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MINUTES

June 7 - 8, 2000
State Capitol
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

COMMITTEE MEMBERS PRESENT

Rep. William "Red" Menahan, Chairman
Sen. Tom Beck, Vice Chairman

Sen. B.F. "Chris" Christiaens
Sen. Mack Cole
Sen. Debbie Bowman Shea

Rep. Mark E. Noennig
Rep. Paul Sliter
Rep. Emily Swanson

COMMITTEE MEMBERS ABSENT

Sen. Bruce D. Crippen
Sen. Steve Doherty
Rep. Karl Ohs
Rep. Billie I. Krenzler

STAFF PRESENT

Robert B. Person, Executive Director
Greg Petesch, Director of Legal Services
Dave Bohyer, Director, Research and Policy Analysis
Stephen Maly, Research Analyst
Susan Fox, Research Analyst
Hank Trenk, Director, Legislative Information Technology
Ellen Garrity, secretary

COMMITTEE ACTION

Approved the March 30, 2000, minutes. (Sliter)

Approved going forward with the experimental phase of dual-track broadcasting. (Swanson)

Committed Program 21 monies and/or other available funds to pay for experimental phase (\$40,000) of TVX. (Swanson)

Agreed to allocate staff resources to TVX during the 2001 Session. (Swanson)

Requested a committee bill draft for enabling legislation for TVX and appropriation of requisite funding, to be outlined for presentation at the September 15 Council meeting. (Swanson)

Agreed that the Judicial Redistricting Subcommittee meet as soon as possible to discuss proceeding with the judicial redistricting study. (Swanson)

Accepted the proposed land transfer of the Plentywood armory property to the City of Plentywood. (Beck)

Requested an updated list of state property including the EPP proposal. (Christiaens)

Agreed that the current River Governance committee members serve until formal appointments are made in the 2001 Session. Each member of the 2001 Session leadership will appoint one delegate (a total of four) to serve for a two-year term. The appointments are to be made at the beginning of the Session. (Beck)

Approved an operating budget amendment for the current fiscal year and for the ensuing fiscal year. (Beck)

Agreed to appropriate \$8,000 to the Law, Justice, and Indian Affairs Interim Committee. (Cole)

Directed Hank Trenk to look at other options for legislator automation to bring down the proposed cost. (Beck)

Agreed to send condolences to Rex Manuel's family.

CALL TO ORDER AND ROLL CALL

Chairman Menahan called the meeting to order at 1:30 p.m. Changes were noted on page 14 of the draft minutes to show program 27 as "(LFD)" and "funds carried forward from fiscal year 1998 and fiscal year 1999". Rep. Sliter moved that the corrected minutes of the March 30 - 31, 2000, meeting be approved. The motion passed.

CIVIC EDUCATION STRATEGIES

Exhibit #1, TVX: An Experiment in Public Information and Education

The Public Information Subcommittee recommended that the Council provide authorization and funding support to supplement the broadcasting feasibility study mandated by HJR 18 with a demonstration project, TVX, that will carry through the remainder of the 1999-2000 Interim and during the 2001 Legislative Session.

Rep. Swanson moved to approve proceeding with the experimental phase of dual-track broadcasting (intranet streaming and closed circuit TV). The motion passed.

Rep. Swanson moved to commit interim studies monies (Program 21) and/or other available funds to pay for experimental phase (\$40,000).

Rep. Sliter said if, at some point, the legislature is able to contract this out as a business venture, an effort should be made to recoup set up funds.

Rep. Swanson said none of the public affairs TV broadcast systems analyzed by the subcommittee were operated by private, for profit companies. The subcommittee has looked at state-owned, state-administered situations or a joint venture funded by the legislature but run by a private non-profit.

Vote on motion: passed.

Rep. Swanson asked Mr. Person if a portion of Staff Researcher Stephen Maly's time could be committed to manage the TV system. Mr. Maly is staff to the subcommittee and is the most knowledgeable staff member in this area.

Mr. Person said Mr. Maly's duties of bill drafting and staffing a committee during session would leave him no time for added work. To the extent he would be involved in this project, the work he would have been doing would have to be done by someone else at the cost of additional personnel, more comp time, or slower service.

Mr. Bohyer said if Mr. Maly works with the TV broadcast during session, he would probably not be able to staff a committee. Mr. Bohyer suggested requesting staff resources rather than a specific individual. To the extent Mr. Maly is available and it looks like the best solution, he will be the appropriate person for TVX. Mr. Person agreed.

Rep. Swanson moved to allocate staff resources for TVX during the 2001 Session. The motion passed.

Rep. Swanson moved to request a committee bill draft for enabling legislation for TVX and appropriation of requisite funding for discussion at the September Council meeting. The motion passed.

SPECIAL SESSION AFTER ACTION ISSUES

Budget status Mr. Person said approximately one-half of the total amount appropriated for the Special Session will be reverted. The number of committee meetings and the length of the session were less than budgeted. A final figure will be available after the end of June.

Legislative proposals Mr. Person said the Special Session highlighted issues the Council might wish to address legislatively.

The Council may wish to statutorily authorize standing committees to meet prior to a called special legislative session with appropriate notice. This would cure any potential challenge to the validity of work done, promote legislative efficiency, and expand the opportunity for public involvement in the legislative process.

Mr. Person also suggested authorizing reimbursement for legislators for the day preceding a special session as a legislative day rather than an interim meeting day.

Mr. Petesch said the proposed draft would clarify that a legislative day is when the Committee of the Whole meets, not when a standing committee meets. Presently no statute authorizes standing committees to meet during the interim. He suggested a statute to allow standing committees to meet but limit the times they can meet. Mr. Petesch said it would be easy to draft a bill that fully conforms to the Constitution and removes any potential challenge to standing committees meeting during the interim.

JUDICIAL REDISTRICTING STUDY

Exhibit #2, Packet of Information on Redistricting Scenario

Ms. Susan Fox, Research Analyst, reviewed the preliminary research she has done on this study.

Ms. Fox also presented a second packet of information presenting a hypothetical redistricting scenario.

Rep. Noennig asked if judges received the packet of redistricting information. Ms. Fox said Pat Chenovick, Court Administrator, copied the packet and sent it to all the judges.

Rep. Noennig said Ms. Fox's parameters were good. He said her scenario does a good job of balancing the caseload.

Rep. Swanson said the study is trying to take an overview of the whole state, limit the amount of growth in judicial district numbers and try to plan ahead for where the growth is occurring.

Rep. Sliter said maybe this study should be a precursor to legislation creating a panel to make a recommendation. This judicial redistricting bill could easily take three days to debate in each House. He suggested taking a second look at whether the resolution allows the Council to draft legislation to redraw district lines. The intent may be to take a closer look at the judicial district caseloads, etc.

Sen. Christiaens said counties losing population should have fewer judges.

Rep. Sliter said the judicial study subcommittee should meet, elect a chairman, and arrange to meet with a group of judges.

Rep. Swanson moved that the subcommittee (Shea, Doherty, Beck, Menahan, Sliter, Noennig) pursue this study as soon as possible. The motion passed.

The meeting recessed at 5 p.m.

June 9, 2000
State Capitol
Helena, Montana

COMMITTEE MEMBERS PRESENT

Rep. William Menahan (Chairman)
Sen. Tom Beck (Vice Chairman)
Sen. Chris Christiaens
Sen. Mack Cole
Sen. Debbie Shea
Rep. Mark Noennig
Rep. Emily Swanson

COMMITTEE MEMBERS ABSENT

Sen. Bruce Crippen
Sen. Steve Doherty
Rep. Karl Ohs
Rep. Billie I. Krenzler
Rep. Paul Sliter

CALL TO ORDER AND ROLL CALL

Chairman Menahan called the meeting to order at 8:30 a.m.

LAND TRANSFER ISSUE

Exhibit #3, Department of Military Affairs, Transfer of Property to the City of Plentywood; Exhibit #4, Long-term lease proposal for Xanthopoulos Building at Warm Springs

Clive Rooney, Department of Natural Resources, presented the proposed land exchange of armory property in Plentywood to the City of Plentywood under section 77-2-341, MCA. Mr. Rooney said the City of Plentywood plans to use the grounds for athletic fields and storage of school district vehicles. The city would own the building and grounds. The county would use the building for public health purposes. The Department says the transfer meets the intent of the statute.

Sep. Beck moved to accept the proposal for the Plentywood armory transfer. The motion passed.

Sen. Christiaens said the Council, at a meeting last year, asked for a list of all state-owned property. The list was never received.

Mr. Rooney said the department has done an inventory but staff doesn't have much confidence in its validity. State properties have not been adequately managed for 20 – 30 years. Property record keeping is loose. The Department of Natural Resources has requested an FTE and funds to inventory state properties and manage these types of land transfers. The 2001 Session will have a proposal to do this.

Sen. Christiaens moved that the Council receive an update and presentation on the status of the inventory project and the EPP (executive planning process) proposal. The motion passed.

Mr. Rooney presented issue #2, the long-term lease proposal for the Xanthopoulos Building (X building) on the Warm Springs campus. The legislature commissioned the building of a new state hospital on the Warm Springs campus. That building is nearing completion. The X building will then be available. The legislature directed the property be transferred from Department of Public Health and Human Services (DPHHS) to the Department of Corrections. The Department of Corrections doesn't need the building. Butte and Anaconda have jail problems. The Butte jail burned down. Anaconda's is antiquated. The Butte/Anaconda communities need a decision from the Land Board prior to the Council's September meeting. The Land Board does not yet have a proposal prepared for this request.

Mr. Rooney asked if the Land Board can consult the Council in a written format rather than waiting until September to complete this transaction.

Don Peoples, Butte/Silver Bow, testified the X building will go into serious disrepair if left vacant. Butte/Silver Bow jail wants to move into the building by the end of the year. Butte/Silver Bow and the

Southwest Montana Rehabilitation Center (SMRC) have signed a three-year contract. SMRC plans to put between \$1.7 and \$4.5 million into the facility to bring it into compliance with the Americans with Disabilities Act and American Correctional Association standards.

Rep. Noennig asked what the long-term plan is for the X building.

Mr. Rooney said he doesn't have the answer, which is why the proposal is not ready.

Mr. Petesch said the Select Committee on Corrections, two interims ago, looked at this issue and approved the concept after extensive review. That information is available in the committee minutes. The Council requested a copy of these committee minutes.

Rep. Swanson said the Council needs to know how this will fit into the larger correctional picture.

Chairman Menahan said the Council will discuss this matter further at its mid July meeting.

LEGISLATOR EDUCATION STRATEGIES

Rep. Swanson presented a subcommittee report. The education subcommittee (Noennig, Sliter, Doherty, Swanson) discussed the effects of term limits on the legislature. The subcommittee recommends three categories of training:

What do we give candidates for the legislature?

New legislator orientation.

How to chair a committee. How to be a good committee member.

Rep. Swanson said the subcommittee would like to see a finalized education plan by the September meeting.

Sen. Cole said four legislators are going to Council of State Governments (CSG) training.

Rep. Swanson asked staff to use the Interim Newsletter to let people know about training possibilities. She asked staff to inform legislators of how to apply for fellowships to education programs.

SB 11 REVIEW

Exhibit #5, Options for Changing the Interim Study and Activities Process

Legislative Branch staff reviewed interim operations under the reforms instituted by SB 11 from the last session. Mr. Bohyer reviewed the options.

1. Require that agency bills or proposals for legislation be reviewed by an interim committee prior to formally being requested.

Rep. Noennig asked what the advantage is of the recommended change. Mr. Bohyer said it will indicate, prior to a bill draft request, if there is legislative support for a proposal.

Mr. Person said the current process of the Legislative Council acting as requestor has never been designed to provide political interaction between legislators and the content of proposals.

Mr. Petesch said there is no screening of agency bills. The interim committee should screen those bills, and not the budget office.

The Council agreed to proceed with Option #1.

2. Statutorily authorize each interim committee to decide which studies requested by resolution and entrusted to it by the Legislative Council best fit into the committee's interim work.

Mr. Bohyer said the proposal would authorize each interim committee to determine how much time, energy, and resources, if any, to devote to each study.

Sen. Cole said he would like the Council to continue to have the authority to assign studies. Does this need to be changed?

Sen. Cole said he does not feel comfortable changing this structure.

Rep. Swanson said the current system is working.

The Council chose not to pursue Option #2.

3. Develop standard interim committee operating rules.

Mr. Bohyer said interim committee rules would be modeled after session standing committee rules. The rules may include election and duties of officers, public participation, what is a quorum, subcommittees, and staff services.

Mr. Person said this has not been a big problem, but it has been needed for a long time. The more consistency between all the committee rules of operation the better for legislators, staff, and the public.

The Council chose to pursue Option #3.

4. Return Postsecondary Education Policy and Budget Subcommittee (PEPB) to LFC

Mr. Bohyer said PEPB was one of several subcommittees of the LFC and the only LFC subcommittee impacted by SB 11 because it existed in statute. Although it has been a subcommittee of the Education and Local Government Committee, it has operated as its own committee and has been staffed by the LFD.

Rep. Swanson said it is too soon to change this. The whole point of SB 11 was to consolidate the work, lessen the workload, and keep policy issues together. Keeping all of education together is a good goal.

The Council agreed not to pursue Option #4.

5. Formally change the name of the Education Committee to the Education and Local Government Committee and amend the statutes to reflect local government liaison duties.

Mr. Bohyer said following the enactment of SB 11, the Council assigned local government issues and a local government liaison function to the Education Committee. Section 5-5-224, the Education Committee's enabling statute, should be amended to reflect those additional duties and the committee's name should be changed accordingly.

The Council agreed to direct staff to proceed with Option #5.

6. Reestablish a stand-alone committee to serve as a forum for state-tribal relations.

Mr. Bohyer said this interim the Law, Justice, and Indian Affairs Committee spent a great deal of time on Indian affairs issues. Leanne Kurtz, staff researcher for the Committee, said the Committee makes a formal recommendation to split off Indian Affairs. The increasing emphasis on tribal sovereignty and the relationship between the state and the tribes warrant a stand-alone committee. Staff recommends calling an Indian issues committee the State-Tribal Relations Committee.

The Council agreed to pursue Option #6.

7. Establish an interim committee on Military and Veterans' Affairs as a stand-alone committee.

Mr. Bohyer said the veterans are a strong lobby and historically have requested their own committee.

The Council agreed not to pursue Option #7, but to consider shortening the name of the committee.

8. Change the name of the Business, Labor, and Agriculture Committee to the Committee on Economic Affairs.

The Council agreed to proceed with Option #8.

Mr. Bohyer said another issue is the relationship between the interim committees and the Legislative Council regarding subcommittees of interim committees. Presently, an interim committee can create a subcommittee only if the Council approves. It becomes difficult if an interim committee wants to create a subcommittee to handle something in a short period of time.

Council suggested the statute be changed to allow interim committees to create subcommittee.

SPECIAL SESSION AFTER ACTION ISSUES (continued)

Exhibit # 6, May 2000 Special Session Financial Status Report

Legislative Proposals

1. Statutorily authorizing standing committees to meet prior to a called special legislative session with notice provisions, etc.

Council members asked staff to prepare legislation that would create the appropriate statutory authorization for standing committees to meet prior to a called special legislative session.

2. Authorize reimbursement for legislators for the day preceding a special session as a legislative day rather than an interim meeting day. This action would simplify the processing burden for both legislators and staff.

The Council recommended proceeding with this recommendation.

Rep. Swanson and Rep. Noennig said new legislators should be paid to attend training sessions. She asked Mr. Person to look into this. Does it need to be addressed statutorily?

EXECUTIVE DIRECTOR SEARCH UPDATE

Sen. Beck, chairman of the Personnel Subcommittee, said there were 29 applicants for the director position. The subcommittee will interview nine applicants on June 12 and 13. Three or four candidates will be chosen to be interviewed by the full Council at a July meeting.

LEGISLATIVE COUNCIL ON RIVER GOVERNANCE

Exhibit #7, Legislative Council on River Governance Organizational Questions

Mr. Maly reported on the last River Governance Committee meeting. The Committee is becoming more formalized. It is an outgrowth of the frustration of legislators in the four northwest states confronted by three sovereigns' (governors, federal agencies, and tribes) approach to restructuring Bonneville Power System. They left legislators out of that. Legislators took it upon themselves to intervene and go forward as a group.

Staff said Montana's participation in the Legislative Council on River Governance needs to be clarified in terms of the number of members, source of appointment, and internal operating procedure.

Mr. Maly said the next meeting of the River Governance committee will be in late August or early September. There may be a meeting in July at the Bonneville Power plant.

Current members of the committee seem to be, Reps. Curtiss, Grinde, Lindeen, Tash; and Sens. Beck, Doherty, McCarthy.

Sen. Beck moved that the current River Governance committee members serve until formal appointments are made in the 2001 Session. Each member of the 2001 Session leadership will appoint one delegate (a total of four) to serve for a two-year term. The appointments are to be made at the beginning of the session. The motion passed.

BUDGET ISSUES

Exhibit #8, Legislative Services Division Budget Development and Tracking

Operating budget amendment for current fiscal year

Karen Berger, Financial Services Manager, said an operating plan amendment for FY 2000 and a similar amendment for FY 2001 are needed. There is no bottom line impact. It is an amendment to move funds from the operating category into the equipment category. This year, Legislative Services Division (LSD) is purchasing new file servers and a number of other computer equipment that will make an over expenditure in the equipment category and under expenditure in the operating category.

Sen. Beck moved to approve the operating plan amendment. The motion passed.

Preliminary budget issues for 2003 biennium budget

Ms. Berger asked Council members to advise her of any suggestions for additions to the 2003 budget. The 2003 budget will be presented to the Council in August or September.

Sens. Beck and Christiaens recommended fully funding CSG West.

Mr. Person said present law includes full dues to NCSL but it does not include a budget for travel. It includes partial dues to CSG but no travel. The Council agreed that the budget include a travel budget and full dues to NCSL and CSG. River Governance will be included in the budget.

Mr. Person said there was no funding in the Capitol renovation project for furniture for some staff and leadership offices. The legislative branch owns a wide variety of old and damaged furniture. The House voting system was damaged during renovation. The contractor is responsible for this but it was an old voting system so it may be time for a new system or some new components.

Mr. Person said the Council should develop a long-range plan for furniture in staff, House, and Senate

offices.

Computer System Budget

Exhibit #9, Computer Systems Plan and Budget

Hank Trenk, Director of Information Technology, presented the computer system budget.

Mr. Trenk said the Computer System Planning Council suggested Budget Item 5, Internet Broadcast of Session Activities, and Item 6, Legislator Automation be introduced as a separate bill. The Planning Council also recommended contingency funding put in the budget for unexpected items.

Mr. Person said this budget will be reworked for discussion at the September Council meeting.

The Council said the budget for legislator automation is too high. Sen. Beck moved that staff look at options to bring down the cost of legislator automation. The motion passed.

Interim study Budget Adjustment

Mr. Person said the Council received a letter from the Law, Justice, and Indian Affairs Interim Committee requesting \$8,000. Unallocated interim committee money is available to fill this request.

Sen. Cole moved to appropriate \$8,000 to Law, Justice, and Indian Affairs Interim Committee. The motion passed.

NEXT MEETING The next meeting to conduct interviews of finalists for the executive director position was set for July 7.

ADJOURN

The Council meeting adjourned at 1:10 p.m.

Draft