

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON EDUCATION**

**Call to Order:** By SENATOR CHET BLAYLOCK, on March 15, 1991, at  
3:00 P. M.

**ROLL CALL**

**Members Present:**

Chet Blaylock, Chairman (D)  
Harry Fritz, Vice Chairman (D)  
Robert Brown (R)  
Bill Farrell (R)  
H.W. Hammond (R)  
Dennis Nathe (R)  
Dick Pinsoneault (D)  
Bill Yellowtail (D)

**Members Excused:** Mignon Waterman

**Staff Present:** Andrea Merrill, (Legislative Council).

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

**HEARING ON HB 534**

**Presentation and Opening Statement by Sponsor:**

REPRESENTATIVE WILBUR SPRING, House District 77, presented HB  
534, an act to change method of calculating number of high school  
trustee positions.

The speaker said that there are two districts in Gallatin County  
that currently do not have representation on the high school  
board. This bill addresses those districts who don't have  
representation on the high school board. The bill was amended in  
committee to include and address a similar problem for the school  
district in Clancy.

### Proponents' Testimony:

BARBARA BROWN, Belgrade, residing in the Spring Hill Elementary District No. 20. Exhibit 1.

VICKIE GRUBER, Clancy, residing in the Clancy Elementary District (a part of the Jefferson High School District) supports the entire bill as written and spoke specifically about the amendment which starts on Page 3, Line 18. Exhibit 2.

REPRESENTATIVE JIM MADISON, House District 75, which includes Boulder, Clancy, Jefferson City, Basin and Whitehall.

### Questions From Committee Members:

SENATOR YELLOWTAIL asked about the concept of why the trustee positions were established on the basis of taxable value instead of being based on population. He asked the sponsor if that were done anywhere else in state law and was told it was not (to the sponsor's knowledge). The sponsor said that this bill is not new. Nancy Keenan had this bill six years ago.

The sponsor said that many people don't know that there are those people who do not have a voice in voting for trustees even in the district where their children go to high school.

REPRESENTATIVE SPRING directed a question to Andrea Merrill. He asked if the amendment proposed by the Clancy people would change the bill or present any major problems and was told that it would not.

VICKIE GRUBER, answering a question from Senator Hammond, said that each elementary district will be allowed to vote for one trustee. There will be either two or three trustees elected at large throughout the entire high school district. In Jefferson County, there are four elementary districts so there will be one trustee from each district and three elected at large.

SENATOR NATHE asked how one would counteract the charges that in so many instances, these elementary districts that are separate within a high school district are tax havens to get away from paying higher taxes on unified elementary district that is contiguous with the high school district lines.

REPRESENTATIVE SPRING said that he didn't think that this is the problem here. These two districts that we talked about in Gallatin County have been there a long time. They were developed before Belgrade was a town and they just don't have that problem.

He said that he was familiar with the problem at Clancy because his daughter and son-in-law live there and have children in school in that district. He said that he was certain that the committee was aware that Clancy is not what it was 25 years ago since there are several housing additions in that area and it has increased the school enrollment. (Enrollment has grown from 100 in grades K-8 to about 365.) They have outgrown the elementary district in taxable valuation. The enrollment in Boulder is a different problem and has not increased as rapidly.

SENATOR NATHE spoke of the opposition who say that any consolidation bills that are introduced to the state legislature have always been killed and most people think that it is the rural areas that do it. The rural area doesn't have the votes to do anything like that. It is the rural areas combined with the elementary district school like Target Range, Bonner (Missoula), Lockwood (Billings) where the people were part of a high school district but yet had a separate elementary district.

He said that their taxes were not as high as if they were in a unified district and that is what I am getting at. I take a look at Clancy and undoubtedly your mills are considerably lower in Clancy than they would be if you were in a high school district/elementary district. Senator Nathe said there is no thinking like that in back of this deal in order to skirt that, is there?

REPRESENTATIVE SPRING said that he knew what Senator Nathe was addressing but he did not think that this was the case in either of these districts. He said that the district in Gallatin County and the district at Clancy are two special cases and he thinks that they are both worthy of the committee's support.

SENATOR HAMMOND asked the sponsor how many elementary districts have consolidated and was told that this information was not available Jefferson County but he knew that in Gallatin County, there have been many consolidations, probably about 12. They are all at least 20 miles from town. He thought that Clancy has had a similar situation but does not have the figures.

CHAIRMAN BLAYLOCK asked Mrs. Gruber about the election of three trustees. He asked if the trustees elected could all be from Clancy. Mrs. Gruber said yes. They might all come from Clancy or all from Boulder since election would be at large.

Closing by sponsor:

REPRESENTATIVE SPRING closed the hearing, thanking the committee for a good hearing.

The sponsor said that he did not want to segregate the bill. He felt that there is a definite need to represent both counties, but in the event that the committee did not want to consider the second part of the bill added for Jefferson County, he would want that district located in Jefferson County to understand and agree to the fact that only the first part of the bill written for Gallatin County would be considered. The sponsor had discussed this possibility with those representing the school district in Clancy and in Jefferson County.

HEARING ON HB 594Presentation and Opening Statement by Sponsor:

REPRESENTATIVE BUDD GOULD, House District 61, presented HB 594, an act to establish the first week of March as official week in Montana commemorating the right to keep and bear arms in Montana.

The speaker told the committee the story of when he came to Montana in 1955 (age 18) and drove up over Lookout Pass on his way to Missoula. He said that the first thing he saw was a great big green sign that said, "Speed limit: Reasonable and Proper". He said that he thought that was the greatest sign he had ever seen as he was coming from a state where those choices would not be possible. He said that he stopped in the next town (Saltese) for a cup of coffee and paid the waitress with a five dollar bill and in the change that she gave him, there were four silver dollars. He was impressed with the silver.

His point in relating the story was that these things were no longer true for Montana.

He also mentioned the fact that he had in his 1949 Ford a (he named the manufacturer) 270 rifle with set triggers and also a Browning shotgun and a Marlin 42 magnum levermatic which he described to be "beautiful guns". He said that he had appreciated and collected guns all of his life.

He went on to say that he has appreciated that, in Montana, the right to keep/bear arms is close to the hearts of the people of the state.

In March, the guns have been in the closet or in the shop all winter long and at that time there are gun shows; trap and skeet shooting meets; pistol shooting events and various sporting events. The Montana Rifle and Pistol Association becomes very active in holding many events. He felt that March would be a proper month and a good time of the year to commemorate a week to honor this part of the Bill of Rights.

The sponsor said that this bill will cost nothing and that he thought it would be a "super Montana idea".

Proponents' Testimony:

BILL BIGELOW, Big Timber, serving as field representative for the National Rifle Association. See Exhibit 3.

The speaker said that there are over 20,000 members of NRA residing in Montana. The NRA supports HB 594. He felt that HB 594 was particularly appropriate during the 200th anniversary of the adoption of the first ten amendments of the Constitution.

ALFRED M. "BUD" ELWELL, Legislative Liason for Montana Weapons Collectors. (He has represented this group about ten years.)

The speaker said that shooters in Montana have historically had a higher percentage of World and Olympic champions per capita. This in itself would lend credence to the state setting a week of observance to commemorate the right to keep/bear arms. He said that the World Champion Trap Shooter lives in the Helena area, the Pacific Northwest Rifle Champion also lives in Helena and there are others. It is an outstanding record for a small population.

He said that there has been about ten pieces of firearm legislation enacted on the group he represents with 70% passing. This is the highest percentage of any state in the nation and this body as a whole should be congratulated.

BOB LANG, Chief Legal Counsel for the Department of Fish, Wildlife and Parks presenting testimony on behalf of the department and its director, K. L. Cool.

The speaker said that the Montana Department of FWP recognizes the close ties with hunting and the right to own/use firearms. Many people in Montana enjoy and appreciate both of these bases of opportunity. Those of us in the conservation field recognize that fish and wildlife are in abundance today because of the vigilance of hunters and fisherman over the years. That message is also fundamental to the preservation of the right to keep/bear arms. This legislation is part of an affirmation of our collective will to sustained rights related to firearm ownership consistent with our constitution and western tradition.

#### Opponents' Testimony:

Linda Saul, private citizen, testified in opposition to HB 594 as it is currently written.

The speaker offered amendments which would change the bill to commemorate the entire Bill of Rights instead of just the one which gives the right to own/bear arms. (See Exhibit 5).

#### Questions from the committee:

SENATOR PINNSONEAULT asked Representative Gould why he had brought HB 594 before the committee. Representative Gould answered that this bill had been a moving force for him. He indicated that he had not been asked to sponsor the bill by any person or organization but rather the bill represented his own thoughts and ideas.

SENATOR BROWN asked the sponsor if other states had set a day/week to commemorate the right to own/bear arms. The sponsor said that he did not have any information on that. Bill Bigelow said that he thought Montana would be the first.

CHAIRMAN BLAYLOCK asked Representative Gould how he would react to Linda Saul's proposed amendments to HB 594 that the designated week be set to commemorate the entire Bill of Rights which would include the right to keep/bear arms.

Representative Gould answered that he believed in the Bill of Rights, federal and state constitutions and that he is a patriotic person but he had brought this bill as a special situation to honor the right to keep/bear arms. He again pointed out that this part of the Bill of Rights represents many groups who are active in Montana with shows and sporting events. He said that even though the entire Bill of Rights is important to all of us, he would like to see a specific time set aside to commemorate the right to keep/bear arms. He said that he hoped he was not being selfish.

Closing by Sponsor:

REPRESENTATIVE GOULD closed the hearing on HB 594 saying he appreciated the committee's time; that it had been a good hearing. He also thanked the people who testified on behalf of the bill. He said that he had not asked them to testify and he appreciated their support. He said that "you don't know how important things like that really are".

The sponsor went on to thank Chairman Blaylock for his testimony and support on HB 207 which Representative Gould had sponsored (an act to develop the lottery system in Montana) during the legislative session of 1989. He said that Chairman Blaylock's testimony was totally unexpected and that it was a major impact giving HB 207 the support it needed to pass. Because the bill did pass, the state of Montana now has a lottery that is working and has been able to put 15 million dollars into Montana Education.

HEARING ON HB 589

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RAY PECK, House District 15, presented HB 589, an act revising school district sick leave reserve fund to include vacation leave.

The speaker said that HB 589 is a new concept. There is a reserve fund currently now in the budget where time can be budgeted for a sick day but when an employee terminates, they only get 1/4 of the sick time that they have earned. That fund is funded only by cash balances at the end of the year that have accumulated and not been spent in the general fund. This adds vacation (that reserve fund) that you can take money in the same manner (you can't put on a levy for it) and put it in your reserve fund. We would want to do that so a district will not get hit hard where they have a number of retirements take place in any one year. Vacation pay at termination is paid 100%.

The statutes provide for all city, county and state employees to get accumulated leave (rate - 1 day per month) but school teachers or independent contractors (substitute teachers) are not eligible for accumulated leave. Vacation leave is a bigger obligation to a school district than the sick leave.

Speaker pointed out that this bill does not require any additional taxes. It will only come from money accumulated in the general fund at the end of the year which the Board must act to transfer. There is a fiscal note signed by sponsor although he said that he did not think it would be required. The bill has come from the Montana Association of School Business Officials as the ones who recommended this as a better way of managing money.

Proponents' Testimony:

JOHN CAMPBELL, retired school business official, representing the Montana Association of School Business Officials.

BRUCE MOERER, School Board Association.

LARRY FASBENDER, representing Great Falls Public Schools System.

There were no opponents to the bill.

Questions From Committee Members:

SENATOR NATHE asked if the reserve might would exceed 30% and if this coordinated with HB 28. He said that he understood that the only time that anyone could have reserves in that amount is if you were receiving what was the triggering mechanism on the amount of reserves carried.

REPRESENTATIVE PECK said that applied to the general fund only.

SENATOR NATHE said if vacation leave is paid at 100 percent, is that only accumulated in a one year time frame or is it accumulated over a life time of their employment?

REPRESENTATIVE PECK said that there is a maximum in law up to 10 years. Scale is: 15 days per year. For 10-15 years employment - 18 days; 15-20 years - 21 days; (accumulation, 42 days) 20 + years - 24 days (accumulation, 48) per year.

SENATOR NATHE wondered why that is in statute. He pointed out that in the private sector, vacation time must be taken in the year that it is earned and lost if it is not taken.

REPRESENTATIVE PECK said that it is the same law that affects all state employees.

SENATOR NATHE said that he realized that this bill sponsored by Representative Peck is an excellent idea. He said this is a tremendous unfunded liability and something has to be done to help them along but I think that the Legislature better take a better look at this law. He said that forty-eight days could be a pretty good "shot in the arm".

CHAIRMAN BLAYLOCK said that the 1987 Legislature did stop vacation pay (at retirement) from being computed into the total amount of earned wages to be calculated for retirement purposes.

BRUCE MOERER discussed this in saying that there are two sections: the accumulated vacation and sick leave and the TRS Sections. Teachers don't get vacations but rather they get severance pay for these accumulated items and that still counts toward retirement. It is a situation where you would not be paid a cash boosting your salary that was restricted toward retirement. There are three choices that can be made. There are some situations where somebody would ask that all fringe benefits be cut and instead add \$5-6,000 into salary for the last three years which would boost the total salary. This practice has been restricted. But severance pay can still count toward retirement.

Mr. Moerer was asked to go over this again. He said a payout of accumulated vacation or sick leave from PERS is defined as severance pay or termination pay. Termination pay is calculated in the retirement picture under one of three options to be selected by the employee. Termination pay is computed toward retirement. So the other section that wasn't dealt with (two sessions ago) is where they were lumping a salary instead of taking benefits and that would inflate salary for the last three years for computing their three years highest final average salary to compute the benefits on and that is what was restricted. The third option (counting the whole thing toward retirement) which would require an equal matching amount was the expensive one for school districts because the districts had to come up with the total match.

SENATOR NATHE asked the sponsor if the vacation days applied to legislators and was told that they do not.

SENATOR NATHE asked the sponsor if the interest on the reserve fund goes back into the General Fund and was told that it does.

Closing by sponsor:

REPRESENTATIVE PECK closed HB 589 saying it does not require any more money or taxes. Money that is in the General Fund will be used. It has to be by an act of the trustees.

Discussion Regarding HB 462:

Dorie Nielson, Office of Public Instruction, appeared before committee to answer questions and discuss HB 462.

Regarding mileage Ms. Nielson said if the mileage is put at 20 miles, looking through our records and using information that we have about schools and where they are located, most schools that would be affected we already know about. They did identify nine more schools who would be impacted if this is moved up to 20 miles who would be losing the separate budget unit calculations but the range of the schools who are losing right now are losing \$3,000 to \$250,000. She said that she thought they would be looking at a similar range because it is not major schools but smaller ones to be considered. We are looking at districts that have schools in two different locations."

SENATOR BROWN said that he apologized to the committee but he and Senator Farrell had been excused from the meeting in which HB 462 was discussed and they would need a briefing on the bill.

Dorie said that this is the bill that was passed at the 1987 session that would have aggregated ANB. Quite a controversy arose because of schools that were built side by side intentionally without walkways or anything so that they garnered separate funding. You people (committee) attempted to close down that option in 1987 so schools built side by side could not get separate costs. That was not going to go into effect for some time but rather would be phased in over three years unless some equalization steps were taken and in that event it would affect HB 28. The phase was done away with and it was going to go into effect immediately. In the process of implementing it, people read it very carefully. When they read it carefully it now said that instead of fewer districts taking advantage of it, there might be more districts taking advantage of it. Consequently, this wording is an attempt to go back to what the committee tried to do in 1987. Someone brought up the possibility of changing 3 miles to 20. She said that she was asked to bring information on the impact it might have if it were moved to 20 miles.

SENATOR FARRELL asked Ms. Nielson if this bill addresses middle schools and she said that it just addresses ANB for an aggregation. If a district has two elementary schools sitting side by side, they would get aggregated, counted and funded like two separate school districts even if they were elementary. Middle schools is a different type of funding and calculated differently.

SENATOR HAMMOND talked about the advantage of having two separate buildings because the building with the lower enrollment was more on the scale so each child was worth more money to the district.

SENATOR BLAYLOCK asked Ms. Nielson if the mileage were taken to 20 miles how Billings would be affected since it has a number of middle schools but Ms. Nielson said that Billings has none at all. She said that Billings aggregates all of its schools and would not be affected by this change.

SENATOR HAMMOND said that there has been some incidents where they built the schools just out of the city limits in order to qualify for separate funding.

SENATOR FARRELL asked about the schools in School District I in Missoula that are out of the city limits. (Hawthorne, the Middle Schools, Cold Springs) He thought that most of them had been built a number of years ago. Ms. Nielson said that she hadn't looked at what Missoula is impacting but said that she did not remember seeing those schools on the list of schools to be affected. She said that the schools to be affected would be smaller schools.

SENATOR BLAYLOCK addressed Andrea Merrill (Legislative Counsel) saying that he knew she had done a great deal of work on this and asking if she had anything to add. Ms. Merrill said that she agreed with what Dorie Nielson had said that 20 miles would impact some schools but the biggest impact would be those around within 3 miles.

SENATOR BLAYLOCK said if the larger schools such as Billings, Great Falls, Missoula, Helena are all out (they aggregate everything), can you name towns that would be affected?

BRUCE MOERER said that Helena does have a couple schools built next to elementary schools in the Valley and they do calculate the enrollment in those schools separately because they are quite a distance from Helena but more than 3 miles from the city limits. Other than that situation in Helena, most of the districts that I am aware of are all smaller schools such as Roy, Simms, Reed Point, etc.,

SENATOR PINSONEAULT said that this bill was trying to address several schools who had deliberately taken advantage of a "loophole" but by not taking in everybody, are we being fair and equitable to everyone? He asked Dorie Nielson if the 3 mile limitation is an arbitrary thing that will catch most of them and the rest will go free.

DORIE NIELSON said the 3 mile limitation has been in statute for some time. No one seems to be sure why this is true. Many districts just happen to have schools in certain locations. Some communities may have just decided to consolidate years back and they happen to have schools together. Many are located side by side, unintentionally. If the loophole did not get closed, then it would just be the question if 20 miles makes more sense than 3 miles. The 3 mile limitation may have come from school transportation issue; i.e., if you were beyond 3 miles at one time, you were paid to drive your children to school.

SENATOR NATHE asked if mileage could be decided on the basis of time and how long a child must be on a bus. Dorie Nielson did not think that would be feasible.

ANDREA MERRILL, Legislative Counsel, told committee that Helena and Missoula would both be affected if the 20 mile limitation is used. She said that the schools around the Helena area were consolidated into the Helena School District on the basis that they were far out of town (over 3 miles) and in addition to getting those bonus payments, they still get to be counted separately so it was very attractive for Helena Schools to encourage that consolidation which took place years ago.

There were several discussions in committee regarding school funding for incorporated v.s. unincorporated towns; schools who would experience a phase out and in what time schedule that should be done; tuition when students cross county lines/districts to attend school and transportation costs and problems. It was agreed by committee that there is a great need for studies to be done on these problems and that many changes could be made if studies were completed first.

EXECUTIVE ACTION ON HB 462

Motion and Vote:

SENATOR PINNSONEAULT MOVED DO CONCUR in HB 462. The vote was unanimous. MOTION PASSED. (Senate carrier not assigned)

ADJOURNMENT

Adjournment At: 6:00 P. M.

  
\_\_\_\_\_  
SENATOR CHET BLAYLOCK, Chairman

  
\_\_\_\_\_  
BETSY CLARK, Secretary

CB/bc

HOUSE BILL 534 Changing Montana School Code Section 20-3-352

In gathering information concerning how many elementary school districts in Montana contained taxpayers who could not vote for trustees in the high school districts to which they sent their children and paid taxes, I contacted Superintendents of Schools in 51 of Montana's 56 counties. As of February 6 I had received 22 responses.

Ten of the counties contained elementary districts whose residents could not vote for trustees in the high school district in which they were located.

Some counties noted that the change in taxable valuations in 1990 will cause some elementary districts to lose their voting privileges. I am attaching correspondence from some counties where this situation exists.

In Gallatin County we have two elementary districts, #20-Springhill, and #25-Pass Creek, who are in the Belgrade High School District. There are 62 registered voters in District #20 who paid a total of \$6,100 in school taxes to the Belgrade District. In Pass Creek there are 58 registered voters who paid a total of \$6,400 in school taxes to the Belgrade District. None of the taxpayers in these districts can vote for a member of the Belgrade School Board because the total taxable valuation of these districts does not equal one-seventh of the taxable valuation of the Belgrade School District. Belgrade is a class A school with a seven member board.

I would like Section 20-3-352 changed so that all taxpayers in a school district can vote for a representative on the school board.

*Lawrence R. Dawson*

*Exhibit 1*



## Hill County Superintendent of Schools

315 4th Street  
Havre, Montana 59501

Shirley Isbell, Superintendent  
Phillis Long, Deputy  
(406)265-5481, Ext. 50

DATE: January 28, 1991

TO: Barbara Brown

FROM: Shirley Isbell, Superintendent of Schools  
Hill County *Shirley Isbell*

RE: House Bill to allow all persons in a school district  
to vote for trustees

Your letter of January 23rd has been received, and I will do my best to answer your questions.

There are three elementary districts that appear to be similar to your situation. Until this year, the residents of those districts voted for a representative to the Board who voted on high school issues. This will change in '91 as one of the districts is going to have their own high school and the assessed valuation in another has dropped below that allowed by law. Consequently, these two outlying positions will be dropped and a new at-large position opened. Residents in both districts will have the opportunity to vote for the candidate of their choice in the April election.

The assessed valuation in each of the districts in School District A is:

District 16	\$ 16,975,388.	District 12	\$ 333,097.
District 57	\$ 2,385,743.	District 87	\$ 37,136.

COUNTY COMMISSIONERS

PHILLIPS COUNTY

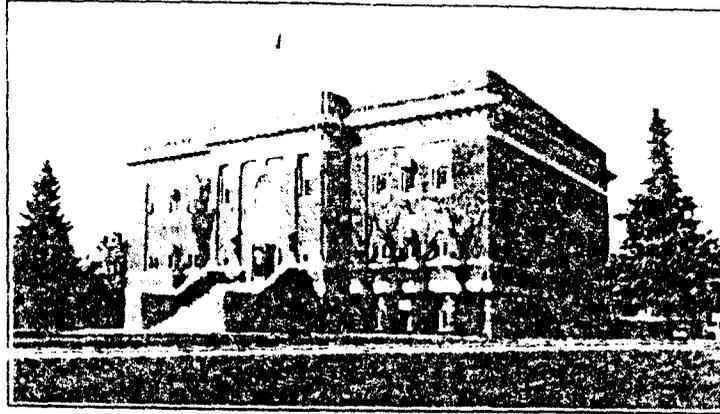
EUGENE (GENE) COWAN  
Loring, Montana

SHERMAN DOUCETTE  
Malta, Montana

WAYNE C. STAHL  
Saco, Montana

Clerk and Recorder  
MICHELE F. SCHWARTZ

Treasurer  
MARION K. GOULET



Malta, Montana  
59538

Assessor  
JEANNE L. BARNARD

Sheriff - Coroner  
LORN ANDERSON

Clerk of Court  
FRANCES WEBB

Superintendent of Schools  
GARY A. BADEN

County Attorney  
JOHN C. McKEON

Justice of Peace  
GAYLE STAHL

District Judge  
LEONARD H. LANGEN  
Glasgow, Montana

January 29, 1991

Ms. Barbara Brown  
4681 Springhill Community Road  
Belgrade, MT 59714

Dear Ms. Brown:

I am enclosing information regarding your inquiry of 01/23/91:

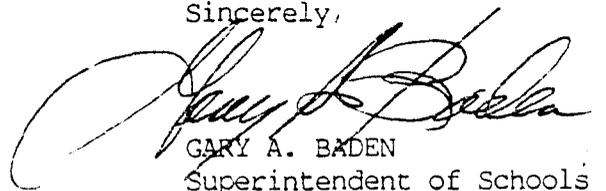
1. A sheet of taxable valuations, color coded per high school district (the assessor compiles these based on a cemetery districting)
2. A copy of last year's valuation arithmetic for the Malta High School District

As you can see, the Malta District has two elementary districts (#6 and #8AA) that do not come up to the arithmetic derivation for a nominating trustee position. (20-3-352 MCA) However, the clerks of those districts submit ballots to their voters, and they participate in the high school election during their district election.

It seems to me that such an arrangement could be made for your situation, thereby avoiding a change in the law while giving you the right to vote in your high school's election. This is a courtesy provided by the high school clerk to the outlying elementary clerk.

You will note that the Dodson High School District contains the Landusky District (#7) and that the arithmetic comes up to the legal requirement for a nominating trustee(s). They have, so far, not availed themselves of the privilege, for whatever reason.

Sincerely,

  
GARY A. BADEN  
Superintendent of Schools

GAB/sek  
enci.

# LIBERTY COUNTY, MONTANA

Office of

County Superintendent of Schools

Chester, Mont. 59522

January 30, 1991

TO: Barbara Brown  
FROM: Krys Cole *Krys Cole*  
Liberty County Supt. of Schools  
RE: Outlying Trustee Positions

I thank you for your letter which drew my attention to the representation on high school boards.

With taxable valuations decreasing drastically in some gas and oil districts this past year the representation for the rural district in Liberty County will need to be redesignated.

I have read and reread Sections 20-2-352, 20-3-353, 20-3-354, School Laws of Montana, MCA. 1989, and find that your situation needs to be addressed here.

At this time the voters in #27 are not aware of the need to redesignate. There will be the board meeting in February and more information will be available to present.

Hope the figures below are helpful. Please call if you need more information. (office-759-5216 or home-759-5701)

'90 Registered Voters: #10 = 14  
#27 = 37

1990 - 1991

# 10	160,442.00 **
# 27	475,603.00
	<u>\$ 636,045.00</u>

Taxable Valuations:

1989-90	#10 \$ 194,760.00
	#27 2,520,170.00
1988-89	#10 \$ 208,084.00
	3,256,264.00

#33 Elem. 6,570,455.00

#33 H. S. 7,206,500.00

Formula: #33 Elem.  $\$6,570,455.00 \div 5$  trustees =  $\$1,314,091.00$  per trustee

Outlying: #10 & #27  $\$ 636,045.00 \div \$1,314,091.00 = .48$  (no representation!)

\*\*School District #10 is a Hutterite Colony with a public school district which does not wish to have representation on the #33 H. S. board.

*BA MRS B*

ROY M. DELONG  
Commissioner

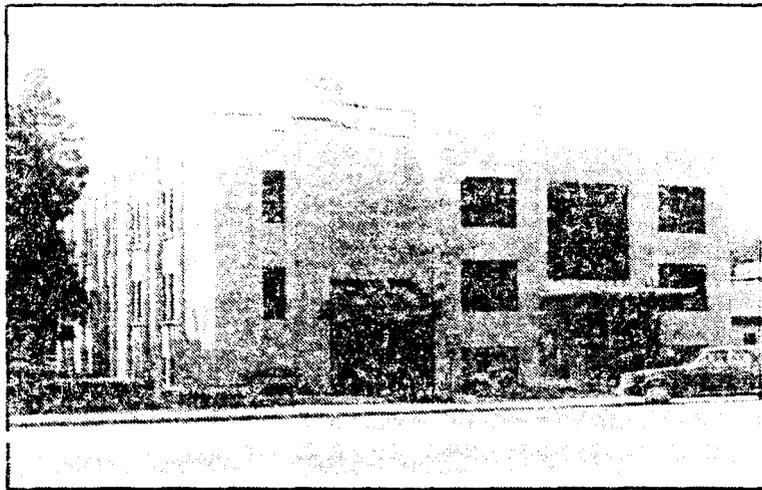
JOHN MUSTER  
Commissioner

NORMAN E. RESLER  
Commissioner

BIXIE VAUGHT  
Clerk & Recorder

EUNIE M. THAYER  
Treasurer - Supt of Schools

PATRICIA N. ELDRIDGE  
Assessor



LISA FERKOVICH  
Clerk of District Court

ROBERT SLOMSKI  
Attorney

WILLIAM J. ALEXANDER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

# COUNTY OF SANDERS

## STATE OF MONTANA

P.O. Box 519  
Thompson Falls, Montana 59873  
January 28, 1991

Barbara Brown  
4881 Springhill Comm. Rd.  
Belgrade, MT 59714

Dear Ms. Brown:

I am not quite sure of question of disenfranchised. However, we do have one school district that lost a trustee of the valuation went down. They were a part of the high school district. That school district is Hot Springs with the elementary district a part of Camas Prarie District # 11.

The Trout Creek elementary district is a part of Noxon High School district. Some parents do send high school students to Thompson Falls district. This is the choice made by the parents. At most I would say that, it would be 20 people. The clerk and recorder could not give me any estimate at all.

Enclosed are the taxable valuations of the elementary schools in Sanders County. If I can be of any further please contact me.

Sincerely,

Ted R. Kato  
Sanders County Supt.

March 14, 1991

EX. 2  
3-15-91  
HB 534

HOUSE BILL #534

WRITTEN TESTIMONY TO SUPPORT HOUSE BILL #534 AT THE SENATE EDUCATION COMMITTEE HEARING SCHEDULED MARCH 15, 1991 AT 3:00 P.M.

BY: GARY B. CARLSON, CPA  
BOX XX  
MOUNTAINVIEW RANCHETTES  
CLANCY, MT 59634  
(R) 933-5528 (WK) 442-3540

I support Rep. Springs HB #534 which will provide additional opportunities for EQUITABLE representation on a high school district Boards of Trustees.

..... Small districts without representation deserve some opportunity for representation on a High School District Board such as exists within Rep Spring's District.

A situation exists in northern Jefferson County which deserves attention.

..... Over 78% of the present registered voters within the current Jefferson High School District (Boulder High School) reside outside the host elementary school district (Boulder).

..... As the attached statistical sheets indicate, the Boulder Elementary District has 32% of the registered voters of the Jefferson High District within the Boulder Elementary District, while having 55% of the High School trustee representation.

The current High School Board representation is required under current statute.

Therefore, amendment of current statute is necessary.

House Bill #534 provides the voters in a High School District, where more than 50% of the registered voters reside outside the host elementary district, an opportunity to petition (if 10% of the district registered voters sign) the County Superintendent of Schools to hold an election to propose to the voters within the High School District a more "EQUITABLE" representation on the High School Board of trustees.

There is currently a constitutional question of EQUITABLE REPRESENTATION in northern Jefferson County. Rep Springs House Bill #534 will give the voters a chance to change the High School Board makeup if they chose to vote to do so.

House Bill #534 will provide a vehicle for more EQUITABLE representation.

PLEASE VOTE TO RECOMMEND TO THE FULL SENATE A COMMITTEE REPORT ... DO PASS ... FOR HB #534.

Thank you for your consideration of my testimony. Call if I can provide additional information for your consideration.

Exhibit 2

JEFFERSON HIGH SCHOOL DISTRICT

STATISTICS

THE FOLLOWING INFORMATION IS SUMMARIZED BY ELEMENTARY DISTRICT COMPRISING THE JEFFERSON HIGH SCHOOL DISTRICT (H.S. DISTRICT #1)

ELEMENTARY DISTRICT	NUMBER OF TRUSTEES		ENROLLMENT (1)		TAXABLE VALUATION (2)		REGISTERED VOTERS (3)	
	#	%	#	%	DOLLARS	%	#	%
BOULDER -	5	55.6	102	44.6	\$ 2,910,697	20.8	963	32.0
BASIN -	1	11.1	6	2.6	1,582,111	11.3	173	5.7
MONTANA CITY -	1	11.1	9	3.9	2,963,042	21.1	562	18.7
CLANCY:								
JEFFERSON CITY -	1		16		4,000,000 (4)		164	
CLANCY -	<u>1</u>	<u>22.2</u>	<u>96</u>	<u>48.9</u>	<u>2,562,166</u>	<u>46.8</u>	<u>1,151</u>	<u>43.6</u>
	<u>2</u>		<u>112</u>		<u>6,562,166</u>		<u>1,315</u>	
TOTAL	<u>9</u>	<u>100.0%</u>	<u>229</u>	<u>100.0%</u>	<u>\$14,018,016</u>	<u>100.0%</u>	<u>3,013</u>	<u>100.0%</u>

MEMO - ADDITIONAL HIGH SCHOOL STUDENTS RESIDING IN THE DISTRICT ATTENDING HIGH SCHOOL AS TUITION STUDENTS OUTSIDE JEFFERSON HIGH SCHOOL DISTRICT

	NUMBER <u>(5)</u>
HELENA HIGH SCHOOL -	82
CAPITAL HIGH SCHOOL -	2
BUTTE HIGH SCHOOL -	<u>1</u>
	<u>85</u>

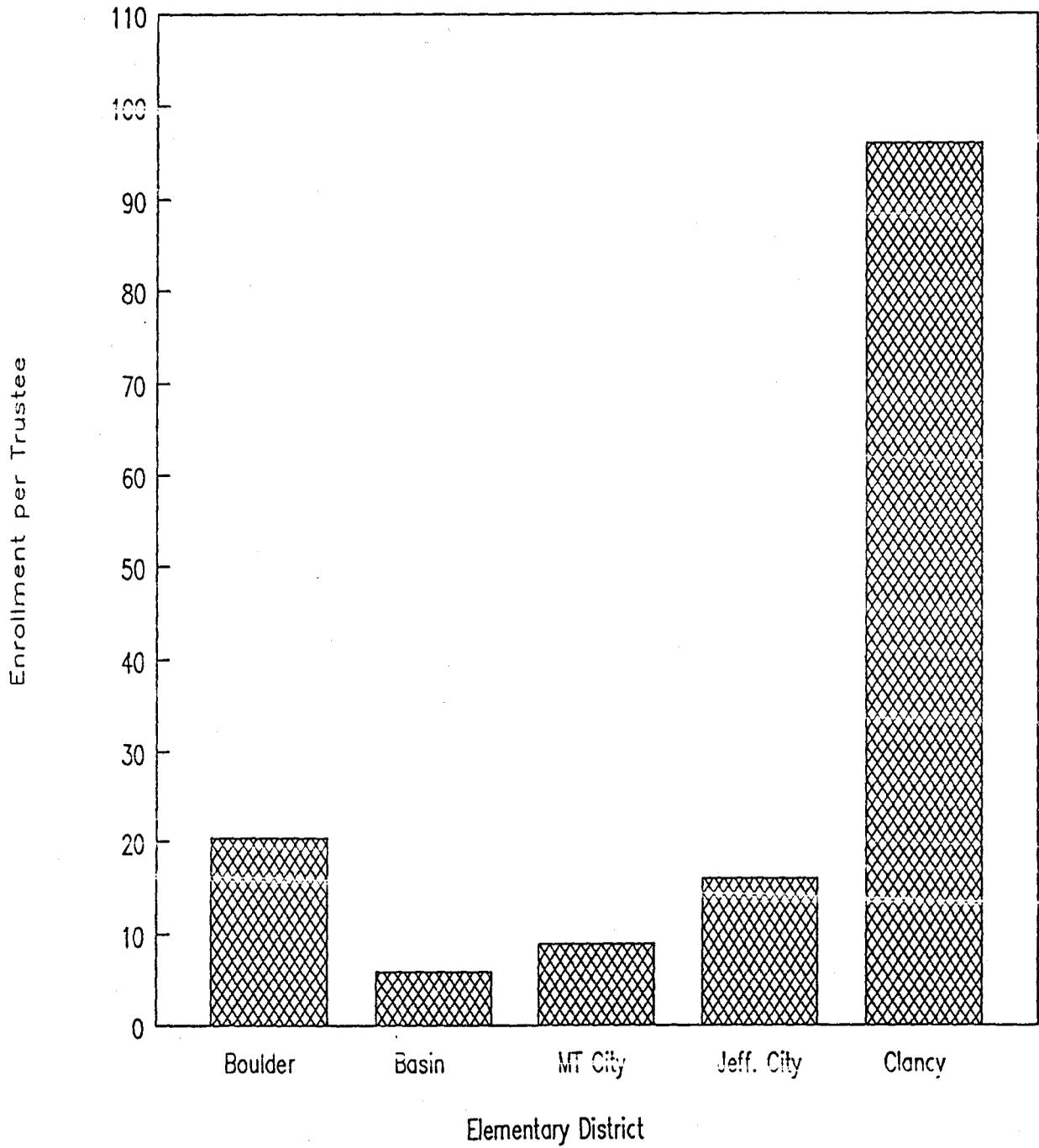
SOURCES OF INFORMATION

- (1) CLERK, JEFFERSON HIGH SCHOOL DISTRICT
- (2) JEFFERSON COUNTY ASSESSORS OFFICE  
(MEMO - MONTANA TUNNELS & RELATED CONTRACTOR - \$3,827,156)
- (3) JEFFERSON COUNTY CLERK & RECORDER
- (4) ESTIMATED - ASSESSORS OFFICE DOES NOT HAVE SEPARATE RECORD OF VALUE WITHIN DISTRICT
- (5) JEFFERSON COUNTY SUPERINTENDENT OF SCHOOLS

3-15-91  
HB 534

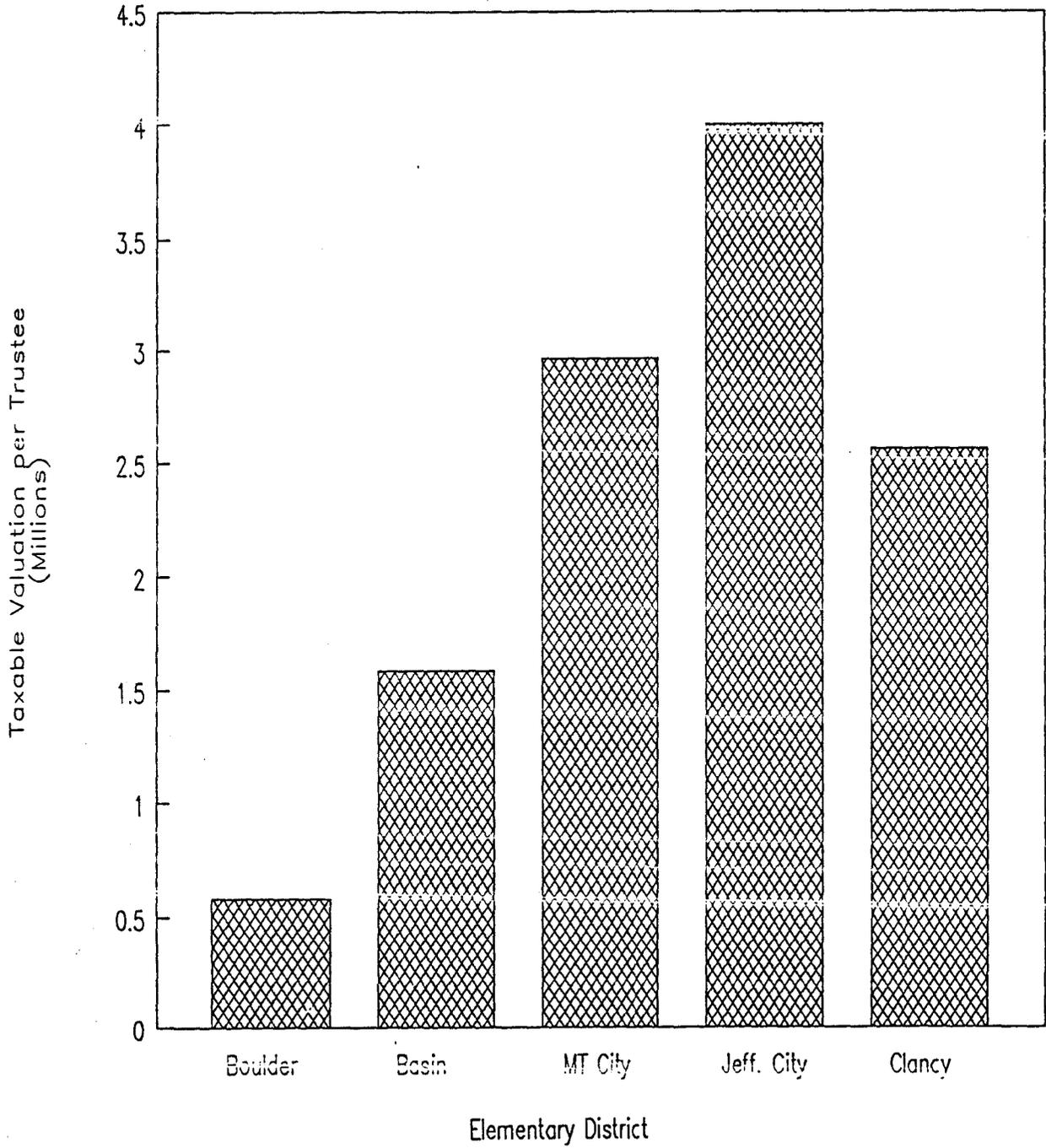
# JEFFERSON HIGH SCHOOL DISTRICT

Enrollment per Trustee



# JEFFERSON HIGH SCHOOL DISTRICT

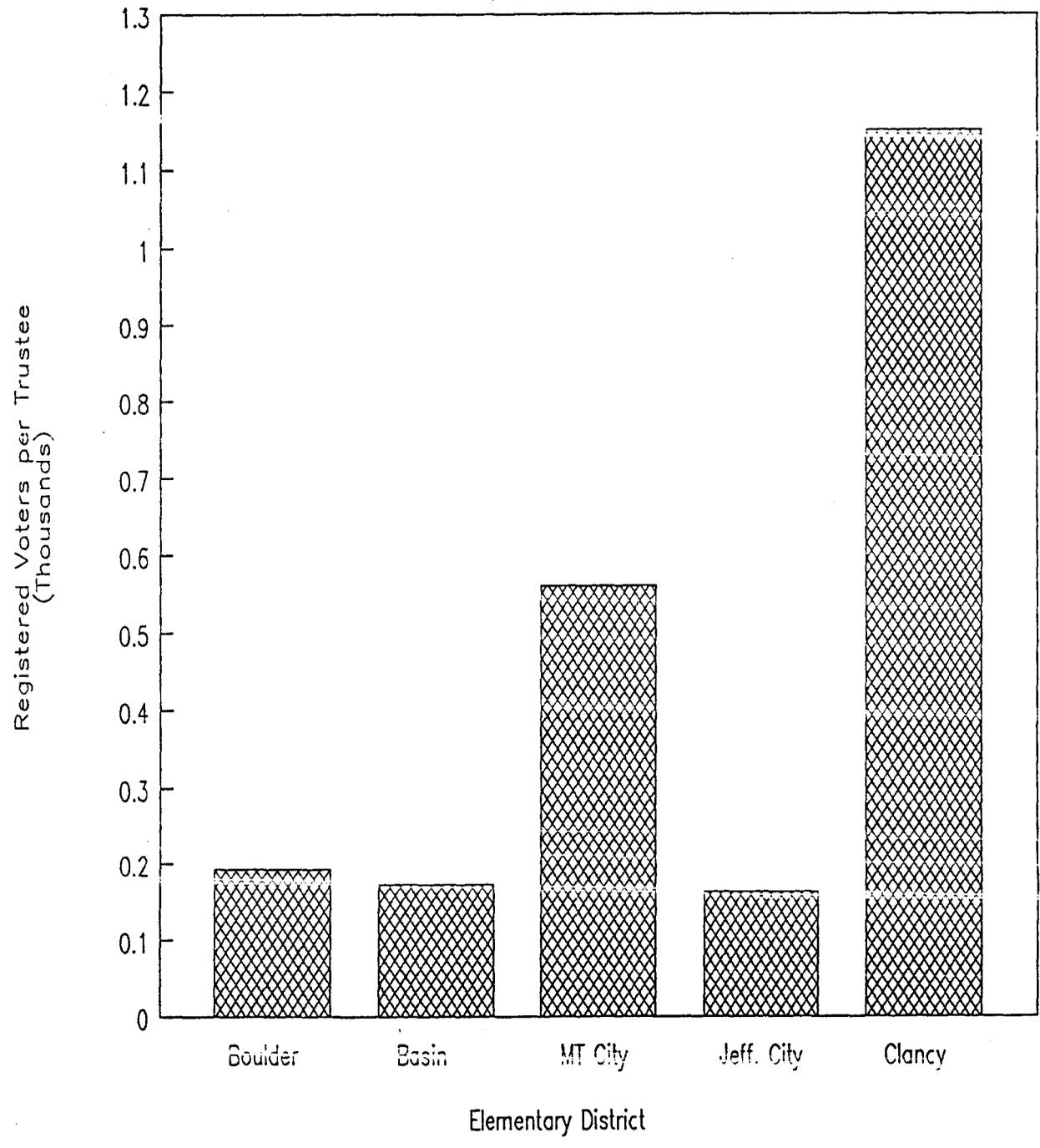
Taxable Valuation per Trustee



EX. 2  
3-5-91  
HB 534

# JEFFERSON HIGH SCHOOL DISTRICT

Registered Voters per Trustee



EX. J  
3-15-91  
HB 594

TESTIMONY PRESENTED TO THE  
SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE  
HB 594  
MARCH 15, 1991

Chairman Blaylock and members of the Committee:

My name is Lynda Saul. I come before you today as a private citizen to oppose House Bill 594 in it's current form and to urge you to accept my proposed amendments.

I support and honor our Bill of Rights including:

1. Freedom of religion, speech, and the press; rights of assembly and petition,
2. Right to bear arms,
3. Right against forced housing of soldiers,
4. Rights against unreasonable search and arrest warrants,
5. Rights in criminal cases,
6. Rights to a fair trial,
7. Rights in civil cases,
8. Rights against excessive bails, fines, and punishments,
9. Rights retained by the people, and
10. Powers retained by the states and the people.

Each of these first 10 amendments to the United States Constitution make this a great and free nation, and gives me the right to come before you today.

However, I cannot support House Bill 594 which isolates just one of these rights and creates a special week of observance in its honor. This bill would place the observance of just one right alone in Montana State Law in Chapter 1, Title 1.

The Declaration of Rights of our own Montana Constitution already contains the right to bear arms. Article Two, Section 12 of the Montana Constitution, entitled Right to Bear Arms states:

The right of any person to keep or bear arms in defence of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

What would Montana be saying about how it views other constitutional rights if we make special provisions to recognize and celebrate the right to bear arms and not any other of our constitutional rights?

I urge you to amend this bill to recognize and honor all of our constitutional rights with a special week of observance for all of our freedoms.

*Exhibit 5*

DATE 3-15-91

COMMITTEE ON Education

Please Sign:

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Burt Bullock	Basin Mt.	534	X	
A. M. Flwell	WCSM	594	✓	
Yvonne Gruber	JHS Clancy	534	X	
Darrell Miller	Clancy	534	X	
Kathryn B. Schaefer	Clancy	534	X	
Barbara Brown	Belgrade	534	✓	
Bob Kleis	Clancy	534	X	
John P. Campbell	MASBO	589	X	
Linda Lindsay	Clancy	534	X	
Mary Spence	Clancy	534	X	
Mable Harris	Clancy	534	X	
Bill Byrd	Big Timber	594	X	
Sierra K. Smith	Clancy	534	X	
R Budd Gould	Sponsor	594	✓	
Lynda Saul	self	594		X
Bruce W. Moore	ASBA	589	✓	
Larry Dastum	EFSC	589	✓	

(Please leave prepared statement with Secretary)

TESTIMONY OF THE NATIONAL RIFLE ASSOCIATION  
IN SUPPORT OF HOUSE BILL 594  
SUBMITTED BEFORE THE SENATE EDUCATION COMMITTEE OF THE  
MONTANA STATE LEGISLATURE

Bill Bigelow  
Montana Field Representative  
March 15, 1991

Ex. 4  
3-15-91  
HB 594

HB 594  
March 15, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks  
to Senate Education & Cultural Resources Committee

The Montana Department of Fish, Wildlife and Parks recognizes the close ties between hunting and the right to own and use firearms. Many people in Montana enjoy and appreciate both of these basic opportunities.

Those of us in the conservation field recognize that fish and wildlife exist in abundance today because of the vigilance of hunters and fishermen over the years. That lesson is also fundamental to preservation of the right to keep and bear arms.

This legislation is part of an affirmation of our collective will to sustain the rights related to firearm ownership consistent with our constitution and western traditions. For these reasons the Montana Department of Fish, Wildlife and Parks supports HB 594.

Exhibit 4

Good afternoon, on behalf of the National Rifle Association, its 20,000 Montana members, their families, and sportsmen across the state, thank you for the opportunity to submit testimony in support of House Bill 594. My name is Bill Bigelow, and I am the NRA Field Representative for Montana.

The NRA enthusiastically supports Representative Gould's proposal creating a week of observance in Montana for the right to keep and bear arms guaranteed by both the United States Constitution and the Constitution of Montana. HB 594 is particularly appropriate during this, the 200th anniversary of the adoption of the first ten amendments to the Constitution known as the Bill of Rights. Men like Thomas Jefferson and James Madison recognized that the Constitution did not go far enough in protecting individual rights of the new nation's citizens. Thus, on June 8, 1789 Madison proposed twelve amendments, the Bill of Rights, to the U.S. House of Representatives as an amendment to the Constitution guaranteeing that specific individual freedoms and liberties not be infringed by government. On December 15, 1791, Virginia ratified the Bill of Rights and ten of the twelve proposed amendments became part of the U.S. Constitution.

Among these inalienable rights is, of course, the right to keep and bear arms. Fisher Ames said at the time that "[T]he rights of conscience, of bearing arms, of changing the government, are declared to be inherent in the people." Many have described the Second Amendment as the lynchpin in the framework of a constitutional state in which all men are equal before the law; a system of government that no man is above. Indeed, Supreme Court Justice Story wrote "[T]he right of the citizens to keep and bear arms has justly been considered, as the palladium of the liberties of a republic; since it offers a strong moral check against the usurpation and arbitrary power of rulers; and will generally, even if these are successful in the first instance, enable the people to resist and triumph over them."

It must be remembered that this nation was born from revolution, a violent bloody war against a tyrant king who was unrestrained by the will of the people. The possession of arms was then, as today, essential in the fight to gain and preserve freedom, equality, and liberty. That is why Patrick Henry stated "The great object is, that every man be armed...Everyone who is able may have a gun." A contemporary of these men, Richard Henry Lee, insisted on a Bill of Rights, and wrote that "to preserve liberty it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them..."

Many recent lessons from history confirm the premise of the Founding Fathers that tyrants oppress their people by first denying their right to possess arms, followed by denial of their rights to assemble peaceably, to speak their minds freely, even against the government, and by denial of basic human rights afforded criminal defendants. In 1990, the Soviet government confiscated 70,000 rifles and shotguns from Georgia residents because they feared an armed citizenry defending themselves from oppression. In Beijing in 1989, brave students fighting for democracy could only lay down their bodies before oncoming tanks, as the citizenry had long ago been disarmed. How different could recent history have been had peoples around the globe had the ability to fight for freedom with personally owned arms?

Today, the right to keep and bear arms, also guaranteed by the Montana Constitution (Article 2, Section 12), expresses itself in many ways including the ownership and use of firearms for personal protection, hunting, target shooting, competition, and collection. Many of you on this committee, indeed throughout this legislature, have fond memories of the first time you went target shooting or hunting with your fathers and grandfathers. As we got older, we were responsible enough to possess our own rifle or shotgun and may have been fortunate enough to bring home a dinner or two from hunting "expeditions". Today many of us have experienced our youth all over again with our own children and their first encounter with the joy firearms can bring. Tens of thousands of Montanans who have had these experiences as well, cherish the right to keep and bear arms and lend their support to HB 594.

Yet fundamental, the right to possess these arms ensures that the people have ultimate authority and power over government should that government attempt wholesale violations of individual rights -- in fact, to attempt to create a tyranny. No less an authority on the Constitution and individual liberties than Thomas Jefferson said, "...And what country can preserve its liberties, if its rulers are not warned from time to time, that this people preserve the spirit of resistance? Let them take arms ....The tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants." HB 594 suggests all Montanans reflect on their right to keep and bear arms and celebrate this freedom in their own individual way -- perhaps the highest tribute we can today give to the genius of Jefferson, Madison, Henry and others.

Thank you for the opportunity to testify on behalf of the NRA in support of HB 594. Enacting this proposal will pay tribute to the important right to keep and bear arms shared by all Americans. I will now answer any questions you may have.

Ex. 5  
3-15-91  
HB 594

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