

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By DICK SIMPKINS, CHAIR, on February 4, 1993, at 8:08 a.m.

#### **ROLL CALL**

##### **Members Present:**

Rep. Dick Simpkins, Chair (R)  
Rep. Wilbur Spring, Vice Chair (R)  
Rep. Ervin Davis, Vice Chair (D)  
Rep. Beverly Barnhart (D)  
Rep. Pat Galvin (D)  
Rep. Harriet Hayne (R)  
Rep. Gary Mason (R)  
Rep. Brad Molnar (R)  
Rep. Bill Rehbein (R)  
Rep. Sheila Rice (D)  
Rep. Sam Rose (R)  
Rep. Dore Schwinden (D)  
Rep. Carolyn Squires (D)  
Rep. Jay Stovall (R)  
Rep. Norm Wallin (R)

**Members Excused:** Rep. Bob Gervais

**Members Absent:** None.

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Dorothy Poulsen, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: HB 319; HB 320; HB 176; HB 126  
Executive Action: HB 329

#### **HEARING ON HB 319 and HB 320**

##### **Opening Statement by Sponsor:**

REP. MIKE KADAS, House District 55, Missoula, introduced HB 319 and HB 320 together. He described HB 319 as a constitutional amendment to provide for annual regular legislative sessions of 30 days in even-numbered years and 60 days in odd-numbered years.

House Bill 320 changes the beginning date of the odd-numbered sessions to the third Monday in January, if HB 319 passes.

**REP. KADAS** stated he had two essential reasons for proposing the bills. First, he asserted the legislature needs to move to setting annual budgets. He maintained the difficulty the legislature currently encounters is trying to anticipate revenue and expenditures for the next 2.5 years. He pointed out the last legislative session miscalculated on both. He explained that a 1% error in income tax revenue results in a \$60 million miscalculation. In the last biennium, the legislature also did not anticipate \$50 million in supplemental expenditures. He maintained the legislature acted on their best estimates at the time and could not anticipate the changes which occurred and resulted in higher spending.

Secondly, **REP. KADAS** stated the legislature has insufficient time to adequately study issues with a 90-day biennial session. He said each session the legislature is confronted with both easy and difficult issues. He suggested easy issues are considered during the session, but there is insufficient time to consider complicated issues. He suggested that with a 60-day, 30-day annual session structure, very complicated issues from the 60-day session could be referred to interim study by standing committees. The committees would recommend legislation for the next 30-day session. He contended this process would allow the legislature to deal with difficult issues more effectively. He claimed that current interim committees are ineffective partly because many members are not reelected. New legislators then consider the solutions recommended by former legislators without the benefit of time spent in study on the issue.

**REP. KADAS** explained his view of the legislative process under HB 319 and HB 320. He said the next legislative session would begin on the third Monday in January 1995 and meet for 60 days. He suggested the first two weeks in January could be used by leadership to plan the session schedule and also give appropriations subcommittees time for hearings prior to the session. **REP. KADAS** said he or another legislator would need to offer legislation during the next session to create a structure for standing committees to meet during the interim and prepare legislation for the 1996 session. He suggested the 30-day session could begin on February 1, 1996, giving the appropriations subcommittees time to complete their hearings before the session.

**REP. KADAS** described other suggestions he would have for a more effective legislature. He contended legislative days are wasted by meeting on Saturdays; with 60- and 30-day sessions, the legislature could meet five days per week and finish on the current schedule. He expressed his concern about the self-imposed pressure under which legislators work. He suggested a less strenuous schedule would lead to better legislation.

REP. KADAS noted there was another annual session bill which had been passed in the Senate with 27 members voting in favor. He suggested the Senate bill did not have sufficient support to be placed on the ballot. He noted HB 319 was more specific and restrictive. REP. KADAS said he did not support REP. GRINDE'S bill (HB 176) because it maintains the biennial sessions and would not address the need for annual budgets.

REP. KADAS distributed an amendment to HB 319 to change the ballot language to emphasize the limited nature of the 30-day session. EXHIBIT 1

#### Proponents' Testimony:

Christine Mangiantini, League of Women Voters, spoke in support of both annual sessions and the unicameral legislature. She said the public entrusts the legislature with the state budget. When they see news reports of a \$200 million deficit, people wonder what the legislature has been doing. She asserted there was nothing wrong with legislators, but the system was not working. She said the legislature could be more effective and economical with a unicameral system.

Amy Kelley, Executive Director, Common Cause of Montana, provided written testimony in support of HB 319. She said Montana needs a more timely and responsive method of lawmaking that meets the increased demands placed upon the legislature. She suggested split sessions would eliminate the need for special sessions, reduce legislator and public "burnout," promote higher quality legislation, and use taxpayer money more efficiently. She urged a "do pass" on HB 319. EXHIBIT 2

Katie Williams, citizen, spoke in support of HB 319.

Verner Bertelsen, spoke in favor of annual sessions as proposed in either HB 319 or SB 131. He contended the state spends too much on special sessions; and time during a regular session is too short to adequately consider legislation, particularly appropriations.

#### Opponents' Testimony:

Lorna Frank, Montana Farm Bureau, stated members have opposed annual sessions since the 1970's, and Montana voters have turned down the proposal several times. She said the public was distrustful of the legislature, an attitude exemplified by a sign she had received from a Farm Bureau member which stated: "your property and your liberty are in jeopardy when the legislature is in session."

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. REHBEIN asked REP. KADAS whether the bills required a fiscal note. REP. KADAS said they did need a fiscal note.

REP. SPRING asked REP. KADAS whether annual sessions would greatly reduce the need for special sessions. REP. KADAS responded that the last two special sessions involved budget problems, and those sessions may have been averted if budgets were considered annually. REP. KADAS said special sessions probably could not be eliminated because some circumstances, such as prison riots, demand them. He contended, however, most special sessions would be eliminated by annual sessions.

REP. SCHWINDEN asked Ms. Frank whether the Montana Farm Bureau had an alternative proposal to relieve the distrust of the legislature. Ms. Frank suggested the legislature address budget problems at the beginning of the session by determining state revenues prior to deciding on expenditures.

REP. SCHWINDEN asked REP. KADAS to address Ms. Frank's recommendation. REP. KADAS said he thought the suggestion was unrealistic; he insisted the budget was too large and complex to complete in the first weeks of the session.

REP. GALVIN suggested to REP. KADAS that "Bills may be introduced" on line 16, page 1, HB 319, should be defined. REP. KADAS said he had used existing constitutional language with the expectation that the legislature would meet and define its rules.

REP. WALLIN said he thought there was lost time in each session because of new legislators and suggested to REP. KADAS there would be twice the amount of lost time with annual sessions. REP. KADAS said REP. WALLIN had misunderstood; in fact, the same legislature would meet twice.

REP. SPRING asked REP. KADAS whether his suggestion of standing committees meeting during the interim would increase the cost. REP. KADAS agreed there would probably be some additional expense.

REP. DAVIS asked REP. KADAS whether other restructuring and reorganization, such as smaller committees, were possible under HB 319. REP. KADAS responded HB 319 would be a fundamental change in the legislature and would open opportunities for reorganization. He asserted efficiencies were possible both in terms of fiscal impact and the quality of legislation.

Closing by Sponsor:

REP. KADAS said his intent was to find a better way to make the system work, particularly the budgeting process. He maintained annual consideration of the budget was necessary, either through special sessions or planned annual sessions. He described the

last two special sessions as an attempt to "patch together" the budget. He said substantial changes in policy were not possible in the special session format. **REP. KADAS** stressed basic, overall reforms were needed, and these reforms should produce a system which is more efficient, cost effective, and allows for better decision-making. He concluded the current system does not provide a good environment for quality decisions. He urged the committee to consider the bills and the proposed amendment.

### HEARING ON HB 176

#### Opening Statement by Sponsor:

**REP. LARRY GRINDE**, House District 30, Lewistown, introduced HB 176 which would amend the Montana constitution to provide that the legislature meet in even-numbered years. **REP. GRINDE** distributed written testimony in which he contended both the public and legislative process would benefit from the additional time afforded by having regular sessions in even-numbered years. He described the process for future legislatures under HB 176, and enumerated many benefits. He stated future legislatures would have an organizational meeting in odd-numbered years during which legislators would take the oath of office, adopt rules, and be assigned to committees. He suggested standing committees could meet during the interim to consider complex issues and draft legislation. Deadlines for draft requests, bill introductions, and bill scheduling would be completed by December 1. The Legislature would then meet in regular session in January of the even-numbered year. He contended this schedule would give increased access to citizens, improve the quality of legislation, give new governors time to prepare for the legislative session, and allow new legislators time to learn about the system.

#### **EXHIBIT 3**

**REP. GRINDE** described two potential problems with HB 176. First, he noted that the first year of implementation would require sessions in two consecutive years (1995 and 1996) which might be perceived by the public as an attempt to institute annual sessions. He insisted he was not promoting annual sessions. The second problem he described related to campaign filing dates. With the current filing dates, opponents could be actively campaigning against incumbents while legislators were in session. **REP. GRINDE** suggested moving filing dates to later in the year and moving the primary election to the fall. He asserted changing the dates would not only solve the problem with HB 176 but would also decrease the length and expense of campaigns.

#### Proponents' Testimony:

**Katie Williams**, citizen, presented charts with a proposed schedule under HB 176. She recommended changing the primary date to August 1 to avoid conflict with the national conventions.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. DAVIS asked REP. GRINDE whether under the bill interim committees would have equal political party composition. REP. GRINDE said he had not considered the question and would be amenable to the idea.

REP. ROSE asked REP. GRINDE whether the bill would result in more or less government. REP. GRINDE responded he hoped it would be less government. He explained that the idea for the bill came from Kentucky which, in 1979, had a legislative system similar to Montana with biennial sessions which met in odd-numbered years. Kentucky decided the system was not working and changed to the system proposed in HB 176. REP. GRINDE said people in Kentucky believe the system now works better, although in the first year of implementation, they saw a large increase in the number of bills introduced. Kentucky responded by limiting legislation. He said he thought the bill would create a more efficient and effective government.

REP. WALLIN asked REP. GRINDE how many bills were produced currently by carry-over senators. REP. GRINDE responded that REP. WALLIN had pin-pointed the issue for the bill in the Senate. He pointed out senators already have the advantage of time in which to draft and refine their legislation and suggested they might be unwilling to grant this advantage to representatives. He said he did not know how many senators, in fact, used the time. REP. WALLIN observed that senators seem to be requesting bill drafts at the last minute just like representatives and wondered whether more bills would be generated under HB 176. REP. GRINDE said REP. WALLIN had a legitimate concern and that he advocates limiting legislation. He said he thought some senators took advantage of the time.

REP. MOLNAR expressed his fear that the time available under the bill would be used by the public to organize for or against legislation. He asked REP. GRINDE whether Kentucky had experienced greater polarization of groups and, if so, how they handled it. REP. GRINDE said he did not know Kentucky's experience. He asserted to REP. MOLNAR that it was legislators' duty to encourage citizen participation. He declared the citizen is excluded from the process now, and he insisted more citizen participation would benefit legislators and legislation.

REP. STOVALL asked REP. GRINDE how legislators would gain a better understanding of the budget under the bill. REP. GRINDE responded the appropriations committee would meet during the interim, and legislators would have the opportunity to go to hearings. The interim would also give legislators time to study the budget.

REP. SQUIRES asked REP. GRINDE whether agency bills would be considered separately from legislators' bills. REP. GRINDE said he would set bill limits on both agencies and legislators.

REP. SQUIRES asked REP. GRINDE whether legislators would find it easier to have a single 90-day absence from employment than to have periodic absences during an interim for committee meetings. She suggested the bill might limit who could participate as legislators. REP. GRINDE responded the question had merit and answered he did not think the bill would limit who could participate. He pointed out current members must meet periodically in the interim if they are on an interim committee. He suggested annual sessions would be more difficult for legislators.

REP. SIMPKINS referred to page 5 of REP. GRINDE'S testimony and asked whether the organizational meeting in the odd-numbered years counted toward the 90 days of the legislative session. REP. GRINDE confirmed the days used in the organizational meeting would count toward the 90 days. He contended the bill could streamline sessions to the extent that 90 days would not be required. REP. SIMPKINS suggested the legislature would have to meet in special session for the organizational meeting because the bill would authorize the 90 days only in the even-numbered years. REP. GRINDE referred REP. SIMPKINS to page 6 of his testimony which states the legislature does not need to formally convene to take the oath of office, adopt rules, elect leadership, and appoint committees. The legislature must formally convene to enact laws and confirm appointments. Thus, the organizational meeting would not require a formal convening of the session.

REP. GRINDE referred committee members to proposed amendments to HB 176 which clarifies the ballot language. EXHIBIT 4

REP. SPRING asked REP. GRINDE whether, given the political nature of the session, he really believed the legislative session would take less than 90 days. REP. GRINDE responded that politics could never be removed from the system; he contended HB 176 streamlines the legislature by providing the means to better organize time.

REP. GALVIN suggested to REP. GRINDE that the interim committees would govern rather than the legislature. REP. GRINDE disagreed with REP. GALVIN and repeated the function of the interim committee to work on difficult complex issues.

Closing by Sponsor:

REP. GRINDE acknowledged that change is difficult, particularly in the legislative process. He declared he had no ulterior political motives for presenting HB 176. He said the current system leaves the citizen out of the process and is unhealthy for legislators. Under the bill, he contended the legislature could

operate more efficiently and effectively. He suggested the question for committee members was whether or not they believed the current system was working. If members do not believe the system is working, then he asked them to join him in changing the process to make it better for citizens and legislators.

EXECUTIVE ACTION ON HB 329

Motion: REP. DAVIS MOVED HB 329 DO PASS.

Motion: REP. DAVIS moved HB 329 be amended to change the title and eliminate changes to Section 1. EXHIBIT 5

Discussion:

REP. BARNHART spoke against the amendment. She said testimony had indicated election administrators had difficulty in acquiring lists from the political parties. She suggested lines 5-7, page 2, would force political parties to submit lists.

REP. REHBEIN said he wanted to give the option of having part-time judges. REP. SIMPKINS said the amendment gives that option.

REP. SPRING said he favored the amendment.

REP. SQUIRES opposed the amendment because she contended there were differences between counties in their ability to find election judges. For those counties who are having difficulty, the bill provides a new option for clerks and recorders to have a larger pool from which to choose elections judges. She said provisions had been included in the bill for people to be excused.

REP. REHBEIN supported the amendment and declared that with the option to have part-time election judges, the pool of available people would be enlarged.

REP. BARNHART pointed out that counties which had no problems would not be required to use the option in HB 329; only counties which had difficulty would use the option.

REP. SIMPKINS said the Missoula Clerk and Recorder had given the strongest testimony for having part-time judges. He said she had told him after the hearing that having part-time employees would help her resolve her problem. REP. SQUIRES said she wanted both part-time judges and the option of selecting judges from registered voters. REP. BARNHART expressed her disagreement with REP. SIMPKINS' "editorializing" of the testimony of the Missoula Clerk and Recorder. REP. SIMPKINS explained he had spoken to her after the hearing, and she had argued for having legislation to allow part-time election judges as a partial solution.



**REP. SCHWINDEN** stated he supported the amendment. He explained he represented Native American tribes on the Fort Peck Reservation who historically had a low rate of voter registration and voter turnout. He said if election judges were chosen from lists of registered voters, then tribal members would not be able to participate. He reported his local clerk and recorder solicits tribal members to serve as election judges.

**REP. SPRING** reported he had spoken to the Gallatin County Clerk and Recorder; she was in favor of having part-time judges but opposed to the rest of the bill.

**Vote:** Motion to amend HB 329 carried 13-2 with **REPS. SQUIRES** and **BARNHART** voting no, and **REP. GERVAIS** voting by proxy. **EXHIBIT 6**

**Motion/Vote:** **REP. DAVIS MOVED HB 329 DO PASS AS AMENDED.** Motion carried unanimously with **REP. GERVAIS** voting by proxy. **EXHIBIT 6**

#### HEARING ON HB 126

##### Opening Statement by Sponsor:

**REP. MIKE KADAS**, House District 55, Missoula, introduced HB 126 to create an 80- to 100-member, unicameral legislature. He distributed a letter from **Arlyne Reichert** in support of HB 126. **REP. KADAS** explained that **Ms. Reichert** had been a member of the Constitutional Convention and Montana Legislature. She is a strong supporter of the unicameral legislature who had tried to get the amendment on the ballot in 1980 by the petition process. **EXHIBIT 7**

**REP. KADAS** also distributed a letter to the editor from **Ms. Reichert** and an article on Nebraska's unicameral legislature as it enters its fifty-sixth year. **EXHIBIT 8, 9**

**REP. KADAS** described the historical background of bicameral legislatures and presented the advantages of the unicameral system. He reported that by historical tradition, 49 states had a bicameral legislature. According to supporters, the advantages of the bicameral system are that it slows the legislative process and provides checks and balances. **REP. KADAS** argued the unicameral legislature could be structured to provide ample consideration of legislation. He contended the checks and balances of Montana's bicameral legislature have led to legislative gridlock and obstruction of accomplishments. He maintained the constitution, rules of the legislature, governor, and the referendum process were sufficient checks to ensure reasonable consideration of legislation. **REP. KADAS** insisted gridlock needs to be eliminated, and a unicameral legislature would force the controlling party to take responsibility for legislative actions.

**REP. KADAS** noted that the Canadian provinces, many U.S. cities, and Nebraska had all adopted unicameral bodies. He acknowledged that for Montana adoption of a unicameral legislature represented a major change; however, he contended there were advantages in the long term. First, he suggested that currently it was easier for lobbyists to kill legislation because they needed to contact only 26 senators. Under the unicameral system lobbyists would have to contact at least 51 legislators whether to pass or kill legislation. Second, he asserted citizens would be better able to understand and follow the legislative process. Third, he contended the unicameral system would result in significant cost savings by having a single, 100-member chamber.

**REP. KADAS** concluded by proposing that line 23, page 16, be amended from "senate districts" to "representative districts."

**Proponents' Testimony:**

**SEN. BOB BROWN, Senate District 2, Whitefish,** spoke as a sponsor of HB 126. He said he and **REP. KADAS** came together on the unicameral legislature because they both felt the same frustration over the current system and wanted to make it more workable. He contended there was no dominant political party in Montana. He recounted that since he began as a legislator in 1971, only in 1973-1975 had the same political party controlled both houses of the legislature and the governor's office. **SEN. BROWN** said in every other session, the political parties have split control, and the result has been legislative gridlock with each party blaming the other for the lack of action. He suggested the public has come to think that, in fact, the political parties were to blame for the gridlock rather than recognizing that gridlock results from the split in control. He pointed out a unicameral legislature would diminish the opportunity for gridlock.

**SEN. BROWN** contended the justification for a bicameral legislature no longer existed since the Supreme Court decision of 1964 which required both houses of state legislatures be apportioned by population. He asserted the argument that having the second house as a check on legislation was also erroneous. He reported that in the 1991 session the legislature had killed 662 bills, but 79.3%, or 525 bills, were killed in their house of origin. Thus, he suggested the cumbersome, two-house process provided a check only on a small percentage of bills.

**SEN. BROWN** summarized his points in support of a unicameral legislature: (1) less chance of deadlock; (2) more accountability by legislators; (3) fewer legislators, but the same level of representation; and (4) fiscal savings of \$1.7 million.

**Twyla Holstein, citizen,** stated she was a former resident of Nebraska and compared her experience with a unicameral legislature to Montana's bicameral system. She said she thought

the unicameral was efficient and represented citizens well; she suggested the Montana system sometimes considered legislation too hastily.

**Thomas Payne, Professor Emeritus of Political Science, University of Montana**, provided written testimony in support of HB 126 in which he reviewed the history of unicameral legislatures and reiterated the advantages. **EXHIBIT 10**

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

**REP. SPRING** asked **SEN. BROWN** whether 1972, when one party had control of the legislature and governor's office, was a better legislative year. **SEN. BROWN** gave several examples of significant, complex legislation passed in 1972 including the plant siting act and 30% coal severance act. He said there seemed to be agreement about direction for the state.

**REP. MOLNAR** noted that the Nebraska legislature is nonpartisan and asked **Ms. Holstein** whether she thought the nonpartisan requirement was a necessary element missing from HB 126. **Ms. Holstein** said Nebraska was primarily Republican. **REP. MOLNAR** asked her whether she thought the nonpartisan requirement should be retained. She replied it might be useful.

**REP. ROSE** suggested that funding was only one aspect of comparison and asked **REP. KADAS** whether the Nebraska legislature had a large legislative staff. **REP. KADAS** reported that compared to Montana, the Nebraska legislature meets more often, legislators are paid higher salaries, and they likely have more staff. He explained that he had not compared the expense of the Montana and Nebraska legislatures. He contended that compared to the current Montana legislative structure, a unicameral system should result in lower cost because there would be fewer legislators.

**REP. ROSE** recounted that **REP. KADAS** had stated a unicameral structure would require the controlling party to take responsibility for legislative actions, but Nebraska's unicameral system was nonpartisan. **REP. KADAS** responded that Nebraska was nonpartisan, but Montana would retain its bipartisan legislature.

**REP. STOVALL** asked **REP. KADAS** how legislative districts would be determined under the bill. **REP. KADAS** said the same process used in forming house districts would be used; the only difference with the unicameral legislature would be that senate districts would not be created. **REP. STOVALL** asked whether there would be 100 districts. **REP. KADAS** responded there would be 100 districts. He noted that under the Constitution, the legislature could reduce the number of districts, but HB 126 only eliminates

the senate districts. **REP. STOVALL** asked **REP. KADAS** what effect a unicameral legislature would have on rural versus urban representation. **REP. KADAS** answered a unicameral system would have no effect; he pointed out that currently representation in both the House and Senate is based on population with approximately 8,000 people in each House district. This same level of representation would be maintained under the unicameral proposal.

**REP. GALVIN** asserted testimony had emphasized the cost savings of a smaller legislature and asked **SEN. BROWN** whether he considered Montana fairly represented with only one representative in the U.S. House. **SEN. BROWN** responded Montana was under-represented in Congress because it had the most populated House district. He asked **REP. GALVIN** how the question was related to HB 126. **REP. GALVIN** answered the unicameral system would eliminate representation. **SEN. BROWN** countered that the same grassroots representation with 100 house districts would be unchanged; the change would be in the 50 senate districts which duplicate representation of the house districts. **SEN. BROWN** compared the unicameral proposal with the proposal to reduce the size of the legislature to 40 senate and 80 house districts. Under the latter proposal, he suggested the rural districts would be enormous in size; and the result would be less representation.

**SEN. BROWN** responded to **REP. MOLNAR'S** earlier question about the nonpartisan nature of the Nebraska's unicameral legislature. He reported that Nebraska's legislature was nonpartisan because of the influence of one individual, George W. Norris. He contended Montana has a tradition of bipartisanship which exists even in political races in which party designation is removed. **SEN. BROWN** reiterated that a nonpartisan legislature was not part of HB 126.

**REP. MOLNAR** recounted that **SEN. BROWN** had testified there was no dominant political party in Montana. **REP. MOLNAR** suggested the lack of a dominant party meant Montana had a moderate electorate which alternated between the two political parties. He said **SEN. BROWN** had also testified people did not want gridlock with political parties placing blame on each other. **REP. MOLNAR** asserted the bill creates a dominant party and fixes blame. **REP. MOLNAR** asked **SEN. BROWN** how he could conclude that gridlock would end with a "super party" which would constantly change as the public elected the alternative party.

**SEN. BROWN** responded to **REP. MOLNAR** by clarifying that he did not share **REP. MOLNAR'S** view that Montana's electorate is moderate. He said the state had liberal Democrats and conservative Republicans, and the state had no tradition of electing moderates. He said the problem for Montana is that in the last 22 years, only in 1972-76 did the same party have control in both legislative chambers and the governor's office. When control is split between the parties, then the system does not function because of gridlock. By reducing the legislature to one chamber,

the probability of gridlock is reduced. If one party has control, then the electorate knows who is responsible for legislation and there is greater accountability.

**REP. SIMPKINS** clarified that the nonpartisan/bipartisan issue was not part of HB 126. **REP. MOLNAR** claimed the issue was part of the bill because HB 126 was based on the Nebraska plan which included a nonpartisan unicameral legislature.

**REP. WALLIN** asked **REP. BROWN** whether there had been three-house legislatures. **REP. BROWN** responded three-house legislatures had occurred historically and gave the example of pre-Revolutionary France. He said the tendency over the last 200 years was to form unicameral legislatures because they were more functional.

**Professor Payne** repeated that while Nebraska was nonpartisan, nothing in HB 126 proposes the Montana unicameral legislature be nonpartisan. He noted the Nebraska legislators were listed as nonpartisan Republicans. He said, as a political scientist, he was strongly opposed to nonpartisan legislatures and asserted democracy was better served by a spirited political party system.

**REP. MOLNAR** reported he had studied parliamentary and unicameral systems and asked **Professor Payne** whether HB 126 moved Montana toward a parliamentary system. **Professor Payne** responded negatively and explained they were divergent concepts. He noted Nebraska has had a unicameral legislature for 56 years and had not approached a parliamentary government. He explained there could be no parliamentary government so long as the Constitution provides for the separation of powers with a separately elected governor.

**REP. REHBEIN** asked **Professor Payne** whether Nebraska had a budget deficit. **Professor Payne** said he had not looked at their budget. He professed the unicameral legislature provided a better process for meeting the public desire.

**Closing by Sponsor:**

**REP. KADAS** closed by noting that Nebraska was a rural state like Montana and was satisfied with its unicameral legislature. He stated there was a significant difference between unicameral and parliamentary systems and insisted a parliamentary system would not occur in Montana because of the constitutionally defined separation of powers. **REP. KADAS** concluded fundamental changes in the legislature were needed.


HOUSE STATE ADMINISTRATION COMMITTEE

February 4, 1993

Page 14 of 14

ADJOURNMENT

Adjournment: 11:25 a.m.

  
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DICK SIMPKINS, Chair

  
\_\_\_\_\_  
DOROTHY POULSEN, Secretary

DS/DP

Amendments to House Bill No. 319  
First Reading Copy

Requested by Rep. Kadas  
For the Committee on State Administration

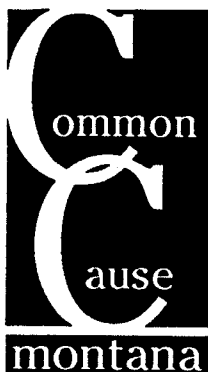
Prepared by John MacMaster  
February 4, 1993

1. Page 2, lines 3 through 5 and lines 6 through 8.

Strike: "annual legislative sessions of 30 days in even-numbered  
years and 60 days in odd-numbered years"

Insert: "legislative sessions of 60 days in odd-numbered years  
and limited sessions of 30 days in even-numbered years"

EXHIBIT 1  
DATE 2/4/93  
HB 319



COMMON CAUSE TESTIMONY  
IN SUPPORT OF HB 319  
FEBRUARY 4, 1993

P.O. Box 623  
Helena, MT  
59624  
406/442-9251

Mister Chairman, members of the House State Administration Committee, for the record my name is Amy Kelley, Executive Director for Common Cause/Montana.

Common Cause/Montana is a nonprofit, nonpartisan citizen group of more than 800 members working to promote more open and accessible democratic government in Montana.

On behalf of those members, I wish to register our support for HB 319, putting to a citizen vote a constitutional amendment to split Montana's current biennial 90-day legislative session into two annual sessions.

As you all are intimately aware, the scope and severity of problems the Montana Legislature must address grow in number and complexity every year. Since 1980, decreased regulation and budget cuts on a federal level has shifted much difficult policy and budget decision-making from the federal government to the states.

We believe that decisions to solve complex problems cannot be made in a rushed "pressure cooker" environment. Crisis management becomes the rule, with major legislation being pushed through or killed in the final days of a session with little debate or public scrutiny.

In recent years, it seems that special sessions have also become the rule. It is my understanding that the work environment and process becomes extremely chaotic during these sessions, and that as a result, public participation suffers greatly. Citizens are often unaware of committee hearings or unable to speak out given the rapid-fire schedule.

Montana is not the only state that has faced this problem. The national trend has been toward annual or split sessions.

In 1939, 44 states had biennial sessions. EXHIBIT 2  
By 1961, that number decreased to 31. DATE 2/4/93  
Today, Montana is one of only seven HB 319  
states with biennial sessions.



In 1987, two-thirds of the Montana Legislature voted to place on the ballot a constitutional amendment to establish split sessions. Common Cause and a variety of citizen groups and legislators worked hard to support that ballot initiative.

The final vote was a close 49 for and 51% against. Common Cause felt the major reason for that failure was a deceptively high fiscal note placed on the ballot -- which did not adequately reflect the savings involved in eliminating the need for special sessions.

Montana has no need for, nor could it afford, a full-time legislature. However, Montana needs a more timely and responsive method of lawmaking that meets the increased demands placed upon the legislature.

It is our hope that split sessions can help achieve that goal. They would:

- \* potentially eliminate the need for COSTLY emergency special sessions.
- \* reduce legislator and public "burnout."
- \* promote better dissemination of information to the public, and better participation by the public in the process.
- \* allow the legislature to address policy issues in odd-numbered years, and revenue and appropriations matters in even-numbered years.
- \* encourage more citizens to run for office, citizens in occupations excluded due to the long four-month session.
- \* promote higher quality bill drafting.
- \* use taxpayer money more efficiently.

Splitting the current biennial legislative session into two annual sessions makes sense for Montana. We strongly urge a "do pass" from this Committee on HB 319.

February 2, 1993

TO: Addressee

FROM: Representative Larry Hal Grinde

SUBJECT: House Bill 176: Legislative sessions in even-numbered years

Attached is some general information pertaining to House Bill 176 that, if adopted, will shift the regular sessions of future Legislatures from odd-numbered years to even-numbered years. At first glance, the bill and the concept seem simple and innocuous. The bill and the concept are simple, but the effects are far reaching.

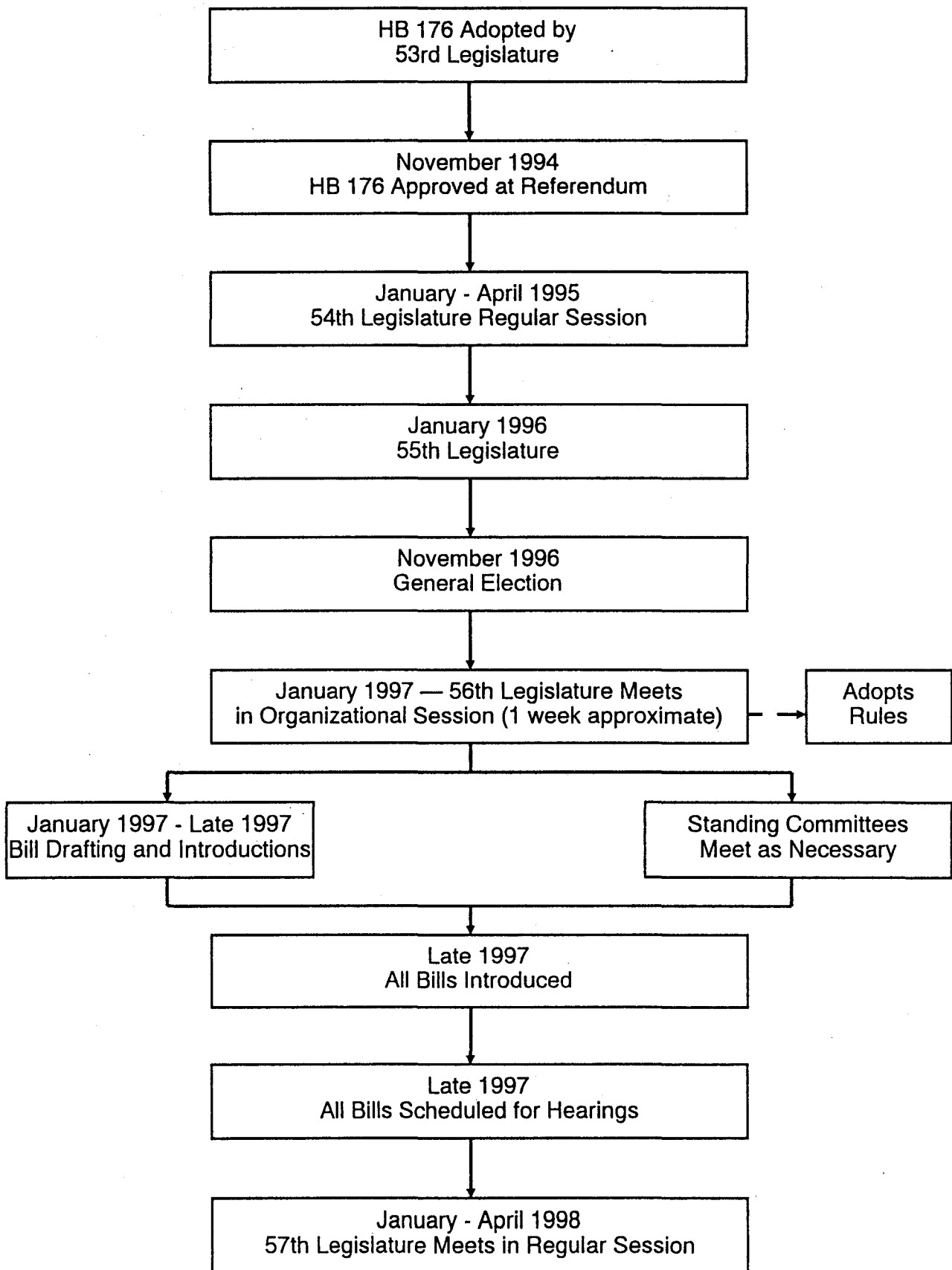
Under the current process, the Legislature scrambles to organize following the November elections, hurries to have bills drafted and introduced, rushes through public hearings and committee action, and races to complete the complex and difficult tasks of making public policy in 90 days. This process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

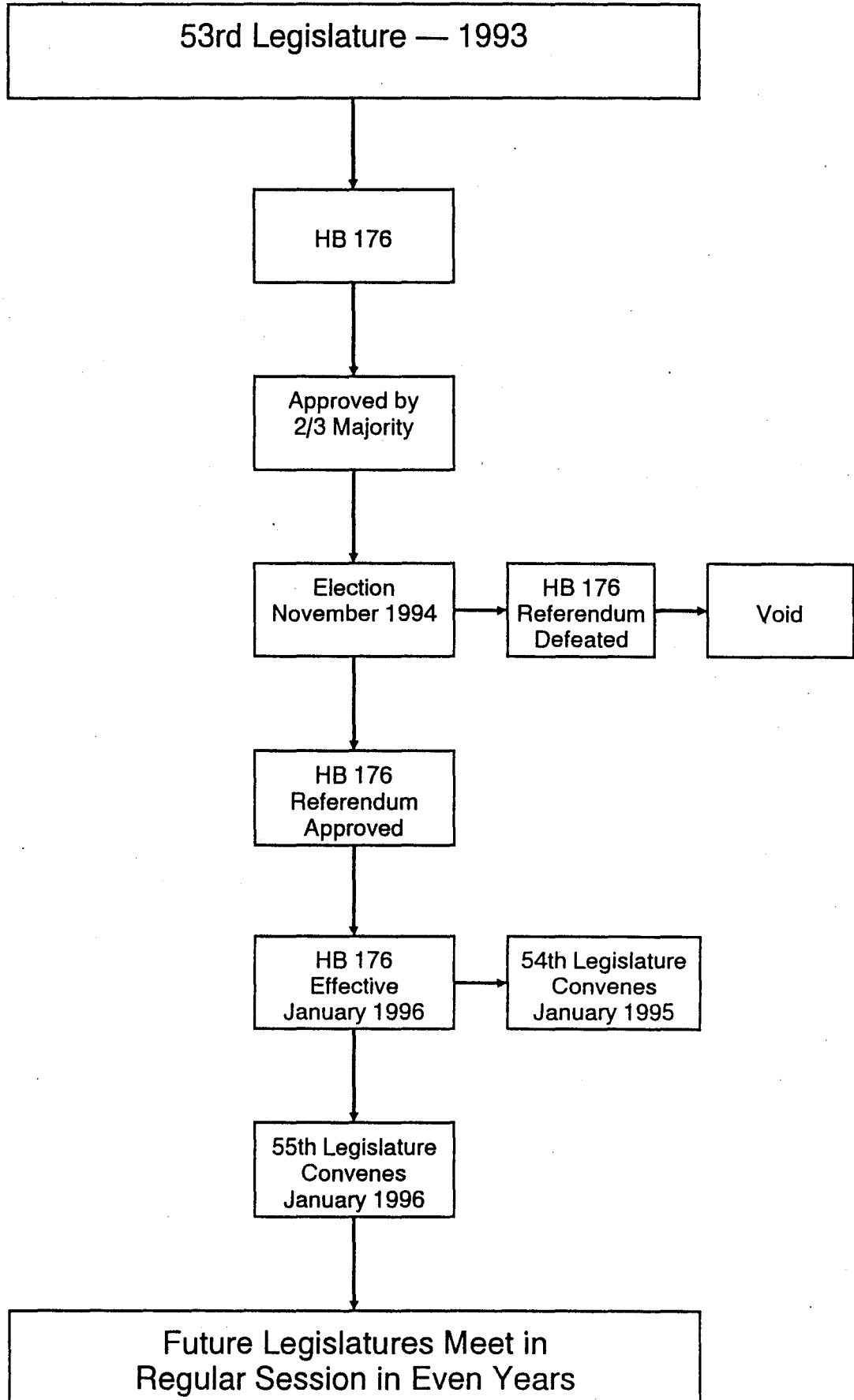
Adopting HB 176 will provide many benefits. The Executive Branch profits by having more time to develop and propose major initiatives, both through substantive legislation and through the budget. The Legislature gains by having sufficient time to have legislation drafted and reviewed by a broader public, 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.





Odd-Numbered Year  
Legislature Meets in  
Organizational Session

First Monday in January  
Oath of Office  
Adopt Rules  
Assign Committees

Recess

Draft Legislation

Request Deadline  
August 15

Statutory Committees  
Standing Committees  
Meet as Necessary  
Pursuant to Rules

All Bills Drafted  
Introduction Deadline  
October 1

All Bills Scheduled  
for Hearing  
December 1

Legislature Meets in  
Regular Session  
First Monday in January

## ORGANIZATIONAL MEETING

House Bill #176  
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 it's 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 2 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.

EXHIBIT 3  
DATE 2/4/93  
HB 176

## 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 1996 could be limited to a very few subjects, among which should be a budget for FY 1998. The 1998 legislature would then budget biennially for FY 1999 & 2000, 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 1996 session?

**An answer.** Whatever it wants to do. However, the only real business that must be addressed is the FY 1998 budget. The 1996 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 1996 session, but there may be savings during the 1998 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 1998 legislature (although that could be one subject of the 1995 or 1996 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 1995 or 1996 session.

**Question 4.** If HB 176 is 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 HB 176 that allows the legislature to "convene". However, when the legislature convenes under HB 176 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!

**Question 6.** How does this bill fit with term limits?

**An answer.** With the mandate that there be greater turnover amongst legislators, delaying the regular legislative session until the second year of a term, will allow the novice legislator to become more familiar with the process before being subjected to the pressures of a regular session.

Arguments in favor of meeting in regular session in even-numbered years.

1) Elimination of lame ducks -- interim committees would be composed entirely of members who would serve in the session following the interim.

2) Leadership and party responsibility -- leadership would be elected a year prior to a session and rules could be in place prior to the session. A party would have a year under the guidance of the elected leaders to put together a package of legislation aimed at achieving specific goals or policies.

3) Administrative support -- staff would have an entire year to accept requests from all legislators and if legislative rules provided a reasonable cutoff date for requests, all bills could be drafted prior to the convening of a legislative session. Enhanced scheduling and coordination of bills would result.

4) Newly elected officials would have a year in office prior to the legislative session. This would give newly elected officials time to hire staff and put together a legislative agenda.

5) Enhanced ability to perform certain duties -- if committees were appointed at an organizational session, committees such as the senate state administration committee would have a reasonable time to scrutinize appointments, analyze potential issues and work toward consensus.

6) Cost savings -- items 1 through 5 should result in reduced overtime costs for session personnel.

SPECIAL SESSIONS OVER THE PAST DECADE

Special Session	Cost
5-90	\$202,340
6-89	\$606,454
6-86	\$831,594
3-86	\$266,422
6-85	\$ 46,338
12-83	\$295,000
6-82	\$233,000
11-81	<u>\$420,000</u>
	\$2,901,148

EXHIBIT 3  
DATE 2/4/93  
HR 176

Amendments to House Bill No. 176  
First Reading Copy

Requested by Representative Grinde  
For the Committee on

Prepared by Greg Petesch  
February 3, 1993

1. Page 1, line 25.

Following: "FOR"

Insert: "changing the meeting time of"

Strike: "meeting in"

Insert: "from odd-numbered to"

2. Page 2, line 1.

Following: "AGAINST"

Insert: "changing the meeting time of"

Strike: "meeting in"

Insert: "from odd-numbered to"

\_\_\_\_\_ FOR changing the meeting time of the legislature from odd-numbered to even-numbered years.

\_\_\_\_\_ AGAINST changing the meeting time of the legislature from odd-numbered to even-numbered years.

EXHIBIT 4  
DATE 2/4/93  
HB 176

Amendments to House Bill No. 329  
First Reading Copy

For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger  
February 4, 1993

1. Title, lines 4 and 5.  
Following: "ACT" on line 4  
Strike: "REVISING" through the first "AND" on line 5  
Insert: "CLARIFYING"
2. Title, line 5.  
Following: "DUTIES"  
Insert: "AND WORKING HOURS"
3. Title, line 6.  
Strike: "13-4-102,"
4. Page 1, line 9 through page 2, line 22.  
Strike: Section 1 in its entirety  
Renumber: subsequent sections

EXHIBIT 5  
DATE 2/4/93  
HB 329



Amended

329-1

329 do amended  
16/2

2/3/53

I give my Proxy Vote to Rep Davis

in State Administration on all

Bills, Amendments and other actions

on 2/4/53

EXHIBIT 6

DATE 2/4/53

HB 329

328 LMO

Rep. Davis

1409 4th Avenue South  
Great Falls, Montana 59405  
January 28, 1993

The Honorable Richard Simpkins, Chair  
House State Administration Committee  
State Capitol  
Helena, Montana 59620

Dear Representative Simpkins and Members of the Committee:

I am Arlyne Reichert of Great Falls. I urge you to support H.B. 126 to allow the voters of Montana to decide if it is time to establish a unicameral system in our state.

Nebraska is entering its 56th year as the only state with a one-house legislature. According to an article appearing in the January 10, 1993 issue of the SUNDAY WORLD HERALD, a political science professor said, "Nebraskans remain anywhere from **mildly to wildly** enthusiastic about their system. It works for them." How long has it been since anyone in Montana has been **at all** enthusiastic about our legislative system?

I believe the time is long over-due for Montanans to consider a legislative structure that really works. Simply getting rid of the greatest evil in a 2-house system - the conference committees - would be an advantage. The pressure cooker Transmittal Deadline would be another relic we could do without. Along with eliminating all of the nooks and crannies and other confusions and buck-passing of the bicameral system, the citizens would be able to follow the progress of each bill easily.

Please give Montanans the chance to consider the Unicameral option by recommending **DO PASS** on H.B. 126.

Thank you.



Arlyne Reichert  
Phone: 452-5492

RECEIVED 7  
DATE 2/4/93  
HB 126

1-3-93  
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121341

## Unicameral body may be the answer

If legislators are honestly concerned about the gridlock that has been confronting our state for decades they should vote for the unicameral (one house) bill introduced by Senator Bob Brown, Republican and House Rep. Mike Kadas, Democrat. A two-thirds vote in the Legislature would refer the issue to the voters to decide. The establishment of a unicameral Legislature would automatically reduce the number of Montana legislators from 150 to 100, it would end the constant bickering and "one-upmanship" played (while Montana "burns") between the two chambers, it would bring all legislative action into the open, it would eliminate conference committees in which a handful of legislators make the significant decisions at the end of the session and Republicans and Democrats could no longer engage in buck-passing.

In the more than 50 years that a unicameral Legislature has been in place in Nebraska, there has never been a serious attempt to modify its structure. As an example of how Nebraska deals with such problem areas as Workers' Compensation, the average business in Nebraska

paid \$4.81 in workers' compensation insurance per week for every worker. In Montana, our costs are the highest in the nation at \$20.13 per worker.

I believe the citizens of Montana realize that our current system just isn't working. Please urge your members of the House and Senate to support the Kadas-Brown proposal so Montana voters will have an opportunity to do something about our sad legislative situation.

ARLYNE REICHERT 1409 4th Ave S.

EXHIBIT 8  
DATE 2/4/93  
HB 126

# Unicameral Enters Its 56th Year

BY HENRY J. CORDES  
WORLD-HERALD STAFF WRITER

## MIDLANDS SPECIAL REPORT

Lincoln — When Nebraska's populist U.S. senator, George W. Norris of McCook, began pushing his idea in 1934 for a one-house legislature, many people told him it wouldn't work.

You have to have both a house and senate, opponents said, so that one can be a check against the power of the other. You need those checks and balances, they said.

Norris replied that the two-house system had checks and balances all right: "In every two-house legislature . . .," he said, "the politicians get the checks and the special interests get the balances."

Norris said that if voters approved a constitutional amendment abolishing Nebraska's two-house system in favor of his "unicameral" proposal, they would see a more democratic, open system of government that would serve their needs, not those of special interests.

When the gavel came down to signal the start of the Nebraska Legislature's 1993 session Wednesday, it marked the 56th year of Norris' grand experiment — a one-house legislature made up of senators elected on a ballot that has no reference to their political party registration.

Whether the unicameral system has lived up to Norris' ideals remains a subject of debate. The cynicism he expressed about the power of lobbyists and special interests is still heard.

Norris' idea is still considered by some to be radical. No other state has followed Nebraska's lead.

Nebraskans don't seem to mind, said Bob Sittig, a University of Nebraska-Lincoln political science professor and longtime student of the unicameral system.

Nebraskans remain anywhere from mildly to wildly enthusiastic about the system. It works for them, he said.

State Sen. Jerome Warner of Waverly said, "Every year when we finish, the things that have to be done get done . . . and a few things that don't need to be done get done, too." Warner's 31 consecutive years in the Legislature are a Nebraska record.

Warner's father, Charles, was elected speaker when the first unicameral session began Jan. 5, 1937.

Norris helped launch the venture that day, speaking to the body in the legislative chamber that later would be named after him.

"Upon you and your work will be focused the eyes of all students of government all over the nation," Norris told the senators. "Every professional lobbyist, every professional politician and every representative of greed and monopoly is hoping and praying that your work will be a failure."

**Cynicism**  
More than 30 years of service in the U.S. Congress led to Norris' cynicism about the two-house system used in Congress and state legislatures, including Nebraska's.

To him, the greatest evil in a two-house system was the conference committee. There, small groups from each house meet behind closed doors to hammer out differences between their versions of bills.

It was there, Norris said, that lobbyists were able to have things their way, burying issues and diverting legislation that had been approved by the majority.

The idea of a unicameral legislature had been kicked around by populists in Nebraska for decades. But it never got off the ground until Norris threw his support behind a petition drive to amend the Nebraska Constitution and create



THE WORLD-HERALD/1937 PHOTO

**OPENING DAY:** George W. Norris, standing next to the flag near the front in this photo taken Jan. 5, 1937, the first day of the Unicameral, said a one-house legislature would give Nebraskans a more democratic, open system of government that would serve their needs, not those of special interests.

*"In every two-house legislature . . . the politicians get the checks and the special interests get the balances."*

— George W. Norris  
Father of the Nebraska Unicameral

such a system.

He had insisted that the newly proposed system not only be one house but also require legislators to be elected on a nonpartisan ballot. That generated opposition from the two major political parties. Some people thought it would doom the measure.

Norris spent the summer and fall of 1934 driving the mostly unpaved roads of Nebraska and giving speeches supporting the measure.

The Depression-era effort was probably also aided by the fact that a one-house system would be cheaper for taxpayers. The amendment passed, 286,086 to 193,152.

### 43 Members

With the passage, the state went from a 100-member House and 33-member Senate to a single 43-member Legislature, each member called a senator. The number of senators has since been increased to 49.

Checks were written into the system to make sure the single-house body didn't act rashly.

A bill must pass three rounds of debate before it can go to the governor. Each bill is required to have a hearing, at

which the public can comment. All committee deliberations are open to the press.

Committee chairmen are chosen by secret ballot of all members, not selected on a seniority basis or hand-picked by leaders of the majority party, as is the case in most states.

Nebraska's Legislature has been hailed for its openness, often called the most naked to public view in the country. But it also has its critics.

Some say Nebraska does have a second house — lobbyists and special interests. Since there are no political parties to keep senators in line, some say it makes them more vulnerable to lobbying.

"In Nebraska, the influence of the citizen lobby and paid lobbyists is far greater than in Washington," said Rep. Doug Bereuter, R-Neb., who before going to Congress in 1979 served four years in the Legislature. "I certainly do not feel the intense lobbying pressure here that I did in Nebraska."

### Less Influence

Warner, however, said he is convinced that lobbyists have less influence in Nebraska. He said he once spoke with a lobbyist who came from Texas to work an issue in Nebraska.

"He said in other states he'd just get in a motel room to talk to the majority leader and minority leader and would be done," Warner said. "Here he had to convince 25 people, one at a time."

The Legislature also has been criticized for its leadership structure, for being either too strong or too weak.

Opponents say the one-house system can allow one member to become too powerful and stampede the body. Others

say the nonpartisan collegial nature sometimes leaves the body without strong leaders.

There are advantages to a nonpartisan body, Bereuter said.

Bills are judged on their merits instead of by whether a lawmaker has a "D" or an "R" after his name, he said.

The main advantage, Bereuter said, is that things get done. The gridlock in Congress in recent years shows how partisan squabbling can keep anything from being accomplished, Bereuter said.

Victoria Horton, a former lobbyist in Nebraska who now lobbies the California Legislature in Sacramento, said the same kind of gridlock has some people in her state talking about switching to a unicameral system.

Her state last year failed to pass a budget because of party squabbling, something unheard of in Nebraska.

"In Nebraska we were able to take on problems head on," she said. "Here we just get stuck in partisan gridlock."

### Strong Support

Despite his criticisms, Bereuter said, he remains a strong supporter of Nebraska's system. He said he shares Norris' disdain for conference committees.

"The House can have an overwhelming majority vote for something, and then it gets dropped in conference committee," he said. "It happens all the time."

Overall, Norris probably would be pleased with how his experiment has turned out, said Sen. Dennis Baack of Kimball, speaker of the Legislature.

"He had a pretty high standard," Baack said. "But I think it's very much the way he envisioned it. He wanted an open process, and that's what we have. I don't think he would mind it at all."

EXHIBIT 9  
DATE 2/4/93  
HB 126

Testimony of Thomas Payne

Professor Emeritus of Political Science, University of Montana,  
before House Committee on State Administration  
State Representative Richard Simpkins, Chair.

Rm. 312-3 State Capitol Building, Helena, MT, Feb. 4, 1993

Concerning House Bill 126 (Kadas, Brown, Benedict, Eck)

Amending Montana Constitution to create 80-100 member Unicameral Legislature

Mr. Chairman and members of the Committee, I appreciate the opportunity to discuss with you the merits of this proposed constitutional amendment, which would replace the present two-house, bicameral legislature with a one-house, unicameral legislature. I speak in support of the measure.

At present, Nebraska is the only American state to have a unicameral legislature, effective since its adoption in 1934, and in operation since 1937. Additionally in North America, however, nine of Canada's 10 provinces and all six Central American Republics, have unicameral legislative bodies. Many, but not all of the democratic governments around the world have unicameral legislative bodies. Also the bulk of American city councils, as well as other local governing boards, are unicameral.

Briefly, the Nebraska unicameral legislature consists of 49 members, called senators, elected on a nonpartisan basis for terms of four years. It meets annually for 90 days in odd-numbered years, and for 60 days in even-numbered years. The Legislature, by an affirmative vote of 4/5ths of the members, may extend the length of the session. Nebraska has an area of 76,878 square miles, compared with Montana's 145,556 square miles, and a population of 1,578,385, compared with Montana's population of 799,065.

To me, the strongest argument for adopting this amendment is that a unicameral legislature would eliminate the stalemate or gridlock that happens in Montana when different political parties control the two houses of our legislature, and would reduce the incidence of gridlock that occurs when the governor's political party differs from the party in control of one or both chambers of the legislature. Arlyne Reichert, a delegate to the 1972 Constitutional Convention and later a member of the House, found, in a 1980 report, that party control of the two Montana legislative chambers since statehood had been divided in 20 of the 46 sessions through 1979. My data, compiled for the period since World War II and embracing 24 legislative sessions from 1947 through 1993, reveal that the same political party has had majorities in control of both houses of the Montana Legislature in only 12 of those sessions, the Democrats 8, and the Republicans 4, and that party control

of the two houses has been divided in the other 12 sessions, or one-half of the time. Divided control by the two parties is even more pronounced when the governor's office is included in the calculations. In only 6 of 24 sessions, or one-fourth of the time over the past 48 years, has the governor had a legislature in which both houses were controlled by his political party, four sessions for Democratic Governors and two sessions for Republican Governors. The gridlock which contributes to near paralysis of policy-making on critical issues would be reduced by the change to unicameralism. The mathematics tells us as much.

The unicameral plan would also end the need for the use of conference committees to reconcile differences in bills that pass both houses in differing form. It would greatly simplify citizen access, as hearings on identical legislation now required in both houses, would no longer be required. By the same token the single house would be less rushed in considering bills, resulting in greater care in the legislative process, and a better end product of legislative enactments.

The U.S. Supreme Court decisions of the early 1960s, mandating one person one vote, brought the pattern of representation by county in one house, the Senate, and by population in the other, to an end, requiring the present pattern in which a State Senator represents the same constituency as the two State Representatives whose districts are congruent with that of the Senator. There is no compelling or logical argument for this duplication of representation of the same people and the unicameral plan would end it.

Finally, I wish to rebut the argument that two houses are still needed as a check on hasty or ill-considered legislation. Many important checks would remain under the unicameral plan, including: (1) the election process itself with voter choice, term limitations, and the constitutional provisions for popular use of the initiative and referendum; (2) grass roots pressure by citizens expressing their opinions; (3) the veto power of the governor; and (4) the power of judicial review of legislative policy by the state and federal courts.

At bottom the objection to the present bicameral plan is that it facilitates minority control by presenting obstacle points where minority interests can block the enactment of policies desired by majorities and thus negate democratic rule by the majority. In an era when our people are asking for change and our leaders in both parties speak of the need to reinvent government, the time has come to abandon this furniture of a frontier past, the obsolete bicameral plan with all of its flaws, and to embrace the unicameral legislature proposal for Montana. I urge approval of the bill.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

State Administration COMMITTEE BILL NO. HB 126  
DATE 2/4/93 SPONSOR(S) Rep KADAs  
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Larna Frank	Mt. Farm Bureau		X
Edith Williams	citizen	X	
<del>CHRISTINE MANGIANTINI</del>	<del>League of Women Voters</del>		
<del>Kemper Beute Isert</del>	<del>Self</del>	<del>X</del>	<del>X</del>
Twylla Holstein	citizen	X	
Thomas Dwyer	Self	X	

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**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

**COMMITTEE**

**BILL NO.**

AB 176

**SPONSOR (S)**

Rep GRINDE

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