



Legislative Council

64th Montana Legislature

SENATE MEMBERS

DEBBY BARRETT--Vice Chair
EDWARD BUTTREY
ROBYN DRISCOLL
TOM FACEY
BOB KEENAN
JON SESSO

HOUSE MEMBERS

CHUCK HUNTER--Chair
BRYCE BENNETT
SETH BERGLEE
STEPHANIE HESS
AUSTIN KNUDSEN
MARGARET (MARGIE) MACDONALD

COMMITTEE STAFF

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

MINUTES LOG

November 15, 2016
Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. CHUCK HUNTER, Chair
SEN. DEBBY BARRETT, Vice Chair

SEN. EDWARD BUTTREY
SEN. TOM FACEY
SEN. BOB KEENAN
SEN. JON SESSO

REP. BRYCE BENNETT
REP. SETH BERGLEE
REP. STEPHANIE HESS
REP. AUSTIN KNUDSEN
REP. MARGARET (MARGIE) MACDONALD

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

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

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTION

CALL TO ORDER and ROLL CALL

00:00:12 Rep. Hunter called the meeting to order at 9:07 a.m. The secretary called roll. Everyone was present. ([Attachment 3](#))

COUNCIL BUSINESS

New staffing announcement

00:01:33 Susan Fox discussed the retirement of Dave Bohyer and the hiring of Sonia Nowakowski as the new director of the Office of Research and Policy Analysis.

CONSULTATION OF 351 LAND TRANSFER TO CITY OF HAMILTON

Acknowledgment of consultation and concurrence

00:02:07 Debra LaFontaine, Department of Military Affairs ([Exhibit 1](#))

00:03:21 Rep. Hunter acknowledged that the Department of Military Affairs has made its presentation and that there was no dissent.

2017 SESSION PREPARATIONS

Council Bill Draft Requests

LC 260 - Administrative rule polling

00:04:04 Susan Fox, Executive Director ([Exhibit 2](#))

Motion/Vote

00:04:41 Sen. Facey moved to approve LC260. The motion passed unanimously by voice vote. Rep. Bennett will be the sponsor.

LC261 - Legislator compensation

00:05:23 Susan Fox ([Exhibit 3](#))

Discussion

00:06:09 Rep. Hunter commented about the many discussions leading up to the issue of legislator compensation.

00:06:30 Sen. Facey commented about the necessity of bipartisan support from leadership.

00:10:07 Rep. MacDonald said that the Legislative Council must do its due diligence and move the bill forward and that the new leadership should sponsor the bill.

00:18:28 Rep. Hunter said that the Council could approve the bill and try to find a sponsor or approve the bill as a Council bill with the recommendation that leadership sponsor it.

00:20:38 Rep. Hunter postponed action on LC261.

LC262 - Code commissioner bill

00:21:08 Todd Everts ([Exhibit 4](#))

Motion/Vote

00:22:15 Sen. Buttrey moved to approve LC262 as a Legislative Council bill and would also sponsor the bill. The motion passed unanimously by voice vote.

TVMT Update

00:22:53 Ms. Fox provided an update on the contract between HCTV for video production services through the 2017 Session.

Public Comment

00:23:46 Chuck Butler, President of Board of HCTV, read a statement written by the Executive Director of HCTV.

LCLC03 - Revising laws relating to the legislative broadcasting services

00:26:10 Ms. Fox discussed LCLC03. [\(Exhibit 5\)](#)

Discussion

00:29:58 Rep. Hunter discussed the importance of moving a bill forward so that in the event that we are unable to reach a successful contract, it will give us other avenues to follow. He said that in the current statute, "most efficient and effective means of establishing and maintaining a state public affairs broadcasting system is to assign responsibilities to the Legislative Council and require the division of contract." He discussed the new language proposed by Ms. Fox in LCLC03.

00:32:18 Sen. Sesso asked about Rep. Hunter's suggestion to eliminate "except as provided in subsection (2)(b)". Rep. Hunter said that it should read, "the preferred means of establishing and maintaining a state public affairs..." Sen. Sesso asked how to deal with options. Rep. Hunter said that all the options in the bill would remain the same.

00:34:01 Rep. Hunter said that the way it was done in the past was the preferred method, going through an RFP. The other change he wanted to suggest is that when Ms. Fox puts the Institute of Higher Education into the list of potential qualifies, he would want to add the term "Montana".

00:34:45 Rep. Hunter discussed a change on page 3 that talks about structure and governance. We should give direction to staff to come up with a new draft based on the concepts that we want in the bill today.

00:35:52 Sen. Buttrey asked about the costs of the operation and maintenance of the equipment and system.

00:37:28 Sen. Sesso commented on Rep. Hunter's changes.

00:39:00 Ms. Fox suggested removing subsection (c) in the definitions.

00:39:12 Sen. Buttrey suggested removing subsection (b) on page 1 and leave it in the definition.

Motion

00:40:33 Sen. Sesso moved to proceed with LCLC03 as a Legislative Council bill.

Discussion

00:40:59 Sen. Barrett asked about costs to taxpayers.

00:45:39 Rep. Hunter pointed out language in the new contract that puts the legislature in the driver's seat in terms of what gets broadcast and what doesn't.

Amendment to Motion

00:47:15 Sen. Sesso discussed adding an amendment to (1)(c). He asked Mr. Everts for the right language for cost-sharing with the other branches.

00:49:04 Mr. Everts discussed that there isn't a mechanism in law that would establish a cost-share agreement.

00:49:40 Rep. Hunter commented on the cooperation language.

00:51:06 Sen. Buttrey asked about the word "unedited" on the screen.

00:51:50 Ms. Fox discussed the reasons for the word "unedited". Rep. Hunter said "unedited" is that no one is playing around with content.

00:52:52 Sen. Barrett asked about using the word "unaltered".

00:53:08 Mr. Everts said that unaltered would connote that it could potentially be unedited.

00:54:17 Rep. Hunter asked if there was opposition in taking the word "unedited" out.

Restated Motion

00:54:38 Sen. Sesso moved to authorize LCLC03 as amended to remove subsection (2)(b), change the wording "most efficient and effective" to "preferred", insert the word "Montana" in Section 2(3)(b) between private and institution, remove the word "unedited" from Section 3(1)(a) and (1)(b), change the language "if possible" to "if an acceptable proposal is received", and change "cooperate" to "coordinate" in subsection (c).

Discussion

00:56:00 Rep. Bennett asked what the "preferred method" is.

00:56:48 Mr. Everts suggested requiring the division to contract for a qualified operator.

00:57:12 Sen. Sesso said that it is the preferred option that the Council stay in the management position of the contract.

Substitute Motion

01:00:35 Sen. Buttrey made a substitute motion to reinstate section 2(b) on page 1 and remove Section 4(c) on page 2, and to incorporate the original motion by Sen. Sesso.

Discussion

01:01:25 Rep. Bennett discussed the preferred method of finding an operator.

01:01:56 Rep. Hunter discussed a section in the public broadcasting statute that specifically assigns the responsibility for the management of the public broadcast service to the Legislative Services Division.

Vote

01:02:55 The motion passed unanimously. Sen. Sesso volunteered to carry the bill.

LEGISLATIVE SPACE

01:04:03 Mr. Everts ([Exhibit 6](#))

Public Comment

01:06:24 John MacDonald, Montana Newspaper Association, supported having presence on the third floor in the Capitol Building.

01:10:26 Sen. Barrett commented on the availability of space for the press.

OPTION 2 UPDATE

- 01:12:58 Ms. Fox discussed Option 2 of the health insurance plan.
01:15:37 Sen. Buttrey discussed the penalties for reimbursements made to legislators who are on a government-provided healthcare system.
01:17:24 Rep. Hunter requested a report of the circumstances and regulations of the healthcare systems.

Public Comment on Option 2

- 01:19:08 Sen. Dick Barrett
01:22:27 Sen. Pat Connell

Motion/Vote

- 01:31:48 Sen. Buttrey moved that Legislative Council ask the Health Care Benefits Division to pursue a waiver through the federal government and to send a request to our Congressional Delegation to ask for help. The motion passed unanimously by voice vote.

BUDGET ITEMS

Review of submitted branch budget

- 01:34:05 2017 Biennium Appropriated to 2019 Biennium ([Exhibit 7](#))
01:35:17 Feed Bill Summary ([Exhibit 8](#))

IT allowance (LC0341)

- 01:38:11 Ms. Fox ([Exhibit 9](#))

Discussion

- 01:39:21 Sen. Facey asked about the \$1,500 IT allowance and the \$3,000 per session constituent contact account.
01:40:47 Rep. MacDonald asked about whether or not legislators would be allowed to access the funds before the 2017 Session.
01:45:06 Rep. Hunter asked about supporting the Feed Bill language for new legislators.

Motion/Vote

- 01:46:49 Sen. Buttrey moved to put language regarding the IT allowance in the constituent services account into the Feed Bill. The motion passed unanimously by voice vote.

Discussion

- 01:47:16 Ms. Fox asked whether or not new legislators are eligible because the language doesn't state it specifically.
01:47:36 Sen. Buttrey said that existing legislators under the 4-year rule would be able to utilize whatever money is not spent out of their allowance between now and December 31.

Motion/Vote to reconsider prior action

- 01:52:18 Sen. Buttrey moved to reconsider the committee's prior action. The motion passed unanimously by voice vote.

Further discussion

- 01:52:52 Sen. Facey suggested that legislators have until December 31 to buy a computer and submit their receipts to Legislative Services for reimbursement. As of July 1, 2017, legislators can access the \$3,000 stipend to be used for constituent contact and the purchase of a new computer.
- 01:54:07 Rep. Bennett suggested changing the concept by providing the one-time funding for new legislators; if you are a freshman legislator, that money would be deducted from the \$3,000, but the rest of the funding is to be used during the interim.
- 01:58:24 Rep. Hunter said that he feels more inclined to allow new legislators who have not received the stipend, to get their computer now, and to allow returning legislators to purchase new computers after the Feed Bill has passed.

Motion

- 02:02:12 Sen. Facey moved to allow new legislators who purchase computers deduct the costs from the \$3,000 stipend for constituent contact that will be available after July 1.

Discussion

- 02:04:04 Rep. Bennett asked if the freshmen coming in would get the deduction.
- 02:04:41 Sen. Facey said that his intent is, if you did not take advantage of the IT allowance yet, that you would get that availability until July 1.
- 02:05:17 Sen. Buttrey understood that if you are an existing legislator and did not utilize your IT allowance, you had until December 31.

Motion to reconsider previous action

- 02:07:22 Sen. Facey moved to reconsider his motion.

Discussion

- 02:08:23 Sen. Sesso discussed setting a deadline for the end of this calendar year to use your technology and come July 1, when the stipend goes into effect, the existing legislators who spent money on technology are not out anything.
- 02:09:14 Rep. MacDonald said she would go back to saying that for anyone who didn't spend their 2015 allowance, that they have until December 31, and for other legislators, they can purchase computers, and that expense will be deducted for this session from their \$3,000 constituency allowance on July 1.

Vote

- 02:11:00 The motion to reconsider passed unanimously by voice vote.

Motion/Vote

- 02:11:28 Sen. Facey moved that if you are an existing legislator and you have not spent your allocated IT allowance, you have until December 31, 2016, to do so. Newly elected legislators can purchase a computer, save the receipt, and get reimbursed. That amount will be deducted from the \$3,000 stipend for constituent contact that becomes effective July 1, 2017.
- 02:15:43 The motion passed unanimously by voice vote.

LCLC05 - Constituent Services Stipend

02:16:20 Ms. Fox discussed LCLC05 ([Exhibit 10](#))

Discussion

02:18:07 Sen. Facey asked about the work of the Fiscal Division staff in determining reimbursements for computers or per diem for legislators.

02:18:24 Ms. Fox discussed the similarities of reimbursements that is done for interim committees.

02:19:07 Sen. Buttrey stated his reasons for adding the stipend language.

Motion/Vote

02:22:41 Rep. MacDonald moved to allow legislators to take the allowance as either a stipend or to submit their expenses on a monthly basis. The motion failed 5-3, with Sen. Buttrey, Sen. Barrett, Rep. Hess, Sen. Sesso, and Sen. Keenan voting no, and Sen. Facey, Rep. MacDonald, and Rep. Bennett voting yes.

BREAK (reconvened at 11:46)

RULES SUBCOMMITTEE RECOMMENDATIONS

Resolution drafts

02:39:31 Todd Everts, Legal Director, discussed the rule changes as proposed by the Rules Subcommittee. ([Exhibit 11](#))

Proposal 1: Add H70-60 language in the Senate Rules regarding Joint Rules being superceded

02:40:40 Rep. Bennett moved to adopt Proposal 1. The motion passed unanimously by voice vote.

Proposal 2: Revert revenue bill transmittal date back to the 23013 Legislative Rules date of the 71st legislative day

02:41:31 Rep. Bennett moved to adopt Proposal 2. The motion passed by voice vote with Sen. Barrett and Rep. Knudsen voting no.

Proposal 3: Change JR 40-65 regarding interim study bills that require an appropriation and to allow a senator to introduce the bill

02:42:15 Rep. Bennett moved to adopt Proposal 3. The motion passed on a voice vote with Sen. Barrett and Rep. Knudsen voting no.

Proposal 4: Change S70-30 to streamline the confirmation process

02:43:36 Rep. Bennett moved to adopt Proposal 4. The motion passed unanimously by voice vote.

Proposal 5: Revise the Senate rereferral of bills to conform to the House rereferral process

02:43:58 Rep. Bennett moved to adopt Proposal 5. The motion passed unanimously by voice vote.

Proposal 6: Change the Legislative Council's guidelines to universally allow proxies and

to require interim committees to allow proxies (LC9753, Exhibit 12)

02:45:58 No action was taken.

Proposal 7: Revision of 2015 House blast motion language

02:47:09 Mr. Everts discussed the issue of linking Proposal 7 with Proposal 8 and suggested waiting on Proposal 7 until Proposal 8 has been dealt with.

Proposal 8: Change the super majority votes in H40-80, H40-90, H40-100, and House Appendix (4)

02:48:09 Rep. Bennett moved to adopt Proposal 8. The motion failed 5-3, with Sen. Barrett, Rep. Hess, Sen. Keenan, Sen. Buttrey, and Rep. Knudsen voting no, and Sen. Facey, Rep. Bennett, and Rep. Hunter voting yes.

Vote on Proposal 7

02:49:48 Rep. Bennett moved to adopt Proposal 7. The motion failed 5-3, with Rep. Hess, Sen. Buttrey, Sen. Barrett, Rep. Knudsen, and Sen. Keenan voting no.

Proposal 9: Defining the Speaker's duties regarding parliamentary inquiries and the prohibition against appealing the Speaker's decision

02:50:46 Rep. Bennett moved to adopt Proposal 9. The motion passed unanimously by voice vote.

Proposal 10: Change the rules to list health insurance bills within the Business and Labor Committee and remove them from the Human Services Committee

02:51:41 Rep. Bennett moved to adopt Proposal 10. The motion passed unanimously by voice vote.

Proposal 11: Committee appointments should be made based on the overall proportion of the total House membership

02:52:26 Rep. Bennett moved to adopt Proposal 11. The motion passed on a voice vote with Sen. Barrett and Rep. Knudsen voting no.

Proposal 12: Insert language in the Senate and House Rules that legislation

02:53:09 Rep. Bennett moved to adopt Proposal 12. The motion passed with Sen. Keenan, Sen. Barrett, and Rep. Knudsen voting no.

Rule S50-130

02:54:46 Sen. Buttrey discussed an error in S50-130(2) regarding the process for approving conference committee reports.

Proxy vote language (LC9753)

02:56:33 Mr. Everts discussed LC9753. [\(Exhibit 12\)](#)

Motion

02:57:14 Sen. Facey moved to authorize the Legislative Council to adopt committee rules for all interim committees.

Discussion

- 02:58:10 Rep. Bennett said that he supports the first option.
02:58:45 Sen. Barrett discussed the issue of people not participating in the committees and having a vote each time.

Motion Withdrawn

- 02:59:20 Sen. Facey withdrew his motion.

Motion

- 03:01:20 Rep. Bennett moved to approve LC9753 to require interim committees and the environmental quality council to adopt rules that allow committee or council members to vote by proxy.

Discussion

- 03:02:30 The committee asked about the interim committees' proxy voting process, requiring written proxies, proxies submitted by email, and the management of the proxy process.

Vote

- 03:06:57 The motion passed with Rep. Hess, Sen. Barrett , and Sen. Buttrey voting no. Sen. Facey will sponsor the bill.

EMAIL BROCHURE UPDATE

- 03:09:17 Ms. Fox provided an update on the guidelines for emails. [\(Exhibit 13\)](#)

Public Comment

- 03:11:37 John MacDonald, Montana Newspaper Association, commented on the adoption of House Bill 123.

OTHER BUSINESS, DIRECTIONS TO STAFF

Legal update, initiatives

- 03:13:59 Mr. Everts discussed the new session system replacement software that codifies the constitutional initiative and the medical marijuana initiative that passed.
03:14:36 Mr. Everts gave an update of the lawsuit in Great Falls it was determined that a group of liquor store owners were shortchanged by a discount reimbursement.
03:16:43 Sen. Buttrey thanked Rep. Hunter and Sen. Barrett for their many years of service to the state.
03:17:49 Rep. Hunter thanked the members of the committee and the staff and encouraged the Council to continue to work on the TVMT issue.
03:18:43 Sen. Barrett thanked the members of the committee and the staff and encouraged the Council to continue to support TVMT and to not delegate the Legislative Branch's authority away.

ADJOURNMENT

- 03:20:18 With no further business before the Council, Rep. Hunter adjourned the meeting at 12:27 p.m.

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