

MINUTES

**MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DARYL TOEWS**, on January 15, 1997, at 1:02 p.m., in Room 402.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. C.A. Casey Emerson (R)
Sen. Debbie Bowman Shea (D)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Wm. E. "Bill" Glaser (R)
Sen. John R. Hertel (R)
Sen. Loren Jenkins (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)
Sen. Mignon Waterman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Eddye McClure, Legislative Services Division
Janice Soft, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 38, SB 84, SB 117; Posted
January 9, 1997

Executive Action: SB 38, SB 84, SB 10, SJR 2

HEARING ON SB 38

Sponsor: SEN. J. D. LYNCH, SD 19, Butte

Proponents: None.

Opponents: None.

Opening Statement by Sponsor:

SEN. J. D. LYNCH, SD 19, Butte, said the Legislative Council requested SB 38 which revised the language on the intern program to reflect the changes from the quarter system to the semester system. He explained prior to the legislative session the Council would determine how long the interns would serve.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor:

SEN. J. D. LYNCH had no closing remarks.

{Tape: 1; Side: A; Approx. Time Count: 1:08 p.m.}

HEARING ON SB 84

Sponsor: SEN. GREG JERGESON, SD 46, Chinook

Proponents: Joe McDonald, President, Salish Kootenai College
Darrel Dupois, Salish Kootenai College
Gary Gill, Salish Kootenai College
Kathie Maiers, Salish Kootenai College
Jaymee Bick, Salish Kootenai College
Darrol Denny, Salish Kootenai College
Bob Rehbein, Salish Kootenai College
Paul McCoy, Salish Kootenai College
REP. GEORGE HEAVY RUNNER, HD 85, Browning
Richard Crofts, Commissioner of Higher Education

Opponents: None.

Opening Statement by Sponsor:

SEN. GREG JERGESON, SD 46, Chinook, said SB 84 was partly a result of the deliberations of the Joint Committee on Postsecondary Education Policy and Budget which met during the last interim. He said the Joint Committee discussed encouraging and developing greater student access to the two-year education programs. SEN. JERGESON commented the Committee reviewed the circumstances by which the 1995 legislature had agreed to help support the nonbeneficiary students enrolled in the tribal colleges, which are two-year institutions. SEN. JERGESON reminded the Committee SB 84 did not contain appropriations; rather, the statutory language which would make SB 84 an effective part of the work done each session for the higher education budget.

He called the Committee's attention to the Section 1, Lines 26-27, and explained the nonbeneficiary students were usually non-Indian and there usually was no federal assistance for them. Therefore, the colleges were accessing other financial resources or increasing tuition fees for those students. SEN. JERGESON also reminded the Committee it would be necessary to write the above citation into HB 2; the 1995 session appropriated \$1.5 million, but just under \$900,000 was used. He commented the

money was used judiciously and well and for its intended purposes.

Proponents' Testimony:

Joe McDonald, President, Salish Kootenai College (SKC), gave his written testimony. (EXHIBIT 1)

Darryl Dupois, Development Officer, Salish Kootenai College (SKC), gave his written testimony. (EXHIBIT 2)

Gary Gill, Student, Salish Kootenai College (SKC), gave his written testimony. (EXHIBIT 3)

Kathie Maiers, Student, Salish Kootenai College (SKC), gave her written testimony. (EXHIBIT 4)

Jaymee Bick, Student, Salish Kootenai College (SKC), said she was a full time student as well as a full time employee, and received no financial assistance from family. She said it was not feasible for her to move away to attend college. **Ms. Bick** reiterated how she lost her last job because the company closed. Having skills but no college degree made finding another job almost impossible so she ended up on welfare. She said she was currently a junior in the Environmental Science program at Salish Kootenai College (SKC), had her Associates Degree and was working full time at SKC. **Ms. Bick** commented how SKC helped her assist her children with their homework, especially in the math and science areas. She reminded the Committee it was not cost effective for her to travel to Missoula every day for college, to work full time and still be able to take care of her family; therefore, she was very thankful for the educational opportunities at SKC. **Ms. Bick** commented she was now a taxpayer and off the welfare rolls.

Darrol Denny, Student, Salish Kootenai College (SKC), gave his written testimony. (EXHIBIT 5)

Bob Rehbein, Student, Salish Kootenai College (SKC), encouraged the Committee's support of SB 84 because it was sensible, needed and fair.

Paula McCoy, Student, Salish Kootenai College (SKC), said she attended Flathead Community College where she got her two-year degree in business, but she chose to further her education and get a human services degree. She said she lived in Kalispell which made traveling to Missoula for this education neither practical nor feasible so when she discovered SKC offered the degree she was seeking, she decided to attend there. **Ms. McCoy** commented at first she was a bit apprehensive because she was a nonbeneficiary student at a tribal college but once she arrived, it felt like home because of the welcoming attitude of students, faculty and staff. She reminded the Committee the program for nonbeneficiary students was really needed and so was SB 84

because it would benefit both students and the community through cultural exchange and the pride in saying at graduation, "I've made it!" She said if SB 84 did not pass, many students would not be able to get off welfare or continue their education. She urged the Committee's support of SB 84.

REP. GEORGE HEAVY RUNNER, HD 85, Browning, explained tribal cultures were an educational phenomena because of the education offered to both the tribe and community members. He said he was not surprised to hear the students' testimony of how warmly they had been treated at these tribal colleges because it was their mission to put the students first. He explained the facilities probably were not as nice as at the University units because the limited amount of money was spent on educational services. **REP. HEAVY RUNNER** asked the Committee's support for SB 84.

Richard Crofts, Commissioner of Higher Education, said the Commissioner's Office and Board of Regents had been involved in administering the tribal college program during the last two years and said there would be a meeting in the near future to determine if the support should continue; he was quite certain it would. He said the University System did not view the tribal colleges as competitors, but as partners. **Mr. Crofts** said he had helped to write the legislation so the appropriation would be separate and not part of the University System's budget. He stated they supported the bill and he would be happy to answer any questions concerning the administration of the program during the past two years.

Marty Blue, Blackfeet Community College, left his written testimony. (EXHIBIT 6)

Bob Tailfeathers, Blackfeet Community College, left his written testimony. (EXHIBIT 7)

Opponents' Testimony: None.

{Tape: 1; Side: A; Approx. Time Count: 1:34 p.m.}

Questions From Committee Members and Responses:

SEN. DELWYN GAGE asked if educational costs to both beneficiary and nonbeneficiary students were lower because of SB 84. **Joe McDonald** said costs in all the tribal colleges were quite low, but SKC was the highest because of the closer proximity to Missoula. He explained if they didn't keep their fees about the same as those of Missoula, more non-resident students would attend SKC, and SKC wanted the students to attend because it was their desire and not because it was cheaper. He said this last biennium about \$560,000 went into SKC's general fund to help offset the cost of the College. He reminded the Committee SB 84 was very important because it could keep the cost of the tribal colleges down.

SEN. MIKE SPRAGUE asked what happened to the unspent appropriation and **Richard Crofts** said it reverted to the general fund. **SEN. SPRAGUE** then asked **Joe McDonald** if he had a breakdown of the types of students. **Mr. McDonald** said he did not, but when SKC first started, most students were non-traditional; however, most recently more high school graduating seniors were attracted to SKC. He thought the mix might be 80%-20% or 85%-15%. **SEN. SPRAGUE'S** last question was if **Mr. McDonald** knew how many of those students were veterans. **Mr. McDonald** said there was a pretty good veterans group and SKC's policy was to waive all fees for veterans.

SEN. JOHN HERTEL asked how many nonbeneficiary students Blackfeet Community College had. **REP. GEORGE HEAVY RUNNER** said about 36. **SEN. HERTEL** then asked if all the tribal colleges offered bachelors degrees. **Joe McDonald** said only SKC offered the four-year programs.

SEN. GAGE asked if any of the tribal colleges engaged in telecommunication exchanges with each other or any of the University System units. **SEN. GREG JERGESON** said MSU-Northern and Ft. Belknap Community College were part of the rural telephone co-ops, an interactive video project, which meant the campus at Ft. Belknap could receive course instruction from MSU-Northern. He explained that in time Ft. Belknap might be able to beam course instruction to the consortium high schools. He also informed the Committee the Blackfoot Co-op in western Montana would be getting involved with school districts and SKC within the next year or two.

SEN. LOREN JENKINS asked what was paid to other colleges per student as compared to the \$1,500 + federal dollars paid to SKC. **Richard Crofts** said the base funding in the last biennium was about \$4,050; however, new students funded on the margin would cost about \$1850 per student for the next biennium and this number was calculated by the budget office. **Mr. Crofts** further explained the average to strive for was about \$4,040 and new students would come in on the margin of \$1,850. **SEN. JENKINS** asked if the figures included both in-state and out-of-state students and **Mr. Crofts** said Montana did not subsidize out-of-state students.

Since there was still some confusion regarding the \$4,040 and \$1,850, **Richard Crofts** explained if the total number of students from the last biennium were divided into the total millage support, the result would be about \$4,050.

Mr. Crofts said the Committee should remember the nonbeneficiary students were Montana residents only; non-resident students were not part of SB 84.

Closing by Sponsor:

SEN. GREG JERGESON said most of the testimony had been from SKC, the largest tribal college, who agreed to represent the Montana tribal community college population at this hearing. He reminded the Committee the benefits of passing SB 84 were important to the non-traditional students of both the reservations and communities surrounding them. SEN. GREG JERGESON thanked the Committee for a good hearing and asked for a favorable response for SB 84.

{Tape: 1; Side: A; Approx. Time Count: 1:45 p.m.}

EXECUTIVE ACTION ON SB 38

Amendments: None.

Motion/Vote: SEN. CASEY EMERSON MOVED DO PASS FOR SB 38. Motion CARRIED UNANIMOUSLY 11-0.

EXECUTIVE ACTION ON SB 84

Amendments: None.

Motion/Vote: SEN. MIGNON WATERMAN MOVED DO PASS ON SB 84. Motion CARRIED UNANIMOUSLY 11-0.

HEARING ON SB 117

Sponsor: SEN. LINDA NELSON, SD 49, Medicine Lake.

Proponents: REP. GEORGE HEAVY RUNNER, HD 85, Browning.
Eric Feaver, Montana Education Association
Christine Kaufman, Human Rights Network
Don Waldron, Montana Rural Education Association
Gail Gray, Office of Public Instruction
Terry Minow, Montana Federation of Teachers
Bob Tailfeathers, Dean of Students, Blackfeet
Community College
Joe McDonald, President, Salish Kootenai College

Opponents: None.

{Tape: 1; Side: B; Approx. Time Count: 1:48; Comments: Tape recorder did not pick up for the first minute or two of sponsor's remarks.}

Opening Statement by Sponsor:

SEN. LINDA NELSON, SD 49, Medicine Lake, said hearings regarding the Constitutional directive mentioned in SB 117 were held on the Ft. Peck Reservation and the Crow Reservation as well as off the reservations. She said surveys were also sent to various colleges and K-12 schools to determine if those requirements were being met. SEN. NELSON reported they found very little was being

done to comply with the Constitution. She explained SB 117 expanded HJR 57, passed in 1975, which designated the 4th Friday in September as "Native American Indian Day", by requiring a commemorative exercise on the 4th Friday in September. **SEN. NELSON** stressed the fact this was not a state holiday.

Proponents' Testimony:

REP. GEORGE HEAVY RUNNER, HD 85, Browning, said he also served on the Indian Affairs Committee which allowed him to visit several of the reservations to get some first-hand feedback regarding the Constitutional language. He stated it was his opinion Montana schools should have local control as to how they wanted to commemorate "American Indian Heritage Day". He reminded the Committee when the legislators were sworn in, they promised to uphold the Constitution of the United States and the state of Montana; therefore, he suggested passing SB 117 because in recognizing the difference in Americans, legislators were upholding their oath.

REP. HEAVY RUNNER also presented written testimonies from:

Board of Trustees, Hardin Public Schools, Hardin (EXHIBIT 8)

Earl Old Person, Chairman/Chief, Blackfeet Nation (EXHIBIT 9)

Board of Trustees, Cut Bank Public Schools, Cut Bank
(EXHIBIT 10)

Duane Denny, Wolf Point Public Schools, Wolf Point (EXHIBIT 11)

Don Johnson, Poplar Public Schools, Poplar (EXHIBIT 12)

Charles Cook, Poplar Public Schools, Poplar (EXHIBIT 13)

Mike Burrer, Poplar Public Schools, Poplar (EXHIBIT 14)

Vance Christiansen, Poplar Public Schools, Poplar (EXHIBIT 15)

Maury Johnston, Poplar Public Schools, Poplar (EXHIBIT 16)

Kathleen Eaton, Poplar Public Schools, Poplar (EXHIBIT 17)

Thomas Brown, Poplar Public Schools, Poplar (EXHIBIT 18)

Gerald Steven Cain, Poplar Public Schools, Poplar (EXHIBIT 19)

Vicky Schindler, Poplar Public Schools, Poplar (EXHIBIT 20)

Kate Choleva, Montana Women's Lobby, submitted a witness statement to the Committee Secretary expressing support for SB 117. (EXHIBIT 21)

Eric Feaver, Montana Education Association (MEA), said MEA rose in support of SB 117 because it was an easy way to comply with the Constitution. He urged the Committee's support as well.

Christine Kaufman, Human Rights Network, said the Network promoted public policies which encouraged understanding and fair treatment of minority groups. She remarked the Network had long been interested in the Constitutional recognition of the distinct cultural heritage of the American Indians and Montana's commitment to preserve their cultural integrity. **Ms. Kaufman** commented SJR 11 charged the interim committee with two elements: (1) Conduct a study to see how well the Constitutional directives were being enacted; (2) Recommend corrections for any

deficiencies. She commended the interim committee for their work but expressed disappointment that there were very few recommendations. **Ms. Kaufman** cited one of the summary sections in the report which said, "..... the Constitutional Convention delegates intended Article X, Section 1, Subsection 2, to be more than mere recognition of American Indians in the new Constitution. Rather, the delegates intended the preservation of the American Indian cultural integrity would be effected through educational programs, available to both Indians and non-Indians. Responsibility for the implementation of this provision was left unclear; however, the delegates did envision a role for the legislature, either by mandating programs or by encouraging educational agencies to develop appropriate programs." It was **Ms. Kaufman's** opinion a day of recognition was not the same as an educational program; however, it was a step in the right direction. She said she supported SB 117 but the inaction which resulted from the good study was a concern; therefore, she hoped more action would happen which would keep Montana in line with its Constitutional mandate.

Don Waldron, Montana Rural Education Association (MREA), said it was his opinion many things go on in our schools, especially in those on or near reservations. He also suggested the interim committee spent a lot of time, covered a lot of ground and SB 117 was what they agreed on, which is what bills should be. **Mr. Waldron** expressed support from his schools for SB 117.

Gail Gray, Office of Public Instruction, expressed support for SB 117. She said OPI believed many schools, especially elementary, were already honoring an American Indian Heritage Day. **Ms. Gray** said SB 117 formalized the honoring of the Day, gave publicity to the general public, encouraged dialogue, etc. She emphasized the OPI office had materials pertaining to the Heritage Day which would assist schools. She ended her testimony by encouraging support for SB 117.

Terry Minow, Montana Federation of Teachers (MFT), said MFT rose in support of SB 117 because it was a way for schools to meet the Constitutional obligation to preserve the cultural integrity of the American Indians.

Bob Tailfeathers, Blackfeet Community College, said the tribal colleges were moving ahead to preserve the Indian cultures they have by teaching their children in the right way, i.e. tepee designs, tepees, etc. He explained in the Indian culture, tepee design told a story or vision, which was what should be told the children. **Mr. Tailfeathers** went on to say the top part of the tepee represented the sky and only certain people had the right to paint the tepee. He felt it was important that people understood what traditional Indian arts were, and dispersing that information was the responsibility of the tribes.

Joe McDonald, Salish Kootenai College (SKC), said his tribe endorsed SB 117.

Opponents' Testimony: None.

{Tape: 1; Side: B; Approx. Time Count: 2:06 p.m.}

Questions From Committee Members and Responses:

SEN. DEBBIE SHEA asked if materials were available on Montana native American women, or if there was a movement among the native Americans to journal. **REP. GEORGE HEAVY RUNNER** said some pioneer work was being done in developing new materials from the tribe archives, which would be very helpful in linking the heritage with the contemporary world. He reminded the Committee most of the tribal community colleges had telecommunications networks set up, which would give an opportunity to have a university without walls. **SEN. SHEA** commented some Montana towns were quite a distance from reservations and wondered how the information would be disseminated to such places. **REP. HEAVY RUNNER** said he thought each tribal college had a bibliography of such books and materials, and OPI had some materials also.

SEN. MIKE SPRAGUE commented the Constitutionality portion of SB 117 was not relatively germane. He suggested commemorating on a Friday but actually celebrating on a Tuesday because it would be more likely students would be in school the next day, i.e. if celebrated on a Friday, the celebration could continue into the weekend; thus, students may not be in school on Monday. **REP. HEAVY RUNNER** said "celebration" meant activities were regulated and educational; if anyone got into trouble it was an individual choice.

CHAIRMAN DARYL TOEWS commented he was a minority when he went to school but he learned to accept people as individuals and to individually respect people. He said he believed that was how racism was erased. He stated he interpreted the Constitution as protecting rather than promoting the Indian culture. He further explained each item mentioned in SB 117 was either an individual or an event; American Indian Heritage Day would be an upholding of a race so what would ensure that another race would not request and receive the same commemoration in the future? **REP. HEAVY RUNNER** answered he felt SB 117 was "protection" because public education on the reservations was relatively recent; therefore, the concept of protecting the Indian culture and heritage was also relatively recent because public education promoted both. He explained it was equally important to teach the children to be good citizens of the United States, Montana and their tribes. He maintained the Heritage Day would be just as beneficial to people off the reservation because of the emphasis on tolerance and understanding, which also benefited the tribes' survival. He summarized educational format should be the place for understanding and discussion; the understanding of "who you are"

being the most important result. **REP. HEAVY RUNNER** commented American Indians were required to understand Montana's history but the history books devoted very little space to Montana tribes

so he felt SB 117 was an opportunity to look at Montana and recognize the importance of the state and the seven tribes getting along, which could be accomplished through education.

SEN. STEVE DOHERTY commented SB 117 listed Citizenship Day and Pioneer Day, which were not commemorative days for individuals, but for groups. He suggested American Indian Heritage Day would not be out of order because it addressed a group. **REP. HEAVY RUNNER** said SB 117 was a collective approach which included all seven tribes.

SEN. DELWYN GAGE commented Fridays were usually big athletic and extracurricular days and wondered if there were a particular reason why Friday was chosen for the Heritage Day. **SEN. NELSON** said the reason was because the 1975 resolution designated the 4th Friday in September as Native American Indian Day. She said she did not think the commemorative process would be an all-day celebration.

{Tape: 1; Side: B; Approx. Time Count: 2:21 p.m.}

Closing by Sponsor:

SEN. LINDA NELSON thanked the Committee for the hearing and reminded them commemorating the Heritage Day was in the Constitution; therefore, it was necessary to do something and SB 117 was not cumbersome. She hoped the Committee would give SB 117 a DO PASS.

EXECUTIVE ACTION ON SB 10

Amendments: **SEN. MIKE SPRAGUE** and Roger Hagan, Officer and Enlisted Association, explained the Hargrove Amendments, calling the Committee's attention to the words stricken as well as added. (EXHIBIT 22)

Motion/Vote: **SEN. MIKE SPRAGUE** MOVED THE HARGROVE AMENDMENTS. Motion CARRIED UNANIMOUSLY 11-0.

Motion/Vote: **SEN. DEBBIE SHEA** MOVED DO PASS FOR SB 10. Motion CARRIED 10-1, with **SEN. DARYL TOEWS** voting NO.

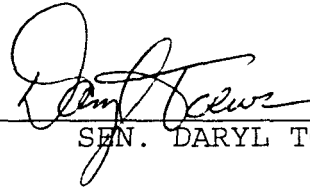
EXECUTIVE ACTION ON SJR 2

Amendments: NONE.

Motion/Vote: **SEN. MIGNON WATERMAN** MOVED DO PASS FOR SJR 2. Motion CARRIED UNANIMOUSLY 11-0.

ADJOURNMENT

Adjournment: The meeting adjourned at 2:27 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/JS