

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Dave Lewis, on March 19, 2011 at 1:00 P.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Dave Lewis, Chairman (R)
Sen. Rick Ripley, Vice Chairman (R)
Sen. Debby Barrett (R)
Sen. John Brenden (R)
Sen. Taylor Brown (R)
Sen. Mary Caferro (D)
Sen. Steven Gallus (D)
Sen. Bradley Hamlett (D)
Sen. Bob Hawks (D)
Sen. Llew Jones (R)
Sen. Jim Keane (D)
Sen. Edward Walker (R)
Sen. David E. Wanzonried (D)
Sen. Carol Williams (D)
Sen. Ryan Zinke (R)

Members Excused:

Sen. Alan Olson (R)
Sen. Jason Priest (R)
Sen. Jon Sonju (R)
Sen. Edward Buttrey (R)

Members Absent: None

Staff Present: Jaret Coles, Legislative Branch
Prudence Gildroy, Committee Secretary
Taryn Purdy, 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:

Hearing & Date Posted: HB 2, 3/15/2011

Executive Action: HB 2

00:00:03 Reconvene
00:00:08 Chairman Lewis
00:00:52 **Motion/Vote:** Sen. Lewis moved that **A COMMITTEE BILL BE DRAFTED.**
Motion carried 13-2 by voice vote of those present and voting with Sen.
Wanzenried and Sen. Williams voted no.
00:01:55 Chairman Lewis

HEARING ON HB 2 (Continued)

HB 2 Section E - Education:

00:02:09 Rep. Roy Hollandsworth, HD 28, opened on Section E of HB 2.
[EXHIBIT\(fcs62a01\)](#)
[EXHIBIT\(fcs62a02\)](#)
[EXHIBIT\(fcs62a03\)](#)

Questions from the Committee:

00:17:15 Chairman Lewis
00:17:24 Sen. Jones
00:17:37 Sen. Hawks
00:18:15 Rep. Hollandsworth
00:18:43 Sen. Hawks
00:19:14 Rep. Hollandsworth
00:19:55 Sen. Hawks
00:20:07 Sen. Wanzenried
00:20:24 Rep. Hollandsworth
00:20:36 Sen. Wanzenried
00:20:50 Rep. Hollandsworth
00:21:09 Sen. Wanzenried
00:21:23 Chairman Lewis

Informational Testimony:

Office of Public Instruction:

00:22:35 Denise Juneau, State Superintendent of Public Instruction, Office of Public
Instruction (OPI)
[EXHIBIT\(fcs62a04\)](#)
00:30:22 Marco Ferro, MEA-MFT
[EXHIBIT\(fcs62a05\)](#)
00:32:27 Dan Villa, Education Policy Advisor, Office of the Governor (GOV)
00:34:45 Chairman Lewis
00:35:02 Mr. Villa, GOV
00:35:26 Chairman Lewis

00:35:41 Mr. Villa
00:35:50 Tara Veasey, Montana Budget and Policy Center
00:38:42 Steve Meloy, Board of Public Education
00:39:08 Judith Lamb, Big Sky Special Needs Program

EXHIBIT(fcs62a06)

00:41:26 Dale Lambert, SAM, MCASE
00:43:09 Sheila Stearns, Commissioner of Higher Education
00:44:57 Robert Curry, Montana Digital Academy
00:46:31 Carol White, Missoula County Schools
00:48:00 Christina Davis, Children's Defense Fund

Board of Public Education:

00:49:23 Steve Meloy, Board of Public Education
EXHIBIT(fcs62a07)
00:54:53 Denise Juneau, State Superintendent of Public Instruction (OPI)
00:55:57 Marco Ferro, MEA-MFT
00:58:07 Steve Gettel, School for the Deaf and Blind

School for the Deaf and Blind:

00:59:16 Steve Gettel, School for the Deaf and Blind
EXHIBIT(fcs62a08)
EXHIBIT(fcs62a09)
EXHIBIT(fcs62a10)
01:07:33 Judith Lamb, Big Sky Special Needs Program
01:08:23 Steve Meloy, Board of Public Education
01:08:55 Marco Ferro, MEA-MFT
01:09:16 Dale Lambert, SAM and MEASE

Montana Arts Council:

01:09:59 Arnie Fishbaugh, Montana Arts Council
01:14:49 Denise Juneau, OPI
01:15:35 Marco Ferro, MEA-MFT

Montana Library Commission:

01:16:41 Trish Smith, Montana State Library
01:19:55 Judy Hart, Montana Library Association
EXHIBIT(fcs62a11)
01:25:10 Denise Juneau, OPI, State Library Commissioner
01:26:04 Mike Cooney, Montana Historical Society
EXHIBIT(fcs62a12)
01:30:34 Russ Ritter, representing himself
01:37:30 Marco Ferro, MEA-MFT

University System:

- 01:38:46 Sheila Stearns, Commissioner of Higher Education
EXHIBIT(fcs62a13)
 01:46:34 Waded Cruzado, Montana State University
 01:52:44 Royce Engstrom, President, University of Montana (UM)
 01:57:39 Sen. Jonathan Windy Boy, SD 16
 02:00:55 Rolf Groseth, Chancellor, Montana State University Billings
 02:01:45 Dick Storey, Chancellor, Montana University Dillon
 02:02:29 Frank Gilmore, Chancellor, Montana State University, College of Technology
 02:03:55 Daniel Bingham, Montana State University, College of Technology
 02:05:09 Jane Karas, President, Flathead Community College
 02:06:21 Stefanie Hicswa, President, Miles City Community College
 02:07:11 Jim Cargill, President, Dawson Community College
 02:08:05 Jennifer Thompson, Chairman, Friends of Montana PBS
 02:09:52 Teresa Borrenpohl, Student Regent
 02:11:39 Annie Glover, Salish Kootenai Tribes and Salish Kootenai Community College
EXHIBIT(fcs62a14)
EXHIBIT(fcs62a15)
EXHIBIT(fcs62a16)
 02:14:55 Marco Ferro, MEA-MFT
EXHIBIT(fcs62a17)
 02:17:20 John Metesch, Montana Bureau of Mines and Technology
 02:18:53 Tyler Wyns
 02:20:24 Kayla Miller, President, Associated Students, Montana University Billings
 02:21:44 Douglass Steele, Montana State University
 02:24:15 Janelle Booth, Associated Students, Montana State University
 02:25:11 Superintendent Denise Juneau, OPI
 02:26:07 Blake Robertson, Montana State University Billings
 02:27:13 Mike Dills, Associated Students, Montana State University

Questions from the Committee:

- 02:29:13 Sen. Keane
 02:30:03 Dan Villa, Office of the Governor
 02:30:31 Sen. Jones
 02:32:10 Chairman Lewis
 02:32:23 Sen. Jones
 02:32:40 Chairman Lewis
 02:33:02 Sen. Barrett
 02:33:31 Chancellor Engstrom
 02:34:36 Sen. Barrett
 02:34:45 Sen. Ripley
 02:35:24 Pam Joehler, Legislative Fiscal Division (LFD)
 02:35:59 Sen. Ripley
 02:36:14 Ms. Joehler, LFD

EXECUTIVE ACTION ON HB 2 SECTION B

Higher Education:

02:36:32 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**

Discussion:

Sen. Hawks 227.apj
EXHIBIT(fcs62a18)

Discussion:

02:36:48 Sen. Hawks
02:38:06 Chairman Lewis
02:38:22 Sen. Williams
02:39:15 Sen. Brown
02:39:55 Sen. Jones
02:40:53 Sen. Brown
02:41:11 Sen. Hawks
02:41:43 Ms. Joehler, LFD
02:42:11 Jane Caras, Flathead Community College
02:42:32 Sen. Brown
02:42:39 Ms. Caras
02:42:50 Sen. Ripley
02:43:04 Ms. Caras
02:43:23 Sen. Ripley
02:43:44 Ms. Caras
02:43:59 Sen. Ripley
02:44:08 Sen. Brown
02:44:26 Stefani Hicswa, Miles City Community College
02:45:00 Sen. Keane
02:45:25 Ms. Hicswa
02:46:33 Sen. Hamlett
02:46:52 Sen. Hawks

02:47:08 **Substitute Motion:** Sen. Brenden made a substitute motion that **AMENDMENT HB000227.APJ BE TABLED.**

Discussion:

02:47:31 Sen. Brenden
02:47:50 Sen. Hawks
02:49:46 Chairman Lewis
02:49:57 Sen. Hamlett

02:50:35 **Vote:** Motion carried 12-7 by roll call vote with Sen. Caferro, Sen Gallus, Sen Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus, Sen. Olson, Sen. Walker and Sen. Wanzenried voted by proxy.

02:51:39 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a19\)](#)

Discussion:

02:51:50 Sen. Hawks
02:53:16 Chairman Lewis
02:53:22 Sen. Jones
02:54:18 Sen. Hawks
02:54:40 Chairman Lewis
02:55:15 Sen. Williams
02:56:33 Chairman Lewis

02:56:47 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson, Sen. Sonju, Sen. Walker and Sen. Zinke voted by proxy.

02:57:44 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a20\)](#)

Discussion:

00:57:51 Sen. Hawks
02:59:05 Sen. Jones
03:00:22 Sen. Brown
03:01:15 Chancellor Douglass Steele, Montana State University Extension Services
03:02:49 Sen. Brown
03:03:05 Chancellor Steele
03:03:31 Sen. Brown
03:03:48 Chancellor Steele
03:04:21 Sen. Keane
03:04:51 Terry Johnson, Legislative Fiscal Division (LFD)
03:05:21 Sen. Keane
03:05:31 Sen. Jones

03:06:35 **Vote:** Motion failed 8-11 by roll call vote with Sen. Brown, Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson, Sen. Sonju and Sen. Walker voted by proxy.

03:08:09 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a21\)](#)

Discussion:

03:08:30 Sen. Hawks
03:09:53 Sen. Jones

03:10:04 Pam Joehler, LFD
03:11:10 Sen. Ripley
03:11:32 Sen. Williams
03:12:08 Chairman Lewis

03:12:27 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson, Sen. Walker, Sen. Wanzenried and Sen. Williams voted by proxy.

03:13:42 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs62a22)

Discussion:

03:14:00 Sen. Hawks
03:14:45 Ms. Joehler, LFD
03:14:52 Sen. Hawks
03:17:44 Sen. Jones
03:20:17 Sen. Brenden
03:21:14 Sen. Hawks
03:23:00 Sen. Brown
03:24:04 Sen. Williams
03:24:21 Sheila Stearns, Commissioner of Higher Education
03:26:05 Sen. Hawks
03:26:21 Ms. Stearns
03:27:19 Chairman Lewis
03:28:10 Ms. Stearns
03:29:16 Chairman Lewis
03:29:26 Sen. Zinke
03:30:06 Sen. Barrett
03:30:26 Ms. Stearns
03:31:00 Chairman Lewis

03:31:12 **Vote:** Motion failed 8-11 by roll call vote with Sen. Brown, Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus and Sen. Olson voted by proxy.

03:32:24 **Motion:** Sen. C. Williams moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs62a23)

Discussion:

03:32:36 Sen. Williams
03:33:27 Sen. Jones
03:34:05 Sen. Hawks
03:36:21 Chairman Lewis
03:36:34 Sen. Jones
03:36:45 Sen. Williams

03:37:54 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson, Sen. Walker and Sen. Wanzenried voted by proxy.

03:39:54 Recess

03:59:25 Reconvene

Office of Public Instruction:

03:59:26 Chairman Lewis

03:59:58 Rep. Jones

04:01:38 Jim Standaert, Senior Fiscal Analyst, Legislative Fiscal Division (LFD)

04:05:34 Rep. Jones

04:05:38 Mr. Standaert, LFD

04:05:43 Rep. Jones

04:06:24 Madlyn Quinlan, Chief of Staff, Office of Public Instruction (OPI)

04:07:35 Rep. Jones

04:09:32 Dan Villa, Office of the Governor (GOV)

04:15:14 Rep. Jones

04:15:42 Mr. Villa, GOV

04:16:11 Rep. Jones

04:16:43 Chairman Lewis

04:17:22 Mr. Villa

04:18:29 Rep. Jones

04:18:52 Sen. Barrett

04:20:12 Sen. Keane

04:20:41 Chairman Lewis

04:21:03 Sen. Hawks

04:21:22 Chairman Lewis

04:21:31 Sen. Ripley

04:22:06 Mr. Villa

04:23:47 Sen. Ripley

04:23:51 Mr. Villa

04:26:30 Sen. Jones

04:26:59 Mr. Villa

04:27:16 Sen. Jones

04:27:37 **Motion:** Sen. Jones moved that **HB 2 BE AMENDED.**

[**EXHIBIT\(fcs62a24\)**](#)

Discussion:

04:28:03 Sen. Jones

04:32:39 Sen. Keane

04:32:46 Sen. Jones

04:33:01 Jim Standaert,(LFD)

04:34:12 Sen. Keane

04:34:28 Mr. Villa, GOV

04:36:41 Sen. Keane

04:37:06 Mr. Villa
 04:37:50 Sen. Jones
 04:38:28 Mr. Standaert, LFD
 04:39:43 Mr. Villa
 04:39:56 Mr. Standaert
 04:40:03 Chairman Lewis
 04:40:16 Sen. Caferro
 04:40:42 Sen. Jones
 04:40:49 Mr. Standaert
 04:40:57 Sen. Caferro
 04:41:03 Mr. Standaert
 04:43:03 Sen. Caferro
 04:43:41 Mr. Standaert
 04:43:52 Chairman Lewis
 04:44:13 Sen. Caferro
 04:44:25 Sen. Williams
 04:45:22 Mr. Villa
 04:46:32 Sen. Sonju
 04:46:42 Mr. Villa
 04:47:08 Sen. Sonju
 04:48:23 Mr. Villa
 04:48:04 Sen. Caferro
 04:48:57 Superintendent Denise Juneau, Office of Public Instruction (OPI)
 04:52:35 Sen. Jones
 04:53:21 Barb Smith, LFD
EXHIBIT(fcs62a25)
 04:56:33 Amy Carlson, LFD
EXHIBIT(fcs62a26)
 04:58:44 Sen. Keane
 04:59:27 Mr. Villa
 05:00:19 Sen. Keane
 05:00:38 Mr. Villa
 05:01:36 Sen. Williams
 05:02:59 Sen. Hawks
 05:03:29 Ms. Smith, LFD
 05:04:16 Sen. Hawks
 05:04:22 Sen. Ripley
 05:04:50 Sen. Barrett
 05:05:24 Mr. Standaert
 05:05:51 Sen. Barrett
 05:06:14 Mr. Standaert
 05:06:19 Sen. Caferro
 05:08:09 Sen. Jones

 05:13:07 **Vote:** Motion carried 11-8 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Walker, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus, Sen. Olson and Sen. Wanzenried voted by proxy.

Montana Historical Society:

05:13:18 **Motion:** Sen. Caferro moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a27\)](#)

Discussion:

05:13:46 Sen. Caferro
05:14:20 Sen. Jones
05:14:38 Sen. Brenden
05:14:49 Sen. Caferro
05:14:53 Sen. Jones
05:15:31 Sen. Barrett
05:15:38 Sen. Caferro

05:15:44 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson and Sen. Wanzenried voted by proxy.

05:16:42 **Motion:** Sen. Jones moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a28\)](#)

Discussion:

05:17:08 Sen. Jones
05:18:19 Chairman Lewis
05:18:29 Sen. Hawks
05:18:41 Sen. Hamlett

05:18:49 **Vote:** Motion carried unanimously by voice vote of those present and voting. (Sen. Olson, Sen. Gallus, Sen. Walker and Sen. Wanzenried were excused)

Board of Public Education:

05:19:05 **Motion:** Sen. C. Williams moved that **HB 2 BE ADOPTED.**
[EXHIBIT\(fcs62a29\)](#)

Discussion:

05:19:07 Sen. Williams
05:20:22 Sen. Hawks
05:20:36 Chairman Lewis
05:20:46 Taryn Purdy, Legislative Fiscal Division (LFD)

05:21:43 **Vote:** Motion carried 10-9 by roll call vote with Sen. Barrett, Sen. Brown, Sen. Buttrey, Sen. Lewis, Sen. Olson, Sen. Priest, Sen. Ripley, Sen. Sonju and Sen. Walker voting no. Sen. Gallus, Sen. Olson, Sen. Walker and Sen. Wanzenried voted by proxy.

Montana Historical Society:

05:22:50 **Motion:** Sen. Hamlett moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a30\)](#)

Discussion:

05:23:02 Sen. Hamlett
05:23:43 Sen. Zinke

05:24:18 **Vote:** Motion carried unanimously by roll call vote. Sen. Gallus, Sen. Olson, and Sen. Wanzenried voted by proxy.

05:25:49 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a31\)](#)

Discussion:

00:26:13 Sen. Hawks
05:26:42 Pam Joehler, LFD
05:27:44 Sen. Jones
05:28:05 Sen. Hawks
05:28:34 Sen. Brown
05:28:45 Ms. Joehler

05:29:20 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Buttrey, Sen. Gallus, Sen. Olson, Sen. Priest, Sen. Walker and Sen. Wanzenried voted by proxy.

Montana Arts Council:

05:30:15 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a32\)](#)

Discussion:

05:30:25 Sen. Brenden
05:32:05 Sen. Jones
05:32:28 Sen. Zinke

05:32:45 **Vote:** Motion carried 15-3 by roll call vote with Sen. Olson, Sen. Ripley and Sen. Sonju voting no. Sen. Gallus, Sen. Olson, Sen. Walker, Sen. Wanzenried, Sen. Williams and Sen. Zinke voted by proxy. Sen. Priest abstained from vote.

Montana State Library:

05:34:24 **Motion:** Sen. Hamlett moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a33\)](#)

Discussion:

05:34:26 Sen. Hamlett
05:36:07 Sen. Jones
05:37:10 Sen. Barrett
05:37:48 Sen. Hawks
05:39:02 Sen. Hamlett

05:39:47 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson, Sen. Walker and Sen. Wanzenried voted by proxy.

Commissioner of Higher Education:

05:40:57 **Motion:** Sen. Hawks moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs62a34\)](#)

Discussion:

05:41:32 Sen. Hawks
05:42:53 Sen. Brenden
05:43:57 Chairman Lewis

05:44:35 **Vote:** Motion failed 7-12 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Olson, Sen. Priest and Sen. Wanzenried voted by proxy.

05:45:33 **Motion/Vote:** Sen. Brenden moved that **SECTION E OF HB 2 BE CLOSED.** Motion carried 14-5 by roll call vote with Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus, Sen. Olson and Sen. Walker voted by proxy.

05:47:02 Chairman Lewis
05:47:39 Recess

Additional Exhibits:

Montana Historical Society
[EXHIBIT\(fcs62a35\)](#)

RECESS

Recess: 6:50 p.m.

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([fcs62aad.pdf](#))