

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

#### JOINT SUBCOMMITTEE ON EDUCATION

**Call to Order:** By CHAIRMAN ROYAL C. JOHNSON, on February 17, 1997, at 9:04 AM, in room 104 of 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:** Sandy Whitney, Legislative Fiscal Division  
Bob Tallerico, Legislative Fiscal Division  
Connie Jacobs, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: None  
Executive Action: Office of Public Instruction,  
State Library - Montana  
Natural Heritage Program.

#### EXECUTIVE ACTION ON THE OFFICE OF PUBLIC INSTRUCTION

Mr. Bob Tallerico, Legislative Fiscal Analyst, presented the language which would remove funding of the School Facility Reimbursement from HB2 and place the funds in the "Today and Tomorrow" Bill.

EXHIBIT 1 (Mr. Tallerico)

**Motion:** SEN. DARYL TOEWS MOVED TO "RECONSIDER THE SUBCOMMITTEE'S ACTION ON SCHOOL FACILITY PAYMENTS, TO INCLUDE THE BASE, PRESENT LAW ADJUSTMENT AND THE NEW PROPOSAL", AS PRESENTED ON EXHIBIT 1.

**Vote:** THE MOTION PASSED, 4-2.

**Motion:** SEN. TOEWS MOVED TO "INCLUDE NO FUNDING FOR SCHOOL FACILITY PAYMENTS, WITH LANGUAGE (OR IN NARRATIVE ACCOMPANYING THE BILL) IN HB2 REFERENCING THAT THE UNNUMBERED HB[LC146] INCLUDES FUNDING FOR SCHOOL FACILITY PAYMENTS", AS PRESENTED ON EXHIBIT 1.

Proposed language is as follows:

[THIS ACT] INCLUDES NO FUNDING FOR SCHOOL FACILITY PAYMENTS. THE FUNDING FOR SCHOOL FACILITY PAYMENTS IS INCLUDED IN \_ IN BILL NO. \_ [LC146].

**Vote:** THE MOTION PASSED, 4-2.

**{Tape: 1; Side: A; Approx. Time Count: 1-5; Comments: .}**

#### EXECUTIVE ACTION ON THE OFFICE OF PUBLIC INSTRUCTION

Discussion regarding the Vocational Agriculture Education position, its funding and the possible placement of the position at Montana State University (MSU), Bozeman.

REP. DON HOLLAND presented information regarding the Carl Perkins funds and their tie to the Office of Public Instruction (OPI).

**Motion:** REP. HOLLAND MOVED THAT 1/2 FTE OF THE VOCATIONAL AGRICULTURE EDUCATION POSITION FROM THE OFFICE OF PUBLIC INSTRUCTION TO THE MONTANA STATE UNIVERSITY DEPARTMENT OF AGRICULTURE AND DEPARTMENT OF EDUCATION, IN BOZEMAN. ALLOWING \$ 46,756 FOR THE 1/2 FTE; \$ 8,244 FOR OPERATING EXPENSES; \$ 10,000 FOR PERKINS LEADERSHIP WITH AN ADDITIONAL \$ 65,000 FOR THE BIENNIUM WHICH WILL CONTINUE ON A CONTRACT BASIS UNDER THESE ARRANGEMENTS. THE TOTAL AMOUNT APPROPRIATED WILL BE \$ 130,000 DOLLARS AND IS A BIENNIAL APPROPRIATION. THIS LEAVES 1/2 FTE IN THE OFFICE OF PUBLIC INSTRUCTION TO ADMINISTER THE PERKINS FUNDS.

Discussion on the motion.

SEN. GREG JERGESON asked if this would be additional funding for Montana State University, and a reduction of funding for OPI.

REP. HOLLAND responded that the OPI reduction would be the 1/2 FTE plus the operating expenses (55,000 dollars), and 65,000 dollars would be an additional appropriation for MSU, which would be covered by the funding already appropriated for the University System. SEN. TOEWS stated that this would splinter the Vocational Agriculture Education position. REP. RAY PECK stated that there would be adverse legal ramifications should REP. HOLLAND'S motion pass. REP. PECK presented ARTICLE VI, from the Constitution of Montana.

EXHIBIT 2 (REP. PECK)

Additional discussion on the motion. **Mr. Curtis Nichols, Office of Budget Program Planning**, was unsure if the source of funding for the contract with MSU was to be appropriated to OPI, or appropriated directly to MSU.

Motion Withdrawn: REP. HOLLAND withdrew his motion.

*{Tape: 1; Side: A; Approx. Time Count: 5-20; Comments: .}*

**Mr. Tallerico** stated his interpretation of the funding source which would have been required by this motion. **Dr. Jane Karas, Office of the Commissioner of Higher Education**, and **Ms. Gayle Gray, OPI**, responded to the dilemma of moving the funds required for this contract and position, in the event that it be funded at MSU.

Motion: SEN. JERGESON MOVED TO AMEND HB2, SECTION E, OFFICE OF PUBLIC INSTRUCTION, WITH "ITEM [CLASSIFICATION REVIEW] IS FOR INCREASES IN SALARIES AND BENEFITS PAID TO THE OFFICE OF PUBLIC INSTRUCTION EDUCATION PROGRAM REPRESENTATIVES IN THE EVENT THAT A CLASSIFICATION REVIEW, PERFORMED UNDER THE DEPARTMENT OF ADMINISTRATION PERSONNEL DIVISION, FINDS SUCH INCREASES ARE APPROPRIATE", AS STATED ON EXHIBIT 3.

FY98 General Fund

FY99 General Fund

Classification Review: \$ 28,000

\$ 30,000

EXHIBIT 3 (SEN. JERGESON)

*{Tape: 1; Side: A; Approx. Time Count: 21-44; Comments: .}*

Continued questions and comments on the motion. **Mr. Taylor Brown**, and **Dr. Van Shelhamer** addressed the concerns of the committee. **Dr. Joanne Erikson, (new) Director at the Office of Public Instruction**, also commented on the split position. **CHAIRMAN JOHNSON** restated the motion, making clear that it included two separate appropriations, and was not a biennial appropriation.

Vote: THE MOTION PASSED, 4-2, with REP. HOLLAND, and SEN. KEN MILLER opposed to the measure.

*{Tape: 1; Side: B; Approx. Time Count: 1-13; Comments: .}*

EXECUTIVE ACTION ON THE STATE LIBRARY  
MONTANA NATURAL HERITAGE PROGRAM

Mr. Tallerico stated that with performance-based budgets, such as the Montana Natural Heritage Program, the subcommittee must approve or disapprove of all goals and objectives of the program. This action had not yet taken place. Goals and objectives were listed on page E-53 and E-54.

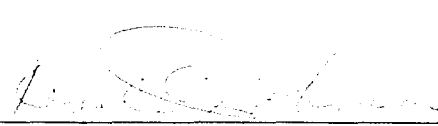
Motion: REP. PECK MOVED TO ACCEPT THE GOALS AND OBJECTIVES OF THE MONTANA NATURAL HERITAGE PROGRAM AS STATED ON PAGE E-53 AND E-54.

Vote: THE MOTION PASSED UNANIMOUSLY.

*{Tape: 1; Side: B; Approx. Time Count: 13-16; Comments: .}*

ADJOURNMENT

**Adjournment:** This meeting was adjourned at 10:03 am.

  
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REP. ROYAL C. JOHNSON, Chairman

  
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CONNIE JACOBS, Secretary

RCJ/cj

Note: This meeting was recorded on one (1) 90 minute tape.