

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



JOHN WALSH
LT. GOVERNOR

April 26, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 302 (SB 302), "AN ACT REVISING THE PROCESS FOR THE BOARD OF PUBLIC EDUCATION TO PRESENT PROPOSED ACCREDITATION STANDARDS TO A LEGISLATIVE COMMITTEE; CLARIFYING THE PROCESS FOR CONDUCTING AN ANALYSIS OF THE FISCAL IMPACT OF THE PROPOSED ACCREDITATION STANDARDS; REQUIRING ACCREDITATION STANDARDS PROPOSED DURING THE INTERIM WITH A PROJECTED FISCAL IMPACT TO BE INCLUDED IN THE OFFICE OF PUBLIC INSTRUCTION'S EXECUTIVE BUDGET; PROVIDING FOR A DELAYED IMPLEMENTATION DATE FOR THE BOARD OF PUBLIC EDUCATION'S PROPOSED STANDARDS EXCEPT FOR THOSE WITH NO PROJECTED FISCAL IMPACT; REQUIRING THE BOARD TO PRESENT ACCREDITATION STANDARDS PROPOSED DURING A REGULAR LEGISLATIVE SESSION DIRECTLY TO THE JOINT APPROPRIATIONS SUBCOMMITTEE THAT CONSIDERS EDUCATION; AND AMENDING SECTION 20-7-101, MCA."

SB 302 unnecessarily complicates the process of adopting changes to the Montana public schools accreditation standards by creating a new unfunded mandate, and intrudes on the authority of the Governor, the Superintendent of Public Instruction and the Board of Public Education (BPE).

First, the bill requires a new step in the fiscal analysis of proposed rule changes by the BPE. Section 20-7-101, MCA, is amended to require an independent third party to develop a fiscal analysis of proposed changes to the accreditation standards which may be submitted to the Education and Local Government Interim Committee brought forward by the Board of Public Education. However, no appropriation was provided to the Legislative Services Division nor the BPE to fulfill this new mandate. This effectively prohibits actions on the part of the BPE during this interim which is constitutionally granted "general supervision" of Montana's K-12 schools under Article X, Section 9.

Further, the bill stipulates that the Superintendent of Public Instruction shall include the fiscal analysis in the Office of Public Instruction's budget request pursuant to 17-7-112, MCA, for

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presentation to the Legislature in the next regular session after completion of the fiscal analysis. Section 17-7-112, MCA does not empower the Superintendent of Public Instruction to submit anything to the Legislature but rather governs the preparation and presentation of the Executive Budget. Nothing in SB 302, 20-7-101, MCA, or 17-7-112, MCA, requires the Governor or budget director to include any cost analysis performed by either the Legislative Fiscal Division, as current law stipulates, or the new third party in the Executive Budget.

The new requirements of SB 302 are further complicated by the provisions of Section 1, subsection 3(c) of the bill which require presentation to the Joint Appropriations Subcommittee on Education even though that subcommittee disperses prior to March 1 and would, therefore, have no ability to consider the fiscal analysis for, potentially, another two years.

The current check and balance of authority between locally elected schools boards, the BPE, Superintendent, Legislature and Governor's Office is delicate and should not be tampered with lightly. The current provisions of law do require greater communication and cooperation among these entities to ensure our children have access to great schools and curriculum. I remain committed to facilitating such a dialogue as chairman of the Board of Education. SB 302 does not improve communications between elected officials and the various governing boards of our quality education system and actually actively seeks to impair it.

For these reasons, I respectfully request that you sustain my veto.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House