



LEGISLATIVE COUNCIL 67th 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

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

MINUTES LOG

August 16, 2021
Hybrid-Zoom
Big Sky, 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:

Rep. Kim Abbott, Vice Chair
Rep. Laurie Bishop (Zoom)
Sen. Jill Cohenour (Zoom)
Sen. Jason Ellsworth (Zoom)
Sen. Pat Flowers
Rep. Wylie Galt (Zoom)
Rep. Derek Harvey
Rep. Casey Knudsen (Zoom)
Rep. Rhonda Knudsen
Sen. JP Pomnichowski
Sen. Cary Smith (Zoom)

MEMBERS EXCUSED:

Sen. Mark Blasdel, Chair (R)

STAFF PRESENT:

Susan Fox, Executive Director
Todd Everts, Attorney (Zoom)
Fong Hom, Secretary (Zoom)

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

At its August 16, 2021 meeting held at Big Sky, Montana, the Legislative Council took the following actions:

- approved paying for registration fees and up to \$1,000 for legislators attending NCSL and CSG-West. (This is in addition to the funding for each caucus in Program 21 and is limited to 50 legislators.);
- approved covering the costs of attendance at the PNWER conference at Big Sky, Montana.
- accepted the 2021 Montana Code Annotated prices as proposed; and
- approved the transfer of House Joint 29 from the Law and Justice Interim Committee to the Legislative Finance Committee.

CALL TO ORDER/ROLL CALL

11:08:00 Rep. Kim Abbott called the meeting to order at 11:08 a.m. The committee secretary took roll. ([Attachment 3](#))

LEGISLATIVE SERVICES DIVISION UPDATES

Executive Director Updates

11:09:52 Susan Fox, Executive Director, gave a status report on the installment of new carpets throughout the Capitol Building. She also introduced the new hires within the Legislative Services Division.

Status of 2019 Feed Bill

11:11:49 Ms. Fox ([Exhibit 1](#))

PNWER Registrations, Introductions

11:13:19 Ms. Fox discussed funding for legislators to attend the PNWER conference.

Motion/Vote

11:14:27 Sen. Cohenour moved to allocate funds to cover the costs of attendance at the PNWER Big Sky Conference. The motion passed unanimously on a voice vote.

Legal Office Updates

Codification Update

11:15:09 Todd Everts, Legal Director, gave an update on the codification process.

Initiatives Update

11:15:56 Mr. Everts gave an update on the ballot initiatives that the Legislative Services Division received: Ballot Initiative #6 - proposal to divide the state of Montana into two separate states, North Montana and South Montana; Ballot Initiative #7 - referendum to repeal House Bill 273; and Ballot Initiative #8 - limit taxes on real property to 1% of property value.

Litigation Update

11:17:33 Mr. Everts referred the Council to the memo regarding Litigation Concerning 2021 Legislation and Legislative Actions. [\(Exhibit 2\)](#)

LEGISLATIVE COUNCIL BUSINESS

Set Prices for MCA/Session Publications

11:18:33 Mr. Everts [\(Exhibit 3\)](#)

Motion/Vote

11:19:02 Rep. Rhonda Knudsen moved to accept the proposed 2021 Montana Code Annotated prices. The motion passed unanimously by voice vote.

Caucus Staff Update

Webpages/GovDelivery Discussion

11:20:19 Ms. Fox discussed caucus webpages and GovDelivery system that is used for the development of webpages for other state legislatures.

Questions/Discussion

11:22:50 Sen. Pomnichowski said that each caucus that wants a webpage can register a domain.

11:23:15 Sen. Flowers discussed using state funds to develop the webpages. He cautioned the members to not cross the line of legislative staff work into campaign work.

11:24:08 Rep. R. Knudsen asked how to differentiate between legislative work and political work.

11:24:49 Sen. Pomnichowski said if it were a state-funded and state-maintained site, guidelines could be created to differentiate between legislative work and political work.

11:26:17 Ms. Fox discussed putting state funding and state maintenance parameters on establishing legislative websites.

11:26:52 Kyle Schmauch, Senate Aide to Leadership, provided further comments on legislative websites.

11:30:22 Sen. Cohenour said she would like guidelines on what can or cannot be posted on the websites.

11:32:36 Sen. Flowers asked if Ms. Fox or Mr. Everts could comment on Sen. Cohenour's concerns.

11:33:34 Mr. Everts said that he and his staff could look into this issue from a legal perspective on criteria, communicate with the Commissioner of Political Practices, and provide legal advice moving forward.

11:34:03 Rep. Abbott asked Ms. Fox if she has enough information to move forward and to report back to the Council in September.

11:34:26 Rep. Casey Knudsen said that the Council should consider the inter-caucus elections.

September Strategic Planning Discussion

11:35:38 Ms. Fox said that the Strategic Planning meeting is scheduled for September 20 and 21, 2021. She asked if the members wanted to conduct the meeting in the same format as was done in the past.

11:36:28 Rep. Abbott said that the meetings worked well in the past.

Interim Committee Review of Ballot Measures/Interim Committee Rules of Procedure

- 11:37:09 Ms. Fox discussed the memo from Ms. Aldrich, Staff Attorney, regarding Interim Review of Ballot Issues. **(Exhibit 4)** She discussed the difficulty of reviewing ballot initiatives by the appropriate interim committee on a timely basis and staying within the 14-day deadline for the Legislative Services Division's legal staff to provide its legal review of the proposed initiative.
- 11:39:11 Sen. Pomnichowski said, if having the review of ballot initiatives added as an agenda item to a scheduled interim committee meeting, would that ballot initiative meeting have to be noticed and would it have to have public comment. She referred the members to Quorums/Parliamentary Procedures in the Rules, Guidelines and Procedures, and read, "A majority of members at any meeting or the presiding officer may call a special meeting with at least 24-hour notice to the members. A special meeting may not include agenda items that require a public hearing."
- 11:41:20 Mr. Everts said it could potentially be a special meeting but a motion and a decision like this regarding something of statewide interest would necessitate public comment before the vote is taken.
- 11:41:55 Rep. Bishop suggested that the Council consider changing the 14-day deadline for legal review to 14-business days so people could review the initiatives for a longer period of time.
- 11:42:36 Ms. Fox said that she brought this issue to the Council's attention just for their information. She said she will wait until there is an initiative for review by an interim committee and see how the parameters works out.
- 11:43:12 Rep. R. Knudsen commented that remote meetings are an impossibility where she lives.

Law and Justice Interim Committee request regarding transfer of House Joint 29

- 11:44:25 Ms. Fox discussed the letter from Sen. John Esp to the Legislative Council regarding a request to transfer House Joint 29 to the Legislative Finance Committee. **(Exhibit 5)**
- 11:45:17 Amy Carlson, Legislative Fiscal Division, commented.

Motion/Vote

- 11:46:26 Sen. Cohenour moved to allow the House Joint 29 study to be transferred from the Law and Justice Interim Committee to the Legislative Finance Committee. The motion passed unanimously on a voice vote.

A Request from the Economic Affairs Interim Committee for additional funds to create a subcommittee

- 11:47:52 Ms. Fox discussed the email that she had received from the Sen. Bogner, chair of the Economic Affairs Interim Committee, requesting additional funds for the EAIC to create a subcommittee to further monitor the implementation of House Bill 701. **(Exhibit 6)**
- 11:48:25 Rep. Harvey said that the EAIC has set aside enough time in the work plan for the study. He said it was premature for the EAIC to make this request and that EAIC needs to research this further before bringing this proposal before the Council.
- 11:49:30 Sen. Ellsworth said that this issue was discussed at the July meeting. What the chair is asking for is an opportunity to potentially form a subcommittee. Public input is very important and full disclosure is important. He would hate to

postpone it until EAIC's September's meeting. HB 701 needs to be set up by January 1, so postponing this until further action, we should defer to the committee.

- 11:51:23 Rep. R. Knudsen said she is in favor of this request.
- 11:52:12 Rep. Bishop said that not having the email in front of her, she is not convinced that that is something that the Council need to approve.
- 11:52:52 Rep. Abbott said that she appreciates Sen. Ellsworth idea of forming a subcommittee, but it sounds like the EAIC didn't create a subcommittee. This might be putting the cart in front of the horse. Her suggestion would be to consider the request with the understanding that timing is an issue, but if the EAIC actually does create a subcommittee, then the Council will approve this budget request.
- 11:53:29 Sen. Ellsworth responded that you can't form a subcommittee without funding it first.
- 11:54:20 Ms. Fox said that if the EAIC does, in fact, form a subcommittee but doesn't have a proposed budget for travel, etc., there will be sufficient funds at a later date that the Council can approve.
- 11:56:03 Rep. R. Knudsen commented.
- 11:56:28 Sen. Ellsworth said that Ms. Fox has addressed his concerns and the EAIC can move on from here.
- 11:57:15 Rep. Harvey said that EAIC needs to work within their budget before asking for funds to form a subcommittee, and if EAIC hits that roadblock in the future, it can come back to the Legislative Council and make that request at that time.

GENERAL PUBLIC COMMENT

- 11:58:15 Rep. Barry Usher, HD 40, talked about the legislators who are participating in PNWER, and the value of legislators participating in future NCSL conferences. He discussed ways to defray expenses for legislative members who wish to participate in PNWER and NCSL.
- 12:02:06 Ms. Fox discussed each caucus having some funds to spend on this topic.
- 12:03:30 Rep. Usher requested that the Council find funds to help in the costs of participation in PNWER and NCSL.
- 12:03:56 Ms. Fox said there are funds in the budget for two caucus members per year in a biennium that is anywhere from \$10,000 to \$12,000. She asked if Rep. Usher wants to limit the amount and say something like, "registration and up to \$1,000" and put on some boundaries. If Rep. Usher wants to encourage legislators to participate, the Council can work on the budget.
- 12:04:27 Rep. Harvey asked Ms. Fox that when or if the Council approves additional funds for PNWER, and there is still a surplus of money left over, would there funds be made available to NCSL and CSG for members to attend?
- 12:05:13 Angie Carter, Finance Manager, said that appropriation may be restricted to the PNWER funds. She will look into that further and get an answer to the committee.

Motion

- 12:05:30 Sen. Cohenour moved that the Council pay the registration fees and allocate \$1,000 for expenses so that members can participate in NCSL.

Discussion on the Motion

12:05:55 Sen. Flowers asked about limiting the total based on attendance and what the cap should be.

Amended Motion

12:06:55 Sen. Cohenour amended the motion to limit it to 50 attendees and full support.

Discussion on the Amended Motion

12:07:00 Rep. Abbott discussed the motion made by Sen. Cohenour.

12:07:00 Rep. R. Knudsen asked Rep. Usher if his request is just to pay the registration fees.

12:07:05 Rep. R. Knudsen said that if there were other conferences coming up, the Council should think about having registration fees paid for and providing additional support for legislators to attend, and not limit this request to just NCSL.

12:09:12 Sen. Pomnichowski asked if Sen. Cohenour's motion is to cover registration fees and all expenses.

12:09:36 Rep. Abbott said that Sen. Cohenour's motion was in addition to what the caucuses already have, to pay the registration, and allocate \$1,000 for expenses for up to 50 legislators to attend NCSL.

Substitute Motion

12:09:54 Rep. R. Knudsen made a substitute motion to include CSG.

12:10:15 The motion passed, 10-1, with Sen. Cohenour voting no and Sen. Blasdel not present to vote.

OTHER COUNCIL BUSINESS

12:10:40 Sue Vinton discussed having another Legislative Week as was done in the past.

ADJOURNMENT

12:12:01 Rep. Abbott adjourned the meeting at 12:11 p.m.