



Legislative Council

64th Montana Legislature

SENATE MEMBERS

DEBBY BARRETT
ROBYN DRISCOLL
TOM FACEY
RICK RIPLEY
JON SESSO
CHAS VINCENT

HOUSE MEMBERS

BRYCE BENNETT
JEFF ESSMANN
STEPHANIE HESS
CHUCK HUNTER
AUSTIN KNUDSEN
MARGARET (MARGIE) MACDONALD

COMMITTEE STAFF

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

MINUTES LOG

April 21, 2015
Room 137, 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. DEBBY BARRETT
SEN. ROBYN DRISCOLL
SEN. TOM FACEY
SEN. RICK RIPLEY
SEN. CHAS VINCENT
SEN. JON SESSO

REP. BRYCE BENNETT
REP. JEFF ESSMANN
REP. STEPHANIE HESS
REP. CHUCK HUNTER
REP. AUSTIN KNUDSEN
REP. MARGARET (MARGIE) MACDONALD

STAFF PRESENT

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

VISITORS

Visitors' list (not available)

AGENDA (Attachment 1)

COMMITTEE ACTION

The Legislative Council voted to:

- postpone the election of officers until the May meeting;
- request that staff match Republican caucus members to the Democrat caucus members for appointments to NCSL, CSG, and PNWER committees; and
- grant to each caucus \$19,000 in funds to be spent at the discretion of the caucus leadership for attendance at either CSG, NCSL, or PNWER.

CALL TO ORDER AND ROLL CALL

00:00:15 Sen. Barrett called the meeting to order at 10:34 a.m. The secretary called roll. Everyone was present. [\(Attachment 2\)](#)

ELECTION OF OFFICERS

00:02:00 Sen. Barrett asked Ms. Fox if the election of officers could be postponed until the May meeting.

00:02:04 Susan Fox, Executive Director, said that because some of the members are not sure if they would be serving on the committee over the interim, the election of officers could be postponed until the May meeting.

Motion/Vote

00:02:10 Sen. Essmann moved to postpone the election of officers until the May meeting. The motion passed on a voice vote.

00:02:44 Sen. Sesso asked about the cycle of chairmanships for the Legislative Council.

00:02:55 Ms. Fox referred the committee to the document, "Legislative Council Presiding Officer History". [\(Exhibit 1\)](#)

APPOINTMENTS TO NCSL, CSG, AND PNWER

00:04:09 Ms. Fox referred the committee to the document, "Recommendations to the Montana Legislative Council for 2015-2016". [\(Exhibit 2\)](#) She said that there are more Democrats appointed to committees than Republicans and the statute states that there should be an equal number of Democrats and Republicans. She said she would like to give the Republican Party an opportunity to add more members.

- 00:05:09 Sen. Barrett suggested that Ms. Fox take the standing committees out of the legislative book, and rather than cut the Democrat members, just add Republican members from the Senate. If the members don't wish to attend, they don't have to. That is what she would like to do in the Senate if there are no objections.
- 00:05:49 Rep. Hunter said that the House Democrats are willing to pare their list down to a reasonable number to be able to match up with the House Republicans.

Motion/Vote

- 00:06:45 Rep. Knudsen moved to have Ms. Fox match Republican caucus members to the Democrat caucus members for appointments to NCSL, CSG, and PNWER committee. The motion passed on a voice vote.

DISCUSSION ON INTERIM COMMITTEES AND FUNDING

- 00:07:26 Ms. Fox discussed interim funding. She referred the committee to the memo dated April 13, 2015, regarding Program 21 and Interstate opportunities for legislator participation. [\(Exhibit 3\)](#)
- 00:10:27 Sen. Vincent said that he would like to get as many senators as possible to participate in the PNWER Summit in Big Sky. He would be in favor of any additional resources for additional attendees. He asked about using resources listed under the title, "Discretionary/Emerging Issues" for any PNWER activities.
- 00:10:33 Ms. Fox said that that is part of the interim committees budget and is an internal allocation. It would be up to the Legislative Council to decide how to spend that.
- 00:11:08 Rep. MacDonald asked if that budget incorporates any of the task forces and commissions, or are they included in HB 2?
- 00:11:26 Ms. Fox said that the memo is funding from the last biennium and, if given the authority to spend, could go to caucuses for interstate participation.
- 00:11:49 Sen. Driscoll said she was hopeful that the Energy and Telecommunications Interim Committee could hold their July meeting at the PNWER conference in Big Sky.
- 00:12:34 Rep. Essmann said that there is almost an \$80,000 carryforward. We have money allotted for the two regular delegates plus an additional 16 or 17 from the caucuses. Some of that \$80,000 could also go into the NCSL, CSG budgets, and to leadership discretionary budgets as well. No need to spend it on the PNWER events.
- 00:13:36 Rep. Bennett said that this session, in addition to interim committees, a lot of task forces are being created. Does their pool of money have to come out of this interim money?

00:13:54 Ms. Fox said that they are resources from two different pots of money. The pot of money in the memo is separate and apart from the interim committee budgets and will expire on June 30th. Ms. Fox thought that the committee could use some of that money to prepay NCSL's, CSG's, and PNWER's registration fees.

00:15:25 Rep. Hunter suggested that the committee move on this issue today. If the committee wants to prepay expenses and registrations, it is going to be too late to wait until May and then solicit information.

00:16:31 Sen. Vincent asked Rep. Essmann if he thought that leadership should have an extra budget for NCSL, and if so, how much?

00:17:54 Rep. Essmann discussed giving each caucus \$15,000 of unappropriated money to be spent on CSG or NCSL or PNWER.

Motion/Vote

00:18:55 Sen. Essmann moved to grant \$79,000 of carryover funds, allocating \$15,000 per caucus for leadership discretionary expenditures to NCSL, CSG West, and the balance of \$14,000 to be split equally four ways for additional PNWER attendees' expenses.

00:19:27 Sen. Sesso asked if Ms. Fox anticipates anything happening in the next 60 days that would not compel the Council to take the whole amount for this purpose?

00:19:47 Ms. Fox said the carryforward will go to the IT Reserve, with the remaining reverting to the General Fund and/or becoming the carryforward for the next time. If there is a balance, it will be a small portion available for reuse. The \$24,000 is in the next budget after July 1, and the next step would be to divide that amount up. This motion gets you to having that flexibility in getting as many people to the PNWER Summit and the NCSL Summit and the CSG Regional meeting.

00:20:47 Sen. Sesso said that in looking at the numbers, the committee should try to maximize it because if it costs about \$1,400 to attend PNWER and if the Democratic caucus in the House has 17 that would like to attend, he is with Sen. Vincent in that we want to make a good showing at PNWER. He said, in the form of a friendly amendment to the motion, that \$19,000 would take us to the \$76,000 out of the \$79,000.

00:22:19 Sen. Vincent asked if the \$24,000 would be available for future emerging issues for the rest of the interim? He said that a couple of committees will be busy this interim with study bills and those committees may want to meet off campus and would need the Council's approval. He would like to see that there will be resources to accommodate the committee's request.

00:23:10 Rep. MacDonald said that she supports the original motion and the friendly amendment.

Substitute Motion/Vote

00:23:51 Rep. Essmann made a substitute motion to grant each caucus \$19,000 to be spent at the discretion of the caucus leadership for attendance at either CSG, NCSL, or PNWER. The motion passed on a voice vote.

STATUS REPORT OF INTERIM STUDY BILLS AND RESOLUTIONS

00:25:18 Ms. Fox discussed the status of interim study bills and resolutions. **(Exhibit 4)**.

00:27:20 Rep. Essmann said that he went through the list and there are 11 new appointment duties for the presiding officers. He said that HB 251 needs to get pulled off the table in Finance and Claims because it is his experience as a presiding officer that this effort takes more time than one can imagine. Having a little bit of help to get through that process would be an assistance to people who will have that responsibility.

00:28:28 Sen. Barrett asked if there that bill could be amended to bring back some of the funding that the governor had removed from these committees?

00:28:42 Rep. Essmann said the positions were funded out of money left over from the session.

00:29:49 Ms. Fox said that if in the event that bill doesn't pass, there is nothing that precludes leadership from keeping some session staff on for a period of time. But for a longer term aide, that bill would be necessary.

00:30:46 Sen. Sesso said that sounds like a reasonable first step. Should they go through the President or the Speaker to do that, or what would be the mechanism that they would need to have to ask the aides to stay longer?

00:30:56 Ms. Fox said that going through the Speaker and President for their approval would be best.

CHAMBER ACCESS POLICY AND MEMORANDUM OF UNDERSTANDING WITH THE MONTANA HISTORICAL SOCIETY

00:32:02 Ms. Fox discussed the Memorandum of Understanding (MOU) between the Montana Historical Society and the Legislative Branch. **(Exhibit 5)**

Motion/Vote

00:33:51 Sen. Facey moved to authorize Ms. Fox to sign the Memorandum of Understanding with the Montana Historical Society.

00:34:06 Sen. Barrett said she would like to delay executive action on this issue until the May meeting.

Motion Withdrawn

00:34:20 Sen. Facey withdrew his motion.

00:34:24 Rep. Essmann said that the document should be signed by the presiding officers of each chamber.

PUBLIC COMMENT

00:36:01 Dennis Lenz, Sergeant of Arms for the House of Representatives, said that it was evidenced that the interaction with the Historical Society and the Legislative Branch had been a little loose. This is a great opportunity to strengthen that.

00:36:40 Marilyn Miller, Secretary of the Senate, said that the committee should consider the “not sitting in the chairs” policy. She said that many tourists sit in those chairs and she doesn’t see that as disrespectful.

SECURITY CAMERAS AND LEGISLATIVE SPACE

00:38:00 Sen. Barrett said that the issue of security cameras came out of the Historical Society incident and if we tighten up the rules, we might not need the expense of security cameras. She would like to revisit that.

00:38:13 Ms. Fox said that she did not intend that the committee make a decision today regarding security cameras and legislative space, but she wanted to gauge the committee’s level of interest on those two issues. Both incidents came up with the General Services Division last interim. The question is, what is the purpose of the cameras; is it to protect the art or the people, is it to look at the galleries or look at the floor. In regards to legislative space, the Legislative Services Division will be approaching the respective leaders to see if the Division can use some of the office space for the Legislative IT Division. Ms. Fox would like to gauge interest on this issue for discussion at a later meeting. The May meeting is to go through the interim committee poll and to assign interim committee studies.

NEXT MEETING DATE

00:40:59 Rep. Essmann suggested that the next meeting be scheduled for May 18, at 10:00 a.m.

DIRECTION TO STAFF - none

OTHER COMMITTEE ITEMS

00:42:06 Sen. Barrett said that the committee will deal with the interim committees, legislative space, and the election of officers at the May 18 meeting. She suggested that if any members had any questions or ideas for the meeting, to contact Susan Fox.

00:42:59 Sen. Sesso asked if Sen. Barrett if the Committee on Committees’ work will be completed by the 18th of May.

- 00:43:28 Sen. Ripley said that the chair of the Committee on Committees is going to schedule a meeting this week.
- 00:43:44 Sen. Sesso said that Sen. Driscoll has already prepared a list and is ready to work with the committee.
- 00:44:00 Ms. Fox said that many of our study bills involve the criminal justice system. The CSG Justice Center has expressed an interest in coming to Montana to analyze the criminal justice system and she asked if it would be okay to explore that idea further.
- 00:45:19 Rep. MacDonald strongly endorses that idea.
- 00:46:11 Sen. Ripley asked if there was a website to go to for more information.
- 00:46:34 Ms. Fox said she would send a link to the website.

PUBLIC COMMENT - none

ADJOURNMENT

- 00:46:52 Sen. Barrett adjourned the meeting at 11:20 a.m., with the next Legislative Council meeting on May 18, 2015.

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