



Legislative Council

62nd Montana Legislature

SENATE MEMBERS

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JIM PETERSON
MITCH TROPILA
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COMMITTEE STAFF

SUSAN FOX, Executive Director
TODD EVERTS, Legal Division Director
DAWN FIELD, Secretary

Security Subcommittee of the Legislative Council MINUTES

May 2 & 3, 2012

Room 102, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. CAROL WILLIAMS, Chair
SEN. JIM PETERSON
SEN. DAVID WANZENRIED
REP. CHUCK HUNTER
REP. MARGARET MACDONALD
REP. JESSE O'HARA

STAFF PRESENT

SUSAN FOX, Executive Director, Legislative Services Division
DAWN FIELD, Council Secretary

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The Security Subcommittee of the Legislative Council:

- approved the March meeting minutes; and
- agreed to forward to the Legislative Council a proposal for a Legislative Security Officer Pilot Project for the 2013 legislation session.

CALL TO ORDER AND ROLL CALL

- 00:00:01 SEN. WILLIAMS called the Security Subcommittee to order. The Secretary took roll, all members were present (Attachment 3).
- 00:00:38 **Susan Fox, Executive Director, Legislative Services Division (LSD)**, reviewed the background of the issue and made suggestions for committee discussion. She presented four different job description options for security positions (EXHIBITS 1-4), based on three existing legislative security positions (EXHIBITS 5-7). Ms. Fox said that Officer Dave Jeseritz of the Helena Police Department (HPD) provided input on position descriptions. She noted that it would not be assumed that leadership would hire a security officer but that if it chose to, a Legislative Council endorsed job description and position structure would be in place.
- 00:08:22 SEN. PETERSON said that if the Council chooses to do that, it needs to do it right and be very thorough in its planning. Ms. Fox said that there must be very specific policies and procedures in place. She said that equipment and training will be other important issues to discuss.
- 00:16:01 REP. HUNTER asked about supervision of a security officer and chain of command. Ms. Fox said that would need to be clarified and worked out between the HPD, the Department of Administration (DOA), Securitas (*security company providing security on the Capitol campus*), and legislative leadership. She discussed several considerations that would have to be dealt with.
- 00:20:34 REP. HUNTER said that because leadership changes with each election, he would like the position to be as clearly defined as possible. He asked to what degree leadership would be bound to follow the position description. Ms. Fox said she couldn't answer that yet and explained further. REP. HUNTER said it would be very important make the vetting process as thorough as possible.
- 00:25:03 SEN. WILLIAMS asked about the legislative pay matrix as compared to what HPD officer is paid. Ms. Fox said she would find out. SEN. WILLIAMS said there may be a need for a second officer, considering the length of legislative days.
- 00:29:17 SEN. PETERSON suggested that the Subcommittee reconsider a contract officer with the HPD, as discussed at previous Subcommittee meetings.
- 00:30:07 SEN. WILLIAMS said because the statute was passed, this Council has an obligation to deal with this issue but that future Legislatures may want to look at taking back the statute because some second thoughts have been expressed. She suggested that the Subcommittee recess until the next day so that more information about costs could be gathered. SEN. WILLIAMS said she thought

that everyone would be more comfortable if the officer was hired from the HPD because of the training and chain of command. She said that costs would be a major consideration but that money is available for a pilot project for the 2013 session. She said the issue of making the position permanent or repealing the statute could be dealt with in the upcoming session.

00:32:56 REP. O'HARA asked if the position would be salaried or paid by the hour. Ms. Fox discussed how the position could be structured and associated costs such as equipment, training, and benefits.

00:35:31 **Kelly DaSilva, Human Resources Manager, LSD**, said that if the position is a temporary session employee, considerations such as overtime, sick leave, or replacement if the officer quit would have to be considered. She said that hiring an officer from the HPD would guarantee coverage.

00:36:46 SEN. WILLIAMS asked how the Subcommittee wished to proceed. It was agreed that the Subcommittee would meet again at 8:00 the next morning to continue the discussion. SEN. PETERSON asked that the proposal from the last Council meeting be brought back and that budget numbers be reviewed.

00:38:42 SEN. WILLIAMS recessed the Security Subcommittee at 8:49 a.m.

DAY 2 -- 8:00 a.m., May 3, 2012

00:00:00 SEN. WILLIAMS called the Security Subcommittee of the Legislative Council back to order. The Secretary noted the roll, all members were present, SEN. WANZENRIED was in attendance also. SEN. WILLIAMS asked Ms. Fox to review the legislative security officer proposal as presented at the March meeting. Ms. Fox discussed the proposal, focusing on Option 2, a pilot project proposal for nine months (EXHIBIT 8, page 3). She said that the original proposal was for a position that would provide security coverage from October 2012 through June 2013 for a cost of \$56,000 but that it could be modified. She discussed the existing contract between the Helena Police Department and the Department of Administration (DOA) as well as LSD staff's work on developing the position description. She said that for instance, a legislative security officer hired (as a legislative employee) to provide services from December 1, 2012, to May 1, 2013, would cost approximately \$42,000.

00:02:21 SEN. WILLIAMS expressed concerns about the equipment and policy decisions that would have to be made if the position is structured as a legislative branch employee. She said that worry would go away if the position is hired through the HPD. Ms. Fox said that the \$42,000 would not include equipment or training costs and agreed that an HPD officer would already have the law enforcement training and equipment, which would be very beneficial. She said that many policy decisions regarding weapons and security procedures would have to be worked out if the position is a legislative employee, versus an HPD officer.

00:05:26 SEN. PETERSON asked about the timing of the proposal, supervision of the officer, options for either eliminating or extending the program, and how the project will be paid for. Ms. Fox said that an HPD officer could be ready to start

by October but that she still needs to develop equipment costs. She explained that the pilot project would be funded through the personal services accounts in the House and Senate budgets and with LSD carryforward money. She said the program would not affect future budgeting and would not go into the base budget.

- 00:10:17 SEN. WILLIAMS asked for comment from the Helena Police Department. **Officer Dave Jeseritz, Assistant Chief of Police, Helena Police Department**, discussed the HPD's position, saying that staffing the position would create some difficulties for the Department but that the HPD is willing to make a pilot project work. He said that the time frame would be very tight and that the Department would prefer to start the project sooner rather than later but that it could make a December 1, 2012 starting date work.
- 00:13:10 SEN. WILLIAMS asked Ms. Fox to briefly discuss what could happen if the statute remains in place and no action is taken. Ms. Fox said that because new leadership may choose to fill the position, it would be best to have a detailed job description and position requirements in place. She predicted that leadership would not be as likely to hire its own officer if the pilot project was in place.
- 00:18:15 SEN. WILLIAMS discussed her concerns about what could happen if nothing is done. She said her opinion is that the Council needs to make the best of a difficult situation through creation of a defined security officer position. Ms. Fox agreed with SEN. WILLIAMS' comments and said that there is also a concern about the weapons being allowed in the Capitol under the current statute. She discussed how hiring an HPD officer as the legislative security officer could prevent or lessen those concerns.
- 00:22:18 SEN. WANZENRIED asked how the success or failure of the pilot project will be evaluated. He discussed a number of concerns that would have to be considered as a part of an evaluation process. Ms. Fox responded to his concerns, including the timing that would allow the 2013 legislature to act on the issue. She agreed that it would be a tight window for action.
- 00:26:33 SEN. WANZENRIED and Ms. Fox discussed how or if a bill should be drafted and introduced in the 2013 session. Ms. Fox said that the work of the Legislative Council is always subject to the will of leadership but that her experience has been that structures put in place by the Legislative Council and LSD are usually appreciated by new leadership.
- 00:30:01 SEN. PETERSON said that if the decision is made to enter into a new chapter of security in the Capitol building for the public, legislators, and staff, it must be done in a thoughtful and responsible way. He said that if the expertise of the HPD can be utilized, the move would not create too much anxiety or preempt legislative authority. He said that he supports the idea of a pilot project and that the HPD is so willing to work with the Legislature. He said that attaching a bill draft to the pilot project would cloud the issue and that all the Council is trying to do is ensure that a responsible security plan is in place, which would include the issue of concealed weapons in the Capitol.

00:34:38 SEN. WILLIAMS said that while she agrees with much of what SEN. PETERSON said, there are members who did not support the bill who would like to know that a different legislature would reconsider the issue. She said that introducing a bipartisan bill draft in the 2013 Legislature to take another look at this issue would be a good faith effort to do that. She said that while she will support the pilot project, she doesn't like it but feels like it is the right thing to do, considering the situation. She said that she support SEN. WANZENRIED's idea to attach a bill draft to the pilot project.

00:38:03 SEN. WILLIAMS asked REP. HUNTER to report to the full Legislative Council regarding the Subcommittee's discussion and recommendations. REP. HUNTER agreed and said that the report would state that:

- the Subcommittee agreed to propose a modified Option 2 for a pilot project which would run from December 2012 through June 2013;
- the project would be administered through an amended existing security contract with the HPD and DOA; and
- the position would be supervised by Officer McGee of the Helena Police Department.

Ms. Fox added that an evaluation could be done in February.

00:40:08 SEN. WILLIAMS said she still wants a conversation about the existing statute. She said that she doesn't want to politicize the issue but that all options need to be looked at.

00:40:54 SEN. PETERSON said that he knows that there are many legislators who don't like the statute but that it is a fact and has to be dealt with. He discussed Utah laws that allow legislators to carry concealed weapons on the house and senate floors and said that he is supporting the pilot project because he doesn't want to see that happen in Montana. He said his biggest concern is what could happen if nothing is done and leadership decides to hire its own security officer. He discussed instances in which legislators and members of the public have expressed concerns about safety issues in the Capitol and that his opinion is that the Council has to take some responsibility for the Capitol as a public building. He said that a bill draft could be attached to the pilot project proposal but predicted that doing that would raise alarm bells. He said his opinion is that the issue could be dealt with through the pilot project process alone and that a bill draft was probably not needed.

00:46:28 SEN. WILLIAMS said that the Majority needs to understand how uncomfortable this issue has made those who voted no on this statute and that there is a concern that future bills may take it further and allow even more weapons. SEN PETERSON responded to her concerns and said that effort has been made to reduce the angst. He referred to several bills to allow weapons to be carried in churches, schools, and other public places that were killed in the 2011 session. SEN. WILLIAMS said that she also wants to do the right thing but that she also recognizes that many of her colleagues feel very strongly about this and that while she won't be back for the next legislature, she doesn't want those colleagues to be attacked in the 2013 session just because they voted no.

- 00:48:47 SEN. WANZENRIED asked if it would be possible, even with an amended security agreement and pilot project in place, that leadership could still designate a security officer to carry concealed weapon. Ms. Fox said yes but thought that if a specific program was in place, leadership would not feel compelled to do that. SEN. WANZENRIED said his opinion is that introducing a bill mid-session to deal with this would not be good idea and thought it would be better if a bill draft is part of the proposal from the beginning.
- 00:51:31 SEN. WILLIAMS, SEN. WANZENRIED, and SEN. PETERSON discussed evaluation and funding questions. Ms. Fox explained how a legislative security officer could be dealt with through the existing Feed Bill, should leadership decide to hire its own security officer in addition to the pilot project's HPD officer.
- 00:53:55 SEN. WILLIAMS and Ms. Fox discussed how or if the position could be structured to require law enforcement training. Ms. Fox reminded the Council that the Department of Administration is responsible for providing security to the Capitol Building and that the DOA needs to be brought into the discussion. She said that leadership training would also provide a good opportunity for frank discussion between the former leaders and new leaders, giving current leadership an opportunity to frame the issue and convey their thoughts and concerns.
- 00:59:46 SEN. WILLIAMS thanked the Subcommittee members and the Helena Police Department for working together on a difficult issue. She adjourned the meeting at 9:01 a.m.

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