

MINUTES OF THE MEETING
RULES COMMITTEE
50th LEGISLATIVE SESSION

January 26, 1987

The seventh meeting of the House Rules Committee was called to order by Chairman Tom Hannah on Monday, January 26, 1987 in Room 428-A of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HB 398: AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 11, OF THE MONTANA CONSTITUTION TO LIMIT TO THREE THE NUMBER OF BILLS A LEGISLATOR MAY INTRODUCE.

Rep. Fritz Daily, House District No. 67, chief sponsor stated that HB 398 would limit the number of bills that any legislator can introduce to three and provide that it be placed in the constitution. He pointed out the limitation doesn't apply to revenue and appropriation measures. He is convinced there is a serious problem that needs to be dealt with. The Legislature needs to deal with the number of issues before its consideration each session. We need to spend more time discussing the major issues rather than spending too much time on the minor issues. He has observed that people who testify on bills are not provided with ample time to testify due to the number of bills considered each day. He also feels the bills being prepared by the Legislative Council are poorly drafted due to the large quantity that are requested in such a short period of time. We as legislators don't think bills out thoroughly enough. That is the reason for the amount of amending that is being done to the bills.

He further believes that bills are becoming more complex and the Legislative Council is having trouble in drafting them. Also, by limiting the number of bills, we could avoid spending all that money on interim studies because the House could deal with the more important matters during the session. It is his opinion that the public has lost confidence in the legislative process and he thinks the people will eventually demand limitation if the Legislature won't.

PROPOSERS: Kim Wilson, representing Common Cause, stated that he supports the bill in principle. He said they feel some sort of limitation is perhaps one of the elements in making the Legislature more responsive to the people.

There were no further proposers.

OPPOSERS: none

Chairman Hannah announced that since the bills scheduled for hearing today are conceptually related, the question and answer period for both would follow testimony received on HB 115.

CONSIDERATION OF HB 115: AN ACT REQUIRING THE LEGISLATURE TO LIMIT THE NUMBER OF BILLS A MEMBER MAY SUBMIT PRIOR TO AND DURING A LEGISLATIVE SESSION.

Rep. Dorothy Cody, House District No. 20, chief sponsor of HB 115 said this bill is her own personal attempt to bring common sense to the legislative process. She, as a sophomore legislator, has found it humanly impossible to read all the legislation that is introduced each session. She has an instinctive feeling that limiting the number of bill requests could save the state a considerable amount of money. She submitted testimony from the League of Women Voters in addition to a list of bill request statistics which have been marked Exhibits 1 and 2 respectively. She feels strongly that something has to be done to address the real issues that the Legislature is faced with.

PROPONENTS: none

OPPONENTS: none

The hearing was opened to questions and answers.

Rep. Iverson questioned the constitutionality of these two bills. Rep. Cody said there was a question as to whether or not it is technically correct to limit the introduction of bills. In response to a question asked by Rep. Mercer, Rep. Cody said she didn't know of any other states that have a constitutional limitation on the number of bills introduced.

Rep. Quilici asked Rep. Daily if agency bills are taken into consideration. Rep. Daily feels there are too many agency bill requests. In his opinion, the Legislature has dealt with only three significant bills since convening. In response to another question asked by Rep. Quilici, Rep. Daily said he would have no problem in amending the limit to five bills.

In response to Rep. Iverson, Rep. Brown said there is an established track of supreme court cases trying to limit the bills which have been ruled as unconstitutional. He feels both of these bills are unconstitutional. Rep. Iverson asked Rep. Daily how his bill would deal with committee bill requests. He doesn't see a problem with committee bills and is sure exceptions could be made.

Rep. Brown said the comment regarding the Legislative Council's drafting abilities bothered him. It seems to him that most bills are a product of the ideas a particular legislator requests as opposed to the Council's ability to draft. Rep. Daily commented by asking the question of how we can expect these people to deal with 1,800 bill requests in two short months and do a good job at drafting them.

Rep. Marks asked Rep. Daily why he chose to go the constitutional route. Rep. Daily said if it were placed on the constitution, the Legislature could not change it each session.

Rep. Addy feels that by passing these bills, we would really be limiting the peoples' access to the Legislature. How would we as legislators decide which three or seven bill we would carry. By approving these bills, we are arbitrarily pushing some bills off the ledge. Rep. Daily said by limiting the number of bills introduced, we would be more selective in the legislation we chose to carry; thus, we would do a better job with the bills we did introduce. Rep. Cody commented that part of the problem is we are trying to act like a full-time Legislature when we aren't. She also pointed out the number of agency bills that are proposed each session just to take care of "housekeeping measures." If the legislation were properly drafted the first time, we wouldn't have to take care of all these "housekeeping measures."

Rep. Quilici pointed out the problem he has observed in some meetings where testimony is limited due to time restraints. He feels we need to take a long, hard look at this and ask ourselves if we have enough time to handle all the legislation.

There being no further questions, Rep. Cody closed on her bill. She said she is looking for some discipline in the legislative process. Rep. Daily also closed by saying the Legislature needs adequate time to deal with the more important issues.

Hearing on HB 398 and HB 115 closed.

DISCUSSION ON SJR 6: Chairman Hannah opened the meeting up for discussion on the rules situation.

Rep. Marks pointed out that according to the rules we are presently operating under (48th legislative session) all revenue bills must be introduced by the 21st legislative day which is Wednesday of this week. He said it will cause some rapid things to take place or a suspension of the rules. Rep. Hannah informed the committee of the numerous revenue bills awaiting introduction. Rep. Quilici said some of these bills are awaiting important pieces of information before they can be introduced.

Rep. Ramirez said he didn't support that narrow of an interpretation. He thinks we have interpreted the definition of the revenue bills differently than what is stated in the rules. He further thinks Rep. Williams' bill is a revenue bill.

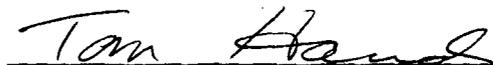
It was determined that traditionally, revenue and appropriation bills are treated the same in that they are given an extra two days.

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Chairman Hannah informed the committee that he presented Rep. Marks' transmittal date proposal to the Senate leadership. Evidently, the Senate Democrats oppose the proposed transmittal dates. He said it looks as though SJR 6 is headed towards a conference committee.

There was discussion on the two-thirds vote requirement to amend a bill on the floor. Rep. Mercer said he doesn't think the House floor should make a hodgepodge determination of the rules. He feels that both Rep. Vincent and Rep. Marks should go to their respective caucuses and hammer something out so that the Rules Committee is able to make a final determination.

ADJOURN: There being no further business, the meeting adjourned at 6:50 p.m.



Rep. Tom Hannah, Chairman

January 26, 1987

Due to a conflict, I am unable to attend the hearing today, but the League of Women Voters of Montana would like to go on record in support of HB 115. Enclosed is our testimony.

Also, we are not taking a position on HB 398 at this time. Although our concerns about the problems incurred when a vast number of bills are introduced are the same, we question if a three bill limitation is going overboard in the other direction. It would not be good to have so stringent a limitation as to tie the hands of legislators in trying to meet the needs of the state and its citizens.

Possibly an answer would be to compromise with a five bill limit which might be more acceptable to legislator and citizen alike or take a look at changing the size of the legislature.

Thank you.

Joy Bruck
League of Women Voters of Montana

HB 115 REQUIRES THE LEGISLATURE TO LIMIT THE NUMBER OF
 BILLS A MEMBER MAY SUBMIT PRIOR TO AND DURING THE
 SESSION.

The League of Women Voters of Montana supports HB 115. We promote a responsive and efficient process that assures opportunities for citizen participation. The Montana Legislature tries very hard to do this, and for the most part, we believe, does a good job....but, when the Legislature and the legislators have to deal with almost 2000 pieces of legislation as well as a two-year budget in a 90 day session, the process tends to fall apart. We don't think it is humanly possible to keep it all together. Allowing seven bills per legislator would cut the number of bills back by almost 1000.

Citizen participation suffers when there are so many bills....especially when it is close to transmittal, and again, as the end of the session nears. Hearings get cut short, meetings get changed with little notification, and it becomes difficult for constituents to get in touch with their legislators.

And, we don't believe there is a way any legislator can effectively keep on top of close to 2000 bills - even with the help of interns and lobbyists.

Legislation has been passed that is unworkable or the ramifications are unexpected, and the Legislature either has to come back in special session or deal with it again the following session. With less bills, there would be more time to read the bills, listen to the arguments, pro and con, talk to constituents and lobbyists, and there would be less legislation having to be redone.

All of this would make for a more efficient and accessible legislature. The LWV urges that you pass this bill.

Joy Bruck
LWV of Montana

TO : Representative Dorothy Cody
 FROM : Legislative Council Library
 R.E. : Bill requests statistics

	BILL REQUESTS	BILLS INTRODUCED	BILLS PASSED
1981	2373	1482	726
1983	1877	1472	805
1985	1973	1543	836
1987	The 1987 deadline for bills is January 15, therefore this information is incomplete		

	LEGISLATORS WITH NO REQUESTS	LESS THAN 5 REQUESTS	MORE THAN 7 REQUESTS
1981	8	34	83
1983	4	28	87
1985	0	26	93
1987	The 1987 deadline for bills is January 15, therefore this information is incomplete		

APPROPRIATIONS BILLS

YEAR	INTRODUCED IN APPROPRIATIONS COMMITTEE	PASSED AND APPROVED
1983	138	53
1985	137	36
1987	(n.a.)	

REVENUE BILLS

YEAR	INTRODUCED IN: H. TAX	S. TAX	PASSED AND APPROVED
1983	122	73	87
1985	109	80	73
1987	(n.a.)		

TALLY OF LEGISLATIVE REQUESTS

YEAR	BILLS REQUESTED	BILLS INTRODUCED	BILLS PASSED INTO LAW
1981	2373	1482	726
1983	1877	1472	805
1985	1973	1543	836
1987	1728 (as of 1/21/87)	576 (as of 1/21/87)	
1989			

YEAR	LEGISLATORS WITH NO REQUESTS	UNDER 5 REQUESTS	OVER 7 REQUESTS
1981	8	34	83
1983	4	28	87
1985	0	26	93
1987	3 (as of 1-17-87)	32	72
1989			