



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

May 18-19, 2016
Room 102, Capitol Building
Helena, Montana

MAY 19, 2016

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.

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 Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the "Exhibits" is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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. ROBYN DRISCOLL
SEN. TOM FACEY
SEN. JON SESSO

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

COMMITTEE MEMBERS EXCUSED

SEN. BOB KEENAN

STAFF PRESENT

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

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

RECONVENE

00:00:02 Rep. Hunter reconvened the meeting at 8:30 a.m. The secretary called roll. Sen. Keenan was excused. (Attachment 3)

Continued Discussion on Remote Testimony

00:01:00 The committee members discussed the pros and cons of a pilot project for remote testimony.

00:05:13 Sen. Buttrey commented on testing remote testimony in some of the interim committees before session.

00:05:59 Rep. Hunter asked if Ms. Fox had enough direction to start working on this project. Ms. Fox said she has examples from other states and will put together a process and figure out room usage.

TVMT PRESENTATION - Susan Fox

00:09:18 Ms. Fox gave an update on TVMT activities: the formation of a TVMT advisory council; renewal of the satellite commission and HCTV contracts; having more production outside of the hearings; seed money for production as an initial start up in the TVMT project; and survey questions regarding ideas for TVMT.

Committee Questions

00:13:34 Sen. Sesso asked about the schedule of committee hearings, what types of programming will be solicited that would complement air time, and what is meant by program ideas.

00:18:41 Rep. Hunter asked about the survey and if the committees would be able to differentiate between legislator comments and public comments.

00:19:43 Sen. Buttrey asked about a possible question on the survey regarding TV coverage and about access to channels on TV.

00:20:24 Sen. Barrett commented on the idea of an advisory council.

00:23:31 Rep. Hunter believed that Legislative Council is responsible for overseeing the contracts and agreed that an ongoing presence with TVMT would be useful but that a subcommittee of Legislative Council would be a better way to go.

Motion

00:24:19 Sen. Sesso moved that an advisory council be formed to oversee and direct the operations of the TVMT and that the President, the Speaker, and the minority leaders or their designees serve on that council.

Discussion on the motion

00:25:48 Sen. Buttrey said that his motion stated that the advisory council should "direct" TVMT. He suggested using the word "advise" in place of "direct".

00:26:25 Sen. Sesso said that as a friendly amendment, use the word "advise" instead of "direct". Sen. Sesso also suggested including the Executive Director, along with Sen. Sesso, Rep. Hunter, Sen. Barrett, Rep. Knudsen as members of the advisory council.

- 00:29:04 Rep. Bennett said the advisory council is a great opportunity to create some general policies about the kinds of content to view and to provide some guidance in the day-to-day operations. He expressed his concerns on using the word "direct" because that could imply that the advisory council is managing the operations of TVMT.
- 00:29:53 Rep. MacDonald said that the advisory council would be advising the Legislative Council, which has the final authority in terms of how we address and manage this.
- 00:32:18 Sen. Sesso moved that Legislative Council form a subcommittee, with the President of the Senate, the Speaker of the House, and minority leaders or their designees, and the Executive Director of the Legislative Services Division as members of the subcommittee, to oversee the TVMT operations.

Vote

- 00:33:32 The motion passed unanimously by voice vote.

Survey Discussion

- 00:33:50 Rep. Bennett asked about having a short biography of the legislators.
- 00:34:24 Ms. Fox discussed the plans of each legislator doing 30-second biographical clip during orientation.
- 00:35:36 Rep. Hunter discussed following up with the City regarding HCTV.

E-MAIL GUIDELINES & RECORDS MANAGEMENT POLICY

Presentation and Discussion on Records Management and E-mail Guidelines for Legislators - Susan Fox

- 00:38:36 Ms. Fox gave an overview of the records management policy ([Exhibit 14](#)) and provided a flow chart on provisions of Montana Public Records Act to the committee members ([Exhibit 15](#)).

Committee Questions

- 01:04:43 Rep. Bennett asked about ListServe.
- 01:05:18 Ms. Fox discussed transitory records and nonrecords.
- 01:06:17 The committee members discussed mass mailings from a constituent group, or mailings of the same letter but from a different person and the obligations of the legislator to retain those mailings.
- 01:11:03 Mr. Everts said that he recommends that each legislator use the mt.gov account strictly for legislative business.
- 01:13:42 Sen. Barrett disagreed on the direction staff is taking but agreed that the public has right to know public documents and public decisions.
- 01:19:38 Rep. Bennett said that correspondence that the public sends is under the assumption that legislators are going to meet as members of our respective chambers to make those decisions at some point.
- 01:20:42 Ms. Fox suggested that the Records Management Policy could help explain this better.
- 01:27:50 Mr. Everts discussed the reasons for the legal memo from 2013 regarding the email issue.
- 01:30:55 Rep. Hunter said the public records law which exists in Title 2 flushes out all the documents that is statutorily considered public records, and it is the Council's responsibility to update the records policy. He asked that staff bring the updated

policy to the Council at the August meeting.

01:35:15 Sen. Barrett questioned where the Council is heading with 2-6-1006(4) where it says "a public agency is not required to alter or customize public information to provide it in a form specified to meet the needs of a requesting person."

01:36:03 Rep. Knudsen suggested putting together a plan as to what is the safest route.

01:38:52 Sen. Sesso said that his concern is about the definition of public documents and the requirement that duplicative emails have to be stored.

01:41:39 Rep. Hunter asked about costs and what a legislator's time is worth when reviewing and screening mass emails.

01:42:20 Ms. Fox discussed the costs for compiling public records and emails when requested.

01:43:45 Rep. Berglee discussed his concern that when an AP reporter or a college student wants that kind of information, that goes outside of the parameters for what he feels is the spirit of the law, which is to provide transparency to Montana voters.

01:46:35 Sen. Barrett suggested putting on the Legislative website that information requests be sent to the Legislative Services Division.

01:48:03 Sen. Buttrey asked about the chart that has TBDs on retention of legislative administrative documents and the TBDs on legislative business.

BREAK (reconvened at 10:40 a.m.)

02:09:48 Rep. Hunter gave an overview of what the committee took action on: approve an additional \$15,000 for NCSL and CSG, and distribute \$4,500 to each of the majority caucuses and \$3,000 to each of the minority caucuses.

2017 SESSION PLANNING - Susan Fox
Session calendars - adopt tentative calendar

02:10:55 Ms. Fox ([Exhibit 16](#))

Committee Discussion

02:14:10 Rep. Macdonald likes option D.
 02:16:12 Sen. Sesso said he likes option D.
 02:18:07 Sen. Buttrey prefers option A.

Motion/Vote

02:18:57 Rep. Knudsen moved to adopt Option A Session Calendar. The motion passed on a voice vote 7-4, with Senators Sesso and Driscoll, and Representatives Bennett and MacDonald voting no, and Sen. Keenan absent.

Caucus and orientation dates - reconsideration?

02:21:36 Rep. Bennett discussed the Women's Leadership Institute and PNWER conferences coinciding with the legislative orientation.

02:22:32 Ms. Fox discussed the problems of getting orientation materials mailed out in a timely fashion.

02:25:17 Rep. Bennett asked why people can't get that information and fill it out when they get to Helena.

02:27:38 Rep. Knudsen discussed two options: the 21st, 22nd, and 23rd putting the

- Council up against Thanksgiving on the 24th; or, the 28th, 29th, 30th which would fall within the statutory requirement.
- 02:28:30 Rep. Hunter said he would like to allow the legislators the opportunities to go to training, and the dates should be moved up earlier in the same week or leave as is.
- 02:31:02 Sen. Facey suggested going to two days for the caucuses, take one of those training days for freshman legislators, and put that with the rules.
- 02:32:05 Rep. MacDonald agreed that the Council should to stick to the current schedule.
- 02:33:42 Rep. Bennett and Rep. Knudsen supported the November 14-16 dates.
- 02:36:23 Rep. Hunter asked about the use of the time between 8 and 10 to deal with paperwork.

Motion/Vote

- 02:37:11 Rep. Bennett moved to reschedule the orientation dates from November 16-18 to November 14-16. The motion passed 7-4, with Senators Barrett, Sesso, and Driscoll, and Rep. MacDonald voting no, and Sen. Keenan not present.
- 02:44:34 Ms. Fox asked about scheduling caucus time.
- 02:46:42 Rep. Hunter said that it is the consensus of the committee to set 10:00 a.m. for the start of caucus.

Budget development direction

- 02:47:10 Ms. Fox gave an update on Program 21 and the draft budget to be approved by the committee in August.
- 02:49:39 Ms. Fox discuss the Department of Administration's proposal for an infrastructure convergence of management of IT resources and a consolidation of systems of executive agencies. A document was distributed regarding FAQs of the Infrastructure Convergence. [\(Exhibit 17\)](#)

Committee Questions

- 02:51:59 Sen. Sesso asked about staff's target market.
- 02:52:42 Ms. Fox said that the market has changed with the average increase of 7.5%, ranging from a -9% where markets went down to a 25% increase. She said that she has not analyzed the change on a person-to-person basis.
- 02:54:18 Ms. Fox discussed the proposal from TVMT to update broadcasting in Room 317; the maintenance and operation needs in the Information Technology Division, LSD staff training budget, the security contract, and the Memorandum of Understanding with the Department of Administration regarding the Helena Police Department.
- 02:56:24 Ms. Fox discussed Program 21 - Interim Committees and Activities. [\(Exhibit 18\)](#)

LEGISLATIVE SPACE

Capitol Building plans status - Steve Baiamonte, Administrator, General Services Division

- 03:03:27 Steve Baiamonte provided an update on General Services Division activities

within the Capitol Building: painting projects, replacing the carpets in the hearing rooms, and skylights.

Current branch needs & activities - Susan Fox

- 03:11:59 Ms. Fox discussed the carpet situation in both wings on the east and west end, restoring or replacing cubicles on the first floor and in the basement, moving some staff outside the Capitol Building, and recreating space inside the Capitol Building. She said she will be bringing some options and costs to the August meeting.
- 03:17:44 Sen. Sesso discussed his concerns about making those improvements and said that there are options with regard to using the Walt Sullivan Building.
- 03:21:03 Sen. Buttrey voiced his concerns that when he hears that an agency plans to build a new building resulting in more infrastructure that the state needs to maintain. He reminded the committee that legislators are only in the Capitol Building 90 days every two years.
- 03:22:11 Rep. Hunter would like staff to present options on space at the August meeting.

Senate request for additional space

- 03:22:42 Sen. Barrett discussed her request to the Department of Administration to reinstate Room 336 as Senate space. ([Exhibit 19](#))
- 03:27:35 Rep. Hunter asked for a discussion on that issue at the August meeting.

Next Steps - Council members

- 03:28:57 Ms. Fox asked that the President, the Speaker, and the minority leaders form a smaller management group to help make decisions regarding the budget.
- 03:29:01 Rep. Hunter said that the President and the Speaker and he would participate in the group.

PUBLIC COMMENT on any matter in Legislative Council's jurisdiction - None

Next Meeting Date: August 24 and 25, 2016

- 03:30:20 Rep. Hunter said that the next meeting date is August 24-25, 2016.

ADJOURNMENT

- 03:30:50 With no further business before the committee, Rep. Hunter adjourned the meeting at 12:02 p.m.