



Legislative Council

61st Montana Legislature

SENATE MEMBERS

CAROL WILLIAMS--Vice Chair
JOHN BRUEGGEMAN
JEFF ESSMANN
ROBERT STORY
MITCH TROPILA
DAVID WANZENRIED

HOUSE MEMBERS

DENNIS HIMMELBERGER--Chair
BOB BERGREN
MARGARETT CAMPBELL
TOM MCGILLVRAY
JESSE O'HARA
MIKE PHILLIPS

COMMITTEE STAFF

SUSAN FOX, Executive Director
ROBERT STUTZ, Legal Division Director
DAWN FIELD, Secretary

MINUTES

November 16, 2010

Room 137, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

REP. DENNIS HIMMELBERGER, Chair
SEN. CAROL WILLIAMS, Vice Chair

SEN. JOHN BRUEGGEMAN
SEN. JEFF ESSMANN
SEN. ROBERT STORY
SEN. MITCH TROPILA
SEN. DAVID WANZENRIED

REP. BOB BERGREN
REP. TOM MCGILLVRAY
REP. JESSE O'HARA

COMMITTEE MEMBERS EXCUSED/ABSENT

REP. MARGARETT CAMPBELL
REP. MIKE PHILLIPS

STAFF PRESENT

Susan Fox, Executive Director, Legislative Services Division (LSD)
Rob Stutz, Director, Legal Services, LSD
Fong Hom, Legislative Secretary

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The Legislative Council approved:

- meeting minutes, as corrected, from September 9, September 27, October 4, and October 25;
- forwarding the long range IT proposal the Joint Subcommittee;
- session printing costs;
- MCA proposed pricing and CD-ROM;
- the 2011 session employee pay matrix;
- proposed changes to legislative rules;
- LCLC03 - joint resolution for continued study of legislative space issues;
- LC3334 - revise laws for requirements for minutes;
- LC0344 - revise laws for interim committee oversight; and
- LCLC04 - revise laws regarding Legislative Council authority and interim committees.

CALL TO ORDER AND ROLL CALL

00:00:01 REP. HIMMELBERGER called the meeting to order at 1:04 p.m. The secretary called roll, Rep. Campbell and Rep. Phillips were excused (Attachment #3).

- **Approval of minutes**

00:02:33 REP. HIMMELBERGER asked that the Council approve meeting minutes for September 9, 2010, September 27, 2010, October 4, 2010, and October 25, 2010. Ms. Fox noted that staff corrected several errors in the September 9 meeting minutes. REP. HIMMELBERGER asked to correct the October 4, 2010, minutes to reflect that REP. PHILLIPS voted no on the motion to retain outside counsel, not REP. MCGILLVRAY, as was stated in the minutes. After discussing the corrections, all of the minutes were approved as corrected.

- **Introduction of New Staff Attorneys - Rob Stutz, Director, Legal Services**

00:03:57 Mr. Stutz introduced two new LSD staff attorneys: Julianne Burkhart and Dan Whyte. Mr. Stutz said that Ms. Burkhart would be dealing with public health issues and Mr. Whyte would be dealing with education issues.

- **Update on Litigation - Rob Stutz**

00:06:16 Mr. Stutz updated the Council on that status of Governor Schweitzer's lawsuit regarding HB 676 against the Montana Legislature.

BUDGET ITEMS

- **Request to forward long-range IT proposals to Joint Subcommittee**

00:10:53 Ms. Fox discussed the Legislative Information Technology Office's IT's request to forward long-range IT proposals to the Joint Subcommittee on General Government that hears the legislative budget (**Exhibit 1**).

00:12:47 SEN. ESSMANN, REP. HIMMELBERGER, and SEN. BRUEGGEMAN discussed several concerns and issues regarding the proposals. Ms. Fox responded.

- 00:14:20 **SEN. ESSMANN moved to send the proposal directly to the Joint Subcommittee on Long-Range Planning. The motion passed on a unanimous voice vote.**
- **Cost of proceedings for session printing**

00:15:29 Ms. Fox reviewed printing costs for session proceedings **(Exhibit 2)**.

00:16:28 SEN. STORY asked how much or if the volume of printing has decreased. Ms. Fox explained that the volume has decreased and the public and agencies are encouraged to print bill via the Internet. She said that the print shop manager is very conscious about not printing more copies than needed.

00:18:24 SEN. ESSMANN asked about the large increase in the cost in the 2009 session. Ms. Fox explained that the paper price quote for the 2009 session was not accurate and that the LSD absorbed the difference. SEN. STORY said if the Department of Administration quoted the wrong price, it should have had to absorb the difference. Ms. Fox said that a written quote was obtained for the 2011 session, in order that it not happen again.

00:20:00 **SEN. TROPILA moved to accept the proposed prices for session proceedings. The motion passed on a voice vote, SEN. WANZENRIED voted no.**

00:20:39 SEN. STORY suggested that the next Legislative Council look at printing costs during the next interim. SEN. BRUEGGEMAN discussed several possible avenues that could be pursued in order to reduce printing costs.
 - **MCA proposed pricing and related legislation - Lee Heiman, Acting Code Commissioner**

00:25:17 Mr. Heiman discussed the prices of printing the Montana Code Annotated (MCAs) **(Exhibit 3)**.

00:26:32 SEN. STORY asked how many full sets are printed. Mr. Heiman said 2,500 sets are printed. SEN. STORY asked how many are sold or dispersed, and how many are subsidized. **Karen Berger, Financial Services Manager, LSD**, said that of the 2,500 sets printed, 4% go to legislators; 45% goes to agencies; and 51% go to the public. She noted that a certain number of sets are provided to staff and placed in hearing rooms.

00:29:25 **SEN. STORY moved to adopt the proposed price schedule for MCA. The motion passed on a unanimous voice vote.**
 - **Pay matrix for session employees**

00:30:18 Ms. Fox discussed the proposed pay matrix for legislation session temporary employees **(Exhibit 4)**. After a brief discussion, **SEN. WILLIAMS moved to adopt the proposed pay matrix for 2011 session staff. The motion passed on a unanimous voice vote.**

00:33:02 REP. O'HARA arrived at the meeting.

LEGISLATIVE SPACE

- **LC LC03, a joint resolution encouraging the Legislative Council to continue work on space issues during the 2011-2012 interim, including making a recommendation to the 2013 Legislature**

00:35:16 Ms. Fox discussed LC LC03 (**Exhibit 5**) and distributed a CD that shows what is being proposed for legislative space (**Exhibit 6**). Ms. Fox said that she has a copy of CTA Architects final report available, if the members wish to review it.

00:35:49 **SEN. Wanzenried moved that LC LC03 be approved. The motion passed on a unanimous voice vote.** Sen. Wanzenried will sponsor the bill.

2011 SESSION PREPARATIONS

- **Legislative Rules - Todd Everts, Staff Attorney, LSD**

00:37:51 Mr. Everts discussed his draft of proposed language specifying when a bill or resolution must be scheduled/placed on second reading (**Exhibit 7**).

00:38:33 **SEN. STORY moved that the proposed change in S 40-60 and in H 40-140 be added to the rules for the 2011 legislative session. The motion passed on a unanimous voice vote.**

00:39:13 Mr. Everts discussed a memo informing the Council that a new edition of Mason's Manual of Legislative Procedure has been published and that a clerical change must be made to the legislative rules to reflect that (**Exhibit 8**).

00:39:45 **SEN. WILLIAMS moved to make the clerical change in the legislative rules to reflect the use of the 2010 version of Mason's Manual.** SEN. STORY asked if there were substantive changes in the revised manual and cautioned that problems could occur if several different versions were used. **SEN. WILLIAMS withdrew her motion.**

00:41:11 Ms. Fox said that she and Mr. Everts would review the 2010 version manual for substantive changes before the December 6 Joint Rules Training. REP. WANZENRIED asked if the Manual is available online. Ms. Fox will find out.

- **Leadership training schedule and invitations, Legislative Orientation Training**

00:43:18 Ms. Fox discussed staff suggestions for budget training with the Legislative Fiscal Division, media orientation, and Legislator Orientation. SEN. ESSMANN, SEN. STORY, and REP. MCGILLVRAY commented on the suggestions.

00:48:21 Ms. Fox discussed leadership training and suggested that past leadership work with the incoming leaders. She said that leadership notebooks have been compiled, which would help with the training. She said that all Council members are welcome to attend the training session.

00:55:43 Ms. Fox discussed Legislator Orientation, planned for November 17 and 18 (Exhibit 9).

- **Council Bill Draft Requests**

00:57:28 **REP. MCGILLVRAY moved to approve LC 3334 - revising laws for minutes for public meetings - for drafting (Exhibit 10).**

00:57:42 The Council discussed the proposed bill draft. SEN. ESSMANN thought that audio minutes are difficult to work with and that a better system needs to be designed to ensure that the information is easily accessed and more transparent for the public. REP. HIMMELBERGER agreed that improvements need to be made but said that the audio files are valuable. SEN. ESSMANN asked if time stamps could be incorporated into the digital recordings. Ms. Fox said that the written copy of the minutes do contain time stamps and that staff will continue to work to improve the process. She said another issue is the sheer volume of exhibits submitted.

01:02:49 SEN. STORY said that there should be more discussion on what a written set of minutes are required to contain.

01:05:01 **SEN. ESSMANN moved to amend REP. MCGILLVRAY's motion to include a discussion of time stamps as a future agenda item. The motion passed on unanimous voice vote. The motion to amend the bill passed on a unanimous voice vote.**

01:05:56 **Rep. McGillvray's motion, as amended, passed on a unanimous voice vote.** Rep. McGillvray will be the sponsor of the bill.

- **"Away from home" Issue**

01:06:43 Ms. Fox reviewed the issue, which came to light during a discussion September Council meeting regarding the half-day salary issue. She said it is a "gray" area and needs clarification.

01:08:03 The Council discussed the issue. SEN. STORY agreed that clarification is needed but wasn't sure there was support for doing so at this point in time. SEN. WILLIAMS asked about the fiscal impact. REP. HIMMELBERGER and REP. MCGILLVRAY also agreed that the issue should be dealt with. Karen Berger, Financial Services Manager, LSD, was asked to comment. Ms. Berger explained that when the statute dealing with legislator pay was written, it did not anticipate legislators meeting via telecommunication. She suggested that the issue be dealt with.

01:17:46 **No motion was made.**

- **Interim committee improvement/changes**

01:18:41 Ms. Fox discussed two proposed bill drafts dealing with revising interim committee laws -- LC0343 - administrative oversight responsibilities regarding the economic affairs interim committee and the law and justice interim committee

(Exhibit 11) - and LCLC04 - dealing with Legislative Council authority, joint subcommittee members, and rotation of officers **(Exhibit 12)**.

- 01:20:11** **SEN. STORY moved to approve LCLC04 as a Council bill.** The Council briefly discussed the proposed bill draft. SEN. TROPILA explained why he could not support the provision regarding officer rotation.
- 01:23:24** **SEN. ESSMANN moved to amend SEN. STORY's motion by striking Section 2 (7) in LCLC04 and proceeding with the rest of the bill. The motion to amend LCLC04 passed on a voice vote, SEN. STORY and REP. HIMMELBERGER voted no.**
- 01:26:34** **SEN. STORY's motion to approve LCLC04, as amended, passed on a unanimous voice vote.**
- 01:27:55** **SEN. STORY moved to adopt LC0343 as written. The motion passed on a unanimous voice vote.** SEN. ESSMANN will sponsor LCLC04 and SEN. WANZENRIED will sponsor LC0343.
- 01:29:57** REP. HIMMELBERGER thanked the Legislative Council for allowing him to serve as presiding officer. He thanked LSD staff and Sen. Williams, saying that he thoroughly enjoyed working with her as Vice Chair. He thanked all of the members for their service and encouraged them to remain strong advocates for the legislative institution.

OTHER BUSINESS -- DIRECTION TO STAFF

- **Intern Program**

- 01:34:00** Ms. Fox reported that quite a few intern applications were submitted for the 2011 session. She discussed the intern program and asked that the Council delegate its authority regarding the intern program to leadership so that the applications could be dealt with. It was agreed.
- 01:34:46** REP. O'HARA thanked REP. HIMMELBERGER and SEN. WILLIAMS for their years of service and leadership to the State of Montana.

- **Distribution of remaining CSG, NCSL funds**

- 01:35:32** SEN. WILLIAMS said that there are events coming up in December for which the National Conference of State Legislators (NCSL) or Council of State Governments (CSG) funds could be used. She asked if these funds can be "rolled over" into an account, to be allocated by the new leadership or the Legislative Council. The Council members held a lengthy discussion of how to dispose of the NCSL and CSG funds. REP. HIMMELBERGER proposed that the funds be combined and placed in one pot, to be divided by two Council members, one appointed from each political party. SEN. WANZENRIED asked how much funding is left over. Ms. Fox said the funds total about \$12,000 and that the funding would revert to the carry-forward balance on June 30, 2011, if it was not spent.

- 01:53:03 **SEN. STORY** moved that once current obligations have been met, any remaining NCSL and CSG funds be allocated to the newly-elected leaders of the four caucuses, to be distributed as they see fit for attendance at NCSL and CSG events, between now and the end of the biennium.
- 01:54:55 **SEN. STORY** withdrew his motion and made a second motion. **SEN. STORY** moved to transfer all remaining CSG and NCSL funds, previously assigned to existing caucus leaders, to the newly-elected caucus leaders, to be used for travel.
- 01:56:29 **REP. BERGREN** moved to amend **SEN. STORY's** motion to pool the remaining funds and split it equally between the four caucuses. The motion passed on a voice vote, **REP. MCGILLVRAY** and **SEN. ESSMANN** voted no.
- 01:58:00 **SEN. STORY's** motion, as amended, passed on a voice vote. **REP. MCGILLVRAY** voted no.

No public comment was given.

OTHER BUSINESS, DIRECTIONS TO STAFF

- 01:59:05 Ms. Fox discussed watching the legislative orientation video and distributed the new Legislative Staff guides.
- 02:00:41 **SEN. WILLIAMS** presented plaques to **SEN. STORY**, **REP. BERGREN**, and **REP. HIMMELBERGER** in recognition of their service to Montana's citizens and Legislature.

ADJOURNMENT

- 02:03:38 With no further business before the Legislative Council, **REP. HIMMELBERGER** adjourned the meeting at 3:08 p.m.

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