

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 15, 1985

The meeting of the Education and Cultural Resources Committee was called to order by Chairman Dan Harrington on February 15, 1985, at 3:20 p.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present with the exceptions of Representatives Brandewie, Kennerly, and Williams who were excused by the Chairman.

CONSIDERATION OF H.B. 549: Representative John Cobb, District #42 and sponsor of H.B. 549 opened the hearing by stating that the bill came at the request of the Office of Public Instruction and clarified certain technical language. He reviewed the changes in the law with the Committee.

PROPOSERS: Bob Stockton with the Office of Public Instruction relayed that the bill cleans up language regarding school district finance and budget procedures that was overlooked in the previous legislative session.

There being no proponents and no opponents, Chairman Harrington opened the floor to questions. Rep. Hammond questioned whether the removal of Section (4) on Page 9 would have a disastrous effect on small schools and Bob Stockton answered that another section of law covers the retention of excess monies by the counties and was enacted in 1981. Representative Eudaily pointed out that on Page 10 it calls for financing 100% of the Foundation Program and Mr. Stockton replied that a supplemental appropriation would have to be made in the second year of the biennium if there is not enough money so that 100% is paid. Seeing no further discussion, Rep. Cobb closed the hearing on this bill.

CONSIDERATION OF H.B. 539: Representative Paula Darko, District #2 in Libby explained that this bill would add a member to the Teacher's Retirement Board. There are 20,434 members in the system, with 15,214 members paying in and 5,220 drawing benefits. The adjustment would see that people paying into the system have proportionate representation.

PROPOSERS: Phil Campbell with the Montana Education Association rose in support as the ratio now is three to one active members to retirees and the bill would add one member of the teaching profession.

Bob Johnson, Administrator of the Teacher's Retirement Board relayed that the Board voted on February 8th to approve the amendments adding an active member. They asked that the bill be amended to its original language on Page 1, line 17. (See Exhibit 1). The Board felt that the public is entitled to have some voice in the system.

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John Looney, Montana Federation of Teachers stood in support of the bill.

OPPONENTS: Chip Erdmann with the Montana School Board Association stated that they did not really oppose the bill but gave some history to it. It came about with the Missoula teacher's strike and the request to be paid full salaries for time off during the strike. Later the teacher asked the board for retirement credits and the board refused to do it on a three to three vote. This bill surfaced after this incident.

Jesse Long, School Administrator's of Montana, suggested an amendment which would designate the additional person be an administrator.

Questions from the committee were called for as testimony finished. It was brought out that a lawsuit was pending because of the Board refusing retirement credits as relayed to Rep. Peck by Chip Erdmann.

In closing, Rep. Darko said perhaps more support could be given the bill with the changes in line 18. She would, however, object to the suggestion of adding an administrator as 1,100 out of 18,000 would show the greater proportion of contributors to be teachers. The appointments are made by the Governor and it is a finite judicial board.

CONSIDERATION OF H.B. 503: Representative Hal Harper, District #44, spoke of the bill as being employed in the collective bargaining act in this state. Firefighters currently have this method of binding arbitration and it seldom has to be used. Teacher strikes reach every aspect of community life and are very damaging. He proposed amendments to the bill. (See Exhibit 1A). He explained that he understands that the right to strike is a power the teachers have, but the bill calls for last best offer through arbitration so parties can get as close together as possible.

PROPONENTS: Phil Campbell with the Montana Education Association spoke support of the bill as it intends to solve teacher disputes peacefully. If mediation proves unsuccessful between the board and teachers, an arbitrator would hear arguments from both sides. There would be pressure on the parties to be reasonable and reach agreement among themselves. The mediator could chose the best offer from either side. He cited an example of Iowa using this process only 3.6% in the last 8 years. In Wisconsin, 6% to 7% end up in arbitration and in Connecticut 16 contracts went before the arbitrator. The MEA is a strong advocate in collective bargaining, but of the 9,000 members, 74% support binding arbitration. He said that this bill would not grant the teachers any more than what they could receive by striking. He passed out Exhibit 2 showing other state's methods of bargaining, and pointed out that 10 have at least some form

of arbitration. He said it would facilitate peaceful settlements with equity in the process.

Bill Bradford, President of the Missoula County High School Association and participant in the three month strike in 1981 said after four years the wound of that strike has still not healed. They are in danger of losing 1.3 million dollars in state aid, the students lost one month of school, but given similar circumstances the teachers would probably strike again. The strike need not have occurred as the teachers were willing to submit facts for binding arbitration, but the board would not do it. There were 10,000 signatures on a petition to the board from community members calling for arbitration, but the board was not in touch with public opinion. Litigation is ongoing and tens of thousands of dollars of taxpayers' money is still being spent. It is a tragedy that binding arbitration was not used as an alternative.

Sherry McMorris, teachers from Sidney said that in the last three years they have come close to a strike and the effects have been devastating. During the negotiations teachers and students were under stress and there was a lack of cooperation among the staff as they were divided on the issue. The taxpayers are the biggest losers as the district spent \$50,000 in preparation for the strike. Even now, teachers are upset and 46 of 112 of the staff are looking elsewhere for work and every year for the past four there has been a 25% turnover. In arbitration, the parties would have to be timely and get the job done.

OPPONENTS: Wayne Buchanan with the Montana School Board Association stood in opposition to this proposal for several reasons. (See Exhibit 3) He reiterated that this bill would not prevent strikes.

Terry Minow with the Montana Federation of Teachers submitted Exhibit 3A which showed the reasons for giving H.B. 503 a "do not pass" recommendation. The present system works and collective bargaining should not be circumvented.

Tammy Hall, member of the Montana School Board Association and representing the Bozeman School Board spoke saying she did not feel arbitrators were qualified to make a judgement as they are from outside the issues. She did not see the arbitrators as being impartial and balanced. There is no incentive to get the items off the table. Although the collective bargaining process is hard, they are learning and it can work. She relayed a "no win" situation as legislation mandates language but there isn't enough funding to keep harmony.

Jesse Long, School Administrators of Montana, reiterated the points that Mr. Buchanan made and asked that the bill do not pass.

Gary Griffith, Chairman of the Monforton School Board explained that they have binding arbitration in their contract and because of its use 6 years ago it will never be used again. When the arbitrator left and went back to Spokane, the teachers had a 32% increase in their pay and benefits. After working the past few years with the collective bargaining process, it is working. There is no incentive to solve the problems and they would like to solve their own issues.

Don Waldron, Superintendent of Hellgate Elementary School in Missoula said only once in 20 years has the process of arbitration been used. They were very dissatisfied and spent a lot of money. Mediation enables them to come to a reasonable decision during a cooling off period.

Chris Mattocks, Superintendent of Schools in Cut Bank, spoke opposition to this bill as the constitution says the control is vested in the local board of trustees and this bill would undermine that. The balance is already at the bargaining table and a disinterested third party making a decision that he would not have to live around would be bad.

Questions were called for by the Chairman. Phil Campbell responded to a question from Rep. Peck saying he knows of no contracts in place in the state at present which calls for interest arbitration even though mention has been made of it in testimony. There was a concern by Rep. Peck in Section 8, Page 6 that the language of the bill does not prohibit strike and lock outs, to which Rep. Harper said he intended an absolute prohibition and it could be amended as such. Rep. Eudaily questioned Section 9 which stated the districts have to negotiate a two year contract and it was explained by Phil Campbell that it was not necessary, but it coincided with the years when the legislature is in session and the funding comes in.

Rep. Harper closed the hearing on the bill by saying that this concept works and asks for them to consider it in this particular context. He called for changes in the specific wording if the committee had a problem with it. He feels the proposal has merit as it walks the middle line.

CONSIDERATION OF H.B. 635: Representative Paula Darko, District #2, spoke as sponsor of this bill explaining that the bill relieves the bus driver from taking an empty bus to town after all the children are delivered. Their school district was paying mileage for driving a car to the end of the bus route. This amends the law so that the school board can negotiate with the driver and reimburse for non-bus miles.

It could mean a dollar savings in the biennium of \$600,000.

PROPOSERS: Chip Erdmann with the Montana School Board Association supports the bill as it saves money for everyone concerned.

Jesse Long with the School Administrators of Montana said the bill would be of advantage to many school districts and there is a possibility of saving money.

Richard Trerise representing the Montana Association of County School Superintendents went on record in support of this bill. There would be significant savings to his district.

Bob Stockton with the Office of Public Instruction spoke support of the bill.

Chris Mattoc s, Superintendent of Schools in Cut Bank relayed that he has worked to initiate subsection 4 of the bill in regards to rated capacity of buses. At present a 66 passenger bus would have to be hauling 33 students to be eligible for reimbursement. He is glad to have the old language back in the bill.

Rep. Peck said he felt the 75% figure to be a little high. There being no opponents to the bill, Rep. Darko closed the hearing saying that she would consider an amendment.

CONSIDERATION OF H.B. 538: Representative Steve Waldron, District #58, distributed Exhibit 4, which was an audit report, and Exhibit 5 showing charts to the committee. He explained that the bill does three things; 1) centralizes the collection and disbursement of the School Foundation Program because miscalculations occur all the time and will continue with the current way the cash flows; and 2) if taxes are protested, the State will replace the lost taxes and 3) earned interest will go back into the school equalization fund. The county treasurer and superintendent guess how much they will receive and O.P.I. makes calculations and disbursements based on these estimates. With this bill all the funds would go to the O.P.I. directly. Under the current system there are over and under disbursements. Another problem is surplus funds not being returned to the State. He said some counties were being honest in this, but funds were being stolen by Toole County and many counties were keeping the money for as long as they can to collect the interest. The Legislative Auditor found that some counties give the interest to the school districts and some do not. Another problem is cash reappropriated which some counties show as not being there when that would be almost impossible. This concerns the school foundation program funds only. The bill resolves administrative problems and changes the cash flow which would insure that each district will be treated equally.

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Wayne Kedish, Legislative Auditor, said that current law does not guarantee an equitable distribution of the state's share of the funding system because of its complexity in reporting. Different cash balances at year end were reported by superintendents and treasurer. Another problem in calculations is the O.P.I. is receiving the reports late (showed chart) or not at all. The surpluses are required by law to be sent to the state (chart). No counties last year paid the surplus to the State Treasurer by the June 1st deadline. He offered himself to questions.

Rep. Harbin pointed out that the 5% revenue from the State Coal tax was missing in the figures of the audit report. There is no penalty for missing or late reports or withholding of funds as clarified by Rep. Waldron. Rep. Peck replied that certain funds such a motor vehicle tax could be withheld. Rep. Hannah asked of whether the \$248,000 loss in interest on Page 10 of the audit report would go back to the county if the bill were passed. Rep. Waldron replied that the counties are keeping the money presently and it should go back to the Foundation Program. Jim Gillett from the auditor's office said they did investigate and the monies were being used for a variety of things but was generally invested as county pooled cash. Rep. Montayne asked Rep. Waldron if this were a case of embezzlement, to which he replied "yes" if they are not disbursing the equalization money and are keeping the earned interest.

There being no proponents, Chairman Harrington called for opponents to H.B. 538.

OPPONENTS: Richard Trerise with the Montana Association of County School Superintendents resented the implication that superintendents are dishonest. There are occasions when reports are filed late as information is not received from the county or state offices. This legislation would seriously hamper the cash flow to the districts. This system would get first payment in October and the second in January. In January they would have received only 40% of the money that they have coming to them. The money in question is disbursed monthly which is invested and the interest directly reduces the local property taxes. There is a problem in October and November when the cash on hand gets low and this bill would add to the problem.

Charles Gravely appeared for the Montana County Treasurer's Association and concurred with the feeling of resentment in the implication that there is dishonesty in county government in handling these funds. He felt that no audit would show stolen funds. He said two other bills would address transferring funds in a timely manner--S.B. 320 and S.B. 267. These would disburse funds quarterly and move the reporting date to June 20th. They are opposed to this legislation and the problems could be solved by other bills. He said that most of the \$248,000 reported missing in the audit is transferred to the State.

Loran Frazier, Administrator with the Great Falls School District, said he spoke for the administration in opposition to the bill for the following reasons: 1) it would take away a revenue source and increase the local mill levy; 2) the district would have to increase its reserves; 3) it creates an unnecessary transfer and increased handling problems, and 4) the timelines in the bill are detrimental. (See written testimony)

Susan Spurgeon, Fergus County Treasurer and Secretary/Treasurer of the Montana County Treasurer's Association felt that the money should be collected at the local level and adequately disbursed at the county level. In Fergus County the monies are distributed monthly so the districts can earn interest. She urged defeat of this bill.

Joe Godfries, Commissioner from Toole County felt strongly at being singled out. He did not feel that they owed any money. The date for transmittal is June 1st and the books were closed May 31st so they have often been late. He asked for a later transmittal date. The other bills offered in the Senate should command attention.

Gloria Paladichuk, Richland County Treasurer and President of the Montana County Treasurer's Association took offense with testimony that no counties have sent their reports in on time. (See Exhibits 5A & 5B) They distribute monies to the schools monthly and as soon as they reach the 100% figure, they immediately send to the State. She read the payment schedules they have made and differed with the legislative auditor's opinion that they were 12% shy in sending their surplus. She relayed that the auditor only took one month's figures and did not take the cumulative total. There are six counties who distribute funds on a monthly basis and suggested support of S.B. 320 which would require this. She said this bill would have a drastic effect on the banks and schools in Montana.

Wayne Buchanan with the Montana School Board Association said the system Rep. Waldron has set up is simpler but phone calls from superintendents around the state indicated a dramatic effect on the budgets. He asked that his statements be taken as cautionary rather than negative.

Sandra Whitney with the Montana Taxpayer's Association said that districts are using money to reduce the local tax levies. If this bill were in effect, Billings would have to increase their levy by possibly 2 mills. She asked the committee to take a close look at this bill for impact to school district finances and taxpayer money.

Chris Mattocks, Superintendent of Schools in Cut Bank, said this bill would affect Cut Bank Schools in the amount of \$57,000 in lost interest. This would equate to 2 mills.

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Jesse Long with the School Administrators of Montana said there is a great deal of money that would be lost by loss of interest and spoke in opposition to the bill.

Rep. Sands questioned what impact this would have on general funds if the state picked up the amount of taxes under protest. Rep. Waldron replied that it may be larger in the beginning, but eventually it would stabilize and Rep. Sands added that some counties have 30%, 50%, or even 80% of their property tax value under protest.

Rep. Waldron closed the hearing on H.B. 538 by relaying that the bill only addresses the money held at the county level and the districts may invest any distributed money they wish to. He brought to the committee's attention that on Page 9 and 10 of the audit report, the county being referred to is Richland and it is their own calculations used in testimony. The Office of Public Instruction distributes the equalization money five times per year and we do not have true equalization at present because the superintendents and treasurers are guessing at the figures.

CONSIDERATION OF H.B. 715: Representative Gary Spaeth, District #84, presented this bill at the request of the Montana High School Association. It refers to the high school referees in school sports and asks that they not be covered under workman's compensation as they are independent contractors. Rep. Spaeth offered amendments to exempt other school employees who work as timers, J.V. events, etc.

PROPOSERS: Chip Erdmann, Montana School Board Association, spoke for the bill saying that Worker's Compensation Division made a decision that referees were employees of the districts where the games were being held. The school districts request referees from the Montana Official's Association and they do not have a say as to who is being provided nor do the schools provide uniforms, equipment, etc. The referees are paid on a per game basis and they control the game area throughout the game. The school cannot change officials during the game and have no rights to fire, therefore the MSBA feels that they are independent contractors and supports the bill and amendment.

Mike Colbrese, employee of the Montana High School Association spoke support of the bill and offered written testimony. (See Exhibit 6)

There were no opponents to this bill. Chairman Harrington opened the hearing to questions from the committee. There was a concern for J.V. referees and others coming from outside to participate in extra-curricular events. Rep. Spaeth said he believed these cases would be covered by the proposed amendment.

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Rep. Spaeth closed the hearing asking for support of the bill.

CONSIDERATION OF H.B. 660: Representative Jack Moore, District #37, opened the hearing as sponsor of H.B. 660 which provides an adequate salary schedule for employees at the Montana School for the Deaf and Blind. He distributed Exhibit 7. This bill would ask the Board of Public Education to review the salary schedules for the school districts in Cascade County to determine if those certified are being paid equitable salaries for services. Comparisons were made across the state and it was pointed out that the percentage of difference in pay scales for those at the Montana School for the Deaf and Blind was 16% lower than those of Great Falls. The fringe benefits are 26% lower.

PROPOSERS: Bob Deming, Superintendent of the Montana School for the Deaf and Blind read a petition signed by 68 people. (See Exhibit 7A)

Steven Gettel, teacher at Montana School for the Deaf and Blind submitted written testimony regarding his goals and frustration of seeing good teachers leave the school because teachers across the street earn \$1,745 more. See testimony for more.

Robert LeMieux, a deaf teacher at the school was accompanied by an interpreter who said the salary schedules have always trailed behind the public school system since the establishment of MSDB. (Please refer to written testimony)

Terry Minow with the Montana Federation of Teachers expressed support for this bill as the teachers need equitable pay.

Phillis Honka from Helena spoke as a blind parent of a student enrolled at the School for the Deaf and Blind. She praised the dedication and expertise of these teachers and felt they needed comparable salaries.

Hidde VanDuym, Executive Secretary of the Board of Public Education, said the board serves as trustees and are very proud of the school. This school serves as a model in the northwest.

Tom Rojecki, School Psychologist at the School for the Deaf and Blind said he has worked for the last six years in an effort to get equity pay for the faculty. (See written summary)

John Price, Vice President of the P.T.A. at the Montana School for the Deaf and Blind and teacher of the hearing impaired there said the campus is the finest in the west and the change has improved the student morale. He felt giving teachers a salary increase would also improve their self-concept. (See written testimony)

Jesse Long with the School Administrators of Montana spoke in favor of passage of this legislation.

There being no further proponents and no questions, Rep. Moore closed the hearing on H.B. 660 by saying that he sat on the appropriations committee and feels this school has been left behind. This bill would be moved to the House Appropriations Committee if it passes this one.

The Committee went into executive session with Chairman Harrington calling for H.B. 18 to be looked at.

ACTION ON H.B. 18: Rep. Hannah motioned that the substitute bill for H.B. 18 be given a DO PASS. Rep. Schye seconded the motion and it carried unanimously. Rep. Eudaily proposed the adoption of an amendment to include the terms board of vocational-technical institutes in (a) and (2) of the bill. (See exhibit 8) The amendment motion carried unanimously by voice vote. Rep. Sands moved that the 2 mill statewide levy requirement be stricken from the bill. A roll call vote was taken on this motion which passed 10 for, 5 against. Rep. Hammond made a substitute motion of DO NOT PASS AS AMENDED, which was later withdrawn and instead Rep. Hammond moved that H.B. 18 DO PASS AS AMENDED, the motion was given a second by Rep. Hannah and a roll call vote showed 12 for and 4 against.

Rep. Schye motioned that an interim committee be requested to study this issue and the motion carried.

ACTION ON H.B. 71: Rep. Hannah motioned DO PASS to H.B. 71. Rep. Eudaily seconded this motion.

Rep. Sands substituted the motion with a call to TABLE the bill. The substitute motioned failed as a voice vote and show of hands indicated there were 10 against the motion.

A roll call vote was made on the motion that H.B. 71 DO PASS and showed 9 for, 7 against the motion.

ACTION ON H.B. 685: Rep. Hammond moved that H.B. 685 DO PASS. Rep. Mercer seconded the motion and it carried unanimously by voice.

ACTION ON H.B. 534: Rep. Thomas moved DO NOT PASS to H.B. 534. Following discussion on proposed amendments that non-tenured teacher notification be omitted, Rep. Thomas withdrew his motion. Rep. Thomas moved DO PASS AS AMENDED, to which Rep. Mercer seconded the motion. The amendments will be as follows:

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1. Title, lines 6.
Following: "MAY"
Strike: remainder of line 6 through "MAY"
on line 7
2. Title, line 7.
Strike: "SECTIONS"
Insert: SECTION
3. Title, line 8.
Strike: "AND 20-4-206"
4. Page 1, line 21.
Strike: "in an odd numbered year, the"
Insert: "The"
5. Page 2, line 18 through line 19, page 3.
Strike: section 2 in its entirety

ACTION ON H.B. 538: Rep. Hannah moved H.B. 538 DO NOT PASS.
Rep. Thomas seconded the motion which carried by voice vote.

RECONSIDERATION OF H.B. 626: Rep. Kitselman moved that the
committee reconsider their action on H.B. 626 which was moved
from the committee. Rep. Eudaily seconded the motion and the
committee agreed.

ACTION ON H.B. 608: Rep. Eudaily moved DO PASS to this bill
and the motion carried unanimously by voice vote.

ACTION ON H.B. 630: Rep. Kitselman moved that H.B. 630 be
TABLED. Rep. Hammond seconded this motion. A voice vote
showed the motion carried with a show of hands indicating
that Representatives Sands, Nisbet, Montayne, and Peck
opposed the motion.

ACTION ON H.B. 635: Rep. Hammond moved DO PASS AS AMENDED
to H.B. 635. Rep. Kitselman seconded the motion. The
amendments, moved by Rep. Peck, are as follows:

1. Page 2, line 24.
Strike: "75%"
Insert: "50%"

The amendment motion carried unanimously. Rep. Mercer
substituted the amendment motion with a proposal that the
it contain "30%" rather than "50%", but he later withdrew
this motion. The committee voted by voice on the proposal
that H.B. 635 DO PASS AS AMENDED and it carried unanimously.

There being no further business, the meeting adjourned at 7:05 p.m.


DAN HARRINGTON, Chairman

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-15-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	EX		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly	EX		
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	EX		

ROLL CALL VOTE

HOUSE COMMITTEE EDUCATION

DATE 2.15.85 HOUSE Bill No. 18 Time

NAME	YES	NO
Dan Harrington		
Ralph Eudaily		✓
Ray Brandewie	—	—
William Glaser	✓	
Joe Hammond		✓
Tom Hannah	✓	
Raymond Harbin	✓	
Roland Kennerly	✓	—
Les Kitselman	✓	
John Mercer	✓	
John Montayne	✓	
Richard Nelson	✓	
Jerry Nisbet	✓	✓
Ray Peck	✓	
Jack Sands	✓	
Ted Schye		✓
Fred Thomas	✓	
Mel Williams	—	—
Dan Harrington		✓

Secretary _____ Chairman _____

Motion: AMENDMENT STRIKE 3 MILL LEVY

10 FOR 5 AGAINST

ROLL CALL VOTE

HOUSE COMMITTEE EDUCATION

DATE 2.15.85 HOUSE Bill No. 18 Time

NAME	YES	NO
Dan Harrington		
Ralph Eudaily	✓	
Ray Brandewie		✓
William Glaser	✓	
Joe Hammond	✓	
Tom Hannah	✓	
Raymond Harbin	✓	
Roland Kennerly		
Les Kitselman	✓	
John Mercer	✓	
John Montayne	✓	
Richard Nelson	✓	
Jerry Nisbet		✓
Ray Peck	✓	
Jack Sands	✓	
Ted Schye	✓	
Fred Thomas		✓
Mel Williams		✓
Dan Harrington		

Secretary

Chairman

Motion: DO PASS AS AMENDED 12 FOR 4 AGAINST

ROLL CALL VOTE

HOUSE COMMITTEE EDUCATION

DATE 2-15-85 HOUSE Bill No. 71 Time

NAME	YES	NO
XXXXXXXXXXXXX Dan Harrington		
Ralph Eudaily	✓	
Ray Brandewie		✓
William Glaser	✓	
Joe Hammond		✓
Tom Hannah	✓	
Raymond Harbin		✓
Roland Kennerly		
Les Kitselman	✓	
John Mercer	✓	
John Montayne	✓	
Richard Nelson	✓	
Jerry Nisbet		✓
Ray Peck		✓
Jack Sands	✓	
Ted Schye		✓
Fred Thomas	✓	
Mel Williams		
Dan Harrington		✓

Secretary _____

Chairman _____

Motion: 00 PAS 9 FOR 7 AGAINST

STANDING COMMITTEE REPORT

FEBRUARY 15

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 608

FIRST reading copy (WHITE)
color

**MANDATORY APPROVAL FOR TUITION WHEN STUDENT TRANSFERRED ON COURT
ORDER**

Respectfully report as follows: That HOUSE Bill No. 608

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 15 19 25

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 538

FIRST reading copy (WHITE color)

CENTRALIZE FUNDING AND ADMINISTRATION OF SCHOOL FOUNDATION PROGRAM

Respectfully report as follows: That HOUSE Bill No. 538

DO NOT PASS

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 15..... 19...25..

MR.SPEAKER.....

We, your committee onEDUCATION AND CULTURAL RESOURCES.....

having had under considerationHOUSE..... Bill No.71.....

FIRST reading copy (WHITE)
color

COAL SEVERANCE TAX ALLOCATION TO VO-TECH CENTERS

Respectfully report as follows: That.....HOUSE..... Bill No.71.....

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 15

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 685

FIRST reading copy (WHITE)
color

**ALLOWING TRUSTEES TO REAPPROPRIATE FUNDS FROM THE PREVIOUS SCHOOL
YEAR**

Respectfully report as follows: That HOUSE Bill No. 685

DO PASS

STANDING COMMITTEE REPORT

FEBRUARY 16 19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration A HOUSE Bill No. 635

FIRST reading copy (WHITE)
color

ALLOW SCHOOL DISTRICT REIMBURSEMENT FOR VEHICLE DRIVEN TO BUS LOCATION

Respectfully report as follows: That HOUSE Bill No. 635

BE AMENDED AS FOLLOWS:

1. Page 2, line 24.
Strike: "75%"
Insert: "50%"

AND, AS SO AMENDED,

DO PASS

STANDING COMMITTEE REPORT

PAGE 1 OF 3

FEBRUARY 13

19 35

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL Bill No. 18

FIRST reading copy (WHITE)
color

GOVERNANCE OF VO-TECH CENTERS BY NEW STATE BOARD: LOCAL CONTROL ABOLISHED

Respectfully report as follows: That HOUSE Bill No. 18

BE AMENDED AS FOLLOWS:

1. Title, line 6.
Following: "CENTERS;"
Insert: "RENAMING POSTSECONDARY VOCATIONAL-TECHNICAL
CENTERS AS VOCATIONAL-TECHNICAL INSTITUTES;"
2. Title, line 12.
Following: "29-9-603"
Insert: "29-25-701,"
Following: "30-6-211"
Insert: ", MCA"
3. Title, line 13.
Following: Line 12
Insert: "29-7-323,"
Following: "29-9-405"
Insert: ", MCA"
Following: "AN"
Insert: "IMMEDIATE"

DO PASS

H.B. 18

4. Title, line 14.

Following: "DATE"

Insert: "FOR CREATION AND CERTAIN DUTIES OF THE
STATE BOARD AND PROVIDING A JULY 1, 1986,
EFFECTIVE DATE FOR IMPLEMENTATION OF THE
REMAINING PARTS OF THE ACT"

5. Page 1, line 17.

Strike: everything following the enacting clause

Insert: (see attached sheets)

AND, AS AMENDED:

DO PASS

STATEMENT OF INTENT ATTACHED

H.B. 13

STATEMENT OF INTENT

Section 3 of the bill requires the board of vocational-technical institutes to adopt rules implementing its powers and duties. The legislature intends these rules to encompass the full range of board powers and duties, and particularly those set out in section 3 of the bill which is effective on passage and approval. The legislature intends that the board begin the process of adopting rules and policies prior to the July 1, 1986, effective date for implementation of the remainder of the act.

The board should study the office of public instruction's postsecondary vocational-technical education rules, which are superseded by this act, since those rules may give the board guidance.

STANDING COMMITTEE REPORT

PAGE 1 OF 2

FEBRUARY 15

19 35

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 534

FIRST reading copy (WHITE)
color

SCHOOL FUNDING ELECTIONS TO BE HELD IN MAY

Respectfully report as follows: That HOUSE Bill No. 534

BE AMENDED AS FOLLOWS:

1. Title, lines 6 and 7.
Following: "MAY"
Strike: remainder of line 6 through "MAY"
on line 7
2. Title, line 7.
Strike: "SECTIONS"
Insert: "SECTION"
3. Title, line 8.
Strike: "AND 20-4-206"
4. Page 1, line 21.
Strike: "in an odd numbered year, the"
Insert: "The"

DEBASSK

H.B. 534

3. Page 2, line 18 through line 19, page 3.
Strike: section 2 in its entirety

AND, AS SO AMENDED,

DO PASS

ATTACHMENT TO COMMITTEE REPORT

H.B.18

2.15.85

NEW SECTION. Section 1. Board of vocational-technical institutes. (1) There is a board of vocational-technical institutes consisting of seven persons appointed by and serving at the pleasure of the governor. After initial appointments, each board member must be appointed to a 7-year term of office and the terms must be staggered. The governor must ensure that business and industrial interests are represented by the board and must ensure geographic distribution of appointees.

(2) The board of vocational-technical institutes is allocated to the board of regents as provided in this subsection. The budget requests of the board of vocational-technical institutes must be included with those of the board of regents. The board of regents has supervisory, administrative, coordinating, and other powers and duties with respect to the board of vocational-technical institutes to the extent necessary for the board of regents to comply with its duties as the sole state agency under the 1984 federal vocational education act and [section 2].

NEW SECTION. Section 2. Sole state agency for federal vocational education requirements. The board of regents is the sole state agency for purposes of the 1984 federal vocational education act, which requires a state participating in programs under that act to designate a state board or agency as the sole state agency responsible for administration or supervision of the administration of those programs.

NEW SECTION. Section 3. Powers and duties of board of vocational-technical institutes. (1) The board of vocational-technical institutes has general administrative and supervisory control over the vocational-technical institutes and shall:

(a) establish and when necessary amend a plan for the orderly development of postsecondary vocational-technical education offered at the vocational-technical institutes that is consistent with federal and state law, controlled to prevent unnecessary duplication, and funded to ensure necessary growth and quality education;

(b) adopt standards for postsecondary vocational-technical education courses and programs;

(c) implement a review process, which may include appointment of a local advisory board for each institute, for establishing and deleting programs and courses that recognizes the present and future needs of employers and provides qualified graduates for positions for which there is or may in the near future be a demand;

(d) establish student entrance and graduation requirements;

(e) appoint a director, to serve at the pleasure of the board, for each vocational-technical institute and establish minimum qualifications for faculty and minimum qualifications for directors, administrative staff, and other personnel;

(f) appoint a commissioner of vocational-technical education, to serve at the pleasure of the board;

(g) establish student tuition and prescribe the bases and limitations for charging of fees, taking into account funding available from all other sources;

(h) determine the amount to be paid for the lease or

purchase of buildings;

(i) adopt budget requests for the vocational-technical institute system;

(j) establish a procedure by which students can receive part of their education and training through programs, courses, and on-the-job training offered by the private sector and not available at the institutes;

(k) establish a procedure by which qualified persons in the private sector can participate in the training and teaching of students in the institutes' classrooms when such persons have training, knowledge, and skills not available through the institutes' faculty;

(l) provide means by which the institutes' faculty can obtain advanced education and training in new areas and either be reimbursed for their expenses or raised to a higher salary level, or both;

(m) establish for the various institutes uniform policies for recordkeeping; financial transactions; accounting; maintenance; recruiting, guidance, and placement of students; examinations; personnel relations; and other matters as determined by the board;

(n) negotiate with the bargaining representative for the personnel of each institute or the personnel of the institutes in a manner consistent with state and federal law;

(o) work with other institutions of postsecondary education for articulation between those institutions and the vocational-technical institutes;

(p) adopt rules, not inconsistent with the constitution and the laws of the state, which are proper and necessary in the execution of the powers and duties conferred upon it by law.

(2) Rules proposed for adoption must be submitted to the board of regents for its comments and suggestions prior to publication of the notice of intent to adopt the rules. The board of regents may at any time submit to the board of vocational-technical institutes recommendations for changes in rules and policies.

NEW SECTION. Section 4. Duties of the commissioner of vocational-technical institutes. The commissioner of vocational-technical institutes shall, under the rules and policies of the board of vocational-technical institutes:

(1) be the chief administrative officer for the board of vocational-technical institutes for the administration of its vocational-technical institute rules and policies;

(2) employ, within the limits of any legislative appropriation and with the confirmation of the board of vocational-technical institutes, the staff necessary for the state supervision and administration of the board's vocational-technical institute rules and policies;

(3) provide supervisory and consultative assistance to institutes;

(4) report the status of postsecondary vocational-technical education offered at the vocational-technical institutes in the state of Montana when requested by the board of vocational-technical institutes;

(5) keep all board of vocational-technical institutes records in his office; and

(6) perform any other duties assigned by the board of vocational-technical institutes.

NEW SECTION. Section 5. Employment of vocational-technical institute personnel. (1) Persons may be employed by vocational-technical institutes through any one or more processes chosen by the board of vocational-technical institutes. Different employment processes may be used for different levels or types of personnel.

(2) The board shall, when required to do so, negotiate with the bargaining representative for the personnel of each institute or the personnel of the institutes regarding wages, hours, benefits, and other conditions of employment in a manner consistent with state and federal law.

NEW SECTION. Section 6. Existing institute employees. (1) The rights of persons employed by an institute under a collective bargaining agreement in effect prior to July 1, 1986, may not be impaired.

(2) Following [the effective date of this section], the employees of any institute may apply to the board of personnel appeals for determination of the appropriate bargaining unit or units for the purposes of collective bargaining for a contract or contracts to be negotiated prior to July 1, 1986.

(3) A person employed by an institute under a school district on June 30, 1986, becomes an employee of the board of vocational-technical institutes on July 1, 1986.

(4) If a person is employed by an institute in any capacity on July 1, 1986, and has accumulated sick, vacation, or other leave with a school district, such leave shall be transferred fully regardless of the length of employment with the district in which the institute is located. Prior to July 1, 1986, the board of vocational-technical institutes shall negotiate the assumption of accumulated leave liability with the district.

Section 7. Section 2-18-103, MCA, is amended to read:
"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

- (1) elected officials;
- (2) county assessors and their chief deputy;
- (3) officers and employees of the legislative branch;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, appointed by the legislature, or appointed by other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education or the board of vocational-technical institutes;

(9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;

(10) teachers under the authority of the department of institutions;

(11) investment officer and assistant investment officer of the board of investments; and

(12) four professional staff positions under the board of oil and gas conservation."

Section 8. Section 19-4-302, MCA, is amended to read:

"19-4-302. Active membership. (1) Unless otherwise provided by this chapter, the following persons must be active members of the retirement system, with the exception that those persons who became eligible for membership on September 1, 1937, or on September 1, 1939, and who elected not to become members under the provisions of the law at that time are not required to be members:

(a) any person who is a teacher, principal, or district superintendent as defined in 20-1-101;

(b) any person who is an administrative officer or a member of the instructional or scientific staff of a unit of the Montana university system;

(c) any person employed in an instructional services capacity by the office of the superintendent of public instruction, the office of a county superintendent, a special education cooperative, a public institution of the state of Montana, the Montana state school for the deaf and blind, the board of vocational-technical institutes or a vocational-technical institute, or a school district;

(d) any person who has elected not to become a member of the retirement system and is reentering service in a capacity prescribed by (a), (b), or (c) of this subsection (1);

(e) any person who has elected not to become a member of the retirement system, who has been continuously employed in a capacity prescribed by (a), (b), or (c) of this subsection (1) since the time of such election, and who may thereafter elect to become a member of the retirement system.

(2) In order to be eligible for active membership, any person described in subsection (1) must:

(a) be employed in the capacity prescribed for his eligibility for at least 30 days in any fiscal year; and

(b) have the compensation for his creditable service totally paid by an employer as defined herein.

(3) At any time a person's eligibility to become a member of the retirement system is in doubt, the retirement board shall determine his eligibility for membership. All persons in similar circumstances shall be treated alike."

Section 9. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Agricultural experiment station" means the agricultural experiment station established at Montana state university.

(2) "Average number belonging" or "ANB" shall mean the average number of regularly enrolled, full-time pupils attending the public schools of a district.

(3) "The board of public education" is the board created by Article X, section 9, subsection (3), of the 1972 Montana constitution and 2-15-1507.

(4) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the 1972 Montana constitution and 2-15-1505.

(5) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the 1972 Montana constitution and 2-15-1506.

(6) "County superintendent" means the county

government official who is the school officer of the county.

(7) "District superintendent" means any person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

(8) "K-12 vocational education" means vocational education in public school grades 1 through 12.

~~(8)--"Postsecondary--vocational--technical--center"--means a--school--used--principally--for--the--provision--of--postsecondary vocational--technical--education--to--persons--who--qualify--as postsecondary--vocational--technical--pupils--These--centers--are designated--by--the--superintendent--of--public--instruction--upon direction--by--the--legislature--All--other--public--or--private schools--are--hereby--prohibited--from--using--this--title--~~

(9) "Postsecondary vocational-technical education" means vocational-technical education of postsecondary vocational-technical pupils students which is conducted by a postsecondary vocational-technical center or other programs institute as designated by the superintendent--of--public instruction board of vocational-technical institutes or by a unit of the Montana university system or a community college as designated by the board of regents. Postsecondary vocational-technical education shall include the 13th and 14th year and beyond but will not include work toward a baccalaureate degree.

~~(10)--"Postsecondary--vocational--technical--pupil"--means--a person--who--has--completed--or--left--school,--is--at--least--16 years--of--age,--and--is--available--for--study--in--preparation--for entering--the--labor--market,--for--reentering--the--labor--market, or--for--employment--stability--or--advancement--in--employment--~~

~~(11)~~(10) "Principal" means any person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher shall be construed as including a principal, as herein defined.

~~(12)~~(11) "Pupil" means any child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but has not yet reached his 19th birthday and who is enrolled in a school established and maintained under the laws of the state of Montana at public expense.

~~(13)~~(12) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

~~(14)~~(13) "Regents" means the board of regents of higher education.

~~(15)~~(14) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and shall include any food service financially assisted through funds or commodities provided by the United States government.

~~(16)~~(15) "The state board of education" is the board

composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the 1972 Montana constitution.

~~(17)~~(16) "State university" means the Montana state university, located at Bozeman.

~~(18)~~(17) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the constitution of Montana.

~~(19)~~(18) "System" means the Montana university system.

~~(20)~~(19) "Teacher" means any person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher shall also include any person for whom an emergency authorization of employment of such person has been issued under the provisions of 20-4-111.

~~(21)~~(20) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

~~(22)~~(21) "Textbook dealer" means any party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state of Montana.

~~(23)~~(22) "Trustees" means the governing board of a district.

~~(24)~~(23) "University" means the university of Montana, located at Missoula.

~~(25)~~(24) "Vocational education" means the instruction to prepare or improve the pupil for gainful employment that does not require a baccalaureate or higher degree. This definition of vocational education shall include guidance and prevocational, related, or technical instruction necessary to prepare the pupil for further vocational education or for entry into employment.

(25) "Vocational-technical institute" means an institution used principally for the provision of postsecondary vocational-technical education to persons who qualify as vocational-technical students. These institutes are designated by the board of vocational-technical institutes upon direction by the legislature. All other public or private institutions or schools are hereby prohibited from using this title.

(26) "Vocational-technical student" means a person who has completed or left school, is at least 16 years of age, and is available for study in preparation for entering the labor market, for reentering the labor market, or for employment stability or advancement in employment."

Section 10. Section 20-2-101, MCA, is amended to read:

"20-2-101. Combined boards as state board -- budget review -- officers -- meetings -- quorum. (1) The board of public education and the board of regents meeting together as the state board of education shall be responsible for long-range planning and for coordinating and evaluating policies and programs for the public educational systems of the state. The state board of education shall review and unify the budget requests of educational entities assigned by law to the board of public education, the board of

regents, the board of vocational-technical institutes, or the state board of education and shall submit a unified budget request with recommendations to the appropriate state agency.

(2) The governor is the president of, the superintendent of public instruction is the secretary to, and the commissioner shall be a nonvoting participant at all meetings of the state board of education.

(3) The state board of education may select a member to chair its meetings in the absence of the governor.

(4) A tie vote at any meeting may be broken by the governor.

(5) A majority of members appointed to the board of public education and the board of regents shall constitute a quorum for transaction of business as the state board of education.

(6) The board of public education and the board of regents shall meet at least twice yearly as the state board of education on any two of the dates specified in 20-2-112(1).

(7) Other meetings of the state board of education may be called by the governor, by both the secretary to the board of public education and the secretary to the board of regents, or by joint action of eight appointed members, four each from the board of public education and the board of regents. All meetings of the state board of education shall be for the purposes set forth in subsection (1) above or for the purpose of considering other matters of common concern to the board of public education and the board of regents, but the state board of education may not exercise the powers and duties assigned by the 1972 Montana constitution and by law to the board of public education and the board of regents."

Section 11. Section 20-2-111, MCA, is amended to read:

"20-2-111. Officers of boards -- quorum. (1) The board of public education, the board of vocational-technical institutes, and the board of regents may each select a chairman from among their appointed members.

(2) The professional assistant shall serve as secretary to the board of public education, and the commissioner of higher education serves as secretary to the board of regents.

(3) A majority of the appointed members of each board constitutes a quorum for the transaction of business.

(4) The professional assistant shall serve as a liaison between the board of public education and the superintendent of public instruction and shall carry out other such duties as assigned by the board of public education."

Section 12. Section 20-2-112, MCA, is amended to read:

"20-2-112. Quarterly meetings of boards -- called meetings -- notice of meetings. (1) The board of public education, the board of vocational-technical institutes, and the board of regents shall meet quarterly at the same location on the second Monday of April, July, September, and December.

(2) Other meetings of ~~either~~ any board may be called by the governor, by the chairman, by the secretary, or by four appointed members.

(3) The secretary to each board shall mail notice to

each member at least 7 days in advance of all meetings of the respective board."

Section 13. Section 20-2-113, MCA, is amended to read:

"20-2-113. Per diem of board members -- expenses. Appointed members of the board of public education, the board of vocational-technical institutes, and the board of regents are entitled to \$25 per day and travel expenses, as provided for in 2-18-501 through 2-18-503, for each day in attendance at board meetings or in the performance of any duty or service as a board member."

Section 14. Section 20-2-114, MCA, is amended to read:

"20-2-114. Adoption of rules -- seal -- record of proceedings. The board of public education, the board of vocational-technical institutes, the board of regents, and the state board of education each shall:

(1) adopt rules consistent with the constitution or laws of the state of Montana necessary for its own government or the proper execution of the powers and duties conferred upon it by law;

(2) adopt and use an official seal to authenticate its official acts; and

(3) keep a record of its proceedings."

Section 15. Section 20-3-103, MCA, is amended to read:

"20-3-103. Deputy superintendent -- staff. (1) The state superintendent of public instruction shall appoint a deputy who, in the absence of the principal or in the case of vacancy in his office, shall perform all the duties of office until such disability be removed or vacancy be filled. Such deputy shall subscribe, take, and file the oath of office provided by law for other state officers before entering upon the performance of his duties.

(2) The superintendent of public instruction shall have the power to employ, organize, and administer a staff of personnel to assist him in the administration of the duties and services of the office. In organizing his staff, the superintendent of public instruction shall employ:

(a) a supervisor of physical education who is a graduate of an accredited institution of higher education with a master's degree in physical education;

(b) a professional staff for the state supervision and administration of K-12 vocational education; and

(c) a special education supervisor who is a graduate of an accredited institution of higher education with a master's degree in a field of special education for the mentally retarded or physically handicapped and who has not less than 2 years' experience in special education."

Section 16. Section 20-3-104, MCA, is amended to read:

"20-3-104. Discretionary staff. In addition to the positions of employment listed in 20-3-103, the superintendent of public instruction may employ:

(1) one or more assistant superintendents, one of whom may be designated as assistant superintendent for K-12 vocational education;

(2) a high school supervisor who is the holder of a class 3 teacher certificate with a district superintendent endorsement;

(3) an elementary supervisor who is the holder of a valid teacher certificate;

(4) a competent person to develop economy and efficiency in school transportation and to otherwise

supervise the transportation program;

(5) a music supervisor who is a graduate of an accredited institution of higher education in music education and who has not less than 5 years of teaching experience;

(6) an educational media supervisor who is a graduate of an accredited institution of higher education and who has experience in the field of educational media; and

(7) any other supervisors or assistants as may be required to carry out the duties of his office."

Section 17. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools -- powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;

(5) approve or disapprove the orders of a high school boundary commission in accordance with the provisions of 20-6-311;

(6) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(7) approve or disapprove school isolation within the limitations prescribed by 20-9-302;

(8) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

(9) establish a system of communication for calculating joint district revenues in accordance with the provisions of 20-9-151;

(10) approve or disapprove the adoption of a district's emergency budget resolution under the conditions prescribed in 20-9-163 and publish rules for an application for additional state aid for an emergency budget in accordance with the approval and disbursement provisions of 20-9-166;

(11) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

(12) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

(13) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;

(14) distribute state equalization aid in support of the foundation program in accordance with the provisions of 20-9-342, 20-9-346, and 20-9-347;

(15) estimate the statewide equalization level for the foundation program in accordance with the provisions of 20-9-348;

(16) distribute state impact aid in accordance with the provisions of 20-9-304;

(17) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;

(18) approve or disapprove an adult education program for which a district proposes to levy a tax in accordance with the provisions of 20-7-705;

(19) request, accept, deposit, and expend federal moneys in accordance with the provisions of 20-9-603(1);

(20) authorize the use of federal moneys for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(21) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(22) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of 20-1-303 and 20-1-304;

(23) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with such standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(24) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(25) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(26) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(27) as the governing agent and executive officer of the state of Montana for K-12 vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

~~(28) consider applications for the designation of a postsecondary vocational technical center in accordance with the provisions of 20-7-311;~~

~~(29) establish a fund for the handling of postsecondary vocational technical center fees in accordance with the provisions of 20-7-333;~~

~~(30)~~ (28) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

~~(31)~~ (29) administer the traffic education program in accordance with the provisions of 20-7-502;

~~(32)~~ (30) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

~~(33)~~ (31) review school building plans and specifications in accordance with the provisions of 20-6-622;

~~(34)~~ (32) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408; and

~~†35†~~(33) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education."

Section 18. Section 20-3-324, MCA, is amended to read:
"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall have the power and it shall be their duty to perform the following duties or acts:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board may deem necessary, accepting or rejecting such recommendation as the trustees shall in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel deemed necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and otherwise govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or an emergency budget of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, foundation program, permissive levy, additional levy, cash reserve, and state impact aid amount for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous federal programs fund, building fund, housing and dormitory fund, traffic education fund, and interlocal cooperative agreement fund in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, K-12 vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make such reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(20) retain, when deemed advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to his child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs;

(22) procure and display outside daily in suitable weather at each school of the district an American flag which shall be not less than 4 feet by 6 feet; and

(23) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction."

Section 19. Section 20-6-501, MCA, is amended to read:

"20-6-501. Definition of various schools. As used in this title, unless the context clearly indicates otherwise, the term "school" means an institution for the teaching of children that is established and maintained under the laws of the state of Montana at public expense. The trustees of any district shall designate the grade assignments for the schools of the district, but for the purposes of this title each school shall be known as:

(1) an elementary school when it comprises the work of any combination of kindergarten, other preschool programs, or the first eight grades or their equivalents. A middle school is a school comprising the work of grades 4 through 8 or any combination thereof that has been accredited as a middle school under the provisions of 20-7-102. When an accredited junior high school or an accredited 6-year high school is operated by the district, grades 7 and 8 or their equivalents shall not be considered as elementary grades.

(2) a high school when it comprises the work of one or more grades of schoolwork or their equivalents intermediate between the elementary schools and the institutions of higher education of the state of Montana. Types of high

schools shall be designated as follows:

(a) a junior high school is a school comprising the work of grades 7 through 9 or their equivalents that has been accredited as a junior high school under the provisions of 20-7-102;

(b) a senior high school is a school which comprises the work of grades 10 through 12 or their equivalents and which is operated in conjunction with a junior high school;

(c) a 6-year high school is a school comprising the work of grades 7 through 12 or their equivalents that has been accredited as a 6-year high school under the provisions of 20-7-102;

(d) a 4-year high school is a school comprising the work of grades 9 through 12 or their equivalents;

(e) a county high school is a 4-year high school operated as an agency of county government and established under the provisions of the acts of March 3, 1899, March 14, 1901, and any subsequent amendments thereto;

~~(f)---a---postsecondary---vocational-technical---center established under the provisions of 20-7-311."~~

Section 20. Section 20-7-301, MCA, is amended to read:

"20-7-301. Duties of the superintendent of public instruction. The superintendent of public instruction shall be the governing agent and executive officer of the state of Montana for K-12 vocational education. The superintendent of public instruction shall adopt and administer policies to effect the orderly development of a system of K-12 vocational education that is adaptable to changing needs, controlled to prevent unnecessary duplication, coordinated with federal guidelines and requirements for vocational education, and funded to ensure growth and quality programming. In order to accomplish the orderly development of a system of K-12 vocational education, the superintendent of public instruction policies shall include:

(1) a state plan for such development;

(2) standards for K-12 vocational education courses and programs;

~~(3)---the---minimum---requirements---for---granting postsecondary-vocational-technical-certificates-to-students;~~

~~(4)~~(3) a review process for the establishment and deletion of programs;

~~(5)---the-necessary-qualifications-that-a--postsecondary vocational-technical-center-director-must-possess;~~

~~(6)~~(4) instructor qualifications for K-12 vocational education courses and programs;

~~(7)~~(5) criteria for approval of K-12 vocational education courses and programs which--are--to--receive financial-assistance;

~~(8)---criteria---for---receiving,---reviewing,---and transmitting-----recommendations-----on-----postsecondary vocational-technical-center-operations-and--budget--requests to-the-legislature;~~

~~(9)~~(6) a basis for apportionment of all moneys appropriated by the legislature for K-12 vocational education in accordance with the intent of the legislature as reflected in the terms of the appropriation;

~~(10)~~(7) a basis for apportionment of all moneys received by the state of Montana for K-12 vocational education from the federal government in accordance with the acts of congress;

{11}(8) a system of evaluation of K-12 vocational education which allows for consideration of the current and projected manpower needs and job opportunities; and

{12}--the--tuition--and--fees--to--be--charged--at---the postsecondary--vocalional-technical--centers;--based--upon legislative-appropriations-available-to--the--superintendent of-public-instruction-for-postsecondary-vocalional-technical centers;

{13}--the--allowable--costs--for-rental-of-buildings-for postsecondary-vocalional-technical-center-purposes;

{14}--guidelines-for--the--authority--delegated--by--the superintendent--of--public--instruction--to--the--local-school district--board--of--trustees--operating---a---postsecondary vocalional-technical-center;--and

{15}(9) any other policy not inconsistent with public law and which is necessary for the proper operation of a system of K-12 vocational education."

Section 21. Section 20-7-302.1, MCA, is amended to read:

"20-7-302.1. State director of K-12 vocational education -- duties. There is a state director of K-12 vocational education appointed by the superintendent of public instruction. He must:

(1) administer the K-12 vocational education policies adopted by the superintendent of public instruction;

(2) prepare curriculum guides for superintendent of public instruction adoption;

(3) employ, with the confirmation of the superintendent of public instruction, the professional staff necessary for the state supervision and administration of K-12 vocational education;

(4) report the status of K-12 vocational education in the state of Montana when requested by the superintendent of public instruction;

(5) keep all K-12 vocational education records in his office;

(6) provide K-12 vocational education supervisory and consultative assistance to districts;

{7}--provide---a---postsecondary--vocalional-technical center--system--policy--and--procedural--handbook--for institutional-operations-that--will--standardize--operations among-the-centers;

{8}--identify--and--direct--the--county--treasurer--in--those counties--where--postsecondary--vocalional-technical--centers are--located--to--establish--the--necessary--multifund--structures for--postsecondary--vocalional-technical--center---financial operations;

{9}--meet--with--the--chairman--of--the--board--of--trustees; the--district--superintendent;--and--center--director--of--each postsecondary--vocalional-technical--center--at--least--twice each--year---to---discuss---recommended---changes---in---the superintendent---of---public---instruction's---policies--and procedures;

{10}--formulate--and--put--into--effect--uniform--fiscal; student;--staff;--and--program--accounting--systems--for--the postsecondary-vocalional-technical-centers;

{11}(7) prepare any necessary reports for the superintendent of public instruction or the legislature; and

{12}--represent--the--postsecondary-vocalional-technical center-system-to-state-agencies;--associations;--and--others

when appropriate;

(13) recommend a staffing pattern for the postsecondary vocational-technical centers;

(14) provide for the evaluation of programs and services within each postsecondary vocational-technical center;

(15) provide for evaluation of each postsecondary vocational-technical center's ability to meet employment and student vocational-technical education needs; and

(16)(8) perform any other duty assigned by the superintendent of public instruction."

Section 22. Section 20-7-303, MCA, is amended to read:

"20-7-303. ~~District~~ Authorization to establish and maintain vocational education courses and programs. (1) The trustees of any an elementary or high school district, community college district, or unit of the Montana university system may establish and maintain a vocational education course or program that complies with the K-12 vocational education standards adopted by the superintendent of public instruction. The trustees of a community college district or a unit of the Montana university system may establish and maintain a postsecondary vocational-technical education course or program.

(2) In order for a course or program to be eligible for state or federal financing, it shall be approved by:

(a) the superintendent of public instruction for compliance with K-12 vocational education standards;

(b) the board of vocational-technical institutes for compliance with postsecondary vocational-technical institute standards; or

(c) the board of regents for courses and programs offered by a unit of the Montana university system or by a community college."

Section 23. Section 20-7-311, MCA, is amended to read:

"20-7-311. ~~Postsecondary vocational-technical center~~ Vocational-technical institute designation. (1) ~~Postsecondary vocational-technical centers~~ Vocational-technical institutes shall be designated by the ~~superintendent of public instruction~~ board of vocational-technical institutes upon direction of the legislature. Applications for designation must be made in accordance with the following procedure:

(a) The trustees of any high school district, of a county high school, of a community college district, or the ~~governing board of any unit of the Montana university system~~ board of regents may submit an application for designation of a ~~postsecondary vocational-technical center to be operated by such trustees or governing board~~ institute. The application for designation shall be submitted in accordance with the time, data, and form requirements prescribed by the ~~superintendent of public instruction~~ board of vocational-technical institutes. Applicant high school districts, county high schools, or community college districts shall be located in a county with a taxable valuation of at least \$45 million.

(b) Applications are to be presented to the ~~superintendent of public instruction~~ The superintendent of public instruction board of vocational-technical institutes, which shall examine the application and draft recommendations. The application, together with all

recommendations, shall be presented by the superintendent-of-public-instruction board of vocational-technical institutes to the next following legislature.

(2) The superintendent-of-public-instruction board of vocational-technical institutes shall recognize the presently---designated---postsecondary vocational-technical centers-operated-by-the---respective---board---of---trustees---of institutes designated prior to July 1, 1986, in school district number 1 of Silver Bow County, high school district number 1 of Lewis and Clark County, high school district "A" of Cascade County, Missoula County high school, and high school district number 2 of Yellowstone County."

Section 24. Section 20-7-312, MCA, is amended to read:

"20-7-312. Local administration of vocational-technical institute. (1) Subject to the requirements of the laws of the state of Montana and the policies and rules of the superintendent---of---public instruction---as---administered---by---the---state---director---of vocational-education, the---board---of---trustees---operating---a postsecondary board of vocational-technical institutes, the director of each vocational-technical center institute has administrative and supervisory control of the institute and shall:

{a}---employ,---from---among---qualified---applicants,---a postsecondary-vocational-technical-center-director;

{b}{a} employ administrative personnel, faculty members, and employees for the postsecondary vocational-technical center institute according to the policies and procedures rules of the board of trustees vocational-technical institutes;

{c}{b} recommend, develop, and submit budgets a recommended budget for the postsecondary vocational-technical centers institute;

{d}{c} establish-and collect student tuition and fees;

{e}{d} recommend to the superintendent---of---public instruction---through---the---state---director---of---vocational education board of vocational-technical institutes:

(i) proposals regarding postsecondary vocational-technical center institute programs, budgets, student services, and public service activities; and

(ii) campus development and program plans for individual postsecondary vocational-technical center institute buildings;

{f}{e} manage buildings erected-and-equipped-on-leased grounds at the vocational-technical institute;

{g}{f} receive and administer gifts and bequests to the postsecondary vocational-technical center institute according to a written plan submitted to the superintendent of---public---instruction board of vocational-technical institutes; and

{h}{g} perform any other administrative responsibilities duties not inconsistent with law and required by the superintendent-of-public-instruction board of vocational-technical institutes.

(2) The board-of---trustees---operating director of a postsecondary vocational-technical center institute may not enter into any contract that in any way creates a debt or obligation upon the state for the improvement or construction of postsecondary vocational-technical center institute buildings on-leased-property."

Section 25. Section 20-7-314, MCA, is amended to read:

"20-7-314. Lease or purchase of state property for postsecondary vocational-technical center institute purposes. (1) The state of Montana, acting by and through the superintendent of public instruction, is hereby empowered and authorized to enter into a board of vocational-technical institutes, may lease agreement for a term not to exceed 40 years in order to lease to a district operating a postsecondary vocational-technical center any building or lands owned by the state and financed in whole or in part by an appropriation made by the legislature of the state of Montana for the purpose of supporting the district's postsecondary a vocational-technical center institute. The consideration necessary to support such a lease may be nominal.

(2) The superintendent of public instruction is hereby authorized to transfer or direct transfer of title held by the state of Montana in buildings or lands financed in whole or in part by an appropriation by the state legislature to a district operating a postsecondary vocational-technical center, at any time the superintendent of public instruction deems such transfer to be in the best interests of both the state and the district involved, provided that this authorization extends only to buildings or lands which are to be used by the district for postsecondary vocational-technical education purposes. The state of Montana, acting through the board of postsecondary vocational-technical institutes and on request of a school district, may lease or purchase the equity or interest of the school district in any building, land, or other property at a vocational-technical institute on terms agreed to between the board of vocational-technical institutes and the school district. A purchase may be by lump-sum payment, time payments, the assumption of bonded indebtedness, or any other mutually agreeable method. Money received by a school district from the lease or sale under this subsection (2) of the school district's equity or interest in a building, land, or other property must be credited to the debt service fund, building fund, general fund, or any combination of these funds, at the discretion of the trustees of the school district."

Section 26. Section 20-7-322, MCA, is amended to read:

"20-7-322. State treasurer custodian of vocational education moneys money. (1) The treasurer of the state of Montana is hereby designated as the custodian of all federal and state moneys money designated, appropriated, or apportioned for vocational education. All moneys money received from any federal or state source for the establishment, operation, or furtherance of vocational education in the state shall be deposited with the state treasurer. At the direction of the superintendent of public instruction, he shall disburse all moneys appropriated or money received for K-12 vocational education. At the direction of the board of regents, he shall disburse all money received for postsecondary vocational-technical education.

(2) The state treasurer is the treasurer for all postsecondary vocational-technical centers institutes, and all money received by postsecondary vocational-technical centers institutes from any source shall be deposited in the

state treasury pursuant to 17-6-105, unless the source of the money specifies deposit somewhere other than in the state treasury."

Section 27. Section 20-7-324, MCA, is amended to read:

"20-7-324. Sources of financing for postsecondary vocational-technical center institute budgets -- superintendent---of---public---instruction---administration distribution of funds. (1) The total of the vocational-technical institute budgets approved by the superintendent---of---public---instruction board of vocational-technical institutes, together with the budget for the cost of state administration of the postsecondary vocational-technical centers institutes, shall constitute the total maximum approved statewide budget, which shall be financed as follows:

(a) The primary source of financing is to be those funds specifically designated by legislative enactment or referendum by the people for financing postsecondary vocational-technical education institutes in Montana.

(b) The board of county commissioners of each county in which a designated postsecondary vocational-technical center is located is hereby authorized to levy a tax of not to exceed 1-1/4 mills for calendar year 1979 and 1-1/2 mills thereafter on the dollar of all taxable property, real and personal, within the county for the support and maintenance of the postsecondary vocational-technical center located within the county.

(c) Designated postsecondary vocational-technical centers institutes shall be eligible to receive such funds from the federal government as the superintendent of public instruction board of vocational-technical institutes may provide pursuant to applicable acts of congress.

(d) The board of trustees of any designated high school district or county high school district where a postsecondary vocational-technical center is located may be required, as a condition for the construction in that district of a postsecondary vocational-technical center, or any part thereof, to furnish up to 50% of the amount of funds required for any such construction. The percentage of construction funds to be furnished by the designated district shall be derived, in whole or in part, from any of the following sources:

(i) the sale of bonds issued by that district (such bonds shall be issued in conformity with the requirements of chapter 9, part 4, of this title in the case of high school and county high school district);

(ii) any other funds available to that district which may be legally and properly applied toward such construction;

(iii) the reasonable value of land, buildings, fixtures, or equipment furnished by that district, subject to the approval of the superintendent of public instruction.

(2) The superintendent of public instruction board of vocational-technical institutes shall direct the distribution of the funds specified in subsections (1)(a) and (1)(c) subsection (1) on the basis of the budgets approved by the superintendent of public instruction board of vocational-technical institutes. The funds earned by the mill levy specified in subsection (1)(b) shall be credited by the county treasurer to the postsecondary

~~vocational-technical-center-fund-~~

~~(3)--The-superintendent--of--public--instruction--shall determine--the-amount-of-financing-available-from-these-four sources-of-revenue-and-may-approve-budgets--for--maintenance and--operation,--construction,--and--ancillary-services.--The aggregate--amount--of--the--budgets--so--approved---by---the superintendent--of--public--instruction---for--postsecondary vocational-technical-centers-shall--not--exceed--the--moneys determined-to-be-available-"~~

Section 28. Section 20-7-325, MCA, is amended to read:

"20-7-325. Postsecondary--vocational-technical--center Vocational-technical institute funding -- nongeneral fund money expended first -- reversion of general fund money. (1) Whenever an approved postsecondary vocational-technical center institute under the provisions of 20-7-311 is operated within--a--district, the trustees-of-such-district board of vocational-technical institutes shall request the establishment of the appropriate accounts in the state treasury. These accounts shall be established in the appropriate state treasury funds as determined by the department of administration. All money prescribed and received under the provisions of 20-7-324 shall be credited to these accounts. The expenditure of the money deposited in the state treasury shall be made in accordance with procedures established by the department of administration. Such expenditures shall be made under the budget and for the programs approved by the superintendent---of---public instruction--under--the--provisions--of--20-7-323 board of vocational-technical institutes and the financial administration provisions of this title.

(2) A postsecondary vocational-technical center institute shall apply expenditures against nongeneral fund money wherever possible before using state general fund appropriations. All state general fund money appropriated or disbursed to a postsecondary vocational-technical center institute which are unexpended at fiscal year end shall revert to the state general fund.

~~(3)--The-----approval-----of-----the-----postsecondary vocational-technical-center--budget-and-subsequent-revision or-amendment-of-such-budget-by-the-superintendent-of--public instruction-shall-constitute-the-final-budget-approval-~~

~~(4)--Whenever---the---county---tax---prescribed---in 20-7-324(1)(b)-is-to-be-used-in-support-of-the-postsecondary vocational-technical-center,--the--county--commissioners--are authorized-to-levy-such-tax-on-the-county-in-accordance-with the-provisions-of-20-9-142-"~~

Section 29. Section 20-7-327, MCA, is amended to read:

"20-7-327. Source of financing for postsecondary vocational-technical center institute facility maintenance. The source of funds for maintenance, remodeling, and renovation of postsecondary vocational-technical center institute facilities may be either-local-funds federal funds or state funds specifically appropriated by the legislature and approved by the superintendent--of--public--instruction board of vocational-technical institutes, or any combination of these funds."

Section 30. Section 20-7-332, MCA, is amended to read:

"20-7-332. Tuition rates. (1) Tuition may be charged to any resident or nonresident of the state of Montana by the governing---board director of any postsecondary

vocational-technical center institute at rates to be determined by the ~~superintendent-of-public-instruction~~ board of vocational-technical institutes. The ~~superintendent-of-public-instruction~~ board of vocational-technical institutes shall also prescribe permissible uses for any tuition authorized.

(2) For the purposes of this section the eligibility of a student for resident status shall be determined in the same manner as that prescribed for use by the Montana university system, except that those provisions referring to "high school graduates" or "graduation from high school" shall be considered to refer to a person who has attended school or who was in attendance at a school."

Section 31. Section 20-7-333, MCA, is amended to read:

"20-7-333. ~~Pupit~~ Student fees and disposition of collected fees. (1) Fees for the use of equipment and material used in instruction may be charged by the ~~trustees or other governing board~~ director of the postsecondary vocational-technical center institute. The ~~superintendent-of-public-instruction~~ board of vocational-technical institutes shall prescribe the ~~basis~~ bases and limitations for the charging of such fees.

(2) Fees collected by the postsecondary vocational-technical center institute shall be deposited with the state treasurer in the fund designated by the ~~superintendent-of-public-instruction~~ board of vocational-technical institutes for the receipt of such fees. The expenditure of the fees shall not be subject to budget limitations and shall be in addition to the program budgets approved by the ~~superintendent-of-public-instruction~~ board of vocational-technical institutes."

Section 32. Section 20-9-403, MCA, is amended to read:

"20-9-403. Bond issues for certain purposes. (1) The trustees of a school district may issue and negotiate bonds on the credit of the school district for the purpose of:

(a) building, altering, repairing, buying, furnishing, equipping, purchasing lands for, and/or obtaining a water supply for a school, teacherage, dormitory, gymnasium, other building, or combination of said buildings for school purposes, ~~including postsecondary vocational-technical centers in the school district;~~

(b) buying a school bus or buses;

(c) providing the necessary money to redeem matured bonds, maturing bonds, or coupons appurtenant to bonds when there is not sufficient money to redeem them;

(d) providing the necessary money to redeem optional or redeemable bonds when it is for the best interest of the school district to issue refunding bonds; or

(e) funding a judgment against the district.

(2) Any money realized from the sale of any bonds issued on the credit of a high school district shall not be used for any of the above purposes in an elementary school district, and such money may be used for any of the above purposes for a junior high school but only to the extent that the 9th grade of the high school is served thereby."

Section 33. Section 20-9-513, MCA, is amended to read:

"20-9-513. ~~Postsecondary-vocational-technical-center~~ Vocational-technical institute and adult basic education programs account established. There is within the state special revenue fund a postsecondary vocational-technical

center institute and adult basic education account. Money is paid into the account under 90-6-211. The state treasurer shall draw warrants payable from this account upon order of the superintendent of public instruction or the board of vocational-technical institutes up to the amount provided for each under 90-6-211 by the biennial budget passed by the legislature."

Section 34. Section 20-9-603, MCA, is amended to read:

"20-9-603. Acceptance and expenditure of federal moneys for state. (1) (a) The governor and the superintendent of public instruction are authorized on behalf of the state of Montana to request and accept such moneys as are now or will be made available under any act of congress of the United States or otherwise for purposes of public school building construction or for any other purposes of public schools and public education as permitted under the laws of the state of Montana and as authorized by the grants from the federal government. Such moneys shall be deposited by the governor and superintendent of public instruction in the state treasury and are appropriated and made available to the superintendent of public instruction. All such moneys shall be expended for the purpose of public school building construction or for any other purposes of public schools and public education as permitted under the laws of the state of Montana and as authorized by the grants from the federal government.

(2)(b) The governor and superintendent of public instruction are further authorized on behalf of the state of Montana to accept moneys provided from federal sources for the express purpose of distribution to nonpublic education. Such moneys shall be deposited by the governor and superintendent of public instruction in the state treasury and are appropriated and made available to the superintendent of public instruction. All such moneys shall be distributed in the manner provided by the laws of the state of Montana and as authorized or expressed by grants from the federal government.

(3)(c) All expenditures of moneys from federal sources under this ~~section~~ subsection (1) shall be made under the supervision and in the discretion of the superintendent of public instruction. Any balance in the account in which such moneys are maintained shall not lapse at any time but shall be continuously available to the superintendent of public instruction for expenditures consistent with this title and acts of the federal government.

(2) (a) The governor and the board of regents are authorized on behalf of the state of Montana to request and accept such moneys as are now or will be made available under any act of congress of the United States or otherwise for purposes of postsecondary vocational-technical education building construction or for any other purposes of postsecondary vocational-technical education as permitted under the laws of the state of Montana and as authorized by the grants from the federal government. Such moneys shall be deposited by the governor and the board of regents in the state treasury and are appropriated and made available to the board of vocational-technical institutes or the board of regents. All such moneys shall be expended for the purpose of postsecondary vocational-technical education building construction or for any other purposes of postsecondary

vocational-technical education as permitted under the laws of the state of Montana and as authorized by the grants from the federal government.

(b) The governor and the board of regents are further authorized on behalf of the state of Montana to accept moneys provided from federal sources for the express purpose of distribution to nonpublic postsecondary vocational-technical education. Such moneys shall be deposited by the governor and the board of regents in the state treasury. All such moneys shall be distributed in the manner provided by the laws of the state of Montana and as authorized or expressed by grants from the federal government.

(c) All expenditures of moneys from federal sources under this subsection (2) shall be made under the supervision and in the discretion of the board of regents. Any balance in the account in which such moneys are maintained shall not lapse at any time but shall be continuously available to the board of regents for expenditures consistent with this title and acts of the federal government."

Section 35. Section 20-25-701, MCA, is amended to read:

"20-25-701. Definitions and purpose. (1) As used in this part, unless the context otherwise requires, the following definitions apply:

(a) "Institution" means any public institution of postsecondary education governed, supervised, or coordinated by the board of regents of higher education or by the board of vocational-technical institutes.

(b) "Student" means any Montana resident, as established by the board of regents of higher education or by the board of vocational-technical institutes, who has met the qualifications for enrollment as a full-time student at an institution or who is presently enrolled as a full-time student in good standing, as determined by the institution.

(2) It is the purpose of this part to help ensure that no resident of Montana be denied attendance at institutions governed, supervised, or coordinated by the board of regents of higher education or by the board of vocational-technical institutes because of financial barriers and further to provide low-cost supplemental assistance for all governing units within Montana. The legislature intends that any Montana resident wishing to gain admittance to such institutions in Montana, within necessary budgetary limitations as provided by law, shall be allowed the opportunity to earn in part or in total sufficient money to pay the costs accompanying such attendance through employment by state and local governing units and certain public interest organizations."

Section 36. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, and workman defined. (1) The terms "employee", "workman", or "worker" mean:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and

appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay. Casual employees as defined by 39-71-116(3) are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) a recipient of general relief who is performing work for a county of this state under the provisions of 53-3-302 through 53-3-305 and any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined above while they are on the premises of a public school or community college; or

(d) students enrolled and in attendance in programs of ~~vocational--technical~~ postsecondary vocational-technical education ~~approved-by-the-state-board-of-public-education~~ at designated ~~postsecondary---vocational---technical--centers~~ vocational-technical institutes.

(2) If the employer is a partnership or sole proprietorship, such employer may elect to include as an employee within the provisions of this chapter any member of such partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business. In the event of such election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered, and no partner or sole proprietor shall be deemed an employee within this chapter until such notice has been given. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the insurance carrier shall assume a salary or wage of such electing employee to be not less than \$900 a month and not more than 1 1/2 times the average weekly wage as defined in this chapter."

Section 37. Section 90-6-211, MCA, is amended to read:

"90-6-211. Disposition of interest from unexpended balance. The unexpended balance in the local impact and education trust fund account shall be invested as provided by statute by the board of investments. Of the income from such investments each year 10% shall be paid into the state special revenue fund for use by the superintendent of public instruction for purposes of ~~the---postsecondary vocational-technical--centers--and~~ adult basic education programs in the state, ~~subject-to-the-budgeting-authority-of the---legislature~~ and for use by the board of vocational-technical institutes for vocational-technical institute programs in the state, as provided in the biennium budget passed by the legislature. Within the account under 20-9-513, the revenue is shared between the postsecondary vocational-technical centers institutes and the adult basic education programs as provided in the biennium budget passed

by the legislature. Of the remaining 90% of the income from such investments, three-fourths shall be annually paid into the state special revenue fund for state equalization aid to public schools of the state and one-fourth each year shall be paid to the board of regents of higher education for use by the institutions of higher learning in the state, subject to the budgeting authority of the legislature. Except as provided in 90-6-205(4), the principal of the local impact and educational trust fund shall be dedicated to education and forever remain inviolate and sacred to this purpose as provided in sections 3 and 10 of Article X of the Montana constitution."

NEW SECTION. Section 38. Repealer. Sections 20-7-323, 20-7-326, 20-9-404, and 20-9-405, MCA, are repealed.

NEW SECTION. Section 39. Initial appointment and terms of members of board of vocational-technical institutes. Initial appointments to the board of vocational-technical institutes must be made within 30 days after [the effective date of this section]. Two initial appointees shall serve for 4 years, two shall serve for 5 years, two shall serve for 6 years, and one shall serve for 7 years.

NEW SECTION. Section 40. Extension of authority. Any existing authority of the superintendent of public instruction to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 41. Codification instruction. Sections 2 through 5 are intended to be codified as an integral part of Title 20, chapter 7, part 3, and the provisions of Title 20 apply to sections 2 through 5.

NEW SECTION. Section 42. Code commissioner name change. In all sections of the Montana Code Annotated not contained in this act and in all provisions passed by the 49th legislature wherein reference is made to a postsecondary vocational-technical center, the code commissioner shall change the reference to vocational-technical institute.

NEW SECTION. Section 43. Effective dates. (1) Sections 1, 3, 4 through 6, 11 through 14, 39, and this section are effective on passage and approval.

(2) Sections 2, 7 through 10, 15 through 38, and 40 through 42 are effective July 1, 1986."

PROPOSED TEACHERS' RETIREMENT

BOARD AMENDMENTS

TO HOUSE BILL #539

1. Page 1 line 18:

Following "as"

Strike: "members at large"

2. Page 1 line 17:

Following "as"

Insert: "representatives of the public"

Amendments to HB 503

Page 1, line 17-18-19

Add "." after cooperative

Delete "or other political subdivisions of the State of Montana
providing educational services."

Page 1, lines ~~23-24~~ 21

Delete "If an impasse is reached"

Insert "If a dispute exists"

Page 1, lines 23-24

Delete "composed solely of"

Insert "which includes"

Page 2, line 1

Delete "the following"

Page 6, line 19-20

Delete "composed solely of"

Insert "which includes"

Page 7, line 1-2

Delete "composed solely of"

Insert "which includes"

EXHIBIT 2
H.B. 503
2.15.85

STATUTORY OVERVIEW BY STATE K-12 TEACHER BARGAINING

BARGAINING RIGHTS

Duty to Bargain:

AK, CA, CT, DE, DC, FL, HI, ID, IL, IN, IA, KS, ME,
MD, MA, MI, MN, MT, NB, NV, NH, NJ, NY, ND,
OH, OK, OR, PA, RI, SD, TN, VT, WA, WI

Meet and Confer:

AL

No Statute:

AZ, AR, CO, GA, KY, LA, MS, MO, NM, SC, UT,
WV, WY

Prohibited:

NC, TX, VA

ADMINISTRATING AGENCY

CA, CT, DE, DC, FL, HI, ID, IL, IN, IA, KS, ME,
MA, MI, MN, MT, NB, NV, NH, NJ, NY, OH, OR,
PA, RI, SD, WA, WI

UNIT DETERMINATION

Criteria Listed:

CA, DE, DC, FL, IL, IN, IA, KS, ME, MA, MI, MN,
MT, NB, NV, NH, NJ, NY, ND, OH, OR, PA, SD,
WA, WI

Statute Specifies:

AK, CT, HI, MD, RI, TN, VT

RECOGNITION

Elect/An:

DE, HI, IA, NH, TN

Voluntary/Election:

AK, CA, CT, DC, FL, ID, IL, IN, KS, ME, MD, MA,
MI, MN, MT, NB, NV, NJ, NY, ND, OH, OK, OR, PA,
RI, SD, VT, WA, WI

MANAGEMENT RIGHTS

Listed:

AL, CA, DE, DC, FL, HI, ID, IL, IN, IA, MN, MT,
NV, NH, OH, PA, TN

UNION SECURITY

Dues Deduction:

AL, CA, CT, DE, DC, FL, HI, IL, IN, IA, KS, MD,
MA, MI, MN, MT, NV, NJ, NY, ND, OH, OR, PA, RI,
TN, WA, WI

Agency Shop:

(Mandatory) CT, HI, NY, RI

(Permitted) CA, DC, IL, MA, MI, MN, MT, NJ, OH,
OR, WA, WI

(Prohibited) ME

Union Shop:

(Permitted) OR

(Prohibited) WA

IMPASSE PROCEDURES

Mediation:

AK, CA, CT, DE, DC, FL, HI, ID, IL, IN, IA, KS, ME,
MA, MI, MN, MT, NB, NV, NH, NJ, NY, ND, OH,
OR, PA, RI, SD, TN, VT, WA, WI

Factfinding:

CA, DE, DC, FL, HI, ID, IL, IN, IA, KS, ME, MD,
MA, MI, MT, NB, NV, NH, NJ, NY, ND, OH, OK,
OR, PA, TN, VT, WA, WI

Interest Arbitration:

(Mandatory, conventional) DC, HI, MA, MN, NB, NY,
RI

(Voluntary, conventional) IL, ME, MT, NH, NV, NJ,
OH, OR, PA

(Mandatory, final offer, package) WI

(Mandatory, final offer, issue) CT, IA

(Advisory only) AK

Award Criteria:

DE, DC, FL, CA, IN, IA, NV, WI

STRIKE POLICY

Limited Rights:

HI, IL, MN, OH, OR, PA, WI

Penalties:

FL, IN, IA, MD, MA, MN, NB, NV, NH, NY, ND,
OK, SD, TN



MONTANA SCHOOL BOARDS ASSOCIATION

EXHIBIT 3
H.B. 503
2-15-85

501 North Sanders
Helena, Montana 59601
Telephone: 406/442-2180
Wayne G. Buchanan, Executive Director

February 15, 1985

OFFICERS:

PRESIDENT

Marvin Edwards
Box 428
Chinook, MT 59523

VICE PRESIDENT

Karen Doolen
5503 Sweetgrass Creek Drive
Billings, MT 59106

IMMEDIATE

PAST PRESIDENT

Robert Short
1510 Tompy
Miles City, MT 59301

DISTRICT DIRECTORS:

1 EARL LEE
Rt. 1, Box 59
St. Ignace, MT 59865

2 MARVIN EDWARDS
P.O. Box 428
Chinook, MT 59523

3 SALLY LISTERUD
Box 937
Wolf Point, MT 59201

4 HENRY NOLLMAYER
Savage, MT 59262

5 DOLORES VESTAL
Rt. 1, Box 19
Denton, MT 59430

6 ALICE TULLY
5355 Mullan Road
Missoula, MT 59801

7 KENNETH BANDELIER
740 E. Bannack St.
Dillon, MT 59725

8 TAMMY HALL
6734 Gooch Hill Road
Bozeman, MT 59715

9 GAIL ALEXANDER
Box 47
Shawmut, MT 59078

10 HUGH BROADUS
Route 1
Forsyth, MT 59327

MUNICIPAL:

BILLINGS DIRECTOR

KAREN DOOLEN
5503 Sweetgrass Crk. Dr.
Billings, MT 59106

BUTTE DIRECTOR

ROBERT MOODRY
1921 Adams
Butte, MT 59701

GREAT FALLS DIRECTOR

DON HAMILTON
Box 2269
Great Falls, MT 59403

MISSOULA DIRECTOR

RON FERNELIUS
2216 East Vista
Missoula, MT 59801

Rep. Dan Harrington, Chairman
House Education Committee

Mr. Chairman:

The Montana School Boards Association would like to go on record as being opposed to HB 503.

This bill would establish a system of binding interest arbitration which would, purportedly, supplant strikes as a means of settling contract negotiations which have reached impasse. We believe that the bill, if successful, would have the following effect:

1. It would undermine the collective bargaining process.

The collective bargaining process must achieve a delicate balance to be successful. Neither side must have an overwhelming advantage in the negotiations and both sides must have an incentive to agree **and** disagree on every proposal. Management, for instance, must have an incentive to agree to an employee demand, regardless of the difficulty it may cause management. This incentive may be that agreement will prevent labor unrest or that the other side is willing to agree to something that management wants. With interest arbitration there is no incentive for either side to agree on an issue which it believes will be resolved in its favor by the arbitrator. There are a number of issues which are generally regarded favorably by arbitrators. Among these are: grievance arbitration, just cause for termination, and agency shop. Thus, under a system which culminates in binding interest arbitration there is little incentive to negotiate. Instead there is much more incentive for each side to position itself for the eventual arbitration. Some of this strategic posturing may be eliminated by "best offer" arbitration which requires the arbitrator to choose one of the final **packages** proposed by the two sides. This bill does not have true best offer arbitration because it allows the arbitrator to divide the issues in his award, i.e. he may grant the management salary offer and the union fringe benefit package in the same award. Under this system arbitrators are encouraged to compromise by dividing the demands as equally as possible between the two sides rather than arbitrating the issues on their merits. Arbitrators are encouraged to do this because to find for predominantly one side in an arbitration might cause them to be eliminated in future selections by the other side.

2. This bill would nearly eliminate local control of public schools.

Current interpretations of the Montana Collective Bargaining Act classify nearly all aspects of the operations of the public schools

as negotiable. Thus an arbitrator could decide, on the basis of a brief hearing, not only the salary and fringe benefits of the teachers, but such items as staffing, curriculum, rules regarding students, teacher and administrator evaluation, reduction in force procedures, school board meeting times and agendas, and the use of school facilities for both curricular and extracurricular purposes.

Local school boards are required to be accountable in both a general and specific sense, to teachers, students, parents, and local community members, as well as state entities such as the Office of Public Instruction, the Board of Public Education, and, on occasion, the legislature. This is as it should be, for despite collective bargaining and pressures from special interest groups it is the school board in most instances, that is responsible for making the decisions which affect the local schools. If this bill passes, the public will never again be certain who to hold accountable. For not only will arbitrators set conditions for specific school districts, collectively they will set the standards against which future arbitration awards will be decided.

3. This bill would not prevent strikes.

The only benefit that arbitration can have is that it will serve as a substitute for strikes. This bill, in particular, will not do this. I would draw the committee's attention to page 6, lines 16-21, "Strikes and Lockouts Limited". Strikes and lockouts are prohibited during the term of any agreement and the negotiation or arbitration of **that** agreement." (emphasis supplied) Even if we grant that what is meant is the negotiating or arbitration of a **subsequent** agreement, this section does little to limit the right to strike in the current law. Strikes and lockouts are not defined and other concerted activity not prohibited. No remedies for strike, or lockout are provided and other teacher employment protections are presumably not affected by the bill. Finally, the major reason for a no strike clause in exchange for binding interest arbitration is so that the union cannot strike over an arbitrator's award which it finds unacceptable which would defeat the purpose of the arbitration. Notice that strikes are specifically not prohibited in this bill once the arbitration is over.

But even if all these things were to be corrected, the national experience with no strike provisions indicates that no law will prevent a group from going on strike if it is inclined to do so. The air traffic controllers' strike should serve as a poignant reminder of this fact.

4. The arbitration process is expensive.

One of the lessons of interest arbitration in other states has been that no school district should go to arbitration without professional representation. This means having a labor attorney or a professional negotiator present your position and submit briefs in some cases. In addition, the arbitrators can be expensive charging as much as \$2,500 for an arbitration.

5. The present collective bargaining law provides for arbitration if both parties agree. A no strike provision can be agreed upon by the parties.



MONTANA FEDERATION OF TEACHERS

AMERICAN FEDERATION OF TEACHERS

AFL-CIO



P.O. Box 1246

Helena, Montana 59624

(406) 442-2123



TESTIMONY OF TERRY MINOW ON HOUSE BILL 503, GIVEN BEFORE THE HOUSE EDUCATION COMMITTEE ON FEBRUARY 15, 1985

The Montana Federation of Teachers would like to go on record in opposition to House Bill 503.

This legislation is an attempt to circumvent the collective bargaining process. Instead of bargaining similar contract language, the M.E.A. has chosen to come to the Legislature. Nothing in State law prevents the MEA from negotiating binding arbitration or from negotiating a "No Strike" clause. We do have these provisions in some of our contracts, but the contract language has been determined through the give-and-take process of bargaining.

We sympathize with teachers such as those in the Missoula school system. We realize that some school boards have not negotiated in good faith--and we believe they should be voted out of office for this failure. However, we do not feel that one organizations problems in bargaining should impact the rights of all teachers.

The right to strike is one that belongs to all public employees including teachers. If a local wishes to trade if off during the term of a contract in exchange for another provision, that is those employee's right and should not be taken away by this body.

The right to strike is not a right that is being abused. When the collective bargaining act was passed in 1976 there was a period of adjustment during which time public employee strikes occurred more frequently. Over the years, a balance has been achieved. Few strikes occur now and in fact there were no public employee strikes in 1984. The system is working and should not be changed.

Once again, the MFT asks that you give HB 503 a "Do Not Pass" recommendation. Please do not tamper with a system that already works well.

House Bill 538
CENTRALIZING STATE SCHOOL FOUNDATION PROGRAM FUNDING
(Sponsored by Representative Waldron)

Current Law:

The Montana Constitution directs the Legislature to "provide a basic system of free quality public elementary and secondary schools" and to "fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system."

The Problems:

1. EXCESSIVE PAPERWORK
 - a. County superintendents and county treasurers must report county equalization resources to OPI.
 - b. OPI calculates the state equalization aid necessary to fund each school district's statutory foundation program.
2. ERRORS, OMISSIONS, AND UNTIMELY REPORTING have resulted in both under and over funding the foundation.
3. REVENUE SHORTFALLS created by delinquent or protested taxes must be absorbed by individual school districts.
4. UNTIMELY DEPOSITS TO THE STATE TREASURER from counties which collect more than their foundation entitlement.
5. INTEREST EARNINGS on foundation program moneys are not always used to fund foundation program activities.

The Legislative Auditor's financial-compliance audit of the Office of Public Instruction for the two fiscal years ended June 30, 1984 reports little improvement in the timeliness or reliability of the county equalization financial information upon which OPI bases the state equalization distributions. These problems have been reported in the two prior legislative audits of OPI.

The Solution:

House Bill 538 centralizes the administration and funding of the foundation and eliminates the administrative nightmare which has attempted to equitably fit county and state equalization resources together to achieve each school district's foundation entitlement.

County treasurers will simply deposit foundation program collections in the State Treasury on monthly county collection reports and receive total foundation entitlement distributions from the Office of Public Instruction.

Each school district receives its statutory entitlement even if shortfalls in that county's collections occur because of delinquent or protested taxes.

Interest earnings on foundation program moneys will be dedicated for use in the foundation program.

Conclusion:

In Summary House Bill 538 will ensure that each school district receives its fair share as set forth in state law and required by the Constitution.

EXHIBIT 5A

H.B. 538

2.15.85

STATE OF MONTANA

Office of the Legislative Auditor

STATE CAPITOL
HELENA, MONTANA 59820
406/444-3122



ROBERT R. RINGWOOD
LEGISLATIVE AUDITOR

August 10, 1984

DEPUTY LEGISLATIVE AUDITORS:

JAMES H. GILLET
FINANCIAL/COMPLIANCE AUDITS

SCOTT A. SEACAT
PERFORMANCE AUDITS

STAFF LEGAL COUNSEL

JOHN W. NORTHEY

Gloria Paladichuk
County Treasurer
Richland County Courthouse
Sidney, Montana 59270

We are currently performing an audit of the State Equalization Program at the Office of the Superintendent of Public Instruction. We compared expected county equalization surplus based on the General Fund revenue worksheet (forms 1B and 2B) to actual surplus returned by your county to the state at fiscal year-end. We noted in the testing of your county, actual county surplus returned for fiscal year 1984 was 12 percent under expected surplus.

Please respond by August 17, 1984 as to the reason for this difference. If you have any questions contact Helen Brennan at 444-3122.

Thank you for your cooperation in this matter.

Sincerely,

Betsy Plath

Betsy Plath
Senior Auditor

BP/mv2m

OFFICE OF

The County Treasurer

RICHLAND COUNTY

EXHIBIT 5B

H.B. 538

2-15-85

TELEPHONE: (406) 482-1707

P.O. BOX 1106

SIDNEY, MONTANA 59270

August 21, 1984

Office of the Legislative Auditor
State Capitol
Helena, Montana.- 59620

ATTENTION: Betsy Plath
Senior Auditor

RE: STATE EQUALIZATION AUDIT

Dear Ms. Plath:

This will acknowledge receipt of your letter dated August 10, 1984, along with our telephone conversations with you and Helen Brennan regarding the audit of the State Equalization Program.

In checking with County Superintendent Joan Ritter, the expected county equalization surplus amounted to \$2,410,441.82 based on the General Fund Revenue Worksheets (forms 1B and 2B).

According to my records, Richland County forwarded a total of \$2,391,797.28 to the state as a result of the excess equalization surplus monies. This amount was submitted with our State Collections Reports for the months of April, May and June, 1984. An exact month-by-month breakdown is as follows:


April	\$ 21,055.71
May	2,097,323.94
June	<u>273,417.63</u>

TOTAL - \$2,391,797.28

According to my calculations, Richland County returned 99.23% of the expected surplus and I fail to see how you arrived at the 12% reduction. Possibly the cumulative totals were not used.

I await your reply as to the difference of figures between your office and mine. I thank you for your anticipated cooperation in this matter.

Sincerely,



GLORIA PALADICHUK
RICHLAND COUNTY TREASURER

cc: DIRECT to Richland County Commissioners

cc: DIRECT to Joan Ritter, Richland County Supt. of Schools

NAME: MONTANA HIGH SCHOOL ASSOCIATION, REPRESENTED BY MIKE COLBRESE,
ASSISTANT TO THE EXECUTIVE SECRETARY

BILL: HOUSE BILL 715

POSITION: IN SUPPORT OF HB715

My name is Mike Colbrese and I am employed as the Asssistant Executive Secretary of the Montana High School Association. In this position I also act as the staff liason with the Montana Officials Association.

The Montana High School Association is a non-profit organization with a 182 volunteer membership, almost all of Montana high schools. The Association through the leadership of a five member Board of Directors elected by the members, is responsible for regulating interscholastic competition.

The Montana Officials Association is an independent association, which since 1968, at its request, has been administered by the Executive Secretary of the Montana High School Association or his staff. The Montana Officials Association is governed by a ten member board of District Delegates. Each delegate represents a geographic area. These delegates are elected by the members of the Montana Officials Association they represent.

The Montana High School Association and the Montana Officials Association support HB715 for the following reasons:

1. This bill clarifies that members of the Montana Officials Association are independent contractors, as they've always been treated.
2. The nature of the duties of the members of the Montana Officials Association requires independent status. In this case, the employer should not be able to exercise control over the employee's decision.
3. Workers Compensation insurance is unnecessary as each member of the Montana Officials Association is enrolled in the National Federation of Interscholastic Officials Association which provides each official with the following insurance benefits:
 - a. \$1,000,000 liability insurance
 - b. \$10,000 accidental medical coverage
 - c. Disability income - \$50 per week up to 26 weeks

EXHIBIT 7

H.B. 660

2.15.85

HB 660

MONTANA SCHOOL BOARD'S ASSOCIATION 1984-5
SALARY SURVEY SCHEDULE

	BILLINGS	HELENA	MISSOULA	KALISPELL	GT FALLS	AVERAGE	MSDB	\$ DIFF	% DIFF
3A MINIMUM	16156	14280	15800	14290	16250	15355	14956	-399	-2.6
3A MAXIMUM	26581	25220	24087	31950	24670	26502	21163	-5339	-20.1
1A MINIMUM	18314	16250	17499	17605	18020	17538	16274	-1264	-7.2
1A MAXIMUM	31774	31160	31126	32665	30034	31352	25206	-6146	-24.4
FRINGE/YR	1680	2688	1596	1620	1620	1841	1200	-641	-53.3

MSDB COMPARED TO INDIVIDUAL SCHOOLS

	BILLINGS	HELENA	MISSOULA	KALISPELL	GT FALLS
3A MINIMUM	-0.07	0.05	-0.05	0.05	-0.08
3A MAXIMUM	-0.20	-0.16	-0.12	-0.34	-0.14
1A MINIMUM	-0.11	0.00	-0.07	-0.08	-0.10
1A MAXIMUM	-0.21	-0.19	-0.19	-0.23	-0.16
FRINGE/YR	-0.29	-0.55	-0.25	-0.26	-0.26

MONTANA SCHOOL FOR THE DEAF AND BLIND

SALARY SCHEDULE

1984-85

STEP	BA	BA+15	BA+30	MA	MA+15	MA+30	MA+45
1	14956	15490	15994	16274	16594	16926	17265
2	15487	16023	16560	16866	17175	17519	17869
3	16023	16560	17135	17480	17776	18132	18494
4	16560	17097	17711	18094	18398	18766	19142
5	17097	17635	18287	18708	19042	19423	19812
6	17635	18170	18860	19321	19709	20103	20505
7	18170	18708	19437	19934	20399	20807	21223
8		19245	20010	20548	21113	21535	21966
9			20588	21163	21852	22289	22734
10			21163	21776	22616	23069	23530
11				22389	23408	23876	24354
12				23002	24227	24712	25206

SCHOOL DISTRICT		STAFFING			G.F. INCM		SALARY SCHEDULE INFORMATION											
CLASS 1 SCHOOL	DIST #	83-84 A.N.B.	84-85 TCRS	S/T RATIO	LEVY	RANK	B.A.MIN	B.A.MAX	M.A.MIN	M.A.MAX	BASE COMP	ATTN LEVL	ATTN COMP	4 CR INDEX	4 CR COMP	26 YR EARN.	EARN COMP	AVRGE SALRY

ANACONDA	10	2,079	128	16:1	35%	10	\$14,700	\$24,255	\$18,228	\$27,930	-1.18%	3.75	-.09	21,278	-3.12%	\$589,323	-3.93%	\$
BILLINGS	2	16,258	1,053	15:1	36%	8	\$16,156	\$26,581	\$18,314	\$31,774	+8.60%	2	-1.84	23,206	+5.66%	\$615,154	+.28%	\$23,551
BOZEMAN	7	3,968	241.9	16:1	36%	6	\$15,467	\$26,603	\$17,632	\$29,851	+3.97%	3	-.84	22,388	+1.94%	\$613,416	-.01%	\$23,963
GLASGOW	1-1A	1,192	83	14:1	45%	1	\$14,650	\$27,850	\$16,207	\$31,350	-1.52%	4.25	-.41	22,514	+2.51%	\$627,756	+2.33%	\$21,964
GLENDIVE	1	2,018	137.5	15:1	38%	5	\$14,350	\$24,180	\$15,930	\$28,930	-3.54%	4.5	+.66	20,848	-5.08%	\$619,660	+1.01%	\$17,202
GREAT FALLS	1	12,043	787.5	15:1	38%	4	\$16,250	\$24,670	\$18,020	\$30,034	+9.24%	2.5	+1.34	22,244	+1.28%	\$621,468	+1.31%	\$23,418
HAVRE	16A	2,368	152.6	16:1	33%	12	\$14,500	\$25,130	\$16,010	\$28,440	-2.53%	4	+.16	21,020	-4.29%	\$603,590	-1.61%	\$23,198
HELENA	1	6,635	496	13:1	36%	7	\$14,280	\$25,220	\$16,250	\$31,160	-4.01%	4.5	+.66	21,728	-1.07%	\$614,490	+.17%	\$25,063
KALISPELL	5	4,169	238	18:1	29%	14	\$14,290	\$31,950	\$17,605	\$32,665	-3.94%	5	+1.16	24,128	-2.44%	\$643,130	+4.84%	\$25,157
LEWISTOWN	1	1,498	102	15:1	34%	11	\$14,750	\$25,414	\$16,269	\$30,119	-.85%	4	+.16	21,638	-1.48%	\$612,805	-.10%	\$22,863

CLASS 1

1A

INSURANCE			LEAVES			EXTRACURRICULAR			CONTRACT PROVISIONS			SUPPORT STAFF SALARY				
FLY DIST	COST	CONTR	SICK LVE.	CASH RATE	PRSL LVE.	ELMENTARY COACHES /ASSISTANTS	HIGH SCHOOL COACHES /ASSISTANTS		PROVISIONS	CLAUSE	SCORE	SECRETARY	BOOKKEEPER	FOOD SERVE	BUS DRIVER	CUST

(total)	X HLTH					FTBL-1,758/6 @ 1,014	X AGCY. SHOP	0 DUES INDEM.								
\$253 \$188	X DNLT.		10	0	5	BSKT-1,830/6 @ 1,014	O JST. CAUSE	3 MNGT. RCHT.				LOM-\$ 3.35	LOM-\$ 3.35	LOM-\$ 5.52	LOM-\$	LOM-\$
	X OPTL					VOLY-	X BIND. ARB.	1 R.I.F.				HI--\$ 6.10	HI--\$ 9.94	HI--\$ 5.91	HI--\$	HI--\$
	X LIFE					BAND-1,023	O NO STRIKE	0 WHOLE K				AVE-\$ 4.73	AVE-\$ 6.65	AVE-\$ 5.72	AVE-\$	AVE-\$

(total)	X HLTH					FTBL-1,599/2 @ 1,147	O AGCY. SHOP	0 DUES INDEM.								
\$140 \$140	X DNLT.		10	0	2	BSKT-1,373/2 @ 1,066	X JST. CAUSE	3 MNGT. RCHT.				LOM-\$ 4.43	LOM-\$ 5.69	LOM-\$ 3.92	LOM-\$ 3.92	LOM-\$
	X OPTL					VOLY-1,147/1 @ 905	X BIND. ARB.	2 R.I.F.				HI--\$ 6.97	HI--\$ 8.21	HI--\$ 6.73	HI--\$ 6.73	HI--\$
	X LIFE					BAND-2,278	X NO STRIKE	2 WHOLE K				AVE-\$ 5.70	AVE-\$ 6.95	AVE-\$ 5.33	AVE-\$ 5.33	AVE-\$

(total)	X HLTH					FTBL-2,636/	O AGCY. SHOP	0 DUES INDEM.								
\$173 \$155	X DNLT.		12	25%	2	BSKT-2,636/	X JST. CAUSE	2 MNGT. RCHT.				LOM-\$ 4.52	LOM-\$ 5.72	LOM-\$ 4.73	LOM-\$ 4.67	LOM-\$
	X OPTL					VOLY-1,240/	BIND. ARB.	2 R.I.F.				HI--\$ 9.09	HI--\$ 9.09	HI--\$ 5.78	HI--\$ 4.67	HI--\$
	X LIFE					BAND-2,170	X NO STRIKE	2 WHOLE K				AVE-\$ 6.81	AVE-\$ 7.41	AVE-\$ 5.26	AVE-\$ 4.67	AVE-\$

(total)	X HLTH					FTBL-758/1 @ 1,332	X AGCY. SHOP	0 DUES INDEM.								
\$220 \$201	X DNLT.		10	0	2	BSKT-950/3 @ 1,351	X JST. CAUSE	2 MNGT. RCHT.				LOM-\$ 5.00	LOM-\$ 6.76	LOM-\$ 6.05	LOM-\$ 5.50	LOM-\$
	X OPTL					VOLY-	O BIND. ARB.	1 R.I.F.				HI--\$ 6.96	HI--\$ 8.15	HI--\$ 6.95	HI--\$ 6.75	HI--\$
	X LIFE					BAND-426/	O NO STRIKE	0 WHOLE K				AVE-\$ 6.65	AVE-\$ 7.36	AVE-\$ 6.49	AVE-\$ 6.75	AVE-\$

(total)	X HLTH					FTBL-860/	X AGCY. SHOP	0 DUES INDEM.								
\$240 \$240	X DNLT.		10	0	3	BSKT-720/	X JST. CAUSE	2 MNGT. RCHT.				LOM-\$ 5.25	LOM-\$	LOM-\$400/M	LOM-\$ 6.60	LOM-\$
	X OPTL					VOLY-	O BIND. ARB.	1 R.I.F.				HI--\$ 7.70	HI--\$	HI--\$127/M	HI--\$ 7.40	HI--\$
	X LIFE					BAND-1,580	O NO STRIKE	0 WHOLE K				AVE-\$ 6.48	AVE-\$	AVE-\$564/M	AVE-\$ 7.00	AVE-\$

(total)	X HLTH					FTBL-2,397/9 @ 1,978	O AGCY. SHOP	3 DUES INDEM.								
\$135 \$135	X DNLT.		12	0	1	BSKT-2,397/8 @ 1,978	X JST. CAUSE	3 MNGT. RCHT.				LOM-\$ 5.10	LOM-\$ 5.10	LOM-\$ 3.35	LOM-\$	LOM-\$
	X OPTL					VOLY-1,514/	X BIND. ARB.	2 R.I.F.				HI--\$ 7.65	HI--\$ 7.65	HI--\$ 6.08	HI--\$	HI--\$
	X LIFE					BAND-1,892	X NO STRIKE	1 WHOLE K				AVE-\$ 5.92	AVE-\$ 5.92	AVE-\$ 3.97	AVE-\$	AVE-\$

	X HLTH					FTBL-1,439/3 @ 1,289	O AGCY. SHOP	0 DUES INDEM.								
\$200 \$110	X DNLT.		15	0	2	BSKT-1,439/2 @ 1,289	X JST. CAUSE	0 MNGT. RCHT.				LOM-\$ 5.10	LOM-\$ 6.90	LOM-\$ 5.10	LOM-\$ 6.86	LOM-\$
	X OPTL					VOLY-650/	X BIND. ARB.	R.I.F.				HI--\$ 7.60	HI--\$ 6.90	HI--\$ 7.30	HI--\$ 6.86	HI--\$
	X LIFE					BAND-1,723	O NO STRIKE	0 WHOLE K				AVE-\$ 5.82	AVE-\$ 6.90	AVE-\$ 5.47	AVE-\$ 6.86	AVE-\$

(total)	X HLTH					FTBL-2,224/	C AGCY. SHOP	0 DUES INDEM.								
\$224 \$150	X DNLT.		12	25%	3	BSKT-576/	O JST. CAUSE	0 MNGT. RCHT.				LOM-\$ 5.28	LOM-\$ 5.42	LOM-\$	LOM-\$	LOM-\$
	X OPTL					VOLY-1,657/	O BIND. ARB.	1 R.I.F.				HI--\$ 7.45	HI--\$ 7.73	HI--\$	HI--\$	HI--\$
	X LIFE					BAND-2,729	C NO STRIKE	0 WHOLE K				AVE-\$ 6.14	AVE-\$ 6.43	AVE-\$	AVE-\$	AVE-\$

(total)	X HLTH					FTBL-800/4 @ 600	C AGCY. SHOP	0 DUES INDEM.								
\$135 \$135	X DNLT.		10	25%	3	BSKT-800/200	X JST. CAUSE	3 MNGT. RCHT.				LOM-\$ 4.98	LOM-\$ 4.98	LOM-\$ 4.9	LOM-\$ 7.25	LOM-\$
	X OPTL					VOLY-800/	X BIND. ARB.	3 R.I.F.				HI--\$ 6.85	HI--\$ 6.95	HI--\$ 6.53	HI--\$ 7.48	HI--\$
	X LIFE					BAND-1,100	X NO STRIKE	0 WHOLE K				AVE-\$ 5.92	AVE-\$ 5.97	AVE-\$ 5.76	AVE-\$ 7.37	AVE-\$

(total)	X HLTH					FTBL-620/3 @ 443	O AGCY. SHOP	0 DUES INDEM.								
\$160 \$160	X DNLT.		10	0	2	BSKT-620/2 @ 443	O JST. CAUSE	2 MNGT. RCHT.				LOM-\$ 4.93	LOM-\$ 8.32	LOM-\$ 5.16	LOM-\$ 7.49	LOM-\$
	X OPTL					VOLY-560	O BIND. ARB.	3 R.I.F.				HI--\$ 6.41	HI--\$10.82	HI--\$ 6.75	HI--\$ 8.29	HI--\$
	X LIFE					BAND-1,772	O NO STRIKE	2 WHOLE K				AVE-\$ 5.86	AVE-\$ 9.07	AVE-\$ 5.78	AVE-\$ 8.17	AVE-\$

INSURANCE		LEAVES			EXTRACURRICULAR		CONTRACT PROVISIONS		SUPPORT STAFF SALARY			
FMLY DIST	STICK LVE.	CASH RATE	PSRL LVE.		ELEMENTARY COACHES /ASSISTANTS	HIGH SCHOOL COACHES /ASSISTANTS	PROVISIONS	CLAUSE SCORE	SECRETARY	BOOKKEEPER	FOOD SERVE	BUS DRIVER
COST CONT	TYPE											

(total)	X HLTH			FTBL-1,010/3 @ 886	FTBL-2,163/3 @ 1,346	X AGCY. SHOP	3 DUES INDEM.	LOM-\$ 6.09	LOM-\$	LOM-\$	LOM-\$	LOM-\$
\$168	X DNIL	12	25%	BSKT-1,154/2 @ 721	BSKT-2,163/2 @ 1,154	O JST. CAUSE	3 MNGT. RGHT.	HI--\$ 8.73	HI--\$	HI--\$	HI--\$	HI--\$
	X OPTL		3	VOLY- 505/	VOLY-1,587/1 @ 1,010	X BIND. ARB.	2 R.I.F.	AVE-\$ 7.39	AVE-\$	AVE-\$	AVE-\$	AVE-\$
	O LIFE			BAND-1,442	BAND-2,163	X NO STRIKE	2 WHOLE K					
(total)	X HLTH			FTBL-1,001/	FTBL-2,145/5 @ 1,358	O AGCY. SHOP	0 DUES INDEM.	LOM-\$ 367	LOM-\$ 4.27	LOM-\$	LOM-\$ 4.95	LOM-\$
\$158	O DNIL	17	16.7	BSKT-1.001/	BSKT-2,145/3 @ 1,358	O JST. CAUSE	2 MNGT. RGHT.	HI--\$ 6.88	HI--\$ 7.66	HI--\$	HI--\$ 8.00	HI--\$
	O OPTL		2	VOLY-	VOLY-	X BIND. ARB.	R.I.F.	AVE-\$ 5.60	AVE-\$ 6.06	AVE-\$	AVE-\$ 7.00	AVE-\$
	O LIFE			BAND-	BAND-1,716	X NO STRIKE	1 WHOLE K					
(total)	X HLTH			FTBL-2,544/7 @ 1,541	FTBL-2,544/6 @ 1,533	O AGCY. SHOP	0 DUES INDEM.	LOM-\$ 5.20	LOM-\$ 6.10	LOM-\$ 5.00	LOM-\$	LOM-\$
\$133	X DNIL	10	25%	BSKT-	BSKT-2,544/6 @ 1,533	X JST. CAUSE	3 MNGT. RGHT.	HI--\$ 8.37	HI--\$ 9.53	HI--\$ 6.75	HI--\$	HI--\$
	O OPTL		2	VOLY-	VOLY-2,386/2 @ 1,564	X BIND. ARB.	1 R.I.F.	AVE-\$ 6.97	AVE-\$ 7.82	AVE-\$ 5.88	AVE-\$	AVE-\$
	O LIFE			BAND-	BAND-	X NO STRIKE	2 WHOLE K					
(total)	X HLTH			FTBL-381/	FTBL-	X AGCY. SHOP	3 DUES INDEM.	LOM-\$ 6.00	LOM-\$ 6.35	LOM-\$ 3.55	LOM-\$	LOM-\$
\$117	X DNIL	10	0	BSKT- 661/	BSKT-	X JST. CAUSE	2 MNGT. RGHT.	HI--\$ 8.76	HI--\$ 9.10	HI--\$ 7.80	HI--\$	HI--\$
	O OPTL		3	VOLY- 458/	VOLY-	X BIND. ARB.	3 R.I.F.	AVE-\$ 7.38	AVE-\$ 7.72	AVE-\$ 5.68	AVE-\$	AVE-\$
	O LIFE			BAND-	BAND-	X NO STRIKE	2 WHOLE K					

CLASS 1

SCHOOL DISTRICT		STAFFING			G.F. INCM		SALARY SCHEDULE INFORMATION											
CLASS 1 SCHOOL	DIST #	83-84 A.N.B.	84-85 TCHRS	S/T RATIO	LEVY	RANK	B.A.MIN	B.A.MAX	M.A.MIN	M.A.MAX	BASE COMP	ATTN LEVL	ATTN COMP	4 CR INDEX	4 CR COMP	26 YR EARN.	EARN COMP	AVG SAL
LIBBY	4	2,380	139.7	17:1	32%	13	\$14,420	\$24,850	\$15,910	\$29,450	-3.07%	4	+ .16	21,158	-3.67%	\$599,120	-2.33%	\$24,
MILES CITY	1	1,920	130	15:1	39%	2	\$14,300	\$26,230	\$15,870	\$28,830	-3.87%	4.5	+ .66	21,308	-2.98%	\$596,640	-2.74%	\$22,
MISSOULA CO. HIGH	MCHS	3,665	251	15:1	39%	3	\$15,800	\$24,087	\$17,499	\$31,126	+6.21%	3.75	+ .09	22,128	+ .75%	\$619,787	+1.03%	\$26,
MISSOULA ELEM.	1	5,292	347.1	15:1	36%	9	\$14,350	\$26,533	\$15,957	\$30,723	-3.54%	4	+ .16	21,891	- .33%	\$611,837	- .26%	\$23,

*

2.15.85

P
ARENT

Montana School for the Deaf & Blind

T
EACHERH
OUSEPARENTA
SSOCIATION, INC.

PETITION FOR H.B. 660

We the teachers and parents of the students at the Montana School for the Deaf and the Blind sign and fully support House Bill 660. It is time the teachers of the Montana School for the Deaf and Blind and the Great Falls School District are on equity pay.

As a teacher I have put many long and hard hours into my formal education, not to speak of all the expense. I believe it is time that I can take home at least the same wages as my co-workers in the public school system. I know there are some smaller districts where they make less wages than I do, but the cost of living is considerably lower. I'm between a rock and a hard place. My wages are that of a small district, yet I live in one of the larger districts in the State. I would like to continue teaching at the School for Deaf and Blind, but I have an obligation to my family.

I hope this committee will take the time to understand my problem, because it may not only effect the teachers, but parents and children as well. For without quality teachers education will suffer.

Sincerely,

STAFF

4
Madeline J. Bumer

PETITION FOR H.B. 660

STAFF

Phil Bechard
 Ernie Latman
 Laurie Mac
 Kim Schurab
 Sandra McEnnis
 Debra Kial Knuth
 Nancy Anderson
 Jon Price
 Anna Wyatt
 Barbara Lillis
 Lynda Remmel
 Viola McDowell
 Karen A. Jansville
 Gina C. Rogers
 Betty Van Dyken
 Darwin Youngson
 Larry McManus
 Mickey Richtel
 Ellen Shippe
 Thomas J. Rojeski
 William J. Calver
 Ruthanne M. Guss
 Danny W. Miller
 Andrea Miller

PARENTS

Bob Fleming
 Gina C. Rogers
 Connie Cole
 Melanie Quigley
 Fred Quigley
 Donald E. Killion
 Beverly Latham
 Jackie Dee Conway
 Gary Dalki
 Wes Hoffman
 Kim Holzheimer
 John Rosenbaum
 Trudy Rosenbaum
 Tara Skaan
 Edward Skaan
~~Pat Skaan~~ Rudette R. Skaan
 Pat Skellieix

Others

Gail Swagert
 Russell Meade

Staff

Laura Park-Leach

Howard Bethel

Kathleen A. Downing

Laura K. Richards

Rita J. DeLo

Sharon J. Greenlee

Leslie J. DeLo

Sophie K. Green

Lucy Olung Holmstrom

Russell Meade

Ami
Hally H

Morris J. Miller

Parents

Dorlene Ruane

John B. Ruane

Glenn Thompson

Leon Campbell

David E. Thomas

James H. Nelson

Darry Fuller

Thy M. B. Miller

amend as follows:

20-25-701. Definitions and purpose. (1) As used in this part, unless the context otherwise requires, the following definitions apply:

(a) "Institution" means any public institution of postsecondary education governed, supervised, or coordinated by the board of regents of higher education, *or by the board of vocational-technical institutes.*

(b) "Student" means any Montana resident, as established by the board of regents of higher education, *or by the board of vocational-technical institutes.* who has met the qualifications for enrollment as a full-time student at an institution or who is presently enrolled as a full-time student in good standing, as determined by the institution.

(2) It is the purpose of this part to help ensure that no resident of Montana be denied attendance at institutions governed, supervised, or coordinated by the board of regents of higher education, *or by the board of vocational-technical institutes.* because of financial barriers and further to provide low-cost supplemental assistance for all governing units within Montana. The legislature intends that any Montana resident wishing to gain admittance to such institutions in Montana, within necessary budgetary limitations as provided by law, shall be allowed the opportunity to earn in part or in total sufficient money to pay the costs accompanying such attendance through employment by state and local governing units and certain public interest organizations.

For the record, Mr. Chairman, members of the committee, my name is Steve Gettel and I am a teacher at the Montana School for the Deaf and the Blind.

Becoming a part of the faculty at MSDB was a career goal I set for myself in 1977 while attending Montana State University in Bozeman. A great deal of personal and financial commitment was necessary to obtain the masters degree in Special Education and CED Certification encouraged by the State Board of Education. Having attained this goal, I am proud to say that I am a member of MSDB's top quality staff and I am equally proud of the job we do in educating the visually and hearing handicapped children of Montana. You can be proud of the superb facilities your previous legislation helped to create. Together we are helping to develop tax payers and not tax users.

Another career goal of mine, probably one of the most important for anyone, is being able to obtain satisfaction from my job. I can tell you that there is no other place I would rather be working than MSDB. I love my students and I love being in the classroom helping them learn and learning from them.

But along with career goals I have a few personal goals. Not unlike other working people, my wife and I would like to own a home, complete our family and then later be able to provide financial assistance when our children are working toward their career goals.

The way my salary stands now it will not be possible for us to achieve all of these goals. We've thought, "Well maybe in a few years salaries will be higher and we'll be able to buy a house." But when we pencil out budgets on projected incomes we always find ourselves right on the "financial edge", just keeping pace with our current standard of living. I've been lucky enough to find good summer employment. Not all teachers are. But even with supplemental income there's still not enough money to substantially better our situation.

It's been frustrating and disappointing for me to face up to the economic reality of being a teacher. This frustration and disappointment weighs heavy against the satisfaction and achievement of such an exciting and challenging career. It's not hard to understand why, in Montana, 43.5% of all male teachers and 60% of all female teachers leave the profession before they have taught 10 years.¹ Disappointment becomes even greater for me when I see teachers with the same teaching degree and years of experience, just across the street at East Junior High, earning \$1,745.00 more than myself. Many of these teachers do not even have the special training and certifications that many of the MSDB staff members have acquired. As years of experience are accumulated this

¹(AP), "Teacher Shortage Predicted," Great Falls Tribune, February 5, 1985, p. 9-A.

discrepancy becomes even greater. A teacher at MSDB with a masters degree and 20 years of teaching experience will earn \$4,614.00 less, this year, than he or she could earn working for the Great Falls School District.

My family and the families of many teachers are faced with some difficult decisions. It's hard to put a dollar value on job satisfaction but that satisfaction is not the only thing that is lost when a good teacher leaves a school. The members of the staff lose the vitality and creative influence of that teacher. The students lose. They lose the opportunity to have benefited from the special knowledge and skills of that teacher. The parents and the entire community lose a positive force involved in the academic, attitudinal and emotional development of their children.

Now I have a new goal, the goal of all the members of the professional staff at MSDB. This goal reads, "As educators we will not have to chose between the career satisfaction we now enjoy and the financial security-our families need and deserve. We will receive fair and equitable pay."

You can help us attain this goal. You can help by establishing equitable pay for the quality teachers and professional staff at MSDB.

I'm asking for your full support of House Bill 660. Thank you.

Mr. [unclear] -

H.B. 660 I am Robert LeMeier, father of two deaf children and also president of MSDB Montana Federation of Teachers.

In 1956 I was hired as a teacher. My beginning salary was \$2,250 a year about \$2,500 below the beginning salary for the first year teacher in the public school system. I was forced to moonlight for twenty years to make the ends meet and support my family. That was no funny business.

In 1975 I had to go out of Montana to attend California State University at Northridge to acquire a master degree in education, supervision, and administration in the area of deafness because there was ~~no~~ such training program being offered in Montana University System. Yet, at present my salary is still about 18% below the public school salary schedule.

Strangely, the MSDB salary schedule has been trailing behind the regular salary schedule of public school system since the establishment of MSDB. Frequently the MSDB salary schedule is hung upon the fateful decision made by the legislators to give a take-it-or-leave-it appropriation to the MSDB without reviewing or determining certification, training, experience and duties for the

15 teachers and staff. ~~So there is~~ a vacuum
^{created} prescription because the Board of Public
Education has no authority to be involved
in this salary schedule prescription.

The inclusion of the Board of Public
Education is needed to prescribe the salary
schedule in order to encourage the hiring
and retention of competent teachers and
staff and the promotion of such educational
programs, and conditions in the MSDB. So
this will enable the handicapped students
to equip themselves better to take their
places in the economic, social, and
political life of the community.

The MSDB MFT members, ^{part of} ~~and~~ ^{handicapped} give our
full support to the HB660.

WITNESS STATEMENT

NAME Jon Price BILL NO. 660
 ADDRESS 4217 Central Great Falls mt DATE 2/15/85
 WHOM DO YOU REPRESENT? MSDB
 SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: MR. Chairman, members of the committee. My name is Jon Price. I'm vice president of the PTH at Montana School for the Deaf & Blind. I am also a teacher in the hearing impaired department. I have sat here today and listened to testimony on many complicated issues. I don't give you your job. But, it is a job that you've committed yourself to. Like wise many individuals I know have committed themselves to educating visually impaired and hearing impaired students. To accomplish this goal they have had to obtain a kind of education that would enable them to deal with special students. They have made many decisions based on the assumption that these students deserve to have the best possible kind of education. The State of Montana has also expressed that same desire by building one of the finest campuses in the entire west. That not a day that a part the talent in several schools for the deaf & blind all over the west. Montana has one of the best that exists.

of which all of you could see the
change that occurred in student morale.

It was like ^{you} telling them - "we see you
as worth while people" and now they
believe it. On Monday of Aug of
wish to meet some of these "

"first class citizens" I'll be happy to
introduce you to them. It makes a
person feel good when they are treated
like "first class people". The buildings
are wonderful and they have made a difference
but buildings alone don't make a program,

People make a program. You've heard testimony
on the problems that our teachers are facing.
Moodle is starting to deteriorate. I don't want
to see that happen to this group of people.
Treat the teachers like "first class citizens"
by paying us what we're worth and
we will give the State of Montana
a school that could be the
show place of the United States

- back again.

WITNESS STATEMENT

NAME Tom Roseski BILL NO. 660
ADDRESS 2608 7th Ave No. DATE 2-15-85
WHOM DO YOU REPRESENT? M.S.D.B. Local 4027
SUPPORT 100% OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am the school psychologist at the MSD B for the last eight years and have been vice president for our local union for the last six years working with Mr. Bob LeMieux in his efforts to get equity pay for our excellent faculty and staff at the Montana School for the Deaf and Blind.

Due to my variety of roles I have had the opportunity to work with our parents, staff, administration, Board of Education, etc in providing services for our hearing impaired, visually impaired, multi handicapped, deaf/blind, students at our school.

The specialized qualifications, certifications,^{tra}
and abilities of our staff ^{qualify} merit equality
or equity with our local school
counterpart. This goes without

saying! The time is now to do
away with these gaps and to completely,
progressively, support House Bill 660.

I offer my total support for this
bill.

WITNESS STATEMENT

NAME LORAN FRANZIER BILL NO. 538
 ADDRESS 2100 16th Ave SO Great Falls 59405 DATE 2/15/85
 WHOM DO YOU REPRESENT? Great Falls public schools
 SUPPORT _____ OPPOSE X AMEND _____
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

With the present revenue status of
 the Great Falls public schools, we must oppose
 this bill for the following reasons:

1. The bill would cause a ^{local} mill levy increase
 in an already overburdened school district in
 Great Falls.
2. The Great Falls School District would have
 to increase its reserve fund by approx 500,000
 dollars. (Burden on local taxpayers -)
3. This bill ~~is~~ transfers money from County -
 to state - to local - presently it flows
 from County to local. ^{at written} More handling
 of funds ^{which is} not necessary.
4. Time lines of payment to districts
 are not good. 1st payment in sept 2nd
 in January. By January the school year is
 half over.

WITNESS STATEMENT

NAME Robert J. Deming BILL NO. HB 666
 ADDRESS 100 28th St. N. G.T. Falls DATE 2-15-85
 WHOM DO YOU REPRESENT? Mont. School for Deaf + Blind
 SUPPORT yes OPPOSE _____ AMEND _____
 PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

My Chairman, Members of the Committee
 for the record I am Rob Deming, Superintendent
 MSDB - which is a free public school governed by the

(1) Bd. of Public Education Support by
 Bd. agents item passed in Dec. 1984 -

(2) My personal Commitment to Ed. of the
 Handicapped - Training - background -
 experience. Family - Daughter - Tax payer

(3) legislative Commitment to facilities
 at the school.

(4) My goal to upgrade staff in terms
 of Training, Certification and experience
 and also to establish a family atmosphere
 at the school in terms of my staff and

myself being more than Teacher - we
 are parent - friend - Counselor -
 model - Confidant - Shoulder

for a parent to cry on -

(5) this bill was my idea -
not original but stolen from
Indiana - the concept is a
good one -

(6) I strongly urge your positive
support of HB 660.

VISITOR'S REGISTER

EDUCATION

COMMITTEE

BILL 660 - APPROPRIATION TO UPGRADE SALARY
SCHEDULE FOR DEAF & BLIND SCHOOL

DATE 2-15-85

SPONSOR Jack Moore

[illegible]

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 539 - ADDING MEMBER TO TEACHERS RETIREMENT DATE 2-15-85
BOARD

SPONSOR PAULA DARKO

[illegible]

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 538 - CENTRALIZE FUNDING OF FOUNDATION PRO-DATE 2-15-85

SPONSOR STEVE WALDRON

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP POS
John H. H. H.		MAA	X	
Loren Aron	Gracet Hills	School Dist		X
Chris Hartman		MAA	X	
John Paladino	Sidney	St. Lawrence Assoc.		X
Charles Gravelley	Helena	Co Treasurers		X
James L. Hines	Helena	Herb Torf		X
T.C. Matthews	cut Bank	Sch Dist 15		✓
John M. Long	Helena	S.A. 14		X
Richard M. Wise	Helena	MA CSS		✓
John S. W. W.	Helena	Co Treasurers		✓
John S. W. W.	Shelby	MAA		X
John Campbell	Helena			✓
John Shortz	Richland City			X
William Dafford	Baker Mt.	Helena County		X
KEVIN FENNER	BAKER MT	FULLON CITY		X
Gary Long	Helena, MT	Fullon City		X

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 549 - TO GENERALLY CLARIFY FINANCE LAWS DATE 2-15-85

SPONSOR John Cobb

[illegible]

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 635 - ALLOW SCHOOL DIST. REIMBURSEMENT
FOR DRIVING TO BUS LOCATION

DATE 2-15-85

SPONSOR Paula Darko

[illegible]

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 715 - EXEMPT FROM WORKERS COMP

DATE 2-15-85

SPORTS OFFICIALS

SPONSOR Gary Spaeth

[illegible]

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 503 - REGULATE COLLECTIVE BARGAININGDATE 2-15-85SPONSOR HAL HARPER

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP POS
Phil Campbell		MEA	X	
Sherry McNamee	Sidney	SEA	X	
Bill Harbord	Missoula	MEA	X	
John Hartman		MSA	X	
Thomas Dorr	Bozeman	MSBA		X
Greg Griffith	Bozeman	Marblehead S.D. #27		X
Doug Shewell	Helena	HEA	X	
T. C. Matthews	Cut Bank	Sch Dist 15		✓
James Jones	Helena	S. A. M		X
Don Waldron	Mala	Helena Elem.		X
John Mahler	Butte	M.F.T.		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.