



**JOINT APPROPRIATIONS SUBCOMMITTEE ON EDUCATION
WRAP UP ITEMS FOR 2013 BIENNIUM HB 2 LEGISLATIVE BUDGET**

- 1. On-Hold Decision Packages**
- 2. HB 2 Language**
 - Montana University System and Community Colleges
- 3. Biennial Comparison-Montana Historical Society with Lodging Facility Use Tax**
- 4. Quality Educator Loan Assistance Update**
- 5. Finalize rates for Teacher's Certificate**
- 6. Technical amendments**
 - OBPP data input error-Forest and Conservation Experiment Station and Fire Services Training School
 - MUS audit costs – consolidate
- 7. Agency Goals and Objectives-Subcommittee recommendations for monitoring in the 2013 Biennium**

JOINT APPROPRIATIONS SUBCOMMITTEE ON EDUCATION								
DP# ON PACKAGES ON HOLD FOR LATER CONSIDERATION								
2013 BIENNIUM								
Agency	DP#	Name of DP/Synopsis	Page #	Potential Impacts	GF	SSR	FED	TOTAL
Montana Arts Council	DP 102	Arts Present Law Adjustments Increased office rent, increased newspaper production and circulation costs, computer replacement	E-69	Agency would have to manage reduction within its appropriation.	\$16,857	\$3,337	\$8,045	\$28,239
Montana State Library		Courier Services Not in Executive Budget. Subcommittee requested plan for local/state partnership.		Local libraries may have to revert to paying for shipping costs with local funds				\$0
Montana Historical Society	NP 101	OGM Historic Structures Report Identify and document current physical condition of the Original Governor's Mansion	Exec Budget E-21	Evaluation would not occur or the agency would have to reprioritize current functions	\$16,000			\$16,000
Montana Historical Society	DP 55400	4% PS Reduction - Motion to rescind action A motion was made to rescind action on the 4% personal services portion of the original global motion. The motion failed, but the subcommittee voted to include the motion on the "on-hold" list	E-82	Agency would have to manage reduction within its appropriation. May impact ability to inventory state's historic artifacts in a timely manner. May impact number of exhibits and response to public inquiries.	\$184,525			\$184,525
Montana Historical Society	NEW	Care & Conservation of artifacts (Restricted/Biennial) Subcommittee member initiative to add a restricted appropriation for the care and conservation of artifacts	NEW		\$95,000			\$95,000
Montana University System	PL 202	Governor's Post Secondary Scholarship Program This adjustment would establish the biennial budget for this program at \$5.0 million	E-139	The agency would have to manage the reduction within its appropriation. This may require adjusting the number of students served and/or the amount of the	\$214,000			\$214,000
Montana University System	PL 204	GSL Reimbursement General fund to reimburse the Montana Guaranteed Student Loan Program (GSL) for administering several student financial assistance programs	E-140	Activity would be funded from GSL federal special revenue funds	\$66,568			\$66,568
Montana University System	NP 207	Dual Enrollment Included in executive budget. Base funding for tuition assistance and scholarships relating to dual enrollment	E-140	Tuition and scholarships disparities among dual enrollment providers could continue	\$500,000			\$500,000
Montana University System	NP 916	PBS Satellite Up-Linking Fund Restores OTO funding from the 2009 Session. Funding for the ongoing delivery of the Montana PBS signal to cable and Montana PGS transmitter and translator installations.	E-179	Possible service interruption. Possible need to increase funding from non-state sources (i.e. membership fundraising)	\$400,000			\$400,000
Montana University System	NP 917	MSU Biodiesel Research Restores OTO funding from the 2009 Session.	E-179	Research may be discontinued, or would have to be funded from other sources	\$400,000			\$400,000
Montana University System	NP 918	University System Funding Increased general fund for the MUS to enhance student access and success, economic development, workforce development. <u>The subcommittee requested a preliminary spending plan for this new proposal.</u>	E-179	Not funding this DP, along with only partial funding of DP 901-914 may result in tuition increases, expenditure/service reductions, or a combination of both. The Board of Regents has the authority and responsibility to determine tuition rates and total budgets.	\$15,023,208			\$15,023,208
OPI								\$0
OPI	NP 655	ACT Plus Writing Provides funding for all 11th grade students to take the ACT for evaluative or college entrance purposes.	E-13	None. Currently not being done.	\$1,950,000			\$1,950,000
OPI	PL 606	Audiological Services Funds an increase in the audiological contract for the hearing conservation program.	E-19	Possible service interruption or change in child find activities	\$66,191			\$66,191
OPI	PL 607	National Board Certified Teachers Provides funds for a \$3000/teacher stipend for those teachers who achieve certification from the National Board for Professional Teaching Standards.	E-19	Fewer stipends provided. Base includes stipends for 4 teachers per year. (amount requested changed by OPI)	\$27,000			\$27,000
		Restores one-time-only funding for the	E-20	Digital Academy program will end in	\$2,336,000			\$2,336,000

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OPI	NP 610	Montana Digital Academy Restores one-time-only funding for the digital academy, and moves the program to OPI from MUS.	E-20	Digital Academy program will end in June of 2011.	\$2,336,000			\$2,336,000
OPI	PL902	At-Risk Payment Restored Restores State at-risk funding that was zeroed out in the 2011 biennium.	E-33	Risks lawsuit. District base budgets will be \$5 million lower than otherwise.	\$10,000,000			\$10,000,000
OPI	PL903	K-12 Base Aid Inflation Increase Raises entitlements by 1.90% in FY 2012 and 1.53% in FY 2013	E-34	Risks Lawsuit. Costs of running schools rise with inflation. Lack of inflationary increases in state support may result in property tax	\$29,584,343			\$29,584,343
	PL904	Special Education Maintenance of Effort	E-34	Risks loss of federal dollars in a like amount (\$1,284 per year)	\$3,064,924			\$3,064,924
	PL906	School Block Grants	E-35	State law requires block grants increase 0.76 percent per year.	\$1,978,752			\$1,978,752
OPI	PL907	Pupil Transportation	E-35	Could result in a supplemental during FY 2103	\$500,000			\$500,000
OPI	PL910	School District Audits	E-35	Fewer audits will take place	\$28,732			\$28,732
OPI	PL911	School Lunch State Matching Requirement	E-35	Jeopardizes federal food monies	\$42,937			\$42,937
OPI	PL913	Biennial Appropriations adjusts in-state treatment, adult ed, gifted and talented up and advancing age ed down.	E-35	Probably nothing	(\$145,516)			(\$145,516)
OPI	NP950	School Facility Fund Switch Pay for school facility reimbursements out of the school facility account. This was done in NP95103	E-37	Needs a bill to allow payment out of the school facility and technology account.	(\$17,172,000)	\$17,172,000		\$0
OPI	NP951	Quality Educator Fund Switch Pay for Quality Educator Payment out of teach Montana fund. Revenue is oil and gas money from school districts.	E-37	Requires a bill to create a funding source in the Teach Montana fund. If no source is found must be paid for with general fund	(\$72,867,834)	\$77,272,004		\$4,404,170
OPI	NP952	Special Education - Increase for Inflation	E-38	Districts will bear cost increases associated with inflation in special ed costs.	\$2,681,398			\$2,681,398
BPE	PL 101	Fund Switch - Decreases SSR and increases GF.	E-43	Board will have to operate within current SSR revenues, or increased revenues if the fee increase bill is passed and approved.	\$15,000	(\$15,000)		\$0
BPE	PL150	Governor's Budget Reduction - Annualizes the FY 2011 17-7140 red.	E-44	Nothing. Committee took a 5% reduction which is larger than this amount.	\$7,780			\$7,780
SECTION E TOTAL					(\$20,986,136)	\$94,432,341	\$8,045	\$73,454,250

MONTANA UNIVERSITY SYSTEM – HB 2 LANGUAGE

The following language is typically inserted into HB 2 for the Montana University System. Insertion of this language into HB 2 requires subcommittee approval.

1. *Language that creates the lump sum appropriation:*

Items designated as OCHE--administration (01), Student Assistance Program (02), Improving Teacher Quality (03), Talent Search (06), Workforce Development (08), Appropriation Distribution Transfers (09) [excluding Agriculture Experiment Station, Extension Service, Forest and Conservation Experiment Station, Bureau of Mines and Geology, and Fire Services Training School], Guaranteed Student Loan (12), and Board of Regents (13) are a single biennial lump-sum appropriation.

2. *Language appropriating all public funds received by MUS:*

General fund money, state and federal special revenue, and proprietary fund revenue appropriated to the board of regents are included in all Montana university system programs (5100). All other public funds received by units of the Montana university system (other than plant funds appropriated in HB 5, relating to long-range building) are appropriated to the board of regents and may be expended under the provisions of 17-7-138(2). The board of regents shall allocate the appropriations to individual university system units, as defined in 17-7-102(13), according to board policy.

3. *Language requiring MUS to provide access to MUS Banner Information System:*

The Montana university system shall provide the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system and the banner information system for Dawson community college and Miles community college, except for information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

4. *Language requiring MUS to provide electronic data required for state's budgeting system:*

The Montana university system shall provide the electronic data required for human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

5. *Language containing estimated public funds that will be received by MUS educational units and agencies and deposited to the current unrestricted fund. These revenues are in addition to the state funds contained in line items in HB 2.*

Revenue anticipated to be received by the Montana university system units and colleges of technology include interest earnings and other revenue of \$897,834 for fiscal year 2012 and \$898,509 for fiscal year 2013. These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in OCHE—Appropriation Distribution Transfers.

Revenue anticipated to be received by the agriculture experiment station includes:

- (1) interest earnings and other revenue of \$8,500 each year of the 2013 biennium; and
- (2) federal revenue of \$2,430,301 each year of the 2013 biennium.

These amounts are appropriated for current unrestricted operating expenses and are in addition to that shown in OCHE—Appropriation Distribution Transfers.

Revenue anticipated to be received by the extension services includes:

- (1) interest earnings of \$1,500 each year of the 2013 biennium; and

(2) federal revenue of \$2,465,014 each year of the 2013 biennium.

These amounts are appropriated for current unrestricted operating expenses and are in addition to that shown in OCHE—Appropriation Distribution Transfers.

Anticipated interest revenue of \$2,000 in each year of the 2013 biennium is appropriated to the forest and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in OCHE—Appropriation Distribution Transfers.

Anticipated sales revenue of \$48,000 in each year of the 2013 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in OCHE—Appropriation Distribution Transfers.

Anticipated interest revenue of \$200 each year of the 2011 biennium is appropriated to fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in OCHE--Appropriation Distribution Transfers.

6. Language that requires the MUS units to transfer funds for bond payments relating to the state energy conservation program:

OCHE – Appropriation Distribution Transfers includes \$1,195,300 for the 2011 biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the 2013 biennium are: university of Montana-Missoula, \$196,806; Montana tech of the university of Montana, \$84,472; Montana state university-Bozeman, \$267,627; Montana state university-northern, \$28,695; University of Montana – Helena college of technology, \$22,145; and University of Montana – Western, \$15,667.

7. Language that requires the MUS to transfer funds to the Montana state library for the natural resource information system:

The Montana university system shall pay \$88,506 for the 2013 biennium in current funds in support of the Montana natural resource information system (NRIS) located at the Montana state library. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

17-7-138. Operating budget. (1) (a) Expenditures by a state agency must be made in substantial compliance with the budget approved by the legislature. Substantial compliance may be determined by conformity to the conditions contained in the general appropriations act and to legislative intent as established in the narrative accompanying the general appropriations act. An explanation of any significant change in agency or program scope must be submitted on a regular basis to the interim committee that has program evaluation and monitoring functions for the agency pursuant to Title 5, chapter 5, part 2. An explanation of any significant change in agency or program scope, objectives, activities, or expenditures must be submitted to the legislative fiscal analyst for review and comment by the legislative finance committee prior to any implementation of the change. A significant change may not conflict with a condition contained in the general appropriations act. If the approving authority certifies that a change is time-sensitive, the approving authority may approve the change prior to the next regularly scheduled meeting of the legislative finance committee. The approving authority shall submit all proposed time-sensitive changes to the legislative fiscal analyst prior to approval. If the legislative fiscal analyst determines that notification of the legislative finance committee is warranted, the legislative fiscal analyst shall immediately notify as many members as possible of the proposed change and communicate any concerns expressed to the approving authority. The approving authority shall present a report fully explaining the reasons for the action to the next meeting of the legislative finance committee. Except as provided in subsection (2), the expenditure of money appropriated in the general appropriations act is contingent upon approval of an operating budget by August 1 of each fiscal year. An approved original operating budget must comply with state law and conditions contained in the general appropriations act.

(b) For the purposes of this subsection (1), an agency or program is considered to have a significant change in its scope, objectives, activities, or expenditures if:

(i) the operating budget change exceeds \$1 million; or

(ii) the operating budget change exceeds 25% of a budget category and the change is greater than \$75,000. If there have been other changes to the budget category in the current fiscal year, all the changes, including the change under consideration, must be used in determining the 25% and \$75,000 threshold.

(2) The expenditure of money appropriated in the general appropriations act to the board of regents, on behalf of the university system units, as defined in 17-7-102, is contingent upon approval of a comprehensive operating budget by October 1 of each fiscal year. The operating budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justification must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

(3) The operating budget for money appropriated by the general appropriations act must be separate from the **operating budget for money appropriated by another law except a law appropriating money for the state pay plan or any portion of the state pay plan.** The legislature may restrict the use of funds appropriated for personal services to allow use only for the purpose of the appropriation. Each operating budget must include expenditures for each agency program, detailed at least by first-level categories as provided in 17-1-102(3). Each agency shall record its operating budget for all funds, other than higher education funds, and any approved changes on the statewide accounting, budgeting, and human resource system. Documents implementing approved changes must be signed. The operating budget for higher education funds must be recorded on the university financial system, with separate accounting categories for each source or use of state government funds. State sources and university sources of funds may be combined for the general operating portion of the current unrestricted funds.

History: En. Sec. 8, Ch. 787, L. 1991; amd. Sec. 1, Ch. 8, Sp. L. July 1992; amd. Sec. 1, Ch. 11, L. 1997; amd. Sec. 13, Ch. 347, L. 1997; amd. Sec. 2, Ch. 255, L. 2001; amd. Secs. 5, 13, Ch. 569, L. 2001; amd. Sec. 1, Ch. 547, L. 2003; amd. Sec. 1, Ch. 58, L. 2005; amd. Sec. 38, Ch. 2, L. 2009; amd. Sec. 1, Ch. 226, L. 2009.

17-7-102. (Effective July 1, 2011) . Definitions. As used in this chapter, the following definitions apply:

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell.



COMMUNITY COLLEGES – HB 2 LANGUAGE

1. *The following language outlining the statutory funding formula components is required to be included in the general appropriations act (per 20-15-310(2)(b)):*

“The variable cost of education for each full-time equivalent student at the community colleges, including Summitnet, is \$1,872 each year of the 2013 biennium. The general fund appropriation for OCHE-Community College Assistance (04) provides 45.8% of the fixed costs of education plus 45.8% of the variable cost of education for each full-time equivalent student in fiscal year 2012 and 45.8% of the fixed cost of education plus 45.8% of the variable costs of education for each full-time equivalent student in fiscal year 2013. The remaining percentage of the budget must be paid from funds other than those appropriated for OCHE--Community College Assistance.”

2. *If the legislature funds resident enrollment growth based upon resident enrollment projections and requires a state general fund reversion by the community colleges if enrollment projections are not met, the following language should be included in the general appropriations act:*

“The general fund appropriation for OCHE--Community College Assistance (04) is calculated to fund education in the community colleges for an estimated 2,858 resident FTE students in fiscal year 2012 and 2,808 resident FTE students in fiscal year 2013. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated number for the biennium, the community colleges shall revert general fund money to the state in accordance with 17-7-142.”

3. *The following language identifies the total estimated audit costs for all three community colleges and the state share portion that is funded in the general appropriations act:*

Total audit costs are estimated to be \$120,700 for the community colleges for the biennium. The general fund appropriation for each community college provides 50.8% of the total audit costs in the 2009 biennium. The remaining 49.2% of these costs must be paid from funds other than those appropriated for OCHE--Community College Assistance. Audit costs for the biennium may not exceed \$38,900 for Dawson, \$38,900 for Miles, and \$42,900 for Flathead Valley community college.

17-7-142. Calculation of reversions for funded resident enrollment growth in Montana university system and community colleges. (1) The reversion calculation in this section is effective only in those years when the legislature funds resident enrollment growth based upon resident enrollment projections and requires a reversion by the Montana university system or a community college if the resident enrollment projections are not met.

(2) The reversion must be calculated based upon the marginal funding for each resident FTE identified in the general appropriations act.

(3) The total reversion is calculated based upon the difference between the FTE resident enrollment projection and the actual FTE resident enrollment or the FTE resident enrollment projection and the prior 3-year average FTE resident enrollment, whichever is lower.

History: En. Sec. 1, Ch. 253, L. 2001; amd. Sec. 1, Ch. 23, L. 2003.

20-15-310. Appropriation -- definitions. (1) It is the intent of the legislature that all community college spending, other than from restricted funds, designated funds, or funds generated by an optional, voted levy, be governed by the provisions of this part and the state general appropriations act.

(2) (a) The state general fund appropriation must be determined as follows:

(i) multiply the variable cost of education per student by the full-time equivalent student count and add the budget amount for the fixed cost of education; and

(ii) multiply the total in subsection (2)(a)(i) by the state share.

(b) The variable cost of education per student, the budget amount for fixed costs, and the state share must be determined by the legislature. The state share, expressed as a percentage, and the variable cost of education per student must be specified in the appropriations act appropriating funds to the community colleges for each biennium.

(3) The student count may not include those enrolled in community service courses as defined by the board of regents.

(4) As used in this section, the following definitions apply:

(a) "Cost of education" means the actual costs incurred by the community colleges during the budget base fiscal year, as reported on the current unrestricted operating fund schedule that is statutorily required to be submitted to the commissioner of higher education, minus any reversion and one-time-only expenditures that are included.

(b) "Fixed cost of education" means that portion of the cost of education, as determined by the legislature, that is not influenced by increases or decreases in student enrollment.

(c) "Variable cost of education per student" means that portion of the cost of education, as determined by the legislature, that is subject to change as a result of increases or decreases in student enrollment, divided by the actual student enrollment during the budget base fiscal year.

History: En. Sec. 2, Ch. 495, L. 1981; amd. Sec. 1, Ch. 494, L. 1989; amd. Sec. 1, Ch. 493, L. 2007.

Montana Historical Society 2013 Biennium Budget Comparison with Lodging Facility Use Transfer Added In

Subcommittee Action as of 2/11/11	Base FY 2010	Approp. FY 2011	Budget FY 2012	Budget FY 2013	Biennium Change	Biennium % Change
GF	\$2,641,116	\$2,761,337	\$2,885,989	\$2,859,034	\$342,570	6.34%
SSR	90,795	139,710	86,542	86,542	(57,421)	-24.91%
Fed	659,333	671,859	760,618	765,318	194,744	14.63%
Prop	<u>811,536</u>	<u>972,102</u>	<u>792,683</u>	<u>791,270</u>	<u>(199,685)</u>	<u>-11.20%</u>
Total - HB 2	\$4,202,780	\$4,545,008	\$4,525,832	\$4,502,164	\$280,208	3.20%
Add Lodging Facility Use Transfer (HB 477)			\$476,536	\$490,075	\$966,611	
Adjusted Budget Total	<u>\$4,202,780</u>	<u>\$4,545,008</u>	<u>\$5,002,368</u>	<u>\$4,992,239</u>	<u>\$1,246,819</u>	<u>14.25%</u>
Lodging Facility Tax FY 2010 & FY 2011	428,259	482,669				
Adjusted Budget Total w/2011 Biennium	<u>\$4,631,039</u>	<u>\$5,027,677</u>	<u>\$5,002,368</u>	<u>\$4,992,239</u>	<u>\$335,891</u>	<u>3.48%</u>

Quality Educator Loan Forgiveness Assistance Program
 FY 2008 through FY 2013

FY	New	Return Y2	Return Y3	Return Y4	Total Awarded	Cost	\$/Award
2008	104				104	\$ 307,280.00	Actual \$ 2,954.62
2009	37	79			116	\$ 330,785.00	Actual \$ 2,851.59
2010	101	21	41		163	\$ 471,754.00	Actual \$ 2,894.20
2011 est	100	79	19	35	233	\$ 738,000.00	Op Budget \$ 3,167.38
2012 est	100	79	61	19	259	\$ 777,000.00	Revised \$ 3,000.00
2013 est	100	79	61	46	286	\$ 858,000.00	Revised \$ 3,000.00

From Mick Robinson, Office of the Commissioner of Higher Education

9-Feb-11