

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN ALVIN ELLIS, JR., on February 8, 1995, at 3:30 p.m.

ROLL CALL

Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)
Rep. Peggy Arnott, Vice Chairman (Majority) (R)
Rep. Vicki Cocchiarella, Vice Chairman (Minority) (D)
Rep. Matt Denny (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Dan W. Harrington (D)
Rep. Jack R. Herron (R)
Rep. Joan Hurdle (D)
Rep. Bob Keenan (R)
Rep. Sam Kitzenberg (R)
Rep. Gay Ann Masolo (R)
Rep. Norm Mills (R)
Rep. William Rehbein, Jr. (R)
Rep. John "Sam" Rose (R)
Rep. George Heavy Runner (D)
Rep. Debbie Shea (D)
Rep. Richard D. Simpkins (R)
Rep. Diana E. Wyatt (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Renae Decrevel, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:	HB 415, HB 373
Executive Action:	HB 313 TABLED
	HB 415 DO PASS
	HB 352 DO PASS AS AMENDED
	HB 367 TABLED
	HB 394 TABLED
	HB 368 DO PASS
	HB 373 TABLED

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

HEARING ON HB 415Opening Statement by Sponsor:

REP. ROSE FORBES, HD 42, Great Falls, said that HB 415 would help to clarify the eligibility of admittance. It explains the duration of attendance and transfer of students adopted by the Board of Public Education, offers opportunity for admitting non-resident children based on pre-payment costs and cleans up requirements for employment placement and continuing education at the Montana School for the Deaf and Blind (MSDB).

Proponents' Testimony:

John Kinna, superintendent of the MSDB, stated that the motivation for the bill came from the auditor's recommendations coming from the audit exceptions. The statute language needed to be updated and clarified.

Wayne Buchanan, Board of Public Education (BPE), said that the important issue was to be able to negotiate with other states for placement at the school.

John Northey, legislative auditor, mentioned that during the audit of the school there were some technical findings relating to compliance of the law.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. FORBES reiterated the benefits of the proposed legislation and offered the opportunity for everyone to tour the MSDB.

{Tape: 1; Side: A; Approx. Counter: 175; Comments: NA.}

HEARING ON HB 373Opening Statement by Sponsor:

REP. DEB KOTTEL, HD 45, Great Falls, said that HB 373 would require the fingerprinting and background checks of teachers in the state of Montana when they apply for their certificate. The issue is important because teachers work with the vulnerable population of children. People have the right to be assured that those who have an intimate relationship with their children are free from past criminal offenses. She added that 20 other states have moved in this direction to ensure the safety of the children. She walked the committee through the components of the

bill and fiscal note. She proposed an amendment to strike "or adjudicated" on page 2, line 5. She obtained information for the committee from Peter Donovan from the National Association of State Directors of Teacher Education and Certification (NASDTEC). **EXHIBIT 1**

Proponents' Testimony:

Wayne Buchanan, Board of Public Education (BPE), felt that Montana should follow the other states that have implemented the background checks. He added that it is rare to come across someone who shouldn't have a teaching certificate because of prior offenses.

Don Waldron, Montana Rural Education Association (MREA), supported the bill and wanted to work toward getting this information available at the lowest cost possible.

Henry Hibbert, substitute teacher, supported the bill and submitted his certificate as an exhibit. **EXHIBIT 2**

REP. JACK HERRON, HD 77, Kalispell, supported the bill.

Opponents' Testimony:

Scott Crichton, American Civil Liberties Union, opposed the bill and submitted written testimony. **EXHIBIT 3**

Informational Testimony:

Mike Batista, Law Enforcement Services Division, said that any fingerprints that are taken at the local level are forwarded to his office and put into the system. A records check using fingerprints costs \$8.00 and the revenue that would be generated should be \$12,000. Currently by law their office cannot release criminal justice information to a non-criminal justice agency. HB 373 would allow their office to use and evaluate, along with the Office of Public Instruction (OPI), whether a person is suitable for certification.

{Tape: 1; Side: a; Approx. Counter: 955; Comments: NA.}

Questions From Committee Members and Responses:

REP. SAM KITZENBERG asked **Mr. Batista** to elaborate on what other groups of people are fingerprinted. He replied people who are employed by the Department of Family Services and daycare providers.

{Tape: 1; Side: B; Approx. Counter: 00; Comments: NA.}

REP. KITZENBERG asked if employees who worked at the Department of Justice are fingerprinted. **Mr. Batista** said that those who are in occupations such as criminal investigators or security.

He added that not all members of the Attorney General's staff are fingerprinted.

REP. JOAN HURDLE asked the sponsor what the reason was for not including other employees that work at schools around children.

REP. KOTTEL answered that she would be agreeable to making the bill more inclusive and that teachers spend much more time with children than other employees and they develop a trusting and confidential relationship with them.

REP. DEBBIE SHEA inquired why the sponsor did not include pediatricians. **REP. KOTTEL** replied that doctors usually have rare contact with their patients outside of the office and the parent is usually present.

REP. PEGGY ARNOTT inquired if the sponsor had any statistics that show the number of crimes committed against students by those teachers employed as certified staff versus those who were not on record as criminals and commit crimes. **REP. KOTTEL** said that they did not have those statistics because that specific data is not tracked statistically in Montana.

REP. BILL REHBEIN asked what the Montana Education Association's (MEA) position was on this issue. **Eric Feaver, MEA**, stated that the MEA had no position on HB 373.

REP. KITZENBERG asked if the sponsor would support an amendment to include other professional groups who deal with people in a confidential manner. **REP. KOTTEL** responded that only groups who deal with a vulnerable population are targeted in the bill such as children, the elderly and the developmentally disabled.

REP. SAM ROSE explained that some information regarding teachers is not passed on between schools for fear of lawsuits and there are restraints available but schools are scared to use them. **Mr. Buchanan** agreed and added that a criminal record may be involved but this isn't really what the bill is geared to.

REP. ROSE asked for details regarding a teacher who was convicted in Great Falls and is now teaching in Oregon. **REP. KOTTEL** explained that the Oregon statute only went in last year and she did not know all the specifics of the case.

Closing by Sponsor:

REP. KOTTEL clarified that when a fingerprint card is made it is sent to the FBI and when they are done with the background check the card is returned to the Department of Justice. That department gives the pertinent information to the superintendent of schools and the fingerprint card is returned to the applicant. The fingerprints are not on the record or the system. Accuracy of information is demanded when fingerprints are taken. Children have a right to feel secure in their environments. This bill would allow the release of information. The Department of

Justice currently cannot give out the knowledge of someone's criminal history. There is also nothing in the bill that prohibits the superintendent from issuing a certificate to someone who is convicted of one of the crimes listed in the bill. This is an information bill. Superintendents need all the information available for them to be able to make the best decision possible.

{Tape: 1; Side: B; Approx. Counter: 430; Comments: NA.}

HEARING ON HB 394

Opening Statement by Sponsor:

REP. JOHN BOHLINGER, HD 14, Billings, explained that WAMI is a medical education program for students from Washington, Alaska, Montana and Idaho. The program is based on a contract between the Montana University System and the University of Washington's medical school. This program has provided medical education opportunities for 416 Montana residents. Only 179 (43%) have returned to Montana to practice. He distributed a handout of the WAMI budget and walked the committee through the data. **EXHIBIT 4** He asked if the people of Montana were getting their money's worth from these students. The bill proposes that the students of this program repay the state by returning to practice in Montana or by repaying support fees. He discussed the repayment plans from the surrounding states. This bill would also eliminate the present Montana Rural Physician Incentive Program. It is provided in the bill that the loan will not be treated as income and exempts all students who are currently enrolled in the program. He walked the committee through the fiscal note, much of which he disagreed with. He did not sign the fiscal note.

{Tape: 2; Side: A; Approx. Counter: 100; Comments: Opening statement continued onto the second tape.}

Proponents' Testimony: None

Opponents' Testimony:

Jeff Baker, Commissioner of Higher Education, stated that Montana's school of medicine is not within the state but belongs to Montana anyway. He said that the University of Washington Medical School is number one in the nation in terms of primary care medicine. Montana has a need for primary care physicians. He recommended that the tax be increased and then increase the amount that would be given to the physicians to help them pay off their loans as an incentive at the end of their program to bring the students back to Montana. He handed out data that showed the return of graduates to their states. **EXHIBIT 5**

Tom Norris, WAMI Program, opposed the bill but agreed with the goal of trying to increase the number of primary care physicians

to fill the underserved areas of Montana. He stated that the bill is unfair and may decrease the rates of return to Montana. He said that the only state that does not have a medical school and requires a service or loan payback is Wyoming. He added that there are technical flaws in the bill.

Mike Strekall, Montana physician, went through the WAMI program and returned to work in Montana. If HB 394 passes, he felt the quality of physicians would be affected. The medical students choose WAMI because it is top quality and affordable.

David Lechner, Montana Academy of Family Practitioners, stated that he and many others chose WAMI because of the costs for a high quality, inexpensive medical education.

{Tape: 2; Side: A; Approx. Counter: 575; Comments: NA.}

Steven Gugan, WAMI, Bozeman, clarified that the data from the loan repayments in surrounding states has nothing to do with the operation of the medical schools in the states or the obligations the students have.

Michael Murdick, rural physician, Deer Lodge, opposed the bill.

Dick Brown, Montana Hospital Association, opposed the bill and submitted written testimony. **EXHIBIT 6**

Jerry Loendorf, Montana Medical Association, opposed the bill.

Mike Green, ASMSU, Bozeman, opposed the bill and submitted written testimony on behalf of **Brien Barnett, ASUM. EXHIBIT 7**

The following opponents introduced themselves:

Douglas Hartnett, WAMI.
Haley Minnehan, WAMI.
Renee Doney Stapleton, WAMI.
Gregory Park, Carroll College.
Brian Quigley, MSU-Bozeman.
Joshua Klatt, MSU-Bozeman.
Valerie Johnson, MSU-Bozeman.
Amy Grimsrud, MSU-Bozeman.
Kristin Linzmeyer, Carroll College.
Carson Burrington, U of M.
Craig Kovacich, WAMI.

{Tape: 2; Side: B; Approx. Counter: 00; Comments: Opponents continue.}

Lisa Herrygers, WAMI.
REP. SAM KITZENBERG (Also handed out written testimony on behalf of the Deaconess Hospital, Glasgow.) **EXHIBIT 8**
REP. SAM ROSE

Informational Testimony: None

{Tape: 2; Side: B; Approx. Counter: 25; Comments: NA.}

Questions From Committee Members and Responses:

REP. DICK SIMPKINS clarified that Montana owes the University of Washington a certain amount of money per opening as their share of the costs for running the school for 80 students who are enrolled in the program. He also said that Montana does not have a four year intern or residency program. Dr. Baker agreed and stated that research indicates that physicians probably locate close to where they do their residency.

REP. SIMPKINS asked if there were any other programs where they are made to pay the full costs. Dr. Baker replied no.

REP. SIMPKINS stated his concern about making the student liable for the cost of the school as well as student loans.

REP. PEGGY ARNOTT asked Dr. Baker if Montana has cut back on the number of students available for the WAMI program recently and why. He said the medical program number has not been cut but the veterinary program has been cut. He added that the legislature cut that number in half last session. They hope to return those slots soon.

REP. VICKI COCCHIARELLA asked Gregory Park if he had any different testimony that he would like to add. He said that he wanted to say that this bill would have a direct burden on his shoulders as he would have less choices to make because others were eliminating his choices for him.

REP. ROSE reiterated what REP. SIMPKINS discussed and then questioned the sponsor who is responsible for the maintenance of the facility. REP. BOHLINGER replied that the intent of the bill is for repayment in dollars or in service.

REP. ROSE asked what percentage of the students returning would be satisfactory. REP. BOHLINGER stated that the bill would truly serve as an incentive to bring people back to Montana. Money has clouded the issue.

Closing by Sponsor:

REP. BOHLINGER said that the state of Montana is fortunate to be able to participate in such a top quality program. This would be an incentive to bring doctors back into Montana. This will in time return \$7 million plus interest per year to the state's general fund.

{Tape: 2; Side: B; Approx. Counter: 760; Comments: NA.}

EXECUTIVE ACTION ON HB 313

Motion: REP. DAN HARRINGTON MOVED THAT HB 313 DO NOT PASS.

Discussion:

REP. HARRINGTON said that this bill would cause serious problems as far as school elections are concerned and considers this an anti-education bill.

REP. SONNY HANSON asked if there was another bill coming through regarding elections. CHAIRMAN ELLIS said there were but he was not sure if they would affect school elections.

REP. DICK SIMPKINS feels the only redeeming value of the bill is that it calls for only one election a year instead of four.

Motion/Vote: REP. DAN HARRINGTON MADE A SUBSTITUTE MOTION TO TABLE HB 313. The motion carried 12-6 with REPS. ELLIS, DENNY, HANSON, KEENAN, REHBEIN and SIMPKINS voting no.

{Tape: 3; Side: A; Approx. Counter: 00; Comments: Executive action was taken on HB 415 and was not recorded on the tape.}

EXECUTIVE ACTION ON HB 415

Motion/Vote: REP. PEGGY ARNOTT MOVED THAT HB 415 DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON HB 352

Motion: REP. VICKI COCCHIARELLA MOVED THAT HB 352 DO PASS.

Motion: REP. VICKI COCCHIARELLA MOVED TO AMEND HB 352.

Discussion:

REP. COCCHIARELLA explained the amendment that was agreeable with the sponsor.

REP. SAM ROSE asked if the committee was reacting to the incident in Missoula where people were transferring funds to save taxes.

CHAIRMAN ELLIS clarified that the bill would disallow certain transfers between the University and a university foundation which is a private corporation that cannot be audited by the state. The amendment would allow them to transfer land if they receive full market value.

REP. BILL REHBEIN announced that he would support the bill without the amendment.

REP. PEGGY ARNOTT asked why he would not support the bill with the amendment. CHAIRMAN ELLIS replied that it should be very clear what the university is doing when money or assets are transferred to a foundation.

{Tape: 3; Side: A; Approx. Counter: 155-170; Comments: REP. ROSE asked a question that was not audible on the tape.}

Mr. Schramm, university lawyer, replied that it would save the university money they are exempt from the bidding statutes.

CHAIRMAN ELLIS clarified the intent of the bill and the impact of the amendments.

REP. COCCHIARELLA clarified that when the amendments were proposed the sponsor agreed to them.

REP. GAY ANN MASOLO said that it would not apply to land on line 17 if the amendment is left in.

REP. BILL REHBEIN reiterated the intent of the amendment.

CHAIRMAN ELLIS stated that the legislation does not affect assets that are given personally but that it would affect assets that the university gives its own foundation.

Mr. Schramm clarified what the amendment would affect.

REP. SIMPKINS said that the flow of money bothered him because he did not know where it went and who had control of it.

REP. MATT DENNY observed that under the amendment the determination of whether full market value was true is a legislative oversight.

Mr. Schramm explained what would be done with the land and assets and flow of money.

REP. COCCHIARELLA clarified that university foundations are there to raise money and give money and create more money for the university.

Vote: The motion carried 13-5 with REPS. ELLIS, ARNOTT, MASOLO, REHBEIN and SIMPKINS voting no.

Motion/Vote: REP. PEGGY ARNOTT MOVED THAT HB 352 DO PASS AS AMENDED. The motion carried 15-3 with REPS. ARNOTT, REHBEIN and SIMPKINS voting no.

{Tape: 3; Side: A; Approx. Counter: 700; Comments: NA.}

EXECUTIVE ACTION ON HB 367

Motion: REP. GAY ANN MASOLO MOVED THAT HB 367 DO NOT PASS.

Discussion:

REP. DICK SIMPKINS reminded the committee what the bill was about to see if they wanted to table it.

Motion/Vote: REP. NORM MILLS MADE A SUBSTITUTE MOTION TO TABLE HB 367. The motion carried 15-3 with REPS. KEENAN, REHBEIN and SIMPKINS voting no.

{Tape: 3; Side: B; Approx. Counter: 00; Comments: NA.}

EXECUTIVE ACTION ON HB 394

Motion/Vote: REP. SAM ROSE MOVED TO TABLE HB 394. The motion carried.

EXECUTIVE ACTION ON HB 368

Motion: REP. DICK SIMPKINS MOVED THAT HB 368 DO PASS.

Discussion:

REP. SONNY HANSON explained that HB 368 implemented the recommendation of the Governor's Task Force to Renew Montana Government by eliminating certain county treasurer school budgeting functions.

Vote: The motion carried 10-8 with REPS. ARNOTT, HARRINGTON, HEAVY RUNNER, HURDLE, KEENAN, KITZENBERG, SHEA and WYATT voting no.

EXECUTIVE ACTION ON HB 373

Motion: REP. PEGGY ARNOTT MOVED THAT HB 373 DO PASS.

Motion/Vote: REP. VICKI COCCHIARELLA MADE A SUBSTITUTE MOTION TO TABLE HB 373. The motion carried 12-6 with REPS. ELLIS, ARNOTT, DENNY, HANSON, HERRON and SIMPKINS voting no.

ADJOURNMENT

Adjournment: 6:20 p.m.



ALVIN ELLIS, JR., Chairman



for

ANDREA SMALL, Recording Secretary

AE/as

HOUSE OF REPRESENTATIVES

Education

ROLL CALL

DATE 2-8-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Alvin Ellis, Jr., Chairman	X		
Rep. Peggy Arnott, Vice Chairman, Majority	X		
Rep. Vicki Cocchiarella, Vice Chair, Minority	X		
Rep. Matt Denny	X		
Rep. Sonny Hanson	X		
Rep. Dan Harrington	X		
Rep. George Heavy Runner	X		
Rep. Jack Herron	X		
Rep. Joan Hurdle	X		
Rep. Bob Keenan	X		
Rep. Sam Kitzenberg	X		
Rep. Gay Ann Masolo	X		
Rep. Norm Mills	X		X
Rep. Bill Rehbein	X		
Rep. Sam Rose	X		
Rep. Debbie Shea	X		
Rep. Dick Simpkins	X		
Rep. Diana Wyatt	X		




HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 415 (first reading copy -- white) do pass.

Signed:


Alvin Ellis, Jr., Chair

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2/9
Committee Vote:
Yes 18, No 0.

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HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 352 (first reading copy -- white) do pass as amended.

Signed: 
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Page 1, line 13.
Following: "constitution,"
Insert: "ownership of"
2. Page 1, line 14.
Following: "system"
Insert: "unless full value is received for the transfer"

-END-

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Committee Vote:
Yes 15, No 3.

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HOUSE STANDING COMMITTEE REPORT

February 9, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that **House Bill 368** (first reading copy -- white) **do pass**.

Signed: 
Alvin Ellis, Jr., Chair

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2/9
Committee Vote:
Yes 10, No 8.

340934SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-8-95 BILL NO. 367 NUMBER _____

MOTION: Mosolo - Do Not Pass

Mills - Table

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		
Rep. Peggy Arnott, Vice Chairman, Majority		
Rep. Vicki Cocchiarella, Vice Chairman, Minority		
Rep. Matt Denny		
Rep. Sonny Hanson		
Rep. Dan Harrington		
Rep. George Heavy Runner		
Rep. Jack Herron		
Rep. Joan Hurdle		
Rep. Bob Keenan		X
Rep. Sam Kitzenberg		
Rep. Gay Ann Masolo		
Rep. Norm Mills		
Rep. Bill Rehbein		X
Rep. Sam Rose		
Rep. Debbie Shea		
Rep. Dick Simpkins		X
Rep. Diana Wyatt		

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3

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-8-95 BILL NO. 368 NUMBER _____

MOTION: Simpkins - DO Pass

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority		X
Rep. Vicki Cocchiarella, Vice Chairman, Minority	X	
Rep. Matt Denny	X	
Rep. Sonny Hanson	X	
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron	X	
Rep. Joan Hurdle		X
Rep. Bob Keenan		X
Rep. Sam Kitzenberg		X
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt		X

10

8

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-8-95 BILL NO. 352 NUMBER _____

MOTION: Arnott - as amendment

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman)	
Rep. Peggy Arnott, Vice Chairman, Majority		X
Rep. Vicki Cocchiarella, Vice Chairman, Minority		
Rep. Matt Denny		
Rep. Sonny Hanson		
Rep. Dan Harrington		
Rep. George Heavy Runner		
Rep. Jack Herron		
Rep. Joan Hurdle		
Rep. Bob Keenan		
Rep. Sam Kitzenberg		
Rep. Gay Ann Masolo		
Rep. Norm Mills		
Rep. Bill Rehbein		X
Rep. Sam Rose)	
Rep. Debbie Shea		
Rep. Dick Simpkins		X
Rep. Diana Wyatt		

15

3

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-8-95 BILL NO. 352 NUMBER _____

MOTION: _____

amendment

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		X
Rep. Peggy Arnott, Vice Chairman, Majority		X
Rep. Vicki Cocchiarella, Vice Chairman, Minority		
Rep. Matt Denny		
Rep. Sonny Hanson		
Rep. Dan Harrington		
Rep. George Heavy Runner		
Rep. Jack Herron		
Rep. Joan Hurdle		
Rep. Bob Keenan		
Rep. Sam Kitzenberg		
Rep. Gay Ann Masolo		X
Rep. Norm Mills		
Rep. Bill Rehbein		X
Rep. Sam Rose		
Rep. Debbie Shea		
Rep. Dick Simpkins		X
Rep. Diana Wyatt		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-8 BILL NO. 313 NUMBER _____

MOTION: Harrington - Do Not Pass
Table

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		X
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority	X	
Rep. Matt Denny		X
Rep. Sonny Hanson		X
Rep. Dan Harrington	X	
Rep. George Heavy Runner	X	
Rep. Jack Herron	X	
Rep. Joan Hurdle	✓	
Rep. Bob Keenan		X
Rep. Sam Kitzenberg	✓	
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein		X
Rep. Sam Rose	X	
Rep. Debbie Shea	X	
Rep. Dick Simpkins		X
Rep. Diana Wyatt	X	

12

6

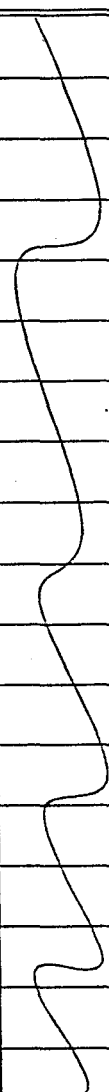
HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-8-95 BILL NO. 415 NUMBER _____

MOTION: Arnott - DO Pass

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		
Rep. Peggy Arnott, Vice Chairman, Majority		
Rep. Vicki Cocchiarella, Vice Chairman, Minority		
Rep. Matt Denny		
Rep. Sonny Hanson		
Rep. Dan Harrington		
Rep. George Heavy Runner		
Rep. Jack Herron		
Rep. Joan Hurdle		
Rep. Bob Keenan		
Rep. Sam Kitzenberg		
Rep. Gay Ann Masolo		
Rep. Norm Mills		
Rep. Bill Rehbein		
Rep. Sam Rose		
Rep. Debbie Shea		
Rep. Dick Simpkins		
Rep. Diana Wyatt		

ARIZONA DEPARTMENT OF EDUCATION

CERTIFICATE

THE FOLLOWING INDIVIDUAL IS HEREBY AUTHORIZED BY THE ARIZONA STATE BOARD OF EDUCATION TO SERVE IN THE PUBLIC SCHOOLS OF ARIZONA ACCORDING TO THE CONDITIONS SPECIFIED HEREIN.

DATE PROCESSED

04-22-92

NAME

HENRY E HIBBERT

CERTIFICATE NUMBER

169-36-5157

TYPE(S) AND GRADE(S) COVERED	VALID DATE	EXPIRATION DATE	MAJOR(S)	APPROVED AREA(S)	ENDORSEMENT(S)	DEFIC. RESTRICTIONS/ ENCIES SCHOOL/DISTRICT
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SUBSTITUTE (K-12) 021392 070198

-- 01 VALID TYPES --

EXHIBIT 2
DATE 2/8/95
HB 373

ARIZONA DEPARTMENT OF EDUCATION
TEACHER CERTIFICATION
1535 West Jefferson Street
Phoenix, Arizona 85007

C. Diane Bishop

C. DIANE BISHOP
Superintendent of Public Instruction

No, it requires only professionals who have done extensive college course work, who have completed demanding student teaching regimes under personal professional supervision, who have worked as team members with other professionals scrutinizing their strengths and weaknesses, to participate in this new layer of government bureaucracy.

Assuming for a moment there may be someone who has a past conviction, from a legal perspective it could be argued that this proposed bill flies in the face of Montana public sentencing policy which states:

The correctional policy of the State of Montana is to protect society by preventing crime through punishment and rehabilitation of the convicted. The legislature finds that an individual is responsible for and must be held accountable for the individual's actions. Corrections laws and programs must be implemented to impress upon each individual the responsibility for obeying the law. To achieve this end, it is the policy of the state to assure that prosecution of criminal offenses occurs whenever probable cause exists and that punishment of the convicted is certain, timely and consistent. Furthermore, it is the state's policy that persons convicted of a crime be dealt with in accordance with their individual characteristics, circumstances, needs, and potentialities.

It also seems contradictory to the provisions of Article II, Section 28, 1972 Constitution of Montana which reads in pertinent part: "Full rights are restored upon termination of state supervision for any offense against the state." Prohibiting a person from becoming a teacher because he or she had once been convicted of a crime would seem to violate that constitutional provision.

Why is this bill needed? Is there an epidemic of arson and violence by teachers in schools? Are there gapping holes where people who commit such crimes are not sufficiently reprimanded or where certification suspension for cause is not being implemented? Far be it from me to suggest that this intrusive bill should be expanded. But why limit it to the crimes enumerated? Why not expand it to include any and all felonies? Why limit it to future professionals to be hired? Why not expand it to include all present and future employees?

Rather than expand this bill, I hope you will kill it. If you don't kill it, I hope you will take additional measures to further restrict its negative potential impacts against innocent professionals. I would suggest that in addition to provisions like that in Section 2 dealing with "the right to challenge", something also be included to definitively and permanently expunge files of the innocent. What is the compelling state interest in these prints of innocent people being kept on file.



EXHIBIT 3
DATE 2/8/95
HB 373

P.O. BOX 3012 • BILLINGS, MONTANA 59103 • (406) 248-1086 • FAX (406) 248-7763

February 8, 1995

Mr. Chairman, Members of the Committee:

For the record, my name is Scott Crichton, Executive Director of the American Civil Liberties Union of Montana. We are a membership organization celebrating 75 years of defending traditional American values as outlined in the Bill of Rights. I am here today to express our opposition to HB 373.

I believe this bill is an affront, rooted in fear and distrust, to the American tradition and explicit Montana birth right of individual privacy. HB 373 essentially says we are going to presume that everyone who wants to become certified as a teacher should be suspected of being a criminal and has as his or her burden the proof of their innocence. What does this say about the basic principle of jurisprudence assuming innocence until proof of guilt?

57 years ago yesterday, the ACLU national board went on record establishing a policy on fingerprinting which states succinctly that "Fingerprinting is an invasion of an individual's privacy and right of anonymity. While its use may be an aid in the enforcement of criminal law in certain situations, the areas in which the taking of fingerprints is permissible should be strictly limited." The policy then goes on to explain that, "Were fingerprinting to be carried out indiscriminately, the individual's freedom of movement might be easily curbed, minority groups and aliens would be subjected to close surveillance, and the way would be prepared for labor blacklists, police blackmail and frame-ups, and eventually search without warrant and denial of habeus corpus. For these reasons, persons acquitted of a criminal charge should have their prints returned to them. (Board minutes, Feb 7, 1938).

The employment of public school teachers is not an area in which fingerprinting is permissible. The fingerprinting of teachers would be proper only if used for the detection of cheating in liscense examinations, and then only if the prints are not sent on to be filed with the FBI or the local police. (Board minutes, June 10, 1963).

What established problem does this bill address? What solutions does it offer? Does it require all school employees- teachers aids, playground personnel, bus drivers, custodial staff, office support staff and others, to be treated like criminals swearing to their right behavior and unblemished pasts? Does it require the 10,000 current certified teachers in Montana to submit to these affronts to individual privacy?

**WAMI BUDGET - FISCAL YEARS 1995/96 AND 1996/97
(PROPOSED)**

<u>Class</u>	<u>FY 1996</u>			<u>FY 1997</u>		
	<u>Number of Students</u>	<u>Per Student</u>	<u>Total Cost</u>	<u>Number of Students</u>	<u>Per Student</u>	<u>Total Cost</u>
1st Year Students (Credit for Tuition/Fees)	20	(\$150)	(\$3,000)	20	(\$150)	(\$3,000)
2nd Year Students	20	\$40,409	\$808,180	20	\$42,563	\$851,260
3rd Year Students	20	\$39,866	\$797,320	20	\$41,996	\$839,920
4th Year Students	20	\$25,631	\$512,620	20	\$27,120	\$542,400
		<u>105,906</u>				
University of Washington Faculty Support			\$66,602			\$69,599
WAMI Program Administration			\$139,712			\$145,999
Community Clinical Units			\$70,332			\$73,497
TOTAL Support Expenditures			<u>\$2,391,766</u>			<u>\$2,519,675</u>
			<u>20</u>			
			<u>= 119,588.3.</u>			

EXHIBIT 4
DATE 2/8/95
HB 394

WICHE BUDGET - FISCAL YEARS 1995/96 AND 1996/97
(PROPOSED)

Program	Fiscal Year 1996				Fiscal Year 1997					
	Support Fee	New Students	Cost	Continuing Students	Total	Support Fee	New Students	Cost	Continuing Students	Total
WICHE					\$79,000					\$79,000
Administrative Dues										
Student Assistance:										
Medicine	\$22,800	5	\$114,000	16	\$364,800	\$22,800	5	\$114,000	15	\$342,000
Osteopathic Medicine	12,300	2	24,600	5	61,500	12,600	2	25,200	4	50,400
Dentistry	13,900	1	13,900	5	69,500	14,300	1	14,300	4	57,200
Veterinary Medicine	19,300	5	96,500	23	443,900	19,900	5	99,500	18	358,200
Podiatry	8,500	1	8,500	1	8,500	8,800	1	8,800	2	17,600
Optometry	8,200	1	8,200	5	41,000	8,400	1	8,400	4	33,600
Occupational Therapy**	5,000	1	5,000	0	0	5,200	1	5,200	1	6,933
Public Health*	4,700	1	4,700	2	6,266	4,900	1	4,900	1	4,900
TOTAL		17	\$275,400	57	\$995,466		17	\$280,300	49	\$870,833
					\$1,349,866					\$1,230,133

*Cont. Student in Ext. Degree Prog. @ \$3,133 in FY 96

**1.33 Support Includes Clinical for Continuing Student in FY 97

APPENDIX 3

DESIGNATED RATIONAL SERVICE AREAS WITHIN A COUNTY HAVING NO PRIMARY CARE PHYSICIANS

COUNTY	COMMUNITY/RATIONAL SERVICE AREA
BLAINE	HARLEM
CARTER	EKALAKA
GALLATIN	THREE FORKS
GARFIELD	JORDAN
GOLDEN VALLEY	RYEGATE
GRANITE	DRUMMOND
JEFFERSON	BOULDER
JUDITH BASIN	STANFORD
LINCOLN	TROY
LINCOLN	EUREKA
PETROLEUM	WINNETT
POWDER RIVER	BROADUS
PRAIRIE	TERRY
RICHLAND	FAIRVIEW
ROSEBUD	COLSTRIP
TREASURE	HYSHAM
WIBAUX	WIBAUX

APPENDIX 2

MONTANA COUNTIES WITH NO PRIMARY CARE PHYSICIANS

- ♦ CARTER
- ♦ GARFIELD
- ♦ GOLDEN VALLEY
- ♦ JUDITH BASIN
- ♦ PETROLEUM
- ♦ POWDER RIVER
- ♦ PRAIRIE
- ♦ TREASURE
- ♦ WIBAUX

APPENDIX 1

STATE OF MONTANA

OFFICE OF THE GOVERNOR

CRITERIA FOR DESIGNATION
OF HEALTH PROFESSIONAL SHORTAGE AREAS

- ◆ Counties with no primary care physicians
- ◆ Designated "rational service areas" within a county having no primary care physicians
- ◆ Counties with only one primary care physician
- ◆ Designated "rational service areas" within a county having only one primary care physician
- ◆ Counties with a population to primary care physician ratio of 2,000:1 or greater
- ◆ Counties with a population to primary care physician ratio of 1,500:1 to 1,999:1 and at least one of the following high-need indicators:
 - Over 20 percent of the population is over 65 years of age
 - Over 17 percent of the population is below 100 percent of the federally defined poverty level
 - Infant Mortality Rate (IMR) is 15 percent above the state average
- ◆ All counties and "rational service areas" within counties that are designated by the federal Division of Shortage Designation

EXHIBIT 5
DATE 2/8/95
HB 794

**RETURN OF GRADUATES (1968-1992) TO PRACTICE
IN STATE OF MEDICAL SCHOOL LOCATION**

UNIVERSITY OF NEVADA	29.5%
UNIVERSITY OF NORTH DAKOTA	33.0%
UNIVERSITY OF NEW MEXICO	33.6%
UNIVERSITY OF NEBRASKA	36.2%
UNIVERSITY OF SOUTH DAKOTA	38.7%
UNIVERSITY OF COLORADO	39.1%
UNIVERSITY OF KANSAS	39.5%
UNIVERSITY OF UTAH	42.7%
UNIVERSITY OF OREGON	44.1%
UNIVERSITY ARIZONA	45.4%
UNIVERSITY OF WASHINGTON	54.1%

EXHIBIT 6
DATE 2/8/95
HB 394

**House Education Committee
Chairman Alvin Ellis, Jr.**

House Bill 394

**WICHE-WAMI Repayment
Elimination of Rural Physician Incentive Program**

Mr. Chairman and members of the committee, I am Dick Brown, Sr. Vice President of the Montana Hospital Association (MHA). The MHA represents 55 Montana hospitals and medical assistance facilities, and the forty-five long term care facilities located with those hospitals. In addition to my role at MHA I serve on the Advisory Committee for the Montana Rural Physician Incentive Program, and have represented the MHA at the annual WAMI Legislative conference for the past four years. I am here today on behalf of our members to testify in opposition of HB 394.

During the past few days I have spoken with several CEOs from hospitals across the state regarding this bill. In most cases these individuals expressed mixed feelings about the bill. Everyone one of these CEOs agreed that any incentives which can be developed to encourage more primary care physicians to practice in Montana is a step in the right direction, however they all felt the bill would not create those incentives.

If WAMI and WICHE students are required to return to medically underserved areas of Montana as a way to repay state support, there is concern that few students will take this option and those that do won't stay. The National Health Service Corp (NHSC) has had a program similar to this for several years, however in all but a very few instances the

physician leaves after his/her two or three year obligation is fulfilled. Generally these physicians are not interested in developing a long term practice , but instead want only to complete their obligation for financial assistance they received for education. Other states which have tried this approach find students opting to seek practice out of state and simply repaying the monies.

Prior to joining MHA I was CEO at the Liberty County Hospital in Chester, during my 16 years at that facility we recruited five NHSC physicians each of whom did their time and left. All but one of these physicians moved out of state.

Another concern is in regard to the reference to medically underserved areas. In Montana there are several mid-sized hospitals which do not fall into the federal definition of a medically underserved area, however the need for physicians at these facilities is as strong as the need in smaller, more remote hospitals. This bill specifically requires the physician to repay the state support by serving in medically underserved areas.

Of major concern to all of the CEOs I spoke with is the potential loss of the Rural Physician Incentive Program. This program currently has helped to place some 15 (fifteen) physicians in Montana. The CEO at the Sidney hospital indicated that he has two (2) physicians which would not be there had this program not been available. He also indicated that Sidney is not in a federal defined medically underserved area. The CEO at the Glasgow hospital advised me that he has a physician receiving loan repayment monies from this program and that this was a key consideration for that physician in choosing to practice there. Harlowton, Chester, Shelby, Deer Lodge, Plentywood, Plains, Superior, and several other Montana communities have physicians receiving loan

repayment monies through this incentive program.

Hospitals welcome incentives for the recruitment of physicians to rural Montana, but they do not believe HB 394 as it is written provides those incentives. The Montana Rural Physician Incentive Program provides an opportunity for Montana students to return home to establish a medical practice. The development of a Montana Family Practice Residency program would offer opportunities for Montana students to return as well. The continuation of the WICHE and WAMI program funding as currently provided is a good investment and will pay dividends to Montana health care consumers in the years to come.

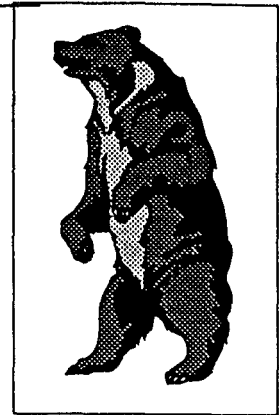
Thank you for the opportunity to express our concern on HB 394. We encourage you to consider the impact this bill may have on the recruitment and retention of physicians in rural Montana.

EXHIBIT 7
DATE 2/8/95
HB 394

Testimony to the House-Education &
Cultural Resources committee.
Presented by Brien Barnett, legislative liason
for ASUM.

2/8/95

Mr. Chairman, members of the committee,
for the record, my name is Brien Barnett,
and I represent the Associated Students of
the University of Montana.



We rise in opposition to HB394. While we understand the frustrations from which this bill was crafted, we cannot support this plan for one very simple reason--this proposal would adversely affect people like Mary Bergum. Mary is currently a senior pre-med student at the University of Montana. She hopes one day to practice primary care here, in her home state. Mrs. Bergum has met all the requirements thus far and hopes to continue her studies at the University of Washington in the WAMI program. WAMI is her only hope of maintaining a reasonable cost of education outside of Colorado, where, after 4 years of education her total debt load would be well over \$100,000. With that amount of debt, Montana is not a likely option, especially when one considers that Colorado would probably make her a better offer to stay.

However, even with WAMI, she fears that unless there is an increase in the Rural Physicians Assistance program, her debt, already over \$12,000, simply will not allow her to return immediately to Montana--maybe not even in ten years. If WAMI is to be effective, we must provide even greater incentives to return to Montana.

By requiring a payback system, we instead force a disincentive upon these students who then face one of two choices as outlined in Section 1, subsection 4: one, returning to Montana temporarily and serving their "tour of duty", or two going out of state to a higher paying job and placating Montana. We ask you to consider the experiences of other graduates. Would you require the same of law students, journalism graduates, or even education majors? We think not. As well, if you consider what it would cost to fund a medical school, you will realize that even without a payback system, Montana is getting a healthy return on it's investment. I think you would agree that our goal is not simple payback; instead, we want committed, practicing physicians. Therefore, we must focus our efforts away from disincentives and toward incentives which keep physicians here.

Thank you.



FRANCES MAHON DEACONESS HOSPITAL

EXHIBIT 8
DATE 2/8/95
HB 394

February 8, 1995

621 3rd St. South
Glasgow, MT 59230
406-228-4351

The Honorable Sam Kitzenberg
Montana House of Representatives
Capitol Station
Helena, MT 59620

Dear Sam:

I would like to express my concerns of HB394 that the House Committee on Education is scheduled to hear at 3:00 p.m. tomorrow. I feel this bill will dramatically hinder Montana's rural communities efforts in recruiting needed primary care physicians.

Valley County is currently designated as a medically under served area. I'm especially concerned that HB394 would eliminate the Montana Rural Physician Incentive Program. The funding availability through this program helped us recruit Ken Clark, M.D., whom is currently receiving financial support through the Montana Rural Physician Incentive Program. This program has helped recruit and retain 14 other physicians in rural Montana communities.

43% of the medical students returning to Montana is a higher rate of return to Montana than other states are experiencing. I feel we are at risk of significantly lowering this percentage with the passing of HB394 as written.

Montana students would be motivated to move out of the state to establish residence in other states, which in general have no obligation tied to acceptances.

The Montana rural communities will benefit greatly from the establishment of the Montana Family Practice Residency Program in Billings along with the continued assistance received from the Montana Rural Physician Incentive Program.

I would ask you to seriously consider the negative ramifications HB394 would have on rural hospitals, MAFs, and clinics in Montana. I would urge you to vote against HB394 as written.

Please call me at 1-800-322-3634 if you have further questions that I may address.

Sincerely,

Doug McMillan

Douglas A. McMillan
Chief Executive Officer

Post-It™ Fax Note	7671	Date	# of pages
To	Sam K.	From	Doug McMillan
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	900-225-1600	Fax #	406 228 4294

cc: Dick Brown, Sr. Vice-President, MHA

DM/cb

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education

COMMITTEE

DATE 2-8-95

BILL NO. 373

SPONSOR(S) Rep-Kottel

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Scott Prichard	ACLU		X
Ben Libby	SUB TEACHER	X	
Wayne Buchanan	BPE	X	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:vissbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education

COMMITTEE

DATE 2-8-95

BILL NO. A15

SPONSOR(S) Rep. Forbes

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppo
John Kinnor	MSDB	X	
Bill Sykes	MSDB	X	
Wayne Buchanan	BPE	X	
Phil Storer			

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HR:1993

wp:visbcom.man

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

BILL NO. 394 Education COMMITTEE DATE 2-8-95
SPONSOR(S) Rep. Burlinger

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Stephen Sullivan	ASCC - Carroll College		X
JOSHUA KLATT	Montana State Univ.-Boz		X
BRIAN P. QUIGLEY	MONTANA STATE UNIV-Boz		X
Valerie L. Johnson	Montana State Univ.-Boz		X
Amy Grimsrud	Montana State Univ.-Boz		X
Lisa Hemmgers	WAMI Student		X
Craig Kovacich	WAMI Student		X
Barbara L. Gabel	OCHS		X
Renee Doney Stapleton	WAMI Student		X
DOUGLAS HARTNETT	WAMI STUDENT		X
Haley Minnehan	WAMI Student		X
JK Bah			X
Don Friedman	OCHE		

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

COMMITTEE

DATE

BILL NO. 394

SPONSOR(S)

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PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppos
DEREK ROOKHUIZEN CARROLL COLLEGE			X
Jason Hefernan Carroll College			+
Kristin Linzmeyer	PRE-MED STUDENT CARROLL COLLEGE		✓

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 2-8-95
BILL NO. 394 SPONSOR(S) Rep. Bohlinger

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Jerome Loendorf	mt. Med @ S.S.H		<input checked="" type="checkbox"/>
Dick Brown	MT. HOSP. ASSN		<input checked="" type="checkbox"/>
Mike Steekall	Montana Physicians		<input checked="" type="checkbox"/>
David Lechner	MT Academy Fam. Practice		<input checked="" type="checkbox"/>
Tom Norris	WAMI Program		<input checked="" type="checkbox"/>
MIKE GREEN	ASMSU-Bozeman		<input checked="" type="checkbox"/>
Gregory Park	Student - Carroll College		<input checked="" type="checkbox"/>
Rubina Khaleel	Student Carroll College		<input checked="" type="checkbox"/>
Elizabeth Pitt	Student Carroll College		<input checked="" type="checkbox"/>
Kimberly O'Meara-White	Student Carroll College		<input checked="" type="checkbox"/>
Antoinette Diaz	Student Carroll College		<input checked="" type="checkbox"/>
JAY D. TAYLOR	PRE MED. CARROLL		<input checked="" type="checkbox"/>
JUSTIN M SCHEER	Carroll College		<input checked="" type="checkbox"/>

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