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# Senate Bill No. 310 Steering Committee

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## 66th Legislature

### Legislative Council Members:

Rep. Abbott, Rep. Galt, Sen. MacDonald,  
Sen. Pomnichowski, Sen. Thomas

### Legislative Finance Committee Members:

Rep. Holmlund, Rep. Hopkins, Sen. Jacobson,  
Sen. Osmundson, Rep. Ryan, Sen. Sesso

## MINUTES LOG

December 10, 2019  
Room 172, 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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### **SB 310 STEERING COMMITTEE MEMBERS PRESENT**

SEN. MARGARET (MARGIE) MACDONALD  
SEN. RYAN OSMUNDSON (by phone)  
SEN. JP POMNICHOWSKI  
SEN. JON SESSO (by phone)  
SEN. FRED THOMAS  
REP. KIM ABBOTT  
REP. KENNETH HOLMLUND  
SEN. TOM JACOBSON  
REP. WYLIE GALT  
REP. MIKE HOPKINS  
REP. MARILYN RYAN (by phone)

### **SB 310 STEERING COMMITTEE MEMBERS EXCUSED**

### **STAFF PRESENT**

SUSAN BYORTH FOX, Executive Director  
TODD EVERTS, Legal Director  
QUINN HOLZER, Legislative Fiscal Division  
FONG HOM, Committee Secretary

## **VISITORS' LIST** ([Attachment 1](#))

## **AGENDA** ([Attachment 2](#))

## **COMMITTEE ACTION**

### **CALL TO ORDER and ROLL CALL**

09:07:54 Sen. Osmundson (*by phone*) called the meeting to order at 9:08 a.m. The committee secretary called roll. Sen. Osmundson asked Sen. Fred Thomas to conduct the meeting. ([Attachment 3](#))

### **ELECTION OF OFFICERS**

09:10:00 Sen. Thomas said that by general consensus, Sen. Osmundson will be the Chair.

09:10:03 Sen. Margie MacDonald nominated Rep. Abbott to serve as Vice-Chair. That nomination passed unanimously by voice vote.

### **STAFF PRESENTATIONS/COMMITTEE DISCUSSION**

#### **Overview, history, background, and legal information - Susan Fox, Executive Director**

09:11:00 Susan Fox gave a presentation on the National Conference of State Legislatures' LegisBrief on Legislative Sessions: A Primer ([Exhibit 1](#)) and information regarding Annual vs. Biennial Legislative Sessions ([Exhibit 2](#)).

09:17:45 Ms. Fox referred the committee to NCSL's article on Full-and Part-Time Legislatures. ([Exhibit 3](#))

#### **Committee Questions**

09:18:06 Sen. Sales asked how interims are set up in Wyoming, Utah, and Idaho.

09:19:27 Ms. Fox presented a chart on "History of Montana Annual Session Proposals". ([Exhibit 4](#))

#### **Committee Questions**

09:23:12 Sen. Thomas asked if the bill carryover was actually in the constitution.

09:37:56 Sen. MacDonald referred to the handout "Legislative Sessions with Limited Scope", and asked if revenue was incorporated into budget or will budget be done in the odd year and not looking so much on the revenue side.

09:42:33 Ms. Fox discussed the LegisBrief's articles on Annual and Biennial Legislature and Limited Scope Sessions. (See Exhibit 1)

09:46:55 Sen. Sales commented that Montana used to have multiple appropriation bills in

the 60s, and prior to that, in the late 70s or 80s, when we went to HB 2 and everything was crammed into one bill.

#### **Committee Questions**

- 09:51:33 Sen. MacDonald asked if Ms. Fox could give an overview of the commission set up by the state of Oregon.
- 09:52:16 Ms. Fox gave a brief overview of Oregon's process of setting up a commission.

#### **LEGAL MEMORANDUM RE SCOPE AND EFFECT OF ARTICLE V, SECTION 6 OF MONTANA CONSTITUTION RE REGULAR LEGISLATIVE SESSIONS**

- 09:57:48 Todd Everts ([Exhibit 5](#))

#### **Committee Questions**

- 10:01:10 Sen. Pomnichowski asked about the option of lengthening a regular session and if "Section 6. Sessions" is talking about special sessions.
- 10:01:49 Mr. Everts said no, any subsequent legislature, subsequent to this constitutional statement has the ability to lengthen the legislative days of a session. He said that during the legislative session, the legislature, through a joint resolution, could extend that session.
- 10:03:45 Sen. Pomnichowski said that one legislature could not influence or encumber a future legislature. If we were to say in 2021, we're having a 100-day session instead of a 90-day or 120-day session, wouldn't that encumber a future legislature?
- 10:04:23 Mr. Everts said that future legislatures could reverse the decision of the previous one.
- 10:05:13 Sen. Osmundson asked if it be more applicable to have the Legislature set up a special session for the even year?
- 10:06:01 Mr. Everts said that the Legislature has the authority to call a special session and that can occur in the even-numbered year.
- 10:06:17 Sen. Osmundson said that we cannot have a general session at that point in time, but we could have a special session that we can limit ourselves or not, and set the time, date, and topics before we leave the general session of the odd year.
- 10:06:44 Mr. Everts said that special session is special but it is set up to be limited in scope and is not a regular session. You have to define what the limitations are on the special session in order to meet the requirements.
- 10:10:45 Sen. Sesso (*by phone*) said he doesn't have any questions in this area of the discussion but is waiting to discuss how going to an annual session relates to the structure and format of our committee and the interim. The biggest concern is that the interim session has had great value in bringing the Legislature and its

members together. How we can preserve that at the same time pursuing an annual session.

10:12:04 Rep. Ryan said that after listening and reading the documents, we have to be clear to the public what it is we want and why we want it.

10:12:43 Sen. Thomas said that to him the #1 goal is to create a system that arrives at developing more experience and knowledge in the Legislature so that it is a stronger and more effective body for the citizens of the state.

### **Public Comment**

None.

### **NEXT STEPS AND PRIORITIES**

10:18:11 Sen. Thomas said that he wants to look at Oregon, its timeline, what they did and how they did it, and where their constitution was before and where it is today.

10:18:59 Sen. Osmundson asked Ms. Fox to proceed in putting something together for discussion.

10:19:15 Ms. Fox discussed making a decision tree to help the committee.

10:21:12 Sen. Thomas discussed Ms. Fox's idea of a decision tree and a timeline.

10:22:49 Sen. Pomnichowski asked Sen. Thomas why he likes the Oregon model and wondered if there were other models that might better fit Montana.

10:25:26 Sen. MacDonald said we should back up in terms of considering whether we are at the point where a decision tree makes a lot of sense. For us to presuppose what the exact model that would fit Montana best, it might be precipitous for us to define those parameters and we may be jumping the gun by doing it without having broadened the conversation.

10:28:15 Ms. Fox discussed the Legislative Week calendar. [\(Exhibit 6\)](#)

10:31:26 Rep. Ryan commented on the issues that Ms. Fox brought up.

10:32:51 Sen. Osmundson discussed taking public comment during Legislative Week on what strengthens the legislature and the people's branch of the government and does annual sessions play a part of that.

10:38:19 Sen. Thomas said that Ms. Fox would do a decision tree for the committee to flesh out the issues before the January meeting.

10:40:00 Sen. Osmundson asked if the proposals would define what the decision tree is to look like.

10:40:14 Sen. Thomas said he is comfortable leaving that up to Ms. Fox.

10:40:39 Sen. MacDonald commented that she is struggling with the term "decision tree" and the concept of annual sessions.

*(Sen. Sesso left the meeting at 10:40 a.m.)*

10:42:35 Sen. Thomas discussed two models coming out of the decision tree.

10:43:59 Ms. Fox discussed framing the question to ask how can we strengthen the Legislature, and leave it open to get a broader scope of ideas. The second part is, here are some ideas that have been discussed, either in the Senate Bill 310 context or the Legislative Council context, and not call it a decision tree but call it ideas, biennial vs. annual, limited scope sessions, need to integrate budget and policy. She said she would draft the two-part idea and put it out in a news release for comment.

10:46:10 Sen. Pomnichowski said that she would like to keep the public comment period open.

10:47:21 Sen. Thomas discussed having a broader discussion and taking input from the communities across the state.

10:48:44 Sen. MacDonald said that one of the questions that we need to address and invite comment on is, does there need to be a commission or could it be a more ad hoc engagement of public insuring broad public participation.

10:49:23 Ms. Fox said she will build an agenda or send out a news release inviting interested parties to attend the upcoming Legislative Week. The agenda would have three parts: one, how to strengthen the legislature; two, build a matrix of ideas; and third, have the open invitation for comments. Ms. Fox said she will work with the IT Department in developing a website and invite people as they contemplate the ideas and going through Legislative Week.

#### **NEXT MEETING DATE**

10:55:04 Sen. Thomas discussed the next meeting dates. There will be a meeting in January, a conference call mid-February, and then the March meetings.

#### **Public Comment**

None.

#### **ADJOURNMENT**

10:56:53 Sen. Osmundson adjourned the meeting at 10:57 a.m.

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