



Education and Local Government Interim Committee

56th Montana Legislature

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SENATE MEMBERS

ALVIN A. ELLIS JR.
GREG JERGESON
BEA McCARTHY
MIKE SPRAGUE
JON TESTER
DARYL TOEWS

HOUSE MEMBERS

JOAN ANDERSEN
TOM FACEY
JEFF MANGAN
GAY ANN MASOLO
LINDA McCULLOCH
JOE MCKENNEY

COMMITTEE STAFF

CONNIE ERICKSON
RESEARCH ANALYST
EDDYE McCLURE
STAFF ATTORNEY
JOANN JONES
SECRETARY

MINUTES

June 14, 1999

Federal Building
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Exhibits are on file in the offices of the Legislative Services Division.

COMMITTEE MEMBERS PRESENT

Sen. Jergeson
Sen. McCarthy
Sen. Sprague
Sen. Tester
Sen. Toews
Rep. Andersen
Rep. Facey
Rep. Masolo
Rep. McCulloch

COMMITTEE MEMBER ABSENT

Sen. Ellis

STAFF PRESENT

Connie Erickson, Research Analyst
Eddy McClure, Staff Attorney
Sandy Whitney, Senior Fiscal Analyst
Leanne Kurtz, Research Analyst
Ellen Garrity, Secretary

VISITORS

Visitors' list attached.

COMMITTEE ACTION

- * Approved the appointment of eight legislators, two Board of Regents representatives, a governor's representative, and a student representative to the the Joint Subcommittee on Postsecondary Education Policy and Budget. (Jergeson)
- * Approved the appointment of four members to the Local Government Subcommittee. (Sprague)
- * Adopted the following proposed committee schedule: September 30 and October 1, 1999; November 4 and 5, 1999; February 10 and 11, 2000; May 11 and 12, 2000; and June 22 and 23, 2000. (McCarthy)

CALL TO ORDER AND ROLL CALL

The organizational meeting of the Education and Local Government Committee was called to order at 4 p.m. on June 14, 1999, by Senator Greg Jergeson.

INTRODUCTION OF MEMBERS AND STAFF

Committee members and staff introduced themselves. Sen. Jergeson said the Legislative Council expanded this Committee to 12 members. Four members of the Senate and House Local Government Committees were added. The two House members have not yet been named.

ELECTION OF OFFICERS

Sen. Toews nominated Rep. Masolo for presiding officer. Rep. Facey moved the nominations be closed and a unanimous ballot be cast for Rep. Masolo. The motion passed.

Rep. McCulloch nominated Sen. Jergeson for vice presiding officer. Sen. Toews moved the nominations be closed and a unanimous ballot be cast for Sen. Jergeson. The motion passed.

Presiding Officer Masolo assumed the chair.

OVERVIEW OF INTERIM COMMITTEE REORGANIZATION

Exhibit #1, Interim Committee Reorganization in Accordance with Senate Bill No. 11

Exhibit #2, Report from John MacMaster, Staff Attorney, on Interim Committee Powers Relating to Administrative Rules

Exhibit #3, The Need for the Montana Administrative Procedure Act and Legislative Oversight, Under MAPA, of Administrative Rulemaking

Connie Erickson said SB 11 is a major reorganization of the interim committee process. Instead of having many committees to study individual questions, there are six permanent interim committees responsible for particular issues and agencies. Under the reorganization, the Education and Local Government Committee has been assigned the Board of Public Education, the Board of Regents, and the Office of Public Instruction (OPI). The committee will review administrative rules within its jurisdiction and monitor the operation of assigned executive branch agencies. The duties of the Joint Subcommittee on Post Secondary Education Policy and Budget are folded into this committee.

Included in Exhibit #1 is a letter from Speaker Mercer and Rep. Grinde requesting each committee to conduct oversight hearings on the committee's assigned state agencies.

Eddy McClure said this committee will review education rules adopted by OPI and the Board of Public Education. The Board of Regents is exempt from this review but the Board will come before this committee to explain its policies.

Ms. McClure said the committee will also review any rules in the local government area.

INTERIM STUDIES

SJR 16

Exhibit #4, 1999 Montana Legislature, SJR 16

Exhibit #5, Lump Sum Funding

Sandy Whitney reviewed SJR 16, Funding and Administration of Higher Education. She said the Joint Committee on Post Secondary Education Policy and Budget was a statutory committee eliminated by SB 11. The intent was that a subcommittee of this committee will assume the responsibilities of the old Post Secondary Education Committee. SJR 16 mandates an evaluation of the current system of lump sum funding.

Ms. Whitney said she will seek committee members' opinions as to what they think will be major issues in the next few years.

Ms. Whitney said the Post Secondary Education Committee was composed of eight legislators and four private members (Board of Regents (2), a student, and the governor's representative).

Sen. McCarthy, who served on the Post Secondary Education Committee, said it was beneficial to have Board of Regent representatives on the committee.

Vice Presiding Officer Jergeson MOVED that the Joint Subcommittee on Postsecondary Education Policy and Budget (PEPB) be composed of eight legislators (Sen. Ellis, Sen. Jergeson, Sen. McCarthy, Sen. Toews, Rep. Andersen, Rep. Facey, Rep. Masolo, Rep. McCulloch), two Board of Regents representatives (Regent Ed Jasmin and Regent Margie Thompson), a governor's representative (Erik Burke), and a student representative to be named by the governor. The motion passed.

HJR 29

Exhibit #6, State Laws Relating to Local Governments

Ms. Erickson reviewed HJR 29 and said this study will not be accomplished in one interim. She will prepare a study plan for the September meeting.

HJR 38

Exhibit #7, HJR 38, Salaries of Juvenile Probation Officers

Leanne Kurtz reviewed HJR 38 and said the study will not take long.

Gordon Morris, Director of the Montana Association of Counties, said another study pertinent to HJR 38 is that required under SB 184. Mr. Morris said SB 184 and HJR 38 studies should be coordinated.

OTHER ISSUES BEFORE THE COMMITTEE

Exhibit #8, A letter from Rep. Masolo, Rep. Linda McCulloch, and Rep. Bob Lawson of the House Education Committee requesting a study of out-of-district tuition.

Ms. Erickson said SB 422 from the 1999 Session dealt with out-of-district tuition. It was introduced by Sen. Toews, heavily amended, and ultimately tabled by the House Education Committee. The Committee thought the concept needed further study. The letter asks this Committee to examine the issue.

Ms. Erickson said Sen. Grimes is setting up meetings around the state on out-of-district tuition.

Sen. Toews said this Committee should deal with this issue and that Sen. Grimes should be invited to a Committee meeting.

Sen. Tester agreed this is an important issue because it impacts other state areas besides Sen. Grimes' area.

Presiding Officer Masolo said Sen. Grimes should be placed on the agenda for the September meeting.

Ms. McClure said Sen. Grimes will meet with a variety of groups between now and September. He will share his findings from those meetings with the Committee in September.

Sen. McCarthy moved to appoint a subcommittee to study this issue.

Vice Presiding Officer Jergeson said the study could be assigned to the PEPB Subcommittee.

Ms. Erickson suggested an informal subcommittee of three or four members to work with Sen. Grimes.

Sen. McCarthy withdrew her motion.

Presiding Officer Masolo appointed Sen. Toews, Sen. Tester, and herself to work with Sen. Grimes on the out-of-district tuition issue.

Vice Presiding Officer Jergeson said another subcommittee should be formed to deal with local government issues.

Sen. Sprague MOVED that the Presiding Officer appoint the four members to a local government subcommittee. The motion passed. Presiding Officer Masolo appointed

Senators Tester and Sprague and the two House members yet to be appointed to the Committee.

Sen. Jergeson said the Board of Regents has recommended two Regent members, Ed Jasmin and Margie Thompson, for appointment to the PEPB Subcommittee.

Eric Burke will be the governor's representative.

Ms. Erickson will draft a letter from the Presiding Officer to the Legislative Council concerning appointments of non legislative subcommittee members.

APPOINTMENT OF INTERIM MEETING SCHEDULE

Sen. McCarthy MOVED adoption of the following proposed committee schedule: September 30 and October 1, 1999; November 4 and 5, 1999; February 10 and 11, 2000; May 11 and 12, 2000; and June 22 and 23, 2000. The motion passed. The date for the final meeting of the Committee in 2000 will be set at a later date.

PRESENTATION ON "MONTANA STATEWIDE EDUCATION PROFILE" - OPI

Exhibit #9, Montana Statewide Education Profile

Madalyn Quinlan, OPI, reviewed the Montana Statewide Education Profile, a report prepared by OPI.

ADJOURNMENT

The meeting adjourned at 5:30 p.m.

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