



## LEGISLATIVE COUNCIL 67th Montana Legislature

### SENATE MEMBERS

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

### HOUSE MEMBERS

Kim Abbott – Vice Presiding Officer  
Laurie Bishop  
Wylie Galt  
Derek Harvey  
Casey Knudsen  
Rhonda Knudsen

### COMMITTEE STAFF

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

# MINUTES LOG

September 20, 2021  
Room 102, Capitol Building  
Helena, Montana

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### **MEMBERS PRESENT:**

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. Derek Harvey (D)  
Rep. Rhonda Knudsen (R)  
Sen. JP Pomnichowski (D)  
Sen. Cary Smith (R)

### **MEMBERS EXCUSED:**

Rep. Casey Knudsen (R) via Zoom

### **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**

10:01:29 Sen. Mark Blasdel, Presiding Officer, called the meeting to order at 10:01 a.m. The committee secretary took roll. Rep. Casey Knudsen was excused from the business meeting, but participated in the Strategic Planning session via Zoom.

### **DIVISION UPDATES**

#### **Executive Director Updates**

##### **Staff Update**

10:03:55 Susan Fox, Executive Director, Legislative Services Division, provided an update on staff that left the division and staff that were hired, and staff that are retiring.

#### **Budget Updates**

##### **Feed Bill 2021**

10:05:34 Ms. Fox gave a brief update on the Feed Bill. [\(Exhibit 1\)](#)

#### **Program 21**

10:06:58 Ms. Fox discussed Program 21, interim committees and activities. [\(Exhibit 2\)](#)

#### **PNWER, NCSL, CSG-West**

10:08:04 Ms. Fox provided an update on the activities of PNWER, NCSL, and CSG-West.

#### **Emerging Issues, Committee Support**

10:08:30 Ms. Fox

#### **Legal Office Updates**

##### **Codification**

10:09:14 Todd Everts, Legal Director, gave an update on the codification of the Montana Code Annotated.

#### **Initiatives**

10:09:59 Mr. Everts provided an update on the ballot issues from the Secretary of State's Office. [\(Exhibit 3\)](#)

#### **Litigation**

10:10:55 Mr. Everts referred the committee to his memo dated September 20, 2021 regarding Litigation Concerning 2021 Legislation and Legislative Actions. [\(Exhibit 4\)](#)

## **COUNCIL BUSINESS**

### **Caucus Websites**

10:12:04 Ms. Fox: this was raised at the Big Sky meeting and it was requested that more research be done. Todd, Ginger, and Susan spoke with the Commissioner of

Political Practices. In conclusion, they are still not prepared to make any recommendations to the Council. It is difficult to define guidelines for something that we don't understand very well.

10:12:56 Mr. Everts discussed the legal issues and potential criteria that was discussed with the Commissioner of Political Practices. They came to the conclusion that there are barriers in the current ethic statutes regarding this issue that would potentially put caucus employees in legal jeopardy if you were to pursue this. It is his recommendation that we work with caucus staff to potentially authorizing legislation for the next Legislature that would set out criteria and provide some specific authority within the ethics statute to allow this to happen.

10:14:23 Ms. Fox asked that staff continue to research this issue.

### **Committee Questions**

10:16:14 Sen. Flowers asked Mr. Everts about what language in the current ethics statutes that this proposal would conflict with.

10:16:36 Mr. Everts cited 2-2-121(3) that says, a public officer or a public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committees, the nomination or election of any person to office, or the passage of a ballot issue, etc.

10:18:01 Sen. Blasdel said that not seeing any objection, staff will be allowed to continue working on this proposal.

10:18:18 Rep. Bishop said that she is not clear that we are at this stage of coming to a full conclusion that this is needed to take the next steps. She preferred that we had that proposal that providing a legislative path but rather providing details to allow a discussion to determine if that is something that is needed.

### **Emerging Issues: District and Apportionment, Economic Affairs Interim Committee**

10:19:12 Ms. Fox discussed the requests for funding from the Economic Affairs Interim Committee and the Districting and Apportionment Committee.

### **Amendments-in-Context Demonstration and Discussion**

10:21:52 Ms. Fox gave a presentation and a demonstration on Amendments-in-Context. [\(Exhibit 5\)](#)

### **Committee Questions**

10:35:03 Sen. Cohenour supports the Amendments-in-Context and likes the idea of the legend and if there was a way to mark the pages to indicate that there is an amendment.

10:36:38 Sen. Ellsworth asked if we are looking at incorporating as a bill number is assigned, a date to correspond to the bill number when that bill was introduced.

10:37:30 Ms. Fox said that which Legislature is on the bill but we don't have a date specific. The amendments do have a date when the drafter was drafting them. That is something that we can take into consideration.

10:39:28 Sen. Ellsworth said that is something that would be a useful tool that if you reference a previous bill, that bill can be pulled up using that tool.

10:40:43 Sen. Pomnichowski discussed Sen. Cohenour's point that it is hard to tell if you are looking at the amended bill. Could add a note either in footer or in watermark that this is; i.e., a tax amendment. If you could encode each committee with its syntax. We are used to seeing our differently colored copies of bills. For bills that

- are online, if it is the salmon colored bill that has been amended in House and is not in the Senate, that can be indicated online. She loves the idea of each legislator having his own tablet that is formed for security, etc.
- 10:43:43 Sen. Cohenour commented on Sen. Ellsworth's idea of connecting bills with a date.
- 10:45:08 Mr. Everts discussed having the AIC embedded into the laws process.

#### **Amendments-in-Context Demonstration**

- 10:48:24 Jared Coles, staff attorney, gave a demonstration of the Amendments-in-Context process and what he did in his Senate Tax Committee during session.

#### **Committee Questions**

- 11:04:09 Sen. Pomnichowski commented on her experience with the Amendments-in-Context program.
- 11:05:01 Ms. Fox said that she will keep the committee updated on the program.
- 11:05:56 Sen. Flowers commented on Ms. Fox's suggestion to include a legend and said that would be helpful to both the legislators and the public.

#### **GENERAL PUBLIC COMMENT**

None.

#### **NOVEMBER MEETING DATE**

- 11:07:28 Ms. Fox discussed changing the November 29 meeting date. [\(Exhibit 6\)](#)
- 11:08:50 Sen. Blasdel said that the November meeting will be November 10.

#### **STRATEGIC PLANNING SESSION DISCUSSION**

- 11:09:19 Ms. Fox gave an overview of the strategic planning session set for this afternoon.

#### **ADJOURNMENT**

- 11:10:29 Sen. Blasdel adjourned the business meeting at 11:10 a.m., and will reconvene at 1:00 p.m. for the Strategic Planning Session off-site.