

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By **CHAIRMAN ALVIN ELLIS, JR.**, on January 23, 1995, at 3:00 p.m.

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. 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. George Heavy Runner (D)
Rep. Richard D. Simpkins (R)
Rep. Diana E. Wyatt (D)

Members Excused:

Rep. H.S. "Sonny" Hanson (R)
Rep. Debbie Shea (D)

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 233, HB 221
Executive Action: HB 229 DO PASS

{Tape: 1; Side: A; Approx. Counter: 000; Comments: Sound quality is very poor. The sponsor's remarks were barely audible, as well as the testimony and question periods throughout the meeting.}

HEARING ON HB 233

Opening Statement by Sponsor:

REP. DICK KNOX, HD 93, introduced HB 233 which was an act providing for the dissolution of a K-12 school district; amending section 20-6-104; and providing an immediate effective date. He discussed the impact on rural schools and stated the importance of allowing elections to take place to determine the dissolution of school districts.

Proponents' Testimony:

Shirley Barrick, Fergus County Superintendent of Schools, said they were in support of HB 233. She discussed the ability for people in local communities to better manage their elementary and high school districts.

Eric Feaver, Montana Education Association, said they support the bill.

Don Waldron, Montana Rural Education Association, said this is one type of consolidation they do support.

Loran Frazier, School Administrators Association, rose in support of HB 233.

Michael Keedy, Montana School Boards Association, said they support this bill.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

{Comments: The following committee members asked questions but could not be heard clearly enough on the tape to paraphrase accurately.}

REP. BILL REHBEIN, REP. NORM MILLS, REP. DICK SIMPKINS.

{Tape: 1; Side: A; Approx. Counter: 382; Comments: The sound quality improved temporarily when those committee members sitting close to the microphone spoke. There were questions pertaining to the amendments that were proposed for this bill.}

REP. VICKI COCCHIARELLA asked REP. KNOX if he had spoken with REP. MENAHAN about the bill. He responded that he had. REP. COCCHIARELLA asked if he was not in agreement with it.

REP. KNOX said he was amenable with the idea. REP. COCCHIARELLA said she had two tuition bills and by the time they got to the Senate "it was a gigantic confused mess." She wondered if it was

possible to meet before REP. MENAHAN'S bill was passed. REP. KNOX'S response could not be understood.

REP. ROSE asked REP. KNOX a question that was inaudible.

Closing by Sponsor:

REP. KNOX said the bill speaks for itself and he closed.

{Tape: 1; Side: A; Approx. Counter: 502; Comments: The sound quality improves slightly when the PA system is used.}

HEARING ON HB 221

Opening Statement by Sponsor:

REP. JOHN BOHLINGER, Northeast Billings, said in 1993 the legislature gave approval for an education task force. This task force was made up of people from state and local government and education and was privately funded. They spent 10 months statewide to research how these government sectors operated and how they could make them more cost efficient and responsive to citizens. This bill is the result of one of the recommendations that came out of this study, which is to eliminate the duties of the position of the elected county superintendents of schools.

On February 2, 1865, an act establishing a common school system for the territory of Montana was signed into law. He said this act detailed the duties of the county superintendent of schools. Some of the duties include revenue collection and apportionment of these funds to the county school district. They are responsible for preserving school lands, and examining and certifying teachers. Over the years, county superintendents have been busy fulfilling their responsibilities, but the duties have changed and there are more specific requirements for holding this office. Revenue collection now is the function of the county treasurer. The Department of State Lands manages school trust lands. The Office of Public Instruction is responsible for teacher certification and can communicate directly with school districts without the assistance of the county superintendent.

In other states, this position has been eliminated. He said the 186 pages of the bill is hefty, but when examined section-by-section, it is easier to understand. He said the reason it is so lengthy is because it deals with 133 sections of existing law, and describes in detail the duties of county superintendents.

He emphasized that this bill would not eliminate the position of county superintendents and does not eliminate the office, but does consolidate this position with other elected positions. The bill would eliminate the duties and responsibilities of that office. He said the primary question the task force asked was whether the duties of the county superintendent should remain

with the county or whether they should be decentralized to individual school districts.

REP. BOHLINGER described the responsibilities that school districts would have to assume. The county's general fund would no longer subsidize districts that do not provide appropriately-trained supervisors and clerks. Transferring the duties and eliminating the office would reduce county expenditures a minimum of \$2.5 million annually. They believed that this office has become outdated and unnecessary.

The recommendation was made by the Task Force to Renew State Government and the Governor's Office. It keeps with the theme of giving more control to local school districts by giving greater authority to the local school board trustees, local school district superintendents, county treasurers, and county commissioners.

REP. BOHLINGER distributed a letter by **Lloyd Wolery, Chairman, Hill County Commission**, and read parts of it to the committee. **EXHIBIT 1**

He then referred to a letter from **Dorothy Laird, Flathead County Superintendent of Schools**, and read parts of it to the committee. **EXHIBIT 2**

Proponents' Testimony:

Pat Huffy, Governor's Office, said this bill was the result of a recommendation of the Governor's Task Force and was also a recommendation of the subcommittee of the Education Committee.

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

She reiterated statements made by **REP. BOHLINGER** that relate to the act passed in 1865 establishing duties that are now deemed out of date. She said the bill would save the county general fund approximately \$2.5 million. She encouraged the committee to vote in favor of HB 221.

Linda Vaughey, Member, Governor's Task Force, and Chair, Task Force Education Committee, submitted written testimony. **EXHIBIT 3**

{Tape: 1; Side: B; Approx. Counter: 111; Comments: n/a.}

Ric Floren, Member, Task Force Education Subcommittee, described the work of the subcommittee and how they arrived at their recommendation to eliminate the duties of the county superintendents. He gave examples of how the bill would impact rural communities. He said there is a county superintendent who has been taking college classes for the last three semesters, an indication that this position is not being missed in that county.

{Tape: 1; Side: B; Approx. Counter: 295; Comments: n/a.}

Sharron Lentner, Member, Governor's Task Force Education Subcommittee, said in her work as a county treasurer, she believed the duties turned over by the county superintendent will be well maintained. She said that school districts need to be responsible for schools.

Gary Carlson, Clancy School Board Trustee, said he was also a member of the Governor's Task Force Education Subcommittee, and supported HB 221. He said the need to elect a county superintendent has passed. He said they need to look for ways to improve governmental efficiency, and believed the local school districts and their clerks can carry out the responsibilities of the county superintendents. This will also result in the better identification of actual costs to operate a school district.

Paula Butterfield, Member, Governor's Task Force to Renew Montana Government, and said one of the questions they asked in a petition was should all county taxpayers pay for the services of a county superintendent. The vast majority of taxpayers are being taxed twice for administration of school districts. The one they live in and the one that uses a county superintendent.

Eric Feaver, Montana Education Association, said he supported this bill as MEA has supported reconstruction for many years.

David Ashley, Department of Administration, handed out a section-by-section analysis of this bill. **EXHIBIT 4** He also handed out a list of the counties in the state with the number of districts by county. **EXHIBIT 5**

{Tape: 1; Side: B; Approx. Counter: 545; Comments: n/a.}

Informational Testimony:

Wayne Buchanan, Board of Public Education, said he was neither a proponent or an opponent of this bill and the Board of Public Education has not taken a position on the merits of HB 221 nor on the elimination of the duties of county superintendents. He offered a brief explanation on how this bill would affect the Board of Public Education and the responsibilities given to them. He passed out a proposed budget allocation. **EXHIBIT 6**

{Tape: 1; Side: B; Approx. Counter: 660; Comments: The sound quality is very poor, background noise made it difficult to understand.}

Opponents' Testimony:

Blake Wordal, Lewis and Clark County Commissioner, asked why this should be decided at this level and said they already have the authority to combine duties. He thought they should leave this issue to the county commissioners of each county in the state.

Bryant Stone, Cottonwood School District #1, Lewistown, submitted written testimony. **EXHIBIT 7**

Kathie A. Bailey, Fergus County Commissioners, stated her opposition to the bill and described how this bill would impact county budgets and county administration.

{Tape: 1; Side: B; Approx. Counter: 973; Comments: Tape turned over in middle of Gail Jones' testimony. Sound quality improves somewhat.}

Gail Jones, Powell County Commissioner, submitted written testimony. **EXHIBIT 8**

{Tape: 2; Side: A; Approx. Counter: 000; Comments: The beginning of this tape contains part of the question/answer period with REPS. COCCHIARELLA AND HEAVY RUNNER, due to error in re-inserting tape that was previously recorded. Opponents' Testimony resumed at counter 52 as Gail Jones was ending her testimony.}

Don Waldron, President, Montana Rural Education Association, submitted written testimony. **EXHIBIT 9**

Gordon Morris, Director, Association of Counties, said all county commissioners have expressed their opposition to HB 221. Rather than repeat the testimony previously given, he made a suggestion that the effective date be revised. He cited page 10, section 11, and described problems with this section. He also suggested that since, under current law, county commissioners have the authority to consolidate, they could contract with someone who has the credentials to carry out the duties required. He thought they should leave this issue to local discretion and not make it mandatory by the year 2000.

Loran Frazier, School Administrators of Montana, stated their opposition to HB 221. He said this bill may create an unfunded state mandate to counties and would be unfair.

{Tape: 2; Side: A; Approx. Counter: 357; Comments: n/a.}

Lynda Brannon, Montana Association for School Business Officials, said they also oppose this bill and found in 18 different places in the bill, the duties now being carried out by county superintendents are being transferred to district clerks. In some places, duties are placed with district trustees. She said there are limited funds to hire personnel to take care of already existing work. She stated that this bill would increase the administrative costs for school districts. She urged the committee to oppose this bill.

Greg Danelz, Half-time Acting Ravalli County Superintendent of Schools, said he agreed with previous testimony, so would not reiterate it, and urged the committee to oppose this bill.

Joyce Decker Wegner, Superintendent of Schools, Lake and Sanders counties, said she also opposed the bill. Before reading her written testimony (**EXHIBIT 10**), she read a letter from **Janet McCabe, McCone County Treasurer and Superintendent of Schools (EXHIBIT 11).**

{Tape: 2; Side: A; Approx. Counter: 665; Comments: n/a.}

Joanne Lamb, District Clerk, Moore School, said she opposed the bill because of the added duties that would be pushed onto the board of trustees and others in local government, many who happen to be volunteers or work on farms and ranches and do not have time to take on added duties.

Donna Maddux, Flathead County Superintendent, submitted a witness statement. EXHIBIT 12

{Tape: 2; Side: A; Approx. Counter: 841; Comments: Sound quality very poor, echo and background noise. Testimony cannot be understood.}

Robert Throssell, Montana Association of Clerks and Recorders, said they opposed HB 221.

Penny Wickenberg, Edgar, submitted written testimony. EXHIBIT 13

{Tape: 2; Side: B; Approx. Counter: 000; Comments: Ms. Wickenberg's testimony continued to county 238.}

The following individuals submitted letters of opposition to HB 221:

Jacqueline L. Boetticher, Clerk, School District 24. EXHIBIT 14

Jane E. Mang, Clerk and Recorder, Musselshell County, Roundup. EXHIBIT 15

Darcy Nordhagen, Sheridan County Superintendent of Schools, Plentywood. EXHIBIT 16

Joe Larsen, Chairman; Gayle Fenger, Trustee; Joe Sisk, Trustee; School District #21 Board of Trustees, Galata. EXHIBIT 17

Beth Bergum, Clerk, Winifred School District #115. EXHIBIT 18

David Hofer, Joseph Hofer, John Wurz, trustees, Liberty Elementary School District #10, Galata. EXHIBIT 19

Kelly Gebhardt, Chairman, Musselshell County Board of Commissioners, Roundup. EXHIBIT 20

Kathryn M. Pfister, Musselshell County Superintendent of Schools, Roundup. EXHIBIT 21

Mary C. Nelson, Musselshell County Treasurer, Roundup. EXHIBIT 22

Denis Freeland, Allan Underdal and Alan Ryan, Toole County Commissioners, Shelby. EXHIBIT 23

Dale Huhtanen, Superintendent; Bob Estill, Supervising Teacher; Robin Johnson, Clerk; Lima Public Schools, Lima. EXHIBIT 24

Judi H. Osborn, Madison County Superintendent of Schools,
Virginia City. EXHIBIT 25

Wayne C. Stahl, Carol Kienenberger and Francis V. Jacobs,
Phillips County Commissioners, Malta. EXHIBIT 26

Stacy Johnson, Student Teacher, Jackson. EXHIBIT 27

Vince Husted, Jackson. EXHIBIT 28

Jean Curtiss, Montana PTA/PTSA, submitted written testimony that
is virtually illegible, but expressed opposition to HB 221.
EXHIBIT 29

*{Tape: 2; Side: B; Approx. Counter: 246; Comments: The sound quality is
inconsistently good and bad. These minutes reflect only what is clearly heard
on the tape.}*

Questions from Committee Members and Responses:

REP. JOAN HURDLE asked Linda Vaughey a question pertaining to the
ratio of students to superintendents and supervision of
superintendents.

REP. HURDLE asked Ric Floren what he thought about the
supervision structure under which county superintendents work.
He deferred the question to someone else, but thought it depended
upon the size of the county.

Rachel Vielleux, Missoula and Mineral County, responded to her
question.

{Tape: 2; Side: B; Approx. Counter: 418; Comments: n/a.}

REP. GAY ANN MASOLO questioned Ms. Vaughey about the ability of
county commissioners to accomplish what the bill is attempting to
do, for instance, dissolving the position, evaluating teachers,
and home school administration.

{Tape: 2; Side: B; Approx. Counter: 563; Comments: n/a.}

REP. SAM ROSE questioned the sponsor, REP. JOHN BOHLINGER, about
the state's division into five regions. REP. BOHLINGER responded
that if the duties were taken from county superintendents, they
would empower school districts to contract with people to provide
services to fulfill the duties.

REP. ROSE questioned Mr. Copps, Office of Public Instruction
(OPI), and asked what the position of OPI was in relation to HB
221. He responded that OPI did not support the bill and felt
that the county superintendents provide very valuable services to
small school districts. He said if the bill passed, there would
be no way to replace the services now being provided by the

county superintendents. He said there are approximately 90 schools districts that have one-room classrooms.

{Tape: 2; Side: B; Approx. Counter: 723; Comments: n/a.}

REP. PEGGY ARNOTT asked REP. BOHLINGER about the 161 schools currently served by county superintendents and asked if he had estimated the cost of contracting the services for those districts. He responded that the study indicated there would be a net savings of \$2.5 million. He acknowledged that some costs would be incurred for contracting. REP. ARNOTT said the cost of contracting for these services should balance out the \$2.5 million. He referred the question to Dave Ashley, who said the savings is projected to be reflected in the county general fund tax revenue, and would be partly offset by expenses incurred by those districts who wished to contract for services rather than absorb the duties in their existing local government budgets.

{Tape: 2; Side: B; Approx. Counter: 855; Comments: n/a.}

REP. VICKI COCCHIARELLA asked Dave Ashley to clarify what he just said, that there would be no offset in the \$2.5 million for contracted services. Mr. Ashley said the \$2.5 million could be the gross savings to the extent that some of the services would be paid for by existing district budgets. The net would be something less than \$2.5 million.

REP. COCCHIARELLA asked Don Waldron the question asked by REP. MASOLO but first stated that it appeared they would be taking away local control and asked if that would be the case. Mr. Waldron said that was exactly how he saw it. It would take away local control from the county commissioners and from the people, and believed those responsibilities would be moved to the state level.

{Tape: 3; Side: a; Approx. Counter: 000; Comments: Don Waldron response continued. While the tape was being replaced, REP. HEAVY RUNNER asked a question of REP. BOHLINGER.}

REP. BOHLINGER said there is a lot of confusion over the issue of local control and who is in charge of the school districts. He thought school districts would become more responsive to the needs of students.

REP. HEAVY RUNNER referred to section 8 and asked how the duties of county superintendents would be transferred to a different level of local government and what role would the board of public education play. REP. BOHLINGER said a concern expressed in committee hearings was how to provide services to students if this position is eliminated. The board of public education would provide training for hearings officers.

REP. HARRINGTON asked REP. BOHLINGER what they will do for the 161 schools who have relied on the services of the county

superintendent to serve as a hearings officer for teachers with grievances. **REP. BOHLINGER** replied that in FY 93 and FY 94 there were 48 appeals brought before county superintendents who were serving in the capacity as hearings officer. This function is not called on that often, however, and he didn't feel it would be missed.

REP. HARRINGTON asked again what they will do with the 161 schools that are left without this service. He didn't think the county treasurer or clerk and recorder can fulfill the duties of the county superintendent and this is a big question that is not being answered. **REP. BOHLINGER** shared his concern for providing teachers the opportunity to bring forth their concerns or disputes in a hearing and they have to be addressed, but if they're not able to contract with an unemployed county superintendent, the board of education will be able to provide a hearings officer.

{Tape: 3; Side: A; Approx. Counter: 244; Comments: n/a.}

REP. BOB KEENAN asked a question of **Joyce Wegner** who responded by describing the duties of her job in more detail.

REP. MASOLO asked **Ms. Wegner** if they receive any money from the state. She responded that they do not. The county's general fund is generated from the county levies.

REP. NORM MILLS asked **REP. BOHLINGER** if they expect a savings of \$2.5 million, why are they waiting for the year 2001. **REP. BOHLINGER** replied that when the bill was originally drafted, it was the intent to have the effective date be July 1, 1995. Governor Racicot felt that was moving too quickly, because considerations should be made for people presently employed in that job. Since this would create such a change in the system, it was decided to respect the governor's recommendation.

REP. MILLS asked how long the county superintendent's term is. **REP. BOHLINGER** said he believed it was four years. **REP. MILLS** then asked if the committee suggested putting this to a vote of the people. **REP. BOHLINGER** said they didn't contemplate that and didn't discuss it.

REP. SIMPKINS asked **REP. BOHLINGER** when they first discussed regional concepts. **REP. BOHLINGER** said it wasn't brought forth, but thought **Dave Ashley** would do a better job explaining, since he attended all the meetings. **REP. SIMPKINS** repeated the question for him, and asked if the committee thoroughly discussed the concept of regional superintendents as an alternative. **Mr. Ashley** said there was discussion at the subcommittee level about the regional approach. In the end, the recommendation was to eliminate the position entirely in favor of bringing those duties to other elected officials for the districts.

REP. SIMPKINS asked if they got support from the education community as well as the superintendents and county organizations who supported a regional concept. **Mr. Ashley** said there was much discussion among all involved.

REP. SIMPKINS asked **Mr. Buchanan** when the state board of public education was given authority to delegate powers to the county superintendents. **Mr. Buchanan** replied that he was not aware that was done. He said the general supervision is carried out by the board of public education, but supervision and control is vested in local school districts in the constitution. He said in 1978-79, there was a civil case in which it was decided that the legislature had the responsibility and vested the powers in county superintendents. The question he heard recently was, can the county superintendents overrule local school districts in the hearings process. **REP. SIMPKINS** said the Supreme Court said the school districts were subject to law and not the board of public education, and he didn't think the legislature had the authority to reassign constitutional duties that are on the books.

{Tape: 3; Side: A; Approx. Counter: 535; Comments: n/a.}

REP. SIMPKINS asked **Gordon Morris** if the state law was nothing more than an act in the constitution giving the board of county commission authority to change the duties of those elected to office. He agreed that was correct and is in the constitution.

REP. SIMPKINS asked if the constitution allowed for the elimination the duties assigned to the county superintendent, and if duties were combined, he asked if they had the authority to modify the laws and asked if they could change the duties assigned by law. **Mr. Buchanan** said they cannot modify the statutory duties set forth in MCA.

REP. SIMPKINS asked a question pertaining to the hours of operation of this office. **REP. BOHLINGER** said the bill as drafted states that the county superintendent of school's office shall be open eight hours per day, Monday through Friday.

REP. SIMPKINS asked about the typical chain of events when a teacher has a conflict of termination and requested a hearing. **Eric Feaver** replied if a teacher had a grievance, they could go to any court to file for a hearing.

REP. SIMPKINS asked **Commissioner Wordal** how he envisioned combining the offices should consolidation take place.
{Commissioner Wordal's response was difficult to hear.}

CHAIRMAN ELLIS asked **Mr. Ashley** where the expenditure figures came from. **Mr. Ashley** said the counties are required to submit their budgets to the Department of Commerce, and they used that information to compile the projections. **CHAIRMAN ELLIS** asked what the extra cost would be to state government handling grievance procedures and any other duties that may come about

during the change. **Mr. Ashley** explained the numbers of positions and counties involved when duties would be transferred to other elected officers.

REP. ELLIS restated his question and asked if they come about any cost for the grievance procedures done statewide and any other costs shifted upwards to state government. **Mr. Ashley** said he understood the cost to the board of public education would be approximately \$115,000. **CHAIRMAN ELLIS** asked if he talked with any school district who might be involved in what it would cost in contracted services to fulfill the duties of the county superintendent. **Mr. Ashley** said he had not.

CHAIRMAN ELLIS told **REP. BOHLINGER** that he was concerned about this legislation.

{Tape: 3; Side: B; Approx. Counter: 000; Comments: n/a.}

REP. BOHLINGER replied that this bill simply removes the duties and responsibilities of the office of county superintendent and does not eliminate the position. He referred to section 9 where it states the removal of the duties. **CHAIRMAN ELLIS** asked **REP. BOHLINGER** if he was county commissioner and had an official in the county courthouse who had no duties at all, and he had the power to get rid of the position, what would his prudent action be. **REP. BOHLINGER** said he would probably see to it that this person found work elsewhere.

CHAIRMAN ELLIS said with regard to the question about the state imposing an unfunded mandate on the counties, how would he respond. **REP. BOHLINGER** said there will be a net savings for all if the duties and responsibilities are stripped away. He apologized that more detailed fiscal projections were not available and he couldn't tell him how much would be offset, but it is contemplated that it will be considerable.

CHAIRMAN ELLIS asked **Ms. Wickenberg** about her testimony regarding local school administrators not being helpful to homeschooners. He asked for an explanation of the kind of services that the county superintendent actually provides to her and what kind of relationship would she like to have with an administrator. **Ms. Wickenberg** answered this question but it was inaudible. She described problems that homeschoolers have had working with school administrators.

{Tape: 3; Side: B; Approx. Counter: 235; Comments: Sound quality poor.}

CHAIRMAN ELLIS asked where her materials for homeschooling come from. She replied from a national homeschool group and several resource catalogs, and many in the group have an educational background and developed their own materials.

REP. HARRINGTON asked **Mr. Ashley** who is going to supervise the 161 schools once they do away with the county superintendents.

Mr. Ashley said the district board of trustees will have the responsibility to figure out how they're going to provide that supervision; whether they will hire a superintendent, whether they will contract for those services, or whether they will consolidate within the district. **REP. HARRINGTON** asked how they expect to have a \$2.5 million savings when they have to contract for all those positions. He wondered if this wouldn't be an extra burden placed on school districts, and an unfunded mandate.

REP. SIMPKINS asked **Mr. Ashley** who would assume control when the county superintendents are gone. **Mr. Ashley** provided an analogy to the committee and said that fire districts don't have a county superintendent and irrigation districts don't, so thought they'd let the schools districts "stand on their own two feet" and make their own decisions on how to manage their affairs.

{Tape: 3; Side: B; Approx. Counter: 370; Comments: n/a.}

REP. SIMPKINS asked about the duties being shifted to other positions and wondered what other duties would be shifted to the clerk in the schools. **Mr. Ashley** said there were three or four. **REP. SIMPKINS** asked who controls homeschools in state law. He received a response that no one controls the homeschools, they notify the county superintendent of their existence annually and this person may check their attendance register and their immunization records, and that's the extent of supervision. **REP. SIMPKINS** said all they're doing is shifting the recordkeeping to the clerk and recorders office who can keep track of the immunization records.

Closing by Sponsor:

REP. BOHLINGER said he sees greater responsibility and control being given to the locally elected school board. He reiterated statements about the savings to taxpayers which would be substantial. He referred to **Pat Huffy's** statements that they had been doing business the same way for 130 years and need a change. This bill would make government more effective and cost efficient. The effective date of July 1, 2001, would soften the blow to county superintendents losing their jobs and give them time to make the transition. He asked if it was fair for all taxpayers to pay for this office when they don't even rely on their services.

Announcement:

CHAIRMAN ELLIS said he was appointing a subcommittee for HB 221 with **REP. SIMPKINS** as chair, and **REPS. WYATT, ELLIS, ARNOTT, and HURDLE**.

CHAIRMAN ELLIS also appointed a subcommittee for HB 223 and HB 132 with **REP. ROSE** as chair, and **REPS. DENNY and COCCHIARELLA**.

{Tape: 3; Side: B; Approx. Counter: 670; Comments: n/a.}

EXECUTIVE ACTION ON HB 229

Motion: CHAIRMAN ELLIS MOVED THAT HB 229 DO PASS.

Discussion:

REP. HARRINGTON said he would oppose this bill because it would bring the education department issues about money and hiring back to the legislature.

REP. HERRON said he would also oppose the bill and thought they should just continue the way it is.

{Tape: 4; Side: A; Approx. Counter: 000; Comments: Sound quality very poor; echo and background noise.}

REP. SIMPKINS supported this bill and said it would give people a choice on how they want the university system to be run.

CHAIRMAN ELLIS said he was going to vote for the bill. He said they are responsible for supervision but have no funding responsibilities, and that is his primary reason that he believes the system should be changed. There's no one they can hold accountable. He described frustrations he has had in the past with a commissioner of higher education, and said at least the current commissioner honestly addressed questions that came before him during the session.

REP. HURDLE said it was important to remember that for the university system to work it has to have some insulation from politics and said there would be better ways to improve the system rather than subjecting the whole university system to the politic whims of the state. She said she would vote against the bill.

REP. MILLS said he intended to vote for the bill, because when he moved to Montana in 1954, he went to the university to earn a higher degree. He said he got no assistance from anyone in the system. In 1972, with the new constitution, and more money for the board of regents and the commissioner of higher education, they still haven't solved the problems that have existed since 1954.

REP. VICKI COCCHIARELLA said for the reasons expressed by REP. MILLS this bill shouldn't pass. She said the legislature should not have that kind of a direct influence on what happens in the university system. She suggested to REP. MILLS that they could get a lot done as legislators, but taking over the university system is not something they should do. In 1972, the university system became autonomous, to prevent there being uneven representation in the legislature. She said they do have

administrative problems, and she knows because she worked in the registrar's office at the University of Montana in Missoula. She said parents and students who have problems have somewhere to go to express frustrations and lodge complaints. The other point she wished to make was that this legislature is dismantling many of the educational agencies that are currently in operation and she was afraid of the "total fallout" of all this and what would be left of education in the end, and for that reason she urged a no vote.

REP. MILLS rebutted REP. COCCHIARELLA and said that having someone to complain to who tells him what he wants to hear, doesn't always get the job done.

REP. PEGGY ARNOTT said she understood that this bill would not change the system, but would put it to a vote of the people who could decide what they want.

{Tape: 4; Side: A; Approx. Counter: 388; Comments: n/a.}

REP. HEAVY RUNNER said he feared this issue would create a battle when it's brought before the voters.

REP. ROSE said they are not making the final decision, and thought they should get it out on the House floor.

Vote: Roll call vote was taken. The motion carried 11-7 with REPS. COCCHIARELLA, HARRINGTON, HEAVY RUNNER, HERRON, HURDLE, SHEA and WYATT voting no.

{Tape: 4; Side: A; Approx. Counter: 562; Comments: The meeting adjourned.}

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

January 23, 1995

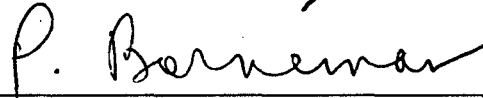
Page 16 of 16

ADJOURNMENT

Adjournment: 6:30 p.m.



ALVIN ELLS, JR., Chairman



PATTI BORNEMAN, Recording Secretary

AE/pb

HOUSE OF REPRESENTATIVES

Education

ROLL CALL

DATE 1-23-95

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 24, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 229 (first reading copy -- white) do pass.

Signed: 
Alvin Ellis, Jr., Chair

Committee Vote:
Yes 11, No 7.

200946SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 1-23-95 BILL NO. 229 NUMBER _____

MOTION: Rep Rehbein - DO PASS

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny	X	
Rep. Sonny Hanson (absent)	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 (absent)		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt		X

11

7

EXHIBIT 1
DATE 1/23/95
HB 227

January 19, 1995

Representative John Bohlinger
Helena, Montana

Dear Representative Bohlinger,

Due to medical reasons, I will be unable to testify at the House Education Committee hearing on IC986 (an act eliminating the duties of the County Superintendent of Schools.) As you are aware, I served on the Education Committee of the Governor's Task Force and supported the restructuring of this office in some manner. I feel that, in the past, this office was a necessary part of education and served the education community very well. Due to changes that have taken place (from rural to urban education centers), many of the duties of this office have already been assumed by qualified school district personnel. The remaining duties can be incorporated into other county offices with very little impact on anyone.

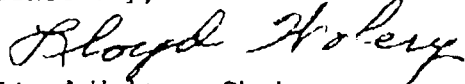
I received the section by section analysis of IC986 and studied it very thoroughly. As a county commissioner, I feel that the duties that have been transferred to our office are duties that the commissioners should be heavily involved with in nearly all instances. Annexation, consolidation, changes in school district boundaries and creation of new districts are definitely issues that affect county government and the commission should be the decision making authority. Several issues that are addressed are strictly cosmetic because they are things that have been taken care of over the years or will happen very seldom in the future.

The elimination of the County Superintendent will definitely affect some of the small, rural schools but I feel that there is very adequate expertise available from their parent school districts or from other county and/or state offices. This change should have very little negative impact on any district.

In summarizing, the education of our children is very important to me. I feel that the quality of education can be, is being and will be maintained very adequately without the office of County Superintendent of Schools. This office is a luxury that the taxpayers of Montana can no longer afford.

I thank you for sponsoring this bill and am very grateful for the opportunity of working with you on the education committee.

Sincerely,


Lloyd Wolery, Chairman
Hill County Commission

FLATHEAD COUNTY
SUPERINTENDENT OF SCHOOLS

EXHIBIT 2

DATE 1/23/95

HB 221

Dorothy Laird

723 Fifth Avenue East, Room 104

• Kalispell, Montana 59901 •

(406) 758-5720

December 15, 1994

The Honorable Marc Racicot, Governor
State of Montana
State Capitol
Helena, Montana 59620-0801

Dear Governor Racicot:

Thank you for appointing me to the State Lands Advisory Council. Serving as a council member was a learning experience for me. I now have a better understanding of the diversity that exists in Montana, and I recognize how difficult it is to make meaningful changes. After considering many issues and having numerous heated discussions we were able to finalize our recommendations. I hope that the recommendations will be of help to you.

I was also pleased to have the opportunity to serve as a member of the Education Committee of the Governor's Task Force to Renew Montana Government. As you know, one of the committee's recommendations was to eliminate the position of county superintendent of schools. Although I support that recommendation, I realize that county superintendents currently provide many worthwhile services and support important functions. Although it was our sub-committee's recommendation that Montana consider another structure for providing certain services, committee members chose to eliminate the position without putting anything new in place. For your information I have attached a copy of the recommendation that I wrote on behalf of the sub-committee. Because I have worked in the field of education in two states that no longer have county superintendents, I know that Montana would be able to do without the position. As you might imagine, I have taken a great deal of criticism from other county superintendents because of my stand, but I understand completely how people react when their jobs and their identities are affected. My thanks to you and to Gary Buchanan for the plaque that recognized my service on the committee.

My last day in the office will be December 16. Please let me know if I can ever be of service to your administration again. My home address is P. O. Box 1341, Whitefish, Montana 59937.

You are doing an outstanding job as our governor. I am looking forward to the progress that will be made in the 1995 legislative session.

Sincerely yours,

Dorothy Laird

Dorothy Laird
Flathead County Superintendent of Schools

GOVERNOR'S TASK FORCE TO RENEW MONTANA GOVERNMENT

PREPARING FOR A NEW CENTURY

Gary Buchanan, Chairman
Jack Burke, Vice Chairman

Shiell Anderson
Martin Burke
Paula Butterfield

Karen Barclay Fagg
Eric Feaver
Peggy Jerrel
John Lawton
Joe McDonald

Kathy McGowan
Gloria Paladichuk
Linda Vaughey
Warren Vaughan
Jeff Weldon
Don Wilkins

To: House Education Committee

January 23, 1995

From: Linda Vaughey, Member, Governor's Task Force
Chair, Task Force Education Committee
Trustee, Board of Trustees, Havre Public Schools
Past President, Montana School Boards Association

An Act to Eliminate the Duties of the County Superintendent of Schools

One directive to the Education Committee of the Task Force was to examine the education governance structures throughout government: state, county, and local. The Bill before you accurately reflects the intent of a recommendation from the Education Committee and the Task Force. While County Commissioners would retain the option to combine the office of County Superintendent with another county office, this Bill facilitates that action through the redistribution of the Superintendent's duties.

During our Education Committee and Task Force debates and discussions, we asked many of the same questions I presume you ask yourselves as legislators and, as it relates to the position of County Superintendent, our major focus was: can we eliminate a layer of education administration and have the same services provided by others at a more reasonable cost? In other words, can it be done as well for less?

I not only believe this proposed legislation meets that end, it recognizes the constitutional authority vested in school boards and strengthens local control by transferring, to local school districts, one-third of the functions of the County Superintendent. Retention of most of the remainder of the duties at the county level maintains the premise that usually the best decisions are made at the point of closest impact of those decisions.

This measure is not about whether or not County Superintendents are doing a good job nor about whether or not they are well-trained or valuable assets to some school districts. The Bill is a response to a changing environment in which technology now provides individual school districts improved avenues of direct communication with the Office of Public Instruction and others. The Bill is in keeping with the premise that local control of school districts ought to equate with local responsibility: this responsibility to be assumed by constitutionally empowered, statutorily directed, duly elected Boards of Trustees. And, last but not least, the Bill is a response to the fact that tax revenues are limited, and limited resources must be deployed in the most cost-effective manner that can be devised.

Since the establishment of the office in 1865, the duties of the County Superintendent have evolved as the environment has changed. This Bill represents the next step in that evolution by facilitating needed change. I hope you will endorse change and support this Bill.

In Cooperation with the Burton K. Wheeler Center

Jeff Ashkley

EXHIBIT 4
DATE 1/23/95
HB ~~211~~ 211

Section by Section Analysis of LC 986

Title: A Bill for an Act Entitled: "An Act Implementing the Governor's Task Force to Renew Montana Government by eliminating the duties of a county superintendent; transferring duties of the county superintendent of schools to the board of public education; county treasurer, board of county commissioners, district clerks or clerk and recorder; establishing a case controversy procedure.

- Section 1. A controversy appeal process is created whereby the board of public education decides matters of controversy appealed from decisions made by local boards of trustees or county transportation committees.
- Section 2. When a new county is created this section provides for how the old county transfers information to the new county. The amendment places this responsibility with the clerk and recorder rather than the county superintendent.
- Section 3. Describes the county superintendents duties when a new county is created from the territory of Montana. The county superintendent's duties are given to the district clerk.
- Section 4. Removes the county superintendent from any role in the apportionment and distribution of school funds. (OPI does this currently) Requires the county treasurer, rather than the county superintendent, to send the financial report to the school districts each August for the year ending June 30.
- Section 5. Gives the duty of apportionment of county-wide school levies to the county treasurer.
- Section 6. Removes the county superintendent as one of the parties who can request legal assistance from the county attorney.
- Section 7. Places with the county commissioners, rather than the county superintendent, the authority to request an educational impact statement if a major industrial facility is to be built.
- Section 8. Gives the Board of Public Education the duty of hearing disputes outlined under section 1.
- Section 9. Removes the requirement that the Superintendent of Public Instruction counsel and advise county superintendents when requested.

- Section 10. Removes the county superintendents from forwarding annual reports from the districts to the superintendent of public instruction.
- Section 11. This section continues to allow counties to elect this position or consolidate this position with another elected position. The only qualification for the position is that the person be a qualified elector. If the county chooses to consolidate this position with another elected position, for purposes of acting as the county superintendent, the consolidated position need only be a qualified elector. Retains the authority of the county commissioners to maintain the office as a part-time office.
- Section 12. Simple wording changes. This section needs to stay simply because the effective date of the bill is following the incumbents current term of office.
- Section 13. Renumbering makes this section necessary.
- Section 14. This section has the trustees filing their oaths of office with the district clerk rather than the county superintendent.
- Section 15. Removes requirement that the trustees, when filling a vacant position, notify the county superintendent of schools. If an appointment is not made within 60 days, the county commissioners make the appointment as opposed to the county superintendent.
- Section 16. Removes the provision for the county superintendent to call meetings of district trustees and to pay mileage expenses to attend those meetings.
- Section 17. Removes the county superintendent as one of the parties whom is authorized to require reports from the districts. Requires the districts to register teacher certificates, file audit reports of the district and decide matters of controversy in accordance with the provisions of section 1.
- Section 18. Requires those districts choosing to implement single member (voting) districts to notify the county clerk and recorder and election administrator (rather than the county superintendent) of its adoption.

- Section 19. Transfers the authority of the county superintendent to the county commissioners for determining whether to honor elementary district requests to add additional trustees to a high school district when the elementary districts feel they are inadequately represented. Also allows the county commissioners, rather than the county superintendent, to decide questions of alternative methods of electing the members of a high school board of trustees.
- Section 20. Allows the county commissioners (rather than the county superintendent) to determine the number of additional trustee positions.
- Section 21. Places with the county commissioners (rather than the county superintendent) the responsibility for determining the number of additional trustee positions necessary due to a change in taxable value.
- Section 22. Gives the county commissioners (rather than the county superintendent) the authority for determining nominating districts for county high schools.
- Section 23. Provides that persons employed as district personnel register their certificates with the district and with the superintendent of public instruction and also that a person failing to register within 60 days of beginning work may not receive any further compensation.
- Section 24. Removes the county superintendent as one of the parties that may make a written recommendation for the termination of a tenured teacher. Provides that any appeal of a termination decision by a tenured teacher shall be handled under the appeals procedure outlined in Section 1.
- Section 25. Provides that a nontenured teacher whose contract is not renewed may appeal to the Board of Public Education under the provisions of Section 1.
- Section 26. Removes the county superintendent as one of the parties who may recommend the dismissal of a teacher for reasons listed under this section.
- Section 27. Provides that a tenured teacher who is assigned teaching duties because of the need to reduce administrative staff may appeal such a decision to the Board of Public Education.

- Section 28. Removes the county superintendent as one of the parties who receives a teachers attendance data from which ANB figures are calculated.
- Section 29. Provides that a teacher, when suspending a student, must notify the trustees of the decision (if the district does not employ a superintendent or principal) rather than the county superintendent.
- Section 30. Requires that district superintendents report pupil attendance to the board of trustees rather than to the county superintendent.
- Section 31. Requires the districts to provide an attendance officer. Deletes provision that the county superintendent act as attendance officer for third class districts.
- Section 32. Provides that home schools and nonpublic schools make various records on attendance and disease immunization available to the district of residence (rather than to the county superintendent).
- Section 33. Requires the superintendent of public instruction to notify the local district (rather than the county superintendent of schools) of any reciprocal attendance agreement.
- Section 34. Requires the county treasurer (rather than the county superintendent of schools) to make payments from the county basic special tax for children placed outside of Montana.
- Section 35. Eliminates the role of the county superintendent in approving out-of-district attendance agreements.
- Section 36. Eliminates the requirement to provide the county superintendent with a copy of out-of-district attendance agreements and provides that parents denied an agreement may appeal under section 1 of the bill.
- Section 37. Provides that the county treasurer (rather than the county superintendent) shall receive tuition reports prepared by the trustees. Provides that the county treasurer in the county of choice shall report information to the county treasurer in the county of residence rather than to the county superintendent in the student's county of residence. Provides that the county treasurer (rather than the county superintendent) pay tuition and transportation obligations.

- Section 38. Eliminates the duty of the county superintendent to maintain a transcript of school district boundaries and places responsibility for determining boundary adjustments with the county commissioners.
- Section 39. Requires that the districts (rather than the county superintendent) determine the population of the district for the purpose of establishing the class of district.
- Section 40. Removes the county superintendent's role in consolidating elementary districts and transfers it to the board of county commissioners.
- Section 41. Removes the county superintendent's role in district annexation and replaces it with the board of county commissioners.
- Section 42. Removes the county superintendent's role in creating joint elementary districts and replaces it with the board of county commissioners.
- Section 43. Removes the duties of the county superintendent for district abandonment and places those duties with the district.
- Section 44. Removes the duties of the county superintendent regarding abandonment of joint elementary districts and places those duties with the board of county commissioners.
- Section 45. Removes the duties of the county superintendent regarding dissolution of joint elementary districts and places those duties with the board of county commissioners.
- Section 46. Removes the duties of county superintendents regarding the transfer of territory from one elementary district to another and gives those duties to the board of county commissioners.
- Section 47. Provides that trustees of an elementary district request a boundary changes of the board of county commissioners rather than the county superintendent of schools.
- Section 48. Provides that the review of elementary district boundaries required every two years be conducted by the board of county commissioners instead of the county superintendent.
- Section 49. Provides that a petition requesting the creation of a new elementary district be acted upon by the board of county commissioners rather than the county superintendent.

- Section 50. Requires that when a district classification is changed such that the number of trustee positions changes, the district trustees (rather than the county superintendent) appoint the necessary new trustee(s).
- Section 51. Provides that requests for the creation of new high school districts are handled by the board of county commissioners (rather than the county superintendent).
- Section 52. Provides that the county commissioners shall act as the high school boundary commission (rather than the board of county commissioners and the county superintendent). The board of county commission acts upon resolutions submitted by trustees to divide the county into high school districts.
- Section 53. Removes the county superintendents duties regarding high school district abandonment and transfers those duties to the board of county commissioners.
- Section 54. Removes the duties of the county superintendent regarding boundary changes for joint high school districts and places those duties with the board of county commissioners of the affected counties.
- Section 55. For purposes of acting upon requests to unify elementary and high school districts, the duties of the county superintendent are transferred to the board of county commissioners.
- Section 56. For purposes of establishing nominating districts for newly created unified districts, the duties of the county superintendent are transferred to the board of county commissioners.
- Section 57. For purposes of acting upon requests to unify high school districts, the duties of the county superintendent are transferred to the board of county commissioners.
- Section 58. For purposes of acting upon requests to annex one high school district to another, the duties of the county superintendent are transferred to the county commissioners.
- Section 59. For purposes of transferring territory from one high school district to another, the duties of the county superintendent are transferred to the board of county commissioners. Any appeals of the board's decision are made to the board of public education as provided in section 1.

- Section 60. For purposes of acting on requests to form joint high school districts (one or more contiguous districts located in different counties) the duties of the county superintendent are transferred to the board of county commissioners.
- Section 61. For purposes of creating a new high school district, the duties of the county superintendent are transferred to the board of county commissioners and any appeal of the decision by the board of county commissioners goes to the board of public education (rather than to the superintendent of public education.)
- Section 62. For purposes of allocating cash remaining in the event that a district ceases to exist, the allocation duties currently given to the county superintendent of schools is transferred to the board of county commissioners. If any debt remains with the extinct district, the duty of paying the debt (from a levy on property within the district) is transferred to the county treasurer.
- Section 63. For purposes of disposing of year end cash of extinct districts, the duties of the county superintendent of schools is transferred to the county treasurer.
- Section 64. In the event a district ceases to exist and the district is absorbed by more than one other district, the records of the extinct district are sent to the board of county commissioners rather than to the county superintendent of schools.
- Section 65. For purposes of reopening an elementary district, the duties of the county superintendent of schools is transferred to the board of county commissioners.
- Section 66. For purposes of reopening a high school district, the duties of the county superintendent of schools (estimating ANB) is transferred to the board of county commissioners.
- Section 67. For purposes of opening a junior high school, the duties of the county superintendent of schools (estimating the ANB) are transferred to the board of county commissioners.
- Section 68. For purposes of opening a junior high school, the duties of the county superintendent of schools (estimating the ANB) are transferred to the board of county commissioners.

- Section 69. For purposes of opening a middle school, the duties of the county superintendent of schools (estimating the ANB) is transferred to the board of county commissioners.
- Section 70. For the purposes of creating a K-12 district, the duties of the county superintendent of schools are transferred to the board of county commissioners.
- Section 71. Provides that the superintendent of public instruction shall provide assistance to the schools at the request of the district rather than at the request of the county superintendent of schools.
- Section 72. Provides that correspondence study is to be supervised by the district rather than by the county superintendent of schools.
- Section 73. Removes the responsibility for school library book selection that currently rests with the county superintendent and gives that totally to the district trustees.
- Section 74. Leaves one party (superintendent of public instruction) rather than two (the county superintendent of schools) who can request school library information of the district.
- Section 75. Places all responsibility for textbook selection with the trustees in those districts which do not have a district superintendent or principal. Removes the county superintendent who currently makes a recommendation to the trustees.
- Section 76. Removes the county superintendent's role in policing textbook sales.
- Section 77. Removes the county superintendent's involvement in doing business with textbook dealers.
- Section 78. Removes the county superintendent as one of the parties involved with textbook dealers.
- Section 79. Provides that when an adult education program has been established, that it is the district clerk's duty (rather than the county superintendent of schools) to inform the board of county commissioners of the levy requirement.
- Section 80. Removes the requirement that districts make their preliminary budget available to the county superintendent of schools.

- Section 81. Provides that the county treasurers statement of cash balance be given directly to the districts rather than to the county superintendent.
- Section 82. Provides that the department of revenue shall deliver to each district clerk (and not to the county superintendent of schools) a statement showing the district's assessed value and taxable value.
- Section 83. Provides that the district clerk (rather than the county superintendent of schools) estimate the revenue available to fund the district's budget.
- Section 84. Provides that district budgets are prepared by the districts themselves rather than by the county superintendent of schools.
- Section 85. Provides that the district budget forms are prepared by the district clerk (instead of by the county superintendent).
- Section 86. Provides that the district clerk (rather than the county superintendent) calculates levy requirements. Also provides that the department of revenue report severance tax information directly to the district as opposed to the county superintendent.
- Section 87. Provides that the districts (rather than the county superintendents of school) place the final budget before the board of county commissioners.
- Section 88. Removes the county superintendent of schools from their involvement with budgeting for joint districts and provides that joint districts send their budget to the board of county commissioners in each of the counties in which the district is located.
- Section 89. Removes the involvement of the county superintendent of schools for purposes of fixing and levying taxes for joint districts and places those duties with the districts themselves.
- Section 90. Provides that budget amendments adopted by the districts are sent to the county treasurer rather than to the county superintendent.
- Section 91. Provides that copies of budget amendments be given to the county treasurer (rather than to the county superintendent).
- Section 92. Deletes the provision that copies of budget amendments be given to the county superintendent.

- Section 93. Reduces from three to two, the number of officials who receive district's audit reports.
- Section 94. Removes the involvement of the county superintendent in the process of entering appropriations on the accounting records of the county treasurer.
- Section 95. Provides that the county treasurer (rather than the county superintendent of schools) report to the superintendent of public instruction on each district's financial activity.
- Section 96. Removes the county superintendent from their involvement with school district accounting.
- Section 97. Provides that districts report financial activities directly to the superintendent of public instruction rather than to the county superintendent.
- Section 98. Provides that trustees applying for isolation status submit their application directly to the board of county commissioners rather than through the county superintendent. Provides that the county commissioners submit any approved application to the superintendent of public instruction.
- Section 99. (Two sections) Removes the role of the county superintendent in determining increases in ANB.
- Section 100. Provides that districts report to the county treasurer, rather than the county superintendent, any money collected from fines.
- Section 101. Removes the role of the county superintendent in calculating the amount for out-of-county tuition and places that duty with the county treasurer.
- Section 102. Removes the county superintendent as one of the parties from whom the board of public education can require reports.
- Section 103. Provides that the superintendent of public instruction need send monthly reports of BASE aid to the county treasurer only and not to the county superintendent.

- Section 104. Removes the county superintendent as one of the two parties who receive the information (about additional levy amounts) should the trustees propose a general fund budget in excess of the maximum general fund budget for the district.
- Section 105. Provides that the superintendent of public instruction supply the districts (rather than the districts and the county superintendents) with information on guaranteed tax base aid.
- Section 106. Eliminates the role of the county superintendent in checking the school district's work regarding calculation of money necessary to pay outstanding bonds.
- Section 107. Provides that the district clerk (rather than the county superintendent of schools) shall compute the levy requirements for the district's debt service fund.
- Section 108. For purposes of establishing the levy necessary to fund the retirement costs of the districts, the county superintendent's functions are transferred to the district clerk.
- Section 109. Requires the district clerk (rather than the county superintendent) to report the amount of building reserve fund required to the board of county commissioners.
- Section 110. The duties of the county superintendent of schools to compute the levy requirement for a nonoperational school district are transferred to the district clerk.
- Section 111. Removes the county superintendent's role in determining whether a reasonable effort has been made to make up lost school days. The superintendent of public instruction (which currently has this responsibility for schools in counties without a county superintendent) would make this determination for all districts.
- Section 112. Requires school bus drivers to file their certificates with the districts which employ them rather than with the county superintendent.
- Section 113. Provides that the county treasurer (rather than the county superintendent of schools) shall suspend payments to districts if the district has violated transportation laws.

- Section 114. Requires the superintendent of public instruction to supply transportation contracts to the districts (rather than to the county superintendent of schools). Requires the county treasurer (rather than the county superintendent of schools) to submit school bus routes to the superintendent of public instruction.
- Section 115. Deletes the requirement that one copy of all transportation contracts be sent to the county superintendent of schools.
- Section 116. Replaces the county superintendent of schools with the county treasurer on the county transportation committee and makes the treasurer the chair of the committee.
- Section 117. Provides that any appeal of a transportation decision of the county transportation board will be handled by the Board of Public Education under the provision of Section 1.
- Section 118. Removes the role of the county superintendent in delivering copies of completed transportation contracts to the Board of County Commissioners.
- Section 119. The duty of computing the tax levy requirements for the transportation contracts is transferred from the county superintendent to the Board of County Commissioners.
- Section 120. Provides that requests for state transportation reimbursement be sent directly from the districts to the superintendent of public instruction rather than through the county superintendent.
- Section 121. Provides that the treasurer (rather than the county superintendent of schools) apportion the county transportation reimbursement.
- Section 122. Provides that the districts (rather than the county superintendent) report the annual revenue requirements for the bus depreciation reserve directly to the board of county commissioners.
- Section 123. For purposes of allocating federal funds to school food service programs, the duties of the county superintendent are transferred to the county treasurer.
- Section 124. Provides that emergency budgets adopted by community college district trustees be forwarded just to the county treasurer and the board of regents (and not to the county superintendent as well).

- Section 125. Provides that if the governor declares an emergency or disaster, a school election may be cancelled by the state superintendent of public instruction (and not by the county superintendent).
- Section 126. Removes the county superintendent as one of the parties with authority to call a school election.
- Section 127. Provides that certificates of election shall be issued to the elected trustee and the district clerk (rather than to the county superintendent of schools).
- Section 128. Removes the county superintendent as one of the parties who may serve on a county interdisciplinary child information team.
- Section 129. Repeals the following sections
- a) 7-4-3005 (States that the duties of the office are provided in Title 20)
 - b) 20-3-107 Repeals the current appeals procedure.
 - c) 20-3-205 Repeals the current powers and duties of the office.
 - d) 20-3-206 Repeals the additional positions held by the county superintendent.
 - e) 20-3-207 Repeals the current duties of a county superintendent assisting trustees with school supervision.
 - f) 20-3-208 Repeals authority for county superintendent to request and accept federal funds.
 - g) 20-3-209 Repeals requirement for the county superintendent to provide an annual report to the superintendent of public instruction.
 - h) 20-3-210 Repeals section discussing the county superintendent's hearings duties.
 - i) 20-3-211 Repeals section discussing situations in which a county superintendent may not hear matters of controversy.
 - j) 20-3-212 Repeals section discussing procedure whereby a county superintendent who is disqualified may appoint another school superintendent.

- k) 20-9-114 Repeals section requiring county superintendent to prepare a budget in the event the district fails to submit the budget.
- l) 20-9-211 Repeals requirement for county superintendent to submit a financial report to the superintendent of public instruction.
- m) 20-9-348 Repeals section discussing county superintendents duties regarding BASE funding program revenues.

Section 132. Codification instructions.

Section 133. Provides that this act is effective at the beginning of the next term of office of each county superintendent.

School Districts using County
Superintendents for supervision

EXHIBIT 5 *Conf. Asst. Morgan*
DATE 1/23/95 5
HB ~~221~~ 221

County # of Dists.

01-Beaverhead	6
02-Big Horn	2
03-Blaine	5
04-Broadwater	
05-Carbon	4
06-Carter	6
07-Cascade	2
08-Chouteau	5
09-Custer	10
10-Daniels	
11-Dawson	3
12-Deer Lodge	
13-Fallon	1
14-Fergus	6
15-Flathead	10
16-Gallatin	7
17-Garfield	8
18-Glacier	2
19-Golden Valley	
20-Granite	1
21-Hill	3
22-Jefferson	2
23-Judith Basin	1
24-Lake	3
25-Lewis & Clark	4
26-Liberty	2
27-Lincoln	5
28-Madison	1
29-McCone	2
30-Meagher	2
31-Mineral	
32-Missoula	5
33-Musselshell	1
34-Park	4
35-Petroleum	
36-Phillips	2
37-Pondera	2
38-Powder River	5
39-Powell	6
40-Prairie	
41-Ravalli	
42-Richland	2
43-Roosevelt	
44-Rosebud	3
45-Sanders	4
46-Sheridan	1

County # of Dists.

47-Silver Bow	3
48-Stillwater	3
49-Sweet Grass	4
50-Teton	4
51-Toole	1
52-Treasure	
53-Valley	2
54-Wheatland	2
55-Wibaux	
56-Yellowstone	4
TOTAL	161

FFICE OF PUBLIC INSTRUCTION
 List of Fulltime, Part-time, and Combined County Superintendents
 January 19, 1994

Beaverhead	Dorothy Donovan	Fulltime	
Big Horn	Robert Harlin	Fulltime	
Blaine	Carol Elliot	Fulltime	
Broadwater	Elaine Graveley	Combined With Treasurer	
Carbon	Jerry Scott	Fulltime	
Carter	Darlene Carter	Fulltime	
Cascade	Helen Hagen	Combined With Treasurer	
Chouteau	Larry Stollfuss	Fulltime	
Custer	Ellen Zook	Fulltime	
Daniels	Patricia McDonnell	Combined With Clerk Of Court	
Dawson	Jean Grow	Fulltime	
Deer Lodge	Carl Stetzner	Part-time	
Fallon	Marlene Ferrel	Fulltime	
Fergus	Shirley Barrick	Fulltime	
Flathead	Dorothy Laird	Fulltime	
Gallatin	Mary Ann Brown	Fulltime	
Garfield	Jo Ann Stanton	Combined With Clerk & Record	
Glacier	Darryl Omsberg	Fulltime	
Golden Valley	Sharon Carpenter	Combined With Treasurer	
Granite	Jo Ann Husbryn	Part-time	
Hill	Shirley Isbell	Fulltime	
Jefferson	Sandra Streib	Fulltime	
Judith Basin	Cynthia Denton	Part-time	
Lake	Joyce Decker Wegner	Fulltime	
Lewis & Clark	Warren Morehouse	Fulltime	
Liberty	Krystyna Cole	Fulltime	
Lincoln	Mary Hudspeth	Fulltime	
Madison	Mary Jane Walker	Combined With Treasurer	
McCone	Janet McCabe	Combined With Treasurer	
Meagher	Joseph Phillips	Combined With Clerk Of Court	
Mineral	Billye Ann Bricker	Combined With Treasurer	
Missoula	Rachel Vielleux	Fulltime	
Musselshell	Kathryn Pfister	Combined With Treasurer	
Park	Mary Sarver	Fulltime	
Petroleum	Stephanie Downs	Combined With Treasurer	
Phillips	Gary Baden	Fulltime	
Pondera	Linda Bruner	Fulltime	
Powder River	Charlotte Miller	Fulltime	
Powell	Karl Roosa	Fulltime	
Prairie	Edna Irion	Combined With Treasurer	
Ravalli	Greg Danelz	Combined With Clerk & Record	

Will Be Part-Time 1/95

OFFICE OF PUBLIC INSTRUCTION
 List of Fulltime, Part-time, and Combined County Superintendents
 January 19, 1994

Richland	Joan Ritter	Fulltime	Will be Part-Time 1/95
Roosevelt	Traci Harada	Combined with Clerk Of Court	
Rosebud	Sharyn Thomas	Fulltime	
Sanders	Attn: Joyce Decker	Combined with Treasurer	
Sheridan	Robert Smith	Fulltime	
Silver Bow	Bob Kelly	Fulltime	
Stillwater	Teresa Miller	Fulltime	
Sweet Grass	Linda DeCock	Part-time	Will Be Part-time 1/95
Teton	Gwyn Andersen	Fulltime	
Toole	Maria Harrison	Fulltime	
Treasure	Kathleen Thomas	Combined with Treasurer	
Valley	Jan Allie	Fulltime	
Wheatland	Effie Winsky	Part-time	
Wibaux	Patricia Zinda	Fulltime	
Yellowstone	Buzz Christiansen	Fulltime	

Recap: 1/94 1/95

Fulltime	35	31
Part-time	5	9
Combined	16	16

EXHIBIT 5
 DATE 1-23-95
HB 221

**PROPOSED BUDGET ALLOCATIONS
FOR Draft Bill #LC0986**

First Year Allocation for FY 96

1.	Hearings Officers Training & Certification	\$28,000
2.	Controversy Appeal Hearings	\$40,000
3.	Additional Board Meeting	\$ 3,000
4.	Additional 1.0 FTE	\$30,280
5.	Start-up Costs for Office Equipment	\$ 3,500
6.	Rent for Office Space (per year)	\$ 1,916
7.	Additional Operations expenditure	\$ 3,000
8.	Additional Legal Fees	\$ 4,240
9.	Proposed ARM Rules for School Controversy Hearings & Hearing Officer Certification	<u>\$ 2,000</u>
Total estimated appropriation		<u>\$115,886</u>

Assumptions for FY 96

1. Hearings Officer Training & Certification: It is assumed that 10 hearings officers would be trained and certified. The cost is estimated to be \$2,800.00 per hearings officer to attend the 2 week course, travel, lodging and meals in Reno, Nevada at the National Judicial College for the Administrative Procedures course.

2. **Controversy Appeal Hearings from School Districts:** Approximately 40 hearings per year are estimated on the basis of a survey sent out by Department of Administration to County Superintendents. Out of 56 counties, 28 responded listing a total of 48 hearings for the year. It is estimated that 40 hearings will be held at an approximate cost of \$1000 per case which includes hearings officer fees of \$45 per hour @ approximately 16 hours per hearing and costs for travel, lodging and meals, estimated to be \$280 per case.
3. **Additional Board of Public Education Meetings:** The Board would need one additional meeting per year to review the decisions and issue final orders. Each meeting costs the Board approximately \$3,000. Travel for the Board members is approximately \$2600 and Board expenditures for agendas, postage and supplies, is estimated @ \$400 per meeting.
4. **Additional 1.0 FTE:** new position at Grade 13, salary plus benefits.
5. **Start-up Costs for Office Equipment:** Estimated cost of office equipment for the new position, i.e.; computer, desk, chair, files, bookshelves and supplies.
6. **Additional Office Space:** Estimated allocation for one additional office required for the new position at our current cost of office space @ \$9.5824 x 200 sq.ft.
7. **Additional Operations expenditure for Board:** additional costs for expenditures 2200 Supplies and Material estimated at \$700, 2300 Communications estimated at \$1,000 and 2400 Travel estimated at \$1,000 and 2800 Other expenses (training, reference books, etc.) estimated at \$300.
8. **Additional Legal Fees:** The Board would have all findings of fact and conclusions of law reviewed by the Board's Counsel provided by Agency Legal Services 40 cases approximately 2 hours of review and presentation to the Board @ \$53 per hour.

9. **Proposed ARM Rules for School Controversy Hearings and Hearing Officer Certification:** The Board is required to prescribe and enforce regulations for the certification and training of hearing officers and for the conduct of appeals by all school officials of the state. Each notice and adoption of these proposed rules are \$35 per page through the Secretary of State, plus Board hearings for the noticed rules.

Estimated Allocation for FY 97

1.	Hearing Officers Training & Certification	\$ 5,500
2.	Controversy Appeal Hearings	\$ 40,000
3.	Additional Board Meetings	\$ 3,000
4.	Additional FTE 1.0	\$ 30,280
6.	Rent for Office Space	\$ 1,916
7.	Additional Operations expenditure	\$ 3,000
8.	Additional Legal Fees	<u>\$ 4,240</u>
Total Estimated Appropriation		<u>\$ 87,936</u>

Assumptions for FY 97

1. Hearings Officer Training & Certification: After the first year of training (10) Hearings Officers, the mortality rate is estimated at 3 per year. The bill requires that the current hearing officers keep current. Hearings officers will require a one week refresher course at the National Judicial College once every three years.

NOTES:

Assumptions 2, 3, 4, 6, 7 and 8 remain the same as FY96.

Assumptions 5 and 9 are for first year start up costs.

Chairman Ellis

~~Mr. Chairman~~ and other Committee members,

On the record, My name is Bryant Stone and I represent Cottonwood School District #18 in Lewistown, ~~Pelham~~ Pelham, Montana. I am here in reference to the ~~disposal~~ of powers held by the County Superintendent, of which I ~~oppose~~ ^{oppose} mentioned in House Bill # 221, Montana. I have always held education in high esteem and a good Superintendent is vital to ensure the high standards of education our children deserve.

A loss of the County Superintendent would mean a break in the connection between teachers and County Government. Where would teachers, such as myself, get the necessary resources to do our jobs effectively? For example, her office is a good source of textbooks and supplemental materials, which I have found very helpful. With regards to my own experience, as a new teacher, there were many questions on how to approach this material. The Superintendent was extremely helpful in showing me different methods of approach so that the students would gain the most benefit.

This summer I was attending MSU - Billings in order to obtain my Provisional Certificate. Since I already had secured my job at district #13 it was necessary that I order everything needed to teach that summer. This was a very busy time for me and time was in very short supply. Mrs. Barrick went above the call of duty and came out to help me, sometimes on weekends. Being totally new at teaching I would have been lost without her leadership. She went over everything in detail with each student's records, ensuring they would get a proper education.

Section 11 Section 20-3-201 states that a part time Superintendent would be sufficient to carry out all the duties currently held by Mrs. Barrick. Speaking, as a teacher, my time is very limited. A superintendent that was only there for ~~specific~~ ^{shortened} hours would not be enough. There are issues that might arise at any time of the day that would need attention. Who would be around to handle these problems?

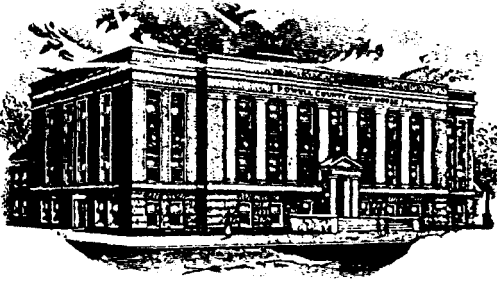
This section also mentions that the only qualifications needed for this office would be that they be a qualified voter. Ladies and gentlemen of the committee I am a registered voter and I know

that I would not have the knowledge, or the experience to execute the duties of this office.

~~In addition this section also mentions the feasibility of a county manager. I do not feel this would be appropriate since, as I read it, a county manager would have many issues to deal with, not just education.~~

Speaking of my limited time, if the County Superintendents power was dispersed as stated, this would force me to go in search of the things I needed, ~~rather~~ ^{rather} than have them all in one central location. Believe it or not I have a life outside the school. It is nice to be able to have my school related problems resolved so I can attend to other business.

Therefore I feel the office of the County Superintendent should remain as stands. It is an important and integral part of the educational system of Montana.



COUNTY OF



EXHIBIT 8
DATE 1/23/95
HB 221

DEER LODGE, MONT.

TESTIMONY IN OPPOSITION TO HB 221

Good afternoon. My name is Gail Jones and I am a Commissioner for Powell County representing our Board of Commissioners. I am here to voice our opposition to HB 221. We are opposed to the bill eliminating the office of County Superintendent for the following reasons:

1. We have six rural school districts along with a county wide high school district and city elementary school district. In talking with the school boards of the districts, the message was received loud and clear that the teachers, boards and general population strongly support retaining the office. The superintendent is vital to their districts and provides direction, information and support.

2. The option already exists for county commissioners to combine or eliminate the position at their discretion. In our opinion, it would be superfluous to eliminate the position if that option already exists. In their talk with local officials on Friday, January 20th, Governor Racicot, Speaker Mercer and Senate President Brown stressed the need to return control to local governments. It has long been said that the most effective government is the government that is closest to the people. That is county government. We would object to having some of our authority as county commissioners usurped by this legislature.

It is vital to leave the duties and responsibilities of the county superintendent of schools in the hands of a trained professional and not portion the duties to other elected officials who are not knowledgeable and who already have a full plate. If any of those duties are passed on to OPI, in a climate of downsizing of state government, what would be the advantage of creating another bureaucracy at the state level and wouldn't that shifting of responsibility be counter-productive?

Thank you for this opportunity to express our opinion and that of our constituents.

MONTANA RURAL EDUCATION ASSOCIATION

P.O. BOX 5418
HELENA, MONTANA 59604
(406) 443-2629
FAX (406) 442-8839

TESTIMONY OPPOSING HB 221

Chairman Ellis, members of the committee, for the record my name is Don Waldron, and I represent the Montana Rural Education Association.

MREA overwhelmingly voted against the elimination of the county superintendents' position through legislative action. The vote was taken at the annual meeting of MREA in October, 1994 @ Billings, Montana. MREA represents approximately 150+ Class B, Class C, and independent elementary schools. There was only one vote cast in favor of eliminating the county superintendents' position.

MREA believes that the passage of HB 221 would be obstructing local control, and that HB 221 is simply not necessary because of current Montana Law 7-4-2203, 7-4-2302, 7-4-2302 and 7-4-2303. The above stated laws, which are attached, clearly provide for local control of local decisions. Either the county commissioners or 15% of the registered electors of the county may initiate the process for the consolidation of offices. Clearly, local control as to the necessity and efficiency of consolidating offices has a long historical record with prior legislative bodies. MREA believes that there is sufficient current legislative authorization to combine offices of elected officials at the county level.

Furthermore, and most importantly, that the decision to consolidate or eliminate county elected officials should be made at the local level. MREA urges that you vote against the passage of HB 221.

Don Waldron

photographing and storing of loose pages (see 1993 Session Law for text); and made minor changes in style. Amendment effective April 20, 1993.

7-4-2222. Substitution of reproduction for original document. (1) Any document, plat, paper, written instrument, or book reproduced as provided in 7-4-2221 can be disposed of or destroyed only upon order of the district or probate court having jurisdiction, and the reproductions may be substituted as public records.

(2) The copy of any record destroyed or disposed of as authorized in this section or a certified copy thereof is admissible as evidence in any court or proceeding and has the same force and effect as though the original record had been produced and proved.

(3) It is the duty of the custodian of the records to prepare enlarged typed or photographic copies of the records whenever their production is required by law.

History: (1)En. Sec. 2, Ch. 117, L. 1959; Sec. 16-2429, R.C.M. 1947; (2), (3)En. Sec. 3, Ch. 117, L. 1959; Sec. 16-2430, R.C.M. 1947; R.C.M. 1947, 16-2429, 16-2430; amd. Sec. 8, Ch. 420, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 420 in (1), after "7-4-2221", deleted reference to subsection (1) and deleted "the original of which is not less than 10 years old"; in (2), at beginning

after "The", deleted "photostatic, microphotographic, or microfilmed"; and made minor changes in style. Amendment effective April 20, 1993.

7-4-2223. Duplicate records — safe storage of one copy. (1) Whenever any record or document is copied or reproduced as provided in 7-4-2221, it must be made in duplicate.

(2) The custodian of the record or document shall place the master copy, the contents of the copy being first identified and indexed, in a fireproof vault or fireproof storage place. The custodian shall retain the other copy in the office with suitable equipment for reproducing the record or document for persons entitled to the record or document.

History: En. Sec. 4, Ch. 117, L. 1959; R.C.M. 1947, 16-2431; amd. Sec. 9, Ch. 420, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 420 in (1), after "or reproduced", deleted "by microphotographic, microfilm, or other mechanical process"; in (2), near beginning of first sentence after "place", substituted "the master" for "one" and in second sentence, after

"equipment for", substituted "reproducing the record or document" for "displaying such record by projection to not less than its original size or for preparing copies of the record"; and made minor changes in style. Amendment effective April 20, 1993.

Part 23

Consolidation of County Offices

7-4-2301. Authorization to consolidate county offices. (1) Except as provided in subsection (2), the board of county commissioners of any county may in its discretion consolidate any two or more of the offices named in 7-4-2203 and combine the powers and the duties of the consolidated offices.

(2) The office of the justice of the peace may not be combined or consolidated with any other office other than another justice of the peace office.

History: En. Sec. 4315, Pol. C. 1895; re-en. Sec. 2960, Rev. C. 1907; re-en. Sec. 4728, R.C.M. 1921; Cal. Pol. C. Sec. 4109; re-en. Sec. 4728, R.C.M. 1935; amd. Sec. 1, Ch. 134, L.

7-4-2113. Liability on official bond of commissioner. In addition to any other penalty provided in this code, any county commissioner who neglects or refuses to perform any duty imposed on him without just cause therefor, who willfully violates any law provided for his government as such officer, who fraudulently or corruptly performs any duty imposed on him, or who willfully, fraudulently, or corruptly attempts to perform an act unauthorized by law as commissioner forfeits to the county \$500 for every such act, to be recovered on his official bond, and is further liable on his official bond to any person injured thereby for all damages sustained.

History: En. Sec. 4295, Pol. C. 1895; re-en. Sec. 2954, Rev. C. 1907; re-en. Sec. 4520, R.C.M. 1921; Cal. Pol. C. Sec. 4086; re-en. Sec. 4520, R.C.M. 1935; R.C.M. 1947, 16-1161.

Cross-References

Official misconduct, 45-7-401.

Proceedings on bonds, 2-9-501.

EXHIBIT 9
DATE 1-23-95
HB 221

Part 22

County Officers in General

7-4-2201. General qualifications for county office. No person is eligible to a county office who at the time of his election is not:

- (1) of the age of voting as required by the Montana constitution;
- (2) a citizen of the state; and
- (3) an elector of the county in which the duties of the office are to be exercised or for which he is elected.

History: En. Sec. 4310, Pol. C. 1895; re-en. Sec. 2955, Rev. C. 1907; re-en. Sec. 4723, R.C.M. 1921; Cal. Pol. C. Sec. 4101; re-en. Sec. 4723, R.C.M. 1935; amd. Sec. 1, Ch. 423, L. 1971; R.C.M. 1947, 16-2401.

Cross-References

Citizen of state, 1-1-402.

Voting age, Art. II, sec. 14, Mont. Const.

Elector, Art. IV, sec. 2, Mont. Const.

7-4-2202. General qualifications for district or township offices. No person is eligible to a district or township office who is not:

- (1) of the age of voting as required by the Montana constitution;
- (2) a citizen of the state; and
- (3) an elector of the district or township in which the duties of the office are to be exercised or for which he is elected.

History: En. Sec. 4311, Pol. C. 1895; re-en. Sec. 2956, Rev. C. 1907; re-en. Sec. 4724, R.C.M. 1921; Cal. Pol. C. Sec. 4102; re-en. Sec. 4724, R.C.M. 1935; amd. Sec. 2, Ch. 423, L. 1971; R.C.M. 1947, 16-2402.

Cross-References

Elector, Art. IV, sec. 2, Mont. Const.;
13-1-111.

Voting age, Art. II, sec. 14; Art. IV, sec. 2,
Mont. Const.

Residence, 13-1-112.

7-4-2203. County officers. (1) There may be elected or appointed the following county officers, who shall possess the qualifications for suffrage prescribed by the Montana constitution and other qualifications as may be prescribed by law:

- (a) one county attorney;
- (b) one clerk of the district court;
- (c) one county clerk;
- (d) one sheriff;

1939; amd. Sec. 16, Ch. 123, L. 1973; amd. Sec. 1, Ch. 129, L. 1973; amd. Sec. 12, Ch. 491, L. 1973; amd. Sec. 3, Ch. 253, L. 1975; R.C.M. 1947, 16-2406(part); amd. Sec. 4, Ch. 443, L. 1979.

7-4-2302. Petition for consolidation of county offices. (1) At any time not later than 45 days before the date on which declarations for nomination may first be filed for any county office, a petition in writing may be filed with the board of county commissioners of a county asking for the consolidation of any two or more of said offices by the board of such county.

(2) The petition shall be signed by not less than 15% of the registered electors of such county.

History: En. Sec. 1, Ch. 125, L. 1935; re-en. Sec. 4749.1, R.C.M. 1935; amd. Sec. 7, Ch. 100, L. 1973; amd. Sec. 1, Ch. 458, L. 1973; R.C.M. 1947, 16-2501(part); amd. Sec. 1, Ch. 101, L. 1987.

Cross-References

Date of general election, 13-1-104.

7-4-2303. Petition for intercounty consolidation of offices. (1) A written petition may also be filed with the boards of county commissioners of counties asking for consolidation of any two or more offices among several counties.

(2) In the case of consolidation of offices among several counties, the petition shall be signed by not less than 15% of the registered electors in each of the counties affected.

History: En. Sec. 1, Ch. 125, L. 1935; re-en. Sec. 4749.1, R.C.M. 1935; amd. Sec. 7, Ch. 100, L. 1973; amd. Sec. 1, Ch. 458, L. 1973; R.C.M. 1947, 16-2501(part); amd. Sec. 2, Ch. 101, L. 1987.

7-4-2304. Petition details. (1) Said petition shall be addressed to the board or boards of county commissioners of the counties affected and shall set forth and state the reasons why such consolidation is believed by the petitioners to be necessary or desirable or for the best interests of the county taxpayers.

(2) Each person signing such petition shall place his printed last name, post-office address, and voting precinct after his signature.

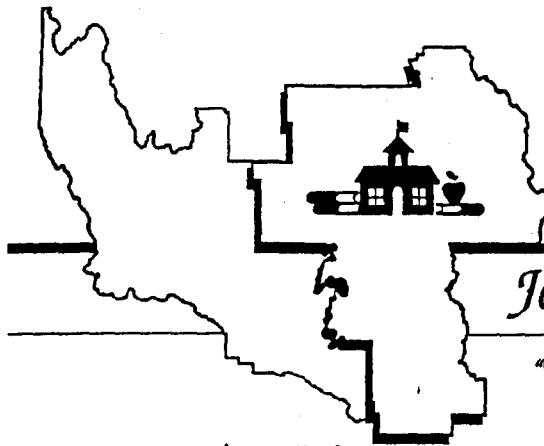
(3) For purposes of determining the number of signatures needed on a petition to meet the percentage requirements of this part, the number of electors must be the number of individuals registered to vote at the preceding general election for the county.

History: En. Sec. 1, Ch. 125, L. 1935; re-en. Sec. 4749.1, R.C.M. 1935; amd. Sec. 7, Ch. 100, L. 1973; amd. Sec. 1, Ch. 458, L. 1973; R.C.M. 1947, 16-2501(part); amd. Sec. 3, Ch. 101, L. 1987.

7-4-2305. Initiation of consolidation by county commissioners. (1) The board or boards of county commissioners may initiate the consolidation of county offices under the procedure set forth in this part. Any board or boards desiring to consolidate any two or more offices or any two or more offices among several counties under the provisions of this part shall first pass a resolution stating the intent of the board or boards to consider consolidation.

(2) Nothing contained herein shall be deemed as limiting in any manner the discretion of the county commissioners to consolidate the several offices without the filing of the petition provided for in this part.

EXHIBIT 10
DATE 1/23/95
HB 221
Lake County Courthouse
106 Fourth Avenue East
Polson, Montana 59860-2187
Phone (406) 883-7262
Fax (406) 883-7283



Lake and Sanders Counties

Joyce Decker Wegner, Superintendent of Schools

"The Future Lies In the Minds of Tomorrow"

January 20, 1995

Representative Bob Keenan
Montana House of Representatives
State Capitol
Helena, MT 59620

Honorable Representative Keenan (Dear Bob):

I am writing in **OPPOSITION TO HB 221, "TO ELIMINATE THE DUTIES OF THE COUNTY SUPERINTENDENT OF SCHOOLS."** Both you and Representative Rick Jore assured me that you opposed elimination of this office in previous meetings. In a December meeting of Western Montana County Superintendents in my office, Speaker of the House John Mercer stated opposition to the bill as he sees no savings for the taxpayer and recognizes a loss of local control. Please share your opposition and this letter with the members of the House Education Committee and keep me posted on the status of HB221.

Let me briefly reiterate reasons for opposition:

1. County Commissioners currently have the statutory power to combine the office and/or create a half-time position. The statute has been effective for Lake and Sanders as I am elected full-time from Lake and contracted 1/2 time by Sanders. Department costs are pro-rated.
2. The State of Montana saves no money in the elimination of the office as it is funded by the county.
3. Counties are capped and hurting for increases so elimination of the office will only mean reduction of service for schools and **no savings on county levies**. Lake and Sanders Counties' other departments are understaffed and untrained to assume the additional duties assigned in HB221. Costly training, the need for new employees, or a transfer of employees would mean that county taxpayers would not see a reduction in county taxes.
4. District clerks in Lake and Sanders are already overwhelmed with legislative changes that resulted in extensive and expensive computer reprogramming. The loss of service the County Superintendent currently provides in budget and trustee report preparation would mean **costly expansion at district levels**.
5. The people of Lake and Sanders counties would lose a valued resource and a local voice. **This office performs many duties beyond the 108-pages of duties being eliminated.** This County Superintendent:

- a. trains school clerks and superintendents.
- b. organizes and facilitates numerous workshops between agencies and institutions. Sits on numerous boards.
- c. develops and writes interlocal agreements and documents beneficial to our communities, such as:
 - (1) the D.A.R.E. AGREEMENT (county, school, business)
 - (2) the MISSION VALLEY CONSORTIUM,
 - (3) the LAKE/SANDERS COUNTY SUPERINTENDENT CONTRACT,
 - (4) the SPECIAL SERVICES AGREEMENT between three school districts, and
 - (5) a LAKENET LIBRARY LINKUP (all libraries in the county).

6. HB221 becomes effective January 1, 2001 creating costly production of MONTANA CODES ANNOTATED upon passage, but would allow sufficient time for transfer of duties. Any amendment that would shorten the time of effectiveness under four years would meet additional opposition from Lake County Commissioners. The Commissioners and I concur that changes should occur, but do not feel this bill accomplishes the needed renewal in a manner friendly to local government. The Lake Commissioners foresee a more regional approach to provide continued needed service. Also, the Lake County Study Commission has just begun the study process -- their upcoming work deserves a respectful audience and debate.

Without this office our people lose service and nobody saves money. There is no reason for a state mandate eliminating this office when statute provides methods for people to streamline county government. Governor Racicot declared the Task Force to Renew Government was designed to increase local authority and make government more efficient -- this does neither for Lake and Sanders Counties. The Republican Party and the Governor are opposed to federal and state mandates. I am counting on their integrity to prove it by **OPPOSING HB221**.

I plan to be at the hearing Monday, January 23rd, at 3:00. I look forward to further discussion and would appreciate your support in opposition to HB221 at the hearing.

Sincerely,



Joyce Decker Wegner
County Superintendent of Schools

cc: Representatives John Mercer, Rick Jore, Jim Elliot, Ken Wennemar
Senators Ethel Harding, Jeff Weldon, Spook Stang
Lake and Sanders Commissioners, Treasurers, Recorders

EXHIBIT

11

DATE

1/23/95

HB

221

McCone County

Circle, Montana

- 59215 -

January 23, 1995

TO: Committee Members

FROM: Janet L. McCabe, McCone County Treasurer/Supt of Schools

You will be hearing testimony today on HB 221 concerning the elimination of County Supt's of Schools. I would like to offer the following:

1. This should be a local decision. In McCone County the position has been combined for 10 years. This seems to work for our county. There are times when the schools still do not receive the support they should from this office because of time constraints, but we do our best with what we have available.
2. Spreading the duties around the courthouse and school district removes any check and balance from the system. You all know how many dollars are involved with education and there should be someone locally who sees the whole picture. - The County Superintendent!
3. I have heard the argument that removing the County Superintendent will free up more dollars for education. The county budget dollars for this office and school district budget dollars are not tied together in any way. If the general fund dollars for the county supt. are not required, those dollars will be used for other COUNTY needs which have nothing to with education.
4. I feel that the removal of the County Superintendent from the support system for small rural schools is another step toward forced consolidation of schools. This needs to be a local decision.

Thank you for your consideration of these ideas.

Janet L. McCabe

EXHIBIT 12
DATE 1/23/95
HB 221

HOUSE OF REPRESENTATIVES

Education

COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Donna Maddux HB ~~225~~ 221
BUDGET

ADDRESS 201 Park Ave. DATE

WHOM DO YOU REPRESENT? Self / local supporters

SUPPORT OPPOSE X AMEND

COMMENTS: School Dist. reorganization
is underway both at state level
and locally initiated level.

Co-Supps. are in the
logical position to facilitate these
efforts as we are neutral in
our dist relationships.

May IF the entire gov.'s
package is enacted in this
session I predict educational
chaos!

though I oppose I am sympathetic with the Israelis & intentions

What work is on sheet

so our courts may not be a better critique if statistical data was too different

EXHIBIT 13
DATE 1/23/95
HB 221

be well be used cannot be used for state by the press is reactive duty of the county sup is the most important fund

My husband and I are opposed to HB 221. We are homeschool parents, and leaders in our county homeschool association. Although at first glance there may appear to be contradictions, Please consider the following points. You may contact me in Edgemoor for further elaboration. (406-262-3054)

① It is asserted that the abolishment of the county superintendent's position will "give more control to the individual local school & its policy makers."

This will, in fact, be the case for some mundane administrative responsibilities. However, we are wearing rose colored glasses if we believe local schools (& boards) would then have relative freedom over such important matters as curriculum content. In fact, this bill & the related bill to abolish OPI would actually set up a smooth track of less resistance from Washington's liberal education policy makers. Let me offer a case in point. During the Federal Hearings on HIR6 some local county superintendents actively got involved in it's (HIR6) defeat for the sole purpose of preserving the freedom of the local schools to control curriculum. We cannot suppose that by doing away with a control system in business that we then can proceed with complete freedom. Homeschoolers are very much concerned with the quality of curriculum in our local schools.

The second concern about the intention of this bill to give "local people more control" is the

the obvious question that arises when the local people vote to retain a county superintendent & then a bill is drafted to abolish essentially the peoples vote. The clear message is the local intention doesn't count.

✓ #2 The continued existence of the smaller local schools. Our ^{county} Superintendent's maintain a lending library as well as the administration of costly programs to be shared with these smaller schools. Without which these local schools would have to incur the cost themselves.

#3 In business you develop a management team to run the business. Connected closely with the success & smooth operation of the business are the qualifications & expertise of these managers. the local school superintendent is definitely a part of the LOCAL management team. To do away with this position & relegate the responsibilities to various other entities is akin to a business taking its various management responsibilities ~~not~~ for instance, legal, and giving them to sales management. The problems local school districts may have with unwanted programs / curriculum / policies are more likely to arise from state ~~mandates~~ mandates than county mandates. I believe the local managers are more in tune with the local needs.

#4 Grievance process.

As a homeschooler, ~~we~~ We find most of our uninformed complaints and harassment comes from local school boards and a few uneducatable Administrators. ~~We~~ We as an association in Carbon City have worked about a written

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process with our county superintendent to resolve complaints & from both school system people about homeschoolers & complaints homeschoolers receive about schools / & system people. Its has made for a smoother / less hassled homeschool year & in talking with our county Sup. office I believe it has relieved a lot of friction & cause for concern from educators over the homeschoolers - I am confident that if this trend continues & is mutually spread to all other counties the great legislative conflicts between homeschoolers & school / system people may become nothing of the past.

#5 That this bill will save \$.

While I, ~~applaud the~~ as a christian conservative, applaud your good intentions to make government operate more efficiently - I am concerned that while we trim the fat we may very well be trimming the meat a little too. I am concerned that there may be many hidden costs not addressed.

First. More not less conflict will, arise in counties that have now good communications with their county superintendents. More conflicts with homeschoolers also means more homeschooler. The bandwagon effect of notoriety - That means less students in public schools and need I hint that that might mean less \$ in that school.

2nd. Few parents will bother to take their grievances ~~to~~ with local school Administrations to the state level as designated in this bill. Many will join the homeschool movement out of frustration. I am currently working with our county Superintendent on resolving one such situation - I personally wouldn't bother

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working with the local school administrations for most (not all) cases as there is an unstated attitude that ~~"Any~~ homeschoolers ~~has nothing good for them~~) & "Public schools" can't mix for Any reason - I would simply help these parents join the homeschool movement. Again less students / less \$.

⑥ What about the education of LDA (Learning Disabled) students - bright kids who struggle to learn)? I am the parent of one. Having worked with many local schools & boards I am afraid these kids would be the first to ~~get~~ feel the money squeeze in the local schools. Why? Because very few people outside of education have any real knowledge of ~~the LDA~~ ~~probe~~ the problems of educating LDA's. As a homeschooler I spend a lot of time & money on my LDA student. Much more than is ness. for the other child. Attending the ~~pluck~~ meetings I find that even educators (parents let's unit for kids)

have difficulty addressing this area of education. Most of the public concerned with school \$ & curriculum will put primary interest into 1st. Gifted & talented kids - 2nd. normal kids - & last struggling learners. I find that I have a more sympathetic ear at the ~~professional~~ ^{LDA} County superintendent's office. And I am pushing better programs in the public school & this bill would, I believe put advances made in the shadows.

Solution - Rather than take our ~~county~~ superintendents away - take only the dead weight - redundant duties already performed by other offices. Add new vitality to the public school education system by adding new responsible duties - More of a ^{hand} resource to the school community.

I have some ideas you may contact me for these - I'm sure if given a chance the superintendents themselves could come up with more. It might be the freedom we are all looking for.

January 23, 1995

EXHIBIT

DATE

HB

Senae Decreased
gm# 312-1

TO: - Education Committee
Alvin Ellis, Chairman

FROM: Jacqueline L. Boetticher
Clerk, School District #24

I am writing in opposition to HB 221's proposed elimination of the position of County Superintendent of Schools.

As school district clerk and also teacher's aid, I find the assistance offered by the County Superintendent invaluable.

Rural clerks rely heavily on our superintendent to help them through the maze of paperwork and new regulations and mandates, and without her assistance and expertise at a local level, communication between districts and OPI would be confused, difficult, time-consuming and expensive.

Our teachers and School Board Trustees would also have a much more difficult time operating a school if they had to contact Helena for answers to questions and problems. Our superintendent is local and knows and understands our situation --- she's here to give assistance when we need it, and can advise us more effectively, being a part of the community herself and consequently aware of local situations.

Jacqueline L. Boetticher

MUSSELSHELL COUNTY

KELLY GERHARDT
BRYAN W. ADOLPH
SUE M. OLSON
COUNTY COMMISSIONERS
506 Main Street
323-1104

JANE E. MANG
Clerk & Recorder
506 Main Street
323-1104

MARY C. NELSON
Treasurer
Supt. of Schools
Assessor
506 Main Street
323-2504
JOHN J. RAE
Coroner



G. PAUL SMITH
Sheriff
820 Main Street
323-1402

JOHN BOHLMAN
County Attorney
506 Main Street
323-2230

DONA C. ROBSON
Clerk of District Court
P.O. Box 357
323-1413

ROBERT M. MIHALOVICH
Justice of the Peace
P.O. Box 656
323-1078

PHILIP W. RICHMOND
Public Administrator

ROUNDUP, MONTANA 59072

January 23, 1995

Enia DeCrauel
Rm # 312-1A

House Education Committee
Capitol Station
Helena, MT 59620

Dear Committee Members,

As Clerk and Recorder for Musselshell County, I am submitting this letter in opposition to HB 221.

My office is constantly busy with the current duties that Montana Code defines. Myself and two part time deputies have all we can do to keep up with the work load now. I do not see this office as having the capacity to pick up even part of the County of Superintendent of Schools duties.

The taxpayers of Musselshell County are better served in the setting of levies and transportation issues by an office that is established to prioritized those issues.

Respectfully Submitted,

Jane E. Mang

Jane E. Mang
Clerk & Recorder

Post-It™ brand fax transmittal memo 7671		# of pages •
To	House Ed Com.	
Co.	Musselshell Co.	
Dept.	95 Legislature	
Fax #	1-900-225-600	
From	Jane E. Mang	
Co.	Musselshell Co.	
Phone #	323-1104	
Fax #	323-1710	

EXHIBIT

DATE

1/23/95

HB

221

Sheridan County Superintendent of Schools

Darcy Nordhagen

Courthouse

Plentywood, MT 59254

TO: House Education Committee Members

FROM: Darcy Nordhagen

Peggy Arnot

DATE: January 20, 1995

RE: HB 221

If the administrative position of county superintendent is eliminated the duties and responsibilities will be delegated elsewhere such as OPI, other county offices, contracts with other school districts or private providers or through school district reorganization.

If more and more authority is delegated to OPI does this not also mean more state control?

Will the elimination of this office save taxpayers dollars? There is no evidence that it will since we are paid from the county general fund and those dollars would be spent in funding other department budgets particularly since counties are still under I-105 mandate.

Will the elimination of this office make more dollars available to education?

If duties and responsibilities are placed with a school district and extra staff is needed it may increase administrative costs and reduce the amount available for education.

If OPI assumes our duties will they continue to be a resource center and a service agency to the local public? Will they be as responsive to the needs of the local taxpayers? Will they provide additional assistance to trustees, clerks and teachers of our third class rural districts and if so will they be able to provide that assistance without hiring additional staff?

There are numerous house keeping items that OPI currently performs or requires that county superintendents could do and reduce the ever expanding paper trail between our 481 school districts and the state office.

Retaining the office of county superintendent of schools and perhaps even expanding its role is one very positive, cost effective way of retaining local control - a concept which all Montanans treasure.

Thank you for your consideration.

Darcy Nordhagen

EXHIBIT 17 17
DATE 1/23/95
HB 221

MEMO January 23, 1995

TO: House Education Committee

FROM: School Dist. # 21 Board of Trustees

RE: HB221. An act to transfer the statutory duties of the County Supt. to the State Supt. of Schools, County Treasurer, County Commissioners, County Clerk and Recorder, School Dists., and Board of Public Ed.

We the Board of Trustees of the Galata School Dist. # 21, are writting this letter in opposition of HB221. We believe it should be left up to the individual counties to decide if there County Supt. of Schools duties need to be or need not to be transfered over to other heads of offices in that county.

Section 20-3-201 and 1991 amendment, Constitution XI, Sec.3 in our Montana laws already gives the counties authority to do so. We believe the State of Montana should not have jurisdiction over this matter.

If HB221 passes, it may not have an effect on the larger towns and there services, however our small rural areas would see a loss of those services, support and help that we now get from our County Supt. of Schools.

If a county see's fit to eliminate this possition in there local county government let them do so, but do not mandate all of us (rural) to follow suit.

It needs to be a decision made by our individual counties and there commissioners who have a much closer understanding and view of that possition and its duties.

Please take this matter into sincere consideration and vote against HB221.

Respectfully,

Joe Larsen, Chairman
Gayle Fenger, Trustee
Joe Sisk, Trustee

EXHIBIT 18
DATE 1/23/95
HB 221

RE: HOUSE BILL 221-ALVIN ELLIS, CHAIRMAN
FROM: BETH BERGUM, CLERK
WINIFRED SCHOOL DISTRICT NO. 115

SIRS;

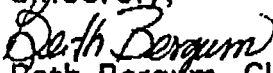
I fail to see the necessity of House Bill 221. The provision for the elimination of the position of County Superintendent of Schools is in place. A county has the power to reduce or to eliminate the position and I agree there are obviously counties throughout the state where the position can be eliminated or reduced by the duties required.

In Fergus County, however, the position is still very viable to the schools and to the populace in general. There are several "country schools" still in operation. In addition, there are five class "C" schools and one "A" school. All depend on the office for assistance in reporting procedures, in fund distributions and for general information. The County Superintendent serves as secretary of the Transportation Committee, as secretary for the local Superintendent's organization, as coordinator for the local School Business Officials' group, as general administrator for the very small schools. Her office is operated with one staff personnel. In addition, the office serves as a hearing office.

Surveys done have indicated where the assignments of these duties would go if the office were eliminated. The results showed none of the offices felt they had staff to absorb the extra work load. There would be no savings to the county nor to the school districts as the general consensus was that extra personnel would be needed.

I find it difficult to believe the position would be eliminated and the pay would continue for the next four years. This certainly must be an oversight of the bill.

I reiterate, as counties now have the power to control this office, what is the necessity of a bill to further erode local control? The premise, supposedly, was to return power to the local, rather than give more power to the state.

Sincerely,

Beth Bergum, Clerk
Winifred, Mt 59489

Liberty Elementary School District No. 10

Rural Route North • Galata, Montana 59444

To: Alvin Ellis, Chairman, House Education Committee
From: Liberty Elem. Sch. Trustees
Date: Jan. 21, 1995
RE: H.B. 221 (County Supt. Status)

Honorable Chairman Ellis:

We wish to express strong concern and opposition to H.B.221.

(1) We see no cost savings: An extra cost burden would eventually fall into the lap of the Districts. Schools have been encouraged to spend less on administration. Tax dollars spend to support the County Superintendent, most certainly would not support hired administrative personal.

(2) The county Superintendent performs numerous services to smaller schools, such as to make sure that numerous forms and paper work are answered in a timely manner.

(3) Scattering the duties of the County Supt. throughout the Courthouse wouldn't be nearly as efficient as the present system. What about the qualifications that the law requires? Other elected County officials may or may not be qualified.

(4) Let us not mandate, what the county commissioners can already do. Let the Locals make this decision.

(5) Finally we ask and hope that you, as Chairman will seriously consider this message, and vote to kill H.B. 221.

Sincerely

Trustee,
Trustee,
Trustee,

David Hofer
Joseph Hofer
John Wurz

DATE 1/23/95

HB 221

MUSSELSHELL COUNTY



ROUNDUP, MONTANA 59072

G. PAUL SMITH
Sheriff
820 Main Street
323-1402

JOHN BOHLMAN
County Attorney
506 Main Street
323-2230

DONA C. ROBSON
Clerk of District Court
P.O. Box 357
323-1413

ROBERT M. MIHALOVICH
Justice of the Peace
P.O. Box 656
323-1078

PHILIP W. RICHMOND
Public Administrator

KELLY GERHARDT
BRYAN W. ADOLPH
SUE M. OLSON
COUNTY COMMISSIONERS
506 Main Street
323-1104

JANE E. MANG
Clerk & Recorder
506 Main Street
323-1104

MARY C. NELSON
Treasurer
Supt. of Schools
Assessor
506 Main Street
323-2504

JOHN J. RAE
Coroner

January 23, 1995

House Education Committee
Capitol Station
Helena, MT 59620

Dear Committee Members,

The Board of Commissioners for Musselshell County are submitting this letter in opposition to House Bill 221.

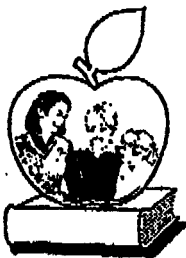
We are well aware of the functions of the County of Superintendent of Schools Office and feel that the Office is a benefit to Musselshell County and its school districts. An important point for us to address in HB 221 is that the other offices that the bill moves duties to, do not have time or staff to assume those duties. Therefore, a position will have to be made (which we already have in the County Superintendent of Schools) to handle these duties.

The Commissioners of Musselshell County do not see any tax savings or tax dollar returns if this office is removed from the county. The County Superintendent of Schools budget dollars will simply be moved across the county budget to do the same job.

Respectfully Submitted,

Kelly Gebhardt
Kelly Gebhardt, Chairman

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To	House Education Com	
From	Commissioners	
Co.	Musselshell Co	
Dept.	95 Legislature	Phone # 323-1104
Fax #	1-960-225-1200	Fax # 323-1710



MUSSELHELL COUNTY

OFFICE OF SUPERINTENDENT OF SCHOOLS

506 MAIN STREET
ROUNDUP, MONTANA 59072
TEL • (406) 323-1104

January 23, 1995

House Education

Alvin Ellis, Chairman
Capitol Station
Helena, MT 59620

Dear Mr. Ellis,

I am submitting this letter in opposition to House Bill 221.

When I entered this office in 1989, there was a back log of issues that had not been addressed because this office had been housed with the treasurer. The treasurer was not qualified, nor did she prioritize the work of the County Superintendent of Schools.

This county has experienced many problems without a County Superintendent of Schools and suffered through a difficult court case that cost the County taxpayers dollars as well as a major communication problem with their districts. Since Musselshell County separated the work of the County Superintendent of Schools from the Treasurer's Office these past problems have been resolved. The Office is busy, functional and working hard to meet the needs of the state, districts, and county.

Since a major portion of this position deals with budgets, mill levies and tax dollars, County Superintendents are very aware of the taxpayers burden. House Bill 221 will not save the taxpayers of Musselshell County one cent. Musselshell County is controlled by CI 105 and the County Superintendent of Schools dollars will be distributed somewhere across the county budget to fix or maintain where revenue is not enough. Also, the work of the County Superintendent of Schools is not going away, but just being moved by HB 221 to offices that do not have time and do not want to do the work. My commissioners know the value of this office and have found it far cheaper in tax dollars to maintain a County Superintendent then not to. It seems absurd to try to remove an office that serves the local taxpayer so well.

Respectfully Submitted,

Kathryn M. Pfister
Kathryn M. Pfister

Post-It™ brand fax transmittal memo 7671

of pages >

To	House Ed Comm	From	Kathryn Pfister
Co.		Co.	Musselshell Co
Dept.	Legislature	Phone #	323-1104
Fax #	1-900-225-1400	Fax #	323-1710

MUSSELSHELL COUNTY

DATE

1/23/95

HB

221

G. PAUL SMITH

Sheriff

820 Main Street

323-1402

JOHN BOHLMAN

County Attorney

506 Main Street

323-2230

DONA C. ROBSON

Clerk of District Court

P.O. Box 357

323-1413

ROBERT M. MIHALOVICH

Justice of the Peace

P.O. Box 656

323-1078

PHILIP W. RICHMOND

Public Administrator



ROUNDUP, MONTANA 59072

House Education Committee
Capital Station
Helena, MT 59620

January 23, 1995

Dear Committee Members,

As Treasurer of Musselshell County, I am submitting this letter in opposition to HB 221.

At this time, my office is staffed by myself, one full time deputy and on part time clerk that works during tax time. I am in no position with the staff I have to absorb more duties. A majority of these additional duties would come due at the same time I am working on county wide needs that have me already working over time.

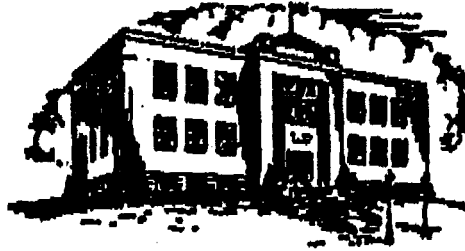
This office had the opportunity to do the work of the County Superintendent of Schools some years ago, and it was a total disaster. I have no desire to return to the over burden work load that I am not trained or have time and staff for.

Respectfully Submitted,

Mary C. Nelson
Treasurer

Post-It™ brand fax transmittal memo 7671		# of pages >
To	House Ed Comm.	From
Co.		Co.
Dept.	95 Legislature	Phone #
Fax #	1900-225-1400	Fax #

JOHN ALSTAD, Chairman
DENIS FREELAND, Commissioner
ALLAN UNDERDAL, Commissioner
MERLE RAPH, County Attorney
VERN L. ANDERSON, Sheriff
MYRON FRYDENLUND Coroner
COMMISSIONERS, 406-434-5121



MELODIE A. NORDINE, Clerk and Recorder 221
PENNY UNDERDAHL, Clerk of Court
CORRINE MERHAR, Assessor
MARIA HARRISON, Supt. of Schools
MYRNA WOLLAN, Public Administrator
SANDRA PEDERSEN, Justice of the Peace
CLERK AND RECORDER, 406-434-2232

COUNTY OF TOOLE

226 1st South — Toole County Courthouse
SHELBY, MONTANA 59474

January 23, 1995

House Education Committee
Alvin Ellis - Chairman
Fax - 1-900-225-1600

Toole County Commissioners oppose HB221. Passing statutory duties to other county offices is not feasible. Consideration of who will do the other non-statutory duties should be reviewed. There is in the law a mechanism for counties to do this on their own. Thank you.

Respectfully yours,

Denis Freeland
Chairman, Toole County
Commission

Allan Underdal
Commissioner

Alan Ryan
Commissioner

LIMA PUBLIC SCHOOLS

Lisa Kluesner
Secretary

SCHOOL DISTRICT NO. 12
BEAVERHEAD COUNTY
LIMA, MT 59739
Phone # (406) 276-3571
Fax # (406) 276-3495

24
EXHIBIT 24
DATE 1/23/95
HB 221
Mike Stosich
Chairperson
Robin Johnson
Clerk

January 23, 1995

Representative Alvin Ellis
Chairman
House Education Committee
State Legislature
Helena, MT 59620

Dear Representative Ellis:

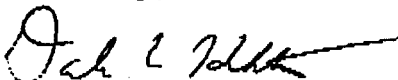
This letter is written in opposition to HB 221.

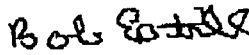
We at Lima Schools are against reorganization of the education structure as proposed in HB 221. At Beaverhead County we have a very knowledgeable and working County Superintendent. She is an essential link to and for our school system and provides us with much information. To eliminate this position would be a hindrance to our school.


We feel that the present education system or structure is a workable and viable system. It has built in checks and balances and has proven over the years to be successful. To eliminate any or some of the positions in this system would defeat the process by which the educational system operates. To eliminate one of the positions would not prove cost effective as has been stated. It appears to us that appointments of persons will not be as effective as the elector process.

Therefore, we urge you to seriously consider this bill and vote to defeat this issue.

Sincerely,


Dale E. Huhtanen
Superintendent


Bob Estill
Supervising Teacher


Robin Johnson
Clerk

EXHIBIT

25

DATE

1/23/95

HB

221

Office of County Superintendent of Schools

Madison County, Montana

VIRGINIA CITY, MONTANA 59755

January 23, 1995

REPRESENTATIVE KARL OHS
DISTRICT 33
MADISON COUNTY

REPRESENTATIVE ALVIN ELLIS, CHAIRMAN
HOUSE EDUCATION COMMITTEE

Madison County Superintendent of Schools is a part time position.
Our county feels that this is a necessary County government position.

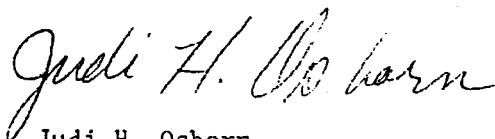
The power to establish and fill this office should not be stripped from the
County and given to the State.

County Superintendents are a place of local redress for problems in schools and
transportation.

No one else in the Court House wants to take over our many duties.

Please reject HB 221 as a piece of unneeded legislation.

Sincerely,



Judi H. Osborn
County Superintendent of Schools

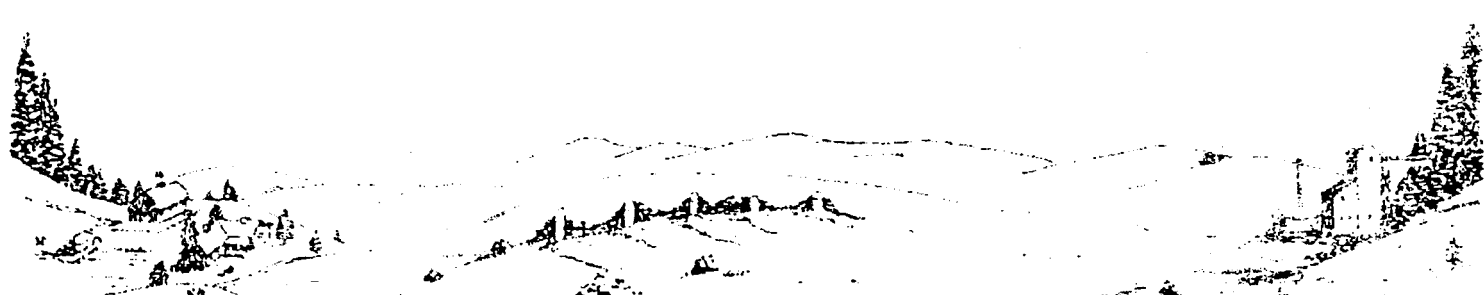


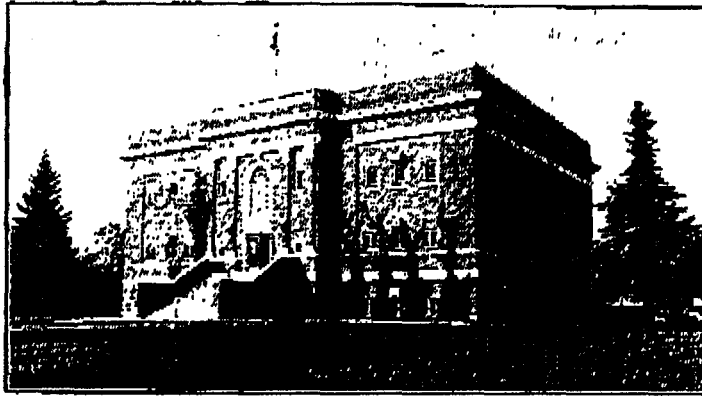
EXHIBIT 26

DATE 1/23/95

HB 221

COUNTY COMMISSIONERSWAYNE C. STAHL
Saco, MontanaCAROL KIENENBERGER
Dodson, MontanaFRANCIS V. JACOBS
Malta, MontanaClerk & Recorder
LAUREL N. HINESTreasurer/Assessor
JEAN MAVENCAMP

PHILLIPS COUNTY



Malta, Montana 59538

Sheriff/Coroner
GENE PEIGNEUXClerk of Court
FRANCES WEBBSuperintendent of School
GARY A. BADENCounty Attorney
EDWARD A. AMESTOYJustice of Peace
GAYLE STAHLDistrict Judge
JOHN C. McKEON

January 23, 1995

Representative Alvin A. Ellis
Chairman House Education Committee

Dear Representative Ellis,

Attached is a copy of a letter we recently sent to Mr. Gordon Morris of MACO. We would like to let you know that the Phillips County Commissioners strongly oppose any reduction of county officials by the state legislature. As county officials we feel that we have the tools necessary to reduce the number of county offices through consolidation. We hear a lot of noise about returning control of government back to the people of the state of Montana, yet we see the continual onslaught upon counties, the government closest to and most accessible to the people. If the duties of the County Superintendent's office are only transferred to other offices of the county and the state it seems ludicrous to think that these duties and the time it takes to perform them can be assumed by these other offices without additional expenses. The truth of the matter is that the elimination of County Superintendents is nothing more than a political power play to remove the checks and balances and access to this type of information from the public. As taxpayers we resent the legislature usurping, through a legal loop hole, the powers of the officials we elect locally. You should clean up your own house before you condemn someone else's.

Sincerely,
Phillips County Commissioners

Wayne C. Stahl

Carol Kienenger

Francis V. Jacobs

Post-It™ brand fax transmittal memo 7671		# of pages >
To	From	
REPRESENTATIVE ALVIN A. ELLIS	PHILLIPS Co. Comm.	
Co. HON. CHAIRMAN	Co.	
Dept. MC-LEGISLATURE	Phone #	654-2429
Fax # 000-825-1600	Fax #	654-2429

COUNTY COMMISSIONERS

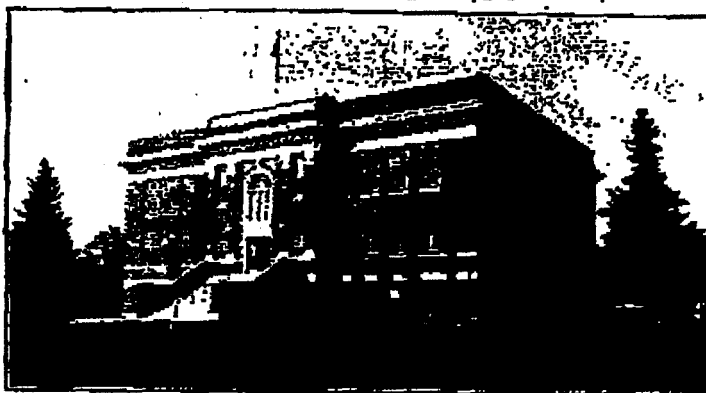
WAYNE C. STAHL
Seno, Montana

CAROL KIENENBERGER
Dodson, Montana

FRANCIS V. JACOBS
Malla, Montana

Clerk & Recorder
LAUREL N. HINES

Treasurer/Assessor
JEAN MAVENCAMP

PHILLIPS COUNTY

Malta, Montana 59538

Sherriff/Coroner
GENE PEIGNEUX

Clerk of Court
FRANCES WEBB

Superintendent of Schools
GARY A. BADEN

County Attorney
EDWARD A. AMESTOY

Justice of Peace
GAYLE STAHL

District Judge
JOHN C. McKEON

January 12, 1995

MACO
2711 Airport Road
Helena MT 59601

Dear Gordon,

Looking back at the Big Sky convention, I remember the delegation overwhelmingly defeating a proposed resolution to support the elimination of the Office of County Superintendent. We feel that MACO must continue to oppose the illogical, if not unconstitutional elimination of county elected officials and their offices. Almost all offices of county government provide very important and necessary functions as part of the check and balance systems of state government. The duties of County Superintendent of Schools are many, not the least of which are the responsibility of keeping track of every penny each and every school in their respective county spends, and deciphering and implementing the multitudes of administrative and legislative changes and directives. The administration of school funding at the county level is not a duty that county commissioners have the time to even begin to deal with, let alone deal with in the time consuming manner that we all know school funding and oversight demands. County Superintendents of Schools oversee the distribution of approximately 80% of the monies that are spent in all our counties. Eliminating the Office of County Superintendent of Schools would not save any money in most counties because their commissioners would have to hire someone to perform the duties that would be assigned to them. Eliminating services provided by, and the check and balance responsibilities of County Superintendents would be a great disservice to the taxpayers of Montana. This process would only serve to centralize more power and control into the offices of bureaucrats in Helena. We realize that more centralization probably means less people seemingly wasting taxpayers dollars but we also do not believe that any of the voters in the last election want anything to be totally controlled from afar and as inaccessible as Helena. Those taxpayers want almost total control of government at

EXHIBIT 26
DATE 1-23-95
FILE HB 221

the local level where they can watch and readily communicate in person as much as possible.

County government cannot continue to exist if we do not once and for all stop the onslaught upon ourselves. We must not let our legislature be misled to believe that our voters and taxpayers would have anything to gain by giving up the last shreds of power and control they may have at the local level. We cannot survive if each time the legislature meets they eliminate another county office's duties.

Sincerely,
BOARD OF COUNTY COMMISSIONERS


Wayne Stahl, Chairman


Carol Kienenberger, Member

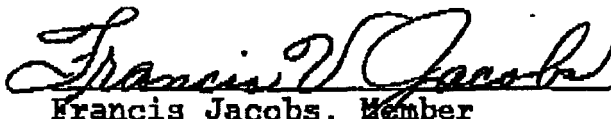

Francis Jacobs, Member

EXHIBIT 27
DATE 1/23/95
HB 221

P.O. Box 787

Jackson, MT 59736


January 23, 1995

Education Committee
Alvin Ellis Chairman

Dear Committee:

I am writing to urge you to vote "No" on H.B. 221. The County Superintendent plays an extremely important role in the running of our district school. That role is vital to our ability to communicate with other schools and to stay up-to-date on educational issues. This position is also an important link to O.P.I. and the changing policies which effect our school and the students. Without the input and experience of our County Superintendent our ability to perform our job of teaching the students would be severely impaired. Please, vote "No" on H.B. 221.

Sincerely,


Stacy Johnson
Student Teacher

*Item 312-1a
Renewal*

4068343112

SHEPHERDS GARAGE

P01

EXHIBIT 28
DATE 1/23/95 28
HB 221

Vincent W. Husted
Jackson, Montana
January 23, 1995

Education Committee
Alvin Ellis Chairman

Dear Sirs,

I urge you to vote no on H.B. 221. As a school board member, I know our superintendant, Mrs. Donavon, provides immeasurable help in complying with state mandates as well as the efficient functioning of our school.

As a state we need to return government to the people; eliminating the position of superintendant of schools in Beaverhead County would not be in our best interests.

Most respectfully,

Vincent W. Husted

Vince Husted

FOURTH GRADE EXAMINATION RESULTS

FOURTH GRADE EXAMINATION RESULTS

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FOURTH GRADE EXAMINATION RESULTS

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-23-95
BILL NO. 233 SPONSOR(S) Rep Dick Knox

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Don Waldron Penny A. Winkenberg	for REA myself	✓	
Garry A. Pace	Tetferson Co.		X
Shirley Borrick	Fergus Co. Supt of Schools	X	
Kathie A. Bailey	Fergus Co. Commissioner	X	
Bryant Stone	Teacher - Fergus Co.	✓	
Gene M. Orndorff	Teton Co.	X	X
Jeanne Lamb	Dist. Clerk, Moore School	X	
Marea Harrison	Boole Co. Supt.	X	
Warren Morehouse	Lewis & Clark Supt.	X	
Donna Maddux	Flathead	X	X
Greg Danelz	Ravalli Co.	X	
Laron Frazier	5 Am	X	
Wm W. Klein SASSpr	Clerk		✓

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

HR:1993

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CS-144

Michael Keady

MSBA

X

ERIC FEAUER

MEA

X

JERRN SWO

Carbon Co Supt Schools

X

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-23-95
BILL NO. 221 SPONSOR(S) Rep John Bowling

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Penny A. Wickenburg	myself		✓
Shirley Borrick	Fergus Co Supt of Schools		X
Bryant Stone	Teacher - Fergus Co.		✓
Kathie A. Bailey	Fergus Co. Commissioners		X
Joanne Lamb	District Clerk, Moore School		X
Lynne M. Ouse	Teton Co.		X
Maria Harrison	Boole Co.		X
Gladys Caterino	—		X
Warren Morehouse	Lewis & Clark Co Supt		X
Donna MADONX	Flathead Co.		X
Yvonne Richards	Gallatin Co		X
Mary Server	Park Co		X
Greg Daneb	Paralli Co.		X

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CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-23-95
BILL NO. 221 SPONSOR(S) Rep. John Bohlinger

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
BLAKE WORTH ^{Lewis & Clark} County Comm	Lewis & Clark Co		X
Gordon Morris	MA Co.		X
Loran FRAZER	St Ann		X
Lowell Howden	Self Private Citizen		X
John L. Kleinsasser	Trustee		X
HARRY B CARLSON	Self Trustee	X	
Jacob P Wipt	^{Teton} School Dist 12		X
Lynda Branson	MASBO		X
PAT Huffer	Governors Office	X	
ERIC FEAUVER	MEA	X	
Paul Fetter	Gov. Task Force	X	
Wayne Buchanan	BPE		
Wm W. Kleinsasser	Anchor Creek School		X

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CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 1-23-95
BILL NO. 221 SPONSOR(S) Rep. John Bohlinger

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Joyce DECKER WEGNER	LAKE & SANDERS COUNTY		X
RACHEL VIGORX	MISBOULA & MINERAL COUNTIES		X
Don WALDRON	MREA		X
JERRY SCOTT	Carbon Co. Supt Schools		X
JULES WABER	POWELL CO Supt Schools		X
GAIL JONES	POWELL Co Commissioner		X
Jim Foster	MREA		X
Bruce Floren	Sub Committee GTF	X	
LINDA VAUGHNEY	"	X	
Sharon Lincoln	"	X	
Al Schmitz	Sch. (Richland Co)		X
Robert Throssell	MT Assoc. Chk & Rec		X
John G. Klemmussen	Anchor Creek School		X

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

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CS-14

David Ashley

St. of Montana

X