

MEMORANDUM

DATE: June 14, 2019
TO: Members of the CSG West Executive Committee
FR: CSG West Officers
RE: Proposed Modifications to the CSG West Rules

Action Requested:

Review proposed modifications to the CSG West Rules. The proposed modifications will be considered by the CSG West Executive Committee during its business session on Friday, July 19 in Big Sky, Montana.

Pursuant to the CSG West Rules, members of the Executive Committee must be notified at least thirty days prior to the committee's meeting of any proposed amendments to the Rules. This memorandum satisfies this requirement.

Members of the Executive Committee who are unable to attend the upcoming CSG West Annual Meeting in Big Sky, Montana are encouraged to provide comments to the proposed modifications. Please forward any comments to CSG West's director, Edgar Ruiz, at eruiz@csg.org.

Proposed Modifications:

The proposed modifications stem from a recent gathering of the CSG West officers and staff in Sacramento, California where sections in the Rules were identified as warranting consideration to codify existing practices as well as provide greater clarification. The proposed modifications are the following:

- A. Changing the leadership structure for policy committees and the Westrends Board from a chair & vice chair structure to a co-chair structure commencing in the 2021-22 biennium; and
- B. Clarifying policy committee voting process – striking the last sentence of Section 5 of Article V and codifying no-proxy votes.

Basis for Proposed Modifications:

- I. *Shifting to Co-Chairs for Policy Committees and the Westrends Board*

Before the commencement of a biennium, the officers, with the support of staff, confirm the line-up of CSG West policy committees. The determination of the policy committees is based on several factors, including, but not limited to, feedback from members, past committee leaders, appointing authorities, staff and the direction of the officers. For the 2019-20 biennium, the officers established eight policy committees and one working group. See addendum 1 for the list of the 2019-20 policy committees, Westrends Board and working groups. Please note that there are other committees or programs that are part of the organization's programming whose

leadership is determined by their own guidelines or rules. These include the Legislative Service Agency & Research Directors (LSA/RD), the Legislative Council on River Governance (LCRG), and the Border Legislative Conference (BLC).

Under Article V, Section 3 of the Rules, “the Chair and Chair-Elect, in consultation with the Vice Chair and Immediate Past Chair, will appoint a chair and vice chair to each policy committee. Reasonable effort will be made to balance the representation of committee leaders by legislative chamber, geographic region and population diversity among the Member Jurisdictions.”

Shifting from a chair and vice chair structure to a co-chair structure for the policy committees and the Westrends Board would codify the long-standing practice of the chairs and vice chairs working as equal partners in the development and implementation of the work of the policy committees and the Westrends Board. While the job description for the committee vice chair position calls for supporting the chair in his/her duties and presiding/facilitating the meetings, in practice, the chairs and vice chairs serve as co-leads. Moreover, since the officers aim to ensure the balance of political party affiliation, gender, legislative chamber, and diversity among the Western states, changing to a co-chair structure would remove any explicit or implicit hierarchical status between the chair and vice chair of the committees and the Westrends Board.

CSG West staff does not foresee any issues in the implementation of this proposed change. Staff would still be able to work with one of the co-chairs to facilitate the work of the committees and the Westrends Board in case the other co-chair was not able to attend a meeting. Please note that the Canada Relations Committee already operates with co-chairs due to the binational nature of the committee.

The adoption of this proposal will require substituting several references in the CSG West Rules from “chair and vice chairs” to “co-chairs” as it relates to policy committee and Westrends Board leadership. In addition, the job descriptions for the policy committee chairs and vice chairs will need to be updated to reflect a co-chair approach.

If adopted, this change would commence during the 2021-2022 biennium.

II. Clarifying Committee Voting Process

Article V, Section 5 of the Rules provide the quorum and voting requirements for policy committees. Adopted actions by committees are forwarded to the Executive Committee for final consideration and determination. The quorum and voting requirements in the committees are based on member and associate member jurisdictions, not individual members that are appointed by the respective appointing authorities. This is distinct to the voting process in the Executive Committee which is based on individual members that are present and voting.

Please note that member jurisdictions refers to the thirteen Western state plus the Pacific island territories of Guam, American Samoa and Northern Mariana Islands. Associate member jurisdictions refers to the Canadian Provinces of Alberta and British Columbia (currently).

Voting Process in Policy Committees

The passage of an action in the policy committees requires an affirmative vote of at least 2/3 of the member jurisdictions present and voting. *Please note that quorum is based on the number of jurisdictions that make appointments during a biennium.*

If a state has more than one representative in a committee (irrespective of chamber) and a majority of the state's appointees are in agreement, the majority of that jurisdiction's members can determine their state's vote - yay, nay or abstain. If the appointees of a state are tied, their votes cancel out resulting in an abstention on behalf of the jurisdiction.

Issue

A question that has arisen from time to time is the interpretation of the last sentence of Section 5 of Article V which states that "members of policy committees are each entitled to one vote." Because voting in the committees is based on member and associate member jurisdictions, this sentence implies that appointed members vote as individuals. In a situation where there is only one representative of a particular state present and voting, that member would be entitled to one vote – representing their jurisdiction. However, in a situation where there is more than one representative of a state, and if that delegation's vote cancels out resulting in an abstention, or if a majority of the state's delegation supports, opposes or abstains, then one vote is representative of the collective decision of that state and not of each individual member.

Please note that the original intent of this sentence was to avoid one member voting on behalf of other appointed members from their jurisdictions.

Recommendation:

To provide better clarity to this section, the officers recommend striking the last sentence of Section 5 of Article V, as well as adding that no proxy votes are permitted. Adding the prohibition on proxy votes would codify existing practice. Appointing authorities have the ability to modify their appointments to CSG West policy committees at any time.

Proposed Text to Section 5, Article V:

A quorum for the purpose of conducting policy committee business will consist of at least half of the Member Jurisdictions appointed to the committee. An affirmative vote from at least two-thirds of those Member Jurisdictions and Associate Member Jurisdictions present and voting is required to approve all business. ~~Members of policy committees are each entitled to one vote.~~
No proxy votes are permitted.

Addendum 1

List of CSG West Policy Committees, Boards and Working Groups 2019-2020

Agriculture Committee

- Representative Lynn DeCoite (HI), Chair
- Senator Lee Heider (ID), Vice Chair

Canada Relations Committee

- Senator Michelle Stennett (ID), Co-Chair
- Appointee from Canadian Province

Economic Development Committee

- Representative Bradley Last (UT), Chair
- Senator Ben Allen (CA), Vice Chair

Education Committee

- Representative David Northrup (WY), Chair
- Senator Mo Denis (NV), Vice Chair

Energy Committee

- Representative Geraldine Custer (MT), Chair
- Representative Chris Hansen (CO), Vice Chair

Health Committee

- Representative Eric Barlow (WY), Chair
- Representative Deborah Armstrong (NM), Vice Chair

Public Safety Committee

- Representative Sherry Appleton (WA), Chair
- Representative Chuck Kopp (AK), Vice Chair

Water and Environment Committee

- Representative Zach Brown (MT), Chair
- Senator Bill Hansell (OR), Vice Chair

Westrends Board

- Senator Pat Spearman (NV), Chair
- Senator Randi Becker (WA), Vice Chair

Legislative Oversight Working Group

- Senator Deidre Henderson (UT), Co-Chair
- Assemblymember Ken Cooley (CA), Co-Chair