

**Council Senate Members**

GREGORY BARKUS  
VICKI COCCHIARELLA  
MIKE COONEY  
KELLY GEBHARDT  
DAN HARRINGTON  
COREY STAPLETON



**Council House Members**

DEBBY BARRETT  
BOB BERGREN  
MARGARETT CAMPBELL  
DENNIS HIMMELBERGER  
DAVE MCALPIN  
SCOTT SALES

## Montana Legislative Council

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# MINUTES

May 15, 2007

Room 137, 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 the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

### **COMMITTEE MEMBERS PRESENT**

SEN. GREGORY BARKUS  
SEN. VICKI COCCHIARELLA  
SEN. MIKE COONEY  
SEN. KELLY GEBHARDT  
SEN. DAN HARRINGTON  
SEN. COREY STAPLETON

REP. BOB BERGREN

REP. DENNIS HIMMELBERGER  
REP. DAVE MCALPIN

**MEMBERS EXCUSED**

REP. DEBBY BARRETT  
REP. MARGARETT CAMPBELL  
REP. SCOTT SALES

**STAFF PRESENT**

Susan Fox, Executive Director, Legislative Services Division (LSD)  
Greg Petesch, Legal Director, LSD  
David Bohyer, Director, Office of Research and Policy Analysis (ORPA)  
Dawn Field, Council Secretary

**AGENDA & VISITORS' LIST**

Agenda, Attachment #1.  
Visitors' list, Attachment #2.

**COMMITTEE ACTION**

The Legislative Council:

- approved the November 27, 2006, minutes as written; and
- approved LSD staff recommendations for study resolutions.

**CALL TO ORDER AND ROLL CALL**

SEN. COCCHIARELLA called the meeting to order at 1:09 p.m. and briefly reviewed the agenda. SEN. COONEY asked to wait until the next meeting to elect officers. SEN. COCCHIARELLA explained the method of officer election traditionally used by Legislative Council, noting that if tradition is followed, a Democrat would be elected to chair the Council.

SEN. GEBHARDT **moved to approve** the November 27, 2006, minutes. The **motion passed** on a unanimous voice vote.

**INTERIM COMMITTEE STUDY RESOLUTION ASSIGNMENTS**

**Dave Bohyer, Director, ORPA**, reviewed the process of how study recommendations are determined (EXHIBIT #1). Mr. Bohyer pointed out the ranking each study received and staff recommendations, and noted that Legislative Council has the final authority over study assignments.

SEN. COCCHIARELLA asked for an explanation of how the costs of conducting interim studies are funded, particularly those studies requiring additional funding. Mr. Bohyer said that the Interim Committees and Activities Program funding is included in the General Appropriations Act. Staff constructs the interim budget by using a formula based on past committee history and projected work load to formulate a reasonable amount of money for each committee in the upcoming interim. Mr. Bohyer noted that a \$50,000 contingency fund is available for unanticipated expenses, if needed.

SEN. COCCHIARELLA said that several studies not included in EXHIBIT #1 are statutorily required and asked Mr. Bohyer to comment on those studies. Mr. Bohyer said that HB 304 created a Water Policy Interim Committee, HB 488 authorized a study of property tax in

Montana and will be completed by the Revenue and Transportation Interim Committee, and HB 49 created a study of zoning and subdivisions issues. Under HB 49, a specially created 17-member subcommittee of the Education Local Government Interim Committee will be appointed. Mr. Bohyer also discussed a provision in HB 831 that directs a study of drinking water standards in Montana, saying that it would most likely be conducted by the new Water Policy Interim Committee or the Environmental Quality Council.

SEN. GEBHARDT asked if HB 49 had been amended to change the number of members and how members would be compensated. Mr. Bohyer said that he would review the final version of the bill.

SEN. GEBHARDT asked how much funding had been approved for HB 488. Mr. Bohyer said that \$50,000 had been appropriated for HB 488.

REP. MCALPIN asked if the review of interim studies takes into account similar studies conducted in recent years. Mr. Bohyer said that it does, to some extent and that wherever there is overlap between studies, staff makes every attempt to combine efforts.

REP. MCALPIN referred to a conservation easement study conducted by Legislative Audit Division (LAD) in the last interim and asked if there were similarities between that study and HJ 57 (page 3, EXHIBIT #1). **Todd Everts, Staff Attorney, Environmental Quality Council**, said that LAD had conducted an audit and that the fiscal notes connected to that study were consulted in order to avoid duplication in HJ 57.

**SUSAN FOX, Executive Director, LSD**, discussed HJR 48 - study of health insurance reform and publicly funded health care programs. She said that although it was assigned to Economic Affairs, the Children and Families Interim Committee has expressed interest in sharing the work, since the issue is such an important one to both committees. She said that Legislative Council could add wording to its recommendation to encourage the two committees to work together, if it desired to do so.

Ms. Fox said another issue that must be dealt with is the \$200,000 in budget appropriated for a mental health study that did not pass. She said that she has discussed this issue with Sen. Weinberg and that it is her understanding that the intent was for the bulk of the funding to be used to pay an outside entity to conduct the study. Ms. Fox said that she would have a more concrete proposal prepared for the next Council meeting.

#### **PUBLIC COMMENT**

No public comment was given.

SEN. GEBHARDT said, regarding SJR 31 - study of taxation and school funding - that during the session committee hearing, both the sponsor, Sen. Essmann and the Committee Chair, Sen. Story, indicated that additional funding would be needed to conduct the study. He said that he thought all three tax studies could be studied together but that additional funding may be necessary.

SEN. GEBHARDT **moved** to accept LSD staff recommendations regarding the study resolutions and asked that a subcommittee be formed by the Economic Affairs and Children and Families Interim Committees to study HJR 48. The **motion passed** on a unanimous voice vote.

SEN. COCCHIARELLA asked Ms. Fox to report on the status of appointments to interstate committees. Ms. Fox said that Legislative Council is responsible for appointing legislators to the interstate committees. She said that she is in the process of getting recommendations from leadership and will have the recommendations available for the next meeting.

SEN. COCCHIARELLA asked that the next meeting date be set and that budget items be dealt with at that time. Ms. Fox asked Karen Berger if that would present difficulties in dealing with budget issues before fiscal year end. **Karen Berger, Financial Services Manager, LSD**, said that it would be of great help to her if the operating budget was approved before the end of June.

SEN. COCCHIARELLA suggested Friday, June 22, 2007, as the next meeting date. The Council agreed.

Ms. Fox said that the meeting materials contain several documents that will be dealt with at the next meeting:

- *RULES, PROCEDURES, AND GUIDELINES FOR INTERIM COMMITTEES* (EXHIBIT #2) has not been updated since January of 2004 and is in need of several changes;
- *RULES OF PROCEDURE - MONTANA LEGISLATIVE COUNCIL* (EXHIBIT #3) may need to be updated;
- *COMMONLY ASKED QUESTIONS ABOUT THE LEGISLATIVE COUNCIL* (EXHIBIT #4); and
- *LEGISLATOR CLAIMS FOR REIMBURSEMENT OF INTERIM ACTIVITIES* (EXHIBIT #5).

Ms. Fox asked the Council members to contact her with additional agenda items.

SEN. COCCHIARELLA said that she has discussed the rewriting of rules with Ms. Fox and that she would like the issue to be an agenda item at the June meeting. She said that there was great confusion during the 2007 legislative session about what rule applied to which situation and that in her opinion, the rules need to be examined to see how they can be more clearly written. She also asked that HB 6 (2007 Special Session) be an agenda item because SEN. STAPLETON has several concerns regarding the language in that bill. SEN. COCCHIARELLA said that the Legislative Council Management Advisory Subcommittee will be appointed to deal with issues that come up between meetings, such as Ms. Fox's performance appraisal.

#### **ADJOURNMENT**

With no further business before the Council, SEN. COCCHIARELLA adjourned the meeting. The next meeting date is June 22, 2007.

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