



Legislative Council

65th Montana Legislature

SENATE MEMBERS

FRED THOMAS--Chair
EDWARD BUTTREY
TOM FACEY
JP POMNICHOWSKI
SCOTT SALES
JON SESSO

HOUSE MEMBERS

JENNY ECK--Vice Chair
SETH BERGLEE
WYLIE GALT
AUSTIN KNUDSEN
SHANE MORIGEAU
CASEY SCHREINER

COMMITTEE STAFF

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

MINUTES LOG

November 14, 2018
Room 303, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. EDWARD BUTTREY
SEN. TOM FACEY
SEN. JP POMNICHOWSKI
SEN. SCOTT SALES
SEN. JON SESSO
SEN. FRED THOMAS

REP. SETH BERGLEE
REP. JENNY ECK
REP. WYLIE GALT
REP. AUSTIN KNUDSEN
REP. SHANE MORIGEAU
REP. CASEY SCHREINER

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

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

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTION

The Legislative Council took the following actions:

- Voted to add disclaimer language to all state email addresses used by legislators;
- Voted to proceed with LC 7272, revising the duties of the code commissioner and publication of the Montana Code Annotated;
- Approve the proposals in the Feed Bill; and
- Recommended approval of rule changes Nos. 1 and 2 in the Joint Rules, and No. 3 in the Senate Rules, and Nos. 4 through 11 in the House Rules.

CALL TO ORDER and ROLL CALL

00:00:01 Sen. Thomas called the meeting to order at 2:29 p.m. The secretary called roll. Everyone was present. **(Attachment 3)**

COUNCIL BUSINESS

Email question, staff updates, miscellaneous - Susan Fox

00:02:20 Ms. Fox discussed receiving an e-mail question regarding adding a disclaimer in the public records portion that says, legislators' emails are public records.

Discussion

00:03:53 Sen. Pomnichowski asked Dale Gow if it would be more effective to notify legislators that whatever email they are using, that including the disclaimer caveat should be the policy.

00:04:35 Todd Everts said that there will be a training on email/public records.

00:05:27 Sen. Pomnichowski said that if that is the guidance that we give everyone, then the disclaimer applies to whatever domain or email address is used.

00:06:00 Sen. Pomnichowski asked if that disclaimer should be included on the mtleg.gov emails and provide that same language in private emails.

Motion/Vote

00:06:44 Sen. Buttrey moved to add disclaimer language on all state emails and the wording be provided to legislators in case they use a different email other than the state email. The motion passed unanimously by voice vote.

Staff Update

00:07:25 Ms. Fox gave an update on new staff hirees. She said that the new Staff Guide will be available to the Council.

2019 SESSION PREPARATIONS

Overview of upcoming training

00:08:20 Ms. Fox said that the next training is the committee presiding officer training set for December 4, 2018. Rules training and law school for legislators is scheduled for January 3, 2019. Ethics Training is scheduled for Friday and the Sexual

- Harassment Discrimination Training has not been completely confirmed. The Legislative Fiscal Division would like to do some budget training.
- 00:09:36 Sen. Morigeau asked Ms. Fox if the law school for legislators still includes the Indian law portion.
- 00:09:53 Ms. Fox said that Hope Stockwell has been working with the University of Montana School of Law on that.

COUNCIL BILL DRAFT REQUESTS - ASSIGN SPONSORS, POTENTIAL ACTION ITEMS

LC 9090 - Code Commissioner Bill Report 2018 - Todd Everts

- 00:10:25 Mr. Everts gave the Code Commissioner Report (**Exhibit 1**). Sen. Thomas appointed Sen. Buttrey to sponsor LC 9090.

LC 209 - Revise constituent services account administration - Susan Fox

- 00:11:28 Ms. Fox gave a presentation on LC 209 (**Exhibit 2**). Sen. Thomas appointed Sen. Galt to sponsor LC 209.

LC 210 - Revise method of setting legislator compensation - Susan Fox

- 00:12:36 Ms. Fox gave a presentation on LC 210 (**Exhibit 3**).

Discussion on LC 210

- 00:13:26 Sen. Thomas discussed the bill.
- 00:13:41 Sen. Sales discussed the importance of the bill and offered to sponsor the bill.

LC 211 - Revise meal reimbursement for public employees - Susan Fox

- 00:17:55 Ms. Fox said that Sheri Scurr, staff researcher, will draft the LC 211 using the Montana Association of Counties' suggested language on lodging. Ms. Fox asked that a sponsor be assigned to LC 211.
- 00:18:49 Sen. Thomas recommended that the Council go with the MACo version and appointed Sen. Sesso as the sponsor.

LC 7272 - Bill draft concept regarding legal publications - Todd Everts

- 00:19:38 Ms. Everts discussed the original concept of LC 7272. (**Exhibit 4**)

Motion/Vote

- 00:21:59 Sen. Buttrey moved to proceed with LC 7272. The motion passed unanimously by voice vote.
- 00:22:05 Sen. Thomas appointed Rep. Berglee as sponsor of LC 7272.

BUDGET ITEMS

Review of submitted branch budget

- 00:24:23 Ms. Fox discussed Program 20 and Program 21 operating plans that were submitted October 10, 2018, and the changes since approval in August. (**Exhibit 5**)
- 00:25:29 Ms. Fox discussed House Bill 1 - The Feed Bill Fact Sheet. (**Exhibit 6**)
- 00:25:40 Ms. Fox discussed the Interstate organizations and leadership funds. She asked that if the leaders want to approve the new leaders' use of funds to let her know

of their decision.

Motion

00:25:57 Sen. Sesso moved to approve the documents.

Discussion

00:26:13 Sen. Thomas discussed adding more security personnel in the Feed Bill.

00:26:33 Sen. Sesso asked Ms. Fox to elaborate on the new proposals in the 2021 operating plan.

00:27:14 Ms. Fox discussed the proposal for additional positions in the IT department.

00:28:13 Sen. Sales said that he will not support the addition of security personnel.

Vote

00:28:41 The motion passed unanimously by voice vote.

**Rules Subcommittee recommendations: Joint, House, Senate Rules
Overview of subcommittee recommendations - Todd Everts**

00:29:21 Mr. Everts (**Exhibit 7**)

Discussion

00:36:34 Sen. Thomas recommended segregating the Joint Rules from the House and Senate Rules, 1 and 2 that deal with the harassment and discrimination policy.

00:37:50 Sen. Sesso said that he prefers that the Legislative Council make an affirmative recommendation to the Rules Committee on the Joint, the Senate, and the House rules.

00:38:27 Sen. Thomas discussed the harassment policy and said that the policy has been developed and needs to be endorsed.

00:39:34 Sen. Sesso restated that the subcommittee worked hard on the policy and the Legislative Council should state its preference on behalf of the Rules Committee on both sides.

00:39:46 Sen. Sales agreed with Sen. Thomas in that he doesn't feel comfortable weighing in on the House rules.

00:40:15 Sen. Pomnichowski said that given the Legislative Council is made up of members from both chambers and these are the recommendations of the Council and both the House and Senate will do what they want with their rules. She said she doesn't see a discrepancy in the Council recommending that these rule changes be made.

00:40:50 Rep. Knudsen said whether we segregate these out or whether we pass them on to the respective bodies as Legislative Council, at this point the die is cast. He cautioned that members of the House need to think long and hard about changing these rules that have served the House very well for a long time. This could be detrimental to members of the Republican caucuses. He said that in this form, he would be voting no.

Motion/Vote

00:42:38 Sen. Thomas moved to approve rule change Nos. 1 and 2 in the Joint Rules, and No. 3 in the Senate Rules. The motion passed by voice vote.

Motion

00:43:10 Sen. Buttrey moved to approve rule change Nos. 4 through 11 in the House Rules.

Roll Call Vote

00:45:43 The motion passed on a roll call vote, 7 to 5, with Senators Buttrey, Facey, Pomnichowski, and Sesso voting aye, and Representatives Eck, Morigeau, and Schreiner voting aye; Senators Sales and Thomas voting no, and Representatives Berglee, Galt, and Knudsen voting no.

Other Business, directions to staff

None.

Public comment on any matter within the Council's jurisdiction

None.

Adjournment

00:47:59 With no further business before the committee, Sen. Thomas adjourned the meeting at 3:16 p.m.

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