

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By CHAIRMAN ALVIN ELLIS JR., on January 20, 1995,
at 3:20 PM

ROLL CALL

Members Present:

Rep. Alvin A. Ellis, Jr., Chairman (R)
Rep. Peggy Arnott, Vice Chairman (Majority) (R)
Rep. Vicki Cocchiarella, Vice Chairman (Minority) (D)
Rep. Matt Denny (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Dan W. Harrington (D)
Rep. Jack R. Herron (R)
Rep. Joan Hurdle (D)
Rep. Bob Keenan (R)
Rep. Sam Kitzenberg (R)
Rep. Gay Ann Masolo (R)
Rep. Norm Mills (R)
Rep. William Rehbein, Jr. (R)
Rep. John "Sam" Rose (R)
Rep. Debbie Shea (D)
Rep. Richard D. Simpkins (R)
Rep. Diana E. Wyatt (D)

Members Excused: Rep. George Heavy Runner

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Rena DeCrevel, Committee Secretary

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

Committee Business Summary:

Hearing: HB 151, HB 167, HB 229
Executive Action: HB 120-Do Pass as Amended, HB 151-Do
Pass

HEARING ON HB 151

Opening Statement by Sponsor:

REP. RAY PECK said that HB 151 allows districts to continue the
current practice of accumulating a reserve for the payment of

sick leave and vacation upon the termination of non-teaching administrative personnel. There is a limitation in the amount of money that can be put in the reserve account, which is 30% of the overall obligation. The bill allows the continuation of current law which was going to sunset.

Proponents' Testimony:

Larry Fasbender, Great Falls Public Schools said the piece of legislation was very helpful in Great Falls. The existence of the bill helps with the payoff of the liabilities that accumulate. The fund is necessary to help the financial management of the school system. The bill is a good fiscal management tool for the schools.

Don Waldron, Montana Rural Education Association, urged support for removing the sunset clause.

Loran Frazier, School Administrators of Montana, said that it is a good fiscal management bill and helps plan for the future.

Larry Brewster, Trustee of School District #2, gave the committee an idea of the fiscal impact on a general fund budget if the sunset provision were enacted. The total amount of liability for the school district is around \$640,000, with the budgetary cap that is on the general; if that was to be provided out of the general fund it would be a significant impact.

Lynda Brannon, Montana Association of School Business Officials, said that the bill allows for better financial management and allows the school districts some control of unfunded liabilities. When people retire or quit, there is some money set aside to pay them off. Otherwise it is to be taken out of their capped general fund.

Bob Odermann, President Montana Association of School Business Officials, said that the bill allows one way that school districts have an opportunity to cover a huge liability. The system has worked well the last few years.

Ric Floran, Fiscal Officer, School District 16, said that the bill would assist in the reward of employees.

Michael Keedy, Montana School Board Association, stated that the bill provides school districts the opportunity to prepare financially for an eventuality that is certain to occur, only the timing is unsure to the districts.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DICK SIMPKINS asked REP. RAY PECK if there was any consideration to cap the amount of sick leave and vacation, to be able to pay it off on an incremental basis instead of leaving it to the very last and finding then a large amount to pay off.

REP. PECK said that only 1/4 of the sick leave is paid. There is a cap on vacation pay and the amount of vacation depends on the length of service. The absolute maximum is 42 days.

Closing by Sponsor:

REP. RAY PECK said that the bill was good financial management and the biggest thing expressed in legislation is the issue of mandates on local schools and local government. He believes that the provision for the districts to use their cash balance to take care of the mandate needs to be made.

HEARING ON HB 167**Opening Statement by Sponsor:**

REP. DEBBIE SHEA said that the bill is very important to all constituent groups in Montana. As a school teacher, she has witnessed the thrilling experience of both tots and teens as they gather in the classroom. Children that enter the classroom with anxieties and fears do not realize the full extent of the education that they are receiving. Unfortunately there are ample distractions in children's lives, whether they are small or large lead to the fear that a classmate may have in his possession a weapon that could kill or maim, disable, and confine the carefree life of himself or his classmates. Throughout the state of Montana school districts have adopted policies that support the essence of the bill. The law will remove the potential of having a district policy challenged by a parent. The rights of gun owners are not being challenged. The challenge is the dreadful fear that prevails without the legislation. "We can never tell when a disaster will happen, but believe me I have witnessed the tragic outcome from parents, teachers and classmates. An outcome that cannot be reversed, an outcome that perhaps will never happen again as a result of the passage of this legislation."

Proponents' Testimony:

Pat Haffey, Senior Policy Advisor for Education in the Governor's Office encouraged support of the bill.

Gail Gray, Office of Public Instruction, said there were three outcomes of the bill. It will send a clear message that adults in Montana have said "enough is enough." It will tell the young people that settling problems with guns is not an option. Secondly it will let everyone know that no matter what life is like at home or on the street or any other place, school is a

safe haven where students and teachers can work together free from fear. Third, it will allow us to remain in compliance with the requirements of the condition of receded funds from the Improving America Schools Act." She urged support of the gun-free school act.

Beth Baker, Department of Justice said that the Attorney General shares the commitment of Governor Racicot and Superintendent Keenan to prevent violence in the schools. "We urge favorable consideration."

Cathy Kendall, Montana Board of Crime Control, said that they encourage adoption of the statute and policy within school environments to be safe and secure while learning.

Michael Keedy, Montana School Board Association, said that the association endorses HB 167. The gun-free school bill became federal law in 1994 and does require state legislation to compel local school districts by October 1995 to enact school policies which require a child with a gun on school property to be expelled for not less than one year. It also allows modification of the expulsion on a case-by-case basis.

Terry Minow, Montana Federation of Teachers, also testifying on behalf of the **Montana Education Association**, said that guns do not belong in schools. "The situation is one that cannot be tolerated. Teachers, students, staff, and parents need and deserve an environment that is free from violence. We aren't suggesting that these students should not be educated, but we are demanding the violent and disruptive students no longer be allowed to disrupt the quality of education for everyone else in the public school system. Montana schools should be a place of learning not a place of violence and intimidation."

Mary Ellerd, Executive Secretary for the Montana Juvenile Probation Offices Association, said "this bill has wholehearted support of the MJPOA."

Loran Frazier, School Administrators of Montana, supports the bill for reasons already given.

Don Waldron, Montana Rural Education Association, said that the bill has all the elements needed. Being able to look at each incident case-by-case is necessary so nobody is doing the wrong thing.

Hank Hudson, Director of the Department of Family Services, spoke in support of the bill.

Opponents' Testimony:

Gary Marbut, President Montana Shooting Sports Association, also affiliated with **National Rifle Association of America, Guns of America**, speaking for **Western Montana Fish and Game Association**

and **Big Sky Practical Shooting Club**, agreed that kids should not be able to take guns to school, and also agreed that schools should be free to adopt policies. They are not convinced that it is necessary to put the federal act into state law. In 1990, Congress passed a Gun free School Zone Act, which makes it a federal crime to take a gun on school grounds. Under Montana law, it is a criminal offence to take a gun into a school building. Schools now have all the authority to adopt a zero tolerance program to keep guns out of the schools. There were two acts passed by Congress in 1994 that are relevant to this. One measure required that for any school to receive federal funding, they have to have the policy adopted and on file with the Superintendent of Public Instruction. The other act stated that if the state were to receive educational funding the state has to pass a law compelling the schools to adopt the policy. Schools today have already adopted the policy. The state gun control law does not need to require what is already required by federal law.

Mary Gay Wells, private citizen, opposed the section the deals with the special disabilities children and how they will be handled if they take a gun to school. She feels it is mandated from the federal government and the state should not be forced to accept that part of the gun free school act in order to receive funding.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DICK SIMPKINS asked **Terry Minow** if the federal government, by imposing their laws, have created a violent situation in the classrooms because of their law. **Terry Minow** answered that some of the restrictions that are contained in that particular piece of national law are restricted in terms of Montana's ability to deal with problem students.

REP. SIMPKINS asked **Loran Frazier** if the school board had the authority to establish rules on expelling students with dangerous weapons. **Mr. Frazier** answered that yes many schools do have the policies.

REP. SIMPKINS stated that he feels that this bill is an insult to the state of Montana because the Congress of the United States doesn't feel that "we care enough about the kids of the school so they impose a law on us to do what has already been done." **Loran Frazier** said that he feels it is a mandate that has come down from Congress and unless the legislation is passed, the districts are going to be burdened with the treat of loss of federal funds.

REP. NORM MILLS asked **Loran Frazier** if there are already state laws that deal with this, why it has to be done in law to satisfy the federal government. **Loran Frazier** said that the 1994

Congress passed a law that said that all school districts must have a gun policy. Then there was a ruling that in order to get federal money, states must also recognize the policy and have a policy on gun control. Basically, that is what the bill is doing.

REP. PEGGY ARNOTT asked **REP. DEBBIE SHEA** to explain what is meant on lines 22 and 23 in regard to a student with a disability. **REP. SHEA** deferred the question to **Gail Gray**. **Gail Gray** said that under special education guidelines when a student with a disability brings a gun to school, they can be suspended immediately for ten days. During that time it is determined whether or not the disability had any relation to bringing the gun to school. If there is no relation, the student can be suspended for 45 days and provided with alternative education but not in the public school system. If it is determined that the student was not capable of understanding his or her action, the school superintendent would then make the decision. If the student is still considered dangerous, then the action would go to court for an injunction.

REP. SAM ROSE asked **Michael Keedy** if the bill met all the requirements for the federal government. **Michael Keedy** said that yes it does and understands that the term "schools" as stated refers to any property that belongs to the school district.

REP. ROSE said that he does not want to see rural kids with a .22 in the back of their truck trapped by the bill, and asked if they would be. **Michael Keedy** answered that they would not be for the reason that he thought by statutory definition "weapon" does not include a rifle that is used strictly for sporting, recreation, and cultural purposes.

REP. JOAN HURDLE asked if the school parking lot is considered part of the school and could a student bring a truck with a gun in a gun rack and park it there all day. **Michael Keedy** said that the parking lot would be considered school property, but the hunting rifle would not be defined by federal law as a firearm so wouldn't be a concern of this legislation. If it is being used for recreational and sporting purposes it would not be encompassed in the act.

REP. DAN HARRINGTON asked **Gerallynn Driscoll** what the definition of a firearm is. **Gerallynn Driscoll** read the definition in the federal statute which is found in Title 18, Section 921 which says that all guns are included as weapons.

{Tape: 1; Side: B; Approx. Counter: 000; Comments: .}

REP. ALVIN ELLIS asked **Gail Gray** about disabled children being able to seek readmission after expulsion, and what happens while they are going through the process. **Gail Gray** said that during the ten days, there are no services, but during the 45 days there would have to be some sort of alternative education services.

REP. ELLIS asked if an emotionally and a developmentally disabled student would be handled the same way. **Gail Gray** said that there was no differentiation between the various disabling conditions.

Closing by Sponsor:

REP. SHEA said that she is not the least bit insulted by the federal legislation. Throughout the state, school districts are complying with the essence of the bill and will attest to the fact that it is a desired piece of legislation. The bill affects everyone. "We need to be vigilant in our commitment to make schools a safe haven for children for learning and growing and nurturing our youth. For students, teachers, families and communities please pass this legislation."

HEARING ON HB 229

Opening Statement by Sponsor:

REP. SONNY HANSON said that HB 229 is a real simple bill. It allows the public the right to vote on the kind of higher education system it wants. He quoted an idea proposed by George Burstin, Anaconda Standard editor in 1913. "Pass bills mandating an end to duplication of courses and creating a chancellorship system that would centralize administrative functions in a single office... In 1994, the Governor's Task Force to Renew State Government stated that coordination between K-12 public education and higher education mandated by the constitution has not been achieved for over 80 years, they are still fighting over the same thing, there needs to be a change. He passed out **Exhibit 1**. The university system now operates under Model 1; the bill changes the system and moves it over to Model 4, where the governor will appoint the Chief State School Officer and the state boards of education. The bill replaces the Board of Education, the Board of Regents and the Commissioner of Higher Education with the Department of Education and a State Education Advisory Commission. It is a constitutional amendment that the public would vote on in the 1996 general election. If passed, the 1997 Legislature could create the Department of Education and start the transfer of various higher education functions to the department. **Exhibit #2** was passed out. The bill makes a more accountable, accessible system. **REP. HANSON** read parts of a letter from **Robert K. Ripley**, (informational testimony).

Proponents' Testimony:

Pat Haffey, Senior Policy Advisor for Education, Governor's Office, said they support the recommendation from the task force. They believe that it will offer an opportunity to establish one proficient education agency that will focus primarily on a seamless system of education. It will also provide for one accountable educational agency. It will identify one single

agency as the service provider and as the agency that responds to the needs of people on campuses and in the local districts. One single education agency will eliminate duplication. Most important, it will provide for Montanans the opportunity to vote again on whether they would like an alternative form of government.

Opponents' Testimony:

Mike Malone, President, Montana State University, said that he thinks it is important to take the longer view. The Board of Regents concept has been well established in the history of many states.

Chet Blaylock, Former Member of Montana State Senate, said that there is no way that everybody in Montana is going to be happy about the university system. The university system belongs to everyone and everyone pays taxes on the schools. Before the system is changed, everyone needs to take a good look at the way it is now.

Tom Topla, Former Regent, suggested to the committee that people did vote on the former structure. The people in Montana should have the right to vote on many things not just higher education.

Jim Kaze, Chairman of the Board of Regents, said the bill moves toward greater government not less. The question is what serves all Montanans the best, not just one section of the state. The current constitutional independence of the regents is the best mechanism for higher education governments.

Justin Lee, President of Montana Associated Students, said that the issue greatly concerns the students of Montana. Over the last years, students have seen a change in the way that they are heard and perceived on all levels of the university system, especially by the Board of Regents and the Commissioner of Higher Education. The legislation leaves MAS with a question about their position in the decisionmaking process in the university system. Currently, students are enjoying better relationships and more voice than they have ever had. MAS is concerned that if HB 229 is enacted, it will go against the intent of the 1972 Constitutional changes.

Jeff Baker, Commissioner of Higher Education, covered three points with the committee. One, there is a new vitality in the university system. Two, the direction that Higher Education has been going in the past few years is toward a more incentive-based kind of system. The Montana University system is trying to be run as a more business-like foundation and is pushing the decision-making down to the campus level to give managers the ability to make decisions. The third point is that this change is a long process.

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Sheila Sterns, Chancellor of Western Montana College, suggested not fixing something if it is not broken. There is no excellent college or university in the country that does not have its own board of trustees or board of government. She asked the committee not to change that if it benefits the state of Montana.

Eric Feaver, Montana Education Association, said that if HB 229 were to become law, the governor would become the commissioner of higher education, the legislature would become the Board of Regents, the director of the department of education would be an office manager and there would be an advisory council with no substantial functions.

Terry Minow, Montana Federation of Teachers, said that the system is excellent right now and the MFT opposes HB 229.

Informational Testimony:

REP. HANSON handed in a letter from **Robert K. Ripley, Exhibit #3**.

Questions From Committee Members and Responses:

REP. SIMPKINS asked **Justin Lee** if he would comment on the fact that in 1989 the legislature passed a resolution to ask the Board of Regents to set up either a quarter or semester system, and there were a large number of students protesting that. **Justin Lee** said that from time to time they disagree with the Board of Regents and feel that the Board truly considers what they have to say.

REP. SAM KITZENBERG asked **Jeff Baker** how he accounts for the higher salary that he received this year. **Jeff Baker** said that the reason for it was that he was hired on probationary status. His predecessor's increase went up 7% a year. They received a study from the university of Arkansas that even with the increase, he is still the lowest paid head of a multiple campus system in the United States.

REP. SIMPKINS asked **Jeff Baker** why it seems to appear that the Board of Regents have ignored the legislature rather than work with the legislature. **Jeff Baker** that in the last year and a half they have been trying to be up front, candid, and build integrity in what they say so that it is not only giving information, but the information is complete. The relationship with the legislature is to be up front and tell it like it is.

REP. HURDLE asked REP. HANSON how eliminating citizen boards and elected officials and centralizing all of that authority helps the citizens and does it have to do with the public's right to be a player. REP. HANSON said that he thinks the public ought to have the opportunity to vote on the type of system that they

want. The public has never had the opportunity to vote on the system. **REP. HURDLE** said that she does not see how centralizing all the power in the office of the governor would improve education and be cost effective. **REP. HANSON** said when an individual is running for re-election and the educational system is under his control, automatically it becomes an item in his campaign and the public will be able to vote him up or down based on the educational campaign material.

REP. HURDLE asked **Jeff Baker** if the issue does go to the vote of the public, what kind of campaign is going to have to be made to inform the public about the issues and how much it would cost. **Jeff Baker** said that he doesn't know exactly.

REP. WYATT asked **REP. HANSON** about the piece of legislation being one of many that affects the Board of Public Education, the Board of Education, Board of Regents and the Office of Public Instruction, and would he like the committee to hold the pieces of legislation all as a group and pass them out together. **REP. HANSON** said that HB 229 stands alone and he would hope that the committee would take action as soon as possible.

Closing by Sponsor:

REP. HANSON said that he didn't hear one of the opponents say that the public has the right to vote on this system. The public should have the right to vote on the system. He read a verbatim transcript from March 11, 1972 that says "the state board of education shall determine budget requests made of the legislature after forming a plan of allocated funds to all phases of the state's educational system." In closing he said that the change that is being talked about will give more input to the students. He recommended that the committee vote for it and give the people the opportunity to express themselves.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: .}

EXECUTIVE ACTION ON HB 120

Motion: **REP. HARRINGTON MOVED HB 120 DO PASS.**

Discussion:

REP. SIMPKINS said that he objected to the provision that allows the schools to buy real property out of the general fund. The general fund is exclusively for the purpose of operation and maintenance of the school system and classrooms. He feels that it is wrong for the schools to use the money elsewhere.

REP. HANSON said that he has the same problem with the bill. He feels that general construction needs to be kept out of general fund budgets.

REP. SHEA asked REP. HANSON if he had objections to going to ten years or it was just the part about real property. REP. HANSON said that real property was his main concern, but he does also have a problem with the ten years.

REP. ROSE said that he is concerned about not having the voters' approval.

REP. SIMPKINS said that the original intent of the five-year intercap program was to allow counties and cities to acquire equipment as long as they could pay it back in five years. Stretching it out to ten years will just set up the schools to spend more money. He moved that lines 27 and 28 be restored to the original language

REP. HARRINGTON said that all that was being done is giving them the right to buy a parking lot or building that is needed.

Motion: REP. SIMPKINS moved to change the title to reflect the amendments to restore lines 27 and 28 to their original intent.

Discussion: REP. HANSON wanted to go on record of supporting the amendments which would not allow the schools to use the general fund to construct facilities, without the vote of the electorates of the school districts.

Vote: Motion carried 10-7.


Motion/Vote: REP. WYATT MOVED HB 120 DO PASS AS AMENDED. Motion carried 16-2.

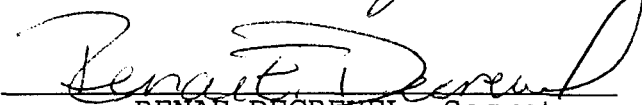
EXECUTIVE ACTION ON HB 151

Motion/Vote: REP. HARRINGTON MOVED HB 151 DO PASS. Motion carried unanimously.

ADJOURNMENT

Adjournment: 5:30 pm


ALVIN ELLIS JR., Chairman


RENAE DECREVEL, Secretary

AEJ/red

HOUSE OF REPRESENTATIVES

Education

ROLL CALL

DATE 1-20-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Alvin Ellis, Jr., Chairman	X		
Rep. Peggy Arnott, Vice Chairman, Majority	X		
Rep. Vicki Cocchiarella, Vice Chair, Minority	X		
Rep. Matt Denny	X		
Rep. Sonny Hanson	X		
Rep. Dan Harrington	X		
Rep. George Heavy Runner		X	
Rep. Jack Herron	X		
Rep. Joan Hurdle	X		
Rep. Bob Keenan	X		
Rep. Sam Kitzenberg	X		
Rep. Gay Ann Masolo	X		
Rep. Norm Mills	X		
Rep. Bill Rehbein	X		
Rep. Sam Rose	X		
Rep. Debbie Shea	X		
Rep. Dick Simpkins	X		
Rep. Diana Wyatt	X		



HOUSE STANDING COMMITTEE REPORT

January 23, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 151 (first reading copy -- white) do pass.

Signed: 
Alvin Ellis, Jr., Chair

Committee Vote:
Yes 8, No 0.

190922SC.Hdh

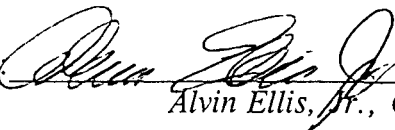


HOUSE STANDING COMMITTEE REPORT

January 23, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that **House Bill 120** (first reading copy -- white) do pass as amended.

Signed: 
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, lines 6 and 7.
Following: "INVESTMENTS;"
Strike: remainder of line 6 through "FACILITY;" on line 7
2. Page 1, line 27.
Following: "~~not~~"
Insert: "not"
3. Page 1, line 28.
Following: "facility"
Strike: remainder of line 28 through "20-6-603"

-END-

Committee Vote:
Yes 16, No 2.

190915SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 1-20-95 BILL NO. 120 NUMBER _____

MOTION: Report - Do Pass as amended

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		
Rep. Peggy Arnott, Vice Chairman, Majority	✓	
Rep. Vicki Cocchiarella, Vice Chairman, Minority	X	
Rep. Matt Denny	✓	
Rep. Sonny Hanson	✓	
Rep. Dan Harrington	✓	
Rep. George Heavy Runner	X	
Rep. Jack Herron	✓	
Rep. Joan Hurdle		X
Rep. Bob Keenan	✓	
Rep. Sam Kitzenberg	✓	
Rep. Gay Ann Masolo	✓	
Rep. Norm Mills	✓	
Rep. Bill Rehbein	✓	
Rep. Sam Rose	✓	
Rep. Debbie Shea	X	
Rep. Dick Simpkins		X
Rep. Diana Wyatt	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 1-20-95 BILL NO 120 NUMBER _____

MOTION: To Pass - Rep Harrington

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny	X	
Rep. Sonny Hanson	X	
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron	X	
Rep. Joan Hurdle		X
Rep. Bob Keenan	X	
Rep. Sam Kitzenberg		X
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt		X

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 1-20-95 BILL NO. 151 NUMBER _____

MOTION: Rep Harrington - Dr Pass

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		
Rep. Peggy Arnott, Vice Chairman, Majority		
Rep. Vicki Cocchiarella, Vice Chairman, Minority		
Rep. Matt Denny		
Rep. Sonny Hanson		
Rep. Dan Harrington		
Rep. George Heavy Runner		
Rep. Jack Herron		
Rep. Joan Hurdle		
Rep. Bob Keenan		
Rep. Sam Kitzenberg		
Rep. Gay Ann Masolo		
Rep. Norm Mills		
Rep. Bill Rehbein		
Rep. Sam Rose		
Rep. Debbie Shea		
Rep. Dick Simpkins		
Rep. Diana Wyatt		

Section 9. Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.

(d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board.

Cross-References
Governor, Superintendent of Public Instruction as executive officers, Art. VI, sec. 1, Mont. Const.
Board of Regents exempt from Montana Administrative Procedure Act, 2-4-102.
Governor as member of State Board of Education, 2-15-201.

Superintendent of Public Instruction, 2-15-701; Title 20, ch. 3, part 1.
State Board of Education, 2-15-1501.
Board of Regents, 2-15-1505.
Commissioner of Higher Education, 2-15-1506.

Board of Public Education, 2-15-1507.
Appointments to Boards, 2-15-1508.
Agencies, boards, commissions, and councils allocated to State Board of Education, 2-15-1511 through 2-15-1520.

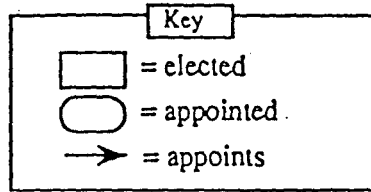
Application of portions of state employee classification requirements to Board of Regents and Board of Public Education, 2-18-103.
Approval of gubernatorial appointments, Title 5, ch. 5, part 3.
The Legislative Audit Act, Title 5, ch. 13.

Bonds for construction of physical education building at Montana College of Mineral Science and Technology, 17-5-421.
Submission of university system budget, 17-7-112.
Construction of buildings by Board of Regents without legislative approval, 18-2-102.
University system buildings exempt from certain preconstruction requirements, 18-2-103.
Education, Title 20.
State boards and commissions generally, Title 20, ch. 2.
University system, Title 20, ch. 25.
Charges for tuition — waivers, 20-25-421.

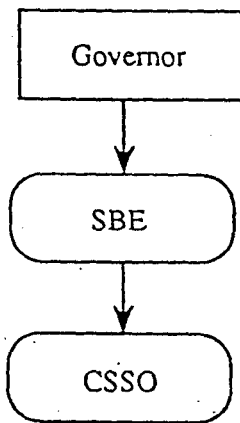
Board of Regents may contract with local governments for establishment and operation of joint library services, 22-1-403.
Constitutional Convention Transcript Cross-References
Adoption, Trans. 2939, 2940.
Committee report, Vol. II 719, 720, 731 through 740, 994, 995, 998, 999, 1002, 1004, 1005, 1070, 1071.
Cross-references, 1889 and 1972 Constitutions, Vol. II 757.

EXHIBIT #1
DATE 1-20-95
B HB 229

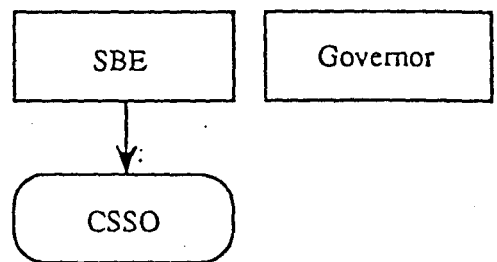
Basic Models of State Education Governance



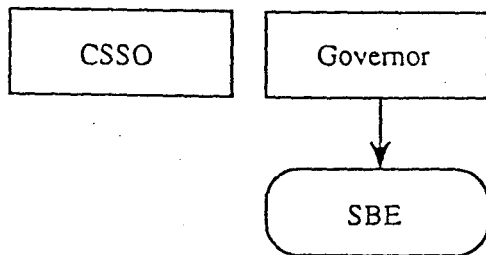
Model One



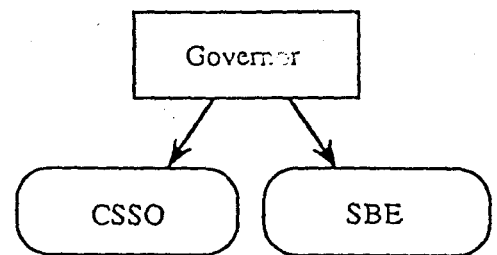
Model Two



Model Three



Model Four



CSSO - CHIEF STATE SCHOOL OFFICER

SBE - STATE BOARDS OF EDUCATION

Table 2
State Boards of Education: Selection Methods

EXHIBIT #2
DATE 1-20-95
B HB 229

Members Appointed--33 states

Appointed by Governor--31 states

Alaska, Arizona, Arkansas, California, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wyoming

Appointed by Governor and Council*--1 state--*New Hampshire*

5 Appointed by Governor, 2 Appointed by Lieutenant Governor, and 2 Appointed by Speaker of the House--1 state--*Mississippi*

Members Elected--13 states

Elected in Partisan Elections--6 states

Alabama, Colorado, Florida, Kansas, Michigan and Texas

Elected in Nonpartisan Elections--5 states

Hawaii, Nebraska, Nevada, Ohio and Utah

Elected by Legislature--1 state--*New York*

Elected by Local School Boards--1 state--*Washington*

Part Appointed, Part Elected--3 states

Part Appointed by Governor, Part Elected--2 states--*Louisiana and New Mexico*

1 Member Appointed by Governor, Remainder Elected by Legislative Delegations of Counties in Judicial Circuits--1 state--*South Carolina*

No State Board of Education--1 state--*Wisconsin*

*The Council is composed of five elected members, and its purpose is to advise the governor.

Table 3
Chief State School Officers: Selection Methods

Appointed--35 states

Appointed by State Board of Education--26 states

Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, Ohio, Rhode Island, Utah, Vermont and West Virginia

Appointed by Governor--9 states

Iowa, Maine, Minnesota, New Jersey, Pennsylvania, South Dakota, Tennessee, Texas and Virginia

Elected--15 states

Elected in Partisan Elections--9 states

Arizona, Florida, Georgia, Idaho, Indiana, Montana, North Carolina, South Carolina and Wyoming

Elected in Nonpartisan Elections--6 states

California, North Dakota, Oklahoma, Oregon, Washington and Wisconsin

Table 4
 Changes in CSSO Selection: 1900 to 1992*

Method	1900	1910	1920	1930	1940	1950	1963	1973	1983	1992
Appointed by SBE	3 (7%)	4 (9%)	8 (17%)	8 (17%)	8 (17%)	13 (27%)	23 (46%)	26 (52%)	27 (54%)	26 (52%)
Appointed by Governor	7 (15%)	7 (15%)	6 (12%)	7 (14%)	8 (17%)	6 (13%)	5 (10%)	5 (10%)	5 (10%)	9 (18%)
Elected by Citizenry	31 (69%)	33 (72%)	34 (71%)	33 (69%)	32 (66%)	29 (60%)	22 (44%)	19 (38%)	18 (36%)	15 (30%)
Other**	4 (9%)	2 (4%)								
Number of States	45	46	48	48	48	48	50	50	50	50

*The figures for years from 1900 to 1963 were derived from Will (1964); figures for 1973 and 1983 were derived from Harris (1973, 1983).

**Appointed by General Assembly or ex officio.

TO: REP. SONNY HANSON (R) BILLINGS

3 1/20/95

Montana House of Representatives

Helena, Montana

EXHIBIT ~~20-95~~
DATE ~~HB 229~~

FROM: Robert K. Ripley, Region 4 Coordinator, United We Stand America-Montana, businessman, Missoula, Montana.

SUBJECT: Supporting Testimony for House Bill 229.

United We Stand, America, Montana (UWSA-MT) believes that improvement of education is one of the most important challenges facing our state into the twenty-first century. In our view, the performance of Montana's K-12 education system has stagnated over the past twenty years, even as costs and staffing levels have ballooned. Our higher education system shows disturbing trends in tuition fees and overcrowding. The present system to administer State education functions is fractured in lines of direct responsibility, overly layered by several different bureaucracies, overly politicized, over-manned and unnecessarily costly.

Overall, there is certainly no reason to be complacent over the condition of education in Montana, and there is a need to carefully consider proposals offered to "reform" our education structure. Within UWSA-MT, I have been given the primary responsibility to review the impact of HB 229, to place on the November, 1996, Ballot a Constitutional Amendment to Article X, Section 9, of the Montana Constitution, "to replace the Board of Education, the Board of Regents, and the Commissioner of Higher Education with the Department of Education and a State Advisory Commission; and providing a delayed effective date and an applicability date".

I have previously written the Governor on behalf of our organization expressing our inclination to support the creation of a Department of Education, providing it can be clearly shown that such a structure will enhance educational quality and improve cost-effectiveness. UWSA-MT support is based on several factors, but can be summarized as reflecting the perceived will of the people of Montana to reform their government in order to reduce taxes, restore direct responsibility in all branches and levels of government for actions taken on behalf of the people of Montana. We are aware that this Bill merely places a full review and vote before the electorate on the subject of educational responsibility in Montana. We believe that, in the course of the election campaign for and against this reorganization, Montanans' attention will become focused on the strengths and deficiencies of our current system of education and good ideas will surface for the improvement of education at all levels. I therefore strongly urge that HB229 be passed.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-20-95
BILL NO. 279 SPONSOR(S) Rep. Sonny Hanson

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Stoney Burk PO Box 70 CHOTEAU, MTS 59422	SELF	X	
Jim Kaze, Havre, MT	MT. Bd of Regents		X
ERIC FEAVER	MEA		X
Mr. Blake	MCU		X
R.J. CARR	HELENA COLLEGE of Tech		X
PAT DAVISON	BOARD of Regents		X
Chet Blaylock			X
MARY ALICE COOK	ADVOCATES for MTS Children		
Terry Minow	ME-T		X
PACE, GARRY A	MONTANA TECH STUDENTS	X	
Jennifer Ponosuk	ASSOCIATED STUDENTS U of MT - Missoula		X

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-20-95
BILL NO. 151 SPONSOR(S) Rep. Ray Beck

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Loran Frazier	S A M	<input checked="" type="checkbox"/>	
John Malen	M. F. T.	<input checked="" type="checkbox"/>	
LARRY BREWSTER	SD 2	<input checked="" type="checkbox"/>	
Ric Floren	SD 16	<input checked="" type="checkbox"/>	
LYNDA BRANNON	MASBO	<input checked="" type="checkbox"/>	
Bob Odermann	Butte Schools	<input checked="" type="checkbox"/>	
Don Waldrow	MREA	<input checked="" type="checkbox"/>	
MICHAEL KEEDY	MSBA	<input checked="" type="checkbox"/>	
Larry Tashen	GFPS	<input checked="" type="checkbox"/>	
Rand Stegman	East Helena Schools	<input checked="" type="checkbox"/>	
CARL KNUDSEN	SACO	<input checked="" type="checkbox"/>	

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-20-95
BILL NO. 167 SPONSOR(S) Rep Debbie Shea

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Loran Fratton	SAAM	/	
John Mahoney	M.F.T.	X	
Doreen Alderson	MBSA	L	
MICHAEL KEEDY	MSBA	X	
ERIC FEAVER	MEA	X	
MARY ELLERD	MJPA	X	
Cathy Kendall	Crime Control	X	
GARY MARBUT	MSSA, GOTA, CCRFB WUMFA, BSPSC		
Ronald Stegmann	E. Nelson School	/	
Mary Ann Wells	Myself parent		X
Mary Alice Cook	Advocate for MTS Children	✓	
Gail Gray	OPD	✓	
Terry Minow	MFT	✓	

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