

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) EDUCATION

Call to Order: Chair Fred Anderson-R, on February 27, 2023 at 3:30 PM, in 137

ROLL CALL

Members Present: Rep. Fred Anderson, Chair (R)
Rep. Linda Reksten, Vice Chair (R)
Rep. Tyson Running Wolf, Vice Chair (D)
Rep. James Bergstrom (R)
Rep. Marta Bertoglio (R)
Rep. Lee Deming (R)
Rep. Sherry Essmann (R)
Rep. Eric Matthews (D)
Rep. Braxton Mitchell (R)
Rep. Melissa Romano (D)
Rep. Kerri Seekins-Crowe (R)
Rep. Mark Thane (D)

Members Excused: Rep. Brandon Ler (R)

Staff Present: Rose Harmon, Secretary
Amanda Persons, Remote Meeting Coordinator
Laura Sankey Keip, Research Analyst

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 514 02/21/2023
HB 538 02/21/2023
HB 633 02/21/2023
HB 688 02/21/2023
HB 744 02/24/2023
HB 745 02/24/2023
HB 796 02/24/2023
HB 811 02/24/2023
HB 814 02/27/2023

Executive Action:

HB 538 TO TABLE
HB 514 TO TABLE
HB 633 DO PASS
HB 688 TO TABLE
HB 744 DO PASS
HB 745 DO PASS
HB 796 TO TABLE
HB 814 TO TABLE
HB 502 DO PASS AS AMENDED
HB 535 TO TABLE
HB 566 DO PASS AS AMENDED
HB 707 DO PASS
HB 811 DO PASS

HEARING ON HB 538 - Revise constitutional and pledge of allegiance student instruction laws

Opening Statement:

15:33:09 Rep. Bob Phalen (R), HD 36, opened the hearing on HB 538, Revise constitutional and pledge of allegiance student instruction laws.

Proponent Testimony:

None

Opponent Testimony:

15:34:36 Dennis Parman, Executive Director, Montana Rural Education Association (MREA), Coalition of Advocates for Montana's Public Schools (CAMPS)

15:40:34 Jenny Murnane Butcher, Deputy Director, Montanans Organized For Education (MOFE)

15:41:29 Lucretia Humphrey, School Professional

Informational Witness Testimony:

15:42:32 Rob Stutz, Chief Legal Counsel, Office of Public Instruction (OPI)

15:42:50 Amanda Curtis, President Elect, Montana Federation of Public Employees, (MFPE)

Questions from Committee:

15:43:25 Rep. Mark Thane

15:44:06 Dennis Parman, CAMPS

15:44:29 Rep. Marta Bertoglio

15:44:53 Rep. Bob Phalen-R

15:45:16 Rep. Marta Bertoglio

15:45:38 Rep. Bob Phalen-R

15:46:14 Vice Chair Tyson Running Wolf

15:46:57 Rep. Bob Phalen-R

Closing Statement:

15:47:26 Rep. Bob Phalen (R), HD 36, closed the hearing on HB 538.

HEARING ON HB 514 - Increase the inflationary adjustment cap related to school funding

Opening Statement:

15:48:17 Rep. Melissa Romano (D), HD 81, opened the hearing on HB 514, Increase the inflationary adjustment cap related to school funding.

Discussion:

[EXHIBIT\(230227EDHa1\)](#)

15:51:15 Rep. Brandon Ler joined the meeting.

Proponent Testimony:

15:52:41 Lance Melton, Executive Director, Montana School Boards Association (MSBA); Coalition of Advocates for Montana's Public Schools (CAMPS)

15:54:45 Kevin Ward, Teacher

15:56:43 Adam Clinch, Teacher

15:58:26 Jake Warner, Teacher

16:01:11 Kellen Alger, Teacher

16:01:31 Rep. Sherry Essmann left the meeting.

16:01:44 Kelly Elder, Teacher

16:03:11 Daniel Farr, North/South/East Rural Schools (NSERS)

16:04:02 Jenny Murnane Butcher, Deputy Director, Montanans Organized For Education (MOFE)

16:04:54 Amanda Curtis, President Elect, Montana Federation of Public Employees (MFPE)

Opponent Testimony:

16:05:39 Bob Story, Montana Taxpayer's Association

16:06:36 Rep. Kerri Seekins-Crowe left the meeting.

Informational Witness Testimony:

16:08:28 Paul Taylor, Budget Analyst, Office of Public Instruction (OPI)

Questions from Committee:

16:08:57 Vice Chair Linda Reksten

16:09:31 Paul Taylor, OPI

16:10:46 Vice Chair Linda Reksten

16:11:12 Paul Taylor, OPI

16:11:47 Vice Chair Linda Reksten

16:11:52 Paul Taylor, OPI

Closing Statement:

16:12:13 Rep. Melissa Romano (D), HD 81, closed the hearing on HB 514.

HEARING ON HB 633 - Provide means to raise teacher pay in school districts with high cost of living

Opening Statement:

16:13:56 Rep. Eric Matthews (D), HD 66, opened the hearing on HB 633, Provide means to raise teacher pay in school districts with high cost of living.

Proponent Testimony:

16:22:43 Rob Watson, Coalition of Advocates for Montana's Public Schools (CAMPS)

16:25:10 Adam Thane, Self

16:29:09 Josh Stanish, Teacher

16:30:44 Nate Johnson, Teacher

16:31:46 Jake Warner, Teacher

16:32:06 Rep. Kerri Seekins-Crowe joined the meeting.

16:33:24 Jessica Reynolds, Speech Language Pathologist
16:34:28 Amanda Curtis, President Elect, Montana Federation of Public Employees (MFPE)
16:34:56 Daniel Farr, Self

Opponent Testimony:

None

Informational Witness Testimony:

16:36:45 Paul Taylor, Budget Analyst, Office of Public Instruction (OPI)

Questions from Committee:

16:37:12 Rep. James Bergstrom
16:37:48 Rep. Eric Matthews-D
16:38:47 Chair Fred Anderson
16:39:42 Paul Taylor, OPI
16:42:03 Vice Chair Linda Reksten
16:42:17 Paul Taylor, OPI
16:44:05 Vice Chair Linda Reksten
16:44:45 Rep. Eric Matthews-D

Closing Statement:

16:46:12 Rep. Eric Matthews (D), HD 66, closed the hearing on HB 633.

HEARING ON HB 688 - Revise laws related to social-emotional learning

Opening Statement:

16:49:26 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 688, Revise laws related to social-emotional learning.

Proponent Testimony:

16:55:55 Chair Fred Anderson left the meeting.

16:56:06 Alba Pimentel, Chapter Chair, Moms for Liberty

16:57:39 Ellyn Apple-Skeahan, Self

Opponent Testimony:

16:58:45 Rob Watson, Coalition of Advocates for Montana's Public Schools (CAMPS)

[EXHIBIT\(230227EDHa2\)](#)

16:58:46 Rob Watson, CAMPS

[EXHIBIT\(230227EDHa3\)](#)

17:04:04 Tara Ferriter-Smith, Instructional Coach, Helena School District

17:06:42 Bethany Coe, Montana Educator

17:08:23 Jessica Reynolds, Speech and Language Pathologist, Speech, Language, and Hearing Association

17:09:27 Jamie Bawden, School Counselor

17:10:09 Coleen Smith, Executive Director, Youth Connections

17:12:54 Mary Collins, Center For Children, Families, and Workforce Development, University of Montana

17:13:50 Ashley Mihelish, Teacher

17:16:25 Erica McMillin, Self, School Psychologist

17:17:34 Colleen Rahn, National Alliance on Mental Illness - Montana (NAMI-MT)

17:18:01 Daniel Farr, North/South/East Rural Schools (NSERS)

17:20:06 McCall Flynn, Executive Director, Montana Board of Public Education (BPE)

17:21:02 Jenny Murnane Butcher, Montanans Organized for Education (MOFE)

[EXHIBIT\(230227EDHa4\)](#)

17:22:34 Sarah Piper, Director of Policy, Montana Federation of Public Employees (MFPE)

- 17:24:13 Bill Starkey, Executive Director, Montana School Counselor's Association, School Counselor and Psychologist, Educator
- 17:24:44 Jason Karls, Self
- 17:25:09 Tobin Novasio, Superintendent, Lockwood schools
- 17:25:51 Lisa Kerschler, Education Director - Montana Right Ways Learning
- 17:26:24 Melissa Tovaas, Executive Director, School Services of Montana
- 17:27:06 Heidi Lester, Self
- 17:27:23 Dr. Brittany Lewno-Dundie, School Psychologist; President Elect, Montana Association of School Psychologists (MASP)
- 17:28:23 Grace Decker, Coordinator, Zero to Five Missoula County Initiative, Elected Trustee Missoula County Public Schools
- 17:28:50 Tawnya Kirschman, School Counselor
- 17:29:17 Kallie Triller, Self, licensed school counselor
- 17:29:41 Rachel Wanderscheid, Director, Montana After School Alliance; Former Youth Court Attorney

Informational Witness Testimony:

- 17:30:16 Rebecca de Camara, Administrator, Behavioral Health and Developmental Disabilities Division, Montana Department of Health and Human Services (DPHHS)
- 17:30:44 Karl Rosston, Suicide Prevention Coordinator, Montana Department of Health and Human Services (DPHHS)
- 17:41:52 Paul Furthmyre, Superintendent, Montana School for the Deaf and the Blind

Questions from Committee:

- 17:31:24 Rep. Eric Matthews
- 17:31:40 Karl Rosston, DPHHS

Closing Statement:

- 17:32:13 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 688.

17:33:14 **Recessed**

17:42:40 **Reconvened**

HEARING ON HB 814 - Revise laws related to intellectual diversity on college campuses

Opening Statement:

17:43:03 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 814, Revise laws related to intellectual diversity on college campuses.

Proponent Testimony:

None

Opponent Testimony:

17:44:48 Ethan Hanley, Associated Students of the University of Montana

17:47:49 Helen Thigpen, Deputy Commissioner, Montana Office of the Commissioner of Higher Education (OCHE)

17:50:04 Rep. Brandon Ler joined the meeting.

17:52:36 Sarah Piper, Montana Federation of Public Employees (MFPE)

17:54:24 Maggie Bell, Montana Associated Students (MAS)

Informational Witness Testimony:

None

Questions from Committee:

17:56:17 Rep. Lee Deming

17:56:51 Rep. Lola Sheldon-Galloway-R

Closing Statement:

17:57:13 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 814.

HEARING ON HB 796 - Require school district trustee candidates to pass criminal background checks

Opening Statement:

17:58:17 Rep. Terry Falk (R), HD 8, opened the hearing on HB 796, Require school district trustee candidates to pass criminal background checks.

Proponent Testimony:

None

Opponent Testimony:

18:02:04 Lance Melton, Executive Director, Montana School Boards Association (MSBA); Coalition of Advocates for Montana's Public Schools (CAMPS)

Informational Witness Testimony:

None

Questions from Committee:

18:06:21 Rep. James Bergstrom

18:06:49 Lance Melton, CAMPS

18:07:22 Rep. James Bergstrom

18:07:35 Lance Melton, CAMPS

18:08:21 Rep. Eric Matthews

18:09:21 Rep. Terry Falk-R

18:10:07 Rep. Eric Matthews

18:10:57 Rep. Terry Falk-R

Closing Statement:

18:12:11 Rep. Terry Falk (R), HD 8, closed the hearing on HB 796.

HEARING ON HB 744 - Revise laws to protect religious expression for students and teachers

Opening Statement:

18:13:35 Rep. Greg Kmetz (R), HD 38, opened the hearing on HB 744, Revise laws to protect religious expression for students and teachers.

Discussion:

[EXHIBIT\(230227EDHa5\)](#)

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

18:15:57 Sarah Piper, Montana Federation of Public Employees (MFPE)

Questions from Committee:

18:16:29 Rep. Marta Bertoglio

18:16:47 Sarah Piper, MFPE

18:17:20 Rep. Eric Matthews

18:17:48 Rep. Greg Kmetz-R

Closing Statement:

18:18:08 Rep. Greg Kmetz (R), HD 38, closed the hearing on HB 744.

HEARING ON HB 745 - Revise laws related to religious materials and prayer in schools

Opening Statement:

18:20:30 Rep. Greg Kmetz (R), HD 38, opened the hearing on HB 745, Revise laws related to religious materials and prayer in schools.

Proponent Testimony:

18:21:44 Jeff Laszloffy, Montana Family Foundation (MFF)

Opponent Testimony:

18:24:41 Sarah Piper, Montana Federation of Public Employees (MFPE)

Informational Witness Testimony:

None

Questions from Committee:

18:26:40 Rep. Lee Deming
18:27:17 Sarah Piper, MFPE
18:27:52 Rep. Lee Deming
18:28:21 Rep. Greg Kmetz-R
18:28:44 Rep. Lee Deming
18:29:38 Rep. Greg Kmetz-R

Closing Statement:

18:30:20 Rep. Greg Kmetz (R), HD 38, closed the hearing on HB 745.

HEARING ON HB 811 - Create online repository for information on school district boards of trustees

Opening Statement:

18:31:01 Rep. Marta Bertoglio (R), HD 75, opened the hearing on HB 811, Create online repository for information on school district boards of trustees.

Discussion:

[EXHIBIT\(230227EDHa6\)](#)

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

18:33:58 Rep. Marta Bertoglio (R), HD 75, closed the hearing on HB 811.

18:35:00 **Recessed**

19:10:25 **Reconvened**

EXECUTIVE ACTION ON HB 538 - Revise constitutional and pledge of allegiance student instruction laws

19:10:27 **Motion:** Rep. Linda Reksten moved that **HB 538 DO PASS.**

19:11:16 **Substitute Motion:** Rep. Tyson Running Wolf moved that **HB 538 TO TABLE.**

19:11:16 **Vote:** Substitute Motion carried 9 - 4 by voice vote with Rep. Deming, Rep. Ler, Rep. Mitchell, Rep. Seekins-Crowe, voting no.
Rep. Seekins-Crowe, By Proxy

EXECUTIVE ACTION ON HB 514 - Increase the inflationary adjustment cap related to school funding

19:12:17 **Motion:** Rep. Linda Reksten moved that **HB 514 DO PASS.**

Discussion:

19:12:50 Rep. Melissa Romano

19:13:23 Rep. James Bergstrom

19:13:33 Vice Chair Linda Reksten

19:15:19 Rep. Mark Thane

19:12:17 **Vote:** Motion failed 9 - 4 by roll call vote with Rep. Matthews, Rep. Romano, Rep. Running Wolf, Rep. Thane, voting yes.

19:17:18 **Motion:** Rep. Mark Thane moved that **HB 514 TO TABLE.**

19:17:18 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 633 - Provide means to raise teacher pay in school districts with high cost of living

19:17:45 **Motion:** Rep. Linda Reksten moved that **HB 633 DO PASS.**

Discussion:

19:18:11 Rep. Eric Matthews

19:18:54 Chair Fred Anderson

19:19:23 Rep. Eric Matthews

19:21:01 Chair Fred Anderson
19:22:23 Rep. Eric Matthews
19:23:33 Vice Chair Linda Reksten
19:23:50 Rep. Eric Matthews
19:24:22 Vice Chair Linda Reksten
19:24:32 Rep. Eric Matthews
19:25:29 Vice Chair Linda Reksten
19:25:34 Rep. Mark Thane
19:17:45 **Vote:** Motion carried 8 - 5 by roll call vote with Rep. Anderson, Rep. Deming, Rep. Ler, Rep. Mitchell, Rep. Seekins-Crowe, voting no.
Rep. Seekins-Crowe, By Proxy

EXECUTIVE ACTION ON HB 688 - Revise laws related to social-emotional learning

19:27:51 **Motion:** Rep. Linda Reksten moved that **HB 688 DO PASS.**
19:28:12 **Substitute Motion:** Rep. Tyson Running Wolf moved that **HB 688 TO TABLE.**
19:28:12 **Vote:** Substitute Motion carried 9 - 4 by voice vote with Rep. Deming, Rep. Ler, Rep. Mitchell, Rep. Seekins-Crowe, voting no.
Rep. Seekins-Crowe, By Proxy

EXECUTIVE ACTION ON HB 744 - Revise laws to protect religious expression for students and teachers

19:28:54 **Motion:** Rep. Linda Reksten moved that **HB 744 DO PASS.**
Discussion:
19:29:23 Rep. Eric Matthews
19:30:09 Rep. Lee Deming
19:28:54 **Vote:** Motion carried 9 - 4 by roll call vote with Rep. Essmann, Rep. Matthews, Rep. Romano, Rep. Thane, voting no.

EXECUTIVE ACTION ON HB 745 - Revise laws related to religious materials and prayer in schools

19:32:16 **Motion:** Rep. Linda Reksten moved that **HB 745 DO PASS.**
Discussion:

19:32:46 Rep. Mark Thane
19:33:18 Rep. Eric Matthews
19:32:16 **Vote:** Motion carried 9 - 4 by roll call vote with Rep. Essmann, Rep. Matthews, Rep. Romano, Rep. Thane, voting no.

EXECUTIVE ACTION ON HB 796 - Require school district trustee candidates to pass criminal background checks

19:35:11 **Motion:** Rep. Linda Reksten moved that **HB 796 DO PASS.**
19:35:11 **Vote:** Motion failed unanimously by voice vote.
19:36:06 **Motion:** Rep. Brandon Ler moved that **HB 796 TO TABLE.**
19:36:06 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 814 - Revise laws related to intellectual diversity on college campuses

19:37:36 **Motion:** Rep. Linda Reksten moved that **HB 814 DO PASS.**
Discussion:
19:38:00 Rep. Eric Matthews
19:39:10 **Substitute Motion:** Rep. Eric Matthews moved that **HB 814 TO TABLE.**
19:39:10 **Vote:** Substitute Motion carried 8 - 5 by roll call vote with Rep. Bergstrom, Rep. Deming, Rep. Ler, Rep. Mitchell, Rep. Seekins-Crowe, voting no. Rep. Seekins-Crowe, By Proxy

EXECUTIVE ACTION ON HB 502 - Revise education laws related to human sexuality instruction

19:40:19 **Motion:** Rep. Linda Reksten moved that **HB 502 DO PASS.**
19:40:46 **Motion:** Rep. Linda Reksten moved that **HB 502 BE AMENDED.**
Discussion:
19:40:46 Rep. James Bergstrom
19:40:46 **Vote:** Motion carried unanimously by voice vote.
19:42:28 **Motion:** Rep. Linda Reksten moved that **HB 502 DO PASS AS AMENDED.**
Discussion:
19:42:38 Rep. Eric Matthews

19:43:26 Rep. Mark Thane
19:44:10 Rep. Lee Deming
19:44:42 Vice Chair Linda Reksten
19:45:25 Rep. Marta Bertoglio
19:42:28 **Vote:** Motion carried 8 - 5 by roll call vote with Rep. Anderson, Rep. Matthews, Rep. Romano, Rep. Running Wolf, Rep. Thane, voting no.

EXECUTIVE ACTION ON HB 535 - Revising education laws to provide a definition of "financial literacy"

19:47:12 **Motion:** Rep. Linda Reksten moved that **HB 535 DO PASS.**

Discussion:

19:47:34 Rep. Braxton Mitchell
19:48:22 Rep. Lee Deming
19:48:36 Rep. Mark Thane
19:47:12 **Vote:** Motion failed 7 - 6 by roll call vote with Rep. Anderson, Rep. Bergstrom, Rep. Deming, Rep. Ler, Rep. Mitchell, Rep. Seekins-Crowe, voting yes.
Rep. Seekins-Crowe, By Proxy
19:50:34 **Substitute Motion:** Rep. Linda Reksten moved that **HB 535 TO TABLE.**
19:50:34 **Vote:** Substitute Motion carried 9 - 4 by voice vote with Rep. Bergstrom, Rep. Deming, Rep. Mitchell, Rep. Seekins-Crowe, voting no.
Rep. Seekins-Crowe, By Proxy

EXECUTIVE ACTION ON HB 566 - Revise notice requirements for human sexuality instruction

19:51:11 **Motion:** Rep. Linda Reksten moved that **HB 566 DO PASS.**
19:51:37 **Motion:** Rep. Linda Reksten moved that **HB 566 BE AMENDED.**

Discussion:

19:51:57 Rep. Mark Thane
19:52:16 Laura Sankey Keip
19:53:32 Rep. Eric Matthews
19:54:27 Laura Sankey Keip
19:55:10 Rep. Sherry Essmann

- 19:55:44 Chair Fred Anderson
- 19:56:20 Vice Chair Linda Reksten
- 19:56:23 Chair Fred Anderson
- 19:56:45 Rep. Mark Thane
- 19:51:37 **Vote:** Motion failed 8 - 5 by roll call vote with Rep. Bergstrom, Rep. Deming, Rep. Ler, Rep. Mitchell, Rep. Seekins-Crowe, voting yes.
Rep. Seekins-Crowe, By Proxy
- 19:58:33 **Motion:** Rep. Linda Reksten moved that **HB 566 BE AMENDED.**
- Discussion:**
- 19:58:39 Laura Sankey Keip
- 20:00:15 Rep. Mark Thane
- 20:00:33 Chair Fred Anderson
- 20:00:35 Vice Chair Linda Reksten
- 19:58:33 **Vote:** Motion carried unanimously by roll call vote.
- 20:02:25 **Motion:** Rep. Mark Thane moved that **HB 566 BE AMENDED.**
- 20:02:25 **Vote:** Motion carried unanimously by voice vote.
- 20:03:01 **Motion:** Rep. Linda Reksten moved that **HB 566 DO PASS AS AMENDED.**
- 20:03:01 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 707 - Allow certain elementary districts to create new high school district

- 20:27:40 **Motion:** Rep. Linda Reksten moved that **HB 707 DO PASS.**
- 20:27:40 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 811 - Create online repository for information on school district boards of trustees

- 20:36:25 **Motion:** Rep. Linda Reksten moved that **HB 811 DO PASS.**
- 20:36:25 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 20:05:29

Rose Harmon, Secretary

Additional Documents: [EXHIBIT\(230227EDHaad\)](#)