

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By SENATOR CHET BLAYLOCK, on March 6, 1991, at
3:00 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)

Staff Present: Eddy McClure (Legislative Council).

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

HEARING ON HB 54

Presentation and Opening Statement by Sponsor:

Representative Linda Nelson, House District 19, sponsored HB 54.

Many counties are opting to combine the office of county superintendent with an existing county office. When this happens the existing office who inherits the position may not be qualified to perform all the duties of county superintendent such as conducting a hearing. In these instances, the county commissioners are allowed to contract with another county superintendent.

HB 54 gives another option and that is to contract with any person who meets the qualifications which are outlined in the bill.

If a county superintendent position is to be eliminated or consolidated, it is done at the time of the retirement of the existing superintendent. Fourteen Montana counties have consolidated the superintendent position.

HB 54 would allow counties who consolidate this position to still use the expertise of a retired county superintendent or a similarly qualified person from within their own county to conduct hearings or appeals.

The sponsor referred to amended HB 54 as a good bill and a good taxpayer bill.

Proponents' Testimony:

GORDON MORRIS, Executive Director for Association of Counties, testified in support of HB 54.

He said that through HB 54 consolidated county superintendent of school offices could choose three options with whom they may contract work: (1) They may contract with a neighboring county superintendent; (2) a former county superintendent living within their county; or (3) a qualified individual living within any county.

HB 54 requires the officeholder to have a degree in administration.

GLORIA PALADICHUK, County Commissioner, Richland County, testified in support of HB 54 saying that there were qualified persons in their county who could perform the contract services.

Opponents' Testimony:

KAY McKENNA, MT Association of County School Superintendents, testified in opposition to HB 54.

Ms. McKenna pointed out that the office of County Superintendent of Schools is an elected position and is accountable to the public. She said that if counties choose to consolidate the office, the person running it should be qualified to take that position. If counties wish to appoint people to hold office, they have the choice to do so. They can have a county manager's form of government. If the taxpayers of the county vote that down, that means that they wish to have elected officials filling this office.

It has sometimes been difficult to get people to run for this office or to get county superintendents from other counties to contract work but since July, 1990, there has been an attorney general's opinion which allows county superintendents who contract to receive the fee instead of earned fees going into the county fund.

Ms. McKenna read from a letter from Carl Roose, Powell County Superintendent of Schools in which he stated opposition to HB 54 and cited instances where the bill was contradictory.

Ms. McKenna said the county superintendents had done themselves an injustice when they allowed the bill on consolidation to become law. They were the only elected officials to come forward to make an effort to address the fiscal needs for possible consolidation of elected county officials.

She said county commissioners are taking control of this office, taking it out of the voters' control which she feels is wrong. She said that the county commissioners presently have enough control over county elected officials through the budgeting process.

Ms. McKenna urged the committee to oppose the bill and let the statute stand as written.

RACHEL VIELLEUX, Missoula County Superintendent of Schools, testified in opposition to HB 54.

She said that her office provides contract services for Ravalli and Mineral Counties. She stated many counties are not getting the services called for by law because they have consolidated the office with another office unrelated to the school system. Most of her time is spent with the bigger schools.

She said that she receives calls from and works with county transportation system, surveyor's office, highway department, county commissioners as well as a structure of cooperation between the school districts schools. She feels people will call an elected official first. She feels anything less than full time is not providing adequate service to the schools and to the public.

Missoula County has a special education cooperative which covers four counties and 20 school districts. The office is the only means of coordination for fourteen districts. They provide the coordination structure for curriculum adoption in all schools in Missoula County and one in Ravalli County and are planning to hire a curriculum coordinator.

The positions of county superintendent of schools and county attorney are the only county positions requiring a degree.

GAIL GRAY, representing OPI, testified in opposition to HB 54.

She referred to 30 responsibilities and duties of the office of county superintendent as outlined in Montana statutes. They deal with small rural schools but the massive financial responsibility that has been added to the office as the result of the new fiscal program for funding schools means that office will be working mostly with the larger schools.

She emphasized this position's work with hearings and appeals. She didn't know if contractors can provide the same service.

She said that considering the salaries for the office of county superintendent of schools, she wondered if contracting for services saved any money.

Questions From Committee Members:

Senator Waterman asked why an elected superintendent only needed to be a qualified voter and teacher with three years experience but a contract person needed a degree in administration as well as the required teaching experience. This was the amendment requested by Kay McKenna.

Gordon Morris said that the reason a higher standard of education was required for contract services was out of necessity to get support from the House of Representatives for the bill.

The bill requires that a person doing contract services reside within the county and have a degree in business administration.

Kay McKenna said that initially the bill was tabled unamended.

Senator Blaylock asked Gordon Morris if he wanted to go on record as pushing consolidation of county positions.

Gordon Morris said that it was a fair question. He said that county commissioners know they may need to consolidate offices. The existing law is one that the county commissioners used to consolidate fourteen offices across the state; primarily, in the rural counties.

HB 54 gives the option to provide services set forth in law if consolidation is taking place. He doesn't think commissioners are opposed to consolidation. Consolidation has been used with the following offices: attorney - public administrator;
sheriff - coroner;
clerk and recorder - treasurer;
treasurer - school superintendent;

Every county has an attorney either full or part time.

Senator Blaylock asked Rachel Vielleux if consolidation had taken place in some of the county attorney offices as well as county superintendent of schools.

Ms. Vielleux answered that some county attorneys are serving more than one county and they can be part time by choice.

Senator Blaylock asked if a county such as Petroleum County has a full time county attorney living within that county. The answer is yes. (Class 7 County)

Closing by Sponsor:

In closing, Senator Nelson said that she was surprised to have Kay McKenna opposing HB 54. She understood she would support the

HB 54 amended. She said that she could understand their attempt to protect their "turf" but said that when county commissioners are by law made fiscally accountable, we must allow them to do what they have to do in the most reasonable way.

She state that the people under this bill are very well qualified to perform the duties of office of county superintendent. There are multiple duties outlined by OPI but this bill addresses only the ones under 207 and 210. The speaker said that the other duties could easily be taken care of by a clerk.

The house vote on HB 54 was 94-5. She feels HB 54 is a good bill and this is the direction in which counties ought to be going considering the fiscal and financial responsibilities now placed on county commissioners.

HEARING ON HB 217

Presentation and opening Statement by Sponsor:

Representative Spring, House District 77, presented HB 217.

He said that under current law people can request a transfer of property into another district and neither the trustees or the landlord must be notified.

Proponents' Testimony:

Bruce Moerer, MT School Board Association, testified in support of HB 217.

Mr. Moerer said that HB 217 resulted from a resolution passed last year because one of the school districts in Representative Spring's district lost some property in a transfer and found out about it afterwards. The law does not require notification to the losing district in a transfer. Transfers usually petitioned by parent living closer to a school of another district. The law will allow them to file a petition with a county superintendent and have that acted on without notifying the district losing the territory. This housekeeping bill provides fair notice to all parties concerned.

Kay McKenna, MACSS, testified in support of HB 217.

Rachel Vielleux, Missoula County Superintendent of Schools, testified in support of HB 217.

Questions From Committee Members:

Senator Nathe said that it was his understanding that before any property could be transferred, there had to be a notice to the county commissioners.

Senator Hammond asked if the county superintendent must hold a hearing on transfer of property and give public notice of the hearing in the local newspaper.

Rachel Vielleux said that the notice is required to be posted in the territory that is to be transferred, the territory that is being transferred from and in the matter of school elections, a notice to everyone on the Board but not required by law to be published.

Bruce Moerer mentioned that Senator Pinsoneault sponsored a bill to clarify a lot of these other things in the transfer of property. This bill deals with the same set of laws but it only deals with the notice section and Senator Pinsoneault's bill did not deal with the notice section at all so this is still a deficiency that needs to be cleaned up. It is the same set of laws that passed out of here with Senator Pinsoneault's bill.

Senator Hammond asked if the notice would be a letter written to the Board of Trustees of the district that is losing the property?

Bruce Moerer said that the notice will give the place, date and time of the hearing. It says that a notice must be posted in all of the districts affected. The notice may be mailed or hand delivered.

Closing by Sponsor:

Representative Spring closed the hearing on HB 217 saying that the important part of the bill is the fact that notice must be delivered.

EXECUTIVE ACTION ON HB 217

Motion:

SENATOR BROWN MOVED that HB 217 DO PASS. Unanimous vote. MOTION CARRIED. Senator Brown is the carrier.

EXECUTIVE ACTION ON

Motion:


SENATOR HAMMOND MOVED that HB 54 DO PASS. Vote was six aye; two no (Farrell and Blaylock). Senator Waterman was not present for the vote. Senator Hammond is the carrier.

Discussion:


Senator Hammond said that HB 54 does not pose a threat to any of the larger counties but the smaller counties may have to consolidate some offices in order to meet their budget. He said that he feels HB 54 covers any problems that could arise.

ADJOURNMENT

Adjournment At: 4:30 P. M.



SENATOR CHET BLAYLOCK, Chairman



BETSY CLARK, Secretary

CB/bc

DATE _____

3-06-91

COMMITTEE ON

Education

Please sign:

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)