

MINUTES OF MEETING
HOUSE RULES COMMITTEE
MONTANA STATE LEGISLATURE

February 17, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 11:10 A.M.

Members of the committee present were:

Rep. Bardanouve	Rep. Driscoll	Rep. Marks
Rep. Bradley	Rep. Fagg	Rep. Meloy
Rep. Brand	Rep. Kvaalen	Rep. Moore

Also present were Ms. Mae Nan Ellingson from the Montana Student Lobby, Mr. Steve Gunderson from Montana Farmers' Union, Ms. Joy Bruck from the League of Women Voters, Mr. J.D. Holmes from the Associated Press, Mr. William Hanson from United Press International, Mr. Edward W. Nelson from the Montana Taxpayers' Association, Mr. Zack Stevens from the Montana Farm Bureau Federation, Inc., Mr. Tom Winsor from the Montana Chamber of Commerce, and Mr. Mons Tiegen from the Montana Woolgrowers' and Stockgrowers' Association.

Rep. Meloy stated that the committee had before it for hearing three bills dealing with the question of annual sessions. First to be considered was House Bill 297.

Rep. Driscoll explained that this bill was one of three annual session bills and was the most liberally construed of the three. He urged the committee to recommend that House Bill 297 do pass.

Ms. Joy Bruck appeared before the committee as a proponent of the bill. She read a prepared statement issued by the League of Women Voters. This statement is attached as Appendix A.

Ms. Mae Nan Ellingson stated that the Montana Student Lobby approved of these three annual session bills. She thought that there were three important things to look for in any annual session bill: (1) that the bill provided that the legislature be a continuous body; (2) that bills could be carried over into the second session of the legislature; and (3) that the present legislature could increase the amount of time for subsequent legislatures. She felt that the constitutional amendment was intended to be as flexible as possible. She noted that throughout the appropriations hearings things were complicated by the biennial sessions and that the extra money which had been generated and used between the sessions was a problem. She felt that the legislature would have a better handle on appropriations by having annual sessions.

Mr. Steve Gunderson appeared before the committee as a proponent of the bill. He read a prepared statement issued by the Montana Farmers' Union. This statement is attached as Appendix B. He mentioned that there were two important provisions he wanted to see in an annual sessions bill: (1) that bills be carried over into the second session; and (2) that the introduction of bills be limited in the second session.

Mr. Edward W. Nelson appeared before the committee as an opponent of the bill. He said he would give some general comments and then relate them to all three measures. The Montana Taxpayers' Association took a membership survey in December of 1976. This survey was published in the taxpayer bulletin which all legislators received. The Montana Taxpayers' Association (MonTax) has about 2,500 members of which about 75% come from business and industry and 25% from the farming and ranching community. The survey showed that 85% of the membership opposed annual sessions and 15% were in favor of annual sessions. He stated that one of the problems MonTax saw was that the legislature would lean toward becoming a professional legislature and if that happened, lots of people would be excluded from running. He didn't think a full-time professional legislative group would be in the best interests of Montana. He then read from Section 6 of the 1972 Constitution of Montana: "Sessions. The legislature shall meet each odd-numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members."

Mr. Zack Stevens of the Montana Farm Bureau Federation, Inc., stated his opposition to all three bills. He said that the voting delegates to their convention last summer overwhelmingly opposed the concept.

Mr. Tom Winsor of the Montana Chamber of Commerce said he concurred with MonTax's position and that the Chamber was currently in the process of polling their membership. He said the board of directors was unanimous in their opposition to annual sessions.

Rep. Driscoll stated that the legislature had made every effort to make the 90 day biennial session work, and that it was not working.

Rep. Bardanouve addressed a question to Mr. Stevens. He said that he felt the 90 day biennial session was stifling citizen participation and that it interfered with the agricultural activities of springtime. He wondered what Mr. Stevens thought about that.

Mr. Stevens replied that he was reacting on behalf of the entire state, not just a particular portion, and not just the agricultural community.

Rep. Bradley asked if he would address the question from the point of view of the agricultural community.

Mr. Stevens replied that then you would have to have someone come in every year to take care of your farm.

Rep. Bradley asked about the springtime activities.

Mr. Stevens said the quiet time of year was now.

Rep. Bardanouve then addressed a question to Mr. Winsor of the Montana Chamber of Commerce. He asked how large corporations could operate if their boards only met every two years.

Mr. Winsor replied that this question of comparison has been raised many times. He said he knew of no corporation board that meets for 90 days at a time. Most corporations have executive departments which make decisions year around.

Rep. Bardanouve remarked that he couldn't recall when a farm bureau had ever supported anything positive or progressive.

Mr. Stevens said he had been in support of a great deal of legislation.

Rep. Brand addressed a question to Mr. Nelson. He asked what the remedy would be to get closer to the people and take care of their needs.

Mr. Nelson replied that he would need a definition of what the needs of the people were. He said that government had been quite responsive but that they needed to be more responsible. He said the present framework offered opportunities for citizens to participate.

Rep. Brand stated that the constituents think the legislators know the content of every bill before them.

Mr. Nelson said there are currently interim study committees and that the process was in existence.

Rep. Fagg felt that the legislature couldn't be very responsive when they worked from 8:00 A.M. to 11:00 P.M.

Mr. Nelson said that he was going to have to be the best judge of that.

Rep. Fagg stated that Speaker Driscoll had done a superb job of realigning the time schedule, but they were still going to have to consider and handle some 400 bills in the next few days.

Mr. Nelson said he had no objection to the legislature being a very deliberative body. He said he would like to see the Legislative Council find some way of eliminating duplicity in introduction of bills, that when the same two bills are introduced, only one is presented. He mentioned that two years ago the legislature increased spending by 44%. He felt the people just had some kind of gut reaction when they find that kind of escalation in spending.

Rep. Fagg said that if the legislature had more time, they could cut back on the spending, that time means proper understanding. He felt biennial sessions were contrary to good business.

Mr. Nelson said the question is whether you want a continuous session and that the decision had to be made as to what the proper balance point is. He doesn't think annual sessions will do that and urged the committee to consider that there is a balance point. He felt something less than a 365 day session was needed.

Rep. Bardanouve said he had heard the phrase "full-time professional legislature" used in the context of "evil." He wondered what the definition of full-time professional legislature really was and what was evil about a professional legislature.

Mr. Nelson said that he hadn't implied there was anything sinister or bad about annual sessions and that Rep. Bardanouve was evidently hearing what he wished to hear. He felt it was going to exclude many people who had other pursuits and that the legislature would end up having people who did nothing else but be a legislator.

Rep. Bradley asked Mr. Stevens if he were opposing all of the annual session bills.

Mr. Stevens replied in the affirmative.

Rep. Bradley asked if there were any annual session concept that the Farm Bureau would support.

Mr. Stevens replied that at this time there was no annual session concept that they would support. He said he didn't know if they would accept any compromises.

Rep. Marks asked Mr. Nelson which of the bills he disliked the least.

Mr. Nelson said his association asked the question: "Would you be interested in annual sessions?". The people were to answer yes or no. He expressed his personal opinion that annual sessions would be alright if there were a limitation on what could be heard each year.

Rep. Driscoll said that Mr. Nelson had referred to the legislature as "it." He asked him if he considered the legislature as an adversary of the people.

Mr. Nelson said he thought the legislature was a necessary structure in our society.

Rep. Driscoll said the connotation was that the legislature was an adversary.

Mr. Nelson said that you might get that impression from the citizens. He said he didn't view the legislature as a bad thing, but as a very necessary function of our society.

Rep. Driscoll asked Mr. Nelson which of the three branches of the government he thought was the most responsive to the people of Montana.

Mr. Nelson expressed his individual opinion that in terms of responsiveness, the legislature was most responsive.

House Bills 223 and 213 were discussed next. Rep. Meloy said he would address all three bills and state the differences among them. Regarding the remarks about professional legislators such as exist in Michigan, California, and Washington, Rep. Meloy stated that the legislature is not in session year around but that the committees operate on a year around basis. The legislature assumes the governmental responsibility for the people, especially fiscal responsibility. Someone has to control the bureaucratic end of the government, that is, the executive agencies. For example, a bureaucrat approved \$167,000,000 in expenditures and the legislature had to deal with this when they came back. Mr. Gunderson talked about confused voters but Rep. Meloy didn't think they were confused. The people hear about pilot programs and next thing about how much it is going to cost to do it and how many more people are going to be hired, and they become skeptical. House Bill 223 is identical to Senate Bill 331 in the last session which limited annual sessions to 60 days. Our intentions were to discourage the rampage and deluge of the introduction of bills in the session. Everybody puts in a big load of bills and we end up flooded with bills. There are few bills that really affect the people of this state. He stated that the only difference between House Bill 213 and House Bill 223 was the increase in the limitation of sessions and was one method of getting a reduction in the number of bills introduced. He said the people don't want professional legislators, they want representatives of the people. They don't want people who only want to legislate all the time. Whether through oversight committees or through annual sessions, the people need control over the fiscal responsibility of the executive branch. He said there are very few elected officials in government.

Ms. Ellingson mentioned that under the present constitution the legislature could go almost continually. Regarding professional legislators, she said she had looked at the occupations listed for legislators in annual session and in biennial sessions and found no differences. She noted that the fiscal note for House Bill 223 estimated an extra cost of \$908,000. The Board of Regents requested \$174,000,000. It seems insignificant in comparison, she said.

Ms. Bruck said the League of Women Voters supported these bills. She said the members felt they should support a bill with no restrictions but had reconsidered and felt it was time for the legislature to have strength and control. Therefore, they can support a bill either with or without restrictions.

Mr. Gunderson said his organization was in support of these bills.

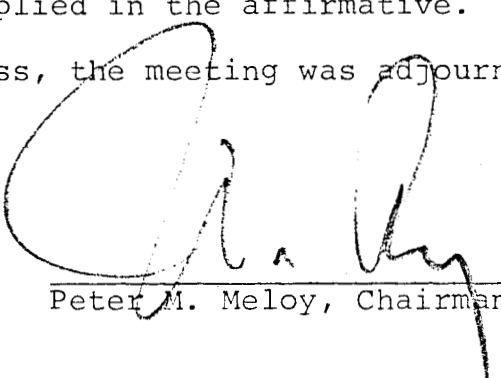
Mr. Tiegen stated that the Montana Woolgrowers' and Stockgrowers' Association was opposed to all annual session bills. He submitted that the track record as far as 1700 pieces of legislation being submitted alarms people in the country about what would happen in annual sessions. He felt that interim committees were a step in the right direction. He didn't know how the members of his association would stand if they were polled today, but he felt that about 75% would be opposed.

Mr. Winsor remarked that there was an unwritten law that the work expands to fill the time, and that it all comes down to the quality of legislation.

Rep. Moore felt that of these three bills, this was the only one that would tend to limit the number of bills. He remarked that interim committees would still be necessary whether we had annual sessions or biennial sessions. He said that he didn't like special sessions, that they were unforecasted. He said that HB 223 was the most restrictive of all three bills. He felt that legislative oversight was the way to go and that it was necessary to have key people who have the time to watch what the bureaucrats are doing.

Rep. Meloy mentioned that the difference between HB 213 and HB 223 is that the limitation is left in HB 213. He asked the people attending the hearing if the committee could assume that the proponents and opponents were the same for HB 213 as they were for the other two bills. They replied in the affirmative.

There being no further business, the meeting was adjourned at 12:05 P.M.



Peter M. Meloy, Chairman

League of Women Voters of Montana

HB 297

Annual Sessions

1977

The League of Women Voters of Montana has given it's strong support to annual legislative sessions for many years - we still do. The legislative branch is the citizen's voice in government, and the action of the legislature bears directly upon the life and welfare of the citizens. Therefore, we want to see a strong legislature - one that is as responsive as possible to the well-being and needs of the people of Montana. Can annual sessions do a better job of insuring this than biennial sessions? We think so.

Most of us have heard the merits of annual sessions discussed many times - accountability, responsiveness, efficiency, changing times, and many more. These are good reasons for meeting annually, but there are other points we would like you to consider.

What happens when legislation is passed, and upon implementation, it is found to be unworkable - or it causes much confusion and hardship - or the ramifications were underestimated? We're stuck for two years until the bill can be amended or repealed, or we must bear the cost of a special session.

Does the Legislature have the best possible control over the spending of our tax dollars when it must appropriate on a two-year basis? Have mistakes in spending been made because the Appropriations Committee must go through millions of dollars of appropriation each day? Does the Legislature have the needed control over federal funds when they are received during the interim? These questions concern us, and we do not think the Legislature has the strength it could have in these areas if it met annually.

Are difficult and controversial issues getting the attention they would if we had annual sessions? Issues are studied by interim committees, but in biennial sessions, a committee does not report back to the same legislature. These studies have to be less effective in this type set-up since new legislators are not familiar with all the problems and reactions to an issue that occurred in the previous session. Also, is it possible that the committee reports may suffer because the issue is 21 months older?

We would like you to consider the points we brought out today, and we urge your support of HB 297.

The League of Women Voters of Montana has given it's strong support to annual legislative sessions for many years. The legislative branch is the citizen's voice in government, and the action of the legislature bears directly upon the life and welfare of the citizens. Therefore, we want to see a strong legislature - one that is as responsive as possible to the well-being and needs of the people of Montana. Can annual sessions do a better job of insuring this than biennial sessions? We think so.

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What happens when legislation is passed, and upon implementation, it is found to be unworkable - or it causes much confusion and hardship - or the ramifications were underestimated? We're stuck for two years until the bill can be amended or repealed, or we must bear the cost of a special session. Are difficult and controversial bills getting the attention they would if we had annual sessions? Issues are studied during the interim, but, in biennial sessions, a committee does not report back to the same Legislature. These studies have to be less effective in this type set-up since new legislators are not familiar with the problems and reactions to an issue that occurred in the previous session. And, is it possible the committee reports may suffer because the issue is 21 months older?

The League believes the Legislature should be equal in strength to the other branches of government, but, in a biennial session, the power to act has to be delegated to the Executive Branch during the interim. How can the Legislature take steps to at least partially solve this? Interim committees to study and "watchdog" are necessary, but ^{is} the creation of interim committees delegated with the power to control the Executive Branch in some areas the answer? We think not. That direction infringes on the much needed separation of powers and true representation. We think annual sessions is a better direction. It gives the Legislature the strength it needs, separation of powers remains effective, and all citizens are represented in legislative decisions.

All branches of our state government must be run in an efficeint and business-like manner for the well-being and needs of Montana and it's citizens to be met in the best possible way. We would like you to consider the points we brought out today, and urge you to support HB 223.

I am Steve Gunderson, legislative assistant for Montana Farmers Union a statewide farm and ranch organization of approximately 7,500 family members, with headquarters in Great Falls.

Delegates to the annual state convention of our organization last November, once again adopted a resolution supporting annual sessions of the Legislature.

While we do not take a position of favoring any one of the three bills being heard by the committee today in preference to the others, we do believe annual sessions legislation should include two things:

- 1) It should allow for carryover of bills from the first year to the second; and

- 2) It should limit in some fashion the introduction of bills in the second year.

Carryover would allow the Legislature to hold bills for closer study during the interim, conduct hearings statewide to obtain public input, and permit legislators to talk to individual constituents about specific proposals.

The restriction on introduction of bills in the second year would perform the important function of limiting and organizing the legislative workload. Additionally, because bills introduced in the second year would not have been subject to interim study, opening it to all legislation would run counter to a most important argument for returning to annual sessions.

State government each year is called upon to do more and more for the people. Not only is each Legislature asked to act on more and more bills -- the majority of which are legitimate efforts to address real problems -- but also it is faced with budgeting many more millions of dollars.

If the Legislature is to do the best possible job in this

increasingly large and complex government, it must return to annual sessions.

The alternative is continued expansion in number and influence of interim legislative committees; where, in effect, the Legislature abdicates its responsibilities to a small percentage of its members.

We do not ignore the electorate's vote in 1974 discontinuing annual sessions. We believe the wording on the 1974 ballot was so confusing a substantial number of voters failed to register their true intent. Also, the Great Falls Tribune was not being published in that election period, resulting in that being the only large urban area to cast a negative vote and leaving a large number of central Montana voters with inadequate explanation of the issue.

The people of the state deserve another opportunity to vote on annual sessions, with a thorough discussion of the issue prior to the election, and a clearly worded ballot.

The Legislature is the people's branch of government. Annual sessions will permit you who serve to do the best job of representing the people.

We urge you to give one of these bills or a combination of them a "do pass" recommendation.

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