



# Legislative Council

## 62nd Montana Legislature

### SENATE MEMBERS

JEFF ESSMANN  
JIM PETERSON  
MITCH TROPILA  
BRUCE TUTVEDT  
DAVID WANZENRIED  
CAROL WILLIAMS

### HOUSE MEMBERS

CHUCK HUNTER  
MARGARET MACDONALD  
TOM MCGILLVRAY  
MIKE MILBURN  
KEITH REGIER  
JON SESSO

### COMMITTEE STAFF

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

# MINUTES

May 13, 2011

Room 102, 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 the document.**

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

SEN. JEFF ESSMANN  
SEN. JIM PETERSON  
SEN. MITCH TROPILA  
SEN. BRUCE TUTVEDT  
SEN. DAVID WANZENRIED  
SEN. CAROL WILLIAMS

REP. CHUCK HUNTER  
REP. MARGARET MACDONALD  
REP. TOM MCGILLVRAY  
REP. MIKE MILBURN  
REP. JESSE O'HARA  
REP. JON SESSO

### STAFF PRESENT

Susan Fox, Executive Director  
Todd Everts, Staff Attorney  
Cj Johnson, Secretary

### **VISITOR LIST & AGENDA**

Visitors' list, [Attachment #1](#).  
Agenda, [Attachment #2](#).

### **COMMITTEE ACTION**

The Legislative Council:

- elected Sen. Carol Williams to serve as the Presiding Officer for the 2011-12 interim;
- elected Rep. Mike Milburn to serve as the Vice Presiding Officer for the 2011-12 interim;
- approved assignments of study resolutions to interim committees; and
- discussed personnel matters in an executive session.

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

01:35:23 Sen. Wanzenried called the Legislative Council meeting to order. The secretary called the roll, all members were present ([Attachment #3](#)).

### **ELECTION OF OFFICERS**

01:36:18 Sen. Wanzenried opened the nominations to elect new officials for the 2011-12 Legislative Council. **Rep. O'Hara nominated Sen. Carol Williams to chair the Legislative Council.** Ms. Fox explained the past officer rotation of the Legislative Council. **The motion carried unanimously by voice vote.**

01:38:42 Sen. Williams thanked the members for nominating her. She asked for nominations for the Vice Chair. **Sen. Peterson nominated Rep. Milburn. The motion to confirm Rep. Milburn as vice chair carried unanimously by voice vote.**

### **LEGAL COUNSEL ON WOLF DELISTING PAYMENT**

#### **Tri-State Wolf Commission**

01:40:47 Sen. Essmann discussed a pending bill from the Holland & Hart law firm regarding services rendered to the Tri-State Wolf Commission, consisting of legislators from Idaho, Wyoming, and Montana. Sen. Essmann said it has been suggested that the Legislative Council assist in finding a way to finance Montana's share of the Tri-State Wolf Commission expenses.

01:42:00 **Sen. Jim Shockley, Victor, SD 45**, as a member appointed to the Commission, discussed Montana's legal obligation to pay its fair share of expenses incurred by the Commission ([EXHIBIT 1](#)). He informed the Council that Commission meetings were attended by himself, Sen. Debby Barrett, Dillon, SD 36, and Sen. Brad Hamlett, Cascade, SD 10.

#### **Discussion**

01:46:32 The Council discussed the financial obligation for the Commission, and how there was discussion about including it in House Bill 2 in the 2000 legislative session

but that did not happen. The Council asked what services the funding will pay for. It was noted that Rep. Bob Bergren approved travel for Rep. Wilmer and Sen. Bob Story approval travel for Senators Barrett, Shockley, and Hamlett to attend Commission meetings.

02:06:25 Sen. Williams asked Sen. Shockley to write down his thoughts if the authority that had been given to him and the other two Senators to attend the Commission was a contract. Sen. Williams said this issue will be addressed at the June 24 Legislative Council meeting.

02:09:57 **Dave Bohyer, Director, Office of Research and Policy Analysis, Legislative Services Division**, distributed letters from Rep. Gary MacLaren, Victor, HD 89, regarding HJR 33 - joint study resolution to study state health insurance exchange; Sen. Bob Lake, Hamilton, SD 44, regarding SJR 28 - study performance-based education; and Sen. Art Wittich, Bozeman, SD 35, regarding SJR 20 - study implementation of privatization of Medicaid administration (**EXHIBIT 2**). Mr. Bohyer also discussed a handout showing the final results of the interim study poll (**EXHIBIT 3**) and explained staff recommendations regarding assignment of the studies to interim committees.

#### **Public Comments**

02:23:23 **Rep. Pat Connell, HD 87**, explained the effect HJR 32 will have on state parks, recreation, and heritage programs.

02:29:42 **Anita Roessman, Disability Rights Montana**, discussed SJR 30 - study ways to reduce childhood trauma - and why it is necessary to go forward with the study (**EXHIBIT 4**).

02:35:52 Mr. Bohyer explained why staff recommended that SJR 30 be assigned to the State-Tribal Relations Committee.

02:41:16 Sen. Tutvedt commented about other studies for the Department of Agriculture that were not on the list. Ms. Fox explained that a white paper study can be used as an effective alternative to a full-blown study. The staff will still provide research and support of the study, and it will not take as much time as it would in a committee.

02:47:42 Rep. Hunter discussed Ms. Roessman's concerns regarding SJR 30 and agreed that it should be placed in the Children, Families, Health, and Human Services Interim Committee. Mr. Bohyer further discussed why the study was assigned to the State-Tribal Relations Committee, rather than the Children, Families, Health, and Human Services Interim Committee. Mr. Bohyer also said that staff will work on the areas of Ms. Roessman's concerns within HB 642.

02:59:40 Rep. Milburn asked about SJR 20, a study of the privatization of Medicaid.

03:01:09 Sen. Williams asked if a white paper can be done on SJR 18 - study health care workforce development initiatives, and SJR 27 - study waiver services for children with developmental disabilities. Mr. Bohyer replied that staff could work on those

studies as time allows.

03:04:02 **Amy Carlson, Fiscal Analyst, Legislative Finance Division (LFD)**, gave a report about LFD interim studies.

03:09:16 Sen. Peterson suggested that Casey Barrs, State Tribal Relations staff, could oversee SJR 30.

03:11:28 Sen. Tutvedt asked about doing a white paper of SJR 15 - study bonding requirement for agricultural commodities and grain industry.

**Motion**

03:11:51 **Rep. McGillvray moved to place SJR 30 with the Children, Family and Health and Human Services Interim Committee. The motion carried unanimously by voice vote.**

03:13:58 Rep. Milburn commented about research being used for various bills. Ms. Fox provided recommendations on how those studies could be done.

03:15:35 Ms. Fox distributed a handout regarding leadership funds and funds for National Conference of State Legislators (NCSL) and Council of State Governments (CSG) (**EXHIBIT 5**). Ms. Fox distributed and explained the activities budget (**EXHIBIT 6**) and the expenditure report (**EXHIBIT 7**).

03:20:50 The Legislative Council will meet on Friday, June 24, 2011, in Helena, at 9:00 a.m.

03:22:37 Ms. Fox distributed a handout showing the number of bills signed and vetoed by Governor Schweitzer (**EXHIBIT 8**).

**ADJOURNMENT, EXECUTIVE SESSION**

03:25:28 Sen. Williams adjourned the Council meeting at 12:30 p.m. The Legislative Council went into executive session to deal with a closed personnel matter.

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