

**Council Senate Members**

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B.F. "CHRIS" CHRISTIAENS  
MACK COLE  
DEBBIE BOWMAN SHEA  
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**Council House Members**

WILLIAM "RED" MENAHAN  
CHAIRMAN  
EMILY STONINGTON  
DOUG MOOD  
MARK E. NOENNIG  
BILLIE I. KRENZLER  
PAUL SLITER

# Montana Legislative Council

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## MINUTES

November 17, 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. Bruce D. Crippen  
Sen. Debbie Bowman Shea

Rep. Mark E. Noennig  
Rep. Doug Mood  
Rep. Paul Sliter  
Rep. Emily Stonington (formerly Swanson)

### COMMITTEE MEMBERS PRESENT

Sen. Mack Cole  
Sen. Steve Doherty  
Rep. Billie I. Krenzler

### STAFF PRESENT

Lois Menzies, Executive Director  
Robert B. Person, Outgoing Executive Director  
Greg Petesch, Director of Legal Services  
Ellen Garrity, secretary

### **COMMITTEE ACTION**

Approved the September 18, 2000 minutes. (Christiaens)

Approved orientation plans.

Accept the proposals for improving the interim study process presented by Legislative Services (Attachment #1). (Stonington)

Request the formal drafting of LC 344 as a committee bill. (Noennig)

Assigned to Sen. Waterman the Carroll intern. (Beck)

Agreed to transfer \$6,000 to the State Administration Committee to complete its work. (Sliter)

Accepted the proposed amendment to Legislative Council Rules of Procedures. (Christiaens)

### **CALL TO ORDER AND ROLL CALL**

Chairman Menahan called the meeting to order at 9:00 a.m. A quorum was present with attendance as noted above. The minutes of the September 17 meeting were approved as written.

### **INTRODUCTION OF NEW STAFF**

Lois Menzies introduced three new permanent division employees: Bentley Utgaard, Library Technician, Connie Dixon, Editor, and Margie Peterson, Programmer Analyst.

### **NEW LEGISLATOR ORIENTATION AND LAW SCHOOL FOR LEGISLATORS**

Exhibit #1, New Legislator Orientation brochure

Exhibit #2, Program, Law School for Legislators

Rep. Stonington reviewed the New Legislator Orientation program. New legislators will convene on the evening of November 29 for orientation.

On Saturday, December 2, all legislators are urged to attend the Law School for Legislators which will give legislators some understanding of the judicial system and what influence the laws made by the legislature have on Montana society.

The plan is to pay all new legislators a day's wages plus travel expenses. Incumbent legislators coming for the law school will be paid for one day. New legislators will be paid for three days.

The Council approved the orientation plans and thanked the Subcommittee on Legislator Education.

### **FY 2002-2003 BUDGET ISSUES**

#### **A. Deflation adjustments**

Karen Berger said the Department of Administration made a deflation adjustment to the branch budget. That department added additional deflation to computer services costs, which caused a decrease in the branch budget of \$10,000 for each year of the upcoming biennium. The budget will not appear in the budget book the same as approved by the Council.

#### **B. Fifteen percent reduction**

Exhibit #3, House Bill 64

Mr. Person said HB 64 requires all state agencies to go through an exercise of identifying 15 percent reductions from base. The branch has completed the exercise as shown in Exhibit #3. Cuts in

personnel are the last priority.

## **BRANCH PAY ADJUSTMENT PROPOSAL**

### Exhibit #4, Comparison of Legislative and Executive Branch Average Hourly Rates

The legislative branch pay plan requires that employees' pay be adjusted based on performance and merit. The legislative branch directors developed a proposal for providing merit-based pay increases during CY 2001 and 2002. Ms. Menzies presented the proposal for the Council's consideration. The proposal is a four-step plan to bring the legislative branch to 100% of market. Directors will look at employees who meet expectations and try to move them closer to market than other employees. The total cost per year to match Executive Branch pay rates would be \$437,261, in addition to the statutory increase included in HB 13. HB 13 is the executive branch proposal of a four-percent increase each year of the biennium. Market for this purpose is defined in statute. The Legislative Branch combines two grades to create a level. The proposal looks at the market for the higher grade.

Sen. Christiaens said the Personnel Subcommittee has worked on the pay plan for the last four years. He asked if the three Legislative Branches all use the same method of valuations to determine merit pay. He also asked who, within each division, will make the final decision as to who is performing adequately and who is not?

Chairman Menahan said the instrument that will be used is the one the audit division has been using, with some modifications. The directors and managers will do the evaluations.

Ms. Menzies said uniformity across the branch is a concern of staff and that any decision based on merit could be challenged.

Sen. Shea asked if staff wants the subcommittee to go forward with this proposal.

Ms. Menzies said staff has not seen the proposal but understands that the pay plan for the Legislative Branch implies that adjustments should be made on merit and performance. That has rarely been done and staff is unhappy about that. Another issue is the internal inequity between the three Legislative Branches. Generally speaking, the Branch probably cannot allocate enough financial resources to address everyone's concerns, but staff wants a good faith effort to address some of the present inequity problems.

Sen. Beck moved to accept the Branch pay adjustment proposal. The motion passed.

### **COMPUTER SERVICES FOR LEGISLATORS**

Hank Trenk, Director of Legislative Services' Division Information Technology, said staff met with the Chief Clerk of the House and the Secretary of the Senate to consider computer use by legislators. The Chief Clerk and the Senate Secretary recommended not having legislators hook up their own computers but to place computers in strategic spots in the Capitol for legislator use. It is recommended that the House have access to ten computers and the Senate to six.

Rep. Stonington said that plan misses the entire point of having access for legislators to hook up their laptops and move toward a paperless legislature.

Rep. Sliter said House leadership will not allow computers to be used on the floor during session. Resources are not available to provide consistent and reliable computer support and it would be very expensive for Legislative Services to provide a computer hookup and password for each legislator.

Rep. Noennig said at the last meeting the Council discussed having an internet service provider just for internet access.

Mr. Trenk said that would not be a problem.

Rep. Stonington asked if her computer will work using AOL.

Mr. Trenk said Rep. Stonington would have no trouble; just pick up the local number for AOL and the computer would be ready to go. Legislators who need to reconfigure their computers for a local Internet service provider will have problems.

Ms. Menzies said staff met with the Chief Clerk and the Senate Secretary and agreed that creating pods of computers (computer labs) in strategic locations in the Capitol was a good compromise. Ms. Menzies said perhaps staff should reconsider the plan to allow computers to hook into the state network. That service would be purchased from Information Services Division.

Mr. Trenk said the cost estimate to hook 50 legislators into the state network is \$34,000. Internet cards are about \$9,000. Mr. Trenk was doubtful that cost could fit in the budget.

Mr. Trenk said if legislators bring their own laptops, provide their own Internet service provider, and the legislature provides phone lines, no staff help available for computer problems.

Rep. Sliter moved to provide a sufficient number of dial tones in both the House and Senate Chambers and common areas. No support will be available other than that the infrastructure to dial out of the Capitol.

Rep. Stonington asked if legislators would be able to do their own word processing, including printing.

Mr. Trenk said workstations could be available. Sixteen computers can be set up in lab environments, if the Chief Clerk and Senate Secretary can find locations for the labs.

Sen. Beck suggested that House and Senate leadership determine what type workstations and computer use they want.

Rep. Sliter withdrew his motion.

Ms. Menzies asked leadership to consult Legislative Services Division staff before a final computer use plan is adopted.

Chairman Menahan said no staff resources would be used except support for the lab environment.

### **ALTERNATIVES TO CONDUCTING INTERIM STUDIES**

Attachment #1, Proposals for Improving the Interim Study Process

Ms. Menzies said this is the first interim SB 11 (restructuring the interim process) was in effect. She reviewed two proposals for improving the interim study process. First is a proposed amendment to joint rule:

Interim studies requested by joint resolutions are ranked in importance by legislators and assigned to interim committees by the Legislative Council.

If an interim study is authorized through a bill rather than study resolution, it will not be ranked by legislators and the Legislative Council must assign it to an interim committee.

All studies could receive equal consideration and treatment if the joint rules prohibited creation of interim studies through bills.

Joint Rule 40-65 currently provides that a bill including a request for an interim study must contain an appropriation. This rule could be amended to provide that an interim study could only be requested through joint resolution.

The second proposal would change how staff traditionally drafts a study resolution. Some studies could be adequately conducted without the direct involvement of a study committee.

Rep. Stonington agreed that is confusing when studies are designated in a bill. The proposed amendment identifies more clearly the purpose of the study if it comes through its own resolution. Rep. Stonington said she doesn't like the idea of a staff only study. If the staff were assigned to do a study which only goes back to the resolution sponsor and a report to the next legislature, there wouldn't be much mileage out of the study.

Rep. Noennig said there may be some studies that are not of a large enough magnitude to be done without the resources of a committee.

Ms. Menzies said a limited amount of resources can be allocated for interim studies. Some studies could require less than full review by a committee.

Sen. Christiaens said staff could take on projects that would otherwise not receive attention.

Rep. Stonington said a committee would have to be involved at some stage of the process.

Rep. Stonington moved to accept the proposals for improving the interim study process presented by Legislative Services (Attachment #1). The motion passed.

### **MATV PILOT PROJECT**

Exhibit #5, LC0344

Stephen Maly said the Public Education Subcommittee met November 16 and went over infrastructure items still in progress in the Capitol. Much equipment is behind schedule. Mr. Maly expects the experimental system of broadcasting service will be tested and in place early in the session. Legislators will get a demonstration of what gavel-to-gavel broadcasting looks like but it will be on a closed circuit.

Mr. Maly reviewed LC 344, which establishes a state public affairs broadcasting service to provide gavel-to-gavel coverage of legislative and administrative proceedings.

The proposed bill appropriates \$1.3 million to equip the Capitol for gavel-to-gavel coverage of Senate and House Chambers and hearing rooms. Two-thirds of the up front cost is for equipment. There will be 14 hearing rooms with a camera. Some of the larger hearing rooms may need more than one camera.

Sen. Crippen asked what the operator would provide. Mr. Maly said the operator would provide all the human resources necessary to operate the system, make decisions on scheduling, determine what will be live and what will be delayed. There is a lot of trust built into the contract.

Rep. Stonington said the Public Education Subcommittee is very excited about the project. SB 344 proposes to create kind umbrella under which the system can grow. This session it will be a pilot project within the Capitol building and probably to the campus.

Sen. Christiaens asked if a foundation could be created to form an endowment for long-term funding. Mr. Maly said endowment capitol in Montana is low and the government may not want to be a party to that kind of structure.

Rep. Stonington said the Public Education Subcommittee agreed to request the bill draft. Rep. Noennig will carry the bill with, hopefully, the support of the Council.

Rep. Noennig moved to request the formal drafting of LC 344 as a committee bill. The motion passed.

### **DESIGNATION OF LEGISLATIVE INTERNS**

Ms. Menzies reported that only one application for an intern position was received. The application was from a Carroll student.

Connie Erickson spent a great deal of time trying to create interest in the legislative intern program. There was no interest.

Ms. Menzies said she contacted Sen. Waterman as a potential sponsor for this intern because she is interested in child welfare and education and has a preference to work with a Democrat.

Mr. Person said the intern program will not work until the Legislature decides the program is worthwhile and provides some kind of financial support. The student takes a whole semester off school, moves to Helena, and receives no financial help. Mr. Person said if interns were offered the same expense payments legislators receive so they could afford to live in Helena, we would get the best students the way it used to be in the 70s.

Sen. Beck moved to allow Sen. Waterman to have the Carroll intern. The motion passed.

### **INTERIM COMMITTEE BUDGET ADJUSTMENT**

In September, the Council authorized the State Administration, Public Employees Retirement, and Veterans' Issues Interim Committee to hold an additional meeting to complete its oversight duties. An adjustment to this committee's budget is necessary. Ms. Menzies said the State Administration Committee needs about \$6,000 to complete its work. She asked for approval to transfer this amount from the interim committees' program which currently has a balance of about \$12,400.

Rep. Sliter moved the transfer of \$6,000 to the State Administration Committee to complete its work. The motion passed.

### **SPONSORS FOR LEGISLATIVE COUNCIL LEGISLATION**

LC 193, Generally revise laws governing interim committees. Rep. Stonington will be the sponsor.

LC 194, Revise laws governing special session pre-session activity. Sen. Beck will be the sponsor.

LC 195, Revise laws relating to pre-session caucus and orientation. Sen. Christiaens will be the sponsor.

LC 192, Code Commissioner bill. Rep. Sliter will be the sponsor.

### **PROPOSED AMENDMENT TO LEGISLATIVE COUNCIL RULES OF PROCEDURES**

Exhibit #6, Proposed Amendment

Ms. Menzies reviewed the proposed amendment. 1) The Council agreed to serve as the requestor of Executive Branch legislation if the bill drafts were submitted before November 1, 2000. 2) The Council "will adopt special provisions related to newly elected state executive officials when applicable." 3)

The Council will act as the requestor of legislation for newly elected state executive officials until 5 p.m. on December 5.

Sen. Christiaens moved to accept the proposed amendment to Legislative Council Rules of Procedures. The motion passed.

### **ORGANIZATION MEETING DURING SESSION**

Ms. Menzies said she hopes appointments to the Legislative Council will be made shortly after Caucus. Traditionally, the new Council has held its organizational meeting in January.

The next meeting will be January 16, 2001 at 5 p.m.

### **ADJOURNMENT**

The meeting adjourned at 12:25 p.m.