

# **Backgrounder on previous Legislative Council Strategic Planning Sessions**

Updated by Susan B. Fox, August 2011

## **2009-2010 PLANNING SESSION RESULTS**

**1. Initiative: To develop inter-divisional staff teams** (related to Interim Committee Improvement). The Council discussed the need to identify inter-divisional staff policy teams to better provide policy and fiscal support to legislators. These teams would support the administrative and interim committees during the interim and standing committees and subcommittees during the session.

- Interdivisional staff teams were developed with attorneys, research analysts, fiscal analysts, audit managers and IT staff. Brownbag lunches were held to orient all staff to 3 divisions.
- Interdivisional teams held mentoring groups for 10-15 legislators each for Legislator Orientation.
- A staff guide with a table of the interdivisional teams by policy/budget area was developed.

**2. Initiative: To provide Leadership and Legislator training before and during session.** The Council discussed the need to provide more training to newly-elected legislative leadership post election.

- Leadership notebooks were provided to President, Speaker, majority and minority leaders and whips.
- Leadership training was held on November 16, 2010, and was provided to President, Speaker, majority and minority leaders and whips.
- Some of the ideas discussed were a leadership transition meeting between former leaders and newly-elected leaders, improving the leadership notebook, providing specific training on developing communication skills, conflict resolution, leadership, negotiation, and positive partisanship. Topics related to bills include assignment of bills, priority of bills, and bill flow.
- The Council also discussed the need to improve legislator training and to build relationships between legislators and staff. Some of the ideas for this include assigning caucus and staff mentors to legislators in small groups, providing training and other opportunities to bring permanent and session staff together, providing new, different, more legislator training during caucus week and early in session, using standing committees for training in early session, providing specific training in web tools and the paperless legislature options, improve the law school for legislators, provide lunch and dinner opportunities, and surveying all legislators at the end of session.

**3. Initiative: To review and improve Legislative Rules.** The Council discussed improving the rules and creating tools for easier reference.

- Legislative Council had a Rules Subcommittee which proposed rule changes for the 2011 session.
- Staff created searchable rules, created a reference guide and other tools for the floor process.

- Other ideas included linking rules to the vote system, cross referencing or reorganizing rules for ease of use, and exploring options to institutionalize rules knowledge in staff, legislators, i.e. parliamentarian.

**4. Initiative: Interim Committee Improvement and Interim Training for Legislators.** The Council discussed ways to better utilize interim committees, to expand opportunities for more legislators to attend, to bring legislators together during the interims outside of committee meetings for training and for informal time to develop better working relationships.

- Held March 2010 training on budget for entire Legislature.
- Ideas include adding nonvoting members to interim committees, reimbursing a certain number of meetings for nonmembers to be able to attend interim meetings, using standing committees to compose interim committees memberships. [Committee membership changes may require changes in statutes, voting, numbers, compensation.] There was a suggestion that we consider going to specified legislative days each or every other month for committees to meet, including training or issue seminars to be scheduled, and holding mini-caucuses and social events. Training topics include: nuts and bolts, budgeting, communication skills, conflict management; general topical and educational leadership development, bringing in NCSL, covering broad topics and emerging issues (health care), basics of leadership, theories; using on-line courses, regular seminars like Wheeler Center; encouraging leadership promotion within caucuses; and provide continuing education. Social events could include committee dinners at the beginning of an interim and during the interim week.
- Council considered but declined to change committee membership chairmanship rotation statutory change.
- Successful bill drafts - SB 32 made changes to monitoring duties at request of certain interim committees. SB 34 made changes to interim committee statutes to provide that the legislative council may assign an entity that is administratively attached to an agency to a different interim committee upon petition; providing that appointing authorities attempt to appoint to each interim committee a member of the joint subcommittee considering related agency budgets.

**5. Initiative: To review Legislative space in the Capitol Building.** The Council discussed concerns regarding legislator and staff space in terms of quality, quantity, current and future needs, legislative control, and related tenancy concerns.

- Council reviewed statutory authority and need for changes and potential oversight in determining legislative space, learned more about the state's process and the Capitol Complex Master Plan.
- Council authorized a Legislative space analysis as part of the Capitol Complex Master Plan and received a proposal.
- Council adopted a resolution to continue the study of legislative space (SJ 3). The resolution did not make it out of the 2011 session.
- The study did not include long-term needs and those of the Governor and Secretary of State.

- 2011 Legislature approved a \$240,000 appropriation in House Bill No. 2 for retrocommissioning the Capitol building HVAC system and to improve lighting needs in basement.
  - Other ideas included legislation regarding control of the Capitol building (not pursued) and Council authority to adopt policies for use of legislative space, the possibility of a parking shuttle for next session.
  - Council proposed and rule changes were passed regarding guidelines, a form, and a process for media on the respective chamber floors; adopted a media registration proposal.
  - Council adopted a protocol and list of considerations for use of non-Capitol rooms for legislative hearings.
6. Legislative Council Management and Succession Planning Subcommittee.
- Subcommittee monitored LSD succession planning and conducted a performance appraisal on the Executive Director.

## **2007-2008 PLANNING SESSION RESULTS**

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.

The 2008 Legislator Orientation was opened to all legislators and included an evening dinner and staff coordinated with Governor's office so that they could schedule a dinner as well. The session schedule did include the first two Saturdays in January and an extra Saturday off in April. New leadership changed from the original proposed schedule of three Saturdays off in January.

2. Issue Caucuses - 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.

Issue caucuses were conducted during legislator orientation - not well attended need some revision. The Education and Local Government Interim Committee held an education summit on the first Saturday.

**3. Legislative rules review and rewrite.**

- Subcommittee: House members are Himmelberger and Bergren, Senate members are Gebhardt and Cocchiarella.
- 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.

Legislative Council had a Rules Subcommittee that proposed changes to the House, Senate, and Joint Rules. Most changes were adopted.

**4. Need to impress upon members the need to speak in positive manner about legislature.**

- Letter from Sales and Cooney to all legislators
- Needs to be ongoing effort

No action taken. (Similar to 2005 recommendation.)

**5. 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) - No action taken.

**6. Ideas for Information Officer assistance.**

- Prepare DVD on topics such as legislator getting a bill drafted (all the steps from idea, drafting, introduction) - no action taken.
- Synopsis of LC Discussions for Legislators - no action taken.
- Weekly Legislative Report - needed more direction.

**7. Consider interim committee field meetings on budgeting and policy issues.**

- Place on April agenda item.
- Monitor budgets.
- Policy parameters for interim committee field hearings and travel.

**8. Next session ideas.**

- 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 - held November 2008.
- Will contribute to Rules Review - LC approved Rules Subcommittee changes and made amendments.

**9. Increase pay/stipend** - 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.

The Council introduced SB 30 to revise reimbursement for meals and lodging to apply to all state employees. Because of some legal issues, the Senate State Administration Committee requested a separate bill, SB 309, which died in the process. The Council also introduced HB 145 regarding a legislator stipend during the interim. It was unsuccessful, in part due to the cost.

**10. Open caucus discussion:** administrative and organizational issues.

- Review of court cases and decisions: issue paper by Greg Petesch.
- Review options.
- Potential agenda item for leadership discussion with each caucus.

This was an agenda item on the Council's January 2008 meeting and Greg Petesch provided a history and legal analysis. Although there was strong opposition from the media to even having it as an agenda item, the testimony and staff analysis was helpful. The Council did not pursue the discussion further.

**11. 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.

The Council gathered information on term limits but did not pursue any recommendations.

**12. Even year or annual sessions.**

- Need 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.

The Council gathered information on term limits but did not pursue any recommendations.

**13. Decorum on Floor and in Committee Hearings.**

- 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.

The Council did not pursue any specific proposals in this area. Legislative Services staff did work with media to provide additional ports for media access in committee rooms and on the floor. Staff conducted a Media training and developed a media handbook on covering the Legislature to assist in maintaining decorum and providing guidance to the media.

**14. TVMT -**

- Check status of NEMont.
- Expansion to more areas.
- Explore satellite options - Montana public television.

The Council had a TVMT Subcommittee that made a recommendation to the Council to consolidate the budget and to expand access. The Council adopted the consolidation proposal and adopted a broader funding proposal than recommended to expand access. Within the budget approved by the Council, staff pursued an alternative arrangement through a Department of Administration statewide contract which enabled transmission by satellite. In order to ensure that we were receiving the least expensive option for transmission services, an RFP was issued in July of 2009. If a lower rate is able to be found, the budget adopted by the 2009 Legislature should be sufficient. If not, additional funding may be necessary in the 2011. Feed Bill. The contract for production of the broadcast signal will expire in August of 2010 and a RFP will need to be issued which may present opportunities for production, transmission, maintenance and support, and archiving.

**15. Staff transition planning.**

- No bench in research, legal.

- LSD has branchwide responsibilities, what do LFD and LAD offer.
- Space issues, etc.

The 2005 Legislature provided a Retirement Reserve Account in order to buffer the Legislative branch budget from high payouts and ease the hiring of replacement staff. Currently, the budget is approx. \$300,000 and the 2009 Legislature declined to bring it up to previous levels. It should still provide a buffer for the impending retirements, but the Council will need to consider the needs of the 12-13 biennium for funding in the 2011 session.

The 2009 Legislature also provided the Legislative Services Division with 2 FTE and the Legislative Fiscal Division with 2 FTE. Management staff has been working on transition planning. For the legal division, 6 attorneys are eligible to retire, at least 2 of which are anticipated prior to next session. In addition, an indexer has retired but we were able to contract for that service leaving an additional FTE for the legal division. For the research division, there are 2 FTE that are eligible for retirement this biennium, and 3 the following biennium.

- Hiring 2 new attorneys in fall '09 (1 indexer FTE and 1 new FTE). One at entry level and one advertising for an attorney with experience in state budget and finance. This will enable us to reallocate the work duties in anticipation of the legal director retiring. Work duties include expertise in state finance and support of the Fiscal Division, writing legal opinions, bill drafting, and legislative rules expertise. By recruiting an experienced attorney in the fall of '09, the person may be interested in applying for the Legal Director position and have greater familiarity with the legislature. In addition, we have offered that any current attorney that wants to is encouraged to take management training courses.
- Other initiatives include requesting the Legislative Council to appoint an Assistant Code Commissioner from existing staff to guide the new Legal Director through their first session and codification and annotations process. We also created a legal intern position for the 2009 session to assist in the recruitment of new attorneys that would have some legislative experience.
- Hiring 1 new researcher in fall '09 (new FTE) advertising for experience in state budget and finance. This new researcher will work with the current revenue staff (research analyst, attorney, and LFD) in a junior capacity so that there can be training and transmission of knowledge while experienced staff is still on board. It provides additional resources to the legislature in this area. Additionally, we anticipate that this researcher can assist with school funding policy.
- Pursuing the code update/bill drafting replacement. This effort is to replace aging computer equipment, but also to capture the knowledge of the legal director, an attorney with computer expertise, an editor, the IT director who does the mainframe work, the document processing technician who performs many of the conversion processes that take the bills into the MCA and prepare for publication, and others involved in the process. An RFP will be let for a contractor to document the business processes and system requirements to capture the institutional knowledge and prepare us for the replacement of the computer equipment.

- In many other areas, as staff prepares to retire and new staff is hired, training and manuals are being written and updated and processes are being documented. When it involves information technology, we are changing the composition of the staff to provide more assistance to all three division in systems analysis which includes documenting business processes. This is imperative with the potential retirements that may be faced by the Fiscal Division and the numerous systems that have not been created, maintained, or supported by the IT staff in the past.

## **2005-2006 PLANNING SESSION RESULTS**

1. Provide for statewide expansion of TVMT coverage.
  - 2007 session streamed by HCTV to Helena and the 7 other largest communities in Montana through Bresnan Communications and to approximately 18 other communities. (2009 session used satellite transmission to 46 communities).
2. Examine fiscal note process; transfer process to Legislative Branch.
  - SB 66 to revise fiscal note laws (not to transfer to Leg. branch) was requested and sponsored by the Legislative Council and died in the process in 2007. (In 2009, SB 18 was successful.)
3. Push forward with technology improvements.
  - \$225,000 funding for laptops for legislators for the 2007 Legislative Session was included in the Feed Bill, and a \$75,000 biennial appropriation for the 2009 Legislative Session in the HB 2 from the May Special Session. The 2009 budget request was amended out and will need to be in the 2011 Feed Bill.
  - The Computer System Reserve Account has been successful in its purpose. The Council authorized expenditures of approximately \$1 million to replace the vote systems in the House and the Senate which was successfully completed prior to the 2009 session. The Council had approved a budget proposal to add to the account for the next project of the code update and bill drafting systems which was rejected. There is sufficient budget in the account to perform a business processes and system requirements study and any proposal will be brought to the Legislative Council for approval.
4. Increase public awareness of legislative issues. Create a position to conduct and coordinate public outreach.
  - Comment was offered that it is already being done. The 2007 Legislature approved 1 FTE for a legislative information officer to assist in these efforts and an information officer was hired in October 2007.
5. Create a mentoring program for new legislators.
  - No action taken.
6. Increase training opportunities for legislators.
  - LC approved a 2009 biennium proposal for participation in both NCSL and CSG (8 members for each per year). Dues were approved for both also. (Also passed 2009 Legislature.)

- LC, State Bar and UM School of Law cosponsored the 2005 and 2007 Law School for Legislators.
  - November 2004, 2006, 2008 - Legislative Council sponsored legislative rules workshops.
  - November 2004, 2006, 2008 - Legislative Council sponsored and Legislative Services Division conducted new legislator orientation sessions.
  - A Chairman Orientation was also held in the fall of 2006 and 2008 in conjunction with the Rules Committees.
- 7.** Develop methods for legislators to share information obtained by attending interstate activities.
- No action taken (appropriation for interstate participation was approved).
- 8.** Create a televised program about the Montana Legislature to inform the public about the role of the legislature.
- No formal action taken but between the relationship with TVMT and the new legislative information officer a proposal may be more likely to succeed in the future.
- 9.** Increase legislator participation in the interim committee process by increasing the number of committees.
- HB 80, which included the separation of the Education and Local Government content areas from the education and Local Government Interim Committee failed in the 2007 legislature. Two statutory committees were created (water policy and fire suppression, two study bills (local government special purpose districts and property tax revaluation) and a \$200,000 appropriation (mental health study) was passed.
  - Additional interim committees or separation of policy areas into different committees would require legislation and an appropriation.
  - There was significant action during the 2009 Session regarding interest in additional committees, few were successful (Water Policy Committee).
- 10.** Develop plan for staff transition.
- House Bill 139 established a Legislative Branch retirement termination reserve account in the state special revenue fund. Money deposited into the account is statutorily appropriated to the Legislative Services Division to be used for staff retirement termination pay. For the 2009 biennium \$400,000 of general fund is to be transferred into the account.
  - Currently management staff is analyzing the need for additional professional staff positions (attorneys/research analysts) in the area of school finance, revenue, and state finance. The legal services office is the area most likely to have significant turnover in the next five years.
  - There is currently over \$300,000 in the account and the 2009 Legislature declined to add funding to bring it to \$400,000 as requested by the Council.
- 11.** Develop proposed budget for interstate participation and a strategy for obtaining the funding.
- The 2007 Legislature approved dues and participation in NCSL, CSG, Legislative Council on River Governance, and Pacific Northwest Economic Region (PNWER). (2009 approved also.)

**12.** Develop procedures to allow interested legislators the opportunity to participate in interstate activities.

- A policy on how to approve funding for individual legislators was prepared for the September 25, 2007 Legislative Council meeting. (Need to revisit.)

**13.** Increase legislator participation in the interim committee process by increasing the size of committees.

- No action taken. (See Dec. 2005 Tabulation of Results for more information.) Funding should be adjusted accordingly.

**14.** Develop parliamentary position for the Senate and House.

- No action taken.

### **2003-2004 - PLANNING SESSION RESULTS**

This list contains the activities that the members indicated a high level of interest from the list of items generated in the strategic planning session. A list of all of the items is available upon request.

**1.** Provide rules training for new and returning legislators.

- Rules Workshop and New Legislator Orientation since 2004.

**2.** Encourage statewide expansion of TVMT

- Expansion: broadcast in 2003 from 1 full-time and 7 part-time channels to 46 full-time channels in 2009.

**3.** Promote TVMT; reach out to local television stations.

- On-going efforts.

**4.** Encourage legislators to speak highly of the Legislature and to defend the institution

- No specific action taken, issue raised again in 2007.

**5.** Educate the public on the role of the Legislature

- In 2004-2005, efforts on videoconferencing, audio minutes, Back to School Program, Intern Program.
- In 2009, all above efforts continue, 2007 Council authorized Legislative Information Officer to continue these efforts.

**6.** Commit time and money for legislator training

- 2007 biennial proposal to include funding for legislator training, and payment of complete dues for NCSL and CSG (successful). (2009 legislature included training and dues funding.)

- 2005 Law School for Legislators (sponsored by Bar Association), continued in 2007 and 2009.
- 7.** Create a mentorship program for new legislators.
  - No formal, individual caucuses may have provided their own.
- 8.** Appropriate sufficient money to achieve goals.
  - Submission to 2005 Legislature for 2007 biennium was largely unsuccessful (submission to 2009 legislature was successful).
- 9.** Low-cost improvements to the Legislative Branch website.
  - 2004 spring survey and subsequent online survey solicited suggestions, many of which were implemented.
- 10.** Educate legislators on the real costs of drafting bills.
  - 2004 (and subsequent) legislator orientation included a staff demonstration to emphasize extent of staff resources involved.

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