

## MINUTES

### MONTANA SENATE

#### 52nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on April 19, 1991,  
at 11:05 A.M. in room 331.

#### ROLL CALL

##### Members Present:

Eleanor Vaughn, Chairman (D)  
Bob Pipinich, Vice Chairman (D)  
John Jr. Anderson (R)  
Chet Blaylock (D)  
James Burnett (R)  
Bill Farrell (R)  
Harry Fritz (D)  
Bob Hockett (D)  
Jack Rea (D)  
Bernie Swift (R)

Members Excused: None

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

Announcements/Discussion: None

#### HEARING ON HOUSE JOINT RESOLUTION 50

##### Presentation and Opening Statement by Sponsor:

Representative John Phillips, House District 33, Great Falls, said House Joint Resolution 50 requests a study of the Public Employee Retirement Systems. Since there are so many pieces of legislation going through the legislature on the various systems, there needs to be a study to look at all of the systems. The study to compare and make recommendations back to the legislature will be funded by the various retirement systems on a prorated basis.

##### Proponents' Testimony:

Tom Schneider, Executive Director of the Montana Public Employees' Association, said that the House amended House Joint Resolution 50. He believes that if you are going to study the retirement systems, we need to look at all aspects of retirement and the needs of the people who are served by the retirement

systems. We should look at the funding and what is going to happen with funding and where the systems are going, and also look at the needs of the people and see whether the systems meet those needs. He's been involved in many studies where the recommendations are ignored, and the studies become bogged down, etc. He's willing to help with this study if the legislators will address the needs of the people of the state.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Fritz asked when was the last time these were studied? Representative Phillips said 1973.

Closing by Sponsor:

Representative Phillips closed the hearing on House Joint Resolution 50 by saying he would appreciate their support. Senator Farrell will carry it to the Senate.

HEARING ON SENATE JOINT RESOLUTION 32

Presentation and Opening Statement by Sponsor:

Senator Mike Halligan, Senate District 29, Missoula, said Senate Joint Resolution 32 is an attempt to take a look at the existing gender inequity terms in the Codes and the bill drafting manual, and to how we draft our bills with a statutory preference for masculine gender words as opposed to neutral gender terms. This will bring the 100 years of laws into the 21st century. Other states, Hawaii, Iowa, Minnesota, Oregon, Alaska, Wisconsin, Kansas, have already changed their codes. It shouldn't cost a lot of money at first because the initial focus will be on the bill drafting manual, and how that affects the way we write the laws that we sponsor today. Then, the Code Commissioner can look at what the cost would be if we had to go through the existing sections of the code, which are 28,000 sections.

Proponents' Testimony:

Diane Sands, Montana Women's Lobby, supports Senate Joint Resolution 32. It's important to start looking at the Codes. Please look at the laws of this state with gender neutral terms encompassing women's interests as well as men's interests. This is a basic issue of fairness. Please support Senate Joint Resolution 32.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Senator Halligan closed the hearing on SJR 32.

HEARING ON HOUSE BILL 293 and HOUSE BILL 294Presentation and Opening Statement by Sponsor:

Representative Larry Hal Grinde, House District 30, Lewistown, said House Bill 293 will submit to the voters of Montana an amendment to the Constitution to provide that the legislature shall meet in even-numbered years. House Bill 294 is an act implementing the meeting of the legislature in even-numbered years and provides for the organization of the legislature in the year preceding the meeting of the legislature. Kentucky went to the system of meeting in even numbered years and drafting legislation in odd numbered years. He gave a handout that explains the legislation. (Exhibit 1) Please support this legislation.

Proponents' Testimony:

Roger Tippy, a lobbyist who is representing himself today, said that he represents 5 different groups who would all benefit from this legislation but none of them requested his services in support of this constitutional amendment. In 1974 the people rejected annual sessions. The people again turned down 2 referendums of the legislature for annual sessions. He believes that anything that allows the legislature to introduce more bills, or be around a longer time is not going to be one that the people will approve. He believes that Representative Larry Hal Grinde has come up with a workable plan in House Bill 293 and House Bill 294. This legislation does delegate much power to the joint rules committee of the legislature. He hopes they will be consistent with the guidelines. He supports both House Bill 293 and House Bill 294.

Representative Dave Wazenreid, House District #7, said he worked on House Bill 293 and House Bill 294 at some length before it was sent to the Senate. One of the problems that he foresees is that we must limit the number of bills to be introduced. Another problem is how the 1993 legislative session will change the primary schedule. Moving those dates back or moving them into the fall will have to be decided. In talking about costs, he researched the last 10 years and found the legislature had worked 8 special sessions and spent just under \$3 million dollars funding those special sessions. We are investing money in solving problems that arise, or can't completely address because of the way the institution is currently structured. He believes

that many of the legislators will have to spend time in Helena in the off years, not in session, but attending meetings. The natural growth of the budget and other things mandate that there must be changes made. The citizen nature of this job will intrigue different people to run. They will invest time before the session and the quality of legislative decision should be better. He talked of the lag time between the time you're elected in November, then there would be a full 14 months elapse before you began a legislative session. This would give you a reflective time to decide what your priorities are and how they will fit with the overall needs of the state. There will be more consolidation proposals. There will be less risk taking and they will be less inclined to make tough decisions. Please consider this legislation favorably.

Opponents' Testimony:

None

Questions from Committee:

Senator Vaughn asked if this bill limits the sessions to 90 days? Representative Grinde said we can go only 90 days. Senator Burnett asked if you could split the 90 days and have an annual session? Representative Grinde said no, the way this bill is planned we would only be able to meet in the odd numbered years to set up committees. Representative Grinde said that at the present time if Senator Mazurek and Speaker Harper wanted to put this into effect, they could do that under the present rules. They could come in, take the oath of office and adjourn.

Senator Fritz said that before the 20th amendment was enacted by Congress, there was a lapse of more than a year between the election and the time that Congress convened and one of the reasons that amendment was adopted on the federal level was to more line up election and service. This proposal is regressing in the lapse of 14 months between election and service, and especially with the House of Representatives which is supposed to be the body that is closest to the people and reflecting their current concerns and needs.

Representative Grinde doesn't think that is a problem because once this plan is on line that would be taken out and make them better legislators.

Senator Fritz asked how long has Kentucky been doing this? Representative Grinde said since the early 80s. Is there anything about turnover in the legislature before the session meets?

Senator Blaylock said the turnover in the Montana legislature is great. He said if we get elected and go through the whole odd year, you could have up to 6 or 7 representatives appointed for various reasons. Representative Grinde agreed that is possible

and there are appointments now. They should be better legislators because of the time they have to plan their work.

Senator Swift asked if he had said that you could meet and have hearings? Representative Grinde responded that this a possibility. If you wanted you could take your legislation around to town meetings because it would be available to you, and you could show the people your legislation.

#### Closing by Sponsor:

Representative Grinde said this is a drastic change from what we've been doing. He feels there are many problems and this method may solve the time crunch. In the handout he's addressed both House Bill 293 and 294. (Exhibit 1) Please support these bills. Senator Swift asked how many votes these bills got in the House. Representative Grinde said 76 voted for them.

### HEARING ON SENATE RESOLUTION 15

#### Presentation and Opening Statement by Sponsor:

Senator Eleanor Vaughn, Senate District #1, Lincoln County, said Senate Resolution 15 is the last of the confirmations to the Boards that will be coming from the Governor.

#### Proponents' Testimony:

Senator Anderson had 1 nominee to the Board of Architects and he had inquired about this man and found he was a highly qualified architect from the Missoula area. He recommends approval of the appointment. Senator Vaughn said he was the architect hired for the remodeling of the Lincoln County Courthouse, he knew all the federal regulations that needed to be addressed and he did an excellent job.

Senator Blaylock had the nominees to the Board of County Printing to peruse and he recommended all of them.

Senator Burnett inquired about David Roehm of the Hail Board, and he talked with David DeVries, the adjustor for the Hail Board, and several farmers around the state. Senator Burnett recommends approval of this appointment to the Hail Board.

Jack Gunderson, representing himself, said there are 3,000 policy holders in the state Hail Insurance Program. With this appointment, there will be 3 farmers on the Hail Board who do not have a policy. He thinks the Governor ought to find an appointee that is a policy holder. Mr. Gunderson is an ex legislator, an ex-director of the State Hail Board and semi-retired farmer.

Senator Blaylock asked if anybody had submitted names of policy holders to the Governor? Mr. Gunderson didn't think so and he

didn't think the vacancy was advertised very much. When he was administrative officer, he would keep track of the appointments and help find a qualified person.

Senator Burnett said the point was stated that Mr. Roehm wasn't a policy holder of the Hail Insurance. He said that one member of the 5 man Board should be users of the program.

Senator Pipinich asked if any of the 5 Board members of the Hail Board were presently policy holders? Mr. Gunderson said none of the 5 use the program.

Jack Gunderson said that since executive reorganization years ago they serve at the pleasure of the director of the Hail Insurance program. There is a possibility that the director could release people without good cause. You need someone on the Board to fight for the policy holders.

Senator Pipinich had 2 appointments to the Library Commission to peruse. They were Peggy Guthrie and Vada Taylor and he recommended both for the Commission. (Exhibit 3)

Senator Rea had 2 appointees for the Optometrists Board and they were highly recommended and he approves their nomination.

Senator Farrell had 2 nominees to the Board of Plumbers and he recommends both for approval. Senator Hockett knew the one from Havre and believes he will do a good job.

Senator Hockett had the Professional Engineers/Land Surveyors, the Highway Commission, and the Board of Dentistry. He recommended them all. (Exhibit 4)

Senator Pipinich suggested a letter to the Governor asking him to require one member on the Hail Board to be a policy holder. Senator Farrell said that we should write legislation to require a Hail Board member to be a policy user. He doesn't think this should be a committee letter.

**Opponents' Testimony:**

None

**Questions From Committee Members:**

None

**Closing by Sponsor:**

Senator Vaughn closed the hearing on Senate Resolution 15.

EXECUTIVE ACTION ON SENATE RESOLUTION 15

Motion:

Senator Pipinich moved that we DO PASS SENATE RESOLUTION 15.

Recommendation and Vote:

The ROLL CALL VOTE was UNANIMOUS in favor of SR 15. It will be a preliminary standing committee report and will be laid on the Senator's desks for 3 days. Then a final report will be given.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 32

Motion:

Senator Pipinich moved to DO PASS SENATE JOINT RESOLUTION 32.

Discussion:

SJR 32 requests the Legislative Council to amend the bill drafting manual and bill drafting standards to use gender neutral terms and proposes a study to see what the costs would be to make the MCA gender neutral. All of these instruments are in a computer, so researching gender terms is something that could be accomplished. It might take a computer operator a length of time to do this task.

Recommendation and Vote:

The ROLL CALL VOTE was 6 yes and 4 no. for SJR 32.

ADJOURNMENT

Adjournment At: 12 noon.

  
ELEANOR VAUGHN, Chairman

  
DOLORES HARRIS, Secretary

ELV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 4-19-91

52 LEGISLATIVE SESSION \_\_\_\_\_

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT	X		

Each day attach to minutes.



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 19, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Joint Resolution No. 32 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 32 do pass.

Signed: Eleanor Vaughn  
Eleanor Vaughn, Chairman

*4-19-91*  
Cmd. Coord.

*513 4-19*  
Sec. of Senate

# PRELIMINARY

## SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 19, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration Senate Resolution No. 15 (first reading copy -- white), respectfully report that Senate Resolution No. 15 be adopted.

Signed: \_\_\_\_\_

Eleanor Vaughn, Chairman

4-19-91  
Amd. Coord.  
SP 4-19 3:35  
Sec. of Senate

Date

TO: Addressee

FROM: Representative Larry Hal Grinde

SUBJECT: House Bills 293 and 294: Legislative sessions in even-numbered years

Attached is some general information pertaining to House Bills 293 and 294, companion bills that, if adopted, will shift the regular sessions of future Legislatures from odd-numbered years to even-numbered years. At first glance, the bills and the concept seem simple and innocuous. The bills and the concept are simple, but the effects are far reaching.

Under the current process, the Legislature scrambles to organize following the November elections, hurries to have bills drafted and introduced, rushes through public hearings and committee action, and races to complete the complex and difficult tasks of making public policy in 90 days. This process works -- but it does not work well.

Adopting HB 293 and 294 will provide many benefits. The Executive Branch profits by having more time to develop and propose major initiatives, both through substantive legislation and through the budget. The Legislature gains by having sufficient time to have legislation drafted and reviewed by a broader public, by allowing greater analysis and consideration of complex policy issues, and by providing more evenly-paced and timely schedules for action on legislation. Perhaps the greatest beneficiaries, however, are Montana's citizens who stand to gain from greater access to participation in the process.

The new process is simple: following November general elections, the Legislature would take the oath of office, organize, and adopt rules of procedure, which activities should be done in a few days. Throughout the remainder of the odd-numbered year, legislators could have legislation drafted, standing committees could meet to discuss complex issues, and leadership could schedule an orderly agenda for the regular session in the even-numbered year. Good planning allows for good process; sufficient time for consideration allows for greater participation and better government.

An additional benefit is that no extra costs should be incurred, and cost savings could accrue. Having all bills drafted and introduced prior to the Legislature convening would allow leadership to plan the pace of the session and schedule activities accordingly.

In summary, the benefits promised by adopting an even-numbered year session schedule are substantial for everyone involved. The simple change in process will allow extensive improvements in the process of making public policy in Montana.

## OVERVIEW AND SUMMARY OF HOUSE BILL NO. 294

HB 294 revises a dozen sections of current law to implement a change to require the Legislature to meet in even-numbered years instead of in odd-numbered years.

Sections 1, 2, 7, 8, 9, 10, 11, and 12 merely shift, from the even-numbered year to the odd-numbered year, certain existing responsibilities of agencies and individuals.

Section 3 of the bill requires the leadership nominated/elected during presession caucuses to select a date during the first week in January on which legislators will meet to organize. The provision allows the legislature to organize in a planned and orderly manner.

Section 4 of the bill specifies that holdover senators, and senators-elect and representatives-elect are entitled to be compensated and reimbursed for attending the presession caucuses. Currently, senators-elect and representatives-elect are not mentioned in the statute allowing compensation and reimbursement for attending the presession caucuses, even though, by tradition, they are compensated and reimbursed.

Section 5 of the bill changes the official time and date for the Senate, and thereby the House, to organize to comport with the changes brought about by meeting in the even-numbered year. Currently, the statute requires the Senate, and thereby the House, to convene at 12 noon on the first Monday in January. (5-2-103, MCA) The change allows the Senate to meet for the purpose of organizing on the date selected by legislative leadership during the presession caucuses.

Section 6 addresses the authority of standing and select committees appointed prior to the convening of the legislature, i.e., at the organizational meeting. As all legislators will take the oath of office approximately 1 year prior to the legislature convening in regular session, the memberships of standing and select committees can be appointed shortly after the presession caucuses. As standing committees, their authority is delineated in statute, 5-5-202, MCA.

Section 13 provides a contingent effective date. The contingency is the adoption or rejection at referendum of HB 293, the constitutional amendment that will require the legislature to convene in even-numbered years. Very simply, if the referendum fails, this bill is void.

## ORGANIZATIONAL MEETING

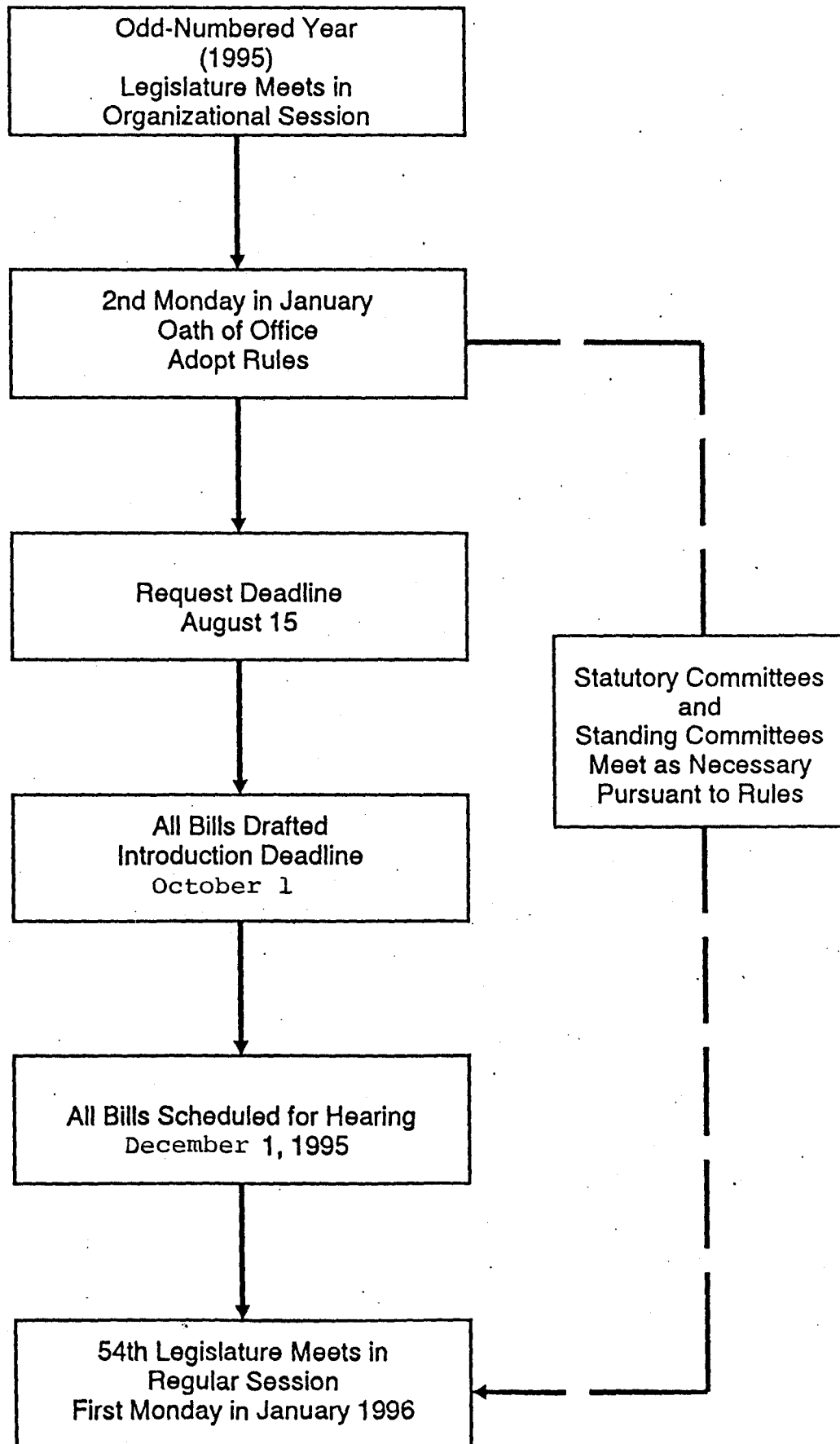
House Bills 293 and 294  
Rep. Larry Hal Grinde

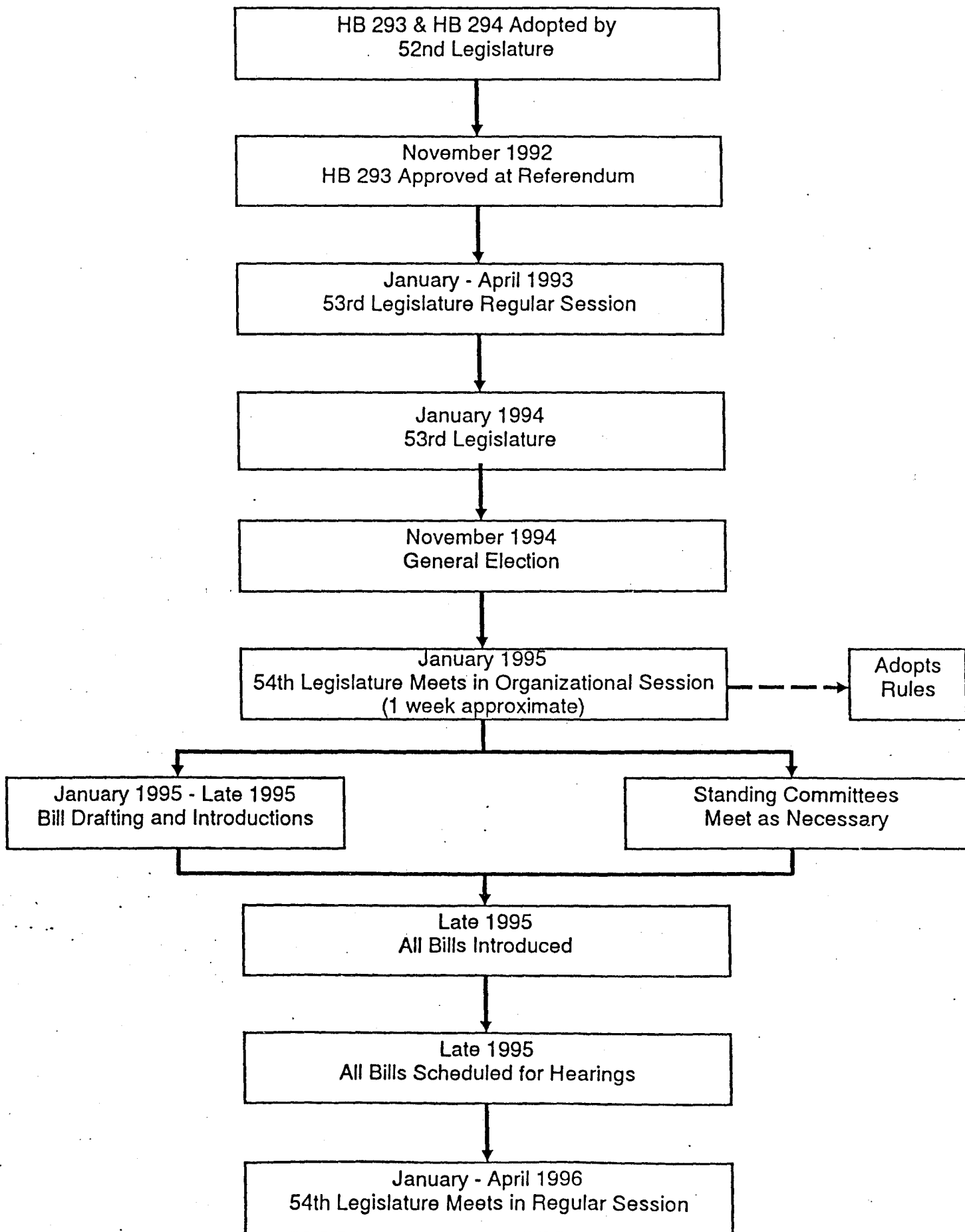
There is no need to formally convene the legislature in order to take the oath of office. Article III, section 3, of the Montana Constitution provides that members of the legislature shall take the prescribed oath before they enter upon the duties of the office.

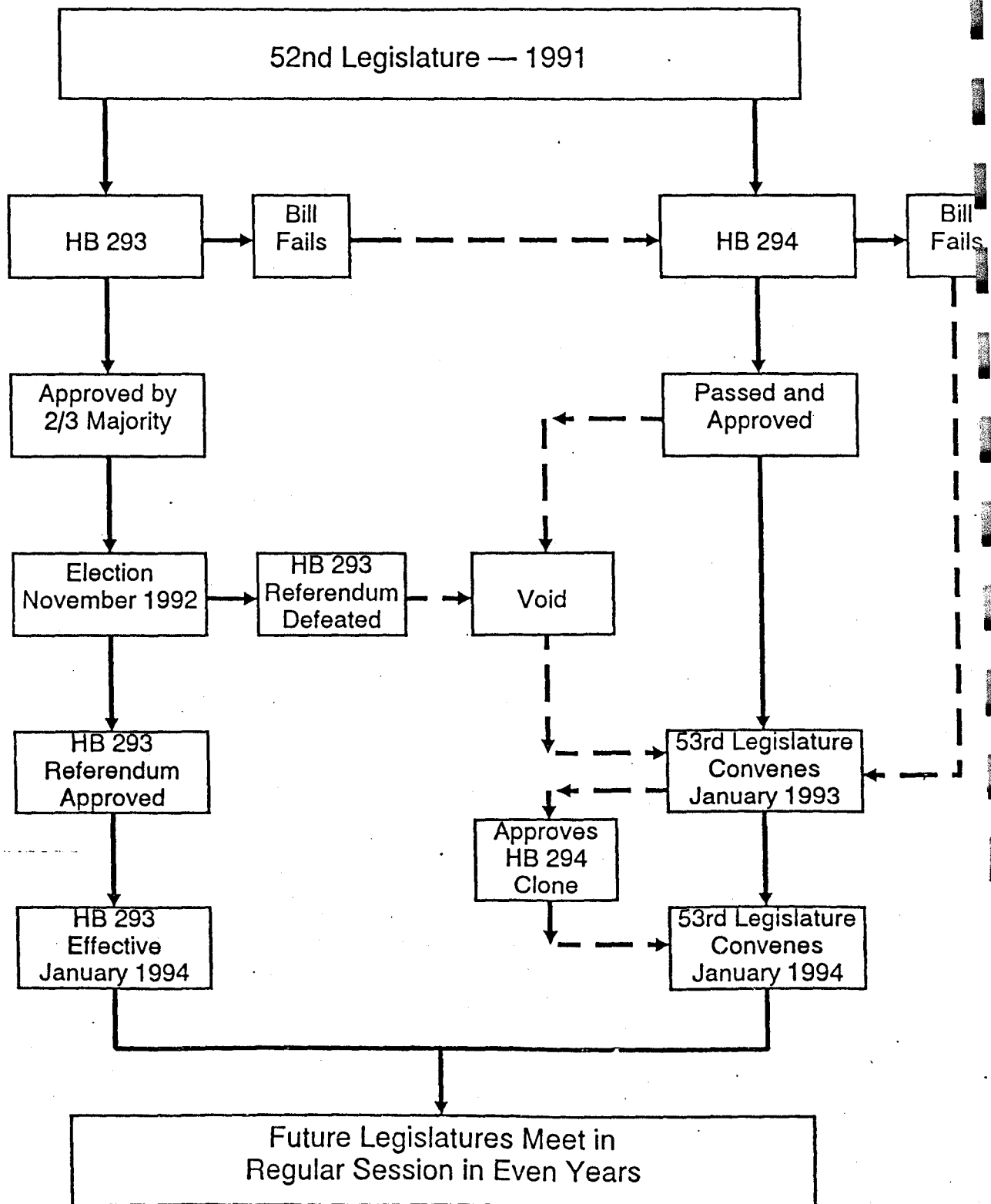
The rules of the legislature can be adopted, the leadership can be elected, and committees can be appointed without convening the legislature in session. The legislature may handle its own internal operating procedures in any manner it sees fit. The only requirement for convening the legislature is to enact laws and to confirm appointments.

If the legislature wished to formally convene in the organizational meeting, that would be the legislature's prerogative.

It would be virtually impossible to have rules and deadlines if the only constitutional requirement were that the legislature meet in regular session of not more than 90 days every two years. Requiring that bills be prefiled and agendas established in advance could not be achieved if the legislature did not know when it would meet or for how long.









## POTENTIAL BENEFITS OF THE CHANGE

### Greater Involvement of the Public

- Pro** The public could be the single biggest beneficiary. With more work done prior to legislative sessions, the public would have an opportunity to participate at the local level, rather than having to come to Helena or being excluded completely.
- Con** Greater involvement of the public will slow down the process. While the legislative institution is not disposed to quick action in any sense, heavy public involvement will require a more deliberate pace still.

### Proximity of Elections

- Pro** The public would also benefit from elections being held at a time closer to legislative sessions, thereby creating an opportunity for a "referendum" on each respective legislator's accomplishments and effectiveness.
- Con** Politics could play a more prominent role than it does now. How? Currently, newly elected legislators are riding the wave of their respective mandate. They were elected to do a job and they want to get after it! If elections follow the session by only 6 months, it may be that legislators will vote their politics rather than their conscience. The politics of reelection could affect legislators much differently than the politics of election.

### Policy Inquiry, Analysis, and Reflection

- Pro** Legislative committees would benefit because they would be able to focus on complex matters for an adequate amount of time, rather than being forced to deal with issues within the constraints imposed by the current process. By having the ability to hold public hearings/meetings in local communities, people other than lobbyists and special interests, including state and local agencies, would have an opportunity to be heard.

Con Having public meetings/hearings would involve some costs: legislator salary and per diem, plus travel expenses of necessary staff. Additionally, as neither the House nor the Senate has permanent staff support, some legislative branch agency would likely have to provide support.

#### Efficiency in Process

Pro By having all of the bills drafted and introduced, legislative leadership would have a better opportunity to plan and schedule legislative action. Additionally, committee chairs would be able to more effectively schedule bills for hearing.

An opportunity would be created for each legislature to conduct its business in less than 90 days. If all of the bills were drafted and introduced prior to the regular session, standing committees could begin substantive work on "Day 1" of the session, rather than having to wait 10 days or two weeks to get up to speed. A session of less than 90 days could mean a cost savings, although that might not be a major consideration.

Con Parkinson's Law ~~may~~ will come into play: "The amount of work will expand to fill the allotted time." One of the bills' goals is to allow the process more time to deal with the workload. That is fine as long as the workload does not increase. As hard as leadership may try, there is no guarantee that more bills will not be requested or introduced, or that the legislature will effectively restrict, through limits or deadlines, the number of bills or late requests or late introductions. It may be impossible to legislate efficiency or discipline -- especially for the legislative institution.

#### Benefits to the Governor

Pro A newly-elected, incoming governor would have about 1 year to develop a budget rather than about 1 month. The current process precludes for 2 years a governor from using his most valuable management tool -- the budget.

**Con** While a newly-elected governor would have a year to prepare a budget under the new system, the current system places the burden on the outgoing governor who has 4 years of experience. As an outgoing governor, special interests may need less "special attention" in the budget, budget efficiencies might be advocated without fear of intransigence from administrators, and the politics of budgeting could be ignored.

#### Affect on Gubernatorial Appointments

**Pro** Having sessions in even-numbered years could have benefits relative to the governor's appointees. Initially, an incoming governor would have more time to recruit "the best and the brightest" for his cabinet. Additionally, newly appointed department heads would have time to become informed about their respective agency and budget. The legislature would also benefit as the Senate should have more time to devote to conducting inquiries of the governor's nominees.

**Con** Department directors and other gubernatorial appointees could serve for more than a year prior to confirmation by the Senate. Such a term without legislative "advice and consent" could allow an appointee to direct an agency for a significant period of time when, if confirmation had come sooner, the appointee may have not been confirmed. Additionally, by allowing the legislature more time to conduct inquiry about departmental and other nominees, an opportunity could exist for individuals to engage in "witch hunts", whereby gubernatorial nominees could be subject to harassing invasions of their privacy and personal lives. Such inquiry could damage good reputations, but even the threat of such inquiry could result in highly qualified and desirable candidates choosing to not be considered for appointment.

### POTENTIAL DRAWBACKS OF THE CHANGE

1. Change itself may be the most prominent drawback! It might seem absurd, but the legislature as an institution is insistently reluctant to change -- especially change for itself. Experience suggests that very few legislators believe that the legislative process runs as efficiently or as effectively as possible, yet there is an inexplicable reluctance to change it. It is almost as if a known quantity, even though it's undesirable, is perceived as better than an unknown quantity, even if it promises improvement.
2. Imprecision of cost might be a drawback. There is no way to accurately ascertain the cost of moving the session from the odd-numbered year to the even-numbered year. Unquestionably, a cost difference of even \$100,000 must be considered. However, the cost of running a legislative session --  $\pm$  \$4.5 million -- is less than 2 tenths of 1 percent of total biennial expenditures, and about only one-half of 1 percent of total biennial general fund expenditures. Bottom line: the legislature does not spend very much of the state's resources to conduct its business -- and won't spend very much if it meets in even-numbered years!
3. The process will require the legislature to meet for 3 years in a row. (Actually, the legislature will meet every year, although the odd-numbered year meeting will be organizational only.) With even only a modicum of discipline, however, the session in 1994 could be limited to a very few subjects, among which should be a budget for FY 1996. The 1996 legislature would then budget biennially for FY 1997 & 98, and so forth.
4. There may be no real drawbacks -- but only if the legislature acts responsibly and with more discipline than it has shown heretofore! One argument that can and probably will be made is that this is "change" and change is not needed. The question to ask then is: "Does the current process run as efficiently and effectively as it possibly can?" If the answer is "yes", then there is no reason for the bills. If the answer is "no", then some type of change should be considered. . . . Why allow the process to continue to work ineffectively and inefficiently? These bills may not guarantee effectiveness, but they certainly allow for it much more so than the current process.

Also, for every reason that is proffered that makes even-numbered year sessions a good idea, the reason can be turned around making the prospects sound bad -- and for some, actually be bad. . . .

## POTENTIAL QUESTIONS ABOUT THE CHANGE

**Question 1.** What will the legislature do during the 1994 session?

**An answer.** Whatever it wants to do. However, the only real business that must be addressed is the FY 1996 budget. The 1994 session could be approached as if it were a focused, budget-oriented special session.

**Question 2.** How much will it cost to convert to even-numbered year sessions?

**An answer.** It will cost something to conduct the 1994 session, but there may be savings during the 1996 session if the legislature's work can be done more effectively and efficiently -- one of the primary objectives of the bills.

**Question 3.** How will even-numbered year sessions affect elections, especially primaries?

**An answer.** Elections will be affected as determined most appropriate by the 1996 legislature (although that could be one subject of the 1993 or 1994 legislature). The current elections processes can work as they exist, but some legislators might feel inconvenienced or at a disadvantage from an opponent under current law. Primary election dates, filing deadlines, and so forth can certainly be dealt with in either the 1993 or 1994 session.

**Question 4.** If HB 293 and HB 294 are adopted, doesn't that return the state to annual sessions?

**An answer.** Not really. While the members of the legislature will meet in the odd-numbered year to the members and organize, there is no provision in either HB 293 or HB 294 that allows the legislature to "convene". However, when the legislature convenes under HB 293 in the even-numbered year to conduct general business, the legislature will still be limited by Art.V, section 6 of the Constitution to 90 days of session in the even-numbered year. There is no change in the 90-day session limit -- only a change from an odd-numbered year process to an even-numbered year process. Evidence, such as letters to the editor, suggest that the public wants more efficiency from the legislature and better accountability. These bills accomplish both

POTENTIAL QUESTIONS ABOUT THE CHANGE

(continued)

**Question 5.** Won't this change give the legislature more opportunity to make more laws and spend more money?

**An answer.** No. There is no real limit on what the legislature can do now. The change will allow the people back home to participate in the process more easily. Additionally, elections will be held 6 months after a session instead of 18 months after a session. That means that if your legislator is not doing the job you want, you'll have the opportunity to vote him or her out of office much sooner! Not only is the public given better opportunity to participate in the process, the voters have a better opportunity to respond at the ballot box. This is a win-win situation!

db\02131a.ddb

Amendments to House Bill No. 293  
Third Reading Copy

Requested by Representative Grinde  
For the Committee on

Prepared by Greg Petesch  
March 27, 1991

1. Title, line 7.

Strike: "EVERY 2 YEARS"

Insert: "IN EVEN-NUMBERED YEARS"

2. Page 1, line 14.

Strike: "EVERY"

Strike: "2 YEARS"

Insert: "each even-numbered year"

3. Page 1, line 25 through page 2, line 1.

Following: "~~numbered~~" on line 25

Strike: remainder of line 25 through "2" on line 1

Insert: "even-numbered"

4. Page 2, line 3.

Strike: line 3 in its entirety

Insert: "even-numbered"

## CONSTITUTIONAL AMENDMENT

1 Hesse BILL NO. 293  
2 INTRODUCED BY Long, Mr. Genesee

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE  
5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V,  
6 SECTION 6, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE  
7 LEGISLATURE SHALL MEET IN EVEN-NUMBERED YEARS; AND PROVIDING  
8 AN EFFECTIVE DATE."  
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Article V, section 6, of The Constitution of  
12 the State of Montana is amended to read:

13 "Section 6. Sessions. The legislature shall meet each  
14 odd-numbered even-numbered year in regular session of not  
15 more than 90 legislative days. Any legislature may increase  
16 the limit on the length of any subsequent session. The  
17 legislature may be convened in special sessions by the  
18 governor or at the written request of a majority of the  
19 members."

20 **NEW SECTION. Section 2.** Submission to electorate. This  
21 amendment shall be submitted to the qualified electors of  
22 Montana at the general election to be held in November 1992  
23 by printing on the ballot the full title of this act and the  
24 following:

25 ☐ FOR the legislature meeting in even-numbered years.

1 ☐ AGAINST the legislature meeting in even-numbered  
2 years.

3 **NEW SECTION. Section 3.** Effective date. If approved by  
4 the electorate, this amendment is effective January 1, 1994.

-End-



HOUSE BILL NO. 294

INTRODUCED BY Leary Hon. Counsel

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE MEETING OF THE LEGISLATURE IN EVEN-NUMBERED YEARS; PROVIDING FOR THE ORGANIZATION OF THE LEGISLATURE IN THE YEAR PRECEDING THE MEETING OF THE LEGISLATURE; AMENDING SECTIONS 2-8-105, 5-2-103, 5-2-202, 5-2-203, 5-2-212, 5-5-202, 5-7-103, 5-13-402, 17-7-112, 17-7-202, 90-3-203, AND 90-4-605, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-8-105, MCA, is amended to read:

"2-8-105. Determination of agencies and programs to be reviewed. (1) Before September 1 of each even-numbered odd-numbered year, the governor may furnish the legislative audit committee with a list of his recommendations for agencies and programs to be terminated and subject to a performance audit during the next biennium pursuant to the provisions of this chapter. The list must be prioritized and must set forth the governor's reasons for recommending each agency or program for review."

(2) The legislative audit committee shall review the list submitted by the governor, suggestions from legislators and legislative committees, staff recommendations, and any

other relevant information and compile recommendations of agencies and programs to be terminated and subject to a performance audit. The committee shall submit its recommendations to the next legislature in the form of a bill terminating those designated agencies and programs at the times specified in the bill and requiring a performance audit of each agency and program under the provisions of Title 2, chapter 8, within the time specified and prior to termination."

Section 2. Section 5-2-103, MCA, is amended to read:

"5-2-103. Time and place of meeting. Each regular session of the legislature shall be convened at the seat of government at 12 noon on the first Monday of January of each odd-numbered even-numbered year or, if January 1 is a Monday, on the first Wednesday. The legislature shall meet at other times when convened by the governor or by the written request of a majority of the legislators or, when the legislature is in session, by a recorded vote of a majority of the legislators."

Section 3. Section 5-2-202, MCA, is amended to read:

"5-2-202. Presession activity. (1) Members of the legislature nominated to leadership positions during the presession caucus and members nominated or appointed to the legislative administration committees, committee on committees, and rules committees may meet and perform

1 necessary organizational tasks prior to the session,  
2 including but not limited to appointing committees, hiring  
3 staff, and assigning space and seating.

4 (2) Members of the house appropriations committee and  
5 of the senate finance and claims committee named prior to  
6 the session may begin reviewing requests for appropriations  
7 immediately and may visit state agencies and institutions to  
8 discuss requests.

9 (3) Members of the legislature nominated to leadership  
10 positions during the precession caucus shall select a date  
11 during the first week in January of each odd-numbered year  
12 for purposes of holding an organizational meeting of the  
13 legislature."

14 Section 4. Section 5-2-203, MCA, is amended to read:

15 "5-2-203. Compensation and expenses. (1) Members-of-the  
16 legislature Holdover senators, senators-elect, and  
17 representatives-elect attending the precession caucus are  
18 entitled to receive compensation and expenses as provided in  
19 5-2-302.

20 (2) While engaged in precession business, members  
21 nominated to serve as officers of the legislature and  
22 members of the committees named in 5-2-202 are entitled to  
23 receive compensation and expenses as provided in 5-2-302."

24 Section 5. Section 5-2-212, MCA, is amended to read:

25 "5-2-212. Organization of senate. At 12 noon on the day

1 ~~appointed-for-the-meeting-of--any--regular--session--of--the~~  
2 ~~legislature selected pursuant to 5-2-202(3), the senior~~  
3 ~~member present must take the chair, call the senators and~~  
4 ~~senators-elect to order, call over the senators from the~~  
5 ~~certified roster prepared by the secretary of state, and~~  
6 ~~then, from the certified roster prepared by the secretary of~~  
7 ~~state, call over the senatorial districts and counties, in~~  
8 ~~their order, from which members have been elected at the~~  
9 ~~preceding election. After the same are called the~~  
10 ~~members-elect must take the constitutional oath of office~~  
11 ~~and assume their seats. The senate may thereupon, if a~~  
12 ~~quorum is present, proceed to elect its officers."~~

13 Section 6. Section 5-5-202, MCA, is amended to read:

14 "5-5-202. Interim activities of committees. During an  
15 interim when the legislature is not in session, all  
16 regularly-appointed standing or select committees of either  
17 house appointed prior to the convening of the session or not  
18 formally discharged prior to the final adjournment of the  
19 preceding session shall continue as such committees. They  
20 are empowered to continue to sit as such committees and may  
21 act through their joint subcommittees."

22 Section 7. Section 5-7-103, MCA, is amended to read:

23 "5-7-103. Licenses -- fees -- eligibility. (1) Any  
24 adult of good moral character who is a citizen of the United  
25 States and who is otherwise qualified under this chapter may

1 be licensed as a lobbyist. The commissioner shall provide a  
 2 license application form. The application form may be  
 3 obtained in the office of the commissioner and filed  
 4 therein. Upon approval of the application and receipt of the  
 5 license fee of \$10 by the commissioner, a license shall be  
 6 issued which entitles the licensee to practice lobbying on  
 7 behalf of one or more enumerated principals. Each license  
 8 shall expire on December 31 of each even-numbered  
 9 odd-numbered year or may be terminated at the request of the  
 10 lobbyist.

11 (2) No application may be disapproved without affording  
 12 the applicant a hearing. The hearing shall be held and the  
 13 decision entered within 10 days of the date of the filing of  
 14 the application.

15 (3) The fines and license fees collected under this  
 16 chapter shall be deposited in the state treasury."

17 Section 8. Section 5-13-402, MCA, is amended to read:

18 "5-13-402. Audit costs. (1) Prior to July 1 of each  
 19 even-numbered odd-numbered year, the legislative auditor  
 20 shall advise each agency and the budget director of the  
 21 estimated audit costs for the following biennium. Each  
 22 agency shall include the estimated audit costs in its  
 23 proposed budget submitted to the budget director pursuant to  
 24 17-7-112. The budget director shall notify the legislative  
 25 auditor if the executive budget recommendation to the

1 legislature for audit costs differs from that proposed by  
 2 the legislative auditor.

3 (2) Not later than 60 days after adjournment of each  
 4 legislature, the budget director shall provide to the  
 5 legislative auditor a schedule reflecting, by fund, amounts  
 6 appropriated to each agency for audit costs.

7 (3) The legislative auditor shall bill agencies for  
 8 audit services as he considers necessary. In no event may  
 9 the legislative auditor bill an agency for audit services in  
 10 excess of amounts appropriated for audit services.  
 11 Additional audit related services may be provided by the  
 12 legislative auditor at a cost agreed to by an agency and  
 13 billed to the agency."

14 Section 9. Section 17-7-112, MCA, is amended to read:

15 "17-7-112. Submission deadline. (1) It shall be the  
 16 duty of each department, agency, and office, including the  
 17 Montana university system, to submit the information  
 18 required under 17-7-111 to the budget director on or before  
 19 September 1 in the even year preceding the convening of the  
 20 legislature.

21 (2) Between August 15 and September 30 in the year  
 22 preceding the convening of the legislature, the director  
 23 must submit each state agency's budget request required  
 24 under 17-7-111(2) to the legislative fiscal analyst. The  
 25 transfer of budget information shall be done on a schedule

1 mutually agreed to by the budget director and the  
 2 legislative fiscal analyst in a manner that facilitates an  
 3 even transfer of budget information during the month of  
 4 September and which allows each office to maintain a  
 5 reasonable staff workflow.

6 (3) If any department, institution, university unit, or  
 7 agency shall fail to present such information within the  
 8 time herein specified, the budget director shall note that  
 9 fact in the budget submitted to the governor and the budget  
 10 director shall prepare and submit to the legislative fiscal  
 11 analyst and the governor by October 30 a budget request on  
 12 behalf of such department, institution, university unit, or  
 13 agency, based upon his studies of the operations, plans, and  
 14 needs thereof.

15 (4) The proposed pay plan schedule required by  
 16 17-7-11(3) must be submitted to the legislative fiscal  
 17 analyst no later than November 15 in the year preceding the  
 18 convening of the legislature."

19 **Section 10.** Section 17-7-202, MCA, is amended to read:

20 "17-7-202. Preparation of building programs and  
 21 submission to department of administration. (1) Before July  
 22 1 of each even-numbered odd-numbered year, each state agency  
 23 and institution shall submit to the department of  
 24 administration, on forms furnished by the department, a  
 25 proposed long-range building program, if any, for the agency

1 or institution. Each agency and institution shall furnish  
 2 any additional information requested by the department  
 3 relating to the utilization of or need for buildings.

4 (2) The department shall examine the information  
 5 furnished by each agency and institution and shall gather  
 6 whatever additional information is necessary and conduct  
 7 whatever surveys are necessary in order to provide a factual  
 8 basis for determining the need for and the feasibility of  
 9 the construction of buildings. The information compiled by  
 10 the department shall be submitted to the governor before  
 11 December 1 of each even-numbered odd-numbered year."

12 **Section 11.** Section 90-3-203, MCA, is amended to read:

13 "90-3-203. Powers and duties of board. The board shall:  
 14 (1) make loans in science and technology development  
 15 projects pursuant to the provisions of this act in the  
 16 following areas that have potential to stimulate economic  
 17 development in Montana:

18 (a) research capability development;

19 (b) applied technology research;

20 (c) technology transfer and assistance; and

21 (d) startup capital or expansion capital projects for  
 22 development and commercialization of innovative products and  
 23 processes;

24 (2) accept grants or receive devises of money or  
 25 property to be used in Montana for loans made pursuant to

1 this chapter; and

2 (3) submit to the governor and the legislature a report  
3 describing the board's programs and accomplishments by  
4 January 1 of each odd-numbered even-numbered year or at the  
5 request of the governor."

6 **Section 12.** Section 90-4-605, MCA, is amended to read:

7 "90-4-605. Preparation of energy conservation program.

8 (1) Before June 30 of each odd-numbered even-numbered year,  
9 state agencies shall submit to the department, on forms  
10 provided by the department, a list of any facilities  
11 operated by that agency that have a potential for energy  
12 savings, based on age, energy use, function, and condition  
13 of the building. Agencies may request assistance from the  
14 department to identify these facilities.

15 (2) Based on the criteria in subsection (1), the  
16 department shall select certain facilities for in-depth  
17 energy analyses to identify the technical and financial  
18 feasibility of making energy conservation improvements to  
19 the facilities.

20 (3) During the energy analyses, the department shall  
21 consult with the utilities that serve the selected  
22 facilities to discuss potential impacts on the utilities and  
23 their customers of making energy conservation improvements  
24 to these facilities.

25 (4) Upon completion of the energy analyses, the

1 department shall submit to the governor its findings and 2  
3 prioritized list of projects recommended for funding under  
4 the energy conservation program. The department shall rank  
5 projects in terms of cost-effectiveness to the state.

6 (5) The department shall compile a report that must  
7 include the following:

8 (a) a listing of all requests submitted by state  
9 agencies;

10 (b) a summary of the department's review of agency  
11 requests;

12 (c) a summary of the energy analyses conducted by the  
13 department, including the estimated cost of each proposed  
14 project and the estimated energy cost savings of each  
15 proposed project;

16 (d) a description of measures taken by the department  
17 to address the issues that were raised in the consultation  
18 with the affected utilities; and

19 (e) If a fuel switching measure is proposed, an  
20 analysis of the costs to the affected utility and its  
21 customers and of the benefits to the state of the fuel  
22 switching measure.

23 (6) If a fuel switching measure is proposed, the  
24 department shall demonstrate through the analysis required  
25 by subsection (5)(e) that the benefits to the state exceed  
the costs to the utility and its customers.

1 (7) The department shall submit the report required by  
2 subsection (5) to the governor before September 1 of each  
3 even-numbered odd-numbered year."

4 NEW SECTION. Section 13. Contingent effective date. If

5 Bill No. \_\_\_\_ [LC 348] is approved by the electorate, [this  
6 act] is effective June 30, 1993. If Bill No. \_\_\_\_ [LC 348]  
7 is not approved by the electorate, [this act] is void.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0294, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would change the meeting of the legislature to even-numbered years from odd-numbered years; provide for the organizational meeting of the legislature to be held during January of each odd-numbered year; and making the act effective June 30, 1993, contingent upon approval by the electorate.

ASSUMPTIONS:

General Assumptions

1. The effective date of the bill is June 30, 1993. It is assumed that legislative sessions will be held during fiscal years 1993, 1994, 1996, and even-numbered years thereafter.
2. For bienniums subsequent to the 1993 biennium, state agencies which incur session-year cyclical costs would have those costs reversed with respect to the years in each biennium. These agencies include, but are not limited to, the Montana Arts Council, Governor's Office, Office of Legislative Fiscal Analyst, Department of Revenue, and the Legislative Council.
3. It is assumed that the FY93 legislative process will involve budgeting and appropriations for one year only: FY94. However, associated cost reductions, if any, during FY93 are assumed to be negligible.

Secretary of State

4. The Secretary of State will publish the complete text of all Constitutional Amendments in the Voter Information Pamphlet and a newspaper in each county.
5. The total number of Constitutional Amendments on the general election ballot for 1992 will be similar to the 1988 and 1990 elections.
6. County Clerk and Recorders will continue to pay for the mailing of the Voter Information Pamphlet.

FISCAL IMPACT:

Minimal impact during the 1993 biennium.

  
ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

DATE

  
LARRY HAL GRINDE, PRIMARY SPONSOR

DATE

Fiscal Note for HB0294, as introduced

HB294

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Cyclical session-year costs will be reversed to even-numbered years during biennia subsequent to the 1993 biennium. Following the 1993 Session, high staff turnover among executive budget and legislative fiscal analysts could be anticipated due to workload and loss of accrued vacation days.

TECHNICAL NOTES:

The details of the annual sessions to be held during the transition period 1993-1994 are not specified. For example, various state statutes regarding budget submission require biennial budget requests or contain reference to "biennium". However, in order to avoid duplication, one of the sessions (probably the 1993 session) would address budgeting and appropriations for only one fiscal year.

HB 294



WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of April, 1991.

Name: Jack Henderson

Address: 15 Valley View Drive  
Helena, MT

Telephone Number: 443 5530

Representing whom?

Self

Appearing on which proposal?

Trail Board SR 15

Do you: Support?        Amend?        Oppose?       

Comments:



# MONTANA STATE SENATE

**SENATOR BOB PIPINICH**  
SENATE DISTRICT 33  
HOME ADDRESS:  
4430 HWY 200 MARSHALL GRADE  
MISSOULA, MONTANA 59802

COMMITTEES:  
BILLS & JOURNAL, CHAIRMAN  
LABOR  
STATE ADMINISTRATION,  
VICE-CHAIRMAN  
PUBLIC HEALTH

CAPITOL STATION  
HELENA, MONTANA 59620  
PHONE (406) 444-4800

---

SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 4-19-91

BILL NO. SP 15

**LIBRARY, STATE COMMISSION**

Peggy Guthrie

Recommend do pass

Vada Taylor

Recommend do pass

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 4-19-91

BILL NO. SR15 April 18, 1991

To: Eleanor Vaughn, Chairperson  
Senate State Administration Committee

From: Bob Hockett, Senator Dist 7  
Member State Administration Committee

Subject: Governors Board Appointments

I have checked with various individuals from the communities where the nominees reside & have found no reason to question their appointments. There were no letters or calls opposing the nominations.

Professional Engineers / Land Surveyors

1. David Gibson - Recommended

2. J. G. Shockey - "

Highways Commission

1. Roy M Duff "

Dentistry

1. Dr Scott D Erler "

2. Ronald L. Olson "

3. Dr R W Rector "

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 4-19-91 Bill No. SR 15 Time 11:50

NAME	YES	NO
Chairman Eleanor Vaughn	X	
Vice Chairman Bob Pipinich	X	
Senator John Anderson	X	
Senator Chet Blaylock	X	
Senator James Burnett	X	
Senator "Bill" Farrell	X	
Senator Harry Fritz	X	
Senator Bob Hockett	X	
Senator Jack "Doc" Rea	X	
Senator Bernie Swift	X	

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: SR 15. Senator Pipinich moved  
that we do pass SR 15.

ROLL CALL VOTE

SENATE COMMITTEE STATE ADMINISTRATION

52st LEGISLATIVE SESSION

Date 4-19-91 Bill No. SJR 32 Time 11:55

NAME	YES	NO
Chairman Eleanor Vaughn	X	
Vice Chairman Bob Pipinich	X	
Senator John Anderson	X	
Senator Chet Blaylock		X
Senator James Burnett		X
Senator "Bill" Farrell		X
Senator Harry Fritz	X	
Senator Bob Hockett	X	
Senator Jack "Doc" Rea	X	
Senator Bernie Swift		X

Secretary Dolores Harris

Chairman Eleanor Vaughn

Motion: Senator Pipinich moved that SJR 32  
do pass.

2. 1-19-41

Stat. Distribution

# VISITORS' REGISTER

[illegible]