



## LEGISLATIVE COUNCIL 68th Montana Legislature

### SENATE MEMBERS

Mark Blasdel  
Jill Cohenour  
Jason Ellsworth  
Pat Flowers  
JP Pomnichowski  
Cary Smith

### HOUSE MEMBERS

Kim Abbott  
Laurie Bishop  
Wylie Galt  
Derek Harvey  
Casey Knudsen  
Rhonda Knudsen

### COMMITTEE STAFF

Jerry Howe - Executive Director  
Todd Everts - Legal Division Director  
Fong Hom - Secretary

# MINUTES LOG

August 24, 2022  
Room 102  
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.

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### **MEMBERS PRESENT:**

Sen. Mark Blasdel, Chair (R)  
Rep. Kim Abbott (D)  
Rep. Laurie Bishop (D)  
Sen. Jill Cohenour (D)  
Sen. Jason Ellsworth (R)  
Sen. Pat Flowers (D)  
Rep. Derek Harvey (D) (**Zoom**)  
Rep. Casey Knudsen (R)  
Rep. Rhonda Knudsen (R)  
Sen. Cary Smith (R)

### **MEMBERS EXCUSED:**

Rep. Wylie Galt (R)  
Sen. JP Pomnichowski (D)

### **STAFF PRESENT:**

Jerry Howe, Executive Director  
Todd Everts, Legal Division Director  
Fong Hom, Secretary

## **AGENDA (Attachment 1)**

## **VISITORS' LIST (Attachment 2)**

### **COMMITTEE ACTION**

The Council took action on the following:

- Accepted the 2022 Annotations to the Montana Code Annotated prices
- Approved the Operating Procedures of the Legislative Council Management Subcommittee
- Approved the OLIS request of \$360,000 from the Reserve Account to update the IT's databases
- Approved the appropriation of \$50,000 into the Program 21 Budget for contracted outside legal services
- Voted to submit the preliminary Legislative Branch budget with the caveat that further work will be done to finalize the budget for the October 10 statutory deadline according to 5-2-508, MCA
- Adopted the House and Senate Short Term Staff Pay Matrix
- Appropriate funding for appointed staff into the Feed Bill

### **CALL TO ORDER/ROLL CALL**

10:01:51 Presiding Officer Mark Blasdel called the meeting to order at 10:01 a.m. The committee secretary took roll. **(Attachment 3)**

### **DIVISION UPDATES**

#### **Executive Director Update**

10:03:31 Jerry Howe, Executive Director, provided an update on the Legislative Services Division.

#### **Staff Updates**

10:21:24 Todd Everts, Legal Director, introduced the new attorney, Maddie Krezowski.

10:21:50 Kelly DaSilva, Human Resources Manager, introduced Scott Phillips and Alexander Spikes, both recently hired to work in the IT Division. Ms. DaSilva also gave an update on the open positions in the Division, the low applicant pool issue, and the difficulty of retaining employees.

10:28:42 Sen. Blasdel asked Ms. DaSilva about the limitations of Legislative Branch as compared to the Executive Branch regarding the salary structure.

10:30:07 Rep. R. Knudsen asked Ms. DaSilva about the necessity of a new pay matrix for Legislative Services Division.

10:30:59 Rep. R. Knudsen suggested that LSD work on a new pay system now rather than wait for the next session.

10:31:35 Sen. Cohenour also encouraged LSD to look at the new market analysis as a starting point.

#### **Status of 2021 Feed Bill**

10:33:45 Angie Carter, Financial Manager, explained the Regular 2021 Feed Bill **(Exhibit 1)**, the House and Senate Leadership Budgets **(Exhibit 2)**, and the Program 21 Budget **(Exhibit 3)**.

## **RESEARCH UPDATE**

### **ORPA and Redistricting and Apportionment Commission Update**

10:38:01 Joe Kolman, Research Director and Director of the Environmental Policy Council, gave an overview of the activities of the Office of Research and Policy Analysis. Mr. Kolman distributed information regarding regional public hearings of the Montana Districting and Apportionment Commission ([Exhibit 4](#)).

### **Legislative Orientation Update**

10:43:23 Mr. Kolman gave a web demonstration regarding Legislative Orientation.  
10:48:37 Sen. Blasdel asked Mr. Kolman if the 5-session review is showcased in the orientation.

## **LEGAL OFFICE UPDATE**

### **Litigation**

10:49:10 Todd Everts, Legal Director, said that the litigation summary is posted on the web.

### **Proposed Price of the 2022 Montana Code Annotated**

10:50:12 Mr. Everts discussed the proposed price of the 2022 annotations to the Montana Code Annotated. ([Exhibit 5](#))

### **Motion/Vote**

10:50:47 Sen. Cohenour moved to accept the proposed 2022 annotations to the Montana Code Annotated prices.  
10:51:00 The motion passed unanimously by voice vote with Sen. Pomnichowski and Rep. Galt voting aye by proxy.

## **COUNCIL BUSINESS**

### **Rules Subcommittee Report**

10:52:02 Rep. C. Knudsen discussed the Rules Subcommittee proposed rule changes. ([Exhibit 6](#))

### **Management Subcommittee Report**

11:06:11 Rep. R. Knudsen discussed the Operating Procedures of the Management Subcommittee. ([Exhibit 7](#))

### **Motion/Vote**

11:09:15 Sen. Cohenour moved to approve the Operating Procedures as proposed by the Legislative Council Management Subcommittee.  
11:09:50 The motion passed unanimously by voice vote with Sen. Pomnichowski and Rep. Galt voting aye by proxy.

### **Replacement for Sen. Sweeney on NCSL's Legislative Council on River Governance**

11:11:14 Sen. Cohenour recommended that Sen. Pomnichowski replace Sen. Sweeney as the Legislative Council's representative to River Governance.  
11:11:49 Sen. Blasdel accepted Sen. Cohenour's recommendation.

### **Tenant Space/Legislative Email Domain**

11:12:44 Dale Gow, CIO, Office of Legislative Information Technology, provided an update on the tenant space project and the Legislative E-mail Domain.

### **Flooding Status in the Capitol Building**

11:17:51 Mr. Gow gave an update on the flooding of Room 10 in the Capitol Building.

### **Legislative Services Budget Development**

#### **Legislative Branch IT Reserve Account**

11:19:50 Mr. Gow discussed the Legislative Branch IT Reserve Account ([Exhibit 8](#)) and OLIS' request of \$360,000 from the Reserve Account to contract for a business process for the 1990's era databases.

#### **Motion/Vote**

11:21:43 Sen. Cohenour moved to approve the IT's request of \$360,000 from the Reserve Account to update the IT's databases.

11:22:05 The motion passed unanimously on a voice vote with Rep. Galt and Sen. Pomnichowski voting aye by proxy.

### **2025 Biennium Information Technology Plan and the OLIS Budget**

11:22:10 Mr. Gow discussed the 2025 Biennium Information Technology Plan ([Exhibit 9](#)) and the OLIS Budget ([Exhibit 10](#)).

#### **Committee Questions**

11:23:29 Rep. Bishop asked Mr. Gow about the access database conversion.

### **Program 20 Legislative Services 2025 Biennium Budget**

11:24:17 Angie Carter, Finance Manager, discussed Program 20, Legislative Services Division 2025 Biennium Budget. ([Exhibit 11](#))

11:28:13 Mr. Everts proposed to add an item for contracted services outside legal services in the budget.

11:29:15 Sen. Cohenour asked Mr. Everts about the Department of Justice providing outside legal services.

11:30:24 Ms. Carter discussed FTE requests.

11:32:25 Rep. Bishop asked Ms. Carter whether the salary requests represent any adjustments based on salary issues or based on current salaries.

11:33:03 Sen. Flowers asked Ms. Carter for a total number of FTEs.

11:33:32 Sen. Ellsworth asked Ms. Carter about the nine modified positions and what the duties are of those positions.

### **Program 21, 2025 Biennium Budget**

11:37:32 Ms. Carter discussed Program 21, Interim Committees and Activities 2025 Biennium Budget. ([Exhibit 12](#))

#### **Committee Questions**

11:40:02 Rep. R. Knudsen asked Ms. Carter to explain what the legal counsel is in HB 235.

11:40:29 Mr. Everts explained that HB 235 authorized a position of a special legal counsel for leadership.

11:40:54 Rep. Knudsen suggested leaving both in the budget request.

11:41:12 Rep. Abbott asked Mr. Everts about an expiration date.

11:42:53 The committee discussed the position of the legal counsel and is that an FTE position or is the work contracted out.

- 11:45:47 Rep. Abbott discussed the appropriation for the special select committee.
- 11:46:21 Sen. Flowers discussed the affordability of the modified positions that were added because of the COVID pandemic.

**Motion/Vote**

- 11:48:21 Sen. Ellsworth moved to appropriate \$50,000 into the Program 21 Budget for outside legal services.
- 11:48:55 The motion passed unanimously on a voice vote, with Rep. Galt and Sen. Pomnichowski voting aye by proxy.

**Motion/Vote**

- 11:49:14 Rep. R. Knudsen moved that the branch submit a preliminary budget for the September 1, 2022 budget submission at the present law level, noting that more work is needed before the October 10 statutory deadline required by 5-2-508, MCA, with the changes that were voted on.
- 11:49:55 The motion passed unanimously on a voice vote with Sen. Pomnichowski and Rep. Galt voting aye by proxy.

**Legislative Council Legislation Drafts**

- 11:50:21 Mr. Everts discussed bill drafts, PD 12 and PD 14.

**PD 0012: Constituent Services Account**

- 11:52:02 Ms. Carter gave a presentation on PD 12: Revising the Legislative Constituent Services Allowance. **(Exhibit 13)**
- 11:52:45 Rep. R. Knudsen asked Ms. Carter questions about the \$3,000 allowance.
- 11:55:54 Sen. Cohenour commented.
- 11:57:04 Rep. Abbott commented.

**PD 0014: Aides and Ethics**

- 11:58:16 Mr. Everts gave a presentation on PD 14: Providing that exempt staff for Legislative Leadership be protected. **(Exhibit 14)**
- 11:59:20 Sen. Cohenour asked Mr. Everts if he had an opportunity to run this by the Commissioner of Political Practices.
- 11:59:57 Rep. R. Knudsen asked if this bill would allow our caucus staff to post on the state website.
- 12:00:15 Mr. Everts responded to Rep. Knudsen's question.
- 12:01:29 Sen. Blasdel asked about taking action on PD 12 and PD 14 before the next meeting.

**Feed Bill (HB 1) draft request**

- 12:02:06 Mr. Everts said that the Feed Bill request was made at the last meeting and is in the bill draft request system as LC 0001. Mr. Everts discussed having to get more information before LC 0001 is ready for drafting.

**House and Senate Short Term Staff Pay Matrix**

- 12:03:13 Ms. DaSilva discussed the pay matrix for the House and Senate short term staff. **(Exhibit 15)** She asked the committee for approval of the matrix.
- 12:04:28 Rep. R. Knudsen asked Ms. DaSilva how a session employee moves from Step 1 to Step 2.

12:05:39 Sen. Cohenour asked Ms. DaSilva if the matrix includes a market analysis for the short term employee.

**Motion/Vote**

12:06:25 Sen. Ellsworth moved to adopt the House and Senate Short Term Staff Pay Matrix.

12:06:55 The motion passed unanimously on a voice vote with Sen. Pomnichowski and Rep. Galt voting aye by proxy.

**Discussion on including appointed staff in the feed bill**

12:06:47 Sen. Blasdel discussed including appointed staff in the Feed Bill.

**Motion/Vote**

12:07:34 Rep. R. Knudsen moved to appropriate funding for the appointed staff into the Feed Bill.

12:07:55 The motion passed unanimously on a voice vote, with Rep. Galt and Sen. Pomnichowski voting aye by proxy.

**Information Technology Planning Council (ITPC) bill draft**

12:09:07 Mr. Howe said that this bill draft is unnecessary.

**GENERAL PUBLIC COMMENT**

12:09:53 Sarah Sadowsky, Governor's Office of Community Service, discussed the approval with the Capital Complex Advisory Council to proceed with a design and concept for an outdoor memorial honoring Montanans who gave a gift of organ donation.

**ADJOURNMENT**

12:13:30 Sen. Blasdel adjourned the meeting at 12:13 p.m.