

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Llew Jones, on March 10, 2021 at 8:00 AM, in Room 102 Capitol

ROLL CALL

Members Present:

Rep. Llew Jones, Chair (R)
Rep. Mary Caferro, Vice Chair (D)
Rep. Kenneth L. Holmlund, Vice Chair (R)
Rep. Matt Regier, Vice Chair (R)
Rep. Brad Tschida, Vice Chair (R)
Rep. Dan Bartel (R)
Rep. David Bedey (R)
Rep. John Fuller (R)
Rep. Frank Garner (R)
Rep. Jim Hamilton (D)
Rep. Mike Hopkins (R)
Rep. Jim Keane (D)
Rep. Connie Keogh (D)
Rep. Emma Kerr-Carpenter (D)
Rep. Bill Mercer (R)
Rep. Terry Moore (R)
Rep. Fiona Nave (R)
Rep. Jimmy Patelis (R)
Rep. Joe Read (R)
Rep. Vince Ricci (R)
Rep. Jerry Schillinger (R)
Rep. Sharon Stewart Peregoy (D)
Rep. Sue Vinton (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None

Members Absent: None

Staff Present:

Joe Triem, Legislative Fiscal Division
Julie Johnson, Legislative Fiscal Division
Jamie Bonilla, Committee Secretary
Anthony Nuno, 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 2, 3/4/2021

08:11:06 Reconvened

HEARING ON HB 2 (Section E)

Opening Statement by Sponsor:

08:11:06 Chairman Llew Jones re-opened the hearing on HB 2 (Section E), General Appropriations Act.

HB 2 Hearing on Section E, Office of Public Instruction

08:13:43 Rep. Bedey

08:18:54 Superintendent Elsie Arntzen, Office of Public Instruction (OPI)

Public Comment

08:20:05 Emily Dean, Montana School Board Association (MSBA)

08:20:46 Diane Fladmo, Montana Federation of Public Employees (MFPE)

08:21:24 President Andy Werk Jr., Ft. Belknap Indian Community Tribal Council

08:22:28 Jordan Thompson, Confederate of Kootenai Tribes

08:23:22 Leanette Kearns, Self

Questions from Committee Members and Responses:

08:24:25 Rep. Regier

08:28:11 Superintendent Arntzen, OPI

08:29:05 Chair Jones

08:29:10 Rep. Fuller

08:31:20 Superintendent Arntzen, OPI

08:32:04 Rep. Windy Boy

08:34:33 Superintendent Arntzen, OPI

08:36:22 Rep. Schillinger

08:38:29 Superintendent Arntzen, OPI

08:39:38 Chair Jones

08:39:42 Rep. Nave

08:44:43 Superintendent Arntzen, OPI

08:45:25 Chair Jones

08:47:37 Rep. Patelis

08:48:29 Superintendent Arntzen, OPI

08:49:51 Rep. Patelis

08:51:03 Rep. Regier

08:51:53 Rep. Bedey

08:54:18 Rep. Regier

08:54:50 Rep. Mercer

08:56:09 Rep. Bedey

08:57:03 Superintendent Arntzen, OPI

08:58:39 Rep. Mercer

EXHIBIT(aph48a01)

08:58:48 Chair Jones

08:58:59 Rep. Mercer

09:02:04 Superintendent Arntzen, OPI

09:02:34 Rep. Regier

09:02:50 Rep. Bedey
09:05:52 Rep. Caferro
09:06:32 Rep. Bedey
09:06:51 Rep. Caferro
09:08:48 Superintendent Arntzen, OPI
09:09:46 Rep. Caferro
09:10:08 Rep. Tschida
09:10:37 Rep. Bedey
09:10:48 Chair Jones
09:10:56 Rep. Moore
09:11:32 Chair Jones

HB 2 Hearing on Section E, Board of Public Education

09:12:00 Rep. Bedey
09:14:04 McCall Flynn, Montana Board of Public Education (BOPE)

Public Comment:

09:15:38 Diane Fladmo, Montana Federation of Pubic Employees (MFPE)

Questions from Committee Members and Responses:

09:16:17 Rep. Vinton
09:19:35 McCall Flynn, BOPE
09:19:40 Chair Jones

HB 2 Hearing on Section E, Commissioner of Higher Education

09:19:59 Rep. Bedey
09:23:40 Commissioner Clayton Christian, Office of Commissioner of Higher Education (OCHE)

Public Comment:

09:25:52 President Jane Karis, Flathead Valley Community College (FVCC)
09:28:49 Chair Jones
09:28:53 President Scott Mickelsen, Dawson Community College
09:30:09 Diane Fladmo, MFPE

Questions from Committee Members and Responses:

09:31:10 Rep. Regier
09:32:34 Rep. Bedey
09:33:13 Commissioner Christian, OCHE
09:34:11 Rep. Regier
09:34:13 Commissioner Christian, OCHE
09:34:29 Tyler Trevor, Office of the Commissioner of Higher Education (OCHE)
09:34:53 Rep. Windy Boy
09:37:10 Rep. Garner
09:38:02 Rep. Bedey
09:38:08 Rep. Garner
09:40:54 Rep. Schillinger
09:41:26 Tyler Trevor, OCHE

09:42:44 Rep. Schillinger
09:43:03 Rep. Mercer
09:49:50 Commissioner Christian, OCHE
09:50:25 Chair Jones
09:50:47 Rep. Moore
09:51:38 Commissioner Christian, OCHE
09:52:39 Tyler Trevor, OCHE
09:53:37 Chair Jones

HB 2 Hearing on Section E, Montana School for the Deaf and Blind

09:54:11 Rep. Bedey
09:55:30 Superintendent Paul Furthmyre, Montana School for Deaf and Blind (MSDB)

Public Comment:

09:57:58 Diane Fladmo, Montana Federation of Public Employees (MFPE)
09:58:48 McCall Flynn, Montana Board of Public Education (BOPE)

Questions from Committee Members and Responses: None

HB 2 Hearing on Section E, Montana Arts Council

09:59:58 Rep. Bedey

Public Comment: None

Questions from Committee Members and Responses: None

HB 2 Hearing on Section E, Montana State Library

10:03:31 Rep Bedey
10:06:50 Jennie Stapp, Montana State Library (MSL)

Public Comment:

10:08:27 Nanette Gilbertson, Montana Library Association (MLA)

Questions from Committee Members and Responses:

10:10:05 Rep. Regier
10:10:49 Rep. Bedey

HB 2 Hearing on Section E, Montana Historical Society

10:12:06 Rep. Bedey
10:13:05 Chair Jones
10:13:10 Director Molly Kruckenberg, Montana Historical Society (MHS)

Public Comment:

10:14:03 Diane Fladmo, Montana Federation of Public Employees (MFPE)

Questions from Committee Members and Responses:

10:14:42 Rep. Tschida
10:15:25 Rep. Bedey
10:16:15 Rep. Tschida
10:16:41 Rep. Bedey
10:16:52 Chair Jones
10:17:12 Katie Guenther, Legislative Fiscal Division (LFD)
10:17:44 Chair Jones

10:20:01 Recess
10:44:13 Reconvened

EXECUTIVE ACTION ON SECTION A AMENDMENTS OF HB 2

10:45:29 Kris Wilkinson, Legislative Fiscal Division (LFD)
10:47:31 Chair Jones

10:47:44 **Motion/Vote:** Rep. Holmlund moved that **HB 2 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Stewart Peregoy, Rep. Tschida and Rep. Vinton voted by proxy.

EXHIBIT(aph48a02)

10:48:45 Rep. Holmlund
10:49:06 Chair Jones

10:49:35 **Motion:** Rep. Holmlund moved that **HB 2 BE AMENDED**.

EXHIBIT(aph48a03)**Discussion:**

10:50:03 Kris Wilkinson, Legislative Fiscal Division (LFD)

10:52:06 **Vote:** Motion carried unanimously by voice vote. Rep. Stewart Peregoy, Rep. Tschida and Rep. Vinton voted by proxy.

10:50:06 Kris Wilkinson, LFD
10:52:47 Rep. Mercer
10:53:07 Chairman Jones

10:53:38 **Motion:** Rep. Bartel moved that **HB 2 BE AMENDED**.

EXHIBIT(aph48a04)**Discussion:**

10:55:10 Rep. Caferro
10:56:01 Rep. Bartel
10:56:39 Kris Wilkinson, LFD

10:56:58 **Vote:** Motion carried unanimously by voice vote. Rep. Fuller, Rep. Stewart Peregoy, Rep. Tschida and Rep. Vinton voted by proxy.

10:57:37 **Motion:** Rep. Kerr-Carpenter moved that **HB 2 BE AMENDED**.
[EXHIBIT\(aph48a05\)](#)

Discussion:

10:58:26 Rep. Bartel

10:58:49 **Vote:** Motion carried unanimously. Rep. Garner, Rep. Stewart Peregoy, Rep. Tschida and Rep. Vinton voted by proxy.

10:59:20 **Motion/Vote:** Rep. Bartel moved that **HB 2 BE AMENDED**. Motion carried 16-8 by roll call vote with Rep. Caferro, Rep. Hamilton, Rep. Keane, Rep. Keogh, Rep. Kerr-Carpenter, Rep. Read, Rep. Stewart Peregoy and Rep. Windy Boy voting no. Rep. Garner, Rep. Stewart Peregoy and Rep. Vinton voted by proxy.

[EXHIBIT\(aph48a06\)](#)

11:03:08 **Motion:** Rep. Hamilton moved that **HB 2 BE AMENDED**.
[EXHIBIT\(aph48a07\)](#)

Discussion:

11:06:15 Rep. Bartel

11:07:21 Rep. Garner

11:08:09 Rep. Nave

11:08:53 Rep. Caferro

11:09:43 Rep. Mercer

11:10:56 Rep. Hamilton

11:12:40 **Vote:** Motion failed 8-16 by roll call vote with Rep. Caferro, Rep. Hamilton, Rep. Keane, Rep. Keogh, Rep. Kerr-Carpenter, Rep. Mercer, Rep. Stewart Peregoy and Rep. Windy Boy voting aye. Rep. Stewart Peregoy and Rep. Vinton voted by proxy.

11:14:23 **Motion:** Rep. M. Regier moved that **HB 2 BE AMENDED**.
[EXHIBIT\(aph48a08\)](#)

Discussion:

11:15:57 Rep. Bartel

11:16:51 **Vote:** Motion carried unanimously by voice vote. Rep. Stewart Peregoy and Rep. Vinton voted by proxy.

11:17:17 **Motion:** Rep. M. Regier moved that **HB 2 BE AMENDED**.
[EXHIBIT\(aph48a09\)](#)

Discussion:

11:18:14 Rep. Bartel

11:19:17 Rep. Caferro

11:19:48 Rep. Regier

11:21:19 Rep. Caferro

11:22:02 Rep. Regier

11:22:26 Chair Jones

11:23:07 **Vote:** Motion failed 12-12 by roll call vote with Rep. Bartel, Rep. Fuller, Rep. Mercer, Rep. Moore, Rep. Nave, Rep. Patelis, Rep. Read, Rep. M. Regier, Rep. Ricci, Rep. Schillinger, Rep. Tschida and Rep. Vinton voting aye. Rep. Vinton voted by proxy.

11:25:03 **Motion:** Rep. Mercer moved that **HB 2 BE AMENDED.**
[EXHIBIT\(aph48a10\)](#)

Discussion:

11:25:10 Rep. Bartel
11:30:29 Rep. Kerr-Carpenter
11:31:36 Rep. Tschida
11:33:19 Rep. Mercer

11:37:53 **Vote:** Motion carried 17-7 by roll call vote with Rep. Caferro, Rep. Hamilton, Rep. Keane, Rep. Keogh, Rep. Kerr-Carpenter, Rep. Stewart Peregoy and Rep. Windy Boy voting no. Rep. Fuller, Rep. Moore, Rep. Patelis and Rep. Vinton voted by proxy.

11:39:14 Chair Jones

11:40:49 Recess
15:06:53 Reconvened

HEARING ON HB 2 (Section C)

Opening Statement by Sponsor:

15:07:16 Chairman Llew Jones re-opened the hearing on HB 2 (Section C), General Appropriations Act.

HB 2 Hearing on Section C Montana Department of Fish, Wildlife & Parks

15:07:40 Rep. Holmlund
15:09:20 Rep Mercer joined the meeting.
15:10:50 Director Hank Worsch, Montana Fish, Wildlife & Parks (FWP)

Public Comment

15:12:00 Clayton Elliott, Montana Trout Unlimited (TU)
15:13:10 Chair Jones

Questions from Committee Members and Responses:

15:13:20 Rep. Kerr-Carpenter
15:13:52 Rep. Holmlund
15:14:16 Dustin Temple, Montana Fish, Wildlife & Parks (FWP)
15:15:04 Rep. Mercer

[EXHIBIT\(aph48a11\)](#)

[EXHIBIT\(aph48a12\)](#)

15:18:00 Director Worsch, FWP
15:19:37 Dustin Temple, FWP

15:20:05 Rep. Mercer
 15:20:12 Dustin Temple, FWP
 15:20:53 Rep. Mercer
 15:22:29 Director Worsech, FWP
 15:22:56 Rep. Mercer
 15:23:30 Chair Jones
 15:23:38 Rep. Tschida
 15:24:46 Dustin Temple, FWP
 15:25:08 Chair Jones
 15:25:21 Rep. Stewart-Peregoy
 15:25:43 Dustin Temple, FWP
 15:26:24 Rep. Nave
 15:27:30 Dustin Temple, FWP
 15:28:30 Rep. Nave
 15:29:32 Rep. Garner joined the meeting.
 15:29:38 Chair Jones
 15:29:42 Rep. Keane
 15:30:22 Chair Jones

HB 2 Hearing on Section C, Montana Department of Environmental Quality

15:30:49 Rep. Holmlund
 15:31:33 Director Chris Dorrington, Department of Environmental Quality (DEQ)
 15:33:22 Chair Jones

Public Comment

15:33:31 Clayton Elliot, Montana Trout Unlimited (TU)

Questions from Committee Members and Responses:

15:34:12 Rep. Mercer

EXHIBIT(aph48a13)

15:39:36 Rep. Caferro joined the meeting.
 15:46:12 Director Dorrington, FWP
 15:46:36 Rep. Keane
 15:48:25 Chair Jones
 15:48:48 Rep. Moore
 15:51:22 Director Dorrington, FWP
 15:51:36 Rep. Schillinger
 15:54:32 Director Dorrington, FWP
 15:54:52 Jenny Chambers, Department of Environmental Quality (DEQ)
 15:57:08 Rep. Schillinger
 15:57:27 Jennie Chambers, DEQ
 15:58:30 Rep. Tschida
 16:01:33 Jenny Chambers, DEQ
 16:02:25 Rep. Tschida
 16:03:01 Rep. Windy Boy
 16:09:01 Director Dorrington, FWP
 16:10:04 Chair Jones
 16:10:09 Vice Chair Holmlund

16:10:38 Chair Jones

HB 2 Hearing on Section C, Montana Department of Transportation

16:13:11 Vice Chair Holmlund

16:14:36 Director Malcom Long, Montana Department of Transportation (MDT)

16:16:06 Chair Jones

Public Comment: None

Questions from Committee Members and Responses:

16:16:37 Rep. Bartel

16:16:45 Director Long, MDT

16:17:52 Rep. Mercer

16:18:27 Director Long, MDT

16:20:51 Rep. Mercer

16:21:24 Rep. Windy Boy

16:22:29 Larry Flynn, Montana Department of Transportation (MDT)

16:23:55 Rep. Windy Boy

16:29:06 Rep. Caferro left the meeting.

16:31:07 Larry Flynn, MDT

16:32:03 Chair Jones

16:32:08 Rep. Fuller

16:32:28 Director Long, MDT

16:34:05 Chair Jones

16:34:23 Director Long, MDT

16:34:58 Chair Jones

HB 2 Hearing on Section C, Montana Department of Livestock

16:35:12 Rep. Holmlund

16:36:53 Director Mike Honeycutt, Montana Department of Livestock (MDOL)

Public Comment: None

Questions from Committee Members and Responses:

16:37:57 Rep. Windy Boy

16:38:17 Director Honeycutt, MDOL

Public Comment:

16:40:05 Rachel Cone, Montana Farm Bureau Federation (MFBF)

HB 2 Hearing on Section C, Montana Department of Natural Resources & Conservation

16:40:47 Rep. Holmlund

16:42:22 Director Amanda Kaster, Montana Department of Natural Resources and Conservation (DNRC)

Public Comment:

16:44:35 Ray Beck, Yellowstone Conservation District

EXHIBIT(aph48a14)

16:46:19 Chair Jones

16:46:28 Gayla Wortman, Cascade Conservation District

16:48:26 Krista Lee Evans, Montana Agricultural Business Association (MABA)

16:50:06 Clayton Elliott, Montana Trout Unlimited

16:51:43 Rachel Cone, Montana Farm Bureau Federation (MFBF)

Questions from Committee Members and Responses:

16:52:37 Rep. Regier

16:53:29 Rep. Holmlund

16:53:46 Director Kastor, DNRC

16:53:54 Mark Bostrom, Montana Department of Natural Resources and Conservation (DNRC)

16:54:59 Rep. Mercer

16:58:31 Director Kaster, DNRC

16:58:44 Rep. Regier

16:59:11 Trisha Griberus, Department of Natural Resources and Conservation (DNRC)

16:59:52 Chair Jones

HB 2 Hearing on Section C, Montana Department of Agriculture

17:00:31 Rep. Holmlund

17:01:10 Director Mike Foster, Montana Department of Agriculture (AGR)

Public Comment

17:02:59 Rachel Cone, Montana Farm Bureau Federation (MFBF)

Questions from Committee Members and Responses:

17:04:02 Rep. Mercer

EXHIBIT(aph48a15)

17:04:23 Chair Jones

17:05:15 Brief Recess

17:20:36 Reconvened

Opening Statement by Sponsor:

17:20:36 Chairman Llew Jones reconvened the hearing on HB 2 (Section D) General Appropriations Act.

HB 2 Hearing on Section D, Montana Judicial Branch

17:21:03 Rep. Mercer

17:25:56 Beth McLaughlin, Montana Supreme Court Administrator's Office

Public Comment: None

Questions from Committee Members and Responses

17:29:07 Rep. Keane
17:29:48 Chair Jones
17:29:55 Rep. Garner
17:30:20 Rep. Mercer

HB 2 Hearing on Section D, Montana Department of Justice

17:33:15 Rep. Mercer
17:35:43 Kris Hansen, Attorney General's Office (AG)

Public Comment: None

Questions from Committee Members and Responses

17:38:59 Rep. Fuller
17:39:17 Rep. Regier
17:40:11 Kris Hansen, AG
17:45:23 Rep. Regier
17:46:27 Rep. Garner
17:46:54 Kris Hansen, AG
17:47:19 Rep. Garner
17:47:50 Chair Jones

HB 2 Hearing on Section D, Montana Public Service Regulation

17:48:28 Rep. Mercer
17:50:38 Chairman James Brown, Montana Public Service Commission (PSC)
17:52:34 Rep. Caferro rejoined the meeting.

Public Comment: None

Questions from Committee Members and Responses

17:53:47 Rep. Bartel
17:53:58 Chairman Brown, PSC
17:54:31 Rep. Mercer
17:55:23 Chair Jones

HB 2 Hearing on Section D, Montana Office of Public Defender

17:56:02 Rep. Mercer
17:58:59 Chair Jones
17:59:03 Director Rhonda Lindquist, Office of Public Defender (OPD)

Public Comment: None

Questions from Committee Members and Responses

18:01:02 Rep. Hamilton
18:03:38 Rep. Mercer

HB 2 Hearing on Section D, Montana Department of Corrections

18:05:45 Rep. Mercer
18:11:51 Chair Jones
18:11:55 Director Brian Gootkin, Montana Department of Corrections (DOC)

Public Comment:

18:15:11 Jaimee Szlemko, Department of Corrections Probation and Parole Division (P&P)
18:17:12 Trevor Newman, Department of Corrections Probation and Parole Division (P&P)
18:18:39 Jacob Holden, Department of Corrections Probation and Parole Division (P&P)
18:21:45 Chair Jones
18:21:57 Jessica Graham, Department of Corrections Probation and Parole Division (P&P)
18:24:06 Chair Jones
18:24:15 Larry Nielsen, Montana Federation of Public Employees (MFPE)

Questions from Committee Members and Responses

18:25:18 Rep. Regier
18:25:51 Director Gootkin, DOC
18:26:10 Cynthia Wolken, Montana Department of Corrections (DOC)
18:26:49 Rep. Patelis
18:27:08 Director Gootkin, DOC
18:27:22 Rep. Garner
18:29:26 Jacob Holden, P&P
18:29:52 Rep. Garner
18:30:37 Director Gootkin, DOC
18:31:23 Rep. Garner
18:31:59 Rep. Mercer
18:32:18 Monica Lewindowski, Legislative Fiscal Division (LFD)
18:32:48 Rep. Garner
18:32:52 Cynthia Wolken, DOC
18:33:51 Jodi Stone, Montana Department of Corrections (DOC)
18:35:05 Rep. Windy Boy
18:35:29 Director Gootkin, DOC
18:36:04 Chair Jones
18:36:13 Christine Hulten, Montana Department of Corrections (DOC)
18:36:49 Rep. Garner
18:37:03 Director Gootkin, DOC
18:37:11 Rep. Keane
18:37:46 Rep. Patelis
18:38:07 Jacob Holden, P&P
18:38:53 Chair Jones
18:38:59 Rep. Stewart-Peregoy
18:39:51 Christine Hulten, DOC
18:40:29 Rep. Stewart-Peregoy
18:41:09 Cynthia Wolken, DOC
18:42:21 Rep. Stewart-Peregoy
18:42:49 Director Gootkin, DOC
18:43:17 Rep. Windy Boy

18:44:28 Director Gootkin, DOC

18:44:56 Rep. Windy Boy

18:45:17 Chair Jones

18:46:10 Rep. Mercer

[EXHIBIT\(aph48a16\)](#)

18:49:32 Recess

Additional Documents:

[EXHIBIT\(aph48aad.pdf\)](#)