



LEGISLATIVE COUNCIL 68th Montana Legislature

SENATE MEMBERS

Mark Blasdel
Jason Ellsworth
Pat Flowers
JP Pomnichowski
Cary Smith

HOUSE MEMBERS

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

COMMITTEE STAFF

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

MINUTES LOG

November 15, 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.

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 (R)
Rep. Kim Abbott (D)
Rep. Laurie Bishop (D)
Rep. Jill Cohenour (D)
Sen. Jason Ellsworth (R)
Sen. Pat Flowers (D)
Rep. Derek Harvey (D)
Rep. Casey Knudsen (R)
Rep. Rhonda Knudsen (R)

MEMBERS PRESENT VIA ZOOM:

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

STAFF PRESENT:

Jerry Howe, Executive Director
Todd Everts, Legal Division Director
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)**

LEGISLATIVE SERVICES DIVISION

Executive Director Updates

Employee Retention

08:32:32 Jerry Howe, Executive Director, gave an update on employee retention.

Temporary legislator and staff space for session

08:33:42 Mr. Howe gave an update on temporary legislator and staff space for session.

Laptop Pilot Program

08:38:58 Mr. Howe discussed the laptop pilot program.

Legislative Email System

08:40:47 Mr. Howe discussed the new legislative email system.

Questions from the Committee

08:46:46 Rep. R. Knudsen asked if the current user names will be the same in the new email system.

Human Resources Update

08:47:33 Kelly DaSilva, Human Resource Manager, introduced the new hires of the Legislative Services Division.

Financial Manager Update

Feed Bill (HB 1)

08:53:27 Angie Carter, Financial Manager, discussed the Feed Bill (HB 1). **(Exhibit 1)**

Legislative Per Diem

08:57:25 Jaret Coles, Deputy Director, Legal Division, briefly explained a bill draft regarding per diem payments, 26 U.S. Code 162 - trade or business expenses. **(Exhibit 2)** Mr. Coles also discussed the bill draft PD 29. **(Exhibit 3)**

09:04:40 Todd Everts, Legal Director

Questions from the Committee

09:05:12 Sen. Flowers asked Mr. Coles if he was aware of any efforts to create a parallel effort with state employees.

09:05:53 Rep. R. Knudsen discussed the state rates that was being reviewed by the Governor's Office.

09:06:17 Sen. Cohenour asked Mr. Coles if this would affect those who live within 50 miles of Helena.
09:07:10 Sen. Cohenour commented.
09:07:35 Sen. Blasdel asked if the Council needed to take action on this issue.
09:07:46 Mr. Everts responded.
09:08:10 Rep. Abbott asked about the change in leadership funds.
09:08:57 Ms. Carter responded.
09:09:05 Rep. Abbott wanted to understand the rationale before a vote is taken.

Motion/Vote

09:09:32 Sen. Cohenour moved that PD 0029 proceed as a committee bill from Legislative Council.
09:10:14 The motion passed unanimously on a voice vote.

LEGISLATIVE ORIENTATION

09:10:42 Joe Kolman, Research Director, gave an update on the Legislative Orientation.

Questions from the Committee

09:13:55 Rep. Abbott asked about law school for legislators and asked if an introduction to Indian law could be added to the agenda.

LEGISLATIVE RULES

09:15:27 Mr. Everts discussed the Rules Subcommittee's Draft Rules Proposals. [\(Exhibit 4\)](#).

Joint Rule Changes

09:17:04 Mr. Everts discussed the changes in the Joint Rules, PD 16. [\(Exhibit 5\)](#)

Motion/Vote

09:22:22 Sen. Cohenour moved to accept the proposed Joint Rules, PD 16, with the changes as discussed. The motion passed unanimously on a voice vote.

Senate Rule Changes

09:23:01 Mr. Everts discussed the changes in the Senate Rules. [\(Exhibit 6\)](#)

Questions from the Committee

09:24:36 Sen. Ellsworth asked about the amendment process.

Motion/Vote

09:26:22 Sen. Cohenour moved to accept the proposed Senate Rules, PD 17, with the changes as discussed. The motion passed unanimously on a voice vote.

House Rule Changes

09:27:07 Mr. Everts discussed the changes in the House Rules, PD 18. [\(Exhibit 7\)](#)

Motion/Vote

09:27:46 Sen. Cohenour moved to accept the proposed House Rules, PD 18, with the changes as discussed. The motion passed unanimously on a voice vote.

COUNCIL BUSINESS

2023 Session Calendar

09:28:36 Mr. Howe presented the draft session calendar for review. [\(Exhibit 8\)](#)

Questions from the Committee

09:28:49 Sen. Ellsworth asked about adding Saturdays to the calendar.

Motion/Vote

09:29:08 Sen. Cohenour moved to approve the proposed draft session calendar. The motion passed unanimously on a voice vote.

Nomination Process for Commissioner on Political Practices

09:29:46 Mr. Howe reviewed the appointment process for the Commissioner on Political Practices as outlined in 13-37-102, MCA.

Questions from the Committee

09:32:36 Sen. Blasdel discussed the process for appointing the next Commissioner on Political Practices.

Code Commissioner Report/Sponsor

09:34:46 Todd Everts, Code Commissioner, gave the 2023 Code Commissioner Report. [\(Exhibit 9\)](#) Mr. Everts discussed LC 1055: Revising and clarifying the Montana Code Annotated. [\(Exhibit 10\)](#)

Questions from the Committee

09:34:50 Sen. Ellsworth asked about 50-2-118, The powers and duties of local health officers.

09:34:55 Rep. Bishop will sponsor LC 1555.

Capitol Complex Administration, LC 702

09:38:01 Mr. Everts explained LC 702, a bill draft requested by Rep. Jones.

Constituent Services Account Changes

09:40:25 Ms. Carter discussed LC 1057: Revising the legislative constituent services allowance laws. [\(Exhibit 11\)](#)

Questions from the Committee

09:42:39 Rep. Bishop asked Ms. Carter who would be responsible for the portion of the constituent services allowance if a legislator left.

09:43:24 Rep. R. Knudsen asked about the intent of the bill.

09:45:35 Sen. Cohenour commented on the reason for LC 1057.

09:47:37 Rep. Knudsen asked Ms. Carter about the \$3,000 initial stipend, whether it is reported on the W2 as compensation or included in the total for taxation.

09:49:09 Rep. Abbott suggested allowing for people to have it taxed or do the reimbursement system.

- 09:49:49 Rep. Knudsen said she is against this change.
09:50:18 Sen. Ellsworth supported Rep. Abbott's suggestion.
09:50:59 Sen. Blasdel asked Mr. Everts if LC 1057 could be revised with changes as discussed.

Motion/Vote

- 09:51:56 Sen. Ellsworth moved to proceed with LC 1057 with the changes as discussed. The motion passed on a voice vote, with Rep. Galt voting aye by proxy.

Aides and Ethics

- 09:52:51 Mr. Everts discussed LC 1056: Providing that exempt staff for legislative leadership may use public time, facilities, equipment, supplies, personnel, or funds to support nonelection, caucus activity regarding legislative business.
[\(Exhibit 12\)](#)

Motion/Vote

- 09:53:28 Sen. Cohenour moved to proceed with LC 1056 as a committee bill. The motion passed unanimously on a voice vote with Rep. Galt voting aye by proxy.

Sponsors for PD 0029 and LC 1057

- 09:53:57 Sen. Cohenour will sponsor PD 0029. Rep. Abbott will sponsor LC 1057.

09:54:39 Sen. Blasdel asked Ms. Carter about leadership funds.
09:54:45 Rep. Abbott suggested doubling the minority similar to the majority.

Motion/Vote on leadership funds

- 09:55:24 Rep. Abbott moved to double the minority designation for leadership funds in the Feed Bill. The motion passed unanimously on a voice vote with Rep. Galt voting aye by proxy.

Motion/Vote on the Feed Bill

- 09:55:56 Sen. Cohenour moved to proceed with the Feed Bill (House Bill 1) as amended. The motion passed on a voice vote.

GENERAL PUBLIC COMMENT

None.

Questions from the Committee

- 09:56:26 Rep. Knudsen asked Ms. Carter about the per diem rate in the Feed Bill.
09:57:14 Sen. Flowers asked Mr. Howe about a written description of the moving parts in the Capitol Building for informational purposes.
09:58:54 Sen. Blasdel thanked the Council for its hard work.

ADJOURNMENT

- 09:59:48 Sen. Blasdel adjourned the meeting at 9:59 a.m.