

HOUSE EDUCATION COMMITTEE

January 26, 1983

The meeting was called to order by Chairman Fritz Daily in room 420 of the Capitol Building, at 12:30 p.m., with all members present.

Chairman Daily opened the meeting to a hearing on House Bills: 372, 273, and 274.

HOUSE BILL 372

REPRESENTATIVE JOE QUILICI, District 84, Butte, opened by stating this bill asks that a school trustee is entitled to compensation for any loss of income that results when the trustee may take leave from the regularly scheduled job. I know trustees that have been called out to attend meetings. When they are, they have to lose a shift at work. With the way things are now, it is pretty tough to leave and give up a shift to attend a meeting. A trustee is entitled to hourly compensation, not to exceed the hourly rate of pay of the county superintendent. A base scale is needed to compensate these people. We took the rate of pay for county superintendents. The county governing body shall set the pay of the county superintendent. In first through fifth class counties, the monthly salary is approximately \$14,000. per year, which works out to be about \$9.10 per hour. The trustees are not going to make anything on this, but it will give them a chance to be reimbursed for attending these meetings. In sixth and seventh class counties, the county superintendents make a base of \$12,000. In this case, the hourly rate would be \$6.72. At the last school board election, we had quite a time getting people to run for the school board. A lay person cannot afford to leave work and not be compensated.

There were no proponents.

There were no opponents.

Rep. Quilici closed.

Questions from committee. Rep. Donaldson asked what the cost would be across the state. Rep. Quilici replied It will be difficult to come up with an accurate fiscal note because if a trustee is working day shifts and the meetings are in the evening, they wouldn't be compensated. They aren't paid for a full shift, just the time they lost.

Rep. Daily commented it involves the local trustees and not the state, so it won't cost the state any money.

Rep. Eudaily said if we impose a law, we have to give them the money to do it.

HOUSE EDUCATION COMMITTEE MINUTES
January 26, 1983, page 2

Rep. Keenan asked Rep. Quilici if negotiating with a teachers group would be included. The reply was attending special meetings would be included.

Rep. Donaldson asked Rep. Quilici what is meant by regularly scheduled employment. The answer was a trustee is entitled, but it is up to that trustee to use some discretion and take into consideration whether or not compensation is lost because of attendance at the meeting.

Chairman Daily commented you are not saying everyone must be compensated, you are saying they are entitled to it. This would be up to the local school board.

Rep. Eudaily asked Rep. Quilici if a discriminatory situation would be set up, is the case of a housewife, for example. The response was I don't think the idea of this act is to give pay to the Board of Trustees. It is to compensate those lay people who want a chance to be on the board. If they take off some time from their jobs, they should be compensated. The whole idea is to make it easier for qualified lay people to be able to run for the school board.

Rep. Sands asked if the intention is to deal with special session situations where meetings have to be called for emergencies, or if it is to provide assistance for school boards to be called in the day time. Rep. Quilici replied our school board meets at 7:00 p.m., that would remain the same regardless of hourly compensation.

Rep. Sands said I am also concerned with the language. It seems to me it says a trustee is entitled, and therefore, you are creating a legal right for that trustee to receive compensation. It doesn't say that this is conditioned upon approval of the Board of Trustees. Rep. Quilici replied the trustee would be compensated only under circumstances for which he was entitled.

Chairman Daily closed the hearing on House Bill 372 at 12:50 p.m.

HOUSE BILL 273

REPRESENTATIVE RAY PECK, District 8, Havre, opened by saying I am sponsoring this bill at the request of the school business managers. This is an authorization to allow the trustees in the school district the authority to conduct the school elections so that it would improve the efficiency in the election process. It is presently done in a number of counties under a mutual arrangement. This bill would legalize this arrangement. The school trustees are now, by law, the supervisory body. It is

HOUSE EDUCATION COMMITTEE MINUTES

January 26, 1983, page 3

not the intent of the bill to give the school the authority to demand the county administrator to conduct the school election, but merely to authorize them to do this jointly.

PROPOSERS

MARGARET DAVIS, League of Women Voters, said we are concerned over the word assign. An alternate word would reduce the appearance that this function could be given to the election administrators. We are also concerned that the election procedures parallel those that are in title 13, particularly in the preparation of election materials. The committee might look at potential conflicts particularly with the definition of political subdivision in the election. This language may need to be corrected in order to make this a workable bill. The idea of having a trained election administrator handling some of these duties would be very appealing. The quality of elections would be assured and amplified for those school district clerks who are presently employees (see exhibit 1, written testimony)

DICK REICH, Billings, said as clerks of a school district, we are also the election administrator for county schools. All of our information for election procedures comes from the county election administrator who works very closely with us in preparation. He prepares the registers of election voters, due dates, and works with us in election administration. All we really do is monitor the election procedure the day of the election. The election administrator has the expertise for this area. It is a cost and time saving factor.

OPPOSERS

JOANNE M. PERES, Montana Association of Clerks and Records, submitted written copies of her testimony. (see exhibit 2)

Rep. Peck closed.

Questions from committee. Rep. Eudaily state I am still concerned with the word assigned. The district could just tell the election administrator to do it. I would much rather see the word request instead. In a rural area, this would be terrific. If we used the word request, I could support the bill. Rep. Peck stated that he is in agreement with Rep. Eudaily.

Rep. Donaldson asked Ms. Peres if it would be helpful if the request was made prior to the fiscal year. She answered it would almost have to be that way. Our final budget is the final week of August. By the first of June, we would need this information.

Chairman Daily closed the hearing on House Bill 273 at 1:05 p.m.

HOUSE EDUCATION COMMITTEE MINUTES
January 26, 1983, page 4

HOUSE BILL 274

REPRESENTATIVE RAY PECK, District 8, Harve, opened by saying the law now says that the county treasurers will provide quarterly statements to the school districts. This bill changes quarterly to monthly. It would be better for the school districts to be able to balance their budgets on a monthly basis.

PROPOSERS

CHARLES GRAVELEY, County Treasurers, said this bill would create no problems for the treasurers whatsoever. We have no objections to the change.

There were no opponents.

Rep. Peck closed.

There were no questions from committee.

Chairman Daily closed the hearing on House Bill 274 at 1:20 p.m.

EXECUTIVE SESSION

HOUSE BILL 274

Rep. Keenan moved House Bill 274, DO PASS, the motion carried unanimously.

HOUSE BILL 273

Rep. Peck moved House Bill 273, DO PASS.

Rep. Peck moved to amend the bill to change assign to request throughout the bill and to include June 1 as the effective date, the motion carried unanimously.

Rep. Peck moved House Bill 273, DO PASS as amended.

Chairman Daily commented we have had elections that have been conducted with the regular elections, a bond issue for example. We didn't know that the bond issue was going to be in the ballot until two months before the elections. Under these amendments, and under this proposed bill, could they still do that? Rep. Peck answered as long as the election is requested 40 days in advance.

The motion by Rep. Peck carried unanimously.

HOUSE BILL 93

Rep. Donaldson moved House Bill 93 be tabled, the motion passed unanimously.

HOUSE EDUCATION COMMITTEE MINUTES
January 26, 1983, page 5

HOUSE BILL 372

Rep. Eudaily moved House Bill 372, DO NOT PASS.

Rep. Peck asked if the conventions attended by trustees would fall under the item of conducting business of the trustees, and if meetings would be moved from night to day. Rep. Peck commented I think the intent is good, but I have some reservations on these points.

Rep. Daily commented the intent of the bill is to try to get qualified people to run for the school board. If we decide we want to pursue this idea in a different manner, we may want to have a committee bill.

Rep. Lory made a substitute motion to table House Bill 372, the motion carried unanimously.

HOUSE BILL 110

Chairman Daily moved House Bill 110, DO PASS.

Rep. Donaldson moved the amendments to House Bill 110.

Rep. Donaldson stated the amendments take the money and put it in the hands of a committee dealing with the Arts Society and the Historical Society. It would allow the committee to monitor those budgets. This is a more appropriate place to deal with this money.

The amendments moved by Rep. Donaldson passed 15 to 1, with Rep. Yardley voting no, and Rep. Hammond abstaining.

Rep. Hannah proposed an amendment to strike lines 4, 5, 6, and 7 from the bill. Rep. Hannah moved the amendment.

Rep. Lory said that is not very much to reimburse these people. This is a small compensation for the time they put in.

Rep. Schye commented that the people working on this council are very concerned and this would not be much to compensate for their work.

The amendment moved by Rep. Hannah failed 11 to 5, with Representatives Hannah, Miller, Donaldson, Sands and Kitselman voting yes.

Rep. Donaldson moved House Bill 110 DO PASS as amended, the motion passed 16 to 1, with Rep. Hannah voting no.

Rep. Lory moved to reconsider House Bill 110 and discuss the statement of intent. The motion passed unanimously.

HOUSE EDUCATION COMMITTEE MINUTES
January 26, 1983, page 6

Rep. Lory moved House Bill 110, DO PASS as amended, with the statement of intent attached. (see exhibit 3) The motion carried unanimously.

HOUSE BILL 315

Rep. Lory moved House Bill 315, DO PASS.

Rep. Peck said I am concerned about the latter part of the first paragraph, the duplication of city, county, and state.

Rep. Lory said I question structural remodeling.

Rep. Sands commented, it doesn't seem that this amendment addresses the basic question of requirement in every instance. There are many instances where the local building codes do not require review and this would require it in all cases.

Rep. Kadas said the intent was that every time a school had to make a change, they didn't have to apply to the state, they could just go through the local government.

Rep. Lory moved to pass House Bill 315 for the day, the motion carried unanimously.

HOUSE BILL 196

Rep. Peck moved House Bill 196, DO PASS.

Rep. Lory moved to amend House Bill 196 to change the word rules to policies.

Rep. Kadas remarked I support the amendment for reasons of consistency.

The amendment proposed by Rep. Lory passed unanimously.

Rep. Miller commented I see the bill as adding one more additional layer of bureaucracy, and a possible addition of costing us more money.

Rep. Yardley said the Board of Public Education is the policy making body in the state, and I think this is where this policy should be made. I am convinced no cost would materialize on the fiscal note if this bill is passed.

Rep. Peck commented I know of only one program that is not governed by the Board of Public Education, and that is Vocational Education. They are still under the guidance of the Office of Public Instruction. There should be policies that govern any program. We are not creating any positions or anything different. We are just developing

HOUSE EDUCATION COMMITTEE MINUTES

January 26, 1983, page 7


consistency. The State Superintendent will recommend them to the Board of Public Education. They are ruling over the Office of Public Instruction when there is no need for them to be doing so. It is merely saying we are going to have a statewide policy. This program is for the public schools, K through 12, and this is where the Board of Public Education has their responsibility.

Chairman Daily asked if the Superintendent of Public Instruction will still administer the programs. Rep. Peck responded the board will write recommendations that might be the same as OPI, or they may change them all.

Chairman Daily asked if we are not having any problems, why change? Rep. Peck said every program has a statement dealing with policy. It described program goals and projects, it would be incorporated into the handbook.

Rep. Peck moved to pass House Bill 196 until the next meeting, the motion carried unanimously.

Chairman Daily adjourned the meeting at 2:25 p.m.


FRITZ DAILY, Chairman


Cheryl Fredrickson, secretary

WITNESS STATEMENT

Name W. J. Davis Committee On Education
 Address 917 Harrison Helena Date 26 Jan 83
 Representing LNV of MT Support X
 Bill No. HB 273 Oppose _____
 Amend X

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. good idea but strike all references to "assignment" (pg 1, line 10)
2. (pg 1, line 5) (pg 1, line 24)
 "assign" (pg 1, line 12) (pg 2, line 6)
3. assigned" (pg 1, line 15)
4. and insert "contracting", "contract with"
 "contracted"

(Conflict in Title 13 w/definition of "political subdivision" (13-1-101(13)) which specifically makes an exception for school districts

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Exhibit #2

NAME JOANNE M. PERES BILL No. HB 273
ADDRESS FORT BENTON, MONTANA DATE JANUARY 26, 1983
WHOM DO YOU REPRESENT MONTANA ASSOCIATION OF CLERKS AND RECORDERS
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NEW SECTION IS CONFUSING - CONTRADICTORY WITH STATUTES IN TITLE 13.
20-20-203 - resolution for polling hours - Title 13-13-101 - Election judges to meet at polling places at time set by Election Administrator for example. Many other requirements overlap. 1

NEEDS MORE STUDY

WHEN will (may) trustees of (any?) school district assign the Election Administrator to do this? There's no deadline. Many things to consider: ordering supplies, hiring extra help.

20-20-201(2) relates to printing lists of registered electors under present law, and allowing 35 days to do this in. But if we handle their elections, there is no way it can be done in 35 days. Registration closes 30 days before election, has to be published three weeks, which equals 51 days lead time, and even then is a tight schedule.

No provision for filing nominations with Election Administrator. How do we get lists of candidates to print the ballots? See 20-20-401 15 days prior to election day the Clerk of the School District does the ballot. Can you imagine trying to coordinate all these elections at the same time with all the different School Clerks? A nightmare!

Even though provision is made for all these various districts to reimburse the county, it IS an added expense, both for them and for the county. I have to keep records - separate and apportion out costs of all different kinds for supplies and ballots, judges, etc., and we DO NOT get reimbursed for administration. See 13-1-302(5). Costs may not include services of Election Administrator or capitol expenditures, but because of extra administrative time for me since the enactment of SB 65 in 1979 I have had to increase the staff to do things I no longer have time to do!

I recommend a DO NOT PASS - Remember Election Administrators except for four counties are primarily elected to be Clerk and Recorder. If you continue to pile on duties it's going to be impossible to get anyone half-way competent to even consider the job.

Maybe you should amend 13-1-101(5) which say "Election administrator means the county clerk and recorder or the individual designated by a county governing body," and delete the part that says we are Election administrator unless someone else is designated.

AMENDMENTS TO HB 110

1. Page 4, line 8 through line 16.

Following: "proposals" on line 8 *"agency" on*

Strike: line 8 through ~~line 16~~

Insert: "are heard by the legislative appropriations sub-committee that hears the budget requests of the Montana arts council and the Montana historical society.

(4) Grant proposals approved by the legislature are administered by the Montana arts council

STATEMENT OF INTENT
HOUSE BILL NO. 110

A statement of intent is required for this bill because it grants rulemaking authority to the Montana historical society and the Montana arts council for the purpose of specifying the criteria the advisory committee shall use when evaluating and making recommendation on cultural and aesthetic grant proposals submitted to the legislature.

It is contemplated that the Montana historical society and the Montana arts council will adopt rules that specify the following general criteria that the advisory committee will consider in making recommendations:

- (1) Quality - ability/experience of project staff; excellence of performers.
- (2) Cultural impact - how important is the project to the cultural development of the state? Will the project stimulate a large number of people or a number of communities?
- (3) Project diversity - a variety of different interests and disciplines should be served.
- (4) Geographical diversity - to the extent possible, the grants should assist the entire state.
- (5) Project costs - if grant funds are limited, some preference should be given to projects requiring smaller grants.
- (6) Seed money requests - will a grant enable the project or its sponsors to generate other funds or otherwise to make the project self-supporting?
- (7) Availability/appropriateness - have applicants attempted to procure other funds; are there other sources that are appropriate?
- (8) Self-help - does the applicant seek full funding from coal tax funds, or has he arranged alternate financing to the extent possible?
- (9) Creativity - is the project so innovative, beneficial, and practical that by example it will stimulate other projects?

VISITORS' REGISTER

HOUSE

Education

COMMITTEE

BILL

273

Date _____

1/26/83

SPONSOR

Reck

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

Education

COMMITTEE

BILL

372

Date

126183

SPONSOR

Quilici

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

Education

COMMITTEE

BILL

274

Date _____

1126

SPONSOR

Endaily

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 26, 1983

SPEAKER:

MR.

EDUCATION AND CULTURAL RESOURCES

We, your committee on

having had under consideration HOUSE Bill No. 274

first reading copy (white)
color

"AN ACT REQUIRING THE COUNTY TREASURER OF EACH COUNTY TO GIVE THE TRUSTEES OF EACH SCHOOL DISTRICT A MONTHLY, RATHER THAN QUARTERLY, REPORT SHOWING THE RECEIPTS, EXPENDITURES, AND CASH BALANCES FOR EACH BUDGETED FUND OF THE DISTRICT; AMENDING SECTION 20-9-212, MCA."

Respectfully report as follows: That HOUSE Bill No. 274

DQ PASS.

STANDING COMMITTEE REPORT

1 of 2

January 27,

83

19.....

SPEAKER:

MR.

EDUCATION AND CULTURAL RESOURCES

We, your committee on

HOUSE

273

having had under consideration Bill No.

first

reading copy (**white**)
color

"AN ACT TO ALLOW THE TRUSTEES OF A SCHOOL DISTRICT TO ASSIGN
THE COUNTY ELECTION ADMINISTRATOR TO CONDUCT A SCHOOL ELECTION;
AMENDING SECTION 20-20-401, MCA."

HOUSE

273

Respectfully report as follows: That Bill No.

be amended as follows:

1. Title, line 5.

Following: "TO"

Strike: "ASSIGN"

Insert: "REQUEST"

2. Page 1, line 10.

Following: "Section 1."

Strike: "Assignment"

Insert: "Request"

3. Page 1, line 11.

Following: "(1)"

Strike: "The"

Insert: "By June 1 of each year, the"

~~XXXX~~
DO PASS

January 27, 1983

19.....

4. Page 1, line 12.

Following: "may"

Strike: "assign"

Insert: "request"

5. Page 1, line 13.

Following: "conduct"

Strike: "a"

Insert: "certain"

Following: "school"

Strike: "election"

Insert: "elections during the ensuing school fiscal year"

6. Page 1, line 14 and 15.

Following: "administrator"

Strike: "is" on line 14 through "assigned" on line 15.

Insert: "agrees"

7. Page 1, line 24.

Following: "trustees"

Strike: "assign"

Insert: "request"

8. Page 2, line 6.

Following: "trustees"

Strike: "assign"

Insert: "request"

AND AS AMENDED
DO PASS

		Date: No. HB 25	Date: No.	Date: No.	Date: No.	Date: No.	Date: No.
DONALDSON	P	YES					
EUDAILY	P	YES					
HAMMOND	P	NO					
HANNAH	P	XXX					
KADAS	P	NO					
KEENAN	P	XXX					
KITSELMAN	P	YES					
LORY	P	YES					
MILLER	P	YES					
NILSON	P	NO					
NISBET	P	YES					
PECK	P	NO					
SANDS	P	YES					
SCHYE	P	NO					
YARDLEY	P	YES					
KENNERLY	P	NO					
DAILY	P	NO					