

MINUTES OF THE MEETING  
SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES  
MARCH 6, 1981

The Senate Committee on Education and Cultural Resources met Friday, March 6, 1981, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:00 p.m.

ROLL CALL

Committee members present were Senators Brown, Smith, Mazurek, McCallum, Severson, Haffey, Hammond, Thomas and Blaylock.

The following bills were heard by the committee:

HJR 30
HB 272
SJR 25
HB 404

CONSIDERATION OF HOUSE JOINT RESOLUTION 30

"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE  
OF REPRESENTATIVES OF THE STATE OF MONTANA  
REQUESTING THE MONTANA ARTS COUNCIL TO PROVIDE  
THE 48TH LEGISLATURE WITH A PROCESS FOR ESTAB-  
LISHING THE POSITION OF POET LAUREATE OF MONTANA."

Representative Carl Smith, District 57, sponsor of the bill, stated the resolution just requests the Montana Arts Council to design a process for selecting and specifying duties of a Montana poet laureate. The resolution was originally introduced to honor a neighbor of Representative Smith's, Mr. Don Manker, who is a poet. However, the House Education Committee amended out the references to Mr. Manker in favor of the bill as it now stands.

PROPOSERS

J. D. Holmes, representing the Montana Arts Council and its legislative arm, the Montana Arts Advocacy, stated the bill was substantially amended in the House of Representatives to allow for consideration of all Montana poets as Montana poet laureate. It will allow the 48th legislative session to consider guidelines and suggestions for selection of the poet laureate. He said the honor is a lifetime designation and is quite important.

Page 2  
Minutes of the Meeting  
Senate Committee on Education and Cultural Resources  
March 6, 1981

There were no further proponents and no opponents to the bill. Representative Smith closed and after a brief discussion by the committee the hearing on HJR 30 was closed.

#### CONSIDERATION OF HOUSE BILL 272

"AN ACT TO REVISE AND CLARIFY THE LAWS RELATING TO THE POWER OF A DISTRICT SUPERINTENDENT OF SCHOOLS OR A PRINCIPAL TO SUSPEND A PUPIL; AMENDING SECTIONS 20-4-302, 20-4-402, 20-4-403, AND 20-5-202, MCA."

Representative Bob Anderson, District 16, sponsor of the bill, stated the bill deals with the powers and duties of teachers, principals, and superintendents re pupil suspension. The bill is an attempt to clarify the law and make it more consistent in four related sections.

#### PROPOSERS

Jesse W. Long, Executive Secretary, School Administrators of Montana, stated his support of the bill in that it clarifies what is legally interpreted as an illegal action re power of suspension. He stated the bill gives the superintendent, principal, or teacher the power to suspend which is, in fact, being done around the state now.

Chad Smith, representing the Montana School Boards Association, stated his support for the bill as amended. He said it has been hard to reconcile the four sections and finally they just had to use their own interpretation and say that only superintendents could suspend. He noted this is most impractical in large areas. Approval by the trustees is hard to get as they cannot meet in less than 48 hours and suspensions are largely only for one day. He urged support of the bill as amended.

John Fero, Elementary Principal, Helena, and representing the Montana Association of School Principals, urged support of the bill as it cleans up the law very well. He noted that the changes the bill makes are actually what has been happening for years.

There being no further proponents and no opponents to the bill, Representative Anderson closed and the hearing was closed on House Bill 272.

NEW BUSINESS

Senator Brown asked Jesse W. Long, Executive Secretary, School Administrators of Montana, to report to the committee regarding a poll of the chief administrative officers of the schools in Montana re House Bill 610, the foundation bill. Mr. Long presented the results of the poll to the committee and reviewed the information with them (attachment #1). He also left a number of cards with the committee with specific comments by members of the S.A.M.

CONSIDERATION OF SENATE JOINT RESOLUTION 25

"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF FUNDING METHODS USED BY SCHOOL DISTRICTS TO FINANCE PUBLIC PENSION PLANS."

Senator McCallum, District 12, sponsor of the resolution, stated he was surprised how much of the mill levies go for retirement and social security. He said three years ago it was approximately 3-4 mills and now is 25.9 mills. He quoted some statistics from various counties:

Silverbow	36.4	mills	
Flathead	26.66	mills	
Powder River	3	mills	
Mineral	39.2	mills	(this amount almost equals what they put in the foundation program plus the forest receipts).

He noted the total expenditure across the state is \$33 million. He said this amount will continue to go up as salaries and contributions rise. He said it all comes off the tax levy and people don't really realize it. A study might give some answers, Senator McCallum said, and he felt the problem is well worth the investment of the time and effort a study would take.

PROPOSERS

Keith Anderson, President, Montana Taxpayers Association, presented his written testimony in support of the bill to the committee (attachment #2).

OPPONENTS

Owen Nelson, Montana Education Association, stated teacher retirement is the wrong term, it should be school employees retirement. He felt the purpose should be to equalize the problem and would prefer HJR 44 which calls for a study of all school funding aspects.

Senator McCallum closed by saying he feels a lot of studies are unnecessary but this resolution is quite important. The problems will only increase, he said, and there has to be another answer. He expressed a concern that when taxpayers look at their tax statements and discover how large a bite is being taken, it will reflect unfavorably on education. Senator McCallum stated at this point there has been a 600% increase in 8 years.

Following a brief discussion by members of the committee, the hearing was closed on SJR 25.

CONSIDERATION OF HOUSE BILL 404

"AN ACT TO REMOVE THE QUALIFICATION THAT A PERSON  
MUST BE A CITIZEN OF THE UNITED STATES TO BE  
CERTIFIED AS A TEACHER IN MONTANA."

Representative Keedy, District 18, sponsor of the bill, stated the bill removes the requirement that a person be a United States citizen in order to teach in the schools. He said the 14th amendment equal protection concepts relate to persons generally regardless of citizenship. He also pointed out the Montana Constitution protects equal rights. Representative Keedy noted federal law determines who has a visa to live and work in the United States. The current law is in conflict as the U.S. Supreme Court strikes down decisions based on discrimination regarding race, creed, or nationality. More important, he added, is the person's ability and qualifications to teach. Present law could have the effect of denying children the highest quality teachers in some instances.

There were no proponents and no opponents to the bill. Representative Keedy closed and after a brief discussion, the hearing was closed on HB 404.

Page 5  
Minutes of the Meeting  
Senate Committee on Education and Cultural Resources  
March 6, 1981

ACTION ON HOUSE BILL 272

Senator Thomas moved Senate Bill 272 Be Concurred In. The motion carried unanimously with Senator McCallum absent. Senator Hammond will carry the bill.

ACTION ON HOUSE JOINT RESOLUTION 30

Senator Severson moved HJR 30 Be Not Concurred In. After discussion, Senator Severson withdrew his motion.

Senator Haffey moved HJR 30 Be Concurred In. The motion carried unanimously with Senator McCallum absent. Senator Graham will carry the bill.

ACTION ON SENATE JOINT RESOLUTION 25

Senator Haffey moved SJR 25 Do Pass. The motion carried with Senator Hammond abstaining and Senator McCallum absent.

ACTION ON HOUSE BILL 404

Senator Mazurek moved to amend (clerical) page 2, line 17 (attached committee report). The motion carried unanimously with Senators-McCallum and Smith absent.

Senator Mazurek moved House Bill 404 Be Concurred In As Amended. The motion carried with Senators Thomas, Hammond, and Severson voting no, Senators Haffey, Blaylock, Mazurek and Brown voting yes, and Senators Smith and McCallum absent.

There being no further business, the meeting adjourned to reconvene Monday, March 9, 1981 at 1:00 p.m.

  
\_\_\_\_\_  
Senator Bob Brown, Chairman

ROLL CALL

SENATE EDUCATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3/4/81

NAME	PRESENT	ABSENT	EXCUSED
Senator Ed Smith	x		
Senator George McCallum	x		
Senator Elmer Severson	x		
Senator Swede Hammond	x		
Senator Chet Blaylock	x		
Senator Bill Thomas	x		
Senator Joseph Mazurek	x		
Senator Jack Haffey	x		
Senator Bob Brown, Chairman	x		

Each day attach to minutes.

DATE March 6, 1981

COMMITTEE ON

Education

BILL NO.

STR 25

HB 272

1713 4104

HJR 3

## VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL SUMMARY  
MARCH 6, 1981

HOUSE BILL 272 - REPRESENTATIVE ANDERSON

This bill clarifies the suspension privileges of school principals. It has not been clear whether a school principal can suspend a student in a district where a superintendent is employed. The added language in Section 3, 20-4-403, clarifies that such a principal may suspend a pupil for good cause. The other sections delete the necessity for trustee consideration of suspension action by superintendents, principals or teachers (who have authority to act in districts not employing a superintendent or principal).

Section 4, 20-5-202, requires that the trustees adopt a policy defining the authority and procedure used in suspending a pupil. Such a policy guides the school personnel and, therefore, the trustees would not need to consider each suspension. It was pointed out in the House hearing that it takes 48 hour notice for trustees to meet and a suspension may be only in effect for 1 day.

HOUSE BILL 404 - Representative Keedy

This bill removes the requirement that a person must be a citizen of the United States in order to be certified as a teacher in Montana. The House Education Committee sponsored a forthcoming bill that will delete the "oath of allegiance" requirement also. Such an oath has been declared unconstitutional. A citizen of another country would not have been able to declare such an oath.

HOUSE JOINT RESOLUTION 30 - Representative Smith

The House Education Committee rewrote this resolution to request that the Montana Arts Council design a process for designating a poet laureate for this state and the duties of such a person. The Montana Arts Council will make recommendations to the 48th Legislature.

SENATE JOINT RESOLUTION 25 - Senator McCallum

self-explanatory



NAME:

DATE: 3-6-81

ADDRESS:

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEA

NAME: John Doe DATE: 10/10/10

ADDRESS: 1601 Flowered Helena

PHONE: 443 6346

REPRESENTING WHOM? Mont. Hsgo. Elem School P.O.

APPEARING ON WHICH PROPOSAL: ND 277

DO YOU: SUPPORT? ✓ AMEND?            OPPOSE?           

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

#7  
S  
A  
M

School Administrators of Montana  
501 North Sanders  
Helena, MT 59601  
(406) 442-2510

March 6, 1981

To: Matt Himsel, Chairman  
Senate Finance and Claims Committee  
Bob Brown, Chairman  
Senate Education Committee  
From: Jesse W. Long, Exec. Sec. *jwl*  
School Administrators of Montana

Re: HB 610 Foundation Program

The School Administrators of Montana have conducted a poll of the chief administrative officers of the schools in Montana. We sent 244 letters to the administrators asking their opinion on HB 610. 178 responded to the survey representing a 73% return. The results demonstrate that 70.2% of the administrators representing 78.5% of the students in Montana favor HB 610. The chart below summarizes the results of the survey.

Class	Cards Sent	Percent Return	For Schools	For Students	Against Schools	Against Students	* HB 665	** Cap
1st Class	17	94.1	13	64007	3	11808	5	6
2nd Class	100	82.0	57	33868	25	14913	9	34
3rd Class	74	77.0	39	7335	18	2038	7	30
Co.Supt.	53	43.4	16	-	7	-		11
Totals	244	73.0	125	105210	53	28759	21	81

\* Col. 8 represents the number of times HB 665 was mentioned as an assistance to HB 610.

\*\* Col. 9 represents the number of responses and comments expressing concern regarding the caps.

79  
#2  
NAME P. Keith Anderson BILL No. SJR 25  
ADDRESS Helena DATE March 6, 1981  
WHOM DO YOU REPRESENT Montana Taxpayers Association  
SUPPORT XX OPPOSE        AMEND       

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

During recent years the levying of property taxes for teacher's retirement, PERS and social security has become an increasing tax burden along with an adverse affect upon the equalization of mill levy effort for the support of basic school costs from county to county.

High school teacher's retirement has been a countywide mill levy as far back as Chapter 212, Laws of 1945. Under that same chapter elementary retirement was a district obligation. Chapter 281, Laws of 1973 imposed elementary retirement as a countywide mill levy. This brought about equalization within the county with each school district having the same mill levy impact.

The 1973 Legislature also enacted a statute taking social security out of the public school general fund budget and put the obligation into the elementary and high school retirement budget so social security therefore became a countywide mill levy obligation. This was a political move because the foundation program was increased 5% under the Governor's budget and the teacher's unions wanted additional budgeting authority within the foundation program. By taking social security out of the general fund the schools obtained an additional 5.8% budgeting authority without an increase in state aid and imposed an additional \$6.6 million countywide in additional property taxes. That year retirement taxes amounted to \$6,996,174 with an additional \$6,646,843 in social security taxes or a total of \$13,643,017.

Countywide mill levies have increased as follows:

	<u>Countywide Levies</u>	<u>Total Dollars</u>
1973-74	12.85	\$13,643,017
1977-78	15.06	22,081,648
1980-81	17.96	33,139.871

These levies will increase proportionately according to legislated social security increases and increases in the teacher's retirement and PERS formula.

The county by county impact is illustrated in the attached table. The mill levy differential for the support of teacher's retirement varies from 3.06 mills to 39.02. While equalization of mill levy effort is present in the foundation program for the support of basic education through the imposition of a 40 mill levy, the addition of teacher's retirement, which is a basic education cost, casts an entirely different aspect upon equalization. This results in a basic mill levy effort ranging from 43.06 to 79.02 mills. If the two are considered together there is a strong possibility for court challenge regarding mill levy effort from county to county to support basic education. In our opinion this challenge does not exist within the general fund itself where the foundation program and permissive is equalized and voted levies are at the discretion of the school board and voters.

There are alternatives to financing teacher's retirement from countywide levies and these alternative should be studied to bring about a greater factor of equalization in school financing and to lessen burden upon property taxpayers.

	County Retirement Levy	County 40 Mill Levy	Total County- wide Levy	Total Dollars Retirement Levy
Powder River	3.06	40.00	43.06	\$ 155,366
Fallon	4.08	40.00	44.08	189,306
Big Horn	4.52	40.00	44.52	494,402
Sheridan	5.48	40.00	45.48	203,864
Richland	6.20	40.00	46.20	462,210
Rosebud	6.36	40.00	46.36	656,842
Liberty	6.72	40.00	46.72	107,853
Wibaux	6.74	40.00	46.74	72,826
Toole	6.83	40.00	46.83	236,399
Chouteau	8.51	40.00	48.51	251,253
Musselshell	8.69	40.00	48.69	173,780
Blaine	9.19	40.00	49.19	328,685
Petroleum	9.22	40.00	49.22	35,660
Carter	9.32	40.00	49.32	83,327
Phillips	9.42	40.00	49.42	236,778
Garfield	10.32	40.00	50.32	78,428
Treasure	10.47	40.00	50.47	43,539
Judith Basin	10.99	40.00	50.99	117,623
McCone	11.00	40.00	51.00	128,351
Prairie	12.81	40.00	52.81	66,279
Madison	14.04	40.00	54.04	253,125
Meagher	14.17	40.00	54.17	89,015
Sweet Grass	14.49	40.00	54.49	119,839
Teton	14.63	40.00	54.63	271,545
Broadwater	14.87	40.00	54.87	111,359
Golden Valley	14.93	40.00	54.93	69,350
Carbon	15.61	40.00	55.61	369,391
Glacier	16.08	40.00	56.08	673,819
Pondera	16.45	40.00	56.45	359,454
Daniels	16.87	40.00	56.87	148,076
Wheatland	17.65	40.00	57.65	101,242
Beaverhead	17.78	40.00	57.78	319,107
Hill	18.77	40.00	58.77	808,600
Stillwater	19.40	40.00	59.40	274,832
Powell	21.83	40.00	61.83	276,925
Roosevelt	21.96	40.00	61.96	573,559
Yellowstone	22.02	40.00	62.02	4,222,941
Dawson	22.24	40.00	62.24	539,215
Fergus	22.46	40.00	62.46	561,466
Gallatin	22.78	40.00	62.78	1,351,910
Park	23.00	40.00	63.00	439,918
Missoula	23.37	40.00	63.37	3,029,911
Granite	23.39	40.00	63.39	143,579
Valley	24.87	40.00	64.87	552,447
Sanders	25.32	40.00	65.32	493,407
Lincoln	25.33	40.00	65.33	744,589
Flathead	26.61	40.00	66.61	2,142,367
Custer	27.31	40.00	67.31	575,253
Lewis & Clark	29.76	40.00	69.76	1,754,758
Ravalli	29.84	40.00	69.84	753,426
Lake	30.15	40.00	70.15	852,682
Jefferson	30.48	40.00	70.48	311,666
Cascade	31.78	40.00	71.78	2,955,067
Deer Lodge	35.04	40.00	75.04	600,533
Silver Bow	36.34	40.00	76.34	1,980,604
Mineral	39.02	40.00	79.02	192,123

# Public School Approved Expenditures

(8 Year Increase)

-High School-  
1972-73 1980-81 8-Year Change

General Fund	\$ 54,947,000	\$123,160,000*	124% Inc.
Teacher's Retirement	1,876,000	13,140,000	600% Inc.
Transportation	3,746,000	10,573,000	182% Inc.
Bus Reserve	315,000	928,000	195% Inc.
Debt Service	6,913,000	13,562,000	96% Inc.
Building Reserve	130,000	601,000	362% Inc.
Comprehensive Insurance	---	1,731,000	
Adult Education	197,000	1,210,000	514% Inc.
Tuition	---	59,000	
Total	\$ 68,124,000	\$164,964,000	142% Inc.
Average Number Belonging	58,738	53,475	9% Dec.
Per ANB Cost	\$ 1,160	\$ 3,085	166% Inc.

## -Elementary-

General Fund	\$ 89,620,000	\$190,276,000*	112% Inc.
Teacher's Retirement	3,235,000	20,820,000	544% Inc.
Transportation	4,914,000	14,060,000	186% Inc.
Bus Reserve	490,000	1,427,000	191% Inc.
Debt Service	7,344,000	11,989,000	63% Inc.
Building Reserve	54,000	1,439,000	2565% Inc.
Comprehensive Insurance	---	2,394,000	
Adult Education	---	353,000	
Tuition	399,000	704,000	76% Inc.
Total	\$106,057,000	\$243,462,000	130% Inc.
Average Number Belonging	133,220	104,710	21% Dec.
Per ANB Cost	\$ 796	\$ 2,325	192% Inc.

## -Total Elementary and High School Budgets-

General Fund	\$139,567,000	\$313,436,000	125% Inc.
Other Budgets	34,614,000	94,990,000	174% Inc.
Total	\$174,181,000	\$408,426,000	134% Inc.
Total ANB	191,958	158,185	18% Dec.
Per ANB Cost	\$ 907	\$ 2,582	185% Inc.

Source: Public School Budgets Adopted by County Officials for fiscal 1980-81, and \*General Fund amounts from OPI

Average Per Pupil ARB

# STANDING COMMITTEE REPORT

March 6, 19 81

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL Bill No. 272

Anderson (Hammond)

Respectfully report as follows: That HOUSE BILL Bill No. 272

BE CONCURRED IN  
YXXXXX

*PA*



# STANDING COMMITTEE REPORT

.....March 6,..... 19 81.....

MR. PRESIDENT.....

We, your committee on EDUCATION AND CULTURAL RESOURCES.....

having had under consideration HOUSE JOINT RESOLUTION..... Bill No. 30.....

C. Smith (Graham)

Respectfully report as follows: That HOUSE JOINT RESOLUTION..... Bill No. 30.....

BE CONCURRED IN  
YEAYS

# STANDING COMMITTEE REPORT

..... March 6, ..... 19 81 .....

MR. .... PRESIDENT .....

We, your committee on ..... EDUCATION AND CULTURAL RESOURCES .....

having had under consideration ..... SENATE JOINT RESOLUTION ..... Bill No. 25 .....

Respectfully report as follows: That ..... SENATE JOINT RESOLUTION ..... Bill No. 25 .....

DO PASS

*JL*

# STANDING COMMITTEE REPORT

March 6, 1981

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL Bill No. 404

Keedy (Mazurek)

Respectfully report as follows: That HOUSE BILL Bill No. 404  
third reading copy, be amended as follows:

1. Page 2, line 17.

Following: "(1)"

Strike: "(d)"

Insert: "(c)"

And, as so amended, BE CONCURRED IN  
~~XXXXXX~~

GG-