

Council Senate Members

GREGORY BARKUS
VICKI COCCHIARELLA
MIKE COONEY
KELLY GEBHARDT
DAN HARRINGTON
COREY STAPLETON



Council House Members

BOB BERGREN--Chair
DENNIS HIMMELBERGER--Vice
DEBBY BARRETT
MARGARETT CAMPBELL
DAVE MCALPIN
SCOTT SALES

Montana Legislative Council

PO BOX 201706
Helena, Montana 59620-1706
(406) 444-3064
FAX (406) 444-3036

MINUTES

November 18, 2008

Room 137, State Capitol
Helena, Montana

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

REP. BOB BERGREN, Chair
REP. DENNIS HIMMELBERGER, Vice Chair

SEN. GREGORY BARKUS
SEN. MIKE COONEY
SEN. KELLY GEBHARDT
SEN. DAN HARRINGTON

REP. DEBBY BARRETT
REP. MARGARETT CAMPBELL
REP. DAVE MCALPIN

COMMITTEE MEMBERS EXCUSED/ABSENT

SEN. VICKI COCCHIARELLA
SEN. COREY STAPLETON
REP. SCOTT SALES

STAFF PRESENT

Susan Fox, Executive Director, Legislative Services Division (LSD)
Gregory Petesch, Director, Legal Services, LSD
Karen Berger, Financial Services Manager, LSD
Dawn Field, Council Secretary, LSD

AGENDA & VISITORS' LIST

Agenda, Attachment #1.
Visitors' list, Attachment #2.

COMMITTEE ACTION

The Legislative Council:

- approved six legislative interns, including a \$4800 stipend for each intern, for the 2009 legislative session;
- approved the proposed 2009 session pay matrix;
- finalized sponsors for the Legislative Council's proposed legislation;
- approved a bill draft request for \$70,000 for the legislative branch retirement termination reserve account;
- approved a bill draft request to allow up to \$3,000,000 to cover the merit pay plan; and
- approved the September 16 & 17, 2008, meeting minutes, as written.

CALL TO ORDER AND ROLL CALL

00:00:02 REP. BERGREN called the meeting to order. The secretary took the roll, REP. SALES, SEN. COCCHIARELLA, SEN. STAPLETON were excused (ATTACHMENT #3). Pamela Weitz was introduced as the new Library Technician and Rachel Weiss was introduced as a new Research Analyst.

00:02:41 It was noted that this would be SEN. HARRINGTON's last meeting. The Legislative Council members thanked SEN. HARRINGTON for his many years of service to the state as a legislator and the many contributions he made.

National Conference of Commissioners on Uniform State Laws Appointment (NCCUSL)

00:03:59 **Greg Petesch, Director, Legal Services, LSD**, read a letter of resignation from Justice James Nelson as one of Montana's commissioners to the NCCUSL (EXHIBIT #1). He stated the proper notice of selection and solicitation of applicants has been made and that the Legislative Council meeting packets contained letters of interest and resumes from interested applicants (Mr. Garth Jacobsen -EXHIBIT #2, Mr. Matt Brahana - EXHIBIT #3, Ms. Karen Powell - EXHIBIT #4, Ms. Dorie Benesh Refling -EXHIBIT #5, Judge John Larson - EXHIBIT #6, Judge Douglas Harkin - EXHIBIT #7, Mr. Michael Wheat - EXHIBIT #8, Mr. Chris Tweeten - EXHIBIT #9,, and Mr. Chris Johnson - EXHIBIT #10). Mr. Petesch noted that the person selected would serve only the remainder of Justice Nelson's term and would have to reapply for reappointment. REP. BERGREN said that any applicants present at the meeting could address the Council if they wished to do so.

00:06:10 **Ms. Karen Powell** expressed her interest in the position and reviewed her credentials (EXHIBIT #4).

00:07:55 SEN. COONEY expressed surprise at the amount of interest shown in the appointment and nominated Garth Jacobsen (EXHIBIT #2).

00:12:15 REP. CAMPBELL nominated Karen Powell (EXHIBIT #4).

00:13:52 SEN. HARRINGTON nominated Chris Tweeten (EXHIBIT #10).

00:14:33 SEN. BARKUS nominated District Court Judge John Larson, (EXHIBIT #6).

00:16:04 The Council agreed to vote on all applicants. REP. BERGREN said a show of hands vote would be used to select the candidate. Karen Powell was selected to serve the remainder of Justice Nelson's term. The Council congratulated Ms. Powell on her selection.

Appointment of Legislative Interns

00:19:13 **Susan Fox, Executive Director, LSD**, discussed the legislative intern program (EXHIBIT #11 and EXHIBIT #12). She noted that the lack of a stipend and housing present problems in generating interest in the position. She said the Council could consider creating a stipend in the feed bill to help the interns with the cost. Ms. Fox said that several applications have been received and that other legislators have contacted her recently to let her know that they are working with a student who is interested in applying. Ms. Fox discussed four students who have applied to date: EXHIBIT #13 - Lori Haverty-Ramesz, EXHIBIT #14 - Brian McDivitt, EXHIBIT #15 - Jacob Gehmert, and EXHIBIT #16 - Paul Quinn). She said the Council could select up to five interns. She noted that Brian McDivitt has withdrawn his application due to a change in plans.

00:23:57 In response to a question from SEN. COONEY regarding providing a stipend to the interns, Ms. Fox said that if stipends were available, there would likely be more interest in the program. She said that recruiting is a cumbersome and time consuming project for the small amount of interest shown and that if the Council does not fund the intern program, she planned to ask it to repeal the statutory language dealing with stipends. SEN. COONEY **moved to approve** the internship applications of Lori Haverty-Ramesz, Jacob Gehmert, and Paul Quinn. Noting that the three applicants were to be assigned to Democrat legislators, he suggested that the Republican members should be allowed to recruit several interns, if they wished to do so.

00:27:34 SEN. BARKUS said it was unfortunate that it took so long to learn about this program and that he knew of an individual who would have been interested. He said he appreciated SEN. COONEY's suggestion.

00:29:48 The **motion passed** on a unanimous voice vote.

00:30:08 Ms. Fox said she would contact the interested Republican legislators and let them know that they could recruit intern applications.

00:30:40 REP. HIMMELBERGER asked the Council members if they wished to deal with the issue of providing a stipend to legislative interns. After a brief discussion, SEN. GEBHARDT **moved** to approve the hiring of six legislative interns for the 2009 Legislative Session and to provide a line item amount of \$1200 per intern for four months (\$4800 total per intern). The **motion passed** on a unanimous voice vote.

Adoption of 2009 Session Staff Pay Matrix

00:39:29 Ms. Fox explained how the current broadband pay scale differs from those used in the past and reviewed the proposed pay matrix for the 2009 legislative session (EXHIBIT #17).

00:41:38 REP. MCALPIN **moved to adopt** the proposed 2009 session pay matrix. The **motion passed** on a unanimous voice vote.

Council Legislation -- Confirm Sponsors, 6-Mill Levy, and Need for Statutory Revisions

00:41:57 Ms. Fox directed members to a bill draft request report (EXHIBIT #18), listing the legislation proposed by the Council and the sponsors of each bill. After a brief discussion, it was agreed that SEN. GEBHARDT would sponsor LC0460 - clarify return to employment for public officers, REP. BERGREN would sponsor LC0461 - revise reimbursement for meals and lodging, REP. MCALPIN would sponsor LC0462 - stipend for legislative interns, and that REP. HIMMELBERGER would sponsor LC0465 - remove statutory references to the Legislative Administration Committees.

00:44:18 Mr. Petesch explained the issue surrounding the passage of the six mill levy and said that statutory references will be erroneous unless measures are taken to fix the language. He asked the Council to request a bill that would allow him to clean up the code language but noted that the Education Standing Committees could address it during the session. SEN. COONEY said he would prefer that Mr. Petesch draft a bill now to address the problems.

00:46:38 SEN. COONEY **moved** to request Mr. Petesch to prepare the legislation. The **motion passed** on a unanimous voice vote. REP. CAMPBELL agreed to sponsor the bill.

Information on the Proposed 2011 Biennium Budget

00:47:22 Ms. Fox said two new issues have arisen and reviewed a document addressing upcoming retirement issues that will affect the proposed Legislative Branch budget as it currently stands (EXHIBIT #19). She said she is working with Clayton Schenck, Legislative Fiscal Analyst, Legislative Fiscal Division (LFD), on these issues.

00:48:03 Ms. Fox explained how Legislative Branch retirement termination pay liability will significantly impact the Legislative Branch budget (EXHIBIT #20). She said the recommended action is to request a bill draft for an appropriation to adequately fund the statutorily required legislative branch retirement termination reserve account to deal with the upcoming retirements in order to maintain the reserve account balance at \$400,000. REP. CAMPBELL **moved to approve** Ms. Fox's

recommendation to provide the additional reserve amount of \$70,000. The **motion passed** on a unanimous voice vote.

00:50:36 Ms. Fox discussed the Legislative Branch Merit Pay Funding Request (EXHIBIT #21).

00:53:29 REP. BARRETT asked how vacancy savings have been used in the past. Ms. Fox said that vacancy savings has been used to meet market adjustments for the pay plan but not for merit pay.

00:54:17 REP. MCALPIN **moved** to authorize up to a 2% increase for the merit pay request. After discussing the motion, REP. MCALPIN **restated his motion** to request that up to \$3,000,000 be allowed to cover the merit pay plan. SEN. GEBHARDT asked if the \$3 million would be for both years of the biennium. Ms. Fox said yes, it would cover both years.

00:56:56 SEN. BARKUS asked about the process that will be used to award merit pay. Ms. Fox said that a performance appraisal process is in place and work is underway to ensure that it is an equitable process between divisions and would involve managers and management teams in order to make certain that there is consistency between offices and divisions. The **motion passed** on a unanimous voice vote.

PUBLIC COMMENT

00:58:28 No public comment was given.

Approval of Minutes

00:58:39 SEN. COONEY **moved** to accept the September 18, 2009, meeting minutes, as written. The **motion passed** on a unanimous voice vote.

00:59:03 REP. BERGREN reminded the Council that Law School for Legislators is scheduled for January 6, 2009. Ms. Fox said the Council could take a tour of the new vote systems if they so wished. REP. MCALPIN asked if the 2009 legislative session calendar had been posted online yet. Ms. Fox said it was available.

ADJOURNMENT

01:00:41 With no further business before the Council, the meeting was adjourned.

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