

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

REP. MICHAEL V. SAXL
CHAIR

SEN. RICHARD A. BENNETT
VICE-CHAIR



120th MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. BEVERLY C. DAGGETT
SEN. MARY E. SMALL
SEN. PAUL T. DAVIS, SR.
SEN. SHARON ANGLIN TREAT
REP. PATRICK COLWELL
REP. JOSEPH BRUNO
REP. WILLIAM S. NORBERT
REP. WILLIAM J. SCHNEIDER

JAMES A. CLAIR
EXECUTIVE DIRECTOR

MEETING SUMMARY
APRIL 25, 2001
APPROVED JUNE 27, 2001

CALL TO ORDER

The Chair, Speaker Saxl, called the Council meeting to order at 1:25 p.m. in the Legislative Council Chambers.

ROLL CALL

Senators: Sen. Bennett, Sen. Daggett, Sen. Small, Sen. Davis,
Sen. Treat

Representatives: Speaker Saxl, Rep. Colwell, Rep. Bruno, Rep. Norbert,
Rep. Schneider

Legislative Officers: Joy O'Brien, Secretary of the Senate
Pamela Cahill, Assistant Secretary of the Senate
Millicent MacFarland, Clerk of the House
David Shiah, Assistant Clerk of the House
James A. Clair, Executive Director, Legislative Council
Grant Pennoyer, Acting Director, Office of Fiscal
and Program Review
David Boulter, Director, Office of Policy
and Legal Analysis
Margaret Matheson, Revisor of Statutes
Lynn Randall, State Law Librarian
Paul Mayotte, Director, Legislative Information Services

SUMMARY OF THE MARCH 28, 2001 COUNCIL MEETING

Motion: That the Summary of the March 28, 2001 meeting be accepted and placed on file.
(Motion by Rep. Bruno, second by Rep. Colwell, unanimous).

NEW BUSINESS

Item #2: After Deadline Requests

After deadline requests were considered by the Legislative Council. The Council's action on these requests are included on the attached list.

REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS

- **Executive Director's Report**

James Clair had 3 items on the Executive Director's Report.

1. The North Wing Planning Process. The offices affected by the North Wing renovations had been involved in a review of both the furnishings design plan, and the architectural, structural, electrical, etc. review. The furnishings design is virtually completed with some minor changes. It is dove-tailing with the architectural changes that need to take place. The reason for bringing it to Legislative Council members' attention now was the design team and construction team this week want to send out to bid the services that are going to be required for the North Wing. Hopefully, responses will be back in early June. There will be an opportunity to assess the bid to the budget scenario, and should the bids come in higher than the budgeted resources, there will be an opportunity for the Legislative Council to weigh in on changes that need to be made. The ultimate goal, is to kick off the renovations for the North Wing by mid-June. That would allow us, with a certain degree of confidence, to say that the Second Regular Session would start on schedule in the first week in January. Stan Fairservice had a conversation with someone from Granger Northern that indicated if they started sometime in July, even early July, that would push it into January, and that was trying to be avoided if at all possible.

Rep. Bruno asked if renovations started in mid-June, could they start with the Legislature still in session? Mr. Clair thought that would be really difficult. He thought there would be an opportunity for some offices to move out, the Executive Director's Office could move out, but he would let the other offices speak for themselves. The construction process always takes longer than one plans, so if we are budgeting on a fairly strict basis to be done by late December, it has been spilling over, and we are trying to avoid that.

No Council action required.

2. Certain events in the Cross Office Building had been an issue in the past few weeks. The Clerk's Office schedules the reservations for the Hall of Flags and the 3rd floor Rotunda. We had an event where a group wanted a press conference, could not find room in this building, so asked about the 2nd floor Lobby in the CSOB. Mr. Clair asked that it be run by Chief Suiter to make sure that the building could accommodate the number of people, etc. The Press Conference went smoothly. Since then, there have been a number of requests to use that area for more press conferences. Deputy Commissioner Jacobs called Mr. Clair with concerns about using the space for them. He said it was designed to be an entryway, and meet and greet area, the kiosk, etc. and not designed for press conferences. Mr. Clair said the legislation that was enacted said the Legislature, the Legislative Council, was to

receive 33,000 gross square feet. The 33,000 feet is essentially all of the 2nd floor space and includes the Lobby. What the Administration is offering is to open up and even reserve for Press Conference Room 107, which is on the 1st Floor. Mr. Clair was seeking guidance as to whether the Legislative Council wanted to designate, which is in their purview, the use of the Lobby for press conferences and other events.

Rep. Norbert believed the 2nd floor in the CSOB was the Legislature's space and felt strongly that it was something that worked well and needed the Legislature to keep their domain over it. A message should be send that it is the Legislature's area. Sen. Treat agreed with Rep. Norbert. She also thought the space in the CSOB was better designed for people to get in and out of with disability and mobility issues for press conferences. It is legislative committees in that area and not executive branch offices, so if complaints are to be had, they should be from committees.

Motion: That Mr. Clair give an oral communication to the Administration to inform them that the Legislative Council believes the 2nd floor in the CSOB to be Legislative space and will use the area as the Legislature sees fit. (Motion by Rep. Bruno, second by Sen. Treat, unanimous 9-0).

3. Margaret Matheson and Mr. Clair came across old information on printing costs for the Laws of Maine. Information from 1990 talks about the costs for the Laws of Maine as single copies having no charge, but additional copies being charged at \$20 each, and believed that to still be the policy. He said they could determine that the cost to produce it is at least \$40 per copy. He was not looking for any immediate action, but given what was learned about the printing costs, wanted a review of items the Legislative Council had purview over in terms of what should be charged. He did a markup of the fee recommendations from the Clerk and the fees set by the previous Council. If there are items like that that have not kept up with the times, he would have a recommendation for the Legislative Council at a subsequent meeting.

Rep. Bruno asked if anything had gone up from the 119th and whether there was anything built in for automatic increases or should it come to the Legislative Council every session and have someone inform them of the new proposed rates for the Session. Mr. Clair deferred to the Clerk of the House. Clerk MacFarland said there were 2 separate fee schedules. One was legislative document service and the other was Legislative Council publications. It was built around not making money but covering the cost of postage and printing and believed the only session they may have lost money was a couple years ago when there were over 2,300 bill presented, but thought they may have actually made a little bit of money this year.

Sen. Bennett asked if there was a consensus of the Legislative Council that Mr. Clair report back to them at the next meeting regarding the printing costs.

No Council action required.

- **Renovations: Status Report**

Stan Fairservice gave an update on the West Wing. They were currently putting the finishes on the 1st floor, the Snack Bar, Interpreter Center and the main lobby. The stairs to the connector had been poured and you can walk across to the CSOB. Today the finishing touches on the roof of the Connector itself, the diorama area are being done. They will be pouring about 80% of it on Friday, April 27th, weather permitting and will be lowering the dioramas into the Connector on Monday, April 30th, building protective

walls for the dioramas. On May 4th should put the last piece of the concrete into the Connector. They have started drilling for the elevators and that installation has started. Also, sometime this week, they will be receiving from the Architect, the landscaping plan that will be used, and it will be issued it out for bidding immediately and hopefully bids will be received within 3 to 4 weeks.

Rep. Norbert asked Mr. Fairservice the date a citizen would be able to walk from the Cafeteria to the State House underground in the new Connector. Mr. Fairservice said there had been a problem with the granite. The granite was from Deer Isle and was delivered about a month or two late. It is now in the artist's hands and need to have the granite completed. If looking at a complete Connector he said mid-June.

No Council action required.

- **Fiscal Update**

Grant Pennoyer reported he had 3 items on the fiscal update.

1. A review of the progress on the fiscal note production. For printed bills they had completed fiscal notes on approximately 80% and bills scheduled for hearing approximately 82%. The real interest now, is how amendments are being turned around. Over the course of the session they had requests for 635 fiscal reviews, which also included some floor amendments and have completed work on 484 of them. During the week of April 17th they had concentrated on turning around amendments and have completed work on 186, and had been passed on to the Office of Policy and Legal Analysis and the Revisor's Office for final completion.

Sen. Small inquired as to the number of bills printed in relation to previous years. Speaker Saxl said they were about 11% ahead of the last Legislature presently. Sen. Small was concerned about the service to the public, were committees trying to hear to many bills in an afternoon. She had noticed a difference in the committee procedure this year and asked if other legislators had concerns. Speaker Saxl said, in his perspective, at least in the House, they had 13 of 17 chairs that are new, and in the Senate, at a minimum, 8 chairs are new. He thought it would be incumbent to have a training book for chairs and rank and file members that would be more extensive on the basics. Sen. Small said the committee she attended had to many bills scheduled. First they heard legislators and then the public. The public had to wait for a long period of time, and it was very confusing. Speaker Saxl suggested participating with the Rules Committee. The last Rules Committee suggested capping the number of bills a legislator could bring in and while there are fewer number of bills this year, than last session, this year is still 2nd most bills ever introduced. Some of the challenges are just volume.

Speaker Saxl referred back to Mr. Pennoyer to continue his fiscal update.

2. Mr. Pennoyer gave an update of the variances for the month of March revenue. The Commissioner of the Administration and Financial Services, would be releasing the March revenue reports soon. The General Fund, while ahead for the month of March \$1/2 million, the area of concern was the Corporate Income Tax, which was down by \$9.6 million in the month of March, which was a big month for Corporate Income Tax payments. Speaker Saxl asked what percentage it was down. Mr. Pennoyer said they were expecting \$25 million of budget for revenue, so is a sizable variance. Corporate profits were down, but believed the actual experience had been even worse than expected. Speaker Saxl asked if the Revenue Forecasting Committee had a

meeting scheduled and Mr. Pennoyer said no. There were not any plans to meet right away. They thought after the close of the year, they would meet and evaluate performance. Speaker Saxl asked if that size of a variance was reason to think that they might downgrade their projections. Mr. Pennoyer said some variances are expected to be up and down, and some may recover over the next few months. He had talked with the Maine Revenue Service, and the April revenue shows the Corporate Income Tax was ahead a little, but believed for the year, it would still be down given the rather unfavorable experience in March. Rep. Bruno noted that a lot of the corporations work on a calendar year so the quarterly report was not due until April, and asked if a rebound was expected in April. Mr. Pennoyer said corporations are required to file their final return for the prior calendar year of March 15, unlike individual income taxes. He said the next big month for corporate tax collections was June, and usually not quite as large a month as March. Instead of \$25 million, the budgeted amount expected was \$21.2 million. June is another large payment month that will need to be watched.

Mr. Pennoyer said the numbers do reflect the most recent revenue reprojected, and have reduced the estimates for general fund revenue for the fiscal year 2001 by \$11.4 million. The sales tax was the primary area where revenue estimates were reduced. Reduced the yearly estimate in FY 01 for sales tax by \$10.2 million and February sales were \$4.7 million under budgeted revenues for the month of March, which reflect February sales. That will be watched as well. The other area of concern was the estate tax. A large settlement in the last quarter would result in a recovery and bring it back into alignment with budgeted revenues. The highway fund was doing well, \$1.4 million ahead for the month and \$3.7 million ahead year to day.

3. Mr. Pennoyer reported the general fund cash balances went negative for the first time since 1996. That was of interest to the Appropriations Committee and had the Commissioner and his office do presentations for the Committee trying to explain this. He furnished the Legislative Council members information to look at the historical trends of the monthly averages for general fund cash balances. Note that the beginning of this fiscal year we had reached the peak, which coincides with the expectation they had based on the actions taken during the 119th Legislature where there was a balance of approximately \$300 million and by the end of the Fiscal Year 01 and the expectation was that balance would be reduced to almost zero. That was primarily from the spending that was authorized last year and various tax reductions that were authorized during the 2nd Regular Session of the 119th Legislature. This information was being provided as an update. Mr. Pennoyer informed members that the Commissioner of Administration and Financial Services would doing a presentation to the Appropriations Committee the afternoon of April 26, 2001 on their cash position, and said they may want to listen.

Rep. Bruno asked if Mr. Pennoyer could give an explanation on how the rainy day fund balances work into the cash balance pool. Mr. Pennoyer said as of now the balance in the Maine rainy day fund is \$143.7 million. Another major reserve within the general fund is the reserve for general fund operating capital. Combining those 2 reserves contribute to the General Fund cash balance. Right now they are contributing \$153.2 million to that cash balance. When they went to negative numbers in April, we were actually \$153.2 million worse off than those numbers actually indicated because the reserves are part of that cash position. They are using the reserve for general fund working capital and the Maine rainy day fund as working capital reserve. Keeping the general fund from having to borrow from either the cash

pool from other funds. He said as of that morning, they had an \$85.6 million positive general fund cash balance, which improved over the last few days. Without the 2 reserve funds they would be negative by \$60 million.

- **Revisor's Report**

Margaret Matheson reported that much of their work has shifted to committee amendments. Also, some work from Joint Orders requiring bills to come out of committee, working on 8 of those now. They had 3 pursuant to statute that are going to be major substantive rules and those will be emerging within the next day, and 2 after deadline bills were still in progress. From the Revisor's point of view, as far as production of committee amendments, there has been great progress within the last week and a half. More than 330 committee amendments have been completed. Approximately 100 were out Monday afternoon, April 23, as a result of the prior week and another 70 on April 24 and today. There are about 200 that are currently in the production loop where the 3 offices have conjoined and have been through the first loop of review, teching and proof reading.

Sen. Treat thanked Ms. Matheson for all the hard work they have done.

No Council Action required.

- **Migration Project Status**

Paul Mayotte reported that Compaq had installed the bill drafting system application software on April 2nd. They had completed the technical testing on the software application on April 13th. There was one remaining item open as a result of a technical item, which relates to the statutes database and they were working on it. Actual user acceptance testing, with thanks to Ms. Matheson's organization, started on April 17th and the goal is to complete the user acceptance testing in mid-May. Compaq is making fixes to the software as the user is finding them and on a weekly basis the minor fixes are being corrected. Overall user acceptance testing is well underway and working well. International Roll Call has also had their personnel on site for the past 2 weeks working on the Legislative Management System and his staff has been supporting that effort on an intense basis since they have been here.

Speaker Saxl asked Mr. Mayotte if there was anything the Legislative Council should be worried about, any time period, was everything on schedule and on budget. Mr. Mayotte said he was a little worried about the integrating the statutes database with the application software. He said he would like to see them a week or two further into it than they are currently. They had 1 title they were using and he would like to see them having more than 1 title being used and followed by the application software. Working with Compaq he believed there would be many more titles in place within 2 weeks or so, but it does put it kind of late into the session.

No Council action required.

REPORTS FROM COUNCIL COMMITTEES

- **Technology and Migration Committee**

Sen. Treat said they had a great meeting with full attendance and careful attention to detail. The overall picture was that they were not ready to ask the entire Council for a

policy decision on any of the items the Committee has been working on but they had been quite diligent about getting to where that would happen. There is a lot of complicated issues and additional information has had to be obtained before they could make a recommendation based on price, policy, etc. They had received updates from Mr. Mayotte on the status of the new bill drafting system implementation and are trying to understand better how the committee pieces and other parts will all fit together. That relates very directly to the Part II requests as it has been outlined.

An update on the State's Chief Information Officer was provided and the Legislative Council does not need to take action on that item.

The Committee talked about the Executive branch's budget and financial management system, which had been talked about before, whether it should be adopted. The Executive Director, OFPR Director and Information Services Director are meeting with the Budget Office to look into the status of it. She said it was not going well in terms of the Executive Branch's experience, and they already had concerns. The Committee will be getting a recommendation to the Legislative Council members.

The Committee also spent a lot of time talking about the proposal that have the Legislature establish its own direct internet access. As of now access is through the Bureau of Information Services and is based on a per computer charge of \$34.75 a month. Compared to how many computers the Legislature may have in the future (when legislators are connected), now there is a fairly limited number, Paul Mayotte and the staff gave figures that were quite comprehensive that essentially showed a savings in Fiscal Year 2002 of \$131,000. There are issues about it, such as access to data which is currently in the data repository which we have access to and there are issues related to BIS' concern about the Legislature pulling out, \$110,000 right now. We are a drop in the bucket right now for their total number of accounts. The Committee was leaning in a direction, but was not ready to recommend anything because they were still trying to get the cost. BIS said their estimates were not accurate that it was going to cost more. Because the Committee wanted to make a decision based on good information asked BIS how the cost was determined. They were trying to determine what additional cost had not been anticipated. What Mr. Mayotte had presented, was that investing in the technology could be done out of the savings so there would not be an additional cost that would be recouped later, it would be recouped within this budget cycle, which is significant. It also could be done with the present amount of staff. They will have more discussions with BIS, the proposal was made that the data issue could be resolved by having a certain number of dedicated computers that we do pay the monthly fee to BIS that would be connected to the data that we need to get. The material she was referring to was budgetary data, revenue forecasting data, etc., and there was a statute that mandated they get us the information. It may be something we update the language on so the format of the information is also required to be provided. They will be getting that information and may be able to come back to the full Legislative Council before another month goes by if there is another meeting before then. They have also been continuing to review the Part II Requests and get additional data to make specific recommendations at the next meeting.

Rep. Norbert said the Technology Committee had been working very hard. What was exciting was the direct internet project. He believed the Bureau of Information Services would need to come forward with hard data or more compelling reasons. The Committee is trying to lay the groundwork so they can save money, get quicker access, and exert Legislative independence on the matter. Sen. Treat clarified that the direct access would improve the usability of the system for legislators as well as the capability to broadcast over the internet, would ensure that capability into the future. Speaker Saxl said if the

Committee thought they could get better service going independently, that would be great. He congratulated them for pursuing it and asked that the Committee and Mr. Mayotte review the Part II Budget, and come back with some of their priorities. He said that would be helpful, they were not as optimistic they would be able to afford all the requests in the Part II Budget for technology.

No Council action required.

- **Personnel Committee**

Speaker Saxl said the Personnel Committee had several motions to present to the Legislative Council. If at any point during the discussion they wished to go into Executive Session, they will honor that to discuss the details of those.

Motion: On behalf of the OFPR Director Search Committee, that Grant Pennoyer be appointed as Director of the Office of Fiscal & Program Review for a 3-year term commencing on April 26, 2001, at grade 14 step 6, and as provided in Title 3, Section 162, Subsection 6 of the Maine Revised Statutes, that reappointment be based on performance and in accordance with policy and procedures established by the Legislative Council. (Motion by Speaker Saxl, second by Sen. Small, unanimous 9-0).

Speaker Saxl said, Mr. Pennoyer, on behalf of the Legislative Council, congratulations to you. It was a very competitive search. We had national candidates, people who had established these offices in other legislatures, others from private and public sector experience and had a great group of finalists, but Mr. Pennoyer was head and shoulders above and did a great job.

Motion: That Income Protection for two legislative employees be granted as reviewed and accepted by the Personnel Committee at our April 25, 2001 meeting. (Motion by Speaker Saxl, second by Rep. Bruno, unanimous).

Speaker Saxl informed the Legislative Council members that the Personnel Committee had completed its personnel review of Paul Mayotte's work at the Legislature and as a result of that review, have recommended that he receive his annual step increase which is for a job well done.

No Council action required.

Speaker Saxl said the Personnel Committee was committed to talking about deferred compensation for legislators and legislative employees and will do that at a subsequent Personnel Committee meeting but if any member of the Council had any special expertise, insight, or would like to be part of that discussion, he would be very interested in having their input.

No Council action required.

- **Space Committee**

Rep. Colwell reported that the Space Committee met and worked diligently on the issue of smoking areas on Legislative property. The Space Committee came up with the following recommendations: Since the West side of the Capital will be the main entrance to the building once construction was completed, all foot traffic, children, everyone would be entering through that area. The Space Committee determined there would be

no smoking on the West side of the Capital, between here the Cross State Office Building and on the East side of the Capital. The areas where smoking will be allowed will be on either end of the building. On the North side it is where the concrete slab with a picnic table on the lawn. The other area for smoking will be on the South entrance of the building inside the granite wall where the fence is. The Committee proposed building another concrete picnic table and walkway. That area would be a secured entrance there will not be public access through that entrance. The Space Committee also recommended that the Executive Director find outside ashtrays.

Sen. Treat asked if the idea of the new concrete slab and walkway had already been vetted with Capitol Planning Commission and the Historic Preservation Commission. Rep. Colwell said that Earle Shettleworth, Director, Maine Historic Preservation Commission, was in the room during the discussions. He said there was a table in the area now, on the other side of the fence, and he asked Mr. Clair to address that question. Speaker Saxl asked if they should ask the new Capitol Area Advisory Subcommittee, whether they want a slab there and Mr. Clair said both groups, the Capitol Area Advisory Committee and the State House and Capitol Park Commission, played a role in that space. The timing for doing something in that area was a ways away and there was time to bring it to both those groups. Speaker Saxl thought that would be a good idea.

Rep. Schneider said he objected to the plan because it did not provide any kind of a covered place for someone to smoke. The comments heard that someone could smoke in their car actually was not possible for someone who was parked in the parking garage. The plan did not allow for any place under cover for someone to have a smoke. Sen. Treat did not think it was their responsibility to provide a covered area for smokers.

Speaker Saxl asked Mr. Clair if a motion and vote was needed or could they refer the relevant parts to the Capital Area Advisory Commission. Mr. Clair said with the exception of the new concrete pad, and the walkway, the rest of the policy was ready to be implemented with a motion and vote.

Motion: That smoking be abolished anywhere West of the State House, leading up to the Cross Building; that two smoking spots be located Northwest and Southwest of the State House; that the Executive Director be tasked with finding better receptacles for cigarette butts in these two locations that can handle the elements; and that smoking be banned from the entire East side of the State House, continuing the current ban on the 3rd floor porch but now extending the ban to the 2nd floor porch as well. (Motion by Rep. Colwell, second by Sen. Davis, 8-2).

Mr. Clair will prepare a draft memo to the Capital Area Advisory Committee for a recommendation.

- **Time and Attendance Subcommittee**

None

OLD BUSINESS

Item #1: Proposed Drafting Guidelines for Legislative Studies-120th Legislature

David Boulter gave a presentation to the Legislative Council for adoption pursuant to Joint Rule 353, which requires that at the start of each legislative biennium the Council adopt rules to guide the drafting of legislative studies and studies should be in

accordance with those guidelines as approved by the Council. He had a few major points. First the guidelines are consistent with the Joint Rules as adopted by the 120th Legislature. They serve two major purposes: to provide consistency in drafting legislation to assure that important elements of establishing study commissions are included to allow legislators to easily discern what is being proposed; and that all key elements for a successful study and study commission are included. The second reflects a legislative intent as expressed by the 119th and this Legislature to allow legislators to better maintain control over legislative studies and to shape the scope and direction of studies. In the past, it had been, even though they were legislative studies, largely controlled by external forces. These guidelines in the Joint Rules, expressly allow the control and shaping of that to be done by the Legislative branch. Key provisions of the guidelines themselves, looks very much like a working or staff document and is designed specifically so all major elements are included in each study proposal. There is standardized language for a consistency in drafting, and for easy review by legislators. There is model language, and explanatory comments to help people, particularly staff, to be guided in certain circumstances. The elements include the appropriate legislative instrument to be used in times when variations are appropriate, composition of the study commissions, appointment process, both in terms of members and chairs, compensation, reporting requirements, extensions, requirement to have some explanation as to what the study would involve in major duties. Each of those are included. You may have seen study legislation coming before members already with many of those elements. It does reflect the general policy of the Legislature that the Joint Order is the preferred legislative instrument to be used in most cases, that the Joint Order being within the purview of the Legislature solely and not subject to veto. It is also a very efficient way of convening a study, do not need to wait until 90 days following adjournment before studies could convene. For example, if a Resolve was passed as non-emergency, it would probably be late September perhaps October before a study began and the deadline for the submission of the report would be about 5 weeks later, so there would not be much opportunity in the ordinary course to do a thorough study. The Joint Order allows for a speedier beginning to those studies. He drew the Legislative Council members' attention to the compensation of members on a study commission. The Joint Rules require, and these guidelines are consistent with the Joint Rules, that specify that legislative members are entitled to receive the Legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings. Public members on the commission, who are not, otherwise compensated by their employers, are entitled to reimbursement of necessary expenses and a per diem equal to the legislative per diem. Although that is what the joint rules say, the actual practice has been in odds with that. In most cases, at the study table time, the Council, and ultimately the Legislature, had deemed that public members not otherwise compensated were entitled to reimbursement of expenses, but not entitled to a legislative per diem. He pointed that out because he wanted to be consistent with the Joint Rules, but if the Legislative Council wanted to vary, and if adopted, there would not be study language that was consistent with that which would include a per diem for all members. If the Legislative Council wished to vary from that, it could either do it by a floor amendment or if you wish to vary as a matter of policy, this might be the appropriate time to do that. With that exception Mr. Boulter did not see any conflicts from what he understood the intent this Council had with respect to the studies and the guidelines themselves.

Speaker Saxl speaking on institutional memory said it had been the tradition of the Council, when reviewing special study committees, to try to set identical parameters, whenever possible, for all the study committees. They are allowed to convene for 3 or 4 meetings and exclusively reimbursed legislators the per diem. That was the past practice. The reason being, was to maximize the limited budget for legislative studies

so they could allow each committee 1 or 2 studies and then choose 1 or 2 studies the Council themselves as a group believed was important for the next legislative session. Sen. Treat commented on the compensation issue. She believed it had been the general practice, that some committees, with outside members, who want to encourage participation, had recommended a small budget for compensation for members who had a financial need. She said there ought to be room in the policy that the Council adopts to make sure that is an option in cases where it was important to have citizen members that may not be able to take off from work or may need help with transportation costs. Speaker Saxl said they may want to make the language around that and believed it was permissive to reimburse those designated members when there was merit, but might not want to create the expectation of reimbursement for all public members. It was a question of policy for the Council. Sen. Treat suggested to include language to have it on a case-by-case basis, committees would know it is something they could request if they had a reason for it.

Speaker Saxl asked Mr. Boulter to draft an option for the Council's consideration. It was the Speaker's suggestion that instead of adopting this as a whole today, they take a week or so to review it and see if there were other concerns upon review. Sen. Treat did not have a problem with the specific recommendations of the proposal, but in practice, the joint order had not worked well for a couple of reason and until those items were fixed, she had concern about requiring studies to be done by joint order. She recognized that it does not make sense to have the Governor sign legislative study committees, so did not know how to correct it and believed there was a relationship between the computer issue and this. She had two joint orders in the past that were studies that were completely off the information systems, did not have her name on them or anyone else as sponsors. It was not showing up that she had sponsored it, so when the hearing was scheduled she was not notified. The problem was it was on a different computer system than the bills, and that is a problem. A political problem in the Senate was that joint orders are not clear. Some Senators had been voting against them because they did not realize they went to the Revisor's Office and were appropriate. They thought someone just stuck them in and they were being expected to vote on it. Until they could resolve those two problems to mandate that people had to do it that way was a concern to her

Rep. Bruno asked Mr. Boulter to refresh his memory, did every study come to the Legislative Council for approval.

Mr. Boulter said a joint standing committee could actual do a study. There were ways in the policy that allowed that to be expedited, but in general there was an opportunity for the Council to look at all the studies before they go forward. Occasionally, a study that was part of a bill or resolve that sits on the Appropriation's Table. Sometimes the Appropriation's Committee will act independently, but typically, in the last 4 years many studies had gone through joint orders on special studies and had come to the Council. What the Council basically did was rubber stamp the committee of jurisdiction's 1st and 2nd proposals and occasionally, one recommended as a priority for the committee of jurisdiction.

Speaker Saxl asked that someone make a tabling motion so the Council could hold it for final approval until the next Council meeting. Moved by Rep. Bruno, second by Rep. Schneider, unanimous.

NEW BUSINESS

Item #1: Review of 2002-2003 "Part II" Legislative Budget Requests

Mr. Clair told Legislative Council members they had seen the Budget Requests in a couple different forms over the past few months. It is the most recent update as of April 23rd, is broken up by office, data by line category and by fiscal year 02 and 03. The lion's share of the request, \$3.4 million is in Information Services related issues, some being from migration part 2, positions, software upgrades, etc. He asked that members read through the information. The Technology Committee had taken it on as a task to try and take another look at it before the Council meets again.

There were requests for new positions and some upgrades in the Senate. Mr. Clair said after the recent discussion on miscellaneous studies, although the Joint Rules call for a specific legislative account, there had never been one. The way studies had been funded in the past had either been the Appropriations Committee had set aside \$50,000 or \$100,000, or the Legislature could determine there was sufficient resources within the legislative budget for the next fiscal year such that \$50,000 or \$100,000 worth of studies could be "absorbed". The Joint Rules do say it should be a specific account, may have some flexibility in how you go about doing it, but if you looked at the budget and 100% of the costs had already been committed in the Part I Budget and what would be needed for studies, thought \$85,000 per year would fund approximately 15 studies. There was flexibility in that number but at least wanted it before you.

Lastly the Law Library had some issues and Mr. Clair wanted to make sure that the Legislative Council understood them. The temporary shelving for that unit was never budgeted as a move issue. It needs to be taken care of, he would like to talk to them in more detail, along with relocation expenses, including the rent, etc, for Capitol Street. Speaker Saxl asked if there were questions for Mr. Clair and asked the Council to take about a week, Mr. Clair would organize a Council meeting for next week, so they can make a recommendation of what the Legislative Council would like to ask the Appropriations Committee to include in their Part 2 Budget, if anything, and reconvene the entire Council to ask questions of Directors and the Chambers themselves, regarding their requests. Members directed Mr. Clair to contact their respect offices and try to set up a Council meeting next week exclusively about the Part 2 Budget.

No Council action required on this matter.

ANNOUNCEMENTS AND REMARKS

None.

ADJOURNMENT

Sen. Bennett moved that the Council adjourn at 3:05 p.m. (Motion by Sen. Bennett, second by Sen. Treat, unanimous).