, but the other units are also suffering. He said he disagreed totally with the Regents position that they should eliminate this program, but is willing to recognize their authority.

(278) Representative Marks said he agreed with most of the remarks made by the Chairman, and that the Legislature has been put in a bind on this. He said he felt the students and the faculty who have impacted the program have also been used by the system, and he felt badly about it. He said during the testimony someone asked the question as to whether the Regents could alter their position, and the answer was yes. He said he would suggest this might be an option for them to do here. He said it was also been brought out that there had been over \$29 million of additional increases given to the university system over the previous biennium, and he felt there were some decisions made in the 10 programs in the entrenchment plan at U of M that were painful, but there were in some of the other units also. He said he felt if they came back and picked up one of the 10 then they would be involved in setting curriculum.

(310) Representative Kadas said he did not feel the program is being used by the system, he felt the system was set up in a way that this program is vulnerable because of the formula that we have. He said he felt they need to look at the formula, particularly in light of programs like this that have a high public service component, yet a high cost component. He said he would support the bill because it would buy the time to look at the formula to see if

something could or could not be done.

Senator Jacobson said she would like to point out to the committee that even if we pass this bill, basically what we are doing is giving the Board of Regents a way in which to keep the program open. They would still have to meet and reverse their decision.

Chairman Peck said the criticism of the formula Representative Kadas made is probably justified. However, he said, we just completed a 2 year study of that formula and that was not an issue that was presented with any vigor.

Senator Nathe asked about the amendment. He said we have given the University System the flexibility, but is it recorded in the minutes that we have an idea where the money is to come from to generate that \$190,000 and it is not to be pulled from somewhere else. He said in the other remaining amendment, it is implied that there is a super tuition thing to be considered, there is a percentage increase over and above the 6 and 6 on the union contracts to be considered as a source of money; and then the remaining amount come from within the unit itself. He said he would be extremely upset if he voted for this and saw where one of the units granted the 6 and 6 plus the 2 1/2 and 2 1/2 is all of a sudden going to come up with more money from some place else to plug in that \$190,000, because then they would have really made a mess in their system to the other units that did not grant that 2 1/2 and 2 1/2.

Chairman Peck asked if his concern was that this be clearly stated in the minutes, and Senator Nathe answered yes, that it be clearly in the minutes that money is to come from those 3 specified areas.

Motion: Motion by Senator Jacobson to adopt House Bill 44 as amended.

Representative Ream said part of the reason this issue is before the committee is that he had promised to work toward the long term solution. He said he had promised to go back to his colleagues at the university and ask if they would forgo 1% of the salary increase during the first year. He said that would raise approximately \$145,000. He said the new chairman is Harry Fritz and he had not had a chance to talk to him, but had talked to the negotiator and the former president were both consulted with, and are interested in the proposal. He said they are calling a meeting tomorrow, and I think we can do it. Chairman Peck asked if they needed a delay until the ETU had met, and Representative Ream answered no, if it doesn't work I don't think there is any other source of funding, and the commitment on your part will go by the way side.

Recommendation and Vote: Roll call vote, motion passed, 4

HOUSE APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

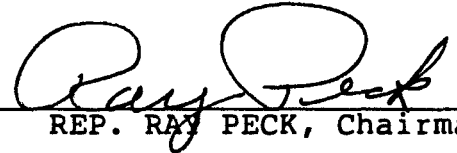
June 24, 1989

Page 6 of 6

members voting aye, 3 voting nay.

ADJOURNMENT

Adjournment At: 10:02 a.m.

A handwritten signature in cursive script, appearing to read "Ray Peck", is written over a horizontal line.

REP. RAY PECK, Chairman

RP/sk

210624a.min

Subcommittee on Education

DATE June 24/89

[illegible]

Amendments to House Bill No.44  
First Reading Copy

6-24-89  
HB 44

Requested by Senator Jacobson  
For the Education Subcommittee

Prepared by LFA  
June 23, 1989

1. Page 1, line 13.  
Strike: "\$390,000"  
Insert: "\$200,000"

2. Page 1, following line 14.  
Insert: "The funds appropriated in this act are contingent upon  
the ~~University~~ of Montana maintaining the communications  
sciences and disorders program through June 30, 1991."

↓  
Board of Regent

Passed  
Mark W.



ROLL CALL VOTE Subcommittee on Education

APPROPRIATIONS-FINANCE & CLAIMS COMMITTEE

DATE \_\_\_\_\_ BILL NO. \_\_\_\_\_ NUMBER \_\_\_\_\_

[illegible]

**TALLY**

3

**Secretary**

Chairman

**Motion:**

Incubation rec.  
4 11 6 14

NY 11344 9