

**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

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# MINUTES

June 24, 2008

Room 102, Capitol Building  
Helena, Montana

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.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

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. VICKI COCCHIARELLA  
SEN. MIKE COONEY  
SEN. KELLY GEBHARDT  
SEN. DAN HARRINGTON  
SEN. COREY STAPLETON

REP. DEBBY BARRETT  
REP. DAVE MCALPIN  
REP. SCOTT SALES

### **COMMITTEE MEMBERS EXCUSED**

SEN. GREGORY BARKUS  
REP. MARGARETT CAMPBELL

## **STAFF PRESENT**

SUSAN BYORTH-FOX, Executive Director  
GREG PETESCH, Legal Counsel  
FONG HOM, Acting Secretary

## **Visitors**

Visitors' list, Attachment #1.

## **COMMITTEE ACTION**

The Legislative Council made decisions on:

- The Legislative Orientation and Training will take place on November 12, 13, and 14, 2008, with the Legislative Caucus held on November 12, and the remainder of the Orientation held November 13 and 14, 2008.
- Rep. MacLaren was appointed to the NCSL Health Committee.
- Requested that the Office of Budget and Program Planning's proposed legislation, except for Request No. 10, move forward as bill drafts.
- Authorized the use of funds in the IT Reserve Account to pay for the new sound system in the House.
- Adopted the recommendation for an increase in pay for the Executive Director of Legislative Services Division to be calculated and determined as other staff members pay increase's are determined.
- Requested a study resolution for consideration at the next meeting addressing the issue of space.
- Approved a transfer of \$60,000 to the Legislative Fiscal Division to implement the Broadband pay plan.
- Requested a draft bill for a Code Commissioner Bill, and a bill draft for gender neutralization and cleanup of archaic language in the Montana Code.
- Adopted the language for the feed bill and requested a bill draft on fiscal notes.
- Requested a bill draft on the submission of the Legislative Branch Budget.
- For Legislative Audio and Video Services: agreed to the creation of a consolidated budget, equitable distribution among video service providers for communities, and coverage for the interim continue the same as session. A subcommittee with Sen. Harrington, Rep. Himmelberger, Rep. Campbell and Sen. Barkus as members will work with staff on a proposal for the next September meeting.
- For the Compensation and Reimbursement Proposal: use 50% of the federal rate for nonreceiptable lodging reimbursements, 72% of the federal rate for meals, increase the number of paid trips home to six during the regular session, and legislators receive a \$200 a month stipend to cover costs of phones, gas and other expenses.

## **CALL TO ORDER AND ROLL CALL**

00:00:03 Rep. Bergren called the meeting to order at 10:00 a.m. The secretary took roll . Sen. Stapleton, Rep. Campbell, and Sen. Barkus were excused. Sen. Cocchiarella moved for the minutes of the April 1, 2008 meeting be approved as read. The motion carried.

## AGENDA

### Introduction of new staff - Dave Bohyer

00:00:58 Dave Bohyer, Research Director, Legislative Services Division, introduced the Library Resource Information Manager, Sonja Gavin. Ms. Gavin is a Billings native, graduated from the University of Montana and has worked at U of M for 15 years in the School of Forestry.

### Legislative Information Office Update - Gayle Shirley, Legislative Information Officer

00:02:52 Ms. Shirley gave an update on the Legislative Information Office activities:

- Legislative Website;
- Brochure series and the draft Leadership Brochure series;
- Student guide to the Legislature (**Exhibit 1**);
- Draft set of rules for reporters;
- Orientation and training for new and veteran legislators (**Exhibit 2**).

Ms. Shirley said that she would appreciate guidance from the Legislative Council on how she could be of assistance during the 2009 session.

### Questions

00:12:44 REP. HIMMELBERGER asked if there was anything going on with the NCSL Back-to-School Program. Ms. Shirley said that NCSL will be holding their annual meeting for coordinators of that program in October, which she is planning on attending.

### Legislator Caucus and Orientation Date Discussion

00:14:31 A discussion was held regarding the dates and times for the Legislative Caucus and the Legislative Orientation. REP. BERGREN said that there is a conflict in schedule with some legislators who are scheduled at the same time to attend the Western Legislative Academy. **SUSAN FOX, Executive Director, Legislative Services Division**, said that the two options raised are: 1) to keep the November 19-21, 2008, and move the caucus to Friday; or 2) move the Orientation to November 12-14, 2008.

00:16:22 REP. SALES said that he opposes to having the caucus postponed for these reasons: 1) 150 legislators will be campaigning and lobbying for leadership for three days; and 2) it is important that leadership is established at the front end so they can get three days of work in. He said either leave it the same and those legislators can either make the choice of attending the caucus or attend the Academy. He said that he would vote to move it up a week to have the caucus

and the training the week before.

00:18:13 **SEN. COONEY moved that the Legislative Orientation and Training take place on November 12, 13, and 14, 2008, with the Legislative Caucus held on November 12, and the remainder of the Orientation held November 13 and 14, 2008.**

Discussion

REP. HIMMELBERGER said that he will oppose the motion and agrees with Rep. Sales, he favors the caucus being held at the beginning of the training. He also agrees with Sen. Cooney, it doesn't matter when we set these dates, we have 150 legislators and there are always conflicts. He said he opposes the motion and supports leaving things the way just as they are.

SEN. COCCHIARELLA said that the point that Rep. Himmelberger made about "it's too early" is legitimate because it's not about who's running, it's about who's electing leadership.

REP. BERGREN said that the Legislative Council, in setting these dates, have started to neglect the role and duties after the caucuses. He said that he was leaning towards moving it to the week before but now thinks that there will not be a date when all 150 people are free at that same time.

00:27:35 **The motion passed with Sen. Gebhardt, Sen. Cocchiarella, and Rep. Himmelberger voting against the motion.**

**NCSL appointment to Health Committee**

00:28:16 Susan Fox, Executive Director, LSD, said that Rep. MacLaren would like to go to the NCSL Summit Meeting in New Orleans in July. Rep. MacLaren was not one of the legislators appointed to the NCSL committee. It is acceptable to have more than one appointed to a committee, the only thing is that one person from each state can be a voting member. To her knowledge, none of the other people who were nominated for the NCSL Health Committee are going to be in attendance. Ms. Fox said that the Council needs to make a motion to appoint and a letter to be sent with Rep. MacLaren to the meeting so he can attend the standing committee meetings for the Health Committee.

00:29:12 **SEN. GEBHARDT moved that the Council appoint Rep. MacLaren to the NCSL Health Committee. The motion passed unanimously.**

**Update on Administrative Committees' Presiding Officers meeting**

00:30:13 REP. BERGREN said that they had a meeting to discuss possible proposals as they moved forward to the managerial duties that pertain to all three Branches, including the Audit Division, Finance and Fiscal Division, and Legislative Services. We discussed several issues and will meet again in September.

### **AGENCY LEGISLATION**

00:34:28 **OBPP Legislation - David Ewer, Director of OBPP**

Mr. Ewer said that the legislative protocol is for the Executive Branch to present what we intend to have bills sponsored by the Executive Branch and so at this stage, he is in front of this committee in his capacity as the Budget Director to bring to the Legislative Council many of the bill requests that they intend to submit (**Exhibit 3**). He also asked permission of the committee to be able to revisit this issue in September because he doesn't think that they have all their ideas as far as what they are thinking of for the next session.

Questions

00:45:35 REP. BARRETT asked if the long range renewable and reclamation renewable resource bonds will be the same amount as last year? Mr. Ewer said that they would not be the same amount. Each session is very different.

00:46:33 REP. HIMMELBERGER said that he needed clarification on item 10, Information Technology Long Range Building. Mr. Ewer said that the idea behind this bill is to consolidate IT requests of large size. The notion is that the Administration would mostly speak from its ITSD staff and their Chief Information Officer to a single committee.

Motion

00:49:02 **SEN. COONEY moved that the proposed legislation from the Office of Budget and Program Planning move forward as bill drafts and that the item that is not numbered be allowed as a placeholder dealing with accounting change for other post employment benefits.**

**SEN. COCCHIARELLA moved for a substitute motion that Request 10 be segregated. The motion passed with Rep. Himmelberger voting nay.**

00:50:39 SEN. COONEY said that he would respectfully request that the Council have an item on the next agenda and ask that the Governor's Budget Office be prepared to make a further presentation on the suggestion that we consolidate the IT under one bill.

## Current Budget Items

00:54:11     **Voting System Update - Steve Eller, Computer Systems Manager, LSD**  
Mr. Eller gave an update on the voting system (**Exhibit 4**). After sending out an RFP, International Roll Call was selected as the vendor of the voting system. Mr. Eller showed the Council what the new voting board would look like and how it would operate.

01:03:39     **House Sound System Estimate - Karen Berger, LSD**  
Ms. Berger said that she is asking for approval to expend money from the Reserve Account (**Exhibit 5**) for the sound system. She discussed information they received on the sound system for the House, which is scheduled for replacement in conjunction with the voting system that is being installed. Ms. Berger requested approval for expending \$72,337 from the IT Reserve Fund for the replacement of the House Sound System.

01:05:34     Questions  
REP. HIMMELBERGER asked for more information on what the issues are with this system. Mr. Eller said that the sound system in the House is almost as old as the vote system in the house. The control board is a 1970s vintage and the wiring to the microphones is of that same age. The proposal is to upgrade that to 21st Century technology. The repair costs and finding repair parts is very difficult and it is a matter of time before something failure will take place.

SEN. COONEY asked what the status of the system in the Senate. When was that system last upgrade and will we be looking at a similar situation a few years down the road. Mr. Eller said that he doesn't know. It hasn't been a problem.

**Hank Trenk, IT Director**, said that the Senate sound system, the part that switches the microphone, was upgraded about 15 years ago.

REP. HIMMELBERGER said that there is \$259,833 in the Reserve Account currently. The request is to move \$72,337 from that. Ms. Berger said that was correct. REP. HIMMELBERGER asked if there are other anticipated expenditures that would need to come out of that account in this interim. Ms. Berger said no, but the Council will be hearing some presentations on a proposed budget for the next biennium or two that will involved the use of the funds in the Reserve Account.

01:09:08     Motion  
**REP. MCALPIN moved to authorize the expenditure under the request for approval and use the Reserve Account funds to pay for the House sound**

**system.**

Discussion

REP. HIMMELBERGER asked if there was any other possibility for these funds other than if they did not come out of the Reserve Account, is there another source where the funds could be acquired. Ms. Berger said that there was a discussion internally in the Division whether or not we could cover those within our existing Branch IT budget. That would be the only other source of funds. Considering the amount of those funds that are currently designated for other areas, it didn't look good.

**The motion to transfer passed unanimously.**

**Broadband pay implementation and the management subcommittee Update - Kelly DaSilva, Legislative Branch HR Officer**

01:12:29 Ms. DaSilva gave a brief synopsis on the adoption of a Broadband pay system in the Branch. Ms. DaSilva discussed the Occupational Wage Range and Salary Calculation Methodology 2008 (**Exhibit 6**).

Motions

01:16:35 **SEN. COCCHIARELLA moved that the Council adopt the recommendation that Susan Fox, Executive Director of Legislative Services Division, receive the new pay increase that is appropriate and relative to those staff members in the agency. The motion passed unanimously.**

**SEN. COCCHIARELLA moved to adopt the policy that the Executive Director's pay increase be calculated and determined as other staff members pay increase's are determined. The motion passed unanimously.**

**Space issue**

SEN. COCCHIARELLA discussed the issue of space and staffing. She said that one of the recommendations that came out of the Management Subcommittee is that we bring this problem forward to the September meeting of Finance and Audit and address some short-term solutions by moving people around from one end to the other but also for the Council to consider an interim study of the issue of space for the Legislative Branch staff in total.

The Council discussed having a interim committee study the issue of office space and having an outside consultant come in and assess the situation. A question was asked if there was any effort put in to identify among the people in the Branch of their space needs or is it a matter of everyone feeling constricted and

feeling the need for additional space. Ms. Fox said that this is the first effort of bringing to the Management Subcommittee's attention that it is the Legislative Council that allocates space. The Management Subcommittee is looking to the Council for guidance.

**REP. HIMMELBERGER moved that staff draft a study resolution for the Council's consideration at the next meeting to put forward to the Legislature from the Council addressing the issue of space and to identify who should be on the committee. The motion passed with Sen. Cooney, Rep. Sales, and Sen. Gebhardt voting no.**

**Proposed Operating Plan Adjustment - Karen Berger**

01:41:15 Ms. Berger discussed the proposal for a Biennial Operating Plan Adjustment (**Exhibit 7**). She said that this plan would move operational funds from the Legislative Services Division to the Legislative Fiscal Division. In the process of calculating the costs of the Broadband Pay Plan, the Fiscal Division's funding is insufficient to implement the calculated dollars for their staff. The Services Division and the Audit Division are both seeking approval for an operating plan amendment to move funding to the Fiscal Division to help them go through this timeframe. The Services Division has recognized some significant vacancy savings during this biennium. She needs the authority to do an operating plan adjustment moving \$30,000 out of both the Legislative Services Division and the Legislative Audit Division to Legislative Fiscal Division.

Motion

01:42:05 **SEN. COCCHIARELLA moved to transfer \$60,000 to the Legislative Fiscal Division to implement the Broadband pay plan with \$30,000 coming out of each of the Legislative Services Division and the Legislative Audit Division. The motion passed unanimously.**

**Other Business**

01:43:55 REP. HIMMELBERGER discussed a project that the Oklahoma Legislature had undertaken where sessions were held around the state to solicit ideas from the public. It was an idea to elevate the perception of the Legislature in the public eye and encourages public participation in the process. He wanted to know if the Council had any desire to move something like that forward in the future coming out of the Montana Legislature. SEN. COCCHIARELLA said that with the new technology and the new website and the way campaigns are going nationally, could Ms. Shirley work on this concept of providing an opportunity for the public to provide input through that website rather than going around the state.



## LUNCH

03:01:06 REP. BERGREN reconvened the meeting at 1:00 p.m.

### 2011 Biennium Preparation

#### Potential Code Commissioner legislation - Greg Petesch, Code Commissioner

03:02:11 Mr. Petesch said that on behalf of the Code Commissioner, he is requesting that a Code Commissioner Bill be drafted asking for the Code Commissioner to submit a report that identifies the areas of the law that need change because of technical errors to be attached to the Code Commissioner Bill. The other bill that he is requesting as Code Commissioner is the completion of the gender neutralization and cleanup of archaic language in the Montana Code.

03:04:13 **SEN. COONEY moved to go forward with the two bill drafts as requested by the Code Commissioner. The motion passed unanimously.**

#### Potential budget proposal - Greg Petesch, Legal Director

03:05:01 Mr. Petesch said that there were some items that were discussed at the April meeting that may need some followup with formal requests for legislation. He said that Ms. Berger discussed the difficulties in paying legislators at the beginning of the session, particularly when the passage of the Feed Bill was delayed. Two potential options were discussed. The Legislative Rules required that the feed bill be introduced by the chairman of the House Appropriations Committee at the request of this Council. Mr. Petesch discussed the proposed language for the feed bill **(Exhibit 8)**.

Mr. Petesch said that the committee had already heard a presentation by Jon Moe regarding fiscal notes and SB 66. He said that there has been some discussion that you might want to pursue the sponsor's rebuttal form instead of a sponsor's fiscal note.

Mr. Petesch discussed an item, Section 17-7-112, MCA, that Ms. Berger brought to the committee. That section requires agencies to submit their budget to the Budget Director by September 1. The Legislative Branch never meets that timeframe because the budget is set at your September meeting. There was a question to change the law so that the legislative staff can follow the law rather than being in technical violation.

Mr. Petesch said that another issue that has not reached a decision is whether to

pursue even year sessions as opposed to odd year session.

Mr. Petesch said that there was a discussion regarding chairmen signing minutes. Steve Eller had presented the committee with a business report that was an option. Mr. Petesch showed the committee what would be required in the Senate Rule to do that. The House Rule does not require a technical because they do not require a chairman to sign or authenticate the minutes. You may want to pursue adding language similar what he has proposed in the Senate to the House Rules so that it would be explicit, that all the presiding officer has to do is create that business report which can be done right after the meeting adjourns and that allows the secretary to prepare the minutes. Mr. Petesch distributed LC8001 (**Exhibit 9**) which contains the proposed language.

#### Questions

03:10:12

SEN. COONEY asked if we were to adopt this, then in future legislatures we have solved that problem. Mr. Petesch said yes so long as there is adequate money left over in the feed bill each time. He said that is the issue he is trying to address because the other option is to amend statute to allow specifically the Legislative Services Division to transfer money to the House and Senate. The reason a statute is needed for that is appropriations can be transferred to another entity only if the purpose for which the appropriation was made is carried out. In this instance, paying legislator salaries is not appropriated to the Services Division explicitly.

SEN. COONEY asked if that would also include payment for staff. Mr. Petesch said that the appropriations in the feed bill are in addition to paying for the House and Senate staff.

SEN. COCCHIARELLA said that we have been doing this and we have been doing it without language in the law. We have been taking money forward and paying legislators and staff and the language in the law doesn't say explicitly that we can do that. That's why we had this discussion in May and that's why this bill is here.

LC2011

**SEN. HARRINGTON moved to adopt the language in the feed bill.**

#### Discussion

SEN. COONEY said that he is going to vote against the motion. If the legislature can't pass the feed bill then there are consequences and one consequence is that they don't get paid. If we have a practice and we don't have legal authority to do it, then perhaps we shouldn't be doing it. He has a fundamental disagreement

with doing this.

SEN. COCCHIARELLA said that one of the discussions that they have had in this process had to do with the lack of understanding under term limits the role of the chair of appropriations to move this feed bill forward. She said that this is the right thing to do regarding making sure people are paid. It is a wrong vote to vote no on this concept.

**Sen. Harrington's motion passed with Rep. Sales and Sen. Cooney voting no.**

03:29:09 **REP. HIMMELBERGER moved to bring the bill draft on the fiscal notes forward for approval. The motion passed.**

03:29:31 **SEN. COONEY moved that the language of the September 1 budget request coincide with the laws be drafted and brought forward. The motion passed.**

03:30:57 Susan Fox said that she had asked for information regarding annual session initiatives in the past. That is an agenda item later on. At the next meeting the Rules Subcommittee will finalize their proposal to bring to the September meeting. The final issue that Mr. Petesch raised, if Rep. Bergren wanted to direct the subcommittee in incorporate that change for consideration at the next meeting.

03:32:08 **Potential budget proposal**

Susan Fox, Executive Director, LSD, discussed an integrated budget proposal that would formalize an electrical and digital services budget, Legislative Audio and Video Services (**Exhibit 10**).

Ms. Fox discussed the summary of state broadcasting expenditures, Attachment A (**Exhibit 11**). Ms. Fox said that Attachment B (**Exhibit 12**) shows the numbers that they would be looking at to start building an integrated audio and video budget.

**Stephen Maly, HCTV**, discussed the priority for communities for broadcasting and the types of coverage for the interim. Attachment C (**Exhibit 13**) gives a synopsis of TVMT: a state public affairs network, uniting people and their government through the power of television. Mr. Maly discussed three options for programming distribution during the 2009 Legislative Session. He discussed Attachment D which is a sample list for expansion tier decision making (**Exhibit 14**). Mr. Maly discussed some considerations: content, cost and continuity of

service and sample policy options: TVMT Lite, TVMT Large, TVMT X-Large, and TVMT Max.

Ms. Fox asked the Council for some policy direction, discussion on what they think about TVMT and what they want so that Ms. Fox and Mr. Maly can develop a program for the 2009 Session with the money they have.

#### Discussion

04:19:51 Rep. Bergren asked if Ms. Fox would like the committee to pick an option for them to proceed with and to bring back information on that option. Ms. Fox said that the committee could start narrowing down the options. Does the committee want to proceed with the consolidated budget; what is their priority on communities; does the committee want maximizing population or maximizing geographical coverage or equitable distribution. She said that if the committee gave them some guidance, they could bring a proposal to the committee at the next meeting.

#### Public Comment

04:28:15 **Phil Maxwell, 3-Rivers Communication**, provided written testimony on 3-Rivers Communication's plan to implement internet protocol television (**Exhibit 16**).

04:32:07 Stephen Maly introduced Doris Armstrong, Executive Director of the Montana Center for International Visitors, Bozeman. Helena has become part of a network whereby people chosen by the U.S. State Department and contractors to come to the United States and see how we do things. This group is comprised of women from central and southern Asia who are interested in women in politics and women in government.

#### Committee Discussion

04:40:20 The committee had a discussion on breaking into a smaller subcommittee to go through the information that Ms. Fox and Mr. Maly gave them to provide some guidelines to follow. Sen. Cocchiarella said that the important thing is the number of people that they want to reach and the costs. Mr. Maly said that the important consideration is that you draw the circle, this is how many dollars you are going to commit to this coming session and more importantly, to the next biennium. They will be working to include as many people as possible.

#### Motions

04:45:50 **SEN. HARRINGTON moved to create a subcommittee to meet before the next meeting to go through Ms. Fox's and Mr. Maly's presentation and come up with a proposal to be presented to the Council.** Sen. Cooney said

that he was going to pare down the list that they were asked to look at. He asked Sen. Harrington if he would allow him to make some motions to see where they are. **Sen. Harrington withdrew his motion.**

- 04:47:17 **SEN. COONEY moved to create a consolidated budget under Legislative Services Division. The motion passed.**
- 04:50:45 **SEN. COONEY moved for communities receiving broadcasting that there be equitable distribution among video service providers. The motion passed with Rep. Sales voting nay.**
- 05:00:02 **SEN. COONEY moved that coverage for the interim continue the same as session. The motion passed with Rep. Sales, Rep. Himmelberger and Sen. Gebhardt voting nay.**
- 05:02:34 **SEN. HARRINGTON moved to appoint a subcommittee to work with staff on a proposal to bring forth to the next Council meeting. The motion passed with Rep. Sales and Sen. Gebhardt voting nay.**
- 05:03:34 REP. BERGREN appointed Sen. Harrington, Rep. Himmelberger, Rep. Campbell, and Sen. Barkus to be on the subcommittee to come up with a proposal on the Audio and Video Services to be presented at the Legislative Council's September meeting.

## **BREAK**

### **Additional committee proposals - Rep. George Groesbeck**

- 05:14:57 REP. GROESBECK gave a presentation on Autism (**Exhibit 17**). He asked the Legislative Council to give him some direction on how he should go about finding ways to fund services for people with Autism.
- Questions
- 05:25:53 REP. MCALPIN asked if it would be appropriate to put it a subcommittee into the Children and Families Interim Committee. Rep. Groesbeck said that he thought about that but he wanted to make sure however appropriate it may be, even if it is a subset under the Children and Families Interim Committee, that if funded that there are staff resources in it and that it gets the attention that it deserves.
- 05:26:29 SEN. COONEY asked if Rep. Groesbeck wanted the Legislative Council to do something that would impact the interim committees now before the next session

or is he looking toward the next interim period. Rep. Groesbeck said that it would make more sense to project out into the future rather than trying to task any one committee to look at that. He said that if it is a big enough problem and something that the state is going to invest more time and resources in, is now the appropriate time to have the discussion about if we can't task a committee now because of time considerations and budget considerations moving into the future and trying to do that in future sessions and bienniums.

05:40:41 SEN. COCCHIARELLA said that this is not a Health and Human Services issue, this is costing our schools for special education, it is a cost in the criminal justice system. The costs for autism go way beyond the boundaries of this program that A.W.A.R.E. is involved in. It seems like this is a task force issue that can be directed by Health and Human Services. It may be appropriate to find a budget item or a budget line in someone's budget to create a task force to study this issue.

REP. GROESBECK said that he appreciates the input. He said that it is a moving target and they can't say what the most appropriate way to go forward is. He said creating a task force makes sense.

**Preview of Computer System Planning Council proposed budget - Hank Trenk, IT Director, LSD**

05:41:54 Hank Trenk talked about CSPC and the proposed contents of the FY2010-2011 System Plan (**Exhibit 18**).

Questions

05:56:37 SEN. COCCHIARELLA asked if there has been discussions with the Budget Office on the movement of and costs of our computer systems or hardware to the new facility that is being built. Mr. Trenk said that there has not been a lot of discussion on that at this point. The last that he heard was that they were having trouble with the amount of money that was available in getting all the Executive Branch agencies on that. He said that they will use that as a disaster recovery if their data center in the Capitol Building gets knocked out, their system will kick over to the data center by the Department of Transportation building or the one in eastern Montana.

**Compensation and Reimbursement Proposal - Karen Berger and Susan Fox**

06:02:01 Ms. Fox discussed budget information for compensation and reimbursement for state employees, legislators, and interim committees (**Exhibit 19**) and a document showing the travel reimbursement rate (**Exhibit 20**). She distributed discussed Chart A that showed status quo, options, cost and if there needed to

be any statutory changes. She said that if the Council wanted to pursue this, to select an option and any bill drafts pertaining to this would be brought forward at the September meeting.

- 06:06:09 SEN. GEBHARDT said that it would make sense to go to a percentage of the federal rate for nonreceiptable facilities. It would seem that 50% of the federal rate would be appropriate. It would seem like a big cost to us but in the end, it would be a net savings to the state.
- 06:07:02 **SEN. GEBHARDT moved for a bill draft using 50% of the federal rate for lodging reimbursements for nonreceiptable facilities. The motion passed.**
- 06:08:33 Ms. Fox discussed reimbursement of meals. They compared them to the same federal standard rate. It was suggested to include in the bill draft that at a date certain, whatever the federal standard rate is, and tie it to a percentage.
- 06:11:29 **SEN. GEBHARDT moved to go to 72% of the federal rate for meals.** There was a discussion regarding the expense of travel by state employees. Sen. Cooney said that he agrees with Sen. Gebhardt that this needs to be managed. It was agreed that employees are compensated as do all companies when they travel on business for whichever entity it is. The compensation is not keeping up with the costs that are realistic and that needs to be adjusted. **The motion passed with Rep. Sales voting nay.**
- 06:17:46 Ms. Fox discussed Chart B [Exhibit 19], that shows costs for legislators. She discussed daily allowance for the session, legislator salary, and round trips during the sessions. Rep. Sales said that they tried to put the costs of round trips into the budget and failed. He said that legislators should be able to go home more often. Rep. Himmelberger said that the number of round trips should be increased.
- 06:20:24 **REP. HIMMELBERGER moved to increase the number of paid trips home to six during the regular session. The motion passed.**
- 06:23:22 Ms. Fox asked if the committee would like two separate bills, one for state employees and one for legislators, or one bill. It was the consensus to do one bill. She also added that you cannot affect your salary for this session but you can affect the increase in trips paid and that could be effective immediately and calculate the amount for the feed bill contingent upon its passage.
- 06:24:06 On the issue of phone, gas or other allowance, Ms. Fox said there were many

options. Sen. Cocchiarella discussed exploring options for those who do not have cell phones to see if legislators can call through to agencies using an 800 number in the Governor's Office. Rep. Sales said that he would like to see the legislators get a stipend for using cell phones during the session.

**REP. SALES moved for legislators to receive a \$200 a month stipend to cover costs of phones, gas and other expenses. The motion passed.**

06:29:38 There was a discussion on the last item, NCSL and CSG participation, on increasing the members in NCSL and the costs of the participation. Sen. Cooney said that most members figure out ways of getting additional dollars. He said that no one has been denied participation but then they haven't received many requests.

06:36:37 Ms. Fox discussed Chart C of Exhibit 19, Interim committees. She said that they calculated out how to expand committee size, add a new interim committee, add out of town meetings and costs to those calculations. Ms. Fox discussed each interim committee and its staff.

Discussion

06:51:53 SEN. GEBHARDT asked if the work load would decrease if there weren't as many study resolutions if we didn't approve so many of them. Maybe we need to reduce the number that the Council has allowed. Ms. Fox said that that is true. We need to provide some guidance in the number of studies approved. Sen. Cocchiarella discussed the problem of hiring more secretaries and where would you put them.

06:52:18 There was a discussion in increasing the number of committee members. Rep. Himmelberger said that getting a quorum has been a challenge. Sen. Cooney said that one of the biggest issue when trying to get a members on a committee, because the Senate is smaller than the House, some members serve on more than one committee.

Rep. Himmelberger asked if there was a way to weight these committees that they could deal with the fewer members in the Senate as in the House. Mr. Petesch said that they could. As an example, they could do like they do in conference committees and vote by House rather than as individual members. You would need both houses to concur to pass a motion in the interim committee. That would remove some of the transparency that interim committees have where everyone votes how they want, but that is one way to deal with possibly having more House members on committees than Senate members.



Rep. Himmelberger asked to wait until next time for action.

06:56:52 REP. HIMMELBERGER requested that a discussion regarding membership of interim committees comprised of more House members than Senate members be on the agenda for the September meeting.

**Next meeting date**

07:00:10 The next Legislative Council meeting is scheduled for September 16, 2008.

**Adjournment**

07:01:05 With no other business before the committee, Rep. Bergren adjourned the meeting at 5:01 p.m.

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