

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN ROYAL C. JOHNSON, on January 29, 1997, at 8:08 am, in room 312-2 at the State Capitol.

ROLL CALL

Members Present:

Rep. Royal C. Johnson, Chairman (R)
Sen. Daryl Toews, Vice-Chairman (R)
Rep. Don Holland (R)
Sen. Greg Jergeson (D)
Sen. Ken Miller (R)
Rep. Ray Peck (D)

Members Excused: None

Members Absent: None

Staff Present: Bob Tallerico, Legislative Fiscal Division
Connie Jacobs, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: State Library and the Office of Public Instruction.

EXECUTIVE ACTION ON THE STATE LIBRARY

Motion: SEN. DARYL TOEWS MOVED TO ADOPT PRESENT LAW ADJUSTMENTS, UNDER STATE LIBRARY OPERATIONS, INCLUDING PERSONAL SERVICES, INFLATION/DEFIATION, FIXED COSTS, EQUIPMENT REPLACEMENT, ON-GOING BOOK BUDGET, GRANTS INCREASE, LIBRARY AUTOMATION (ITEMS 1, 2, 3, 4, 5, 6, 7) AND OTHER BASE ADJUSTMENTS ON PAGE E-46.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 5.4; Comments: .}

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Motion: SEN. TOEWS MOVED TO ADOPT NEW PROPOSAL ITEM NUMBER 1, STATE LIBRARY OPERATIONS COAL SEVERANCE TAX AUTHORITY ON PAGE E-48, AS WELL AS THE LANGUAGE IN THE SECOND PARAGRAPH ON PAGE E-49 WHICH WOULD ENSURE ONE-TIME APPROPRIATION ONLY: "... THEREFORE, IF IT IS THE LEGISLATURE'S DESIRE TO APPROPRIATE THESE FUNDS, THE LEGISLATURE MAY WISH TO CONSIDER MAKING THIS A ONE-TIME-ONLY APPROPRIATION".

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 9.0; Comments: .}

Motion: SEN. GREG JERGESON MOVED TO APPROVE STATE LIBRARY OPERATIONS NATURAL RESOURCES SHARED LIBRARIAN, ITEM NUMBER 2 UNDER NEW PROPOSALS ON PAGE E-48.

Vote: THE MOTION FAILED, 3-3.

{Tape: 1; Side: A; Approx. Time Count: 14.3; Comments: .}

Motion: REP. RAY PECK MOVED TO ADOPT STATE LIBRARY OPERATIONS CIRCULATION UPGRADE/TBL (ITEM NUMBER 3), UNDER NEW PROPOSALS ON PAGE E-48.

Vote: THE MOTION FAILED, 3-3.

{Tape: 1; Side: A; Approx. Time Count: 18.; Comments: .}

Motion: REP. PECK MOVED TO ADOPT THE EXECUTIVE LANGUAGE RECOMMENDATION ON PAGE E-50; "ITEM [STATE LIBRARY OPERATIONS] INCLUDES BIENNIAL APPROPRIATIONS OF 251,138 GENERAL FUND AND 1,160,000 FEDERAL FUNDS FOR GRANTS TO LOCAL LIBRARIES".

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 20; Comments: .}

Discussion on the Natural Resources Information System budget.
{Tape: 1; Side: A; Approx. Time Count: 20-33; Comments: .}

Motion: SEN. TOEWS MOVED TO ACCEPT NATURAL RESOURCE INFORMATION SYSTEM PRESENT LAW ADJUSTMENTS TOTALING 422,978 IN FY 1998 AND 214,157 IN FY 1999 ON PAGE E-52.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 33-36; Comments: .}

Motion: REP. DON HOLLAND MOVED TO ADOPT THE EXECUTIVE LANGUAGE RECOMMENDATION AT THE BOTTOM OF PAGE E-54, "ITEM [NRIS PROGRAM] IS A BIENNIAL APPROPRIATION".

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 37-39; Comments: .}

{Tape: 1; Side: B; Approx. Time Count: 1-2; Comments: .}

Motion: REP. HOLLAND MOVED TO ADOPT THE EXECUTIVE LANGUAGE RECOMMENDATION "ITEM [NRIS] INCLUDES 500,000 FOR LEGISLATIVE CONTRACT AUTHORITY, SUBJECT TO THE FOLLOWING PROVISIONS:

1) LEGISLATIVE CONTRACT AUTHORITY APPLIES ONLY TO STATE SPECIAL FUNDS RECEIVED FROM THE MONTANA UNIVERSITY SYSTEM, FEDERAL FUNDS, AND PRIVATE FUNDS.

2) LEGISLATIVE CONTRACT AUTHORITY EXPENDITURES MUST BE REPORTED ON STATE ACCOUNTING RECORDS. THE RECORDS MUST BE SEPARATE FROM PRESENT LAW OPERATIONS.

3) A REPORT MUST BE SUBMITTED BY THE MONTANA STATE LIBRARY COMMISSION TO THE LEGISLATIVE FISCAL DIVISION FOLLOWING THE END OF EACH FISCAL YEAR OF THE BIENNIAL. THE REPORT MUST INCLUDE A LISTING OF PROJECTS WITH THE RELATED AMOUNT OF EXPENDITURES FOR EACH PROJECT", ON PAGES E-54 AND E-55.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 1-2.5; Comments: .}

Motion: REP. PECK MOVED TO ADOPT EXECUTIVE LANGUAGE; "THE APPROPRIATION PROVIDED FOR THE NATURAL RESOURCES INFORMATION SERVICES PROGRAM IS CONTINGENT UPON FUNDS BEING USED TO ATTEMPT TO ACHIEVE PROGRAM PERFORMANCE TARGETS AS OUTLINED IN THE EXECUTIVE BUDGET FOR THE 1999 BIENNIAL. THE DEPARTMENT SHALL PROVIDE SEMIANNUAL REPORTS TO THE OFFICE OF BUDGET PROGRAM PLANNING AND THE LEGISLATIVE FISCAL DIVISION ON PROGRESS TOWARDS ACHIEVEMENT OF THESE PERFORMANCE TARGETS WITH EXPLANATIONS FOR ANY SIGNIFICANT VARIANCES", ON PAGE E-53.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 3.0; Comments: .}

EXECUTIVE ACTION ON THE OFFICE OF PUBLIC INSTRUCTION

Motion: SEN. TOEWS MOVED TO ADOPT PRESENT LAW ADJUSTMENTS FOR OFFICE OF PUBLIC INSTRUCTION ADMINISTRATION INCLUDING PERSONAL SERVICES, INFLATION/DEFLATION, FIXED COSTS, BUILDING EXPANSION, MAEFAIRS SYSTEM MAINTENANCE, AIDS GRANTS AND CONTRACTS, MOTORCYCLE SAFETY BASE ADJUSTMENT, AUDIOLOGY CONTRACTS, FEDERAL SPECIAL ED CONTRACTS, FEDERAL FUNDING INCREASES (ITEMS NUMBERS 1, 2, 3, 5, 6, 7, 8, 9, 10 AND 11) AND OTHER BASE ADJUSTMENTS ON PAGE E-7 (SEN. TOEWS WITHHELD ITEM NUMBER 4 FROM THIS MOTION).

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 12-17; Comments: .}

Motion: SEN. GREG JERGESON MOVED THAT ITEM NUMBER 4, PRESENT LAW ADJUSTMENTS FOR OFFICE OF PUBLIC INSTRUCTION ADMINISTRATION EQUIPMENT, ON PAGE E-7 BE APPROVED.

Vote: THE MOTION FAILED, 2-4.

{Tape: 1 ; Side: B ; Approx. Time Count: 17-18 ; Comments: . }

Motion: SEN. TOEWS MOVED TO ADOPT A TOTAL OF 42,000 EACH FISCAL YEAR FOR EQUIPMENT (ITEM NUMBER 4) PRESENT LAW ADJUSTMENTS, OFFICE OF PUBLIC INSTRUCTION ADMINISTRATION ON PAGE E-7.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 18; Comments: . }

Motion: SEN. TOEWS MOVED TO ADOPT NEW PROPOSAL NUMBER 1 (IMPROVING SCHOOLS - Pbb), BUT WITH A TOTAL OF 50,000 FOR FY 98 AND FY 99, WITHOUT ADDRESSING THE NUMBER OF FTE'S, PAGE E-10.

Substitute Motion: REP. PECK MOVED TO ADOPT NEW PROPOSAL ITEM NUMBER 1 IN AS STATED, PAGE E-10.

Vote: THE MOTION FAILED, 2-4.

{Tape: 1; Side: B; Approx. Time Count: 30-37; Comments: . }

{Tape: 2; Side: A; Approx. Time Count: 1-8; Comments: . }

Motion: SEN. TOEWS OFFERED HIS ORIGINAL MOTION.

Substitute Motion: SEN. JERGESON MOVED TO ADOPT NEW PROPOSAL NUMBER 1, FUNDED AT 50 PERCENT OF 798,188 FOR FY98 AND 50 PERCENT OF 819,305 FOR FY 99, ON PAGE E-10.

Vote: THE MOTION FAILED 2-4.

{Tape: 2; Side: A; Approx. Time Count: 12 }

Motion: SEN. TOEWS OFFERED HIS ORIGINAL MOTION.

Vote: THE MOTION FAILED, 3-3.

{Tape: 2; Side: A; Approx. Time Count: 12-14; Comments: . }

Motion: REP. PECK MOVED TO ADOPT OFFICE OF PUBLIC INSTRUCTION ADMINISTRATION NEW PROPOSALS GRANTS, IDEA TRANSITION, TITLE 1 SCHOOL IMPROVEMENT, MIGRANT EDUCATION SAE, (ITEMS 2, 3, 4, AND 5) ON PAGE E-10.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 2; Side: A; Approx. Time Count: 14-15; Comments: . }

Motion: REP. PECK MOVED TO APPROVE THE RATES IN THE TABLE ON PAGE G-134 (SCHEDULE 2 - WORKING CAPITAL ANALYSIS FOR 1999

BIENNIAL RATES AND FIXED COSTS) FOR THE OFFICE OF PUBLIC INSTRUCTION.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 2; Side: A; Approx. Time Count: 15-22; Comments: .}

Motion: SEN. JERGESON MOVED TO APPROVE PRESENT LAW ADJUSTMENTS INCLUDING PERSONAL SERVICES, INFLATION/DEFLATION, FIXED COSTS, K-12, RETIREMENT GTB, SCHOOL TRANSPORTATION, PROPERTY REAPPRAISAL EFFECTS, FEDERAL FUNDING INCREASES (ITEMS 1, 2, 3, 4, 5, 6, 8, AND 9) AND OTHER BASE ADJUSTMENTS IN THE PRESENT LAW ADJUSTMENTS FOR DISTRIBUTION TO PUBLIC SCHOOLS ON PAGE E-14. ITEM NUMBER 7 WAS NOT INCLUDED IN THIS MOTION.

EXHIBIT A (Mr. Nichols)

{Tape: 2; Side: A; Approx. Time Count: 23-40; Comments: .}

{Tape: 2; Side: B; Approx. Time Count: 1-5; Comments: .}

Discussion regarding distribution to public schools present law adjustments, item number 7 on page E-14, continued for approximately 30 minutes, during and after SEN. JERGESON'S motion.

{Tape: 2; Side: B; Approx. Time Count: 6-31; Comments: .}

Vote: THE MOTION PASSED UNANIMOUSLY.

Motion: SEN. JERGESON MOVED TO ADOPT SCHOOL FACILITY REIMBURSEMENTS (ITEM NUMBER 7) PRESENT LAW ADJUSTMENTS, DISTRIBUTION TO PUBLIC SCHOOLS, ON PAGE E-14.

Vote: THE MOTION PASSED 5-1.

{Tape: 2; Side: B; Approx. Time Count: 36-40; Comments: .}

EXHIBIT B (CHAIRMAN JOHNSON)

No executive action was taken on executive budget new proposal items number one and two, page E-16.

{Tape: 3; Side: A; Approx. Time Count: 1-12; Comments: .}

Motion: SEN. JERGESON MOVED TO ADOPT OFFICE OF PUBLIC INSTRUCTION EXECUTIVE BUDGET NEW PROPOSALS INCLUDING MIGRANT EDUCATION LEA, GRANTS, TIMBER HARVEST FOR TECHNOLOGY (ITEMS 3, 4, AND 5) ON PAGE E-16.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 3; Side: A; Approx. Time Count: 12-15; Comments: .}

Discussion regarding the timber harvest for technology executive language recommendation.

{Tape: 3; Side: A; Approx. Time Count: 14-16; Comments: .}

Motion: REP. DON HOLLAND MOVED TO ADOPT THE EXECUTIVE LANGUAGE RECOMMENDATION "ITEM [TIMBER HARVEST FOR TECHNOLOGY] IS FOR SCHOOL TECHNOLOGY AS PROVIDED IN 20-9-534, MCA. THE AMOUNT EXPENDED MAY NOT EXCEED THE AMOUNT PAID INTO THE GENERAL FUND UNDER THE PROVISIONS OF 20-9-343(3)(a)(ii), MCA", AT THE BOTTOM OF PAGE E-19.

Vote: THE MOTION PASSED UNANIMOUSLY.

{Tape: 3; Side: A; Approx. Time Count: 16-18.5; Comments: .}

EXHIBIT C (Mr. Tallerico)

NOTE: The following executive actions pertain to EXHIBIT C (HB 2 proposed language), handed out by **Mr. Bob Tallerico, Legislative Fiscal Analyst**, and are referred to as number one through five.

Motion: REP. PECK MOVED TO ADOPT THE LANGUAGE IN ITEM NUMBER ONE, EXHIBIT C; "THE OFFICE OF PUBLIC INSTRUCTION MAY DISTRIBUTE AMOUNTS REQUIRED FROM THE APPROPRIATION IN ITEM [IN-STATE TREATMENT] TO PUBLIC SCHOOL DISTRICTS FOR THE PURPOSE OF PROVIDING EDUCATION COSTS IN DAY-TREATMENT SERVICES".

Vote: THE MOTION PASSED UNANIMOUSLY.

Motion: SEN. JERGESON MOVED TO ADOPT THE LANGUAGE IN ITEM NUMBER TWO, EXHIBIT C; "ITEMS [K-12 BASE AID, IN-STATE RESIDENTIAL SERVICES, ADULT BASIC EDUCATION, GIFTED AND TALENTED, SPECIAL EDUCATION, AND SCHOOL DISTRICT FEDERAL AID] ARE BIENNIAL APPROPRIATIONS".

Vote: THE MOTION PASSED UNANIMOUSLY.

No executive action was taken on **item number three** (school improvement performance based budget proposal). **Item number four** (timber harvest for technology) was addressed earlier in the day.

Motion: REP. PECK MOVED TO ADOPT THE LANGUAGE IN ITEM NUMBER FIVE "ITEM [UNEXPENDED SPECIAL EDUCATION] IS TO ALLOW THE OFFICE OF PUBLIC INSTRUCTION TO EXPEND NO MORE THAN THE UNEXPENDED GENERAL FUND APPROPRIATION FOR SPECIAL EDUCATION IN FISCAL YEAR 1997".

Vote: THE MOTION PASSED UNANIMOUSLY.

-----END EXECUTIVE ACTION ON EXHIBIT C-----

{Tape: 3; Side: A; Approx. Time Count: 18-30; Comments: .}

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Discussion regarding item number five, exhibit C, continued throughout the executive actions listed above.

EXHIBIT D (Vo Ed info)

EXHIBIT E (Commissioner Dick Crofts, info requested during a previous hearing.)

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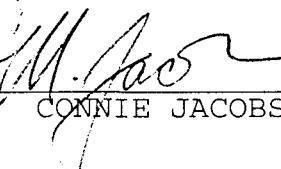
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ADJOURNMENT

Adjournment: This meeting was adjourned at 12:04 pm.



REP ROYAL C. JOHNSON, Chairman



CONNIE JACOBS, Secretary

RCJ/cj

Note: This meeting was recorded on three (3) 90 minute tapes.