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Education Interim Committee

66th Montana Legislature

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TO: Education Interim Committee
FROM: Pad McCracken, Committee Staff
RE: EDIC Enabling Statutes
DATE: August 28, 2019

At your June 2019 meeting, as part of your committee overview and work plan discussion, I brought up the question of whether the enabling statute for the Education Interim Committee accurately reflects the committee's work. Here is 5-5-224, MCA:

5-5-224. Education interim committee. (1) The education interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

- (a) state board of education;
 - (b) board of public education;
 - (c) board of regents of higher education; and
 - (d) office of public instruction.
- (2) The committee shall:
- (a) provide information to the board of regents in the following areas:
 - (i) annual budget allocations;
 - (ii) annual goal statement development;
 - (iii) long-range planning;
 - (iv) outcome assessment programs; and
 - (v) any other area that the committee considers to have significant educational or fiscal policy impact;
 - (b) periodically review the success or failure of the university system in meeting its annual goals and long-range plans;
 - (c) periodically review the results of outcome assessment programs;
 - (d) develop mechanisms to ensure strict accountability of the revenue and expenditures of the university system;
 - (e) study and report to the legislature on the advisability of adjustments to the mechanisms used to determine funding for the university system, including criteria for determining appropriate levels of funding;
 - (f) act as a liaison between both the legislative and executive branches and the board of regents; and

(g) encourage cooperation between the legislative and executive branches and the board of regents.

The entirety of subsection (2) was included with the Education Interim Committee's enabling statute when the committee was created as part of the restructuring of the interim in 1999. Subsection (2) had been in the duties section of the [Joint Committee on Postsecondary Education Budget and Policy \(PEPB\)](#) that existed during the 1990s and was composed of legislators, regents, a student, and a governor appointee (typically from the budget office) and was staffed by the legislative fiscal analyst.

The PEPB was repealed when the Education Interim Committee was established, but from 2001 to 2008, the Education and Local Government Committee formed a PEPB subcommittee to perform some of the duties described in subsection (2). From 2009 onward, it seems that little attention has been given to the duties in subsection (2) by the Education Interim Committee.

If the committee would like to address this issue, a couple options would be to:

1. determine a way of meeting the requirements of subsection (2) over the course of the interim, perhaps through forming a PEPB subcommittee again or by working more closely with OCHE and the Board of Regents; or
2. consider committee legislation to amend subsection (2) out of 5-5-224 in whole or in part.

Questions/considerations:

- Does the committee have the capacity (budgetary, time, staff expertise, interest) to meaningfully fulfill the duties described in subsection (2)?
- Are the duties described in subsection (2) being addressed at least to some degree by the Joint Appropriations Subcommittee for Education?
- Would the removal of subsection (2) bring the EDIC statute more in alignment with the statutes establishing other interim committees¹?
- Should the committee seek input on this matter from LFC/LFD, OCHE and the Board of Regents, OBPP, or others?
- The PEPB was created as part of the early 1990s move to the "lump sum" appropriation for the MUS. For more info on the impetus for these changes, see this [report](#).

¹ **5-5-225. Children, families, health, and human services interim committee.** The children, families, health, and human services interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of public health and human services and the entities attached to the department for administrative purposes.

5-5-226. Law and justice interim committee. The law and justice interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the office of state public defender, the department of corrections, and the department of justice and the entities attached to the departments for administrative purposes. The committee shall act as a liaison with the judiciary.

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