



LEGISLATIVE COUNCIL 68th Montana Legislature

SENATE MEMBERS

Kenneth Bogner
Jason Ellsworth
Steve Fitzpatrick
Pat Flowers
Shannon O'Brien
Susan Webber

HOUSE MEMBERS

Kim Abbot
Alice Buckley
Derek Harvey
Rhonda Knudsen
Matt Regier
Sue Vinton

COMMITTEE STAFF

Jerry Howe, Executive Director
Todd Everts, Legal Division Director
Bethany McDowell James, Secretary
Daniel Rosenberg, Secretary

MINUTES LOG

May 18, 2023
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.

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MEMBERS PRESENT

Rep. Matt Regier (R), Chair
Rep. Alice Buckley (D)
Rep. Derek Harvey (D)
Rep. Rhonda Knudsen (R)
Rep. Sue Vinton (R)
Sen. Kenneth Bogner (R)
Sen. Steve Fitzpatrick (R)
Sen. Shannon O'Brien (D)

MEMBERS EXCUSED

Sen. Pat Flowers (D), Vice Chair
Rep. Jason Ellsworth (R)
Rep. Kim Abbott (D)
Sen. Susan Webber (D)

MEMBERS ABSENT

STAFF PRESENT

Jerry Howe, Executive Director
Julie Johnson, Deputy Director of Legal Services

Bethany McDowell James, Secretary
Daniel Rosenberg, Secretary

AGENDA ([Attachment 1](#))

VISITOR'S LIST

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

10:03:14 Speaker Matt Regier called the meeting to order at 10:03 AM. The committee secretary took roll.

MOTION

10:04:39 Rep. Knudsen moved that Speaker Regier be appointed Chair of the Legislative Council Committee and Sen. Flowers as Vice Chair.

VOTE

10:05:08 The motion passed unanimously.

EXECUTIVE DIRECTOR UPDATE – Jerry Howe, LSD Executive Director

Propylon

10:05:42 Dir. Howe

Committee Questions/Discussion

10:18:42 Chair Regier asked Sky Foster, LSD Network Manager, about IT problems experienced during session. He then asked about internal system management for next session.

Information Desk

10:22:11 Dir. Howe

Committee Questions/Discussion

10:24:52 Chair Regier asked how many people work at the information desk during session.

10:25:00 Daniel Rosenberg, LSD Secretary, responded to Chair Regier.

10:25:36 Rep. Vinton asked how many information requests were handled by the information desk this session.

Legislator Emails

10:26:31 Dir. Howe

Committee Questions/Discussion

10:29:18 Rep. Knudsen explained the need for legislators to use the state email system.

10:30:02 Chair Regier commented on future plans to be totally electronic.

INTRODUCTION TO NEW EMPLOYEES – Kelly DaSilva, LSD Human Resources Manager

10:30:36 Ms. DaSilva

10:34:34 Joe Kolman, LSD Director of Research and Environmental Policy

10:36:57 Chair Regier welcomed the new staff.

RESEARCH UPDATE

10:37:33 Mr. Kolman ([Exhibit 1](#))

Committee Questions/Discussion

10:43:36 Chair Regier asked the committee for ideas to address the volume of bills in the future.

10:44:53 Rep. Buckley commented on limiting the number of bills that legislators are able to carry and allocating resources to address the volume of bills.

10:46:15 Rep. Knudsen commented on the issues created by the volume of bills introduced during the Session and suggested either decreasing the number of bills or increasing the number of legislative days.

10:47:26 Sen. O'Brien commented on addressing the issue of bill volume in a future meeting.

10:48:26 Rep. Vinton commented on polling the 150 legislators regarding limiting the number of bill requests.

10:49:34 Rep. Harvey commented on the amount of agency bills and the capacity of the legislative council to draft bills.

10:50:48 Sen. O'Brien concurred with Rep. Vinton regarding polling the legislature. She commented on gathering ideas for poll topics.

10:51:35 Chair Regier asked Dir. Howe about the new FTE gained at LSD and commented on the logistics around drafting bills in the House and Senate.

10:53:15 Sen. O'Brien spoke about the complexities around the issue of bill volume.

10:53:27 Chair Regier commented on adding the bill volume issue as an action item for future meetings.

Study Resolution Poll

10:54:15 Mr. Kolman ([Exhibit 2](#))

MOTION

10:58:34 Rep. Harvey moved to assign the study resolutions to the suggested interim committees. ([See Exhibit 2](#))

VOTE

10:58:54 The motion passed unanimously.

LEGAL OFFICE UPDATE – Julie Johnson, LSD Deputy Director of Legal Services

10:59:07 Ms. Johnson ([Exhibit 3](#))

10:59:57 Sen. Fitzpatrick joined the meeting.

Committee Questions/Discussion

11:02:19 Chair Regier asked about the Uniform Electronic Legal Materials Act.

11:02:46 Rep. Buckley asked about Mr. Evert's legal interpretation of the veto of SB 442 and the sine die effect on the legislature's ability to override vetoes. She commented on the legal issues surrounding the veto of SB 442.

11:06:15 Chair Regier asked whether the circumstances concerning the veto of SB 442 had occurred in previous legislative sessions.

11:06:37 Sen. Fitzpatrick commented on the effect the timing of the sine die vote had on SB 442.

11:08:20 Chair Regier asked about the procedure for a bill that does not get signed by the bill sponsor.

11:09:01 Sen. Fitzpatrick commented that a sponsor has 24 hours to sign a bill.

11:10:02 Rep. Buckley commented about the precedent set by the lack of a veto override on SB 442. She asked Sen. Fitzpatrick how the Legislature could address this issue in future sessions.

11:11:56 Rep. Harvey commented about bringing the polling authority back to the Legislature.

11:13:04 Rep. Vinton asked if Rep. Buckley was referring to the 10-day window for Governor vetoes and the effect this had on bills near the end of the legislative session.

11:13:50 Rep. Buckley concurred and commented on the types of bills that are voted on near the end of the Legislative session.

11:14:39 Chair Regier asked about using the added FTE for bill drafting during the interim.

11:15:07 Dir. Howe commented on staff hiring dates.

11:15:30 Mr. Kolman provided details about interim bill drafting procedures and timelines.

IT PROJECTS UPDATE – Sky Foster, LSD Network Manager

11:19:32 Mr. Foster

Committee Questions/Discussion

11:25:14 Chair Regier asked Mr. Foster about the AV rooms that are being upgraded.

11:25:55 Dir. Howe explained that upgrades included wireless mics.

11:26:19 Chair Regier asked about the move to the old Board of Health building.

11:26:34 Mr. Foster deferred Chair Regier's question until after a later presentation.

COUNCIL BUSINESS – Angie Carter, LSD Financial Manager; Kelly DaSilva, LSD Human Resources Manager; Jerry Howe, LSD Executive Director

11:27:07 Ms. Carter ([Exhibit 4](#))

Committee Questions/Discussion

11:29:46 Chair Regier asked about the Legislative Services remaining balance.

11:30:10 Ms. Carter continued the presentation. ([See Exhibit 4](#))

11:31:43 Chair Regier asked Ms. Carter about the balance of the feed bill from the House and Senate and its potential uses.

11:33:20 Chair Regier asked about potential expenses from IT reserves for next session.

11:33:43 Dir. Howe commented on the cost savings resulting from moving to an electronic legislature.

11:34:28 Chair Regier asked Ms. Carter about printing expenses and possible cost saving from going electronic.

11:35:13 Chair Regier asked Ms. Johnson about the effect going electronic would have on the bill drafting and amendment process.

11:36:26 Dir. Howe commented on the benefits of moving to an electronic legislature.

11:37:13 Chair Regier asked Ms. Carter to research printing costs from the session and the cost to go electronic in future sessions.

11:37:25 Ms. Carter commented about the staff work time saved by going electronic.

MOTION

11:38:04 Rep. Harvey moved that the remaining balances for the Senate, House and LSD go to the accounts stated by Ms. Carter during her presentation.

Discussion on the Motion

11:38:24 Rep. Knudsen asked Ms. Carter about possibilities for moving the funds.

VOTE

11:38:47 The motion passed unanimously.

FTE Hiring Update

11:40:22 Ms. DaSilva

Committee Questions/Discussion

11:42:03 Sen. O'Brien asked Ms. DaSilva about the total FTE for LSD.

11:42:39 Rep. Knudsen asked Ms. DaSilva about salary offerings for FTE. She followed by asking about the market offerings compared to the current budget allowance.

11:44:13 Ms. Carter responded to Sen. O'Brien's earlier question.

NCSL Committee Appointments

11:45:02 Dir. Howe

Committee Questions/Discussion

11:47:23 Rep. Buckley asked about allotted appointment slots for the committees.

11:49:38 Rep. Vinton asked for the handout.

RECESS

11:51:36 Reconvened at 12:40:30

LEGISLATIVE SPACE PROJECTS – Joe Triem, LFD Deputy Director

12:40:51 Mr. Triem ([Exhibit 6](#))

Committee Questions/Discussion

12:45:51 Chair Regier asked Mr. Triem who will be implementing the Capitol Complex design changes.

12:48:48 Chair Regier asked who decides to make changes to the carpets in the Capitol.

12:50:04 Mr. Triem continued the presentation ([see Exhibit 6](#))

12:58:12 Chair Regier asked Mr. Foster about moving to the old Board of Health building and the effect moving will have on future IT projects.

13:00:23 Chair Regier asked about the logistics of outfitting the space for the Leg Audit move.

13:01:31 Chair Regier asked about the allocation of space in the old Board of Health building.

13:02:29 Rep. Vinton asked about the dates for the Department of Administration (DOA) to propose sites.

13:05:00 Dir. Howe commented on the timing for finishing the construction on the old Board of Health building.

13:05:55 Mr. Triem commented on the timing of construction projects.

13:06:51 Mr. Triem continued the presentation ([see Exhibit 6](#))

13:12:29 Chair Regier asked about the difference between short and long-range plans.

13:14:26 Chair Regier asked if there would be enough time to complete a plan submitted by Jan 1, 2024.

13:16:18 Chair Regier commented on the type of plan needed.

13:17:37 Mr. Triem continued the presentation ([see Exhibit 6](#))

13:24:40 Chair Regier asked about the costs covered by the money set aside in HB 856.

13:25:40 Chair Regier asked about the project timelines and whether they could be completed earlier.

13:27:05 Chair Regier asked about the difference between DOA and other legislative project timelines.

13:28:30 Rep. Knudsen asked about the information available from the Rose study conducted during the previous interim. She followed up by commenting that she participated in that study and that it created reports.

13:32:40 Mr. Triem continued the presentation ([see Exhibit 6](#))

13:34:35 Chair Regier asked about the approval needed to renovate office space and bulls pens per HB 856.

Public Comment on any topic under the jurisdiction of Legislative Council

13:35:38 None

Committee Questions/Discussion

13:36:10 Chair Regier asked for ideas for planning for the Capitol Complex changes.

13:36:38 Rep. Harvey commented on establishing a timeline to produce a master plan.

13:37:33 Rep. Knudsen asked about creating a management subcommittee to work on a Capitol Complex master plan. She followed by explaining the duties of a previous management subcommittee.

13:39:19 Chair Regier asked the committee to consider the creation of a management subcommittee and the duties of this subcommittee. He gave an overview of the approval process for Capitol Complex renovation projects per HB 856 and proposed a planning committee comprised of 13 members.

13:42:14 Sen. O'Brien asked for clarification as to the individuals included in the proposed planning committee.

MOTION

13:43:26 Rep. Harvey moved to create the Planning Committee, including the Legislative Council Management Subcommittee, 2 members from Legislative Audit, 2 members from Legislative Fiscal, and the 5 directors.

Discussion on the Motion

13:43:58 Chair Regier nominated Rep. Knudsen to the subcommittee. He followed by asking for additional nominations.

13:44:07 Rep. Buckley nominated Rep. Harvey.

13:44:20 Sen. Fitzpatrick nominated Sen. Ellsworth.

13:44:36 Sen. O'Brien nominated Sen. Flowers.

VOTE

13:45:00 The motion passed unanimously.

Committee Questions/Discussion

- 13:45:39 Chair Regier asked about a future Legislative Council meeting on June 22nd.
- 13:46:51 Chair Regier tentatively decided on June 20th as the next Legislative Council meeting date.
- 13:47:50 Dir. Howe asked Chair Regier and Mr. Triem about requesting DOA consulting services by June 30th.
- 13:47:56 Mr. Triem responded to Dir. Howe.
- 13:48:43 Chair Regier ordered a request to DOA for consulting services.
- 13:48:52 Chair Regier asked about the source for consulting services expenses.
- 13:49:23 Chair Regier asked about the funds available for consulting services per HB 856.
- 13:50:16 Mr. Triem commented on the details of the funding appropriation for capitol space projects per HB 856.
- 13:51:50 Chair Regier suggested having a legislative council management subcommittee report at the next meeting.
- 13:52:11 Sen. O'Brien asked about the NCSL members action item.
- 13:52:16 Dir. Howe responded that the list needed to be updated.
- 13:52:25 Chair Regier commented that the NCSL members action item would be addressed at the next meeting.

ADJOURNMENT

- 13:53:11 Chair Regier adjourned the meeting at 13:53:11