



## Education and Local Government Interim Committee

### 64th Montana Legislature

#### SENATE MEMBERS

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

#### HOUSE MEMBERS

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

#### COMMITTEE STAFF

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

# MINUTES LOG

July 16, 2015  
Room 137, 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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Please contact the Legislative Services Division at 406-444-3064 for more information.

### **COMMITTEE MEMBERS PRESENT**

SEN. ELSIE ARNTZEN  
SEN. JILL COHENOUR  
SEN. MARY SHEEHY MOE  
SEN. SHARON STEWART-PEREGOY  
SEN. GORDON VANCE

REP. SETH BERGLEE  
REP. MOFFIE FUNK  
REP. DONALD JONES  
REP. DEBRA LAMM  
REP. JEAN PRICE  
REP. TOM WOODS

### **COMMITTEE MEMBERS EXCUSED**

SEN. MATTHEW ROSENDALE  
REP. TOM WOODS

**STAFF PRESENT**

LEANNE KURTZ, Lead Staff  
PAD MCCRACKEN, Research Analyst  
LAURA SANKEY, Staff Attorney  
KRISTINA LIMING, Secretary

**VISITORS' LIST** ([Attachment 1](#))

**AGENDA** ([Attachment 2](#))

**COMMITTEE ACTIONS**

- Elected Rep. Donald Jones as Chairman and Sen. Sharon Steward-Paregoy as Vice-chairman
- Voted to allow written proxy votes
- Voted to adopt the interim meeting schedule with one change to the December 2015 meeting date
- agreed to accept the interim work plan with the understanding that agenda items may be added as appropriate.

**CALL TO ORDER AND ROLL CALL**

00:00:17 Sen. Stewart-Paregoy called the meeting to order.

00:00:55 The secretary took the roll. ([Attachment 3](#))

**INTRODUCTION OF MEMBERS AND STAFF**

00:02:51 The committee members and staff introduced themselves.

**ELECTION OF CHAIR AND VICE CHAIR**

00:09:44 Rep. Lamm nominated Rep. Jones for Chairman. The motion passed unanimously by voice vote.

00:10:42 Sen. Moe nominated Sen. Stewart-Paregoy for Vice Chairman. Motion passed unanimously by voice vote.

**COMMITTEE OVERVIEW/AGENDA REVIEW**

00:12:06 Ms. Kurtz provided the committee with an overview of the staff and committee roles and responsibilities for the 2015-2016 interim. She also briefly reviewed the Rules, Procedures and Guidelines for Interim Committees ([EXHIBIT 1](#)) and the Public Comment Guidelines ([EXHIBIT 2](#)).

**Committee Questions**

00:17:16 Rep. Lamm asked Ms. Kurtz about public comment acceptance over the phone not being allowed.

00:18:33 Rep. Jones asked Mr. McCracken about public comment presenters from

- previous meetings.
- 00:19:11 Sen. Vance verified the rationale for limiting the ability to provide public comment over the phone.
- 00:19:37 Sen. Cohenhour stated her agreement with the rule as it stands.
- 00:20:09 Rep. Jones also stated his agreement with the rule.
- 00:23:29 The committee discussed proxy votes.
- 00:24:39 Sen. Cohenhour moved to adopt the Rules, Procedures and Guidelines for Interim Committees with the allowance of written proxies. The motion passed unanimously by voice vote.

### **OFFICE OF PUBLIC INSTRUCTION REPORTS**

- 00:26:11 Denise Juneau, Superintendent, Office of Public Instruction (OPI), reported on program implementations and efforts that her department is currently engaged in and successes they have seen statewide.

### **2015 Summary of K-12 Legislation**

- 00:32:34 Ms. Juneau provided the committee with a Summary of Legislation related to K-12 Legislation (**EXHIBIT 3**).

#### Committee Questions

- 00:35:15 Rep. Jones asked Ms. Juneau about the advanced placement training not being provided in Montana.
- 00:36:13 Rep. Price stated her appreciation for the information regarding education legislation.
- 00:37:21 Sen. Moe asked Ms. Juneau about advanced placement assessments

### **SB 410**

- 00:38:42 Madalyn Quinlan, Chief of Staff, OPI, reported on SB 410 and its planned implementation.

#### Committee Questions

- 00:42:00 Sen. Moe asked Ms. Quinlan about the current cap in place for the Public education improvement account and the student scholarship and administrative costs.

### **SB 260**

- 00:46:12 Ms. Quinlan commented on revising education funding laws related to oil and gas production taxes and current implementation plans.
- 00:49:49 Ms. Quinlan provided the committee with an overview of a document submitted to the committee containing the Proposed Timeline for Adoption of Montana Content Standards (**EXHIBIT 4**).

#### Committee Questions

The following committee members asked Ms. Quinlan about the process of implementing the Negotiated Rulemaking Committee for Arts and Health Content Standards:

- 00:53:25 Sen. Arntzen

- 00:54:27 Rep. Lamm
- 00:56:20 Sen. Price asked about the Physical Education classes.
- 00:57:15 Ms. Juneau responded to the questions about the selection of committee members for the Rulemaking Committee and the physical education classes
- 00:58:51 Sen. Moe asked about SB 410 funds related to technology advancements.

**Montana Preschool Development Program**

- 00:59:54 Ms. Juneau provided an overview of the Preschool development program and the development of the infrastructure.
- 01:01:00 Debbie Hunsaker, Reading Specialist, OPI, provided the committee with further information regarding the Montana Preschool Development Grant (**EXHIBIT 5**)

**SB 128**

- 01:04:45 Ms. Quinlan provided a brief overview of SB 128, the School Funding Interim Commission and the key areas that need to be addressed.

**OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION (OCHE) REPORTS**

**STEM Scholarship Program**

- 01:06:23 Tyler Trevor, Associate Commissioner, OCHE, provided the committee with an overview of the STEM Scholarship program and the implementation process.

Committee Questions of Mr. Trevor:

- 01:14:43 Rep. Jones asked about information regarding the PREP Math information provided in the committee packet (**EXHIBIT 6**).
- 01:16:32 Sen. Moe asked if the STEM scholarships qualify at 2-year colleges and the projected number of students who will participate in the scholarship program.
- 01:18:02 Rep. Funk asked about the ability of college students apply for the scholarships who weren't able to after high school completion.

**Montana University System Research Initiative**

- 01:19:26 Mr. Trevor provided the committee with background information about the research initiative and the planned implementation process.

Committee Questions of Mr. Trevor

- 01:29:56 Rep. Lamm asked about the Montana REDI document submitted to the committee (**EXHIBIT 7**) and private partnerships involved in the program.
- 01:31:29 Rep. Jones asked about the 12 proposals and the split between the 2 universities within Montana.
- 01:32:21 Sen. Arntzen asked about the portfolios in the key areas and the seeding of other programs, as well as administrative costs and allocations.
- 01:34:59 Rep. Jones asked if there were any items that Mr. Trevor would like to see added to the work plan of the committee.
- 01:36:05 Sen. Arntzen asked about veteran education and campus safety.
- 01:36:42 Sen. Moe asked about needs based scholarships issues.
- 01:37:21 Sen. Arntzen asked about the possibility of meeting simultaneously with the Board of Regents.
- 01:38:32 Ms. Quinlan agreed with the suggestions that Mr. Trevor made to include in the

workplan, adding that there would also be a report on educational opportunities for military children.

### **BOARD OF PUBLIC EDUCATION UPDATE**

01:40:21 Sharon Carroll, Chairperson, Montana Board of Public Education (BPE), introduced her fellow board members and provided the committee with information that will be covered in BPE's meeting.

#### **Committee Questions**

01:42:54 Sen. Moe requested a more informal discussion at a future meeting.  
01:43:25 Rep. Jones asked Mr. Anderson to provide an overview of the work he does.  
01:44:46 Mr. Anderson described the work he has been involved with and the level of education throughout the country and the world in comparison to Montana.  
01:46:34 Rep. Jones asked BPE members to provide any items they think should be included within the ELG work plan either by written submission, or by contact with committee staff.  
  
01:47:16 **Break.**  
01:59:14 Rep. Jones called the meeting back to order.

### **SB128 SCHOOL FUNDING STUDY COMMISSION**

02:00:01 Mr. McCracken passed a document out to the committee containing the members of the School Funding Interim Commission (**EXHIBIT 8**) and made reference to the copy of SB 128 that was included in the meeting packet previously submitted to the committee (**EXHIBIT 9**). He also provided the committee with an overview of SB 128 and the responsibilities of the commission for the 2015-2016 interim, along with options for coordination with ELG.

### **HJR 26 STUDY OF YOUTH CONCUSSION PROTECTION LAWS**

02:16:19 Mr. McCracken provided the committee with a handout on the protection of youth athletes (**EXHIBIT 10**) and a brief overview of HJR 26. He also made reference to the workplan document included in the committee meeting packet (**EXHIBIT 11**).  
  
02:25:36 Valerie Moody, Department of Health and Human Performance, University of Montana, provided information about the implementation of concussion protection laws and a packet containing pertinent information on the matter (**EXHIBIT 12**).

#### **Committee Questions of Ms. Moody:**

02:32:33 Rep. Funk asked about the non school sanctioned sports.  
02:33:13 Sen. Cohenhour asked about available information to students regarding the risks of concussion.  
02:34:24 Sen. Arntzen asked why the Department of Public Health and Human services removed themselves from the partnership with the university to pursue the concussion project.  
02:35:09 Sen. Moe asked about the funding support for the project and the survey in the handout.  
02:36:22 Rep. Jones asked about efforts to coordinate with Mark Beckman on the project.  
02:37:27 Mark Beckman, Executive Director, Montana High School Association, provided

a packet on Youth Concussion Protection Laws (**EXHIBIT 13, on file with LSD**) and a separate document outlining his presentation (**EXHIBIT 14**). He provided an overview of the issues presented within the packet and the efforts made to educate about and create laws pertaining to concussions.

#### Committee Questions of Mr. Beckman

- 02:47:27 Rep. Jones commented about his experience with concussion trainings and the current laws.
- 02:48:06 Sen. Moe asked if there is a possibility to report previous concussions of students to make them more aware of the risks.
- 02:49:01 Rep. Funk asked about the possibility of sending the surveys to officiators of sporting events.
- 02:49:33 Sen. Arntzen asked about the concussion modifiers and consistency within the healthcare system. She also asked about the return to play information provided in the packet.
- 02:52:45 Tana Ostrowski, Missoula, provider of brain injury care, commented about her experience being a provider of brain injury care and the statutes in place.
- 02:56:38 Sen. Cohenour suggested that the committee make specific requests that the groups return to the committee with more information about concussions.
- 02:57:14 Rep. Price requested that the "Save the Brain" packet be sent to the legislators at a later time.

#### Public Comment

- 02:58:00 Bob Vogel, Montana School Boards Association, stated his support for the study and his willingness to work with the parties involved to further implement state wide concussion awareness.
- 02:59:03 Lunch.
- 03:56:41 Rep. Jones called the meeting back to order.

#### **SJR 20 STUDY OF COUNTY ROAD EASEMENTS ON STATE TRUST LAND**

- 03:57:25 Ms. Kurtz presented the committee with a handout on SB 229 (**EXHIBIT 15**), that has some important information related to SJR 20 (**EXHIBIT 16**). She also provided the committee with a brief overview and background on the study.
- 04:05:10 John Grimm, Real Estate Management Bureau Chief, DNRC, presented the committee with a document containing Historic Rights of Way (**EXHIBIT 17**) and an additional document with General Information Points (**EXHIBIT 18**). He then gave a presentation to the committee regarding the history of county road easements across state lands and DNRC's role.
- 04:13:11 Harold Blattie, Executive Director, Montana Association of Counties, presented a packet containing a copy of SB 229 and a relevant court case for the committee's review (**EXHIBIT 19**). He also commented on counties experiences in securing rights-of-way on state trust lands.

### Committee Comments

04:23:03 Rep. Lamm requested a more detailed inventory of easements that exist and have been paid for from Ms. Axline.

### Public Comment

04:24:46 Gary MacDonald, County Commissioner, Roosevelt County, provided the committee with a document containing a map showing state sections in a portion of Montana (**EXHIBIT 20**). He also commented about the experience his county has had concerning state trust lands.

04:28:03 Bob Story, commented about a county in Montana where multiple sales of the same easement occurred.

04:29:38 Ms. Kurtz made reference to a document submitted to the committee from John Marks (**EXHIBIT 21**).

### **SJR 21 STUDY OF LOCAL FIRE AND EMERGENCY SERVICES**

04:30:03 Ms. Kurtz provided the committee with a brief overview of SJR 21 (**EXHIBIT 22**).

04:38:58 Leonard Lundby, Montana Fire Alliance, state his interest in the need for provision of workers' compensation for volunteer fire fighters in the state of Montana.

04:41:20 Ted Mead, Fire and Aviation Management Bureau Chief, DNRC, presented the committee with a document with DNRC's description of the County Co-Op Program and Fire Program funding (**EXHIBIT 23**). He commented on the efforts DNRC is currently making with programs around the state and county cooperation.

### Committee Questions of Mr. Mead:

04:48:20 Rep. Funk asked about the EMS acronym.

04:48:42 Sen. Cohenhour asked about the contractors with DNRC and the counties.

04:50:01 Rep. Berglee asked about suppression costs.

04:51:15 Mr. Blattie presented the committee with a packet he produced concerning Fire Protection in Montana (**EXHIBIT 24**) and provided the committee with the evolution of fire protection in our state and experience he has had with the lack of workers' compensation for volunteer firefighters. He also presented a copy of a memo concerning county authority to enact bans on fireworks (**EXHIBIT 25**).

### Public Comment on Fire Protection

05:00:51 Duane Turk, contract firefighter

05:07:22 Ms. Kurtz presented the committee with written public comment submitted to the committee by Richard Grady (**EXHIBIT 26**).

05:07:37 Gary MacDonald, Roosevelt County

05:08:31 David Nielse, MT League of Cities and Towns

### **ADMINISTRATIVE RULE REVIEW**

05:10:10 Ms. Sankey made reference to and reviewed 2 documents provided within the committee packet:

Constitutional Roles of the Montana Legislature, Board of Regents, and Board of Public Education (**EXHIBIT 27**)  
Overview of the Committee's Administrative Rule Review Authority (**EXHIBIT 28**)

Committee Questions of Ms. Sankey:

- 05:20:58 Sen. Moe asked for the constitutional reasoning behind the Board of Regents being exempt from the Montana Administrative Procedure Act (MAPA).
- 05:22:22 Rep. Lamm asked if the statute specifically excludes those parties from MAPA, could it potentially be changed to include them.
- 05:25:50 Ms. Sankey reviewed SB 345 changes.
- 05:31:26 Ms. Sankey provided and reviewed a document with the Addendum to the Administrative Rule for July 2015 (**EXHIBIT 29**).

Committee Questions

- 05:35:10 Sen. Moe commented about suicide prevention related to education. She also asked about selection to the Board of Public Education. Ms. Juneau addressed the question.
- 05:38:11 Ms. Sankey asked for committee feedback on the summary presented.
- 05:39:36 **Break.**
- 05:49:13 Rep. Jones called the meeting back to order.

**DRAFT WORK PLAN AND PROPOSED WORK MATRIX**

- 05:49:50 Ms. Kurtz provided the committee with a brief summary and review of the work plan and matrix (**EXHIBIT 30**) and the issues that the committee is statutorily responsible for and possibly address during the 2015-2016 interim.
- 05:58:08 The committee agreed by consensus to the allowance of written reports submitted to the committee from advisory councils.
- 06:05:21 The committee discussed the proposed meeting schedule.

**Motion/Vote**

- 06:11:16 Sen. Cohenhour moved to adopt the meeting schedule with the amended changes. The motion passed unanimously by voice vote.
- 06:12:20 The committee agreed by consensus to adopt the portion of the workplan pertaining to statutorily responsibilities.
- 06:12:55 The committee discussed and agreed by consensus to the proposed work plan with the understanding that items may be added as needed.
- 06:33:24 The committee discussed proxy delegation.

**PUBLIC COMMENT ON ANY ITEM WITHIN COMMITTEE PURVIEW**

- 06:34:05 Mr. Story commented the workers' compensation issue regarding volunteer



06:37:48 firefighters.  
Ms. Kurtz presented the committee with additional written public comment submitted (**EXHIBIT 31**).

**ADJOURN**

06:40:41 Rep. Jones adjourned the meeting.

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