



Education and Local Government Interim Committee

64th Montana Legislature

SENATE MEMBERS

SHARON STEWART-PEREGOY--Vice Chair
ELSIE ARNTZEN
JILL COHENOUR
MARY SHEEHY MOE
MATTHEW ROSENDALE
GORDON VANCE

HOUSE MEMBERS

DONALD JONES--Chair
SETH BERGLEE
MOFFIE FUNK
DEBRA LAMM
JEAN PRICE
TOM WOODS

COMMITTEE STAFF

LEANNE KURTZ, Lead Staff
PAD MCCRACKEN, Research Analyst
LAURA SANKEY, Staff Attorney
KATYA GROVER, Secretary

MINUTES LOG

September 8, 2016
Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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COMMITTEE MEMBERS PRESENT

REP. DONALD JONES, Chair
SEN. ELSIE ARNTZEN
SEN. JILL COHENOUR
SEN. MARY SHEEHY MOE
SEN. MATTHEW ROSENDALE
SEN. GORDON VANCE
REP. SETH BERGLEE
REP. MOFFIE FUNK
REP. DEBRA LAMM
REP. JEAN PRICE
REP. TOM WOODS

COMMITTEE MEMBERS EXCUSED

SEN. SHARON STEWART-PEREGOY, Vice Chair

STAFF PRESENT

LEANNE KURTZ, Lead Staff
PAD MCCRACKEN, Research Analyst
LAURA SANKEY, Staff Attorney
KATYA GROVER, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

The committee

- requested LCsj20 as a committee bill.
- recommended that the Legislature work toward identifying funding mechanisms to help volunteer fire departments purchase Workers' Compensation coverage.

CALL TO ORDER AND ROLL CALL

00:00:02 Rep. Jones called the meeting to order at 8:30 a.m. The committee secretary took roll. **(Attachment 3)**

00:00:55 Ms. Kurtz, Lead Staff, went over the agenda for this meeting.

SJR 20 STUDY OF COUNTY ROAD ROW ON STATE TRUST LAND

Bill Draft Review: 77-1-130 Amendments

00:03:16 Rep. Jones introduced the agenda item.

00:03:25 Ms. Kurtz **(Exhibit 1)**

00:04:32 Laura Sankey, Staff Attorney **(Exhibit 2)**

Committee Questions

00:05:54 Sen. Arntzen asked Ms. Sankey for clarification on how the collection is going to be up to the department and on how the full market value is going to be determined.

00:06:35 Sen. Arntzen reiterated Ms. Sankey's answer and asked to confirm whether she understood the answer correctly.

00:07:47 Sen. Moe asked Ms. Kurtz whether this committee receives a report of revenues on the ongoing bases along with decisions of the land boards that effect revenues that come to schools.

00:08:39 Rep. Woods asked Ms. Sankey for clarification on the term "aerial photographs" used in Section 1 (c)(i) of Exhibit 1 and whether it would be considered archaic language that should be changed.

00:09:16 Rep. Jones referred this question to DNRC.

00:09:25 Shawn Thomas, Administrator, Trust Lands Divisions, DNRC, addressed Rep. Woods' question.

Stakeholder Input on Options for Statewide Survey

00:10:10 Ms. Kurtz explained the purpose of the input form Harold Blattie and Mark Baker regarding inclusion of this topic in the Final Report.

- 00:10:52 Harold Blattie, Executive Director, Montana Association of Counties, encouraged the committee to move forward with LCsj20. Mr. Blattie elaborated on the term "aerial photographs" as is used in the bill draft. Mr. Blattie also noted that even though he has heard from private appraisers that they can differentiate between fee title and easement value, earlier testimony heard in this committee clearly indicates that it will be problematic to determine exactly how to differentiate the value.
- 00:17:22 Rep. Jones noted that the last point that Mr. Blattie discussed will not be added to the bill draft but it can be added to the Final Report.
- 00:17:44 Mark Baker, Attorney, the Warehouse, provided his feedback regarding the bill draft (LCsj20) and emphasized the importance of understanding the magnitude of the issue across the state regarding the statewide survey.

Public Comment

- 00:19:46 Shawn Thomas, Administrator, Trust Lands Management Division, DNRC, introduced the ROW Section Supervisor and the Real Estate Management Bureau Chief and offered his and their expertise if the committee members have any questions.

Committee Discussion, Action

- 00:20:28 Rep. Jones opened committee discussion and executive action regarding LCsj20.

Motion

- 00:20:42 Sen. Cohenour moved to approve LCsj20 as a committee bill to be proposed during the 2017 Session.

Vote

- 00:20:59 The motion passed unanimously on a voice vote. Sen. Steward-Peregoy was excused.
- 00:21:12 This bill was assigned to Sen. Cohenour to be carried during the Legislative Session.

WILDLAND FIRE SEASON UPDATE

- 00:21:42 Bob Harrington, Administrator, Forestry Division, DNRC, provided updates about the fire activity in Montana by county as of September 2016. **(Exhibit 3)**
- 00:33:32 Mike DeGrosky, Bureau Chief, Fire and Aviation Bureau, DNRC, continued the report. Mr. DeGrosky also talked about the program they are using and where it works most effectively.

Committee Questions of Mr. DeGrosky

- 00:43:01 Rep. Lamm asked for clarification about helicopters that are used by the DNRC.
- 00:44:47 Rep. Lamm asked how often an engine crew from one local district would move to another district.
- 00:45:44 Rep. Lamm asked about contracting with private companies.
- 00:46:33 Rep. Lamm requested information regarding the ratio of private contractors to

- local counties and their local forces.
- 00:46:58 Sen. Cohenour asked about how the decisions are made within the DNRC regarding contractors vs. volunteers or paid resources.
- 00:49:49 Sen. Cohenour asked about the difference in requirements for volunteers vs. contractors.
- 00:52:51 Sen. Cohenour asked about standardizing the requirements.
- 00:54:16 Rep. Lamm asked to explain why the severity of fire seasons continues to increase.
- 00:55:41 Sen. Moe asked how a law enforcement component plays out with larger fires.
- 00:57:03 Rep. Woods asked whether formal studies have been conducted looking into the reasons for the declining numbers of volunteer firefighters.
- 00:58:02 Rep. Jones said that in the past, the helicopters were not allowed by the Forest Service to be used and asked whether this issue has been reconciled.

Questions of Mr. Harrington

- 00:58:28 Mr. Harrington answered Rep. Jones' question.
- 00:59:33 Rep. Jones asked whether the situation with the use of helicopters will stay the same.
- 00:59:59 Sen. Arntzen asked what trend there is with respect to the state taking care of fires on school trust lands.
- 01:02:51 Sen. Rosendale asked whether the proper level of canopy would increase the moisture level that is retained in the forest bed at the end of the winter season.
- 01:05:37 Sen. Rosendale asked whether the forest that has been managed properly with respect to canopy would have a higher moisture level before the fire season commences.

SJR 20 - CONT.

- 01:06:31 Rep. Jones referred to the comment made by Rep. Woods earlier and asked the committee members whether they would have any objections to adding the word "images" to the language of LCsj20. There were no objections from the committee.

SJR 21 STUDY OF LOCAL FIRE AND EMERGENCY SERVICES **Bill Draft Update, Review Means Test Language**

- 01:06:56 Ms. Kurtz ([Exhibit 4](#))

Public Comment

Each of the stakeholders spoke in support of LCFIPT, provided their specific point of view, as well as addressed some of the questions asked by the committee members.

- 01:08:55 Steve Gist, Gist Enterprises, LLC ([Exhibit 5](#))
- 01:15:08 James Maher, Peanut Pie Enterprises, LLC ([Exhibit 6](#))
- 01:17:30 Richard Grady, Grady Bunch, LLC ([Exhibit 7](#))
- 01:19:48 Mike DeGrosky, Bureau Chief, Fire and Aviation Bureau, DNRC
- 01:21:24 Harold Blattie, Executive Director, MACo
- 01:28:51 Leonard Lundby, Montana Fire Alliance

Committee Discussion, Action

Motion

01:31:16 Sen. Cohenour moved to approve LCFIPT as a committee bill to be carried during the 2017 Legislative Session. Sen. Cohenour said that she would agree to carry the bill if the motion were to pass.

Discussion on the Motion

01:31:47 Rep. Lamm
01:32:18 Mr. DeGrosky
01:32:32 Rep. Lamm
01:32:50 Mr. Blattie
01:33:48 Rep. Lamm
01:34:57 Sen. Rosendale
01:37:19 Sen. Cohenour
01:39:13 Sen. Rosendale
01:40:00 Rep. Jones
01:40:49 Sen. Moe
01:41:35 Rep. Jones
01:42:10 Sen. Moe
01:42:23 Ms. Kurtz
01:42:46 Sen. Arntzen
01:43:02 Rep. Lamm
01:43:43 Rep. Jones

Vote

01:43:58 The motion failed on a roll call vote, 4-7.[\(Attachment 4\)](#)

Further Discussion

01:45:19 Sen. Arntzen said that the committee does need to move forward with this as a legislative body, that this may not be the exact vehicle, but that there should be a bill proposed that would go forward. Sen. Arntzen emphasized that the workers' compensation for volunteer firefighters needs to be addressed in the 2017 Legislative Session.

Motion

01:46:22 Sen. Moe moved that the committee approve the conceptual framework of the bill draft (LCFIPT), with the funding yet to be determined.

Discussion on the Motion

01:46:45 Rep. Funk
01:46:52 Rep. Jones

Motion Withdrawn

01:47:11 With no objections from the committee, Sen. Moe withdrew the motion.

01:47:16 Sen. Arntzen asked whether a specific line could be deleting from the bill that would allude to the funding source and let it be determined and the bill to be delivered during the 2017 Legislative Session for making the decision on

appropriation.

01:47:41 Sen. Cohenour said that what this committee could do is to include this bill draft in the Final Report and say that the funding mechanism could not be agreed upon during the 2015-2016 Interim but that the concept of having workers' compensation for volunteer fire fighters was wholly supported by this committee

Motion

01:48:21 Sen. Cohenour moved that the committee include the bill draft (LCFIPT) in the Final Report with the information that the funding mechanism could not be supported but that this committee fully agrees with the necessity to provide workers' compensation for volunteers in the state of Montana.

Discussion on the Motion

01:48:36 Sen. Rosendale
01:48:59 Sen. Cohenour
01:49:24 Sen. Vance
01:49:32 Rep. Jones

Vote

01:49:50 The motion passed unanimously on a voice vote. Sen. Steward-Peregoy was excused. Sen. Cohenour will carry the bill during the Legislative Session.

BREAK (reconvened at 10:30 a.m.)

LOCAL GOVERNMENT LEGISLATIVE PREVIEW, PRIORITIES

Montana Association of Counties - Harold Blattie

02:00:13 Mr. Blattie

Montana League of Cities and Towns

02:09:19 David Nielsen, Lobbyist, Montana League of Cities and Towns, on behalf of Tim Burton (Executive Director, MLCT)

02:25:06 Rep. Woods urged MLCT to reach out to the Legislators and incorporate them as part of their planning process.

MONTANA LIBRARY ASSOCIATION PER CAPITA PER SQUARE MILE STATE AID FUNDING UPDATE

Nanette Gilbertson, Lobbyist, MLA
John Finn, Lewis and Clark Library
Jodi Smiley, Boulder Community Library
Gale Bacon, Belgrade Community Library
Dawn Kingstad, Glendive Public Library

The panelists talked about what kind of services the libraries they represent provide, as well as expressed their support of increased and continued funding for per capita per square mile statutory appropriation.

02:25:53 Ms. Gilbertson
02:36:56 Mr. Finn (**Exhibit 8**)
02:43:29 Ms. Smiley (**Exhibit 9**)
02:53:25 Ms. Bacon
02:59:39 Ms. Kingstad (**Exhibit 10**)
03:08:26 Rep. Jones concluded this agenda item.

STATE HISTORIC PRESERVATION OFFICE/PRESERVATION REVIEW BOARD REPORT ON HERITAGE

Dr. Mark Baumler, State Historic Preservation Officer, Montana Historical Society
Lesley Gilmore, Historic Architect, Montana Historic Preservation Review Board
Zane Fulbright, Board Chair, Heritage Property Manager & Preservation Review Board

Note: the following two documents were provided to the committee members as background information: *State Heritage Properties Requirements, Montana Code Annotated* (**Exhibit 11**) and *State Agency Biennial Report on State-owned Heritage Properties to the Preservation Review Board* (**Exhibit 12**).

03:08:54 Dr. Baumler provided a report on the status, condition, and stewardship of the state-owned heritage properties. (**Exhibit 13**) (**Exhibit 14**)
Note: Exhibit 14 is a stack of cards demonstrating Montana properties listed in the National Register of Historic Places. It is located in the committee's file.
03:21:36 Ms. Gilmore talked about findings produced by the Montana Historic Preservation Review Board outlined on page 2 of Exhibit 13, as well as best practices described on pages 8 through 12 of Exhibit 13.
03:28:26 Mr. Fulbright discussed recommendations listed on page 12 of Exhibit 13.

Committee Questions of the Panelists

03:36:00 Rep. Lamm asked to clarify about the benefits of having the national designation status and whether the Capitol complex in Helena is considered having national designation status.
03:37:44 Sen. Arntzen referred to page 8 of Exhibit 13 and asked whether there is a pathway to even compliance by agencies with respect to the state-owned properties.
03:41:21 Sen. Cohenour asked how the Montana Historic Preservation Review Board and the State Historic Preservation Office of the Montana Historical Society work in liaison with tribal governments.
03:43:03 Rep. Jones closed this agenda item.

PUBLIC COMMENT ON ANY MATTER IN ELG'S SUBJECT AREA JURISDICTION - None

LUNCH (reconvened at 1:00 p.m.)

ADMINISTRATIVE RULE REVIEW

04:30:07 Laura Sankey, Staff Attorney (**Exhibit 15**)

OFFICE OF PUBLIC INSTRUCTION

Interstate Compact on Educational Opportunity for Military Children report

Madalyn Quinlan, OPI

Hal Stearns, Compact Commission on Educational Opportunity for Military Children

Tammy Lacey, Superintendent, Great Falls Public Schools

Heather Higgins, Counselor, Helena Public Schools

After Ms. Quinlan provided a report on the work of Montana Council on Educational Opportunity for Military Children, stakeholders talked about their feedback regarding this program.

04:33:28 Ms. Quinlan (**Exhibit 16**)

04:43:25 Mr. Stearns

04:54:34 Ms. Lacey

05:03:43 Ms. Higgins

Commission Questions

05:09:20 Sen. Moe asked Mr. Stearns to elaborate on the honor society example he provided in his presentation.

05:10:25 Sen. Moe asked Ms. Lacey whether they created a manual that could be used by families outside of Great Falls.

05:11:17 Sen. Moe thanked Ms. Higgins for her leadership in the schools she is responsible for.

05:11:28 Sen. Rosendale asked Ms. Lacey whether any consideration or assessment has been done to assure the safety of the students from military families regarding terrorist activities, both foreign and domestic.

05:14:58 Mr. Stearns also addressed Sen. Rosendale's question.

05:16:07 Rep. Lamm asked about the number of children from military families in Montana.

05:18:05 Rep. Lamm asked how many of those children have had issues that Dr. Stearns described in his report.

05:18:53 Rep. Lamm asked for the guide booklet that Ms. Lacey mentioned during her report that describes the rights for military parents.

05:19:53 Ms. Lacey distributed copies of the booklet entitled "Guide for Parents, School Officials and Public Administrators" to the committee members. (**Exhibit 17**)

05:21:52 Sen. Arntzen asked whether the academic success as well as overall well-being of children from military families has been tracked.

05:23:41 Sen. Arntzen asked about tracking students' progress since the program started four years ago.

05:26:41 Rep. Jones gave his personal feedback as his parent was in military and he had to move overseas with his family.

05:27:27 Rep. Funk asked whether children whose families move a lot due to parents working in government services have the same opportunities as children from military families.

American Indian Achievement Gap Report - Eric Meredith, Data Analyst, OPI

05:28:34 Mr. Meredith (**Exhibit 18**)

Note: In addition to the booklet entitled "Montana American Indian Student Achievement Data Report: Fall 2016", Mr. Meredith also used Power Point

presentation that is based on the information presented in the booklet.

Committee Questions

05:35:11 Sen. Arntzen asked about the high school dropout rates: whether it is known where the Indian American students attend the schools, on the reservations or off reservations. (see page 11 of Exhibit 18)

05:35:55 Mr. Meredith continued his report.

Committee Questions

05:38:05 Rep. Lamm asked whether the table from the Power Point presentation showing reasons for the dropout rates for 2015-2016 is in the report.

05:38:10 Mr. Meredith continued his report.

Committee Questions

05:46:22 Sen. Rosendale asked about a definition of a weapon as it was used in the report.

05:47:02 Rep. Woods asked about carrying a hunting weapon.

05:48:08 Rep. Lamm asked to clarify which groups of students are included in the column identified as "All" in the slide entitled "Student Surveys: YRBS".

05:48:43 Ms. Quinlan provided clarification to the committee members on what constitutes a weapon.

05:48:59 Mr. Meredith continued his report.

Committee Questions

05:50:47 Rep. Jones asked whether the data about attendance is broken down by age.

ESSA Implementation

The panelists provided a report on the implementation of the Every Student Succeeds Act (ESSA) and communicated the feedback from stakeholders.

05:51:46 Candy Lubanski, OPI ([Exhibit 19](#))

05:56:47 BJ Granbery, OPI ([Exhibit 20](#))

Committee Questions

06:03:18 Rep. Lamm asked Ms. Granbery why she as a stakeholder was not notified via email about the meeting with the school administrations.

06:05:00 Rep. Lamm asked whether OPI has looked at who a liaison for foster care children will be after the deadline of December 10th.

06:06:24 Sen. Arntzen referred to page 3 of Exhibit 19 and asked to elaborate on the timeline for submitting Montana's ESSA Consolidated Application to the U.S. Department of Education: whether the timeframe is firm and how it was determined in general.

06:09:27 Sen. Arntzen asked about the monetary component for the application process for submitting Montana ESSA and for its implementation.

06:12:18 Sen. Arntzen asked whether there is going to be a legislative ask for

implementation of ESSA. Sen. Arntzen also asked about discussions between OPI and the communities regarding ESSA.
06:16:10 Sen. Arntzen asked for the final deadline that the Federal Government set for submission of the state ESSA plan.

K-12 TRANSPORTATION

Flat Rate Reimbursement Models - Pad McCracken, Staff Research Analyst

06:17:13 Mr. McCracken ([Exhibit 21](#)) ([Exhibit 22](#))
06:38:41 Rep. Jones noted that the ELG Committee does not need to take any action on the options presented by Mr. McCracken.
06:39:05 Mr. McCracken continued his report.

SCHOOL FUNDING COMMISSION REPORT

06:40:42 Mr. McCracken ([Exhibit 23](#))

Committee Questions of Mr. McCracken

06:42:59 Rep. Lamm asked whether the committee members can still suggest changes to the Final Report of the School Funding Interim Commission.
06:43:55 Rep. Lamm asked about receiving the School Funding Interim Commission's Final Report.
06:44:34 Rep. Funk thanked Mr. McCracken for his contribution throughout the interim session.

BREAK (reconvened at 3:33 a.m.)

JOINT ITEM WITH ETIC: EDUCATION SUPERHIGHWAY

Committee members met jointly with Energy and Telecommunications Interim Committee.

07:02:15 Rep. Jones called the committee back to order and introduced the agenda item.
07:03:18 Andrew Kenny, State Engagement Manager, Education SuperHighway ([Exhibit 24](#))

Committee Questions of Mr. Kenny

07:13:07 Rep. Lamm asked to name the four experts Mr. Kenny has been working with in Montana.
07:14:19 Rep. Price asked how Montana compares with other states with respect to broad band access.
07:15:45 Rep. Price referred to the map on page 4 of Exhibit 24 and asked to explain the meaning of grey color.
07:16:14 Sen. Connell, SD 43, asked for clarification regarding an issue with getting fiber to schools.
07:17:17 Rep. Woods asked to name a community in which this infrastructure worked well.
07:18:24 Rep. Woods asked Mr. Kenny how confident he is that in 10-15 years from now this investment will be reasonable.
07:19:40 Rep. Lamm referred to the slide in Exhibit 24 entitled "Over 100 Districts May

- Need Fiber Upgrades" and asked for the date of when the numbers for that slide were determined.
- 07:20:27 Rep. Lamm said that several months ago the committee was informed that Montana has full internet coverage because the state has been delivering an online testing platform that was usable by all the schools and asked whether Education SuperHighway has been involved in this process or has knowledge of it.
- 07:21:39 Rep. Lamm asked for clarification on the phrase "lack fiber access".
- 07:22:05 Rep. Zolnikov, HD 45, asked who is funding upgrading the broadband project.
- 07:23:04 Mr. Kenny continued his presentation.

Committee Questions of Mr. Kenny

- 07:28:44 Rep. Lamm referred to the slide in Exhibit 24 entitled "We've launched projects in another 12 districts 2016" and asked about contractual relationship between Education Superhighway and the 12 school districts.
- 07:30:31 Rep. Woods asked whether there have been any issues with MBT with respect to ROW and laying cable.

Public Comment

- 07:31:07 Geoff Feiss, Montana Telecommunications Association, said that he is not opposed to investment in internet access for Montana schools but cautioned against an assumption that every school needs fiber. Mr. Feiss noted that no school expressed their concern that they lack the sufficient bandwidth. Mr. Feiss pointed out that the side wiring that Sen. Connell mentioned is a huge issue that has been glossed over. Mr. Feiss concluded by talking about simple solutions to most of the issues associated with internet access in schools and encouraged schools to work on those solutions from inside out.
- 07:34:34 Kirk Miller, School Administrators of Montana, spoke in support of work done by Education SuperHighway. Mr. Miller noted that SAM and Montana Educational Technology Association (META) are partners with Education SuperHighway and that another group has been formed, K-12 Connectivity Work Group, which represents the telecommunications industry. Mr. Miller concluded his testimony by saying that SAM's role in helping with this project is to put administrators in school districts in communication with the resources that are available to them.

Committee Questions

- 07:38:58 Rep. Lamm asked Mr. Miller whether there is a plan to develop the internal fiber within the school buildings.

BREAK (reconvened at 4:20 p.m.)

DIGITAL LEARNING

- 07:50:37 Rep. Jones called the committee back to order and introduced Sen. Howard Stephenson, Utah State Senate.
- 07:51:53 Sen. Stephenson provided his report.

Committee Questions

- 08:16:10 Rep. Woods referred to the study discussed by Sen. Stephenson and asked how many subjects were included in the study.
- 08:17:04 Rep. Woods asked whether the study was controlled for the level of parental involvement in each child's education.
- 08:19:42 Rep. Woods said that he would like to look at the report.
- 08:27:14 Rep. Lamm asked for clarifications on the Upstart Program and whether it is specifically designed for 4-year olds.
- 08:30:39 Rep. Jones asked whether bandwidth represents a substantial issue and whether fiberoptic is needed in such a project.
- 08:32:11 Sen. Stephenson concluded his presentation and offered to provide additional information if it is needed by the committee.

PUBLIC COMMENT ON ANY MATTER IN ELG'S SUBJECT AREA JURISDICTION - none

Concluding Remarks

The committee members discussed suggestions for the Education and Local Government Committee in the next interim.

- 08:34:32 Ms. Kurtz
- 08:35:31 Rep. Jones
- 08:36:23 Rep. Lamm
- 08:36:43 Rep. Price
- 08:37:13 Rep. Jones made closing comments.

ADJOURNMENT

- 08:37:59 With no further business before the committee, Rep. Jones adjourned the meeting at 5:09 p.m.

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