



Joint Subcommittee On Postsecondary Education Policy and Budget

60th Montana Legislature

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MEMORANDUM

TO: Joint Subcommittee on Postsecondary Education Policy and Budget Members
FROM: Eddy McClure, Staff Attorney
DT: December 13, 2007
RE: Clarification of Community College District Statute

Issue: Does the Joint Subcommittee on Postsecondary Education Policy and Budget want to recommend to the Education and Local Government Interim Committee (ELG) that it request legislation to clarify the community college procedural statute?

Option A: Recommend to ELG that staff draft legislation amending section 20-15-209, MCA, to comport with the ruling of the Attorney General's Opinion (see LC 9999).

Advantage: Policy giving Legislature final authority is clear in Montana Code Annotated (MCA).

Disadvantage: Legislation can be amended during session to reflect some other policy.

Option B: Recommend to ELG that staff draft legislation amending section 20-15-209, MCA, to reflect a policy that is different than the ruling of the Attorney General's opinion.

Advantage: Allows the Legislature to set a new policy.

Disadvantage: Legislation can be amended during session to alter that policy.

Option C: Report, but make no recommendation to ELG.

Advantage: Legislative authority remains intact and the law remains based on the A.G. opinion.

Disadvantage: The average Montanan may be unaware of the existence of AG Opinions or understand the legal implications of an AG opinion on the MCA.