

LEGISLATIVE COUNCIL STRATEGIC PLANNING  
September 25 and 26, 2007  
Helena, Montana

Members Present

Sen. Gregory Barkus  
Sen. Vicki Cocchiarella  
Sen. Mike Cooney  
Sen. Kelly Gebhardt  
Sen. Dan Harrington

Rep. Debby Barrett  
Rep. Bob Bergren  
Rep. Margaret Campbell  
Rep. Dennis Himmelberger  
Rep. Dave Mcalpin  
Rep. Scott Sales

Members Excused/Absent

Sen. Corey Stapleton

Staff Present

Susan Byorth Fox, Executive Director, Legislative Services Division (LSD)  
Greg Petesch, Legal Director, Legal Services Division, LSD  
Karen Berger, Financial Services Division, LSD  
Hank Trenk, Director, Office of Legislative Information Technology, LSD  
Dave Bohyer, Director, Office of Research and Policy Analysis, LSD

STRATEGIC PLANNING SESSION

Summary

The small groups discussed the worst possible outcomes if we fail to find better ways of working together. This illustrates **the need for continual improvement**. The loss of credibility and public respect was a common theme. The problems manifest in different ways; such as difficulty of getting new people to run for the legislature, problems and policy issues are left unresolved, and the institutions suffers a loss of influence, leadership, and power to other branches and to the initiative process.

On a positive note, the small groups had common themes of **shared vision and guiding principles** that transcended party or house concerns. The best outcomes were those that kept Montana in mind, kept the public informed, provided for economic development and a good economy, and most of all the public is served. The common theme arose of creating a state in which our kids will stay and government is respected.

The small groups brain stormed ways in which to **foster an environment for the shared vision** can come together to serve the public. Respect again was a common theme, accentuating the need to communicate and develop the trust relationships that are necessary to work together. Being open-minded and considerate will foster an environment where consensus or compromise can be reached. There was a realization that there were not many bipartisan and bicameral opportunities for legislators to get to know one another. This makes it difficult to transcend partisan politics. The environment under term limits focuses everyone on getting things done quickly before their terms end and the longer-term view is difficult.

The **steps and strategies** that were considered and that will lay the groundwork for future Legislative Council deliberation include:

1. Social get togethers - need additional opportunities for legislators to come together in a bicameral and bipartisan atmosphere to develop relationships for future trust and communication.
  - Put on **Legislative Council agenda for January**
  - Set dates and scheduling of caucus week and orientation.
  - Set schedule for session (first Saturdays off, weekends off, transmittal: family-friendly)
  - Caucus Week, pre-session evenings (time to schedule get togethers)
  - Early Session Leadership meetings
  - Explore interim opportunities throughout year
  - At the start of interim committees, standing committees - explore joint committees early in session
  - Enhance chair/vice chair trainings, rules training, refresher training (e.g. challenging ruling of the chair)
  - Promote early agreement of certain bills as examples of bipartisanship.
1. A. Issue Caucuses (April agenda item) - develop a time for legislators who care about similar policy issues to come together.
  - Coincide with orientation/caucuses, 1st Saturdays
  - Interim committees to sponsor, training facilitated, use of \$50,000
2. Legislative rules review and rewrite (November agenda item and additional meetings as needed).
  - Subcommittee: House members are Himmelberger and Bergren, Senate members are Gebhardt and Cocchiarella. They will begin the process and bring in new members as needed. Greg is the point person - members to send ideas to him.
  - Senate Rules in comparison to House rules lack specific detail. House went through rules more recently and Senate should follow the same process. Joint Rules should be looked at also and index needs attention.
  - Examples include: rules regarding different readings on different days, bill printed on different color, and the expectations of rules being followed versus

practicality of getting bills printed, etc; motions, do they need to be rearranged, missing ones listed, which are non-debatable, what is the vote required. Also cover: decorum and press issues, bill numbers, committees, house and senate joint subcommittees, committee selection numbers.

3. Need to impress upon members the need to speak in positive manner about legislature
  - letter from Sales and Cooney to all legislators (Susan and LIO will help on letter)
  - needs to be ongoing effort
4. Get feedback to legislators on Legislative Council ideas.
  - Interim news article (Susan will draft and send to Cooney and Sales for edit and approval for **December Interim** - can be Back Page article)
5. Ideas for Information Officer assistance. (November agenda item)
  - Prepare DVD on topics such as legislator getting a bill drafted (all the steps from idea, drafting, introduction)
  - Synopsis of LC Discussions for Legislators
  - Weekly Legislative Report
6. Consider interim committee field meetings on budgeting and policy issues.
  - Place on **April agenda item** (may move to January with budget discussions)
  - Monitor budgets
  - Policy parameters for interim committee field hearings and travel
7. Next session ideas for April agenda item
  - Improving bill requesting (to address multiple requests of same bills, number of bills and draft limits (or self-imposed), cancel after deadline if no information, committee bills, leadership placeholders, tools for leadership on bills/subjects)
  - Joint hearings early in session -- rules, scheduling early in session
  - Caucus - limits, interests caucuses
  - Chair/vice chair training
  - Will contribute to Rules Review
8. Increase pay/stipend (January agenda item) - low pay causes economic distress, is a barrier to recruiting new candidates, and prevents some people from running.
  - revisit past bills: constituency accounts - Gallus bill '07, Grinde/Menahan
  - system/process that determines elected officials salary (other states average) prospectively (can't set own salary) timing may work well with executive survey
  - stipend - could effect this session
9. Open caucus discussion: administrative and organizational issues (January agenda item)
  - review of court cases and decisions: issue paper by Greg Petesch
  - review options

- potential agenda item for leadership discussion with each caucus
10. Term limits (not a future agenda item unless requested)
    - Legislators could join constituency - it is a constituency issue and could only happen with a broad-based effort from both right and left that includes a caucus of former legislators
    - Request NCSL publication on term-limits (mailed 10/07)
    - Revisit Sales bill - absolute 16 year limit on terms but in any combination/any house
  11. Even year or annual sessions (April agenda item)
    - Need Susan and Greg to research ramifications (EPP, interim committees, budget)
    - Revisit bill 10 years ago - may require move primary/filing deadlines
    - Contested primaries less with term limits - need more information
    - Rule issues - go to recess or special session route initially
    - Look at Wyoming abbreviated one session, budget ready to go, requires supermajority for other bills.
  12. Decorum on Floor and in Committee Hearings (November agenda item)
    - who, what equipment allowed on House and Senate floor and in committee hearings
    - what is technically possible - sharing TVMT video streams
    - what is a defensible policy, is it consistent, does it have a rational basis, what exceptions might be allowed - i.e. families
    - how to show respect and credibility of legislative institution vs. demeaning behavior
    - how to provide TVMT, audio streaming, and videostreaming access to public on legislative actions
  13. TVMT - report to LC in January
    - check status of NEMont
    - expansion to more areas
    - explore satellite options - Montana public television, Janine Pease on Board of Regents
  14. Staff transition planning - **April agenda item (begin discussion in November)**
    - no bench in research, legal
    - LSD has branchwide responsibilities, what do LFD and LAD offer
    - space issues, etc.

#### ADDENDUM

(Verbatim notes from small group sessions)

WHAT ARE THE WORST POSSIBLE OUTCOMES IF WE FAIL TO FIND BETTER WAYS OF WORKING TOGETHER?

The legislature loses credibility and there is loss of public respect resulting in an increase in public dissatisfaction.

People come to hate the legislature, lose the public trust, and have a lack of trust.

When gridlock occurs, nothing happens. The status quo continues, problems won't get solved, things stay the same. Processes stagnate and the world passes us by.

There is a lack of interest to be a legislative candidate. No one runs or less effective people run for office. The legislature doesn't garner good people when people don't trust the legislature and younger citizens are discouraged from wanting to participate.

No hope of political gains, no budget, and the economy suffers with weak leadership.

Important public policy issues are not properly addressed and we have to go back to a special session.

Animosity towards one another leads to continual breakdown of and within the institution. The Legislature continues to lose power to other branches resulting in increased use of the court system.

The public will by-pass the Legislature through increased resort to the initiative process and take over most everything.

#### WHAT ARE THE BEST POSSIBLE OUTCOMES IF WE SUCCEED AT FINDING BETTER WAYS OF WORKING TOGETHER?

Montana wins when we have a feeling of being able to work together.

There is respect for the institution and we are proactive rather than reactive.

Best outcomes are realized when the state allows the maximum utilization of its natural resources while fully protecting its environment and we develop an economy where our kids don't have to move out of state to find jobs.

When public policy supercedes politics, we prove to the public that problems can be solved and the public trust of the legislature improves, giving people a better impression of public service.

When the public is informed, wants to know and the public has a broader view than its own backyard, we will attract good candidates and staff. Citizens want to be involved; the public wants to run providing a surplus of legislative candidates.

The legislature will move legislation that will be best to benefit the state possibly resulting in a good economy and respected government, where the public would have meaningful participation, the initiative process would not be necessary, the public would overturn term limits and Montana is a place kids won't leave.

All bills introduced are passed with no veto and if everything is okay, sessions may be shorter or less often. Nothing happens except we pass all my quality bills and adjourn early.

If the legislature will fully utilize its power as the Legislative Branch using compromise to develop good government and ensuring we prioritize the same, then policies become a national model allowing a clearinghouse of studies to end duplication.

#### WHAT NEW AND ADAPTIVE BELIEFS, ATTITUDES AND BEHAVIORS CAN WE CHOOSE AND MODEL TO FOSTER THE BEST POSSIBLE OUTCOMES?

Everyone deserves respect. The belief that to achieve respect, every district elected the best individual who represents everyone's ideas, values, and mores of that respective district and they should be respected and command respect.

We must work together, think positive, be positive, be effective working together. Reach out to the public with open mindedness and consideration of other's feelings, while being receptive to where there are ideas and feelings in order to succeed.

Everyone brings legitimate ideas to the table; all sides need to communicate, compromise, listen to others first, learn from the past, and think long term. These mandatory discussions build consensus and trust, fostering a better working environment through humility, altruism and promoting better listening skills.

Through social bipartisan mixing and compromise, everyone must win with enough funding for each idea.

#### WHAT STEPS, STRATEGIES, APPROACHES AND ACTIONS WILL FOSTER THE BEST POSSIBLE OUTCOMES?

Legislation: Big ideas start with small bites. Keeping in mind public perceptions, we will list common goals or positions through more education of the public about the process.

We must prioritize needs and work towards addressing them by quantifying costs vs. benefits will lead to better coordination amongst legislators before bills are drafted.

Limits on bill drafts and promotion pre-session conversations among legislators with same or similar bill drafts will lead to more effort to introduce bi-partisan legislation.

By adjusting the pre-session schedule, holding informal social gatherings of legislators early in pre-session, post-caucus meetings allows legislators to take time to learn about members personally and professionally through social mixtures mandatory and holding committee parties at the beginning of the session.

We need better training for chairs, vice chairs to more smoothly operate hearings.

Better orientation for new and old legislators.

In our dedication to resolve and reduce partisanship, we will make a personal commitment to listen to other person's concerns and needs and set an atmosphere to be able to work together.

Each legislator should be articulate in delivering ideas, respect the process and rules, "No egos allowed."

To establish trust with the opposition, let your guard down and resist temptation to speak negatively. Planned opportunities for regular discussion on concerns through daily communications with the opposition on neutral turf (neutral territory or safe space).

Other ideas include:

Holding hearings and government events out in the field, updating legislative achievement of common goals and communicate those achievements to the public, and holding standing committees meetings after session.

Future ideas are:

Annual sessions or sessions in even number years which may advance the understanding and have more informed voters as you run for office in the same year that session ends to create and utilize a former legislator bi-partisan organization for current legislators to access and to increase legislator pay.

WHAT ARE THE BEST PLACES TO SPEND OUR TIME AND ENERGY? Immediate, Short Term (This Interim), Long Term

SPECIFIC GROUP LISTS for reference

Group Z

Long Term

Annual Sessions  
Short - effective legislator pay  
Serving even-numbered years (affects on number bills, relat)  
Re-districting  
Change interim, committees - expand  
Re-examine term limits

Short Term (this session)

More friendly schedule (3-day weekends)  
Opportunity to mix (social similar legis. Mentoring)  
Hear some transmitted bills early  
Limit number of bills - self-imposed  
Tools for leaders on bill subjects  
Joint committee/sub  
Reg daily communications - exec, houses  
Close caucus

Immediate

Set caucus dates earlier in interim  
Speak highly of legislature institution  
LIO work with LC on promoting institution

Group Y

Action Steps

I. Immediate Get togethers

1. Orientation/caucus (December)
2. Pre-session eve (with families) Jan
3. Rules re-write
4. Training DVD (TVMT?)
5. Legislators, Interest groups meeting for drafting (Summer prior)

II. Short Term

Agree on several bills to pass early  
Agree on family-friendly schedule (Saturdays off Jan)  
Alternate H/S to "use" day.



### III. Long Term

- Committee assignment selected by own leadership, balanced D/R
- Make standing comm = interim comm, joint H/S balanced D/R
- Eliminate term limits
- Even-year session (Sept. Primary?)
- Close caucuses
- Annual sessions 45/45
- Ban private video, offer TVMT feed

#### Group Y

##### Immediate

- Listen carefully to opposing political views to SEARCH for commonality.
- Interim committee field hearings
- Create bi-partisan ex-legislator group.
- Develop a common goal within chamber
- Respect

##### Short Term

- Listen to new ideas
- Take time to learn more about members to promote personal respect for each other
- Develop "issue" caucus vs party caucus
- Enhance chair/vice chair training
- Orientation, rules training need to be expanded
- Refresher training for all legislators

##### Long Term

- Legislator training
- Fund training for legislators, i.e., NCSL - PNWER - CSG, etc.
- All legislators should serve on interim committees
- Even year sessions should be considered OR
- Consider annual sessions
- Repeal of term limits need to be promoted in a bi-partisan manner
- Deliberately scheduled breaks during the session
- Expansion of TVMT in Eastern Montana
- Legislator pay
- Staff transition
- Closed caucuses - eliminating posturing for press