

Council Senate Members

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MACK COLE
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BILLIE I. KRENZLER
PAUL SLITER

Montana Legislative Council

PO BOX 201706
Helena, Montana 59620-1706
(406) 444-3064
FAX (406) 444-3036

MINUTES

March 30, 2000
Federal Building
Helena, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.**

COMMITTEE MEMBERS PRESENT

Rep. William "Red" Menahan, Chairman
Sen. Tom Beck, Vice Chairman
Sen. Mack Cole
Sen. Steve Doherty

Rep. Billie I. Krenzler
Rep. Mark E. Noennig
Rep. Paul Sliter
Rep. Emily Swanson

COMMITTEE MEMBERS EXCUSED

Sen. Chris Christiaens
Sen. Bruce Crippen
Sen. Debbie Shea
Rep. Karl Ohs

STAFF PRESENT

Robert B. Person, Executive Director, LSD
Greg Petesch, Legal Director, LSD
Ellen Garrity, Secretary

COMMITTEE ACTION

Approved the January 27 and 28, 2000, minutes. (Sliter)

Agreed to have the Chairman appoint a subcommittee to design candidate education, incoming legislator education, and continuing education for experienced legislators. (Swanson)

Agreed that the House conform to the Senate system of giving session secretaries time, resources, and support to produce brief summary minutes. The Council should determine if it is feasible to expand the broadcasting of session, to include recording and preserving the audio and/or video record; with the ultimate goal of including the Committee of the Whole in any or all of the foregoing. (Noennig)

Endorsed the recommendations presented by Mr. Kerins. (Christiaens)

Directed staff to draft legislation establishing a branch coordinating committee. (Christiaens)

Adopted the personnel subcommittee's compensatory time recommendations. (Cole)

Approved the expenditure of program 20 funds to support a comp time buy-out. (Beck)

Accepted the recommendation of the personnel subcommittee to adjust the projected FAS for retirement to equal what it would have been had matrix adjustments been made in previous years with a pay increase of 9.6 percent for the Legislative Services executive director. (Beck)

CALL TO ORDER AND ROLL CALL

Chairman Menahan called the meeting to order at 9 a.m.

Rep. Sliter moved that the minutes of the January 27 and 28, 2000, meeting be approved. The motion passed.

SPECIAL SESSION UPDATE

Mr. Person said the proposed early May special session can be held at the Capitol complex in the DPHHS and Scott Hart auditoriums. The Speaker of the House and the President of the Senate have informed the Governor's office that they would prefer to use those facilities and schedule the session as early in May as possible.

LEGISLATOR EDUCATION STRATEGIES

Exhibit #1, Developing Legislator Education Strategies for the Montana Legislative Council.

Exhibit #2, Content Objectives for a "Law School for Legislators"

Exhibit #3, Developing Legislative Public Education Strategies for the Montana Legislative Council

Exhibit #1 is a report, requested by the Council, detailing legislator training approaches taken in the past and in other states. Mr. Person said there has been no one consistent training procedure in the past. Other western states provide a variety of orientation programs which are well accepted and perceived as valuable in the states that conduct them. Legislators like the idea of breaking sessions into small segments to get away from information overload.

Current recommendations for Montana legislators include Law School for Legislators, orientation sessions, mock sessions, and assigning mentors to new legislators. Mr. Person said all of the suggestions require a time commitment by legislators and staff.

Ed Bartlett, President of the Montana State Bar Association, said the Bar Association is enthusiastic about a Law School for Legislators. He asked the Council's endorsement to work with the Legislative Services Division to develop a program. The committee working on the program includes Fritz Snyder from U of M Law School (Chairman), Bob Person, Mr. Bartlett, a high school teacher from Kalispell, and several attorneys.

Rep. Swanson recommended endorsing the Law School for Legislators and that the Chairman appoint a subcommittee to work with the Bar Association.

Sen. Beck said legislators should be compensated for attending the school.

Mr. Person said it has been suggested that state fiscal training seminars for legislators be resumed.

Taryn Purdy, Legislative Fiscal Division (LFD), said LFD wants to provide more structured fiscal training for legislators. LFD proposes general fiscal training to allow legislators to get their “foot in the door” on fiscal terms and how finances work. Legislators can have further training if they choose to do so. This training would be separate from in-depth training for appropriations committee and finance and claims committee members.

Mr. Person listed examples of what other states have found to be useful:

1. A brochure to help candidates understand the job of a legislator.
2. One or more orientation sessions.
3. Mock floor sessions, committee of the whole, and standing committee meetings.
4. Work with groups like the state bar to incorporate ideas such as the “Law School for Legislators” into an overall orientation program.
5. Assign new legislators to experienced legislators who would act as mentors.
6. Ethics, sexual harassment, constituent services, technology, and spouse/partner training workshops.

Rep. Swanson thanked Mr. Person for a good presentation.

Sen. Doherty said it would be useful to invite legislators to CLEs with a legislative component, and waive fees. The state bar could send a letter to legislators in a community where a CLE is going to be held.

Mr. Petesch said the Law, Justice, and Indian Affairs Committee has, with the state bar's approval, attended an intermediate appellate court CLE because that issue is before the committee.

Rep. Swanson moved that the Chairman appoint a subcommittee to design candidate education, incoming legislator education, and continuing education for experienced legislators. The motion passed.

Mr. Person said some possible strategies to educate the public about the legislative process are radio and TV broadcast, telephone information services, web-based information services, Capitol visits, and documentation of legislative intent.

He also said schools offer programs in civic education at all grade levels and those programs could be enhanced by direct legislative involvement.

PUBLIC INFORMATION SUBCOMMITTEE REPORT ON HJR 18

Exhibit #4, Progress Report

Exhibit #5, TVMt

Stephen Maly, staff to the HJR 18 subcommittee, said the subcommittee has visited two different states and seen two different systems in place to produce quality programming of floor sessions, selected committee hearings, and related legislative events of general interest.

Mr. Maly said the subcommittee toured the renovated chambers in the Capitol this morning. The plans for Capitol restoration contained an option for a MATV system (a cable TV system) with remotely

controlled cameras in the two chambers and wiring and plugs for cameras in most hearing rooms. There was money available so there will be a closed circuit television system in place for next session. The cameras in the chambers can be remotely controlled. Mr. Maly doesn't know what kind of audio system goes with the video. Mr. Maly said a means exists to broadcast all proceedings using Internet prodigal but that system is not now in place.

Sen. Cole said proceedings could be broadcast next session on a modest scale.

Rep. Swanson said TVs will replace the squawk boxes now used in the Capitol. The Capitol, which is now wired for this procedure however, the TV monitors may not be in the budget.

Rep. Noennig said Montana has the potential, with a small additional cost, to generate a signal to Montana households.

Rep. Swanson said the subcommittee believes the Legislature should manage the video coverage of the sessions. The Legislative Services budget should control hiring, equipment purchase, etc.

Mr. Person said the infrastructure is being installed but no one has offered to manage it yet. Existing staff cannot manage a MATV system. Legislative Services would need additional FTEs and technical support.

Rep. Swanson said the Council needs to learn the cost of doing closed circuit TV. What would be the cost of video streaming through the internet? The Council needs to look at all the options.

Sen. Cole recommended the subcommittee continue its work on the HJR 18 project.

Sen. Doherty asked the subcommittee to explore involving the Department of Administration in the maintenance of a video system, under the control of the Legislature.

Sen. Beck asked the subcommittee to research the cost of getting a video system in operation by next session.

RECESS

The Council recessed until Friday morning.

March 31, 2000
Federal Building, Helena
8:30 a.m.

COMMITTEE MEMBERS PRESENT

Rep. William Menahan (Chairman)
Sen. Tom Beck (Vice Chairman)
Sen. B. F. “Chris” Christiaens
Sen. Mack Cole
Sen. Steve Doherty
Sen. Debbie Shea
Rep. Mark Noennig
Rep. Emily Swanson
Rep. Billie Krenzler
Rep. Paul Sliter

COMMITTEE MEMBERS EXCUSED

Rep. Karl Ohs
Sen. Bruce Crippen

STAFF PRESENT

Robert B. Person, Executive Director
Greg Petesch, Director of Legal Services
Ellen Garrity, secretary

CALL TO ORDER AND ROLL CALL

Chairman Menahan called the meeting to order at 8:30 a.m.

SESSION MINUTES

Exhibit #6, Recording legislative committee meetings—summary update on technology options

Exhibit #7, Recording legislative intent—summary update on questions

Mr. Person said the ultimate responsibility for minutes lies with the leadership of each House. He hopes the Legislative Council will make some recommendations. The options presented in January were:

1. Provide an exact transcript of the sponsor's opening statement.
2. Require the committee to summarize the reasons for its actions in writing.
3. Commit resources to transcribe significant committee hearings in searchable electronic format.
4. Give session secretaries time, resources and support to produce brief summary minutes.
5. Expand broadcasting of sessions to include recording and preserving the audio and/or video record.
6. Improve recording technology for committee meetings and formalize procedures to allow for more accessible recordings indexed by speaker.
7. Include the Committee of the Whole in any or all of the foregoing.
8. Provide only basic minutes in a minimal format without preserving tapes.

Exhibit #6 is an update of technology options. Four vendors responded to the Request for Information. Nevada legislative staff estimates that if the Legislature supplies the PCs and sound system, it would cost \$6,000 to \$7,000 per room for the software and hardware to set up FTR Gold, a system used by the Louisiana and Nevada legislatures, Great Falls Municipal Court, and the Bozeman Municipal Court.

The Electronic Cottage system is more expensive, \$15,000 per room, but offers a leasing option of \$500/month per session.

BCB Voice Systems quotes a price of \$20,000 for the software license for two simultaneous rooms with each additional room costing \$3,000. These three systems would produce high quality digital recordings stored on compact disks. A demonstration of the systems could be arranged for a later Council meeting.

Lee Heiman responded to a request to define legislative intent. He said the intention for passing a bill could be the subject of the bill or something having nothing to do with the bill. What is legislative intent

has nothing legal involved with it. There is a problem determining if what said at a committee meeting is the legislative intent of a bill. The rules could state that the proceedings, journals and committee minutes don't reflect the intent of the legislature in passing a bill.

Rep. Noennig and Sen. Doherty said the legislature has an obligation to create as good a record as possible with the resources available.

Mr. Petesch said the House policy for keeping records was specifically adopted to comply with the statutory requirements implementing recordkeeping for open meetings. Attorneys use committee minutes to persuade a court to reach a particular conclusion and they ignore them when the minutes indicate something contrary to the position they want the court to reach. Mr. Petesch said he agrees with Mr. Heiman that there is no such concept as legislative intent. Legislative history may be useful in interpreting language adopted but the only legislative intent exists in the language of the bill as passed.

Sen. Beck asked if audio capabilities have been installed in the chambers.

Bill Bayless, General Services Division Administrator, said General Services is providing infrastructure but not equipment for video and audio.

Mr. Person said a radio frequency signal will reach PCs around the Capitol so a person can hear House and Senate proceedings. This can be easily coordinated with the picture coming off the video cameras. It will be simple to get that signal onto a recorded medium for use across the state. There is no provision at this time for any improvement to the sound systems in committee rooms or to the procedures to support the use of those sound systems.

Beth Furbush, Legislative Services Librarian, said having a record is one thing but finding information in the record is something else.

Mr. Person said it is for the Legislature to decide how much money should be spent to get what.

Rep. Noennig said in Washington's system, broadcast hearings go into a data bank which can be accessed over the internet. An electronic indexing system is used.

Sen. Doherty said the Legislature has an obligation to create a good record.

Rep. Noennig moved that the House conform to the Senate system of giving session secretaries time, resources, and support to produce brief summary minutes. The Council should determine if it is feasible economically to expand the broadcasting of session, to include recording and preserving the audio and/or video record; with the ultimate goal of including the Committee of the Whole in any or all of the foregoing.

Rep. Swanson said as the Council proceeds in costing these options, it should include the Chambers. A legislative history which does not include what goes on on the House and Senate floors makes no sense.

Sen. Shea said the option of requiring the committee to summarize the reasons for its actions in writing is important as well. This is not the secretary's responsibility.

Rep. Sliter said the intentions here are good but the costs involved are going to be large. The Council needs to consider the costs before proceeding.

Rep. Noennig's motion passed, with Sen. Shea voting no.

CAPITOL SECURITY PROJECT

Bill Bayless introduced Larry Bean, who has been hired to head up Capitol security.

Capitol security projects include:

1. Evaluating security on the Capitol complex to determine if a more professional security force can be provided.
2. Install a keyless entry system in most of the buildings.
3. Evaluating security in the Capitol building when the legislature is not meeting.
4. Evaluating security during legislative session.

Sen. Cole asked how many people are involved in security during session and what each of them does, including the sergeant of arms and the Helena police. Mr. Bayless said he will get that information.

Rep. Sliter said it is important to remember the Capitol is the people's building and they should not be made to feel like they are coming into a prison facility.

EXECUTIVE DIRECTOR SEARCH

Exhibit #8, Personnel Subcommittee recommendations to Legislative Council, 3/31/00

Jim Kerins, a consultant working with the personnel subcommittee, said the executive director position will be advertised until May 5th. The subcommittee will review the applicants at that time to ensure there is a sufficient pool of qualified applicants from which to select the director.

Mr. Kerins said the subcommittee noted a lack of coordination among the three Legislative branch committees in making employment decisions regarding directors. The specific issue was pay adjustments. The subcommittee will propose a coordinating committee of representatives from the Council, Audit, and Finance Committees to ensure each is taking a similar method and approach to pay and other major personnel decisions. The coordinating committee will need training, tools, and guidance to make appropriate decisions. The committee will establish a recommended schedule for evaluation of director performance and salary review.

Rep. Swanson asked if the coordinating committee would have any authority. Mr. Kerins said the details of the committee haven't been worked out.

Sen. Christiaens moved to endorse the recommendations presented by Mr. Kerins. The motion passed.

Sen. Christiaens moved to direct the staff to draft legislation, for purposes of discussion, to establish a branch coordinating committee composed of two members each from the Legislative Council, Audit, and Finance Committees, not more than one member being from a single party or house of the legislature. The committee is to have authority to make salary decisions. The motion passed.

Compensatory Time

Sen. Beck presented the personnel subcommittee's recommendations on compensatory time:

1. Authorize a one-time buy-out of staff excess compensatory time balances down to 500 hours. Remaining current balances (500 or less) to be used by all staff no later than September 30, 2004.
2. Direct staff directors to draft and adopt amendments to the branch administrative policy for more effective management of comp time balances. The amendments must reflect that comp time earned will be subject to a "use it or lose it" basis.

Sen. Cole moved to accept the recommendation for comp time policy as stated above. The motion passed.

Sen. Beck moved to approve the expenditure of program 20 funds to support the above comp time buy-out, including a transfer from program 20 (LSD) to program 27 (LFD) of approximately \$82,000 of carryover funds (funds carried forward from fiscal 1998 and fiscal year 1999, not part of current operating funds). The motion passed.

Sen. Beck moved to accept the recommendation of the personnel subcommittee to adjust the projected FAS for retirement to equal what it would have been had matrix adjustments been made in previous years with a pay increase of 9.6 percent for the Legislative Services executive director. (The motion passed.

OTHER BUSINESS

Mr. Petetsch said the ethics statutes require him to inform the Council when he is approached for employment. The Law School has asked him to teach a legislation class the coming fall semester.

Chairman Menahan appointed the members of the legislator education subcommittee: Reps. Swanson, Sliter, Noennig, and Sen. Doherty.

NEXT MEETING AND ADJOURNMENT

The next meeting is scheduled for June 8th and 9th.

The meeting adjourned at 11:20 p.m.

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