

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Rep. H.S. "Sonny" Hanson, Chair, on January 6, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. H.S. "Sonny" Hanson, Chair (R)
Rep. Alvin Ellis, Vice Chair (R)
Rep. Ray Brandewie (R)
Rep. Fritz Daily (D)
Rep. Ed Dolezal (D)
Rep. Dan Harrington (D)
Rep. Jack Herron (R)
Rep. Bob Gervais (D)
Rep. Bea McCarthy (D)
Rep. Scott McCulloch (D)
Rep. Norm Mills (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dick Simpkins (R)
Rep. Wilbur Spring (R)
Rep. Norm Wallin (R)
Rep. Diana Wyatt, Vice Chair (D)

Members Excused: Rep. Ervin Davis

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Susan Lenard, Committee Secretary

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

Committee Business Summary:

Hearing: HB 53
Executive Action: None

HEARING ON HB 53

Opening Statement by Sponsor:

REP. STEVE BENEDICT, House District 64, Hamilton, stated HB 53 would allow the Board of County Commissioners to establish the office of county superintendent of schools as a part-time office without altering the statutory duties of the position. A

determination would have to be made by the Board that the full array of duties of the position could be performed in the context of part-time. The Board must also pass a resolution of intent, conduct a hearing, and issue an appropriate order. Full-time incumbent positions at the present time would not be affected. **REP. BENEDICT** stressed this piece of legislation would allow for local control and could possibly affect sixteen counties in Montana. An amendment proposed by the County Superintendent's Association was submitted by **REP. BENEDICT. EXHIBIT 1**

Proponents' Testimony:

Steve Powell, Ravalli County Commissioner, supported the bill based on the experience of Ravalli County which consolidated their superintendent's position with that of county clerk and recorder in 1981. Testimony from the acting county superintendent was provided. **EXHIBIT 2**

Gordon Morris, Executive Director of the Association of Counties, asked for favorable consideration of the bill.

Sue Olson, Mussellshell County Commissioner, spoke in favor of HB 53. She explained the work load in Mussellshell County does not necessitate a full-time superintendent of schools. She offered the success of the consolidation of part-time county attorney positions in Mussellshell and Golden Valley Counties into one position as a frame-work for the possible consolidation of county superintendent positions between two or more counties.

Larry Stolfus, President Montana Association of County School Superintendents, provided written testimony. **EXHIBIT 3**

Rachel Vielleux, Missoula County Superintendent of Schools, provided written testimony. **EXHIBIT 4**

Fleda Brammer, Broadwater County Treasurer/County Superintendent of Schools, supported the amendment presented by **REP. BENEDICT**.

Karl Roosa, Powell County Superintendent of Schools, suggested to amend section three of the bill. The amendment would allow the Board of Commissioners the option to change the proportion of a part-time office during the term of office with the agreement of the county superintendent.

Rick Bartos, Montana Association of County of School Superintendents, offered an amendment to define the term "part-time" (to be inserted on page 3, line 8) as: "part-time office means an office whose hours are less than eight until five every day, except holidays and except Saturdays, but no fewer than four hours per day every day except holidays and except Saturdays," to enable the office to be open for at least four hours per day without compromising the flexibility of the Board of County Commissioners.

Loran Frazier, School Administrators of Montana, expressed his concern for students who attend rural schools or are home-schooled. He suggested they may be left without services if this piece legislation is passed. **Mr. Frazier** asked the committee to consider how the potential change would fit in with the whole picture of education in the state.

REP. ELLIS, House District 84, Red Lodge, presented a letter from the Carbon County Board of County Commissioners in support of this bill. **EXHIBIT 5**

Opponents' Testimony: None.

Questions From Committee Members and Responses:

REP. SIMPKINS asked **Rick Bartos** if the proposed definition to be inserted in section 1 conflicted with the requirement the office be open from 8:00 a.m. until 5:00 p.m. (section 2). **Mr. Bartos** replied there was a conflict, but without the definition the offices could be open without anyone in attendance. By defining the term part-time, the county commissioners would have the authority to close those offices for four hours each day.

REP. SIMPKINS asked if the statement in the brochure distributed by **Mr. Bartos** with regard to the responsibility of the superintendent to provide general supervision of the public schools in the county (exhibit 3, 2 of 2) was a matter of law. **Mr. Bartos** replied it was.

REP. WALLIN requested that someone from counties with already consolidated offices to note whether they did so with authority and how a schedule would work for someone from two different counties. **Ms. Olson** replied authority for consolidation was given and that the consolidated attorneys in Mussellshell and Golden Valley Counties set their schedules according to the needs of each county.

REP. SPRING asked **Ms. Vielleux** about her comment regarding outlying schools and whether the students were indeed not presently getting the services usually provided by a school superintendent. **Ms. Vielleux** responded some students were not receiving the attention they need. She said the treasurer/superintendent for a school in her county with which she was familiar was not able to accomplish any duties beyond that of treasurer.

REP. BRANDEWIE asked **Mr. Morris** how the amendment proposed by **Mr. Bartos** fit the bill. **Mr. Morris** said he believes the definition for part-time is redundant.

REP. SIMPKINS referenced the establishment of county superintendents in the Constitution under Article 11, section 3, and questioned whether there were laws prohibiting this article of the Constitution from being fulfilled. Mr. Morris stated there were no such laws, but that HB 53 was a new approach to the "part-time" option with consolidation.

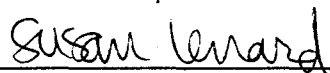
Closing by Sponsor:

REP. BENEDICT explained the bill would return to the local governments and to the people the ability to determine what is in the best interest of their county. REP. BENEDICT said he believed there was no need to amend the bill further. He maintained it was a cooperative effort between county superintendents who had plenty of opportunity to amend the bill. He stressed HB 53 could assist many counties in this time of fiscal strain.

ADJOURNMENT

Adjournment: 3:53 p.m.


REP. H.S. "SONNY" HANSON, Chair


SUSAN LENARD, Secretary

HSH/SL

HOUSE OF REPRESENTATIVES

Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

1/6/93

NAME	PRESENT	ABSENT	EXCUSED
REP. SONNY HANSON , CHAIR	✓		
REP. ALVIN ELLIS , VICE-CHAIR	✓		
REP. DIANA WYATT , VICE-CHAIR	✓		
REP. RAY BRANDEWIE	✓		
REP. FRITZ DAILY	✓		
REP. ERVIN DAVIS			✓
REP. ED DOLEZAL	✓		
REP. DAN HARRINGTON	✓		
REP. JACK HERRON	✓		
REP. BOB GERVAIS	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. NORM MILLS	✓		
REP. BILL REHBEIN	✓		
REP. SAM ROSE	✓		
REP. DICK SIMPKINS	✓		
REP. WILBUR SPRING	✓		
REP. NORM WALLIN	✓		

EXHIBIT 3 (1 of 2)
DATE 1/6/93
HB 53

MACSS

January 5, 1993

Montana House of Representatives
House Education and Cultural Resource Committee
Helena, Montana 59620

Honorable Committee Members:

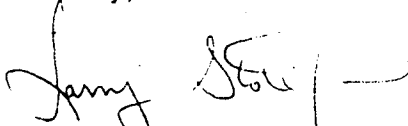
I urge your most careful consideration of House Bill 53, (establishing a procedure for part-time County Superintendents of Schools). As president of the Montana Association of County Superintendents (MACSS) and speaking for that association bring forth the following points for your consideration:

1. A criteria be established to determine when the reduction to a part-time position could be considered.
2. That the financial status of a county should not be the basis for a deduction when a full time work load is present.
3. When the duties of the position can not be fully completed on a part-time basis, where does the responsibility for the remaining duties lie?
4. That a part-time opinion not be used to eliminate particular individuals.
5. That other elected offices be included in this statute, as the merit of part-time maybe found in other areas.

We support the concept of government responsible to the local taxpayer and can support H.B. 53 only if that high level of local responsibility is maintained.

Thank you for your consideration.

Sincerely,



Larry Stollfuss, President

Montana Association of County School Superintendents

Please note: part 2 of this exhibit may be located at the Historical Society

**MONTANA
ASSOCIATION OF
COUNTIES**

EXHIBIT 1
DATE 4/6/93
53

2711 Airport Road
Helena, Montana 59601
(406) 442-5209
FAX (406) 442-5238

HB 53 AMENDMENT

REPRESENTATIVE STEVE BENEDICT

P.1, Section (1), Subsection (2):

line 20: is amended to read:

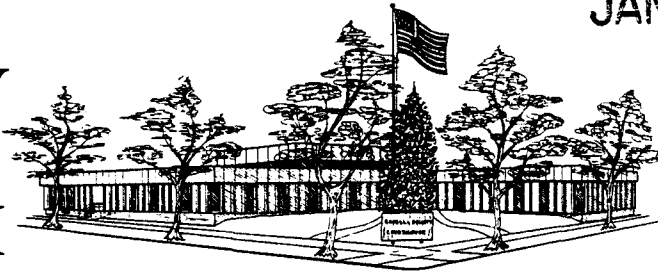
"Upon verification by the clerk and recorder, a person is qualified to file for and assume the office of county superintendent who:"

P.1, Section (1), Subsection (2)(b)

line 23: is amended to read:

"holds a valid, current class 1 or 2 teacher certificate, or class 3 administrative certificate issued by the Montana superintendent of public instruction; and"

COUNTY OF RAVALLI



JAN 05 1993

STATE
OF
MONTANA


Hamilton, Montana 59840

January 4, 1993

To: Montana Legislature

From: Acting Ravalli County Superintendent of Schools

FILED 2
DATE 1/6/93
HB 53

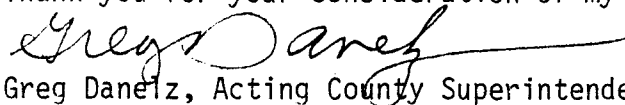
Re: Part Time County Superintendent Bill

In 1981 the office of Clerk & Recorder and County Superintendent were combined. I was hired in mid 1982 to serve as Acting County Superintendent, and have done so ever since. I set my own schedule at 1,040 hours/year, for half of what the elected Superintendent would receive in salary and benefits.

This has been a satisfactory arrangement for Ravalli County and for me, although I believe the position should be elective, rather than appointive as in my case. I would strongly oppose such a position at less than half time. There would be no benefits, and that combined with the low salary would almost assuredly preclude competent people willing to do the job.

I also believe that the continuance of the County Superintendent's office is critical to the maintaining of positive contact between the schools and the people. No district could perform all the various tasks in a multi-district county, and there continue to be a variety of disagreements between various districts and parents or students or teachers that need various types of mediation. The local understanding would be lost if a state agency attempted to perform this service.

Thank you for your consideration of my views.



Greg Daneiz, Acting County Superintendent
Ravalli County, Montana

ELECTED COUNTY OFFICIALS SERVING MONTANA

STUDENTS PARENTS TEACHERS ADMINISTRATORS TAXPAYERS

FOR OVER ONE HUNDRED YEARS

The office of County Superintendent of Schools is provided by and for the people living in the county. The Superintendent is expected to provide the best possible educational setting for all schools in the county. The office is a service agency that responds to local needs and provides professional and educational leadership.

COUNTY SCHOOL SUPERINTENDENTS

Beaverhead	CL Box 7, Dillon	59725	683-5632
Big Horn	Drawer H, Hardin	59034	665-1507
Blaine	Box 819, Chinook	59523	357-3270
Brownwater	Box 489, Townsend	59644	266-3445
Carbon	Box 116, Red Lodge	59068	446-1301
Carter	Box 316, Ekalaka	59324	775-8721
Cascade	415 2Ave N, Gt. Falls	59401	761-6700
Chouteau	Box 459, Fort Benton	59442	622-3242
Custer	1010 Main, Miles City	59301	232-7800
Daniels	Box 67, Scobey	59263	487-2664
Dawson	207 W. Bell, Glendive	59330	365-3963
Deer Lodge	Anaconda	59711	563-8421
Fallon	Box 1117, Baker	59313	778-2883
Fergus	721 W Main, Lewistown	59457	538-3136
Flathead	723 5th Ave East, Kalispell	59901	756-5645
Gallatin	311 W Main, Bozeman	59715	585-1375
Garfield	Box 28, Jordan	59337	557-6115
Glacier	1210 E Main, Cut Bank	59427	873-2295
Golden Valley	Ryegate	59074	568-2342
Granite	Box 520, Phillipsburg	59858	859-3831
Hill	315 4th St, Havre	59501	265-5481
Jefferson	Box H, Boulder	59632	225-4251
Judith Basin	Box 456, Stanford	59479	566-2272
Lake	Polson	59860	883-6211
Lewis & Clark	316 N Park, Helena	59623	443-1010
Liberty	Box 684, Chester	59522	759-5216
Lincoln	418 Mineral, Libby	59923	293-7781
Madison	Box 247, Virginia City	59755	843-5392
McCone	Box 180, Circle	59215	485-3590
Meagher	Box 354, White Sulphur	59645	547-3612
Mineral	Superior	59872	822-4542
Missoula	301 W Alder, Missoula	59802	721-5700
Musselshell	506 Main St, Roundup	59072	323-1104
Park	414 E Callendar, Livingston	59047	222-6120
Petroleum	Winnett	59087	429-5551
Phillips	Drawer DD, Malta	59538	654-2010
Pondera	Conrad	59425	278-7681
Powder River	Box L, Broadus	59317	436-2488
Powell	409 Missouri, Deer Lodge	59722	846-3680
Prairie	Box 566, Terry	59349	637-5575
Ravalli	Box 5021, Hamilton	59840	363-2322
Richland	201 W Main, Sidney	59270	482-1608
Roosevelt	Wolf Point	59201	653-1509
Rosebud	Box 407, Forsyth	59327	356-2537
Sanders	Box 5A, Thompson Falls	59873	827-4397
Sheridan	Plentywood	59254	765-2310
Silver Bow	W Granite, Butte	59701	723-8262
Stillwater	Box 1098, Columbus	59019	322-5333
Sweet Grass	Box 220, Big Timber	59011	932-5147
Teton	Box 610, Choteau	59422	466-2907
Toole	226 1st S., Shelby	59474	434-2112
Treasure	Box 429, Hysham	59038	342-5545
Valley	501 Crt Sq, Glasgow	59230	228-8221
Wheatland	Box 637, Harlowton	59036	632-4893
Wibaux	Box 291, Wibaux	59353	795-2434
Yellowstone	208 N Broadway, Billings	59101	256-6850

DISTRIBUTED BY
THE MONTANA ASSOCIATION OF COUNTY SCHOOL
SUPERINTENDENTS

ASSOCIATION OF COUNTY SCHOOL SUPERINTENDENTS

M PROFESSIONALS

A ON THE MOVE



EXHIBIT 3

DATE 1/6/93
PB 53

House Education Committee

SUPERINTENDENT

ADMINISTRATIVE

Carry out duties prescribed by the Legislature, Board of Public Education and the State Superintendent of Public Instruction.

As a county government official and county school officer, provide general supervision of public schools in the county.

Assist trustees with school supervision.

Advise and direct teachers on instruction, pupil discipline and other duties of the teacher.

Visit schools at the request of the trustees.

Consult with the trustees on all school matters that may be found during the observation of the school or may otherwise come to their attention.

Provide for supervision to any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent or principal.

Administer oaths of office to trustees.

Provide other services to districts that fall within the scope of state statutes.

Promote educational growth and improvement.

LEGAL

Hear and decide all matters of controversy arising as a result of decisions of the trustees of a district in the county.

FINANCE

As Chief County School Financial Officer calculate budgets and levies for the following:

General fund
Transportation fund
Retirement fund
Tuition fund
Bus Depreciation
Adult Education
Debt Service
Building Reserve

Certify district ANB
Compile annual financial report
Distribute County Equalization revenues

OTHER DUTIES

Chairman of the County Transportation Committee

Member of High School Boundary Commission of the County

Attendance officer for a district under prescribed conditions

RECORDKEEPING

Record all official acts :

School district organization
School district alteration
School district abandonment
Establishment of nominating districts
Distribution of federal and state revenue
Distribution of private revenue
Teacher supervision and evaluation
School controversies/hearings
County Transportation Committee acts

Record and preserve records:

Attendance agreements
Transportation contracts
Student enrollment/attendance records
Fall reports
Election data (trustee, mill levy, bond)
Student records
Preliminary/final budgets
Trustee annual reports
School district audits
Personnel records
Home school registrations

Register:

Register all professional certificates
Bus driver certificates
Bus inspections certificates
Clerk appointments
Trustee's certificate of election
Trustee's oath of office

MISSOULA COUNTY

RACHEL A. VIELLEUX, SUPERINTENDENT OF SCHOOLS
301 WEST ALDER, MISSOULA, MONTANA 59802
(406) 721-5700

EXHIBIT

DATE

HB 53

January 6, 1992

TO: The Members of the House Committee on Education and
Cultural Resources

FROM: Rachel A. Vielleux, Missoula County
Superintendent of Schools

RE: HB 53

At a time when local governments are suffering under the constraints of I-105, it makes good sense to allow them the flexibility to reduce some positions to part-time whether that be a county superintendent, a clerk of district court or a surveyor. I do have a concern about the initial MACo resolution which prompted the introduction of this bill. It was predicated on the fact that we have a decreasing number of rural schools. While it is true that the county superintendent is very important to those schools, that does not consume the majority of our time. Often, part-time county commissioners do not appreciate or understand the full scope of the county superintendent's duties and act strictly on the basis of dollars. In Garfield County, for example, there is no one filling the role of county superintendent even though they have ten widely scattered rural schools.

The job of the county superintendent has grown far beyond the horse and buggy days. We perform a vital function in the continuum of school services; in view of the potential cuts in state government, the county superintendents may be called upon to expand this role even further to assume some duties now performed at the state level. It is important that county's have the ability to provide those services whether it be through contracting for services or through election of a part-time county superintendent.

BOARD OF COMMISSIONERS

EXHIBIT 5
DATE 1/6/93
HB 53

County of Carbon



Red Lodge, Montana
59068

December 31, 1992

TO: Rep. Avin Ellis Jr.

FROM: Carbon County Commissioners

RE: HB 53 Allow county commission to establish part-time County Superintendents.

We Commissioners of Carbon County urge your support for HB 53. Counties, especially the smaller populated ones, are having to juggle the demands for services with decreasing revenues.

Since the number of rural county schools in many Montana counties is decreasing and the demands of the office may vary during the calendar year, we commissioners are seeking legislative authority to determine that the office of the County Superintendent of Schools can function efficiently on a less than full-time basis.

This bill was sponsored by: Carbon County

Thank you,

Mona Nutting
Member, Carbon County Commission

**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Education & Cultural Resources

COMMITTEE

BILL NO. HB 53

DATE 1/6/93

SPONSOR(S) Benedict

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Steve Powell	Ravalli Co. Commissioners	X	
Dorain Morris	MACO	X	
RACHEL Vieux	MISSOULA Co. Supt.	X	
KARL ROOSA	POWER Co Supt	X	
Larry Stullfuss	President Montana Association of County School Supt.	X	
Fleda Brammer	Texas / Co Supt Broadwater Co.	X	
Loren Frazier	S A M	X	
Alvin Ellis Jr	HD 8-1 Carbon Co.	X	
Pick BATES	MACCS	X	
Jim Olson	Marshall City	X	

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**