



Newsletter

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CFHHS to Start Work on Studies and Review Medicaid Expansion Waiver

The Children, Families, Health, and Human Services Interim Committee will hear several presentations at its Sept. 14 meeting as it begins work on three studies.

The committee also will review the state's proposal to expand Medicaid to nondisabled, low-income adults as set out in [Senate Bill 405](#) during the 2015 Legislature.

In addition, some committee members will take part in an optional premeeting tour of the Behavioral Health Unit at St. Peter's Hospital in Helena, followed by a discussion with staff who work with the unit. The tour and discussion will take place on Sunday, Sept. 13, before the committee's formal meeting on Monday.

Study Activities

This interim, the committee will carry out two studies required under bills passed in the 2015 legislative session and one study assigned by the Legislative Council.

With respect to these studies, during the Sept. 14 meeting the committee will:

- learn about Montana's system of children's mental health services, which will lay the groundwork for the [House Bill 422](#) study of evidence-based outcomes for those services;
- hear how some of the new money appropriated for community-based mental health services is being spent, which fulfills the [Senate Bill 418](#) requirement that the committee monitor use of the funds; and
- learn about Montana guardianship laws and related state programs, a task that is part of the [Senate Joint Resolution 22](#) study of guardianship laws and services.

Committee members will also review a revised SJR 22 study plan that reflects their decision in June to expand the study to include topics related to Alzheimer's disease. The tour of the St. Peter's Hospital Behavioral Health Unit will give members an opportunity to hear about a private facility serving Alzheimer's patients.

Medicaid Expansion and Other Monitoring

In early July, the Department of Public Health and Human Services released a draft waiver proposal to carry out the SB 405 provisions for Medicaid expansion. The state must ask the federal government to waive certain requirements for the Medicaid program because some elements of SB 405 aren't allowed under federal law.

For example, the bill requires people who qualify for the expanded Medicaid program to pay a monthly premium that equals 2 percent of their yearly income. They also must use health care providers who are part of a network set up by a private company that will administer the benefits.

Under state law, DPHHS must present the waiver proposal to the Children and Families Committee for review and comment before sending it to the Centers for Medicare and Medicaid Services.

The committee also will hear about the work of the advisory group helping DPHHS plan for closure of the Montana Developmental Center and about the status of the legal challenge to [Senate Bill 423](#) from 2011, which changed Montana's medical marijuana laws.

Next Meeting

The committee will meet next at 8 a.m. on Sept. 14 in Room 137 of the Capitol in Helena. The optional premeeting events will begin at 4 p.m. on Sept. 13 with a tour of the Behavioral Health Unit at St. Peter's Hospital, followed by a roundtable discussion. The tour will be limited to committee members and staff. The discussion following the tour will begin at 5 p.m., is open to the public, and will take place in the Education Center at St. Peter's Hospital, 2475 Broadway St.

For more information on the committee's activities and upcoming meeting, visit the committee's website or contact Sue O'Connell, committee staff.

Committee Website: www.leg.mt.gov/cfhhs
Committee Staff: soconnell@mt.gov or 406-444-3597

Commission on Sentencing Begins Study of Criminal Justice System

At this organizational meeting on Sept. 2, members of the Commission on Sentencing will elect officers, discuss and revise a work plan, and begin work on study tasks outlined in [Senate Bill 224](#), which created the commission. The commissioners will also listen to presentations on the following topics:

- Montana's current sentencing and criminal justice laws;
- technical assistance to be provided to the commission by the Council of State Governments Justice Center; and

- previous data research performed for the Department of Corrections.

The public will have two opportunities at the meeting to provide comments about the commission's work.

To receive e-mail updates about the commission's activities, including meeting dates and when agendas and other meeting materials are available, please sign up at http://leg.mt.gov/css/Lyris/email_logon.asp.

First Meeting

The Commission on Sentencing will meet at 9 a.m. on Sept. 2 in Room 137 of the Capitol in Helena. For more information on the commission's activities and upcoming meeting, visit the commission's website or contact Rachel Weiss, commission staff.

Commission Website: www.leg.mt.gov/cos
Commission Staff: rweiss@mt.gov or 406-444-5367

Roads and Sage Grouse Top EQC Agenda

Closed roads on federal land and public land without public access will be discussed by the Environmental Quality Council at its next meeting on Sept. 9-10.

The bipartisan council is studying road management on federal land, with a focus on recreational access. The 2015 Legislature passed [House Joint Resolution 13](#), sponsored by Rep. Kerry White (R-Bozeman). HJR 13 tasks the EQC with assessing road closures on federal lands over the last 35 years, identifying landlocked parcels of public land, and evaluating deer and elk population trends in relation to limited access to federal lands.

A tour of closed roads on federal land east of Helena is also planned.

The EQC will continue its work tracking the implementation of the [Montana Greater Sage-grouse Stewardship Act](#). The purpose of the legislation, also passed in 2015, is to provide competitive grant funding and establish ongoing free-market mechanisms for voluntary, incentive-based conservation measures that benefit sage grouse habitat and populations. Also on the schedule is a comparison of sage grouse conservation plans adopted by the state and proposed by the Bureau of Land Management.

As part of its duty to oversee the work of the state departments of Environmental Quality, Natural Resources and Conservation, and Fish, Wildlife and Parks, the EQC is evaluating specific programs within each agency. Programs being reviewed in September include the agriculture and grazing program within DNRC, wildlife conflict management by

DFWP, and the coal and opencut mining programs administered by DEQ. Comments are encouraged from anyone with an interest in any of the programs and may be provided orally or in writing during scheduled public comment at the September meeting.

Next Meeting

The EQC will meet on Sept. 9-10 in Room 172 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, visit the EQC's website or contact Joe Kolman, committee staff.

Committee Website: www.leg.mt.gov/eqc

Committee Staff: jkolman@mt.gov or (406) 444-3747

Energy and Telecommunications Committee to Focus on Net Metering

The Energy and Telecommunications Interim Committee's Sept. 11 meeting will focus on the costs and benefits of net metering in Montana.

During the meeting, national experts from the Solar Electric Power Association and the Electric Power Research Institute will present information about the safety and reliability of net metering. An overview of net metering policies in other western states also will be presented.

Committee members will then spend the afternoon visiting residential and commercial properties in the Helena area that use net-metered facilities to generate electricity. A limited number of slots are available for members of the public to attend the tour. These slots will be filled on a first-come, first-served basis. Individuals interested in touring either of the facilities with the committee should contact committee staff by noon on Sept. 7.

To kick off the net metering study, which is outlined in [Senate Joint Resolution 12](#), ETIC sent Montana's regulated utilities, rural electric cooperatives, and the renewable energy industry a set of specific data requests. The information provided by these stakeholders will establish a foundation for additional policy work by ETIC. The September meeting will give ETIC members their first look at analysis done thus far on the collected data and will also allow members to discuss how best to vet other information provided by stakeholders.

Next-Generation 9-1-1

In accordance with [House Joint Resolution 7](#), the committee also will begin its evaluation of next-generation 9-1-1 in Montana. Although deploying next-generation 9-1-1 services can enhance public safety, the technology continues to evolve. At its organizational meeting in June, committee members asked for additional information about funding for 9-1-1

services in Montana. This funding information as well as information about how GIS data may be utilized for next-generation 9-1-1 will be provided at the September meeting.

During the last two interims, ETIC has tracked and discussed the use of the wireless-enhanced 9-1-1 funds available to wireless providers. Each wireless 9-1-1 subscriber in the state pays a fee of 50 cents a month. Half of this fee is available to wireless providers who submit an invoice to recover certain costs. However, not all providers ask for this reimbursement. Many providers in areas of the state with larger populations have either not provided the information required to access the money or not requested the funds. If wireless providers don't seek reimbursement, the money simply stays the account. Over time, these stranded funds have continued to grow and now total more than \$11 million.

During the 2015 legislative session, multiple efforts were made to spend the money on a variety of programs related to emergency services and broadband. However, these efforts failed, and ETIC members have expressed an interest in using the funds for 9-1-1 services.

Next Meeting

The ETIC will meet at 8 a.m. on Sept. 11 in Room 172 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, visit the committee's website or contact Sonja Nowakowski, committee staff.

Committee Website: www.leg.mt.gov/etic

Committee Staff: snowakowski@mt.gov or 406-444-3078

111d Subcommittee on EPA Clean Power Rule Begins Work

On Sept. 10, a subcommittee that includes four Energy and Telecommunications Interim Committee members and four members of the Environmental Quality Council will begin its work tracking an Environmental Protection Agency rule requiring states to reduce carbon dioxide emissions in the power sector by 2030. The subcommittee will organize itself for the interim, elect a presiding officer and vice presiding officer, and set its priorities.

The federal EPA rule at the center of the subcommittee's work is known as the EPA's Clean Power Plan or 111d Rule. The final rule was issued on Aug. 3. In general, the rule requires states to reduce carbon dioxide emissions in the power sector by about 32 percent below 2005 levels. The DEQ is in the process of reviewing the final, 1,560-page rule, what it means for Montana, and how the state should respond.

Implementation Plan Required

With the final rule now issued, DEQ must develop a plan to implement it. The state has until Sept. 6, 2016, to submit a

final plan or an initial plan with a request for an extension. The plan must provide that carbon dioxide emissions from fossil fuel-fired electric facilities (there are nine in Montana) are reduced to an interim level between 2022 and 2029, with the full reduction achieved by 2030.

Montana's Emission Limits

The required carbon dioxide emission reductions may be achieved in terms of either rate or mass. Emission rates are typically measured as pounds per megawatt hour (lbs/MWh). Emission mass is typically measured in terms of short tons (as opposed to metric tons). By rate, Montana must achieve an interim emission rate of 1,534 lbs/MWh and a final rate of 1,305 lbs/MWh by 2030. For perspective, Montana's 2012 emission rate was 2,481 lbs/MWh. By mass, the final rule limits emissions in Montana to a total of about 11 million short tons by 2030. For perspective, Colstrip Units 3 and 4 alone annually emit about 12 million short tons of carbon dioxide.

Subcommittee's Role

The 111d Subcommittee on the federal Clean Power Plan will need to address its role in working with DEQ and potentially with an advisory group expected to be formed by Gov. Steve Bullock. The work of the subcommittee will be narrow in scope and will focus on how Montana can best position itself to implement the 111d Rule. The subcommittee also will need to determine how best to spend its limited time and resources. Funding for the subcommittee's work must come from existing EQC and ETIC budgets.

First Meeting

The Sept. 10 meeting of the 111d Subcommittee on the federal Clean Power Plan will start at 3:30 p.m. in Room 172 of the Capitol in Helena. For more information on the subcommittee's activities and upcoming meeting, visit the subcommittee's website or contact Sonja Nowakowski, subcommittee staff.

Subcommittee Website: www.leg.mt.gov/css/Committees/Interim/2015-2016/EQC/111d-Subcom/

Subcommittee Staff: snowakowski@mt.gov or 406-444-3078

Judicial Redistricting Commission Begins Work

At its organizational meeting on Sept. 3, the Judicial Redistricting Commission will elect officers, discuss and revise a work plan, and begin gathering background information that will inform their work for the next year.

Commission staff will review the existing judicial districts and the history of judicial redistricting as well as constitutional and statutory provisions governing district courts and judges. The commissioners will also receive an in-depth presentation

on caseloads and workload data. The presentation will include the results of a recent judicial workload study performed for the judicial branch.

Other agenda items include an overview of district court expenses paid by Montana counties, an overview of courtroom space considerations that affect the counties, and a review of other resources used by the district courts and the judicial branch to mitigate judges' workloads or to provide resources to litigants. Information presented will also encompass special or standing masters, treatment courts, the Court Help program, alternative dispute resolution, and mediation.

Members of the public will have several opportunities to provide comments to the commissioners during the meeting.

To receive e-mail updates about the commission's activities, including meeting dates and when agendas and other meeting materials are available, please sign up at http://leg.mt.gov/css/Lyris/email_logon.asp.

First Meeting

The commission will meet at 9 a.m. on Sept. 3 in Room 137 of the Capitol in Helena. For more information on the commission's activities and upcoming meeting, visit the commission's website or contact Rachel Weiss, commission staff.

Commission Website: www.leg.mt.gov/jrc

Commission Staff: rweiss@mt.gov or 406-444-5367

Legislative Council Approves Fund Transfers and Conducts Strategic Planning

The Legislative Council met on Aug. 13-14 to conduct regular business and engage in strategic planning.

Annual Meetings, Legislator Reimbursements, and Legal Update

At its morning business meeting on Aug. 13, council members discussed the recent participation by legislators at the Pacific Northwest Economic Region, Council of State Governments-West, and National Conference of State Legislatures annual meetings. (See the related story on legislator participation in annual meetings.)

Under [Senate Bill 283](#) (2015), legislator reimbursements for constituent service expenses, including education and training expenses, will be different beginning in July 2017. The council will be working with staff to create guidelines for legislators claiming reimbursements under the new law.

Also, the council received updates on current ballot initiatives and recent court cases relevant to the Legislature. Court cases discussed included the Flathead Joint Board of Control

lawsuit challenging [Senate Bill 262](#) (2015), the Confederated Salish and Kootenai Water Compact, and the permanent injunction issued in relation to the *Association of Montana Retired Public Employees v. State of Montana* challenge to the portion of [House Bill 454](#) (2013) that reduced postretirement benefit increases for retirees covered by the Public Employees' Retirement System.

Session Systems Replacement Update

Steve Eller, computer systems manager, gave the council an update on the progress of the Session Systems Replacement project. Work on migrating the mainframe databases, which include the Montana Code Annotated and Annotations, to a new XML platform is progressing. The scope for the remainder of the project is being refined to ensure a stable platform for next session and a strong foundation for further changes after the 2017 session. Propylon officials Dan Murphy and Kieran Fitzpatrick, visiting from Dublin, Ireland, were introduced to the council. Propylon is the company contracted to help implement the SSR project.

Capitol Security Program — Thank You, Helena Police Department and City of Helena!

The council received a briefing regarding the Capitol security program. Sen. Ed Buttrey was appointed to serve with Rep. Chuck Hunter on the governor's security committee, which is scheduled to meet Sept. 30. The Legislature approved funding to allow the two additional police officers to continue providing security throughout the Capitol Complex year-round and in the Capitol building during session. The council approved sending a thank you note to the City of Helena and the Helena Police Department to thank them for their professionalism and attention to providing security to legislators and the public. Council members commented that they felt good about having the officers and security personnel present in the Capitol building and the ability to consult with the police officers when security issues arose. Some council members also recounted experiences in which the police officers' and the legislative sergeants-at-arms' response was extremely timely and helpful.

Funding Transfers Approved

The council approved \$40,000 from emerging issue and carry forward funds for the [Senate Bill 224](#) (2015) Commission on Sentencing. The appropriation in the bill establishing the commission was line-item vetoed. The funding approved by the council will allow legislators and public members to claim salary and expenses as provided for in the bill, except that the council will be asking state and local government agencies to cover the costs for their commission representatives. In addition, the council approved up to \$10,000 for legislator salaries and expenses for the [Senate Bill 411](#) (2015) Transition Planning Committee for the closure of the Montana Developmental Center.

In other budget matters, the council approved the transfer of the Legislative Services Division portion of appropriations from the 2013 session funding bill to the legislative branch reserve fund authorized in [5-11-407](#), MCA. The reserve fund is used for major information technology project expenses, which must be authorized by the council. Projects funded in the past included the House and Senate voting systems, TVMT equipment replacement and upgrades, and LAWS database consolidations and conversions.

Strategic Planning

The council met Thursday afternoon, Aug. 14, and Friday morning, Aug. 15, at the Barrister Bed and Breakfast for a strategic planning session.

During the Thursday afternoon session, council members discussed why they first ran for the Legislature, their views about party caucuses, the role of the two chambers of the Legislature, and the mission of the legislative branch as a whole. "Quick win" topics slated for future council agendas were identified as:

- more in-depth information on the legislative branch budget;
- legislator pay;
- the legislative staff pay plan; and
- more standardization in legislator electronic devices and IT support.

Other ideas raised by council members included providing session video conferencing with constituencies back home, session legal notes for bills being placed in committee member folders, joint press conferences on interim committee bills, the potential for interim committee bills to be placed on the session consent calendar, and hiring partisan staff during the interim to enhance the House and Senate partisan presence between sessions.

During the Friday morning session, the council concentrated on three main initiatives:

- expanded legislator training;
- more legislative oversight of the executive branch; and
- expanded use of TVMT and social media.

Expanded Legislator Training

Council members expressed interest in expanding and extending legislator training before and throughout the session. Training topics discussed included providing Saturday training, ethics training, and guidance for first-term legislators about the process for bills in the second house. Council members also mentioned providing information to legislators that would strengthen the veto override process and provid-

ing more cross-chamber and budget and policy committee integration after the transmittal break. The intent of the cross-training would be to help legislators gain a better sense of the “big picture” before the budget is set and for the policy and budget committees to understand each other’s work.

Strengthening Legislative Oversight

When discussing how to strengthen legislative oversight of the executive branch, council members talked about gaining a better understanding of the current power and authority that legislators and legislative committees have through administrative rule review and other agency oversight activities. This understanding would then help legislators identify what potential changes may be needed.

TVMT and Social Media

Council members discussed TVMT and social media and how it can be used for more public outreach and expanding the public’s understanding of the legislative branch. Ideas raised included recording short interviews with each legislator, creating a YouTube channel, developing a Frequently Asked Questions resource, and providing additional programming on TVMT.

Next Meeting

The Legislative Council will meet on Nov. 16 in Room 102 of the Capitol in Helena. For more information on the council’s activities and upcoming meeting, visit the council’s website or contact Susan Byorth Fox, council staff.

Council Website: www.leg.mt.gov/legcouncil
 Council Staff: sfox@mt.gov or 406-444-3066

Legislator Participation in Annual Meetings

The Montana Legislature was well represented this summer at three annual meetings. Montana’s Legislature pays dues to three organizations: the Pacific Northwest Economic Region, the National Conference of State Legislatures, and the Council of State Governments-West. Annual meetings provide legislators with information, training, and opportunities to interact not only with other state legislators but also with Canadian government officials and other partners. Funding for participation in interstate organization meetings is included in the legislative branch budget. Legislator costs are paid from a combination of leadership-controlled discretionary funds and dedicated funds.

PNWER — Rep. Cuffe Elected Vice Chair and TVMT Broadcasts Sessions

The Montana Legislature sent more than 26 legislators and staff to the PNWER 25th Annual Summit in Big Sky July 12-16, 2015. This was the first time that a PNWER annual

meeting was held in Montana, and by all accounts it was a grand success. PNWER is a statutory public/private nonprofit organization that was created in 1991 by the states of Alaska, Idaho, Oregon, Montana, and Washington, and the Canadian provinces of British Columbia, Alberta, Saskatchewan, and the Yukon and Northwest Territories.

Sessions on topics ranging from agriculture and border security, energy, the environment, natural gas, and forestry to higher education, invasive species, mining, infrastructure, tourism, trade, transportation, water policy, and workforce development were part of the summit. Speakers included Gov. Steve Bullock, U.S. Sen. Steve Daines, U.S. Sen. Jon Tester, U.S. Rep. Ryan Zinke, Presidents Cruzado and Engstrom of the Montana University System, and many other speakers from various sectors and industries.

Rep. Mike Cuffe (R-Eureka) was elected as one of two vice chairs representing the United States on PNWER’s Executive Committee. Congratulations!

TVMT video recorded six keynote and eight breakout sessions covering various topics, which were initially broadcast in August. The sessions will be rebroadcast in September and October. Channels carrying the broadcasts include Charter Cable channel 191, the Montana PBS digital broadcast channel, and HCTV cable channel 189 in Helena.

NCSL — Rep. Wittich Elected to Serve on Executive Committee, Staff Also Serving

About two dozen legislators from Montana attended the National Conference of State Legislatures 2015 Annual Summit held Aug. 3-6, 2015, in Seattle. Nine staff representing all three divisions were also able to attend. This was one of the largest NCSL summits in more than seven years with an estimated 5,000+ attendees.

NCSL is an organization founded to support, defend, and strengthen state legislatures. It is the only organization exclusively committed to all legislators and legislative staff. Its mission is to improve the quality and effectiveness of state legislatures, promote policy innovation and communication among state legislatures, and ensure state legislatures a strong, cohesive voice in the federal system. Legislators and staff participated in a diverse combination of sessions ranging from budget to communications, education to ethics, and pensions to professional development. Sessions covered basically every legislative policy and budget area and offered opportunities to interact with members from other state legislatures, territories, and international bodies.

Rep. Art Wittich (R-Bozeman) was reelected to the NCSL Executive Committee. Montana’s legislative information resources manager, Sonia Gavin, was elected as a staff at-large member on the Executive Committee, and she contin-

ues to serve as a member of the Legislative Research Librarians Staff Section. Montana Legislative Fiscal Analyst Amy Carlson is the president-elect of the National Association of Legislative Finance Officers Staff Section. Montana Legislative Services Division Executive Director Susan Byorth Fox was elected vice chair of the Research and Committee Staff Section. Deputy Legislative Auditor Angus Maclver is continuing his service on the Executive Committee for the National Legislative Program Evaluation Society, a staff section of NCSL. Congratulations!

CSG West — Rep. Dudik Elected Vice Chair of Public Safety Committee

Six legislators attended the CSG West 68th Annual Meeting held in Vail, Colorado, on July 27-31, 2015. CSG West is a nonpartisan, nonprofit organization. Its objectives are to encourage, promote, and pursue regional issues that cross state and international borders and build on common western interests. To these ends, CSG West facilitates regional cooperation, promotes the exchange of information, and fosters the strengthening of legislative institutions among its 13 member states and provinces. Meeting sessions covered various policy topics, leadership development, media affairs, and Canadian, state, and federal affairs.

Rep. Kimberly Dudik (D-Missoula) was elected vice chair of the Public Safety Committee. Congratulations!

For more information on these activities, contact Legislative Services Division Executive Director Susan Byorth Fox at sfox@mt.gov or 406-444-3066.

Legislative Finance Committee to Hear 2015 Fiscal Year End Status Report

At the upcoming Legislative Finance Committee meeting on Sept. 24-25, Legislative Fiscal Division staff will present a 2015 fiscal year end budget status report. This report will provide detailed information on fiscal year end revenues, expenditures, and remaining budget authority. In addition, the report will include an update on the fire suppression account.

As part of the committee's duty to monitor state information technology budgets and projects, the state's chief information officer will present a report on the Department of Administration's IT policies and provide other updates.

Legislative Fiscal Analyst Amy Carlson and the LFD operations manager will present an evaluation of starting point options for the 2019 Biennial Budget. Analysis of zero-based budgeting options and other legislative budget policy matters will be discussed at future meetings. Staff will also provide a new suggested format for future quarterly budget reports.

Coordinators from the State Employee Health Care and Benefits Division and the Montana University System Administrative and Fiscal Affairs Division will provide information on the mechanics of employee health plans. In addition, Kris Wilkinson, a senior fiscal analyst with LFD, will present a report that further explains self-insured governmental health care pools.

Legislative fiscal analysts assigned to monitor the state's Department of Public Health and Human Services will update committee members on Medicaid and Medicaid expansion under [Senate Bill 405](#), the Montana Health and Economic Livelihood Partnership Act.

Additionally, the committee will discuss and finalize the entire LFC work plan. Fiscal division staff will present documents explaining the scope of what is involved in analyzing:

- a potential state purchase of the Crossroads Correctional Center (the privately run prison in Shelby);
- quality school grants and other school funding issues; and
- long-range planning for state infrastructure.

Next Meeting

The committee will meet at 8:30 a.m. on Sept. 24 in Room 102 of the Capitol in Helena. The meeting will continue at 8 a.m. on Sept. 25 in the same room. For more information on the committee's activities and upcoming meeting, visit the committee website or contact Amy Carlson, committee staff.

Committee Website: www.leg.mt.gov/lfc

Committee Staff: Legislative Fiscal Analyst Amy Carlson, acarlson@mt.gov or 406-444-2988; Diane McDuffie, committee secretary, dimcduffie@mt.gov or 406-444-2063

LJIC to Launch Sexual Assault Study

The Law and Justice Interim Committee starts its study of sexual assault in what promises to be a busy late September meeting. First up on Sept. 28, interested LJIC members will take an educational tour of the Crossroads Correctional Center in Shelby before returning to Helena for a meeting on Sept. 29-30. In addition to tackling the [Senate Joint Resolution 24](#) (2015) study of sexual assault, the LJIC will learn more about two committee issues of interest: (1) best practices and Montana policies related to eyewitness identification in criminal cases and (2) public intoxication challenges facing local governments.

Sexual Assault Study Topics

The SJR 24 portion of the agenda will cover a wide range of topics related to sexual assault and will feature multiple panel

presentations designed to help LJIC members develop an understanding of:

- data available on reported sexual assaults in Montana;
- Montana's current sexual assault statutes;
- how law enforcement and county attorneys currently investigate and prosecute sexual assault cases;
- services provided to sexual assault victims by different types of victim and witness advocates around the state; and
- myths that can color public perceptions about sexual assault crimes, victims, and offenders.

Speakers will also discuss jurisdictional challenges that can affect responses to sexual assault in Indian country and on college and university campuses. Members of the public will have an opportunity to comment on the study during both days of the meeting.

Also on Tap

At the LJIC's request, legislative staff will give updates on work done by the Task Force on State Public Defender Operations, the Judicial Redistricting Commission, and the Commission on Sentencing. Another update to the LJIC will review the work of the Domestic Violence Fatality Review Commission.

Next Meeting

The committee will meet on Sept. 28 at the Capitol in Helena to organize for its educational tour that day of the Crossroads Correctional Center in Shelby. The committee will then meet Sept. 29-30 in Room 102 of the Capitol. Start times for all days will be determined in mid-September. For more information on the committee's activities and upcoming meeting, visit the committee's website or contact Rachel Weiss, committee staff.

Committee Website: www.leg.mt.gov/ljic

Committee Staff: rweiss@mt.gov or 406-444-5367

Task Force on State Public Defender Operations Gets Under Way

The Task Force on State Public Defender Operations will hold its first meeting of the interim on Sept. 17. The meeting will consist mainly of presentations from individuals involved in different aspects of the judicial system. Presenters will relate their experiences and perceptions of how the state provides public defense to indigent persons accused of crimes or certain civil violations.

The morning session will focus on the federal and state constitutional basis for indigent defense and the statutory background and structure of Montana's public defender

system. Professional and ethical requirements and guidelines that apply to public defenders will also be covered.

The afternoon session will continue building a knowledge base for task force members by providing a historical overview of the legal and philosophical underpinnings for publicly funded legal assistance to indigent defendants. Several panelists with hands-on experience in providing indigent defense will offer their "views from the trenches." The panelists will include representatives from the Public Defender Commission, the Office of the State Public Defender, the Office of the Appellate Defender, courts of limited jurisdiction, district courts, county attorney offices, and the Montana Supreme Court.

Finally, the task force will review, possibly revise, and ultimately adopt a study plan to guide the task force's work and meeting schedule for the rest of the interim. Members of the public will have an opportunity to testify on issues relevant to the task force's duties and responsibilities.

First Meeting

The task force will meet at 8 a.m. on Sept. 17 in Room 102 of the Capitol in Helena. For more information on the task force's activities and upcoming meeting, visit the task force's website or contact Dave Bohyer, task force staff.

Task Force Website: www.leg.mt.gov/tfspdo

Task Force Staff: dbohyer@mt.gov or 406-444-3592

RTIC to Study Variety of Tax and Transportation Topics

During an Aug. 3 conference call, the Revenue and Transportation Interim Committee mapped out its priorities for the interim, which will be presented in an updated draft work plan at the Sept. 24 committee meeting. The committee plans to study the following topics:

- tax increment financing districts;
- the elderly homeowner and renter credit;
- the Highway State Special Revenue Account;
- the adequacy of local government revenue-generating capacity;
- the treatment of intangible property for centrally assessed property valuation;
- property taxable value neutrality;
- nonprofit reporting of community benefits;
- tax liens and deeds; and
- the taxation of international corporations doing business in Montana.

In addition to considering an updated draft work plan at its September meeting, the committee will receive background information presentations on most of its study topics.

Agency Updates

The three entities for which the committee has agency oversight duties — the Department of Revenue, the Department of Transportation, and the Montana Tax Appeal Board — will each provide updates at the September meeting. The Department of Revenue presentation will include an update on property reappraisal and informal appeals. Valuation and tax appeals will also be the topic of the Montana Tax Appeal Board update. The Department of Transportation will discuss state and federal transportation funding, which will provide the committee with useful background as it begins a study on the status of the Highway State Special Revenue Account.

Revenue Estimating and Monitoring

Legislative Fiscal Division staff will present the 2015 fiscal year end report as the first agenda item of the September meeting. The fiscal year ended June 30, 2015.

At its July meeting, the committee chose to be involved in a number of revenue-estimating topics throughout the interim. The first item on the list is a discussion of improving revenue estimates.

Next Meeting

The committee will meet at 8 a.m. on Sept. 24 in Room 152 of the Capitol in Helena. The meeting will continue at 8 a.m. on Sept. 25. For more information on the committee's activities and upcoming meeting, visit the committee's website or contact Megan Moore, committee staff.

Committee Website: www.leg.mt.gov/rtic

Committee Staff: memoore@mt.gov or 406-444-4496

State Administration Committee Objection Delays Adoption of Campaign Practice Rules

At its first meeting of the interim on Aug. 19, the State Administration and Veterans' Affairs Interim Committee voted to not accept proxy votes, reelected Sen. Dee Brown (R-Hungry Horse) as presiding officer and Rep. Bryce Bennett (D-Missoula) as vice presiding officer, approved a preliminary work plan, and formally objected to campaign practice rules proposed by the Commissioner of Political Practices.

Power to Object to Rules

An interim committee is authorized by law to object to new administrative rules or rule amendments proposed by its as-

signed executive branch agencies. If a committee objects, the rule may not be adopted for 6 months, unless the committee meets prior to that time and fails to renew its objection (see [2-4-305\(9\)](#), MCA). SAVA objected to the entire package of new rules and rule amendments proposed by the COPP and contained in the [Montana Administrative Register No. 44-2-207](#) notice. The proposed rules would implement statutory changes in campaign practice laws passed by the 2015 Legislature and approved by the governor. The statutory changes, mostly contained in [Senate Bill 289](#), which is commonly called the Disclose Act, require more disclosure of campaign contributions and expenditures.

Rule Concerns Expressed

During public comment at the Aug. 19 SAVA meeting, the Montana Trial Lawyers Association, the MEA-MFT, and the Montana AFL-CIO expressed concerns about portions of the COPP's proposed rules that seemed ambiguous or seemed to give too much interpretive discretion to the COPP, which raised questions about how the applicable statutes would be applied. Particular concerns were expressed in the following areas:

- how an organization's "primary purpose" would be determined;
- when "coordination of expenditures" would be presumed;
- whether an unknowing candidate would be held responsible for a vendor's coordination with a political committee; and
- what would be considered an "electioneering communication" subject to disclosure.

Subsequent Rule Objection Options

At SAVA's next meeting on Nov. 17, the COPP will report to the committee on public comment received during the COPP's Sept. 2-3 public hearing on the proposed rules and on whether the COPP will make any revisions in response. At the meeting, SAVA will have a number of options. Two of its options include:

- to renew its objection for the purpose of delaying adoption of the rules, which again delays adoption until after the next SAVA meeting; or
- to make an objection for the purpose of delaying the effective date of the rules. This objection must meet specific statutory criteria and can delay the effective date of the rules until the day after the final adjournment of the 2017 regular legislative session.

A motion to renew the committee's objection for the purpose of delaying adoption of the rules must be approved by at least a majority of SAVA's eight committee members (i.e., five

members), irrespective of whether proxy votes are allowed. If SAVA fails to renew this type of objection, the rules may be immediately adopted.

Interim Work Plan Approved

At its Aug. 19 meeting, SAVA also approved a preliminary work plan that allocates 60 percent of its time to the [House Joint Resolution 21](#) (2015) study of personal information ownership. The remaining 40 percent of the committee's time will be allocated to the committee's statutory duties to monitor executive branch agencies and the public employee pension plans and to fine-tuning election law changes enacted by [House Bill 84](#) (2015). HB 84 was a SAVA bill to simplify and standardize laws on election dates and deadlines for school district, special purpose district, and local government elections.

HJR 21 — Personal Information Ownership Study

At the committee's next meeting, staff will present background research and a specific study plan for the HJR 21 study. The committee discussed what should be the scope of the study and determined that the study should begin with a broad review of current laws and practices on individual privacy and ownership rights with respect to their personal information collected by public and private entities.

Next Meeting

The committee will meet at 9 a.m. on Nov. 17 in Room 137 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, visit the committee's website or contact Sheri Scurr, committee staff.

Committee Website: www.mt.gov/sava

Committee Staff: sscurr@mt.gov or (406) 444-3596

School Funding Interim Commission Seeks Input

The School Funding Interim Commission is soliciting input from Montana residents through an online survey for the commission's study of funding for Montana's public elementary and secondary school systems. Acknowledging that traveling to Helena can be expensive and time consuming, Sen. Tom Facey (D-Missoula) stated, "We are using an Internet survey so Montanans can easily share their ideas and concerns about school funding. This will allow people to give the commission some direction about where to put our effort." Sen. Kris Hansen (R-Havre) echoed these comments: "The commissioners all have ideas about what can be accomplished this interim, but we need to hear from the public about this huge component of state government and budget." The survey will be open until Sept. 9 and is accessible at https://www.surveymonkey.com/r/MT_SFIC_2015. Survey responses will

be compiled and presented to the commission at its Sept. 23 meeting.

The School Funding Interim Commission, created by [Senate Bill 128](#), fulfills an existing statutory requirement contained in [20-9-309](#), MCA, that the legislature at least every 10 years authorize a "study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools."

Next Meeting

The commission will meet at 8 a.m. on Sept. 23 in Room 137 of the Capitol in Helena. For more information on the commission's activities and upcoming meeting, visit the commission's website or contact Pad McCracken, commission staff.

Commission Website: www.leg.mt.gov/sfc

Commission Staff: padmccracken@mt.gov or 406-444-3595

Taxable Travel Expenses

Although the Internal Revenue Code sections governing travel expenses are not new, this article will help legislators and legislative staff understand what travel expense reimbursements are or are not taxable income and subject to W-2 reporting.

Reimbursement for Mileage Is Never Taxable

Legislators and legislative staff who must travel to fulfill their work-related duties may be pleased to know that the payments they receive as reimbursements for mileage are not considered taxable income and are not reported on their W-2s. Nevertheless, reimbursements for some other travel expenses are considered taxable income, so read on.

Meal Reimbursement Taxable If Not Traveling Overnight

The IRS allows an income-tax exclusion for income received as reimbursement for meals when a person is traveling for work. However, this exclusion is only permitted for ordinary and necessary business expenses incurred while traveling "away from home." The IRS and tax courts have consistently held that to be considered "away from home," the traveler must be away overnight. If the traveler is reimbursed for expenses while not in overnight travel status, IRS rules require the traveler's employer to report those reimbursements as taxable income. Therefore, meal reimbursements paid to legislators during the interim or to legislative staff year-round are reported by the Legislative Services Division as taxable income when the claim form submitted by the traveler does not indicate an overnight stay.

Lodging Reimbursement Taxable If No Receipt

With respect to legislator or legislative staff lodging expenses, IRS Publication 463 requires that payments to the traveler for lodging expenses must meet all three of the following criteria to be considered tax-exempt income:

- the expense must have a valid business connection or purpose;
- the expense must be adequately substantiated; and
- advances in excess of substantiated expenses must be returned within 30 days from the end of the travel.

“Adequately substantiated” as described by the IRS means that the expense must be itemized in an account book, on a travel voucher, or on a similar document and that the itemized statement must be accompanied by documentary evidence (e.g., a receipt) showing payment of the expense. Therefore, even if the expense is itemized on a legislator’s or legislative staff member’s travel voucher, without an accompanying receipt the reimbursement paid to the traveler must be reported by the Legislative Services Division as taxable income.

What If the Traveler Stays with a Friend or Family Member?

If a legislator in overnight travel status during the interim or a legislative staff member in overnight travel status at any time of the year chooses to stay overnight with a friend or family member, the traveler is entitled to submit a claim for reimbursement of \$12 a night. However, this type of lodging is not considered receiptable, so the reimbursement will be reported as taxable income to the traveler.

Reporting

The Legislative Services Division reports taxable reimbursements for meals and lodging through the state’s payroll system. These reported amounts are included in the calculation of taxes withheld for federal and state purposes and for FICA and Medicare taxes. Therefore, legislators and legislative staff should be aware that when their W-2s are issued, any taxable reimbursement amounts paid to them are already included in the total taxable income reported. Conversely, if reimbursements paid for meals or lodging were tax-exempt, then the reimbursed amounts will not be reported as taxable income and will not be included on the W-2.

For more information on what travel expense reimbursements are taxable or are tax-exempt, contact Jennifer Simmons, Financial Services Manager for the Legislative Services Division, at (406) 444-9542 or jsimmons@mt.gov. Note, however, that it is always wise to consult your tax advisor for official tax or financial advice.

The Back Page

Connecting with Constituents

by **Sonia Gavin, Legislative Information Resources Manager**
Legislative Services Division

Spending two sessions staffing the Session Information Desk and fielding numerous questions from the public both in person and on the telephone makes the importance of contact between members of the public and their legislative representatives very apparent. The increasing public dissatisfaction with the U.S. Congress, which also affects state legislatures, makes promoting the state legislative institution, providing information about the important work that is done, and finding ways to reach out to constituents more important than ever.

According to the National Conference of State Legislatures report *Citizenship: A Challenge for All Generations*:

- The majority of Americans grasp the fact that people disagree on the issues and the system has to work to resolve such disagreements.
- The public is cynical about the people and processes of government. They are about equally divided on whether legislators care what people in their districts think or don't care about the opinions of ordinary people. Two in five believe that those elected to public office are out to serve their own personal interests, while only one in three thinks they are trying to serve the public interest. A majority believes that the system is run by a few big interests rather than for the benefit of all.
- Americans believe the country would be better off if the people decided issues directly by voting on them. Support for representative democracy is limited.¹

These findings demonstrate the cynicism Americans feel about their government. Improving public perception of

the legislative institution is important, especially as younger generations become disenfranchised and more distrustful of government.

As its title suggests, Michael L. Mezey's book *Representative Democracy: Legislators and Their Constituents* delves into the relationship between legislators and those they represent. Mezey discusses the dissatisfaction the public has with elected officials:

The data that we have on this is not particularly encouraging, virtually every study in virtually every nation shows that most people most of the time have very little information on even the most basic facts about their political system, let alone the issues and policy options that it faces.²

The relationship between those represented and their elected officials is challenging. Some districts cover a large area, making staying in touch with constituents difficult. With the average Montana House district having approximately 9,890 people and the average Senate district having about 19,780 people, it is almost impossible for a legislator to gather input from each person in the legislator's district. But, by keeping in touch with those who are represented, legislators can improve the public image of the Legislature immeasurably. Karl Kurtz notes in a paper entitled "Legislatures and Citizens: Communications Between Representatives and Their Citizens":

Members of the British Parliament frequently write letters to ministers on behalf of constituents to obtain answers to problems. Often, receiving some response or explanation from the ministry satisfies constituents, even if it is not the result they want.³

¹Karl T. Kurtz, Alan Rosenthal, and Cliff Zukin, *Citizenship: A Challenge for All Generations* (Denver: National Conference of State Legislatures, 2003).

²Michael L. Mezey, *Representative Democracy: Legislators and Their Constituents* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2008), 7.

³Karl T. Kurtz, "Legislatures and Citizens: Communications Between Representatives and Their Citizens," a paper funded in part by a subcontract to the National Conference of State Legislatures from a contract by the United States Agency for International Development to the State University of New York Office of International Programs. Available from NCSL.

Twitter and Facebook

At the 2015 NCSL Summit in Seattle, the session “Marketing the Citizen Legislator” discussed using technology to keep in touch with constituents and how technology has changed over the years. Rep. Matt Hudson of Florida said he has changed his focus from e-mailing newsletters to using Twitter. In his opinion, e-mailing a newsletter is no longer an effective use of time because only about 10 percent of recipients ever open the e-mail. He reported that Twitter allows him to set up all of his tweets for the week and designate them to be sent out at specific times. Sen. Aaron D. Ford of Nevada said he uses Facebook, but he cautioned legislators to have a secure personal account that is separate from their legislative account to maintain some semblance of personal privacy.

Informational Meetings with Experts

At the 2013 NCSL Summit in Atlanta, a panel of legislators presented various other strategies they used to stay in touch with constituents. One strategy discussed was to conduct informational meetings and reach out to those who are knowledgeable on the issues. This builds connections and provides information on tough issues. Sen. Elaine Bowers of Kansas said she connected with national experts in education because she knew she would need to be well versed in many tough education issues for the upcoming legislative session. She also sought input from her local school district superintendents and community college presidents. She said her informational meetings with experts got people talking to one another and working toward solutions.

Sen. Bowers offered legislators several tips on how to set up successful informational meetings:

- Use the time after an election but before the legislative session begins to connect with key groups in your district.
- Find a central meeting location that is accessible on main roads. This is especially important during the winter months.
- Get the word out early about your meeting. Your participants are busy people who need to plan ahead.
- Bring in some state and national experts to provide a special draw.
- Give your group a meal and some time to relax and chat before you begin the main program.
- Tell the group how their ideas will help you be a better legislator.
- Always take time for open-ended questions. Your constituents may be concerned about something that doesn't relate to the planned program.

Roundtables

Sen. Elaine Roberts of Colorado uses a business owner roundtable to learn what is on the minds of her constituents. Sen. Roberts and her Senate Republican caucus colleagues have established the roundtable discussion approach to promote better communication and problem solving for business owners and state officials.

With respect to leading a business-focused roundtable in Durango on September 20, 2012, Sen. Roberts and Assistant Senate Minority Leader Mark Scheffel, who jointly led the discussion, described to NCSL session attendees the value of knowing the practical impact of laws and regulations on businesses. Sen. Scheffel indicated that this was not a case of all regulations being bad, because some are important for health, safety, or other reasons. The key, he said, was to determine what is unfairly or unproductively hindering businesses. Sen. Scheffel also indicated that the roundtable avoided partisanship. He said, “We have to do much of our work in cooperation with the other party.”

Sen. Scheffel and Sen. Roberts also encouraged the attendees to speak about real-life experiences when conducting roundtables — what is working well and what needs to be improved. Sen. Roberts explained to the attendees that “when we are debating these business issues, it is your stories that come back to me and I can share them with my colleagues, showing what the real impact is on the ground.” When organizing the roundtable, Sen. Roberts said she gathered constituents from various backgrounds, including experience in accounting, health care, real estate, restaurant, electrical, and other services.

The senators offered legislators several tips for successful roundtable meetings:

- Start the roundtable by explaining how important it is for you to listen to the participants and how you will use what you hear back in the Capitol. Keep it informal (“we’re Ellen and Mark”), and try to encourage participants to talk. Keep in mind that although many of the participants may be familiar with participating in these meetings, some will be new to the experience.
- In general, look to existing groups to help organize and promote the roundtable.
- If you can, bring a member of your caucus from another part of the state to show that other legislators share your constituents’ concerns.
- Recognize that although legislators need input from various sources, such as town hall meeting, roundtables that focus on a particular issue area bring people with similar concerns together. This helps make participants feel comfort-

able. Also, participants may respond to and expand on one another's comments.

- Understand the political realities, but make every participant feel welcomed and respected regardless of political party affiliation. Remember that good ideas can come from a variety of sources, so constantly pay attention to what you hear. You will almost always need some bipartisan support to be successful in getting a bill passed.
- Identify "good stories." Recognize when you hear a constituent tell a story that will help explain your point to legislative colleagues. If appropriate, ask roundtable participants to write up their stories and send them to you.
- When you finish the roundtable, explain to the group, "Don't wait for me to call you if you think I need to know something. Please call me."
- Work with your caucus staff. They may be able to take notes and provide answers to some of the questions raised during the meeting, freeing the legislators to facilitate the discussion and focus on and listen to what people are saying.
- Plan on staying for a while after the meeting has ended. Some participants will have things to tell you privately or may just want to have some personal time with you.

Forums

Another strategy for staying in touch with constituents is exemplified closer to home by the Sheridan, Wyoming Legislative Forum. Rep. Rosie Berger of Wyoming described the first forum as lasting two days and involving six legislators and 39 participants representing various groups or individuals. The now annual forum is sponsored by the Sheridan County Chamber of Commerce and gives Sheridan businesses, nonprofits, educational institutions, public agencies, and individuals an opportunity to meet with their state legislative delegation and discuss important issues.

The December 2012 forum took place downtown at the Sheridan City Hall. It was designed to connect legislators with constituents and local stakeholders before the legislative session. Legislators learned about issues or concerns in their community, which enabled them to make informed decisions while in session. Some stakeholders only provided an update about their work, while others used the opportunity to lobby for or against legislation or to request state funding. Each presenter had a 15- or 30-minute time slot to talk to legislators, and a volunteer kept time for each presentation. The forum started at 9 a.m. and ended around 4:30 p.m. each day.

The room setup was similar to a traditional committee hearing room, with the legislators sitting at a crescent-shaped dais and speakers sitting at a table in front of the dais. Following the rule of "no surprises," forum organizers created an agenda that listed the time of each presentation, the organization presenting, the speaker, and the topic so the legislators and audience would know what to expect. The forum was broadcast live and was also recorded to enable later rebroadcasts. At any given time, there were about 10 to 15 citizens in the audience. During some points of the day, Sheridan high school civics classes would circulate through to observe the forum. During the lunch hour, legislators participating in the forum went on the road, visiting the Wyoming Girls School one day and the Sheridan Senior Center the next day.

Rep. Berger also provided tips for a successful legislative forum:

- Work as a team. The key benefit of a forum is that legislators can work as a team. Each legislator has his or her own expertise and committee assignment, so if one legislator can't answer a question or provide detailed information, another may be able to help out.
- Set an agenda ... and stick to it. The legislative forum works best if an agenda is established ahead of time and the legislators are committed to staying on time and on topic.
- Use a partner. The Sheridan forum is organized each year by the Sheridan County Chamber of Commerce. Using a partner eliminates some of the challenges that exist when planning a large-scale event.
- Be genuine and honest. Legislators at the forum should be engaged, interested in the information provided, genuine in their conversations, open about what they know or don't know, and willing to give honest opinions.

Above All

There are many more ideas for, and a large body of research on, connecting with legislative constituents. But, a statement in the book *Republic on Trial: The Case for Representative Democracy* sums it up as follows: "If these public officials make the rounds and pay their respects, chances are they will be positively viewed."⁴ A veteran Maryland lawmaker quoted in the book offers the following advice to newly elected legislators: "Above all else, answer your constituent mail and phone calls first. This is more important than being schmoozed by the governor or anyone else."⁵

⁴ Alan Rosenthal, Burdett A. Loomis, John R. Hibbing, and Karl T. Kurtz, *Republic on Trial: The Case for Representative Democracy* (Washington DC: CQ Press, 2005), 25.

⁵ Ibid.