



# Legislative Council

## 64th Montana Legislature

### SENATE MEMBERS

DEBBY BARRETT--Vice Chair  
EDWARD BUTTREY  
ROBYN DRISCOLL  
TOM FACEY  
JON SESSO  
JANNA TAYLOR

### HOUSE MEMBERS

CHUCK HUNTER--Chair  
BRYCE BENNETT  
JEFF ESSMANN  
STEPHANIE HESS  
AUSTIN KNUDSEN  
MARGARET ( MARGIE ) MACDONALD

### COMMITTEE STAFF

SUSAN FOX, Executive Director  
TODD EVERTS, Legal Division Director  
FONG HOM, Secretary

## MINUTES LOG

August 13 & 14, 2015  
Room 102, Capitol Building  
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the "Exhibits" is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

### COMMITTEE MEMBERS PRESENT

REP. CHUCK HUNTER, Chair  
SEN. DEBBY BARRETT, Vice Chair

SEN. EDWARD BUTTREY  
SEN. ROBYN DRISCOLL  
SEN. TOM FACEY  
SEN. JON SESSO  
SEN. JANNA TAYLOR

REP. BRYCE BENNETT  
REP. STEPHANIE HESS  
REP. MARGARET (MARGIE) MACDONALD

### COMMITTEE MEMBERS EXCUSED

REP. JEFF ESSMANN  
REP. AUSTIN KNUDSEN

### STAFF PRESENT

SUSAN BYORTH FOX, Executive Director  
TODD EVERTS, Legal Director  
FONG HOM, Committee Secretary

## VISITORS' LIST (Attachment 1)

## AGENDA (Attachment 2)

### COMMITTEE ACTION

The Legislative Council:

- appointed Sen. Mary McNally to the Natural Resources Standing Committee of NCSL;
- directed staff to prepare guidelines for outside interim activities and SB 283 for next interim;
- directed staff to draft guidelines for legislative appointments and present it at the November meeting;
- adopted the recommendation to approve funding for SB 224 at \$40,000 and the Montana Development Center Advisory Committee at \$10,000;
- approved the transfer of \$165,600 of the reverted 2013 Feed Bill balance for LSD into the IT Reserve Account; and
- approved the following meeting dates: November 16, 2015; February 9, 2016; May 19-20, 2016; August 16-17, 2016; and November 15, 2016.

### CALL TO ORDER and ROLL CALL

00:00:04 Presiding Officer Chuck Hunter called the meeting to order at 9:33 a.m. The secretary called roll. Rep. Essmann and Rep. Knudsen were excused.  
(Attachment 3)

### LEGISLATIVE SERVICES DIVISION UPDATES

00:01:16 Susan Fox introduced the new members of the Legislative Services Division: Katya Grover, Legislative Secretary, and Gordon Higgins, Operations Director. Ms. Fox announced the upcoming retirement of Kevin Hayes.

### NCSL, CSG, PNWER UPDATES

00:03:28 Ms. Fox gave a presentation on the budgets of Interstate Organizations, 2015 Biennium through June 30, 2015 (Exhibit 1), and the 2017 Biennium, June 30 through August 12, 2015 (Exhibit 2).

### Committee questions

00:05:17 Rep. Hunter asked if staff had an accounting of all the people for whom registration was paid for.

00:06:52 Ms. Fox said that they have the list of the people that the Legislative Services Division had prepaid registration.

### Attendance, travel funds, balances, and future guidance

00:06:32 Ms. Fox discussed the difference in the balances shown on the spreadsheet for those legislators attending various conferences, and the need for new procedures for the request system and the payment system because of the requirements for reporting, and SB 283 for the next biennium.

### Committee discussion

- 00:07:54 Rep. Hunter said that the Council gets more requests for money than it is able to fulfill and having guidance and examples are a good thing, but he wouldn't want to go so far as to take away the flexibility that leaders might have in approving reimbursements.
- 00:09:28 Sen. Barrett asked about reimbursements for attendance at the US China Clean Coal Industry Forum that is by invitation only.
- 00:10:16 Ms. Fox discussed guidelines for use of the SB 283 legislator's allowance and how to budget that for the next biennium.
- 00:12:34 Sen. Sesso asked for a refresher based on what that would provide to each legislator?
- 00:12:54 Ms. Fox discussed what the \$3,000 stipend for each legislator may be used for and the second amount that can be used for unreimbursed expenses related to legislator expenses dependent upon the square mileage of a district.
- 00:14:37 Sen. Sesso asked about providing receipts or some verification in order to get reimbursed.
- 00:14:46 Ms. Fox discussed a clean reporting process that does not conflict with the constituent services account where not everything has to be receiptable, however, a legislator must apply for reimbursement by submitting certain written documentation.
- 00:17:53 Sen. Sesso said that because it is not an option now to take advantage of individuals who are going to a particular meeting this interim, the Council should work on the rules and then have it ready so that when the next Legislature comes in, they'll be advised of what their benefits are starting in July 2017.
- 00:18:25 Ms. Fox discussed guidelines that would outline what sources of money might be available to leadership and legislators, potential uses and limitations, conflicts and interests, and ethics to clarify how that money can be used.
- 00:18:59 Sen. Sesso asked about the IT allowance.
- 00:19:19 Ms. Fox discussed the IT allowance of \$1,500.
- 00:18:33 Sen. Facey said that there are tax implications for deductions for those who itemize which could reduce the out-of-pocket expenses.
- 00:19:00 Rep. Hunter asked staff to draft guidelines for discussion at the next meeting.

### Additional appointments

- 00:20:29 Sen. Driscoll discussed the appointment of Sen. Mary McNally to the Natural Resources Standing Committee of NCSL.

**Motion**

00:20:48 Sen. Driscoll moved that Sen. Mary McNally be appointed to the Natural Resources Standing Committee of NCSL.

Committee discussion

00:20:56 Rep. Hunter asked if there would be a problem making appointments at this late date and if Ms. Fox will send out an appointment letter with Sen. McNally's name.

**Vote**

00:21:44 The motion passed unanimously by voice vote.

Western Legislative Academy attendees

00:21:59 Ms. Fox said she has not yet received that information.

**DISCUSSION OF LEGISLATIVE APPOINTMENTS - DIRECTIONS TO BILL DRAFTING STAFF - OTHER BRANCH APPOINTMENTS**

00:22:17 Ms. Fox discussed presenting potential language in the Bill Drafting Manual regarding legislative appointments, clarifying who the appropriate people are who make the appointments, and to give guidance to not only the drafters but to those who draft amendments in appropriations committees.

Committee discussion

00:24:43 Sen. Barrett asked if the Legislature will provide reimbursements for any appointments of non-legislators?

00:25:38 Sen. Taylor asked if there was any information about the number of appointments of legislators that might have been made by the Executive Branch or the Judicial Branch.

00:26:36 Sen. Taylor discussed drafting a bill saying "only legislative leadership can appoint legislators".

00:26:52 Sen. Driscoll commented on Sen. Taylor's suggestion.

00:28:18 Sen. Facey pointed out that the governor can make any board and appoint anyone to that board.

00:28:59 Sen. Sesso commented on the need to be diligent and precise in the drafting of legislation regarding appointments to commissions.

00:30:23 Rep. Hunter discussed what the instruction to the drafters should say and the need to have clarity about whose responsibility it is to reimburse those who are appointed to the various committees and commissions.

00:32:03 Todd Everts, Legal Staff, discussed the amendment that precipitated this discussion.

- 00:32:20 Ms. Fox discussed the difficulty of drafting bills to create commissions and designing a template with basic principles about who appoints and who pays.
- 00:33:33 Rep. Hunter asked staff to prepare a draft of what the guidelines might look like and present that at the next meeting.
- 00:33:49 Sen. Barrett discussed the issue of amendments coming late in the session to House Bill 2, and in particular the vague amendment for a \$15 million appropriation to the Board of Regents for research and economic development.
- 00:36:21 Sen. Sesso explained that the Montana Board of Research and Commercialization Technology received an increase this year that was thoroughly vetted before the bill was brought to the full appropriations committee.
- 00:40:44 Rep. Hunter said that some consideration could be given to appointment deadlines or tenure as part of the drafting.
- 00:41:23 Sen. Facey commented that if a legislator is going to introduce such a bill, that is a chance one takes versus designating it as a resolution. He said he does not want to go down the path of redesigning interim committees but instead look at how much money we direct towards interim committees.
- 00:43:01 *Rep. MacDonald arrived at the meeting at 10:21 a.m.*

Directions to staff

- 00:44:36 Rep. Hunter said by consensus, staff will prepare a draft on guidelines on this issue and bring it back to the next meeting for discussion.

**2015 SESSION AND BILL UPDATES**

Legal update - Todd Everts, Legal Director

- 00:45:28 Mr. Everts provided an update on the publication of the 2015 MCA.
- 00:46:20 Mr. Everts provided an update on the Secretary of State's ballot initiatives. **(Exhibit 3)**
- 00:47:50 Mr. Everts provided an update on SB 262, the Water Compact. **(Exhibit 4)**
- 00:49:36 Mr. Everts provided an update on the Public Employees Retirement System litigation and settlement **(Exhibit 5)**, and an update on the Teachers' Retirement System litigation.

Session Systems Replacement update

- 00:50:54 Ms. Fox gave a brief background information on the Session Systems Replacement project.

- 00:51:29 Steve Eller, Computer Systems Manager, gave an update of the Session Systems Replacement project.
- 00:54:52 Mr. Eller introduced Dan Murphy and Kieran Fitzpatrick, Propylon representatives.
- 00:55:11 Dan Murphy, CEO, Propylon, discussed the project.
- 00:57:57 Kieran Fitzpatrick, Technical Lead Technician, Propylon, discussed the project.
- 00:59:39 Sen. Buttrey asked about receiving an updated schedule that shows where the project started, where the project is currently, and a completion date.

#### Capitol Security Program update

- 01:01:06 Ms. Fox gave an update on the Capitol Security Program. She said that the governor will be reconvening his security committee on September 30. She asked for interested persons to attend the September 30 meeting.
- 01:02:13 Rep. Hunter and Sen. Buttrey volunteered to be on the security committee for the interim.
- 01:03:34 The Council members provided comments on the Program: Sen. Facey thought it was great and he felt good about it. Rep. Bennett said that earlier in the session, his committees did not get any explanation in safety, exits, etc. Sen. Buttrey said that he thought it went extremely well. Rep. Hunter thought it was well organized and professional and the officers were outstanding. Sen. Barrett thought that the presence of officers outside the Capitol Building was good.
- 01:07:23 Rep. Hunter asked staff to express to the City of Helena on how well the program worked.

#### Interim Committee updates

- 01:08:35 Ms. Fox discussed the Estimated Costs for Additional of 2015-16 Interim Duties. **(Exhibit 6)** She said that her recommendation is that the state and county representatives fund their respective reimbursements, and that the Council approve an amount certain for Senate Bill No. 224 and the Montana Development Center Advisory Committee.
- 01:14:55 Rep. Hunter said that he concurs with Ms. Fox' recommendations.

#### **Motion**

- 01:15:24 Rep. MacDonald moved for adoption of the recommendations as presented by staff.

#### Discussion on the motion

- 01:16:37 Rep. Hunter asked if Rep. MacDonald is recommending \$45,000 and \$10,000?
- 01:16:54 Rep. MacDonald said \$40,000 plus \$10,000, monitor, and revisit.

**Vote**

01:17:08 The motion passed unanimously by voice vote.

**BRANCH BUDGET ITEMS**

Reverted 2013 Feed Bill for Legislative Services Division

01:16:31 Ms. Fox discussed the memo dated August 13, 2015, regarding Transfer of reverted feed bill appropriations to the IT Reserve Account. **(Exhibit 7)**

Committee discussion

01:19:24 Rep. Hess asked about the balance in the account.

01:19:35 Jennifer Simmons, Financial Services Manager, said the balance is \$1.35 million with a total of the feed bill recommendations at \$1.8 million.

**Motion**

01:20:07 Rep. Bennett moved to move the entire \$165,600 into the IT Reserve Account.

Committee discussion on the motion

01:20:31 Ms. Fox said that there is a document that shows past deposits and withdrawals from the IT Reserve Account.

01:20:57 Ms. Simmons said that since 2003, the entire balance of every feed bill has been deposited into the IT Reserve Account. She said that she can provide that document. **(Attachment 4** -- distributed but not discussed)

01:21:24 Rep. Hunter asked about using that money this past biennium.

01:22:07 Ms. Fox said that because the previous Council had asked us to mark certain IT projects as one-time only, the IT Reserve Account was used for the one-time only project.

01:22:56 Sen. Barrett asked about delaying voting on this today because the Speaker is not present.

01:23:30 Rep. Hunter said that the only action that the Council would be taking today is on this top item for the Legislative Services Division.

**Vote**

01:23:59 The motion passed unanimously by voice vote.

Operating Plan Change

01:25:03 Ms. Fox discussed the memo dated July 21, 2015 "Operating Plan Change, Fiscal Year 2015". **(Exhibit 8)**

## **COUNCIL BUSINESS**

### **Discussion of upcoming National Conference of Commissioners on Uniform State Law appointment**

01:26:12 Mr. Everts discussed the open spot on the Uniform Law Commission and the Council's responsibility of designating a person to be on the Montana Delegation of that Commission.

01:30:17 Ms. Fox added that this is a budget item in Program 21.

### **Adopt proposed meeting dates**

01:31:32 Rep. Hunter discussed the Council's proposed meeting dates. **(Exhibit 9)**

01:33:12 The members of the Council agreed on the following meeting dates: November 16, 2015; February 9, 2016; May 19-20, 2016; August 16-17, 2016; and November 15, 2016.

## **OTHER COUNCIL BUSINESS**

01:36:47 Rep. Hunter discussed his intention of forming the Rules Subcommittee at the next meeting.

## **PUBLIC COMMENT** -- None

## **RECESS**

01:37:34 Rep. Hunter recessed the meeting at 11:15 a.m., to reconvene at the Barristers at 12:00 p.m

***A summary of the Strategic Planning Retreat, List of Topics, and Quick Wins are attached to the minutes.***



Strategic Planning Retreat  
Barristers Bed and Breakfast  
August 13, 2015  
Notes

The Legislative Council reconvened at 1:15 p.m.. At the strategic planning session, the members and staff broke into four groups:

Group 1 Legislators: Hunter, Bennett, Barrett, Driscoll, Hess  
Group 2 Legislators: Sesso, Taylor, MacDonald, Buttrey, Facey  
Group 1 Staff: DaSilva, Fox, Carlson, Gow, Bohyer  
Group 2 Staff: Higgins, Kolman, Simmons, Everts, Hom

The first topic was to discuss each person's motivation and interests for either running for or working for the Legislature. The second topic was each person's motivation for their party/caucus (legislators) or for the professional interests (staff). The third topic for legislators was their motivations for their respective chambers. Staff discussed things that they would like legislators to know about staff.

PERSONAL MOTIVATION AND INTERESTS IN BEING IN THE LEGISLATURE

Group 1 Legislators listed:

- find solutions and solve problems
- help the people in my district
- make a difference and effect change
- advocate for classroom teachers
- advocate for local government interests at state level
- make the state business friendly for technology and manufacturing
- family tradition
- advocate for younger generation
- take advantage of the learning opportunities
- take on new challenges to contribute for the good of society
- love of the Montana and a desire to contribute

Group 2 Legislators listed:

- communicate complex issues clearly
- technically advance the Legislature outreach to legislators to understand budget
- strengthen Legislature as a separate and equal branch of government
- integrity and strength of the institution
- learn about the government and its process
- share expertise and experience
- expand public access to Legislature and legislative process
- make Legislature "the place to work"

- translate complexity of the Legislature and legislative process to the public
- effective and efficient administration so legislator can focus on the big picture/their work
- liaison with other branches on administrative matters and issues

Group 1 Staff listed:

- satisfaction of seeing something come out of the legislative process
- personal growth and movement
- want to get something done
- human resource job growth/responsibility
- public policy interest
- assist with succession planning and legacy systems
- use economic analysis to inform policy decisions
- satisfaction of diverse group of people that you work with
- work environment that is good and rewarding
- make a difference
- have a say in management/organization decisions
- no two days are the same
- continual changes
- like to help people figure out what to do
- problem solving
- stability in benefits and pay.

Group 2 Staff listed:

- employment
- learning new things
- do something that makes a difference
- put skills and expertise to good use
- public service
- public policy
- likes people and the legislative process
- working for the heartbeat of democracy
- developing relationships
- problem solving
- being nonpartisan and providing information
- living in Montana

PARTY/CAUCUS OR PROFESSIONAL INTERESTS

Legislator group said:

- some folks think more on policy than on party
- like minded people share values
- hard to be unified and hold people together
- hoping that others in caucus share same values

- finding chances that let people have own view point
- sense of leadership
- great organizing method
- similar interests
- thought we are branch that is supposed to be political
- sense there is difference when in session and when campaigning

Legislator group said:

- didn't view party as being that important
- try to help move party together
- find solutions and not point fingers
- not taking the easy way out
- try to find solution
- statesmanship vs politician
- respect person who has a difference of opinion
- want to have convictions with tolerance

Staff group:

- communicate complex issues
- technically advance the legislature
- outreach to legislators to understand budget
- strengthen legislature as a separate and equal branch
- integrity of institution
- share experience and expertise
- expand public access to the process
- a "unique" place to work
- translate complexity of legislature
- liaison with other branches on administrative matters and issues

Staff group:

- difficult to separate personal and professional interests
- like what we do here
- apply our skills in the public service arena
- political process
- have an inside view that helps us understand branch
- have a great opportunity to provide information to legislature and public
- a variety of interests
- not advocating for a thing but for the branch
- for good information, and respect of the process
- this environment is a respectful to staff environment and letting legislators know what we can provide and how we can do that

## LEGISLATOR MOTIVATIONS IN EACH CHAMBER

Sen. Buttrey

- strengthening House because the knowledge moves to Senate
- keep Senate unique from House
- Senators need to be statesmen
- House works better together
- liaison between policy committee and finance and claims
- joint presentation, committee visits, more joint select committees for big issues

Rep. Hess

- House is more exciting
- training of freshmen
- Senate has fewer people, less personality
- term limits are disastrous for both chambers, chambers have different rules, great distance and disconnect between chambers
- disconnect between budget and policy and finance
- newly elected leadership will take experience, or not, of pass leadership
- can do better job of training freshmen on process of bills

STAFF IS TO LIST "This Is What We Would like the Legislators to Know"

Dale Gow

- advocate for the institution
- need clarity of their vision to improve our efforts, not trying to make things more complicated
- on the same team, we are nonpartisan but learning new perspectives
- learning to recognize your goals and how to achieve it
- enjoy working for you and made the choice to do so
- 75% of your staffers are introverts and we are not standoffish, understand your needs will help us, we are state employees and take your comments to heart

Joe Kolman

- we have respect for you as legislators and as candidates because we as staff are not going to do that
- once you are elected you will get hundreds of emails and phone calls. We understand the amount of work you do each day
- advocate for the institution is important. Let us be your eyes and ears, we try to keep you informed.
- we have 150 bosses and we need clear and defined directions. We provide the information, you as legislators are the deciders.

Sen. Driscoll asked if people who draft bills feel ownership. Joe Kolman said ownership is that we follow our bills whether they live or die. There is interest in how it changes. Todd Everts said that it is assumed that the bills that we draft will pass. That is our interest. That is the type of ownership that we have. Dave Bohyer said that when staff has a complicated bill, there is an

amount of pride in getting it done and done well. Susan Fox said that bills are like puzzles and when you have a challenging one, it is exciting to come up with a solution.

Sen. Barrett commented that in orientation legislators get too much information. After transmittal would be a good time for some training in money vs policy to say, here is the money spent and here are the policies so that everyone is on same page. Rep. Sesso said the idea of meeting right after transmittal is a good idea where we can do a sharing with sponsors of bills to talk about the status of the bills.

The Council members and staff divided up into three groups that were a combination of legislators and staff. The direction for the discussion was to think about how to provide ongoing leadership direction and foresight for:

- efficient operation & improvement of the Legislature
- establish personnel and pay policies
- educate the public
- foster public participation
- preserve the integrity of Legislative Branch as equal

Group 1: Rep. Hunter, Sen. Buttrey, Sen. Taylor, Sen. Driscoll, Susan Fox, Dave Bohyer, and Jen Simmons

- get rid of term limits
- training after transmittal
- committee chairs coordinate between senate and house during transmittal
- reach out to chambers, staff director, TVMT, finance comm
- set budget rules earlier because it helps
- council members appointed early and meet during session
- question for Council during session re budget, security, legal notes, caucus staff between session
- have presence between session
- consent calendar for interim comm bill
- staff can hand out list ahead of time
- more defined minority role
- make their committee appointments
- a video on how to run for office, some people don't get TVMT so do YouTube, school connections
- ethic classes
- veto overrides
- joint press conference especially for interim bill and consent agenda bills
- preserving integrity of branch, find way for legislator to rule over department admin rules as to the legislative intent

Group 2: Rep. Bennett, Rep. MacDonald, Rep. Hess, Joe Kolman, Amy Carlson, Kelly DaSilva

- website improvement

- more programming on TVMT
- tour of the state capitol building
- study cost of being a legislator, pay increase for legislators and how to approach that
- orientation/training: continuous training throughout session, structured training for chairs and for committees by chairs, post transmittal training, consider having legislative staff option of comment on fiscal notes, legal notes should be included in committee bill folder, timeline for appropriation and revenue deadlines, Legislative Council training on branch budget and pay rules, consider calendar options to allow more time for orientation and session preparation.

Group 3: Sen. Facey, Sen. Barrett, Rep. Sesso, Gordy Higgins, Dale Gow, and Todd Everts

- remote participation via Skype
- remote committee meetings (town meetings)
- post transmittal joint committee meetings linking policy committee of House and Senate and potentially budget committees
- spread out training post transmittal
- replacing computer stipends where each legislator is issued state standardized computer that is staff supported, with option to go paperless
- increasing legislative pay and improving agency oversight
- have a discussion on being realistic b/c new leadership on ideas and equal branch
- taking a look at majority and minority staffing for the interim

Blank note cards were distributed and the instructions were: list the top three topics based on importance and urgency and identify quick wins. A straw poll was taken and everyone shared the top two.

Sen. Facey: training after transmittal to expand what we have now and talk about budget; need to have minority and majority staff during the interim; Quick win: more support and resources for TVMT.

Dale Gow: legislative approval for DOA; Quick win: standardized computer system, improvement of TVMT and education.

Amy Carlson: spread out orientation, be on same platform with computers

Sen. Driscoll: communicate more effectively, more participation

Rep. Sesso: more constituent needs for everyone, have chance once a week to speak to constituents at home; post transmittal training, joint committee meetings

Susan Fox: TVMT, training or second chamber training; quick win is revenue and appropriation deadlines and council training on budget

Sen. Barrett: extra training after transmittal, need more agency oversight that leads to gaining equal branch status with the agencies, veto overrides are not being taken seriously, have a discussion on whether LC is getting its money's worth for TVMT

Gordy Higgins: discussion on TVMT regarding equipment; discuss in terms of what we can do in centralized services in budget: marketing, salaries, staffing issues and the nature of providing information to Council involving pay plan

Todd Everts: like the idea of standardized computers, legislator stipends, Session Systems Replacement; increase in legislator pay.

Rep. Hunter: TVMT, use of social media in terms of education, full disclosure of contract; improve agency oversight; Quick win: joint meeting, ethics training

Sen. Taylor: oversight of approval of Administrative Rules; committee chair; Quick win: post transmittal joint meetings and coordination between budget committee

Sen. Buttrey: equalize legislative branch power, oversight of administrative rules, veto overrides that we are giving up. Quick win: use of YouTube because he lives in an area where there is no TV, likes standardized computers

Dave Bohyer: revising calendar for orientation; extend reach of TVMT. Quick win: increase legislative branch budget and pay, liked post transmittal training

Sen. Bennett: TVMT, more programming; have session and interim meetings outside of Helena; having legal notes in committee folders; Quick win: YouTube

Rep. MacDonald: support joint committee meetings after transmittal, need to look at pay and hand it over to someone with credibility to set up formula and carry it forward (blue ribbon commission to look at term limits and the calendar); Quick win: support LC to get training in how to relate to budget, support pay plan

Joe Kolman: more content on TVMT, improving agency oversight and explaining interim comm powers

Rep. Hess: Quick win: comm chair in orientation, getting education from vendors and chairmen not on how things are fun; transmittal orientation; oversight of agency rules

Jen Simmons: legislative pay increase, staff direction from the Council to staff on travel policies and details that they make decisions on; more TVMT contact; standardized computers

Recess at 5 p.m.

STRATEGIC PLANNING RETREAT  
BARRISTER'S  
August 14, 2015

Reconvened at 8 a.m.

Attendance: Rep. Hunter, Rep. Bennett, Sen. Barrett, Sen. Driscoll, Rep. Hess, Sen. Taylor, Rep. MacDonald, Sen. Buttrey, Sen. Facey

Staff: Kelly DaSilva, Susan Fox, Amy Carlson, Dale Gow, Dave Bohyer, Gordy Higgins, Joe Kolman, Jen Simmons, Todd Everts, Fong Hom

Staff compiled the top topics and quick wins into lists for discussion (see attached).

ROUNDTABLE DISCUSSION OF QUICK WINS

- Legislative Council training on budget and pay plan can be placed on the next agenda. Rep. MacDonald said response to a comment heard from staff, that even in LSD's pay plan and broadband is about the Council's authority in Legislature, they manage budget. LC should be brought up to speed each interim on what the LC role is.

Susan Fox talked about covering Programs 20 and 21, pay plan rules that 3 directors adopted. Council discusses budget at each meeting. In November, the Council can review existing budget, start building next biennium budget in February, and adopt budget in August for inclusion in the Governor's budget and HB 2.

- State issued computers in lieu of stipend  
Sen. Buttrey knows the challenges, saw IT struggling. You will run into some resistance if do all PCs, Apple users will be upset. The idea is as legislators, make it as efficient and cost-effective as possible.

Sen. Taylor talked about going paperless.

Sen. Buttrey said if state owns computer, what can you have on computer?

Todd Everts said need to look at it on a legal standpoint, what is duration for using that piece of equipment.

Susan Fox said interest from legal standpoint, use of equipment. This is an agenda item.

Rep. Bennett is resistant to this. Likes the idea that you get a little bit money to find something he likes, one size fits all is not good for him.



Sen. Facey thinks it is okay to say if your machine doesn't have software, you are responsible for getting it. If you go with Rep. Bennett's idea, put some parameters on it.

Dale Gow needs an understanding on what they can support.

Rep. MacDonald on going paperless and having a tablet to do committee work, still have IT account for additional work.

Sen. Taylor likes having a tablet on each legislator's desk, bills (paperless), and if you want more, bring in your own device.

Amy Carlson asked what advantage to legislator for being on same network as rest of employees.

Dale Gow said you are on guest network with unrestricted access to network. Giving one size fits all, don't really use 100% of the services; i.e., email.

Rep. Hunter would like Dale to come and present his ideas at a future meeting.

- Expand/extend training after transmittal

Rep. Hunter spoke on training in orientation or during session.

Susan Fox said training has potential to split into smaller groups

- Educational videos on TVMT and YouTube

Susan Fox said TVMT has multiple levels and is an agenda item. Production-distribution-multiple contracts-streaming (Granicus), how can we use it better is a good topic, if legislators can give us what you want to do.

Sen. Buttrey said look at it as a way to educate legislators on the process and use that as a training tool.

Sen. Barrett said that lobbyists pay for it and got into TVMT. We have a hot commodity and should reassess the contract. There is a way to get others to pay for it.

- Training throughout session, post transmittal training
- Legal notes in folders

Sen. Barrett said that is something LC needs to address

Todd Everts said that could be agenda item

## DISCUSSION ON TOPICS LIST

### Term limit issues

- need legislature because the Legislative Council can't do anything

### Agency administrative rules

- Todd said he has explained what authority you have
- Sen. Buttrey would like discussion on that
- Agenda item

### Legislator and legislative staff pay

- element for discussion
- can bring forth past discussions on it
- nice to get history and then get something done. Bring forth option.
- Agenda item

### Legislative oversight

- outline all pieces concern about
- want more oversight on how it fit, executive branch agency have to respond and should have dialogue with them on what they can request, what kinds of things going forward to plan
- Agenda item, start with rule
- what are problems trying to address and then finding solution

### Post transmittal training combining House and Senate

- training in how laws passed, good to have training later in session to help legislators understand their role in rulemaking
- what Executive can and can't do versus role in finance committee

### Joint press conference on interim bills

- goes with consent agenda, is this something of interest because it takes work to make it happen-after interim committee meeting, if something comes up, staff could write a summary for press that this is a concern of committee
- would have to be a majority yes vote, can't say have consensus unless everyone on committee voted
- as an element of honoring work that interim comm did. Consensus bill coming out of committee.
- at the end of interim, have a package of bills, don't always get coverage, could have press release regarding work of interim committee. Each comm does own press release.
- goes with TVMT, what are ways we can get information out.
- put on back burner
- in other states, legislative website is partisan. Can move positively in press releases on what

legislators are doing.

- do we want parties to have opportunity to show working together, working in good relationship. Is that a value to have concrete method to do that?
- take on form like Legislative Buzz--staff needs to work on getting news out

Partisan staff during interim:

- roles, benefit considerations, implementation

Veto overrides

- if viable as branch of government, discussion needs to be had
- legislature is about relationships and if parties are working together. We are in this together issue and we can override veto.
- thinks it is politics
- if parties are polarized, will continue to happen. If bodies work together on big issues.
- change laws on voting, not voting on veto override
- partisan vs relationships. Product of term limits.
- two choices; continue to see our power or move down path and make fundamental changes and find way to get power back.
- can this be addressed with calendar?
- will have that discussion later on, propose calendar to new leadership

### DISCUSSION ON TOP THREE TOPICS

The group narrowed the discussion to the top three topics and divided into three groups:

1. Expand/extend legislator training opportunities - Hess, MacDonald, Facey, Taylor
2. TVMT - Bennett, Driscoll, Simmons, Gow, DaSilva, Higgins, Fox
3. Legislative Oversight - Buttrey, Everts, Barrett, Kolman, Hunter

Expand/extend Legislator Training: Use time after transmittal to focus on understanding the budget. Members of committees meet and presenters go into the room to explain the budget process. Schedule 3 hrs in morning to drill down into the different subjects and different committees. Talk about structuring Saturday training and start with bills; first week, order of business in AM; ethics classes; didn't talk about rules.

- didn't have anything for post transmittal. Training on what happens if your bill passed
- help prepare freshman going into different house.

TVMT/Broadcast Options:

- utilizing better than we are doing now. Blank spaces especially during interim. For amount of money should be using more
- ideas: 5-minute clips from legislators, more programming, FAQs segment of messages received on what's going on with Legislature and where to find that information; giving caucus time to do information forum, term limits, Back to School, historic perspectives on the Capitol

building,

- access (getting word out), financing options, video on navigating the Legislative Branch website.
- does the legislature charge anyone or entity for any of this. Not at this time, funding from lobbyist's fees. Charge other agencies a fee who use that service.
- Rep. Hunter said kind of service we get from cable companies. We could have some rule for providers to make sure we get service.

Legislative Oversight: What does it encompass?

- making presentation to LC on existing authority: Administrative Rule Authority, general agency oversight authority, and budget authority in terms of agency oversight. That will be beginning step in process and when you understand authority you can see what kinds of things you may want down the road. Agency oversight is kind of like a partnership.
- Linking policy and budget oversight together and making it more cohesive. Matrix chart on interim committee authority. Resurrect ability of authority of agencies.
- Division of administrative agency oversight, what should it be and how it can help them.
- Executive planning process (EPP) goes with agency oversight process in terms of budget. Have interim comm staff write updates on agency oversight and post that in addition to articles. Potentially look at interim committees need more authority, have communication between LC and interim committees on how they are addressing agency oversight, look at duties and rights.

Next Steps:

- TVMT, Legislative Oversight first in November
- Training and draft work plan in February
- Get policy staff together and get proposals
- Committee members like to have drafts or information out as soon as information is ready, but no later than two weeks before next meeting.

The meeting adjourned at 11:30 a.m.

## LIST OF TOPICS

### TOPICS

State provide computers/tablets for legislators instead of computer stipends, standardize computers; set parameters for IT platform	////	4
Term Limit issue	/	1
Use of social media (YouTube) to educate public		1
Agency administrative rules: Legislative Intent, Legislative Approval	//	2
Interim Committees meet around the State	/	1
Commitment to stand up for branch		
Veto Override	/	1
Legislator and legislative staff pay (Blue Ribbon Commission)	////////	7
Use TVMT and YouTube to have a comprehensive education program about the Legislature	////	5
Generate a set of "consensus" type bills coming out of interim, set as early joint agenda for movement and cooperation		
Improve Legislature's role in agency oversight	//	2
Post transmittal training combining House, Senate committees and appropriation committees	////////	8
Regaining legislative branch authority		
More defined Minority role in committee appointments		
Joint Press Conf on interim bills	//	2
Fiscal notes included in bills		
Timeline on revenue and budget		
Committee chair and committee training		
Session and interim meetings outside of Helena		
Legal notes in committee folders	//	2
Revision of calendar for orientation, transmittal		
Extend reach of TVMT to cover more meetings, more programming	////	5
Training in each chamber re ethics	//	2
Majority/Minority staff during interim	//	2
Establish members of Legislative Council early - during Session	///	3
Consent Agenda - what is that?		
Spread out legislative orientation		
Legislative approval of DoA implementation oversight		

Website improvement  
Staff attend more meetings  
More resources for TVMT  
Use TVMT for electronic communication more effectively  
Direction from Legislative Council for staff to include subjects not found in other manuals

Participants were asked to think about providing ongoing leadership direction and foresight for:

- efficient operation & improvement
- establish personnel and Personnel, and pay policies
- educate the public
- foster public participation
- preserve the integrity of Legislative Branch as equal

As a result of the group discussion and presentation of their topics, those topics were listed and ranked according to the participants top choices.

The overall topic for discussion is: post transmittal training combining House, Senate and Appropriation committees having 8.

Studying legislator and legislative staff pay (Blue Ribbon Commission) was next with 7.

Use TVMT and YouTube to have a comprehensive education program about the Legislature and extending the reach of TVMT to cover more meetings and consider more programming got 5.

State to provide computers/tablets instead of stipends, standardize the computers got 4.

## QUICK WINS

### QUICK WIN

Legislative Council training on budget and pay plan	////	4
State issued computers, no IT stipend	//	2
Use TVMT/electronic communication more effectively		
Improve Agency Oversight: program review, approve rules, revise MAPA		
Expand TVMT – tremendous resource		
Expand/extend training after transmittal	///	3
Staff for majority/minority during Interim		
Legislative pay rules		
Standardize IT systems		
Educational videos using TVMT and YouTube	//	2
Post transmittal joint committee meetings		
Coordination between committees in House and Senate and Appropriations subcommittees		
Override Veto		
Training throughout session		
Extend calendar to provide training	//	2
Revenue/Appropriation deadlines	//	2
Increase legislator pay		
Post transmittal meetings, policy and budget, spread out orientation	//	2
Use of social media such as YouTube		
Remote committee participation through use of Skype		
Council meets during session		
Legal notes in folders	//	2
More support for TVMT	//	2
More communication between agencies and the Legislative oversight		
Discussion on ARM		
Ethics training		
Set budget rules and starting place (base) in interim by Legislative Council/finance		