

	Date: NO. HB 635	Date: No.	Date: No.	Date: No.	Date: No.	Date: No.
DONALDSON	P YES					
EUDAILY	P NO					
HAMMOND	P YES					
HANNAH	P NO					
KADAS	P NO					
KEENAN	P YES					
KITSELMAN	P NO					
LORY	P NO					
MILLER	P YES					
NILSON	P YES					
NISBET	P YES					
PECK	P YES					
SANDS	P NO					
SCHYE	P YES					
YARDLEY	P YES					
KENNERLY	P YES					
DAILY	P YES					

HOUSE EDUCATION COMMITTEE

February 18, 1983

The meeting was called to order by Chairman Fritz Daily in room 420 of the Capitol Building at 11:40 p.m., with all members present.

Chairman Daily opened the meeting to a hearing on House Bills: 881, 879, 791, 725, 809, and 822.

HOUSE BILL 881

REPRESENTATIVE TED SCHYE, District 4, Glasgow, opened by stating this bill is an act to authorize the Montana Arts Council to select a statue of Jeanette Rankin to be placed in Washington D.C., and to appropriate funds for the statue. The people who built Montana were the pioneers. Our decendents in Montana were homesteaders. It is obvious to me that men and women rode side by side to build the State of Montana. Montana elected the first woman to congress. When Jeanette Rankin took her congressional seat, she did not do so lightly. As much as anyone in the state, Jeanette was a trail blazer. She was a model for us in the Montana Legislature, voting her convictions even when she knew it would cost her reelection. I think it is only fitting that we give the nation an opportunity to recognize Montana's contribution to our country, and Jeanette Rankin's contribution to Montana, by placing a statue of her in the United States Capitol.

PROPONENTS

KEVIN GILES, Helena, said I am the author of the book, Flight of the Dove, the story of Jeanette Rankin's life. Apart from whether or not everyone agrees with her philosophies, I feel that the statue of Jeanette Rankin should be in Washington D.C. She came from a pioneer Missoula family, deeply rooted in Montana's tradition. She was the first woman ever to address the Montana Legislature, and the first woman in congress. One of her quotes that I like the most is "Can we afford to allow these men and women to doubt for a single instance the sincerity of our protestations of democracy. How shall we answer the challenge gentlemen, how shall we explain the meaning of democracy, if the same congress who voted for war to make the world safe for democracy refuses to give this small measure of democracy to the women of our country." Senator Metcalf in 1970 said "I have dwelt on what Miss Rankin accomplished in her long life. They say better than I can what she is. A savior with a great heart, a builder, a trail blazer, and an example to all legislators who would have the courage of their convictions. I salute Jeanette Rankin for her effective interest in western problems that has influenced local civilization."

DAVID NELSON, Montana Arts Council, said we offer amendments to House Bill 881. A copy of the amendments are attached. (see exhibit 1)

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BELLE WINESTINE, Helena, said I think it is very important that Montana place a statue of Jeanette Rankin in the United States Capitol. Not only to let the American Citizens know, but to let the people of the world know that Montana sent Jeanette as the first woman in the United States Congress, and the first woman to serve in any national parliament in the world. The fact that she cast the first officially recorded vote for women as a vote against war, I think is terribly important. The day is coming when we are going to have to stop what we are doing and stop fighting. It is time we put all of our efforts together and remind the world that the important thing is to look to Jeanette as a leader to stop fighting and end war.

RON BAYLY, Bozeman, said I am one of the producers of a recent documentary on Jeanette Rankin. This production is going to be seen around the country on CBS this year. While producing the documentary, we went all over the country talking to people who knew of Miss Rankin. Wherever we went, people who knew of her spoke with an incredible amount of admiration for her. Even if they did not agree with her politics, they had to admire the courage it took to stand by her convictions.

NANCY ERICKSON, Missoula, submitted a prepared statement of her testimony. (see exhibit 2)

GLADYS MCKINSEY, Missoula Women for Peace, submitted written testimony. (see exhibit 3)

OPPONENTS

BEVERLY GLUECKERT, Missoula, submitted a written copy of her testimony. (see exhibit 4)

Rep. Schye closed by saying I believe Jeanette was a symbol of patriotism and of Montana.

There were no questions from the committee members.

HOUSE BILL 879

REPRESENTATIVE RAY PECK, District 8, Havre, said this is a serious matter and a very significant bill in every respect. It would prohibit discrimination on the basis of sex in the public schools of Montana. There is a federal law prohibiting discrimination on the basis of sex. House Bill 879 will keep the federals out of this area, which is extremely important. Washington State has accomplished this, and they look upon it with much favor. When we get people from the Office of Civil Rights, in Denver Colorado, they really don't understand the operations of the school system.

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Under this bill, that supervision would be placed in the competent hands of the Office of Public Instruction, where we would have educators supervising it. This is copied from the Federal Title 9 Bill. The procedures, forms, etc., are already in the Office of Public Instruction. The procedure is there, we are not manufacturing something new. We are making it possible for these services to be handled through the Office of Public Instruction, where those procedures are currently set up. The states that have already passed a bill very similar to this are Massachusetts, Alaska, Nebraska, North Dakota, Pennsylvania, California, and Washington. That is a pretty good cross section of America. I would like to be out in front and get more out in front by passing House Bill 879. This is a middle of the road, if not a conservative approach to this matter. I believe this bill will effectively put administration with administrators where it belongs.

PEP JEWELL, Havre, passed out a sheet of statistics from Facing the Future, which included the categories of athletics, educational programs, and textbooks. (see exhibit 5) She also said that 20 years ago, I was a junior in high school. I was interested in going to one of the academies. I was not allowed to participate in applying for those academies because I was female. A few years later, I had the opportunity to go to one of the air force academies in Colorado. It was the first year girls were allowed to participate. A number of the young men were very frank about indicating that yes, women are here, but we don't expect them to stay. There are also educational advantages for boys through the type of educational setting outlined in this bill.

JOAN RICHARDSON, Havre, said I am testifying as a parent and school board member. As a result of the Title 9 program, we have seen equalization of activities, scheduling of events, and salaries. We have seen women bus drivers, custodians, administrators, and head coaches. We have also seen equalization as to course offerings. We have begun to see textbooks and resources becoming nonsexist.

CONNIE PETERSON, Havre, said at the time when I started coaching, Title 9 was not there. Because of Title 9, we now have basketball, track, and various other athletic events for women. Because of the Title 9 programs and regulations, areas such as coaching, salaries, officiating, pep assemblies, and scholarships have been equalized.

DAVE SEXTON, Montana Education Association, said we are in total commitment to the concept of sex equality. We support any mechanism to enforce sex equality in the State of Montana.

BOB BACHINI, District 7, Havre, stated his support for House Bill 879, for preceding reasons.

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STACY FLAHERTY, Women's Lobbyist Fund, submitted a written copy of her testimony. (see exhibit 6)

TERRY MINOW, Montana Federation of Teachers, said we are also in support of House Bill 879, for reasons previously stated.

ROBIN PUTNAM, Montana League of Women Voters, submitted a prepared statement. (see exhibit 7)

JENNY OSBORNE, Great Falls, said I am for the bill because it will protect my rights and the rights of my peers in regard to equity in schools.

HARRIET MELOY, Helena, said I am here to represent my 11 year old granddaughter. She has a great deal of potential, and I think she will be able to reach it through this legislation.

ROSE LEAVITT, Federation of Business and Professional Women, submitted a written copy of her testimony. (see exhibit 8)

REPRESENTATIVE NANCY KEENAN, District 89, Anaconda, said my 11 year old niece has been discriminated against for athletic and educational opportunities. I also teach; and I have had an exorbitant amount of texts in front of me that have been sexist. I think this piece of legislation addresses this issue.

OPPONENTS

CHIP ERDMANN, Montana School Board Association, said we definitely support equity in education. We are concerned that the provisions are already in the law, and that this would just create more bureaucracy. Title 9 specifically prohibits sexual discrimination. My point is duplication of rights already available. We think this bill will create another layer of bureaucracy. There is also the chance of two parallel bodies of administrative law growing up in Montana. We have the Human Rights Commission and the Office of Public Instruction formulating this administrative law. The other concern we have is found in section 7, on page 6, line 18. A civil action is created for damages or violations of the guidelines set forth by the Office of Public Instruction.

JESS LONG, School Administrators of Montana, said we have been supportive of Title 9. My former secretary was financed in part by our organization to become one of the two superintendents in the State of Montana who is a woman. We have a problem with the fact that there is already an appeals process for difficulties people are having with discrimination. To create another level of administration is a very difficult thing to accept, along with the fiscal impact this would have.

RICK BARTOS, Office of Public Instruction, said we speak to you today concerning the impact on the Office of Public Instruction, and the impact of a law suit. In May of 1982, a complaint was filed in Federal District Court by three separate plaintiffs. I have copies of the complaint for the information of the committee. (see exhibit 9) The Office of Public Instruction was named as a defendant in this suit, along with the Montana High School Association, Missoula County High School District, Whitehall High School District, and Columbia Falls High School District. One of the ramifications in the complaint was that the Office of Public Instruction assumed the responsibilities of interscholastic athletics. The office is primarily concerned with curriculum items, which are recognized by the Board of Public Education. We fear that this legislation may have an impact on the settlement of this case. The admission to guilt which is found in section 2 of this piece of legislation indicates that a legislative finding is made where there is discrimination in the school districts in the State of Montana. This could have an impact on the case.

JUDY JOHNSON, Office of Public Instruction, passed out copies of a fiscal note submitted by the Office of Public Instruction to committee members. (see exhibit 10)

Rep. Peck closed by saying this fiscal note is not entirely fiscal. Sex discrimination cuts both ways. We are not talking only about discrimination against girls. The education of the handicapped deals with the provisions in law covering the handicapped. The Human Rights Commission is way behind in it's work. It is under funded and under staffed. If education is important in Montana, then this legislation is important to further it. We could have used the argument of the fiscal impact when the blacks were still riding in the back of the bus. It costs the United States of America money to take the blacks out of the back of the bus and put them where they belong. This is not a question of dollars, it is a question of fairness. One page 3, line 23, in reference to scheduling, it says that school districts may consider the public and student interest in attending and participating in various recreational athletic activities. You can consider the public and student interest in making those schedules. If you have more people attending the boys games, this says that the school board can schedule those in any way they see fit. The point of this bill is that we can keep the federals from interfering. We can put it on the state level where professionals can review the complaints. We don't want to retreat from good education, fair education, and proper enforcement of the principles of equality here in our schools.

There were no questions from committee members.

Chairman Daily closed the hearing at 12:30 p.m.

HOUSE BILL 791

REPRESENTATIVE CARL ZABROCKI, District 51, Miles City, said this bill is simple in content, it provides for base schedule increases for institutional teachers from the average of teacher salaries for the previous year. There is an amendment to change the base teachers salary on page 2, to the average teachers salary. This was a drafting error. Institutional teachers are among the lowest paid teachers in the state. These teachers have tried collective bargaining without success. Each year they have fallen further and further behind. Since they are such a small group, they don't have any marketing problems. I expressed my concern in this matter to Governor Schwinden after the last legislative session. He wrote me a letter February 8, 1982, in which he said one possibility was to determine a state average base salary for public teachers, and to use that base for fiscal year 1984 and 1985.

DAVE SEXTON, Montana Education Association, passed out written copies of testimony explaining the history of House Bill 791. (see exhibit 11)

PROPONENTS

MARY ENGE, Pine Hills, said I would like to mention that all teachers at Pine Hills and Mountain View are fully certified teachers. We feel good about our jobs, just as public school teachers do. All Pine Hills teachers are very dedicated. We would like the same consideration for salary as the public school teachers. I was offered a teaching contract in Sidney Montana. The starting pay was \$20,000. at Sidney, compared with \$14,000. at Pine Hills. We have one teacher who has a Masters Degree plus 30, who is making \$18,000 per year.

ROBERT WALLACE, Warm Springs State Hospital and Deer Lodge State Prison, said it is the only way to come close to parity. We have special problems especially in dealing with violent individuals. It is only fair that wages are raised in these institutions.

SUSAN BUTLER, Mountain View, said as a teacher at Mountain View, I too would like to express my concern over equitable salary schedules. In years past, our salary schedules and benefits have been grossly underestimated. We are also lacking in the fringe benefits offered to other school teachers.

OPPONENTS

RON SUNDSTED, State Labor Relations, said there are two major pay philosophies in most states. The one Montana is presently

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following is internal equity. An institutional teacher is basically paid the same as an audiologist, social worker, or librarian. This bill is asking for a prevailing wage principal where you set the wage according to what is being paid outside of state government. I don't know how you would explain that to the carpenter, computer programmer, etc., who work within the state system. Institutions are state employees; this legislation attempts to put them in a separate class. Under House Bill 791, salaries are established in accordance with what other school districts pay. There is no consideration for the state's ability to pay. We are telling the school districts of Montana to make our pay decisions for us, and I do not believe that is right. I also believe House Bill 791 is destructive to the collective bargaining process. There are other negotiated benefits in the state teacher contracts which weren't discussed. They have a statutory longevity allowance based on years of service. Institutional teachers get free lunches. House Bill 791 grants salary increases that will result in between 7% and 13% increases for fiscal year 1984 alone, plus increases for experience of up to 4%. Increases for additional education would run from 2% to 4%, plus increases in health insurance. Certainly increases which may mean up to 17% for an individual don't reflect the hard times we are in.

JIM MCGARVEY, American Federation of Teachers, AFL-CIO, said the two biggest words I could give you today for the pay of these employees is appalling and atrocious. These are 12 month employees rather than 9 month employees, and the stress factor is as great if not greater. I have to be here as an opponent to be consistent. We were taken out of the classification and pay system back in 1975. This system did not address the problems of the institution teachers in the same manner as the traditional teacher around the state. I submit to you that collective bargaining is the way public employees should be heard. A formula should not be set up forever and ever. This rationale should be bargaining table talk with the pay committee, not law talk. If we are talking about averages for school districts, we are using AFT school districts to drive this average up. The Montana Education Association is saying you pay us dues and somebody else will decide your salary. To me that is dishonest, and we are starting a practice that could have implications into a collective bargaining process that is worse. It is my opinion that the state has not met it's responsibilities toward these employees and it appears that the association has now abandoned these people.

Rep. Zabrocki closed by saying three years have been spent in the making of this legislation. This is the way we decided to solve it. I urge favorable support on House Bill 791.

Questions from committee. Rep. Eudaily said On page 2, lines 13 to 16, you are talking about adding percentages on to percentages.

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If you use a percentage to set up the salary scale, that percentage is included in your salary schedule, so you wouldn't keep adding these percentages as the bill says. Mr. Sexton replied the intent is that for this next fiscal year, we establish the pay schedule. That schedule would be increased by the average increase of teachers salaries for the previous year. The language may not accurately reflect that.

Chairman Daily closed the hearing on House Bill 791 at 1:00 p.m.

HOUSE BILL 725

REPRESENTATIVE KENNETH NORDTVEDT, District 77, Bozeman, said this bill is a result of a combination of two efforts to move the school trustee elections to the odd November ballots and the interest of the Secretary of State to move county elections to the odd November ballots. Right now the school trustees are elected in April, during the school election and the levy election. County officers are elected on even November ballots along with the federal offices and the state offices. The even November ballot is getting so long that many voters are starting to complain that too much is being asked of them in the even November years. One of the consequences of House Bill 725 is to even the election load. School trustees are often elected with very low voter turn out. The idea is that by providing some of these elected offices into ballots with a little more interest, we would get them elected with more voter participation. Rep. Nordtvedt passed out a graph showing how various people are elected under present law, and arrows indicating how this would change under the new law. (see exhibit 12) This bill is such that it has changed the school trustee term from three years to four years. If you wanted to move county officers from even November to odd November, you could do this without the school trustee change. I believe in the combined package. I have some amendments that would move the state executive officers to odd November. (see exhibit 13) We believe this would be favorable to counties by making their load more even. The work would be carried out more with full-time employees, and costs could be shared by school districts and county and city governments.

PROPOSERS

CLIFF CHRISTIAN, Secretary of State's Office, said I believe you can't put a cost to a person's vote, however there are good justifiable reasons why these costs should be reduced. There is a serious problem in the State of Montana today dealing with both the odd and the even election years. On the odd numbered years, election turn out is miserable, and there is no interest displayed by voters. Rep. Nordtvedt's idea to move these elections will keep the voters of Montana from becoming more disenfranchised.

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ALAN ROBERTS, Helena, said studies indicate that one of the biggest costs results because election administrators have to load up on part-time assistants to handle the work load during election time. If you could get the election structured so that more of the duties could be handled by regular personnel, you would keep down these costs.

OPPONENTS

BILL DRISCOLL, Clerk and Recorder, Butte, said I am opposed as an election administrator. We are going to have a primary and general election, and throw in a county-wide election on that odd numbered year. It is putting too much of a load on the election process within the county. Out of 56 counties, there are only four election administrators. This places the load on the clerk and recorders office. I am also opposed as a taxpayer. We are talking about \$50,000. in Silver Bowl County.

JOHN CAMPBELL, MASBO, submitted a written copy of his testimony. (see exhibit 14)

RICHARD TRERISE, Montana Association of County Superintendents, submitted written comments. (see exhibit 15)

LORRAINE MOLITAR, Clerk and Recorders, Virginia City, submitted written comments. (see exhibit 16)

JUDY DOGGETT, Clerk and Recorders, Townsend, submitted written comments. (see exhibit 17)

Other opponents who wished to go on record as such included JOANNE P. McFARLANE, Clerk and Recorders, Boulder, submitted written comments. (see exhibit 18) DORES SHEPHERD, MACO, MARY CHAR, Clerk and Recorders, Anaconda, DARRYL MEYER, Cascade County, GARY PRINGLE, Clerk and Recorders, Bozeman, ARTHUR JENNINGS, Clerk and Recorders, Deer Lodge.

Rep. Nordtvedt closed by saying much opposition seems to be connected with the short term. As I said before, that was a drafting error and should not be part of the bill. The bill is not intended to change the school board money levies election. They hold one in April, if it doesn't pass, they have the opportunity two more times to pass voted levies. That is not part of this bill. The fundamental point is that we don't run elections for the convenience of election administrators. They run the elections for the well being of the people in the state. This bill must be looked at by this committee as to whether it will enhance the quality of government and voter participation, and not whether it suits the convenience of existing business officials.

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Questions from committee. Rep. Eudaily said the Judiciary Committee has a committee bill concerning when initiatives and referendums can be voted on. It has to be in a general election. Mr. Roberts replied there is a check in the bill that says unless the act provides otherwise. A lot of the acts now do specifically provide otherwise.

Chairman Daily closed the hearing on House Bill 725 at 1:30 p.m.

HOUSE BILL 809

REPRESENTATIVE STEVE WALDRON, District 97, Missoula, said this bill takes the responsibility for county equalization and makes it the responsibility of the state equalization and administratively makes it much cleaner. You don't have to worry about things like surpluses, estimating revenues, cash balances, etc. In the 1980 auditor's report of the Office of Public Instruction, the legislative auditor made the following recommendations. "We recommend legislation be enacted to centralize the funding and administration of the foundation program." This recommendation was made based on the following problems which were documented in that audit and have since been found to still exist. The counties were comingling the foundation program monies with the school funds to make it difficult to return the balance of the foundation program money on hand. The counties had a basic levy surplus and were not returning that surplus to the state as is required by state law. None of the counties which had a surplus in fiscal year 1979 to 1980, 1980 to 1981, or 1981 to 1982 returned it by June 1, as is required by law. The surplus money in the counties ranged from \$1,149 to \$1,800,224. The return of this money was from eight days to eight months late. Counties were not estimating miscellaneous revenue sources such as fines and forfeitures, Federal Forest Funds, and Taylor Grazing Funds. More recently, it was found that motor vehicle revenues which fall in the miscellaneous category were not being estimated by counties. Counties were reporting cash balances at zero. This is extremely unlikely. In certain counties, the cash balances reported by the county superintendents and the county treasurer were different, even though both reports were as of January 30. When cash is not reported, the Office of Public Instruction assumes it is zero, and distributes the excess funds the following year. The county reports were made up to four months late. This makes it difficult for OPI to compute equalization and so they have to guess. Of the eight counties visited during fiscal year 1979 to 1980, each county either over or under distributed the foundation entitlements to schools. In these cases, foundation program monies could be used to reduce voted levies. Over distribution also removes the funds from the foundation program revenue calculations and results in higher distributions from OPI the following year. House Bill 809 will help in aiding the correction of these problems. All

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distributions to school districts will be made by OPI. This will eliminate under distributions to schools due to delinquent protested taxes. It would also eliminate any undetected over distributions to school districts which in the past have resulted in foundation program monies being available to reduce voted levies. The distribution would be made by OPI to the schools which would be based on the law, to achieve the constitutional goal of equalization. County accounting and reporting requirements would be reduced. They would not have to be distributed to schools, they would not withhold cash balances, they would not be dealing with surplus equalization monies. These responsibilities would be removed. Interest income to the state equalization monies would match by sending in the money at the same time they were supposed to. Incentive to underestimate cash balances would be removed. The Office of Public Instruction would not be required to monitor the county basic levy surplus amounts. Rep. Waldron then requested that the committee incorporate several amendments into the bill. (see exhibit 19) Rep. Waldron also distributed a section by section analysis of the bill to committee members. (see exhibit 20)

PROPONENTS

REPRESENTATIVE KENNETH NORDTVEDT, District 77, Bozeman, said school equalization funding is a problem. The legislative auditor's report that was requested in January substantiates a number of the problems with the handling of the systems. The school funding formulas are very complicated. For sound management purposes, the state should take this under their own control in the calculation of state aid to the local schools. They are the source of the funds and they should be determining the accuracy of these calculations.

GARY STEUERWALD, Office of Public Instruction, said this legislation permits OPI to accurately calculate these funds. It solves the legal problems we now have associated with various educational funds. It assures the proper disposition of the motor vehicle fees and dispersements.

JIM GILLET, Office of the Legislative Auditor, said this is a very difficult subject and a very difficult concept. I rise neither as a proponent or an opponent, but if the committee has questions concerning the bill, I would be happy to answer them.

DAVID LEWIS, OBPP, rose in support of House Bill 809, for reasons previously stated.

Rep. Waldron closed by saying I would ask that the legislative auditor be here when you do executive action on this bill. The major problem is running those monies through an extra layer of

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administration, and having OPI trying to keep track of that. This bill would make equalization possible, and there wouldn't be the misdistributions that we currently have.

Questions from committee. Rep. Donaldson asked Mr. Lewis if this complies with the federal regulations. The response was we are under the impression that we would have to transfer that money into the counties and use it as a deduction against the foundation program payments in order to comply with the law. In working with and researching this amendment, we are convinced that by handling it the way it is laid out in the amendment, we have solved the problem with the federal legislation.

Rep. Eudaily asked Mr. Steuerwald if there will be any additional costs in the Office of Public Instruction, and if so, would this slow down any money flowing into the county. The answer was it may possibly cause additional costs, but if anything, it would speed up the flow of money into the county.

Rep. Eudaily commented it might be more interest for the state, but less for the district. Mr. Steuerwald said the 40 mills does not go to the district so the district is not losing anything.

Rep. Sands asked Mr. Lewis if this amendment deals with the federal mineral royalties. The response was on the second page of the amendments, subsection four, the statement that in no case shall the total distributions in school districts within a county be less than the total amount for which the county is entitled under federal law in the Mineral Lands Leasing Act, subject to the 30 U.S. Codes, 191. That would satisfy the requirements of the U.S. Codes that the mineral levy be returned to the county.

Rep. Donaldson said we have been threatened with suits, have other states gone into case law. Mr. Lewis replied yes, we have talked to the law enforcement people in the State of Washington. There was a court decision where a county said you have to give us our share, we are the ones who were impacted, but the federal court ruled that where the legislature had allocated was where it would stay.

Rep. Peck asked Mr. Steuerwald if we have any county school districts where there are 25 to 50 mills raised above the foundation program. The response was yes, we do.

Rep. Peck asked Mr. Steuerwald if this bill would change the distribution of that excess. The reply was no, it will not.

Rep. Hammond asked Mr. Lewis how this would change the way in which the Forest Reserve Funds are currently distributed. The answer was Forest Reserve Funds are currently distributed by the

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state auditor to the county treasurer and by law the county treasurer places 33 1/3 into the equalization fund.

Chairman Daily closed the hearing on House Bill 809, at 2:05 p.m.

HOUSE BILL 822

REPRESENTATIVE GENE DONALDSON, District 29, Helena, opened by stating this bill involves high school and elementary districts that are almost one in the same. The elementary school and high school districts vote at different times. This process causes a bookkeeping nightmare.

PROPOSERS

JOHN CAMPBELL, MASBO, said this is primarily to do away with a quirk the federal government has created, requiring us to have two reporting entities.

LARRY NACHTSHEIM, Public Employees Retirement Division, said this bill will bring federal government into line and save work for our office.

There were no opponents to House Bill 822.

Rep. Donaldson closed.

There were no questions from committee.

Chairman Daily closed the hearing at 2:10 p.m.

EXECUTIVE SESSION

HOUSE BILL 822

Rep. Donaldson moved House Bill 822, DO PASS, the motion carried unanimously.

HOUSE BILL 881

Rep. Schye moved House Bill 881, DO PASS.

Rep. Schye moved the amendments to House Bill 881, DO PASS, the motion carried unanimously. (see exhibit 1)

Rep. Schye moved House Bill 881, DO PASS as amended, the motion carried unanimously.

HOUSE BILL 635

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Rep. Keenan moved House Bill 635, DO PASS.

Rep. Keenan proposed amendments to House Bill 635. (see exhibit 21)

Rep. Keenan said my bill provides a vehicle for the county superintendent. With this vehicle, they can actually provide some actions. The appeal process is through the Board of Public Education.

Rep. Keenan moved the amendments to House Bill 635.

Rep. Sands asked Rep. Keenan if this would require employment of both administrators and teachers. The response was in the case of a public school, yes, in the case of a home school, no.

Rep. Sands asked Rep. Keenan if they would have to employ teachers. The answer was the difference between this bill and the Senate bill is that the Senate bill would not have any requirements in regard to teacher certification.

Rep. Miller said the big difference between this bill and the Senate bill is the certification. Rep. Keenan replied the certification and that if the superintendent found that a home school was not complying with some of the stipulations set down by this law, he could then take steps to go into that home and see if they were actually meeting instructional responsibilities.

Rep. Hannah asked Rep. Keenan if she said there were requirements that lists should be sent to the county superintendents. The answer was we are asking that there is a statement made of why the child is not in a public school.

Rep. Hannah asked Mr. Erdmann if all states require schools to send employment lists. The answer was I don't believe it is required.

Rep. Hannah commented in requiring of the private sector what we don't require of the public sector, I don't think we are making good law.

Mr. Buchannan commented public schools are required to register by administrative rule.

Rep. Peck asked Mr. Trerise if administrative rule has the force and effect of law. The reply was yes, that is correct.

Rep. Keenan's motion carried unanimously.

Rep. Keenan moved the statement of intent be attached to the bill, the motion carried unanimously. (see exhibit 22)

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Rep. Keenan moved House Bill 635, DO PASS as amended.

Rep. Hannah said we are wasting our time, if we send it over to the Senate, they will probably not even accept it.

Rep. Keenan said you can never predict what the Senate will do. For that reason, I think it is a necessary vehicle in this House.

The motion carried 11-6, with Representatives Eudaily, Hannah, Kadas, Kitselman, Lory, and Sands voting no.

HOUSE BILL 879

Rep. Peck moved House Bill 879, DO PASS.

Rep. Eudaily asked Rep. Peck if there is any place in the bill that goes far enough to delve into the Montana High School Association. The response was no.

Rep. Lory asked if they could control athletics. Rep. Peck replied in consulting with the OPI attorney, Rick Bartos, I understood him to suggest that they don't want to be involved because it would probably remove their immunity.

Rep. Hannah said some of the older high schools only have one lockerroom facility. You would be making a construction requirement. Rep. Peck answered facilities may be provided or scheduled and used separately by each sex.

Rep. Sands asked Rep. Peck what protections are provided in this bill that aren't available under Title 9. The response was schools are staffed by professional people, educators. These agencies in federal government are not administrators, and they cannot check on compliance. In this bill you see state supervision by professionals who know public schools. It would be more satisfactory to have a state law than to try to comply with the federal law.

Rep. Peck moved the statement of intent to be attached to House Bill 879, the motion carried unanimously. (see exhibit 23)

Rep. Peck moved House Bill 879, DO PASS, the motion carried with Representatives Hannah, Sands, and Miller opposed.

HOUSE BILL 809

Rep. Donaldson moved House Bill 809, DO PASS.

Rep. Donaldson moved the amendments to House Bill 809, DO PASS. (see exhibit 19) The motion carried unanimously.

HOUSE EDUCATION COMMITTEE MINUTES
February 18, 1983, page 16

Rep. Donaldson moved House Bill 809, DO PASS as amended, the motion carried, with Representatives Hammond and Sands voting no.

HOUSE BILL 725

Rep. Eudaily moved House Bill 725, DO NOT PASS.

Rep. Eudaily made a substitute motion to TABLE House Bill 725, the motion passed with Representatives Hannah, Sands, Kadas, Kitselman, and Daily voting no.

HOUSE BILL 544

Rep. Donaldson moved House Bill 544, DO PASS.

Rep. Peck commented I would like to take a responsible bill out on the floor, rather than this bill.

Rep. Eudaily said I don't believe we have a responsible bill.

Rep. Lory said if we don't put one out, the schedule will go to 0 and 0.

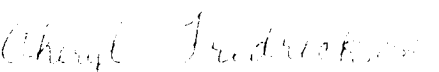
Rep. Peck made a substitute motion to TABLE House Bill 544, the motion carried with Representatives Donaldson, Lory, Eudaily, Kitselman and Miller voting no.

HOUSE BILL 590

Rep. Eudaily moved to TABLE House Bill 590, the motion passed 13-4, with Representatives Kitselman, Lory, Hammond and Hannah voting no.

Chairman Daily adjourned the meeting at 2:45 p.m.


FRITZ DAILY, Chairman


Cheryl Fredrickson, secretary

VISITOR'S REGISTER

HOUSE Edue

COMMITTEE

BILL 881

DATE 2/18

SPONSOR Schuy

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Dave Nelson	Missoula	Moudana Ad Council	X	
Bill Winstan	Helena	The World	X	
Ronald Banby	Bozeman	Fine Tuning Co.	X	
Molly Skansen	Missoula	Students	X	
Karin Giles	Helena	Myself	X	
Harry				
Beverly Glueckst		Myself		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Edue

COMMITTEE

BILL 879

DATE 2/18

SPONSOR Peck

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Judy Johnson	Helena	OPI		
Patricia Davis	Helena	OPI		
David Sexton	"	MSA	✓	
Stacy A. Flaherty	Helena	Women's Lobbyist Fund	✓	
Ch. Seaman	Helena	MSBA		X
Bobin Putnam	Helena	League of Women Voters	✓	
Nancy Erickson	Kissack	Kissack Women for Peace	✓	
Jessie W. Long	Helena	Shant Adams		X
Madeline McKinley	Missoula	Missoula Women for Peace	✓	
Rose Leavitt	Helena	Mt. Fed. Bus. Prof. Women	✓	
Jenny Minner	Boulder	Mt. Fed. of Teachers	✓	
Jeanne Osborne	Great Falls	myself	✓	
Pat Miller	Helena	Women/Adult Ed.	✓	
Jean Richardson	Helena		✓	
Connie Peterson	Helena	Women/Girls in Athletics		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Education

COMMITTEE

BILL 791

DATE 2/18

SPONSOR Zbrodke

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
David Spytan	Helena	MEA	✓	
Mary Eng	Miles City	Pine Hills MEA	✓	
ROD SUNOSTED	HELENA	STATE LABOR REL		α
Terry Munson	Boulder	Mt Fed of Teachers		X
Pat Jankowski	Helena	" " "		X
Dennis M. Taylor	Helena	state Personnel Division Dept. of Administration		X
John Malee	Butte	M. F. T.		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
 WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Eluc

COMMITTEE

BILL 725

DATE 2/18

SPONSOR Roadtredt

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Dwight Meyer	St Falls	Cascade County		✓
Cliff Christian	Helena	Sec of ST.	✓	
John B. Campbell	Helena	MASBO		✓
Marion Campbell	Helena	Sec of State		
Arvo Shepherd	"	MA Co		✓
Dave Depew	"	M P E N		
Robert L. Walker	Deer Lodge	M P F A	✓	
Richard Trevis	Helena	MT Assoc Co. Supts		✓
Lorraine Maletan	Virginia City	Mont Assoc. Clerks & Recordors		✓
Joanne P. McFarlane	Boulder, Mont	Co. Clerks & Recordors		✓
Susan Miller	Boulder Mt 59632	Co. TREAS.		✓
Janice K. Ruggott	Touzance 59644	Co. Clerk & Recorder		✓
Mary Barr	Anaconda	Clerk & Recorder		✓
Arthur R. Young	Deer Lodge	Clerk & Recorder		✓
Jimmy H. Rainey	Bonanza	clerk & recorder		✓
Bileen Leach	Helena	Concerned Citizens		✓
Bill Arwood	Butte	Clerk & Recorder		✓
Alan D. Saberton	Helena	SOS		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Edus

COMMITTEE

BILL Wat 809

DATE 2/18

SPONSOR Waldron

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
<u>GO. Steuerwald</u>	<u>Helene</u>	<u>OPZ</u>	<input checked="" type="checkbox"/>	
<u>Daniel Lewis</u>	<u>Helena</u>	<u>OIPP</u>	<input checked="" type="checkbox"/>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.
WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT I

HE 70

HE 70

be amended as follows:

1. Page 1, line 12.

Strike: "the second state"

Insert: "among the first states"

2. Page 1, line 21.

Following: line 20

Strike: "The"

Insert: "Upon the recommendation of the legislature and the receipt of the U.S. Congress, the "

3. Page 1, line 23.

Following: "Rankin"

Insert: "or utilize the existing state commission"

AND AS AMENDED

/ DO PASS

Exhibit 2
H.R. 881

3250 Pattee Canyon Road
Missoula, Montana 59803
February 17, 1983

Mr. Chairman and members of the Education Committee:

I am speaking for House Bill 881.

Montana has been a frontier state; it is reasonable to have the artist of western life and land, Charles Russell, as one of our two statues in the Capitol Statuary in Washington, D. C. Jeannette Rankin, too, is part of Montana's frontier tradition. Not only was she born on the frontier, eldest of 7 children, on a ranch 6 miles northwest of Missoula, in 1879, but she gave new meaning to the word, Frontier. Her frontiers were to mean a new life for women. Frontiers to Jeannette Rankin had to do with obtaining the right for women to vote, and thus to govern along with men. Social reforms, such as the 8-hour day, and the creation of peace, were the areas to which she devoted her life.

A few years after graduating from the University of Montana at the turn of the century (B. S. degree in Biology), she received a graduate degree in social work and began working for woman's suffrage in the state of Washington. Her work was successful. Back in Montana, she learned that a suffrage bill was to be introduced in the Montana Legislature. She addressed the all-male House of Representatives, announcing, to loud applause, that she was born in Montana, that she was a taxpayer, and that

"It is not for myself that I am making this appeal" (for the right to vote)"but for the 6 million women who are suffering for better conditions, women who should be working amid more sanitary conditions, under better moral conditions, at equal wages with men for equal work performed. For those women and their children I ask that you support this measure."

At the end of her 20 minute speech she asked the representatives to vote to submit the suffrage question to Montana voters at the next election. They did, and all of us won. Montana became the first state to approve suffrage on the first referendum. The vote gave the west a solid block of states to pressure Congress for a federal suffrage amendment.

Six years later, in a suite restaurant, she announced her candidacy for Congress on the Republican ticket, with platform planks which included 8-hour days for women, child welfare measures, and suffrage by federal amendment. She won that election, becoming the first woman ever elected to the United States Congress.

F. 2
115 881

In closing,

1) Only 5 women are now represented from various states in the U. S. Capital Statuary.

2) Jeannette was a special woman from a special state:

First for woman's suffrage

First woman ever to speak to this state legislature;

First woman in the U. S. to go to Congress-----and strong enough to again represent this state 24 years later----
And still active 28 years after that when at the age of 89
Coretta Scott King was able to say of her:

"She is the endurance symbol of the aspiration of American women--the symbol of the aspirations for peace of millions of us".

Jeannette Rankin deserves to be remembered. This bill will do the job.

Sincerely,

Nancy Erickson.
Nancy N. Erickson

Exhibit 3
11/1/83

February 18, 1983

Honorable Members of the Education Committee:

We believe Jeannette Rankin, ahead of all others in Montana, ^{and her} ~~work~~ ^{life} should be honored as Representative Schye's bill proposes. Surely no one in Montana, man or woman, spent as long a lifetime in ^{continuous} sacrificial and diligent labor on behalf of social reform, peace, and equal rights in Montana as Miss Rankin.

Sincerely,

Gladys McKinsey
Member, MISSOULA WOMEN FOR PEACE

Gladys McKinsey

225 South 5th East
Missoula, Montana 59801

Tel. 549-0805

Against the Statute

Exhibit 4

HF3 931

Why should Jeanette Rankin's statue
be in Statuary Hall in Washington, D.C.?

She does not represent patriotic
Montana womanhood.

Montana taxpayers cannot afford
these types of handouts and I hope, that by
this time you have the message

Miss Dorothy Bluebird
1429 Water Street
Helena, Mt. 59601

EXHIBIT 5
MS 879

Statistics from FACING THE FUTURE include the following information:

ATHLETICS:

The National Federation of High School Associations found:

In 1971 out of 20,000 high schools, 19,647 provided basketball for boys,
4,856 for girls.

1979 18,740 provided basketbal for boys,
17,167 for girls.

In 1971 out of 20,000 high schools 16,383 provided track for boys,
2,992 for girls.

1979 16,142 provided track for boys,
13,935 for girls.

Before Title IX 7% of those partiicipating in extracurricular sports were female;
in 1981 35% were female.

EDUCATION PROGRAMS:

In vocational education the 1972 enrollments show a 60% increase of women in
predominantly male programs by 1978, men a 32% increase in predominantly female
programs. In traditionally male occupations (trade/industry), 6% are female.

The American Institute of Research found that 25% of the women surveyed were in
courses unusual for their sex in spite of the fact they had been advised against
it; 14% of the men in the same situation.

From 1969 to 1978 the percentage of male students in consumer/home ec courses
increased from 5% to 17%.

Of the college-bound seniors in 1978-79 65% of the males surveyed had 4 or more
years of math, 45% of the females did. Thirtyper cent of the males had 3 or more
years of physical science, 16% of the females.

TEXTBOOKS:

In 1972 elementary school texts had the boy-centered stories outnumbering the
girl-centered stories 5/2. Males in active mastery traits outnumbered females
in these traits 4/1. Females assumed passive, dependent, incompetent roles.

In 1976 review of texts, males were shown in 134 different career roles, females
in 31 career roles which included goddesses, princesses, and domestic roles (71%
of the time).

In 1974 history books averaged 1/500-800 pages including women.

In 1978 history books averaged 14/500-800 pages.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449 7917



Exhibit 6
HB 879

TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, BEFORE THE HOUSE
EDUCATION AND CULTURAL RESOURCES COMMITTEE REGARDING HOUSE BILL 879 ON FEBRUARY
FEBRUARY 18, 1983.

The Women's Lobbyist Fund strongly supports House Bill 879.

HB 879 seeks to promote sex equity in our public schools. We believe that the passage of this bill would result in gains for both sexes in all areas of education.

The Women's Lobbyist Fund's fact sheet addresses many of the questions concerned with the Educational Equity Act of 1983 or House Bill 879.

One of the major issues concerning the bill is the cost of implementation. HB 879 is modeled after a Washington state sex equity law. I talked to two women involved in the office of Public Instruction in the state of Washington. Both these women, Gerald Bell and Julie Guro, told me that when the bill was passed in 1981, no money was allocated for the bill. Three years after the bill was passed, state money was allocated for a sex equity position. That position is currently held by Ann Libbert in Olympia, Washington.

HB 879 supports existing laws and policies, such as Article II, Section III, and Article X of the Montana Constitution, the Human Rights Act, and the Board of Public Education's position statement on sex discrimination and stereotyping in the public schools (1977). HB 879, however, is an active piece of legislation that empowers and authorizes the state of Montana, specifically, the Superintendent of Public Instruction, to take a role in promoting sex equity in our public schools in Montana. This kind of legislation is vital now, since the federal Title IX is not being enforced.

The Women's Lobbyist Fund encourages this committee to pass HB 879.

Thank you for your consideration.

FUND

Box 1000
Helena, MT 59624
449 7917



Exhibit 6
HP 879

EDUCATIONAL EQUITY ACT OF 1982--HB 879

What is the purpose of HB 879?

The purpose of HB 879 is clearly and simply to prohibit sex discrimination in education programs and activities receiving state funds. It requires the superintendent of public instruction to develop rules and guidelines to eliminate discrimination with regard to:

- public school employment
- counseling and guidance services
- access to course offerings
- recreational and athletic activities
- textbook and instructional materials

The areas in this bill are covered in similar language in the federal Title IX law.

Why do we need HB 879?

There has been a retreat from federal enforcement of Title IX of the Education Amendments of 1972, signed by President Ford. Title IX prohibits sex discrimination against students and employees in all programs and activities in school and universities receiving federal funds.

According to HE Toney (July 1, 1981), Title IX is under sharp attack from the Secretary of Education for several years. He has urged the Department of Education to reverse its intention that Title IX protects teachers and administrators, as well as students, from discrimination. In an April 24, 1981 letter to Senator Paulaxalt, he wrote, "I, as a politician, the Title IX regulations need to be modified...I...plan to cut back as much as I can..."

On August 12, 1981 Vice President Bush announced that the Department of Education rules concerning Title IX enforcement thus included the possible elimination of enforcement. (New York Times, August 14, 1981)

The Women's Equity Action League (WEAL) has also documented the generally weak enforcement of Title IX by the Department of Education. In recent investigations of schools with Title IX complaints, the Office of Civil Rights has closed 77% of the 150 complaints with a finding that the school is "in compliance with Title IX, while at the same time finding disparities in scholarship aid, support services, and opportunities to play."

According to a former employee in the Office of Public Instruction who worked on sex equity evaluations with the National Accreditation Association and the Vocational Education Department, there are incidents of differential treatment of boys and girls in Montana's public schools. For example, many Montana schools do not have dual P.E. classes, as required by Title IX law.

Ex. 6
HB 879

Sex Equity in other states

Many states have affirmed their commitment to sex equity by establishing laws and policies similar to HB 879. It is particularly important now, as the federal role in education undergoes redefinition, that Montana join these states in committing to further progress in sex equity in education. States which have taken action include Massachusetts, Alaska, Washington, Nebraska, Iowa, South Dakota, Pennsylvania and California. HB 879 is modeled after the Washington law enacted in 1975.

Implementations of the bill : Myths and Facts

- Myth: This will cost the state and school systems a great deal of money.
- Fact: When the state of Washington enacted their Sex Equity Act they were enforcing the federal Title IX. For the first three years, they added no personnel and ultimately funded a position to enforce their sex equity law. This staff person enforces the law in the 300 Washington school districts.

- Myth: Sex equity imposes burdensome paperwork and record keeping requirements.
- Fact: If districts are in good faith compliance their existing records and timetables for federal Title IX could be used to fulfill state requirements.

- Myth: This bill duplicates the Human Rights Act.
- Fact: HB 879 specifically lists and clarifies areas in which sex discrimination is prohibited in public schools. Like federal Title IX, the bill establishes procedures for ensuring compliance of sex equity without individuals bringing suit for each incident.

WITNESS STATEMENT

Exhibit 7

NAME Robin Putnam BILL No. 879

ADDRESS 1497 Mineral Rd. Helena DATE 2/18

WHOM DO YOU REPRESENT Montana League of Women Voters

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: The League of Women Voters supports equity in education at all levels. We support HB 879 and the efforts of its sponsors to help protect and provide equality for all participants in Montana's educational system.

WITNESS STATEMENT

Exhibit 8

NAME Rose Leavitt BILL No. 879

ADDRESS 318 Harrison DATE 2/18

WHOM DO YOU REPRESENT Montana Federation of Business & Professional Women

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Montana Federation of Business and Professional Women supports HB 879. As working women we have experienced and seen the effect that inequities in education can have on limiting our options in the working world. Until the inequities are removed from the educational system womens options will continue to be limited. HB 879 would guarantee that the work towards eliminating discrimination in the public schools would continue.

EXHIBIT 9
MONTANA
DEC 6 1982
M. E. A.

STATE OF MONTANA
BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF UNFAIR LABOR PRACTICE CHARGE NO. 33-81:

MOUNTAIN VIEW AND PINE HILLS)
EDUCATION ASSOCIATION, MEA,)
Complainant,)
-vs-)
STATE OF MONTANA)
PERSONNEL DIVISION,)
Defendant.)

FINDINGS OF FACT
CONCLUSIONS OF LAW
RECOMMENDED ORDER

* * * * *

On August 20, 1981, the Board of Personnel Appeals received a complaint from the Mountain View and Pine Hills Education Association. It alleged that the State of Montana was in violation of 39-31-401(1) and (5) MCA for failure to negotiate the pay matrix for the teachers at Mountain View and Pine Hills schools.

A hearing was held in this matter on July 15, 1982. The State of Montana was represented by Patricia Schaeffer of the Legal Division of the Department of Administration. The Mountain View and Pine Hills Education Association was represented by Jerry L. Painter.

After careful review of the record including sworn testimony and evidence these are my findings of fact.

FINDINGS OF FACT

1. Bargaining between the State of Montana and the Mountain View and Pine Hills Units of the Montana Education Association began in November, 1980, for a contract which would be effective for the 1981-1983 biennium. Sean Mathews, UniServ Director for the MEA represented the teachers and Jean Moffatt of the State Labor Relations Bureau was chief spokesperson for the State of Montana. Tom Gooch of the Department of Institutions was advisor to Ms. Moffatt.

RECEIVED
DEC 13 1982

EDDY & LOUIS A.P.

1 Bargaining began in mid-November. From the beginning
2 the bargaining was characterized as "hard-nosed". Although
3 bargaining was slow, concessions were made by both sides.
4 Difficulties were encountered and mediation was requested
5 after the third session. An initial mediation session was
6 held on February 2, 1981. At this session the state offered
7 the teachers a pay matrix which was eventually incorporated
8 into HB 840 and the subsequent executive order issued by the
9 Governor (Ex. Order 7-81).

10 On February 12, 1982, the parties jointly requested
11 fact finding. They stipulated that the fact finder was to
12 "make a single finding only that shall be either that the
13 MEA's wage demand or the state's wage offer is the more fair
14 and reasonable... ". On April 3, 1981 the fact finder
15 issued his finding that the state's offer was the more fair
16 and reasonable.

17 2. During the period of time from February to April a
18 legislative committee was considering HB 840 which contained
19 the wage amounts the state Labor Relations Bureau had negoti-
20 ated with unions representing state employees. In addition,
21 it contained a pay matrix for the teachers at Mountain View
22 and Pine Hills schools. This pay matrix was based on the
23 state's last offer to these units. There was considerable
24 controversy between the executive branch and the legislature
25 over the total amount of money needed to fund HB 840. The
26 legislature finally adjourned appropriating \$48 million and
27 allowing the Governor to distribute the money among state
28 employees as he saw fit. During the legislative session the
29 MEA testified before the legislative committee and lobbied
30 on behalf of the Mountain View and Pine Hills bargaining
31 units.
32

1 3. Pursuant to an amended HB 840, the Governor issued
2 Executive Order 7-81 on May 7, 1981. This executive order
3 contained a pay matrix for the teachers at Pine Hills and
4 Mountain View schools even though negotiations had not been
5 completed. The pay matrices in the Executive Order were the
6 same as those in the original HB 840. LeRoy Schramm, then
7 Bureau Chief of the State Labor Relations Bureau was involved
8 in "the drafting and drawing up of the Executive Order."

9 4. On May 12, 1981 the parties again met in bargaining
10 session. The teachers presented a new pay proposal computer
11 designed to meet the intent of the legislature in that it
12 provided for an increase of 12% in cost to the state. This
13 meeting lasted nine minutes and ended with the state rejecting
14 the teachers' proposal because, in Ms. Moffatt's words, "it
15 was unreasonable."

16 The two sides did not meet again until July 29. At
17 this meeting the state refused to vary its salary offer from
18 the matrix included in Executive Order 7-81. In doing so,
19 Ms. Moffatt asserted that salaries were set by executive
20 order. Sean Mathews testified to this effect and Tom Gooch,
21 reading from his notes, confirmed Mr. Mathews assertion.
22 Ms. Moffatt did not recall having made such a statement.

23 5. Ms. Moffatt testified that after the Governor
24 issued the executive order on May 7, she was unsure how much
25 authority she had at the bargaining table. However, she
26 testified the reason that she rejected the teacher pay
27 proposal was not because she did not have the authority to
28 accept it, but because it was unreasonable and/or in excess
29 of the allocation of funds to the department. She further
30 testified that had the teachers made a proposal she liked,
31 she would have, at that point, faced the problem of whether
32 she had the authority to vary the state's offer of the pay

Ex 9
11-57

1 matrix in the executive order. She believed that the state's
2 offer of the pay matrix in the executive order was a good,
3 fair reasonable offer.

4 DISCUSSION

5 The question to be answered in this case is whether the
6 State of Montana failed to bargain in good faith over salary
7 schedules for teachers at the Mountain View and Pine Hills
8 schools in the Department of Institutions. Did the State,
9 in fact, refuse to bargain wages and by this refusal violate
10 39-31-401(5) MCA?

11 "The duty to bargain in good faith is an 'obligation...
12 to participate actively in the deliberation so as to indicate
13 a present intention to find a basis for agreement....' This
14 implied both 'an open mind and a sincere desire to reach an
15 agreement' as well as 'a sincere effort...to reach common
16 ground.' The presence or absence of intent 'must be discerned
17 from the record.' Except in the cases where the conduct
18 fails to meet the minimum obligation imposed by law or
19 constitutes an outright refusal to bargain, all the relevant
20 facts of a case are studied in determining whether the
21 employer or the union is bargaining in good or bad faith,
22 i.e., the 'totality of conduct' is the standard through
23 which the 'quality' of negotiations is tested."¹

24 A refusal to bargain a mandatory subject of bargaining
25 such as wages is generally considered a per se violation of
26 the Act.² Common sense precludes taking the time and space
27 in a long discussion of the fact that wages (salary schedules
28 in this case) are a mandatory subject of bargaining. Wages
29 are set forth in 39-31-305 MCA as a subject upon which the
30 employer must bargain.

31
32 ¹ The Developing Labor Law, Bureau of National Affairs, 1971,
p. 278 (cites omitted).

² NLRB v. Katz, 369 US 739, 50 LRRM 2177 (1962).

1 The facts in this case are subject to analysis either
2 under the per se violation standard or under the good faith/bad
3 faith bargaining/totality of conduct standard. In evaluating
4 totality of conduct and making a determination of good or
5 bad faith the NLRB and the courts evaluate the entire course
6 of the parties bargaining conduct rather than a single
7 element. In upholding the NLRB finding of bad faith because
8 of the employer's total conduct, the Court of Appeals said,

9 "Certain specific conduct, such as the Company's unila-
10 teral changing of working conditions during bargaining,
11 may constitute per se violations of the duty to bargain
12 in good faith since they in effect constitute a "refusal
13 to negotiate in fact", NLRB v. Katz [cite omitted].
14 Absent such evidence, however, the determination of
15 intent must be founded upon the party's overall conduct
16 and on the totality of the circumstances, as disting-
17 uished from the individual pieces forming part of the
18 mosaic.. NLRB v. General Electric [cite omitted].
19 Specific conduct, while it may not, standing alone
20 amount to a per se failure to bargain in good faith,
21 may when considered with³ all other evidence, support an
22 inference of bad faith."

23 In early negotiation sessions the state and the teachers
24 engaged in hard bargaining over wages and other subjects.
25 During the third session bargaining became more difficult
26 and mediation was requested. At the mediation session held
27 in early February the state's negotiator made an offer of a
28 pay matrix which the Labor Relations Bureau later incorpor-
29 ated into a bill introduced to the legislature (HB 840).
30 After the legislature adjourned without adopting a pay
31 matrix the Chief of the Labor Relations Bureau helped draft
an executive order which imposed the very same matrix on the
bargaining teachers. In bargaining sessions held after the
executive order was issued the state's negotiator stated that
wages were set by the executive order. The state appears to
have determined the pay matrix it wished the teachers to

³ Continental Insurance Co. vs. NLRB, 495 F 2d 44, 86 LRRM 2003,
CA 2, 1974, enf. 204 NLRB 1013, 83 LRRM 1406 (1973).

1 have and unilaterally imposed it on the teachers who were
2 attempting to bargain.

3 In defense of its action the state argues that good faith
4 does not require fruitless marathon discussions at the expense
5 of frank statement and support of one's position,⁴ that the
6 employer does not have to listen to argument endlessly if
7 his insistence on a bargaining position is sincerely and
8 genuinely held.⁵ However, in this case the facts do not
9 show endless marathon sessions. On February 2 the state
10 made its initial offer of the pay matrix eventually adopted.
11 The executive order containing this matrix was drafted and
12 adopted before another bargaining session was held. It is
13 true that fact finding intervened and the legislative session
14 concluded in the interim but the parties did not return to
15 the bargaining table until after the executive order was
16 issued by the Governor. Clearly, the parties were not
17 involved in endless marathon discussions nor were they at
18 impasse. At the bargaining session held just five days
19 after the executive order was issued the teachers presented
20 a substantially different pay matrix -- one which they
21 believed would meet the state's criteria. This meeting
22 lasted only nine minutes and ended with the state's
23 negotiator rejecting the teacher proposal because it was
24 unreasonable. In nine minutes it may be possible to deter-
25 mine whether a simple across the board hourly wage demand is
26 unreasonable but it is hard to believe that anyone could
27 analyze the complexities of a teacher pay matrix in such a
28 period determining reasonableness or unreasonableness. The
29 fact that the state's negotiator believed that the pay
30 matrix was established by the Governor's executive order
31

32 ⁴ NLRB v. American Insurance Co., (1952), 343 U.S. 395, 30 LRRM 2147.

⁵ Philip Barry et al. v. NLRB (1961), 370 U.S. 146, 151, 63-1 USTC ¶13,331, 33 LRRM 1000, 30-2 USTC ¶13,331, 33 LRRM 1000.

1 seems a more likely explanation of why the teacher offer was
2 rejected out of hand.

3 Lack of authority on the part of the management negoti-
4 ator is not considered a per se violation.⁶ In this case,
5 the state negotiator's questionable authority combined with
6 the facts surrounding the unilateral imposition of the
7 matrix on the teachers leads to the conclusion that the
8 State of Montana bargained in bad faith with the teachers at
9 Pine Hills and Mountain View schools.

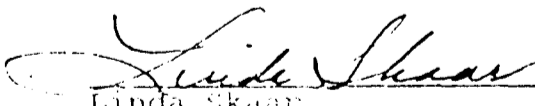
10
11
12 CONCLUSION OF LAW

13 The State of Montana, Personnel Division has bargained
14 in bad faith with the Pine Hills and Mountain View units of
15 the Montana Education Association and are in violation of
16 39-31-401(5) and by doing so are in violation of 39-31-401(1).

17
18 RECOMMENDED ORDER

19 Cease and desist the unilateral imposition of wages on
20 members of bargaining units protected by the Montana Collective
21 Bargaining Act for Public Employees.

22 Dated this 15th day of December, 1982.

23
24
25 
26 Linda Skaar
27 Hearing Examiner

28 NOTICE

29 This Recommended Order will become the Final Order of
30 the Board unless written exceptions are filed within 20 days
31 after service of the Recommended Order.

32
6 Fry Roofing Co. v. NLRB, CA 9, (1954), 35 LRRM 2009

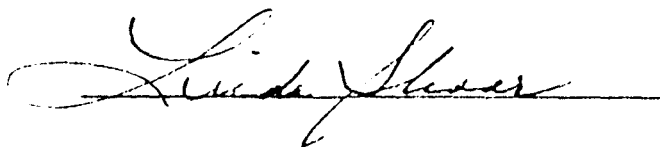
EX-9
110-51

CERTIFICATE OF MAILING

The undersigned does certify that a true and correct
copy of this document was mailed to the following on the
15th day of December, 1982:

HILLEY & LORING
121 Fourth Street North
Executive Plaza, Suite 2G
Great Falls, MT 59401

Patricia Schaeffer
Legal Division
Department of Administration
Mitchell Bldg.
Helena, MT 59620



BPA3Dcw

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HB879
BUDGET WORKSHEET
FY _____

HR 978

Program Name _____ Program Representative _____

Personnel Assigned	Pos. No.	Position Description	Grade	Step	Lng vty	FTE	Annual Rate	Budgeted
Unknown		Director	18	2		1.0		28,398
"		Monitors	16	2		3.0		71,586
"		Extra Curricular Sp	16	2		1.0		23,862
"		Curriculum Sp.	16	2		1.0		23,862
"		Career Counseling Sp	16	2		1.0		23,862
"		Attorney	16	2		1.0		23,862
"		Accountant	16	2		1.0		23,862
"		Secretary	9	2		1.0		13,548

PERSONAL SERVICES

Salaries	1100			232,842
Hourly Wages	1200			-0-
Employee Benefits	2090	1400		46,568
TOTAL PERSONAL SERVICES				279,410

OPERATIONS

Contracted Services	2100			-0-
Supplies & Materials	2200			-10,000
Communication & Transportation	2300			10,000
Travel	2400			25,000
Rent	2500			-0-
Utilities	2600			-0-
Repair & Maintenance	2700			3,500
Other Expenses	2800			5,000
TOTAL OPERATIONS				53,500

TOTAL EQUIPMENT	3100			12,000
TOTAL INDIRECT COST ASSESS.	8199			
TOTAL BUDGETED AMOUNT				344,910

Accounting Entity	Appropriation	Source of Funding	Amount	Responsibility Center

Testimony of MEA on HB 791

House Education Committee

February 18, 1983

I would like to explain a little history behind this bill.

A few years ago, teachers were taken out of the state pay plan by the Legislature and brought under a separate teacher salary schedule. We strongly endorsed this measure because it recognized professional preparation as well as experience similar to the typical schedule in school districts. The Legislature granted something that the state refused to bargain over.

The problem is that this schedule in terms of dollars ranks among the very lowest of teachers salary schedules in Montana. Two years ago our units at Pine Hills, Mountain View and Eastmont tried to bargain with the state to bring some parity to the institution schedule. The state refused to bargain. We were made an offer in the fall which the state never moved off until the last unit caved in months later. The state's offer was unilaterally implemented through an executive order without any agreement. Hardly what I would call good faith collective bargaining. This is now the subject of litigation--the state was found guilty of an ULP but is appealing it. Our teachers eventually signed the offer in desperation since even the state's offered increase would be withheld unless they did.

The point of all this is to show that no true collective bargaining takes place with this small group of employees who are ignored in the overall state pay picture. They have no bargaining power. They are at the mercy of the Department of Administration and Institutions. As a result they keep falling further behind their public school colleagues. The only progress these teachers have ever made in wages is to come to the Legislature.

They are here again because they think they ought to be paid the prevailing wage for professional teachers. Montana ranks 27th nationally in average teacher salaries--we're below par. But these institution teachers earn from \$1,000 to \$2,000 less than the state average.

Even though their qualifications, training and duties are similar, they are at the bottom. Even though they teach young offenders and handicapped, a tremendous challenge for any teacher, they are paid less than their counterparts who have normal students.

It is baffling to me why the state does not want to offer premium salaries to attract the best to these schools. Instead, the wages and benefits are substandard, -- no wonder there is a constant turnover.

We have struggled with the problem of coming up with a reasonable schedule, one that could keep up with inflation and maintain comparability. There are a number of approaches--we chose this one. The schedule you see in the bill represents the composite salary schedule for the

Exhibit 11
HP 1911

state of Montana at the time it was spit out by our computer in November. It represents the average salary schedule for over 9,000 Montana teachers.

Since then, the average has actually increased quite a bit, but these were the current figures and we're willing to use them as our base.

You realize that if this goes into effect, the institutions will actually be one year behind--there will be a one year lap, so it isn't even going to bring it up to equality--the parity is with the previous year.

At any rate, after 1974 the schedules would automatically increase according to the average increase of all previous year's teachers as calculated by the OPI. We're estimating that to be in the neighborhood of 5% for next year.

There is nothing magic about the precise figures in this base schedule. It is simply an attempt to reflect comparable worth.

You will hear opposition because this bill does away with collective bargaining. The bill only restricts collective bargaining over this salary schedule--it's inconsistent to have an automatic schedule in law and also provide collective bargaining. Teachers would still be free to bargain over benefits and other conditions of employment. I submit that we don't have collective bargaining now when it comes to these schedules.

The cost of this bill is insignificant--we are talking about a tiny, tiny group of employees which shrinks every biennium. I understand the state is not replacing teachers through attrition so I'm not sure there's any cost involved at all. ✎

Presen in

Odd November
(September primary)

April
(annual)

Even November
(June primary)

City Commissioners

School Leives

Federal Officers

← -- School Trustees

State

{ Exec }
{ Leg }
{ Jud }
Off.

← - - Misc.

Country Officers

City Commissioners

School Leives

Federal Officers

Country Officers

Misc.

State

{ Exec. }
{ Leg. }
{ Jud. }
Off.

School Trustees

under HR 725

Proposed Amendments to H.B. 725

F xhibit 13

1. On page 6, line 20, after the word "officers," strike the words "state or multicounty district officers,".
2. On page 7, line 5, after the words "county officers,", insert the words "state or multicounty district officers,".
3.
 - a. On page 55, line 19, strike the words "local government".
 - b. On page 55, line 22, strike the words "local government".
 - c. On page 55, line 25, strike the words "local government".
 - d. On page 56, line 8, strike the words "local government".
 - e. On page 56, line 12, strike the words "local government".
 - f. On page 56, line 16, strike the words "local government".
4. On page 56, line 17, after subparagraph (7), insert the following subparagraph:

"(8) A state official term that would have expired in 1984 is extended until a successor is elected at the election in November 1985 and is qualified.

(9) A state official term that would have expired in 1986 is extended until a successor is elected at the election in 1987 and is qualified.

(10) A state official term that would have expired in 1988 is extended until a successor is elected at the election in November 1989 and is qualified.

(11) A state official term that would have expired in 1990 is extended until a successor is elected at the election in November 1991 and is qualified."

H.B. 725
School Election Laws

- I. Opposed because it does not do a complete job of what it sets out to do, apparently sets one day of the year for voted levies, and would increase the cost of elections for school districts.

- II. Does not do complete job -- does not amend all school election statutes
 - A. Building reserve - 20-9-502
 - B. Additional (voted, special) 20-9-353
 - C. Transportation Service Areas - 20-10-132(3)

Part 4 of Chapter 20, Title 20 is not repealed

 - A. 20-20-401 -- The Trustees are the general supervisors of school elections.
 - B. 20-20-415 Board of Trustees will canvass Section 6 of bill.

- III. Special levy election day is apparently set as an absolute and only day of the year -- 1st Tuesday of April.

What about Section 20-9-353 which is not touched by bill -- gives board of trustees latitude.

- IV. Will cost school districts more to conduct elections
 - A. 2 elections every other year.

WITNESS STATEMENT

Name Richard Trerise Committee On Educ House
 Address 316 N Park Date 2-18-83
 Representing MT Assoc of Co Supts Support _____
 Bill No. HB 725 Oppose
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Opposed to Majority of trustees elected in one year.
2. Opposed to reducing term of current office
3. Opposed to term of 5 ~~substantively~~ of board

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Cultural Resources

Name Journine A. Malton

Committee On Education

Address Virginia City, MT.

Date 2-18-83

Representing Tele. & Records

Support _____

Bill No. 725

Oppose Strongly

Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: 1. Concur with Bill Daiscoll's Comments

2. The reason for lay lines at 1982 Polls. was the number & length of the ballot issues.

3. Our bill to do away with Rotation of Ballots in Counties & precincts where

4. Voting devices are used (HB 275) was killed in 3rd reading. If we must rotate both paper & machine ballots the high cost prohibits use of Machines with less than 1/4 of 1 per cent of voters requesting paper ballots - they cost almost 100 per ballot - If we could do away with rotations we could afford more elections. As is we can not afford H.B. 725 - Thank You

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Judy Loggett Committee On _____
 Address Lowland, Mt. Date 2/18/83
 Representing Clubs Licensed Support _____
 Bill No. 725 Oppose
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. We are appointed Election Administrators & with no extra salary & elections are a major portion of our job. I feel that
 2. we should be able to devote time to it but as far as having extra help during
 3. that time, in our county we do not. The elections are handled by me & my chief deputy only. We have no money for extra.
 4. By SB. 412 goes thru & charges more.
- Involves you to Oct. 1. Have to see priorities, log - elections or budgets & annual reports. Most of us are working our own time now. to get our work done. Lets try to save the taxpayers some money. An election on odd numbered years for counties is not

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Economically feasible.

WITNESS STATEMENT

Name Joanne P. McFarlane Committee On Education or Culture & Resources
 Address Box 115, Boulden, Mont. Date Feb 18, 1983
 Representing Clerks & Records Support _____
 Bill No. 725 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. As an election administrator, we feel cost factor to taxpayers is absolutely prohibitive.
2. Conflicts with budget & other duties of Clerk & Recorder / Cl Admin.
3. We feel there are a great many technicalities involved with elections of which the Secretary of State seems to be unaware.

We have to have ballots printed by printer - school districts can make their own ballots.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

AMENDMENTS TO HOUSE BILL 809

1. Title, page 1, line 12.
Following: "20-9-343."
Insert: "20-9-344."

2. Page 13, line 7.
Following: "taxation"
Insert: ", including anticipated motor vehicle fees and reimbursement received under the provisions of 61-3-532 and 61-3-536 during the fiscal year in which the levy applies,"

3. Page 16, line 8.
Following: "taxation"
Insert: ", including anticipated motor vehicle fees and reimbursement received under the provisions of 61-3-532 and 61-3-536 during the fiscal year in which the levy applies,"

4. Page 18, following line 12.
Insert: "Section 15. Section 20-9-344, MCA, is amended to read:
"20-9-344. Purpose of state equalization aid and duties of the board of public education for distribution. (1) The money available for state equalization aid shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt service and for the payment of any and all costs and expense incurred in connection with any adult education program, recreation program, school food services program, new building, new grounds, and transportation.
(2) The board of public education shall administer and distribute the state equalization aid in the manner and with the powers and duties provided by law. To this end, the board of public education shall:
(a) adopt policies for regulating the distribution of state equalization aid in accordance with the provisions of law;
(b) have the power to require such reports from the county superintendents, budget boards, county treasurers, and trustees as it may deem necessary; and
(c) order the superintendent of public instruction to distribute the state equalization aid on the basis of each district's annual entitlement to such aid as established by the superintendent of public instruction. In ordering the distribution of state equalization aid, the board of public education shall not increase or decrease the state equalization aid distribution to any district on account of any difference which may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.
(3) Should a district receive more state equalization aid than it is entitled to, the county treasurer must return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the department of administration.

Ex. 19
HR 809

(4) In no case shall the total distributions to all school districts within a county be less than the total amount to which the county is entitled under federal law pursuant to the Flood Control Act of 1954, 33 U.S.C.A. 701(c)(3); Taylor Grazing Act, 43 U.S.C.A. 3151; United States Forest Service Act; 16 U.S.C.A. 500; and the Mineral Lands Licensing Act, 30 U.S.C.A. 191."

Renumber subsequent sections.

HOUSE BILL 809
CENTRALIZING FOUNDATION FUNDING
(SPONSORED BY REPRESENTATIVE WALDRON)

Section by section analysis

Sections 1 through 4 (page 1, line 17 to page 3, line 16)

These sections take the 33 1/3 percent of Federal Forest funds which is currently placed in the county equalization account and places it in the state equalization account.

Section 5 (page 3, line 17 to page 4, line 1)

This section takes the 50 percent of Taylor Grazing funds which is currently placed in the county equalization account and places it in the state equalization account.

Sections 6 and 7 (page 4, line 2 to page 5, line 4)

These sections take the 50 percent share of Flood Control Act moneys that currently go in the county equalization account and places it in the state equalization account.

Sections 8 through 10 (page 5, line 5 to page 10, line 25)

These sections remove county accounting and reporting requirements for equalization moneys and clarify the status of equalization moneys.

Section 11 (page 11, line 1 to page 13, line 16)

This section specifies that revenues from the basic 25 mill elementary school levy will be sent by the counties to the state treasurer at least monthly and deposited in the state equalization account. It also removes county accounting and reporting requirements.

Section 12 (page 13, line 17 to page 14, line 14)

This section takes fine and penalty revenue which is currently deposited in the county equalization account and places it in the state equalization account.

Section 13 (page 14, line 15 to page 16, line 17)

This section specifies that the revenues from the basic 15 mill levy for high schools will be sent by the counties to the state treasurer at least monthly and deposited in the state equalization account. It also removes county accounting and reporting requirements.

Section 14 (page 16, line 18 to page 18, line 12)

This section amends the definition of revenue for state equalization aid to include the amounts transferred to the state equalization aid account by other sections of this bill.

Ex. 20
HB 909

Sections 15 and 16 (page 18, line 13 to page 21, line 3)

These sections amend the apportionment formula for the foundation programs to acknowledge that all distributions will be made by the state. The counties will no longer be required to make distributions to school districts.

Section 17 (page 21, lines 4 to 13)

This section is a housekeeping section to place in statute items which are affected elsewhere in the bill. It does not change current law.

Section 18 (page 21, lines 14 and 15)

This section repeals county accounting, reporting, and distribution requirements which will no longer be necessary.

Section 19 (page 21, lines 16 to 19)

This section is the codification instructions.

Section 20 (page 21, lines 20 and 21)

This section provides an effective date.

Ex. 20
1783 809

1. COUNTIES WHICH APPEAR TO BE MIXING LEVIES:

<u>Fiscal Year</u>	<u>Number/Counties</u>	<u>Percentage</u>
1979-80	19/56	33.9%
1980-81	16/56	28.6%
1981-82	12/56	21.4%
1982-83	2/48*	4.2%

2. COUNTIES REPORTING MISCELLANEOUS REVENUES AS ZERO:

<u>Fiscal Year</u>	<u>Number/Counties</u>	<u>Percentage</u>
1979-80	19/56	33.9%
1980-81	18/56	32.1%
1981-82	26/56	46.4%
1982-83	8/48*	16.7%

3. COUNTIES' SUPERINTENDENTS REPORTING CASH REAPPROPRIATED AS ZERO:

ELEMENTARY

<u>Fiscal Year</u>	<u>Number/Counties</u>	<u>Percentage</u>
1979-80	17/56	30.4%
1980-81	17/56	30.4%
1981-82	18/56	32.1%
1982-83	17/45*	37.8%

HIGH SCHOOL

<u>Fiscal Year</u>	<u>Number/Counties</u>	<u>Percentage</u>
1979-80	19/56	33.9%
1980-81	17/56	30.4%
1981-82	18/56	32.1%
1982-83	15/45*	33.3%

Ex. 20
HB 809

4. COUNTIES FOR WHICH REPORTED CASH DOES NOT AGREE BETWEEN THE TREASURER'S AND SUPERINTENDENT'S REPORT:

ELEMENTARY

<u>Fiscal Year</u>	<u>Number/Counties</u>	<u>Percentage</u>
1979-80	13/56	23.2%
1980-81	9/56	16.1%
1981-82	19/56	33.9%
1982-83	25/42*	59.5%

HIGH SCHOOL

<u>Fiscal Year</u>	<u>Number/Counties</u>	<u>Percentage</u>
1979-80	10/56	17.9%
1980-81	11/56	19.6%
1981-82	13/56	23.2%
1982-83	14/42*	33.3%

*As of October 4, 1982, 14 counties had not submitted the required reports. Five counties had not submitted either report.

<u>County</u>	<u>Reports Not Received by OPI</u>	
	<u>Treasurer's</u>	<u>Superintendent's</u>
#1	X	
#2	X	X
#3	X	
#4		X
#5		X
#6	X	X
#7	X	
#8		X
#9	X	X
#10		X
#11		X
#12	X	X
#13		X
#14	X	X

Ex. 20
HB 809

5. TIMELINESS OF REPORTS RECEIVED:

<u>Superintendent</u>				
<u>Reports Received</u>	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>	<u>1982-83</u>
By due date	13	17	7	28
1-30 days late	22	17	31	17
31-60 days late	5	4	7	3
61-90 days late	3	2		
91-120 days late	1		5	
121 or more days late				
Receipt not determinable	12	16	6	
Not received as of October 4, 1982				8
	<u>56</u>	<u>56</u>	<u>56</u>	<u>56</u>

<u>Treasurer</u>				
<u>Reports Received</u>	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82</u>	<u>1982-83</u>
By due date	18	22	17	31
1-30 days late	26	25	25	14
31-60 days late	5	4	5	
61-90 days late	2	2	2	
91-120 days late	3	3	5	
121 or more days late	1			
Receipt not determinable	1		2	
Not received as of October 4, 1982				11
	<u>56</u>	<u>56</u>	<u>56</u>	<u>56</u>

Ex. 20
HB 809

6. COUNTY SURPLUS ESTIMATES AND RECEIPTS:

Fiscal Year 1979-80

<u>County</u>	<u>Estimate</u>	<u>Receipt</u>	<u>Date Due</u>	<u>Date Received</u>
1	\$ 458,817	\$ 375,225	6-1-80	1-26-81
2	-0-	52,445	6-1-80	7-29-80
3	552,192	565,583	6-1-80	6-15-80
4	-0-	1,149	6-1-80	7-29-80
5	1,775,578	1,698,568	6-1-80	6-15-80
6	-0-	88,241	6-1-80	7-29-80
7	867,688	749,298	6-1-80	7-29-80
8	29,721	-0-	6-1-80	---
9	38,446	-0-	6-1-80	---

Fiscal Year 1980-81

<u>County</u>	<u>Estimate</u>	<u>Receipt</u>	<u>Date Due</u>	<u>Date Received</u>
1	\$2,445,951	\$1,800,224	6-1-81	7-28-81
2	-0-	37,112	6-1-81	7-28-81
3	897,715	870,172	6-1-81	6-23-81
4	72,895	-0-	6-1-81	---
5	1,282,038	1,186,139	6-1-81	6-25-81
6	210,678	262,323	6-1-81	7-28-81
7	1,653,511	1,708,312	6-1-81	7-28-81
8	187,483	187,483	6-1-81	7-28-81
9	180,558	-0-	6-1-81	---

Fiscal Year 1981-82

<u>County</u>	<u>Estimate</u>	<u>Receipt</u>	<u>Date Due</u>	<u>Date Received</u>
1	\$1,403,603	\$1,408,750	6-1-82	9-15-82
2	1,590,261	1,613,833	6-1-82	6-22-82
3	118,649	118,813	6-1-82	9-22-82
4	1,749,008	1,662,976	6-1-82	6-25-82
5	950,137	985,827	6-1-82	7-24-82
6	1,243,525	1,119,989	6-1-82	7-29-82
7	1,357,049	-0-	6-1-82	*
8	247,209	-0-	6-1-82	*
9	94,655	107,722	6-1-82	6-22-82

* Collection anticipated as of October 4, 1982.

Amendments to HB 635

Exhibit 21

1. Title, line 6.
Following: "NONPUBLIC"
Insert: "AND HOME"
2. Page 2, line 21.
Following: "nonpublic"
Insert: "or a home"
3. Page 7, line 11.
Following: "nonpublic"
Insert: "or a home"
4. Page 7, line 14.
Following: "nonpublic"
Insert: "or home"
5. Page 8, line 12.
Following: "nonpublic"
Insert: "or a home"
6. Page 8, line 14.
Following: "parent"
Strike: "7"
Insert: "or"
Following: "guardian,"
Insert: "in the case of a home school,"
7. Page 8, line 15.
Following: line 14
Insert: "by a"
8. Page 10, line 15.
Following: line 14
Insert: "or home"
9. Page 10, line 17.
Following: "nonpublic"
Insert: "or a home"
10. Page 10, line 23.
Following: "nonpublic"
Insert: "or home"
11. Page 11, line 1.
Following: "nonpublic"
Insert: "or a home"
12. Page 11, lines 8 through 16.
Strike: lines 8 through 16 in their entirety
Re-number: subsequent subsection

13. Page 11, line 23.

Following: "instruction"

Insert: "or the equivalent number of hours"

14. Page 11, line 25.

Following: "(4)"

Insert: "in the case of a nonpublic school,"

15. Page 12, line 1.

Following: "who"

Strike: remainder of line 1

Insert: ":

(a) are certified to teach in any state;

(b) are enrolled in an education program leading to teacher certification; or

(c) provide evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school; and"

16. Page 12, line 3.

Following: "who"

Strike: remainder of line 3

Insert: ":

(a) are certified to each in any state;

(b) teach at least half-time in a subject area in which the person holds a bachelor of science or a bachelor of arts degree; or

(c) provide evidence of acceptable experience according to clearly identified criteria consistent with the educational goals of the school;"

17. Page 12, lines 9 through 15.

Following: "20-7-111 "

Strike: "and" on line 9 through "materials" on line 15

18. Page 12, line 16.

Following: "nonpublic"

Insert: "or home"

19. Page 12, line 18.

Following: "nonpublic"

Insert: "or a home"

STATEMENT OF INTENT

House Bill 635

A statement of intent is required for House Bill 635 because Section 1 provides that the Board of Public Education will consider appeals from the rejection of a nonpublic school's statement of compliance with the compulsory exemption requirements established in new sections 5 and 6. It is contemplated that the Board of Public Education will adopt an appeal procedure that follows the guidelines of the Montana Administrative Procedures Act.

STATEMENT OF INTENT
House Bill 879

House Bill 879 requires a statement of intent because it grants rulemaking authority to the Superintendent of Public Instruction for the purpose of developing rules and guidelines to eliminate sex discrimination in the public schools of Montana.

Section 3 of House Bill 879 mandates rulemaking to eliminate sex discrimination in the following areas: public school employment; counseling and guidance services; access to course offerings; and recreational and athletic activities. With respect to selection of textbooks and instructional materials in section 3, subsection (5), the Superintendent of Public Instruction would develop guidelines to implement the act but would not be required to state such guidelines as administrative rules.

Section 4 directs the Superintendent of Public Instruction to adopt rules for enforcement of the act, establish a compliance timetable, and procedures for districts to file assurances of compliance with the rules implementing the act. It is contemplated that the provisions of section 4 would be set forth as administrative rules. It is envisioned that the Superintendent will use the compliance guidelines of the federal Title IX regulations whenever it is appropriate and efficient to do so.

STANDING COMMITTEE REPORT

1 of 3

February 18, 1983

MR. **SPEAKER:**

EDUCATION AND CULTURAL RESOURCES

We, your committee on

having had under consideration HOUSE Bill No. **809**

first reading copy (white)
Color

"AN ACT TO CENTRALIZE THE FUNDING AND ADMINISTRATION OF EQUALIZATION AID FOR SCHOOL DISTRICT FOUNDATION PROGRAMS IN THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION; TO ELIMINATE COUNTY ACCOUNTING, REPORTING, AND DISTRIBUTION REQUIREMENTS FOR MANDATORY COUNTY LEVIES AND MISCELLANEOUS REVENUES; AMENDING SECTIONS 17-3-211 THROUGH 17-3-214, 17-3-222, 17-3-231, 17-3-232, 20-9-121, 20-9-212, 20-9-303, 20-9-331 THROUGH 20-9-333, 20-9-343, 20-9-347, AND 20-9-348, MCA; REPEALING SECTIONS 20-9-334 AND 20-9-335, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. **809**

be amended as follows:

1. Title, line 12.
Following: "20-9-343,"
Insert: "20-9-344,"

2. Page 13, line 8.
Following: "tax"
Insert: ", including anticipated motor vehicle fees and reimbursement received under the provisions of 61-3-532 and 61-3-536 during the fiscal year in which the levy applies"

3. Page 16, line 9.
Following: "tax"
Insert: ", including anticipated motor vehicle fees and reimbursement received under the provisions of 61-3-532 and 61-3-536 during the fiscal year in which the levy applies"

~~XXXXXX~~
DO PASS

4. Page 18, line 13.

Following: line 12

Insert: "Section 15. Section 20-9-344, MCA, is amended to read:

" 20-9-344. Purpose of state equalization aid and duties of the board of public education for distribution. (1) The money available for state equalization aid shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt service and for the payment of any and all costs and expense incurred in connection with any adult education program, recreation program, school food services program, new buildings, new grounds, and transportation.

(2) The board of public education shall administer and distribute the state equalization aid in the manner and with the powers and duties provided by law. To this end, the board of public education shall:

(a) adopt policies for regulating the distribution of state equalization aid in accordance with the provisions of law;

(b) have the power to require such reports from the county superintendents, budget boards, county treasurers, and trustees as it may deem necessary; and

(c) order the superintendent of public instruction to distribute the state equalization aid on the basis of each district's annual entitlement to such aid as established by the superintendent of public instruction. In ordering the distribution of state equalization aid, the board of public education shall not increase or decrease the state equalization aid distribution to any district on account of any difference which may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(3) Should a district receive more state equalization aid than it is entitled to, the county treasurer must return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the department of administration.

(4) In no case may the total distributions to all school districts within a county be less than the total amount to which the county is entitled under federal law pursuant to the Flood Control Act of 1954, 33 U.S.C.A. 701 (c)(3); Taylor Grazing Act, 43 U.S.C.A. 3151; United States Forest Service Act, 16 U.S.C.A. 500; and the Mineral Lands Licensing Act, 30 U.S.C.A. 191."

Renumber: subsequent sections.

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

February 18, 83

19.....

MR. SPEAKER:.....

We, your committee on EDUCATION.....

having had under consideration HOUSE Bill No. 822

first reading copy (white / color)

"AN ACT TO PERMIT AN ELEMENTARY SCHOOL DISTRICT AND A HIGH SCHOOL DISTRICT REPRESENTING TWO SEPARATE SOCIAL SECURITY REPORTING ENTITIES TO MERGE INTO A SINGLE REPORTING ENTITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That..... HOUSE Bill No. 822

DO PASS

STANDING COMMITTEE REPORT

February 12, 1983

19.....

SPEAKER:
MR.

EDUCATION AND CULTURAL RESOURCES

We, your committee on

having had under consideration HOUSE Bill No. 879

first

white

reading copy ()

Color

"AN ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEX AGAINST ANY STUDENT IN THE PUBLIC SCHOOLS OF MONTANA; TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DEVELOP RULES AND GUIDELINES TO ELIMINATE SEX DISCRIMINATION IN PUBLIC SCHOOL EMPLOYMENT, IN COUNSELING AND GUIDANCE SERVICES, IN ACCESS TO COURSE OFFERINGS AND RECREATIONAL AND ATHLETIC ACTIVITIES, AND IN TEXTBOOKS AND INSTRUCTIONAL MATERIALS; AND TO ALLOW THE BOARD OF TRUSTEES OF A DISTRICT TO APPEAL NOTIFICATION OF AN ALLEGED VIOLATION; AMENDING SECTION 20-3-107, MCA."

Respectfully report as follows: That HOUSE Bill No. 879

DO PASS
STATE STATEMENT OF INTENT ATTACHED

STATEMENT OF INTENT
House Bill 379

House Bill 379 requires a statement of intent because it grants rulemaking authority to the Superintendent of Public Instruction for the purpose of developing rules and guidelines to eliminate sex discrimination in the public schools of Montana.

Section 3 of House Bill 379 mandates rulemaking to eliminate sex discrimination in the following areas: public school employment; counseling and guidance services; access to course offerings; and recreational and athletic activities. With respect to selection of textbooks and instructional materials in section 3, subsection (5), the Superintendent of Public Instruction would develop guidelines to implement the act but would not be required to state such guidelines as administrative rules.

Section 4 directs the Superintendent of Public Instruction to adopt rules for enforcement of the act, establish a compliance timetable, and procedures for districts to file assurances of compliance with the rules implementing the act. It is contemplated that the provisions of section 4 would be set forth as administrative rules. It is envisioned that the Superintendent will use the compliance guidelines of the federal Title IX regulations whenever it is appropriate and efficient to do so.

XXXXXX

STANDING COMMITTEE REPORT

February 18, 19 93

SPEAKER:

MR.

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 981

first reading copy (white)
Color

"AN ACT TO AUTHORIZE THE MONTANA ARTS COUNCIL TO SELECT A STATUE OF JEANETTE RANKIN TO BE PLACED IN STATUARY HALL IN WASHINGTON, D.C., AND TO APPROPRIATE FUNDS FOR THE STATUE."

Respectfully report as follows: That HOUSE Bill No. 981

be amended as follows:

1. Page 1, line 12.

Strike: "the second state"

Insert: "among the first states"

2. Page 1, line 21.

Following: line 20

Strike: "The"

Insert: "Upon the recommendation of the legislature and the receipt of the U.S. Congress, the"

3. Page 1, line 23.

Following: "Rankin"

Insert: "or utilize the existing state commission"

AND AS AMENDED

DO PASS ..