



Legislative Council

61st Montana Legislature

SENATE MEMBERS

CAROL WILLIAMS--Vice Chair
JOHN BRUEGGEMAN
JEFF ESSMANN
JESSE LASLOVICH
ROBERT STORY
DAVID WANZENRIED

HOUSE MEMBERS

DENNIS HIMMELBERGER--Chair
BOB BERGREN
MARGARETT CAMPBELL
TOM MCGILLVRAY
JESSE O'HARA
MIKE PHILLIPS

COMMITTEE STAFF

SUSAN FOX, Executive Director
GREG PETESCH, Legal Division Director
DAWN FIELD, Secretary

MINUTES

December 14, 2009

Room 102, State Capitol
Helena, Montana

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.

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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

REP. DENNIS HIMMELBERGER, Chair

SEN. JOHN BRUEGGEMAN
SEN. JEFF ESSMANN
SEN. ROBERT STORY
SEN. DAVID WANZENRIED

REP. TOM MCGILLVRAY
REP. JESSE O'HARA
REP. MIKE PHILLIPS

COMMITTEE MEMBERS EXCUSED

SEN. CAROL WILLIAMS, Vice Chair
SEN. JESSE LASLOVICH
REP. BOB BERGREN
REP. MARGARETT CAMPBELL

STAFF PRESENT

Susan Fox, Executive Director, Legislative Services Division
Greg Petesch, Legal Director, Legislative Services Division
Dawn Field, Council Secretary, Legislative Services Division

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The Legislative Council:

- agreed to clarify statutory language in 2-3-212. MCA, regarding official meeting minutes;
- approved the written minutes of the September 22, 2009, meeting and of the November 16, 2009, teleconference meeting;
- approved an expenditure of up to \$250,000 from the IT Reserve Fund for analysis of existing information technology support systems;
- approved setting the price of the 2010 Montana Code Annotated at \$400 per set and \$40 per volume;
- authorized Mr. Petesch to petition the Supreme Court for permission to prepare an amicus brief on behalf of Rep. Bill Glaser regarding *Cooper v. Glaser*;
- agreed to co-sponsor the Teacher Institute on Representative Democracy and to contribute a sum not to exceed \$5,000; and
- approved training for legislators regarding use of American Reinvest and Recovery Act (ARRA) funds, to be held on March 3, 2010, in Helena.

CALL TO ORDER AND ROLL CALL

00:00:02 REP. HIMMELBERGER called the meeting to order at 12:30 p.m. The Secretary took roll, SEN. LASLOVICH, SEN. WILLIAMS, REP. BERGREN, and REP. CAMPBELL were excused (ATTACHMENT #3).

Staffing updates

00:00:52 **Susan Fox, Executive Director, Legislative Services Division (LSD)**, explained an organizational chart of the LSD Office of Legislative Information Technology (EXHIBIT #1). **Greg Petesch, Legal Director, LSD**, introduced two newly-hired LSD staff attorneys: Helen Thigpen and Jaret Coles.

Discussion of adoption of written minutes

00:03:05 Mr. Petesch provided copies of 2-3-212, MCA, (EXHIBIT #2), regarding the statutory requirements for meeting minutes. He explained why the written minutes must still be adopted, even though the audio minutes are considered the official record. After discussion, it was agreed that statutory language would be clarified in order to avoid future legal issues or confusion. Ms. Fox said that all interim committee meetings are audio and video recorded and archived, including audio taping of teleconference meetings.

Retirement Reserve Transfer

00:08:20 **Karen Berger, Financial Services Manager, LSD**, distributed copies of the cash and appropriation activity from the Legislative Branch Reserve Accounts - Information Technology and Retirement Termination, and briefly discussed the

status of each (EXHIBIT #3). She noted the recent transfer of \$120,000 to the Legislative Fiscal Division to pay out the retirement of Clayton Schenck.

00:11:18 SEN. STORY referenced past discussions on this issue, which, he said, were directed at reducing the occurrence of large payouts for unused compensatory time and unused sick leave. He asked Ms. Berger to comment. Ms. Berger said that there had been a major purchase down of excess compensatory balances earlier in the decade, at which time the legislative branch instituted a new policy requiring employees to have their compensatory time balances reduced to a certain level before the next legislative session. She said that Mr. Schenck's large payout was due to his large accrual of unused sick leave, rather than compensatory time.

00:13:51 SEN. STORY said it would be useful to have this information clearly outlined in the rules. Ms. Berger explained how compensation and leave time are handled when an employee terminates. Ms. Fox said that there is a limit on the amount of annual leave that can be accrued, but not on sick leave. She noted that the timing of a retirement is very important and gave the example of an employee terminating right after a session as the most expensive time because of the large amount of compensatory time built up during the session. She said that efforts are made to mitigate these impacts.

00:15:49 Ms. Berger distributed updated copies of the 2009 Regular Session Feed Bill (EXHIBIT #4) and of Program 21 - Interim Committees and Activities Program budget (EXHIBIT #5), as requested by the Council.

00:18:08 Ms. Fox introduced Amy Carlson as the newly-hired Legislative Fiscal Analyst, Legislative Fiscal Division.

APPROVAL OF MINUTES

00:18:25 **SEN. WANZENRIED moved to approve the minutes for the September 22, 2009, meeting and the November 16, 2009, conference call minutes. The motion passed on a unanimous voice vote.**

IT Reserve fund

00:19:17 **Steve Eller, Computer Systems Manager, Office of Legislative Information Technology (OLIT), LSD,** requested that the Council approve expending up to \$250,000 from the IT Reserve Account for analysis of 16 legislative information technology support systems. Mr. Eller explained the details of his request.

00:22:59 REP. MCGILLVRAY asked why systems need to be upgraded and/or replaced. Mr. Eller said that outdated and unsupported technology, siloed systems that don't interact, and the fact that retirement of several very knowledgeable and experienced staff is anticipated were all contributing factors for requesting the analysis.

00:24:45 SEN. STORY expressed concerns about building a first-generation system and asked if "off the shelf" products are available. He also discussed problems that can occur when working with an outside entity and referenced recent examples

of new systems implemented in the executive branch that experienced significant problems. Ms. Fox said that Montana will be following in the footsteps of numerous legislatures in other states that recently completed similar renovations and that all have offered to let Montana study their systems. She said that in-house work would be considered as one of the options.

00:28:57 SEN. BRUEGGEMAN asked how or if the business process portion is being considered as part of the analysis. Mr. Eller said that the RFP would include a high level business process analysis as one of three deliverables. SEN. BRUEGGEMAN said that whenever changes are made, it should be expected that there will be a certain number of problems and that it takes time to work the problems out.

00:31:16 SEN. STORY and SEN. BRUEGGEMAN were both of the opinion that a new system should either be implemented well in advance of a legislation session or postponed until immediately after a session, in order to have time to work out problems.

00:33:32 **REP. O'HARA moved to approve expenditure authority of the IT Reserve Fund of up to \$250,000 for analysis of existing information technology support systems, as discussed by Mr. Eller.** REP. MCGILLVRAY clarified that the expenditure would be to analyze the current system in order to determine what needs to be replaced. Mr. Eller said yes, and explained what would be addressed as part of the analysis. **The motion carried on a unanimous voice vote, with SEN. WILLIAMS voting yes by proxy (SEN. WANZENRIED).**

Approval of 2010 Annotations Price

00:37:14 Mr. Petesch reported that he has reduced the number of copies printed to 400 because of declining sales, expanded electronic research capabilities, and because the Thompson Publishing Company may also print its own version of the annotations. He said that his recommended price for the annotations would be \$400 per set and \$40 per individual volume.

00:42:02 **SEN. BRUEGGEMAN moved to price the 2010 Montana Code Annotated at \$400 per set and \$40 per volume.** SEN. STORY and SEN. ESSMANN asked questions relating to the prices charged by competitors, if the money from the sales offsets the expense of producing the annotations, and what the impact would be if Montana chose not to produce the annotations. Mr. Petesch explained how attorney time is allocated to producing the annotations, the cost of producing the annotations, and how the receipts from annotation sales are used. He said it is a policy decision for the Legislative Council on whether or not the LSD attorneys continue production of the annotations. **The motion passed on a unanimous voice vote, with SEN. WILLIAMS voting yes by proxy (SEN. WANZENRIED).**

Amicus Brief

00:48:53 Mr. Petesch said that he received inquiry from the attorney representing Representative Bill Glaser in a defamation suit (EXHIBIT #6), resulting from remarks Rep. Glaser made on a personal point of privilege from the House floor.

Mr. Petesch asked the Council to decide if wished to have LSD legal staff petition the Court for permission to file an amicus brief in the case in support of Rep. Glaser. He discussed state statutory and Constitutional legislative immunity provisions and federal Constitutional immunity provisions.

- 00:52:47 **REP. MCGILLVRAY moved to authorize Mr. Petesch to prepare an amicus brief to defend a legislator's ability to speak on the House and Senate floor with immunity.** REP. PHILLIPS said that the broadness of the motion concerned him.
- 00:53:46 SEN. ESSMANN asked if there would be reimbursement for Rep. Glaser's legal expenses in defending the case. Mr. Petesch said there would not be because LSD staff attorneys are prohibited from representing a legislator in an individual capacity. SEN. ESSMANN pointed out that the provision of the Constitution states that a member of the Legislature shall not be questioned in any other place for any speech or debate in the legislature. He suggested that the motion be revised to include speech or debate in committee work be included. He read aloud from section 8, Article V, of the Constitution. **REP. MCGILLVRAY withdrew his previous motion and moved to authorize preparation of an amicus brief defending a legislator's right to not be questioned in any other place for any speech or debate in the Legislature.** REP. MCGILLVRAY said that if people being drug into court as a part of serving in the legislature, it will severely inhibit those willing to serve.
- 00:57:22 REP. PHILLIPS asked why an amicus brief is needed. Mr. Petesch said that the purpose of the request was for the Legislature to be on record with the Supreme Court to defend legislative privilege. SEN. STORY said it is important that the Legislature weigh in on this and that it would be in the legislators' best interest to keep wording as broad as possible in order to keep their protection as broad as possible.
- 01:00:34 SEN. WANZENRIED asked how this is enforced and what prerogatives the presiding officer has in limiting a legislator's speaking out. Mr. Petesch said it is the presiding officer's function and duty to maintain order and that he or she always has the ability to rule remarks out of order and to call them to order.
- 01:01:49 SEN. STORY noted that a legislator can be questioned in the Legislature by the Ethics or Rules Committees. REP. PHILLIPS said that even so, there is no penalty for violating the rules.
- 01:03:36 REP. HIMMELBERGER asked Mr. Petesch to comment. Mr. Petesch said that a clear ruling from the Court would act as a buttress for legislative immunity, but would also place a clear burden on the Legislature to police itself.
- 01:05:07 **The motion passed on a unanimous voice vote, with SEN. WILLIAMS voting yes by proxy (SEN. WANZENRIED).**

STRATEGIC PLANNING INITIATIVES
Succession Planning Subcommittee

01:05:49 REP. HIMMELBERGER reported that the Succession Planning Subcommittee did not meet as planned because a quorum was not reached. SEN. ESSMANN said that Ms. Fox presented and discussed a grid chart depicting where and how many LSD employees are eligible for retirement in the current biennium and the coming biennium (EXHIBIT #7). He said that Ms. Fox also recounted what hiring processes were underway to address the perceived needs.

Rules Subcommittee

01:07:22 REP. HIMMELBERGER said that the Rules Subcommittee discussed a number of changes. He asked that the entire Council be provided with the handouts distributed to the Subcommittee. Mr. Petesch said he would incorporate the discussion of the day and provide his summary to the entire Council.

Legislative Space and Capitol Complex

01:08:33 Ms. Fox referred Council members to materials in their meeting packet: a progress report on Legislative Council Strategic Planning Initiatives (EXHIBIT #8) statutes related to Legislative Council and allocation of space (EXHIBIT #9), and maps and floor plans of the Capitol (EXHIBIT #10).

01:09:52 **Sheryl Olson, Deputy Director, Department of Administration (DOA)**, introduced Tom O'Connell, State Architect, DOA, and Garett Bacon, State Leasing Officer, DOA. Ms. Olson discussed an overview of office space. Topics included the Capitol Complex Master Planning process, the current state of office space in Helena, how DOA makes space allocation decisions, and how space was assigned during the Capitol renovation (EXHIBIT #11).

01:13:44 **Tom O'Connell, State Architect, Department of Administration (DOA)**, discussed the Capitol Complex Master Plan (EXHIBIT #12), which included a review of the 10- and 20-year master plans, new construction, renovations of existing structures, and parking needs.

01:24:29 Ms. Olson reviewed the current state of office space in Helena (pages 3-6, EXHIBIT #11).

01:28:49 Ms. Olson discussed long range building program requests in the Helena area (page 1, EXHIBIT #12).

01:32:43 Ms. Olson and Mr. O'Connell discussed options for securing new office space in Helena (page 6-7, EXHIBIT #11).

01:36:44 SEN. STORY asked what the annual cost is for the lease line. Mr. O'Connell estimated it would be close to \$20 per square foot but said he would get the exact amount.

01:37:10 REP. PHILLIPS asked if that amount includes maintenance. Mr. O'Connell said that it did. A brief discussion of building life and operating costs ensued.

01:39:12 In response to SEN. STORY's previous question, Ms. Olson said that the projected lease rate for Helena is \$23 per square foot. Ms. Olson and Mr.

O'Connell explained the decision making process followed for leasing of space, specifically within Capitol building. They also discussed how space was designed and assigned during the restoration of the Capitol (pages 7-10, EXHIBIT #11). Mr. O'Connell emphasized that it was a collaborative effort of many agencies.

- 01:55:13 Ms. Olson reviewed a list of past occupants of the Capitol building, current occupants, and color maps of current occupants (pages 10 and 11, EXHIBIT #11). She also referred the Council to maps provided by Ms. Fox (EXHIBIT #10) indicating current Capitol occupants.
- 01:57:10 SEN. ESSMANN asked about the availability of space on the east end of the fourth floor next to the Senate "bull pen". Mr. O'Connell said that the space there is not suitable for use as office space.
- 01:59:07 SEN. STORY referred to the list of agencies that occupied the Capitol in 1975 asked Mr. O'Connell to explain the decision making process used to move the agencies out. Mr. O'Connell said that agencies formerly located in the Capitol usually moved out due to construction of a new building or because of a need for additional space.
- 02:02:49 SEN. ESSMANN asked about the Capitol campus master plan, specifically the new structures shown in the 10- and 20- year master plans, and asked if relocating government functions to other communities has ever been discussed. Ms. Olson said that a statewide survey has been done on agencies growth and needs. Mr. O'Connell said that the master plans are intended be a broad picture of what can happen, not what is going to happen; and that building or leasing space in other communities is a decision that the Legislature can make.
- 02:06:20 REP. O'HARA said that the Capitol renovation project was outstanding and he commended Mr. O'Connell on his contributions to the project.
- 02:06:56 SEN. STORY commented that the history of the building, including use of space and renovation efforts should be recorded.
- 02:08:56 **BREAK**
- 02:32:17 REP. HIMMELBERGER called the Council back to order at 3:01 p.m.

Round Table Discussion on Legislative Space and Support Needs

- 02:32:59 Ed Tinsley, House Sargeant of Arms; Marilyn Miller, Secretary of the Senate; Nancy Clark, Senate Sargeant of Arms; Dave Hunter, Chief Clerk of the House of Representatives, and Lenore Adams, Facilities Coordinator, LSD; introduced themselves.
- 02:33:03 Mr. Hunter said it is important to recognize how far the Capitol building has come and reviewed some of the major renovations and upgrades that have been completed. However, he said, Montana is still one of a few states that does not provide private office space for its legislators. Mr. Hunter said another of his observations is that the Capitol building still lacks adequate hearing room space,

particularly a large hearing room that could accommodate several hundred people. He discussed the importance of transparency in government and said that impeding the public's right to observe and participate because of inadequate space is a critical issue. Mr. Hunter's final suggestion was to increase the amount of broadband capability in the Capitol, saying that the current amount available is not adequate.

- 02:38:37 Ms. Miller agreed that some improvements regarding public access and involvement have been made; and also agreed that a lack of meeting rooms, a lack of individual office space for legislators; and a lack of secretarial space all need to be addressed. Ms. Miller also discussed issues relating to the bathroom on the third floor and a move made in the 2009 session that switched secretarial space out on the fourth floor to make more office space for senators. She said that every bit of space is used as effectively as it can be.
- 02:41:31 Mr. Tinsley said that space saving measures taken by the House include converting from large metal desks to smaller desks and retrofitting rooms with cubicles.
- 02:42:21 Ms. Clark continued discussion of fourth floor rooms and the swap made with the senators, previously housed on the third floor. She reviewed other changes made, including improved legislator and staff access to the copy machine, refrigerator, and microwave. Ms. Clark said that Room 317 is very challenging for staff to work with and explained how the room must be set up and taken down on a daily basis to accommodate various committee hearings. She said that switching hearing rooms to accommodate large crowds is confusing to the public, and that overflow crowds in the hallways create fire code violations and security concerns; but that staff works very hard to accommodate all needs.
- 02:47:27 REP. HIMMELBERGER asked the panelists to list their top priorities. Ms. Adams said that the biggest need is a large scale hearing room that could accommodate at least 300 people. Mr. Hunter said that creating work space for the House rostrum staff is a high priority. Ms. Miller said that work space for Senate staff is a top priority for her as well. Mr. Hunter discussed some the problems encountered by staff and said that a greater level of sensitivity from leadership on what works and what doesn't would be much appreciated. Ms. Miller agreed that staff input is lacking. Mr. Hunter said that moving the election of leadership up one week did give staff additional time to hire and train session staff.
- 02:53:42 Mr. Tinsley said security issues were of great concern to him. He discussed press passes, how they are issued, and suggested that leadership meet with media professionals to discuss conduct and how to improve the process. He agreed with previous comments made about the third floor bathroom, saying that it presents security concerns. He suggested that a key-swipe system be installed to tighten access. Mr. Tinsley said that another issue is how keys are handled. He explained that many individuals have keys to the building and that while every key should be accounted for, that isn't always the case. He said that parking is another big issue and that he would like to have parking regulations be much more strictly enforced.

- 02:57:54 Ms. Clark agreed that parking is a concern and said that the Senate parking lot is in need of better signage because current signs are easily covered up by snow. She also supported the installation of magnetic locks on the third floor doors by the House but did not want them installed on the Senate cloak room door because of limited access to Senators. Ms. Clark listed a number of hearing rooms and Senate offices with doors that lock from only one side and said that installing crash bars or different locks would take care of many of the problems. She said that she has made several requests to have these problems taken care of but nothing has been done.
- 03:02:28 Ms. Fox said that these are all tenancy issues and that General Services Division (GSD), is the landlord, and that to date, there has been no clear avenue to get these issues before the GSD. She said timing or work requests is also an issue.
- 03:03:59 SEN. STORY agreed that lack of parking is a concern said that citizens frequently have to park many blocks away when attending a hearing. He suggested creating an offsite parking area and running a shuttle service to the Capitol building. Regarding the need for a large hearing room, SEN. STORY said that two auditoriums are located close to the Capitol and should be considered for use. Ms. Clark said that currently, it is not possible to broadcast from those locations. Ms. Fox said that with advance notice, broadcast capability could be brought to those rooms. Ms. Miller said that the Speaker of House and President of Senate have the power and authority to get these types of improvements made.
- 03:07:34 Mr. Tinsley commented on other states' capitols that he visited in the summer of 2009 and said that all of them had much stricter security standards than Montana does.
- 03:09:38 SEN. STORY said it may be useful for leadership and staff to collaborate on recording and preserving these discussions and process He said that at some point in time, it may become necessary for the Secretary of the Senate and the Chief Clerk of the House to become permanent staff and not partisan appointments, just for the purpose of preserving institutional knowledge.
- 03:11:15 SEN. BRUEGGEMAN said that a key card access to the third floor bathrooms would be helpful. He said that the broadband issue could be easily taken care of. Regarding legislative space, SEN. BRUEGGEMAN said that there must be space for the public and that they must be accommodated. He said the best option to gain space is to move the Secretary of State out of the Capitol building and he discussed possible uses for that space. He said that he intended to make a recommendation to that end.
- 03:14:24 REP. MCGILLVRAY asked Ms. Fox to clarify control of legislative space. Ms. Fox discussed several issues complicating the matter and agreed that the process of communications has been lost. She said that a Capitol Tenants Advisory Council existed at one time but that once the renovations were complete, interest in maintaining the group waned. REP. MCGILLVRAY said he doesn't understand why SEN. STORY, as President of the Senate, can't order what he thinks is

necessary. Ms. Fox said it would likely be possible to regain that authority without statutory changes and suggested that direct communication with the DOA would be a good place to begin.

- 03:19:56 Ms. Miller said that the Legislature needs a tenant representative and suggested that the Council request that the DOA appoint someone to act as a liaison with the Legislature. REP. HIMMELBERGER agreed that a process for addressing the needs of the Legislature must be re-established.
- 03:23:59 SEN. STORY asked Ms. Olson to respond to the discussion. Ms. Olson said she welcomes the opportunity to listen to the concerns of the Council and agreed that a liaison would be beneficial. On the other hand, she said, the 2009 Legislature reduced the DOA maintenance budget by over \$1 million, and the impact that budget cut did effect on the amount of work that can be done. She encouraged the Council to keep in touch with her.
- 03:26:51 SEN. ESSMANN asked Mr. Tinsley to comment on if he thought the Capitol building needs the same level of security as federal buildings have. Mr. Tinsley said that at this point, he didn't think so.
- 03:29:51 Ms. Clark said that she has concerns about how the building is monitored, particularly at night, and said that there ought to be a sign-in and sign-out process so the security guards would be more aware of who is in the building.
- 03:31:09 Ms. Fox said that she would provide information from the Colorado National Guard and from the National Conference of State Legislatures (NCSL) on security.
- 03:32:14 SEN. BRUEGGEMAN commented on new technology that is very discreet yet can detect weapons. He suggested that this type of technology be investigated.
- 03:34:14 REP. MCGILLVRAY asked how lobbyists register and gain access to the building. Mr. Tinsley said that paid lobbyists have to register through the Office of the Commissioner of Political Practices but that citizen lobbyists come and go at will. He said that most lobbyists know the process and don't cause problems. REP. MCGILLVRAY discussed annoying encounters he has had with citizen lobbyists. Mr. Tinsley said that it is a privilege for them to be in the Capitol and that most of them cooperate, but that the Legislature has the authority to ask them to leave.
- 03:36:43 REP. MCGILLVRAY asked if a motion is needed to move forward with clear direction to the DOA. REP. HIMMELBERGER said not at this time, but that the subcommittee may be meet to deal with this issue.

DIRECTIONS TO STAFF, SUBCOMMITTEES, AND FUTURE MEETING DATES

- 03:40:01 **Gayle Shirley, Legislative Information Officer**, presented a proposal for the Legislative Council to co-sponsor a Teacher Institute on Representative Democracy (EXHIBIT #13) . She said that she would like the Council to approve up to \$5,000 of funding for the institute. Ms. Fox said that funding is available in

the Program 20 budget. She said that the Council would also have input on what legislators want teachers to know and could assist in designing the agenda.

03:49:56 **SEN. WANZENRIED moved that the Legislative Council co-sponsor the proposed teacher institute and to contribute a sum not to exceed \$5,000.**

03:50:56 SEN. ESSMANN asked how teachers would be selected to attend the institute. Ms. Shirley explained that teachers from private and public schools would be selected by a selection committee, and that attendance would be limited to 25 participants. She welcomed suggestions regarding selection criteria. REP. HIMMELBERGER asked Ms. Shirley to provide progress reports. **The motion passed on a unanimous voice vote, SEN. WILLIAMS voted yes by proxy (Wanzenried).**

Work Session on Legislative Space Subcommittee

03:53:31 SEN. BRUEGGEMAN thought that, rather than a Subcommittee, the entire Council should deal with this issue, considering the significance of the topic. He said he understood that the Secretary of State would not be happy to be relocated but suggested that good place to begin would be to ask the DOA to begin the process of finding new space for the Secretary of State.

03:57:25 SEN. WANZENRIED said that while it is agreed that more space is needed, he thought it premature to assume that the Secretary of State would need to be relocated. He said that more study and information is needed before decisions are made. SEN. STORY agreed, saying that careful study and inclusion of all entities affected is essential.

04:01:17 SEN. ESSMANN suggested that work begin by having Ms. Fox work with the session staff present at the meeting to draft a list of their needs. REP. HIMMELBERGER supported the idea of leaving the Legislative Space Subcommittee in place, and requested that Mr. Tinsley and Ms. Miller also participate, mainly to act as liaisons with the DOA. Ms. Fox said she would make the request of Mr. Tinsley and Ms. Miller. She thought it would be beneficial for all of the Capitol tenants work together to study the space issue and to outline their long term needs and goals. She said that she would suggest that a meeting be held before the next Council meeting. SEN. BRUEGGEMAN asked that the DOA be invited to all future Legislative Space Subcommittee meeting also. SEN. WANZENRIED asked that the general public be consulted about their needs and concerns on how Capitol space is allocated and used. SEN. STORY said that Ms. Shirley, as the Legislative Information Officer, should communicate with the public regarding this issue. REP. HIMMELBERGER asked Ms. Fox and Ms. Shirley to keep the Subcommittee informed on what is done. Ms. Fox said the meetings would be open to the public and that public comment would be taken.

04:09:28 SEN. ESSMANN and REP. HIMMELBERGER discussed concerns on how to deal with press and media issues. SEN. ESSMANN said his impression was that it was mostly conduct problems that were the issue. that Mr. Petesch said that there are legislative rules granting accredited press representatives access to certain areas in the Capitol but that there is nothing in the rules on who

determines who is "accredited". He said that the Legislature may develop rules to determine accreditation standards, if desired. Ms. Fox said that efforts were made prior to the 2009 session to arrange work space for the press and to accommodate them as much as possible but that availability remains on a "first come, first serve" basis.

Next Meeting date

- 04:14:57 SEN. WILLIAMS (present via polycom phone) presented to the Council a training proposal, to be done in conjunction with the Legislative Finance Committee (LFC) regarding the American Reinvestment and Recovery Act (ARRA) stimulus funding. She said the training would focus on how ARRA stimulus funding is being used and would include a national overview and a state overview. A December 10, 2009, memo from Karen Berger detailed how the training would be funded through LSD and LFD budgets (EXHIBIT #14). The Council discussed the proposal. Ms. Fox said that she has been working with the Fiscal Division to coordinate the event and explained the efforts to date. She suggested that the Council meet on March 1 and 2, that the ARRA training be held on March 3, and that the Legislative Finance Committee meet on March 4 and 5, 2010.
- 04:23:10 SEN. WANZENRIED said he was concerned about sending the wrong message to taxpayers by spending \$31,000 on the training when budgets cuts are a likelihood. He said he would encourage legislator participation via MetNet, in order to minimize the expense.
- 04:26:06 **SEN. WILLIAMS moved to adopt the training proposal, as discussed. SEN. STORY supported the motion, saying that historically, there has not been enough analysis of how money is spent and that the training would help legislators make educated and informed decisions. He encouraged legislators to car pool and to have legislators research their local ARRA projects, in order that base knowledge at the training. Ms. Fox asked if the motion included funding for the training proposal or just for the concept, and pointed out that there is carry-forward money in the LSD budget that could be used to pay for the training. SEN. WILLIAMS said that her motion was to approve the concept of the training proposal and the dates discussed, and that staff could deal with the budget details. **The motion to reschedule the next Legislative Council meeting for March 1 and 2, 2010, and to approve the ARRA training proposal on March 3 passed on a unanimous voice vote.****
- 04:31:40 REP. HIMMELBERGER said that there are still ongoing questions and concerns regarding the issue of travel reimbursement. He said that he has discussed this with staff and still thinks Council clarification is needed to resolve the issue. He discussed his concerns in more detail.
- 04:36:33 REP. MCGILLVRAY said that he rarely receives notification of training opportunities available through NCSL and the Council of State Governments (CSG) and that it would be good to have a better system for informing legislators on what is available. Ms. Fox said that training opportunities are posted on the legislative branch website but that she wasn't certain how much it is being used.

She agreed that it that needs work. REP. HIMMELBERGER asked that the issue be addressed because the money is not being used as wisely as it should be.

04:40:28 SEN. WILLIAMS agreed with REP. HIMMELBERGER's opinion that the money is not being used as wisely as it could be. She said it is important issue and suggested that it be an agenda item for the March meeting. REP. HIMMELBERGER agreed.

ADJOURNMENT

04:42:06 With no further business before the Council, the meeting was adjourned at 5:15 p.m. The next meeting is scheduled for March 1 and 2, 2010, in Helena. Ms. Fox distributed press credentialing information provided by Ms. Shirley (EXHIBIT #15).

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