

SENATE BILL NO. 382

2/09 Introduced
2/11 Referred to Education & Cultural Resources
2/18 Hearing
2/21 Committee Report-Bill Pass As Amended
2/23 2nd Reading Pass
2/25 3rd Reading Pass

Transmitted to House

3/06 Referred to Appropriations
3/25 Hearing
Died in Committee

1 *Senate* BILL NO. *382*
 2 INTRODUCED BY *Neuman Bob Brown E. Smith*
 3 *Winkler* *Back J. Hammond E. McCallum*
 4 *Christians* *LANE* *Delby*
 5 BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF
 6 PUBLIC EDUCATION TO SUBMIT ANY REQUEST FOR A LEGISLATIVE
 7 APPROPRIATION FOR STATE EQUALIZATION AID TO THE BUDGET
 8 DIRECTOR PRIOR TO A LEGISLATIVE SESSION; TO APPROPRIATE
 9 FUNDS TO THE BOARD OF PUBLIC EDUCATION FOR THE PURPOSE
 10 PREPARING SUCH A BUDGET REQUEST; AMENDING SECTIONS 17-7-111,
 11 17-7-112, 20-2-121, AND 20-9-344, MCA."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 17-7-111, MCA, is amended to read:
 14 "17-7-111. Agency program budgets -- form distribution
 15 and contents. (1) In the preparation of a state budget, the
 16 budget director shall, not later than July 1 in the year
 17 preceding the convening of the legislature, distribute to
 18 all state offices and departments, including the judicial
 19 branch and the legislative branch, the proper forms
 20 necessary for the preparation of budget estimates. These
 21 forms shall be prescribed by the budget director to procure
 22 the information required by subsection (2) and subsection
 23 (3).
 24 (2) The agency budget requests, when completed by the
 25 budget office, must set forth a balanced financial plan for

1 the agency completing the forms for each fiscal year of the
 2 ensuing biennium. The Except as provided in subsection (3),
 3 the plan must consist of:
 4 (a) a consolidated agency budget summary for current
 5 level expenditures and for each modification request setting
 6 forth the aggregate figures of the full-time equivalent
 7 personnel positions (FTE) and the budget in such manner as
 8 to show a balance between the total proposed disbursements
 9 and the total anticipated receipts, together with the other
 10 means of financing the budget for each fiscal year of the
 11 ensuing biennium, contrasted with the corresponding figures
 12 for the last completed fiscal year and the fiscal year in
 13 progress. The consolidated budget summary must be supported
 14 by schedules classifying receipts and disbursements
 15 contained therein by fund and, where applicable,
 16 organizational unit.
 17 (b) a schedule of the actual and projected receipts,
 18 disbursements, and solvency of each accounting entity within
 19 each fund for the current and subsequent biennium;
 20 (c) a detailed schedule of receipts, by accounting
 21 entity within each fund, indicating classification and
 22 source of funds;
 23 (d) an agency schedule summarizing past and proposed
 24 spending plans and the means of financing the proposed plan.
 25 Information presented shall include the following:



1 (i) a statement of agency goals and objectives and a
2 statement of goals and objectives for each program of the
3 agency;

4 (ii) actual FTE and disbursements for the completed
5 fiscal year of the current biennium, estimated FTE and
6 disbursements for the current fiscal year, and the agency's
7 request for the ensuing biennium, by program; and

8 (iii) actual disbursements for the completed fiscal
9 year of the current biennium, estimated disbursements for
10 the current fiscal year, and the agency's recommendations
11 for the ensuing biennium, by disbursement category;

12 (e) any other information the budget director feels is
13 necessary for the preparation of a budget.

14 (3) The board of public education shall submit any
15 request for a legislative appropriation for state
16 equalization aid as provided in 20-9-343, in the form and
17 manner prescribed by the budget director.

18 ~~f3~~(4) The budget director must also prepare and
19 submit to the legislative fiscal analyst in accordance with
20 17-7-112:

21 (a) detailed recommendations for the state long-range
22 building program. Each recommendation shall be presented by
23 department, institution, agency, or branch by funding
24 source, with a description of each proposed project; and

25 (b) the proposed pay plan schedule for all executive

1 branch employees, with the specific cost and funding
2 recommendations for each agency. Submission of a pay plan
3 schedule under this subsection is not an unfair labor
4 practice under 39-31-401."

5 Section 2. Section 17-7-112, MCA, is amended to read:

6 "17-7-112. Submission deadline. (1) It shall be the
7 duty of each department, agency, and office, including the
8 Montana university system and the board of public education,
9 to submit the information required under 17-7-111 to the
10 budget director on or before September 1 in the even year
11 preceding the convening of the legislature.

12 (2) Between August 15 and September 30 in the year
13 preceding the convening of the legislature, the director
14 must submit each state agency's budget request required
15 under 17-7-111(2) or (3) to the legislative fiscal analyst.
16 The transfer of budget information shall be done on a
17 schedule mutually agreed to by the budget director and the
18 legislative fiscal analyst in a manner that facilitates an
19 even transfer of budget information during the month of
20 September and which allows each office to maintain a
21 reasonable staff workflow.

22 (3) If any department, institution, university unit,
23 or agency shall fail to present such information within the
24 time herein specified, the budget director shall note that
25 fact in the budget submitted to the governor and the budget

1 director shall prepare and submit to the legislative fiscal
2 analyst and the governor by October 30 a budget request on
3 behalf of such department, institution, university unit, or
4 agency, based upon his studies of the operations, plans, and
5 needs thereof.

6 (4) The proposed pay plan schedule required by
7 17-7-111~~(3)~~(4) must be submitted to the legislative fiscal
8 analyst no later than November 15 in the year preceding the
9 convening of the legislature."

10 Section 3. Section 20-2-121, MCA, is amended to read:

11 "20-2-121. Board of public education -- powers and
12 duties. The board of public education shall:

13 (1) effect an orderly and uniform system for teacher
14 certification and specialist certification and for the
15 issuance of an emergency authorization of employment by
16 adopting the policies prescribed by 20-4-102 and 20-4-111;

17 (2) consider the suspension or revocation of teacher
18 or specialist certificates and appeals from the denial of
19 teacher or specialist certification in accordance with the
20 provisions of 20-4-110;

21 (3) administer and order the distribution of state
22 equalization aid in accordance with the provisions of
23 20-9-344;

24 (4) adopt and enforce policies to provide uniform
25 standards and regulations for the design, construction, and

1 operation of school buses in accordance with the provisions
2 of 20-10-111;

3 (5) approve or disapprove a reduction of the number of
4 hours in a district's school day in accordance with the
5 provisions of 20-1-302;

6 (6) adopt policies prescribing the conditions when
7 school may be conducted on Saturday and the types of
8 pupil-instruction-related days and approval procedure for
9 such days in accordance with the provisions of 20-1-303 and
10 20-1-304;

11 (7) adopt standards of accreditation and establish the
12 accreditation status of every school in accordance with the
13 provisions of 20-7-101 and 20-7-102;

14 (8) approve or disapprove educational media selected
15 by the superintendent of public instruction for the
16 educational media library in accordance with the provisions
17 of 20-7-201;

18 (9) adopt policies for the conduct of special
19 education in accordance with the provisions of 20-7-402;

20 (10) adopt rules for issuance of documents certifying
21 equivalency of completion of secondary education in
22 accordance with 20-7-131; and

23 (11) adopt policies for the conduct of programs for
24 gifted and talented children in accordance with the
25 provisions of 20-7-903 and 20-7-904; and

1 (12) submit any request for a legislative appropriation
 2 for state equalization aid as provided in 20-9-343 to the
 3 budget director under the provisions of 17-7-111 on or
 4 before September 1 in the even-numbered year preceding the
 5 convening of the legislature; and

6 ~~(12)~~(13) perform any other duty prescribed from time to
 7 time by this title or any other act of the legislature."

8 Section 4. Section 20-9-344, MCA, is amended to read:

9 "20-9-344. Purpose of state equalization aid and
 10 duties of the board of public education for distribution.

11 (1) The money available for state equalization aid shall be
 12 distributed and apportioned to provide an annual minimum
 13 operating revenue for the elementary and high schools in
 14 each county, exclusive of revenues required for debt service
 15 and for the payment of any and all costs and expense
 16 incurred in connection with any adult education program,
 17 recreation program, school food services program, new
 18 buildings, new grounds, and transportation.

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

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

1 (b) have the power to require such reports from the
 2 superintendent of public instruction, the county
 3 superintendents, budget boards, county treasurers, and
 4 trustees as it may deem necessary; and

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

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

20 NEW SECTION. Section 5. Extension of authority. Any
 21 existing authority of the board of public education to make
 22 rules on the subject of the provisions of this act is
 23 extended to the provisions of this act.

24 NEW SECTION. Section 6. Appropriation. There is
 25 appropriated \$30,000 from the general fund to the Board of

LC 1804/01

1 Public Education for the biennium ending June 30, 1987, for
2 the purpose of preparing and submitting to the budget
3 director a detailed budget request for any legislative
4 appropriation for state equalization aid.

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

SENATE BILL NO. 382

INTRODUCED BY NEUMAN, B. BROWN, E. SMITH
REGAN, TVEIT, PECK, J. HAMMOND, ECK, LANE,
WINSLOW, CHRISTIAENS, MCCALLUM, KOEHNKE,
THOFT, TOWE, WEEDING, BENGTSON, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE BOARD OF PUBLIC EDUCATION TO SUBMIT ANY REQUEST FOR A LEGISLATIVE APPROPRIATION FOR STATE EQUALIZATION AID TO THE BUDGET DIRECTOR PRIOR TO A LEGISLATIVE SESSION; ~~TO--APPROPRIATE FUNDS--TO--THE--BOARD--OF--PUBLIC--EDUCATION--FOR--THE--PURPOSE--OF PREPARING--SUCH--A--BUDGET--REQUEST,~~ AMENDING SECTIONS 17-7-111, 17-7-112, 20-2-121, AND 20-9-344, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 17-7-111, MCA, is amended to read:

"17-7-111. Agency program budgets -- form distribution and contents. (1) In the preparation of a state budget, the budget director shall, not later than July 1 in the year preceding the convening of the legislature, distribute to all state offices and departments, including the judicial branch and the legislative branch, the proper forms necessary for the preparation of budget estimates. These forms shall be prescribed by the budget director to procure the information required by subsection (2) and subsection

(3).

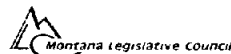
(2) The agency budget requests, when completed by the budget office, must set forth a balanced financial plan for the agency completing the forms for each fiscal year of the ensuing biennium. The Except as provided in subsection (3), the plan must consist of:

(a) a consolidated agency budget summary for current level expenditures and for each modification request setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget in such manner as to show a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by schedules classifying receipts and disbursements contained therein by fund and, where applicable, organizational unit.

(b) a schedule of the actual and projected receipts, disbursements, and solvency of each accounting entity within each fund for the current and subsequent biennium;

(c) a detailed schedule of receipts, by accounting entity within each fund, indicating classification and source of funds;

SECOND READING



1 (d) an agency schedule summarizing past and proposed
2 spending plans and the means of financing the proposed plan.
3 Information presented shall include the following:

4 (i) a statement of agency goals and objectives and a
5 statement of goals and objectives for each program of the
6 agency;

7 (ii) actual FTE and disbursements for the completed
8 fiscal year of the current biennium, estimated FTE and
9 disbursements for the current fiscal year, and the agency's
10 request for the ensuing biennium, by program; and

11 (iii) actual disbursements for the completed fiscal
12 year of the current biennium, estimated disbursements for
13 the current fiscal year, and the agency's recommendations
14 for the ensuing biennium, by disbursement category;

15 (e) any other information the budget director feels is
16 necessary for the preparation of a budget.

17 (3) The board of public education shall submit any
18 request for a legislative appropriation for state
19 equalization aid as provided in 20-9-343, in the form and
20 manner prescribed by the budget director.

21 ~~{3}~~{4} The budget director must also prepare and
22 submit to the legislative fiscal analyst in accordance with
23 17-7-112:

24 (a) detailed recommendations for the state long-range
25 building program. Each recommendation shall be presented by

1 department, institution, agency, or branch by funding
2 source, with a description of each proposed project; and

3 (b) the proposed pay plan schedule for all executive
4 branch employees, with the specific cost and funding
5 recommendations for each agency. Submission of a pay plan
6 schedule under this subsection is not an unfair labor
7 practice under 39-31-401."

8 Section 2. Section 17-7-112, MCA, is amended to read:
9 "17-7-112. Submission deadline. (1) It shall be the
10 duty of each department, agency, and office, including the
11 Montana university system and the board of public education,
12 to submit the information required under 17-7-111 to the
13 budget director on or before September 1 in the even year
14 preceding the convening of the legislature.

15 (2) Between August 15 and September 30 in the year
16 preceding the convening of the legislature, the director
17 must submit each state agency's budget request required
18 under 17-7-111(2) or (3) to the legislative fiscal analyst.
19 The transfer of budget information shall be done on a
20 schedule mutually agreed to by the budget director and the
21 legislative fiscal analyst in a manner that facilitates an
22 even transfer of budget information during the month of
23 September and which allows each office to maintain a
24 reasonable staff workflow.

25 (3) If any department, institution, university unit,

1 or agency shall fail to present such information within the
 2 time herein specified, the budget director shall note that
 3 fact in the budget submitted to the governor and the budget
 4 director shall prepare and submit to the legislative fiscal
 5 analyst and the governor by October 30 a budget request on
 6 behalf of such department, institution, university unit, or
 7 agency, based upon his studies of the operations, plans, and
 8 needs thereof.

9 (4) The proposed pay plan schedule required by
 10 17-7-111~~(3)~~(4) must be submitted to the legislative fiscal
 11 analyst no later than November 15 in the year preceding the
 12 convening of the legislature."

13 Section 3. Section 20-2-121, MCA, is amended to read:

14 "20-2-121. Board of public education -- powers and
 15 duties. The board of public education shall:

16 (1) effect an orderly and uniform system for teacher
 17 certification and specialist certification and for the
 18 issuance of an emergency authorization of employment by
 19 adopting the policies prescribed by 20-4-102 and 20-4-111;

20 (2) consider the suspension or revocation of teacher
 21 or specialist certificates and appeals from the denial of
 22 teacher or specialist certification in accordance with the
 23 provisions of 20-4-110;

24 (3) administer and order the distribution of state
 25 equalization aid in accordance with the provisions of

1 20-9-344;

2 (4) adopt and enforce policies to provide uniform
 3 standards and regulations for the design, construction, and
 4 operation of school buses in accordance with the provisions
 5 of 20-10-111;

6 (5) approve or disapprove a reduction of the number of
 7 hours in a district's school day in accordance with the
 8 provisions of 20-1-302;

9 (6) adopt policies prescribing the conditions when
 10 school may be conducted on Saturday and the types of
 11 pupil-instruction-related days and approval procedure for
 12 such days in accordance with the provisions of 20-1-303 and
 13 20-1-304;

14 (7) adopt standards of accreditation and establish the
 15 accreditation status of every school in accordance with the
 16 provisions of 20-7-101 and 20-7-102;

17 (8) approve or disapprove educational media selected
 18 by the superintendent of public instruction for the
 19 educational media library in accordance with the provisions
 20 of 20-7-201;

21 (9) adopt policies for the conduct of special
 22 education in accordance with the provisions of 20-7-402;

23 (10) adopt rules for issuance of documents certifying
 24 equivalency of completion of secondary education in
 25 accordance with 20-7-131; and

1 (11) adopt policies for the conduct of programs for
2 gifted and talented children in accordance with the
3 provisions of 20-7-903 and 20-7-904; and

4 (12) submit any request for a legislative appropriation
5 for state equalization aid as provided in 20-9-343 to the
6 budget director under the provisions of 17-7-111 on or
7 before September 1 in the even-numbered year preceding the
8 convening of the legislature; and

9 ~~††2†~~(13) perform any other duty prescribed from time to
10 time by this title or any other act of the legislature."

11 Section 4. Section 20-9-344, MCA, is amended to read:

12 "20-9-344. Purpose of state equalization aid and
13 duties of the board of public education for distribution.

14 (1) The money available for state equalization aid shall be
15 distributed and apportioned to provide an annual minimum
16 operating revenue for the elementary and high schools in
17 each county, exclusive of revenues required for debt service
18 and for the payment of any and all costs and expense
19 incurred in connection with any adult education program,
20 recreation program, school food services program, new
21 buildings, new grounds, and transportation.

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

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

4 (b) have the power to require such reports from the
5 superintendent of public instruction, the county
6 superintendents, budget boards, county treasurers, and
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8 (c) order the superintendent of public instruction to
9 distribute the state equalization aid on the basis of each
10 district's annual entitlement to such aid as established by
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12 distribution of state equalization aid, the board of public
13 education shall not increase or decrease the state
14 equalization aid distribution to any district on account of
15 any difference which may occur during the school fiscal year
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17 of school revenue.

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

23 NEW SECTION. Section 5. Extension of authority. Any
24 existing authority of the board of public education to make
25 rules on the subject of the provisions of this act is

1 extended to the provisions of this act.

2 NEW-SECTION:--Section-6:--Appropriation:----There----is
3 appropriated--\$307000--from-the-general-fund-to-the-Board-of
4 Public-Education-for-the-biennium-ending-June-30,1987--for
5 the--purpose--of--preparing--and--submitting--to--the-budget
6 director-a--detailed--budget--request--for--any--legislative
7 appropriation-for-state-equalization-aid:

-End-

SENATE BILL NO. 382

INTRODUCED BY NEUMAN, B. BROWN, E. SMITH
REGAN, TVEIT, PECK, J. HAMMOND, ECK, LANE,
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DIRECTOR PRIOR TO A LEGISLATIVE SESSION; ~~TO--APPROPRIATE
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THIRD READING



1 (d) an agency schedule summarizing past and proposed
 2 spending plans and the means of financing the proposed plan.
 3 Information presented shall include the following:

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 5 statement of goals and objectives for each program of the
 6 agency;

7 (ii) actual FTE and disbursements for the completed
 8 fiscal year of the current biennium, estimated FTE and
 9 disbursements for the current fiscal year, and the agency's
 10 request for the ensuing biennium, by program; and

11 (iii) actual disbursements for the completed fiscal
 12 year of the current biennium, estimated disbursements for
 13 the current fiscal year, and the agency's recommendations
 14 for the ensuing biennium, by disbursement category;

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 18 request for a legislative appropriation for state
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 22 submit to the legislative fiscal analyst in accordance with
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 25 building program. Each recommendation shall be presented by

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 2 source, with a description of each proposed project; and

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 4 branch employees, with the specific cost and funding
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 6 schedule under this subsection is not an unfair labor
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1 or agency shall fail to present such information within the
 2 time herein specified, the budget director shall note that
 3 fact in the budget submitted to the governor and the budget
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 22 teacher or specialist certification in accordance with the
 23 provisions of 20-4-110;

24 (3) administer and order the distribution of state
 25 equalization aid in accordance with the provisions of

1 20-9-344;

2 (4) adopt and enforce policies to provide uniform
 3 standards and regulations for the design, construction, and
 4 operation of school buses in accordance with the provisions
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6 (5) approve or disapprove a reduction of the number of
 7 hours in a district's school day in accordance with the
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 15 accreditation status of every school in accordance with the
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18 and for the payment of any and all costs and expense
19 incurred in connection with any adult education program,
20 recreation program, school food services program, new
21 buildings, new grounds, and transportation.

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

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

4 (b) have the power to require such reports from the
5 superintendent of public instruction, the county
6 superintendents, budget boards, county treasurers, and
7 trustees as it may deem necessary; and

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

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

23 NEW SECTION. Section 5. Extension of authority. Any
24 existing authority of the board of public education to make
25 rules on the subject of the provisions of this act is

1 extended to the provisions of this act.

2 ~~NEW-SECTION--Section-6--Appropriation,---There---is~~
3 ~~appropriated--\$38,000--from-the-general-fund-to-the-Board-of~~
4 ~~Public-Education-for-the-biennium-ending-June-30,1987--for~~
5 ~~the--purpose--of--preparing--and--submitting--to--the-budget~~
6 ~~director-a--detailed--budget--request--for--any--legislative~~
7 ~~appropriation-for-state-equalization-aid-~~

-End-