



Education and Local Government Interim Committee

63rd Montana Legislature

SENATE MEMBERS

TOM FACEY--Chair
DAVE LEWIS
FREDERICK (ERIC) MOORE
MATTHEW ROSENDALE
SHARON STEWART-PEREGOY
JONATHAN WINDY BOY

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KRISTIN HANSEN
EDITH (EDIE) MCCLAFFERTY
JEAN PRICE
DANIEL SALOMON
TOM WOODS

COMMITTEE STAFF

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
JOY LEWIS, Secretary

MINUTES LOG

Education and Local Government Interim Committee June 17, 2014 Room 137, State Capitol

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This 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 summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. TOM FACEY, Chair
REP. DONALD JONES, Vice Chair

SEN. DAVE LEWIS
SEN. FREDERICK (ERIC) MOORE
SEN. MATTHEW ROSENDALE

REP. KRISTIN HANSEN
REP. EDITH (EDIE) MCCLAFFERTY
REP. DANIEL SALOMON

COMMITTEE MEMBERS EXCUSED

REP. JEAN PRICE
REP. TOM WOODS
SEN. SHARON STEWART- PEREGOY

COMMITTEE MEMBERS ABSENT

SEN. JONATHAN WINDY BOY

STAFF PRESENT

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
JOY LEWIS, Secretary

AGENDA & VISITORS' LIST

Agenda, ([Attachment 1](#)).
Visitors' list, ([Attachment 2](#)).

COMMITTEE ACTION - There was no committee action.

CALL TO ORDER AND ROLL CALL

00:00:06 Sen. Facey, chair, called the meeting to order. The secretary took the roll.
([Attachment 3](#)) Sen. Facey reviewed the agenda.

2017 Biennium Budget timeline - Pad McCracken, ELG staff

00:02:25 Mr. McCracken gave an overview of the executive planning process and
the biennium budget timelines.
00:06:45 Sen. Facey

Administrative Rule Review - Laura Sankey, staff attorney

00:07:08 Ms. Sankey gave an overview of the rule review. ([Exhibit 1](#))

Questions from committee

00:08:28 Sen. Facey
00:08:35 Rep. Hansen
00:08:54 Ms. Sankey
00:09:22 Rep. Hansen
00:09:33 Ms. Sankey

Board of Public Education

Pete Donovan, Executive Director, BPEBPE updates - bus driver qualifications; HJR 14 financial literacy

00:09:57 Mr. Donovan, gave an update on two sets of administrative rules currently
being reviewed. The first was Chapter 57, the teacher, administrator and
specialist licensure rules, and the second was the professional educator
preparation program standards.
00:12:53 Rep. Hansen
00:13:04 Mr. Donovan

00:14:00 Rep. Hansen - Mr. Donovan
00:15:59 Mr. Donovan continued his presentation updating the committee on HJR14 that came before the Board urging them to adopt a new graduation requirement for financial literacy.

Questions from the committee/discussion

00:23:15 Rep. Hansen
00:26:50 Mr. Donovan
00:27:44 Sen. Facey
00:28:12 Mr. Donovan

Public Comment

00:28:39 Debra Lamm talked about how the process for public comment seems so limiting at the Board of Public Education meetings because the public is limited to three minutes and there is never any dialogue between the people commenting and the Board. She also explained that she can't get any information on meeting times from OPI.
00:30:24 Sen. Facey

Report on Governor's Pre-K Proposal

Shannon O'Brien and Siri Smillie, Governor's Office

00:30:46 Ms. O'Brien gave an update on the Governor's pre-k proposal. She reviewed the benefits of the proposed program and she addressed the costs. She submitted written testimony to the committee. **(Exhibit 2)**
00:42:55 Ms. Smillie talked about the costs and benefits of the program and discussed the pre-school programs from other states. She talked about school districts in Montana that are offering pre-school programs.
00:48:04 Ms. O'Brien discussed the Governor's program pillars and the proposal he will submit during the 2015 Legislative session and explained that the details will be presented in the budget.

Questions from the committee/discussion

00:50:49 Sen. Lewis - Ms. Smillie
00:53:30 Sen. Rosendale - Ms. O'Brien
00:55:59 Sen. Moore - Ms. O'Brien
00:58:41 Sen. Rosendale - Ms. O'Brien
00:59:15 Sen. Facey
00:59:22 Ms. O'Brien
01:00:28 Rep. Jones - Ms. O'Brien
01:03:06 Ms. Smillie
01:04:23 Ms. O'Brien
01:05:04 Rep. Hansen
01:07:21 Ms. Smillie

01:08:52 Rep. Hansen - Ms. O'Brien
01:17:10 Sen. Moore
01:19:39 Sen. Lewis - Ms. Smillie
01:20:30 Sen. Rosendale
01:20:45 Ms. O'Brien
01:20:54 Sen. Rosendale - Ms. Smillie
01:22:39 Sen. Moore - Ms. O'Brien
01:24:02 Rep. Jones - Ms Smillie - Ms. O'Brien
01:27:09 Rep. Salomon
01:28:13 Ms. O'Brien
01:28:38 Rep. Hansen - Ms. Smillie
01:29:46 Mr. McCracken
01:29:58 Rep. McClafferty
01:30:32 Ms. O'Brien

01:31:49 **BREAK** 10:04 p.m.

Sen. Facey reconvened the meeting at 10:21 p.m.

01:46:40 Sen. Facey asked for public comment on the last agenda item.

Public Comment

01:47:08 Debra Lamm had a few concerns about the concept of "work force" training four year olds and she encouraged the committee to step back and look at this. Children need a good education not job training. She also voiced concerns with the money proposed for the "Race to the Top" application.

01:49:30 Jackie Semmens, Montana Budget and Policy Center, thanked the Governor for his attention on the early childhood issue. She expressed support for the proposal citing the benefits to single moms, low income families and existing programs looking to expand their services. She submitted written testimony to the committee. [\(Exhibit 3\)](#)

01:51:16 Lavonna Robinson, a parent from Billings, said she had called the Governor's office, BPE and OPI and has not had any of those calls returned. She was encouraged to hear that the Governor's office is open to dialogue and that parents are number one in the early childhood years. She feels that advocating for families is where we need to start rather than proposing some universal pre-k program. She doesn't believe "at-risk" and "living in poverty" mean the same thing.

01:55:00 Rachel Harp, a parent from Billings, believes it is their right to raise and train their children. She wanted to know if the "optional" service will become a "required" one in the future. She commented on the Governor's publication having no resources named to back up the research and she wanted to know why an opposing view was not presented as well.

01:56:18 Rep. Hansen said she believes the booklet resources need to be updated

01:57:24 and properly linked to the research.
Sen. Facey

Local government impacts and mitigation in oil and gas development areas

Update on impacts and mitigation efforts:

Alec Hansen, Executive Director, Montana League of Cities and Towns.

Harold Blattie, Executive Director, Montana Association of Counties.

Meg O'Leary, Director, Dept. of Commerce, Overview of Governor's proposal for Eastern Montana Impact and Infrastructure Project.

Cathy Duncan, Legislative Fiscal Division, Update on LFC discussions regarding local government infrastructure.

01:57:53 Pad McCracken gave an update on the panel speaking order.

01:59:00 Mr. Hansen talked about tax structures and how small towns in Eastern Montana are totally unprepared to provide proper services with the major influx of oil workers. He submitted written testimony to the committee. [\(Exhibit 4\)](#) [\(Exhibit 5\)](#) [\(Exhibit 6\)](#)

02:08:37 Sen. Facey

02:08:51 Mr. Blattie addressed tax allocation and explained how it works. He commented on the tasks ahead for the next legislature concerning defining policy and impacted area, and quantifying objectives. He said they will need to consider infrastructure or other softer needs like the police force. He talked about and compared revenues between the counties. He submitted written testimony to the committee. [\(Exhibit 7\)](#)

02:17:01 Rep. Hansen

02:17:52 Mr. Blattie

02:18:18 Rep. Hansen

02:18:32 Mr. Blattie continued his presentation

02:24:09 Sen. Moore

02:24:31 Mr. Blattie

02:24:56 Dir. O'Leary gave an overview of the Governor's Eastern Montana infrastructure impact program. She explained that based on what they heard from various communities, water and waste water is where they will get the biggest bang for their buck. There are three components to the program: a bonding component of 45 million dollars that will be used for distributing grants, immediate reduction of an interest rate in revolving loan programs, rapid response team placements and using the expertise of professionals in the appropriate fields. She submitted written testimony to the committee. [\(Exhibit 8\)](#)

02:32:51 Sen. Facey

02:33:14 Cathy Duncan, Legislative Fiscal Division, gave an update on the Legislative Finance Committee report regarding economically impacted local government infrastructure definitions. She submitted written testimony to the committee. [\(Exhibit 9\)](#)

02:49:33 Sen. Facey

Public comment

02:49:58 Gary MacDonald, Roosevelt County Commissioner, talked about the terrific impact on their roads due to the increased big truck traffic. He talked about the increased law enforcement issues they are trying to deal with. They need a new jail because they have outlived their old one and don't comply with ADA regulations. He submitted written testimony to the committee. [\(Exhibit 10\)](#) [\(Exhibit 11\)](#) [\(Exhibit 12\)](#)

Questions from the committee/discussion

02:57:49 Rep. McClafferty asked Mr. MacDonald about a ballot issue outcome.
02:58:23 Mr. MacDonald said that the bond issue passed with a 35% voter turnout. They needed a 60% majority of voters and they only got a 58% majority. They will bring it back in the November election because it's a safety issue for the staff.
02:59:29 Sen. Rosendale - Ms. Duncan
03:00:13 Sen. Facey
03:00:28 Rep. Hansen - Mr. Hansen
03:08:01 Rep. Hansen - Mr. Blattie
03:11:31 Sen. Facey
03:11:57 Sen. Rosendale
03:12:28 Rep. Hansen - Mr. Blattie
03:17:48 Mr. Hansen
03:19:36 Ms. Stephanie Morrison, Revenue Analyst for the Legislative Fiscal Division, gave an update on projected general fund ending balances for the 2015 biennium. She submitted written testimony to the committee. [\(Exhibit 13\)](#)
03:22:09 Sen. Facey
03:22:16 Sen. Rosendale
03:24:56 Ms. O'Leary
03:26:06 Sen. Moore - Ms. O'Leary
03:29:33 Rep. Hansen - Ms. O'Leary - Kelly Lynch
03:33:03 Sen. Rosendale - Ms. O'Leary
03:34:47 Sen. Facey

Local Incident Management support and proposal for 10-3-310, MCA

**Cpt. Patrick Lonergan, Bozeman Fire Department
Chief Rich Cowger, Columbus Fire and Rescue and Chairman, Montana
State Fire Chiefs Association**

03:36:05 Chief Rich Cowger, talked about the local incident management program. He said that the funding mechanism for wildfire management was

excellent but there was no funding mechanism in place for "all hazards" incident management teams. He emphasized trying to take care of incidents on a local level with as much local management as possible.

(Exhibit 14)

03:43:43 Cpt. Patrick Lonergan, gave an overview of the creation of statewide incident management teams. He talked about how they front load an incident other than fire and described the process and their proposal to broaden the current statute to allow the Governor by "executive order" to kick start an incident management process.

Public Comment

There was none

Questions from the committee/discussion

03:49:25 Sen. Facey
03:49:40 Sen. Rosendale
03:50:08 Chief Cowger
03:51:11 Rep. Salomon - Cpt. Lonergan
03:54:55 Sen. Facey
03:56:17 Mr. Blattie
03:57:22 Sen. Rosendale
03:58:15 Cpt. Lonergan
04:00:00 Chief Cowger
04:02:59 Sen. Facey

04:04:16 **Lunch** at 12:37 p.m.

05:08:24 Sen. Facey reconvened the meeting at 1:40 p.m.

Review of HJR 2 bill drafts - Pad McCracken and Laura Sankey

Review bill draft LC MHSC (MHS digital archives consultant)

05:09:39 Mr. McCracken gave an overview of bill draft LC MHSC (Montana Historical Society digital archives consultant) **(Exhibit 15)**
05:13:33 Rep. Hansen
05:13:39 Mr. McCracken
05:14:04 Rep. Hansen
05:14:16 Jodie Foley, Montana State Archivist, explained the three phases of the proposed project. She submitted written testimony to the committee.
(Exhibit 16)
05:20:20 Sen. Lewis - Ms. Foley
05:21:13 Sen. Facey
05:21:30 Sen. Lewis
05:22:11 Mr. McCracken

05:22:50 Sen. Facey

Public comment

05:22:59 Bruce Wittenburg, Director, Montana Historical Society, thanked the HJR2 work group and in particular Jodie Foley and her colleagues. The MHS supports recommendation 6.1 and bill draft LC MHSC. They believe this is good for record keeping management, and for efficient and transparent government operation.

05:24:17 Rep. Jones - Mr. Wittenberg

Committee discussion - would the committee like to make any changes to current bill draft? If so, provide staff direction.

05:25:33 Sen. Facey

05:26:55 Rep. McClafferty - Ms. Foley

05:28:30 Sen. Facey

05:29:11 Rep. Jones

05:30:08 Sen. Facey

Review bill draft LC OptC (Public records law reorganization)

05:31:06 Mr. McCracken began the review of LC OptC (Public records law management) ([Exhibit 17](#))

05:31:57 Ms. Sankey provided an overview of all the sections of the draft. ([Exhibit 18](#))

05:38:56 Rep. Hansen - Ms. Sankey

05:49:56 Rep. Hansen

05:53:17 Ms. Sankey

05:54:02 Rep. Hansen

05:55:34 Ms. Sankey

05:56:28 Sen. Facey

05:56:42 Rep. Hansen - Ms. Sankey

05:59:49 Mr. McCracken reviewed sections 3-5. ([Exhibit 17](#))

06:04:52 Rep. Hansen

06:05:10 Mr. McCracken

06:06:48 Rep. Jones - Mr. McCracken

06:09:59 Rep. Jones

06:10:05 Sen. Lewis

06:10:39 Rep. Jones

06:10:49 Mr. McCracken

06:12:12 Sen. Rosendale

06:12:44 Rep. Salomon

06:13:27 Mr. McCracken

06:15:06 Sen. Facey

06:15:19 Rep. Hansen - Mr. McCracken

06:21:08 Rep. Hansen
06:24:40 Sen. Rosendale
06:25:26 Mr. McCracken
06:26:12 Rep. Hansen - Mr. McCracken
06:29:28 Ms. Sankey
06:29:42 Mr. McCracken reviewed section 5.
06:30:55 Sen. Rosendale - Mr. McCracken
06:32:22 Rep. Hansen
06:33:09 Ms. Sankey
06:33:37 Mr. McCracken
06:33:55 Rep. Jones
06:34:24 Mr. McCracken
06:34:36 Sen. Rosendale
06:35:01 Mr. McCracken
06:35:11 Sen. Foley
06:35:36 Mr. McCracken
06:35:41 Ms. Sankey reviewed sections 6-10.
06:37:39 Rep. Hansen - Ms. Sankey
06:38:57 Rep. Hansen
06:39:07 Sen. Facey
06:39:29 Ms. Sankey reviewed section 9.
06:41:55 Rep. Hansen - Ms. Sankey
06:45:07 Ms. Sankey
06:46:00 Ms. Foley
06:47:00 Rep. Hansen
06:47:04 Ms. Foley
06:47:39 Rep. Hansen - Mr. McCracken
06:49:16 Ms. Sankey
06:51:25 Mr. McCracken reviewed sections 11 and 12.
06:53:52 Sen. Rosendale - Mr. McCracken
06:55:16 Sen. Facey
06:55:52 Mr. McCracken
06:56:20 Rep. Hansen
06:56:47 Mr. McCracken
06:56:59 Ms. Sankey reviewed section 13.
06:59:49 Sen. Facey - Ms. Foley
07:00:18 Rep. Hansen - Ms. Sankey
07:01:56 Ms. Sankey reviewed section 14.
07:03:06 Mr. McCracken reviewed sections 15, 16 and 17.
07:04:50 Sen. Rosendale - Mr. McCracken
07:05:47 Ms. Sankey reviewed sections 18 - 21.
07:07:50 Rep. Hansen
07:08:40 Ms. Sankey
07:09:24 Sen. Facey - Mr. McCracken
07:12:49 Sen. Facey

Public comment

- 07:13:16 Lucy Richards, DNRC, said that DNRC has been involved with the HJ 2 work group since last Fall and she thanked the staff for all the great work they have contributed. She said that DNRC continues to support the work of ELG and coming up with solutions to more effectively manage information.
- 07:14:20 Sen. Facey
- 07:14:57 Shantil Siaperas, Montana Association of Counties, thanked the staff for all their work.

Committee discussion - would the committee like to make any changes to current bill draft? If so, provide staff direction.

- 07:15:32 Rep. Hansen
- 07:16:48 Mr. McCracken
- 07:17:12 Sen. Facey

Public comment and committee discussion of any additional/emerging issues within ELG's jurisdiction

- 07:18:24 Debra Lamm, reminded the committee that last June she had asked the agencies involved if they would be working with the public and the users of the electronic information to determine what kinds of information they would want and how that would look as they are putting that into electronic form so that it would be easily assessable by the public. She said that she hoped that had occurred. She also expressed concern about how safe cloud computing was because there was some inherent risks with it.

Review of September 15-16 agenda; instructions to staff

- 07:19:23 Sen. Facey talked about the next meeting and the agenda.
- 07:20:18 Mr. McCracken summarized the next meeting agenda items.
- 07:22:14 Rep. Hansen
- 07:22:22 Mr. McCracken
- 07:22:45 Rep. Hansen

Adjourn

- 07:23:13 Sen. Facey adjourned meeting at 3:56 p.m.