

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Call to Order: Chair Roy Hollandsworth, on February 13, 2015 at 9:00 A.M., in Room 472 Capitol

ROLL CALL

Members Present:

Sen. Llew Jones, Vice Chair (R)
Sen. Bradley Hamlett (D)
Rep. Donald W. Jones (R)
Rep. Tom Woods (D)

Members Excused: Rep. Roy Hollandsworth, Chair (R)
Sen. Frederick (Eric) Moore (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Kendra Balian, Committee Secretary
Micaela Kurth, Legislative Branch
Robert Miller, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action- Office of Public Instruction

00:00:01 Rep. D. Jones assumed the role of Chair

00:00:47 Recess

00:10:21 Reconvened. Sen. Windy Boy arrived

00:10:29 Chair D. Jones

00:10:44 Sen. L. Jones

EXECUTIVE ACTION ON PROGRAM 9

00:15:10 **Motion:** Sen. L. Jones moved that **CHANGE PACKAGES 901, 902, 903, AND 904 BE ADOPTED.**

[EXHIBIT\(jeh33a01\)](#)

Discussion:

00:15:23 Rep. D. Jones

00:15:50 Sen. Windy Boy

00:15:55 **Vote:** Motion carried 5-0 by voice vote.

00:17:02 Sen. L. Jones

00:17:53 Rob Miller, Legislative Fiscal Division (LFD)

00:18:10 Sen. L. Jones

00:18:16 Rep. Woods

00:18:22 **Motion:** Sen. L. Jones moved to **ADOPT CHANGE PACKAGE 905- THE LEGISLATURE APPROVES AN INCREASE IN GENERAL FUND OF \$119,982 IN FY 2016 AND \$214,304 IN FY 2017 FOR THE AT-RISK STUDENT PAYMENT. THIS REPRESENTS A STATUTORY CALCULATED INFLATIONARY INCREASE OF 2.33% IN FY 2016 AND 1.79% IN FY 2017. THIS IS A RESTRICTED BIENNIAL APPROPRIATION AS LISTED.**

[EXHIBIT\(jeh33a02\)](#)

Discussion:

00:19:19 Sen. Windy Boy

00:19:24 Rob Miller, LFD

00:19:52 Nancy Hall, Office of Budget Policy and Planning (OBPP)

00:20:11 **Vote:** Motion carried 5-0 by voice vote.

00:20:36 **Motion:** Sen. L. Jones moved that **CHANGE PACKAGE 906- AS A RESTRICTED BIENNIAL APPROPRIATION. THE LEGISLATURE APPROVED A DECREASE IN GENERAL FUND OF \$249,727 IN FY 2016 AND \$149,472 IN FY 2017 FOR THE PUPIL TRANSPORTATION REQUIRED UNDER 20-10-145, MCA- BE ADOPTED.**

[EXHIBIT\(jeh33a03\)](#)

Discussion:

00:21:53 Nancy Hall, OBPP
00:21:54 Sen. L. Jones
00:22:10 Sen. Windy Boy
00:22:36 Rob Miller, LFD
00:23:04 Sen. Windy Boy
00:23:05 Rob Miller, LFD

00:23:23 **Vote:** Motion carried 5-0 by voice vote.

00:23:37 **Motion/Vote:** Sen. L. Jones moved that **CP 907- THIS LEGISLATURE APPROVES A DECREASE IN GENERAL FUND FOR REIMBURSEMENT THROUGH BLOCK GRANTS- NON LEVY DOLLAR REVENUE TO SCHOOLS- OF \$5,514,458 IN FISCAL YEAR 2016 AND \$5,497,501 IN FISCAL YEAR 2017- BE ADOPTED.** Motion carried 5-0 by voice vote.

[EXHIBIT\(jeh33a04\)](#)

00:25:17 **Motion/Vote:** Sen. L. Jones moved that **CP 908 BE ADOPTED.** Motion carried 5-0 by voice vote.

[EXHIBIT\(jeh33a05\)](#)

00:26:31 **Motion:** Sen. L. Jones moved that **CP 909- STATE SPECIAL REVENUE ACCOUNT ADJUSTMENT LINKED TO OIL AND GAS: THE LEGISLATURE APPROVED A REDUCTION IN THE APPROPRIATION FROM THE STATE SCHOOL OIL AND GAS IMPACT ACCOUNT OF \$632,875 IN FISCAL YEAR 2016 AND FISCAL YEAR 2017- BE ADOPTED.**

[EXHIBIT\(jeh33a06\)](#)

Discussion:

00:27:19 Sen. Windy Boy
00:27:35 Sen. L. Jones
00:27:43 Nancy Hall, OBPP
00:29:02 Rep. D. Jones

00:29:10 **Vote:** Motion carried 5-0 by voice vote.

00:29:18 **Motion:** Sen. L. Jones moved that **CP 910- FEDERAL GRANT AWARD ADJUSTMENT REFLECTING A REDUCTION IN FEDERAL GRANTS: THE LEGISLATURE APPROVED A DECREASE IN FEDERAL APPROPRIATIONS OF \$2,630,829 IN FISCAL YEAR 2016 AND \$1,488,829 IN FISCAL YEAR 2017 FOR FEDERAL GRANTS OPI DISTRIBUTES TO SCHOOL DISTRICTS AND OTHER LOCAL EDUCATION AGENCIES ADMINISTERED BY OPI- BE ADOPTED.**

[EXHIBIT\(jeh33a07\)](#)

Discussion:

00:30:05 Sen. Windy Boy
00:30:17 Nancy Hall, OBPP
00:31:15 Rep. Woods

00:31:31 Sen. Windy Boy
00:31:38 Rep. Hollandsworth arrived
00:32:51 Nancy Hall, OBPP
00:33:03 Ken Bailey, Office of Public Instruction (OPI)
00:34:08 Sen. Windy Boy
00:34:54 Chair. D. Jones

00:34:59 **Vote:** Motion carried 6-0 by voice vote.

00:35:16 Rep. Hollandsworth

00:35:25 **Motion:** Sen. L. Jones moved that **CP 911- STATE OIL AND NATURAL GAS DISTRIBUTION ACCOUNT (RESTRICTED/OTO): THE LEGISLATURE APPROVED AN APPROPRIATION FROM THE STATE OIL AND NATURAL GAS DISTRIBUTION ACCOUNT OF \$9,500,00 FOR FISCAL YEAR 2016 FOR DISTRIBUTION TO SCHOOLS FOR PURPOSES SPECIFIED IN 20-9-520 AND 20-9-31, MONTANA CODE ANNOTATED. THIS DISTRIBUTION TO SCHOOL WAS CREATED BY SB 175, PASSED BY THE 2013 LEGISLATURE AND IS COMMONLY KNOWN AS "CONCENTRIC CIRCLES"- BE ADOPTED.**

EXHIBIT(jeh33a08)

Discussion:

00:38:18 Chair D. Jones

00:38:25 Sen. L. Jones

00:38:44 **Vote:** Motion carried 6-0.

EXECUTIVE ACTION ON HB 2 LANGUAGE

00:39:01 **Motion:** Sen. L. Jones moved that **THE FOLLOWING LANGUAGE TO BE INCLUDED IN HB 2: THE OFFICE OF PUBLIC MAY DISTRIBUTE FUNDS FROM THE APPROPRIATION FOR IN-STATE TREATMENT TO PUBLIC SCHOOL DISTRICTS FOR THE PURPOSE OF PROVIDING FOR EDUCATIONAL COSTS OF CHILDREN WITH SIGNIFICANT BEHAVIORAL OR PHYSICAL NEEDS. ALL REVENUE UP TO \$1.1 MILLION IN THE STATE TRAFFIC EDUCATION ACCOUNT FOR DISTRIBUTION TO SCHOOLS UNDER THE PROVISIONS OF 20-7-506 AND 61-5-121, MONTANA CODE ANNOTATED, IS APPROPRIATED AS PROVIDED IN TITLE 20, CHAPTER 7, PART 5, MONTANA CODE ANNOTATED. ALL APPROPRIATIONS FOR FEDERAL SPECIAL REVENUE APPROPRIATIONS IN STATE LEVEL ACTIVITIES AND IN LOCAL EDUCATION ACTIVITIES AND ALL GENERAL FUND APPROPRIATIONS IN LOCAL EDUCATION ACTIVITIES ARE BIENNIAL. FOR EACH YEAR OF THE 2017 BIENNIUM, THERE IS AN \$832,500 GENERAL FUND, ONE-TIME-ONLY, RESTRICTED APPROPRIATION AVAILABLE TO THE MONTANA DIGITAL ACADEMY OVER AND ABOVE THE \$1,168,000 BASE APPROPRIATION. THE FIRST \$1,900,00 MAY BE REQUESTED BY THE DIGITAL ACADEMY FROM THE OFFICE OF PUBLIC INSTRUCTION ON AN AS NEEDED BASIS. TO RECEIVE THE REMAINING \$100,500, THE DIGITAL ACADEMY MUST SHOW PROOF OF AT LEAST 6,000 ENROLLMENTS BY MARCH 1 OF THE FISCAL YEAR FOR THE PRECEDING SUMMER SESSION AND THE FALL AND SPRING SEMESTERS- BE ADOPTED.**

EXHIBIT(jeh33a09)

Discussion:

00:41:32 Sen. Windy Boy

00:41:44 **Vote:** Motion carried 6-0 by voice vote.

00:41:54 Sen. L. Jones

00:42:38 Sen. Windy Boy

00:42:46 **Motion/Vote:** Sen. L. Jones moved that **PROGRAM 9, MOTION TO RESTRICT ALL FUNDING FOR LOCAL EDUCATION ACTIVITIES TO THE INTENDED PURPOSE- ALL GENERAL AND STATE FUNDS APPROPRIATED TO LOCAL SCHOOL DISTRICTS THROUGH THE OFFICE OF PUBLIC INSTRUCTION LOCAL EDUCATION ACTIVITIES (PROGRAM 9) FOR FISCAL YEAR 2016 AND FISCAL YEAR 2017 ARE RESTRICTED FOR THE INTENDED PURPOSE. THIS INCLUDES FUNDING FOR THE FOLLOWING: K-12 BASE AID, AT RISK PAYMENT SPECIAL EDUCATION, GIFTED AND TALENTED, EARLY CHILDHOOD EDUCATION, IN STATE TREATMENT, CAREER AND TECHNICAL EDUCATION, ADULT BASIC EDUCATION, TRANSPORTATION, SCHOOL FACILITY REIMBURSEMENT, SCHOOL FOOD, REIMBURSEMENT BLOCK GRANTS, STATE TUITION PAYMENTS, ADVANCING AGRICULTURAL EDUCATION- BE ADOPTED.** Motion carried 6-0 by voice vote.

00:44:17 Chair. D. Jones
Note: Rep. Hollandsworth re-assumed the role of Chair

EXECUTIVE ACTION ON PROGRAM 6

00:45:20 Sen. L. Jones

Discussion:

00:46:08 Rob Miller, LFD

00:46:46 Sen. L. Jones

00:47:00 Rob Miller, LFD

00:47:35 **Motion/Vote:** Sen. L. Jones moved that **CP 525, THE FIXED COST ADJUSTMENT, AND CP 527, THE INFLATION/DEFLATION ADJUSTMENTS, FOR PROGRAM 6, OFFICE OF PUBLIC INSTRUCTION- BE ADOPTED.**
Motion carried 6-0.

EXHIBIT(jeh33a10)

00:47:48 **Motion:** Sen. L. Jones moved that **CP 560, THE MONTANA DIGITAL ACADEMY IN A RESTRICTED, ONE TIME ONLY, BIENNIAL MANNER. THE LEGISLATURE APPROVES AN INCREASE OF GENERAL FUND TOTALING \$832,500 IN EACH YEAR OF THE BIENNIUM. THE INCREASE IS TO ADDRESS TO GROWING ENROLLMENT IN COURSES OFFERED BY THE MONTANA DIGITAL ACADEMY- BE ADOPTED.**

EXHIBIT(jeh33a11)

Discussion:

00:48:39 Nancy Hall, OBPP

00:48:52 **Vote:** Motion carried 6-0 by voice vote.

00:49:13 **Motion/Vote:** Sen. L. Jones moved that **CP 561, AUDIOLOGICAL SERVICES (RESTRICTED/OTO/BIENNIAL)- THE LEGISLATURE APPROVED AN INCREASE OF \$188,215 GENERAL FUND FOR THE 2017 BIENNIUM TO FUND INCREASED COSTS OF THE STATEWIDE PROGRAM.** Motion carried 5-1 by voice vote with Rep. Jones voting no.

EXHIBIT(jeh33a12)

00:50:25 **Motion/Vote:** Sen. L. Jones moved that **CP 562, INDIRECT COSTS- THE LEGISLATURE APPROVED \$160, 814 GENERAL FUND, \$11,188 STATE SPECIAL REVENUE AND \$140,000 FEDERAL SPECIAL REVENUE (TOTAL FOR THE BIENNIUM OF \$312,635) TO COVER INDIRECT COSTS RELATED TO SERVICES PROVIDED- BE ADOPTED.** Motion carried 6-0 by voice vote.

EXHIBIT(jeh33a13)

00:51:18 **Motion/Vote:** Sen. L. Jones moved that **CP 563, FEDERAL GRANT ADJUSTMENT STATE EDUCATION ACTIVITIES- THE LEGISLATURE APPROVED \$2,600,00 OF FEDERAL FUND FOR THE 2017 BIENNIUM TO ADJUST FOR INCREASES IN FEDERAL GRANT AWARDS ADMINISTERED BY THE OFFICE OF PUBLIC INSTRUCTION INCLUDING THE SCHOOL FOOD GRANTS, THE IDEA-B GRANT, AND THE TITLE 1 GRANT- BE ADOPTED.** Motion carried 6-0 by voice vote.

EXHIBIT(jeh33a14)

00:52:09 **Motion:** Sen. L. Jones moved that **CP 564 PERSONAL SERVICE PRESENT LAW ADJUSTMENT- THE LEGISLATURE APPROVED A GENERAL FUND INCREASE OF \$104,917 IN FISCAL YEAR 2016 AND \$98,925 IN FISCAL YEAR 2017, STATE SPECIAL REVENUE DECREASE OF \$14,431 IN FISCAL YEAR 2016 AND \$14,628 IN FISCAL YEAR 2017, STATE SPECIAL REVENUE INCREASE OF \$20,722 IN FISCAL YEAR 2016 AND \$20,439 IN FISCAL YEAR 2017. THIS FUNDING IS FOR PERSONAL SERVICES CLASSIFIED AS OTHER AS PRESENTED IN LEGISLATIVE PRESENT LAW PACKAGE 98 AS MODIFIED AT THE REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION, INCLUDED IN OTHER IS FUNDING FOR UNEMPLOYMENT INSURANCE, WORKERS COMPENSATION RATES, LONGEVITY, RETIREMENT, AND HEALTH BENEFITS- BE ADOPTED.**

EXHIBIT(jeh33a15)**Discussion:**

00:53:13 Sen. Windy Boy

00:53:27 Nancy Hall, OBPP

00:54:04 **Vote:** Motion carried 6-0 by voice vote.

00:54:19 **Motion/Vote:** Sen. L. Jones moved that **CP 565 PRESENT LAW ADJUSTMENT- THE LEGISLATURE APPROVED GENERAL FUND INCREASES OF \$36,702 IN FISCAL YEAR 2016 AND \$36,903 IN FISCAL YEAR 2017, STATE SPECIAL REVENUE DECREASES OF \$15,947 IN FISCAL YEAR 2016 AND \$15,942 IN FISCAL YEAR 2017, FEDERAL SPECIAL REVENUE INCREASES OF \$193,097 IN FISCAL YEAR 2016 AND \$193,082 IN FISCAL YEAR 2017. THIS FUNDING IS FOR PRESENT LAW ADJUSTMENTS CLASSIFIED AS OTHER AS PRESENTED IN LEGISLATIVE PRESENT LAW PACKAGE 99 AS MODIFIED AT THE REQUEST OF THE OFFICE OF PUBLIC INSTRUCTION- BE ADOPTED.** Motion carried 6-0 by voice vote.

[EXHIBIT\(jeh33a16\)](#)

00:55:23 **Motion/Vote:** Sen. L. Jones moved that **NP 566- GEMS HIGH SCHOOL TRANSCRIPTS STAFFING- THIS REQUEST IS FOR GENERAL FUND INCREASE OF \$230,000 IN EACH YEAR OF THE BIENNIUM FOR 3.00 FTE NEEDED TO SUPPORT THE K-20 DATA WAREHOUSE (GEMS) AND THE HIGH SCHOOL TRANSCRIPT SYSTEM, WITH THE CORRECTION FROM 4.00 TO 3.00 FTE- BE ADOPTED.** Motion carried 5-1 by voice vote with Rep. Jones voting no.

[EXHIBIT\(jeh33a17\)](#)

00:57:39 Sen. L. Jones
00:58:30 Rob Miller, LFD
01:00:37 Nancy Hall, OBPP

01:00:59 **Motion:** Sen. L. Jones moved that **CP 525- FIXED COST ADJUSTMENT, CP 526- LEGISLATIVE AUDIT , AND CP 527- INFLATION/DEFLATION ADJUSTMENTS FOR THE BOARD OF PUBLIC EDUCATION- BE ADOPTED.**

[EXHIBIT\(jeh33a18\)](#)

Discussion:

01:01:24 Sen. Windy Boy
01:01:30 Rob Miller, LFD

01:01:55 **Vote:** Motion carried 6-0 by voice vote.

01:02:11 **Motion/Vote:** Sen. L. Jones moved that **CP 525- FIXED COST ADJUSTMENT, CP 526- LEGISLATIVE AUDIT ADJUSTMENT, AND CP 527- INFLATION/DEFLATION ADJUSTMENTS, FOR THE MONTANA SCHOOL OF THE DEAF AND BLIND- BE ADOPTED.** Motion carried 6-0 by voice vote.

[EXHIBIT\(jeh33a19\)](#)

01:02:55 Sen. L. Jones
01:03:29 Micaela Kurth, Legislative Fiscal Division (LFD)

EXECUTIVE ACTION ON MONTANA ARTS COUNCIL

01:04:37 **Motion/Vote:** Sen. L. Jones moved that **DP 525, DP 526, AND DP 527 FOR THE MONTANA ARTS COUNCIL BE ADOPTED.** Motion carried 6-0 by voice vote.

[EXHIBIT\(jeh33a20\)](#)

EXECUTIVE ACTION ON MONTANA HISTORICAL SOCIETY

01:05:49 **Motion:** Sen. L. Jones moved that **DP 525, DP 526, AND DP 527 FOR THE MONTANA HISTORICAL SOCIETY BE ADOPTED.**

[EXHIBIT\(jeh33a21\)](#)

Discussion:

01:06:11 Micaela Kurth, LFD

01:06:31 Sen. L. Jones

01:07:12 **Vote:** Motion carried 6-0 by voice vote.

EXECUTIVE ACTION ON MONTANA STATE LIBRARY

01:07:43 **Motion/Vote:** Sen. L. Jones moved that **DP 525, DP526, DP 527 FOR THE MONTANA STATE LIBRARY BE ADOPTED.** Motion carried 6-0 by voice vote.

[EXHIBIT\(jeh33a22\)](#)

01:08:41 Sen. L. Jones

01:10:37 **Motion:** Sen. Hamlett moved that **DP 403 FOR GENERAL FUND INCREASES TO THE MONTANA NATURAL HERITAGE PROGRAM CONTRACT OF \$75,000 EACH FISCAL YEAR IN THE 2017 BIENNIUM BE ADOPTED.**

Discussion:

01:11:22 Micaela Kurth, LFD

01:11:37 Sen. L. Jones

01:12:00 Chair Hollandsworth

01:12:19 Sen. Hamlett

01:12:22 Micaela Kurth, LFD

01:12:50 Sen. L. Jones

01:13:10 **Vote:** Motion failed 3-4 with Sen. Hamlett, Sen. Windy Boy and Rep. Woods voting aye. Sen. Moore voted by proxy.

01:14:12 Rep. Woods

01:14:28 Sen. L. Jones

01:15:20 **Motion/Vote:** Rep. Woods moved that **DP 402 TO AUTHORIZE THE AGENCY 1.29 FTE AS PERMANENT FTE IN BOTH FISCAL YEARS OF THE 2017 BIENNIUM BE ADOPTED.** Motion failed 3-4 by roll call vote with Sen. Hamlett, Sen. Windy Boy and Rep. Woods voting aye. Sen. Moore voted by proxy.

EXECUTIVE ACTION ON INDIAN LANGUAGE IMMERSION SCHOOLS

01:16:20 **Motion:** Sen. Windy Boy moved that **NP 912- ENCOURAGE INDIAN LANGUAGE IMMERSION SCHOOLS (RESTRICTED/BIENNIAL). THE LEGISLATURE APPROVED GENERAL FUND APPROPRIATION OF \$50,000 IN EACH YEAR OF THE BIENNIUM FOR THE PURPOSES STATED IN SB 272. THE PURPOSE OF THE BILL IS TO PROMOTE INNOVATIVE, CULTURALLY RELEVANT, INDIAN LANGUAGE IMMERSION PROGRAMS FOR INDIAN AND NON-INDIAN STUDENTS. THIS FUNDING IS CONTINGENT ON SB 272 BECOMING LAW, AS A PLACEHOLDER- BE ADOPTED.**

[EXHIBIT\(jeh33a23\)](#)

Discussion:

01:17:38 Sen. L. Jones
 01:18:07 Sen. Windy Boy
 01:18:17 Sen. L. Jones
 01:18:26 Sen. Windy Boy
 01:18:30 Sen. L. Jones
 01:18:55 Sen. Windy Boy
 01:19:12 Chair Hollandsworth
 01:19:19 Sen. Hamlett
 01:19:32 Sen. L. Jones

01:19:51 **Vote:** Motion failed 3-4 by roll call vote with Sen. Hamlett, Sen. Windy Boy and Rep. Woods voting aye. Sen. Moore voted by proxy.

EXECUTIVE ACTION ON STATE SPECIAL EDUCATION

01:20:48 Sen. Hamlett
 01:21:10 Chair Hollandsworth
 01:21:14 Sen. L. Jones
 01:21:32 Madalyn Quinlan, Chief of Staff, Office of Public Instruction (OPI)
 01:22:30 Sen. L. Jones
 01:24:27 Chair Hollandsworth

01:24:46 **Motion/Vote:** Sen. Hamlett moved that **NP 915- STATE SPECIAL EDUCATION ALLOWABLE COST PAYMENT BE ADOPTED.** Motion failed 3-4 by roll call vote with Sen. Hamlett, Sen. Windy Boy and Rep. Woods voting aye. Sen. Moore voted by proxy.

[EXHIBIT\(jeh33a24\)](#)

01:25:47 Chair Hollandsworth

01:25:56 **Motion:** Rep. Woods moved that **PROGRAM 6, NP 566, BE REQUESTED TO ADD 1 FTE TO PROVIDE ASSISTANCE TO SCHOOL DISTRICTS TO IMPLEMENT CHAPTER 55 FOR SCHOOL ACCREDITATION STANDARDS TO MAKE THE TOTAL REQUEST FOR THE BIENNIUM \$199,416. THIS WOULD BE FOR AN INSTRUCTOR TO BE PAID A SALARY OF \$49,000 PER YEAR MAKING THE OPERATING BUDGET \$54,757 FOR THE BIENNIUM.**

Discussion:

01:27:22 Sen. L. Jones

01:28:03 **Vote:** Motion failed 3-4 by roll call vote with Sen. Hamlett, Sen. Windy Boy and Rep. Woods voting aye. Sen. Moore voted by proxy.

01:28:49 Chair Hollandsworth

01:28:58 Sen. L. Jones

01:29:32 Chair Hollandsworth

01:29:42 Sen. L. Jones

01:30:47 Chair Hollandsworth

01:31:35 Sen. Windy Boy

01:32:53 Sen. Hamlett

01:35:23 Chair Hollandsworth

01:35:49 Rep. Woods

01:36:53 Sen. Hamlett

01:37:28 Chair Hollandsworth

01:37:36 Rep. D. Jones

01:38:51 Chair Hollandsworth

ADJOURNMENT

Adjournment: 01:39:09

Kendra Balian, Secretary

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Additional Documents:

EXHIBIT([jeh33aad.pdf](#))