



Legislative Council

63rd Montana Legislature

SENATE MEMBERS

JEFF ESSMANN--Chair
DEBBY BARRETT
ROBYN DRISCOLL
CLIFF LARSEN
JON SESSO
CHAS VINCENT

HOUSE MEMBERS

CHUCK HUNTER--Vice Chair
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MARK BLASDEL
KRISTIN HANSEN
MARGARET (MARGIE) MACDONALD
GORDON VANCE

COMMITTEE STAFF

SUSAN FOX, Executive Director
TODD EVERTS, Legal Division Director
FONG HOM, Secretary

MINUTES LOG

June 10, 2014
Room 102, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. JEFF ESSMANN, Chair
REP. CHUCK HUNTER, Vice Chair

SEN. DEBBY BARRETT
SEN. ROBYN DRISCOLL
SEN. CLIFF LARSEN
SEN. CHAS VINCENT

REP. BRYCE BENNETT
REP. MARK BLASDEL
REP. KIRSTEN HANSEN
REP. MARGARET (MARGIE) MACDONALD
REP. GORDON VANCE

COMMITTEE MEMBERS EXCUSED

SEN. JON SESSO

STAFF PRESENT

SUSAN BYORTH FOX, Executive Director
TODD EVERTS, Legal Director
FONG HOM, Committee Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

The Council will distribute \$8,000 of the CSG balance between the House and the Senate caucuses.

The Council authorized the use of \$363,631 of the IT Reserve fund to complete Phases III and IV of the TVMT replacement and upgrade project.

The Council decided to make the following changes to the session calendar:

- take alternating Saturdays off to preserve the structure of the calendar and preserve the 45 days of general bill transmittal, and
- add a day to the transmittal break.

CALL TO ORDER AND ROLL CALL

00:00:14 Rep. Hunter reconvened the meeting at 9:12 a.m. The secretary took roll. Sen. Sesso was excused. (Attachment 3)

2017 BIENNIUM BUDGET DEVELOPMENT

- **Programs 20 and 21, Feed Bill**

00:02:28 Ms. Fox gave a presentation on Program 20 Budget and Expenditures (Exhibit 1), Program 21 (Exhibit 2) and Feed Bill (Exhibit 3).

2015 BIENNIUM BUDGET STATUS

- **NCSL, CSG, PNWER Budgets**

00:05:56 Ms. Fox gave a presentation on the budgets of NCSL, CSG, and PNWER. (Exhibit 4)

00:07:21 Rep. Hunter said that with no objections from the committee, \$8,000 from the CSG balance will be distributed proportionately between the House and Senate caucuses.

- **Pay Plan and Staff Training/Institutional Advancement**

00:09:23 Ms. Fox discussed the Legislative Services Division's Branch Pay Plan and Staff Training/Institutional Advancement. (Exhibit 5)

- **Program 20 - Legislative Services Division (Exhibit 6)**

00:10:00 Ms. Fox discussed the future of the publication of the Annotations.

00:11:22 Ms. Fox briefly discussed General Fund HB 2 and HB 2 OTO.

- **Information Technology Budget**

- 00:17:18 Ms. Fox discussed the draft IT Budget. [\(Exhibit 7\)](#)
- 00:21:20 Committee questions
Sen. Barrett asked about the costs of external streaming.
- 00:21:58 Ms. Fox said that the costs of broadcasting meetings that are held in the Capitol Building are included in that budget.
- 00:23:05 Sen. Driscoll brought up the subject of the Legislator Technology Allowance for further discussion. She said that the \$1,000 allowance is not adequate and would like to increase that amount to \$1,500.
- 00:23:55 Ms. Fox said that the original allowance was set at \$1,500, and because of the economic downturn, that allowance was decreased.
- 00:25:31 Sen. Essmann asked for an analysis on the costs for stationery.
- 00:27:36 Ms. Fox explained that LSD keeps spreadsheets on those who have used the IT allowance and those who haven't. She can provide detailed information on that.
- 00:29:29 Rep. Hunter suggested broadening the concept of an IT allowance to a communications allowance.
- 00:30:21 Sen. Essmann asked if Ms. Simmons would be able to get the request for stationery costs before the end of day.

- **TVMT - Operating, Phases III and IV**

- 00:30:48 Ms. Fox discussed the TVMT Long-Term Planning Replacement Cycle. [\(Exhibit 8\)](#)
- 00:35:07 Committee questions
Sen. Essmann asked about the document that allowed unspent money to be reverted into an account in the Legislative Services Division. He asked if that money is available to complete Phases III and IV. Ms. Fox said that the account is the IT Reserve Account. Sen. Essmann asked for a report on the balance of that account.
- 00:36:37 Jennifer Simmons, Financial Services Manager, said that the current balance is \$1.5 million and that is before calculating any additional deposits at the end of this biennium.
- 00:37:55 Rep. Hunter asked Ms. Fox what she needs in terms of approval to use those funds. Ms. Fox said that it is subject to the approval by the Legislative Council.
- Motion**
- 00:38:38 Sen. Vincent moved that the Legislative Council use the \$363,631 money out of the IT Reserve fund to complete Phases III and IV. **The motion passed**

unanimously with Sen. Sesso voting aye by proxy.

- **Program 21, Interim Committees and Activities**
 - 00:40:44 Ms. Fox gave a presentation on Program 21, Interim Committees and Activities. **(Exhibit 9)**
 - Committee discussion
 - 00:43:03 Ms. Fox discussed increasing the number of legislators to participate in the PNWER Annual Conference in Montana.
 - 00:43:38 Sen. Larsen discussed the upcoming PNWER Conference to be held at Big Sky, Montana.
 - 00:48:01 Sen. Vincent said that the committee needs to look at how to fund those legislators who are on the House or Senate energy committees to attend the conference.
 - 00:49:04 Rep. Hunter asked about the budget and if that includes the additional \$20,000 that was transferred into there?
 - 00:49:49 Ms. Simmons reported that \$24,000 was moved to the 2015 Biennium budget to fund additional legislators to participate in the Whistler Conference and is not reflected in the draft budget.
 - 0:53:54 Rep. Hunter suggested that the committee keep the \$24,000 amount as a tentative marker but have staff calculate what it would cost for members of the two energy committees to attend and make a decision at the September meeting.
 - 00:54:31 Sen. Essmann said that he would like to review the Economic Affairs Committee's and the Revenue and Transportation Committee's request for additional meeting days.
 - 00:55:58 Rep. Hunter asked Ms. Fox to bring that information to the next meeting.
- **Discussion on State of Montana Bar dues**
 - 00:56:22 Ms. Fox said there has been a change in state policy regarding the Montana State Bar dues. She would offer that the Legislative Services Division pay the State Bar dues of \$3,300, for the legislative attorneys and would like to also include that in her effort to increase the staff training and institutional advancement.
 - 00:57:14 Rep. MacDonald commented on allowing members from the Agriculture and Transportation Committees to attend the PNWER Conference.
- **Discussion on the Feed Bill**
 - 00:58:41 Ms. Fox said that the information on the feed bill is in the budget arena and asked if there was further instruction before submitting the preliminary budget.

LEGISLATIVE IMPROVEMENT RELATED ITEMS

- **Leadership structures, staffing support, budget and bill options**
- 00:59:24 Ms. Fox asked if the committee members would like further research on having permanent staff year round in the House and Senate, one for each chamber, one for each caucus, and what that would look like. She also asked if the committee members would like more information on benefits and salaries, the budget, legislator compensation, and the IT allowance.
- 01:00:58 Rep. Hunter asked if anyone wanted to move forward on that idea.
- 01:02:35 Rep. Hansen feels that there should be some sort of permanent legislative presence that is the leadership's connection to the Capitol.
- 01:04:09 Sen. Essmann said he doesn't think that an addition of one person per caucus per chamber to be an assistant to the leaders would necessarily increase the legislative budget but it would offer some assistance in terms of having a more effective legislature. He encouraged further examination of it.
- 01:06:25 Sen. Vincent asked Ms. Fox what the base salary would be for those positions.
- 01:06:40 Ms. Fox discussed the costs of having different categories of that position, such as those positions are temporary, part-time, or seasonal, and look at what that package would look like. She said she would bring that information back to the Council.
- 01:07:33 Rep. Hunter said that as minority leader, there were times when he could have used a full time person, and other times where there wasn't a need for an assistant. If moving in this direction, he would consider having a half-time person.
- **Legislator compensation**
- 01:08:55 Rep. Hunter said that the issue of geography makes a difference in terms of how legislators conduct legislative business. He would favor a cost analysis if we went to an entry level professional position or a starting administrative position. He would like to have those numbers to look at in September.
- 01:10:22 Mr. Everts gave an overview of compensation in terms of calendar days versus session days.
- 01:14:27 Sen. Larsen said when doing constituent services, does that qualify as legislative business activities?
- 01:15:39 Mr. Everts said that to the extent that leadership during the session is given money for members for constituent contact, he would say yes, but up to this point in terms of constituent relations and time outside of those mailings, you haven't been reimbursed for what could be legislative business.

01:20:21 Ms. Fox said that she can provide information regarding stationery costs, changing the IT allowance to a communications allowance, and wrapping that into a single package so that, as a legislator, you would have a choice on what kind of communications you want.

01:21:13 Sen. Essmann said that his conclusions from the colloquy from Mr. Everts is that as a leader of the caucus, he has a budget of \$10,000 that he could use at his discretionary authority. He thinks that future legislatures could increase that discretionary appropriation or set aside a special fund or create a committee to make that decision instead of just one person.

BREAK - reconvened at 10:54 a.m.

IDEAS FOR SESSION CALENDAR

01:41:59 Rep. Hunter started off by opening the floor to ideas that Council members might have.

01:42:37 Rep. Bennett discussed the idea of having the first three Saturdays in January off. He said he would include the 17th and the 24th for reasons that these days are not well utilized.

01:44:17 Sen. Essmann discussed the idea of having some of the Saturdays that are not immediately preceding transmittal days with one chamber in session and the other chamber not, but working on constituent contacts.

01:47:18 Rep. Bennett said that in order to maintain the overall structure of this calendar, we would need to move a few pieces around. He discussed his ideas.

01:50:59 Sen. Essmann said there would be little to no impact on the first half of the schedule. And the way this base calendar was brought to us, it wouldn't necessarily have any impact with respect to the second half of the schedule because the only deadlines that fall on this Saturday are the request deadlines. He said that Rep. Bennett's proposal does have the advantage with Day 90 still in the month of April.

01:53:29 Rep. Hunter asked what the members thought about a 5-day veto time frame.

01:53:44 Sen. Driscoll said she would rather look at 3 days rather than 5 days.

01:54:12 Sen. Vincent asked about the revised calendar that has the April 3 break and if that is considered a 3-day break?

01:55:11 Rep. Vance asked about the number of days for the governor's veto override.

01:55:18 Rep. Hunter said that we give the governor's office a few days to read what may potentially be a large number of bills and react to them. One day might not be

enough. In the feedback that he has heard from both sides of the aisle around the vetoes, is that there was a sense of dissatisfaction that some things didn't happen, some bills didn't get passed simply because there was not enough time to react. The five-day period is a long period to give that ample time.

01:56:29 Rep. Bennett said that it sounds like there is some thought along the lines that the veto break is too long and the transmittal break is too short. He suggested the committee transition some of those days over to extend that and still keep the schedule intact.

01:57:02 Ms. Fox said that if you add one more day in the transmittal break, it might lessen the impact on per diem if you wanted to make it 4/4 or 4/3.

01:57:49 Rep. Hunter said the committee should make a decision on whether to take the first two Saturdays off entirely or just alternate between the houses.

Motion

01:58:24 Sen. Essmann moved to take alternating Saturdays off to preserve the structure of the calendar and to preserve the 45 days transmittal of general bill, to add a day to the transmittal break.

Committee discussion

01:59:33 Rep. Bennett asked Sen. Essmann to clarify how far into the calendar do we do the alternating Saturdays.

01:59:53 Sen. Essmann said that both chambers should be in session on February 14 and February 21. Leadership could make a decision if the bill scheduling is becoming an issue.

02:00:43 Rep. Bennett said everyone would get the 10th off and then the following four Saturdays, the House would get two Saturdays off and the Senate would get two Saturdays off.

02:00:56 Sen. Essmann said that he would not say the House or Senate would "get them off", but that they would be devoting that day for constituent contact either through district availability or teleconferencing, but those days would be considered a work day for both houses.

02:01:18 Rep. Hansen would like to maintain some flexibility in the schedule for whatever contingencies may arise.

02:01:55 Rep. Hunter said that this only goes as a recommendation to the new leadership so they have the discretion to change this in any form they feel the need to.

02:02:12 **The motion passed with Rep. MacDonald voting no and Sen. Sesso voting aye by proxy.**

- Motion**
- 02:02:45 Sen. Essmann moved to add one day to the transmittal break. **The motion passed unanimously by voice vote with Sen. Sesso voting aye by proxy.**
- Motion**
- 02:03:11 Rep. Bennett moved to have a veto break of three days.
- Discussion on the motion
- 02:03:15 Rep. Vance asked when Rep. Bennett would propose that break.
- 02:03:17 Rep. Bennett said the break would be the Friday, Saturday, and Sunday of April. The 15th and 16th would be legislative days as opposed to a break. He is looking on the proposed calendar provided by Ms. Fox that has "*not approved by leadership, tentative*" written in watermark. His proposal would be that the 17th, 18th, and 19th of April be the veto break, and the 15th and 16th as legislative days.
- 02:05:20 Sen. Essmann said Legislative Day 46 would be on March 3; Legislative Day 80 would be April 15; Legislative Day 81 would be April 16; and Legislative Day 82 would be April 17.
- 02:06:24 Mr. Everts said that from a legal standpoint, he wanted to make aware that the governor has a ten-day period in which to respond regarding vetoes.
- 02:09:26 Rep. Hunter said we have added one day of transmittal breaks. On the regular calendar which has no veto break in it, we would move everything back one day from this post-transmittal.
- 02:09:45 Rep. MacDonald said that she is satisfied to let it stand with moving the extra day to the transmittal break and then leadership will figure out where they need to budget that.
- 02:10:40 Rep. Bennett **withdrew** his motion.

Public comment - none

E-MAIL FOR LEGISLATORS PROJECT

- **Electronic Communications Subcommittee Report**
- 02:12:35 Rep. Hunter gave an overview of the activities of the Electronic Communications Subcommittee meeting.
- **Cost and other information on uniform email address**
- 02:17:41 Rep. Hunter asked the committee if there was any interest in moving toward a uniform email address. Committee members did not express any interest.

- **Training proposal**

- 02:18:01 Mr. Everts gave a presentation on training and said that training for staff will happen in August.
- 02:19:25 Rep. Hunter asked if the committee members wanted to go with a state email address or use their own email address.
- 02:20:45 Sen. Essmann said that this committee should look at introducing a bill draft request on this subject.
- 02:24:49 Rep. Hunter said that the Subcommittee did not get to the discussion about the use of electronic media during committees and floor sessions. He asked if the members want to reassign that to the Subcommittee for additional work.
- 02:25:21 Sen. Barrett discussed the need for rules on the use of electronic devices. She said that if the committee wanted the Subcommittee to look into that or wait, the Council could revisit it and try to write what the electronic rules would be.
- 02:26:24 Rep. Hunter said that we could task the Rules Subcommittee to consider this. He said he is seeing some nods around the table.
- 02:27:12 Rep. Hansen said that her observation is that what goes on the floor session is significantly different than what goes on in committees. Committees are the public hearings and the only place that the members of the public are entitled to be. She said that limiting technology on the floor would be counterproductive because people actually gain quite a bit of information on the floor sessions. Her concern is the public's perception of what we're doing in committee versus what's going on, on the floor.
- 02:29:53 Rep. Bennett said that there is a big difference between what happens in committee and what happens on the floor. He would be in favor of eliminating all sorts of electronic communication during committee meetings. However, on the floor, he is definitely a user of Twitter and FaceBook. It's the way that a lot of people communicate these days and that's a way that he is able to talk to the people back home about what's happening here in Helena.
- 02:31:32 Sen. Barrett said that she is concerned that during executive action, if you have your telephones and your computers on and someone else is allowed extra input during executive action, that is where we draw the line.
- 02:32:18 Sen. Vincent said that even with committee work, there are a lot of people who don't want to take notes with pen and paper so they've got their iPad out. That's what they're going to refer to when they go into executive action. It behooves the members to review their notes before they get into executive action.
- 02:33:25 Rep. Hunter said that as we talk about this, it is clear that the issues that we are more concerned about is over legislator conduct and the use of media than about the media itself. He said that he would take the prerogative of the chair

and suggest that we use the Rules Subcommittee rather than the Subcommittee on Electronic Media for guidance. He suggested that if committee members wanted to weigh in with additional comments, to send those comments electronically to the chair.

2013 SESSION AND BILL UPDATES

- **Initiative and referenda status**

02:35:53 Mr. Everts gave an update on ballot initiatives. [\(Exhibit 10\)](#)

- **LR-127 and potential bill**

02:37:15 Mr. Everts discussed the memo regarding the Montana Supreme Court's decision on LR-127. [\(Exhibit 11\)](#)

02:39:06 Rep. Hunter asked if the Council is ready to move on this or take time to think about it.

02:39:21 Rep. Hansen asked if this the only thing we need to address in terms of insuring that there aren't technicalities that we are not seeing but could potentially see. The titles themselves, the purpose is to notify the electorate of what we are doing in a concise fashion. Is 100 words not going to be adequate and if we are only using words and not numbers, why do we have the 100-word limit?

02:45:21 Rep. Bennett agreed with Mr. Everts that the intent of the law is to make sure that the ballot initiatives are readable and easy to understand.

02:46:35 Rep. Hunter first suggested that the committee request a bill draft but then decided to discuss this topic further in September.

SESSION SYSTEMS UPDATE

02:47:45 Steve Eller gave opening remarks regarding the Session Systems Replacement project.

02:48:17 Shawn Whyte, Project Manager, provided an update on the SSR. [\(Exhibit 12\)](#)

Committee questions

02:50:02 Rep. Hansen asked about the annotation publication and whether we need to continue those publications. Should staff continue to compile annotations?

02:51:03 Ms. Fox said we currently have an annotations database and that is part of what needs to be converted. We still have a legal obligation to print it. We would need a statutory change to not do it.

02:52:01 Ms. Whyte said that publications is a relative term and whether it is provided on paper or not, we are stuck in that limbo area, we're not sure what all the vendors

can provide. They may have the mechanism to provide this data some other way.

Public Comment - none

ADJOURNMENT

02:52:20 With no further business before the committee, Rep. Hunter adjourned the meeting at 12:00 p.m.

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