



# Legislative Council

## 61st Montana Legislature

### SENATE MEMBERS

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

August 20, 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.

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

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

### **COMMITTEE MEMBERS PRESENT**

REP. DENNIS HIMMELBERGER, Chair  
SEN. CAROL WILLIAMS, Vice Chair  
SEN. JOHN BRUEGGEMAN  
SEN. JEFF ESSMANN  
SEN. JESSE LASLOVICH  
SEN. ROBERT STORY JR  
SEN. DAVID WANZENRIED  
REP. BOB BERGREN  
REP. TOM MCGILLVRAY  
REP. JESSE O'HARA

### **COMMITTEE MEMBERS EXCUSED/ABSENT**

REP. MIKE PHILLIPS  
REP. MARGARETT CAMPBELL

### **STAFF PRESENT**

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

## **AGENDA & VISITORS' LIST**

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

## **COMMITTEE ACTION**

The Legislative Council:

- approved the June 26, 2009, meeting minutes as written; and
- chose meeting dates of September 22, 2009; December 10, 2009; March 3, 2010; June 2, 2010; and September 14, 2010.

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

00:00:02 REP. HIMMELBERGER called the meeting to order at 10:00 a.m. The Secretary took roll, REP. CAMPBELL and REP. PHILLIPS were excused (ATTACHMENT #3). **SEN. WANZENRIED moved to approve the June 26, 2009, meeting minutes, as written. The motion was approved on a unanimous voice vote.**

## **Staff Update**

00:01:22 **Susan Fox, Executive Director, LSD**, announced the new LSD staff hires and that Bart Campbell, staff attorney, had recently been presented a 20-year longevity pin. Ms. Fox discussed several positions that LSD is in the process of filling, which includes two staff attorneys, one research analyst, and several information technology positions. She noted that the field of candidates for fiscal analyst has been narrowed to three and that the Legislative Finance Committee plans to make its final decision by September 24.

## **Adoption of Work Plan**

00:04:12 REP. HIMMELBERGER asked members to refer to the Suggested General Work Plan (EXHIBIT #1). After discussion, the Council chose September 22, 2009; December 10, 2009; March 3, 2010; June 2, 2010; September 14, 2010; with one additional meeting in November to be scheduled at a later date.

## **BUDGET ITEMS**

### **Interstate Committee Budgets, New Training Opportunities for Legislators**

00:12:54 Ms. Fox previewed the new web page on training opportunities for legislators. She also reviewed the interstate committee budgets (EXHIBIT #2).

## **SAVA Operating Plan Update**

00:17:05 Ms. Fox updated the Council regarding the State Administration and Veterans' Affairs Interim Committee (SAVA) work plan, saying that the SAVA adopted a proposal to use existing actuaries for its retirement study. She said she would keep the Council updated on SAVA's operating budget and its next steps.

## **TVMT Status**

00:18:38 **Steve Eller, Computer Systems Manager, Office of Information Technology, LSD**, discussed the history of TVMT and said that a Request for Proposal is in progress to select a vendor to provide direct satellite operations, rather than through the Department of Administration (DOA). He explained how the change could result in major savings.

- 00:20:55 REP. HIMMELBERGER asked how transmission services are currently funded and how the RFP would change that. **Karen Berger, Financial Manager, LSD**, explained that transmission cost is a general fund budget appropriation and will be an ongoing funding request. Ms. Fox added that if a contract with a private vendor is not finalized, transmission services will continue but will remain at the higher cost and that a small amount of additional funding may be needed in the 2011 feed bill to get through to the next biennium.
- 00:24:01 SEN. STORY asked several questions about terrestrial versus satellite coverage, the numbers of people who are receiving coverage, and the DOA procurement process and related costs.
- 00:27:41 REP. HIMMELBERGER asked about the companies who have expressed interest in providing transmission service. Mr. Eller said that five or six attended the pre-bid conference. Ms. Fox stated that AVI, Bresnan Communications, Hughes Home 2 US Communications, and Accelerated participated in the pre-proposal conference call.

### **INTERIM COMMITTEE BUSINESS**

#### **Video Conferencing Update**

- 00:28:58 Mr. Eller discussed an overview of video conferencing and provided a list of sites in Montana with video conference capability (EXHIBIT #3).
- 00:32:32 SEN. STORY asked several questions about the MetNet system and its reliability. Mr. Eller said the system has improved but is not without flaws.
- 00:35:29 Ms. Fox updated the Council on interim committee budgets (EXHIBIT #4).
- 00:36:25 Ms. Fox discussed a legal analysis prepared by Bart Campbell, Staff Attorney, LSD, regarding interim committees receiving funds from private sources to cover costs of meetings (EXHIBIT #5).
- 00:37:55 REP. MCGILLVRAY asked why the Legislative Council expenditures were zero. Ms. Fox said the previous meeting (June 26, 2009) was paid for in the last biennium and was not included in the figures listed in EXHIBIT #4.

### **EMAIL AND LEGISLATOR INFORMATION PROPOSAL**

- 00:38:38 Ms. Fox reported that LSD is working with the Secretary of State's Office (SOS) on a memorandum of understanding (MOU) regarding legislator contact information. She discussed the complexities of what can be deemed private versus public information and referred to a legal memorandum prepared by Valencia Lane, Staff Attorney, LSD. Ms. Fox said that LSD's position is that if LSD maintains information in its database, that information must be considered public. She said plans are underway to conduct a legislator survey to update information and let them know what will be public and to also determine how legislators wish to receive information from LSD (paper or electronic).
- 00:44:47 SEN. WILLIAMS asked that any efforts on this issue be very clear that information provided to LSD will be treated as public information.

00:45:14 The Council members discussed the issue further, including state versus private email accounts, public disclosure requirements, and email retention requirements. **Greg Petesch, Legal Director, LSD**, explained public disclosure requirements for legislators, differences between state and private email accounts, and recommended that legislators follow the state email retention policy of 30 days. SEN. STORY asked staff to put together guidelines for requirements so that legislators would be aware of what they need to do to meet the requirements of the law.

00:55:04 SEN. BRUEGGEMAN said that in the past, it has been generally thought that a state email account would more likely be considered a public account, whereas personal email accounts would have a greater degree of privacy protections. Mr. Petesch agreed that, in general, that has been the case. The members requested that Mr. Petesch prepare information for legislators on the privacy right-to-know issues.

### **BACK-TO-SCHOOL UPDATE**

00:57:10 **Gayle Shirley, Legislative Information Officer, LSD, and Coordinator, Back-to-School Program**, discussed the Back-To-School program and provided a sample packet of legislator information (EXHIBIT #6). Ms. Shirley said she hoped the program would continue to grow in use and that she would gladly assist all legislators who wish to use the program. She said she planned to attend and present at an National Conference of State Legislatures (NCSL) conference on the Back-To-School program in October.

01:03:27 SEN. WILLIAMS asked to see the reference materials available to legislators.

01:27: 56 REP. HIMMELBERGER suggested setting up bipartisan legislator teams, saying they may be more effective in eliminating school administration or school board concerns of partisanship. Ms. Shirley said she thought that would be an excellent approach and provided an example of a current legislator who set up appointments in advance with school administrators in order to review materials and explain the program. Ms. Shirley said she would assist legislators in whatever way she could.

### **OTHER COUNCIL BUSINESS**

01:06:35 There was no other Council business.

### **PUBLIC COMMENT**

01:06:45 No public comment was given.

### **RECESS**

01:07:01 REP. HIMMELBERGER recessed the meeting at 11:08 a.m. and said that the Council would reconvene at noon at the Barrister Bed and Breakfast for the strategic planning session. CI0429 9233dfxa.