

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

**Call to Order:** Chair Seth Berglee, on February 24, 2021 at 3:00 PM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Seth Berglee, Chair (R)  
Rep. Fred Anderson, Vice Chair (R)  
Rep. Moffie Funk, Vice Chair (D)  
Rep. Becky Beard (R)  
Rep. Marta Bertoglio (R)  
Rep. Laurie Bishop (D)  
Rep. Donavon Hawk (D)  
Rep. Scot Kerns (R)  
Rep. Wendy McKamey (R)  
Rep. Braxton Mitchell (R)  
Rep. Sara Novak (D)  
Rep. Linda Reksten (R)  
Rep. Tyson T. Running Wolf (D)  
Rep. Mark Thane (D)  
Rep. Sue Vinton (R)

**Members Excused:**

Rep. Brandon Ler (R)  
Rep. Kerri Seekins-Crowe (R)

**Members Absent:** None

**Staff Present:**

Joanne Kauzlarich, Committee Secretary  
Laura Sankey Keip, Legislative Branch  
Jesse Tack, Remote Meeting Coordinator

**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:**

Hearing & Date Posted: HB 454, 2/18/2021; HB 467, 2/18/2021; HB 543, 2/22/2021;  
HB 556, 2/23/2021; HB 572, 2/23/2021; HB 583, 2/23/2021

Executive Action: HB 206, HB 46, HB 392, HB 403, HB 404, HB 465, HB 454, HB 467  
HB 543, HB 556, HB 572, HB 583

**HEARING ON HB 454****Opening Statement by Sponsor:**

15:04:30 Rep. Vince Ricci (R), HD 55, opened the hearing on HB 454, Revise school tuition laws.

**EXHIBIT(edh39a01)****Proponents' Testimony:**

15:06:10 Mike Creeden, self  
15:08:39 Jared Gage, self  
15:12:01 Pason Gage, self  
15:12:59 Rep. Seekins- Crowe joined the meeting.  
15:13:35 Superintendent Linda Filpula, Laurel School District  
15:17:41 James Withers, self  
15:20:20 Lance Melton, Montana School Board Association (MTSBA); Montana Public Education Center (MT-PEC)  
15:23:03 Superintendent Allison Evertz, Joliet School District

**Opponents' Testimony:** None**Informational Testimony:**

15:25:17 Ken Baily, Office of Public Instruction (OPI)

**Questions from Committee Members and Responses:**

15:25:37 Vice Chair Funk  
15:26:02 Ken Baily, OPI  
15:26:07 Vice Chair Funk  
15:26:30 Ken Baily, OPI  
15:26:51 Rep. Bertoglio  
15:27:15 Lance Melton, MTSBA, MT-PEC

**Closing by Sponsor:**

15:28:20 Rep. Ricci

**HEARING ON HB 467****Opening Statement by Sponsor:**

15:29:14 Rep. Jessica Karjala (D), HD 48, opened the hearing on HB 467, Revise public education laws to ban lunch shaming.

**Proponents' Testimony:**

15:31:57 Matt Kuntz, National Alliance on Mental Illness (NAMI)  
15:33:38 Kiely Keane, Montana Medical Association (MMA)  
15:34:54 Nnette Gilbertson, Montana Advocates for Children (MAC)  
15:35:58 Lorianne Burhop, Montana Food Bank Network (MFBN)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

15:38:14 Rep. Karjala

### **HEARING ON HB 572**

**Opening Statement by Sponsor:**

15:38:52 Rep. Derek Skees (R), HD 11, opened the hearing on HB 572, Establish Montana school marshal program.

**Proponents' Testimony:**

15:41:13 Lance Melton, Montana School Board Association (MTSBA); Montana Federation of Public Employees (MFPE); Montana Quality Education Coalition (MQEC)

**Opponents' Testimony:**

15:42:40 Dan Smith, Montana Police Protective Association (MPPA)  
15:45:35 Shannon Thomas, Moms Demand Action- Montana Chapter  
15:46:15 Rep. Kerns  
15:46:43 Chair Berglee  
15:46:52 Rep. Kerns  
15:47:01 Shannon Thomas, Moms Demand Action- Montana Chapter  
15:48:17 Chair Berglee  
15:48:36 Shannon Thomas, Moms Demand Action- Montana Chapter

**Informational Testimony:**

15:49:27 Ken Baily, Office of Public Instruction (OPI)

**Questions from Committee Members and Responses:**

15:49:45 Rep. Vinton  
15:51:10 Dan Smith, MPPA  
15:51:55 Rep. Vinton  
15:52:17 Dan Smith, MPPA  
15:52:32 Rep. Kerns  
15:53:01 Dan Smith, MPPA  
15:53:10 Rep. Kerns  
15:53:13 Rep. Thane  
15:54:00 Lance Melton, MTSBA, MFPE, MQEC  
15:54:29 Rep. Seekins-Crowe  
15:54:53 Rep. Skees  
15:55:03 Rep. Seekins-Crowe  
15:55:13 Rep. Skees  
15:55:44 Rep. Bertoglio  
15:56:11 Dan Smith, MPPA  
15:56:53 Chair Berglee

15:57:09 Dan Smith, MPPA  
15:57:31 Chair Berglee  
15:57:33 Dan Smith, MPPA

**Closing by Sponsor:**

15:57:41 Rep. Skees

**HEARING ON HB 583**

**Opening Statement by Sponsor:**

16:00:52 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 583, Generally revise criminal justice laws.

[EXHIBIT\(edh39a02\)](#)

[EXHIBIT\(edh39a03\)](#)

**Proponents' Testimony:**

16:04:17 Levi Daniels, self  
16:05:59 Janee Weber, self  
16:10:00 Sam Forstag, American Civil Liberties Union of Montana (ACLU)  
16:10:59 Gregg Trude, self

**Opponents' Testimony:** None

**Informational Testimony:**

16:13:32 Brian Gootkin, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

16:14:10 Rep. Beard  
16:15:18 Janee Weber, self

**Closing by Sponsor:**

16:16:39 Rep. Seekins-Crowe

**HEARING ON HB 556**

**Opening Statement by Sponsor:**

16:19:11 Rep. Kenneth Walsh (R), HD 71, opened the hearing on HB 556, Provide alternative means of earning high school diploma.

**Proponents' Testimony:**

16:21:59 Rep. Tom Welch, self  
16:25:07 Superintendent Elsie Arntzen, Office of Public Instruction (OPI)  
16:26:52 Trent Gibson, Montana Youth Challenge Academy (MYC)  
16:30:11 Jan Rouse, self

**Opponents' Testimony:** None

**Informational Testimony:**

16:30:52 McCall Flynn, Montana Board of Public Education (BOPE)

**Questions from Committee Members and Responses:**

16:31:21 Rep. Kerns  
16:32:25 Chair Berglee  
16:32:40 Rep. Kerns  
16:33:13 Chair Berglee  
16:33:15 Rep. Novak  
16:33:51 Rep. Walsh  
16:34:12 Chair Berglee  
16:34:23 Rep. Novak  
16:34:36 Trent Gibson, MYC  
16:35:00 Chair Berglee  
16:35:39 McCall Flynn, BOPE  
16:36:18 Chair Berglee  
16:37:05 Superintendent Elsie Arntzen, OPI  
16:38:50 Chair Berglee

**Closing by Sponsor:**

16:39:20 Rep. Walsh  
  
16:40:05 Rep. Ler and Rep. Vinton left the meeting.

**HEARING ON HB 543****Opening Statement by Sponsor:**

16:41:01 Rep. Bob Phalen (R), HD 36, opened the hearing on HB 543, Revise laws related to school instruction on the Constitution and the Pledge.

**Proponents' Testimony:**

16:43:39 Ruth Rater, self

**Opponents' Testimony:**

16:46:06 Dennis Parman, Montana Public Education Coalition (MT-PEC)  
16:50:01 Josh Butterfly, self  
16:52:14 Rep. Kerns  
16:52:19 Chair Berglee  
16:52:24 Rep. Kerns  
16:53:00 Laurie Little Dog, self  
16:54:49 Chair Berglee  
16:55:21 Marcos Bullchild, self

**Informational Testimony:**

16:56:36 Superintendent Elsie Arntzen, Office of Public Instruction (OPI)

**Opponents' Testimony:**

16:57:18 McCall Flynn, Montana Board of Education (MBOE)

**Questions from Committee Members and Responses:**

16:58:06 Rep. Beard  
 16:58:38 Superintendent Elsie Arntzen, OPI  
 16:59:41 Rep. Kerns  
 17:00:15 Rep. Phalen  
 17:00:40 Rep. Thane  
 17:01:40 Superintendent Elsie Arntzen, OPI  
 17:02:08 Rep. Thane  
 17:02:56 Superintendent Elsie Arntzen, OPI  
 17:05:11 Rep. Running Wolf  
 17:08:15 Superintendent Elsie Arntzen, OPI  
 17:09:25 Rep. Running Wolf  
 17:09:30 Chair Berglee  
 17:10:16 Rep. Running Wolf  
 17:11:06 Superintendent Elsie Arntzen, OPI

**Closing by Sponsor:**

17:12:31 Rep. Phalen

**Committee Business:**

17:13:06 Chair Berglee  
 17:14:02 Recessed  
 17:49:44 Reconvened

**EXECUTIVE ACTION ON HB 206**

17:50:09 **Motion:** Rep. Anderson moved that **HB 206 DO PASS AS PREVIOUSLY AMENDED.**

**Discussion:**

17:50:26 Chair Berglee  
 17:51:05 Rep. McKamey

17:51:23 **Vote:** Motion carried unanimously by voice vote. Rep. Ler and Rep. Vinton voted by proxy.

**EXECUTIVE ACTION ON HB 46**

17:52:20 **Motion/Vote:** Rep. Anderson moved that **HB 46 BE REMOVED FROM TABLE.** Motion carried 10-6 by roll call vote with Rep. Beard, Rep. Berglee, Rep. Kerns, Rep. Mitchell, Rep. Reksten and Rep. Seekins-Crowe voting no. Rep. Ler was excused.

17:54:25 Rep. Vinton joined the meeting.

17:55:03 Chair Berglee  
 17:55:12 Rep. McKamey

17:55:50 **Motion:** Rep. Anderson moved that **HB 46 DO PASS AS PREVIOUSLY AMENDED.**

**Discussion:**

17:56:03 Chair Berglee  
17:56:25 Vice Chair Funk  
17:56:41 Chair Berglee  
17:56:59 Rep. Beard  
17:57:04 Chair Berglee  
17:57:07 Rep. Reksten  
17:57:35 Rep. Novak  
17:58:53 Rep. Kerns

17:59:28 **Vote:** Motion carried 11-6 by roll call vote with Rep. Beard, Rep. Berglee, Rep. Kerns, Rep. Ler, Rep. Mitchell and Rep. Seekins-Crowe voting no. Rep. Ler voted by proxy.

**EXECUTIVE ACTION ON HB 392**

18:00:58 **Motion:** Rep. Anderson moved that **HB 392 DO PASS.**

**Discussion:**

18:01:11 Chair Berglee

18:01:22 **Substitute Motion/Vote:** Rep. Anderson made a substitute motion that **HB 392 BE TABLED.** Substitute Motion carried 11-6 by roll call vote with Rep. Bishop, Rep. Funk, Rep. Hawk, Rep. Novak, Rep. Running Wolf and Rep. Thane voting no. Rep. Ler voted by proxy.

**EXECUTIVE ACTION ON HB 403**

18:02:55 **Motion:** Rep. Anderson moved that **HB 403 DO PASS.**

**Discussion:**

18:03:23 Rep. Running Wolf  
18:04:02 Rep. McKamey  
18:04:14 Chair Berglee

18:04:17 **Vote:** Motion carried unanimously by voice vote. Rep. Ler voted by proxy.

**EXECUTIVE ACTION ON HB 404**

18:04:51 **Motion:** Rep. Anderson moved that **HB 404 DO PASS.**

18:05:17 **Motion:** Rep. Anderson moved that **HB 404 BE AMENDED.**  
[EXHIBIT\(edh39a04\)](#)

**Discussion:**

18:05:35 Chair Berglee

18:05:51 **Vote:** Motion carried unanimously by voice vote. Rep. Ler voted by proxy.

18:06:20 **Motion:** Rep. Anderson moved that **HB 404 DO PASS AS AMENDED.**

**Discussion:**

18:06:33 Rep. Kerns  
18:06:46 Chair Berglee  
18:07:06 Rep. Kerns  
18:07:29 Laura Sankey Keip, Legislative Services Division (LSD)  
18:08:00 Rep. Kerns  
18:08:28 Laura Sankey Keip, LSD  
18:09:20 Chair Berglee  
18:10:22 Rep. Thane  
18:10:31 Chair Berglee  
18:10:36 Rep. Thane  
18:10:38 Rep. Kerns  
18:11:04 Chair Berglee  
18:11:20 Rep. McKamey

18:11:37 **Vote:** Motion carried unanimously by roll call vote. Rep. Ler voted by proxy.

**EXECUTIVE ACTION ON HB 465**

18:13:03 **Motion:** Rep. Anderson moved that **HB 465 DO PASS.**

18:13:10 **Substitute Motion/Vote:** Rep. Funk made a substitute motion that **HB 465 BE TABLED.** Substitute Motion carried 16-1 by roll call vote with Rep. Kerns voting no. Rep. Ler and Rep. Mitchell voted by proxy.

**EXECUTIVE ACTION ON HB 454**

18:14:50 **Motion:** Rep. Anderson moved that **HB 454 DO PASS.**

**Discussion:**

18:15:00 Chair Berglee  
18:15:31 Rep. Funk  
18:15:47 Chair Berglee

18:15:54 **Vote:** Motion carried unanimously by voice vote. Rep. Ler and Rep. Mitchell voted by proxy.

**EXECUTIVE ACTION ON HB 467**

18:16:20 **Motion:** Rep. Anderson moved that **HB 467 DO PASS.**

**Discussion:**

18:16:24 Chair Berglee

18:16:37 **Substitute Motion/Vote:** Rep. Anderson made a substitute motion that **HB 467 BE TABLED.** Substitute Motion carried 11-6 by roll call vote with Rep. Bishop, Rep. Funk, Rep. Hawk, Rep. Novak, Rep. Running Wolf and Rep. Thane voting no. Rep. Ler and Rep. Mitchell voted by proxy.

**EXECUTIVE ACTION ON HB 543**

18:18:05 **Motion:** Rep. Anderson moved that **HB 543 DO PASS.**

**Discussion:**

18:18:14 Chair Berglee

18:18:19 Rep. Thane

18:19:06 **Vote:** Motion carried 11-6 by roll call vote with Rep. Bishop, Rep. Funk, Rep. Hawk, Rep. Novak, Rep. Running Wolf and Rep. Thane voting no. Rep. Ler and Rep. Mitchell voted by proxy.

**EXECUTIVE ACTION ON HB 556**

18:20:33 **Motion/Vote:** Rep. Anderson moved that **HB 556 DO PASS.** Motion carried unanimously by voice vote. Rep. Ler and Rep. Mitchell voted by proxy.

**EXECUTIVE ACTION ON HB 572**

18:21:02 **Motion:** Rep. Anderson moved that **HB 572 DO PASS.**

**Discussion:**

18:21:10 Chair Berglee

18:21:16 **Vote:** Motion carried 16-1 by voice vote with Rep. Funk voting no. Rep. Ler and Rep. Mitchell voted by proxy.

**EXECUTIVE ACTION ON HB 583**

18:21:52 **Motion:** Rep. Anderson moved that **HB 583 DO PASS.**

**Discussion:**

18:22:01 Rep. Kerns

18:22:38 Rep. McKamey

18:23:22 Rep. Bertoglio

18:23:44 Rep. Hawk

18:24:13 Rep. Seekins-Crowe

18:25:05 Rep. Thane

18:25:35 Rep. Kerns

18:26:17 **Vote:** Motion carried 16-1 by voice vote with Rep. Kerns voting no. Rep. Ler and Rep. Mitchell voted by proxy.

**Committee Business:**

18:26:45 Rep. Funk

18:27:00 Rep. Hawk

18:27:08 Chair Berglee

**ADJOURNMENT**

Adjournment: 18:27:55

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Joanne Kauzlarich, Secretary

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Additional Documents:

**EXHIBIT**([edh39aad.pdf](#))