

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### JOINT APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Call to Order:** Chair Roy Hollandsworth, on February 12, 2013 at 8:30 AM, in Room 472 Capitol

#### ROLL CALL

**Members Present:**

Rep. Roy Hollandsworth, Chair (R)  
Sen. Llew Jones, Vice Chair (R)  
Rep. Nancy Ballance (R)  
Sen. Bradley Hamlett (D)  
Rep. Donald W. Jones (R)  
Rep. Robert (Bob) Mehlhoff (D)  
Rep. Tom Woods (D)

**Members Excused:** Sen. Taylor Brown (R)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** McKenzie Chambers, Committee Secretary  
Shawn Graham, OBPP  
Nancy Hall, OBPP  
Brian Hannan, OBPP  
Pam Joehler, Legislative Branch  
Rob Miller, Legislative Branch  
Jim Standaert, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Executive Action - Office of Public Instruction  
Executive Action - Montana University System

**EXHIBIT(jeh31a01)**

00:11:42 Rep. Hollandsworth  
 00:12:00 Sen. T. Brown joined the meeting.  
 00:12:22 Rep. Mehlhoff  
 00:12:28 Rep. Hollandsworth  
 00:12:31 Rep. Mehlhoff  
 00:12:35 Rep. Hollandsworth  
 00:12:38 Rep. Mehlhoff

00:12:48 Recessed  
 00:35:18 Sen. Windy Boy joined the meeting.  
 00:36:18 Reconvened and Sen. Hamlett did not return.

00:36:18 Rep. Hollandsworth  
 00:36:48 Sen. L. Jones  
 00:36:53 Rep. Hollandsworth  
 00:36:54 Sen. L. Jones

**DECISION PACKAGE 607**

00:36:48 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 607 BUT CHANGED THE RATE FROM THE CURRENT \$600,000 TO THE RECOMMENDED APPROVAL OF 1.5 MILLION.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

00:38:15 Sen. L. Jones  
 00:38:23 Rep. Mehlhoff  
 00:38:33 Sen. L. Jones  
 00:38:42 Nancy Hall, Office of Budget Programming and Plan  
 00:38:52 Sen. L. Jones  
 00:39:21 Rob Miller, Legislative Fiscal Division (LFD)  
 00:39:37 Sen. L. Jones  
 00:39:54 Rob Miller, LFD

**DECISION PACKAGES 616 AND 626**

00:40:07 **Motion:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGES 616 AND 626 TOGETHER.**

**Discussion:**

00:40:24 Rep. Mehlhoff  
 00:40:25 Sen. Windy Boy left the meeting.

**DECISION PACKAGE 626**

00:40:37 **Substitute Motion/Vote:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 626 - AUDIOLOGICAL SERVICES AS IT IS CURRENTLY LISTED.** Motion carried unanimously by voice vote. Sen. Hamlett and Sen. Windy Boy voted by proxy.

00:41:22 Sen. L. Jones  
00:41:24 Rep. Mehlhoff  
00:41:26 Sen. L. Jones  
00:41:27 Sen. Windy Boy rejoined the meeting.  
00:41:33 Rep. Mehlhoff

**DECISION PACKAGES 901, 902, 912, 915, 917, 918, 919, 920, 932 AND 933**

00:41:38 **Motion:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGES 901, 902, 912, 915, 917, 918, 919, 920, 932, AND 933 AS LISTED UPON THE SHEET.**

**Discussion:**

00:41:54 Jim Standaert, LFD  
00:42:07 Sen. L. Jones  
00:42:33 Nancy Hall, OBPP  
00:42:37 Sen. L. Jones  
00:43:16 Rep. Hollandsworth

00:43:27 **Vote:** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

**DECISION PACKAGE 950**

00:43:37 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 950 - THE GUARANTEE ACCOUNT WITH THE AMOUNT \$78,995,682.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

**DECISION PACKAGE 627**

00:44:23 **Motion:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 627 SUGGEST THAT THEY DO SO WITH ONE FULL TIME EMPLOYEE APPROVED INSTEAD OF TWO AND WITH THE UNDERSTANDING THAT DECISION PACKAGE 928 IS NOT IMPACTED.**

00:44:58 Rep. Mehlhoff

**DECISION PACKAGE 928**

00:45:04 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 928 AS APPROVED FOR \$14,951,486 - THE FEDERAL SPECIAL STRIVING READERS.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

00:45:41 Rep. Mehlhoff  
00:45:45 Sen. L. Jones  
00:46:19 Rep. Mehlhoff  
00:47:09 Rep. Hollandsworth

**DECISION PACKAGE 976**

00:47:11 **Motion:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 976 AT THE ONE MILLION DOLLAR LEVEL.**

**Discussion:**

00:47:47 Rep. Mehlhoff

00:48:13 **Vote:** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

00:48:26 Sen. L. Jones

00:48:43 Rep. Mehlhoff

**NEW PROPOSAL 621**

00:49:17 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 621 AS LISTED.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

**NEW PROPOSAL 622**

00:49:44 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 622 - STAFFING FOR OFFICE OF PUBLIC INSTRUCTION INFORMATION SYSTEMS, DROPPED FROM 2.5 FULL TIME EMPLOYEES TO 1.5. FULL TIME EMPLOYEES AND 60% OF THE OPERATING EXPENSE AT A REDUCED LEVEL OF \$304,139.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

**NEW PROPOSAL 2**

00:50:19 **Motion:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 2: K-12-A SPECIAL EDUCATION FOR THE TOTAL OF \$1,244,635, WHICH IS \$370,661 IN THE FIRST YEAR, \$873,974 IN THE SECOND YEAR AND INCLUDED A GUARANTEED TAX BASE ADJUSTMENT THAT GOES ALONG WITH THIS THAT LEGISLATIVE FISCAL DIVISION WILL HAVE TO CALCULATE.**

**Discussion:**

00:51:39 Jim Standaert, LFD

00:52:10 Sen. Windy Boy

00:52:16 Sen. L. Jones

00:52:20 Rep. Mehlhoff

00:52:57 Jim Standaert, LFD

00:53:17 Rep. Mehlhoff

00:53:58 Rep. Hollandsworth

00:54:03 Sen. L. Jones

00:54:23 Rep. Mehlhoff

00:54:27 Rep. Hollandsworth

00:54:34 Sen. L. Jones

00:54:37 Rep. Hollandsworth

00:54:38 Sen. L. Jones

00:54:49 Jim Standaert, LFD

00:55:01 **Vote:** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

00:55:10 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 2: K-12 AT RISK. THE TOTAL WOULD BE \$149,426. THE AMOUNTS WOULD BE \$44,500 IN FISCAL YEAR 14, AND \$104,926 IN FISCAL YEAR 15, AND ALLOW GUARANTEED TAX BASE.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

**NEW PROPOSAL 904**

00:56:05 **Motion:** Sen. L. Jones moved **TO ADOPT THIS AMOUNT, INSTEAD OF AT 4 MILLION DOLLARS, AT 2 MILLION DOLLARS.**

**Discussion:**

00:56:46 Sen. Windy Boy  
00:57:18 Sen. L. Jones  
00:58:56 Sen. Windy Boy  
00:59:33 Sen. L. Jones  
00:59:50 Sen. T. Brown  
01:00:51 Rep. Ballance  
01:01:20 Sen. Windy Boy left the meeting.  
01:01:50 Rep. Mehlhoff  
01:03:19 Rep. Hollandsworth

01:03:31 **Vote:** Motion carried 6-2 by voice vote with Rep. Ballance and Rep. Jones voting no. Sen. Hamlett voted by proxy. Sen. Windy Boy was excused.

**NEW PROPOSAL 905**

01:03:48 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 905 NOT AT THE 2 MILLION DOLLAR LEVEL BUT AT THE 1 MILLION DOLLAR LEVEL.** Motion carried 5-2 by voice vote with Rep. Ballance and Rep. Jones voting no. Sen. Hamlett and Sen. Windy Boy were excused.

**NEW PROPOSAL 914**

01:04:39 **Motion:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 914 AS REQUESTED AT THE 1 MILLION DOLLAR LEVEL.**

**Discussion:**

01:04:56 Rep. Mehlhoff  
01:04:57 Sen. Windy Boy rejoined the meeting.

01:04:59 **Vote:** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

**NEW PROPOSAL 924**

01:05:13 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT NEW PROPOSAL 924 AS LISTED, CONTINGENT UPON HOUSE BILL 178 PASSING.** Motion carried unanimously by voice vote. Sen. Hamlett voted by proxy.

01:05:45 Sen. L. Jones

**DECISION PACKAGE 616**

01:06:01 Rep. Mehlhoff  
01:08:07 Madalyn Quinlan, Chief of Staff, Office Management Team Division, Office of Public Instruction (OPI)  
01:09:17 Rep. Mehlhoff  
01:09:27 Madalyn Quinlan, OPI  
01:09:53 Rep. Mehlhoff  
01:10:00 Madalyn Quinlan, OPI  
01:10:28 Rep. Mehlhoff  
01:10:57 Madalyn Quinlan, OPI

01:11:26 **Motion:** Rep. Mehlhoff moved **THAT IN YEAR ONE WE GO WITH \$27,000, AND YEAR 2, \$57,000 ONE-TIME-ONLY RESTRICTED THAT IF THEY DON'T ACHIEVE THOSE NUMBERS, THAT MONEY IS REVERTED BACK.**

**Discussion:**

01:11:50 Sen. L. Jones  
01:12:25 Madalyn Quinlan, OPI  
01:13:31 Sen. L. Jones  
01:13:35 Rep. Hollandsworth  
01:13:54 Rep. Mehlhoff  
01:14:06 Rep. Hollandsworth  
01:14:17 Rep. Mehlhoff  
01:14:20 Rep. Hollandsworth

01:14:26 **Vote:** Motion carried 8-0 by voice vote. Sen. Hamlett was excused.

**DECISION PACKAGE 627**

01:14:38 Rep. Mehlhoff  
01:16:14 Rep. Hollandsworth  
01:16:26 Madalyn Quinlan, OPI

01:18:28 **Motion:** Rep. Mehlhoff moved **TO ACTUALLY DISCONTINUE A FULL TIME EMPLOYEE BUT ALLOW SPENDING AUTHORITY OF \$786,916 SO WE CAN HAVE MONEY TO SPEND.**

**Discussion:**

01:19:07 Sen. L. Jones

01:19:25 **Motion:** Rep. Mehlhoff moved **TO AMEND THE MOTION AND ADOPT AS AMENDED.**

**Discussion:**

01:19:33 Rep. Hollandsworth  
01:19:38 Madalyn Quinlan, OPI  
01:19:46 Rep. Hollandsworth  
01:19:57 Sen. L. Jones  
01:20:05 Rep. Mehlhoff  
01:20:15 Madalyn Quinlan, OPI  
01:22:47 Rep. Hollandsworth

01:23:08 Madalyn Quinlan, OPI  
01:23:28 Sen. L. Jones  
01:23:30 Sen. Windy Boy left the meeting.  
01:23:39 Rep. Hollandsworth  
01:23:50 Sen. L. Jones

01:24:13 **Vote:** Motion carried 7-0 by voice vote. Sen. Hamlett and Sen. Windy Boy were excused.

#### **NEW PROPOSAL 606**

01:24:27 Rep. Mehlhoff  
01:25:00 Sen. Windy Boy rejoined the meeting.  
01:25:07 Dennis Parman, Deputy Superintendent of Public Instruction, Office Management Team Division, OPI  
01:26:29 Rep. Mehlhoff  
01:27:03 Dennis Parman, OPI

01:27:28 **Motion:** Rep. Mehlhoff moved **TO ADOPT NEW PROPOSAL 606 AT ITS ORIGINAL \$328,835.**

#### **Discussion:**

01:27:41 Sen. L. Jones  
01:28:38 Nancy Hall, OBPP  
01:28:44 Rep. Hollandsworth  
01:28:52 Rep. Mehlhoff  
01:29:01 Sen. L. Jones  
01:29:11 Rep. Mehlhoff

01:29:18 **Substitute Motion/Vote:** Sen. L. Jones made a substitute motion **TO ADOPT NEW PROPOSAL 606 AT THE 50% LEVEL AS INDICATED ON THE SHEET.** Substitute Motion carried 7-2 by roll call vote with Rep. Jones and Sen. Windy Boy voting no. Sen. Hamlett voted by proxy.

01:30:21 Rep. Hollandsworth  
01:30:26 Nancy Hall, OBPP  
01:30:41 Sen. L. Jones  
01:30:58 Nancy Hall, OBPP  
01:31:03 Rep. Hollandsworth

#### **NEW PROPOSAL 610**

01:31:14 Rep. Woods  
01:32:43 Sen. Hamlett rejoined the meeting.  
01:32:47 Sen. Windy Boy

01:37:03 **Motion:** Rep. Woods moved **TO ADOPT NEW PROPOSAL 610 AS AMENDED AS ONE-TIME-ONLY AND RESTRICTED.**

**Discussion:**

- 01:37:19 Sen. Hamlett  
 01:37:52 Sen. L. Jones  
 01:40:20 Sen. Windy Boy  
 01:41:06 Sen. L. Jones  
 01:41:42 Rep. Woods  
 01:42:54 Rep. Hollandsworth  
 01:43:14 Nancy Hall, OBPP  
 01:43:19 Rep. Hollandsworth
- 01:43:35 **Vote:** Motion failed 4-5 by roll call vote with Sen. Hamlett, Rep. Mehlhoff, Sen. Windy Boy and Rep. Woods voting aye.
- 01:44:10 Rep. Mehlhoff  
 01:44:11 Jim Standaert, LFD  
 01:44:17 Sen. L. Jones  
 01:45:30 Rob Miller, LFD
- 01:45:34 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT A NEW DECISION PACKET TO APPROVE AN INDIRECT COST RATE OF A CONTINUATION OF THEIR CURRENT 17% INDIRECT COSTS FOR BOTH FISCAL YEAR 14 AND 15.** Motion carried unanimously by voice vote.
- 01:46:06 Jim Standaert, LFD
- 01:48:14 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT THE LANGUAGE ON THE BOTTOM OF THE PAGE AS DETAILED WITH THE AMENDED AMENDMENT IN ITEM NUMBER THREE FROM 1.1 TO 1.8 .** Motion carried unanimously by voice vote.
- 01:48:43 Sen. Windy Boy  
 01:48:50 Rep. Hollandsworth

**DECISION PACKAGE 9766**

- 01:48:59 **Motion:** Sen. Windy Boy moved **TO ADD 2 MILLION DOLLARS TO INDIAN EDUCATION FOR ALL IN THE 2013 BIENNIUM ON A ONE-TIME-ONLY BASIS TO BE USED FOR DISTRIBUTION TO DISTRICTS RESIDING ON RESERVATIONS FOR THE PURPOSE OF TEACHING NATIVE LANGUAGE AND SIGN LANGUAGE PRESERVATION. THE FUNDS MUST BE DISTRIBUTED BASED ON AVERAGE NUMBER BELONGING. THIS WILL BE CONTINGENT UPON PASSAGE OF LC766.**

**Discussion:**

- 01:55:21 Sen. Hamlett  
 01:56:02 Rep. Ballance  
 01:57:38 Sen. Windy Boy  
 01:58:21 Jim Standaert, LFD  
 01:58:51 Sen. L. Jones  
 02:00:40 Sen. Windy Boy  
 02:02:01 Rep. Mehlhoff

02:03:09 Sen. L. Jones  
02:03:50 Jim Standaert, LFD  
02:03:54 Sen. L. Jones  
02:04:03 Denise Juneau, Superintendent of Public Instruction, OPI  
02:05:46 Jim Standaert, LFD  
02:06:09 Sen. L. Jones  
02:06:39 Rep. Ballance  
02:07:25 Sen. Hamlett  
02:08:03 Rep. D. Jones  
02:08:26 Rep. Hollandsworth  
02:08:47 Sen. L. Jones  
02:09:21 Sen. Windy Boy  
02:10:06 Rep. Mehlhoff  
02:11:15 Rep. Hollandsworth  
02:11:19 Sen. L. Jones  
02:12:52 Sen. Windy Boy  
02:13:01 Jim Standaert, LFD  
02:13:07 Sen. L. Jones  
02:13:10 Sen. T. Brown  
02:13:51 Sen. L. Jones  
02:15:15 Rep. Hollandsworth  
02:15:52 Sen. L. Jones  
02:15:59 Jim Standaert, LFD  
02:16:11 Sen. Hamlett  
02:16:35 Rep. Hollandsworth  
02:16:40 Jim Standaert  
02:16:51 Rep. Hollandsworth  
02:16:54 Sen. Windy Boy

02:17:05 **Vote:** Motion carried unanimously by voice vote.

02:17:12 Sen. Windy Boy  
02:18:10 Rep. Hollandsworth  
02:18:19 Rep. Mehlhoff  
02:19:39 Rep. Hollandsworth

**Montana University System Executive Action**

02:20:07 Sen. L. Jones  
02:20:25 Rep. Hollandsworth

**PRESENT LAW 904**

02:20:29 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT PRESENT LAW 904 WITH THE CONCEPT THAT THE PERSONNEL SAVINGS ON THE FOREST AND CONSERVATION PROGRAM BE REMOVED SINCE IT IS BELOW THE TARGET NUMBER FOR HAVING THOSE ITEMS APPLIED.** Motion carried unanimously by voice vote.

**EXHIBIT(jeh31a02)**

02:23:07 Sen. L. Jones  
02:23:23 Pam Joehler, LFD  
02:23:37 Sen. L. Jones  
02:23:39 Pam Joehler, LFD

**DECISION PACKAGE 901**

02:23:47 **Motion:** Sen. L. Jones moved **TO ADOPT DECISION PACKAGE 901.**

**Discussion:**

02:25:01 Rep. Hollandsworth  
02:25:11 Shawn Graham, OBPP  
**EXHIBIT(jeh31a03)**  
02:25:44 Rep. Hollandsworth  
02:25:51 Shawn Graham, OBPP  
02:26:00 Rep. Mehlhoff  
02:26:47 Sen. L. Jones  
02:27:27 Rep. Woods  
02:28:09 Sen. T. Brown  
02:28:36 Rep. Hollandsworth  
02:28:52 Rep. D. Jones  
02:29:38 Rep. Hollandsworth  
02:30:01 Clayton Christian, Commissioner of Higher Education, Montana University  
System, MUS  
02:30:02 Sen. Windy Boy left the meeting.  
02:31:34 Rep. Hollandsworth  
02:32:11 Clayton Christian, MUS  
02:32:44 Rep. Ballance  
02:33:34 Rep. Mehlhoff  
02:35:05 Sen. L. Jones  
  
02:35:39 **Vote:** Motion carried 7-2 by voice vote with Rep. Ballance and Rep. Jones  
voting no. Sen. Windy Boy voted by proxy.  
  
02:35:56 Rep. Hollandsworth  
02:36:36 Sen. L. Jones  
02:38:21 Rep. D. Jones  
02:38:51 Rep. Hollandsworth  
02:39:40 Sen. L. Jones  
02:39:51 Rep. Hollandsworth  
02:39:55 Pam Joehler, LFD  
02:42:11 Rep. Hollandsworth  
02:42:24 Pam Joehler, LFD  
02:42:28 Rep. Hollandsworth  
02:42:43 Sen. L. Jones  
02:43:10 Rep. Hollandsworth

**DECISION PACKAGE 9071**

02:43:17 **Motion:** Sen. L. Jones moved **TO MAKE THE NEEDED OFFSET REFLECTING THE DOLLARS BROUGHT IN FROM THE 6 MILL LEVY VERSUS A GENERAL FUND IN THE FUNDING OF THE UNIVERSITY'S INCREASES.**

**Discussion:**

02:43:20 Pam Joehler, LFD

02:43:53 Sen. Windy Boy rejoined the meeting.

02:44:09 **Motion/Vote:** Rep. Hollandsworth moved **TO AMEND THE PREVIOUS MOTION TO INCLUDE TRANSFERRAL OF \$28,994 FROM DECISION PACKAGE 901 TO DECISION PACKAGE 9071.** Motion carried unanimously by voice vote.

02:44:36 Pam Joehler, LFD

**EXHIBIT(jeh31a04)**

02:49:46 **Motion/Vote:** Sen. L. Jones moved **TO ADOPT THE HB 2 LANGUAGE PROPOSED FOR THE MONTANA UNIVERSITY SYSTEM.** Motion carried unanimously by voice vote.

02:50:12 Rep. Hollandsworth

02:51:06 Pam Joehler, LFD

02:51:21 Rep. Hollandsworth

**EXHIBIT(jeh31a05)**

**ADJOURNMENT**

Adjournment: 02:51:32

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([jeh31aad.pdf](#))**