

CONSTITUTIONAL AMENDMENT

1 *Boyer* *Bisinaldi* *Haynes*
 2 INTRODUCED BY *Boyer* SENATE BILL NO. 195 *Cary Embrose*
 3 *Treit* *Burnett* *Keating*

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN
 5 AMENDMENT TO ARTICLE X, SECTION 1, OF THE MONTANA CONSTITUTION TO CLARIFY THE STATE'S
 6 EDUCATIONAL GOALS AND DUTIES BY GUARANTEEING REASONABLY BALANCED EDUCATIONAL
 7 ACCESS AND OPPORTUNITY TO RESIDENTS AND BY LIMITING STATE SPENDING; AND PROVIDING AN
 8 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."
 9

10 WHEREAS, ambiguous and vague language currently contained in subsections (1) and (3) of Article
 11 X, section 1, of the Montana Constitution has been subject to enforcement by order of the Montana
 12 Supreme Court, but with improper and erroneous interpretation and implementation by the Legislature; and

13 WHEREAS, substantial, detrimental, and unreasonable tax consequences have been imposed upon
 14 the property taxpayers of Montana as a result of this erroneous interpretation, application, and
 15 implementation by the Legislature; and

16 WHEREAS, the economic dangers threatening taxpayers, resulting from said erroneous acts, have
 17 created a critical stage of economic and sociological disruption; and

18 WHEREAS, through irresponsible collective bargaining by local school boards, revenue intended to
 19 reasonably balance and enhance pupil academic opportunity has been diverted contractually to school
 20 employee salary and benefit increases.

21 THEREFORE, it is necessary that clarification of Article X, section 1, of the Montana Constitution
 22 be made to reasonably secure the good order and general welfare of the state establishing the true purpose,
 23 spirit, and intent of this constitutional provision.
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25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

26
 27 **Section 1.** Article X, section 1, of The Constitution of the State of Montana is amended to read:
 28 "**Section 1. Educational goals and duties.** (1) It is the goal of the people to establish a system of
 29 education which will develop the full educational potential of each person resident. ~~Equality of Reasonable~~
 30 access to educational opportunity is guaranteed to each person resident of the state.



1 (2) The state recognizes the distinct and unique cultural heritage of the American Indians and is
2 committed in its educational goals to the preservation of their cultural integrity.

3 (3) The legislature shall provide a basic system of free quality public elementary and secondary
4 schools. The legislature may provide such other educational institutions, public libraries, and educational
5 programs as it deems desirable. It shall fund and distribute to the school districts the state's share of the
6 cost of the basic elementary and secondary school system in an equitable and reasonable manner ~~to the~~
7 ~~school districts the state's share of the cost of the basic elementary and secondary school system,~~
8 endeavoring to attain fairness to both taxpayers and school districts while rationally considering the needs
9 of diverse districts.

10 (4) As used in subsection (3), "equitable and reasonable manner" means a state disbursement to
11 each school district of a minimum amount for school equity for basic educational needs. Any district levy
12 for additional funding desired by each district may be obtained from district taxpayers only by a voted levy
13 submitted to and approved by the majority of qualified district electors at one election, one time each year.

14 (5) The dollar amount, disbursed by the state, may not exceed the minimum amount allowed each
15 respective district, with a maximum fractional increase or decrease allowed each year thereafter determined
16 by enrollment fluctuations."

17

18 **NEW SECTION. Section 2. Saving clause.** [This act] does not affect contractual rights and duties
19 that matured, penalties that were incurred, or proceedings that were begun before [the effective date of
20 this act].

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22 **NEW SECTION. Section 3. Applicability.** [This act] applies to contracts entered into and to school
23 fiscal years commencing on or after [the effective date of this act].

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25 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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27 **NEW SECTION. Section 5. Submission to electorate.** This amendment shall be submitted to the
28 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
29 the full title of this act and the following:

30 [] FOR clarifying the state's educational goals and duties by guaranteeing reasonable

1 educational access and opportunity to residents and protecting taxpayers by limiting state
2 funding.

3 [] AGAINST clarifying the state's educational goals and duties by guaranteeing reasonable
4 educational access and opportunity to residents and protecting taxpayers by limiting state
5 funding.

6 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0195, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act submitting to the qualified electors of Montana an amendment to Article X, Section 1, of the Montana constitution to clarify the state's educational goals and duties by guaranteeing reasonably balanced educational access and opportunity to residents and by limiting state spending.

ASSUMPTIONS:

1. SB 195, if approved by the electorate, will become effective after November 1996 and may affect state appropriations for public schools beginning July 1, 1997.
2. Election costs related to the publication and distribution of the Voter Information Pamphlet and the publication of complete text of the measure in newspapers of general circulation are included at base levels in the Governor's executive budget. Currently, no constitutional amendments have been placed on the 1996 ballot, so base figures are still acceptable.

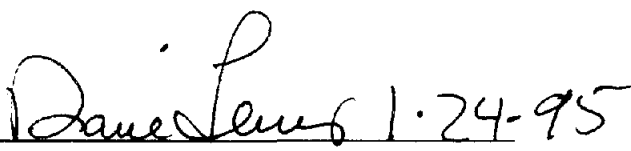
FISCAL IMPACT: No fiscal impact for the 1997 biennium.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: By replacing the constitutional guarantee of "equality of educational opportunity" with a guarantee of "reasonable access to educational opportunity" this bill may give the legislature increased latitude to establish funding levels for public schools. In response to or in anticipation of adverse court action based on constitutional requirements the legislature has modified the school equalization program twice in the last five years. However based on the equalization methods applied in HB667 of forcing low spending districts to increase while freezing or reducing spending in high spending districts it is not imperative that increased equalization to meet constitutional mandates come at the expense of increased state spending. The effect on state expenditures for public schools will be determined by the "minimum amount for school equity for basic educational needs" which will be established by the legislature.

TECHNICAL NOTES:

1. The act is effective on passage and approval. The applicability date should be for fiscal years commencing on or after the passage of the ballot by the electorate.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


LARRY BAER, PRIMARY SPONSOR DATE

Fiscal Note for SB0195, as introduced
SB 195