

MINUTES OF MEETING  
HOUSE RULES COMMITTEE  
MONTANA STATE LEGISLATURE

April 5, 1977

The meeting of the House Rules Committee was called to order by Rep. Meloy, Chairman, on the above date in Room 343 at 11:15 A.M.

Members of the committee present were:

Rep. Bradley  
Rep. Brand

Rep. Kvaalen  
Rep. Marks

Rep. Meloy  
Rep. Moore

Rep. Kvaalen was present at 11:30 A.M.

Representatives Driscoll and Fagg were absent.

Also present were Representative Jack Gunderson, Senator Bob Brown, Ms. Joy Bruck of the League of Women Voters, Mr. Bill Hanson of United Press International, Mr. Joe Renders of the Montana Farmers Union, Mr. J.D. Holmes of the Associated Press, and Mr. Bill Asher of the Agricultural Preservation Association.

Senate Bill 344, sponsored by Senator Bob Brown, was before the committee for consideration.

Senator Brown explained that in 1971 the Administrative Procedures Act was passed. The result of this was that all rules and regulations were compiled into one code. In the time since, the rules and regulations have increased by 70%. The cost of government is expanding. It now costs approximately \$415,000,000 and requires 14,000 full-time employees. He felt that the legislature needed to keep a handle on this expanding government. If this bill gets enough votes, it will go to the people for approval. He thinks this bill will provide for a more businesslike government and a more businesslike legislature. He said there are more and more rules and regulations made by people who are not elected to office. He also felt that this concept might help limit the number of bills introduced. He said that he had prepared some information that gave a good background on annual sessions in general. He mentioned that Montana was one of four states that had biennial sessions. His information is attached as Appendix A.

Ms. Joy Bruck appeared as a proponent of Senate Bill 344 on behalf of the League of Women Voters. She said that the League supported the concept of annual sessions and that they supported Senate Bill 344 for the same reasons as they supported the other annual sessions bills. She said they had questions about some of the restrictions

contained in the bill and they didn't think the 75-30 concept was the best alternative. Even with the restrictions, she didn't think much would be accomplished and suggested that the short 30 day session be increased. That would give a cushion to use if necessary, although it wouldn't have to be used. She asked that the committee please consider the suggestions.

Mr. Joe Renders appeared as a proponent of the bill on behalf of the Montana Farmers Union. He said that the delegates to their convention adopted a resolution favoring annual sessions. He said that he felt the restrictions were too much in the second session and that 30 days was inadequate to handle all matters. He said he was not satisfied with the alternative of interim committees. He had a prepared written statement which is attached as Appendix B.

Mr. Bill Asher appeared before the committee in opposition to this bill. He represents the Agricultural Preservation Association.

Senator Brown stated that the sponsors of the bill were all Republicans and that the bill was intended to be a conservative approach to annual sessions. It is a pretty restrictive annual sessions measure and was introduced to get the most support possible. He felt it was a pragmatic approach to getting annual sessions.

Rep. Meloy asked if the committee members had any questions.

Rep. Bradley said there was no allowance made for carryover bills.

Senator Brown said that with the carryover provision in the bill it would have lost at least three votes in the Senate.

Rep. Moore asked Ms. Bruck how many women were in the League of Women Voters.

Ms. Bruck replied that there were about 400 in the state.

Rep. Moore asked if they had taken a poll of the membership.

Ms. Bruck replied that the League had supported annual sessions since the constitutional convention. She said that they poll the local units before the legislature starts.

Rep. Moore asked Senator Brown how he expected to take up everything that needed to be taken up in 30 days.

Senator Brown asked Rep. Moore to please refer to the information sheet he had passed out. He pointed out that some of the states have as few as 20 day sessions, and some have 30 day sessions. He said that he had interviewed people in the Legislative Councils in these states. He was told there were no restrictions on the legis-

lation and that there were lots of bills left over that just died. He felt more continuity should be provided for government. He felt that lots of extraneous legislation just wouldn't get acted on.

Rep. Moore asked if those states introduced 1300 bills in one legislative session.

Senator Brown replied no. He felt a better system of interim committees was needed. He mentioned that a lot of junk legislation was introduced, mostly by freshmen legislators.

Rep. Moore asked why he chose the 75-30 concept.

Senator Brown replied that the bill, as introduced, called for 60-45, but that the State Administration Committee amended it to 75-30. The committee felt that 45 days would be too long with the restrictions in the bill and that 60 would be too short for the first session. As a result, they came up with 75-30.

Rep. Marks said he questioned the restrictions. He asked Ms. Bruck if the League was in favor of this bill as an alternative to 90 day biennial sessions.

Ms. Bruck replied yes.

Rep. Marks asked Mr. Renders the same question.

Mr. Renders replied yes, it was better than nothing. He felt that a carryover provision was important, and that didn't exist in this bill.

Rep. Moore asked Mr. Renders why a session was needed for carryover bills.

Mr. Renders replied that it would allow the legislature to operate during the interim in a better manner. It would allow field hearings to be conducted.

Rep. Meloy read from page 2, lines 1 and 2 of the bill, the language which states: "...bills which as introduced only repeal sections or parts of sections of previously enacted laws,...". He asked Senator Brown if he would still have 26 votes if that language were struck.

Senator Brown replied that he thought so.

Rep. Bradley asked if all the work on the budget was to take place in the 30 days.

Senator Brown replied no.

Rep. Bradley asked if it would just be the extra budget work.

Senator Brown replied yes, that that way an annual handle could be kept on the budget.

Rep. Meloy then closed the hearing on Senate Bill 344.

Rep. Moore moved that Senate Bill 344 be not concurred in. He said the 30 day session was just too short.

Rep. Bardanouve said that we hadn't finished the appropriations bills this session by the 78th day, so he didn't see how it would be possible to get them out.

Rep. Marks said he didn't think the restrictions were merely restrictive. He said it looked like the 30 day session would have more work than the 75 day session.

Rep. Bardanouve said that the amendment on page 2 of the bill would open the session up to every law that's on the law books. The only thing that wouldn't be open would be some new idea.

Rep. Kvaalen said he didn't like to see it tied down. He felt that if we were going to have annual sessions, we should have annual sessions.

Rep. Bradley asked if the bill could possibly be amended to include having the option of holding over some important matters.

Rep. Meloy mentioned that the bill would need 74 votes in the House. He felt it was futile to think we could get enough. He said he thought the people on the floor should have a chance to vote on it, though. He felt that a do not pass recommendation had a negative connotation.

Rep. Marks made a substitute motion that the bill be sent out of committee with no recommendation.

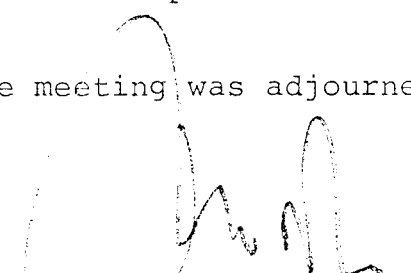
Rep. Meloy said he thought we were just wasting time by putting this on the floor, that they had passed two bills out and had gotten the most votes possible on them.

Rep. Moore made a substitute motion that Senate Bill 344 be tabled.

A vote was taken on Rep. Moore's substitute motion. Representatives Kvaalen, Marks, and Moore voted aye. Representatives Bradley, Brand, and Meloy voted nay. Rep. Bardanouve did not vote. The motion failed.

A vote was then taken on Rep. Marks' substitute motion. Voting aye were Representatives Bradley, Brand, Kvaalen, Marks, and Meloy, and voting nay was Representative Moore. Rep. Bardanouve did not vote. The motion carried.

There being no further business, the meeting was adjourned at 11:45 A.M.



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Peter M. Meloy, Chairman

INFORMATION ON LEGISLATIVE SESSIONS IN THE  
WESTERN UNITED STATES

States with populations of 500,000 to 1,000,000

1) Montana	<u>biennial</u> sessions	90 legislative days
2) Idaho	<u>annual</u> sessions	60 calendar days
3) South Dakota	<u>annual</u> sessions	45 and 30 legislative days
4) Utah	<u>annual</u> sessions	60 and 20 calendar days
5) New Mexico	<u>annual</u> sessions	60 and 30 calendar days

States with populations of approx. 500,000

1) North Dakota	biennial sessions	60 legislative days
2) Wyoming	annual sessions	40 and 20 legislative days
3) Nevada	biennial sessions	60 calendar days
4) Alaska	annual sessions	unlimited

States with populations of over 1,000,000

1) *Washington	biennial sessions	60 calendar days
2) *Oregon	biennial sessions	unlimited
3) Colorado	annual sessions	unlimited
4) Nebraska	annual sessions	90 and 60 legislative days
5) Arizona	annual sessions	unlimited

## South Dakota

45/30 Legislative days

Both sessions open to consideration of all subjects. No legislation may be held over from the 45 to the 30 day session. There has been an average of slightly over 600 bills introduced in each of the most recent three 30 day sessions. No legislation may be held over between sessions. There is a "well organized" interim committee system, and most of the interim committees are joint committees. South Dakota legislative rules provide for joint Senate/House sponsorship of legislation. It is estimated that about 1/3 of the bills in the South Dakota short session are prefiled.

In 1976 the South Dakota covered the clock and went three days over the 30 day limit on the short session. "Three or four days" is the most the South Dakota legislature has exceeded either the 45 or 30 day limit since South Dakota adopted annual sessions by constitutional amendment in 1964.

It is possible for the Governor to call special sessions, but no South Dakota Governor has done so since the early 1950's when the calling of a special session by the Governor became a controversial political issue.

There have been attempts to increase the length of the South Dakota annual session. In 1974 the people voted down a legislative passed referendum which would have provided for two 45 day sessions. In 1976 South Dakota voters also disapproved a referendum providing for 40 day annual sessions.

The short session of the Utah legislature meets for the purpose of working with revenue and appropriation measures according to an amendment to the Utah Constitution passed in 1968. Prior to 1968 Utah had biennial sessions.

Legislation unrelated to revenue and appropriations may be introduced in the 20 day session with the approval of 2/3 of the members of each house of the legislature. In 1976 about 100 non-budget bills and resolutions were introduced in this manner. No legislation may be held over between the general and short sessions.

Interim committees of the Utah legislature meet periodically when the legislature is not in session.

A committee of the Utah House of Representatives recently gave a favorable recommendation to a bill for a constitutional amendment which would provide for 45/45 calendar day sessions.

#### New Mexico

60/30 calendar days

The short session of the New Mexico legislature is limited to the consideration of revenue and appropriations matters, constitutional amendments, legislation requested by the Governor, and legislation ~~passed~~<sup>vetoes</sup> in the 60 day session which the legislature had no opportunity to override.

The people of New Mexico passed a referendum providing for annual sessions in 1964, following a controversial 30 day special session. Since the convening of New Mexico's first short session in 1966, neither the general or short session has exceeded the constitutional limit by more than "6 or 7 days". Running over a few days has been fairly common, however.

No legislation may be held over between sessions. There are

many interim committees. Several bills have been introduced in New Mexico in recent years to lengthen the sessions but none has passed. There is legislation before the New Mexico legislature this session to increase the length of the sessions.

#### Wyoming

Annual sessions 40/20 legislative days.

Wyoming's 20 day session is limited to revenue and appropriation measures. A 2/3 majority is required in either house to introduce non-budgetary legislation during the short session. In 1976, 63 bills were introduced by means of the 2/3 vote, and of them 53 were killed.

Technically, the Wyoming legislature has not exceeded either the 40 or 20 day limitations in recent years. The clock, however, has been covered in Wyoming allowing the legislature to complete its work in one extra day.

#### Washington

Biennial sessions of 60 calendar days

Washington has never had annual legislative sessions. This is probably because Washington Governors have routinely called special sessions in the even numbered years, and have also called special sessions at the end of the constitutionally allotted 60 day period in odd numbered years. In 1975 the Washington legislature met from early January to early June. The special session called for 1976 lasted until mid-March.

Washington legislators cannot be limited on the legislation they may consider whether in regular or special session. Most sessions of the Washington legislature have considered in excess of 3,000 bills.



TESTIMONY BEFORE THE RULES COMMITTEE, MONTANA HOUSE OF REPRESENTATIVES,  
HEARING ON SENATE BILL 344, APRIL 4, 1977.

I am Joe A. Renders, administrative assistant to the president of 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.

Therefore, I appear in support of Senate Bill 344.

However, we believe legislation for annual sessions should contain two key provisions:

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

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

Senate Bill 344 presently does not contain the carryover provision which 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, which Senate Bill 344 does have, performs the important function of limiting and organizing the legislative workload.

We do believe restricting the activities of the Legislature in the second session of the biennium, as much as Senate Bill 344 does, is not a productive use of the Legislature's time; and, the 30 days allowed is probably inadequate for considering budgetary matters and such important legislation as would receive a two-thirds vote of either house for introduction.

A more even distribution of days for the two years of the biennium would be a wiser approach to productive 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.

Also, the second-year session would be composed of all experienced legislators, which should be a major contributory factor toward speedy and efficient action on legislation.

Finally, we are not ignoring the electorate's vote in 1974 to discontinue annual sessions. We believe the 1974 ballot wording was so confusing, a 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 substantial number of central Montana voters with inadequate explanation of the issue.

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

The Legislature is the people's branch of government -- annual sessions will permit those of you who serve to do the best job of representing all the rest of us.

SENATE COMMITTEE REPORT

April 3

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MR. Speaker

We, your committee on Rules

having had under consideration Senate Bill No. 344

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE SHALL MEET IN REGULAR SESSIONS AND TO PROVIDE LIMITATIONS ON THE BUSINESS THAT MAY BE CONDUCTED IN EVEN-NUMBERED YEARS."

Respectfully report as follows: That Senate Bill No. 344

WITHOUT RECOMMENDATION

DO PASS