



Education and Local Government Interim Committee

61st Montana Legislature

SENATE MEMBERS

KELLY GEBHARDT--Vice Chair
GARY BRANAE
KIM GILLAN
BOB HAWKS
DANIEL MCGEE
JIM PETERSON

HOUSE MEMBERS

WANDA GRINDE--Chair
ELSIE ARNTZEN
RUSSELL BEAN
BOB LAKE
EDITH MCCLAFFERTY
CHERYL STEENSON

COMMITTEE STAFF

LEANNE HEISEL, Research Analyst
JEREMY GERSOVITZ, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

October 1 & 2, 2009

Capitol Bldg. Rm 137
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.

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COMMITTEE MEMBERS PRESENT

REP. WANDA GRINDE, Chair
SEN. KELLY GEBHARDT, Vice Chair

SEN. GARY BRANAE
SEN. KIM GILLAN
SEN. BOB HAWKS
SEN. DANIEL MCGEE
SEN. JIM PETERSON

REP. ELSIE ARNTZEN
REP. RUSSELL BEAN
REP. BOB LAKE
REP. EDITH MCCLAFFERTY
REP. CHERYL STEENSON

STAFF PRESENT

LEANNE HEISEL, Research Analyst
JEREMY GERSOVITZ, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

Visitors/agenda

Visitors list, Attachment #1.
Agenda, Attachment #2.

THURSDAY, OCTOBER 1, 2009

COMMITTEE ACTION

The Education and Local Government Committee approved:

- the written minutes from the June 30, 2009, meeting.
- the revised work plan.

CALL TO ORDER AND ROLL CALL

00:00:08 Rep. Grinde called the committee to order at 1:00 p.m. She welcomed the committee members, the public, and panel presenters. The secretary called the roll. Attachment #3

AGENDA

Approval of Minutes

00:01:04 Rep. McClafferty made the motion to approve the minutes from June 30, 2009. The motion **passed**.

00:01:36 Ms. Heisel discussed the revised agenda stating that today's meeting will deal with local governments and historical preservation. The meeting tomorrow, October 2, will focus on education issues.

00:04:32 Ms. Heisel gave an overview on the revised work plan. **(Exhibit 1)**

Motion

00:13:15 Sen. Branae made the motion to approve the work plan. The motion **passed**.

TIF MANUAL - GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

00:14:23 Ms. Heisel addressed the Tax Increment Finance (TIF) manual. She informed the committee that the Governor's Office is only updating the TIF manual and there is no timeline for when this will be completed.

ELG comments and questions

00:16:06 Rep. Arntzen discussed the issues regarding the TIF manual being updated and said there is no work group at this time. She commented that currently there isn't any TIF data available and expressed her concern that it isn't known how the property tax reevaluation is affecting the revenue streaming into local governments, to property owners, and to schools in TIF districts. Rep. Arntzen said the committee could address this at a later meeting.

REAPPRAISAL

00:17:22 Ms. Heisel talked about the Revenue and Transportation Interim Committee (RTIC), and stated the committee will be working on the TIF issues. Sen. Peterson informed the committee that the RTIC did meet and has discovered that there are unintended differences in the numbers received during the 2009 Legislature and the numbers that are out there now. He said that undeveloped lots and commercial real estate have been left out and that only residential

property was included in the reappraisal process. The Legislative Audit Division (LAD) is looking into this reappraisal process because small businesses could be affected by additional property taxes, which was not the intent of the 2009 Legislature.

00:20:53 Rep. Arntzen, Ms. Heisel, and the committee discussed putting together a work group to address the reappraisal issue, which will be on the agenda at the March meeting. Sen. Peterson wanted more information from the towns/districts in regard to the impact of TIF and its dollars used for schools or to determine what the impact has been on schools.

Public Comment

00:27:05 Alec Hansen, Executive Director, Montana League of Cities and Towns, stated that the TIF manual had been updated in 2006. Mr. Hansen informed the committee that he will have the new updates completed for the next meeting.

HISTORIC PRESERVATION STUDY - OVERVIEW AND BACKGROUND

00:28:39 Ms. Heisel distributed and explained a handout on the Historic Preservation Study. **(Exhibit 2)**

00:45:25 Kris Wilkinson, LFD, distributed a handout on the historic preservation funding streams. **(Exhibit 3)** Ms. Wilkinson explained the ongoing funding for these historical programs.

HB 645 - MONTANA RECOVERY ACT HISTORIC PRESERVATION GRANTS

00:52:36 Dave Cole, Administrator, Community Development Division, Department of Commerce, distributed a handout and gave an overview of grants that have been provided for by HB 645. **(Exhibit 4)** He also distributed and discussed a list of potential historic preservation projects. **(Exhibit 5)**

ELG comments and questions

00:58:07 Sen. Gebhardt asked if there is a website that shows a list of the stimulus funds and how those funds are being distributed. Ms. Heisel directed the committee to the Governor's website www.recovery.mt.gov.

00:58:57 Sen. Peterson asked about two preservation projects: Madison County Fairgrounds Building, and a private building in Red Lodge. Mr. Cole stated that the fairgrounds have some stables that are over 100 years old. The private building in Red Lodge is a turn-of-the-century office building.

HISTORIC PRESERVATION BACKGROUND PROJECTS

Mark Baumler, State Historic Preservation Officer, State Historic Preservation Office

Chere Jiusto, Montana Preservation Alliance

Arni Fishbaugh, Director, Montana Arts Council

David Cole, Administrator, Community Development Division Administrator, Department of Commerce

00:59:23 Mark Baumler distributed and explained a handout **(Exhibit 6)** that includes

information regarding:

- ▶ duties of a historic preservation officer,
- ▶ the national register,
- ▶ preserving a community's heritage,
- ▶ a list of historical places that were added in 2008,
- ▶ historic preservation tax credits, and
- ▶ grants that are currently in place.

01:16:17 Chere Jiusto gave a PowerPoint presentation on the economic impacts and strategies for historic preservation in Montana. Ms. Jiusto distributed a book titled "Of Sage and Stone: A guide to Southwest Montana's Rural Treasures". **(Exhibit 7)** Ms. Jiusto also distributed a handout on the Preservation Alliance's report to the 60th Legislature in 2007. **(Exhibit 8)**

01:32:13 Arni Fishbaugh distributed and explained three handouts:

- ▶ Cultural Trust Fiscal History **(Exhibit 9)**
- ▶ Long-Range Planning - Cultural and Aesthetic Grant Program **(Exhibit 10)**
- ▶ Montana Cultural Trust Grant Application booklet 2010 - 2011 **(Exhibit 11)**

01:39:27 David Cole distributed handouts and gave an overview on each program:

- ▶ HB 645 - Local Government Grants as of October 1, 2009 **(Exhibit 12)**
- ▶ Status of County grants from HB 645 **(Exhibit 13)**
- ▶ Status of Cities/Towns grants from HB 645 **(Exhibit 14)**

ELG comments and questions

01:45:22 Sen. Peterson asked if it is known how many cities/towns have amended their initial requests. Mr. Cole replied that currently 30 cities/towns have applied.

BUDGETING TIMELINES PROJECT REPORT

01:46:06 Sen. Gebhardt suggested that the committee draft a bill that will address tax timelines and place local governments in control. He said that it should be done as early as possible so the stakeholders will have time to work on the issues and prepare a bill for the upcoming 2011 Legislature.

01:49:48 Rep. McClafferty commented that Jeremy Gersovitz, LSD attorney, will be drafting a bill that will address Sen. Gebhardt's concerns.

Public Comment

01:50:27 Harold Blattie, Executive Director, Montana Association of Counties (MACo), informed the committee that MACo is hoping to have a bill ready to present to the committee by next year for their endorsement to present to the 2011 Legislature.

01:51:44 Sen. Gebhardt commented that the County Commissioners need to be responsible for the distribution and copies of the bills and the notices sent to the special districts and release the responsibility of MACo.

- 01:52:24 **Break**
- 02:09:33 Rep. Grinde called the committee back to order.
- 02:09:51 Ms. Heisel talked about the State-Tribal Relations Interim Committee that is staffed by LSD and will be addressing cultural and historic preservation from the tribe's perspective on their cultural resources.
- 02:10:44 **WILDLAND FIRE AND WILDLAND-URBAN INTERFACE**
 Ms. Heisel distributed a handout on the Wildland/Urban Interface (WUI), 36.10.129, ARM. **(Exhibit 15)** Ms. Heisel discussed a document adopted by the Department of Natural Resources and Conservation (DNRC), which provides the guidelines and administrative rules that will be distributed at tomorrow's meeting. She explained that the guidelines replace the document that was developed in 1973. These guidelines will provide information that can be used by local governments, property owners, local fire departments/experts, etc.
- 02:22:48 **ELG comments and questions**
 Rep. Lake wanted to know if the DNRC information is online. Ms. Heisel replied that it is and that she will send that website out to those who request it. The DNRC guidelines will be distributed to the public.
- 02:23:16 **DNRC'S WUI GUIDELINES AND RULEMAKING PROCESS**
 Mary Sexton, Director of DNRC, discussed how the guidelines were developed. She stated that all of the stakeholders, such as counties, fire protection entities, etc., were involved and assisted in the development of the guidelines.
- 02:24:28 **ELG comments and questions**
 Sen. Peterson asked about SB 111, a bill that will allow DNRC to attack a fire on all lands when it threatens state or private lands. He wanted to know if Ms. Sexton has heard from the federal people in regard to the new language. Ms. Sexton said there are extensive mutual aid agreements between the state and federal governments. She stated they have certain processes and procedures that are followed.
- 02:27:46 Rep. Arntzen asked about 36.10.129., ARM, and wanted to know if the word "encouraged" would have any consequences if these standards were not adopted. Ms. Heisel said that the language is referring to grant eligibility for grants and loans.
- 02:28:23 Sen. McGee asked if counties adopt the WUI study, does it become regulatory. Ms. Heisel said yes if it is incorporated into their subdivision or zoning regulations.
- 02:30:14 Ms. Heisel addressed subdivisions stating that she and Dave Cook, Building Codes Administrator, Department of Labor and Industry (DLI), have discussed the construction standards for fire-safe guidelines. The DLI construction standards are currently in the process of being written.

02:32:20 Sen. McGee asked if this is a precursor to state building codes. Ms. Heisel said no, the guidelines are restricted to fire codes only.

02:33:30 Rep. Bean talked about the regulations of state building codes and questioned if the WUI is going too far.

02:34:57 Jeremy Gersovitz distributed and addressed an e-mail he had sent to the committee regarding local access to federal land to fight fires. **(Exhibit 16)**.

02:40:12 The committee discussed the Bitterroot fire that is currently taking place.

RURAL-URBAN GAP

02:44:20 Sen. Peterson talked about the 20/30 project (rural-urban gap) from the Montana State University (MSU) and about using independent funds to look at the demographics of Montana between the urban and rural. Sen. Peterson introduced Dr. Bill Bryan from the Rural Landscape Institute.

02:47:22 Dr. Bryan presented and explained a PowerPoint called "One Montana - A Rural-Urban Partnership for Sustainability in the 21st Century." **(Exhibit 17)**

ELG comments and questions

02:42:04 The committee asked further questions of Dr. Bryan and asked how the committee can incorporate the rural-urban issues into its future work plan.

INTERIM ZONING

03:30:35 Jeremy Gersovitz distributed and explained a handout on interim zoning and private property rights. **(Exhibit 18)**

03:35:50 Glenn Oppel, Montana Association of Realtors, gave his perspective on interim zoning. Mr. Oppel distributed a handout that provides background information on zoning. **(Exhibit 19)**

03:44:13 Harold Blattie, MACo, distributed a handout of a memo from MACo's attorney, Myra Shults, regarding a summary of interim zoning cases in Montana. **(Exhibit 20)** He stated that interim zoning is asking for a time out. He explained that "zoning is a balancing act trying to handle the rights of everyone."

ELG comments and questions

03:49:57 Sen. McGee commented that most cases that end up in front of local governments go to court, and he felt that local governments overextend themselves. He said that local governments enact zoning in an attempt to arbitrate between disputing parties when it is the responsibility of the judiciary system to handle it in the first place and wanted to know if local governments are overstepping their boundaries. Mr. Blattie replied that it is possible. He said that local governments are charged under statute to handle disputes.

03:52:07 Rep. Lake wanted to know what the duration is of an interim zoning determination. Ms. Heisel responded that it is 1 year.

- 03:53:37 Sen. Gebhardt stated that Mr. Oppel's handout (see Exhibit 19) addresses the procedures from interim to permanent zoning for cities and counties. Tim Davis, Montana Smart Growth Coalition, interjected and addressed the committee's concerns. He said that the cities/counties still have to go through the process, there is no shortcut.
- Public Comment**
- 03:53:57 Tim Davis explained HB 486 on how to establish interim zoning and notice for public process. He asked that the committee not do anything with the zoning at this time. He said that the law just went into effect and they would like to see it work first before anything else is done.
- ELG comments and questions**
- 03:57:47 Sen. McGee asked about the County Commissioners' use of injunctions, such as its use for gravel pits versus the use of private land. Mr. Davis responded that gravel pits do not have to go through a subdivision review, the public process is when it is permitted at the local level that deals with land use. He said that zoning was created to protect property rights and protect health and safety in a predictable way up front. Sen. McGee continued with his comments on the use of injunctions between County Commissioners and private landowners.
- Public Comment**
- 04:04:33 Harold Blattie responded to Sen. McGee's comments stating that interim zoning is a balancing act.
- 04:08:21 Rep. Lake wanted "exigent circumstance" explained. Mr. Gersovitz replied that it refers to the impact on public health, safety, and welfare. He said that it could be used to single out a gravel pit or it could refer to a hog farm. Mr. Blattie added that it is called "spot zoning."
- 04:10:04 Richard Van Okken, Fire Chief of Teton County, gave an overview of how Teton County is affected by the WUI.
- 04:12:07 Harold Blattie thanked the members of this committee that supported SB 57 - Interim Study of Special Districts, from the 2009 Legislature.
- 04:13:00 Dustin Stewart, Executive Director, Montana Building Industry Association, said the association wanted to go on record in support of Sen. McGee's comments. Mr. Stewart discussed and questioned how the WUI guidelines can be cost-prohibitive. He also said the WUI guidelines are absurd regarding the amount of water available for fire suppression, when the same agency that developed these guidelines are the ones trying to restrict the water that can be used through exempt wells, etc.
- 04:14:24 Leanne Taylor, Lewis and Clark County, asked that the committee look into the interim zoning further, and said that she hoped that there will be more opportunity for public comment. She also stated her support of Sen. McGee's previous comments.

04:14:55 John Heron said he is one of the plaintiffs, along with Mike Fasbender, who were involved in the suit against Lewis and Clark County regarding interim zoning. He informed the committee that he was also a successful plaintiff against Lewis and Clark County in a road lawsuit.

04:22:34 Ms. Heisel addressed grants and loan assistance. She also said that DLI will be at the December meeting and will present information on construction standards.

RECESS

04:25:10 Rep. Grinde recessed the committee at 5:25 p.m. The committee will reconvene at 8:30 a.m. on October 2, 2009.

FRIDAY, OCTOBER 2, 2009

00:00:07 Rep. Grinde called the committee back to order at 8:30 a.m. The secretary noted the roll. (Attachment #4)

00:00:27 Casey Barrs, LSD staff, gave a presentation on resolutions submitted by OPI on K-12 policy goals - SJR 8, which urges the Commissioner of Higher Education to consult with this committee on shared policy goals. Mr. Barrs distributed a letter written to Rep. Grinde from Stephen M. Barrett, Chair, Board of Regents.
(Exhibit 21)

SHARED POLICY GOAL RESOLUTIONS--EDUCATION ENTITIES' COMMENTS AND EXPECTATIONS FROM PRESENTERS

- ▶ Pam Joehler, LFD Staff
- ▶ Madalyn Quinlan, Chief of Staff, Office of Public Instruction (OPI)
- ▶ Tyler Trevor, Associate Commissioner, Montana University System
- ▶ Steve Meloy, Executive Secretary, Board of Public Education (BPE)

00:05:08 Ms. Joehler gave an overview of the previous work done by the Public Postsecondary Education Policy and Budget (PEPB) Committee. She distributed a memo that explains the PEPB goals and gave an overview on the history of PEPB and its current policy. **(Exhibit 22)**

00:15:18 Ms. Quinlan discussed the mission of OPI. She distributed a handout that shows five strategic key goals and the direction that OPI will be taking toward its programs. She talked about a collaboration between OPI and the OCHE, who are working together to develop policy goals. **(Exhibit 23)**

ELG comments and questions

00:27:35 Rep. Bean wanted to know what is meant about a child who is qualified for services under 29 U.S.C. 794. Ms. Quinlan replied that it is referring to the Americans with Disabilities Act and it is directed toward students that have limited accessibility, such as physical limitation.

00:28:33 Mr. Trevor talked about the letter from Regent Barrett that Mr. Barrs read to the committee earlier (see Exhibit 21). Mr. Trevor also addressed shared policy goals and the accountability of the OCHE. He talked about the OCHE and the

Board of Regents' strategic collaboration regarding the curriculum of K-12 and postsecondary education accreditation standards.

ELG comments and questions

- 00:33:03 Rep. Lake and Mr. Trevor talked about the transferability of courses in the university system.
- 00:37:35 The committee members asked further questions of Mr. Trevor, such as who owns the curriculum courses and how many courses there are. Mr. Trevor explained that the faculty are responsible for the development of the curriculum and there are over 10,000 courses, which also include graduate courses. Rep. Steenson talked about a program called GEAR-UP and explained how the program works by giving students the incentive to attend college.
- 01:01:20 Mr. Meloy distributed a copy of the Board's mission statement and explained the Board's strategic goals for the next 5 years. **(Exhibit 24)**

COMMITTEE DISCUSSION AND APPOINTMENT OF SUBCOMMITTEE

- 01:17:12 Rep. Grinde appointed subcommittee members to work with OPI, OCHE, the Board of Public Education, and the Board of Regents on shared policy goals per HJR 6 and SJR 8. The following members were appointed to the subcommittee:
- Sen. Hawks
Sen. Peterson
Rep. McClafferty
Rep. Lake

- 01:18:29 Ms. Heisel and Rep. Grinde discussed how the subcommittee will work and what guidelines they will follow to present their findings to the full committee. Ms. Heisel said that Rep. Arntzen's concerns about counselors and their role will be addressed in the subcommittee.

VIRTUAL ACADEMY PRESENTERS

- ▶ Dennis Parman, Vice Chair, Montana Virtual Academy
 - ▶ Dr. Bruce Messinger, Chair, Montana Virtual Academy
- 01:22:22 Dr. Messinger gave an update on a meeting where timelines and the budget for the Virtual Academy were discussed. He explained that the Legislature passed HB 459 that allowed the Virtual Academy to be created.
- 01:28:03 Mr. Parman gave an overview on how the staff of the Virtual Academy plan to design and develop courses that will be available by the 2010 fall school registration.
- 01:32:33 Dr. Messinger talked about the courses and the development on operations and the teachers will be ready to go online to teach through the Virtual Academy. There will be more information available regarding future courses to be presented at the 2011 Legislature.

- ELG comments and questions**
- 01:36:02 Sen. McGee asked if there are other states that currently have a Virtual Academy. Dr. Messinger said that Florida and Minnesota have one and Idaho has one, which they are using as an example on its operation.
- Public comment**
- 01:38:13 Dr. Messinger listed some of the 32 core curriculum that will be available within the Virtual Academy's programs.
- ELG comments and questions**
- 1:39:42 Rep. Lake asked if a high school student could achieve their high school credentials through the Virtual Academy. Dr. Messinger said yes. Mr. Parman responded that the local high school or district would have to provide a diploma or documentation that the curriculum has been met. He stated that student-teacher interaction will be done by design; for example, if a student isn't able to understand the course the student would have the opportunity to go to the local high school to receive one-on-one assistance.
- 01:59:06 **Break**
- 02:12:38 Rep. Grinde called the committee back to order.
- TWO-YEAR EDUCATION**
- 02:13:14 Mary Sheehy Moe, Deputy Commissioner for Two-Year College Education, Office of the Commissioner of Higher Education (OCHE), distributed a handout showing how OCHE is attaining a more affordable education for students who want to attend 2-year colleges. **(Exhibit 25)**
- 02:33:52 Rep. Grinde introduced a group of students from the Youth Challenge Program in Dillon who had just entered the committee room.
- SJR 2 - COMMUNITY COLLEGES**
- 02:47:05 Jeremy Gersovitz, ELG staff, distributed a memo that gives an overview of SJR 2 - Creation of Community Colleges. The memo provides background information regarding legislation and statutory requirements in forming a new community college district. **(Exhibit 26)**
- 03:05:52 Rep. Grinde wanted to know the extent of the study. Mr. Gersovitz responded that he has prepared a white paper outlining who pays for elections creating community colleges. Ms. Heisel stated the report can be incorporated with this committee's report. Rep. Grinde wanted to know when this will be addressed in the work plan. Ms. Heisel said this can be discussed at the March 2010 meeting and OCHE can bring in its options. Ms. Heisel said the report could be more complete by the June 2010 meeting.
- 03:09:20 Mr. Tuttle distributed a handout explaining HB 645 - Quality Schools Grant Program that the department oversees regarding the energy programs, such as the Quick Start Program for schools throughout Montana. **(Exhibit 27)**

03:30:07 Ms. Heisel distributed a list of URL addresses showing where the stimulus money for Montana has gone. **(Exhibit 28)**

QUICK START GRANTS, HB 645 GRANTS AND DISTRIBUTION OF FUNDS

- ▶ Matt Stayner, Legislative Fiscal Division
- ▶ Marty Tuttle, Chief Legal Counsel, Department of Commerce

03:31:00 Mr. Stayner distributed a handout showing the distribution of the ARRA funds. **(Exhibit 29)** He explained how the distribution has taken place.

ADMINISTRATIVE RULES

03:35:27 Mr. Gersovitz gave an overview of a memo he wrote to the committee regarding the BPE rules and notices filed with the Secretary of State's Office. **(Exhibit 30)**

03:42:42 **Lunch**

04:59:54 Rep. Grinde called the committee back to order.

SJR 9 update

- ▶ Pam Joehler, Legislative Fiscal Division

05:00:08 Ms. Joehler gave an overview of SJR 9 - Student Loan Study. She distributed a handout that provides a summary in response to issues regarding student loans. **(Exhibit 31)**

BOARD OF PUBLIC EDUCATION PRESENTERS

- ▶ Steve Meloy, Executive Secretary, Board of Public Education (BPE) - Overview of BPE's function, activities
- ▶ Kris Wilkinson, LFD, and Steve Meloy, BPE - Implementation of 20-7-101, MCA: BPE rules and fiscal analysis

05:13:08 Mr. Meloy presented a PowerPoint that explains the updated functions of the BPE. **(Exhibit 32)**

05:13:46 Kris Wilkinson, LFD, gave an overview of possible changes to the process for adoption of accreditation standards for all school district programs. **(Exhibit 33)**

05:20:46 Per Sen. McGee's questions, Ms. Wilkinson distributed a handout explaining the impact of the proposed amendments to the mathematics content and performance standards. The memorandum also provides the committee with the results of the analysis. **(Exhibit 34)**

05:28:53 Mr. Meloy commented that the BPE had adopted the standards even though public comment at their meeting by Ms. Wilkinson had stated that the analysis hadn't been done. He said the BPE had submitted a draft of the standards on May 27, 2009, to the LFD, and the BPE wasn't able to take action on the standards until September of 2009. He said the process is taking longer than expected and questioned if this is a reasonable amount of time for the process to

be completed. He also questioned the BPE's ability to be persuaded by public comment at open meetings that can change the wording and the meaning of the rule. He also questioned if those standards should have legislative review.

05:31:44 Sen. McGee asked if there should be a bill draft request to deal with Mr. Meloy's issues, if not the draft could be used as a tool. Mr. Meloy responded that it is a possibility.

05:32:42 Sen. McGee asked Rep. Grinde if a motion is in order to request a bill to resolve these issues. Rep. Grinde directed the committee to the first page of the work plan (see Exhibit 1) that deals with presentations of options that could be discussed by the committee if there are changes to statutes and timeframe adjustments. Ms. Heisel responded that future meetings could address those issues.

05:35:47 Rep. McClafferty asked Madalyn Quinlan about the coaches for reading programs that are currently in place and asked if there will also be coaches for math and other subjects. Ms. Quinlan said it is the decision of each school district.

05:37:06 Sen. Peterson and Mr. Meloy discussed accreditation and standards. Sen. Peterson wanted to know how distance learning could possibly work with rural schools, because reports from the university system say that these students are not prepared for college work. Mr. Meloy explained how the Virtual Academy will work in this type of situation.

DRIVER EDUCATION APPROACH TO CELL PHONES, TEXTING

▶ David Huff, OPI

05:43:19 Mr. Huff distributed several handouts and addressed each issue:

- ▶ Statewide Summary of Montana's 2008-09 Traffic Education Program. **(Exhibit 35)**
- ▶ Montana's approach to driver education in regard to cell phone texting. **(Exhibit 36)**
- ▶ A PowerPoint presentation on statewide driver education and training in Montana. **(Exhibit 37)**

06:11:07 Sen. Gebhardt commented that there is no provision in the law that states if a teenager doesn't receive a license within the year's time from the driver's education test that the student has to take the test over.

Public comment

06:16:26 Ms. Joehler distributed a handout that had been previously requested by Sen. McGee. The handout addresses Montana Higher Education. **(Exhibit 38)**

NEXT MEETING PREVIEW, COMMITTEE RESEARCH, AGENDA REQUESTS

06:18:30 Ms. Heisel summarized the work plan (see Exhibit 1) on issues that the members will address in future meetings:

▶ Historic Preservation Study - Sen. Hawks will be Ms. Heisel's point

person, and Sen. Gillan will be Sen. Hawks substitute when he isn't available.

- ▶ Mr. Barrs will provide information from the ELG Subcommittee that will meet on November 9, 2009.
- ▶ Virtual Academy update by Dr. Messinger at the December meeting.
- ▶ Commissioner Stearns, OCHE, will address several higher education projects at the December 11 meeting.
- ▶ Transferability will be addressed by the ELG subcommittee.
- ▶ Rep. Steenson suggested that career counselors from K-12 come talk to the committee.
- ▶ Stimulus grants and distribution of funds to cities and towns.
- ▶ SJR 9 will be addressed at the March meeting.
- ▶ Workforce training in the correctional system. A panel will be addressing this in the March meeting.
- ▶ Alec Hansen will have updated numbers from cities/counties to present to the committee in the near future.
- ▶ School districts budgeting timelines - Sen. Gebhardt talked about putting a bill draft together and sending out to all the players so the committee can deal with the issue next spring.
- ▶ Ms. Heisel and the committee discussed their future meeting schedule.
- ▶ Stimulus projects for local governments.
- ▶ Interim zoning - Ms. Heisel will have a panel from MACo and Mr. Heron from Association of Realtors, will be available to answer questions.
- ▶ Supreme Court Opinion - Jeremy Gersovitz will give a report related to Mr. Heron's comments.

- 06:34:38 Sen. McGee said he will research the constitution on eminent domain as it relates to interim zoning.
- 06:28:39 Casey Barrs said that the State-Tribal Relations Interim Committee will be working on education in the correctional system.
- 06:35:54 Dave Cook, DLI, will address construction codes at the next meeting.
- 06:36:51 Sen. Peterson would like more discussion on distance learning and shared goals. He also asked that OPI and BPE provide more information related to accreditation.
- 06:39:52 The committee discussed:
- ▶ the probability of having 2-hour to 3-hour workshops for future meetings regarding distance learning and shared goals that could involve the audience.
 - ▶ rural districts that have a declining enrollment when the schools are the communities.
- 06:50:26 Rep. Grinde, Sen. McGee, and the committee discussed the effect of education on local governments. A panel of people from the rural schools will be brought before the committee for a question and answer discussion, they will also address

rural-urban development.

- 06:54:08 Ms. Heisel addressed issues for future meetings:
- ▶ What should a draft bill address and when is it to be prepared to present to the Legislature.
 - ▶ Street maintenance agreement.
 - ▶ Implementation of HB 608.
 - ▶ Local governments.

06:56:07 Sen. McGee, Ms. Heisel, and Rep. Grinde discussed Mary Sheehy Moe's handout (see Exhibit 25) and requested that a more detailed report be brought back to the committee regarding 2-year colleges and their funding.

ADJOURN

06:57:57 There being no further business, Rep. Grinde adjourned the ELG meeting at 3:29 p.m. The next meeting is scheduled for December 11, 2009. The ELG subcommittee will meet on December 10, 2009, to prepare comments to present to the full ELG Committee.

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