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**LEGISLATIVE COUNCIL**  
**67th Montana Legislature**

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**SENATE MEMBERS**

Mark Blasdel  
Margaret (Margie) MacDonald  
JP Pomnichowski  
Scott Sales  
Jon Sesso  
Fred Thomas

**HOUSE MEMBERS**

Kim Abbott  
Seth Berglee  
Wylie Galt  
Greg Hertz  
Shane Morigeau  
Casey Schreiner

**COMMITTEE STAFF**

Todd Everts - Attorney  
Susan Fox - Executive Director  
Fong Hom - Secretary

**MINUTES LOG**  
**ZOOM Conference Meeting**

April 16, 2020  
Remote Room 102, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://legmt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed. Please contact the Legislative Services Division at 406-444-3064 for more information.

**ROLL CALL**

**Members Present Remotely:**

Rep. Casey Schreiner, Chair  
Sen. Mark Blasdel, Vice Chair  
Rep. Kim Abbott  
Rep. Seth Berglee  
Rep. Wylie Galt  
Rep. Greg Hertz  
Sen. Margaret (Margie) MacDonald  
Rep. Shane Morigeau  
Sen. JP Pomnichowski  
Sen. Scott Sales  
Sen. Jon Sesso  
Sen. Fred Thomas

**Staff Present Remotely:**

Susan Fox, Executive Director  
Todd Everts, Attorney  
Fong Hom, Secretary

**AGENDA** (Attachment 1)

**COMMITTEE ACTION**

The Legislative Council, at its April 16, 2020 Zoom conference meeting heard presentations regarding the COVID-19 Pandemic, the Legislative Fiscal Division's Financial Update on COVID-19, an update on the activities of the Legislative Finance Committee, the Audit Committee, the Revenue Interim Committee, and the Legislative Services Division.

The Legislative Council voted to:

- approve the 2020 Annotations to the Montana Code Annotated Prices;
- adopt the proposed Calendar for Session 2021; and
- appoint Sen. Mark Blasdel, Sen. Margie MacDonald, Rep. Kim Abbott, and Rep. Wylie Galt to the Rules Subcommittee.

**CALL TO ORDER/ROLL CALL**

- 10:03:00 Rep. Casey Schreiner called the meeting to order at 10:03 a.m. The secretary called roll. Everyone was present remotely.
- 10:07:08 Rep. Schreiner gave opening remarks.

**UPDATES ON FEDERAL FUNDS RELATED TO COVID 19**

**Legal Division**

- 10:08:53 Todd Everts, Legal Director, provided a legal overview of the Executive Branch and Legislative Branch Emergency Powers. [\(Exhibit 1\)](#)

**Committee Questions**

- 10:27:56 Sen. Dick Barrett asked Mr. Everts if that are any provisions for calling a special session during a state of emergency that are different from the provisions for calling a special session under other circumstances.
- 10:29:15 Mr. Everts said the provision for calling a special session and bringing the Legislature in for a special session still stands and that can either be done by the governor or by a majority of the Legislature. Continuity of government provisions in the constitution provides for some exceptions.
- 10:31:56 Sen. Barrett asked Mr. Everts about provisions for either passing a resolution to hold a special session or appropriate money because of the state of emergency.
- 10:32:26 Sen. Dee Brown asked about the stimulus checks and if Montana's state income taxes would also be extended another three months, the same as the extension for the federal income taxes.
- 10:33:06 Mr. Everts deferred that tax question to Jaret Coles, Staff Attorney. He said that he will look into the stimulus check issue.

- 10:33:55 Mr. Coles said that the state individual income tax filing deadline has been extended to July 15, 2020. He discussed the extension by Department of Revenue and the federal stimulus checks.
- 10:35:34 Sen. Brown asked about corporate taxes being different from individual income taxes and if small businesses would still have to pay the estimated taxes on time.
- 10:35:55 Mr. Coles said that according to the Department of Revenue, depending on the type of business, the quarterly payments would be deferred as well.

### **Legislative Fiscal Division**

- 10:36:45 Amy Carlson, Fiscal Analyst, and Quinn Holzer, Fiscal Analyst, provided the COVID-19 Financial Update. ([Exhibit 2](#))

### **Committee Questions**

- 10:58:27 Sen. Brown asked about the University of Montana's furloughed workers and how exactly does the COVID-19 money work on education spending.
- 10:59:12 Ms. Carlson discussed an appendix to the regarding education funds going to each institution of higher education per the U.S. Department of Education.
- 11:00:05 Sen. Fred Thomas asked how the governor will be able to allocate money directly to the counties and cities.
- 11:01:05 Mr. Everts discussed the statute authority and the intergovernmental cooperating agreement provisions within the disaster and emergency statutory provisions that gives the authority to the governor to make that transfer of COVID-19 CARES Act money.
- 11:02:20 Sen. Thomas asked if that was explicit or assumed and how clear is that granted authority specifically in statute.
- 11:02:41 Mr. Everts said that they reviewed all the statutory provisions especially as it relates to emergencies and the ability of the executive branch to coordinate with local governments to provide emergency funding and resources.
- 11:03:28 Sen. Jon Sesso commented on exploring the details of the CARES Act to identify as many opportunities for our state to deal with the lost revenue.
- 11:07:38 Mr. Everts said that the CARES Act does not deal with revenue replacement.
- 11:10:35 Rep. Greg Hertz asked Ms. Carlson about fuel tax collections.
- 11:11:06 Ms. Carlson discussed fuel tax distribution and the distribution of the gas tax to locals.
- 11:11:23 Sen. Margie MacDonald pointed out that the Legislative Council should follow through on the use of federal funds for states addressing revenue cliffs or shortfalls.

- 11:12:16 Sen. Thomas asked Ms. Carlson how data regarding worse-case, moderate-case or best-case financial impacts compare to the automatic reductions in spending that is not in statute or revenue reductions.
- 11:13:14 Ms. Carlson cited 17-1-140, MCA, that deals with that issue.
- 11:15:45 Rep. Hertz asked if Ms. Carlson could provide information on not only the concern about when the trigger would start, but how far would revenue have to drop before we completely deplete our ending fund balance, or possibly our budget stabilization balance.
- 11:16:24 Ms. Carlson said that information could be included in the financial update report.

#### **Public Comment on COVID-19 Presentation**

- 11:17:23 Rep. Becky Beard, HD 80
- 11:18:49 Bob Story, Montana Taxpayers Association
- 11:24:45 Sen. Brian Hoven
- 11:27:12 Rep. Ken Holmlund

#### **LEGISLATIVE FINANCE COMMITTEE UPDATE**

- 11:30:57 Rep. Kimberly Dudik provided an update on the activities of the Legislative Finance Committee.

#### **LEGISLATIVE AUDIT COMMITTEE UPDATE**

- 11:33:41 Sen. Dee Brown gave an update on the activities of the Legislative Audit Committee.

#### **LEGISLATIVE SERVICES DIVISION UPDATE**

##### **Remote Meeting Update**

- 11:38:55 Susan Fox, Executive Director, gave an update of interim committees meeting remotely by using the capabilities of Zoom, the development of procedure, a checklist, and tips and tricks for remote meetings, the implementation of security during Zoom meetings, and the COVID-19 website that is updated with new information.

##### **Interim Committees Budget Update**

- 11:42:13 Ms. Fox discussed how the interim committees' budget was affected by the use of remote meetings.

##### **Remote Session Preparedness**

- 11:42:50 Ms. Fox discussed the work of staff compiling information on how to prepare for a legislative session held remotely. She said that Mr. Everts and she are looking at the legal ramifications and what rules might need to be changed.

### **Committee Questions**

- 11:44:19 Sen. MacDonald asked Ms. Fox about the flexibility of scheduling additional meetings for the interim committees to get its work done.
- 11:45:07 Ms. Fox said that the researchers have been encouraged to concentrate on the May schedule and not plan for meetings in June.

### **RULES SUBCOMMITTEE**

- 11:47:23 Ms. Fox discussed the appointment of members to the Rules Subcommittee. Rep. Schreiner confirmed the appointments of Sen. Blasdel, Sen. MacDonald, Rep. Abbott, and Rep. Galt to the Rules Subcommittee.
- 11:48:10 Rep. Schreiner discussed the work of the Rules Subcommittee being different this cycle than it has been in the past. He asked that the Rules Subcommittee explore what needs to be done with regard to remote meetings and report back to the Legislative Council for recommendations to the official Rules Committee.
- 11:48:53 Ms. Fox said that issue will be discussed at the end of this meeting.

### **ANNOTATIONS PRICING**

- 11:49:40 Mr. Everts discussed the letter dated March 24, 2020, regarding Proposed 2020 Annotations to the Montana Code Annotated Prices. [\(Exhibit 3\)](#)

### **Motion/Vote**

- 11:51:50 Sen. Sesso moved to approve the 2020 Annotations to the Montana Code Annotated Prices.
- 11:52:26 The motion passed unanimously by voice vote.

### **PROPOSED CAUCUS AND ORIENTATION DATES**

- 11:53:56 Ms. Fox discussed the 2021 Legislative Session, Legislator Caucuses, Orientation and Continuing Education, March 2020. [\(Exhibit 4\)](#)

### **PROPOSED 2021 SESSION CALENDAR**

- 11:56:14 Ms. Fox discussed the draft Calendar for the 2021 Session. [\(Exhibit 5\)](#)

### **Motion/Vote**

- 11:58:26 Sen. MacDonald moved to adopt the proposed Calendar for Session 2021.
- The motion passed unanimously by voice vote.
- 11:58:51

### **PLANNING 2021 BUDGET/POLICY INTEGRATION**

- 11:59:12 Ms. Fox discussed a draft hypothetical schedule for the joint standing committee and subcommittee meetings to integrate budget and policy presentations with agency presentations and committee orientation. [\(Exhibit 6\)](#)

### **Committee Discussion**

- 12:02:44 Sen. JP Pomnichowski commented on developing a familiarization between between budget and policy and that the committees need to understand the importance of the policy that they were trying to fund. She supported adopting this concept.
- 12:03:56 Ms. Fox said she will continue working on the concept and will report back to the Council at its next meeting.

### **SB 310 STEERING COMMITTEE UPDATE**

- 12:06:38 Ms. Fox gave background information on the cancellation of the SB 310 Steering Committee's meeting in March due to the COVID-19 crisis. Ms. Fox discussed meeting in May.
- 12:08:48 Rep. Schreiner asked Sen. Ryan Osmundson, Chair of the SB 310 Steering Committee, to comment. Sen. Osmundson was not present at the meeting.

### **PNWER AND NCSL UPDATES**

- 12:09:20 Ms. Fox gave an update on the PNWER and NCSL's Summit Conferences. She said that both summits are focused on recovery and are already collecting information about recovery in the United States and in Canada. Information regarding whether the annual meetings will be held should be available in May.

### **REVENUE INTERIM COMMITTEE UPDATE**

- 12:11:46 Rep. Alan Redfield gave an update on the activities of the Revenue Interim Committee.

### **OTHER BUSINESS**

- 12:12:20 Rep. Schreiner thanked Sen. Sesso for agreeing to serve on the governor's recovery taskforce.

### **ADJOURNMENT**

- 12:13:47 Rep. Schreiner adjourned the meeting at 12:13 p.m.