

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - SPECIAL SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By Senator Blaylock, on December 17, 1993, at 8:48 a.m.

#### **ROLL CALL**

**Members Present:**

Sen. Chet Blaylock, Chair (D)  
Sen. John Brenden (R)  
Sen. Bob Brown (R)  
Sen. John Hertel (R)  
Sen. Spook Stang (D)  
Sen. Daryl Toews (R)  
Sen. Mignon Waterman (D)  
Sen. Bill Wilson (D)

**Members Excused:** Senator Fritz and Senator Yellowtail

**Members Absent:** None

**Staff Present:** Eddy McClure, Legislative Council  
Sylvia Kinsey, Committee Secretary

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

**Committee Business Summary:**

Hearing: House Bill 76  
Executive Action: House Bill 76

#### **HEARING ON HOUSE BILL 76**

**Opening Statement by Sponsor:** Representative Brandewie said on the bottom of page 3 and the top of page 4 explained what he was doing with the bill. The bill says the trustees have the opportunity to run two votes on a special levy. This is an attempt to make the boards more responsive to the people they are representing and would limit the number of votes on a maintenance operation levy only, it has nothing to do with bonding for a building.

**Proponents' Testimony:** None

**Opponents' Testimony:** Bob Anderson, MSBA, (Montana School Boards Association) said when he testified in the House Committee he told them he had not polled their members. He has talked to their legislative committee and they are opposed to this concept

because there is no flexibility given to the school districts to allow them to vote and negotiate what that vote might be with their public.

Don Waldron, MREA (Montana Rural Education Association) said in the House they did take a position. They believe this would cause some problems. If a school comes out with a poor turn out and it goes down a second time, you have to decide what can be cut and sometimes need that third time to run the levy.

Loren Frazier, SAM, (School Administrators of Montana) said SAM feel you elect trustees to help finance the schools. The trustees are in a better position to know how to run those votes because they know their constituents, and we would like to leave this as it is.

Terry Minow, MFT (Montana Federation of Teachers) said we oppose this bill because we believe in the ability of local communities to decide what is best for their schools, and not the state making that decision.

Eric Feaver MEA, (Montana Educational Association) said for the record, we oppose this bill.

Informational Testimony: None

Questions From Committee Members and Responses: Senator Waterman asked the sponsor if this bill is not only limiting the number of votes, but also eliminating the permissive vote that is now required. Representative Brandewie said this has nothing to do with permissive for the below 80% schools, it's when a vote is required which is triggered by the other bills that have been passed through this session, etc. the vote would be limited to two times.

Senator Waterman pointed out the bill says voter approval of the over base is limited to 104%, aren't you also eliminating the permissive. At the present time districts can go up to 104% permissively and she asked if HB 22 does not pass this session, can they go to 104% permissive. Representative Brandewie said everything we do in education is like shifting sands. Except for the underlined material at the bottom of page 3 and the top of page 4 the rest of the bill is the same as written now but a lot of it is in limbo now. The Legislative Council will have to work out what is done because of the bills which deal with education. Basically this bill has nothing to do with the permissive levy.

Senator Waterman said we hear a lot about local control and the sponsor mentioned only one vote in Bigfork. She asked if the time to handle that isn't the time when you elect new trustees.

Senator Waterman said one of the proposals that is before the free conference committee on HB 22 is to allow a vote all the way up to recover anything that is cut. Under this proposal would

this change how much you could vote.

Ms. McClure said the way it is drafted in HB 22 is not the concept Representative Brandewie wants in this bill. The problem is that section 20-9-308 is the section we are trying to matchably amend. We do not know what HB 22 will look like yet, and we would have to make sure this section reads the same as that.

Closing by Sponsor: Representative Brandewie closed by saying members understood the concept and either liked it or did not like it.

EXECUTIVE ACTION ON HOUSE BILL 76

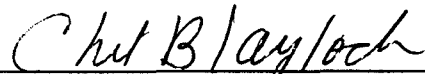
Discussion: Senator Brown suggested this should be tabled and Chair Blaylock said in light of the information that we have received that the first section of this is so intertwined with HB 22 and with the problems involved in that bill, he believed it would be for the better of the order if the bill were tabled.

Senator Toews agreed it would be best to table the bill.

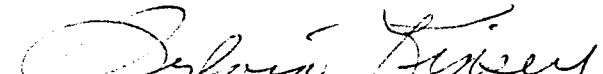
Motion/Vote: Senator Brown moved House Bill 76 be tabled. The motion passed, 7 yes, 1 no, 2 absent, roll call vote.

ADJOURNMENT

Adjournment: 9:57 a.m.



SENATOR/BLAYLOCK, Chair



SYLVIA KINSEY, Secretary

CB/sk

## ROLL CALL

SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES DATE

12-17-93

[illegible]

## ROLL CALL VOTE

HB 76 SENATE COMMITTEE EDUCATION AND CULTURAL RESOURCES ~~4~~ BILL NO.

DATE 12-17-93 TIME 9:55 (A.M.) P.M.

NAME	YES	NO
SENATOR FRITZ, V.C.	ab	
SENATOR BRENDEN		✓
SENATOR BROWN	✓	
SENATOR HERTEL	✓	
SENATOR STANG	✓	
SENATOR TOEWS	✓	
SENATOR WILSON	✓	
SENATOR WATERMAN	✓	
SENATOR YELLOWTAIL	ab	
SENATOR BLAYLOCK, Chair	✓	
	7	1

~~SECRETARY~~

CHAIR

MOTION: Roll HB 76

SEN. BROWN MOVED HB 76 BE TABLED.