



# Legislative Council

## 63rd Montana Legislature

### SENATE MEMBERS

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

### HOUSE MEMBERS

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

October 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. CHAS VINCENT

REP. BRYCE BENNETT  
REP. MARGARET ( MARGIE ) MACDONALD  
REP. JESSE O'HARA (via phone)  
REP. GORDON VANCE

### COMMITTEE MEMBERS EXCUSED

SEN. CLIFF LARSEN  
SEN. JON SESSO  
REP. MARK BLASDEL

### STAFF PRESENT

SUSAN BYORTH FOX  
TODD EVERTS  
FONG HOM

## **AGENDA & VISITORS' LIST**

Agenda ([Attachment 1](#))  
Visitors' list ([Attachment 2](#))

## **COMMITTEE ACTION**

- The Council adopted the Summary Minutes from the strategic planning session held August 22 and 23, 2014.
- The Council adopted the Legislative Council's Proposed Work Schedule.

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

00:00:01 Sen. Essmann called the meeting to order at 10:28 a.m. The secretary called roll. Rep. Blasdel, Sen. Sesso, and Sen. Larsen were excused. Rep. O'Hara participated by phone. ([Attachment 3](#))

## **APPROVAL OF SUMMARY MINUTES -- August 22-23, 2013 meeting**

00:01:45 Ms. Fox explained the purpose of the "Minutes Log" and that the audio recording of the meetings are now considered the official minutes.

00:03:00 Ms. Fox discussed the Summary Minutes of the Strategic Planning Session. ([Exhibit 1](#))

- **Motion to adopt Summary Minutes**
- 00:08:12 Rep. MacDonald moved to adopt the Summary Minutes as discussed. The motion passed unanimously by voice vote.

## **LEGISLATIVE SERVICES DIVISION - Staff Updates**

00:08:51 Ms. Fox said that the Legislative Services Division is in the process of filling the legislative secretary position that was held by Ms. Johnson. Ms. Fox also reported that Dale Gow has been hired as the Legislative Branch CIO.

## **NCSL, CSG, PNWER UPDATES**

00:10:02 Ms. Fox referred the Council to the spreadsheets that show the National Conference of State Legislatures, Council of State Governments, and the Pacific Northwest Economic Region current budgetary balances 2015 Biennium through October 19, 2013. ([Exhibit 2](#))

## **BUDGET AND EXPENDITURE REPORT**

00:10:10 Ms. Fox referred the Council to the spreadsheet, "Program 21, Interim Committees and Activities Program Budget and Expenditure Report" that shows each interim committee's budget. ([Exhibit 3](#))

## **LEGISLATIVE BRANCH INFORMATION TECHNOLOGY RESERVE ACCOUNT UPDATE**

00:10:12 Ms. Fox referred the Council to the document, "Legislative Branch IT Reserve Account Activity" that provides a history of the amounts in the account, expenditures of the account to-date, and the balance to-date. [\(Exhibit 4\)](#)

## **BUDGET UPDATE - Amy Carlson, Legislative Fiscal Division**

00:12:18 Ms. Carlson gave a report on the FY 2013 Fiscal Year End and 2015 Biennium Update. [\(Exhibit 5\)](#) She discussed reversions for FY 13 and differences between the Executive and Legislative estimates.

### Committee questions

00:16:46 Sen. Essmann asked whether the new accounting system that the Legislative Branch is working on with the Executive Branch will help eliminate the differences.

00:16:51 Ms. Carlson explained that the system they are working on is the budgeting system which won't address the differences in the accounting system.

00:17:37 Ms. Carlson discussed the Fire Transfer Summary.

00:17:42 Ms. Carlson recapped the overall impact in 2015, noting the differences in the column 2015, and summarized the components of the \$102.4 million and the transfer into the fires in FY 14. She also discussed updating their revenue estimates and will bring a summary of those impacts to the Legislative Council's January meeting.

### Committee questions

00:18:52 Rep. Hunter asked about the Fire Suppression Fund and the upper limits to the amount of money that can roll into the Fund.

00:20:02 Sen. Essmann asked if the money will remain available in the ending fund balance.

00:20:06 Ms. Carlson explained what the ending fund balance would be and what amount would be capped at the beginning of the fiscal year.

00:20:19 Sen. Essmann asked if in her December estimate, she will calculate the amount to be transferred into the Fire Suppression Fund.

## **2013 SESSION AND BILL UPDATES**

### **• Initiative and referenda status - Todd Everts, Legal Director**

00:21:32 Mr. Everts reported on the status of the ballot issues and referred the Council to the document, "Montana Secretary of State 2014 Proposed Ballot Issues". [\(Exhibit 6\)](#)

00:21:36 Mr. Everts provided an update of litigation cases that either involve the

Legislature itself or legislative enactments.

Committee Questions

00:23:26 Rep. Hunter asked if Mr. Everts would send a copy of the filing before the January meeting.

00:23:41 Mr. Everts said that he would also send a copy of the TRS' complaint.

00:23:53 Sen. Essmann asked if the committee would like a representative from the Attorney General's Office to make a presentation on their proposed defense at our next meeting.

00:24:24 Rep. Bennett asked about the process of ballot issues and referenda in the Secretary of State's Office.

00:24:49 Mr. Everts responded.

• **Session systems update - Susan Fox**

00:25:18 Ms. Fox said that \$6.1 million was approved in HB 10, for a project to update the Session Systems. Shawn Whyte was hired as the project manager. An RFP will be let to hire a contractor.

Committee questions

00:28:25 Sen. Vincent asked for more specifics on what changes will occur.

00:28:41 Ms. Fox summarized the systems involved, including the MCA databases, Text DBMS; WordPerfect for bill drafting, minutes, and journals.

00:32:02 Sen. Essmann discussed states that are moving toward streaming their legislative sessions versus broadcasting.

00:33:18 Ms. Fox discussed the video capabilities of the Granicus program and making sure that the streaming is accessible throughout the state.

• **Capitol Security Program update - Susan Fox**

00:35:22 Ms. Fox provided an update of the Governor's Security meeting and said that the next meeting is scheduled for December 3.

Committee questions

00:36:17 Rep. Hunter said that he received a solicitation for money for a new canine unit in Helena and asked if the canine unit in Helena was transferred for duty to the Capitol Security Officer.

00:36:56 Ms. Fox said that that was not her understanding and she would follow up on it.

**COUNCIL BUSINESS**

• **Strategic Planning and adopt work plan - Susan Fox**

00:40:44 Ms. Fox referred the committee to the document "Proposed Work Schedule" and

said that the work schedule can be discussed after the committee hears the presentations. [\(Exhibit 7\)](#)

- **What do other legislatures do? - Susan Fox**

Ms. Fox gave a presentation on "What Do Other Legislatures Do?" [\(Exhibit 8\)](#)

00:41:07 ▶ **Montana's Legislature**

00:45:10 ▶ **More about other Biennial States: Nevada**

Committee questions

00:46:00 Sen. Essmann asked about Nevada's term limits.

00:47:12 Sen. Essmann asked if Nevada's interim committees evenly balanced by party.

00:47:23 Rep. Driscoll asked how Nevada's members are divided between the House and the Senate.

00:48:25 ▶ **Nevada Legislative Orientation**

Committee questions

00:50:08 Sen. Essmann asked if Nevada's orientation was held in association with their leadership elections and is the orientation lead by staff.

00:50:11 Rep. Bennett asked how topics are determined in during Nevada's orientation phase.

00:52:53 Sen. Vincent asked about Nevada's budget for its session and training.

00:54:00 ▶ **Nevada Legislative Compensation**

Committee questions

00:55:16 Sen. Essmann requested more detail on Nevada's per diem allowance.

00:55:44 Rep. MacDonald asked about a cap on travel and whether or not Nevada pays salary for members attending NCSL.

00:57:21 Sen. Essmann and Ms. Fox discussed Montana's policy on salary for legislators attending NCSL conferences.

00:58:33 Mr. Everts responded to Sen. Driscoll's question on the breakdown of the Nevada Assembly.

00:59:02 ▶ **More about other Biennial States: North Dakota**

Committee questions

00:59:52 Sen. Essmann wanted confirmation that North Dakota Legislature does not include Saturdays as a legislative day.

01:01:10 ▶ **North Dakota Legislator Compensation**

Committee questions

01:01:49 Sen. Essmann asked if North Dakota had 141 total members.

01:01:45 ▶ **More about other states: Texas**

- 01:07:06 ▶ **Other "Citizen" Legislatures**
- Committee questions
- 01:07:10 Rep. MacDonald said she is interested in having Ms. Fox looking at Alaska and Oregon because they do have similarities with Montana.
- 01:07:31 Sen. Essmann said to look at low population, big geography states and see how they address the same challenges.
- 01:08:22 ▶ **Regarding Annual Sessions: Oregon**
- Committee questions
- 01:10:28 Rep. Hunter asked for a copy of the report created by the Public Commission on the Oregon Legislature.
- 01:10:30 ▶ **Regarding Nevada Study**
- 01:10:41 ▶ **Work Product**
- Committee discussion
- 01:15:26 Rep. MacDonald said she would like to see legislator compensation on the list.
- 01:16:51 Rep. Hunter asked what Legislatures do in terms of public information and public outreach efforts and whether they are staffed, how they are staffed and to what degree.
- 01:18:10 Sen. Vincent asked if there had been a discussion of Montana's annual sessions before going to biennial.
- 01:19:56 Sen. Essmann asked about the structure of interim committees between sessions, are they equally balanced by chamber, equally balanced by party.
- 01:20:40 Ms. Fox said the Rep. Hansen wanted the committee to look at total legislative budgets of the states that we are comparing.
- **Presentation on session - Sen. Fred Thomas**
- 01:21:54 Sen. Thomas commented on term limits and proposed changing the current legislative setup from a 4-month session/20-month interim to a 2-month/10-month each year. He said that a bill should be introduced in the 2015 Session to build new rules for the 2017 Session.
- Committee questions
- 01:30:00 Rep. MacDonald asked if Sen. Thomas had a chance to look at a consensus building process that was used in Nevada and Oregon.
- 01:30:59 Sen. Thomas said that might be another approach of changing the setup and that it is imperative for them to pick up and lead.
- 01:32:53 Sen. Essmann commented on annual sessions versus general sessions.
- 01:34:40 Sen. Vincent said that he would like to know how many states that meet annually were done by referendum or by the legislature itself and how did those states get there.

**Lunch Break -- reconvene at 1:03 p.m.**

### **Public Comment**

- 02:35:41 Lindsay Grovom, Chief Clerk, Montana House of Representatives, reported on her recent attendance at the Professional Development Seminar for the American Society on Legislative Clerks and Secretaries (ASLCS). She distributed a written synopsis of the meeting. [\(Exhibit 9\)](#)
- **Goals for a Legislative Session Calendar - Susan Fox**

02:37:56 Ms. Fox discussed the ten goals for a new and improved session calendar that was a result of the Strategic Planning Session. [\(Exhibit 10\)](#)

Committee discussion

02:45:30 Rep. Bennett is concerned about the logistics of legislators moving to Helena for session every years as opposed to every two years and about staff recruitment.

02:46:19 Sen. Essmann is concerned about the time period between elections and the commencement of the session that might lead to a bill drafting jam and duplication of bills.

02:48:09 Rep. Hunter is interested in looking at the bill drafting rules regarding returning legislators.

02:49:38 Rep. MacDonald is interested in empowering and enabling the citizen legislators to serve well because we have a limited calendar and with term limits, we don't have 12 or 20 years to learn the ropes of state government.

02:51:05 Sen. Vincent would like to know how many times a senate member drafts a bill for a house member and maybe we should be looking at that kind of process.

02:52:20 Sen. Essmann asked about the legislative staff not beginning the bill drafting process until November or December prior to the session. He sees no reason why staff could not start drafting bills in the spring or summer before the session begins and suggested adding that to the goals list.

02:53:55 Rep. Hunter is interested in giving the public an opportunity to be part of the process.

02:55:05 Ms. Fox discussed technology being a way to allowing the public to participate in the process.

02:55:34 Ms. Fox said that she will take the comments she heard and refine the list and send it out electronically.
  - **Presentation on bill introduction limits - Susan Fox**

02:56:28 Ms. Fox presented a briefing paper on bills and bills processing that is a summary of an NCSL document, "Inside the Legislative Process", and the Council of State Governments, "The Book of States, 2013". [\(Exhibit 11\)](#)

03:03:22 Sen. Essmann asked Ms. Fox to contact the legislative bodies that use the short form or skeleton bills, and get examples of how they start and how they evolve through the session.

03:08:23 Sen. Essmann discussed the Wyoming Legislature where they have a budget session in even-numbered year for 20 days.

03:09:57 Ms. Fox discussed the success rate and committee bill requests. [\(Exhibit 12\)](#)  
Ms. Fox also discussed the five deadlines: bill introduction, committee action, action by the house of origin, second house action (transmittal), and conference

committee action.

- 03:14:24 Sen. Essmann is interested in the deadlines on committee action and how they interact with a bill introduction deadline.
- 03:17:22 Ms. Fox discussed introduction deadlines of other states.
- 03:22:56 Ms. Fox discussed Rule 32.
- 03:25:51 Sen. Essmann requested that Ms. Fox look into New Mexico's rule that house members are not permitted to introduced a bill unless it obtains approval from a majority of the New Mexico senate prior to introduction in the New Mexico house.
- 03:27:12 Ms. Fox discussed sponsorship of bills and the "blast motion".
- 03:28:22 Sen. Essmann said that he would like future inquiries to include withdrawal of bills from a committee.
- 03:29:16 Ms. Fox discussed the rule on how a bill gets designated as a revenue bill.
- 03:30:36 There was a discussion regarding the reason for the designation of the revenue bill, an attempt to evade the rule in order to obtain a later deadline, and changing the date for revenue bills so people can't play games.
- 03:32:41 Mr. Everts said that this discussion raises a critical element when thinking about rules and deadlines and that is, you can have hard and fast rules that don't allow for any flexibility if circumstances arise or change during the session. The ultimate flexibility is suspending the rules.
- 03:33:39 Ms. Fox discussed an element that deals with provisions that determine what bill shall be considered a revenue bill.
- 03:34:30 Ms. Fox discussed the deadlines that other states have in their rules.

### **PUBLIC COMMENT**

- 03:41:12 Pat Keim, lobbyist, said that the Legislative Council has given a good summation of comparisons of what other states are doing. The reason he wanted to provide public comment is because of his 20 years' work with legislatures with not only Montana but with other states.
- **Next steps: discuss establishment of subcommittees, rules, polling of legislators - Susan Fox**
- 03:46:22 Ms. Fox referred the committee to the document "Proposed Work Schedule" ([Exhibit 7](#)) and reviewed the schedule. She suggested that rule changes could be put on the May or June meeting.



Committee discussion

- 03:48:29 Sen. Essmann suggested forming a Rules Subcommittee comprised of Rep. Blasdel, Rep. Hunter, Sen. Larsen, and Sen. Essmann.
- 03:49:25 Rep. Hunter said that there are some rules issues that need to be addressed that arose out of the conduct of the past session. He wanted it on the record that there are things that need to be discussed that are smaller pieces that are tweaks to the existing rules that should be on the agenda at some point.
- 03:50:00 Sen. Essmann said that he has had discussions with Sen. Sesso in terms of the purpose and application of the Call of the Senate. He would like that added to the list of what do other legislative bodies do.
- 03:52:35 Ms. Fox said she could add "potential rules committee meetings" in January, March, or May.
- 03:52:45 Sen. Essmann said he wants to survey the landscape before the committee starts on the process.
- 03:53:46 Ms. Fox discussed the topics for the January meeting.
- 03:54:57 Rep. Hunter requested that interim committee training be added under the topic of "Training Opportunities".
- 03:55:33 Ms. Fox discussed the topics for the March meeting.
- 03:57:15 Ms. Fox discussed rescheduling the May meeting to June 9 or 10.
- 03:59:07 Sen. Essmann discussed having previous legislators come and talk about schedules of the session, when committees met, when floor meetings met that might be useful as historical knowledge.
- 04:01:12 Ms. Fox discussed defining legislative day.
- 04:01:56 Ms. Fox discussed having a stakeholder panel discussion in May.
- 04:03:10 Ms. Fox discussed the legislative budget proposals.
- 04:03:55 Ms. Fox discussed the topics for the August and November meeting.
- 04:05:09 Ms. Fox asked if there was anything that the Council would like to add or change on the Proposed Work Schedule before it is adopted.
- 04:05:23 Sen. Essmann said that the Council might need to look at more than a single two-day meeting, maybe in January or March. He asked that staff try to get that information a couple of weeks before the Council is scheduled to meet, review the material, and be prepared for substantive discussions.
- 04:06:29 Rep. Hunter thanks Ms. Fox for her work on the Work Schedule.

- 04:07:06 Rep. MacDonald advocated for more stakeholder panels.
- 04:10:48 Sen. Barrett asked if it would be possible or helpful going forward after each meeting that we would have a press release to be put into local papers in terms of the Council and where we are headed.
- 04:11:44 Sen. Essmann said that the Chair and the Vice Chair could work something up and get approval from the Council members.
- 04:13:27 Sen. Essmann said to send ideas to Ms. Fox and they would organize them as to where to place them in terms of the work schedule.

**Motion to adopt the Proposed Work Schedule**

- 04:14:52 Sen. Barrett moved to adopt the Proposed Work Schedule. The motion passed unanimously by voice vote. (Rep. O'Hara yes via phone)

- **Ideas from Communications Office for Legislative Improvement**

- 04:16:03 Sonja Gavin, Legislative Information Resources Manager, gave a presentation on ideas that the Communications Office has to better serve the Legislature and the citizens of Montana.

- 04:19:58 Andrew Franks-Ongoy, Publications and Webpage Coordinator, gave a presentation on ideas to improve the messaging system during session and throughout the interim.

Committee discussion

- 04:38:22 Sen. Essmann discussed coming up with a uniform e-mail address for the legislators.

- 04:39:59 Mr. Everts discussed the aspect of archiving public documents.

- 04:43:00 Sen. Essmann requested setting time at the next meeting for further discussion of this topic.

- **Video capabilities**

- 04:43:54 K'Lynn Sloan Harris, Audio/Video Coordinator, gave a presentation on the Granicus System and ideas on creative ways to use video to enhance the Montana Legislature.

Committee discussion

- 05:02:46 Ms. Fox said that the Legislative Services Division has invested in a portable unit with audio/video capabilities of traveling to other cities in Montana.

- 05:04:20 Sen. Essmann asked Mr. Everts to prepare for discussions of the open records obligations in terms of how a uniform e-mail address system could assist in meeting those obligations for the next meeting.

- **Public Comment - none**

**NEXT MEETING DATE**

- 05:05:24 Ms. Fox said that the next meeting date is January 8, 2014.

05:05:37 Sen. Essmann asked that suggestions for agenda items for the next meeting be emailed to Ms. Fox.

05:05:53 Rep. Hunter thanked Ms. Grovom for her report.

05:06:23 Sen. Essmann and Ms. Fox discussed moving the May meeting date to June 9 or 10, 2014.

### **ADJOURNMENT**

05:07:32 With no further business before the Legislative Council, Sen. Essmann adjourned the meeting at 3:35 p.m.

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