



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

May 24, 2021
Capitol Room 137/Zoom
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <https://leg.mt.gov>. From the home page, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu for the date of the meeting. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From there, use the calendar to select the date of the meeting you wish to view/listen to. The written Minutes Log, along with links to 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.

MEMBERS PRESENT:

Sen. Mark Blasdel, Chair
Rep. Kim Abbott, Vice Chair
Sen. Jason Ellsworth
Rep. Derek Harvey
Rep. Rhonda Knudsen

MEMBERS PRESENT VIA ZOOM:

Sen. Jill Cohenour
Sen. Pat Flowers
Sen. JP Pomnichowski
Sen. Cary Smith
Rep. Wylie Galt
Rep. Laurie Bishop
Rep. Casey Knudsen

STAFF PRESENT:

Susan Fox, Executive Director
Todd Everts, Attorney
Laura Sherley, Secretary

AGENDA ([Attachment 1](#))

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

COMMITTEE ACTION

Legislative Council elected Sen. Mark Blasdel as the presiding officer and Rep. Kim Abbott as the vice-presiding officer. The Council also adopted:

- Programs 20 and 21 operating budgets;
- changes to the Interim Committees Rules of Procedure;
- staff recommendations for the interim study committee assignments;
- appointments of Interstate and Intrastate Committees; and
- meeting dates for the 2021-2022 Interim.

CALL TO ORDER/ROLL CALL

08:30:05 Sen. Blasdel called the meeting to order at 8:30 a.m. The committee secretary took roll.

ELECTION OF OFFICERS

08:32:32 Sen. Blasdel briefly reviewed the committee's history of presiding officers and procedure of election. ([Exhibit 1](#))

Motion/Vote

08:32:38 Sen. Ellsworth moved to elect Sen. Blasdel as presiding officer and Rep. Abbott as vice-presiding officer.

08:32:38 The motion passed unanimously by voice vote.

DIVISION UPDATES

Executive Director Updates - Susan Fox, Director, Legislative Services Division (LSD)

Legislative Council Bills

08:33:50 Ms. Fox reviewed the three bills requested by Legislative Council. ([Exhibit 2](#))

08:34:22 Rep. Galt joined the meeting at 8:34 a.m. via Zoom.

Session Statistics

08:34:32 Ms. Fox provided legislative statistics resulting from the 2021 Session.

Research Office Updates

08:37:15 Ms. Fox and Joe Kolman, LSD, provided staff updates in the Office of Research and Policy Analysis. Mr. Kolman introduced the two new research analysts, Erin Sullivan and Rebecca Power.

Questions from the Council

08:42:02 Sen. Ellsworth asked Mr. Kolman if Erin Sullivan will be staffing the Economic Affairs Interim Committee.

08:42:25 Sen. Pomnichowski asked Ms. Fox about polling legislators over vetoed bills, when the polls will be issued to the legislators and what the timeframe is for returning the votes.

Legal Office Updates - Todd Everts, Legal Director, LSD

08:43:14 Mr. Everts reviewed the codification process that the legal department will be undertaking through the 2021 summer, and the current list of initiatives the Legislative Services has received.

Council member questions

08:45:20 Sen. Blasdel asked Mr. Everts to clarify the legal review process for ballot initiatives received from the Secretary of State's Office.

COUNCIL BUSINESS

2019 Feed Bill and 2019-20 Interim Committees Budget Overview

08:46:45 Ms. Fox discussed the status of the 2019 Feed Bill and Program 21, the Interim Committees and Activities Budget. ([Exhibit 3](#))

Programs 20 and 21 Budget

08:48:49 Ms. Fox discussed the Legislative Council's operating budgets for Programs 20 and 21. ([Exhibit 4](#))

Motion

08:54:05 Rep. Abbott moved to adopt Programs 20 and 21 operating budgets as presented by Ms. Fox.

Vote

08:54:05 The motion passed unanimously by voice vote.

Interim Committee Rules of Procedure

08:54:50 Ms. Fox reviewed proposed changes to the Interim Committee Rules, Procedures, and Guidelines. Ms. Fox discussed the change found on Page 3, IV. Voting and Proxy Votes. ([Exhibit 5](#))

Council member questions

08:58:02 Sen. Ellsworth asked for further explanation on the recommended change to Section IV, Voting and Proxy Votes.

08:58:18 Sen. Ellsworth asked how the tie breaking rule would work in interim committees.

08:58:44 Sen. Pomnichowski discussed her recommendations for changes to the Rules, Procedures, and Guidelines for Interim Committees.

09:00:42 Rep. R. Knudsen asked how many interim committees do not have equal representation.

09:02:19 Mr. Everts explained the rationale of adding extra House members to interim committees and when those changes came into effect.

09:03:10 Sen. Flowers asked Sen. Pomnichowski if her change to Item II. C. would be to delete Item II or amend it.

Motion

09:04:17 Sen. Pomnichowski moved to accept the changes described to allow participation by members and the public via remote meeting methods, to adopt language on page 3, Item IV (B), and to confirm an explanation regarding the Reports Clearinghouse. She also moved for adoption of the Rules, Procedures, and Guidelines for Interim Committees with her recommendations.

Discussion

- 09:04:55 Sen. Ellsworth discussed page 1, Section I. Quorums/Parliamentary Procedures and recommended adding another section to allow for remote participation.
- 09:06:15 Sen. Cohenour said she liked the idea of putting that into its own section F, to allow remote participation by members and the public.

Vote

- 09:06:33 The motion passed unanimously on a voice vote.

APPOINTMENTS

Appointment of Interstate and Intrastate Committees

- 09:07:18 Ms. Fox said that she still needed the names of legislators from Sen. Pomnichowski to serve on the Interstate and Intrastate Committee. Ms. Fox suggested having a discussion on the Energy Council, PNWER, and PNWER Summit later in the meeting.

REVIEW OF INTERIM STUDY POLL RESULTS AND RECOMMENDATIONS

Staff Presentation – Joe Kolman, Research Director/Legislative Environmental Analyst

- 09:07:52 Mr. Kolman discussed the results of the study poll ([Exhibit 6](#)) and the Staff Recommendations for assignment of studies to interim committees ([Exhibit 7](#)).

Public Comment

- 09:11:27 Henry Kriegle, Americans for Prosperity Montana
- 09:13:38 Rebecca Boslough, Montana Association of Conservation Districts
- 09:15:43 Kelly Lynch, Deputy Director and Legal Counsel, Montana League of Cities and Towns
- 09:16:48 Hallie Graf, Resource Conservationist, Flathead Conservation District

Council assignment of interim studies

- 09:18:08 Sen. Blasdel asked clarification on the highlighted committees on the staff recommendation handout. (see Exhibit 7)

Motion

- 09:19:21 Sen. Cohenour moved to accept the recommendations from the Legislative staff for interim committee study assignments.

Council member questions

- 09:20:02 Sen. Ellsworth asked for clarification on the assignment of HJ 48 to the Economic Affairs Interim Committee.
- 09:21:20 There was a discussion on the assignment of HJ 37. Sen. Blasdel suggested that a substitution motion be made regarding HJ 37.

Substitute Motion

- 09:22:41 Sen. Smith made a substitute motion to re-assign HJ 37 to the Environmental Quality Council.
- 09:23:20 Sen. Cohenour discussed the reasons for leaving HJ 37 in the Water Policy Interim Committee.

Vote on the substitute motion

- 09:24:16 The motion failed on a roll call vote, 6-6, with Senators Blasdel, Ellsworth, and Smith; Representatives Galt, C. Knudsen, and R. Knudsen voting yes. Senators Cohenour, Flowers, and Pomnichowski; Representatives Abbott, Bishop, and Harvey voted no.
- 09:26:13 Mr. Kolman discussed WPIC and EQC working together on HJ 37.

Vote on Sen. Cohenour's motion

- 09:26:32 The motion passed unanimously by voice vote.

PUBLIC COMMENT ON ANY MATTER UNDER THE COUNCIL'S JURISDICTION

- 09:27:36 Henry Kriegle, Americans for Prosperity Montana, presented a proposal that the Legislative Council seek funds to support legislators' ongoing education and professional development by attending the American Legislative Exchange Council (ALEC) Convention. ([Exhibit 8](#))

COUNCIL BUSINESS

Appointments

- 09:49:08 Ms. Fox discussed the documents: Appointments Overview ([Exhibit 9](#)); NCSL Standing Committees ([Exhibit 10](#)); and CSG-West Committee ([Exhibit 11](#)).

Council member questions

- 09:50:53 Sen. Cohenour asked about other legislators who are interested in the PNWER.

Motion/Vote

- 09:51:49 Rep. R. Knudsen moved to adopt the appointments to the CSG-West and the NCSL standing committees.
- 09:51:49 The motion passed unanimously by voice vote.

PNWER Appointments

- 09:52:20 Ms. Fox reviewed the PNWER member appointments and the PNWER Summit. (see Exhibit 9)

Council member questions

- 09:56:26 Sen. Ellsworth asked for the dates of the PNWER Summit.
- 09:57:02 Sen. Cohenour asked if the Council will be voting on the PNWER appointments.
- 09:57:42 Rep. Abbott discussed the option of reimbursing \$800 to allow for 120 members to attend the Summit, and the budget that allows for 100 members to attend the Summit.
- 09:58:09 Rep. R. Knudsen asked Ms. Fox if there are opportunities or the need for members to participate in the PNWER Summit.
- 09:59:20 Rep. Abbott asked for clarification on the decisions that the Council needs to make regarding the PNWER Summit and appointments.

Motion

10:00:07 Sen. Ellsworth moved to allocate on an ad hoc basis, \$125,000 for members to attend the PNWER Summit.

Discussion on the motion

10:00:28 Sen. Pomnichowski said that she would support as many people who want to attend the Summit and who wanted to stay on-site.
10:01:29 Sen. Flowers asked Sen. Ellsworth for clarification on the intent of his motion.
10:03:24 Rep. R. Knudsen discussed the Summit schedule and proposed revising the options for the costs of registration, travel, and lodging.

Substitute Motion/Vote

10:04:33 Rep. R. Knudsen made a substitute motion to provide funding for the costs of registration, three nights lodging, and mileage for 100 legislators to attend the Summit.
10:05:20 The motion passed unanimously by voice vote.

Discussion on PNWER Appointments

10:05:40 Rep. Abbott asked Ms. Fox about the vacancies and what appointments are still needed.
10:06:36 Sen. Cohenour appointed Sen. O'Brien to serve on PNWER.
10:06:53 Sen. Blasdel appointed Sen. Gauthier to serve on PNWER.

Motion

10:07:23 Sen. Ellsworth moved to approve the appointments of Sen. O'Brien and Sen. Gauthier to PNWER.

Discussion on the motion:

10:07:38 Rep. R. Knudsen asked that the names be read for the record.
10:07:47 Ms. Fox stated that Rep. Galloway, Rep. Sullivan, Sen. Gauthier, and Sen. O'Brien are the members appointed to PNWER.

Vote

10:07:59 The motion passed unanimously by voice vote.

Energy Council Appointments

10:08:15 Ms. Fox discussed the appointments to the Energy Council.

Discussion

10:08:32 Sen. Cohenour made a recommendation to appoint Sen. Ellis to the Energy Council.
10:09:06 Rep. Abbott made the recommendation to appoint Rep. Keane to the Energy Council, and Rep. Galt made the recommendation to appoint Rep. Zolnikov to the Energy Council.
10:09:54 Sen. Blasdel made the recommendation to appoint Sen. Ankney to the Energy Council.

10:10:01 Ms. Fox restated that Representatives Keane and Zolnikov; Senators Ankney and Ellis were recommended to serve on the Energy Council.

Motion/Vote

10:10:11 Sen. Ellsworth moved to approve the appointment recommendations for the Energy Council.

10:10:11 The motion passed unanimously by voice vote.

PRIORITIES FOR INTERIM

10:11:24 Ms. Fox discussed the Council's proposed meeting dates and the strategic planning session. ([Exhibit 12](#))

Motion/Vote

10:13:16 Rep. R. Knudsen moved to adopt the Legislative Council meeting schedule, and to include having the August business meeting held at Big Sky.

10:13:16 The motion passed unanimously by voice vote.

Further Discussion

10:14:27 There was a discussion regarding adding a section on providing remote participation in the Rules, Procedures, and Guidelines for Interim Committees. Sen. Pomnichowski said that her motion included the changes that she had recommended.

10:15:29 Sen. Cohenour asked that the legal staff provide updates on the litigation of any bills that had passed the 67th Legislature.

10:16:22 Sen. Pomnichowski asked for clarification on meeting dates that have been suggested for June, 2022.

10:17:23 There was a discussion on meeting dates for June, 2022. The Council approved the June 13, 2022, meeting date.

10:18:50 Sen. Flowers commented on the pay rate and benefits for interim House and Senate staff and requested a discussion topic be added to the Council's future agenda. Sen. Blasdel and Rep. Abbott responded to Sen. Flowers' request.

10:22:08 Sen. Blasdel asked Ms. Fox if benefits were included in the legislation regarding pay rate for House and Senate staff.

ADJOURNMENT

10:22:52 Sen. Blasdel adjourned the meeting at 10:22 a.m.