

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act establishing a joint committee on postsecondary education policy and budget; establishing procedures for committee composition, compensation, and powers and duties; amending section 5-5-224, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. Section 1. Joint committee on postsecondary education policy and budget -- appointment and composition -- definitions. (1) There is a joint committee on postsecondary education policy and budget.

(2) The committee is composed of:

(a) two senators appointed by the finance committee on a bipartisan basis;

(b) two senators appointed by the K-12 education and local government interim committee on a bipartisan basis;

(c) two members of the house of representatives, appointed at large by the speaker of the house on a bipartisan basis.

(d) two regents appointed by the presiding officer of the board of regents; and

(e) a representative from the executive branch appointed by the governor.

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

(3)(a) Legislative appointments must be made before final adjournment of a regular session.

(b) All other appointments must be made prior to the first committee meeting following adjournment of a regular session.

(4) As used in [sections 1 through 6], the following definitions apply:

(a) "Committee" means the joint committee on postsecondary education policy and budget.

(b) "University system" means those units listed in 20-25-201.

NEW SECTION. Section 2. Term of office -- vacancies. (1) Legislative appointments to the committee are for 2 years. A legislative member of the committee shall serve until the legislator's term of office is ended.

(2) Appointments of members of the board of regents to the committee are for 2 years or until the expiration of the members' terms on the board of regents, whichever occurs first.

(3) The appointment of an executive branch representative to the committee is for 2 years.

(4)(a) A legislative vacancy occurring during a legislative session or when the legislature is not in session must be filled in the same manner as the original appointment.

(b) All other vacancies must be filled in the same manner as the original appointment.

(c) An appointment to fill a vacancy on the committee under this section is for the unexpired term of the original member.

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

NEW SECTION. Section 3. Officers -- quorum -- meetings. (1)

The committee shall select one of its legislative members as presiding officer and may elect other officers whom it considers necessary.

(2) A simply majority of the committee constitutes a quorum to do business.

(3) The committee shall meet at least quarterly.

NEW SECTION. Section 4. Compensation. (1) Legislative members are entitled to receive compensation and expenses as provided in 5-2-302.

(2) Members appointed by the board of regents are entitled to:

(a) \$50 for each day in which a member is actually and necessarily engaged in the performance of committee duties; and

(b) travel expenses, as provided in 2-18-501 through 2-18-503.

NEW SECTION. Section 5. Staff assistance. The legislative fiscal analyst shall serve as the lead staff in providing assistance to the committee and may request assistance from the legislative services division as needed. The legislative fiscal analyst has the same authority of investigation and examination on behalf of the committee as provided under 5-12-303.

NEW SECTION. Section 6. Powers and duties of committee. (1)

The committee may:

(a) organize and adopt rules to govern its proceedings; and

(b) exercise the investigatory powers of a standing committee

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

under Title 5, chapter 5, part 1.

(2) The committee shall:

(a) adopt, and periodically review, statewide postsecondary policy goals and accountability criteria and measurement standards to assess the success or failure of the university system in meeting the statewide postsecondary policy goals;

(b) review information provided by the board of regents on annual budget allocations, long-range planning, and any other area that the committee considers to have significant educational or fiscal policy impact;

(c) develop mechanisms to ensure strict accountability of all revenue and expenditures of the university system;

(d) 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;

(e) act as a liaison between both the legislative and executive branches and the board of regents;

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

(g) conduct interim studies as assigned.

Section 7. Section 5-5-224, MCA, is amended to read:

"5-5-224. ~~Education~~ K-12 education and local government interim committee. (1) The K-12 education and local government interim committee shall act as a liaison with local governments. The K-12 education and local government interim committee has

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

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; and
- ~~(c) board of regents of higher education; and~~
- ~~(d)(c) 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;~~

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

~~(f) act as a liaison between both the legislative and executive branches and the board of regents;~~

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

~~(h)(a)~~ promote and strengthen local ~~government~~ governments through recognition of the principle that strong communities, with effective, democratic governmental institutions, are one of the best assurances of a strong Montana;

~~(i)(b)~~ bring together representatives of state and local ~~government~~ governments for consideration of common problems;

~~(j)(c)~~ provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;

~~(k)(d)~~ identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;

~~(l)(e)~~ promote concise, consistent, and uniform regulation for local ~~government~~ governments;

~~(m)(f)~~ coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and less competitive fiscal and administrative relationships between and among state and local governments;

~~(n)(g)~~ review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;

~~(o)(h)~~ make recommendations to the legislature, executive branch agencies, and local governing bodies concerning:

(i) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and uniform guidance and

Unofficial Draft Copy

As of: July 1, 2002 (9:43AM)

LC2222

regulations for local ~~government~~ governments;

(ii) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between levels of government;

(iii) methods of coordinating and simplifying competitive practices to achieve more orderly administrative relationships among levels of government; and

(iv) training programs and technical assistance for local government officers and employees that will promote effectiveness and efficiency in local ~~government~~ governments; and

~~(p)~~(i) conduct interim studies as assigned."

{*Internal References to 5-5-224: None.*}

NEW SECTION. Section 8. {standard} Codification instruction.

[Sections 1 through 6] are intended to be codified as an integral part of Title 5, chapter 12, and the provisions of Title 5, chapter 12, apply to [sections 1 through 6].

NEW SECTION. Section 9. {standard} Effective date. [This act]

is effective on passage and approval.

- END -

{Name : Eddy McClure
Title : Staff Attorney
Agency: Legislative Services Division
Phone : 444-3804
E-Mail: emcclure@mt.gov}