



Legislative Council

66th Montana Legislature

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

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

MINUTES LOG

May 29, 2019
Room 137, 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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with 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.

COMMITTEE MEMBERS PRESENT

SEN. MARK BLASDEL
SEN. MARGARET (MARGIE) MACDONALD
SEN. JP POMNICHOWSKI
SEN. SCOTT SALES
SEN. JON SESSO
SEN. FRED THOMAS

REP. KIM ABBOTT
REP. WYLIE GALT
REP. GREG HERTZ
REP. SHANE MORIGEAU
REP. CASEY SCHREINER

COMMITTEE MEMBERS EXCUSED

REP. SETH BERGLEE

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 at its May 29, 2019, meeting:

- Adopted the Program 20 and 21 Budget Operating Plans FY20-21
- Adopted the prices for the MCA/Session Publications.
- Recommended changes to the Rules, Procedures, and Guidelines for Interim Committees on: 1) appointments to subcommittees must be made in consultation between chairs and vice-chairs of interim committees; 2) those committees with additional members vote by chamber; and 3) those committees that do not have additional members follow the standard voting practices.
- Adopted staff recommendations for study assignments to interim committees.
- Elected Rep. Casey Schreiner as presiding officer and Sen. Mark Blasdel as vice presiding officer.
- Appointed members to:
 - NCSL Task Force on Cyber-Security
 - CSG-West Agriculture, Energy, Economic Development, and Health Committees.
 - Energy Council

CALL TO ORDER and ROLL CALL

08:04:21 Sen. Fred Thomas called the meeting to order at 8:04 a.m. The secretary called roll. (**[Attachment 3](#)**)

08:05:51 Sen. Thomas gave an overview of the agenda.

DIVISION UPDATES

Revenue update - Amy Carlson, Legislative Fiscal Analyst

08:06:29 Amy Carlson presented the General Fund Year-to-Date Revenue Summary. (**[Exhibit 1](#)**)

08:09:56 Ms. Carlson presented the Legislative Fiscal Report: 2021 Biennium. (**[Exhibit 2](#)**)

Questions

08:11:11 Sen. Thomas asked Ms. Carlson about the fund balances on page 6 of the Report.

08:12:11 Rep. Greg Hertz asked Ms. Carlson to provide the committee with the chart that shows HB 2 by different sections and the increases in the budget in each section.

Executive Director updates - Susan Fox, Legislative Services Division

Legislative Council bills

08:16:58 Susan Fox gave a report on Legislative Council bills that were requested and which bills passed. (**[Exhibit 3](#)**)

2019 Session Statistics

08:18:36 Ms. Fox presented statistics from the 2019 Legislative Session. **(Exhibit 4)**

Legal Office updates - Todd Everts, Legal Director

Codification

08:20:52 Todd Everts provided an update on the 2019 codification process.

Initiatives

08:22:21 Mr. Everts discussed the ballot initiatives that the Legislature had passed and an update on ballot initiatives that have been submitted to the Secretary of State's Office this interim.

COUNCIL BUSINESS

2020-2021 Biennium Budget Overview - Susan Fox

House chair replacement process

08:24:08 Ms. Fox discussed the potential specifications for purchasing new House of Representatives chamber chairs. **(Exhibit 5)**

08:24:20 Lindsey Vroegindewey, Chief Clerk of the House, provided an overview of the House chairs replacements.

Discussion

08:25:39 Sen. Thomas asked about the Council approving the specs as presented.

08:25:51 Ms. Fox asked if an RFP is needed.

08:27:56 There was a discussion on seat back height of the proposed chairs.

08:31:30 Sen. Thomas said that without objection, the Council's recommendation is to approve chairs with a seat back height of 26 inches and chairs with the 5 legs.

Program 20 and 21 Budget Operating Plan FY20-21

08:33:14 Ms. Fox discussed Program 20. **(Exhibit 6)**

08:34:15 Ms. Fox discussed Program 21. **(Exhibit 7)**

Motion/Vote

08:35:04 Sen. Jon Sesso moved to adopt the Program 20 and 21 Budget Operating Plans FY20-21, as presented. The motion passed unanimously by voice vote.

Set Prices for MCA/session publications - Todd Everts

08:36:07 Mr. Everts discussed the proposed 2019 Montana Code Annotated prices. **(Exhibit 8)**

Motion/Vote

08:36:56 Rep. Schreiner moved to adopt the MCA/Session Publications prices. The motion passed unanimously by voice vote.

Proposed changes to the Interim Committee Rules of Procedure

08:37:26 Ms. Fox discussed the proposed changes to the Rules, Procedures, and Guidelines for Interim Committees, as recommended by staff. **(Exhibit 9)**

Discussion on voting and proxy votes: Should voting determinations and requirements be left up to individual committees and should the Council direct committees to split votes similar to Conference Committees?

08:38:36 Sen. Thomas asked what the preference is on voting.

08:39:36 Rep. Abbott said that the last time we met was during session and she had heard that there were some concerns from the Senate about equality of the chambers. She said she would like to hear from Senate members on that concern.

08:39:59 Sen. Pomnichowski said that if an idea in an interim committee has merit, and passes both chambers, she thinks that is a fine way to vote and recommended that votes be taken by chamber and reported out that way.

08:40:34 Sen. Blasdel said that he agrees with Sen. Pomnichowski to stay consistent with what is done during session.

Motion/Vote

08:40:46 Sen. Thomas moved that the Council recommends building into the guidelines that votes be taken separately by chamber. The motion passed unanimously by voice vote.

Discussion on Subcommittees: Should appointments be made in consultation with the vice-presiding officer or the committee?

08:41:43 Ms. Fox asked if the Council would like to have the presiding officer consult with the vice-presiding officer on appointments to subcommittees, or does the Council want the presiding officer to have full authority to make those assignments?

08:42:31 Sen. Sesso said that in keeping with the spirit of the interim committees, the presiding officer should seek and consult with the vice-presiding officer.

Motion/Vote

08:42:35 Sen. Sesso moved to recommend that the presiding officer seek and consult with the vice-presiding officer on the appointments to subcommittees. The motion passed unanimously by voice vote.

Discussion on Completion of Interim Committee Work: In the event that an unopposed or holdover is not available, should other optional sponsors be identified?

- 08:43:27 Ms. Fox discussed unopposed or holdover legislators carry legislation and asked the committee if other optional sponsors should be identified.
- 08:45:32 Sen. Pomnichowski discussed identifying optional sponsors and consulting those potential sponsors, and if there are no unopposed or holdover who is willing to carry the recommended legislation from an interim committee, there should be a contingency plan where the sponsor would be a member of that interim committee upon election.
- 08:46:35 Rep. Schreiner agreed with Sen. Pomnichowski.
- 08:47:21 Ms. Fox discussed Item D, page 11.
- 08:48:24 Sen. Thomas said that the Council will adopt the recommended language after it has been reworded.

Constituent Service Allowance - Susan Fox

- 08:49:13 Ms. Fox said that HB 106 did not make it through the session to change the constituent service allowance. The Legislative Services Division sent a survey form to the legislators. She said that 53 legislators wanted to keep receiving the lump sum; 15 legislators took the option of getting the \$3,000 in the calendar year 2020; 10 legislators requested a variation of payment installments; and 2 legislators declined taking the allowance. There are still 70 legislators who have not sent their preference; 53 forms not yet received; 17 had claimed the portion of the IT allowance during session, but no information on how they want to handle the balance.
- 08:50:43 Sen. Thomas said that action on that issue will be taken later.

Public Comment

- 08:51:05 Rep. Holmlund, House District 38, asked if the Council voted to recommend that the committees that did not add two House members report out by chamber. He also asked about ad hoc voting members.
- 08:53:21 There was a discussion regarding ad hoc voting members.
- 08:54:30 Ms. Fox said that the question of voting by chamber came up because of the lopsided nature of the numbers. The other interim committees that didn't have additional members remained even in number.
- 08:55:24 Mr. Everts said HB715 provided authorization for ad hoc membership on the Finance Committee and it says that these members may participate in meetings but may not vote.
- 08:57:15 Ms. Fox said that the last time the Council met, it was made clear that those additional members were for the 2019-20 Interim only. The discussion of additional members and the voting issue could be taken up in this interim for a

08:58:20 recommendation for the next Legislature.
Rep. Abbott said that the Council should discuss recommending that the interim committees do it this way for this interim, or only once where members were added.

Motion/Vote

08:58:35 Sen. Sesso moved that in the interim committees where extra House members were added, that those committees use the procedures as outlined on conference committees where they vote by chambers, and the committees that did not have additional members, will use standard voting practices. The motion passed unanimously by voice vote.

Public Comment

08:59:26 Bob Story commented on the need for a definite procedure for the election of chairs and for the adoption of rules.

09:01:14 **Break** reconvened at 9:14 a.m.

ELECTION OF OFFICERS

09:14:24 Sen. Sesso nominated Rep. Schreiner as chair. The nomination passed unanimously by voice vote.

09:14:42 Sen. Sesso nominated Sen. Blasdel as vice chair. The nomination passed unanimously by voice vote.

INTERIM STUDY POLL RESULTS AND RECOMMENDATIONS

Staff Presentation - Sonja Nowakowski, Research Director

09:15:39 Ms. Nowakowski discussed the poll results for interim committees. ([Exhibit 10](#))

09:18:45 Ms. Nowakowski discussed the study ranking for interim committee. ([Exhibit 11](#))

Sponsor Testimony

None.

Public Testimony on studies

09:23:06 Patrick Webb, Americans for Prosperity Montana

09:25:04 Frank Knaack, Montana Innocence Project ([Exhibit 12](#))

09:26:52 Rep. Mary Ann Dunwell, House District 84

Discussion

09:30:56 Sen. Pomnichowski explained why she had requested staff to rank the studies that were assigned to the interim committees.

- 09:32:55 Ms. Fox said that the Legislative Council can decide to assign or not assign studies, and interim committees can decide what to do with the studies. It was also implied that a study could be assigned as a white paper or an information request.
- 09:33:53 Sen. MacDonald commented on what was done last interim and said that she is comfortable giving the interim committees the rankings and letting those committees carve out their work plan based on the material received.

Motion/Vote

- 09:35:40 Sen. MacDonald moved to adopt the staff recommendations for assignment of the studies to the interim committees. The motion passed unanimously by voice vote.

Public Comment

None.

CSG-WEST UPDATE

Annual meeting update

- 09:37:56 Ms. Fox provided an update on the registration for the CSG-West Big Sky Conference.

Appointments

- 09:38:15 Ms. Fox discussed appointments to CSG-West committees: Rep. Mary Ann Dunwell's appointments to CSG-West Committees; Rep. Holmlund to be appointed to the NCSL Task Force on Cyber-Security; and appointments to the Energy Council.

Motion to appoint to NCSL Task Force on Cyber-Security/Vote

- 09:39:53 Rep. Hertz moved to appoint Rep. Holmlund to the NCSL Task Force on Cyber-Security. The motion passed unanimously by voice vote.

- 09:40:30 **Break** reconvened at 9:52 a.m.

Motion to appoint to CSG-West Committees

- 09:52:47 Sen. Thomas moved that Rep. Dunwell and Rep. Dennis Lenz be appointed to the Agriculture Committee; Rep. Casey Knudsen be appointed to the Energy Committee; Rep. Tom Welch be appointed to the Economic Development Committee; and Rep. Joe Read be appointed to the Health Committee. He also stated that Rep. Dunwell will be appointed to the Energy, Economic Development, and Health Committees.

Discussion

09:53:56 Rep. Schreiner clarified that Rep. Dunwell had reached out and had shown an interest in the above-mentioned committees and in conferring with other leaders, it was decided that with those participation in those committees, the Legislative Council would honor that.

Vote

09:54:42 The motion passed unanimously by voice vote.

Motion for appointment to Energy Council

09:54:53 Ms. Fox asked for a motion to accept leadership's recommendations of appointing Rep. Jim Keane, Rep. Casey Knudsen, Sen. Duane Ankney, and Sen. Janet Ellis to the Energy Council.

Vote

09:56:26 Sen. Thomas moved to accept the appointments of Rep. Keane, Rep. Casey Knudsen, Sen. Ankney, and Sen. Ellis to the Energy Council. The motion passed unanimously by voice vote.

Public Comment

None.

Strategic Planning Session and next meeting dates

09:58:07 Ms. Fox discussed suggested meeting dates. [\(Exhibit 13\)](#)

09:58:36 Ms. Fox discussed the upcoming strategic planning meeting to be held in September.

09:59:26 There was a discussion regarding the November 14, 2020, meeting date. Rep. Schreiner suggested tentatively scheduling the November meeting for the 17th.

10:01:19 Ms. Fox discussed the dates for the Strategic Planning retreat.

10:03:32 Rep. Schreiner asked if staff could poll the members of Legislative Council on a date for the September meeting.

10:04:17 Ms. Fox requested that Council members tell her whether they prefer receiving mailings electronically or by U.S. Mail, their preferred email address, and their preferred mailing address.

Adjournment

10:05:05 With no further business before the committee, Rep. Schreiner adjourned the meeting at 10:05 a.m.