

**Council Senate Members**

GREGORY BARKUS  
VICKI COCCHIARELLA  
MIKE COONEY  
KELLY GEBHARDT  
DAN HARRINGTON  
COREY STAPLETON



**Council House Members**

DENNIS HIMMELBERGER--Vice  
BOB BERGREN--Chair  
DEBBY BARRETT  
MARGARETT CAMPBELL  
DAVE MCALPIN  
SCOTT SALES

## Montana Legislative Council

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

# MINUTES

November 27, 2007

Room 102, State Capitol  
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 the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

### **COMMITTEE MEMBERS PRESENT**

REP. BOB BERGREN, Chair  
REP. DENNIS HIMMELBERGER, Vice Chair

SEN. GREGORY BARKUS  
SEN. VICKI COCCHIARELLA  
SEN. MIKE COONEY  
SEN. KELLY GEBHARDT  
SEN. DAN HARRINGTON

REP. DEBBY BARRETT  
REP. DAVE MCALPIN  
REP. SCOTT SALES

**COMMITTEE MEMBERS EXCUSED**

SEN. COREY STAPLETON  
REP. MARGARETT CAMPBELL

**STAFF PRESENT**

Susan Fox, Executive Director, Legislative Services Division (LSD)  
Greg Petesch, Director, Legal Services, LSD  
Hank Trenk, Director, Office of Legislative Information Technology, LSD  
Karen Berger, Financial Services Manager, LSD  
Gayle Shirley, Legislative Information Officer, L:SD  
Kelly DaSilva, Human Resource Officer, LSD  
Dawn Field, Council Secretary, LSD

**AGENDA & VISITORS' LIST**

Agenda, Attachment #1.  
Visitors' list, Attachment #2.

**COMMITTEE ACTION**

The Legislative Council:

- approved the September 27, 2007, Legislative Council meeting minutes as written;
- approved a Program 21 budget transfer, as requested by Karen Berger;
- approved an appropriation request of \$15,000 from the Water Policy Interim Committee;
- approved the recommended prices for the 2007 annotations, as recommended by Greg Petesch; and
- approved a recommendation from the Management Subcommittee's recommendation that Susan Fox be retained as Executive Director of Legislative Services.

**CALL TO ORDER AND ROLL CALL**

REP. BERGREN called the meeting to order at 9:03 a.m. The Secretary took roll, SEN. STAPLETON and REP. CAMPBELL were excused (ATTACHMENT #3). The September 27, 2007, meeting minutes approved as written on a unanimous voice vote.

**INTRODUCTION OF NEW LEGISLATIVE STAFF**

00:00:01      **Hank Trenk, Director, Office of Legislative Information Technology (OLIT), Legislative Services Division (LSD),** reported on the status of the Information

Technology (IT) engineer position, as well as an IT security officer position and a systems analyst position. Mr. Trenk noted that it has been difficult to recruit qualified applicants and said that is why the positions have not yet been filled.

00:00:24 SEN. COONEY asked Mr. Trenk why he thought this was happening. Mr. Trenk said he thought that there aren't many people looking for these types of jobs at the moment and that the search for qualified persons would continue.

00:03:18 **Susan Fox, Executive Director, LSD**, introduced Gayle Shirley as the Legislative Information Officer. Ms. Fox reviewed Ms. Shirley's qualifications for the job and said Ms. Shirley would present a work plan later in the meeting.

### **BUDGET ITEMS**

00:04:06 **Karen Berger, Financial Services Manager, LSD**, requested approval of two operating plan changes in Program 21 and said that both relate to special study appropriations approved in the 2007 session (EXHIBIT #1 - gray sheet). Ms. Berger said that the requests are to pay for costs related to HB 49 (special purpose districts) and to HB 488 (property revaluation).

00:05:45 REP. HIMMELBERGER **moved** to approve the budget change requests. The **motion passed** on a unanimous voice vote.

00:06:29 **Greg Petesch, Code Commissioner, LSD**, reviewed how prices for annotations are determined for the annotations and said that sales have been steadily declining. Mr. Petesch recommended that the price be set at \$400 for a full set and \$34 per volume and said these prices would cover LSD's costs. He said the Council should start considering how it would produce annotations in the future, such as offering them in electronic format only. He plans to poll the State Bar Association, as a primary subscriber, for its preferences, and would make a recommendation at a later date.

00:20:02 SEN. COONEY **moved** to set the price for the annotations at \$400 for a full set and \$34 dollars per volume. He supported the ideas of producing the

annotations in an electronic format and of polling the State Bar for its opinion. The **motion passed** on a unanimous voice vote.

00:21:44 Ms. Fox said she plans to meet with two publishing companies to discuss what other states are doing because many states are experiencing similar issues. She said she will continue to monitor the situation.

#### **APPOINTMENTS - NCCUSL UPDATE**

00:22:58 Mr. Petesch said he was now addressing the Council as Legal Director, and provided an update to the Council regarding Montana's delegates to the National Conference of Commissioners on Uniform State Laws (NCCUSL). He said this issue was discussed at the September meeting and at that meeting, it was reported that there was a need to appoint one new commissioner from Montana. Mr. Petesch said it has been determined that there is no vacancy at this time because Joe Mazurek is serving in a dual capacity as an appointed member and as a life time member.

#### **POLICY CONSIDERATIONS FOR LEGISLATIVE COUNCIL**

##### **Interim Committee requests for additional funding**

00:25:06 Sen. Elliott, Chair, Water Policy Interim Committee (WPIC) appeared before the Council to request \$15,000 of additional funding for the WPIC in order for it to be able to complete its statutorily mandated work. Sen. Elliott explained how the additional work load occurred, creating the need for additional funding. He reviewed the WPIC's work plan and responsibilities.

00:30:10 SEN. COCCHIARELLA asked for a WPIC budget update. Sen. Elliott passed out a WPIC budget (EXHIBIT #2). Ms. Fox said the meeting packet contains a budget update on all interim committee expenses and balances (EXHIBIT #3 - yellow budget update). Ms. Berger said the totals listed on EXHIBIT #3 are current as of mid-November.

00:32:46 REP. BARRETT said the task of the WPIC study committee is very broad and asked if the Committee has begun to narrow its focus. Sen. Elliott said areas of

focus have been identified and include an accelerated adjudication process, encouraging public water supplies and sources through an intent to drill proposal process, and groundwater quality control standards, as well as several other projects.

- 00:36:41 REP. HIMMELBERGER asked Ms. Fox to explain where the additional funds would come from. Ms. Fox referred to EXHIBIT #3 and said there is approximately \$50,000 of discretionary money in the Program 21 budget available for this type of expenditure. REP. HIMMELBERGER asked how the discretionary funding has been used in past interims. Ms. Berger explained that in the past, the discretionary funds have been spent on requests similar to the one made by Sen. Elliott. She briefly discussed some of the past requests for additional funding.
- 00:40:01 REP. HIMMELBERGER asked what happens to left over money. Ms. Berger said that any unspent funds revert to the general fund at the end of the interim. REP. BERGREN suggested that the Council authorize the WPIC to schedule two additional meetings and not approve a budget transfer until the WPIC budget has been depleted.
- 00:41:59 SEN. COCCHIARELLA **moved** to transfer \$15,000 to the WPIC, in order for the Committee to complete its work. REP. HIMMELBERGER asked REP. BERGREN to explain his suggestion. REP. BERGREN said his option would authorize two WPIC meetings, with the assurance that if the WPIC budget is exhausted, additional money will be given to the Committee.
- 00:43:35 SEN. GEBHARDT asked if the Energy and Telecommunications Interim Committee (ETIC) requested a specific amount of additional funding at the September Council meeting. Ms. Fox said no, that Rep. Klock, ETIC Chair, simply alerted the Council that it may need additional funding also.
- 00:44:06 SEN. COCCHIARELLA said the WPIC is an important committee and should be should be established as a regular interim committee, as it once was. She said

the Committee's work load is enormous and that she does not like to budget on "what ifs".

00:45:44 REP. HIMMELBERGER **moved to amend the motion** from \$15,000 of additional funding to \$10,000. The motion to amend the motion **passed** on a voice vote, with SEN. COCCHIARELLA. SEN. COONEY, and SEN. BARKUS voting no.

00:46:18 REP. BERGREN asked for discussion on the amended motion. SEN. COCCHIARELLA said this issue is a priority issue and should be taken care of. Sen. Elliott explained how the additional funding would allow the Committee's work to best be completed. SEN. HARRINGTON clarified that he now understood the need for money. The substitute motion **failed** on a voice vote, with REP. HIMMELBERGER and REP. BARRETT voting aye.

00:49:42 SEN. COCCHIARELLA **moved** to allocate \$15,000 to WPIC. After discussion regarding the special needs of and costs associated with the WPIC, and with several Council members expressing concern, the **motion passed** on a voice vote, with SEN. BARKUS, REP. SALES, and REP. HIMMELBERGER voting no.

### **Interim Committee Budget Status Report**

00:54:53 **Karen Berger, Financial Services Manager, LSD**, referred to EXHIBIT #3 and discussed the budget information relating to the National Conference of State Legislatures (NCSL), the Council on State Governments (CSG), and the Legislative Council of River Governance. She explained that funding for the programs is split by house and by party. She said she would provide additional updates as expenditures are made.

00:56:23 SEN. BARKUS asked for an explanation in the discrepancies in meetings and allowances in meetings, particularly the CSG meeting in Jackson, Wyoming. Ms. Fox explained that there is no travel policy or standard process for allocating such funds. She said that currently, leadership is allocating the funding to legislators who apply for it. After further discussion, SEN. BARKUS stated that

there needs to be a standardized process for applying for and disbursement of these funds.

01:14:12 Ms. Berger distributed copies of the Program 20 budget (EXHIBIT #4). Ms. Berger provided financial status reports on the 2007 regular session feed bill (EXHIBIT #5-purple) and on the 2007 September special session feed bill (EXHIBIT #6-green). She said the reports are current as of November 13, 2007, and discussed projections for the final balance of the feed bill.

### **Policy Development**

01:18:37 REP. BERGREN asked the Council to develop suggestions for travel policy and for a process for obtaining funds to attend meetings. Ms. Fox said one possibility would be to design an interactive web site that would allow legislators to submit a request to which leadership could respond. She said it would eliminate her as middleman and would make the process more seamless.

01:21:03 Regarding interim committee budgets, Ms. Fox asked the Council to also consider creating guidelines for committee travel. She said that the Energy and Telecommunications Interim Committee and the Economic Affairs Interim Committee have both planned out-of-town meetings and that at some point, there needs to be guidance from the Council on how to decide how or if out-of-town meetings are relevant to a committee's work. Ms. Fox said at this point, out-of-town meetings are not a huge issue, but could get out of hand if no policy is in place, and that a travel policy would be particularly helpful for budgeting purposes.

01:23:19 SEN. COONEY predicted that committee travel will continue to increase and agreed that current budgets will not support it. He said that the Council may not be able to respond to all of the requests that may come forward this interim but that the issue could be taken into consideration in time for the next interim. He said he hoped the committees will use their budgets wisely in the current interim.

01:24:14 SEN. BARKUS said he would like to encourage more use of teleconference and video conference technology in place of out-of-town meetings. He said that treacherous travel conditions and long distances make it difficult for many legislators to reach meeting sites. REP. BERGREN agreed and said he would like to see a facility established in the Capitol to allow greater use of such type of meetings.

### **STRATEGIC PLANNING, CONTINUED**

01:26:23 Ms. Fox said the Council identified several topics at its strategic planning meeting and that this portion of the meeting would address several of those issues.

### **Subcommittee Reports - Rules**

01:28:16 Mr. Petesch reported on the Rules Subcommittee meeting, held on the previous day. He said the Subcommittee discussed how best to approach revising rules. It was decided that suggestions for rules revisions will be accepted from staff and legislators and that for efficiency's sake, suggestions must be submitted through a member of the Subcommittee. Notice for this process will be published in the *Interim* newsletter and joint rules will be addressed first and discussion has been started regarding the deadline for preintroduction of bills for executive branch bills and interim committee bills. He said the date may be moved forward in order to avoid the deadline falling on Christmas Eve, as has happened in the past. Mr. Petesch discussed several other possible rules revisions. (*Minutes from the Subcommittee on Rules meeting are attached at the end of the regular meeting minutes.*)

01:31:28 SEN. COCCHIARELLA noted that the subcommittee members are SEN. GEBHARDT, REP. BERGREN, REP. HIMMELBERGER and herself and said that all of them will accept suggestions for rules revisions. She said the goal is to make the rules easier to use.

01:32:27 REP. HIMMELBERGER encouraged REP. SALES and SEN. COONEY, as House and Senate leadership, to stay abreast of the subcommittee's work and to make suggestions to the Subcommittee. SEN. COCCHIARELLA said another



discussion topic was the lack of involvement of the Legislative Administration Committee and if the Council should form a subcommittee to work throughout a legislative session.

01:34:08 REP. MCALPIN asked if the subcommittee will deal with how new members are taught the rules and commented that a solid knowledge of the rules are even more important due to the impact of term limits. REP. HIMMELBERGER said this issue will be discussed as a part of the new legislator orientation training.

01:35:10 SEN. GEBHARDT suggested improving the organization of the rules in order to create a more logical order. REP. MCALPIN asked if legislative rules are available on CD-Rom. Mr. Petesch said only electronic version of rules is through the bills format but that they are not available in a CD-Rom format. Ms. Fox said that could be considered. Mr. Petesch said timeliness of production would be issue. SEN. COONEY encouraged that this issue be looked at and that he would like to see rules available in an electronic format with search capabilities.

#### **Decorum and Media Access**

01:37:52 REP. BERGREN said Mr. Petesch will also discuss media action and floor access. Mr. Petesch said he sent a compilation of various state rules governing media access and information on how Georgia limited media access to its past two legislative sessions (EXHIBIT #7 - *Georgia First Amendment Foundation*). Mr. Petesch discussed several different states' rules for media access. He said while it is the prerogative of the Legislature on how to handle the issue of decorum, it must keep in mind Montana's constitutional requirements.

01:44:14 SEN. BARKUS asked if the subcommittee discussed the issue of caucus. Mr. Petesch said it will be will be discussed at the January meeting. REP. BERGREN asked for public comment. No public comment was given.

01:44:54 REP. HIMMELBERGER thanked Mr. Petesch for the information. He said he has been increasingly concerned about decorum within the legislative body and

recalled several questionable instances that occurred in the 2007 legislative session. Ms. Fox said, in response to Mr. Petesch's discussion of how other state have handled electronic broadcast, that she has discussed possible options with Stephen Maly, Executive Director of TVMT, which broadcasts media coverage of legislative activities directly from the Capitol. SEN. COONEY said one of his concerns is how crowded the Senate Chamber becomes during a session and that at times, it is difficult for the senators to work effectively because of the additional people on the Senate floor.

### **Subcommittee Report - Voting Systems**

01:48:59 SEN. COONEY reported on the Subcommittee on Voting Systems. SEN. COONEY said the subcommittee discussed the request for proposal process and said the goal is to have the RFP out by December, with the system installation complete by June 2009. He said a bipartisan working group will be established to continue with this work.

### **Succession Planning**

01:53:04 Ms. Fox discussed statistics that confirm that these concerns are real and that succession planning is very necessary (EXHIBIT #8). She discussed in detail a Legislative Branch Succession Planning PowerPoint presentation that contained specific planning suggestions for the Montana Legislative Branch (EXHIBIT #9).

Ms. Fox discussed information from the NCSL Senior Management Seminar which addressed the issue of succession planning (EXHIBIT #10) and a document from Idaho's Legislative Services Office outlining Idaho's succession planning guide (EXHIBIT #11).

Ms. Fox asked the Council for additional ideas and suggestions.

02:30:21 REP. MCALPIN asked about the scope of succession planning. Ms. Fox said most states are just beginning the planning process and that a long-term vision is needed to adequately deal with this issue. She said the issue didn't really hit until 2006, so information is limited at this point.

02:31:24 REP. BARRETT said communities have formed partnerships with universities through the use of grants to establish training programs to improve economic development and also to provide training and education for needed skills. She suggested the Legislative Branch consider using a similar approach to recruiting and training qualified employees. Ms. Fox said she would look into this possibility.

02:33:05 SEN. COCCHIARELLA, in response Ms. Fox's comments about Mr. Petesch's role as advisor to the Legislative Fiscal Division (LFD), said perhaps LFD should consider hiring attorneys with knowledge and training in finance, in order to ease the work load on LSD staff attorneys. She said she has long been in favor on increased coordination and communication within the organizational structure of the legislative branch and supports many of the suggestions made by Ms. Fox. She said there have been communication problems within the legislative branch in the past and said that the current structure of the branch could be improved upon. She asked to have this issue on a future agenda.

#### **LEGISLATIVE INFORMATION OFFICER**

02:53:59 **Gayle Shirley, Legislative Information Officer (LIO)**, reviewed her professional experience with the State of Montana and in the private sector. She reported that she has a degree in journalism and has worked extensively as an editor, in publishing, as an author and free-lance writer. She said all of these experiences will prove invaluable in her work as the LIO.

Ms. Gayle said she is working with the IT staff to revamp and improve the legislative website. She asked the Council for input and said all legislators will be contacted for their suggestions. She concluded her comments by saying she sees her role as LIO as one of media relations and will work with legislators on new releases and informing the public on the work of the Legislature, during both a legislative session and an interim.

Ms. Shirley discussed a Legislative Information Officer Draft 2008 Work Plan (EXHIBIT #12). She asked for direction from the Council on how she should

direct her time and energy. She said she is honored to be the spokesperson for the institution and is very excited about her plans and ideas.

03:01:38 REP. BERGREN noted that the LIO position was created by the Legislative Council in its 2005 strategic planning session and said it was good to see an idea come to fruition. SEN. COCCHIARELLA said that as a legislator, one of her biggest frustrations has been not hearing from her constituents. She asked to have this addressed, as well as other outreach opportunities. Another suggestion made by SEN. COCCHIARELLA was to take advantage of former legislators' expertise and knowledge whenever the opportunity arises, such as through new legislator training or other training opportunities.

03:07:28 REP. BERGREN agreed and said that in the past, the Legislative Council and the legislature as a whole has felt that public outreach has been inadequate and that there have been cases in which the legislature has been cast in a negative light. He said the creation of the LIO position will allow the legislative branch to have a clear voice and be better equipped to deal with the public. He said he is very interested in the Back-To-School program for legislators and hopes that this program will become more established under the direction of the LIO.

03:14:10 SEN. BARKUS referred to the earlier discussion regarding decorum and media access and asked Ms. Shirley if she had suggestions or guidance. Ms. Shirley said she was alarmed by the discussion, not necessarily because it wasn't warranted, but because of the potential for the media to use the discussion in a negative light. She said she knew the media would not react positively but also understands the concerns of the legislators. She said there probably are ways to address this issue without limiting the media's access and pointed out that the relationship between the legislature and the media is a symbiotic relationship. REP. HIMMELBERGER asked her to read Mr. Petesch's documents about media parameters in other states. Ms. Shirley said she has read them and it appears that other states have successfully addressed media access but that the issue here is that access may be taken away, which will make the media very unhappy.

03:17:08 REP. BARRETT asked Ms. Shirley to further explain her earlier comment about the media not printing articles she has submitted for publication. Ms. Shirley explained that it is not unusual for press releases to go unpublished and that she will continue to work to get legislative information more widely distributed. She said that Council members may contact her directly if they need assistance in working with the media to get information disseminated to the public.

03:18:34 REP. HIMMELBERGER asked how the legislative meeting schedule could be published on a regular basis. Ms. Shirley said she has been releasing information through NewsLinks, capitol media, and directly to newspapers but that it is up to each paper on if they want to publish the meeting schedule. She said she is trying to use email news releases to communicate with legislators and staff.

#### **Public Comment**

03:21:53 No public comment was given.

#### **Future Agenda Items and Council Business**

03:22:17 Ms. Fox passed distributed an interim committee meeting date calendar and asked that the Council choose a meeting date for January. Ms. Fox discussed several agenda items that would be discussed at the January meeting, including a caucus and training schedule, TVMT issues, interim committee budget and policy issues, open caucuses, and legislator pay/stipends.

03:24:58 REP. HIMMELBERGER asked to add several items to the next meeting's agenda. He said he would like to discuss the possibility of putting in statute the process for selection of interim committee presiding officers. He said he has discussed this issue with Mr. Petesch and that his motivation is maintaining the non-partisan nature of interim committees. He said the other issue he would like to address is the legislative rulemaking process, with the possibility of drafting legislation for the 2009 legislative session.

- 03:27:14 REP. MCALPIN said the issue of open caucuses has arisen and suggested that Ms. Shirley meet with the press to discuss the issue in order to preempt any potential problems. REP. BERGREN said Ms. Shirley will inform the press that this will be a discussion item but emphasized that it is not a foregone conclusion that changes will be made. REP. MCALPIN suggested that the media be included in the discussion by asking for their input and suggestions. SEN. COONEY said the media is very aware of this issue because REP. SALES and he have already discussed this with several members of the media. He also emphasized that, at this point, it is just discussion and that no decisions have been made. REP. HIMMELBERGER said he has concerns about singling out agenda items and said as public information on the agenda, additional attention does not need to be called to it. REP. SALES agreed with REP. HIMMELBERGER and said a bigger deal could be made out of the discussion if it is highlighted. He said, in his opinion, legislators' concern about this issue have merit and warrant further discussion.
- 03:31:32 Ms. Fox said she will be developing materials for discussion purposes and would prefer that discussion not take place before the materials have been reviewed. She said she has asked the press to participate in a panel discussion and that she would like to help the Council find some middle ground with the press on this issue.
- 03:33:32 Ms. Fox pointed out that many committees are meeting in January and February. After discussion, January 29, 2008, was selected as the next meeting date of the Legislative Council, with a starting time of 8 a.m.
- 03:37:58 Ms. Fox asked to set the next meeting date also. April 1, 2008, was selected as a tentative date. Ms. Fox said meeting dates will have to be selected for June, September, and November, but would be chosen at a later meeting.
- 03:40:02 SEN. COCCHIARELLA requested that succession planning be an agenda item at a future meeting. REP. BERGREN agreed.

- 03:40:46 SEN. GEBHARDT said the state rate for reimbursement for hotel lodging keeps increasing but that reimbursement for non-receipted lodging has not. He suggested that the topic be discussed and that legislation may be needed to address this issue. He also complimented Ms. Fox on her in-depth report on succession planning.
- 03:42:32 SEN. HARRINGTON agreed that non-receipted lodging reimbursement is a problem for legislators who have friends and family in Helena that they can stay with. He said another problem for legislators who live close to Helena is getting reimbursed for certain travel expenses because they don't meet some of the criteria for distance or time needed for travel. He said there have been circumstances in which he feels he has a legitimate claim for expenses and that it irritates him that his request for reimbursement has been denied.
- 03:45:08 SEN. COCCHIARELLA agreed with SEN. HARRINGTON and said that she thought it should be up to the Committee Chair, not LSD staff, to review claim forms and to decide what is or is not a legitimate travel expense. REP. BERGREN asked that SEN. GEBHARDT's and SEN. HARRINGTON'S concerns be placed on the agenda at a future meeting. Ms. Fox said there are certain state laws that must be followed but there are discretionary situations also. She asked that Council members contact her directly when problems arise and that she would work with them to resolve the issue. She said she would have staff available for questioning at a future meeting on what can and cannot be reimbursed and that statute regarding this issue would be fully reviewed to see what can be done.
- 03:48:09 SEN. COONEY noted that the late Karl Ohs, Montana's former Lieutenant Governor under Governor Judy Martz, passed away. He said Lt. Gov. Ohs was a genuinely nice individual, was very open minded, and was a worthy adversary. SEN. COONEY asked to observe a moment of silence in honor of Lt. Gov. Ohs' accomplishments and public service. SEN. HARRINGTON echoed SEN. COONEY's sentiments and said Lt. Gov. Ohs was an outstanding person. The Council and staff observed a moment of silence to honor Lt. Gov. Ohs.

## PERFORMANCE APPRAISAL FOR MS. FOX

- 03:50:25 SEN. COCCHIARELLA described the process used for Ms. Fox's performance appraisal. The Council then went into a brief executive session to discuss Ms. Fox's performance appraisal.
- 03:53:30 After the closed session discussion of Ms. Fox's performance appraisal, REP. BERGREN said the Management Subcommittee recommends that Ms. Fox remain in her current position as Executive Director (ED) of LSD. He complimented Ms. Fox on her first year as ED and noted that it is a demanding and difficult job. He said it is his opinion that Ms. Fox performed very well in her first year as ED. He asked for a motion to adopt the Management Subcommittee's recommendation to retain Ms. Fox as Executive Director of LSD.
- 03:55:21 SEN. COONEY **moved** to adopt the recommendation of the subcommittee. He said it has been a pleasure working with Ms. Fox and that she has done an outstanding job as Executive Director. SEN. COONEY thanked her for her good work.
- 03:57:08 REP. HIMMELBERGER agreed and said it is obvious that Ms. Fox is an enthusiastic Executive Director who has led the LSD staff through some difficult times. He said the entire staff of LSD works hard and he complimented Ms. Fox on her leadership abilities as ED.
- 03:58:42 SEN. BARKUS thanked Ms. Fox for her efforts and good work also. He said Ms. Fox has challenged the Council members to "get out of the box" and to rethink old standards, and said he appreciated that.
- 03:59:33 REP. BERGREN said as Chair, he also appreciated Ms. Fox's efforts. He asked Ms. Fox to comment. Ms. Fox thanked the Council for its support and said she appreciated the opportunity to continue as Executive Director of LSD. She said she has a terrific staff and attributed her success to them. She said she hoped the Council continues its work to create a stronger Legislative Branch.



04:01:09 The motion to adopt the Subcommittee recommendation to retain Ms. Fox as Executive Director **passed** on a unanimous voice vote.

04:01:22 REP. BARRETT asked if the State goes to job fairs to recruit qualified employees. Ms. Fox said yes but that there is little room in the budget for much travel to job fairs. She said she may bring forth a proposal for funding a more aggressive recruiting program.

### **ADJOURNMENT**

04:02:28 With no further business before the Council, REP. BERGREN adjourned the Legislative Council. The next meeting will be held in Helena on January 29, 2008.

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Legislative Council Rules Subcommittee Minutes

November 26, 2007,

3:00 p.m.,

Rm 137, State Capitol, Helena

#### **Members in Attendance:**

Senator Vicki Cocchiarella

Senator Kelly Gebhardt

Representative Bob Bergren

#### **Staff in Attendance:**

Greg Petesch, Legal Services Director

Susan Fox, Executive Director

The main topic for the day was to develop a plan for going forward. Greg Petesch handed out a draft of the Joint Rules (LC8000) as a working document to reflect the changes as the subcommittee progresses. It was stated that a purpose of this subcommittee is to streamline the rules, make them easier to understand, and to protect the minority party. The subcommittee decided that they wanted input from legislators, but that the request for a change be routed through one of the subcommittee members. A request for suggestions will be placed in the next edition of the Interim.

For changes that are made, at least twice in the past the Rules Committee has adopted the rules and if there is agreement between the chambers, implemented them as if they were in effect. They are then passed by each chamber on the 1st day of session and are retroactive.

It was decided that when there is a rule for general topics, it is better to be placed in the joint rules, and place less in the specific chamber rules. A rule may not affect the other chamber's internal operation and rules for internal operation belong in each chamber's rules.

Examples of suggested changes to the Joint Rules include deleting rules that are no longer applicable, i.e. joint employees, and language clean up, i.e. change reference from bill draft requests to bills, bills are not "covered", but "backed". There were problems with the rules on appropriations that were identified and need attention, i.e. JR 30-50 - the question was raised whether it applies to all "cat and dog bills" or just the general appropriation bill(s)? Another permissible use of a joint resolution that needs to be added is the approval of community college districts.

There was a discussion on bill draft requests. The idea was offered to move earlier the deadline for agency bill drafts to be preintroduced (Dec 5) or to state a deadline that if an agency draft is not received (Nov 1), it goes to the bottom of the drafter's pile.

The subcommittee members will forward any proposed changes to Greg Petesch to incorporate into the document for the next subcommittee meeting. After the subcommittee completes the

Joint Rules, they will proceed to the Senate and House Rules and make any corresponding changes to align with the proposed changes in the Joint Rules.

Legislative Council Rules Subcommittee Minutes

November 26, 2007,

3:00 p.m.,

Rm 137, State Capitol, Helena

Members in Attendance:

Senator Vicki Cocchiarella

Senator Kelly Gebhardt

Representative Bob Bergren

Staff in Attendance:

Greg Petesch, Legal Services Director

Susan Fox, Executive Director

The main topic for the day was to develop a plan for going forward. Greg Petesch handed out a draft of the Joint Rules (LC8000) as a working document to reflect the changes as the subcommittee progresses. It was stated that a purpose of this subcommittee is to streamline the rules, make them easier to understand, and to protect the minority party. The subcommittee decided that they wanted input from legislators, but that the request for a change be routed through one of the subcommittee members. A request for suggestions will be placed in the next edition of the Interim.

For changes that are made, at least twice in the past the Rules Committee has adopted the rules and if there is agreement between the chambers, implemented them as if they were in effect. They are then passed by each chamber on the 1st day of session and are retroactive.

It was decided that when there is a rule for general topics, it is better to be placed in the joint rules, and place less in the specific chamber rules. A rule may not affect the other chamber's internal operation and rules for internal operation belong in each chamber's rules.

Examples of suggested changes to the Joint Rules include deleting rules that are no longer applicable, i.e. joint employees, and language clean up, i.e. change reference from bill draft requests to bills, bills are not "covered", but "backed". There were problems with the rules on appropriations that were identified and need attention, i.e. JR 30-50 - the question was raised whether it applies to all "cat and dog bills" or just the general appropriation bill(s)? Another permissible use of a joint resolution that needs to be added is the approval of community college districts.

There was a discussion on bill draft requests. The idea was offered to move earlier the deadline for agency bill drafts to be preintroduced (Dec 5) or to state a deadline that if an agency draft is not received (Nov 1), it goes to the bottom of the drafter's pile.

The subcommittee members will forward any proposed changes to Greg Petesch to incorporate into the document for the next subcommittee meeting. After the subcommittee completes the Joint Rules, they will proceed to the Senate and House Rules and make any corresponding changes to align with the proposed changes in the Joint Rules.