

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By Senator Eleanor Vaughn, on March 11, 1993, at
10:00 a.m.

ROLL CALL

Members Present:

Sen. Eleanor Vaughn, Chair (D)
Sen. Jeff Weldon, Vice Chair (D)
Sen. Jim Burnett (R)
Sen. Harry Fritz (D)
Sen. John Hertel (R)
Sen. Bob Hockett (D)
Sen. Bernie Swift (R)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: Sen. McClernan, Sen. Pipinich

Staff Present: David Niss, Legislative Council
Deborah Stanton, Committee Secretary

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

Committee Business Summary:

Hearing: HB 176
Executive Action: None.

HEARING ON HB 176

Opening Statement by Sponsor:

Rep. Grinde, House District #30, presented HB 176. HB 176 is a bill which would provide that the Legislature meet in even-numbered years. He envisioned a committee that would write either enabling legislation or have it done through rules. Rep. Grinde feels the people of Montana are left out of the legislative process. There are no rules in giving notice of hearings, it is done out of courtesy. He submitted EXHIBIT #1 to explain his bill.

Proponents' Testimony:

Marc Racicot, Governor of the State of Montana, rose in support of HB 176. He stated he was here representing himself as an office holder who had just gone through this transition process and has some experience in other executive branch agencies. "From an Executive Branch perspective, as a person serving in the Office of Attorney General and the office that I presently occupy, this is an absolutely extraordinary process and pushes the abilities of people beyond their limit in terms of what it is that they can endure. We began before the election was over to try and do some planning so that we could be in a position of moving forward in the event that we were successful, believing having observed the process and as complex as state business is becoming, that was a prerequisite to make sure that we were ready to become operational within a short period of time after the election was over. On November 5, we began instantaneously and within a matter of days had a transition group in place and began the process, although we had considered appointments and people that may be eligible for those, and since that time it has been seven days a week and ten to twelve hours a day for every one of those people. It is a monumental chore to put together a budget that allows for a incisive analysis and for dispassionate review and close examination by all of those who are elected to serve in the Legislature and ultimately have the responsibility of scrutinizing what is proposed and what is enacted and will serve the people of Montana well. I stand as a proponent of exploring and trying to make certain that we take a look at doing business in a different way because I think that our system has outgrown the ability to serve people in an ever increasing complexity of business that is brought before this body and the different branches of government and it will be a valuable development for all concerned. Those in the executive as well as those in the legislative branch, and ultimately the people that we serve should take a look at redesigning the system that we presently utilize, because we can bring to them more opportunity for careful and deliberative thought as well as the opportunity to do their business in a way that meets their expectation and allows for the broadest form of participation by the citizens of Montana.

Doug Mitchell, Secretary of State's Office, rose in support of HB 176. We were elected to this office in November, 1988. We had a very smooth transition thanks to Verner Bertelson, however, even under those conditions, when we were asked to present our biennial budget on the second legislative day, it required for us 24-hour work sessions for the better part of a week in coming to the Legislative session and the work product was very shoddy. We missed a lot of things that could have made the budget more efficient and effective for the people of Montana. What is really important to us is that the people are the losers. They elected Mike Cooney in 1988 because Mike had an agenda of issues that he wanted to follow through and make sure they became state law. We had so little time to prepare those issues that many of

them did not become state law until 1991, specifically, voter registration efforts like motor voter and youth voter program which have been successful in Montana. Montanans lost out on two years of very good programs by not having the time available to us to put those programs to the legislative sessions in a very cohesive manner. This concept takes some stress off of statewide officials but while statewide officials can bear the brunt of that, it is the people that are the losers here. We hope that this committee and the Senate will pass this bill along with a favorable recommendation.

Dan Shea rose in support of HB 176 as a private citizen. He stated this bill is a good bill and if it is wisely implemented by the State Legislature it will do a tremendous amount of good for the State of Montana. There is a fundamental defect in the governmental process in the relationship between the three branches of government, primarily between the executive branch and the legislative branch. The problem is that government is big, it may get smaller but will never disappear. There is no legislative "watchdog" over what the executive is doing for the two years before the Legislature meets again. So when the Legislature comes into session they are concerned with introducing bills and taking care of the whole and are not concerned about what happened in the executive agencies in the past two years. As to whether the executive agencies were properly functioning for the people of Montana. I have a concept that I think would work, would require a Constitutional amendment and could go along with an amendment such as this. It would have to be worked on. Basically, the legislative leadership including minorities would be authorized to appoint for a specific period of time a certain amount of legislators who would be permanent legislators here in Helena. The number should be an uneven number, and there should be minority parties represented. That group of legislators should have a staff, two lawyers and two accountants, and they need a computer programmer. Rep. Grinde was right about what the legislature could be doing having these meetings throughout the state on proposed legislation but in the meantime government is going on here in Helena and there is no "watchdog" to keep track of what the executive is doing and call them on the carpet then, not two years later when it is too late when you are concerned with the bills that are coming up for the next two years. Citizens then would know exactly where they could write about issues they are concerned with. The Executive Branch would be much more responsible to a legislative inquiry than it would be from a citizen inquiry. This is a possibility to make government smaller but more effective on a day to day basis so that there is a "watchdog" function of the legislature such as there is in Congress and city councils.

Katie Williams spoke in support of HB 176 as a private citizen. "Legislating intelligently in the current 90-day odd-year sessions is not feasible. I have worked out a plan similar to Rep. Grinde's whereby the Legislature could meet for the bulk of the session in even-numbered years beginning 14 months after each

legislator is elected. The one date that is cast in stone is the general election that occurs every four years. There is need for a change and to save money. Rep. Grinde has a good idea but I would like to see the idea tried and the bugs worked out before it goes to a constitutional amendment. Any campaign with the Legislative sessions is perceived as annual sessions by John Q. Public. Many lobbyists perceive it this way and even a few legislators. I have developed a plan that starts with the general election in the even-numbered year. Then there is a caucus and then the sessions go into the odd-numbered years." She submitted EXHIBIT #2 which explains her plan.

Joe Mazurek, Attorney General for the State of Montana, rose in support of HB 176. He stated it was a real learning experience being on the other side of where he has been for the past twelve years. "As I said in a couple of speeches away from Helena that I did not realize what havoc this institution can wreak until you look at it from the other side. I have never worked for state government before except for a summer as a College student, and even though I sat with the Legislature, worked with government employees around the state and participated in the development of budget I did not have an appreciation for what the Legislature being in town does in terms of stopping the agencies' productive work. What has been frustrating for me is coming into a new department with a \$26 million general fund budget, eleven divisions, a number of vacancies that I had to fill at a time when we are in a fiscal crisis and I am expected to examine programs and make recommendations to you about where reductions ought to be made. All of that started the same day the session started. It has been a very difficult and eye opening process that just doesn't work well. I was fortunate to work at the Department of Justice a week after the election. Governor Racicot and the Clerk of the Supreme Court were cordial enough to give me an office, a computer, a desk, some stationery and some other helpful assistance and I met with the staff. I just happened to have made arrangements to leave my law firm and have the opportunity to spend six weeks learning the programs and the people of the Department of Justice. Most of the time was spent trying to get people to fill key positions. We could do a much better job as administrators if we had the opportunity to operate a department, understand the budget and we could do a much better job of setting priorities for the Legislature in terms of reductions this session. We could come up with reductions and efficiencies that we cannot come up with now. Anything which would give all of us the opportunity to learn the people and programs and understand the inner workings of the departments would help us do a much better job of managing the tax payer's dollars if we had the opportunity to operate a budget and be in place prior to having to present new budgets and make recommendations on how these agencies should be run. I encourage you to let the voters have a chance on this and having come from where you sit and going to the other side I have a new perspective on this.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Sen. Weldon asked Rep. Grinde if, between the time of the organizational session in January of the odd-numbered year and the actual regular session in the even-numbered year, the Legislature will maintain staffing other than the Legislative Council. Or will the Legislative Council be responsible for scheduling. Rep. Grinde said he had not been asked that question before but he did not anticipate any additional staffing. On the chart on page 5 of his exhibit all of the committees would be standing committees. If something came up, like the Subdivision bill, there is no reason that the Standing Committee in the interim in this odd-numbered year could not get together and come out with one piece of legislation. If that is the case, then there will be additional staffing.

Sen. Weldon said the way it works now all scheduling and room assignments are done by the Sergeant's office and the Secretary of the Senate and he asked if there needs to be some staffing maintained. Rep. Grinde said there possibly could be and the leadership would probably be involved in this, particularly when all the bills are submitted and drafted. They would take a lot of that on themselves, but there could conceivably be some staff people involved.

Sen. Weldon stated everyone elected to serve in either the 53rd or the 54th Session will then end up serving in the 55th Session and asked if there was a constitutional question here. For example, Sen. Weldon was elected in November of 1992 and will be up for election in November of 1996. He was elected to serve in the 53rd and 54th Session but in this scheme he would also serve in the 55th Session and any Senator or Representative elected in 1994 will have the same circumstance. We are going to end up serving in three Legislatures when we were elected to serve in two. He asked if there was some sort of Constitutional question on this issue. Rep. Grinde deferred to Greg Petesch. Mr. Petesch said there would not be a Constitutional problem with that because the Legislators are elected to a term of years and as it is now the Legislators will serve in a couple of regular sessions and the way things are going, in several special sessions. The Legislators are not elected to serve for a number of sessions, they are elected to a term of years and that does not change.

Sen. Swift asked Rep. Grinde if he had contacted anyone in the Kentucky Legislature because their process is very similar to this idea. They have a set period of 5 or six months prior to going into session for doing what Rep. Grinde's bill would do. Rep. Grinde said he was correct. He wished he could tell the Committee that this is his brainchild but it is not. Kentucky

was on the same scheduling that Montana is now and they went to this plan. He talked to some people in Kentucky and for the most part they are all very enthusiastic about what happened. The one thing that they found they had to correct through rules was the bills that were introduced doubled because there was more time for people to work on them. They had to go to a limitation on bills and that seemed to correct that. The people that he talked to said there were still plenty of bills. Kentucky has about the same number of bills that Montana does but that number did escalate during that first year and Rep. Grinde would envision, through rules, some kind of cap on bills.

Sen. Swift asked if the Constitution did say that the Legislature will meet in an odd-numbered year. Rep. Grinde referred the committee to page six of the bill. "There is no need in the odd-numbered year for that startup session to formally convene the Legislature. When we came in January, the President of the Senate, the Speaker of the House and all caucuses agreed, we could do this plan that is before you right now. That's all it would have taken. We would have come in, not convened, elected our officers and then recessed. We could do that right now. There is no problem."

Sen. Fritz stated one of the developments or trends in American government over the last hundred years is an increase in the power of the Governor at the expense of the Legislature mainly because the Governor now manages the permanent bureaucracy when the Legislature is not in session. One result of this system if it went into place, would be to expand the power of the Governor and reduce the power of the Legislature because it would give the newly elected Governor a running start at his first legislative session. There would be the possibility of "steamrolling" the Legislature. He asked Rep. Grinde how a newly elected Governor who has about 14 months to run a bureaucracy before meeting the Legislature and creating a budget, would have enhanced power and reduce the power of the Legislature. Rep. Grinde said "Madame Chairwomen and President Lincoln, he wished Governor Racicot was still here. He would have liked to ask him that question." He said the possibility is there but it's not the intent of any Governor to "steamroll" the Legislature. It's their intent to try to do the best job that they can and work with the Legislative body. They would be up and running. I see this as a positive thing, that they would be able to look at those budgets and scrutinize them a lot better and hopefully make them a little tighter before we came to Helena.

Sen. Fritz asked if the Governor would be working under his predecessor's budget for a whole year. Rep. Grinde said that was correct. That budget would still be in place.

Sen. Fritz stated there would be a two-year lag between the time a legislator files and serves a full term. He asked Rep. Grinde if there would be a decline in enthusiasm in recruiting candidates for the Legislature if you are elected and have to

wait 14 months to get something done. Rep. Grinde said it seems to him that the enthusiasm would be there because they would be better refined when they came to the process. All of their bills would be done and scrutinized, there wouldn't be all of the amendments, you would be able to look at both sides of the issue, deal with it ahead of time. There would probably be some frustration in not being able to stand before the committees and try to get the bill passed but in the long run it would make for better legislators.

Sen. Hockett stated he appreciated the booklet Rep. Grinde put together on the pros and cons and his question deals with the gubernatorial appointments on page 9. There is a problem with the time lag between the appointment and the review by the Senate. This would make it even longer and if the Legislature is going to do this, the Senate should discontinue the review and let the Governor go his own way or set up a State Administration Committee to meet much sooner to deal with these appointments because to review them a year after they have been appointed doesn't make much sense. Rep. Grinde stated this would be up to the Legislature to do the enabling with either Rules or Legislation so those things would be ironed out. These appointments would have a chance to prove themselves and the Legislature would have a chance to scrutinize their work up to that time, like a trial basis. He said he would like any ideas.

Sen. Hockett said there was some concern about the time lag now. Rep. Grinde said the State Administration Committee could be a standing committee and could come in and meet once the appointments were made and either confirm or not confirm those people.

Sen. Hertel asked Rep. Grinde if he thought there would be less time spent in the Capitol by the Leadership or the length of duties would be extended and more days would be spent here. Rep. Grinde stated probably more time would be spent by the leadership because they would be able to scrutinize the budgets a lot better and hopefully see what was going on in the Governor's budget. It would be up to the individual as a legislator.

Sen. Hertel asked Rep. Grinde about the bill drafting issue and if he thought there would be any problem in getting bills drafted. Rep. Grinde said that was a possibility but that was happening in the short time we have now. It's up to the individual again, but there will be better legislation because it will be massaged more than it has in the past. You can get both sides of the issued worked out before it even comes to the Legislature.

Sen. Weldon stated the reason Rep. Grinde is getting so much scrutiny is that he believes this will change the dynamic of the beast that we are living in. We will come in January of one year and recess and then come in the following year. In the interim there will be a lot more legislative activity. The leadership

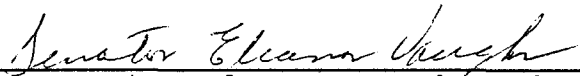
offices will never essentially close. One of the attractive parts of the legislative process now is this place does get "dusty" and people like the fact that the Legislature does shut down.

Closing by Sponsor:

Sen. Vaughn asked Rep. Grinde if he would like to return to the committee when executive action is taken since the meeting is being cut short due to the reconvening of the Senate. Rep. Grinde stated he would like to return because this is a concept that is hard to understand and change does come hard to a Legislative body. This committee will have to make the decision and if they decide the way things are done now are efficient and effective then they should not vote for this piece of legislation. If they don't like the way things are done they should give this a chance and take it to the people to let them decide. Between us working together we can come up with something better than what we have now. If someone here really likes this concept and would be willing to go out and sell it he will be available to work with them. If not, Senator Waterman will carry the bill.

ADJOURNMENT

Adjournment: 11:30 a.m.



Senator Eleanor Vaughn, Chair



Deborah Stanton, Secretary

EV/ds

ROLL CALL

SENATE COMMITTEE STATE ADMINISTRATION DATE 3-11-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Eleanor Vaughn	✓		
Sen. Jeff Weldon	✓		
Sen. Jim Burnett	✓		
Sen. Harry Fritz	✓		
Sen. John Hertel	✓		
Sen. Bob Hockett	✓		
Sen. Henry McClernan		✓	
Sen. Bob Pipinich		✓	
Sen. Bernie Swift	✓		
Sen. Larry Tveit	✓		
David Niss	✓		

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 3-11-93

BILL NO. HB 176

TO: HOUSE MEMBERS

FROM: REPRESENTATIVE GRINDE

SUBJECT: HOUSE BILL 176: LEGISLATIVE SESSIONS IN EVEN-NUMBERED YEARS

***DO YOU LIKE THE LEGISLATIVE SYSTEM
YOU ARE CURRENTLY OPERATING
UNDER?***

ATTACHED IS INFORMATION PERTAINING TO HOUSE BILL 176.

THE CRUX OF THE BILL IS PAGE NUMBER FIVE (PG.#5). THE DATES GIVEN ARE ONLY PARAMETERS; YOU WILL DECIDE ON THE PERMANENT DATES.

PLEASE TAKE A MINUTE TO READ THIS INFORMATION - I AM HAPPY TO ANSWER ANY QUESTIONS OR CONCERNS YOU MAY HAVE REGARDING THIS PROPOSED PIECE OF LEGISLATION.

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.

CONSTITUTIONAL AMENDMENT

HOUSE BILL NO. 176

INTRODUCED BY GRINDE, DRISCOLL, HARPER, MERCER, FORRESTER

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

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

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

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

NEW SECTION. Section 2. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1994 by printing on the ballot the full title of this act and the following:

FOR CHANGING THE MEETING TIME OF the legislature

1 meeting-in FROM ODD-NUMBERED TO even-numbered years.

2 AGAINST CHANGING THE MEETING TIME OF the legislature

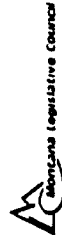
3 meeting-in FROM ODD-NUMBERED TO even-numbered years.

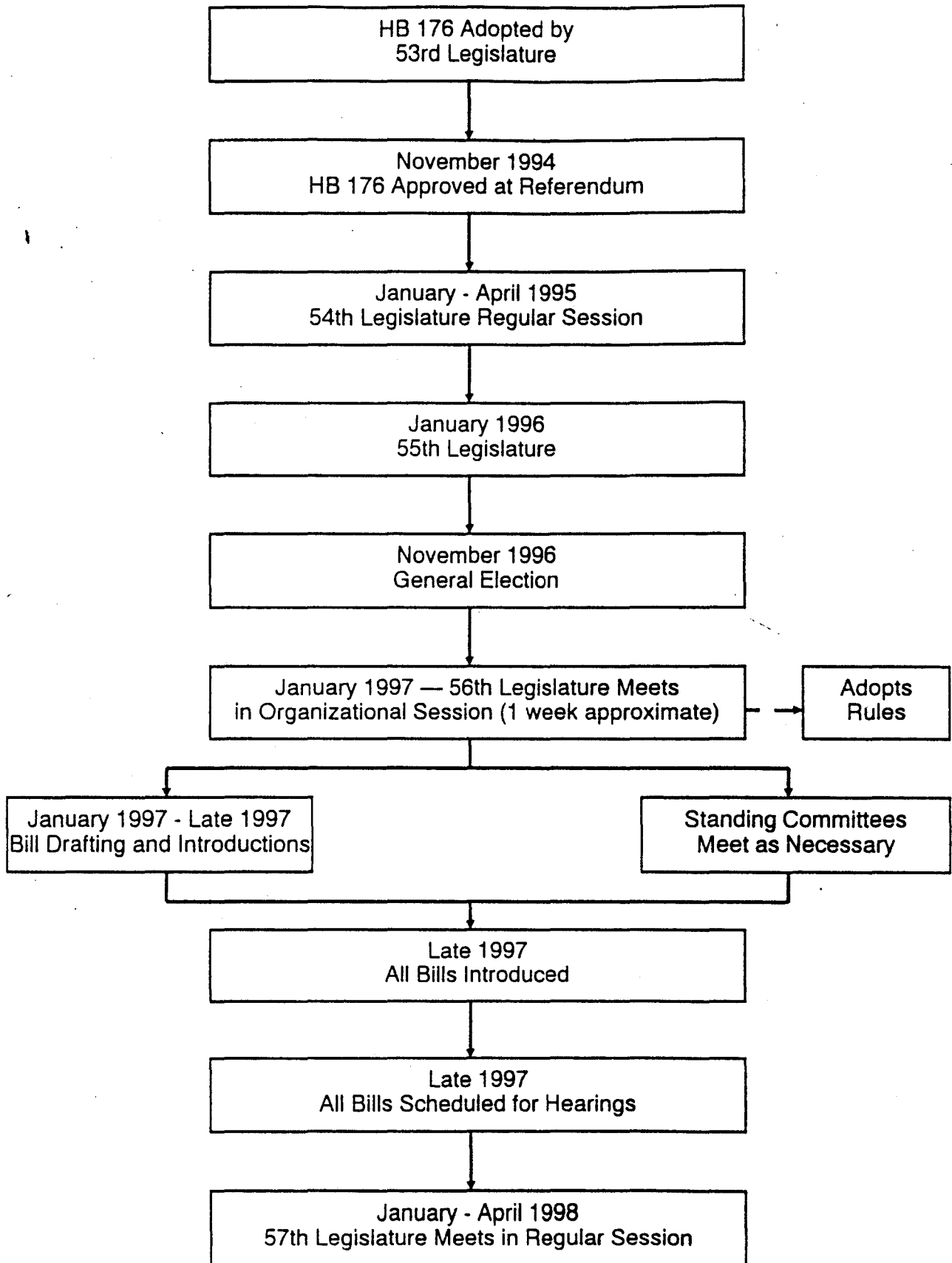
4 NEW SECTION. Section 3. Effective date. If approved by

5 the electorate, this amendment is effective January 1, 1996.

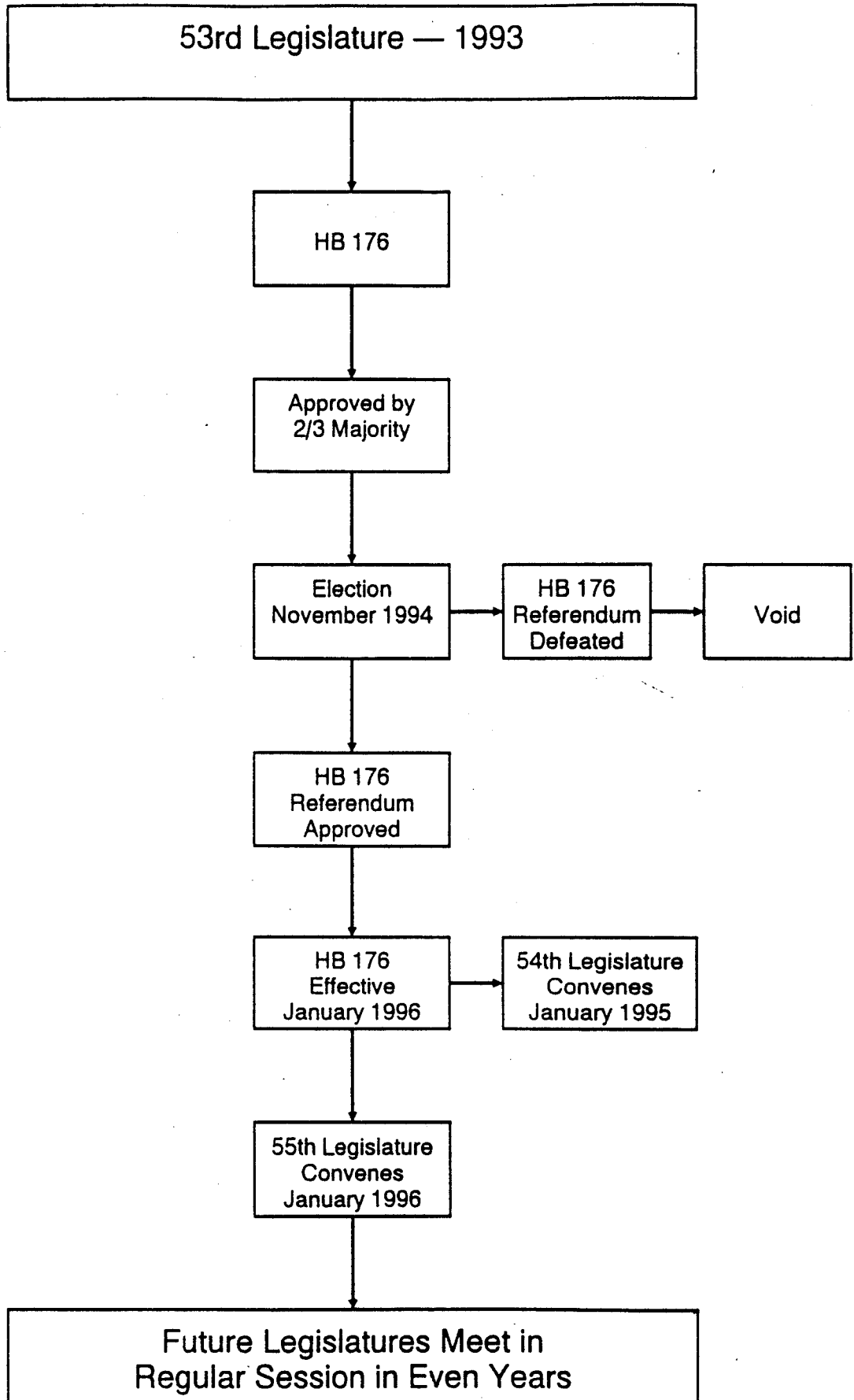
-End-

3-11-93
HB-176





3-11-93
HB-176



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

Exhibit 1
3-11-93
HB-176

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.

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.

exhibit 41
3-11-93
HB-176

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

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.

Annual Sessions:

ODD NUMBER YEAR

January

Beginning the first Monday after New Years Day
Session is convened for five days
Governors appointees could be confirmed
Standing Committees would be appointed
Calendar could be set up tentatively for the
ensuing year.

By rule the Session recesses until first Monday in
even numbered year.

Bill drafting requests could be submitted to the
Legislative Council until the end of May in an
unlimited number.

March

First Monday in March the Governors budget would be due.
This would allow a new Governor and his staff four
months to establish a budget with projected
income. This date could be moved forward
another month possibly. I would hope to allow
the Dept. of Revenue and the Director of Budget
to work toward a truly balanced budget without
any "smoke and mirrors". It would also give
new governor time to assess his appointees and
weed out incompetents or incompatible
personalities.

May

Unlimited bill drafting requests until last Friday in
May.

June

Limit of two additional bill drafting requests imposed

August

Limit of one additional bill drafting request imposed
During this entire year the Legislative Council would be drafting
the bill requests, discovering similar or identical requests
and point these out to the sponsors.

As the bills are drafted, the LC drafts would be submitted to the
members of the Standing Committee (assigned by the President
or Speaker) for their review at home.

During this entire year Standing Committee meetings could be held
from time to time. The schedule for such meetings should be
set in the short session at the first of the year.

By cutting out the sessions on Saturdays which are now
included in the 90 day, odd numbered years, the daily

compensation would be used for Standing Committee days. With this plan a committee meeting would last 8 hours rather than two. Currently, we are certainly getting a full days work for a days pay, but with concentration on only one subject I feel each day spent would be more productive.

Actual hearings on bills could be held during these meetings when a committee was in agreement. I would suggest that executive action not be taken until the even-numbered year session takes place.

I envision about 3 Standing Committee meetings would be held during the year, less for some, more for others.

This calendar would eliminate need for interim committees

I have not "put a pencil" to the financial impact of this plan, partly because of the reapportionment and partly because I just didn't care to figure individual mileage. Financially the plan would be a wash or a cost saving, considering the elimination of Saturday sessions during a session.

EVEN NUMBERED YEARS

January

Beginning the SECOND Monday in January the Session would reconvene for the balance of the 90 allotted days (probably 80 to 85 days.)

Interim break would be at approximately the same time, the third or fourth week in February.

April

The session would Sine Die about the middle of April.

Currently this is the time when people are filing for office. Under an Even Numbered Year Session the filing for office would have to be changed.

May

A three week period for filing for office. Preferably the last three weeks in May or extend into a partial week of June.

June

Currently the primary is held the first Tuesday in June. Under this plan the primary election would have to be moved to about the middle of July. I would suggest the third Tuesday.

This would be in time to take care of the National Conventions.

The time frame from filing to Primary Election for campaigning about 6 weeks.

July

Primary Election

This would shorten the campaign by about two months.

3-11-93

HB-176

August, September, October
Campaign
November
General Election

This is one date that cannot be changed.
Results in the General Election have two months to
get organized administratively before the short
Even Year Session.

Thank you,
Kati Williams

SENATE STATE ADMIN.

EXHIBIT NO. 3

DATE 3-11-93

BILL NO. HB 176

March 11, 1993

Senator Eleanor Vaughn
State Capitol
Helena MT

Re: HB 176

Dear Senator Vaughn:

As a concerned voter and member of United We Stand America in your District, I strongly urge your support of HB176, which will be heard by the State Administration Committee today. It is simply good government for all Montanans.

Sincerely,

Miriam R. Tarlton
Box 796
Eureka MT

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 3-11-93

BILL NO. HB 176

March 11, 1993

Senator Eleanor Vaughn
State Capitol
Helena MT

Re: HB 176

Dear Senator Vaughn:

As a concerned voter and member of United We Stand America in your District, I strongly urge your support of HB176, which will be heard by the State Administration Committee today. It is simply good government for all Montanans.

Sincerely,

Roger L Parker
POB 162
Fortine MT

SENATE STATE ADMIN.

EXHIBIT NO. 5

DATE 3-11-93

BILL NO. HB 176

March 11, 1993

Senator Eleanor Vaughn
State Capitol
Helena MT

Re: HB 176

Dear Senator Vaughn:

As a concerned voter and member of United We Stand America in your District, I strongly urge your support of HB176, which will be heard by the State Administration Committee today. It is simply good government for all Montanans.

Sincerely,

Francis Tarlton
Box 864
Eureka MT

SENATE STATE ADMIN.

EXHIBIT NO. 6

DATE 3-11-93

BILL NO. HB 176

March 11, 1993

Senator Eleanor Vaughn
State Capitol
Helena MT

Re: HB 176

Dear Senator Vaughn:

As a concerned voter and member of United We Stand America in your District, I strongly urge your support of HB176, which will be heard by the State Administration Committee today. It is simply good government for all Montanans.

Sincerely,

M&M Douglas Brown
1622 Farm To Mk Rd
Libby MT

SENATE STATE ADMIN.

EXHIBIT NO. 7

DATE 3-11-93

BILL NO. HB 176

March 11, 1993

Senator Eleanor Vaughn
State Capitol
Helena MT

Re: HB 176

Dear Senator Vaughn:

As a concerned voter and member of United We Stand America in your District, I strongly urge your support of HB176, which will be heard by the State Administration Committee today. It is simply good government for all Montanans.

Sincerely,

Darlene Hartman
Box 157
Trego MT

SENATE STATE ADMIN.

EXHIBIT NO. 8

DATE 3-11-93

BILL NO. HB 176

March 11, 1993

Senator Eleanor Vaughn
State Capitol
Helena MT

Re: HB 176

Dear Senator Vaughn:

As a concerned voter and member of United We Stand America in your District, I strongly urge your support of HB176, which will be heard by the State Administration Committee today. It is simply good government for all Montanans.

Sincerely,

Ruth M Rambosek
PO Box 478
Eureka MT

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SENATE STATE ADMIN. *ems*
 EXHIBIT NO. 9 *442*
 DATE 3-11-93 *6/26/93*
 BILL NO. HB 176

m March 10, 1993

Senator Eleanor Vaughn,
 % Senate State Administration
 Capital Building
 Helena Mt.

Dear Senator Vaughn,

I would appreciate your support for HB 176 now in hearing
 in your committee.

If we are ever going to have any meaningful change in
 Montana government now is the time and this bill is one
 need for that change.

Best regards I am,,

Most sincerely
Warren E. Alexander
 Warren Alexander

Coordinator United We Stand America-Montana

DATE 3-11-93

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: HB 176, HB 319, HB 320

Name	Representing	Bill No.	Check One	
			Support	Oppose
Liz Smith	HD #48	229	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Bartelsen	Legacy Legislature	HB 319	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kati Williams	Citizen	HB 176	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dan Stea	Citizen	HB 319 ¹⁷⁶	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dan Stea	ll	HB 319	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Larna Frank	N.H. Farm Bureau	HB 319 HB 320	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY