



Legislative Council

63rd Montana Legislature

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TODD EVERTS, Legal Division Director
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Legislative Council Strategic Planning Session Summary Minutes August 22 - 23, 2013 Barrister Bed and Breakfast Helena

Marc Scow, facilitator

Committee Members Present

Senator Jeff Essmann, Chair
Representative Chuck Hunter, Vice-chair

Senator Debby Barrett
Representative Bryce Bennett
Speaker Mark Blasdel
Senator Robyn Driscoll
Senator Cliff Larsen
Representative Margie MacDonald
Representative Jesse O'Hara
Senator Jon Sesso (8/22)

Committee Members Excused

Representative Gordon Vance
Senator Chas Vincent

Staff Present

Dave Bohyer, Research Director
Amy Carlson, Legislative Fiscal Analyst (8/22)
Kelly DaSilva, Human Resources Manager
Todd Everts, Legal Services Director
Susan Byorth Fox, Executive Director
Joe Kolman, Legislative Environmental Analyst
Darrin McLean, IT Enterprise Architect
Jennifer Simmons, Financial Services Manager

The Legislative Council convened approximately 1:30 p.m. on August 22, 2013, in a roundtable discussion. They recessed approximately 5 p.m. and reconvened on August 23, 2013 at 8:00 a.m.. The Council adjourned at noon. The following is a summary of the discussion.

Members of the group introduced themselves and told the group their expectations for the meeting. The Legislative Council Mission statement was posted as a starting point:

To provide ongoing bipartisan leadership, direction, and foresight for the efficient operation and improvement of the Legislative Branch.

FIRST DAY

On the first day, the group was divided into three groups to discuss the following questions:

- 1) What are the worst possible outcomes if you do not fulfill your mission?
- 2) What are the best possible outcomes if you fulfill your mission?
- 3) What beliefs and attitudes can you choose that will foster the best possible outcomes?
- 4) What steps, strategies, and actions will foster the best possible outcomes?

The notes from the three groups can be found in Appendix A.

The full group reconvened and discussed some of their observations:

Toward the end of session there is a problem with communication, it is exaggerated in the last weeks between and within parties and chambers. We need to discuss how to keep lines of communication open, especially between leaders.

Off campus opportunities to socialize may help

Need to discuss "what is the plan, what is going to happen?"

Communication must start earlier than last couple weeks

Legislative calendar seems compressed to create dysfunction. Only 60 days between election and session, in that time must elect leadership, hire staff, then only 90 days to get it done with term limits on top of that. When is their time to build lines of communication, relationships, plan, have an exit strategy?

In the last 3 weeks, tension is so high that it is hard enough to communicate within a caucus with term limits, greater reliance on executive branch and 3rd parties. Related to annual sessions and term limits discussion which both require Constitutional change and supermajorities. The question arose - what wouldn't require a constitutional amendment? There is some leeway in the schedule - Oregon was provided as an example of a state that tried on annual sessions via calling itself into an annual special session.

There were bills last session to flip the calendar around (K. Hansen sponsor) South Dakota was provided as an example of a state that worked 4 day weeks, took January off except for the Appropriations Committee.

The alternative calendars had provided examples of weekends off to give legislators time to absorb what was happening.

Citizen legislators have other lives to worry about, it is hard to leave jobs as is, much less twice in a biennium. Hard to recruit, especially on younger legislators/candidates.

Concede the institution suffered badly with the focus on the individual vs. the

institution. making it harder to serve could lead to certain people having more participation than others.

Wyoming has two sessions of 30 and 45 days. Currently only 4 states are biennial. Leaves remainder of time for work, but dilutes momentum
Montana's calendar pays great respect for the agricultural needs in April and May which may make it hard to change.

Fan of 90-day calendar because the compression compels things to happen.
problem is the time up front between caucus to January with too little time. Could stretch out start for a month and not extend time from work, but more time for prep.

The President and Marilyn worked on a calendar to end Day 70, could work Wednesday nights and committees should be directed to kill bills they think should not proceed. No need to use all 90 days, just to finish work.

To close Thursday afternoon, the full group organized like-topics and steps, strategies, and actions:

- 1) How do we use the existing framework to cut some slack at the beginning or end of session? legislative calendar
- 2) What do other states do, i.e. staff, calendar, stipends, interim, constituent work, etc.?
- 3) Bills and Deadlines, Rules. Huge issues at end that there is not time to look at perhaps need changes in revenue and appropriations (use conference committees). There are trade-offs to changing rules - restrictions vs. flexibility. They push the legislature forward to make decisions and there need to be vehicles. Use existing tools.
- 4) Subcommittees, Committee chairmanship, Ability to run committees
- 5) Leadership meetings - use Legislative Administration Committee? Traditionally was used to consider bills that pertained to the legislature, review journals, functions that have been absorbed by leadership, could be retooled to have a renewed charter.
- 6) Ways to restore faith in Legislative (people's) branch: term limits, interest groups contacting legislators, requires 3rd parties understanding. Agreed unanimously that legislature can't do it, but could move ball down the court and place resources into statewide education on the people's branch with outreach, community forums. Ask how term limits are working out, have an open conversation. Talk about annual and biennial sessions. Provide opportunities (listening tour?) to service clubs, online learning, high schools, and for strategic work to restore faith.
- 7) Communication and Training:
 - freshman, leaders, bipartisan, committee gatherings
 - chairman (vice-chairman) training: accepted standards, what's coming and how to run a committee, leadership direction to ask questions, early December training is not enough especially when there are many sophomore chairman, norms and decorum, does the committee or the chair "own" the committee, staff and chairman relationship- training and support.

SECOND DAY

On the second day, the group was divided into three new groups, with each group discussing two

of the three following topics based on the seven action steps and strategies above:

- 1) Legislative Framework: Calendar, Legislative Administration Committee, Bills and Deadlines, Rules, Leadership Meetings
- 2) Ways to restore trust, respect, faith, and confidence in the Legislative Branch
- 3) Communication and training

The notes for each topic can be found in Appendix B.

The topic of "What do other states do?" was determined to be best approached through a white paper by staff. The areas that the group asked for additional information include:

- 1) staff for legislators and leadership (including central and partisan staff)*
- 2) constituent services*
- 3) legislator compensation and stipends*
- 4) interim committees*
- 5) calendars (chosen as first topic to address), including how to staff (auxiliary, temporary) with various calendar breaks*
- 6) how legislators deal with public comment vs. agency comments, lobbyist comments*
- 7) bill introduction rules (chosen as second topic to address)*
- 8) TVMT and on-line communications, social media*

WRAP-UP: TOPICS AND TASKS

The full group discussed the three main topics and related tasks that are summarized below. These ideas will be incorporated into a work plan for the remainder of the interim to be discussed and approved at the next Legislative Council Meeting.

Legislative Framework ideas and tasks

1) Calendar - The Council should hold a discussion on what the goals would be for changing the legislative calendar. The existing calendar has developed over time for a reason, however, with term limits, things have changed enough to justify a review. Goals that were mentioned were to find ways to mitigate the damage of term limits and to provide more time for newly elected/all legislators to absorb what is before them; provide more time to improve orientation and make it ongoing; use the ability to break down the training further into sections like personal information needed (pay and benefits, parking, computers), committee information, floor actions, etc. Tasks include staff bringing back information in the White Paper, Council reviewing the options, and possibly polling current legislators for feedback. Then the Council may make a decision on the possibility of a subcommittee. The effects of calendar changes on the ability to hire temporary or auxiliary session staff is a concern that should be addressed. How do they staff with long breaks in-between. Need to avoid unintended consequences.

Include in the discussion of the calendar the better use of the first Saturdays for potential training (see below).

- 2) Rules - One task is to hold a discussion at the next meeting on whether there are any

rules issues to be discussed, what the Council wishes to tackle, how to seek input from all current legislators, and the potential for a subcommittee. If there are any changes in bill rules or deadlines because of work on the calendar (introduction, hearings, executive action), the rules would need to be reviewed for any potential changes.

Communication and Training tasks

1) For chairman, vice-chairman, ranking minority members - additional training, identify training modules, review, identify, and find places for enhancement.

2) Guide for committee members: there was discussion about a focus on bills and various deadlines, calendar (related to above), committee member rights and responsibilities (use information from Rules and Mason's to explain a rule and the purpose for the rule)

3) During session, continue training after there is some shared experience. Identify goals and objectives, i.e. potential integration with some social time for legislators to get to know one another better outside of the Capitol. One idea that came up under the calendar discussion was to build on the past practice of freshman dinners for more time to be with other experienced legislators, leadership. Current practice is informal, lobbyist-sponsored, and bipartisan organized by two experienced legislators.

4) Staff needs additional training and communication with chairs so both may understand better each other's role and what support is there for the committee chairman and members. Staff needs to know that leadership and chairs will be supportive of receiving advice and need opportunities for chairman and staff to build a trust relationship. Look into joint meetings with all chairs and staffers to hear guidelines and provide additional time for chair and staffer to talk and come to agreement about roles and responsibilities. We need examples of past chairs for mentorship and leadership needs to provide direction and, in turn, leadership may want guidelines on what direction they need to provide.

Legislative (people's) branch (and civic ed) tasks to fulfill and strengthen role

1) Discuss possibilities for a pilot for a road show/town hall meetings/conversation with public on life in legislature. Council could invite stakeholders to a meeting in Helena to discuss practicality and advisability of such. Topics to potentially cover would be the effects of term limits and annual vs. biennial sessions. Would it appear self-serving or who else can explain the status of the institution under current circumstances and how and why it works the way it does?

Are there ways to use existing interim committees to provide more civic education, more field hearings and listening sessions or open houses?

2) Explore possibilities for TVMT and social media (included in White Paper): 5-minute spots for legislators, Frequently Asked Questions, moderated discussions. Include ideas with PBS, Facebook, Twitter, You Tube - what are other legislatures and legislators doing?

Appendix A
First Day: Collective Brainstorming Exercise

What are the worst possible outcomes if you do not fulfill your mission?

Leg branch loses respect of citizens of Montana
Fistfights
Public anger due to inability to air grievances
Continued loss of statesmanship
People of Montana don't get what they need - services, infrastructure, support
Status quo - lose ground
Fail to solve problems the state needs to move forward and prosper
Lack of generational foresight
Systemic breakdown in operation of session - bills processing, voting - vote of confidence in institution
Crippled institution - Legislative Branch continues to devolve, balance or power, checks and balances of 3 branches that are the framework of the Constitution is lost
If not this system, what else - eventual demise of representative democracy
Legislative process breakdown equals societal breakdown
As the most responsive branch of government and branch closer to the people, if we fail then government is way less responsive to needs of the people
Constituents suffer
Ineffective session
Lack of accomplishment
Policy failure
Lack of guidance re: policies and procedures
Deterioration of institution for legislators and public
Partisanship will get worse without attempts to cooperate
Communication will deteriorate without leadership and bipartisanship
Voters will see a failure of leadership
Difficult for staff to ascertain direction
Failed government process as government is designed
Process becomes stagnant and out of touch with electorate
Other two branches take advantage of divided legislature
Weakness for branch
Broken relationships
Oppression of minority
Loss of efficiency
No budget
Public impression
Demoralization of staff
No leadership
People not wanting to serve
No increase in improvement

Not a positive safe environment to express views
Only people that would want to serve are on the 'fringe"
Loss of the balance of power - between Executive and Legislative Branches, House and Senate
Lack of long-term planning for the branch
lack of participation even in voting
Lack of communication - between parties and legislative bodies
Empowering the initiative process and abdicating the legislative process
Staff spin wheels
Staff turnover and further loss of institutional knowledge

What are the best possible outcomes if you fulfill your mission?

Prosperity in Montana
If we fulfill mission, we solve problems for constituents and state moves forward
More faith in the institution
Create a safe and secure environment so people with opposing views can be heard and hear the views of others
Restored integrity to representative form of government
Leave a brighter future for our children
Provide a good example for other states
We will see more bipartisan problem-solving and save taxpayer dollars
Prioritization of problems
Legislature makes more decisions and delegates fewer decisions to the Executive Branch
More people willing to serve and participate in the Legislative process
Fewer initiatives
Tangible results
Order, decorum, and tradition are honored and upheld within the branch
Give legislative leadership tools to serve constituents in the interim as well as session
"Problem solved"
Place to come to work things out
Constituents will benefit
Public trusts the process and is engaged in it
Public trust will grow
Successful policy outcomes
Efficient session/early adjournment
Pleasant session for everyone, legislative branch, executive branch, constituents
Special interests will take a back seat
Higher voter turnout
More interest in running for office
Happy, productive staff retained
Staff has clarity of legislative expectations
The state's problems are solved not simply debated
Balance of power between 3 branches
Limit the (EB?) ability to meddle
Communications will be open and positive between legislators

Legislative certainty will benefit everyone
Restoration of bipartisanship
Bipartisanship despite who is in leadership
Higher public respect for branch
Win/win compromise
High public participation
Empowered staff
Enhanced statesmanship
Stronger relationships built
Montana viewed as national leader in policy
Legislative power respected
Well-balanced budget
Public empowerment
Increased candidate participation
Legislative branch becomes more interesting or positive place to work
Decrease in attack mailers
Safe environment
Tangible sense of progress
More positive press coverage
Proactive leadership

What beliefs and attitudes can you choose that will foster the best possible outcomes?

The attitude to treat others as you would like to be treated
It will foster an attitude of cooperation and teamwork
A well-conceived plan can be enacted on behalf of the people
The belief that every legislator is there to improve the state
Listening to understand will lead to better outcomes
A belief of open communication will foster a better relationship between legislators and staff
A belief that things can be improved and an attitude that will lead to improvement
We can work across the aisle
A belief that we are involved in something bigger than individual or personality
A belief that people are being genuine in what they say
An ability to compromise so that "all" have a win/win feeling
Positive thinking
Honesty
Respectful
Willingness to communicate
No gotcha game
No mailer game
Active listening
Integrity of the institution first
Willingness to take risks
Trust in others
Open-mindedness

Ability to take criticism - give constructive criticism
Statewide perspective
Sense of humor and humility
"Can do"
Willingness to ask for advice
Admit when wrong
Forgiveness
Accountable
Tolerance
Stubbornness
Open-mindedness
Sense of humor
Establish achievable objectives
Having trust that all are participating in best interest of constituents
Listen more, speak less
Bravery to do the right thing
Loyalty to legislative branch as a whole and its essential function in balance of power
Work for the greater good
Humility
Patience
Believing that you can compromise on a solution without compromising your values
Float like a butterfly, sting like a bee
Strong work ethic
Sincerity
Willingness to let go of baggage
Ability to agree to disagree without rancor
Golden rule: do unto others only as you would have them do unto you

What steps, strategies, and actions will foster the best possible outcomes?

More meaningful interim committee process and an end to executive branch interference
No term limits
More opportunities for training
Take inventory of your intentions
Use different styles of communications
More frequent leadership teams care-taking the branch
Better first floor reception layout (current security/info desk) to maintain security effectively
No proxy votes on session committees
Promote legislator-to-legislator mentorship
Let go of perfection for sake of progress
Engage bipartisan state roadshow to strengthen people's branch (reform things like term limits)
Seek information and understanding, not opinions
Return to pre-Tester policy of not having President serve on standing committees
Bipartisan budget committee process extended until you go to a vote (in Finance and
Claims/Appropriations)

Identify tools for staff to help leadership during heat of session
Study other state legislatures organization and staffing, white paper
Understand everyone is a cog in big machine
Reconsider our legislative calendar
Annual sessions
Getting to know legislators as people not parties
Step- agreement ahead of time to leave egos and politics out of the legislative process
All of us should be reaching across the aisle more
Define problems/goals and set priorities
Subcommittee to study a specific challenge in a committee
Defined process/procedures
Bi-partisan buddy program
Open lines of communication between chambers and parties
Expect and demonstrate "fairness" and integrity
More effort into helping freshman legislators understand the process in a better manner
Group freshman/staff (6:1) in off campus conversation
Bipartisan communication effort: online media, service clubs, high schools
Broad understanding of the facts
Remember bigger picture -- the state
Common base of understanding through training and process
Have dinner with someone who challenges your beliefs
Please and thank you go a long way - offer praise for a job well done
Review, Identify, Process: issues that came up during session
Strategic planning and team building retreat
Leadership mentoring/training
Leadership get together before session to identify common ground/goals
Feedback/issue discussions regularly during session between leadership
Revamping LAWS to meet new technology abilities
Mandatory happy hour
Effective staff recruitment strategy
Continuing to improve leg orientation process
Create list of statesmanship guidelines for interacting with press

Appendix B
Second Day: Brainstorming on Topics: Steps, Strategies, and Actions

1) Legislative Framework: Calendar, Legislative Administration Committee, Bills and Deadlines, Rules, Leadership Meetings

Calendar:

Shorten or break-up calendar

1st and 3rd Saturdays of January - do something different with them (or take more time off).

No committee meeting 1st few weeks

Disconnect between appropriations and policy committees

Calendar and rules are connected

Extend the calendar

Delay the effective start

Brief break at end

4 day/5 day work week

Split session?

Study of other legislative schedule: pre-session hearings? daily and weekly schedule

Assign calendar task to subcommittee of Legislative Council - Rules or separate committee

Look at schedule options

Look at budget consequences of changes

Have plan to get feedback from legislators

Look at overall budgeting cycle -- Executive Planning Process (EPP) and others

Connect this effort with "Best Practices (other states)" study

Concretely define goal for why calendar changes are contemplate

Leadership meetings:

Legislative Council meetings during session (two groups)

Process for dealing with many bills on different subjects

Bills and deadlines: leave sloppy work to end? ensure every bill gets a hearing

Rules:

Delegate everything to Rules Committee

Either Council or subcommittee should have rules discussion on issues that arose/changes needed

Make a recommendation on Legislative Administration Committee

(Require minority vice-chairman/ranking minority member - sitting with chairman - rules committee change)

LAWS revamp: as system is developed look for ways to promote efficiencies and handle issues like multiple bills on the same subject

2) Ways to restore trust, respect, faith, and confidence in the Legislative Branch

Roadshow "Strengthening the People's Branch" -- bipartisan, host civic organizations (term limits, annual sessions discussion topics)

Challenge interest groups

Initiative and referenda have presented challenges

Problem of public perception, appear to be self serving::

- plan and market to mitigate sense of self-serving: town hall - invite participation locally, use local legislators
- part of larger cultural trend, lack of respect for institutions
- local and state level are important when federal govt is dysfunctional;
- generational awareness, especially millennials
- Who are the right people to set the table?
- pilot project in interim

Interim committee field trips to communities, listening sessions (two groups)

Use TVMT to tell our story - educational (TVMT is part of the problem)

Profile citizen legislators in community

More TVMT explanation of process (i.e., chairs during committee process)

Clips to explain topics - e.g. term limits

Work with PBS, TVMT to have moderated discussion (staff could work on)

Civic education and outreach - address apathy, age appropriate

Intern program?

Other:

Travel reimbursement

Partisan staff

Staff should stop bashing legislators constantly

Less attack mailers

During floor sessions chair of the day should keep floor speaker on topic

Bipartisan communication opportunities

Stop attacking the institution and speak up when others do

Meetings to talk about Legislative process, leadership: open house, bipartisan

Follow the rules!

Know the rules!

3) Communication and training

Committees and Chairman

Training on committee function: How do you raise an issue/problem? What is the function of a committee hearing? Structure of rules/decorum in committee?

Promote conflict or promote investigation of a bill?

Conflict management - training? grandstanding? not personal

Committee dinners at beginning of session? (two groups)

Training day all day - end with social

Remind committee chairman of duty to call and welcome members
Additional day of training in December for committee chairman, freshman - come in and do a complete mock legislative day. Hands On - motions, substitute motions, "problem legislator", lobbyists
Additional chairman training
More upfront committee training: explaining rules and powers of full committee, ways to take time out PPM's
Discussion about permanent vice chairs
Up front committee-focused meetings
Guide drawn up to be a better committee member
More education for chairman in regards to options, subcommittees
Require minority vice-chairman - sitting with chairman - rules committee change

Leadership

Training of leadership staff about process and role
Open lines of communication between staff and leadership
Try to set up early meeting with all leadership with Governor
Leadership meetings

All Legislators

Periodic information seminars: staff and interested legislators, caucus hands out topic list and legislators rate topics from most important/interest. Staff will present those topics.
Bipartisan Buddy; activity that brings people together/social atmosphere, rule that Dems. only allowed to speak to Reps. and vice versa.
Beginning of session events without structure of orientation dinner
Staff meeting with legislators weekly on any topic a group wants covered
Seating chart - alphabetic
Additional orientation during December - additional day
Enhanced training for all groups