



Legislative Council

64th Montana Legislature

SENATE MEMBERS

DEBBY BARRETT--Vice Chair
EDWARD BUTTREY
ROBYN DRISCOLL
TOM FACEY
JON SESSO
JANNA TAYLOR

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STEPHANIE HESS
AUSTIN KNUDSEN
MARGARET (MARGIE) MACDONALD

COMMITTEE STAFF

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

MINUTES LOG

November 16, 2015
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.

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. BOB KEENAN
SEN. JON SESSO

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

STAFF PRESENT

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

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTION

The Legislative Council voted to permit the transfer of the Chinook Armory and Maintenance Shop property to Blaine County through the Land Board.

CALL TO ORDER and ROLL CALL

00:02:50 Rep. Hunter called the meeting to order at 9:00 a.m. The committee secretary called roll. Everyone was present. (Attachment 3)
00:03:59 Rep. Hunter welcomed the new committee members.

COMMITTEE BUSINESS

Legislative Services Division -- staff updates -- Susan Fox, Executive Director

00:04:30 Ms. Fox reported that Kevin Hayes retired; Derek Gallagher was hired as Publications Coordinator; Gordy Higgins was hired as the Operations Director; and Kristina Liming took a job with the Department of Justice.

Session Systems Replacement Project -- Susan Fox

00:05:46 Ms. Fox gave an update on the Session Systems Replacement Project. (Exhibit 1)

CSG -- Western Legislative Academy attendees -- Susan Fox

00:11:11 Ms. Fox gave a presentation on the CSG-West Committee membership and the attendees to the Western Legislative Academy in Colorado Springs Colorado. (Exhibit 2)

Initiative and referenda status -- Todd Everts, Legal Director

00:12:10 Mr. Everts gave an update on ballot initiatives and referenda. (Exhibit 3)

Uniform Law Commission appointment -- Todd Everts

00:14:52 Mr. Everts gave a presentation on the process of appointing a new person to the Uniform Law Commission.

Committee questions

00:22:55 Sen. Buttrey asked Mr. Everts about who can apply to be on the Uniform Law Commission.
00:23:54 Rep. MacDonald asked if this is a new seat created with Dean Eck's position as a life member.

Nominee(s) comments

00:25:04 Jacqueline Lenmark
00:27:57 Dan McLean

00:33:36 Amy Pfeifer
00:36:09 Judge Greg Pinski

Committee Questions

00:39:21 Sen. Keenan asked the four applicants what access to justice means to them.
00:54:51 Rep. Hunter asked Mr. Everts about the workload of the members on the Commission.

Public Comment - None

Nominations

00:59:46 Sen. Buttrey nominated Judge Penski.
00:59:58 Sen. Driscoll nominated Jacqueline Lenmark.
01:00:10 Sen. Keenan nominated Daniel McLean.
01:00:24 Sen. Facey nominated Amy Pfeifer.
01:00:37 Rep. Bennett nominated Brenda Desmond.

01:01:27 The voting results were noted verbally by Rep. Hunter. Judge Penski became the appointee to the Uniform Law Commission.

Land Transfer - Chinook Armory and Maintenance Shop to Blaine County

01:03:45 Ms. Fox gave a presentation on the proposed land transfer of the Chinook Armory and Maintenance Shop to Blaine County.

01:04:46 Debra LaFontaine ([Exhibit 4](#))

Committee Questions

01:05:48 Sen. Buttrey asked about the appraised value of the property.
01:06:37 Rep. Knudsen asked about the appraisal process.

Public Comment

01:09:42 Harold Blattie, Executive Director, Montana Association of Counties

Committee Questions

01:10:43 Rep. Knudsen asked Mr. Blattie about his concern regarding the property taxes.
01:12:15 Sen. Sesso asked Ms. LaFontaine about a deed restriction.

Motion

01:13:56 Sen. Sesso moved to permit the transfer of the Chinook Armory and Maintenance Shop property to Blaine County through the Land Board.

Vote

01:14:08 The motion passed on a voice vote, 11-1 with Sen. Keenan voting no.

Proposed Work Plan based on Strategic Planning - Susan Fox, Executive Director

01:14:28 Ms. Fox discussed the three major initiatives that resulted from the Strategic Planning Session: TVMT, Legislative Oversight, and Legislative Orientation and Training.
01:16:35 Rep. Hunter discussed postponing the Rules Subcommittee appointments.

BUDGET: 2017 BIENNIUM STATUS AND DISCUSSION OF 2019 BIENNIUM BUDGET METHOD

Budget Process -- Amy Carlson, Legislative Fiscal Analyst, Legislative Fiscal Division

- 01:18:08 Ms. Carlson discussed the budget process of the Legislative Fiscal Division. **(Exhibit 5)**
- 01:34:40 Ms. Carlson discussed the Session Budget Preparation Timeline. **(Exhibit 6)**
- 01:38:39 Ms. Carlson discussed the House Bill 2 Appropriation Process. **(Exhibit 7)**
- 01:44:15 Ms. Carlson discussed the General Fund Status Sheet. **(Exhibit 8)**

Committee Questions

- 01:25:08 Committee members asked Ms. Carlson about statutory appropriations.
- 01:52:42 Sen. Barrett asked about the authorization of supplementals.
- 01:55:19 Sen. Keenan asked about the Legislative Branch having an internal/external form of audit functionality.
- 01:56:04 Ms. Fox responded that the Legislative Branch budget is audited by an external auditor and the Legislative Audit Division is the auditing function for the state performing financial, compliance, and performance audits every two years.

BREAK (reconvened at 11:06 a.m.)

BUDGET: 2017 BIENNIUM STATUS AND DISCUSSION OF 2019 BIENNIUM BUDGET METHOD

Legislative Branch Budget Process -- Susan Fox

- 02:09:17 Ms. Fox gave an overview on the process that forms the legislative budget.
- 02:11:11 Ms. Fox discussed selected budget statutes related to the Legislature. **(Exhibit 9)**
- 02:16:30 Ms. Fox discussed the Branch Programs budget. **(Exhibit 10)**
- 02:20:40 Ms. Fox discussed the Operating Plans and gave a quick overview of the Legislative Branch budget. **(Exhibit 11)**
- 02:23:46 Ms. Fox discussed House Bill 1: The Feed Bill. **(Exhibit 12)**

Legislative staff broadband, classification, and pay plan

- 02:26:20 Ms. Fox discussed the Broadband Classification and Pay Plan. **(Exhibit 13)**
- 02:29:14 Ms. Fox discussed the Legislative Branch's history of FTEs. **(Exhibit 14)**

LEGISLATOR PAY - HISTORY, OVERVIEW OF REPORTS, SB 283

- 02:32:35 Ms. Fox gave a presentation on the history of the Legislator Salary Rates and Legislator Session Per Diem Rates. **(Exhibit 15)**

Next steps discussion

- 02:38:38 The members discussed putting the topic of legislator pay on the agenda for the next meeting.

Guidelines for legislative appointments - Susan Fox

- 02:43:40 Ms. Fox referred the committee to the Guidelines for Appointment of Legislators and Legislative Committees but did not discuss it. **(Exhibit 16)**
- 02:43:42 Ms. Fox requested that the guidelines for legislative appointments and the guidelines for Senate Bill No. 283 be put on the February agenda.

LUNCH BREAK (reconvened at 1:00 p.m.)

LEGISLATIVE BRANCH OVERSIGHT OF EXECUTIVE BRANCH AGENCIES

Legislative Audit Committee -- Tori Hunthausen, Legislative Auditor

- 04:04:11 Ms. Hunthausen gave a presentation on the Legislative Audit Division. **(Exhibit 17)**

Committee questions

- 04:17:56 Rep. Hunter asked about the powers and duties of the Legislative Auditor.
- 04:18:57 Rep. Hunter asked about the workload that has been developed by individual requests.
- 04:21:46 Sen. Keenan asked who audits the auditors.
- 04:23:25 Sen. Keenan asked about the federal A133s and how many agencies have internal audit functions.

Legislative Finance Committee -- Amy Carlson, Legislative Fiscal Analyst

- 04:25:56 Ms. Carlson gave a presentation on the Legislative Finance Committee. **(Exhibit 18)**

Interim Committees and statutory duties - Susan Fox, Executive Director

- 04:31:59 Ms. Fox gave a presentation on study resolutions, interim committees, and duties of interim committees.

Agency oversight -- Joe Kolman, Director

- 04:40:08 Mr. Kolman gave a presentation on the Environmental Quality Council's agency oversight over Fish, Wildlife, and Parks, Department of Natural Resources and Conversation, and the Department of Environmental Quality; Water Policy Interim Committee has agency oversight over the parts of DNRC and DEQ that deal primarily with water issues; and the Energy and Telecommunication Interim Committee has oversight over the Public Service Commission.
- 04:48:28 Ms. Fox discussed what other interim committees have done on agency oversight.

Administrative Rule Review -- Todd Everts

- 04:50:22 Mr. Everts gave a presentation on administrative rule review process and distributed a flow chart to the committee. **(Exhibit 19)**

Committee Questions

- 05:02:12 Sen. Buttrey asked about the objection to the rulemaking of SB 410.
- 05:05:54 Rep. Hunter asked about the pink box regarding committees objection to all or a portion of the rules, and if the pink box only apply under the MAPA objection.
- 05:06:30 Sen. Keenan asked if there are any limitations of reaching out to former legislators regarding substantive changes to legislation that was sponsored by a termed out legislator.
- 05:08:09 Sen. Barrett asked if a bill says “effective upon passage” and an agency doesn’t get around to rulemaking until five years after that, have they ever been sued for not implementing that law.
- 05:10:23 Rep. Hunter asked Mr. Everts to research the number of times that an agency has not implemented rules when required to do so.
- 05:10:54 Sen. Buttrey asked about adverse wording in an administrative rule and law changes which would make the rule wording obsolete or illegal.
- 05:12:45 Sen. Facey asked what happens if it doesn’t specifically say in the bill that you need rules to effect your bill.
- 05:15:06 Rep. Hunter asked about the term “notice” in the pink box, is it an objection to the notice or objecting additionally or alternatively to the content of what’s in the notice.
- 05:16:32 Ms. Fox discussed drafting bills that says whether a rule has been effective.

Public Comment - None

Next steps discussion

- 05:20:40 Rep. Hunter said that a lot of the problems that he has experienced in rulemaking review goes back to the subject of term limits.
- 05:21:48 Sen. Barrett discussed the big divide between the policy and the funding.
- 05:23:19 Sen. Facey said that if there is further discussion on this issue, that it should be an agenda item for the next meeting.
- 05:24:05 Rep. Knudsen offers up a lawyer’s perspective and is inclined to agree with Sen. Facey.
- 05:25:25 Sen. Keenan said that as legislators, we need to keep in touch with the constituents, especially those who are impacted by the rules.
- 05:27:05 Sen. Sesso said that when the rulemaking that follows up legislation goes awry, we are responsible to take actions and follow the procedures we are given to right the ship.
- 05:33:54 Rep. Hunter commented that the discussion about legislative oversight gets to the topic of separation of powers. He suggested having an overview presentation of the separation of powers regarding the Executive Branch, the Legislative Audit, and the Legislative Finance on down to the whole bill end of things at the February meeting.
- 05:38:27 Sen. Sesso asked Mr. Everts to give examples of two or three categories of different types of authority as it’s been granted over the years.
- 05:39:50 Rep. Hunter discussed having rules that have been adopted years ago, and if we contemplate doing something different, we also have to contemplate all the mechanics and all the new rulemaking authority that would have to be granted to cover the specifics that are already in.
- 05:40:22 Sen. Keenan asked if the Executive Branch agencies, the Attorney General, the

Secretary of State, and the Auditor's Office are all held to the same standards, or is there some separation from us.

05:41:59 Ms. Fox said that staff can help find examples of drafts that are very general or very specific.

BREAK (reconvene at 2:52 p.m.)

TVMT - HISTORY, BUDGETS, CONTRACTS, REPLACEMENT CYCLE

05:56:07 Ms. Fox gave a brief history of TVMT (**Exhibit 20**) and an overview of its budget (**Exhibit 21**).

06:09:14 Ms. Sloan-Harris gave a presentation on the Audio Video Contracts. (**Exhibit 22**)

06:17:22 Ms. Fox discussed the TVMT Long-Term Planning Replacement Cycle. (**Exhibit 23**)

06:20:20 Ms. Sloan-Harris provided an update on the work that was done on the AVI.

Committee Questions

06:23:25 Sen. Buttrey asked Ms. Sloan-Harris about replacing equipment and software.

06:24:53 Rep. Hunter asked about the cost to transmit and if Ms. Sloan-Harris could describe how the transmission costs work between TVMT and the provider.

06:26:31 Rep. Hunter asked what would happen if our content was increased by 50%, would Charter have a corresponding increase in their costs or is it a fixed costs.

06:27:34 Rep. Hunter asked about picture quality and high definition output.

Public Comment

06:31:06 Chuck Butler, Chairman of the Board, President of Helena Civic Television

06:34:13 Melissa Lewis, Contract Lobbyist, Charter Communication

Committee Discussion

06:37:07 Sen. Sesso discussed the possibilities of linking up with interactive hearings around the state .

06:38:59 Ms. Fox said that she has access to information and models from other states which she can provide to the committee.

06:39:59 Rep. Knudsen discussed a concern regarding situations where committee hearings were ongoing and nothing was televised on TV and when the floor session is gavelled in and people can't see what's going on.

06:41:44 Ms. Fox said that that the contract comes up for renewal in August and that would be a good time to discuss quality issues.

06:42:46 Rep. Hunter asked about the contracts with the City of Helena who has the franchise with Charter.

06:48:14 Sen. Sesso asked how the decisions are made on what gets put on TV and who schedules that. Sen. Sesso suggested costing out how to provide a schedule to the viewer.

06:54:33 Ms. Fox discussed contacting the Journalism School about the possibility of a graduate student writing a thesis paper on who is watching HCTV, produce a static page of what's coming up, have training videos, civic education, or outreach to let the public know how to get a hold of their legislator.

06:55:37 Rep. Hunter asked staff to put together a list of ideas that was heard, ask the

City, the County, and HCTV to share with us things that they might like to see differently and come up with a roster of ideas for the next meeting.

06:57:55 Ms. Fox said we could use Survey Monkey, take some ideas from the strategic planning and ask some open-ended questions with legislators, do an online survey with the public, and start with legislators filling out the survey. February 2017 is also the 60th Anniversary for Legislative Council.

06:58:51 Sen. Barrett discussed using the Interim Newsletter.

Public Comment on any topic under the purview of Legislative Council

07:00:04 Geoff Feiss, Montana Telecommunications Association, said that HCTV helps run TVMT with camera logistics. He welcomes a relationship with the Legislature and wants to help with ideas as well.

ADJOURNMENT

07:01:28 With no further business before the committee, Rep. Hunter adjourned the meeting at 3:58 p.m.

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