

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON EDUCATION**

Call to Order: By SENATOR CHET BLAYLOCK, on March 22, 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)  
Mignon Waterman (D)  
Bill Yellowtail (D)

**Members Excused:**

Dick Pinsoneault (D)

**Staff Present:** Andrea Merrill (Legislative Council).

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

**HEARING ON HB 335**

**Presentation and Opening Statement by Sponsor:**

REPRESENTATIVE JOHN JOHNSON, House District 23, presented HB 335,  
an act to allow an elementary school to attach to a high school  
district with the same boundaries to form a K-12 school district.  
(See Exhibit 1)

**Proponents' Testimony:**

ERNIE JEAN, Superintendent of Schools, Florence, Montana,  
testified in support of HB 335. He said that he had been  
involved in this concept for several years and went before the  
Interim Committee, HB 28, with this concept. He worked with  
County Superintendents to do the original research to put  
together the list of schools that could be affected by HB 335.

He said that as a practicing administrator, he would like to explain how some of the school districts operate regardless of how the law reads. For example, in Florence where the speaker is the school administrator, there are two separate school districts housed into one complex with about 680 students. They operate together in every way, budgetarily, accreditation standards, same school board, etc., and called the K-12 School District.

The speaker said that they went to their voters with bond issue to construct nineteen new classrooms and a new gymnasium facility. One of the most difficult things he had to do was to convince voters why they had to vote twice because they look at it as being one unit. It was a confusing issue to many people. In the first election, the high school bond issue was defeated by 30 votes and the elementary school passed by 70 votes. This bill would allow them to operate on a legal level the way they operate in reality.

For example, in K-12 curriculum development this year, reading is the topic and this is being chaired by a member of the reading staff in the elementary. Last year Social Studies was the topic that was chaired by a member of the high school faculty so two different districts are dealing with tenure and salaries for the same school. It means that if a service is provided by one district, they will charge and actually make a transfer of funds for service to another district even though they are dealing with the same core population of the school with the same student body and the same school board but for the sake of convenience that is not always done. This bill would save districts operating money and time from the standpoint that we will no longer have to play games in recording, designing revenue and shifting things around. The same revenue is still accountable to the same people and the same state but we will be dealing with one school district.

He said that they feel HB 335 is an extremely valuable bill, foresighted by the Office of Public Instruction and others in solving some of the problems that must be addressed by school districts in this situation.

JESS LONG, School Administration of Montana, testified in support of HB 335. He said this is not a mandatory consolidation. It is an optional thing and will create efficiency.

BRUCE MOERER, Montana School Boards Association, testified in support of HB 335. He reminded the Committee that this bill will only concern those elementary and high school districts with exactly the same boundary who are operating as one school with one and the same school board.

CHIP ERDMAN, Montana Rural School Association, testified in support of HB 335. He said that their members think this bill reflects what is actually being done in districts regardless of the statutes. He urged support of the bill and said it will lead to efficiency in time and money. He said that as an attorney representing many of the school districts, he sees the possibility of legal problems because of the way the schools in this situation operate when they transfer personnel and funds between two schools that are operated as one school unit with one

school board but legally they are actually in two separate school districts. He said that there are tenure questions that could arise and would have to be resolved. This bill would eliminate some of the things that have been discussed and it would be a good step forward.

KAY MCKENNA, Montana Association of County School Superintendents, testified in support of HB 335.

ERIC FEAVER, Montana Education Association, testified in support of HB 335.

There were no opponents to the bill.

Closing by the sponsor:

REPRESENTATIVE JOHNSON closed the hearing. He presented amendments to the bill that had been worked out by OPI which made no major changes but would clarify language.

The sponsor pointed out to the Committee that HB 335 does not make any changes mandatory. The bill only offers optional changes and each school district may decide if they wish to make these changes.

EXECUTIVE ACTION ON HB 335

Motions and Votes:

SENATOR WATERMAN MOVED that the amendments on HB 335 BE CONCURRED IN. The vote was unanimous. MOTION CARRIED.

SENATOR WATERMAN MOVED that HB 335 BE CONCURRED IN AS AMENDED. The vote was unanimous. MOTION CARRIED.

SENATOR HAMMOND - CARRIER.

EXECUTIVE ACTION ON HB 534

Motions and Vote:

SENATOR NATHE MOVED to re-consider the motion of "TABLED" (voted on 3-15-91) The motion to remove HB 534 from Tabled status was unanimous. MOTION CARRIED.

SENATOR WATERMAN MOVED that the amendments on HB 534 BE CONCURRED IN. The vote was unanimous. MOTION CARRIED.

SENATOR WATERMAN MOVED that HB 534 BE CONCURRED IN AS AMENDED. Seven members voted aye; one voted no. (Senator Yellowtail. Senator Pinsoneault was not present.) MOTION CARRIED.

SENATOR WATERMAN - CARRIER.

EXECUTIVE ACTION ON HB 665

Motion and Vote:

SENATOR WATERMAN MOVED that HB 665 BE CONCURRED IN. Five voted aye; two voted no. (Farrell, Hammond. Pinsoneault excused.) MOTION CARRIED.

SENATOR WATERMAN - CARRIER.

EXECUTIVE ACTION ON HB 116

Motion and Votes:

SENATOR FARRELL MOVED that HB 116 BE CONCURRED IN. The vote was four - aye; (Farrell, Hammond, Yellowtail, Nathe) four - no (Fritz, Brown, Waterman and Blaylock). Since the vote was a tie, the voting was held open until 3-24-91 when Senator Pinsoneault came to Room 439 and voted aye. His vote took HB 116 from a "Motion Dies" status to a "Do Concur" status. A Standing Committee Report was filed 3-26-91. A copy is attached. Also attached is the copy of the proxy vote by Senator Pinsoneault.

SENATOR BLAYLOCK - CARRIER.

EXECUTIVE ACTION ON HB 594

Motion and Votes:

SENATOR FRITZ MOVED that the amendments offered on HB 594 be adopted. Four - aye; (Fritz, Hammond, Yellowtail, Nathe) Four - no; (Farrell, Brown, Waterman, Blaylock). MOTION DIED WITH A TIE VOTE.

SENATOR FARRELL MOVED that HB 594 BE CONCURRED IN. Seven - aye one - no (Fritz). MOTION CARRIED.

SENATOR BROWN - CARRIER.

EXECUTIVE ACTION ON HJR 35

Motion and vote:

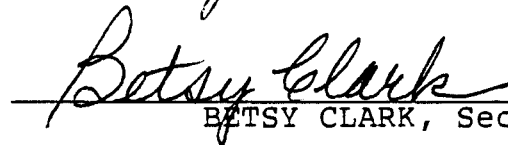
SENATOR WATERMAN MOVED that the amendments be adopted. Vote was unanimous. MOTION CARRIED.

SENATOR WATERMAN MOVED that HJB 35 BE CONCURRED IN AS AMENDED. Vote was unanimous. MOTION CARRIED.

ADJOURNMENT

Adjournment At: 5:30 P. M.,

  
\_\_\_\_\_  
SENATOR CHET BLAYLOCK, Chairman

  
\_\_\_\_\_  
BETSY CLARK, Secretary

CB/bc

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 25, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration House Bill No. 335 (third reading copy -- blue), respectfully report that House Bill No. 335 be amended and as so amended be concurred in:

1. Page 5, line 9.

Strike: "mills"

Insert: "permissive amount to be"

Following: "levied"

Strike: "in support of the permissive levy of"

Insert: "for"

2. Page 5, line 11.

Strike: "general fund budget"

Insert: "foundation program"

3. Page 5, lines 12 and 13.

Following: "to the" on line 12

Insert: "foundation program"

Following: "programs"

Strike: remainder of line 12 through "district" on line 13

4. Page 20, line 8.

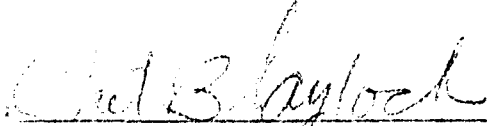
Following: line 7

Insert: "NEW SECTION. Section 12. Coordination instruction. If House Bill No. 17 is passed and approved, then [section 4 of this act] must read as follows:

"Section 4. Tenure protected -- hiring preference for noncertified employees. (1) Whenever an elementary district is attached to a high school district to form a K-12 school district under the provisions of [section 1], a district superintendent, principal, teacher, or other certified employee of the elementary district who has a right of tenure under Montana law continues to have tenure in the K-12 district and the board of trustees of the high school district in which the person will perform duties shall recognize and give effect to the right of tenure.

(2) A noncertified, nonprobationary employee of an elementary district that is attached to a high school district to form a K-12 district must be given preference in hiring for any position with the K-12 district for which the employee has substantially equal qualifications and, upon acceptance of a position, may not be given probationary status."

Renumber subsequent section

Signed: 

Chet Blaylock, Chairman

3-25-91  
And: Coord.

3-25-91  
Sec. of State

64113633.SJI

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 25, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Bill No. 524 (third reading copy -- blue), respectfully report that House Bill No. 524 be amended as so amended be concurred in:

1. Page 1, line 14.

Following: "positions"

Insert: "-- nonvoting trustee"

2. Page 2, line 25.

Following: "one"

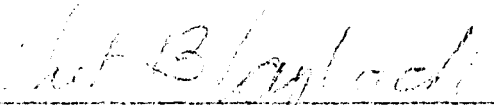
Insert: "nonvoting"

3. Page 3, line 4.

Strike: "The"

Insert: "Except for a nonvoting trustee position, the"

Signed:



Chet Blaylock, Chairman

at 5-25-91  
Amd. Coord.

3/23/91 15:15  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 25, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration House Joint Resolution No. 35 (third reading copy -- blue), respectfully report that House Joint Resolution No. 35 be amended and as so amended be concurred in:

1. Page 1, line 24.  
Strike: "epidemic"  
Insert: "serious public health concern"

Signed: *Chas Blaylock*  
Chas Blaylock, Chairman

APL 3-25-91  
Ad. Coord.

SB 25 12:15  
Sec. of Senate



51st Legislative Session

EDUCATION COMMITTEE

PROXY VOTE

I, Senator DICK PINSONEAULT do hereby grant my proxy vote to Chairman Blaylock or Secretary Betsy Clark as follows:

BILL NUMBER      HB 116

MOTION

Do Pass  
Yes   X                        No           

Do Not Pass  
Yes                                 No           

Indefinitely Postponed  
Yes                                 No           

Tabled  
Yes                                 No           

*Dick Pinsonault*

\_\_\_\_\_  
Signature

DICK PINSONEAULT

Date   3-26-91

REPORT TO SENATE AMENDMENT COORDINATOR

Committee: Education  
Legislative Staff  
Researcher: Andrea Merrill

Date: 3/28/91  
Phone: \_\_\_\_\_

Under Additional Instructions list any Consent Calendar requests, Governor Appointments, or other special directions. Continue to attach a copy of all amendments and the Consent Calendar form.

The following committee action occurred on the above date:

Do Pass As Amended or Be Concurred In As Amended

<u>Bill or Resolution</u>	<u>Sponsor/Carrier</u>	<u>Amendment Stored as:</u>	<u>Additional Instructions</u>
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- 1.
- 2.
- 3.
- 4.

Do Not Pass As Amended or Do Not Be Concurred In As Amended

<u>Bill or Resolution</u>	<u>Sponsor/Carrier</u>	<u>Amendment Stored as:</u>	<u>Additional Instructions</u>
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- 1.
- 2.

Do Pass or Be Concurred In

<u>Bill or Resolution</u>	<u>Sponsor/Carrier</u>	<u>Additional Instructions</u>
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1. HB 594      GOULD/YELLOWTAIL
- 2.
- 3.
- 4.

Do Not Pass or Do Not Be Concurred In

<u>Bills or Resolutions</u>	<u>Sponsor/Carrier</u>	<u>Additional Instructions</u>
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- 1.
- 2.

<u>Betsy Clark / by Dorothy Quinn</u> Committee Secretary	<u>4896</u> Phone #	<u>439</u> Room #
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Amendment Coordinator \_\_\_\_\_

Date/Time \_\_\_\_\_

Amendments to House Bill No. 594  
3rd Reading Copy

Requested by Sen. Fritz  
For the Senate Committee on Education

Prepared by Andrea Merrill  
March 21, 1991

1. Title, line 4.  
Strike: "FIRST"

2. Title, line 5.  
Strike: "OF MARCH"  
Insert: "BEGINNING DECEMBER 15"

3. Title, line 6.  
Following: "THE"  
Strike: RIGHT TO KEEP AND BEAR ARMS  
Insert: "BILL OF RIGHTS OF THE CONSTITUTION OF THE UNITED STATES"

4. Page 1, lines 9 and 10.  
Following: "of"  
Strike: remainder of line 9 through "arms" on line 10  
Insert: "bill of rights of The Constitution of the United States"  
Strike: "the first Monday in March" on line 10  
Insert: "December 15"

5. Page 1, lines 11 to 14.  
Following: "commemorate"  
Strike: remainder of line 11 through "power" on line 14  
Insert: "the bill of rights, the first 10 amendments to The  
Constitution of the United States"

6. Page 1, line 15.  
Strike: "right to keep and bear arms"  
Insert: "freedoms granted by the bill of rights"

7. Page 1, line 16.  
Strike: "this right"  
Insert: "these rights"

DISTRICT ORGANIZATION

A unified K-12 School District is defined as one where the District's elementary boundaries coincides exactly (is co-terminus) with the boundaries of the High School District. (i.e. the high school district encompasses only the one elementary district).

In a survey conducted April 19, 1990 of County Superintendents, with follow-up conducted by phone the following week in April, Montana County Superintendents listed the following districts that would fit the above definition of a unified K-12 school districts.

53

Beaverhead	Lima
Big Horn	Pryor
Blaine	Harlem
	Hays-Lodge Pole
Carbon	
Cascade	Belt
	Centerville
	Great Falls
Daniels	Flaxville
	Peerless
	Scobey
Deer Lodge	Anaconda
Fallon	Plevna
Fergus	Roy
	Winifred
Flathead	
Gallatin	West Yellowstone
Glacier	
Granite	Phillipsburg
Hill	Blue Sky
	Box Elder
	Kremlin-Guilford
Judith Basin	Hobsen
	Stanford
Lake	Arlee
	Ronan
	St. Ignatius
Lewis and Clark	Lincoln
Liberty	Joplin-Inverness
Lincoln	Libby
Madison	Twin Bridges
	Harrison
Mineral	

Missoula  
Musselshell  
Park

Frenchtown  
Melstone  
Gardner  
Livingston  
Shields Valley (in 1990-91  
Clyde Park and Wilsall will be  
consolidated)

Petroleum  
Phillips  
Pondera

Winnett  
Brady  
Heart Butte

Powder River  
Powell  
Prairie

Ravalli

Corvallis  
Darby  
Florence-Carlton  
Hamilton  
Victor

Roosevelt

Bainville  
Froid  
Poplar  
Rosebud

Rosebud

Sanders  
Sheridan

Plentywood  
Outlook

Silverbow  
Stillwater  
Sweetgrass

Teton  
Treasure

Dutton  
Hysham

Valley

Wibaux

Yellowstone

Custer  
Huntley Project  
Shepard

