

MINUTES OF THE MEETING  
EDUCATION COMMITTEE  
MONTANA STATE SENATE

January 20, 1977

The sixth meeting of the Senate Education Committee was called to order by Senator Ed Smith, Acting Chairman, on the above date in Room 402 of the State Capitol Building at 11:00 o'clock A. M.

ROLL CALL: All members were present with the exception of Senators Chet Blaylock and Frank Dunkle, who were excused.

CONSIDERATION OF SENATE BILL No. 88: Acting Chairman, Ed Smith, announced he had been requested by Senator Blaylock, Chairman, to conduct the Committee proceedings on Senate Bill No. 88, and called upon Senator Robert Watt to present his testimony.

Senator Watt explained this Bill came out of Missoula County to relieve a problem common to most counties in that all district schools, through the school boards, draw up a budget for their operating expenses and submit it to the county commissioners. The commissioners have no veto power and function primarily in setting the millage. County superintendents' budgets are an exception to that; and this Bill provides for a financial board to be established with budgetary powers, whose principal function will be to approve or disapprove the superintendent of school's budget. This board would be composed as set out in the Bill. At present, the budget is made out by adding 10% to cover costs of inflation, which is not an equitable situation year to year. County commissioners have so many other duties and responsibilities and indicated they would like to get out from under the responsibility of setting the superintendent's budget and would rather have that office be under a board of persons who are familiar with the operating of schools. Reading from page 4 of the Bill, he briefly summarized the guidelines of how the proposed budget would be set up based on class and size of county school districts.

The Acting Chairman called for further proponents.

Laurelee Wright, presently of the Office of the Superintendent of Public Instruction, formerly County Superintendent of Lincoln County, testified in favor of Senate Bill No. 88. She stated the county superintendent's job was a full-time position and that they work with urban as well as rural schools; that the last year she was there, the budget was inadequate to cover all staff salary, office expenses and operate that office and this Bill would allow an appropriate increase in the budget to provide operating funds. She then commented on specific items of controversy she experienced with the county commissioners regarding her proposed budget.

Robert Stockton, Office of the Superintendent of Public Instruction, supported this Bill from the standpoint that the county superintendents needed more leeway to do a better job for the school districts. His question as to whether this was meant to include the proposed salary of the superintendent was answered in the affirmative. He further questioned the guidelines proposed for determination of a county superintendent's administrative budget per the ANB classification and suggested the division points needed to be looked at, reconsidered and perhaps a floor amount should be set.

The Acting Chairman asked for any opponents to Senate Bill No. 88.

Gregg L. McCurdy, representing the Montana Association of Counties, in opposition to the Bill, testified this would bring about a major shift in the present law; that this would take the budgeting responsibility from the county commissioners and place it in the hands of those who are overseeing the schools. Referring to the portions of the Bill relating to fixing administrative costs and salaries, he explained the commissioners would have lesser jurisdiction and this would disturb other budgets on a county-wide basis. He also questioned the proposed ANB cost guidelines and the provision for a 10% increase as this could add as much as 2/3rds to a county's budget. Section 11 of the proposed Bill was objected to for its possible fiscal impact on the counties; that the elected county commissioners do exercise some power over the superintendent's budget and feel they should continue in this control for the benefit of tax payers, as, at present, about 70% of county budgets go to schools.

There being no further opponents, Senator Watt, in closing, asserted a difference in county commissioners as Missoula was in favor of this Bill. Referring to page 4, if these schedules were revised to comply with State Superintendent's figures, he felt that the 10% budget increase provision could be left out, his main point being to make the superintendent's budget more in keeping with operating needs. He stated the budgets are now very restricted, with little study or attention given to them, and this Bill would allow a board of informed and interested persons to give that attention. He asked that the State Superintendent's office supply the information on better guidelines for ANB dollar amounts.

Senator Mathers, questioning Section 11, asked how this would affect the laws presently on the books, would they need to be repealed because of the authority allowed the county commissioners. Senator Watt replied that Section 12 would perhaps take care of that matter.

John Bobinski, staff attorney, mentioned he thought if the salary of the county superintendent was not considered as an administrative expense on the preliminary school budget adopted by the county commissioners while they are acting as the board of school budget supervisors, there shouldn't be a conflict between a board and the county commissioners; if so, there might be a conflict.

Senator Mathers mentioned he believed the tax payer should have the right to appeal a matter on a county budget; that he has known of cases where people have gone over school budget programs and refused to pay taxes until certain budget procedures were followed; and Senator Smith also questioned if the result would be to take away the county commissioner's power to oversee the superintendent's budget.

Senator Warden commented that the OSPI had a good film library and other school aids and would hope that the schools, especially the smaller schools, were aware of this and would take advantage of the opportunity to use these aids.

Ms. Wright replied that most of the small schools were aware of this, but still their budgets did not allow the expense of renting films and securing these materials. Senator Warden questioned that there was a charge for the films, to which Ms. Wright stated that to rent a film cost a minimum of \$2.00. Mr. Stockton confirmed there was a charge which was necessary to cover handling, transportation and repairs.

Senator McCallum, directing his question to Mr. Stockton, asked if this Bill provided for 14,900 ANB in a county classification under the proposed guideline of 10, it would give budgeting allowance of \$149,000.00. Mr. Stockton answered that it would, but added budgets are subject to revision based on need.

Senator McCallum questioned the right to appeal to the board of county commissioners if a finance board was appointed that came up with an excessive budget, or if a tax payer would have no chance to protest, which Senator Watt answered he believed all county budgets were advertised in the county paper and the public is given a chance to object.

Mr. Stockton commented that there was a difference in the budgeting system between elementary and high school; that for the elementary budget, the school board can override a commissioner veto, but an arbitration group must settle the dispute over a high school budget.

Senator Smith asked if, under this Bill, the county commissioners or the public would have the right to object to a proposed budget. Ms. Wright replied that she did not think that right had been taken away, and that county superintendents are also voted on so they are quite aware of the concern of the public regarding their budget.

Senator McCallum mentioned that this Bill wouldn't mean anything if House Bill 122 is passed.

Senator Mather stated he could find nothing in this Bill that protects the tax payer and it tends to make the commissioners subservient to the superintendent's budget board; that the language in section 11 appears to be mandatory; His opinion was that this deprives the tax payer of some control, if 70% of a county budget goes to education, he doesn't think it would be doing the tax payer a service to have it raised. Also, under the present law, county superintendents can justify their budgets to the commissioners for increases and let the commissioners approve it; therefore, the superintendent would have no need for a financial board.

Ms. Wright replied that superintendents do go to the commissioners with their budget problems, but are turned down.

Senator Murray commented he thought the tax payers of this state want their legislators to look at how their money would be spent.

Acting Chairman Smith asked if there were any further questions; there being none, he then asked for a motion regarding meeting Saturday or if there were too many conflicts.

Senator Mathers made a motion that the Committee meeting set for Saturday, January 22, 1977, not be held; the motion was seconded and carried by unanimous vote.

Senator Watt stated he was waiting for an attorney general's ruling regarding his Senate Bill No. 57 and mentioned that there would need to be a fiscal note on Senate Bill No. 88.

ADJOURN:

There being no further business, the meeting was adjourned at 12:00 P.M.



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Ed Smith, Acting Chairman



DATE January 20, 1977

COMMITTEE ON EDUCATION Senate BILL NO. 57, 88

Senate BILL NO. 57, 88

## VISITOR'S REGISTER

[illegible]

NAME Robert D. Watt Bill No. 88  
ADDRESS Mala Date 1-20-77  
WHOM DO YOU REPRESENT? Constituents  
SUPPORT ☒ **OPPOSE** ☐ **AMEND** ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME :

DATE: \_\_\_\_\_

ADDRESS :

PHONE :

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

## SUPPORT?

**AMEND?**

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME:

Robert H. Stoltz

DATE:

1/19/77

ADDRESS:

PHONE:

REPRESENTING WHOM?

O.S.P.T.

APPEARING ON WHICH PROPOSAL:

SB 88& SB 87

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

1-19-77  
RWS

Form 4256 Counties

State Publishing Co.  
Helena, Montana

	Gen. SFP	H.C. & B	Total	@	total
Beaverhead	1166	649	1815	20	36300.00
Big Horn	1783	735	2518	12	30216.00
Blaine	1182	609	1791	20	35820.00
Broadwater	464	222	686	25	17150.00
Carbon	1121	592	1713	20	34260.00
Carter	270	125	395	25	9875.00
Cascade	12106	6497	18603	8	142840.00
Chouteau	857	541	1398	20	27960.00
Custer	1660	885	2545	12	30540.00
Daniels	453	203	656	25	12900.00
Dawson	1632	1006	2638	12	31656.00
Deer Lodge	2322	1136	3458	12	41496.00
Fallon	684	410	1094	20	21880.00
Fergus	1210	1047	2257	12	34284.00
Flathead	9279	3906	13185	10	131850.00
Gallatin	4612	2296	6908	12	82896.00
Garfield	284	124	408	25	10200.00
Glacier	2423	970	3393	12	38316.00
Golden Valley	104	69	213	25	5325.00
Granite	422	280	643	25	16075.00
Hill	2682	1440	4122	12	49464.00
Jefferson	1097	402	1505	20	30100.00
Judith Basin	365	237	602	25	15050.00
Lake	2160	1420	4384	12	52608.00
Lewis and Clark	5997	2226	8223	10	82230.00
Liberty	206	220	426	25	10650.00

NAME Mr. J. H. [unclear] (ND) Bill No. 1215

ADDRESS Box 44 [unclear] MT 59713 Date 1-1-73

WHOM DO YOU REPRESENT? Mr. [unclear] & [unclear]

SUPPORT                      **OPPOSE** X **AMEND**                     

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: