

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By SENATOR CHET BLAYLOCK, on January 14, 1991, at
1:00 P. M.

ROLL CALL

Members Present:

Chet Blaylock, Chairman (D)
Harry Fritz, Vice Chairman (D)
Robert Brown (R)
Bill Farrell (R)
H.W. Hammond (R)
Dennis Nathe (R)
Dick Pinsoneault (D)
Mignon Waterman (D)
Bill Yellowtail (D)

Members Excused:

Staff Present: Eddy McClure (Legislative Council).

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

Announcements/Discussion: none

HEARING ON SB 17

Presentation and Opening Statement by Sponsor:

Several questions have arisen concerning SB 17. One of the
amendments in this bill will cause a great deal of discussion.
For that reason I would like to hold SB over to 1-16-91.

Proponents' Testimony:

none

Opponents' Testimony:

none

Questions From Committee Members:

none

Closing by Sponsor:

none

HEARING ON SB 29

Presentation and Opening Statement by Sponsor:

none

Committee Discussion:

Chairman Blaylock presented a letter from Senator Pinsoneault regarding SB 29. (attached)

Chairman Blaylock reminded committee that Senator Devlin suggested that new school board member begin July 1 but left the setting of the date to the committee's discretion. The reason that Senator Devlin suggested July 1 was because in early spring many decisions are made on the budget and possibly teachers hired. There are some school board members in the state who think that the incumbent should serve until at least July 1.

Senator Blaylock said that he had called Bruce Moeres, MSBA, on the morning of this meeting to see if he and his committee had reached a decision for or against SB 29. Up until now he had not been able to take a position on SB 29 because he had not polled his committee.

Senator Blaylock said that he didn't have any strong feeling on SB 29 but since Senator Waterman has served on school boards, he called upon her for her opinion.

Senator Waterman said that this matter had been discussed for years. She said that part of the problem was that the Helena board was set up differently with nine people who are not elected equally. It does at times raise problems because new trustees start in the middle of a budget process. There has often been discussion about moving the date so there is support for it. Senator Waterman said that she was in general agreement that it be moved but felt that Senator Nathe raised a good issue in wondering if July 1 was the right date. There is still until the fourth Monday in July to set the budget so in the Helena situation, there was the controversy of school closure. If the previous board decided to close the school, the new trustees could in four weeks make a new decision.

However, in moving the date, it might become necessary for a district to move the election and the date that the trustees take office. The proposal that was discussed was the question of being elected at primary election and taking office the end of July.

Senator Waterman raised the question regarding the new school funding bill, what does that do with funding levies? It has always been very important to trustees that they have the opportunity to run three levy elections. She said that she was not certain that it is that critical now that HB 28 has been implemented in that there is a smaller portion of the budget that is being voted on. The 4% is still being risked. Senator Waterman said that she liked the idea of moving the date but was uncertain as to which date was best.

Senator Hammond said that he didn't feel that it made much difference when a newly elected trustee took office because a new trustee is inexperienced no matter when they are elected. Sometimes this type of action is taken by a small group of people having a particular problem with one trustee. The problem might be settled locally without legislation.

Senator Yellowtail said that he thought there should be a change because coming into office in the middle of a budget really is a difficult time to come in and learn and participate. He said that he thought that Senator Devlin's approach in sponsoring SB 29 while well meaning creates another problem and that is by stretching out the time between election and taking office, there is a potential for a real unfortunate lame duck and I hate to see us get into that. He said that he thought that the sensible thing to do in this case is change the election date to be included in the general election.

Senator Pinsoneault said that the school budgeting process is complicated and for a trustee to come in the middle of it is very difficult and they are not at that time fully informed and are totally not prepared. He said that an ideal situation would be if a trustee were elected in November and took office in January. He felt that if the committee elected to make a change, it should be substantial.

Senator Fritz said that he agreed with Senator Yellowtail. He said that board members who have been rejected by the voters making policy, you might have a few incumbents who were planning to retire but you could have people who lost the contested election and then getting their revenge on the public with their policies.

Senator Waterman said that she thought the idea of combining the school trustee election with another election was a cost saving measure. It was one less election that the school board had to run and could share cost with someone else. If the election date were moved, would that mean that they would run two elections a year--the levy and the trustee election? It might be avoided if it were piggybacked onto the primary election.

Senator Waterman said that she agreed that the election date probably should not be moved but she was not prepared to make a decision on SB 29 at this time.

Senator Yellowtail said that what could be done is to request a committee bill to give us another option. The committee bill would be directed to changing the election date or some legislator might be willing to. I would be willing to volunteer.

Senator Blaylock suggested that SB 29 be tabled until the committee could contact Bruce Moeres, MSBA, to see how that committee felt about it and if they were prepared to take a position. MSBA, OPI and the school administrators are the ones that are really involved in this. He said that the committee would ask these people to come in to discuss SB 29 and then at that time we could decide to take it from the table and draft a committee bill. He said that he felt there should be a broader input on SB 29.

Senator Farrell said that since committee is considering an election change, it might be a good idea to talk to the clerk and recorders about the effect of such a change.

Senator Farrell asked if there were other elections that go with the trustee election. Senator Waterman answered that bond issues were usually run with primary and general elections when voter turnout was bigger.

Senator Pinsoneault said that he felt the committee needed more direction and more people involved in order to make a decision.

Motion:

Senator Pinsoneault made a motion to table SB 29 and to authorize the chairman of the committee to contact the various interested parties and groups who would be effected and the committee would later draft a committee bill if so inclined.

The vote was unanimous except for Senator Fritz who opposed the motion.

HEARING ON SB 32

Presentation and Opening Statement by Chairman:

Chairman Blaylock presented Senator Keating's proposed amendment to the Constitution which would strike the word "equality of educational opportunity" from the Constitution.

Proponents' Testimony:

none

Opponents' Testimony:

none

Questions From Committee Members:

none

Motion:

Senator Fritz moved that SB 32 PASS and urged a negative vote.

The secretary called the roll and all members voted NO except Senator Pinsoneault who voted AYE.

Senator Nathe was not present for the vote.

ADJOURNMENT

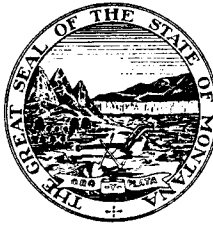
Adjournment At: 1:45 P. M.


CHET BLAYLOCK, Chairman

BETSY CLARK, Secretary

CB/bc

Montana State Senate



SENATOR R. J. "DICK" PINSONEAULT

SENATE DISTRICT 27

HOME ADDRESS:

BOX 250

ST. IGNATIUS, MONTANA 59865

HOME PHONE: (406) 745-4221

WORK PHONE: (406) 745-2711

The Big Sky Country

COMMITTEES:

JUDICIARY

LOCAL GOVERNMENT,

VICE CHAIRMAN

EDUCATION

TO: HONORABLE CHET BLAYLOCK
CHAIRMAN-SENATE EDUCATION

1-12-91

RE: SB-29

The following comments are being submitted on behalf of a constituent, Mr. Greg Fine, current Secretary of the Missoula County High School Bd. of Trustees.

- a. April is bad time for trustees to take office.
- b. July is not the best answer, as final budget is approved then and new trustee would be voting on a budget he/she knew nothing about.
- c. If trustee is elected in March or April and does not take office until July, politics and personalities would govern the process. The existing board, knowing the personalities of the newly elected, could either cram things through or delay depending on the circumstances.
- d. SOME THOUGHTS: Have the Trustees elected during the primary . . . or the General election in November and take office on the 1st of January. Avoid cost of special election for electing Bd's of Trustees.

This information submitted to the Committee on the 14th day of January, 1991.

Respectfully,

Dick Pinsoneault
Dick Pinsoneault

Copy: Greg Fine

SENATE EDUCATION

EXHIBIT NO. 1

DATE 1-14-91 (3)

BILL NO. 29