



Education and Local Government Interim Committee

64th Montana Legislature

SENATE MEMBERS

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

HOUSE MEMBERS

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

COMMITTEE STAFF

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

MINUTES LOG

January 14, 2016
Room 102, 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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. DONALD JONES, Chair
SEN. ELSIE ARNTZEN
SEN. JILL COHENOUR
SEN. MARY SHEEHY MOE
SEN. MATTHEW ROSENDALE
SEN. GORDON VANCE
REP. SETH BERGLEE
REP. MOFFIE FUNK
REP. DEBRA LAMM
REP. JEAN PRICE
REP. TOM WOODS

COMMITTEE MEMBERS EXCUSED

SEN. SHARON STEWART-PEREGOY, Vice Chair

STAFF PRESENT

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

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

CALL TO ORDER AND ROLL CALL

- 00:02:15 Rep. Jones called the committee to order at 8:00 a.m. The committee secretary called roll. **(Attachment 3)**
- 00:03:10 Rep. Funk asked for a review of the protocol and procedure for committee meetings and hearings. Rep. Jones reviewed those items.
- 00:04:06 Leanne Kurtz, Lead Staff Research Analyst, reviewed materials that were mailed to the committee members.

ADMINISTRATIVE RULE REVIEW - Laura Sankey, Staff Attorney

- 00:04:35 Ms. Sankey **(Exhibit 1)**
- 00:04:38 Sen. Arntzen arrived.

SJR 20 STUDY OF COUNTY ROAD EASEMENTS ON STATE TRUST LAND

Review Work to Date, September Meeting Discussion – Leanne Kurtz, Staff Research Analyst

- 00:06:29 In her discussion, Ms. Kurtz referred to Exhibit 30 from the September 23, 2015, ELGIC meeting.

ELG-Requested Legal Opinion – Laura Sankey, Staff Attorney

- 00:10:29 Ms. Sankey **(Exhibit 2)**

Committee Questions of Ms. Sankey

- 00:16:28 Sen. Rosendale asked whether making improvements on the state trust lands by another party would not be considered compensation for that land.
- 00:17:58 Rep. Berglee requested information regarding cases in which a party making improvements to the land would require to get reimbursed.
- 00:18:58 Ms. Sankey continued her presentation.

Committee Questions of Ms. Sankey

- 00:30:57 Sen. Rosendale commented about the Mount Pleasant Group case that Ms. Sankey mentioned in her presentation by saying that by granting ROW, the value of Mount Pleasant got increased, thus, raising the value of land in the long run.
- 00:32:37 Sen. Cohenour asked to confirm that the final disposition of property is about establishing its value.

DNRC Assessment of Issue in Missoula and Gallatin Counties – Shawn Thomas, Administrator, Trust Lands Management Division, DNRC

- 00:33:21 Mr. Thomas **(Exhibit 3)**

Committee Questions of Mr. Thomas

- 00:44:08 Sen. Arntzen asked who is responsible for the identification of ROW, as well as asked for data about counties' expenditures.
- 00:46:13 Sen. Arntzen asked whether the cost share that Mr. Thomas discussed with respect to Missoula County correlates with Article X of the Montana Constitution.

Public Comment

- 00:47:17 Shantil Siaperas, Legislative Analyst, Montana Association of Counties

Committee Discussion

- 00:48:44 Ms. Kurtz told the committee that for the next committee meeting she would like to consolidate the options and solutions that the members have been considering in a discussion paper, as well as asked for the members' feedback about it.
- 00:50:15 Sen. Rosendale commented on Ms. Kurtz's statement and said that it is necessary to keep in mind how potential solutions may impact the people involved.
- 00:50:49 Sen. Cohenour expressed her agreement with Sen. Rosendale's comment and said that the process that this committee is engaged in can be based on an existing model, such as one produced by the Water Policy Committee.
- 00:52:11 Ms. Kurtz asked for clarification on the Water Policy research.

SJR 21 STUDY OF LOCAL FIRE AND EMERGENCY SERVICES

Review Work to Date, Options Presented at September Meeting - Leanne Kurtz, Staff Research Analyst

- 00:53:48 Ms. Kurtz

Bill Draft for Discussion Purposes, Diverting Portion of FIPT for Worker's Compensation - Leanne Kurtz, Staff Research Analyst

- 00:56:16 Ms. Kurtz ([Exhibit 4](#))

Legislative History of Fire Insurance Premium Tax - Leanne Kurtz, Staff Research Analyst

- 01:03:08 Ms. Kurtz

Committee Questions of Ms. Kurtz

- 01:06:37 Sen. Rosendale asked what year the FIPT was directed to the General Fund.
- 01:08:07 Rep. Woods asked whether the legislature has pursued other methods of means testing for grant recipients.
- 01:10:25 Rep. Woods asked whether rural fire departments have been included in the research.

Public Comment

- 01:11:19 Leonard Lundby, Montana Fire Alliance

Committee Questions of Mr. Lundby

01:15:00 Rep. Jones asked whether most local fire departments could afford Worker's Compensation if they increased their fees slightly.

Montana's EMS System, Challenges – Jim DeTienne, Supervisor, EMS & Trauma Systems, Department of Public Health and Human Services

01:17:33 Mr. DeTienne (**Exhibit 5**)

Committee Questions of Mr. DeTienne

01:31:34 Sen. Moe asked about the education component and available training with the EMS & Trauma Systems, as well as about certification requirements.
01:36:00 Sen. Cohenour asked about the System of Care and whether it is implemented elsewhere for a review as a possible model.
01:40:09 Sen. Arntzen referred to page 8 of Exhibit 5 and asked about Leadership, Organization, and Policy section of the presentation.
01:43:13 Sen. Cohenour asked how involved the EMT services are with the Fire Department services.
01:46:03 Rep. Woods asked how effective the system is at recovering compensation from private insurance.

Public Comment

01:47:57 Richard Grady, self, Canyon Creek Fire District

Commission Discussion on the Issues Related to SJR 21

01:52:11 Sen. Cohenour and other committee members provided and discussed suggestions related to SJR 21.
01:54:06 Sen. Moe
01:54:42 Ms. Kurtz
01:55:06 Sen. Cohenour
01:55:40 Ms. Kurtz
01:56:57 Sen. Rosendale
01:57:38 Rep. Jones

BREAK (reconvened at 10:05 a.m.)

MONTANA STATE LIBRARY LAND INFORMATION GRANT PROGRAM

Jennie Stapp, Montana State Librarian
Ken Wall, Geodata Services and MT State Library Commissioner
Paul Wick, Teton County Planner

02:07:09 Ms. Stapp (**Exhibit 6**)
02:17:25 Mr. Wall
02:24:47 Mr. Wick
02:30:09 Ms. Stapp

Committee Questions

02:34:10 Sen. Rosendale asked about gathering information about addresses for the purpose of realigning specific locations.

02:36:22 Rep. Lamm asked to clarify about the availability of this grant.
02:36:48 Rep. Jones asked about GIS capacities in Billings.
02:38:02 Rep. Lamm asked how far back the grant program goes and about specific grant awards..

Public Comment On the Grant Program - none

Committee Questions

02:40:32 Sen. Cohenour encouraged the panelists to bring any legislative proposals before the committee for review.
02:41:07 Sen. Arntzen suggested that Ms. Stapp provide information about projects that did not receive funding.

OPI MONITORING

02:42:53 Madalyn Quinlan, Chief of Staff, OPI, reported on graduation rates. [\(Exhibit 7\)](#)

Committee Questions of Ms. Quinlan

02:45:53 Sen. Arntzen asked about communities that the OPI is targeting with the test.
02:48:48 Rep. Lamm asked about the Graduation Matters program.
02:49:42 Sen. Moe also addressed Rep. Lamm's question.

Smarter Balanced Assessments

02:50:41 Ms. Quinlan reported on Smarter Balanced assessment. [\(Exhibit 8\)](#)

Committee Questions of Ms. Quinlan

02:56:29 Rep. Lamm asked to confirm that it has been announced that there have been changes in who will take the Smarter Balanced test in 2016, as well as asked about money that was allocated for the Smarter Balanced testing.
02:58:44 Rep. Woods asked about how Montana compares with other states that implemented the same test.
03:01:04 Sen. Cohenour asked about Common Core standards.
03:01:48 Rep. Lamm asked for a copy of the national chart, as well as for a comparison of the test results produced by those 11th-graders who took Smarter Balanced test vs. those who took ACT in 2015.
03:02:32 Rep. Price asked about students with disabilities with respect to the Smarter Balanced test.
03:03:36 Rep. Woods asked whether the state reduced the payment to Measured Progress due to the difficulties in rolling this out.
03:05:10 Sen. Arntzen asked Ms. Quinlan to elaborate on Montana's contract with Measured Progress and possible obligations to the American Institute of Research. Sen. Arntzen also asked whether teachers have been interviewed for singling out potential issues, as well as whether any changes have been implemented since last year with respect to the testing.

Negotiated Rulemaking Committees and Accreditation Standards

03:11:15 Ms. Quinlan [\(Exhibit 9\)](#)

Committee Questions of Ms. Quinlan

- 03:17:13 Rep. Lamm asked about the ways in which OPI provides notices to the public about the rulemaking process.
- 03:18:28 Sen. Arntzen asked about responsiveness of districts and ways in which OPI engages those districts.

Additional Reports and Updates

- 03:20:32 Ms. Quinlan reported on the work done with regards to SB 410.

Public Comment

- 03:22:44 Tera Walker Lyons spoke in support of the sexual abuse prevention education. [\(Exhibit 10\)](#)

FEDERAL EVERY STUDENT SUCCEEDS ACT (ESSA) SUMMARY

- 03:31:25 Benjamin Schaefer, Education Policy Specialist, National Conference of State Legislature (via phone) [\(Exhibit 11\)](#)

LUNCH (reconvened at 1:00 p.m.)

SCHOOL FUNDING INTERIM COMMISSION UPDATE

- 05:00:46 Pad McCracken, Staff Research Analyst

Committee Discussion

- 05:04:58 Sen. Arntzen recommended to include looking at appropriate mechanisms through the teachers' retirement system and loan forgiveness with respect to recruitment and retention of teachers as a topic for study for this committee.
- 05:05:55 Rep. Jones, with no objections from the committee members, announced that this committee will take on the topic of transportation.
- 05:06:32 Mr. McCracken clarified that with respect to transportation, the committee will use the 2013 Audit Report as the starting point in its investigation.
- 05:06:49 Ms. Kurtz, in reply to an earlier information request, distributed Performance Audit and Performance Audit Follow-up 14SP-21 on School Transportation Funding and Safety to the commission members. [\(Exhibit 12\)](#) [\(Exhibit 13\)](#)

HJR 26 YOUTH CONCUSSION STUDY

Traumatic Brain Injury Advisory Council Report, Proposals – Angie Wathan, Chair, TBI Advisory Council

- 05:07:25 Ms. Wathan [\(Exhibit 14\)](#)

Committee Questions of Ms. Wathan

- 05:15:31 Sen. Moe asked to explain the two vacancies that the TBI Advisory Council had.
- 05:16:00 Rep. Jones asked whether anybody, who is serving on the committee that Ms. Wathan referred to, is associated with Montana High School Association (MHSA).

**University of Montana Study Update – Dr. Valerie Moody, University of Montana
Department of Health and Human Performance (via phone)**

- 05:16:37 Ms. Kurtz distributed a report on Ms. Moody's behalf. [\(Exhibit 15\)](#)
05:16:59 Mr. McCracken distributed a document containing statutes related to the study
with regards to Ms. Moody's presentation. [\(Exhibit 16\)](#)
05:17:10 Ms. Moody

Committee Questions of Ms. Moody

- 05:25:48 Sen. Moe asked to elaborate on the requirements for completing the training
once a year.
05:26:52 Rep. Funk asked to clarify if the training that is being discussed right now is the
same as the one discussed during the previous ELGIC meeting.
05:28:01 Sen. Arntzen asked about licencing of athletic trainers.
05:30:03 With Rep. Jones' request, Mark Beckman, Montana High School Association,
spoke about the general procedure of the concussion training.
05:35:07 Sen. Moe asked whether there is any discussion among members of the MHSA
with respect to reducing the prevalence of concussion by changing certain types
of kicks, such as onside kicks.
05:36:01 Brian Michelotti, Assistant Director, MHSA, addressed Sen. Moe's question.
05:37:23 Sen. Rosendale asked whether there is any research conducted with regards to
the aggressiveness of contacts and players' protective clothing and equipment.

Public Comment on HJR 26 Study

- 05:39:10 Ariana Del Negro, Member of the Board of Directors, Brain Injury Alliance of
Montana [\(Exhibit 17\)](#)

Committee Discussion on Further Study of HJR 26

- 05:45:13 Sen. Cohenour and other committee members discussed issues associated with
HJR 26 and gave staff instructions for information requests.
05:46:24 Sen. Moe
05:47:03 Rep. Jones
05:47:58 Rep. Funk
05:49:42 Mr. McCracken
05:50:22 Sen. Cohenour
05:50:55 Sen. Moe
05:51:28 Sen. Rosendale
05:51:57 Mr. McCracken
05:52:39 Sen. Rosendale
05:52:56 Sen. Arntzen

MONTANA UNIVERSITY SYSTEM MONITORING

**Research Initiative Projects – Janelle Booth, Research Director, Montana University
System**

- 05:55:45 Ms. Booth
05:57:54 Jessica Windy Boy, Project Researcher, MSU Northern
06:05:34 David Hutchins, Project Researcher, Montana Tech [\(Exhibit 18\)](#)
06:10:59 Matt Queen, Project Researcher, MSU Billings

06:16:09 Ms. Booth

Committee Questions

06:17:38 Sen. Rosendale asked about monetary return back to the university or the state as a result of the implementation of projects presented by the researchers.

06:18:56 Sen. Vance asked if *camelina* that Ms. Windy Boy discussed could be a replacement for regular leaded fuel.

Enrollment Update – Tyler Trevor, Deputy Commissioner, Office of the Commissioner of Higher Education

06:26:24 Mr. Trevor (**Exhibit 19**)

Committee Questions of Mr. Trevor

06:31:55 Sen. Rosendale asked whether Mr. Trevor's team was able to identify a specific school subject or curriculum that results in the most decrease in enrollment or whether this issue exists across the board.

06:32:00 Mr. Trevor continued his presentation.

Committee Questions of Mr. Trevor

06:38:57 Sen. Moe referred to slide 10 of Exhibit 19 and asked about the percentage drop of students under 18 years of age vs. students between 18 and 24 years of age.

06:39:57 Mr. Trevor continued his presentation.

Committee Questions of Mr. Trevor

06:41:16 Sen. Rosendale asked to confirm about the reason for recruiting out of state.

06:42:08 Sen. Arntzen asked about international student recruitment.

06:44:25 Mr. Trevor continued his presentation.

Committee Questions of Mr. Trevor

06:46:26 Sen. Moe asked about the dramatic increase in dual credit and what it is attributed to.

06:48:06 Rep. Lamm asked about requirements for teaching dual credits.

Performance Funding – Tyler Trevor, Deputy Commissioner, Office of the Commissioner of Higher Education

06:53:01 Mr. Trevor (**Exhibit 20**)

Committee Questions of Mr. Trevor

06:59:14 Rep. Berglee asked if there is information accessible for further details on the subject of performance funding.

07:00:07 Rep. Woods thanked Mr. Christian and Mr. Trevor and reiterated the mission of the university system.

Public Comment on MUS - none

BREAK (Reconvened at 3:20 p.m.)

MEDICAL EDUCATION AND RESIDENCY PROGRAMS

WWAMI Program – Dr. Jay Erickson, WWAMI Clinical Coordinator for Montana

07:22:28 Mr. Erickson ([Exhibit 21](#))

Family Medicine Residency

Dr. Ned Vasquez, Program Director, Family Medicine Residency of Western Montana
Dr. James Guyer, Director, Montana Family Medicine Program at RiverStone Health

07:37:24 Mr. Vasquez ([Exhibit 22](#))

07:46:13 Mr. Guyer

07:53:31 Mr. Vasquez

07:55:14 Mr Guyer

07:59:27 Mr. Vasquez

Committee Questions

08:02:27 Rep. Woods asked Mr. Erickson about the current carrying capacity for third and fourth year clerkships in Montana.

08:06:46 Sen. Arntzen asked about incentives for teaching positions.

08:10:16 Rep. Lamm asked whether the programs for developing residency that the presenters discussed were in Western Montana. Rep. Lamm also asked about cost components for development of a residency program.

08:11:24 Sen. Rosendale asked about the sources of the \$ 4.5 million revenue.

08:16:37 Rep. Jones asked about statistics from page 15 of Exhibit 21.

08:18:57 Sen. Moe asked about CMS reimbursements.

Public Comment

08:24:01 Jean Branscum, CEO, Montana Medical Association

**REVENUE AND TRANSPORTATION INTERIM COMMISSION LOCAL GOVERNMENT
FUNDING STUDY UPDATE**

08:29:40 Ms. Kurtz

Public Comment on Any Matter in ELG's Subject Area Jurisdiction

08:32:15 Kari Zeier, State Director, Concerned Women of America

08:35:17 Kevin Nelson, Billings, MT ([Exhibit 23](#))

Administrative Matters: Next Meeting Discussion

08:42:03 Rep. Jones and the committee members discussed next meeting date. The committee decided to have the next meeting on April 6 and 7, 2016.

ADJOURNMENT

08:47:11 With no further business before the committee, Rep. Jones adjourned the meeting at 4:45 p.m.

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