

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 3, 1979

The meeting of the Local Government Committee was called to order by Chairman George McCallum at 12:30 in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, staff researcher, was also present.

Many visitors were in attendance. (See attachment.)

CONSIDERATION OF HOUSE BILL 670: Representative Helen O'Connell, of District 34, sponsor of HB 670, gave a brief resume. This bill is an act to require the polls to be open from noon until 8 p.m., for drainage district elections. Representative O'Connell stated that rather than have the polls open from 8 to 5, this bill would change the time to noon to 8 p.m., for the purpose of enabling people who work from 8 to 5 to be able to vote.

There were no proponents or opponents to the bill. There were no questions from the Committee.

DISPOSITION OF HOUSE BILL 670: A motion was made by Senator Story to give HB 670 a "BE CONCURRED IN" recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 118: Representative Hershel Robbins, of District 46, chief sponsor of HB 118, gave a brief resume. This bill is an act to waive the qualification requirements of the county superintendent of schools when such office is consolidated with another county office and to provide for contracting of services in such cases. Representative Robbins stated that three counties in Montana have consolidated the office of County Superintendent of Schools with another county office. These situations have created a problem in these three counties. To find a solution to the problem, a poll was conducted by the Legislative Council to determine the feasibility of waiving the requirements when the county superintendent is consolidated with another county office. Representative Robbins reported the results of the poll. (See attachment.)

Representative Verner Bertelsen, of District 27, another sponsor of the bill, stated his support of HB 118. Representative Bertelsen stated the intent of the bill is to correct the problem as it now exists.

Mike Stevens, Montana Association of Counties, stated that qualifications of the county superintendent should be waived with consolidation. The workload is declining in the superintendent's office.

Lyle Eggum, Office of Public Instruction, stated that his office would support the bill only if it were amended. House Bill 118 assures the five counties who have presently combined the office that a qualified person supervise the instruction and school program in schools who do not employ a district administrator. On page 2, line 4, the word "may" should be changed to "shall" to meet the intent of the bill and for the support of the O.P.I.

Edith Cox, Montana Association of County Treasurers, stood in support of the bill.

Larry Anderson, Liberty County Commissioner, stated his support of the bill. Mr. Anderson stated that this is not good for all counties but it is great for the smaller counties.

With no further proponents, Senator McCallum called on the opponents.

Jean Ellison, Montana Association of County Superintendents, stated her group is concerned about the students and also the removal of qualifications for county superintendent opens the door to further consolidation of offices which would leave many schools, school boards and clerks, teachers and students without benefit of supervision and assistance by a qualified person in the educational field. Ms. Ellison stated her group feels that their job requires expertise in the education field, a degree of finesse in dealing with people, a qualified and certified person who is on the job when the need arises. (See attachment.)

Mike Bowan, Missoula County Superintendent of Schools, stated why make it necessary for someone outside of education to be trained in the general aspects of the bookwork where the less obvious insights might then be innocently by-passed, through lack of educational training, possibly to the detriment of the students and the school system. The increase in the numbers of private schools is an area also where there may be a continuing need for the services of a county superintendent. Presently, many superintendents give assistance to such schools. The full impact of this trend can probably be assessed at a later time, however, the need would seem to be for people experienced and trained in the educational field and understanding the educational environment in its many facets. Mr. Bowan strongly opposed House Bill 188. (See attachment.)

Glennadine Ferrell, Lake County Superintendent representing the Montana Association of County Superintendents, stated her opposition to the bill. The county superintendent's training and experience are necessary elements in the continuance of Montana's educational system and its constant improvements. County superintendents are available when needed to perform the jobs peculiar to education as well as the jobs of general fiscal importance. Their duties pertain in various ways to other segments of education and not only to those concerning Class II schools without superintendents; such segments as hearings, federal programs, inter-

mediary liason, school cooperatives, and private school monitoring. Montana's primary and secondary needs would be met more competently and as economically, or possibly more economically in the long run, by leaving the qualifications of the office of county superintendents as they now are, rather than waiving them as in the provision of House Bill 118. (See attachment.)

Julie Enman, Granite County Superintendent of Schools, expressed her concerns with the bill, as being the unknown cost of contracting the services, who will be responsible for the costs, as well as meeting all the requirements of Montana School Laws and the State Board of Education requirements for accreditation. Mrs. Enman wondered who would hear the Special Education Hearings being as Montana Law says the County Superintendent shall hear all school controversies. The State Superintendent can hear only those appeals that have been heard by a county superintendent. The hours and costs of a hearing will have to be met. Who will be responsible for meeting that cost? How will the rules and regulations be changed to meet school law and State Board of Education requirements? Mrs. Enman spoke against House Bill 118. (See attachment.)

Jerry Strong, of Helena, stated the Office of County Superintendent of Schools needs more qualifications not less. This office has to deal with transportation, boundary, budget, curriculum, special education, grant programs, and legal advice to school boards on school law. A vital need for small districts is the expertise on curriculum development and school plant planning. Mill levies are of prime concern to the taxpayer and a qualified person can explain where the money is to be spent. Mr. Strong opposed the bill. (See attachment.)

With no further proponents or opponents, Representative Robbins made the closing remarks. Representative Robbins stated that he agrees with the state superintendents that they have to have some qualifications to do the job. He felt HB 118 would save the taxpayer money. The bill also has advantages at election time with fewer names on the ballot. Most rural County Superintendents of Schools spend most of their time working on budget and finance matters. This would indicate that an office which performs similar duties could possibly assume a rural county superintendents duties. The major area where services may have to be contracted from a person with the qualifications mentioned is visiting and observing schools within the county. Representative Robbins urged for a favorable report from the Committee.

Senator McCallum opened the meeting to a question and answer period from the Committee. Discussion was held.

CONSIDERATION OF HOUSE BILL 126: Representative Dennis Nathe, of District 1, sponsor of HB 126, gave a brief resume of the bill. This bill is an act to remove docks and wharves from the jurisdiction of the Public Service Commission. Representative Nathe

stated the P.S.C. was given this jurisdiction in 1909 and have apparently never exercised this power.

Bill Opitz, representing the Public Service Commission, stated that they have not controlled the rates on docks or wharves for at least 20 years, that he is aware of. This statute has outlived its usefulness, which was probably necessary in the early 1900's when river crossings were few and far between.

DISPOSITION OF HOUSE BILL 126: A motion was made by Senator Story to give House Bill 126 a recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 391: Representative Andrea Hemstad, of District 40, sponsor of the bill, gave a brief resume. This bill is an act to modify the qualifications of certain members of the city-county planning board. Representative Hemstad stated that the changes in this bill are that members must reside within the jurisdictional area.

Dan Mizner, representing the League of Cities and Towns, stated his group supports this bill.

Senator McCallum then called on the opponents. Hearing none, Representative Hemstad closed by asking the Committee for a favorable report.

There were no questions from the Committee.

DISPOSITION OF HOUSE BILL 391: A motion was made by Senator Lockrem that HB 391 be given the recommendation of "BE CONCURRED IN" from the Committee. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 61: Representative Steve Waldron, of District 97, sponsor of House Bill 61, gave a brief resume. This bill is an act to insure that statutes imposing new local government duties provide a specific means of financing. Representative Waldron stated that this bill would require the state to provide funding for programs they impose on the local governments. Local governments can refuse to handle some programs, as there are no funds at present. Page 2, lines 1-7, gives the state some options for providing funds.

Mike Stevens, Montana Association of Counties, stated his support of the bill. Many things are mandated for the local governments but no way of funding them is provided.

Eva Spaulding, League of Women Voters, stated that city and county residents pay state taxes as well as local taxes and it is only fair that when the state requires a program or project for the local government to provide, that the state be responsible for the funding. This bill is more timely now as cities' and counties' fiscal responsibilities are expanding and the local revenues cannot

keep pace. The League feels that the time has come for the State of Montana to financially support its new programs and services that the local governments must provide. (See attachment.)

Dan Mizner, of the League of Cities and Towns, stated his support of the bill. Mr. Mizner felt House Bill 61 would correct the Supreme Court ruling and also that of the Attorney General.

David Goss, representing the City of Billings, stated his city supports HB 61 which would clarify state law and help in increasing recognition of some of the problems local governments face. Mr. Goss pointed out that state mandated costs account for nearly 15% of the total expenditures for the City of Billings. This amounts to an excess of 16 mills or the equivalent of \$1.5 million annually. Some of this amount the city would probably enter into anyway, however, any increase in this burden presents very real financial and political problems at the local level. (See attachment.)

Dave Ashely, representing the City of Helena, stated his city's support of HB 61. They feel it is an excellent piece of legislation.

With no further proponents, Chairman McCallum called on the opponents. Hearing none, Representative Waldron made the closing remarks. He stated that this bill will not be a cure all for all the problems it faces in local governments, but it will help greatly. He urged the Committee to concur in HB 61.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 61: A motion was made by Senator Story that the Committee give House Bill 61 a "BE CONCURRED IN" recommendation. Motion carried unanimously.

CONSIDERATION OF HOUSE BILL 330: Representative Rex Manuel, of District 11, sponsor of House Bill 330, gave a brief resume. This bill is an act to increase the permissive county bridge levy. This bill was requested by the Association of Counties.

Mike Stevens, Montana Association of Counties, stated counties are authorized by law to levy 3 mills for the maintenance, construction and repair of public bridges. An additional levy is authorized depending on taxable value and total feet of bridges in the county. Approximately 44 counties were at the maximum permitted levy last year with more counties reaching the maximum this year. People in the cities use rural bridges in the county also. (See attachment.)

David Ashley, representing the City of Helena, stated that during the past 10 years, property owners within the City of Helena

have contributed in excess of \$750,000 to the County Bridge Fund. During this time not one dollar of these funds have been spent within the City of Helena. The funds have been used to maintain and build bridges in the unincorporated areas of the county and also to maintain major drainage structures underneath the public roads. During the same period of time owners of property within the city have provided several million dollars to build and maintain their own bridges and major drainage structures underneath public streets and roads. The City of Helena offered an amendment which would permit cities to exempt themselves from the bridge levy. (See attachments.)

With no further proponents, the opponents were called upon.

Dan Mizner, of the League of Cities and Towns, offered an amendment which if adapted, then Mr. Mizner's organization would support the bill. The language should be so the counties have the responsibility of the bridges. Mr. Mizner asked that that be clarified. Mr. Mizner's amendment would be on page 1, line 14, following, bridges; add which includes those bridges within the municipality. He stated counties can now put on a 3 mill levy.

With no further opponents, Representative Manuel made the closing remarks. He asked the Committee to please give House Bill 330 a favorable recommendation.

The meeting was opened to a question and answer period from the Committee. Discussion was held.

DISPOSITION OF HOUSE BILL 118: A motion was made by Senator Lockrem that the Committee give HB 118 a recommendation of "BE NOT CONCURRED IN".

Senator Lockrem stated that this effects only three counties.

Senator O'Hara asked if there is a need to combine the office of County Superintendent of Schools.

Lyle Eggum stated that perhaps it is not feasible in this bill, but needed for some counties. At this time there are no provisions in the election laws to take care of this.

Senator Rasmussen made a motion that HB 118 be amended on page 2, line 4, to change the word "may" to "shall". Motion carried.

A substitute motion was made by Senator Rasmussen that HB 118 "BE CONCURRED IN, as amended". Motion failed. (See attachment.)

Senator Lockrem's original motion to "BE NOT CONCURRED IN" was voted on. Motion carried. (See attachment.)

DISPOSITION OF HOUSE BILL 330: This bill is in regard to increasing the permissive county bridge levy.

Senator McCallum stated that there is a bill in the Senate Taxation Committee at the present time which may perhaps take care of this matter.

A motion was made by Senator Lockrem to accept the proposed Helena amendments. Motion failed. (See attachment.)

Senator Watt asked Senator McCallum to explain the bill which is in the Taxation Committee as he feels that that bill would take care of the problem.

A motion was made by Senator Watt to lay House Bill 330 on the table to see what is going to happen with the bill in the Taxation Committee. Motion failed. (See attachment.)

A motion was made by Senator Lockrem that the Committee give a recommendation to HB 330 of "BE NOT CONCURRED IN". Motion failed. (See attachment.)

A motion was made by Senator Thomas to accept the proposed amendments of the League of Cities and Towns to HB 330. Motion carried.

A motion was made by Senator Thomas to amend HB 330 to change from 5 mills to 4 mills that which can be levied. Motion carried. (See attachment.)

A motion was made by Senator Watt to give House Bill 330 a recommendation of "BE CONCURRED IN, as amended". Motion carried. (See attachment.)

ADJOURN: With no further business, the meeting adjourned at 2:45. The next meeting will be held on Tuesday, March 6, 1979, in Room 405 of the State Capitol Building.


CHAIRMAN, Senator George McCallum

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3 House Bill No. 118 Time 2:15

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	<i>absent</i>	
BOB PETERSON		✓
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		✓
BILL THOMAS	✓	
ROBERT D. WATT		✓

Clare Seawick
Secretary

George M. Callum
Chairman

Motion: A motion was made by Senator Rasmussen that HB 118
BE CONCURRED IN, as amended. Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3 House Bill No. 118 Time 2:17

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		✓
JESSE A. O'HARA	<i>absent</i>	
BOB PETERSON	✓	
A. T. (TOM) RASMUSSEN		✓
PETE STORY	✓	
BILL THOMAS		✓
ROBERT D. WATT	✓	

Clarence Gurney
Secretary

George McCallum
Chairman

Motion: A motion was made by Senator Lockrem that HB 118

BE NOT CONCURRED IN, as amended. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3 House Bill No. 330 Time 2:20

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER		✓
JESSE A. O'HARA	✓	
BOB PETERSON	<i>absent</i>	
A. T. (TOM) RASMUSSEN		✓
PETE STORY	✓	
BILL THOMAS		✓
ROBERT D. WATT	✓	

Clarence Stanley
Secretary

George McCallum
Chairman

Motion: A motion was made by Senator Watt that HB 330 BE
TABLED. Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3 House _____ Bill No. 330 Time 2:22

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN	✓	
MAX CONOVER		✓
JESSE A. O'HARA		✓
BOB PETERSON	<i>Present</i>	
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		✓
BILL THOMAS		✓
ROBERT D. WATT		✓

[Signature]
Secretary

[Signature]
Chairman

Motion: A motion was made by Senator Lockrem to accept the
proposed amendments offered by the City of Helena. Motion
failed.

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3 House Bill No. 330 Time 2:30

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN	✓	
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON	✓	
A. T. (TOM) RASMUSSEN	✓	
PETE STORY		✓
BILL THOMAS	✓	
ROBERT D. WATT	✓	

Blaine D. ...
Secretary

George M. Baller
Chairman

Motion: A motion was made by Senator Thomas to amend HB 330
to change from 5 mills to 4 mills that which can be levied.
Motion carried.

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE LOCAL GOVERNMENT

Date March 3 House Bill No. 330 Time 2:40

NAME	YES	NO
GEORGE MCCALLUM, CHAIRMAN		✓
LLOYD LOCKREM, VICE CHAIRMAN		✓
MAX CONOVER	✓	
JESSE A. O'HARA	✓	
BOB PETERSON		✓
A. T. (TOM) RASMUSSEN	✓	
PETE STORY	✓	
BILL THOMAS	✓	
ROBERT D. WATT	✓	

Alvin Gray
Secretary

George M. Callum
Chairman

Motion: A motion was made by Senator Watt to give HB 330
a recommendation of BE CONCURRED IN, as amended.
Motion carried.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

March 3

1979

MR.President:.....

We, your committee onLocal Government.....

having had under considerationHouse..... Bill No. 61.....

Waldron (Story)

Respectfully report as follows: That.....HOUSE..... Bill No. 61.....

BE CONCURRED IN

DO PASS

QA

STANDING COMMITTEE REPORT

..... March 5 19 79

MR. President:

majority
We, your committee on Local Government

having had under consideration House Bill No. 113

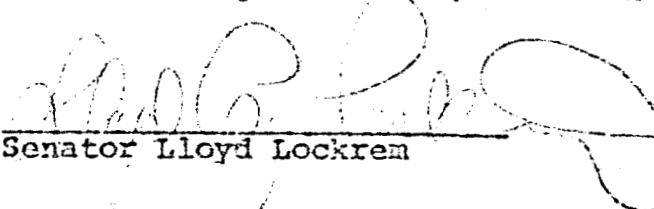
H. Robbins (Watt)

Respectfully report as follows: That House Bill No. 113

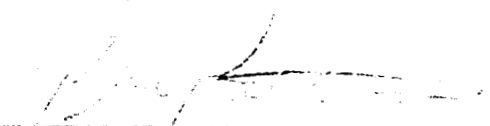
third reading bill, be amended as follows:

1. Page 2, line 4.
Following: "shall"
Strike: "MAY"
Insert: "shall"

Senator George McCallum, Chairman



Senator Lloyd Lockrem



Senator Bob Peterson

Senator Pete Story

..... Senator Robert Watt
Chairman.

And, as so amended,
EXPASS BE NOT CONCURRED IN

PA.

STANDING COMMITTEE REPORT

March 5 19 79

MR. President;

minority
We, your Committee on Local Government

having had under consideration House Bill No. 118

H. Robbins (Watt)

Respectfully report as follows: That House Bill No. 118,

third reading bill, be amended as follows:

1. Page 2, line 4.
Following: "shall"
Strike: "MAY"
Insert: "shall"

Senator Max Conover

Senator A. T. (Tom) Rasmussen

Senator Bill Thomas

~~UNLESS~~ And, as so amended, BE CONCURRED IN

GA.

STANDING COMMITTEE REPORT

.....March 3..... 19...79....

MR.President:.....

We, your committee onLocal Government.....

having had under considerationHouse..... Bill No. 126.....

Nathe (Story)

Respectfully report as follows: That.....House..... Bill No. 126.....

BE CONCURRED IN

DO PASS
XXXXXXXX

GO.

STANDING COMMITTEE REPORT

..... March 3 19 79

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 391

Hemstad (Lockren)

Respectfully report as follows: That House Bill No. 391

DO PASS

BE CONCURRED IN

Pl.

STANDING COMMITTEE REPORT

March 3

19 79

MR.President:.....

We, your committee on.....Local Government.....

having had under consideration.....House.....

Bill No. 670

O'Connell (O'Hara)

Respectfully report as follows: That.....House.....

Bill No. 670

BE CONCURRED IN

DO PASS

M.

STANDING COMMITTEE REPORT

March 3

1979

MR. President:

We, your committee on Local Government

having had under consideration House Bill No. 330

Manuel (Thomas)

Respectfully report as follows: That House Bill No. 330,

third reading bill, be amended as follows:

1. Title, line 5.

Following: "LEVY;"

Insert: "AND"

2. Page 1, line 11.

Following: "exceed"

Strike: "5"

Insert: "4"

3. Page 1, line 14.

Following: "bridges"

Insert: ", which includes those bridges within the municipalities"

And, as so amended,

BE CONCURRED IN

DE GRASSI



NAME: Julia Erman DATE: Mar. 3, 1979

ADDRESS: Courthouse Philipshurg, Mt.

PHONE: 859-3621

REPRESENTING WHOM? own office of Superintendent of Schools

APPEARING ON WHICH PROPOSAL: HB 118

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Who will bear the cost of contracting
services out? the county or school
district

NAME: JERRY E. STRONG DATE: 3-3-79

ADDRESS: 5579 Hiway 12 W. Helena, MONTANA 59601

PHONE: 442-1293 ^{Home} 442-1634 ^{Business}

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: 118

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: the office of County Superintendent of Schools
needs more qualifications not less. This office has
to deal with TRANSPORTATION, boundary, Budget, curriculum,
special education, grant programs, and legal advice to school
boards on school law. A vital need for small districts
is the expertise on curriculum development. And school
plant planning. Mill Leys are of prime concern to
the tax payer and a qualified person can explain where
the money is to be spent. What is performance objectives
fixed costs, behavioral objectives, "Loco Parentis", P.P.B.S.,
the self concept test? These are areas of concern to

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Public Schools.

Planning Programming Budgeting
System

NAME: Genevieve Girard DATE: 3-3-79

ADDRESS: Lake County of Schools Council, 1000 Polaris
Home 1247 3777

PHONE: Office 883-2401 Home 883-4411

REPRESENTING WHOM? Int. Assoc. of Co. School Super.

APPEARING ON WHICH PROPOSAL: HB. 118

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jean B. Ellison DATE: 3-3-79

ADDRESS: White Sulphur Springs

PHONE: 547-3662 Office

REPRESENTING WHOM? Mt. Assoc. Co. School Dist. 5

APPEARING ON WHICH PROPOSAL: H.B. 118

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: ~~Withdraw~~

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mike Stepe DATE: 3-3-79

ADDRESS: 1802 11th Ave HLN

PHONE: 442-5209

REPRESENTING WHOM? MT Assoc of Counties

APPEARING ON WHICH PROPOSAL: HB 118

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Qualification is county
superintendents should be covered
with consolidation.

NAME: Lyle Eggum DATE: 3 Mar 79

ADDRESS: Capital Bldg, Helena

PHONE: 449-2418

REPRESENTING WHOM? Office of Public Instruction

APPEARING ON WHICH PROPOSAL: HB 118

DO YOU: SUPPORT? ^{if amended.} AMEND? OPPOSE?

COMMENTS: HB 118 assures in the five counties
who have presently combined the office
that a qualified person will supervise
the instruction and school program in
schools who do not employ a district administrator.

Page 2 line 4 - The word may
has to be shall to meet the intent of this
bill. I respectfully suggest this change
or amendment be made. With the amendment
the Supt of Public Instruction and staff can support
the bill.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: William J. Opitz DATE: March 3, 1979

ADDRESS: 2 Wood Ct Helena, Mont.

PHONE: 443-3624

REPRESENTING WHOM? M+ PSC

APPEARING ON WHICH PROPOSAL: HB-126

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The PSC has not controlled the rates on locks or wharves for at least 20 years that I am aware of. This statute has outlived its usefulness, which was probably necessary in the early 1900's when ~~most~~ river crossings were few & far between.

NAME: DAVE GOSS DATE: 3/3/79

ADDRESS: P.O. Box 1178 - Billings 59103

PHONE: 248-7511

REPRESENTING WHOM? City of Billings

APPEARING ON WHICH PROPOSAL: HB 61

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: Prepared statement submitted

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mike Stephen DATE: 3-3-79

ADDRESS: 1802 11th Ave. Helena

PHONE: 442 5209

REPRESENTING WHOM? MT Assoc. of Counties

APPEARING ON WHICH PROPOSAL: HB 330

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: County ^{budget} services are at
a Max in 60% of Montana's
Counties.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

January 23, 1979

Three counties in Montana have consolidated the office of County Superintendent of Schools with another county office. These situations have created a problem in these three counties. To hold a consolidated office where the the county Superintendent of Schools is consolidated with another county office, a candidate must have the teaching qualifications prescribed in 20-3-201, MCA.

To find a solution to this problem, Representative Hershhal Robbins requested the Legislative Council to conduct a poll to determine the feasibility of waving the requirements of 20-3-201 when the County Superintendent is consolidated with another county office. The results are explained below.

Since the enactment of House Bill 118 would only affect rural counties, only counties having no major population centers were polled. Rural counties, therefore, were defined as those counties with no cities or towns with 2,500 or more people. Thirty-one counties met this criterion and include: Blaine, Broadwater, Carbon, Carter, Daniels, Garfield, Golden Valley, Granite, Jefferson, Judith Basin, Lake, Liberty, McCone, Madison, Meagher, Mineral, Musselshell, Petroleum, Phillips, Powder River, Prairie, Ravalli, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Treasure, Wheatland, and Wibaux.¹ Twenty-one of these counties responded for a sixty-five per cent response rate.

Most of the respondents felt that the duties of County Superintendent of Schools listed in state law either required too little or ample part of their working day. When asked whether the duties for County Superintendent of Schools occupied "too much", "too little", or an "ample" part of their working day. Ninety-five per cent (20)

responded too little or ample, and five percent (1) responded "too much". This indicates that the duties may be assumed by another office if most duties of the office are similar to the County Superintendent's office.

To determine whether a County Superintendent's duties might be assumed by another office, the respondent was asked to rank their most important duty. It appears that budget and finance duties are the most important duty. Fifty-two percent (11) of the respondents listed budget and finance responsibilities as the most important duties of the County Superintendent of Schools. Twenty-four percent (5) listed all the duties of a County Superintendent as equally important, and twenty-four percent (5) listed various other duties such as, visiting schools within the district, as the most important duty of a County Superintendent of Schools. (This included two respondents who said none of the duties listed in state law are important.)

The duties listed in 20-3-207 are duties that definitely require the qualifications of a teacher. To determine which of these duties demanded most of a County Superintendent's time, the respondent was asked how much time he spent performing each of the functions listed in 20-3-207, MCA. The result is that all respondents spend less than 10% of their time performing all but one of these duties. Forty-two percent reported they spend between eleven and over fifty percent of their time visiting schools in their districts.

Conclusion

The poll indicates that most rural County Superintendent of

Schools spend most of their time working on budget and finance matters. This would indicate that an office which performs similar duties could possibly assume a rural County Superintendent's duties. In addition, the poll indicates the major area where services may have to be contracted from a person with the qualifications of 20-3-201, MCA, is visiting and observing schools within the county.

1. Source: Departemnt of Community Affairs, p. 28-12, Population and Land Areas of Counties: 1970 and 1960.

10 Feb 79

Prepared by
Lyle Eggen
Office of Public

Re: Robbins:

I ran a county by county chart that compares number of schools to the estimated 1976 population.

It appears that any kind of amendment that uses a population cut off would create more problems than now exist.

As an example if 2500 population was used as a cut off these counties would pose a question -

Carter with 9 rural schools

Garfield with 13 rural schools

M^o Cone with 5 rural schools

Powder River with 10 rural schools.

On the other hand these counties have few rural schools yet higher population than 2500.

Deer Lodge with 1 rural school

Glacier with 1 rural school

Lewis and Clark with 4 rural schools

Ravalli with 0 rural school

Roosevelt with 0 rural school

Silver Bow with 3 rural schools

Valley with 1 rural school

Big Horn with 3 rural schools

Broadwater	with 2	rural schools
Fallon	with 1	
Granite	with 1	
Judith Basin	with 1	
Madison	with 1	
Mineral	with 1	
Musselshell	with 1	
Pondera	with 2	
Sheridan	with 1	
Stillwater	with 3	
Toole	with 3	
Jefferson	with 3	
Carbon	with 4	
Hill	with 4	
Phillips	with 4	
Richland	with 4	
Rosbud	with 4	
Sweet Grass	with 4	
Teton	with 4	

Summary

27 Counties over 2500 population have 7 or less rural schools

2 have 0, 10 have 1, 2 have 2, 5 have 3, and 8 have 4

There are eleven counties with 2500 or less population

County	total schools	Rural
Carter	12	9
Garfield	15	13
Golden Valley	4	0
Liberty	5	1
Meagher	4	2
Petroleum	2	0
Prairie	3	1
Treasure	2	0
Wheatland	6	2
Wibaux	2	0
Powder River	12	10

It is my conclusion that each county has to make the decision about combined offices. I don't see any way to play a numbers game in legislation. Your bill provides the option to counties. The counties will have to weigh cost factors of contracting services to see if in fact there is a savings in dollars.

Section 3. Forms of government. (1) The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such units, and altering their boundaries. The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question.

(2) One optional form of county government includes, but is not limited to, the election of three county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator. The terms, qualifications, duties, and compensation of those offices shall be provided by law. The Board of county commissioners may consolidate two or more such offices. The Boards of two or more counties may provide for a joint office and for the election of one official to perform the duties of any such office in those counties.

Convention Notes

New provision directing legislature to provide alternative forms of city and county or city-county governments, one of which must be the "traditional" form including the elected officials listed. Two or

more counties may agree to elect one official to serve a multicounty area. Offices within counties are subject to consolidation. [See Art. XVI, secs. 4, 5, 6, 7, 8.]

Section 4. General powers. (1) A local government unit without self-government powers has the following general powers:

(a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.

(b) A county has legislative, administrative, and other powers provided or implied by law.

(c) Other local government units have powers provided by law.

(2) The powers of incorporated cities and towns and counties shall be liberally construed.

Convention Notes

New provision allowing legislature to grant legislative, administrative and other powers to local government units.

Section 5. Self-government charters. (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

(a) Initiated by petition in the local government unit or combination of units; or

(b) Called by the governing body of the local government unit or combination of units.

TO: Local Government Committee of the Senate and Senate Officers
FROM: Montana Association of County Superintendents
RE: HB 118
DATE: March 3, 1979

Since it is impossible for some 50 county superintendents to make the trip to this hearing, we who live in closer proximity to Helena are speaking for the Montana Association of County Superintendents as a whole. We want the committee to realize that our first concern is for the students of our state. Some of us here today, as well as a number at work in their home counties, may be among the retirees in a few years. The younger superintendents could, in many cases, have opted to enter the active teaching field where the financial remuneration may have been above what they are now getting, if that had been their primary goal. And these younger people are products of our modern-day educational system which, as you know, is filled with more complicated information than a generation or two ago. Many county superintendents are in the process now of working towards higher degrees, if they did not hold them before, because more training, not less, is seen to be necessary.

Therefore, we feel that removal of qualifications for county superintendent opens the door to further consolidation of offices which would leave many schools, school boards and clerks, teachers and students without benefit of supervision and assistance by a qualified person in the educational field.

Again, our first concern is to serve the students. In serving them, we are also directly and indirectly involved with these other groups -- teachers, parents, trustees, taxpayers. Actual on-the-spot supervision at the schools is only a part--but, of course, an important part-- of these involvements. This supervision is not exclusively on-the-scene duty for so many days per semester as required for accreditation reporting. It can involve extra visits, telephone calls, requests and questions in person by teachers, parents, trustees and others. It involves such topics as teaching methods, discipline and disciplinary action, curriculum planning, policy, individual student needs, testing. It often involves time and thought and action beyond the confines of an 8-hour day. These same elements are, at times, brought to a county superintendent through channels other than the rural Class III school situations. An often-quoted fallacy is that county superintendents are NOT needed where there are no longer any rural third class schools without superintendents. We deal with

parents, teachers, trustees and the general public in the larger districts also, though not necessarily in the official supervisory areas. These people come to the county superintendent with various types of education-related questions and problems. Sometimes we are merely sounding boards. Sometimes we act as a referral agency. Sometimes we find the answers from other sources, giving out impartial information to the public. You might say, "And we need a qualified county superintendent for THIS?" And WE say, "We are here NOW, not a day or a week later when a consultant can be called in. We can lend that empathetic, listening ear; we can often provide the solution immediately or know what steps to take next, based on past experience or based on information obtained through other educational channels."

We feel that this is an important aspect of our job that requires expertise in the education field, that requires a degree of finesse in dealing with people, that requires a qualified and certified person who is ON THE JOB WHEN THE NEED ARISES.

TO: Local Government Committee of the Senate and Senate Officers
FROM: Montana Association of County Superintendents
RE: HB 118
DATE: March 3, 1979

Part II

Much of our work is done in an intermediary capacity as an agency between the local district and the state office. It would be foolish of us not to admit that much of this liaison work involves fiscal transferrals among the various local and state agencies, paperwork which could be checked and mailed by non-school people. What we do admit, with no apologies, is the strong conviction that we, trained in school work, can better ASSESS the COMPLICATIONS of these school reports, budgets, transportation and tuition contracts, etc., as they are transmitted from local to state and vice versa, finding in this double check system, any worthwhile applications to the schools involved. Why make it necessary, as in the passage of HB 118, for someone OUTSIDE of education to be trained in the GENERAL aspects of the bookwork where the less obvious insights might then be innocently by-passed, through lack of educational training, possibly to the detriment of the students and the school system.

In the past decade there have been innumerable new responsibilities placed on the office of county superintendent. One of these involves the county superintendent as a hearing officer in matters of special education for the handicapped as relating to Public Law 94-142. Training sessions for such hearings have been held this year for county superintendents and other administrators, trustees and interested lay people. Many such hearings have been conducted already by county superintendents and many are in the offing. There would be certain superintendents here today were it not for in-progress and up-coming hearings of this type. These officials involved have realized that, even WITH their educational background, much study and expertise is required to handle such situations. The county superintendents have heretofore handled other types of hearings also, such as those relating to transportation, tuition, district boundaries, school policy, etc. Even though we certainly cannot say that we are all-knowing in these matters, we do feel that a person TRAINED in these educational facets and ON THE JOB AT THE TIME can better serve as a hearing officer than one who is untrained or one who is qualified and trying to unravel the problem without being previously involved. It is even conceivable that in a consolidated office, some of the vital duties might fall on the shoulders of a person without a high school diploma. This

is not to put down such a person's inherent and acquired ability but to emphasize that training and experience are logically vital forces in dealing with most any problem and certainly a necessity in maintaining and improving Montana's educational framework.

Another newly developed trend is that of federal programs, coming not only to the larger systems but also to the smaller districts. Here the assistance of a county superintendent is valuable, and, again -- though these projects have fiscal overtones -- an educator could most certainly provide better insights as to the needs of the students and the schools involved.

The increase in the number of private schools is an area also where there may be a continuing need for the services of a county superintendent. Presently, many superintendents give assistance to such schools as those maintained by the Hutterite colonies. The full impact of this trend can probably be assessed at a later time; however, the need would seem to be for people experienced and trained in the educational field and understanding the educational environment in its many facets.

Granite County Superintendent of Schools

COURTHOUSE
PHILIPSBURG, MONTANA 59858



Mr. Chairman:
Members of the Committee of Local Government:

I am Julie Enman, Granite County Superintendent of Schools.

My concern with House Bill 118 is the unknown cost of contracting the services, who will be responsible for the costs, as well as meeting all the requirements of Montana School Laws and the State Board of Education requirements for accreditation.

Who will be the paymaster for the person to go to the school board meetings to help write school policy, philosophy, goals and objectives, solve disputes as well as check on transportation contracts for individual families, settle tuition disagreements, district boundary changes, a teacher controversy, or a community/parent and school misunderstanding. Not only would the person need to have an educational background to understand the situation, but also, these meetings are held on set dates in the evening and last many hours into the night. Who will pay and at what rates determined in which manner?

Who will be the paymaster for the hours spent supervising and evaluating teachers; provide and do the testing of students; research and set-up inservice training for teachers; helping the school clerk in bookkeeping procedures; filling out and filing, checking and correcting the many reports required by the Office of Public Instruction? I might add, that it takes a special type of personality to work with school personnel effectively.

If the office of County Superintendent of schools were to be consolidated with another county office, the cost of that office would be increased tremendously to provide personnel to work on school reports and answering the telephone and the mail, because this takes much time and cannot be allowed to go begging nor undone. The county offices have their work load increased in the past years through changes in various aspects and requirements of their duties and responsibilities and would not be allowed to do a half-hearted job to fulfill their commitment. Neither should school business be allowed to go undone.

One last question: Since P.L. 94-142 is in effect, who will hear the Special Education Hearings? Montana Law says the County Superintendent shall hear all school controversies. And that the State Superintendent can hear only those appeals that have been heard by a County Superintendent. The hours and cost of a hearing will have to be met. Who will be responsible for meeting that cost? How will the rules and regulations be changed to meet school law and State Board of Education requirements? What will be that cost? Who will pay?

LEAGUE OF WOMEN VOTERS OF MONTANA

March 3, 1979

The League of Women Voters of Montana supports HB61, An act to insure that statutes imposing new local government duties provide a specific means of financing; amending section 1-2-11, MCA.

A comparison of the present situation is like parents sending their child to the store for a loaf of bread and not giving him any money to buy it. The child is in a dilemma; should he buy the loaf of bread with his own allowance or the tablet and pencil. The local governments are in a similar dilemma and have been for several years. The State mandates a certain project for them to carry out but does not provide the funds to do it.

Most of the revenue for counties comes from property taxes, with smaller amounts from licensing fees, interest, federal revenue sharing and payments in lieu of taxes on federal land. Cities revenues come from property taxes, fees for service such as water and sewer, fines, fees, licenses, administrative charges, parking and federal revenue sharing. To provide for future programs mandated by the State statutes, the local governments would have to raise property taxes which are too high now according to most taxpayers. There is also a limit on taxation mills.

The city and county residents pay State taxes as well as local taxes and it is only fair that when the State requires a program or project for the local governments to provide, that the State be responsible for the funding.

This bill is more timely now as cities and counties' fiscal responsibilities are expanding and the local revenues can not keep pace.

The League feels the time has come for the State of Montana to financially support its new programs and services that the local governments must provide.

Presented by Eva Spaulding



CITY OF BILLINGS

220 NORTH 27TH STREET
P O BOX 1178
BILLINGS, MONTANA 59103
PHONE (406) 248-7511

The City of Billings supports HB 61 which would clarify present State law and help in increasing recognition of some of the problems local governments face.

I would like to point out that State mandated costs account for nearly 15% of the total expenditures for the City of Billings. This amounts to an excess of 16 mills or the equivalent of \$1.5 million annually. Some of this amount the City would probably enter into anyway however any increase in this burden presents very real financial and political problems at the local level.

We would strongly prefer that any possible financial impact of legislation be closely studied by those proposing it. This bill would encourage this study, help elicit local government comments and assist all of us to better understand the impact of pending legislation.

For these reasons we strongly support HB 61 and urge its passage.

#HB 330

COUNTY BRIDGE LEVY

Mike Steen

X

Counties are authorized by law to levy 5 mills for the maintenance, construction and repair of public bridges. An additional levy is authorized depending on taxable value and total feet of bridges in the county. Approximately 44 counties were at the maximum permitted levy last year with more counties reaching the maximum this year.

With the increased load capacity of ~~new~~ trucks today and the existing rate of inflation, counties have been unable to keep up with their responsibility on public bridges. Therefore, counties are requesting an increase in the permitted levy.

The proposal would increase the basic levy to 5 mills with an increase in the valuation for the special levy from \$4 million to \$20 million and from \$20 million to \$40 million.

1965 lent time

Bridges - made for lighter loads
coverage immunity

PERSON IN CITIES USE BRIDGES IN COUNTY

RURAL COUNTY

What's

Counties with larger cities
do not levy full amount
in law

*House Bill No. 330
Amended by request*

1 INTRODUCTION BY
2 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE
3 PERMISSIVE COUNTY BRIDGE LEVY; AMENDING SECTION 7-14-2502,
4 MCA."

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
6 Section 1. Section 7-14-2502, MCA, is amended to read:
7 "7-14-2502. Special bridge tax authorized. (1) Each
8 board may levy a special tax not to exceed 3.5 mills on all
9 taxable property in the county for the purpose of
10 constructing, maintaining, and repairing free public
11 bridges, *which shall include in County*

12 (2) An additional levy for these purposes may be made
13 under the following conditions:
14 (a) In any county where the total linear feet of
15 bridges or bridge construction is more than 4,000 and the
16 taxable value of property in that county is \$4.120 million
17 or less, the board may, if necessary, levy 1 mill.

18 (b) In counties where the total linear feet of bridges
19 or bridge construction is more than 6,000 and the taxable
20 value of property in that county is not less than \$4.120
21 million or more than \$20.140 million, the board may, if
22 necessary, levy 2 mills.

Whitefile 3 major illuets

1 (3) For the purposes of this section, a free public
2 bridge is defined as any drainage structure located on,
3 over, or through any road or highway.
4 (4) These taxes must be levied and collected in the
5 same manner as other taxes. The money shall be kept as a
6 special bridge fund, subject to the order of the board for
7 use as herein provided, and shall not be transferable to any
8 other funds."

-End-

TESTIMONY ON BILL TO INCREASE THE BRIDGE LEVY
PRESENTED ON BEHALF OF THE HELENA CITY COMMISSION

During the past 10 years property owners within the City of Helena have contributed in excess of \$750,000 to the County bridge fund. During this time not one dollar of these funds have been spent within the City of Helena. The funds have been used to maintain and build bridges in the unincorporated areas of the County and also to maintain major drainage structures underneath the public roads. During the same period of time owners of property within the City have provided several million dollars to build and maintain their own bridges and major drainage structures underneath public streets and roads.

On several occasions the City has appealed to the County to use some of their bridge fund within the City, and at one time offered to enter into an agreement with the County if they would provide the City 10% of the funds collected within the City, the City would agree to assume all the responsibilities for bridge construction and maintenance within the City. The County has steadfastly declined to use any portion of the bridge funds for work within the City of Helena.

The City of Helena would like to offer an amendment which would permit cities to exempt themselves from the bridge levy.

It is important to point out that this amendment would provide that option and would not disrupt situations where cities and counties have joined together through the bridge fund to provide the bridge program for the total county including incorporated cities.

We are in support of the bill that is before you with this amendment to provide equity for owners of property within cities.

City of Helena, Montana

Testimony - Bridge Levy
Page Two

I am sure you all recognize that under existing law the counties cannot levy a road levy inside cities, and in many instances there is a very thin line between a road and a bridge. There is a bill currently in the Senate Taxation Committee that would provide additional levy authority in the area of roads and streets for county government which we think is related to this particular issue.

Amend House Bill 330, Third Reading copy as follows:

Amend page 2

Add: Subsection(5)

- "(5) A municipality may provide bridge services within its municipal limits and exempt itself from the county bridge levy by adopting a resolution.
- (a) Prior to the adoption of the resolution, the municipal governing body shall give notice and conduct a joint public hearing with the county governing body.
 - (b) A copy of the resolution adopted by a municipal governing body stating the intention of the municipality to exempt itself from the delivery of bridge services from the county shall be delivered to the county governing body at least 90 days prior to the beginning of the fiscal year.
 - (c) The municipality shall assume responsibility for the delivery of bridge services within its limits on the first day of the fiscal year following its adoption. The requirement for the commencement of services at the beginning of the fiscal year and the requirement for a resolution to be delivered to the county governing body at least 90 days prior to the beginning of the fiscal year may be waived by agreement of the governing bodies.
 - (d) After a municipality assumes responsibility for the delivery of bridge services within its incorporated limits, the county may provide bridge services in the area excluding the exempted municipality and may finance the services by levying a tax only on property located outside of the exempted municipality."

There has been a...
an hour for a hearing officer in matters now heard by the...
tendent. Carrying this rate over to all matters requiring a certified
person and contracting with such a person would become expensive. The
hourly rate for a county superintendent's services presently ranges from
\$5 to \$8. The county superintendent does receive an extra \$400 annually
as compared with most of the other county offices. This is a minor
financial burden in the light of a possible \$40 per hour rate.

In one case of consolidation that we know of, the double office has been
in existence since January. If the situation is the same now as six weeks
ago, there has been a financial saving, because no salary adjustment has
been made for the person handling both offices. Moreover, only the regular
help has been doing the work...the regular help in the other office, not
what had been in the county superintendent's office. This regular help
included a CETA worker who was trained in the office for one year and was
dismissed when the year was up March 1.

The elected official was becoming aware of the insurmountable work involved
in the school job....without sufficient assistance....added to the duties
of the second office. Something would have to be sacrificed and that
something could not be the fiscal responsibilities. The other alternative
would be hiring a consultant on an intermittent basis or increasing the
permanent staff.

Another case in point, where a similar situation exists, work requiring the
qualifications of a county superintendent is contracted out to the person
who formerly held the office. For a few years this method undoubtedly would
allow for continuity of action and be fairly satisfactory. However the former
county superintendent could not be expected to keep informed on new procedure
and laws or keep abreast of controversies and problems as they develop to the
point where qualified leadership might be required. In addition, within five
years the former superintendent's certificate will be expiring. Then what?

In another county, the principal with whom the county contracted found the
workload so great his school board would no longer allow him to play a
double role. The possible conflict of interest if a local school adminis-
trator is contracted with is also inherent in this proposal. We question
the over-all advantages in such a situation....economically AND educationally.
HB 118 has been amended to say line 4 page 2 - vide...
The work done by the office of county superintendent will be done, if not
locally, by the State. Do we wish to lose local control?

From...
In brief, then, we of the Montana Association of County School Superintendents
urge you to consider our reasoning in opposing HB 118:

That the county superintendent's training and experience are necessary
elements in the continuance of Montana's educational system and its
constant improvements;

That county superintendents are available WHEN NEEDED to perform the
jobs peculiar to education AS WELL as the jobs of general fiscal
importance;

That our duties pertain in various ways to other segments of education,
and NOT ONLY to those concerning Class III schools without superintendents,
such segments as hearings, federal programs, intermediary liaison, school
cooperatives, private school monitoring;

That Montana's primary and secondary needs would be met more competently
and as economically, or possibly more economically in the long run, by
leaving the qualifications of the office of county superintendent as
they NOW ARE, rather than waiving them as in the provisions of HB 118.