MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The fifth meeting of the Edcuation and Cultural Resources
Committee was called to order by Chairman Jack Sands, on
January 19, 1987, at 1:00 p.m. in Room 312-D of the State
Capitol.

ROLL CALL: All members were present except Rep. Kennerly who
was absent and Rep. Schye who was excused; he joined the meeting
later.

CONSIDERATION OF HOUSE BILL NO. 83:

REP. DOROTHY CODY, House District No. 20, sponsor of the bill
stated this bill would revise the nepotism laws as they relate
to school district trustees. She said this bill was introduced
at the request of her constituents. She read from her pre-
pared statement (see Exhibit 1). She further presented portions
of a letter from a constituent explaining how the present law
causes extreme difficulty in a small community where the resi-
dents are oftentimes related. (See Exhibit 2.) Rep. Cody said
when a law becomes so restrictive that it eliminates a whole
school board in one community, the law should be changed.

PROPONENTS:

PHIL CAMPBELL, representing the Montana Education Association,
submitted copies of the current nepotism law. (See Exhibit 3.)
He said the association supported SB 35 which passed the Senate.

Mr. Campbell said he supports page 2, part C, line 4 of HB 83,
which addresses the re-employment of a person who was employed
prior to his relative being elected to a board or a commission.
He distributed copies of the entire nepotism law so the com-
mittee could study its definition. He explained the law as
presuming that everyone is guilty and prohibits the hiring of
relatives in the degrees as they are spelled out in statute.
He noted a person should not be denied or hired because of a
relationship, but rather if they qualify for the job, and if
there is merit in giving them the job and should be allowed
that opportunity. He said his major concern is that nobody
lose their job if a relative is elected to serve on the school
board.

RICK BARTOS, representing the office of public instruction,
said they support Rep. Cody's bill. He said as the MEA indi-
cated earlier, office of public instruction also supports
SB 35. Mr. Bartos said they did, however, have a problem with
HB 83 and how it deals with small rural school districts con-
sisting of three-member boards. As the bill is written,

two-thirds vote carries, so if a small rural school or a third-
class school district has, for example, a mother and a father
on the board, they may hire the son or the daughter, thereby
putting the mother and father and the son or daughter in collec-
tive bargaining. An amendment to exclude the third-class school
districts or school districts with three-member boards would pre-
vent this.

CALEB SHIELDS, tribal councilman of the Fort Peck Assiniboine and
Sioux Tribes, submitted a tribal resolution in support of Rep.
Cody's bill. (See Exhibit 4.) He also submitted an excerpt of
a special meeting of the Tribal Executive Board in support of
the bill. (See Exhibit 5.) Mr. Shields expressed his concern
about the state nepotism law as it applies to the school districts.
He said these are unpaid positions, and these people are commun-
ity members who are dedicated in the field of education. He said
it is difficult to find qualified people and those who are in-
terested in promoting quality education. Many people who are
interested in running for school board are being denied. He
noted that the North Dakota law appeared to be working well and
suggested that the committee look at it. For the past decade,
young people in Fort Peck are being encouraged to pursue higher
education with the idea of returning to the reservation in order
to teach. In many cases, the parents who are promoting higher
education for their children would be stymied from running for
school board.

BETTY HOLUM, a resident from Poplar, explained to the committee
that she had been employed by the school district since 1977
as a cook's helper. She said she lost her job when her son-in-
law was elected in 1985 to serve on the school board. She asked
the committee to change the law in this area.

LOUIE CLAYBORNE, Coordinator of Indian Affairs for the state,
requested the committee to keep the record open to enable him
to submit formal resolutions from all seven tribal governments
expressing their support of Rep. Cody's bill. CHAIRMAN SANDS
stated the record would be kept open for that purpose.

OPPONENTS:

BRUCE MOERER, representing the Montana School Board Association,
opposes the bill as it is currently written. He noted that the
language in SB 35 (Senator Smith's bill which would amend the
nepotism laws) was identical to subsection 2-C on page 2 of
HB 83 which allows the renewal of an employment contract. He
stated he didn't oppose SB 35 nor does he oppose subsection
2-C but in subsection 2-B there is a specific ex-
ception to the nepotism law for school districts when
approval of the trustees to hire someone is given.

Mr. Moerer doesn't believe many problems would remain if subsection 2-B were deleted. He said he preferred an amendment that would allow an exception for the reservation schools rather than a blanket exception under subsection 2-B for all school districts. To reiterate his position, he said while they are opposed to the bill as it is drafted, they have supported SB 35 because they feel it adequately covers a vast majority of the problems.

CHAIRMAN SANDS opened the hearing up for questions.

On request, Mr. Moerer gave some background information on the attorney general's opinion regarding nepotism. He said that opinion basically deals with tenured teachers. He also explained what constitutes a nepotism relationship.

Pursuant to a question, REP. CODY explained that consanquinity within the fourth degree means descended from a common ancestor, not more than four generations back.

REP. SWYSGOOD asked Rep. Cody if SB 35 addresses any of the concerns that she has. REP. CODY said only to the degree that someone who was already employed by the system. She said under the present law, people are being discriminated against under the Human Rights Act. She feels the two-thirds majority vote requirement will be an adequate safeguard.

In response to a further question by REP. SWYSGOOD, REP. CODY said just because the school board association opposes section B, there are as many school board members who do favor this particular kind of legislation.

REP. EUDAILY asked if it is possible that teachers who were hired after October 1, 1986 would now be replaced and displaced from their teaching positions making it possible for the former people to get back in. REP. CODY said she doesn't see that. REP. EUDAILY further questioned by saying this section permits that, doesn't it? REP. CODY replied no, it doesn't.

REP. EUDAILY asked about the teacher who is in the current position and if that teacher would be displaced. REP. CODY said these teachers wouldn't be tenured yet.

In response to a question by REP. LORY, REP. CODY said she knows the opposition to this particular issue and the presumption of abuse of nepotism. However, there is a big problem when a whole school board is wiped out because of a law.

REP. WILLIAMS asked Rep. Cody if she would object to requiring a unanimous vote rather than a two-thirds vote in a situation

wherein a third class school with only three school board members
serving and two of its members happened to be a wife and husband.
REP. CODY said the unanimous voting requirement would be alright
with her.

REP. CODY closed by saying something has to be done with the
current nepotism law. She said that because these positions
are elected positions, if there were an abuse, the members
would not be re-elected.

Hearing closed on HB 83.

CONSIDERATION OF HOUSE BILL NO. 105:

REP. JOHN COBB, House District No. 42, sponsor of HB 105, stated
the purpose of this bill was to restrict state foundation monies
and the public schools' monies so that these monies may not be
used for any school athletics. He said that although he's not
against athletics, he feels this bill will begin to set priori-
ties for state foundation monies. Right now, schools are basi-
cally given a check and told to spend it on some broad term of
education. He said approximately $1.6 million of state founda-
tion monies is spent in elementary schools for inter-school
athletic programs. About $5.8 million is spent in high schools
for inter-school athletics. The schools will still receive
their $7.5 million; all we are doing through this legislation
is saying it cannot be used for inter-school athletics.

REP. COBB submitted a chart that illustrates every school,
every high school and their permissive foundation monies and
voted monies and how much is spent on inter-school athletics by
the state. (See Exhibit 6 .) This legislation will allow the
state to start allocating its money by setting priorities on
how the money will be spent. It will allow the schools more local
control. He said the Montana Constitution states that the legis-
lature shall provide a basic system of free quality public ele-
mentary and secondary schools. The legislature is obligated to
provide that basic system. Rep. Cobb cited two court cases --
the McNair case in 1930 and the more recent case having to do
with the 2.0 grade point average. The supreme court ruled in
the last case that priority could be given to academic over non-
academic work in Montana as to schools. This bill gives priority
to accredited courses and support services, and it allows the
state to start setting priorities. There are many schools right
now that don't use state foundation monies to fund its athletic
programs. Missoula, for example, pays for their program through
the permissive mills and the voted levies.

PROPONENTS:

None.

OPPONENTS:

BRUCE MOERER, representing the Montana School Board Association, stated his opposition to the bill for several reasons. First, he feels it may cause some accounting problems. Second, if the state is going to set priorities and define basic education, he thinks this should not be done on a piece-meal basis with one dealing with extracurricular athletics, another bill dealing with other extracurricular activities and another dealing with other curriculum. He said the final reason they are opposed to the bill is they feel the school boards have the authority to set their own programs and curriculums. They do so through local trustees, elected at the local level, and they do so with funds that on a statewide average are supplied at least one-third through the local voted levy. They feel that there is a substantial amount of accountability in these local school boards to their local residents.

There being no further opponents, the hearing was opened up for questions.

REP. SCHYE wanted to know why only one non-academic extracurricular activity was chosen out of many. REP. COBB said the reason he didn't address extracurricular was the great amount of different subject matters involved. He said athletics already has an accounting method and code.

REP. HARRINGTON said he can't see how this bill will help local control; it gives the state more control possibly. He doesn't see where the bill accomplishes much of anything.

REP. COBB remarked that he didn't want to get into the issue today whether or not the schools had enough money to fund these extracurricular activities. He is saying, however, that the state had better hurry up and decide its priorities.

REP. SANDS stated the bill indicates there will be no fiscal impact because districts could pick it up with a local voted levy. Aren't there some districts that don't have a local voted levy? REP. COBB said he disagreed with the fiscal note information. He referred to a permissive mill levy. The only area he thought that might be unable to pick it up would be West Yellowstone, but they didn't have enough permissive levy on the property tax; however, they have a sales tax now that is making a difference.

Referring to page 1, lines 17 and 18, REP. EUDAILY said the definition of the foundation program says there are sufficient funds to provide for the educational program of a school. Don't the trustees set up the educational program for the school, and if so, shouldn't they be allowed to use this money for the educational program they want in their district? REP. COBB said

we are allowing them to set their own program. It's just a matter
of who is paying for it. This bill is just saying we don't want
our state foundation monies spent in this manner.

REP. SWYSGOOD said the fiscal note indicates that a $7.5 million
was spent for non-education services in FY85. Are you in effect
saying that this is a $7 million savings to the state in the
form of school foundation money. REP. COBB said it doesn't
save any money. The same amount of money goes back to those
schools. We are just prioritizing.

There being no further questions, the hearing closed on HB 105.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 117:

REP. THOMAS moved HB 117 DO PASS. Discussion followed. ANDI
MERRILL, researcher for the Legislative Council, submitted an
amendment. On request of the chairman, Ms. Merrill explained
the amendment. She said the amendment puts all the changes that
have been suggested by various members of the committee into
one spot. She said the main suggestion was that there be more
time allowed for the rules or resolution to become effective.
It may not be effective for 14 days after the adoption of the
trustees, and the trustees would be responsible for publishing
notice in a newspaper or posting notices.

REP. MERCER expressed concern that the amendments would elimin-
ate what the bill is trying to accomplish in allowing the pro-
perty to be sold quickly. REP. MERCER asked what time or effort
would be saved under the amendment. MS. MERRILL stated she
wasn't really sure. She said she's not sure if their intent
was to save time or to save a step in the process. REP. MERCER
commented that he thought their intent was to try to shorten
the process up.

CHAIRMAN SANDS announced if the committee had no objection, he
would pass consideration of this bill until next Wednesday.
Rep. Mercer or anyone else on the committee could in the mean-
time meet with Ms. Merrill and discuss any proposed amendments.

ACTION ON HOUSE BILL NO. 121:

ANDI MERRILL submitted an amendment to HB 121. REP. SWYSGOOD
moved HB 121 DO NOT PASS. Discussion followed. See Exhibit 7.

REP. SWYSGOOD explained his motion to kill the bill. He is
concerned with the notification process. In his particular
district, radio reaches within a 20 mile radius and television
within a 60 mile radius.

It was REP. MERCER'S opinion that the amendments address Rep.
Swysgood's concerns. REP. MERCER moved the amendments. He said
the bill as introduced is trying to get rid of the posting or
newspaper ad requirement. It just allows them to place it with
a radio or television ad in lieu of the posted notices. He
doesn't think it is a very good way to operate a school district
because things such as elections and sale of property are very
legal in nature and should have some kind of formal notice.
The amendments provide an option to either post the notice or
publish it in a newspaper. It amends the bill from allowing
them to strictly do it by radio or television thus making it
optional. It requires that there be some formal notice -- either
posted or published.

REP. SWYSGOOD withdrew his motion and moved that HB 121 DO PASS.

REP. LORY moved the amendments.

The question was called on the adoption of the amendments, and
it CARRIED. The question was called on the DO PASS AS AMENDED
motion, and it CARRIED unanimously.

CONSIDERATION OF HB 39:

CHAIRMAN SANDS appointed a subcommittee to study HB 39. Members
selected to the subcommittee were: Rep. Eudaily, chairman;
Rep. Schye; Rep. Glaser and Rep. Swysgood. CHAIRMAN SANDS
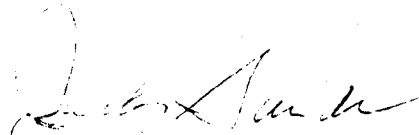requested the subcommittee to report back within two weeks.

A discussion followed regarding the need for a subcommittee
rather than allowing the whole committee to consider HB 39.

In response to a question, MS. MERRILL stated that copies of the
interim study report dealing with this issue were available.
They explain in detail the actions of the study committee.

CHAIRMAN SANDS said if the committee didn't feel there was a
need for a subcommittee, they wouldn't have to have one.

REP. EUDAILY said if Rep. Donaldson has a couple of areas that
needs to be reviewed, the committee could look at the report
from the subcommittee of the education committee in 1985 for
its recommendations.

ADJOURN: There being no further business, the meeting was ad-
journed at 2:30 p.m.

REP. JACK SANDS, CHAIRMAN

DAILY ROLL CALL

A.   .   AND CULTURAL RESOUCES   COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan 19, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. JACK SANDS, CHAIRMAN	✓		
REP. RICHARD NELSON, VICE CHRMN.	✓		
REP. FRITZ DAILY	✓		
REP. RALPH EUDAILY	✓		
REP. WILLIAM GLASER	✓		
REP. DAN HARRINGTON	✓		
REP. NANCY KEENAN	✓		
REP. ROLAND KENNERLY		✓	
REP. EARL LORY	✓		
REP. JOHN MERCER	✓		
REP. GERALD NISBET	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		✓
REP. BARRY STANG	✓		
REP. TONIA STRATFORD	✓		
REP. CHARLES SWYSGOOD	✓		
REP. FRED THOMAS	✓		
REP. MEL WILLIAMS	✓		

CS-30

STANDING COMMITTEE REPORT

JANUARY 19, 19 87

Mr. Speaker: We, the committee on EDUCATION AND CULTURAL RESOURCES

report HOUSE BILL # 121

☒ do pass   ☐ be concurred in   ☒ as amended
☐ do not pass   ☐ be not concurred in   ☐ statement of intent attached

_____
Rep. Jack Sands,   Chairman

REVISE SCHOOL ELECTION LAWS

(See Attached)

January 19, 19 87

REVISE SCHOOL ELECTION LAWS   (AMENDMENTS)

1. Title, line 7.
   Strike: "AND BROADCAST"

2. Page 2, line 24.
   Following: "(1)"
   Insert: "(a)"

3. Page 3, line 1.
   Strike: "20 days or more than 30"
   Insert: "40"

4. Page 3, line 2;
   Following: "by"
   Insert: ":
              (i) publication of the notice in a newspaper of
         general circulation in the district; or
              (ii) if there is no newspaper of general circulation,"

5. Page 3, line 5.
   Following: "precinct."
   Insert: "(b)"

6. Page 3, line 7.
   Following: "supplemental"
   Insert: "supplemental"

7. Page 3, line 8.
   Strike: "a newspaper or by"

8. Page 3, line 9.
   Strike: "in lieu of posted notices"
   Following: "may"
   Strike: "shall"
   Insert: "may"

9.
9. Page 4, line 19.
   Following: line 18
   Insert: "NEW SECTION. Section 5. Oath of judges. Before votes
   are cast, the school election judges shall take and subscribe the
   official oath prescribed by the constitution. The election judges
   may administer the oath to each other.

              NEW SECTION. Section 6. Codification instruction.
   Section 5 is intended to be codified as an integral part of Title
   20, chapter 20, part 4, and the provisions of Title 20, chapter
   20, apply to section 5."

EXHIBIT #1
DATE 1-19-87
HB #83

The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DOROTHY A. CODY

HELENA ADDRESS:
  CAPITOL STATION
  HELENA, MONTANA 59620
  PHONE: (406) 444-4000
HOME ADDRESS:
  P.O. BOX 973
  WOLF POINT, MONTANA 59201
  PHONE: (406) 653-1673

COMMITTEES:
  STATE ADMINISTRATION
  AGRICULTURE

January 19, 1987

Mr. Chairman, and members of the Committee, for the record,
my name is Dorothy Cody, Representative of House District
20, Wolf Point and Poplar.

I am presenting to you today a Bill that will revise the
Nepotism Laws as they regard School District Trustees.

As you know, the Legislation we request to be drafted is
influenced either by our Constituents, ourselves, a Dept. of
Governemnt or some other group that thinks there needs to be
a change in the law or there should be a new law. I put
Constituents first in the line as I feel they, as the Citizen's
should have first priority in our concerns. This is just such
a case in this legislation.

I would like to read you parts of a letter from one of my
Constituents so you will understand the very major problem we
have in my District that brought about the request for the
change in the Nepotism Laws.

READ FROM THE LETTER.

When the law becomes so restrictuve that it eliminates a whole
School Board in one Community, then I feel the Law should be
changed.

I have patterned this Legislation after a North Dakota Law

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  AGRICULTURE

that has been in effect there since around 1975 and that has apparently been working well for them. It requires a 2/3 rd's majority vote of the Board to employ anyone in the school system if a relative is serving on the Board.

I myself was affected by the Nepotism Law when my husband was the Sheriff of Roosevelt County. If Leo had a female prisoner to transport to Deer Lodge or a young girl to Mountain View, he could hire any other woman except his wirfe to act as a Matron, however if I as his wife went as the Matron I couldn't receive compensation. If you;ll read page one from Lines 22 thru 25, you'll see that Nepotism does not apply however if the XXXXX Sheriff wants to hire his wife as a cook or cleaner. Occassionally, I wxxxd wondered if the State was encouraging a little infфdility or extra marital activity. The wives were good enough to clean or cook but not good enough to travel.

Anyway, that just gives you an ёdea of how the Law is sometimes ridiculous and really should be changed.

School Trustees are elected by the voters and particularly in smaller communities, everyone knows the candidates very well and that's a benefit to the people. In the larger com-- munities, you have a very active media to let you know what's

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    STATE ADMINISTRATION
    AGRICULTURE

happening on these Boards so I feel strongly that the public would be protected from any possible abuses.

I would sincerely ask for your support of this Legislation and will reserve the right to close. Thank you.

EXHIBIT #2
DATE 1-19-87
HB #83

Poplar, Montana
December 11, 1986

Dorthy Cody
Wolf Point, Mt. 59201

Dear Dorthy,

    I am writing to you in regards to the nepotism laws and how they have effected our small community of poplar, Montana.

    If you recall the first time I spoke to you was during the governors visit to A&S Tribal Industries in June. At that particular time I was the only one on the School Board that was effected by the law. Since that time, the Attorney General has come out with an interpretation that had sweeping effects on our board.

    First, my mother-in-law, Betty Holum was not given her contract as a cooks helper after working for the school in that position for nine years. The second person to feel the effects of the law was Mr. George Budak. Since his wife was working as a teachers-aide, he did not run for reelection last April.

    The next individual to be effected was our newly elected Trustee, Mr. Arlie Lauridsen. He had an Uncle who could no longer drive the school bus on the far north Mineral Bench route. This is a difficult route to find a driver for because it is so far out in the country. *18 years service*

    Next came out Chairperson for the Board of Trustees. Mrs. Donna Snodgrass has a Daughter that just completed her college degree in Education and she was unable to have a contract to work within the school system at Poplar. Then there is the Son-In-Law of Mrs. Snodgrass, who is a tenured teacher in the Poplar Schools. Either He or She will have to go before the end of the current school year.

    Just recently, we had to notify Mrs. Betty Reid that she could no longer work as a substitute teacher because her Brother-In-Law, Mr. Rick Reid, was a member of the Board of Trustees.

    Just recently, the only member of the School Board who did not have a relative working for the school, resigned. We are now faced with the task of finding a replacement to finish out that term.

    Poplar is located on the Fort Peck Indian Reservation and because of the close family structure of our Indian people and the small community that we live in, it makes the task of finding qualified individuals to serve on our Board an almost impossible task.

It seems that most everyone who is interested and qualified to serve on the Board has a relative working for the school in some capacity. This means that we either eliminate them as possible candidates or it means that it will cost someone a job.

Providing a quality education for our children is our number one priority here in our school. I have told you how the current law has effected our community. If you take Poplar as an example of how schools can be effected and multiply that by the number of other small communities and towns that have the same problem of complying with the current nepotism law, you can see how unfair the current law is and that we need a change in the law. We need a law that would have the best interest of our students in mind.

There is one other item that I need to mention here also. I talked primarily about small towns and communities, but I was also told about an Individual in Helena who had to resign their position on the Board, so the current law is not only unfair to small rural areas, but to the larger cities also.

I am currently writing letters to other states to get information on how they deal with the nepotism law in their States. I hope to have some responses before the next legislature meets. I will forward copies of that information to you as soon as I receive it.

In closing, I would like to express my appreciation for your time and interest in this most important issue. My suggestion would be that whenever a contract for a relative comes before the Board of Trustees for review, that the Board member, who is related to that individual, leave the meeting room during the discussion and that they not be allowed to vote on hiring or renewing that contract.

If you need any further information or if I can be of any assistance, please feel free to call me during the day at 768-5151 EXT 19, or at home in the evenings at 768-3715.

Sincerely,

Charles R. Trinder
S.R. Box 2082
Poplar, Montana 59255

EXHIBIT # 3
DATE 1-19-87
HB 83

Part 3

Nepotism

2-2-301. Nepotism defined. Nepotism is the bestowal of political patronage by reason of relationship rather than of merit.

History: En. Sec. 1, Ch. 12, L. 1933; re-en. Sec. 456.1, R.C.M. 1935; R.C.M. 1947, 59-518.

2-2-302. Appointment of relative to office of trust or emolument unlawful. (1) It shall be unlawful for any person or any member of any board, bureau, or commission or employee at the head of any department of this state or any political subdivision thereof to appoint to any position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

(2) The provisions of this section and 2-2-303 shall not apply to sheriffs in the appointment of persons as cooks and/or attendants.

History: En. Sec. 2, Ch. 12, L. 1933; re-en. Sec. 456.2, R.C.M. 1935; amd. Sec. 1, Ch. 94, L. 1955; amd. Sec. 27, Ch. 535, L. 1975; R.C.M. 1947, 59-519(part).

Cross-References
Affinity, 1-1-219.

Consanguinity, 72-11-102 through 72-11-105.

2-2-303. Agreements to appoint relative to office unlawful. It shall further be unlawful for any person or any member of any board, bureau, or commission or employee of any department of this state or any political subdivision thereof to enter into any agreement or any promise with other persons or any members of any boards, bureaus, or commissions or employees of any department of this state or any of its political subdivisions thereof to appoint to any position of trust or emolument any person or persons related to them or connected with them by consanguinity within the fourth degree or by affinity within the second degree.

History: En. Sec. 2, Ch. 12, L. 1933; re-en. Sec. 456.2, R.C.M. 1935; amd. Sec. 1, Ch. 94, L. 1955; amd. Sec. 27, Ch. 535, L. 1975; R.C.M. 1947, 59-519(part).

2-2-304. Penalty for violation of nepotism law. Any public officer or employee or any member of any board, bureau, or commission of this state or any political subdivision thereof who shall, by virtue of his office, have the right to make or appoint any person to render services to this state or any subdivision thereof and who shall make or appoint to such services or enter into any agreement or promise with any other person or employee or any member of any board, bureau, or commission of any other department of this state or any of its subdivisions to appoint to any position any person or persons related to him or them or connected with him or them by consanguinity within the fourth degree or by affinity within the second degree shall thereby be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not less than $50 or more than $1,000 or by imprisonment in the county jail for not less than 6 months or by both such fine and imprisonment.

History: En. Sec. 3, Ch. 12, L. 1933; re-en. Sec. 456.3, R.C.M. 1935; R.C.M. 1947, 59-520.

EXHIBIT ____4

DATE _1-19-87_

HB _83_

RESOLUTION #2048-87-1   TRIBAL GOVERNMENT

WHEREAS, the Fort Peck Tribal Executive Board is the duly elected body representing the Assiniboine and Sioux Tribes of the Fort Peck Reservation and is empowered to act on behalf of the Tribes. All actions shall be adherent to provisions set forth in the 1960 Constitution and By-Laws and Public Law #83-449, and
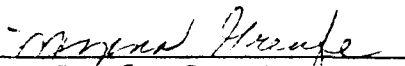
WHEREAS, the Tribal Executive Board has been quite concerned about the School Board Nepotism law and how it affects local communities, and

WHEREAS, State Representative Cody has introduced House Bill 83 which would allow appointment of a person related to a trustee when School district trustees vote with at least two-thirds of the trustees approving, Now

THEREFORE, BE IT RESOLVED, that the Tribal Executive Board does hereby approve the above recommendation.

C E R T I F I C A T I O N

I, the undersigned Secretary Accountant of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the Tribal Executive Board is composed of 12 voting members of whom ___9___ constituting a quorum were present at a Special meeting duly called and convened this 12th day of January, 1987, that the foregoing resolution was duly adopted at such meeting by the affirmative vote of __7__ .

_____
Myrna Greufe, Secretary

APPROVED:

_____   _____
 Joseph Red Thunder, Vice Chairman   Dennis Whiteman, Superintendent
   Fort Peck Tribal Executive Board   Fort Peck Agency

EXHIBIT #5
DATE 1-19-87
HB #83

Excerpt of Special Meeting, Ft. Peck
Tribal Executive Board, January 12, 1987

Councilman Eugene Culbertson: Five bills are to be considered in Montana State Legislature. In Memorandum #387, our Tribal Attorneys are indicating that it merits Tribal support, and is presenting now to the Council for discussion and possible testimony.

The Chairman, Mr. Ryan: The floor is open for discussion.

Councilman Caleb Shields: Maybe we should go on record to support the bill.

Mr. Culbertson moved that the Fort Peck Tribes support the bill introducted by Montana State Legislator concerning State assistance, agreements for college and State license and permit fees; seconded by Mrs. Jonny Stiffarm. Vote: 8 for, none opposed; motion carried, by Res. #2047-87-1.

Caleb Shields: A bill will be introduced concerning nepotism, it is state law now, it is being tried to amend, Dorothy Cody's bill; when there is a position to be filled within the school district, it has to be by two thirds majority of the school board and school board members have to resign in order for that person to work, nepotism. Norman Hollow moved to support Dorothy Cody's bill, on this matter; motion seconded by Caleb Shields. Vote: 7 for, by Res. #2048-87-1.

CERTIFICATION

I hereby certify that the above actions are true and correct to the best of my ability and knowledge.

Myrna B. Greene
Recording Secretary
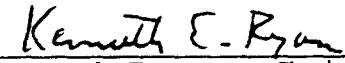Fort Peck Tribal Executive Board
Poplar, Montana.

APPROVED:

Kenneth E. Ryan
Kenneth E. Ryan, Chairman
Fort Peck Tribal Executive Board

FIGURE 1.1
SOURCES OF REVENUE
FOR SCHOOL DISTRICT GENERAL FUND BUDGET SUPPORT

TOTAL GENERAL FUND BUDGET ——

DISTRICT — District Voted Levy

MAXIMUM GENERAL FUND BUDGET WITHOUT A VOTE ——

STATE — State Permissive Share

DISTRICT — District Permissive Share
  6 mills maximum--elementary
  4 mills maximum--high school

FOUNDATION PROGRAM ——

STATE — State Equalization Aid
(Earmarked revenue, legislative appropriation, interest and income, and surplus from counties)

COUNTY — Mandatory County Levy
  28 mills--elementary
  17 mills--high school

(Surplus deposited in state equalization aid account)

Retirement

All retirement costs for school districts are paid through special retirement funds established in each county. As a result, the costs are spread uniformly among taxpayers within each county. However, there is no equilization between counties. (In 1982-83 taxes for retirement varied from a low of 2.03 mills in Powder River County to a high of 48.95 mills in Mineral County.)

Special Programs

A variety of supplementary programs have special funding sources which provide a degree of equalization. These include driver education, school lunch, adult basic education, high school tuition, and a variety of federal programs.

	ANB	FOUND PRGM	PERMISSIVE	VOTED AMT	
COUNTY					
BEAVERHEAD CO HS					
01 BEAVERHEAD					
LIMA					
HARDIN HS					
LODGE GRASS HS					
PLENTY COUPS HS					
02 BIG HORN HS					
CHINOOK HS					
HARLEM HS					
TURNER HS					
HAYS-LODGE POLE H					
03 BLAINE CO HS					
BROADWATER CO HS					
04 BROADWATER					
RED LODGE H S					
BRIDGER H S					
JOLIET H S					
ROBERTS HS					
FROMBERG HS					
BELFRY HS					
05 CARBON					
CARTER CO					
06 CARTER					
GREAT FALLS H S					
CASCADE H S					
CENTERVILLE H					
BELT H S					
SIMMS H S					
07 CASCADE					
FT BENTON H S					
BIG SANDY H S					
HIGHWOOD H S					
GERALDINE H S					
08 CHOUTEAU					
CUSTER CO H S					
SCOBEY H S					
PEERLESS H S					
FLAXVILLE H S					
10 DANIELS H S					
DAWSON CO H S					
RICHEY H S					
11 DAWSON					
ANACONDA LODGE					
12 DEER LODGE					
BAKER H S					
PLEVNA HS					
FALLON H S					
13 FERGUS H S					
GRASS RANGE H S					
MOORE H S					
ROY H S					
DENTON H S					
WINIFRED H S					
14 FERGUS					
COLUMBIA FALLS H S					
BIGFORK H S					
WHITEFISH H S					
15 FLATHEAD					

COUNTY/DIST	ANB	FOUND PRGM	PERMISSIVE	VOTED AMT
MANHATTAN HS				
BOZEMAN HS				
WILLOW CREEK HS				
THREE FORKS HS				
BELGRADE HS				
W YELLOWSTONE H S				
16 GALLATIN				
GARFIELD CO H S				
17 GARFIELD				
BROWNING HS				
CUT BANK HS				
18 GLACIER				
RYEGATE H S				
LAVINA HS				
19 GOLDEN VALLEY				
GRANITE H S				
DRUMMOND H S				
20X GRANITE				
ELDER H S				
HAVRE HS				
K-G HIGH SCHOOL				
BLUE SKY HIGH				
21 HILL				
WHITEHALL H S				
JEFFERSON H S				
22 JEFFERSON				
STANFORD HS				
HOBSON H S				
GEYSER HS				
23 JUDITH BASIN				
ARLEE H S				
POLSON H S				
ST IGNATIUS H S				
RONAN H S				
24 LAKE				
CHARLO H S				
HELENA H S				
AUGUSTA HIGH SCHOU				
LINCOLN HIGH&CLARK				
25 LEWIS & CLARK				
J-I HIGH SCHOOL				
CHESTER HS				
26 LIBERTY				
TROY H S				
LIBBY H S				
27 LINCOLN				
LINCOLN CO H S				
SHERIDAN H S				
TWIN BRIDGES H S				
HARRISON HS				
ENNIS H S				
28 MADISON				
CIRCLE H S				
29 MCCONE				
WHT SULPHUR SPGS H				
30 MEAGHER				
ALBERTON H S				
SUPERIOR HS				
ST REGIS H S				
31 MINERAL				

COUNTY / SCHOOL	ANB	FOUND PRGM	PERMISSIVE	VOTED AMT	
COUNTY H S					
MISSOULA H S	3,703	6,694,669.82	1,673,667.45	4,851,462.73	000
FRENCHTOWN H S	234	447,833.76	448.44	462.80	30140
32 MISSOULA	3,937	7,142,503.58	1,785,625.81	5,456,443.50	30140
ROUNDUP H S	353	469,263.96	117,310.84	264,152.80	0
MELSTONE H S	90	171,923.52	42,296.18	111,378.00	3140
33 MUSSELSHELL	589	641,184.74	160,746.60	376,530.00	0
PARK H S		1,026,482.60	296,748.60	568.00	7929
CLYDE PARK H S	72	204,489.04	43,122.40	115.40	4695
WILSALL H S	45	132,449.16	34,479.60	57.20	28691
GARDINER H S	80	177,369.88	40,091.28	345.28	45315
34 PARK		1,609,365.91	372,365.91	997.40	9536
WINNETT H S	37	132,891.40	36,836.00	54.00	9536
35 PETROLEUM	37	132,891.40	36,836.00	54.00	
DODSON H S	39	114,491.92	25,879.40	60.60	3170
SACO H S	43	110,479.04	26,091.64	69.20	11491
MALTA H S	248	491,876.32	127,109.04	459.40	1150
WHITEWATER H S	22	82,567.04	20,471.28	197.40	74901
36 PHILLIPS	350	825,876.54	208,552.40	951.00	54359
CONRAD H S		462,047.05	113,038.04	42.80	17456
VALIER H S	82	221,447.82	42,222.80	181.40	3651
BRADY H S	35	102,111.60	22,026.40	69.40	7590
37 PONDERA	370	803,356.52	207,428.04	694.00	48475
POWDER RVR CO DIST	153	355,668.13	98,080.71	443.60	75116
POWDER RIVER H S	150	115,669.96	27,228.80	78.60	54354
38 POWDER RIVER		260,609.66	72,443.00	378.80	54354
POWELL CO H S	310	558,991.00	121,236.00	374.00	19825
39 POWELL	125	260,805.40	33,605.00	156.00	19825
TERRY PRAIRIE H S	99	251,084.46	64,918.40	77.60	4064
40 PRAIRIE		114,094.42	24,603.40	143.00	66129
CORVALLIS H S	248	711,807.94	179,109.04	455.80	0
STEVENSVILLE HS	387	360,751.10	210,946.78	736.00	15708
HAMILTON H S	184	437,777.60	99,736.04	787.40	32842
VICTOR H S	232	243,922.44	60,317.00	581.80	50407
DARBY H S	85	201,409.41	42,804.00	105.60	200083
FLORENCE-CARLTON H	667	380,299.96	125,546.82	209.00	
41 RAVALLI	3,107	997,784.08	367,924.74	936.80	22724
SAVAGE H S	201	380,292.02	49,717.44	206.00	14760
FAIRVIEW H S	79	151,870.04	29,247.08	640.00	71052
42 RICHLAND	223	410,496.17	92,247.17	340.00	44536
LAMBERT H S	315	1,512,041.36	124,421.84	600.00	75142
POPLAR H S	131	235,489.91	55,627.40	200.00	369152
CULBERTSON H S	41	137,700.02	34,477.80	000	365625
WOLF POINT H S	41	143,427.08	47,817.60	956.00	22780
BROCKTON H S	722	1,557,989.76	228,177.94	068.40	16898
BAINVILLE H S	235	462,977.98	117,228.80	643.00	205680
FROID H S	460	1,034,305.22	248,055.44	200.00	41159
43 ROOSEVELT	77	924,722.74	255,343.60	000	1900
FORSYTH H S	117	348,916.16	45,456.40	642.00	129685
COLSTRIP H S	224	416,925.22	98,349.20	600.00	38854
44 ROSEBUD	92	225,519.44	55,768.12	768.40	2480
PLAINS H S	591	1,211,205.22	393,711.60	711.00	24962
THOMPSON FALLS H S	53	171,923.76	302,825.40	825.80	
NOXON H S	68	194,383.76	34,383.76	375.30	182268
HOT SPRINGS H S	166	334,383.76	85,557.12	895.30	37764
MEDICINE LK H S	227	102,228.48	225,557.12	699.40	8148
PLENTYWOOD H S					181
OUTLOOK H S					

COUNTY	ANB	FOUND PRGM	PERMISSIVE	VOTED AMT
46 SHERIDAN				
BUTTE H S				
47 SILVER BOW				
PARK CITY H S				
COLUMBUS H S				
REEDPOINT H S				
RAPELJE H S				
ABSAROKEE H S				
48 STILLWATER				
SWEET GRASS CO HS				
49 SWEET GRASS				
CHOTEAU HD H S				
FAIRFIELD H S				
DUTTON H S				
POWER H S				
50 TETON				
SUNBURST H S				
SHELBY H S				
51 TOOLE H S				
HYSHAM H S				
52 TREASURE				
GLASGOW H S				
FRAZER H S				
HINSDALE H S				
OPHEIM H S				
NASHUA H S				
53 VALLEY H S				
HARLOWTON H S				
JUDITH GAP H S				
54 WHEATLAND				
WIBAUX H S				
55 WIBAUX				
BILLINGS H S				
LAUREL H S				
CUSTER H S				
BROADVIEW H S				
HUNTLEY PROJ HS				
SHEPHERD H S				
56 YELLOWSTONE				
*** STATE TOTALS *	46,905	90,637,950.50	22,659,487.50	67,649,360.02

Elementary Schools   1985

expenses	Athletics	total General Fund
Salary Admin	12,720	17,259,083
" Prof.Educ.	808,761	139,545,159
" Prof.other	7,440	5,403,467
" technical	2,631	12,952,553
" office	15,674	7,836,412
" teacher aid	752	6,520,182
" temporary	2798	2,559,442
" other	164,627	5,326,564
Benefits	2,745	14,387,393
services	234,060	28,879,279
supplies	0	4,102,657
equipment	17,212	636,559
other materials	247,714	11,812,345
property	21,973	4,963,918
other	60,675	1,567,716
transfers	10,056	391,938
other	0	1,443
total	1,609,833	264,146,207

High Schools 1985-86

Athletics - interschool

		expenses	total General Fund
salary	Admin.	2,876	9,934,349
"	Prof. Educ.	2,049,709	82,422,636
"	Prof. other.	16,515	3,233,650
"	technical	8,508	7,811,320
"	office	4,262	5,294,065
"	teacher aid	2,198	1,695,280
"	temporary	9,871	1,507,516
"	other	411,285	2,587,573
	Benefits	12,645	8,337,218
	services	1,776,927	21,926,581
	supplies	0	2,103,429
	equipment	116,925	907,326
	other materials	1,145,038	9,492,717
	property	91,676	4,462,865
	other	105,522	1,155,188
	transfers	21,747	306,249
	total	5,775,702	163,177,982

EXHIBIT #7
DATE 1-19-87
HB # 121

AMENDMENTS TO HOUSE BILL 121

1. Title, line 7.

   Strike: "AND BROADCAST"

2. Page 2, line 24.

   Following: "(1)"

   Insert: "(a)"

2. Page 3, line 1.

   Strike: "20 days or more than 30"

   Insert: "40"

3. Page 3, line 2.

   Following: "by"

   Insert: " :
   (i) publication of the notice in a newspaper of
general circulation in the district; or

   (ii) if there is no newspaper of general
circulation,"

4. Page 3, line 5.

   Following: "precinct. "

   Insert: "(b)"

5. Page 3, line 7.

   Following: "supplemental"

   Insert: "supplemental"

6. Page 3, line 8.

   Strike: "a newspaper or by"

7. Page 3, line 9.

   Strike: "in lieu of posted notices"

   Following: "may"

   Strike: "shall"

Insert: "may"

7. Page 4, line 19.

Following: line 18

Insert: "NEW SECTION. Section 5. Oath of judges. Before votes are cast, the school election judges shall take and subscribe the official oath prescribed by the constitution. The election judges may administer the oath to each other.

NEW SECTION. Section 6. Codification instruction. Section 5 is intended to be codified as an integral part of Title 20, chapter 20, part 4, and the provisions of Title 20, chapter 20, apply to section 5."

EXHIBIT 8
DATE 1-19-87
HB #83

WITNESS STATEMENT

NAME _Betty Holum_   BILL NO. _HB-83_

ADDRESS _Poplar Montana_   DATE _1-19-87_

WHOM DO YOU REPRESENT? _____

SUPPORT _Yes_   OPPOSE _____   AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

CS-34

EDUCATION AND CULTURAL RESOUCES   COMMITTEE

BILL NO.   HOUSE BILL No. 83   DATE   January 19, 1987

SPONSOR   REP. DOROTHY CODY

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Lyle Holum		X	
Viola Holum		X	
Clifford Holum			
Bruce W. Moerer	Helena - MSBA		X
Dorothy A. Cody	House Dist #20 Wolf Point	X	
Rial Bartos	Helena OPI		
Caleb Shields	Poplar, MT. Ft. Peck Tribes	X	
D C Nutter	Nash Valley		
D. L. Clayborn	Helena MT	X	
Anne MacIntyre	Human Rights Comm.		
Sharon Glen	Helena		
Phil Campbell	MEA	X	
Sean Christman	Serbing		
Susan J. Baatsol	Hazelwood, MO		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOUCES   COMMITTEE

BILL NO.   HOUSE BILL NO. 105   DATE   JANUARY 19, 1987

SPONSOR   REP. JOHN COBB

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bruce W. Moerer	Helena - MSBA		X
Jeanne-Marie Sourgney	League of Women Voters		
Caleb Shields	Poplar, MT.		
Lorna Frank	Mt. Farm Bureau	X	
Shawn Glen			

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33