

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By **CHAIRMAN ALVIN ELLIS JR.**, on January 13, 1995,
at 3:00 PM

ROLL CALL

Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)
Rep. Peggy Arnott, Vice Chairman (Majority) (R)
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: Rep. Vicki Cocchiarella

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 92
Executive Action: HB 77 DO PASS, HB 99 DO PASS, HB 110 DO
PASS

HEARING ON HB 92

Opening Statement by Sponsor:

Written Testimony, Exhibit #1

Proponents' Testimony:

Don Wetzel, Written Testimony Exhibit #2

Warren Means, Fort Peck Community College said the bill clarifies that Native American preference is to be applied in state elementary and secondary school districts located on Indian reservations.

Opponents' Testimony: None

Informational Testimony: None

Informational Testimony was submitted by the following people:

Edward F. Parisian, Indian Impact Schools of Montana (IISM).

Llevando Fisher, President Northern Cheyenne Tribe.

Joe A. Rodriguez, Chairman Lame Deer School District #6.

Dr. James F. Hall, Superintendent of Schools. EXHIBIT 3A-3D

Questions From Committee Members and Responses:

REP. SONNY HANSON asked REP. GEORGE HEAVY RUNNER if the reason for this bill is to file complaints and use the Department of Labor to handle any complaints about not having the proper hiring practices.

REP. HEAVY RUNNER said he believes that there are mechanisms that could do that. He passed out Exhibit #4, which deals with discrimination.

REP. HANSON asked if he would be willing to accept an amendment to trigger Indian hiring provisions when the Native American student population is 40% or more in the school district.

REP. HEAVY RUNNER said that the population is only one aspect of it; the important point is that they want to send a positive message to indian children that there are roles out there for them.

REP. SAM ROSE asked REP. HEAVY RUNNER what provisions were made towards veterans preference. REP. HEAVY RUNNER said that employers on the reservation give fair consideration towards veterans that apply for jobs.

REP. ROSE asked how many boards on the reservation are 100% Native American. REP. HEAVY RUNNER spoke about Browning, and said that it is 100%, but it varies from reservation to reservation.

REP. NORM MILLS asked REP. HEAVY RUNNER how many people will be left out of job consideration for the hiring of Indians. REP.

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

January 13, 1995

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HEAVY RUNNER said that he does not have the exact degree to which that would occur. The role of tribal colleges is to allow people who reside on the reservation to have the opportunity to further their education.

{Tape: 1; Side: B; Approx. Counter: 000; Comments: N/A.}

CHAIRMAN ALVIN ELLIS asked **Warren Means** if there was only one Native American that was hired by county or state government on the various reservations. **Warren Means** said that they could only identify one.

CHAIRMAN ELLIS asked if the original preference in the law was already in existence and if it worked. **Warren Means** answered that 709 positions that were available with state funding only 86 of them were held by Native American people. He stated that for the first time on Ft. Peck, the Indian population exceeds the non-Indian population, and as long as there are jobs for the Indians, that rate will continue to increase. The attrition rate of teachers at Ft. Peck runs 12% per year, 60 new positions a year become available. The tribal colleges have had a dynamic effect on the education of Indian people residing on the reservations.

Closing by Sponsor:

REP. HEAVY RUNNER closed with saying that he wished the committee would give a do pass on the bill, "with confidence."

EXECUTIVE ACTION ON HB 77

Motion/Vote: **REP. DIANA WYATT MOVED HB 77 DO PASS.** Motion carried unanimously.

EXECUTIVE ACTION ON HB 99

Motion: **REP. DIANA WYATT MOVED HB 99 DO PASS.**

Discussion: **REP. ROSE** asked if there was a fiscal note with the bill, and where the funds come from. **Ingrid Danielson, Department of Labor and Industry,** said that there was no fiscal note associated with the bill, and that the funding comes from the state.

REP. JOAN HURDLE shared with the committee that the bill would simplify the paperwork so it would use less state funds and would be eligible for federal funds. **Ingrid Danielson** stated that what was intended is there would be less time to spend on administrative work and would free up staff time to spend more

time on clients because the administrative paperwork would not be duplicated.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON 110

Motion: REP. BILL REHBEIN MOVED HB 110 DO PASS.

Discussion: REP. HURDLE said that she was concerned that this would cost the state of Montana more. "What needs to be done is to have a strong special education in Montana so we can serve the kids here, especially if Montana is going to pay for it."

REP. DAN HARRINGTON said that he agrees. He said the problem is that they don't have a good in-state program for the kids.

REP. HURDLE said that it costs \$2,500 to \$3,000 extra to educate the special education child in Montana, in addition to the regular amount that is spent on students. It can cost \$200,000 to \$300,000 to send them out-of-state. She thinks that the money should be spent in special education in-state.

REP. PEGGY ARNOTT said that the law reads that the child has to be placed in a least restrictive environment. It should be reasonably easy to move them back to state, based on that law.

REP. HURDLE said that she is concerned about the fact that the courts are sending the kids out-of-state, and the state has to pay for it.

CHAIRMAN ELLIS stated that this would be a least costly option for districts, and the circumstance might exist where parents would bring action on a child placed out of district.

REP. MATT DENNY asked if the question is whether or not they should make the local district pay for this or should it be spread out over the whole state.

Vote: HB 110 Do Pass. Motion carried 13-5 with REPS. ELLIS, HURDLE, MASOLO, MILLS AND SIMPKINS voting no.

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

January 13, 1995

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ADJOURNMENT

Adjournment: 4:45 pm


ALVIN ELLIS JR., Chairman


RENAE DECREVEL, Secretary

AEJ/red

HOUSE OF REPRESENTATIVES

Education

ROLL CALL

DATE 1-13-95

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		
Rep. Bill Rehbein	X		
Rep. Sam Rose	X		
Rep. Debbie Shea	X		
Rep. Dick Simpkins	X		
Rep. Diana Wyatt	X		

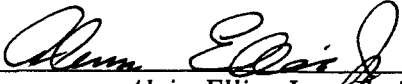


HOUSE STANDING COMMITTEE REPORT

January 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Education and Cultural Resources** report that **House Bill 99** (first reading copy -- white) **do pass**.

Signed: 
Alvin Ellis, Jr., Chair

Committee Vote:
Yes 18, No —.

130810SC.HDH



HOUSE STANDING COMMITTEE REPORT

January 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 77 (first reading copy -- white) do pass.

Signed: 
Alvin Ellis, Jr., Chair

Committee Vote:
Yes 18, No —.

130814SC.HDH



HOUSE STANDING COMMITTEE REPORT

January 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 110 (first reading copy -- white) do pass.

Signed: _____

Alvin Ellis, Jr.
Alvin Ellis, Jr., Chair

Committee Vote:
Yes 13, No 5.

130813SC.HDH

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 1-13-95 BILL NO. 717 NUMBER _____

MOTION: Rep Debbie Shea - Do Pass
Dann Wyatt

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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 1-13-95 BILL NO. 99 NUMBER _____

MOTION: Rep Debbie Shea - DO Pass
Diana Wyatt

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		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE _____ BILL NO. 110 NUMBER _____

MOTION: Rep. Rehbein - 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	

EXHIBIT # 1
DATE 1-13-95
B. HB 92

TESTIMONY ON HB 92

My name is George Heavy Runner, Representative, HD 85 which encompasses all of Glacier County that is north of highway 2.

You have before you today House Bill 92 that is basically a tribal keeping piece of legislation that clarifys the present Indian hiring preference statute(2-18-111) to include in the definition language of a state agency (line 29) a elementary or high school district as defined in 20-6-101.

Another statute that is similar in scope is 18-1-110, which gives Indian preference for state construction projects within a reservation.

Allow me to provide a little foundation as to why I am making this bill request.

The tribes, states, and the federal government all have to a degree a common goal in Indian education. We each want Indian students, in particular, this state, to improve and succeed in their academic performance. We hope that most will choose or have the opportunity to enter a post-secondary institution, whether it be on or off the reservation.

Historically, the federal and state governments have exercised decision-making authority and control over Indian education for some time now and we can look back on that stewardship and I'm sure you will agree that no one is satisfied with the results.

Hindsight at least allows us to view what has been done and make necessary changes for the future so we do not repeat the past.

In my view, one of the underlying factors of our dissatisfaction is that federal and state governments have a lower interest and a lower stake in Indian student's performance. Why? Because their futures are not linked to the Indian children's. I and others in Indian Country, if you will, believe its time to give tribes an opportunity to seek that responsibility of stewardship. Its time to empower the people that are closest to the children... For they have the largest stake in the problems and solutions.

I'm sure there is a concern that Indian preference is a violation of the employment discrimination provisions of the 1964 Civil Rights Act.

The Supreme Court has addressed this issue and has rejected the claim of unconstitutional discrimination. In *Morton v Mancari*, case, the court upheld that Indian preference statute's purpose is to aid self-government and is not racial discrimination.

In fact, members of the committee it is not even a racial preference. Instead it applies only to members of a "federally recognized" tribes. In this sense the spirit of the law comes from a historical relationship with the United States Government through pieces of legislation that encourage and allow tribes to control programs that serve Indians and enable them to have greater participation in their own destiny.

Let me end at this rather lengthy introduction by quoting Loren

EXHIBIT 1
DATE 1-13-95
HB 92

"Bum" Stiffarm, former President of the National Indian Education Association and presently Director of the education department for the Fort Belknap tribe. "As educators we must recognize the importance of role models for our Indian youth in the elementary and secondary schools. In many reports regarding Indian education all indications point out to the fact that Indian students would greatly benefit by the recruitment, selection and having qualified Indian educators in their schools. I think now we as Indian people can make the best possible choices for people we want as educators for our people. You and I both know we want qualified Indian people."

With that Mr. Chairmen, I reserve the right to close and will be happy to answer questions or address concerns. Thank you.

✓
TESTIMONY IN Support of
H.B. 92 - ~~Donald A. Wetzel Sr~~
Representing - Blackfoot Business
Council
Good AFTERNOON: - School Dist. #9

EXHIBIT #2
DATE 1-13-94
B. HB 92

I STAND in Support of
H.B. 92. I BELIEVE IT
HAS BEEN A LONG TIME
COMING. Hiring preference
for Residents of Indian
RESERVATIONS for STATE JOBS
WITHIN RESERVATION BOUNDARIES.
A STATE AGENCY THAT
OPERATES WITHIN AN INDIAN
RESERVATION SHALL give A
PREFERENCE in Hiring for A
POSITION of employment WITH
THE STATE AGENCY TO AN
INDIAN Resident of THE
RESERVATION WHO HAS

HAS SUBSTANTIALLY EQUAL
QUALIFICATIONS FOR THE
POSITION.

6% OF THE MONTANA
TOTAL POPULATION IS
AMERICAN INDIAN. THE
TRAGEDY IS THAT LESS
THAN 1% ARE STATE
EMPLOYEES. THIS IS COUNTY
SCHOOL EMPLOYEES. TEACHERS
BUS DRIVERS, CUSTODIANS, AND
ADMINISTRATORS.

WE NEED INDIAN PEOPLE
IN POSITIONS OF ADMINISTRATION
AND OTHER POSITIONS SO
THAT OUR INDIAN STUDENTS
CAN SEE POSITIVE INDIAN

Role models.

TODAY 85% OF THE
INDIAN STUDENTS NOW
ATTEND THE PUBLIC SCHOOLS
SYSTEM, BUT WE ARE
STILL EXCLUDED FROM POWER
IN DECISION MAKING AND
PARTICIPATION, THAT IS
ONE OF THE CORNER
STONES OF "LOCAL CONTROL"
IN LOOKING AT THE
INSTRUCTIONAL LEADERSHIP IN
OUR ~~EXISTING~~ SCHOOL
SYSTEMS, IN 1990 THERE WERE
1.9% INDIAN TEACHERS AND
1.7% INDIAN ADMINISTRATORS
IN OUR PUBLIC SCHOOL SYSTEM

IN MONTANA, COMPARED TO
96.6% NON-INDIAN
TEACHERS AND 97.1% NON-
INDIAN ADMINISTRATORS.

IT IS ESTIMATED THAT
ONLY 0.5% OF THE BOARD
OF TRUSTEES MEMBERS OF
APPROXIMATELY 500 SCHOOL
DISTRICTS IN MONTANA ARE
INDIAN WITH MOST OF THE
INDIAN MEMBERSHIP BEING OR
OR NEAR INDIAN RESERVATIONS
WITH SO LITTLE CONTROL
OVER OUR SCHOOLS SYSTEM
IN MONTANA AS IS CLEARLY
DEMONSTRATED BY THE

STATISTICS JUST MENTIONED
I DO NOT BELIEVE
THERE IS QUALITY EDUCATION
FOR THE MAJORITY OF
MONTANA'S INDIAN
STUDENTS. WE NEED TO
BE A PART OF THE
EDUCATIONAL SYSTEM ON
A MUCH MORE EQUITABLE
SCALE. IN A RECENT
REPORT PUBLISHED BY
THE OFFICE OF PUBLIC
INSTRUCTION STATED THAT
11% OF THE 1ST GRADERS
IN MONTANA ARE INDIAN
1ST GRADERS.

Role modeling By Indian professionals for Indian students is AT A VERY CRUCIAL STAGE. 40% of THE Juveniles in THE Juvenile Justice System, in MONTANA, are Indian 1/0

NEARLY 30% of THE Indian population is our STAT. PRISON in Deer Lodge, our Young Indian Men, 20% of THE population in THE Women facility are Young Indian Women.

THE VAST MAJORITY of AMERICAN INDIANS

HAVE TO LEAVE THE
RESERVATION IN ORDER TO
GET JOBS THAT PAY
ENOUGH TO SUPPORT FAMILIES.
40.1% of INDIANS ACROSS
THIS COUNTRY OPERATE WITH
AN INCOME LESS THAN \$15,000⁰⁰
PER YEAR. THE BLACKFEET
TRIBE HAS DOCUMENTED
A 50-80% UNEMPLOYMENT RATE
DURING THE WINTER MONTHS
IN AN ARTICLE IN THE
GREAT FALLS TRIBUNE, 1993,
GLACIER COUNTY, WHICH THE
BLACKFEET RESERVATION COMPRISES
70% IS THE 95TH POOREST
COUNTY IN THE NATION.

MIEA Survey 1993-94

In Looking AT
Restructuring Schools
TO Better Serve Indian
Students THE Response
THE Surfacted AS A #1
Priority "Indian Staff
in Schools AT All
Levels".

Since 1988-89 - 1993-94 -

757 American Indians
in Montana HAVE
Completed degrees. WITH
more Strong ^{Indian} Role Models
in our Schools THAT
SHOULD Increase significantly

Heart Butte School

School District No. 1 - Pondera County

January 13, 1995

EXHIBIT # 3A
DATE 1-13-95
B HB 92

TO: House Education Committee

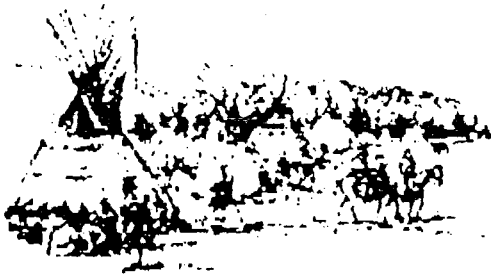
FROM: Edward F. Parisian
Indian Impact Schools of Montana (IISM)*Edward F. Parisian*

RE: HB 92

Thank you for allowing Indian Impact Schools of Montana (IISM) to provide written testimony for HB 92. IISM is in support of this bill as it extends to school districts the hiring preference requirements for Indians seeking employment with a state agency within a reservation. IISM is comprised of 38 school districts which serve Indian children. Some of the positive benefits from this bill are as follows:

1. It will provide role models for children to look up to.
2. The knowledge that these employees will have of the tribe's culture and history will assist in the educational process of the children being served.
3. There will be a less turnover rate of employees do to tribal members desire to live on the reservation.
4. The employees will have insight into the student's socioeconomic living conditions.
5. The importance of the relationship between students and parents as service providers and fellow community members will be emphasized.

In the Constitution of Montana, Article X, Section 1. Part 2, it states "The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity" This, I believe, allows us through the preference statute to have inclusion of tribal members throughout the organizational school structure to provide educational services to the students.

Phone (406) 338-2211
FAX (406) 338-2088P. O. Box 259
Heart Butte, Montana 59448*"Home of the Warriors"*

PAGE 2

Further, in the "A Plan for American Indian Education in Montana" one of the recommended goals to the legislature encourages affirmative action employment in school districts for Montana Indians.

One caution in this bill is to ensure that the bill doesn't define school as a "state agency" for other purposes.

IISM requests your support for HB 92.

Thank you for listening to our concerns and if you have questions please contact me at 406-338-2200.



- WOHEHIV -
The Morning Star

NORTHERN CHEYENNE TRIBE
INCORPORATED

P.O. Box 128

LAME DEER, MONTANA 59043



- WOHEHIV -
The Morning Star

EXHIBIT # 38
DATE 1-13-95
B HB 92

January 11, 1994

The Honorable George Heavyrunner
Montana State Legislature
Helena, Montana 59001

Dear Representative Heavyrunner:

On behalf of the Northern Cheyenne Tribe, I would like to provide this letter of strong support for H.B. 92 which you introduced to provide for an Indian employment preference in public schools located on Indian reservations.

The Tribe has been encouraging employment of qualified professional tribal members at the Lame Deer Public Schools, particularly as the vast majority of the students and parents are Native American.

We would like to thank you for introducing this bill as it would be very beneficial to Indian communities.

Sincerely,

Llewando Fisher
Llewando Fisher, President
Northern Cheyenne Tribe



Lame Deer Public School

District No. 6 Rosebud County
P.O. Box 98
Lame Deer, Montana 59043
Phone: (408) 477-8305

EXHIBIT # 3C
DATE 1-13-95
B HB 92

January 13, 1995

Representative George Heavyrunner
Browning, MT 59417

RE: Statement of Support for HB 92

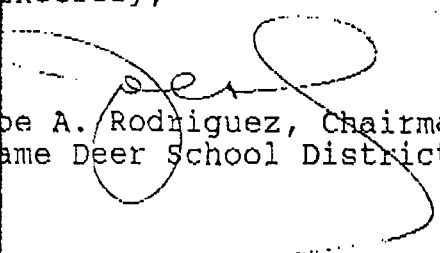
Dear Mr. Heavyrunner:

On behalf of Lame Deer School District #6, we would like to state our whole hearted support for HB 92, which clarifies that the Montana statutory mandate requiring state agencies to provide local Indian residents hiring preference, specifically includes elementary and high schools districts.

Our District supports this Bill as it furthers the goals of affirmative action in hiring. We believe that passage of HB 92 will serve the best interests of our community and our students.

If there is anything we can do to further support this Bill, please do not hesitate to contact our District.

Sincerely,


Joe A. Rodriguez, Chairman
Lame Deer School District #6

Brockton Public Schools

District No. 55 - 55F

Brockton, Montana 59213

Dr. James F. Hall, Supt.

Phone: 786-3311 or 3312

Diana Nygard, Clerk
Doris Spotted Bird, Secretary

January 13, 1995

EXHIBIT #3D
DATE 1-13-95
B 17B 92

Dear Representative George Heavy Runner:

I strongly agree with your preference requirement in reference to your House Bill 92. However, I would suggest the inclusion of the following statement: Hiring preference for tribal members of said reservation.

Sincerely,

James F. Hall

Dr. James F. Hall
Superintendent of Schools

assisted, or participated in any manner in an investigation or proceeding under this chapter.

History: App. Sec. 2, Ch. 283, L. 1974; amd. Sec. 2, Ch. 121, L. 1975; amd. Sec. 3, Ch. 524, L. 1975; amd. Sec. 7, Ch. 38, L. 1977; Sec. 64-306, R.C.M. 1947; App. Sec. 9, Ch. 283, L. 1974; amd. Sec. 10, Ch. 524, L. 1975; Sec. 64-312, R.C.M. 1947; R.C.M. 1947, 64-306(9), 64-312(2); amd. Sec. 4, Ch. 177, L. 1979.

49-2-302. Aiding, coercing, or attempting. It is unlawful for a person, educational institution, financial institution, or governmental entity or agency to aid, abet, incite, compel, or coerce the doing of an act forbidden under this chapter or to attempt to do so.

History: En. 64-312 by Sec. 9, Ch. 283, L. 1974; amd. Sec. 10, Ch. 524, L. 1975; R.C.M. 1947, 64-312(1); amd. Sec. 5, Ch. 177, L. 1979.

Cross-References

Inchoate offenses, Title 45, ch. 4.

When accountability exists, 45-2-302.

49-2-303. Discrimination in employment. (1) It is an unlawful discriminatory practice for:

(a) an employer to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, or sex when the reasonable demands of the position do not require an age, physical or mental disability, marital status, or sex distinction;

(b) a labor organization or joint labor management committee controlling apprenticeship to exclude or expel any person from its membership or from an apprenticeship or training program or to discriminate in any way against a member of or an applicant to the labor organization or an employer or employee because of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, or sex when the reasonable demands of the program do not require an age, physical or mental disability, marital status, or sex distinction;

(c) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication or to use an employment application that expresses, directly or indirectly, a limitation, specification, or discrimination as to sex, marital status, age, physical or mental disability, race, creed, religion, color, or national origin or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(d) an employment agency to fail or refuse to refer for employment, to classify, or otherwise to discriminate against any individual because of sex, marital status, age, physical or mental disability, race, creed, religion, color, or national origin, unless based upon a bona fide occupational qualification.

(2) The exceptions permitted in subsection (1) based on bona fide occupational qualifications must be strictly construed.

(3) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section.

(4) The application of a hiring preference as provided for in 2-18-111 and 18-1-110 may not be construed to be a violation of this section.

(5) It is not a violation of the prohibition against marital status discrimination in this section for an employer or labor organization to provide

EXHIBIT # 4
DATE 1-13-95
B 14392

ENDANGERED LANGUAGES OF THE UNITED STATES

Abnaki-Penobscot, Achumawi (Achomawi, Pitt River), Ahtena (Atna, Ahtna, Copper River), Alabama, Aleut, Apache Jicarilla, Apache Kiowa, Apache Lipan, Apache Mescalero-Chiricahua, Apache Western (Coyotero), Arapaho (Arrapahoe), Arikara, Assiniboine (Assiniboin), Atsugewi, Blackfoot, Caddo (Kado, Caddoe, Kadohadacho), Cahuilla, Catawba, Cayuga, Chehalis Lower, Chehalis Upper (Chehalis), Cherokee (Tsalagi, Tslagi), Chetco, Cheyenne, Chinook Wawa (Chinook Jargon, Chinook Pidgin, Tshinuk Wawa), Choctaw-Chickasaw, Clallam (Klallam), Cocopa (Kikima, Cucapa, Cocopah, Kwikapa), Coeur d'Alene, Columbia-Wenatchi (Columbian, Wenatche, Columbia), Comanche, Coos (Hanis), Cowlitz (Lower Cowlitz), Cree Western, Crow, Cupeño, Dakota (Sioux), Degexit'an (Ingalik, Ingalit), Diegueño (Digueño), Eyak, Flathead-Kalispel (Kalispel-Flathead), Gros Ventre (Gros Ventres, Atsina, White Clay People, Ahahnelin, Ahe, Fall Indians), Gwich'in (Kutchin), Haida, Han (Han-Kutchin, Moosehide, Dawson), Havasupai-Walapai-Yavapai (Upper Colorado River Yuman, Upland Yuman), Hawaiian (Hawai'i), Hidatsa (Gros Ventre, Minitari), Holikachuk, Hopi, Hupa (Hoopa), Inuit North Alaskan (North Alaskan Eskimo, Inupiat Eskimo, Inupiaq, Inupik), Inuit Northwest Alaska Inupiat (Northwest Alaska Inupiat Eskimo), Iowa (Ioway), Jemez (Towa), Kalapuya (Santiam, Lukamiu, Wapatu), Kansa (Kaw), Karok (Karuk), Kato (Cahto, Batem-Da-Kai-Ee, Kai Po-Mo, Tlokeang), Kawaiisu, Keres Eastern (Eastern Keres Pueblo), Keres Western (Western Keres Pueblo), Kikapoo (Kickapoo, Kikapu), Kiowa, Klamath-Modoc, Koasati (Coushatta), Koyukon (Ten'a), Kuskokwim Upper (McGrath Ingalik), Kutenai (Ktunaxa, Kootenai), Lakota (Teton), Luiseño, Lushootseed, Maidu, Makah, Malecite-Passamaquoddy, Mandan, Maricopa, Menomini (Menominee), Mesquakie (Sac and Fox, Sauk-Fox), Micmac (Restigouche), Mikasuki (Hitchiti, Mikasuki, Seminole, Miccosukee), Mitchif (French Cree), Miwok (Me-Wuk), Mohave (Mojave), Mohawk, Mono, Muskogee (Creek), Navaho (Navajo), Nez Perce, Ojibwa Eastern, Ojibwa Western (Saulteaux, Chippewa, Southern Ojibway), Okanagan (Okanagan-Colville Okanagan), Omaha, Oneida, Onondaga (Onandaga), Osage, Oto (Otoe, Chiwere), Pai Northern (Paviotso), Papago-Pima (O'odham, Nevome, Nebome, Upper Pima), Pawnee, Pomo, Ponca, Potawatomi (Pottawotomi), Quapaw (Arkansas), Quechua (Kechan, Yuma, Quech), Quileute, Quinault, Salish Southern Puget Sound, Salish Straits (Straits), Seneca, Serrano, Shasta (Sastean), Shawnee, Shoshoni (Shoshone), Siuslaw, Skagit (Swinomish), Snohomish, Spokane (Spokan), Tanaina, Tanana, Tanana Upper (Nabesna), Tenino (Warm Springs), Tewa, Tiwa Northern, Tiwa Southern, Tlin (Thlinget, Tlinkit), Tolowa (Smith River), Tsimshian (Tsimpshean, Zimshian, Chimmezyan), Umatilla (Columbia River Sahaptin), Unami (Delaware, Lenni-Lenape, Lenape), Ute-Southern Paiute, Walla Walla (Northeast Sahaptin), Wasco-Wishram (Upper Chinook), Washo (Washoe), Wichita, Winnebago, Wintu (Wintun), Yakima, Yaqui, Yokuts (Chuckchansi), Yuchi, Yuki, Yupik Central (Central Alaskan Yupik, West Alaska Eskimo), Yupik Central Siberian (St. Lawrence Island Eskimo), Yupik Pacific Gulf (Alutiiq, Sugpiak Eskimo, Sugpiaq Eskimo, Chugach Eskimo, Suk, Sugcestun, Aleut, Pacific Yupik, South Alaska Eskimo), Yurok, Zuni.

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Don Wetzel SR.	BLACKFEET TRIBAL COUNCIL School Dist #9	YES	
Warren W. Means	Fort Peck Assiniboine & Sioux Tribes	Yes	
Walter Kedy	MSBA		
Walter Buckner	BPE		
Don Waldron	MREA		

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