



Education and Local Government Interim Committee

62nd Montana Legislature

SENATE MEMBERS

GARY BRANAE
TOM FACEY
BOB HAWKS
LLEW JONES
BOB LAKE
FREDERICK (ERIC) MOORE

HOUSE MEMBERS

ELSIE ARNTZEN
KRISTIN HANSEN
EDITH (EDIE) MCCLAFFERTY
ROBERT MEHLHOFF
JEAN PRICE
MATTHEW ROSENDALE

COMMITTEE STAFF

LEANNE KURTZ, Lead Staff
DANIEL WHYTE, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

June 13, 2011
Room 102

Capitol Bldg.
Helena, Montana

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

SEN. GARY BRANAE
SEN. TOM FACEY
SEN. BOB HAWKS
SEN. LLEW JONES
SEN. BOB LAKE
SEN. FREDERICK (ERIC) MOORE

REP. ELSIE ARNTZEN
REP. KRISTIN HANSEN
REP. ROBERT MEHLHOFF
REP. JEAN PRICE
REP. MATTHEW ROSENDALE

COMMITTEE MEMBER EXCUSED

REP. EDITH (EDIE) MCCLAFFERTY

STAFF PRESENT

LEANNE KURTZ, Lead Staff
DANIEL WHYTE, Staff Attorney
Cj JOHNSON, Secretary

Visitors/agenda

Visitors' list, [Attachment #1](#).
Agenda, [Attachment #2](#).

COMMITTEE ACTION

The Education and Local Government Interim Committee:

- voted to adopt the 2011/2012 work plan with the understanding that some details may change as issues emerge.
- selected Rep. Elsie Arntzen to be presiding officer of the ELG committee.
- selected Sen. Gary Branae to be vice presiding officer of the ELG committee.

CALL TO ORDER AND ROLL CALL

00:01:50 Sen. Hawks, senior Senator and acting chair, opened the hearing at 10 a.m. The secretary called roll. [Attachment #3](#). The committee members and staff introduced themselves.

AGENDA

00:06:41 **Flood update**
Ed Tinsley, Disaster and Emergency Services Administrator, Department of Military Affairs, gave an overview of the flooding that has occurred in Montana, and distributed a handout showing the areas that have been affected. [Exhibit 1](#)

Committee members comments and questions

00:15:32 Rep. Mehlhoff
00:17:26 Sen. Lake
00:22:36 Rep. Rosendale
00:24:01 Sen. Jones
00:24:39 Sen. Hawks

00:27:01 Mr. Tinsley closed and invited the committee members to visit the personnel at the Disaster and Emergency Services (DES) offices of the Department of Military Affairs.

ELG RECENT HISTORY AND IMPACT OF WORK - SEN. HAWKS

00:29:01 Sen. Hawks gave an overview of a past interim committee called Post secondary Education Policy and Budget (PEPB) subcommittee. He stated that the PEPB

committee was not activated during the last interim due to the 2009/2010 ELG interim committee developing shared policy goals and accountability measures for K-12, [Exhibit 2](#), K-20, [Exhibit 3](#), and the Montana University System [Exhibit 4](#), between the legislature and education institutions.

COMMITTEE OVERVIEW: RESPONSIBILITIES, AND INTRODUCTION OF WORK PLAN - LEANNE KURTZ, DAN WHYTE

- 00:35:36 **Leanne Kurtz, LSD staff**, discussed the following:
- committee budget,
 - expense forms,
 - operating rules and guidelines adopted by the Legislative Council for interim committees, [Exhibit 5](#)
- Ms. Kurtz distributed the ELG draft work plan, and gave an overview of the committee's statutory obligations and assigned duties. [Exhibit 6](#)
- 01:01:55 **Amy Carlson, Director, Legislative Fiscal Division (LFD)**, informed the committee that the LFD and LSD staff have been discussing school funding and the need for providing training to both ELG and the Legislative Finance Committee.
- 01:04:46 Ms. Kurtz discussed other interim committees that will be studying issues in which ELG members may be interested.
- 01:09:05 **Dan Whyte, Legal Staff**, distributed a handout that explains the committee's administrative rule-making authority, and how that function is administered. [Exhibit 7](#)
- 01:16:51 Mr. Whyte distributed a handout that explains the Legislature's role and power with regard to the Board of Regents rulemaking authority and duties. [Exhibit 8](#)

BOARD OF PUBLIC EDUCATION (BPE) - STEVE MELOY, EXECUTIVE DIRECTOR, INTRODUCTION TO BPE ROLE AND DUTIES

- 01:31:30 **Mr. Meloy** gave an update of the BPE and its operation. He distributed a handout that summarizes the BPE duties and its funding. [Exhibit 9](#)
- 11:52 **Lunch**
- 02:47:02 Sen. Hawks called the committee back to order.

OFFICE OF PUBLIC INSTRUCTION (OPI)

- 02:47:25 **Ms. Denise Juneau, Superintendent, Office of Public Instruction (OPI)**, gave an update of OPI legislation from the 2011 session, and how the bills will affect OPI and Montana schools. Ms. Juneau introduced Dennis Parman.
- 02:50:35 **Mr. Parman, Deputy Superintendent of OPI**, distributed and explained a handout regarding the status of the accreditation of schools in Montana. [Exhibit 10](#)

- 02:53:47 Mr. Parman distributed several handouts which he explained:
- school criteria based on the Administrative Rules of Montana (ARM). [Exhibit 11](#); and
 - a performance report of the progress of Montana schools. [Exhibit 12](#)

Committee members comments and questions

The committee asked questions and discussed performance data of schools, measuring assessments for schools, common course standards, and benchmarks.

- 03:07:27 Sen. Lake
03:09:30 Sen. Jones
03:10:20 Rep. Hansen
03:12:03 Rep. Arntzen
03:14:20 Sen. Facey,

- 03:16:21 **Madalyn Quinlan, Chief of Staff, OPI**, distributed and discussed handouts reviewing legislation that affected K-12 funding. [Exhibit 13](#) and [Exhibit 14](#)

Committee members comments and questions

The committee asked questions and discussed the reports presented by Ms. Quinlan and Mr. Parman

- 03:31:23 Sen. Facey
03:33:40 Sen. Hawks
03:40:18 Sen. Lake

OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION - DR. SHEILA STEARNS, COMMISSIONER

- 03:43:58 **Dr. Stearns** gave an overview of how bills that were passed by the 2011 Legislature affected the University System. She distributed a handout showing enrollment growth in the University System. [Exhibit 15](#) Dr. Stearns gave an update of the colleges' and universities' projects and plans. ** See Exhibit 19.

Committee members comments and questions

- 04:10:48 Sen. Lake talked about the shared policy goals and accountability measures that were set in place when he chaired the ELG's subcommittee in the 2009/2010 interim. See Exhibits 1, 2, and 3.

LOCAL GOVERNMENT - SHERYL WOOD, ASSOCIATE DIRECTOR, MONTANA ASSOCIATION OF COUNTIES (MACO)

- 04:21:09 **Ms. Wood** gave an update of the flooding in Montana. She talked about other issues that MACo will be following for local governments.
- land use issues and the study of HJR 39;
 - Workers' Compensation for volunteer fire fighters regarding fire trucks owned by DNRC and county coop trucks;
 - Interoperability Montana and public safety communications; and
 - holidays for local government employees.

Committee members comments and questions

04:30:33 Rep. Hansen
04:33:41 Sen. Jones
04:35:07 Sen. Hawks
04:36:12 Sen. Jones

PUBLIC COMMENT

04:37:21 **Shannon O'Brien, Missoula**, discussed a variety of education issues in Montana.

04:45:12 **Bruce Nelson, Billings**, distributed a handout regarding public school funding, and discussed tax increment finance (TIF) districts. [Exhibit 16](#)

04:54:12 **Alec Hansen, Montana League of Cities and Towns**, responded to comments made by Mr. Nelson. He talked about TIF districts, cities, and counties working together. Mr. Hansen said he will be available at all ELG interim meetings.

05:01:00 **Glenn Oppel, Montana Association of Realtors (MAR)**, said that MAR is interested in HJR 39. He will also be available at most of the committee meetings to answer any questions the members may have.

05:02:10 **Janet Ellis, Montana Audubon**, said she will be participating in the ELG local government issues, particularly HJR 39.

WRAP-UP

05:03:08 Ms. Kurtz discussed meeting dates for the ELG committee.

05:18:48 Ms. Kurtz talked about additional issues to add to the committee's agenda. The members discussed the shared policy goals, and wondered if there has been enough time to request a report back from the involved agencies. Pam Joehler, LFD, responded that the agencies (OPI, BPE, and the University System), could have a report ready before the end of the 2011/2012 interim.

REQUESTS/SUGGESTIONS FOR ELG WORK PLAN

05:23:44 Suggestions were made by the committee members regarding issues they would like to work on during the interim.

Motion/vote

05:44:28 Sen. Lake made a motion to adopt the ELG committee work plan as presented. The motion **passed** unanimously by voice vote.

05:45:23 Mr. Whyte distributed a handout showing a summary of education bills that were passed by the 2011 Legislature. [Exhibit 17](#)

SELECTION OF PRESIDING OFFICER AND VICE PRESIDING OFFICER

05:45:46 Ms. Kurtz distributed a handout and explained the history of previous ELG leadership. [Exhibit 18](#)

Motion/vote

05:47:44 Sen. Lake made a motion to select Rep. Arntzen as presiding officer of the ELG committee. The motion **passed** unanimously by voice vote.

Motion/vote

05:49:57 Sen. Hawks made a motion to select Sen. Branae as vice presiding officer of the ELG committee. The motion **passed** unanimously by voice vote.

ADJOURNMENT

05:52:10 Rep. Arntzen closed the committee meeting at 4:05 p.m.

****Exhibit 19** Dr. Sheila Stearns distributed a handout correcting an error in her earlier testimony regarding tuition increase is per semester, not per year.