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Montana Legislative Services Division
Office of Research and Policy Analysis
David D. Bohyer, Director

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TO: Members of the Legislative Council
FROM: Dave Bohyer, Research Director
RE: Minutes of Interim Committee Meetings

The staff of the Legislative Services Division, in support of interim committees, is charged with keeping minutes of interim committee meetings. With the number and scope of interim committees seemingly expanding every interim and resources virtually fixed, preparing meeting minutes has become an overly time-consuming task, particularly in light of the widespread and easy availability of the digital audio record of interim committee meetings.

I have attached a proposal that, if approved by the Legislative Council, will simultaneously allow LSD staff to meet the legal obligation to keep appropriate minutes of all meetings, primarily by using ever-improving technology, and balance that obligation with available resources and other demands placed upon those resources.

I look forward to a good discussion with you and perhaps others regarding the proposal.

Respectfully submitted.

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A Proposal on Minutes of Interim Committee Meetings

Prepared by Dave Bohyer, Research Director
June 2009

INTRODUCTION

Under the provisions of section 2-3-212, MCA, "appropriate minutes of all meetings required by 2-3-203 to be open shall be kept and shall be available for inspection by the public." Section 2-3-212 goes on to describe the composition of meeting minutes:

2-3-212. Minutes of meetings -- public inspection. (1) ...

(2) Such minutes shall include without limitation:

- (a) date, time, and place of meeting;
- (b) a list of the individual members of the public body, agency, or organization in attendance;
- (c) the substance of all matters proposed, discussed, or decided; and
- (d) at the request of any member, a record by individual members of any votes taken.

Art. V, sec. 11(2) of the Constitution also requires that "every vote of each member of the legislature on each substantive question... in any committee... shall be recorded and made public."

Over the years, the form and content of interim committee meeting minutes have changed, as has the process for creating the minutes and the technology needed and available to assist in their creation and archiving. To some degree, the Legislative Services Division staff responsible for creating meeting minutes have kept up with the times. The ongoing transitions have seen staff progress from recording meeting activities through the use of shorthand or speed writing scratched out with India ink and a fountain pen, translated to narrative on paper, through various iterations of tape recordings of meetings, which were again translated to narrative on paper with a typewriter, to the current state of affairs where meetings are recorded digitally, playable at virtually any time as long as there is access to a device capable of accessing the Internet. Yet the digital recordings are still translated to narrative on paper, which is very time consuming and of questionable value when considering that audio meeting records are so widely and easily available and the quality of digital records continues to improve.

PROPOSAL

In an effort to redirect staff resources towards higher-value work products and processes, we propose the following as the Legislative Council's policy regarding minutes of interim committee meetings:

1. that the digital recording of interim committee meetings be recognized and designated as the official minutes of interim committee meetings;
2. in conjunction with the digital minutes, staff would prepare an annotated log that would function as an index and time stamp to the digital record, similar to minutes of standing committee meetings during sessions. The log would:
 - a. indicate at what points during the meeting the various agenda items can be found in the digital record;
 - b. identify each speaker and detail each motion and vote;
 - c. describe the topic of pertinent discussion, including identification of critical discussion or questions between committee members and witnesses, staff, and each other; and
 - d. establish "hot links" to documents discussed by or presented to an interim committee, thereby allowing an interested party to have quick internet access to that information as well.
3. for pivotal discussions, staff would fully describe questions, responses, observations, revelations, commitments, proposals, and the like. On rare occasion, the audio record could be transcribed (if the committee determined transcription to be necessary).
4. whenever a committee tours or travels, the minutes would identify the location of the meeting, the committee members and staff attending, the person leading the tour (if applicable), the primary people at the meeting, and a general time frame.

It should be a practice that the following meeting include an agenda item during which an overview of the tour would be presented, members could ask questions or add comments, and the public could provide input.

It is our belief that designating the digital record of interim committee meetings as the official minutes will give legislators and the public more accurate, complete, easily accessible, and timely access to the activities of interim committees, thereby better implementing the spirit of the law. Designating the digital record will also have the added benefit of allowing us to redirect staff resources to higher value activities that cannot be accomplished through technology alone.