



Legislative Council

63rd Montana Legislature

SENATE MEMBERS

JEFF ESSMANN--Chair
DEBBY BARRETT
ROBYN DRISCOLL
CLIFF LARSEN
JON SESSO
CHAS VINCENT

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CHUCK HUNTER--Vice Chair
BRYCE BENNETT
MARK BLASDEL
MARGARET (MARGIE) MACDONALD
JESSE O'HARA
GORDON VANCE

COMMITTEE STAFF

SUSAN FOX, Executive Director
TODD EVERTS, Legal Division Director
FONG HOM, Secretary

MINUTES LOG

August 22-23, 2013
Room 102, Capitol Building
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

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. JEFF ESSMANN, Chair
REP. CHUCK HUNTER, Vice Chair

SEN. DEBBY BARRETT
SEN. ROBYN DRISCOLL
SEN. CLIFF LARSEN
SEN. JON SESSO

REP. BRYCE BENNETT
REP. MARK BLASDEL
REP. MARGARET (MARGIE) MACDONALD
REP. JESSE O'HARA

COMMITTEE MEMBERS EXCUSED

SEN. CHAS VINCENT
REP. GORDON VANCE

STAFF PRESENT

SUSAN BYORTH FOX, Executive Director
TODD EVERTS, Legal Director
FONG HOM, Committee Secretary

AGENDA & VISITORS' LIST

Agenda (**Attachment 1**)

Visitors' list (**Attachment 2**)

COMMITTEE ACTION

- The Minutes Log of the May 16, 2013, meeting were approved.
- The appointments of Rep. Lavin and Rep. Hill to the NCSL Law and Criminal Justice Committee, and Sen. Webb to the NCSL Health and Human Services Committee were approved.
- Approve the transfer of reverted funds from the 2011 Feed Bill for Legislative Services Division to the Information Systems Reserve Fund.
- Approve the appointment of Jonathan Byington to the Uniform Law Commission.
- Change the December meeting date to January 8, 2014.

CALL TO ORDER AND ROLL CALL

00:00:02 The meeting was called to order at 11:03 am by Presiding Officer Essmann. The secretary called roll. Sen. Vincent and Rep. Vance were excused. (**Attachment 3**)

00:01:25 **Approval of the Minutes Log of the May 16, 2013 meeting**
Sen. Driscoll moved to approve the Minutes Log of the May 16, 2013 meeting. The motion passed unanimously by voice vote.

00:02:04 **Introduction of new staff**
Dave Bohyer introduced Pamela Rossi as the new committee secretary.

00:02:54 **Announcement of retirees**
Susan Fox announced that Ann Patten, Documents Processing Manager, and Hank Trenk were retiring at the end of August.

00:03:01 Sen. Essmann expressed his and the Legislative Council's gratitude for Mr. Trenk's long years of services to the Legislature.

00:03:23 Hank Trenk gave a brief speech on his service with the Legislative Services Division.

AGENDA

00:07:33 **INTERSTATE ORGANIZATIONS BUDGETS - Susan Fox, Executive Director**
Ms. Fox provided information on the budgets for the intrastate organizations that members of the Legislature participates in (**Exhibit 1**).

APPOINTMENTS TO INTERSTATE ORGANIZATIONS

- **NCSL Law and Criminal Justice Committee**

Motion

00:08:53 Rep. Bennett moved to appoint Rep. Lavin and Rep. Hill to the National Conference of State Legislatures (NCSL) Law and Criminal Justice Standing Committee.

- **NCSL Health and Human Services Committee**

00:09:54 Sen. Essmann said that Sen. Roger Webb requested to be appointed to the NCSL Health and Human Services Committee.

00:10:20 Rep. Hunter seconded the nominations of Rep. Lavin and Rep. Hill to the NCSL Law and Criminal Justice Committee and Sen. Webb to the NCSL Health and Human Services Committee. The motion passed unanimously by voice vote.

- **Women's Legislature Network Advisory Council**

00:10:41 Ms. Fox explained the structure of the Women's Legislature Network Advisory Council and said that Rep. Hill was interested in participating in that Advisory Council.

Motion

00:11:26 Rep. Bennett moved to appoint Rep. Hill to the Women's Legislature Network Advisory Council.

Discussion

00:11:40 Rep. Hunter wanted to know that if there were other people that do come forward that also are interested in the Advisory Council and since it is an unlimited number, then more people could be named in the future.

Motion Withdrawn

00:12:21 Rep. Bennett said that he would be happy to withdraw that motion for the time being to see if there is interest among some other people from both sides of the aisle.

- **CSG Appointments**

00:12:52 Ms. Fox discussed the CSG Executive Committee's acceptance of the Montana appointments for the Western Legislative Academy: Rep. Edward Greef, Rep. Mary McNally, and Rep. Doc Moore.

00:14:15 Sen. Larsen said that Montana participates in the Pacific Northwest Economic Region and has never had the opportunity to host a summit meeting. He said that the Governor would like to host the 2015 Summit.

00:16:12 Sen. Essmann asked if Sen. Larsen would work with the Governor to try to get

Montana to host the next summit meeting.

LEGISLATIVE REDISTRICTING PRESENTATION

00:17:05 Rachel Weiss, Research Analyst, gave a presentation on redistricting (**Exhibit 2**).

Committee discussion

00:24:09 Sen. Larsen asked when the change overs would occur.

00:24:20 Ms. Weiss explained that counties are required to adjust their precinct lines within 45 days of the plan being adopted. Districts will be in place for the 2014 elections.

00:26:25 Sen. Essmann asked about the "cores of previous districts".

00:26:51 Ms. Weiss said that there is a report that is generated through the redistricting software that shows the composition of the old district with each new district.

2013 SESSION AND BILL UPDATES

- **Initiative and referendum status - Todd Everts, Legal Director**
00:28:42 Mr. Everts discussed ballot issues, initiatives and referendums. Mr. Everts referred to a copy of the Secretary of State's webpage that lists the 2014 ballot issues (**Exhibit 3**).

Committee questions

00:31:32 Rep. MacDonald asked on which general election or election would Ballot Issue #7 be placed.

00:32:02 Mr. Everts said it would be the general election in 2014.

00:32:17 Sen. Barrett asked who the contact person is to ask about the sponsor of an initiative.

00:32:43 Mr. Everts said that the contact person would be the person sponsoring the initiative.

00:33:43 Sen. Sesso asked about the timeframe for the Attorney General's review and the legal sufficiency determinations.

00:34:03 Mr. Everts said he would review the statutes regarding the timeframe for the AG's review.

00:34:25 Sen. Sesso asked that if Mr. Everts will include any challenges that might occur on any of the initiatives.

00:34:42 Mr. Everts explained that if there is a challenge to any of the proposals, he will provide that information to the committee.

- **Session statistics**
00:35:27 Ms. Fox discussed the Session Statistics from the 2005 Session to the 2013 Session (**Exhibit 4**).

Committee questions

- 00:38:04 Sen. Larsen asked if there was a reason for the total number of "web messages" from the previous session.
- 00:38:39 Ms. Fox said that a legislator could send a message to another legislator or to an entire committee.
- 00:39:35 Sen. Barrett asked if Ms. Fox knew how many bill draft requests are from state agencies. Sen. Barrett also asked for some statistics on enrolled bills.
- 00:40:29 Sen. Sesso said that if you establish your website just for the purpose of receiving messages, couldn't the legislators be responsible for checking for messages everyday instead of printing up a list of messages received.
- 00:43:26 Ms. Fox said the short answer is yes but there is always the caveat that the new leadership could override that. The Legislative Council sets that technology allowance and could set the policy.
- 00:44:39 Sen. Sesso said many legislators do not use the offer of the legislative email (mt.gov) which could be segregated from your personal email and would then be a place you could go for your legislative messages.
- 00:45:49 Ms. Fox said that you can get a CD of the spreadsheet of all emails and phone messages.
- 00:46:13 Sen. Essmann asked if that would be a single CD for telephone and email messages or separate.
- 00:46:30 Sen. Essmann asked who should be contacted if a legislator wanted that CD.
- 00:46:40 Ms. Fox said to contact staff in the Communications Office.
- 00:46:51 Mr. Everts provided additional statistics that was not included in the Summary Sheet regarding the number of bills that underwent legal review and said that this is the first time that the legal review note process had been used.
- 00:48:41 Sen. Essmann suggested that during the strategic session, the committee might want to discuss polling members of the Legislature for feedback on the legal review note process.
- 00:49:21 Sen. Sesso asked about the support for certain legislator's electronic devices.
- 00:49:45 Ms. Fox discussed which electronic devices are supported by the Legislative IT staff.

- **Capitol Security Program update**

- 00:50:54 Ms. Fox provided an update on the Capitol Security Program.

Committee discussion

- 00:53:14 Sen. Essmann requested the Council members have another discussion about the Program and to include participation of a few legislators in the task force.
- 00:54:17 Rep. MacDonald asked about the number of people on the task force.
- 00:54:40 Ms. Fox said that the meeting was represented by executive branch agencies,

the Helena Police Department, the Lewis and Clark County Sheriffs Office, the City of Helena.

00:55:50 Sen. Essmann said he would contact the Speaker and Minority Leaders regarding appointing legislators to be on the task force.

INTERIM COMMITTEE UPDATES

- **Funding for Indian Child Welfare Act (ICWA) conference**
00:56:52 Ms. Fox discussed funding for the Indian Child Welfare Act Conference.

- **Proxies, quorums**
00:58:07 Ms. Fox discussed the policy of proxies that the Legislative Council had adopted.

Ms. Fox discussed the statute regarding quorums. The statute states that if a legislator had two unexcused absences from a committee meeting, that member should be replaced

Committee discussion

- 00:58:44 Sen. Essmann asked if there were any committees that have had trouble advancing their business.
- 00:58:58 Rep. MacDonald asked what happens if a committee had a member who consistently failed to show up for the meetings, and that committee was to invoke that provision, what would the timeframe be on the expectation of appointing a new member to that vacated position.
- 00:59:56 Sen. Essmann asked if there were any statutory sideboards regarding replacement of a committee member.
- 01:00:09 Ms. Fox said it is in the same manner as the original appointment.
- 01:00:26 Sen. Essmann discussed his conversation that he had recently with the Chair of the Committee on Committees who indicated that he will communicate with Sen. Essmann on issues as they might arise.
- 01:01:09 Mr. Everts said that 5-5-212, MCA, addresses the replacement of a committee member due to unexcused absences from interim committee meetings or hearings.
- 01:02:00 Sen. Essmann said that if you had a situation where a legislator missed a meeting, no letter, no phone call, that that would be considered no show.
- 01:02:12 Mr. Everts said the discretion would be is whether it was considered by the committee and the chair at the time as an excused without just cause.

BRANCH BUDGET ITEMS

- **Pay Plan**
01:03:09 Ms. Fox updated the committee on the decisions made by the three branch managers regarding the Pay Plan.

- **Information Systems Reserve Fund**

01:05:16 Ms. Fox explained what the Information Systems Reserve Fund was.

Committee discussion

01:06:47 Sen. Essmann asked where the transfer amount is found.

01:07:06 Ms. Fox referred the committee to the document "2011 Feed Bill Report".
(Exhibit 5)

Motion

01:08:13 Sen. Sesso moved to transfer \$209,700 from the reverted funds from the 2011 Feed Bill for Legislative Services Division to the Information Systems Reserve Fund, as suggested by Ms. Fox.

Committee discussion

01:08:23 Sen. Barrett asked if this was statutory.

01:08:32 Ms. Fox discussed 17-7-303 and 5-11-407, MCA.

01:08:43 Sen. Barrett asked if there is maximum amount.

01:08:57 Ms. Fox said that it is limited only by the approval of the Legislative Council, the Speaker, and the President.

01:09:27 Sen. Essmann asked if the Reserve Fund is used to pay for pending projects that the Legislature needs for the hardware and software systems.

01:09:48 Ms. Fox said the Reserve Fund is used for the aging and declining systems.

01:12:07 Sen. Essmann asked about the current balance and what was spent on declining systems.

01:12:36 Ms. Fox discussed using the funds to make upgrades to the Voting System.

01:12:55 **Jennifer Simmons, Financial Services Manager**, said that after the 2013 biennium began, the Legislative Council appropriated \$268,000 to pay for consulting services to replace our access databases that were declining, and for upgrading the JAVA program.

01:13:49 Sen. Essmann asked if the previous expenditures have been primarily software oriented.

01:15:10 Ms. Fox discussed Program 20 and Program 21 documents (**Exhibit 6**). She said the IT Budget and it is vetted through the Information Technology Planning Council, formerly known as the Computer Systems Planning Council.

01:17:13 Ms. Simmons discussed the network budget.

01:17:45 The motion passed unanimously by voice vote.

COUNCIL BUSINESS

- **NCCUSL appointment**

01:18:55 Ms. Fox said that the Legislative Council has the responsibility of filling the

position vacated due to Justice Wheat's resignation. She listed the four candidates who are seeking appointment to the Uniform Law Commission.

Motion

01:20:08 Rep. O'Hara moved to approve the appointment of Jonathan Byington to the Uniform Law Commission.

Committee discussion

01:20:46 Sen. Larsen asked if people who initially did not apply could be considered.

01:21:18 Ms. Fox discussed the requirements to be appointed to the Commission.

01:21:40 Ms. Everts discussed what the statute provides on the appointment.

01:23:37 The motion to appoint Mr. Byington to the Uniform Law Commission passed with Sen. Barrett voting no.

- **Response to James Ahrens letter**

01:24:05 Mr. Everts summarized his response to Mr. Ahrens' letter (**Exhibit 7**).

- **Adopt meeting date changes**

01:27:27 Ms. Fox explained that there was a meeting schedule conflict with the Revenue and Transportation Committee that is schedule to meet December 4-5, 2013.

Motion

01:30:38 Rep. O'Hara moved to change the December meeting date to January 8, 2014, and to adopt the January 8 date. The motion passed unanimously by voice vote.

OTHER COUNCIL BUSINESS

- **Recommendation on historical Legislative Journals**

01:32:28 Ms. Fox discussed the historic Legislative Journals that she received from the Secretary of State and asked for ideas of what to do with those Journals.

PUBLIC COMMENT

01:41:17 There were no public comments at this time.

RECESS

01:41:45 With no further business before the committee, Sen. Essmann recessed the meeting at 12:45 p.m., to reconvene at the Barrister's for the strategic planning session at 1:00 p.m.