

## MINUTES

### MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN DARYL TOEWS, on March 22, 1995, at  
3:10 p.m.

#### ROLL CALL

**Members Present:**

Sen. Daryl Toews, Chairman (R)  
Sen. John R. Hertel, Vice Chairman (R)  
Sen. C.A. Casey Emerson (R)  
Sen. Delwyn Gage (R)  
Sen. Loren Jenkins (R)  
Sen. Kenneth "Ken" Mesaros (R)  
Sen. Gary Forrester (D)  
Sen. Barry "Spook" Stang (D)  
Sen. Mignon Waterman (D)

**Members Excused:** Sen. Steve Doherty (D)

**Members Absent:** N/A

**Staff Present:** Eddy McClure, Legislative Council  
Janice Soft, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 485, SB 423  
Executive Action: HB 485, SB 423, HB 369

#### HEARING ON HB 485

Opening Statement by Sponsor:

REP. ERNEST BERGSAGEL, HD 95, Malta, said HB 485 addresses state-wide circumstances regarding historic preservation. He said HB 485 had been amended to incorporate both the concerns of his constituents and the Historical Preservation Society. REP. BERGSAGEL stated HB 485 made the Historical Society Board accountable and responsible, changed the make-up and expanded the Board, and set up an appeals process which people may use if they feel the actions of the Historical Society adversely affect them. He said the fiscal note does not impact Montana monies.

**Proponents' Testimony:**

**Brian Cockhill, Director, Montana Historical Society**, said the Historical Society had worked very hard to make **HB 485** a workable bill which still recognized the need to establish criteria, include more public members and provide an appeals process. **Mr. Cockhill** stressed the fact **HB 485** does not impact the state's coffers, and the Society Preservation Review Board will be meeting to address citizen concerns of property being nominated for historic preservation.

**Lesley Robinson, Lazy JD Cattle Co.**, read her written testimony. **EXHIBIT 1**

**Brenda Rummel, Little Rockies Outfitting**, read her written testimony. **EXHIBIT 2**

**Clark Kelly, Homeowner**, said he and his wife purchased a home approximately 12 years ago, and discovered two years later, when going through a loan process, their home's historical integrity was to be maintained. He reported their home was a simple two-bedroom home which had no insulation, single-pane windows, a basement in need of repair and slate shingle siding; i.e. in his opinion, no historical integrity at all. **Mr. Kelly** said they purchased the suggested historical materials and the end result was the home no longer resembled their original intent. He said he and his wife felt if they had to borrow money to purchase the home, and were paying it back, they should have the choice to improve the home as they wished.

**Jeanne Barnard, Phillips County**, asked support for **HB 485 as amended**. She shared a copy of a letter from Carol Kienenberger, Phillips County Commissioner, who also urged support for **HB 485 as amended**. **EXHIBIT 3**

**Candace Torgesson, Registered Lobbyist for Montana Cattleman's Association & Montana Stockgrowers Association**, said both organizations supported **HB 485** and the concepts behind it. She urged the committee's support.

**John Fitzpatrick, Pegasus Mining**, expressed support for **HB 485** and the people in Phillips County. He said he had seen abandoned mine clean-up costs explode because of the requirements for historic preservation. **Mr. Fitzpatrick** said he personally believed Montana's historic resources deserved preservation; however, a balance was required so people who received their livelihood from these lands were not jeopardized. He informed the committee he had spent much time with **REP. BERGSAGEL** and others to develop the amendments, and he was pleased with the result.

**Ken Williams, Montana Power Company**, expressed support for **HB 485 as amended**.

Opponents' Testimony:

**Kathy Macefield, City of Helena Historic Preservation Program & Montana Preservation Alliance**, said **HB 485** had been improved but was not yet satisfactory. She said one of the problems was Section 106 providing several review processes which could cause confusion as to how historic resources could be affected by Federal action, i.e. which process should be followed. **Ms. Macefield** suggested the public could either be allowed to comment on the historical effect a building project could have on a historic building located near the project or it could be allowed to participate at a different level.

**Ms. Macefield** distributed information regarding the National Trust for Historic Preservation. **EXHIBIT 4 AND EXHIBIT 5**

**Barbara Pahl, National Trust for Historic Preservation**, said the Trust was not sure who **HB 485** would help and was afraid the confusion could continue because of simultaneous processes being created with Federal processes on one side and the new state processes on the other. She said **HB 485** could allow up to 110 days for an applicant to receive a decision regarding his or her inquiry. **Ms. Pahl** said another concern was a state appeals process wouldn't stop the federal process, explaining Section 106 was a long set of governmental regulations which would continue without the state's acceptance.

**Ms. Pahl** said the National Preservation Act was passed in 1963 in response to Federal urban renewal which was removing huge segments of communities, farm land, etc. She explained the states had no input regarding the impact those projects had on their properties. **Ms. Pahl** urged a negative vote on **HB 485**.

Questions From Committee Members and Responses:

**SEN. DELWYN GAGE** asked why **Lesley Robinson** had received no response to her inquiries. **Mark Bauman, Interim Historical Preservation Officer**, said he didn't know, but would check.

**SEN. GAGE** wondered what was wrong with the Federal government entering an area and complying with state regulations. **Ms. Pahl** said the best current legal opinions say the Federal process will continue without the state's approval.

**SEN. GAGE** asked if there was a chance Congress would negate Section 106. **Ms. Pahl** said there was opportunity for states to comment on revised regulations to Section 106.

**SEN. KEN MESAROS** asked who enforced the National Preservation Act. **Ms. Pahl** said the Trust was not a Federal agency, but was membership-based and a 501C organization; therefore, nothing was regulated or designated, just encouraged.

**SEN. CASEY EMERSON** asked who did the appointing. **Ms. Pahl** said the [SHPO] was appointed by the Governor and she was hired.

**SEN. LOREN JENKINS** asked why **Clark Kelly** couldn't work on his house, i.e. who does the enforcement. **Barbara Pahl** said Section 106 allows for consultation between a Federal agency and a state preservation officer, of which there are few. She also said living in a small community can slow the process.

**SEN. JENKINS** asked about a Supreme Court case involving the Federal government who was liable for the devaluation of property because of historical regulations. **Robert Nieweg** said designation of land does not have the same importance as the stipulation that a certain activity may not take place on the land.

**SEN. JENKINS** referred to a man in South Carolina who won a court decision regarding the devaluation of his property, based on its potential. **Mr. Nieweg** said diminution in value between 80-100% is the requirement for government compensation. He said in the case of **Clark Kelly**, his accepting the Federal loan also included acceptance of the strings attached.

**SEN. JENKINS** asked if devaluation would occur if the home was owned, i.e. no lien against it. **Ms. Pahl** said often the valuation was increased because of the historical designation.

**SEN. BARRY "SPOOK" STANG** asked if the ranch land or area used by the outfitters would have diminished in value if it had been declared a historic site. **Ms. Pahl** said most of the preservation protection occurs at the local level. A national designation does not obligate a property owner to anything; it merely recognizes the desire, and not requirement, to protect the property.

**SEN. STANG** asked if the number of cattle or number of buildings would be restricted and **Ms. Pahl** answered in the negative. She said, however, the people should have been informed of all the particulars, especially the boundary shift. **Mr. Nieweg** said Federal law contains an appeals process regarding historic eligibility or listing. He said one problem with **HB 485** is if people follow the state process, they miss the opportunity to follow the federal process.

**SEN. STANG** asked if **HB 485** could be fixed so both processes could work together. **Robert Nieweg** said if, for example, if the Federal government occupied a field, state law would be preempted.

**SEN. GAGE** asked what part of the Constitution allows the Federal government to preempt the state for matters such as these. **Mr. Nieweg** said case law has taken the generalities of the Constitution and made them more specific, explaining the Federal government looks at property and asks if it is historic. They

then deal with the state historic preservation officer who can suggest how the Federal impact can be mitigated.

**SEN. GAGE** asked if there would be a possibility of Congress passing legislation which would make it necessary for the Federal government to notify and the state historic agency to give them first right before doing anything. **Ms. Pahl** said the Federal agency is supposed to contact the state preservation officer. She said people want predictability certainty, so an attempt has been made to make the criteria more understandable.

**SEN. EMERSON** asked if the Federal money could be refused. **Ms. Pahl** said it could; however it would be difficult, then, for the state to access some of the programs.

**SEN. JENKINS** asked

*{Tape: 1; Side: A; ; Comments: Tape too garbled to hear}*

**Ms. Pahl** said there is no requirement or obligation if property is listed in the National Register, unless either you want tax incentive or Section 106.

**Closing by Sponsor:**

**REP. BERGSAGEL** said the opponents were a special interest group who came from Denver, Colorado, and supported the preservation. He also said 100,000 acres being declared an historical site impacted many people and families. **REP. BERGSAGEL** asked the committee to consider the request the Federal and state appeals be simultaneous, which would speed up the appeals process. He urged passing of **HB 485**.

**EXECUTIVE ACTION ON HOUSE BILL 485**

**Motion:** **SEN. KEN MESAROS** MOVED **HB 485** BE CONCURRED IN.

**Discussion:** **SEN. MIGNON WATERMAN** commented she had unanswered questions, so she would vote against **HB 485**.

**SEN. STANG** wondered if the 110-day process would make the Federal and state processes simultaneous.

**Vote:** Motion that **HB 485** BE CONCURRED IN PASSED 8-1 on voice vote, with **SEN. WATERMAN** voting "No."

**SEN. WATERMAN** said she would ask that a letter from the committee be sent to the appropriate Federal agency to ask for the Federal rules regarding: (1) Streamlining the process of coordinating the Federal with the state process; (2) Community involvement.

SEN. TOEWS said he would draft the letter and have more information ready before HB 485 gets to the Senate floor.

HEARING ON HB 423

Opening Statement by Sponsor:

SEN. LORENTS GROSFIELD, SD 13, Big Timber, said Page 2, Section 1, Subsection b, of HB 423 pertains to the Shields Valley consolidation in Park County. He explained they still have a small amount of money as the result of the consolidation and they need the authority of HB 423 to keep the money while they decide what to do with it.

SEN. GROSFIELD referred to Page 4, Lines 2-4, and explained when the directive is carried out, Page 2, Section 2, becomes effective. He stressed the word "may" means voluntary. SEN. GROSFIELD said since this concept was new, he didn't want to apply it state-wide; rather, he suggested starting with the rural areas.

SEN. GROSFIELD reminded the committee both issues are reserve fund issues, yet are different. He asked the committee's favorable vote on both issues; however, if they voted to eliminate one, he would prefer Section 1 be kept.

Proponents' Testimony:

Rich Shaffer, Superintendent, Shields Valley Public Schools, read excerpts from his written testimony (EXHIBIT 6), and said Shields Valley was experiencing growth; in fact, if it continued, the school would be forced to consider either major remodeling or building within the next several years. He said the trustees would ask for the option to retain the above-mentioned money to help in the project. Mr. Shaffer informed the committee there were four other schools who were receiving the above-mentioned funds, but they were spending the monies and were not placing them in reserve. He asked the committee's favorable consideration of SB 423.

Don Waldron, Montana Rural Education Association (MREA), said MREA favored SB 423, explaining it was a good thing for developers to check with school districts before developing a subdivision for such things as bus stops, numbers of potential students, etc.

{Tape: 1; Side: B}

Opponents' Testimony:

Chris Racicot, Executive Director, Montana Building Industry Association, said his organization had some concerns regarding the voluntary agreement between a subdivision developer and a

school district, explaining those voluntary agreements can become compulsory which then can become impact fees. **Mr. Racicot** said the area of impact fees is very complicated and needs to be studied extensively before Montana considers it, especially as it deals with funding for schools.

**Mr. Racicot** said his testimony was one of caution, rather than as an opponent. He stated there currently are provisions to allow the voluntary action mentioned in **SB 423**, which makes the bill unnecessary.

Questions From Committee Members and Responses:

**SEN. WATERMAN** commented a few years ago, a development was proposed in Montana City, and a condition for the county's approval was an impact fee which was an assessment placed on each lot. **Chris Racicot** agreed, and said it was a situation where the school board and county commissioners were looking for extra funding sources beyond bonding issues because they had reached their capacity.

**SEN. WATERMAN** asked if the two entities clearly had the authority to explore the above-mentioned procedure, or had there been a legal challenge. **Mr. Racicot** said he understood impact fees were legal in Montana for sewer, water and roads only; however, not for schools. He explained they weren't legal for schools because property taxes come from a broad base and impact fees were assessed to a small group of users who have moved into the area.

**SEN. STANG** asked if there was constitutional standing to ask for voluntary impact fees. **Chris Racicot** said there was.

**SEN. STANG** asked in what section of law that could be found. **Mr. Racicot** said he didn't know. **Eddye McClure** said Article X, Section VIII, (local control to schools) made this legal for local trustees.

**SEN. WATERMAN** asked if there was a time limit or expenditure stipulation, under Section 2, for a district to negotiate for voluntary agreement for impact fees. **Eddye McClure** said the fees were to go into the Building Reserve Fund. **Rich Shaffer** said the building fund was an ongoing fund and the fees deposited would remain until the trustees determined to use them.

**SEN. JOHN HERTEL** asked if the money in the fund could be invested. **Mr. Shaffer** said it could.

**SEN. GAGE** asked if it was currently possible to do what Section 2 said, i.e. was Section 2 necessary. **Mr. Shaffer** said he was unaware of any provision for notification by a county planning board or developer.

**SEN. GAGE** said he was concerned about the voluntary, as mentioned in Section 2, becoming mandatory sometime in the future. **Rich**

**Shaffer** said he couldn't address that question, but he asked the committee to insert "and/or the number of building units" (Section 2).

**SEN. GAGE** asked if the language would keep a developer from voluntarily giving a specific amount, based on his desire to have a very good school which would in turn help sell his development, i.e. was it possible to make voluntary contributions to a public school without **SB 423**. **Michael Keedy** said it was.

**Don Waldron** said in some areas the county planning board won't give a developer approval until he found out how many school children there would be and how the school would handle the children. He stressed the advantages for both the developer and school board to talk over issues like bus routes, improved roads, school tapping into the subdivision's water supply, etc.

**SEN. WATERMAN** asked if it were mandatory for the developer to notify the school board regarding potential numbers of students. **Mr. Waldron** said he was unaware of a law; rather, it was a courtesy.

**SEN. GARY FORRESTER** asked how Page 2, Section 2, would affect **Chris Racicot's** organization. **Mr. Racicot** said his main point as an opponent was voluntary could become mandatory. He also reminded the committee impact aid was extremely complicated.

**SEN. DARYL TOEWS** asked what would happen if Section 2 were stricken. **Eddy McClure** said Sections 3 and 4 were based on Section 2; however, she supposed there could be an amendment which would refer to notice and not payments.

**Closing by Sponsor:**

**SEN. GROSFIELD** had to leave to be part of another committee, so he was unavailable for closing.

**EXECUTIVE ACTION ON SENATE BILL 423**

**SEN. HERTEL** opined Section 1 was necessary because of the situation in Shields Valley school and he would be in favor of that portion of **SB 423**.

**Motion:** **SEN. BARRY "SPOOK" STANG** MOVED **SB 423** DO PASS.

**Substitute Motion:** **SEN. MIGNON WATERMAN** MOVED **SB 423** BE AMENDED BY DELETING SECTION 2 & SECTION 3 AND ALTER SECTION 4, PAGE 4, SO A NOTICE BE REQUIRED TO BE GIVEN SCHOOL TRUSTEES OF THE PROPOSED SUBDIVISION.



**Discussion:** SEN. STANG said he opposed the substitute motion because the builders association's opposition to the potential concept of the contribution mandatory will be just as strong if Section 2 remains or is removed with the intent of reinstatement in the next legislative session. He commented school districts should be able to accept voluntary impact payments at the present time.

SEN. WATERMAN said she believed schools were now able to negotiate these payments but she knew of people who were concerned about \$14,000 impact fees as per subdivision law. She said developers could voluntarily contribute impact payments without SB 423.

SEN. STANG asked if precedent had been set which would allow voluntary contributions.

SEN. GAGE commented just because it didn't seem the above had been done, someone would be precluded from making a contribution of land or money. Eddy McClure said she asked Greg Petesch why "trustees from a rural school district" was used and she was told it was because Article X, Section 8, of the Constitution which refers to local control by the trustees. She said she would give committee members copies of the memo explaining that.

SEN. STANG commented if Greg Petesch had a ruling because of Article X and school board laws that impact contributions can be made by the time SB 423 is on the Senate floor, he would have no problem in removing Section 2 from the bill. However, he would be averse to removing Section 2 in committee, and reinstating it on the Senate floor.

SEN. HERTEL asked if it were necessary to act on SB 423 today and SEN. TOEWS said it was because of the deadline to transmit a Senate bill to the House.

**Vote:** Motion to AMEND SB 423 FAILED 4-5 on roll call vote #1.

**Motion/Vote:** SEN. CASEY EMERSON MOVED SB 423 DO PASS. Motion PASSED 8-1 on a voice vote, with SEN. FORRESTER voting "No."

#### EXECUTIVE ACTION ON HOUSE BILL 369

**Motion/Vote:** SEN. DELWYN GAGE MOVED TO RECONSIDER HB 369 AS AMENDED. Motion FAILED 5-5 on roll call vote #2, with SEN. DOHERTY's Proxy Vote.

EXECUTIVE ACTION ON HOUSE BILL 480

Discussion: SEN. STANG asked SEN. TOEWS if, when amending SB 232 into HB 480, he intended to remove Page 2, Lines 7-10, and Part 2 of HB 480. SEN. TOEWS said he planned to leave the amendments. Eddy McClure reminded the committee there were three amendments on HB 480.

SEN. WATERMAN asked SEN. TOEWS how he envisioned the appearance and language of the final bill which would merge SB 232 and HB 480. SEN. TOEWS said he had prepared an amendment which would insert a part of SB 232 which decoupled the funding from the accreditation standards, i.e. if schools failed to meet accreditation standards, their funding could not be withheld.

SEN. WATERMAN asked if SEN. TOEWS intended to strip everything else from SB 232 and SEN. TOEWS said he didn't. Eddy McClure commented there had been a ruling from Greg Petesch which said since both titles dealt with Article X, Section 8, the wording was broad enough to cover all above-mentioned aspects.

Motion: SEN. CASEY EMERSON MOVED TO TAKE HB 480 OFF THE TABLE FOR RECONSIDERATION.

Discussion: SEN. STANG said if the part of the title of HB 480 which dealt with accreditation standards, policies of the Board of Public Education and language added by REP. SIMPKINS were removed, and if the part pertaining to administration remained, he would have to vote against the bill because the language was against what he believed in.

Vote: Motion PASSED 6-3 on roll call vote #3.

Motion: SEN. BARRY "SPOOK" STANG MOVED TO AMEND HB 480.

Discussion: SEN. STANG said he did not have the amendments prepared but would like to remove the four amendments in Section 1 of HB 480, which were added on the House floor. He said he would also like to remove the language in the title which pertained to those four amendments.

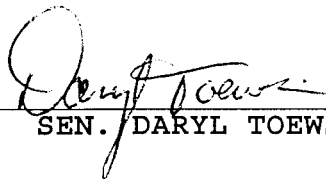
SEN. WATERMAN asked if it was necessary to act on the motion today; she would rather have a copy of HB 480 with SEN. STANG'S amendments in front of her.

SEN. EMERSON said he agreed with SEN. WATERMAN to not take action until HB 480 as amended was ready.

It was agreed to meet on Monday, March 27, 1995, to continue discussion and action on HB 480.

ADJOURNMENT

**Adjournment:** The meeting adjourned at 4:55 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/jes

MONTANA SENATE  
1995 LEGISLATURE  
EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE

3/22/95

[illegible]

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 23, 1995

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration SB 423 (first reading copy -- white), respectfully report that SB 423 do pass.

Signed:   
Senator Daryl Toews, Chair

  
Amd. Coord.  
Sec. of Senate

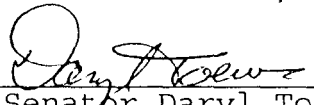
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 23, 1995

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration HB 485 (third reading copy -- blue), respectfully report that HB 485 be concurred in.

Signed:   
Senator Daryl Toews, Chair

  
ST

Amd. Coord.

Sec. of Senate

Sen. Daryl Toews

Senator Carrying Bill

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MONTANA SENATE  
1995 LEGISLATURE  
EDUCATION AND CULTURAL RESOURCES COMMITTEE  
ROLL CALL VOTE

DATE 3/22/95 BILL NO. SB 423 NUMBER #1

MOTION: Amend SB 423

NAME	AYE	NO
SEN. JOHN HERTEL, VICE CHAIRMAN		✓
SEN. DELWYN GAGE	✓	
SEN. KEN MASAROS		✓
SEN. STEVE DOHERTY		
SEN. MIGNON WATERMAN	✓	
SEN. BARRY "SPOOK" STANG		✓
SEN. LOREN JENKINS		✓
SEN. GARY FORRESTER	✓	
SEN. CASEY EMERSON		✓
SEN. DARYL TOEWS, CHAIRMAN	✓	

MONTANA SENATE  
1995 LEGISLATURE  
EDUCATION AND CULTURAL RESOURCES COMMITTEE  
ROLL CALL VOTE

DATE 3/22/95 BILL NO. HB 369 NUMBER #2

MOTION: Reconsider HB 369 as amended

NAME	AYE	NO
SEN. JOHN HERTEL, VICE CHAIRMAN		✓
SEN. DELWYN GAGE	✓	
SEN. KEN MASAROS	✓	
SEN. STEVE DOHERTY		✓
SEN. MIGNON WATERMAN		✓
SEN. BARRY "SPOOK" STANG		✓
SEN. LOREN JENKINS	✓	
SEN. GARY FORRESTER		✓
SEN. CASEY EMERSON	✓	
SEN. DARYL TOEWS, CHAIRMAN	✓	

SEN:1995  
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# MONTANA SENATE COMMITTEE PROXY

DATE 3/23/95

I request to be excused from the Edurc

Committee meeting this date because of other commitments. I desire

to leave my proxy vote with Sen. Tony Ahlman.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
HB 369		
reconsider		
as amended		X

SENATE BILL/AMENDMENT	AYE	NO

Rep. Sen. Ostlund  
(Signature)

SEN:1995  
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CS-11

Mr. Chairman and Members of the board,

My name is Lesley Robinson. I am here to represent the Lazy JD Cattle Company. We ranch south of Malta, adjoining the Little Rocky Mountains. The Little Rockies, along with Thornhill Butte and Coburn Butte, which is owned in part by our ranch, is being considered to be listed in the National Register as a historic site. The boundary for this site is supposed to be the main highways surrounding the Little Rockies. Thornhill Butte and Coburn Butte are on the other side of this boundary but were added to the proposed site. We received absolutely no personal notification of this even though an extensive amount of the ranch's private property is within the working boundaries of the proposed historical site. We found this out by going to a public meeting held in Landusky August 11, 1994 and seeing our land on the map of the working boundary. We learned of this meeting a few hours before it started. When we walked in to this meeting one of the local BLM people said, "What are you doing here, this doesn't affect you?"

We sent a letter August 13, 1994 to the State Historic Preservation Office stating that we did not want our private land included in the proposed historical sight. We were sent a photocopy of a letter sent to Zortman Mining Inc. that didn't even pertain to us. We also sent a letter to them February 14, 1995 listing the section, township and range of our land in the working boundary. We wanted verification of any findings on our land. We certified this letter and they signed for it February 17, 1995. We still haven't had any response from the office. seems to be no checks and balances with the historical preservation officer and the review board. House Bill 485 seeks to amend the existing act to resolve this problem.

There is a preservation review board within the Montana Historical Society, which consists of nine members. House Bill 485 amends it to have ~~15~~<sup>9</sup> members, adding ~~4~~<sup>2</sup> more public members. We as part of the agricultural industry feel it is very important that we have a voice in the decisions being made by the board. We are greatly affected by these decisions.

House Bill 485 requires the historic preservation officer to develop standardized procedures and guidelines for evaluation of heritage property. It also requires notice of actions of the historic preservation officer. This is essential to the affected parties. The proposed Little Rockies site has been in limbo since spring 1994, when the working boundary was decided. There is a definite need for time limits.

People's lives can not be put on hold for an indefinite amount of time. The rules have got to be defined and all affected parties need to be represented. Please support House Bill 485. Thank you.

Lazy JD Cattle Company  
Lesley Robinson  
HC 63 Box 5094

August 13, 1994

Montana Historical Society  
Att: Marcella Sherfy  
P.O. Box 201202  
Helena, Mt. 59620-9990

Dear Ms. Sherfy,

We recently attended a meeting with the BLM and BIA people on a proposal to nominate the Little Rockie Mountains and surrounding area as a Historical Site. This area includes privately owned land. We own land within this border line plus the south half of one of the Colburn Buttes which is included in the proposal. We feel our rights are being infringed on by this area even being nominated without our knowledge. We are opposed to putting any private property into a Historical Site. We were told that by having this land in a Historical site, it "probably" would not affect our operation of the ranch. However, we do feel that any involvement with a Government Agency will have an effect in the future. Therefore we do not want any private land included in any proposals or nominations for a Historical Site.

Sincerely.

Lazy JD Cattle Co.  
Jess H. & Nancy D. Robinson  
HC 63 Box 5095  
Dodson, Mt. 59524

EXHIBIT 1  
DATE 3-22-95  
HB 485

February 14, 1995

Montana Historical Society  
Att. Marcella Sherfy  
PO Box 201202  
Helena, Mt. 59620-9990

Dear Ms. Sherfy,

Concerning the Little Rockies Proposed Historical site, we understand that findings have been made. We would like to know the finding on the following land descriptions:

SE SECTION 25  
TOWNSHIP 25  
RANGE 25

E1/2NW SECTION 32  
TOWNSHIP 25  
RANGE 25

SE SECTION 33  
TOWNSHIP 25  
RANGE 25

LOTS 1 & 2 SECTION 28  
TOWNSHIP 25  
RANGE 26

LOTS 2 & 3 SECTION 29  
TOWNSHIP 25  
RANGE 26

LOTS 1 - 4-5-6 SESW SECTION 30  
TOWNSHIP 25  
RANGE 26

LOTS 1 THRU 4--E 1/2 W 1/2 SE SEC. 31  
TOWNSHIP 25  
RANGE 26

LOTS 1 THRU 4 S 1/2 N1/2-S1/2 SEC.33  
TOWNSHIP 25  
RANGE 26

Your response would be appreciated.

Lazy JD Cattle Co.  
Nancy Robinson

Hc. 63 Box 5095  
Dodson, Mt. 59524

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MT Historical Soc.  
Box 201302  
Helena, MT  
59620

4a. Article Number

P038196498

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-17-95

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Jason C. Hill

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

**DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

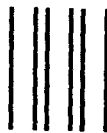
EXHIBIT 1

DATE 3-22-95

1 HB 485

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Lazy JD Cattle Co

Hc 63 Box 5095

Dodson MT 59524



## LITTLE ROCKIES OUTFITTING

Dave Rummel

EXHIBIT NO. 2

DATE 3/22/95

BILL NO. HB 485

Box 405

Zortman, MT. 59546

(406) 673-3559

Chairman Toelos and committee members

My name is Brenda Rummel, I'm here to show my support for HB 485. My husband's Great Grandfather homesteader on land adjoining the Little Rockies. My children are 5th generation Rummel's in the Zortman/Landusky area.

We are private land owners and my husband, David started the Little Rockies Outfitting business in 1984. As land and business owners we have never been notified as to the fact that our property lies within the boundaries of the land to be designated a " Historical site ".

My husband is a licensed and insured Outfitter, holding BLM and CMR permits for hunting on public land around the Little Rockies. If access to the area is cut off or limited it would have a adverse affect on our business. It would also, inturn, have a large negative impact on two more businesses in Zortman. These businesses, The Buckhorn Store/Cabins, and the Zortman Garage/Motel. This is where we lodge our clients, buy our groceries, gas and propane. We also do some business with the local cafe, the Miners Club.

I support the fact that HB 485 will provide direction and a system of checks and balances needed for the Historical Preservation Officer and review board. No person should be given unlimited authority when the decisions they make, affect so many lives, businesses, and industries.

I feel the Preservation Review Board should be amended to have <sup>9</sup>~~13~~ members appointed by the Governor. I feel that 5 of these members should be professionals in the fields of archaeology, history, architecture, or architectural history, with no more than 2 members of from any one of these fields. Also I ~~feel a Paleontologist should be a member, as well as a state liaison officer for the federal land and water conservation.~~ Lastly and most importantly, the remaining <sup>4</sup>~~6~~ members should be composed of the general public, with at least 4 of them being representatives of the following industries, and entities: agriculture, economic development, local gov't, state gov't, mining, real estate sales/development, timber/wood products.

I feel that even though the professionals know their business, they deal more in idealism, than realism. By having 6 public representatives on the board, I feel , that when we approach the board for permits or what ever it may be, that we will have people with a realistic view of Montana and how we work and what works best for us and our best interest. Realism will work alot better than idealism, any day.

As private citizens and business owners, Little Rockies Outfitting, we are required by law to pay taxes, have certain licenses and permits. We are also required to have the permits/licenses applied for and paid for by certain deadlines set, by Gov't agencies. I feel the Historical Preservation Officer should have to be held to certain deadlines also. Nobody's life, business, or an entire industry should be held in limbo while waiting for a response from the Officer in charge. A response should be expected in a timely manner. That's not only good business, it's good Gov't that works for the people, the original intent of Gov't.

**PLEASE SUPPORT HB 485**

Sincerely,

*Brenda Rummel*  
Brenda Rummel



**COUNTY COMMISSIONERS**

WAYNE C. STAHL  
Saco, Montana

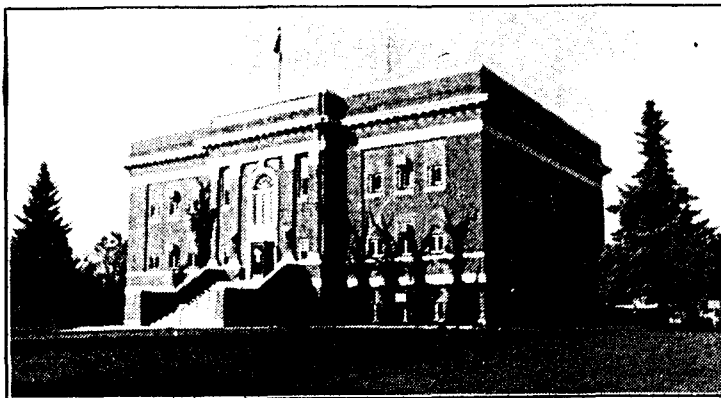
CAROL KIENENBERGER  
Dodson, Montana

FRANCIS V. JACOBS  
Malta, Montana

Clerk & Recorder  
LAUREL N. HINES

Treasurer/Assessor  
JEAN MAVENCAMP

**PHILLIPS COUNTY**



Malta, Montana 59538

Sheriff/Coroner  
GENE PEIGNEUX

Clerk of Court  
FRANCES WEBB

Superintendent of School  
GARY A. BADEN

County Attorney  
EDWARD A. AMESTOY

Justice of Peace  
GAYLE STAHL

District Judge  
JOHN C. McKEON

**SENATE EDUCATION**

EXHIBIT NO. 3

DATE 3/22/95

BILL NO. HB 485

March 22, 1995

TO: CHAIRMAN DARYL TOEWS and  
MEMBERS OF THE SENATE EDUCATION COMMITTEE

FROM: CAROL KIENENBERGER  
PHILLIPS COUNTY COMMISSIONER

RE: SUPPORT FOR HB 485

I speak strongly for HB 485 as amended. I believe this bill initiates balance, responsibility, and accountability within the State Historic Preservation Office.

The changes found in Section 1 bring balance to the board. By expanding the SHPO board, you take nothing from the existing board but by adding members from other areas, possibly agriculture, economic development, mining, local or state government, real estate sales and development, or the timber industry, members will be included from the entities directly impacted by decisions of the State Historic Preservation Office. People from these industries are interested in historic preservation and do much of it on their own.

Responsibility is implemented in Sections 4 and 5 by setting parameters for the Historic Preservation Officer. Section 4 requires adoption of much needed standardized procedures and guidelines. These are tools to be used, not only by the HPO, but also by those requesting consultation so they can know what is expected. As for section 5, I am surprised these guidelines identifying specific time frames have not been addressed before. We all work within timeframes, it is the only way to keep on track and be accountable. As written, the action outlined in Section 5 is most reasonable. Section 5, paragraph 6 provided for public comments and appeal by the applicant or affected property owner. This is definitely needed.

The third factor is accountability. The law already states (p.2 line 13): "The Historic Preservation Office is to be established within," (not separate from), "the Montana Historical Society." It should naturally follow that the Historic Preservation Officer would be supervised by and should be accountable to the director of the Montana Historical Society. The language stating this accountability is found on Page 2, line 20.

As an elected county official, I ask these same things from the people I work with: A balance, as in weighing the merits of one thing against another, when making decisions, responsibility in their actions, and accountability to me and the citizens we serve. I expect the citizens of Phillips County to ask the same of me; and I ask no less of the people who serve as state employees, whether elected, appointed or hired.

These are the main areas where I feel HB 485 adds important language to an existing law. I do not believe the added language in any way changes the mission of the State Historical Preservation Office. I ask for your support for HB 485.

Sincerely,  
PHILLIPS COUNTY COMMISSIONER

  
Carol Kienenberger



## National Trust for Historic Preservation

SENATE EDUCATION

EXHIBIT NO. 4

DATE 3/22/95

BILL NO. HB 485

### LEGAL SIGNIFICANCE OF HOUSE BILL NO. 485

The following is an analysis of portions of Bill No. 485, for a complete analysis contact the National Trust for Historic Preservation at 303-623-1504.

#### CHANGES TO THE CONSULTATION PROCESS BETWEEN THE SHPO AND FEDERAL AGENCIES:

Section 5 of Bill No. 485, "Requests for consultation," would alter the way the SHPO interacts with federal agencies, a process established under Section 106 of the National Historic Preservation Act of 1966 [NHPA]. Implementation of Section 106 is controlled by the Advisory Council on Historic Preservation's regulations, found at 36 CFR Part 800. It is well accepted that federal law governs the SHPO's participation in the Section 106 process; it is not open to amendment by state law. Consequently, the regulatory scheme created by Bill No. 485 is vulnerable to legal challenge, either facially or as applied.

#### *Advisory Council regulations state in relevant part that:*

"The role of the [SHPO] is to consult with and assist the Agency Official when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce those effects. The [SHPO] reflects the interests of the State and its citizens in the preservation of their cultural heritage and helps the Agency Official identify those persons interested in an undertaking and its effects upon historic properties. When the [SHPO] declines to participate or does not respond within 30 days to a written request for participation, the Agency Official shall consult with the [Advisory Council on Historic Preservation], without the [SHPO], to complete the Section 106 process." 36 CFR §800.1(c)(ii) (emphasis added).

#### *Bill No. 485 conflicts with federal law by providing that:*

- SHPO must respond with a written finding to an agency request for consultation within 30 days. That period could be extended if the agency request concerns two or more of the review criteria listed in Section 5(1)(a)-(c).

Mountains/Plains Regional Office  
910 16th Street, Suite 1100  
Denver, Colo. 80202  
(303) 623-1504 / FAX (303) 623-1508

National office:  
1785 Massachusetts Avenue, N.W.  
Washington, D.C. 20036  
(202) 673-4000

- Applicant or any affected property owner<sup>1</sup> may appeal the SHPO's finding to the Director of the Montana Historical Society within 20 days.
- In the event of an administrative appeal, the Director must issue a final finding within 30 days after the end of the 20-day appeal period.
- Section 5 provides for a *de novo* review in which the court may substitute its judgement for that of the Director.

BILL NO. 485 VIOLATES FEDERAL LAW AND IGNORES THE INTERESTS OF MONTANA CITIZENS & PROPERTY OWNERS:

*Federal law requires a timely response from the SHPO:*

- Under federal law, if the SHPO fails to respond within 30 days to a request for consultation, the requesting agency is authorized to move forward without the SHPO's advice.
- If the SHPO's response were to be delayed -- by an extension of time to consider multiple criteria, an administrative appeal, or judicial review as provided by Bill No. 485 -- and the resulting finding reached the agency after the expiration of the 30-day period specified under the Advisory Council's regulations, again, the agency is authorized to move forward without the SHPO.
- That is, if for any reason the "interests of the State and its citizens" are not expressed within 30 days, they become irrelevant. Bill No. 485 will frustrate efforts by the SHPO and citizens of Montana to participate in the Section 106 process.

*Federal law already provides a means for resolving disputes regarding eligibility for the National Register of Historic Places:*

- Bill No. 485 instructs the state district court to substitute its judgement for that of the SHPO's expert preservationists.
  - This violates a basic premise of the National Historic Preservation Act of 1966 that the question of eligibility for listing on the National Register is to be determined by experienced experts according to objective criteria established by the National Park Service.
  - It also violates a fundamental principle of American

---

<sup>1</sup> "Affected property owner" is defined as a "person or entity whose real property will be physically affected by the activity of the applicant or whose real property is proposed for incorporation into an historic district proposed as eligible for listing in the National Register of Historic Places." House Bill No. 485, Section 2(1).

democracy, the separation of the executive and judicial branches of government.

- Federal law already provides a means to resolve disputes over eligibility. The ultimate arbiter is the Keeper of the National Register, an official of the National Park Service.
- Thus, because conflicting state law is pre-empted by federal law, in the event of judicial review pursuant to Bill No. 485, the district court's "opinion would not be binding on the Keeper, the Council, or the involved Federal agency and would have no effect on the Section 106 proceeding other than to confuse it."<sup>2</sup>

#### CONCLUSION:

In the National Trust's view, Bill No. 485 violates Section 106 of the NHPA by limiting the ability of federal agencies to consult with the SHPO on projects that could affect sites listed in or eligible for listing on the National Register of Historic Places. If Bill No. 485 is passed, federal agencies will be impaired in their ability to have their projects reviewed and approved resulting in time delays that will add significant costs to their projects. Importantly, private companies who need federal approval will find their projects bogged down in added and unnecessary state bureaucracy.

Finally, regarding Bill No. 485, the General Counsel for the Advisory Council on Historic Preservation has commented that:

By placing inconsistent procedural requirements on the SHPO and confusing the process and apparent outcome of certain key steps under Section 106, individual project reviews will be delayed, results will be uncertain and ultimately the applicant, whose interests are sought to be protected by the bill, will suffer.<sup>3</sup>

*The National Trust for Historic Preservation* is a private non-profit organization chartered by Congress in 1949 to facilitate public participation in the preservation of our nation's heritage. With the strong support of our 250,000 members, including more than 600 members in Montana, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value at all levels of government.

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<sup>2</sup> Letter from John Fowler, Deputy Executive Director and General Counsel of the Advisory Council on Historic Preservation, to Alvin Ellis, Chairman, House Education and Cultural Resources Committee, February 13, 1995.

<sup>3</sup> Letter from Fowler to Ellis February 13, 1995.

# The National Register of Historic Places



The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

# SHIELDS VALLEY PUBLIC SCHOOLS

HIGH SCHOOL  
P.O. Box 40  
Clyde Park, MT 59018  
Phone 406-686-4621

PARK COUNTY SCHOOL DISTRICTS J12 & 5  
P.O. Box 131 • Wilsall, Montana 59086  
Superintendent: 406-578-2535  
Fax: 578-2176

ELEMENTARY  
P.O. Box 131  
Wilsall, MT 59086  
Phone 406-578-2535

SENATE EDUCATION

EXHIBIT NO. 6

DATE 3/22/95

BILL NO. SB 423

19 January 1995

TO: Senator Grosfield  
Representative Anderson

FROM: Rich Shaffer, superintendent



RE: Enabling language for consolidation bonus payment excess reserves

I have investigated further regarding this matter following our telephone conversations. Information from the Office of Public Instruction reveals that, including Shields Valley, there are only five schools involved in this matter in any way. I have contacted each of the other four schools. Their superintendents have informed me that none of them are holding or plan to hold any of the payment funds in reserve. In other words, they are using it as they receive it, perhaps because the amounts are smaller. In any event, Shields Valley appears to be the sole district holding a general fund bonus payment excess reserve.

I am also told that the solution for our dilemma is reasonably straightforward, involving restoration of one sentence in the law. That sentence is MCA 20-9-104, 5 (b), quote: "any amount received as a general bonus payment under 20-6-401." 20-9-104 deals with the topic of general fund operating reserves and part five of that section deals specifically with exemptions on reserve limitations. The 1993 special session removed that sentence, possibly in the belief that there were no longer any schools effected. That is clearly not the case.

To refresh your memory, the district has approximately \$150,000 in reserve at this time, and wishes to have the option to hold the funds for a possible facilities expansion project in the future. If this cannot be accomplished, the district must either expend the funds or reappropriate them not later than June 30, 1995.

For your convenience, I have included copies of (1) the printout from OPI re schools receiving payments at this time, and (2) a copy of the relevant statute. Should further information be necessary, please contact me.

*"Home of The Rebels"*

4-1-95  
B

20-9-104. General fund operating reserve. (1) At the end of each school fiscal year, the trustees of each district shall designate the portion of the general fund end-of-the-year fund balance that is to be earmarked as operating reserve for the purpose of paying general fund warrants issued by the district from July 1 to November 30 of the ensuing school fiscal year. Except as provided in subsections (5) and (6), the amount of the general fund balance that is earmarked as operating reserve may not exceed 10% of the final general fund budget for the ensuing school fiscal year.

(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by 20-9-141(1)(b) for other receipts.

(3) Excess reserves as provided in subsection (5) may be appropriated to reduce the BASE budget levy, the over-BASE budget levy, or the additional

levy provided by 20-9-353, except that districts with a balance on June 30, 1993, in the excess reserve account for Public Law 81-874 funds shall transfer the June 30, 1993, balance to the impact aid fund established in 20-9-514.

(4) Any portion of the general fund end-of-the-year fund balance that is not reserved under subsection (2) or reappropriated under subsection (3) is fund balance reappropriated and must be used for property tax reduction as provided in 20-9-141(1)(b)(iii).

(5) For fiscal year 1994 and subsequent fiscal years, the limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than one or more of the following:

(a) the unused balance of any amount received:

(i) in settlement of tax payments protested in a prior school fiscal year;

(ii) in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; and

(iii) in delinquent taxes from a prior school fiscal year; or

(b) any amount received as a general bonus payment under 20-6-401.

(6) The limitation of subsection (1) does not apply when the amount earmarked as operating reserve is \$10,000 or less.

History: En. 75-6924 by Sec. 274, Ch. 5, L. 1971; R.C.M. 1947, 75-6924; amd. Sec. 20, Ch. 11, Sp. L. June 1989; amd. Sec. 7, Ch. 767, L. 1991; amd. Secs. 2, 12, Ch. 6, Sp. L. July 1992; amd. Sec. 11, Ch. 633, L. 1993.

#### Compiler's Comments

1993 Amendment: Chapter 633 in (1), in second sentence after "(5)", substituted "and (6)" for "through (7)"; in (3) substituted "BASE budget levy, the over-BASE budget levy, or the additional" for "permissive levy provided by 20-9-145 or to reduce the voted" and after "20-9-353" inserted exception clause; deleted former (5)(a) providing that limitation is not applicable to "any amount received under Public Law 81-874"; and deleted (7) that read: "(7) For fiscal year 1993, the limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than the amounts identified by a school district as one or more of the following:

(a) any amount received under Public Law 81-874;

(b) the unused balance of any amount received;

(i) in settlement of tax payments protested in a prior school fiscal year;

(ii) in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; and

(iii) in delinquent taxes from a prior school fiscal year; or

(c) any amount received as a general bonus payment under 20-6-401." Amendment effective July 1, 1993.

Effective Date — Retroactive Applicability: Section 59(2), Ch. 633, L. 1993, provided: "(2) [Section 11] [20-9-104] is effective July 1, 1993, and the provisions of [section 11(3)] [20-9-104(3)] relating to excess reserves and Public Law 81-874 money apply retroactively, within the meaning of 1-2-109, to district general fund reserves for the school fiscal year beginning July 1, 1992."



## BONUS PAYMENTS

County	District	FY 94 (6/94)		FY 95 (6/95)		FY96 (6/96)	
		Gen.	Trans.	Gen.	Trans.	Gen.	Trans.
Big Horn	Hardin El (0023)	7500.00	970.40	7500.00	970.40	-0-	-0-
Flathead <sup>Donna</sup> Cayuse Prairie El (0317) 156-4562		40,500.00	2362.20	40,500.00	2362.20	-0-	-0-
Gallatin	Three Forks El (0360)	11,250.00	1467.00	-0-	-0-	-0-	-0-
McCone	Circle El (0547)	2700.00	1096.20	2700.00	1096.20	2700.00	1036.20
TOTALS		61,950.00	5895.80				

To be deposited in Fund 01

to be deposited

"General Fund  
Bonus Pmt."

Transportation  
Bonus Part "

Examine 3 MCA section 20-9-104 (5b)

General fund operating reserve  
add same working from before

EXHIBIT 6  
DATE 3-22-95  
BY SB 423

DATE 3/22/95

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: HB 369  
HB 485

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Cheryl Rees	Self	369	X	
Theresa Y. Jones		369		
Lynn R. Kern	Self	369	X	
Cheryl Bell	Self	369	X	
Jeff GARRARD	Self	369	X	
J. CRAMER	Self	369	X	
Kim & Melanie Milburn <sup>(children in Public School)</sup>	Self	369	X	
Ken Williams	MAC/Entech	485	X	
John F. Farnsworth	Pyrosos Co Ltd	485	X	
DON WALDRON	INREA	423	X	
CANDACE TORGESSON	MT. Cattlewoman MT. Stock Growers	4/3485	X	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-22-95

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: HB 369 Jack Wells  
HB 485 Bergsagel

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Florence Wilson		369	✓	
Betty Vanmullen		369	✓	
Dr. Rich Shaffer	Shields Valley PS	423	✓	
Christine Helvik	Eagle Forum	369	✓	
Rachel Helvik	Eagle Forum	369	✓	
CLARENCE D. GETZ	Self	369	✓	
Getz, Ken	Self & son	369	✓	
Arlene Pearson	self	369	✓	
Linda L. Keeskes	self & Family (7)	369	✓	
Christa Dornell	self & husband (1)	369	✓	
Kathy MacGill &	Idaho Helena MTO Preservation Alliance	485		X
Barbara Pahl	National Trust for Historic Preservation	485		X
ROBERT NIEWEG	National Trust for H.P.	485		X
Judy + Joel TERRITZ	Self	369	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE

3/22/95

SENATE COMMITTEE ON

Senate Education

BILLS BEING HEARD TODAY:

HB 369

HB 485

&lt; ■ &gt;

PLEASE PRINT

&lt; ■ &gt;

Check One

Name	Representing	Bill No.	Support	Oppose
Leanne Barnard	Self	HB485	✓	
<del>Lesley</del> Lesley Robinson	Ranching	HB485	✓	
Brenda Rummel	Self / L.H. The Rockers representing	HB 485	✓	
Clark Vell	Self / Malta home owner	HB 485	✓	
Susan Getz	Self & family	HB 369	✓	
Gudrun Gundersen	Self	HB 369	✓	
Lauretta Shekitka	Self	HB 369	✓	
Tanya L. Lennusson	G.C.P.C.	HB 369	✓	
Maryann Jones	Self & Family	HB 369	✓	
Regina Estes	Self & Family	HB 369	✓	
Chris Fuller	Self	HB 369	✓	
Chris Fuller	Self	HB 369	✓	
Estelle L. Schmidt	Self	HB 369	✓	
Leonard Schmidt	Self	HB 369	✓	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE

3/22/95

SENATE COMMITTEE ON

Education

BILLS BEING HEARD TODAY:

HB 369

HB 485

&lt; ■ &gt;

PLEASE PRINT

&lt; ■ &gt;

Check One

Name	Representing	Bill No.	Support	Oppose
Russell McCurdy	Self	369	X	
Dennis Rouchel	Children	369	X	
JAMES M COLLINS	SELF	369	X	
M.L. SHERN	SELF	369	X	
Delma LeBien	Self	369	X	
SUSAN NELSON	SELF & SPOUSE	369	X	
Becky Stockton	Self & Children	369	X	
TOM STOCKTON	SELF	369	X	
Rag Fuller	SELF	369	X	
Sandy Simonich	self & children	369	X	
Mary Cotterell	self & children	369	X	
Lucinda D. Burton	self & children	369	X	
Robert Falwe	Self	369	X	
Nancy Joe	Self	369	X	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3/22/95

SENATE COMMITTEE ON 36 Education

BILLS BEING HEARD TODAY: HB 369  
HB 485

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Kari Jore	Self	369	X!	
Barbara L. Price	Self	369	X	
Kathy M. Collins	Self & Family	369	✓!!	
R. Sig. Homet	Self	369	X	
James R. Homet	"	"	X	
James Homet	"	"	X	
Bob Zastrow	"	369	X	
William Wortman	Self	369	X	
LETTY HOVER	"	369	X	
NORMAN WORTMAN	"	369	X	
Raymond A. Henken	Self	369	X	
Mary Brown	Self & Family	369	X	
Naska Sersonelle	Self & Family	369	X	
Patricia Smith	Self & Family	369	X	

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY