



## 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

March 8, 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 IN PERSON:**

Sen. Mark Blasdel, Chair (R)  
Rep. Kim Abbott, Vice Chair (D)  
Rep. Laurie Bishop (D)  
Sen. Jill Cohenour (D)  
Sen. Jason Ellsworth (R)  
Sen. Pat Flowers (D)  
Rep. Wylie Galt (R)  
Rep. Casey Knudsen (R)  
Rep. Rhonda Knudsen (R)

### **MEMBERS PRESENT VIA ZOOM:**

Sen. JP Pomnichowski (D)  
Sen. Cary Smith (R)

### **MEMBERS EXCUSED:**

Rep. Derek Harvey (D)

### **STAFF PRESENT:**

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

## **AGENDA** ([Attachment 1](#))

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

## **COMMITTEE ACTION**

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

08:30:34 Presiding Officer Mark Blasdel called the meeting to order at 8:30 a.m. The committee secretary took roll. ([Attachment 3](#)) Rep. Harvey was excused and left his proxy with Rep. Abbott.

### **DIVISION UPDATES**

#### **Executive Director Updates**

#### **Staff Updates**

08:32:14 Susan Fox, Executive Director, introduced the new staff hires: Alexis Newcomer, Bethany McDowell, Dan Kayser, Michael Schneider, and Lisa Campbell.

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

08:33:25 Ms. Fox briefly discussed the 2021 Feed Bill ([Exhibit 1](#)).

### **Budget Status: Programs 20 and 21**

08:33:25 Ms. Fox referred the Council to the monthly financials for Program 21 ([Exhibit 2](#)).

### **Legislative Training Day**

08:34:17 Ms. Fox gave a presentation on the results of the Legislative Training Day.

### **Research Updates**

#### **Districting & Apportionment RFP**

08:35:47 Joe Kolman, Research Director, gave an update on the Districting and Apportionment's Request for Proposals for a racial block voting analysis and the prisoner reallocation study.

08:37:44 Mr. Kolman gave an update on the activities of interim committees that met in March.

### **Legal Office Updates**

#### **Codification**

08:41:09 Todd Everts, Chief Legal Counsel, provided an update on the codification of the Montana Code Annotated.

### **Initiatives**

08:41:48 Mr. Everts gave an update on ballot initiatives. ([Exhibit 3](#))

### **Litigation**

08:43:12 Mr. Everts referred the Council to the memo dated March 7, 2022, regarding litigation concerning 2021 Legislation and Legislative Actions. ([Exhibit 4](#))

### **Montana Code Annotated Publication**

08:43:52 Mr. Everts gave a brief overview of the publication of the Montana Code Annotated. He discussed the Uniform Electronic Legal Materials Act and

suggested bringing a proposal for an interim study to start the process of publishing the Code digitally.

#### **Questions from the Committee**

- 08:48:16 Sen. Ellsworth asked Mr. Everts to drill down the reasons for publishing digitally.
- 08:49:02 Mr. Everts explained that the public version on the web isn't searchable and in order for the public to get access to the current digital version, they have to pay for it. This Act would give the Legislative Services Division the ability to create a web form page for the public to find a law and know that it is authentic and up to date.

#### **Motion/Vote**

- 08:50:57 Sen. Cohenour moved that Mr. Everts bring a proposal for an interim study to start the process of publishing the Montana Code Annotated digitally.
- 08:51:00 The motion passed unanimously on a voice vote, with Rep. Harvey voting aye by proxy.

### **COUNCIL BUSINESS**

#### **Rules Subcommittee Report**

- 08:52:12 Rep. Casey Knudsen gave a report on the Rules Subcommittee meeting.

#### **Questions from the Committee**

- 08:52:56 Sen. Ellsworth asked Rep. Knudsen about having the option of prioritizing the bills.
- 08:53:20 Rep. Knudsen explained that the meeting was just a beginning of how that might look.

#### **Succession Planning Subcommittee Report**

- 08:55:17 Rep. Rhonda Knudsen gave an update on the activities of the Succession Planning Subcommittee.

#### **Legislative Office Space**

- 08:58:14 Ms. Fox discussed the Legislative Office Space situation. She referred the committee to the response from the Department of Administration regarding the Remote and Office Workspace Study and Planning (**Exhibit 5**). Ms. Fox encouraged the Council to proceed with the office space study.
- 09:02:49 Ms. Fox discussed the carpet and cubicle situation in the staff space in the Capitol Building.

#### **Motion/Vote**

- 09:02:59 Sen. Cohenour moved to use funds from the carryforward account and PNWER to participate in the office space study.
- 09:03:38 The motion passed on a voice vote with Rep. Harvey voting yes by proxy.

#### **Records Management Plan**

- 09:04:20 Ms. Fox gave an update of the draft Records Management Plan. She asked for volunteers to review the draft Records Management Plan.
- 09:05:42 Sen. Blasdel, Sen. Ellsworth, Rep. Bishop, and Rep. Rhonda Knudsen volunteered to review the updated Records Management Plan.

### **2023 Session Planning**

09:06:48 Ms. Fox referred the committee to two examples of the Session Calendars: 68<sup>th</sup> Legislature – 2023 Session Calendar – Standard Schedule ([Exhibit 6](#)) and the Updated Calendar from the 67<sup>th</sup> Legislature – 2021 Session Calendar ([Exhibit 7](#)). She said that the calendars are for future information. She asked about adopting the dates of November 16-18, 2022, for caucus training purposes.

### **LAWS II - SSR Update**

09:09:41 Dale Gow, Chief Information Officer, Office of Legislative Information Services, gave an update on the LAWS II – SSR.

### **Legislator Common Platform/Devices Discussion**

09:14:22 Mr. Gow gave a presentation on the Legislator Common Platform Devise Options. ([Exhibit 8](#))

### **Questions from the Committee**

09:16:36 Sen. Cohenour asked Mr. Gow about the minimum system requirements.

09:17:14 Rep. Bishop asked if Mr. Gow's concern is about a potential opportunity where getting to a common platform could reduce the amount of staff that's required to make sure the legislator's devices meet the standard requirements.

09:21:19 Sen. Flowers asked Mr. Gow what a hybrid would look like and what kinds of support would he need. He also asked if it would be beneficial if the hybrid was legislators using their own devices that met the standard requirements.

09:24:45 Sen. Cohenour asked if it would be valuable to survey current legislators and see how many are using PCs vs. Apple devices.

09:28:07 Rep. R. Knudsen asked about the costs of the different devices and would one of those 150 laptops be assigned to each legislator and would that legislator retain possession of the device after session ends.

09:28:44 Ms. Fox and Mr. Gow responded.

09:29:57 Rep. Bishop commented on the different options and where the stipend comes in.

09:30:52 Sen. Cohenour asked about the timing. If people came to the training in November, would we have enough time to get something for them.

09:32:14 Mr. Everts responded to Rep. Knudsen's concern on compensation.

09:33:29 Mr. Gow reminded the members that at the last Council meeting, timing and supply issues were discussed. Decisions need to be made sooner rather than later to give the IT people time to get the systems in.

09:34:30 Ms. Fox said she would like an extra 35 to 50 laptops for legislators before session. Sen. Blasdel said that without objection, an additional 50 laptops will be added to the order.

### **Budget Concepts for June Budget Meeting**

09:36:17 Ms. Fox discussed the list of budget items that are being developed for the 2024-2025 biennium to support Legislative Branch operations. ([Exhibit 9](#))

### **Legislative Training Day budget and schedule**

09:38:56 Sen. Cohenour commented on the Legislative Training Day being valuable and worked well and having a week long training is not necessary. She also thought it was a good idea to hold some of the interim committee meetings over different months as discussed by Ms. Fox.

09:40:56 Sen. Blasdel commented.

09:41:13 Ms. Fox discussed the budget process.

09:42:06 Ms. Fox discussed the topics listed in the document "Budget Concepts for Development for 2024-2025 Biennium": AV and Conference Center/Capitol Technical Support, Committee and Staff Support/ Office of Legislative Information Services, and transferring funds for a Digital Archiving Program.

#### **Questions from the Committee**

09:50:14 Sen. Cohenour asked if there have been any discussions with the Department of Administration or with ITSD about the Legislative Branch having more oversight of its destiny and the probability of having a proposed legislation to say that.

10:00:25 Mr. Gow responded.

09:54:56 Sen. Flowers asked Mr. Gow if the Legislative Branch moves away from partnering with the Department of Administration, will there be any benefits of the cybersecurity investments.

09:55:35 Mr. Gow responded.

09:56:39 Mr. Everts commented.

10:01:08 Sen. Blasdel asked about a possible committee bill regarding this issue.

#### **Legislative Council Legislation Concepts**

10:03:01 Ms. Fox said she talked with Jeff Mangan, Commissioner of Political Practices, about the legislative aides work on legislative issues while being considered a state employee. Ms. Fox said she and Mr. Everts will work on a proposed bill that will provide coverage for the legislative aides on what they can or cannot do so they can do their political work.

10:04:43 Ms. Fox discussed the constituent services account.

10:05:35 Rep. Abbott said she preferred to move forward with a reimbursement system.

10:07:27 Sen. Flowers asked if per diem is still a taxable item.

10:07:50 Angie Carter, Legislative Finance Manager, responded.

10:08:17 Sen. Flowers asked Ms. Fox if it would be possible to estimate what the average tax burden was to help know how much we would have to increase the stipend to offset that.

#### **GENERAL PUBLIC COMMENT** - None

#### **Next Meeting Dates**

10:09:44 The committee members discussed the dates for the April meeting. Rep. R. Knudsen suggested having the Council meet two days in order to complete the search for a new Executive Director. Sen. Blasdel suggested that the Council meet on April 27 and 28, 2022.

#### **ADJOURNMENT**

10:13:20 Sen. Blasdel adjourned the meeting at 10:13 a.m.