



Legislative Council

62nd Montana Legislature

SENATE MEMBERS

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

HOUSE MEMBERS

MIKE MILBURN--Vice Chair
CHUCK HUNTER
MARGARET MACDONALD
TOM MCGILLVRAY
JESSE O'HARA
JON SESSO

COMMITTEE STAFF

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

MINUTES

June 24, 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. CAROL WILLIAMS, Chair
REP. MIKE MILBURN, Vice Chair

SEN. JIM PETERSON
SEN. MITCH TROPILA
SEN. BRUCE TUTVEDT

REP. CHUCK HUNTER
REP. MARGARET MACDONALD
REP. JESSE O'HARA
REP. JON SESSO

COMMITTEE MEMBERS EXCUSED/ABSENT

SEN. JEFF ESSMANN
SEN. DAVID WANZENRIED
REP. TOM MCGILLVRAY

STAFF PRESENT

Susan Fox, Executive Director
Todd Everts, Chief Legal Staff
Dawn Field, Secretary

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The Legislative Council:

- approved the May 13, 2011, meeting minutes as written;
- did not approve a request from Sen. Shockley to pay Holland & Hart legal fees;
- approved LSD FY 2012 and FY 2013 operating budgets;
- approved 2009 Feed Bill transfer of reverted appropriations to the IT Reserve Account;
- approved a request for funding from the IT Reserve Account;
- approved September 15 and 16, 2011, meeting dates for the Fall Strategic Planning Session; and
- approved leadership's recommendations for interstate committee appointments.

CALL TO ORDER AND ROLL CALL

00:00:02 SEN. WILLIAMS called the meeting to order at 9:00 a.m. The secretary took roll, SEN. ESSMANN, SEN. WANZENRIED, and REP. MCGILLVRAY were excused ([Attachment #3](#)).

- **Approval of the Minutes from May 13, 2011, meeting**
There were no changes or corrections to the minutes. **SEN. PETERSON moved to adopt the minutes as written. The motion passed on a unanimous voice vote.**
- **Resolution of Tri-State Wolf Committee Request -- Sen. Jim Shockley, SD 45**
00:02:37 SEN. SHOCKLEY reviewed the background of the issue and presented his case for why payment to Holland & Hart Law Firm for legal services rendered should be made. SEN. SHOCKLEY referred to two documents in his discussion:
 - ▶ a June 21, 2011, letter from Holland & Hart recapping its recollection of the events and agreement between the states and the firm ([EXHIBIT 1](#)); and
 - ▶ Sen. Robert Story's email outlining his recollection of the process ([EXHIBIT 2](#)).
- 00:10:38 SEN. PETERSON asked who from Montana was present at the meeting when the three states made the decision to retain Holland & Hart. Sen. Shockley said that Montana representatives were Sen. Brad Hamlett, Sen. Debby Barrett, and himself. He said he did not recall the exact conversation but that there was a clear understanding that legal fees would be paid. SEN. PETERSON asked about the amount of the final bill. Sen. Shockley said he would call Holland & Hart to get an exact figure.
- 00:18:49 SEN. TUTVEDT said that while the proper procedure was not followed, the results were good and that he supported paying the bill.

- 00:19:22 SEN. TROPILA questioned Sen. Shockley about who attended the Commission meetings, who spoke on behalf of Montana and under whose authority, if there was a specific conversation about retaining and paying Holland & Hart for legal services, and why the expense was not included in HB 2. Sen. Shockley said there was a total of four meetings which included representatives from Idaho, Wyoming, and Montana; that he did not recall who spoke on Montana's behalf at the meeting; and that there was conversation specific to retaining and paying for legal services. He said that an email from Sen. Barrett addressing these issues was included in the meeting materials (EXHIBIT 3). He said it was his understanding that the legal fees were going to be included in HB 2 and that he didn't know why they were not. SEN. TROPILA read portions of an email from former Senate President Robert Story (EXHIBIT 2) and said that the email indicates that no authority had been given to enter into a contract for legal services and that payment could not be obligated. Sen. Shockley said that was not his recollection.
- 00:27:53 REP. MILBURN asked where the money will come from if the Council agrees to pay the bill. Ms. Fox said that carryforward money, left over from last biennium, is available. REP. MILBURN asked how much is available. **Karen Berger, Financial Manager, LSD**, said the money would come out of the Interim Committee and Activities budget and that about \$23,000 is available. She noted HB 2 would not have been the appropriate place for the expenditure because it is appropriated for the 2013 biennium and that the bill, if approved, must be paid out of the fiscal year 2011 budget.
- 00:29:35 REP. MILBURN asked what would happen if the Council doesn't approve payment. SEN. SHOCKLEY said he personally will donate \$1,000 of his own money and will "pass the hat" for additional donations. REP. MILBURN asked if there are any other options available to the Council.
- 00:30:14 SEN. PETERSON said that even though proper channels were not followed, the activity took place and Idaho and Wyoming have paid their fair shares of the bill. He said he would support payment of the bill but that an alternative would be to negotiate a settlement with Holland & Hart. He offered to work with the firm to settle the issue.
- 00:33:56 REP. HUNTER said he would be willing to pay the bill but would have to have verification for the full amount due.
- 00:34:24 SEN. TROPILA acknowledged that the wolf problem is an important state issue but disagreed that the Council should simply pay the bill, saying it would set a dangerous precedent. He said he would rather send a letter to Holland & Hart stating that the Legislature would take up the issue in the 2013 legislative session.
- 00:36:29 REP. MILBURN agreed that a dangerous precedent would be set but thought the Council had a responsibility to settle the issue. He suggested that SEN. PETERSON be given to the end of the day to see if the issue could be resolved through negotiations with Holland & Hart.

00:37:06 The Council members discussed their opinions on how best to resolve the issue. Ms. Berger provided information on different payment options and obligations if the Council decides that the bill is to be paid.

00:44:57 **SEN. PETERSON moved to approve payment to Holland & Hart as a valid obligation of the Montana Legislature.**

00:47:16 REP. O'HARA said that the law firm has received \$20,000 in payment already, which, in his opinion, is fair pay.

00:47:49 REP. SESSO did not support the motion and suggested that it be taken up in the 2013 session.

00:49:16 SEN. WILLIAMS said that there was a Legislative Council meeting after the first Tri-State Wolf Commission meeting and that the Commission delegates should have come to Legislative Council at that time to request authority to proceed.

00:51:06 **Todd Everts, Chief Legal Counsel**, explained that the process that should have been followed would have looked similar to the process followed for the governor's lawsuit against the legislature. He said that ultimately, the Legislative Council would have made the final decision.

00:52:10 SEN. WILLIAMS said she would not support the motion.

00:53:58 SEN. PETERSON said that putting it off would not be a good solution and that even though proper channels were not followed, his opinion is that the bill is a valid obligation and should be paid.

00:56:27 REP. O'HARA did not support the motion.

00:57:01 **The motion failed on a 5-7 roll call vote. REP. HUNTER, REP. MCDONALD, REP. O'HARA, REP. SESSO, SEN. TROPILA, SEN. WILLIAMS, and SEN. WANZENRIED (Williams proxy) voted no, REP. MCGILLVRAY (Milburn proxy), REP. MILBURN, SEN. ESSMANN (Tutvedt proxy), SEN. PETERSON, and SEN. TUTVEDT voted yes (Attachment 4).**

01:01:27 SEN. TROPILA asked if proxy votes would be allowed and if so, what the protocol would be. He thought proxies should be allowed only if they were written and/or emailed to Ms. Fox and the person carrying the proxy. It was agreed. SEN. WILLIAMS said that would be the Council's policy moving forward. She noted that the policy would not have made a difference in the vote just taken so a re-vote would not be necessary.

● **Staff Updates**

01:03:44 **Susan Fox, Executive Director, Legislative Services Division (LSD)**, announced that Todd Everts was hired as LSD's permanent Legal Director and Chief Legal Counsel for LSD. The Council welcomed Mr. Everts. Ms. Fox also announced that causes his Legislative Environmental Analyst position to be open in the Legislative Environmental Policy Office (LEPO). She explained the hiring

process that will be followed in filling that position which involves the Environmental Quality Council (EQC). She said that while the Legislative Environmental Analyst will be selected by the EQC, the Council must approve the selection and that the Legislative Environmental Analyst serves as an LSD employee. She suggested that the Council may wish to consider revising that process. She noted that Joe Kolman is serving as the interim Legislative Environmental Analyst.

- 01:05:53 Ms. Fox said, regarding the Legislative Information Officer position, that she and the two other legislative division directors would like to revise the position slightly. She said if the Council has comments or suggestions to please let her know.
- 01:08:11 The Council discussed how the position could be improved. REP. MILBURN asked to add the EQC/LSD hiring process and the information officer position to the Council's Ideas for Consideration list. SEN. PETERSON said that during the interim, there are times that leadership needs secretarial support. He said he would like to discuss how that support could be provided. REP. MILBURN agreed, saying he would like to have a full-time person available to leadership.
- 01:11:38 Ms. Fox said that LSD staff is always available to help and encouraged leadership and all legislators to ask for assistance whenever it is needed. She said that the issue can be discussed further in the Council's strategic planning session. She said that perhaps it is time to discuss bringing back the Legislative Administration Committee to help with some of these of issues.

APPOINTMENT TO INTERSTATE COMMITTEES

- 01:16:03 Ms. Fox asked to postpone discussion until after the lunch break. It was agreed.

2011 SESSION UPDATES

● Board of Labor Appeals complaint, other litigation

- 01:17:39 **Dan Whyte, Staff Attorney, LSD**, provided an overview of the of the Board of Labor Appeals complaint. He referred to a copy of the complaint filed by the MEA-MFT ([EXHIBIT 4](#)) and LSD's June 14, 2011, letter of response ([EXHIBIT 5](#)) in his discussion. Mr. Whyte discussed the investigator's finding of probable merit and explained that the LSD's response was based on three points:
- ▶ that this is a separation of powers issue;
 - ▶ that there are no statutory provisions requiring the Legislature to adopt a pay plan; and
 - ▶ that if there is a duty of the Legislature to collectively bargain, the duty was fulfilled through the legislative process because HB 13 went through committee hearing process, made it to the House floor, and was debated and defeated there.
- 01:26:43 The Council members asked a number of questions about the complaint and what strategy would be taken in defending the Legislature. Ms. Fox and Mr. Whyte responded.
- 01:28:36 SEN. TUTVEDT said that he doesn't see how the Board could have reached the decision it did, particularly because the collective bargaining agreement is

contingent upon approval of the Legislature. He said it is important that the public knows that language is there.

- 01:31:09 REP. HUNTER asked, if the Board of Personnel Appeals makes the same decision that it was in bad faith, what will be the ultimate outcome of that decision. Mr. Whyte said that if the Supreme Court upheld the decision, one possible outcome could be a special legislative session. But, he said, there is a question of who could call the Legislature into session and to what extent the Legislature could be required to ratify an agreement.
- 01:33:00 REP. MILBURN asked if the Board of Personnel Appeals members are appointed and if so, by whom; and what qualifications are required to serve as a board member. Mr. Whyte responded that the members are appointed by the Governor. Five members are lay people, two management and two labor representatives are included.
- 01:34:01 REP. MACDONALD asked, given the recent information about projected increases in state revenue collections, if the Legislature were to call itself into special session to deal with the pay plan issue, would that action preempt the appeal? Mr. Whyte said it would.
- 01:35:33 SEN. WILLIAMS asked Mr. Whyte to find out if any legislature has refused to ratify a pay increase that has been agreed to by a governor and the unions. Mr. Whyte and Ms. Fox each responded, saying they would continue to research the issue.
- 01:37:07 REP. HUNTER said his recollection is that there has never been a negotiated agreement that has not been adopted. He said a complicating factor is that the pay plan bill almost always contains other personnel provisions in addition to a pay plan. He suggested that in the future, a pay plan bill be drafted as a stand-alone bill.
- 01:39:16 REP. SESSO asked what provisions in HB 13 were left undone that need to be taken care of. Mr. Everts said the provision that was not addressed amended an employee's right to file a complaint to determine compensation and to clarify benefits of laid-off employees.
- 01:43:54 **Julianne Burkhardt, staff attorney, LSD**, updated the Council on the litigation of SB 423 - revision of medical marijuana laws. Ms. Burkhardt reviewed the case and LSD's role in the litigation. She also discussed the timeline of the process and possible outcomes. She explained that the State made three concessions at the conclusion of the hearing in order to allow the judge to make a surgical decision that would allow the bulk of the law to take effect and that a final ruling is expected by July 1, 2011. Ms. Burkhardt noted that Research Analyst Sue O'Connell provided testimony at the hearing for preliminary injunction and that efforts are underway to place a referendum to repeal SB 423 on the 2012 ballot.
- SEN. TUTVEDT stated that it seems to him that the fact that marijuana is still a Class 1 narcotic and an illegal substance has been lost in this process.

REP. O'HARA asked if the referendum language to repeal SB 423 is available. Mr. Everts said he would provide a copy of what has been submitted.

01:54:05
BREAK

SEN. WILLIAMS recessed the meeting for a 10-minute break.

02:14:41

SEN. WILLIAMS called the meeting back to order. Ms. Fox reviewed a letter from John Masterson, Montana Cannabis Industry Association, regarding the proposed referendum text ([EXHIBIT 6](#)). She said that copies of the proposed referendum from Concerned Citizens of Montana to repeal HB 198 have been provided also ([EXHIBIT 7](#)).

● **Status of initiatives and referenda**

02:15:45

Mr. Everts said that he will periodically update the Council on the 2012 ballot issues. He discussed a summary of proposed ballot issues to date ([EXHIBIT 8](#)) and noted that additional information is available at the Secretary of State's website. Mr. Everts noted that an information sheet regarding SB 426, Treasure State Dividend Program ([EXHIBIT 9](#)), is in the meeting materials and said that the Council should invite Terry Johnson, Principal Fiscal Analyst, Legislative Fiscal Division, to address the Council at its next meeting, should it have questions or concerns.

02:19:46

SEN. PETERSON asked if a response from the sponsor has been received regarding LSD's written comments regarding the Concerned Citizens of Montana proposed referendum to repeal HB 198. Mr. Everts said he would check on that and report back. SEN. TROPILA requested that Mr. Johnson be asked explain the financial obligations of SB 426 at the Council's next meeting. It was agreed.

02:20:39

REP. SESSO noted that the letter from Concerned Citizens of Montana was missing several pages. Corrected copies were distributed.

02:23:38

Ms. Fox said that Rep. Bob Wagner requested a legal opinion regarding the governor's veto power, specifically as it was applied to HB 351. She said that copies of Rep. Wagner's request and the staff response were provided in the meeting packet ([EXHIBIT 10](#)).

Council and interim committee legislation

Ms. Fox presented reports on the following topics:

- ▶ a review of the results of the 2011 session regarding interim committee-requested legislation ([EXHIBIT 11](#));
- ▶ Legislative Council's "by request of" bills for the 2011 session ([EXHIBIT 12](#));
- ▶ model legislation from the National Conference of Commissioners of Uniform State Law (NCCUSL) enacted during the 2011 session ([EXHIBIT 13](#)); and
- ▶ Legislature At-a-Glance - statistics relating to the past five legislative sessions ([EXHIBIT 14](#)).

02:29:16

The Council members discussed how the use of email has changed over recent sessions and whether it is cost effective, security and privacy concerns regarding

legislator email accounts, legislator use of the computer allowance, efforts to further reduce paper use and printing costs, the success rate of interim committee bills, and other statistics of relating to past legislative sessions.

INTERIM COMMITTEE UPDATES

● HB 642 - membership & medical marijuana monitoring

- 02:44:47 Ms. Fox updated the Council on HB 642 - Select Committee on Government Efficiency, saying that membership has been finalized and that a meeting date will be set soon. She said that there has been a certain amount of staff concern about what legislators want from them as research staff and provided the example of the Children, Families, Health, and Human Services Interim Committee choosing Medicaid as a study topic, even though SJR 20 - study implementation of privatization of Medicaid - was assigned to the Select Committee by the Legislation Council. Ms. Fox said that despite staff concerns, staff will work hard to ensure that information is shared and efforts are not duplicated.
- 02:47:04 SEN. WILLIAMS said it troubles her that certain Legislative Council assignments to interim committees have been ignored. She asked the members to comment.
- 02:48:17 REP. HUNTER agreed that as a sponsor of a study bill, he also was troubled by interim committees that chose to ignore the Council's assignments. REP. MILBURN said it is up to each committee to decide it's work load and study focus and that he is comfortable with the decisions made by the interim committees.
- 02:52:00 REP. SESSO discussed the correlation between the information technology study topic and the Medicare study issue, both assigned to the Select Committee. SEN. TUTVEDT responded to REP. SESSO's comments, saying that he and others are concerned about the scope and depth of the workload.
- 02:53:47 REP. MACDONALD commented that the Select Committee has no members appointed from eastern Montana. SEN. PETERSON said that has been noticed and that SEN. TUTVEDT has agreed to step down in order to rectify that. He said that Sen. Walker of Billings will be asked to replace SEN. TUTVEDT in an effort to better balance the membership.
- 02:55:19 SEN. WILLIAMS asked Ms. Fox to review the studies assigned by the Council to the Children, Families, Health, and Human Services Interim Committee (CFHHS). Ms. Fox reviewed the assignments. She said that she felt somewhat remiss for not making more of an effort to educate legislators on the role, authority, and responsibilities of the Legislative Council and that it is possible that freshman legislators are unaware of the Council's role is assigning interim studies. She suggested that if the interim committee process is not working as intended, perhaps the process should be re-examined to see what changes could be made. She said that staff would appreciate guidance from the Legislative Council on this issue. She discussed the example of medical marijuana, saying that the Children, Families, Health, and Human Services Interim Committee and the Law and Justice Interim Committee both plan to study the topic but that an agreement was reached on the study topics each committee

would take on. She said that if an agreement had not been reached, the Council may have been asked to intervene.

- 03:00:41 SEN. WILLIAMS recessed the Council for a lunch break. SEN. PETERSON left the meeting. He left his proxy with SEN. TUTVEDT.
- 03:02:51 **LUNCH BREAK** until 1:00 p.m.
- 04:06:22 SEN. WILLIAMS called the Legislative Council back to order at 1:02 p.m. Ms. Fox clarified that the CFHHS will continue to have oversight of medical marijuana and will be following the litigation and that the Law and Justice Interim Committee will study the issue from a law enforcement perspective.

- **Review of 2011 biennium interim committee budgets**

- 04:06:37 Ms. Fox directed the members to the Program 21, Interim Committees and Activities 2013 Biennium budget program totals ([EXHIBIT 15](#), tan document, Tab 4 in the binder) and pointed out that there would be a substantial amount of money reverted back to the general fund from the 2011 biennium budget. Ms. Fox said that 30% of the reverted money would be set aside and classified as "carryforward" money, which could be used by the legislative branch for one-time-only expenditures in the next biennium and that any carryforward money left over after the 2013 biennium may be deposited in the Legislative Branch IT Reserve Account.

BUDGET REVIEW

Overview of LSD 2013 biennium budget

- **Operating Plan Change and discussion of ongoing method**

- 04:11:06 Karen Berger, Financial Manager, LSD, directed members to the Operating Plans document in Tab 4 in the meeting binders ([EXHIBIT 16](#), green). Ms. Berger reviewed statutory language relating to the proposed budget for the three programs for which LSD provides services to the legislature and the public, which included two operating plan amendments implemented in May 2011:
- ▶ Program 20 - LSD budget (HB 2);
 - ▶ Program 21 - Legislative Committees and Activities (HB 2); and
 - ▶ Program 22 - LSD's Feed Bill Program (HB 1).

- **Review and approval of LSD FY12 and FY 13 operating budget**

- 04:18:12 Ms. Berger reviewed the LSD Program 20 (staff personnel and operating costs) proposed 2013 Biennium Operating Plan ([EXHIBIT 17](#), yellow). She noted that it is \$793,000 lower than the 2011 budget and attributed most of that to the 5% reduction plan. Ms. Berger also discussed a statutory appropriation and program transfer involving the Branch Retirement Termination Reserve Account and the Branch IT Reserve Account.
- 04:22:08 SEN. TROPILA asked about the 5% reduction. Ms. Berger said that majority of the reductions were taken from the consulting and professional services budget, the TVMT budget, reduced office supplies, the minor equipment and software budget, and travel and training budgets.

- 04:24:50 **REP. SESSO moved to approve the proposed LSD Program 20 2013 operating plan budget. The motion passed on unanimous voice vote. REP. SESSO moved to approve the statutory appropriation/ program transfer.** SEN. TROPILA asked Ms. Berger for further explanation of the Branch Retirement Termination Reserve Account and if she was at liberty to discuss who is planning to retire. Ms. Fox and Ms. Berger responded. Ms. Berger explained that the Retirement Account was set up in 2005 and how it has been funded in previous bienniums. She said the account was established in anticipation of significant expenditures for retiring employees and that retirements in this biennium will consume most of the account balance. Ms. Fox addressed the question of who is planning to retire and said that the account was intended to help the branch over a "hump" of a number of retirements clustered within a short amount of time. She said the directors of the three divisions could provide an analysis of anticipated retirements to help the Council decide if this account should be continued.
- 04:31:48 REP. HUNTER said that HB 13 - the pay plan bill - had a similar contingency fund to allow state agencies to meet their obligations when vacancy savings and other measures prevent an agency from meeting that obligation. Ms. Fox said it is comparable but has only been in existence since 2005.
- 04:32:39 **REP. SESSO's motion to approve the statutory appropriation/program transfer passed on a unanimous voice vote.**
- 04:32:52 Ms. Berger reviewed the LSD Program 21 (interim committees and activities) proposed 2013 Biennium Operating Plan (EXHIBIT 15, tan). She pointed out that the proposed budget is about \$13,000 less than the 2011 biennium budget.
- 04:36:47 REP. SESSO asked about payment of dues to interstate organizations. Ms. Fox explained that in the past when funding has been short, the organizations have allowed states to pay partial dues. She said that 100% of the dues will be paid the first year of the biennium and a reduced amount the second year, with the intent of paying as much as possible. **REP. SESSO moved to approve proposed Program 21 2013 operating plan budget. The motion passed on a unanimous voice vote.**
- **Overview and approval of 2009 LSD Feed Bill transfer of reverted appropriations to IT Reserve Account**
- 04:38:56 Ms. Berger reviewed the proposal to transfer reverted 2009 Feed Bill appropriations to the Legislative Branch Information Technology Reserve Account (EXHIBIT 18, pink), noting that the account is intended to deal with large IT expenditures, such as the vote boards purchase.
- 04:46:12 REP. HUNTER asked if there is a list of allowable purchases within the statutory language. Ms. Berger referred the Council members to the IT Reserve Account statute, 5-11-407, MCA (EXHIBIT 19, lavender), which specifies how the money may be used. Ms. Fox explained the difference between the ongoing IT budget and the IT Reserve Account and how each account is used.

04:49:00 **SEN. TUTVEDT moved to approve the transfer of the reverted 2009 Feed Bill appropriations into the Legislative Branch Information Technology Reserve Account. The motion passed on a unanimous voice vote.**

● **Approval of request for funding from IT Reserve Account**

04:49:47 **Hank Trenk, Director, Office of Legislative Information Technology,** discussed four requests for project funding from the IT Reserve account (EXHIBIT 19). **REP. MACDONALD moved to approve the IT Reserve account requests. The motion passed on a unanimous voice vote.**

INTERIM WORK PLAN

● **Fall Strategic Planning session/work plan, items for potential study**

05:01:24 Ms. Fox said that past Legislative Councils have held a strategic planning meeting to discuss and prioritize its work plan for the biennium. She discussed a document that listed possible study topics, including areas of interest from the last interim, ideas suggested by current Council members, and other issues of concern to the Legislative Council (EXHIBIT 20, white).

05:10:29 SEN. TUTVEDT asked about a Legislative Security Officer being allowed to carry a concealed weapon. Ms. Fox said that significant concerns have been raised by this new law and that she would like the Council to discuss how the law will be implemented. REP. MACDONALD recalled that debate on this issue made it clear that the Legislative Council would have much to say about how the law would be implemented. She said it needs to be thought out very carefully.

05:18:07 REP. MILBURN asked to add that the interim committee structure be studied. He suggested that the Council examine how other states structure their interim work.

05:19:00 SEN. TUTVEDT asked to include session calendar planning, saying that the session calendar could be used to plan the work load more efficiently, particularly for bill drafting and for dealing with HB 2. Ms. Fox said that the Sergeants-At-Arms were invited by the last Council to discuss their concerns which was very useful. She said the Council may wish to invite them to a future meeting when discussing session planning. SEN. TROPILA asked if other time frame considerations could be added so that the legislators would have a clearer idea of where HB 2 is in the process. REP. HUNTER said that the revenue estimating process also needs to be discussed, as does the annual Medicaid estimate process.

05:25:02 SEN. WILLIAMS said that the Legislative Finance Committee has asked to work with Ms. Fox on how to increase cooperation in the revenue estimate process. Ms. Fox agreed that more cooperation would be appropriate because it is an interdivisional issue where shared information would be very helpful. Regarding the Medicaid estimate, Ms. Fox said that Amy Carlson, Fiscal Analyst, LFD, has discussed this with DPHHS Director Anna Whiting Sorrell.

05:27:02 The Council members discussed revenue estimates and how they have been handled in past sessions. It was agreed that the topic needed more discussion and would be placed on the strategic planning meeting agenda. Mr. Everts and

Ms. Fox will research the history of the revenue estimate and how the process may be improved.

● **Future meeting dates**

- 05:33:46 SEN. WILLIAMS reviewed the last Council Strategic Planning Session and said it proved to be very helpful. The Legislative Council agreed upon September 15 and 16, 2011, for its Fall Strategic Planning Session, to be held in Helena. Ms. Fox will make the arrangements.
- 05:40:09 It was agreed, after a brief discussion, that the proposed November 10, 2011, and January 24, 2012, meeting dates would be finalized at the September meeting.

APPOINTMENT TO INTERSTATE COMMITTEES

- 05:42:40 Ms. Fox explained the issue, saying that an equal number of majority and minority appointments are required under Montana statute but the number of House and Senate recommendations were not equal. After discussion, it was agreed that leadership would review the recommended appointments and make the necessary changes.
- 05:51:06 **REP. O'HARA moved that the Legislative Council adopt the recommendations of the leaders and allow the leaders to make the necessary changes. The motion passed on a unanimous voice vote.**
- 05:51:17 Ms. Fox asked that the Council continue with past practice of allowing leadership allocate funds for the interstate committee meetings. It was agreed.

ADJOURNMENT

- 05:52:37 REP. O'HARA moved to adjourn the meeting at 2:55 p.m. The next meeting date for the Legislative Council is scheduled for September 15 and 16, 2011, in Helena.

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