

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN ETHEL HARDING**, on March 7, 1995,
at 10:00 AM

ROLL CALL

Members Present:

Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Vivian M. Brooke (D)
Sen. Bob Pipinich (D)

Members Excused: Sen. Jeff Weldon (D)

Members Absent: N/A

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

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

Committee Business Summary:

Hearing: HB 273, HB 89, HB 404
Executive Action: N/A

{Tape: 1; Side: A; Approx. Counter: 55.6}

HEARING ON HB 273

REP. LARRY GRINDE, House District 94, Lewistown, asked the Committee if he could have Governor Marc Racicot speak on HB 273 prior to his own opening statements. **CHAIRMAN ETHEL HARDING** said there were no objections from the Committee.

GOVERNOR MARC RACICOT, stated he is a proponent of HB 273. He believes HB 273 would be a giant leap forward in terms of providing an opportunity for people to address some extraordinarily serious and complex matters in a thoughtful way. He said a particularly difficult challenge he has faced has been, at the conclusion of an intense campaign season, to put together

an executive budget of up to \$60 billion. He said that is a matter that occupies an extraordinary amount of time requiring incisive analysis and reasoning by the many people involved. **GOVERNOR RACICOT** said in the budget alone, there are hundreds of different stories and each of those stories is important in ultimately putting together the fabric of executive policy. He said it is a difficult process. He believes HB 273 will provide the opportunity to make good sound transitions and to exercise thoughtful judgment as the many ideas presented to government are analyzed. **GOVERNOR RACICOT** stated he strongly supports HB 273 because it offers tremendous opportunities for all of government to live up to the expectations of the people of Montana.

Opening Statement by Sponsor:

REP. LARRY GRINDE, House District 4, Lewistown, handed out an informational pamphlet on HB 273 (**EXHIBIT 1**) and an editorial article from the *Independent Record* newspaper (**EXHIBIT 2**). He said he believes HB 273 will help everyone be better legislators through organization and preparation. He said, however, that the primary reason for HB 273 is to more fully involved the public in the legislative process. **REP. GRINDE** said there are many pieces of legislation that are never read by legislators because of the current time frames involved with writing and introducing bills. He believes that HB 273 would allow more opportunity to scrutinize legislation, involve interim committees, and work with the Executive Branch of government, etc., to produce better legislation. **REP. GRINDE** explained areas of particular merit in HB 273 as outlined in Exhibit 1 relating to time frames and the basic flow of how legislation could be more fully participated in by the citizens of Montana. He said HB 273 is not an *annual sessions* bill. He believes it is evident that the people do not want annual sessions as it has been on the ballot three times in the last 10 or 12 years.

Proponents' Testimony:

George Ochenski, attorney and citizen, said he is not satisfied with the current ability to get information to his clients concerning legislation. He strongly supports HB 273.

Jim Jenson, Executive Director, Montana Environmental Information Center, said HB 273 will significantly improve the legislative process. He stated agreement with Governor Racicot's comments, and said HB 273 is a bill for citizens to participate in their government.

Arlette Randash, Eagle Forum, and also speaking for Laurie Koutnik of the Christian Coalition, said she believes the legislative process would be greatly enhanced by HB 273, and any

move that removes cynicism and increases participation in our way of government is a plus.

J.V. Bennett, Montana Public Interest Research Group (MontPIRG), said they believe HB 273 will make it easier for the citizenry to become involved in legislation that affects them.

Steve Brown, attorney and citizen, said he has been involved in the legislative process since 1973 when he was the Governor's legal counsel. He said HB 273 will allow development of a process that will allow better deliberation and consideration of the issues and an opportunity to deal with those complex issues in a rational process.

Joe Kerwin, Secretary of State's office, said they support HB 273 for the reasons that have already been given. He explained the problems that any newly elected statewide elected official faces under the current situation when attempting budget preparation and preparing other legislative information in a very short time frame.

Katie Williams, citizen, said she believes HB 273 would reduce some of the pressure legislators experience during the session.

Debbie Smith, Attorney for Common Cause, said they support HB 273, but they are concerned it may provide an opportunity for mischief that could occur during the session if legislators that were planning on running for office again were doing fundraising during the time they are in session. She said they would recommend passing HB 273, but waiting to see what develops with the ethics bills.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. MIKE FOSTER asked Representative Grinde if this same bill was proposed a couple of years ago. He believes it is essentially the same bill and yet two years ago it died, and now there are many proponents -- what has changed? **REP. GRINDE** said that generally, an idea of this magnitude takes some time to evolve. He said he believes another reason the previous bill died was that certain Senators did not like the bill, and that is the process.

SEN. FOSTER asked for clarification on a time line that would be involved with HB 273. He noted the effective date changed from January 1997 to 1998, and asked if there would still be a legislative session in 1997 and then a session in 1998. **REP. GRINDE** said yes and explained that the legislature will have to meet two consecutive times in order to switch to even-year sessions.

SEN. DON HARGROVE commented that while more time offers the opportunity for much more consideration and inspection of legislation, it may also offer more time for special interest groups apply pressures to individual legislators. **REP. GRINDE** agreed with Senator Hargrove, but stated he is a legislator representing the people and it is his job to be ethical.

SEN. MACK COLE asked if there wouldn't be additional costs incurred. **REP. GRINDE** stated he believes reducing the current expenses involved due to Legislative Council comp time, special sessions, etc., would save money.

SEN. BOB PIPINICH agreed with the issue raised by Debbie Smith of Common Cause regarding the pressure of being in session while your opponent is out campaigning against you. **REP. GRINDE** said to help that situation he would suggest setting the filing date back as well as the date of the primary election.

SEN. VIVIAN BROOKE said there have already been proposals to move the date of the primary and those proposals have been rejected. She said she doesn't see how this can realistically operate given the fact the session coincides practically to the month with primarily elections. **REP. GRINDE** said if HB 273 were to pass, the issue of moving the date of the primary would have to be seriously addressed. He doesn't believe that idea is one that couldn't be worked out. He added there is nothing that is going to preclude people from campaigning against him anyway, and he believes if he does his job, he shouldn't have any problem getting reelected.

SEN. BROOKE said she believes serving in legislature and being a candidate are really two separate jobs and the lines can become blurred when the time frame is the same for both. **REP. GRINDE** said there may be issues to be worked out if HB 273 passes, but he said he would hope, as legislators, to work at an overall package.

SEN. KEN MESAROS asked Representative Grinde to address the cost-savings in the long-term. **REP. GRINDE** said the only cost impact would be the transition and meeting twice. He said even those costs could be adjusted by meeting 45 days for each of those two years.

George Ochenski said he would like to respond to Senator Hargrove's question regarding pressure from special interests groups. He said by allowing more time for citizens to work out their differences on proposed legislation, there would be less conflict during Committee Hearings and less pressure from special interest groups as many issues would have been resolved prior to the legislative session.

Closing by Sponsor:

REP. GRINDE said the people who testified are from all areas of government who are interested in HB 273. He said there have been concerns raised that once legislators are elected in November, they should act immediately as people don't want to wait a year or 14 months to see what the legislative body is going to do.

REP. GRINDE said he believes the campaigning issue is something that can be worked out. REP. GRINDE discussed amending HB 273 to somehow include a mechanism that would allow returning to odd-year sessions without having to change the Constitution if even-year sessions did not work. He said, however, any amendment that would provide for that must not appear to be a move to annual sessions, as that is what killed the bill before.

REP. GRINDE added that, mathematically, HB 273 needs to go to the floor of the Senate. He said it received 87 votes in the House, and under rules, anything that has a chance of reaching 100 votes has to go to the floor.

CHAIRMAN HARDING closed the Hearing on HB 273.

{Tape: 1; Side: B; Approx. Counter: 50.3}

HEARING ON HB 89Opening Statement by Sponsor:

REP. RAY PECK, House District 91, Havre, said HB 89 is an executive branch bill. HB 89 is not a federal mandate bill, it implements and attempts to standardize reporting important in terms of census information among the states. HB 89 also has nothing to do with abortion, but it does define the question of fetal death and live birth. There is a section on page 5 which deals with fees and states fees may be set by "rule." HB 89 repeals six sections and adds nine sections.

Proponents' Testimony:

Sam Sperry, Bureau Chief of the Vital Records and Health Statistics Bureau with the Department of Health and Environmental Sciences, submitted written testimony which he essentially read verbatim (EXHIBIT 3).

George Hoff, Montana Genealogy Society, said they support HB 89. said the Montana State Society and the Lewis & Clark County Society have worked closely with Mr. Sperry. They don't object to section 6 regarding fees, and they understand how the fees may vary.

Jess Long, citizen, and member of Lewis & Clark Genealogy Society, stated support for HB 89.

Robert Throssell, Montana Association of Clerk & Recorders, stated they had initially been concerned regarding language in new section 7 in HB 89 regarding certified copies being required to contain security features. He said the cost and access to security paper makes its use prohibitive. **Mr. Throssell** said that agreement has been reached where counties will be able to obtain security paper through the state, so their concerns have been addressed, and they support HB 89.

George Hoff, added to his previous testimony that many of the queries they receive are from people asking for research on relatives for medical reasons.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. BROOKE asked Sam Sperry what has been changed in new section 11 regarding birth registration. **Mr. Sperry** stated change in that section dealt more with clarification of issues on who is required to file birth certificates.

SEN. BROOKE asked what has been the procedure in Montana regarding paternity and how birth certificates are registered. **Mr. Sperry** said language has been incorporated that had been "scattered throughout Montana law."

SEN. BROOKE asked for clarification on "scattered throughout Montana law" and if that means his department was responsible for the changes in the language. **Mr. Sperry** said the issue surrounding paternity as reflected on the birth certificate has become rather complex, especially between procedures at the Department of Health and Child Support Enforcement. There are no changes in section 11 from what vital statistics is currently doing. He said the language is more reflective of what is found in family law, therefore it is a more uniform statement between the two agencies.

SEN. HARGROVE asked Sam Sperry if the hearings procedure in cases of fraud in new section 4 is new. **Mr. Sperry** said it is new and was taken primarily from the model law in vital records administration. The current law in vital statistics law does not provide the Department with any guidelines or procedures for dealing with fraudulent creation or amendment to vital records.

SEN. HARGROVE asked Sam Sperry what is the magnitude of fraudulent use of vital statistic records as related to the fiscal impact of holding hearings in such cases. **Mr. Sperry** said they have not considered the impact, and he only knows of two

instances in the last two years where it may have been applicable.

SEN. BROOKE asked Sam Sperry if HB 89 or any other law addresses situations where someone does not register a birth. **Mr. Sperry** said there is nothing in HB 89 or other current law to force people to register a birth. Current law has given the Department authority to file a birth certificate based on the best information they can collect. **SEN. BROOKE** asked Sam Sperry why he chose not to have that provision included with HB 89. **Mr. Sperry** said he doesn't know why they did not have that included in HB 89.

Closing by Sponsor:

REP. PECK said part of the purpose of HB 89 is to provide comparative data across states. Also, it will update language in the law that is outdated.

CHAIRMAN HARDING closed the Hearing on HB 89.

HEARING ON HB 404

Opening Statement by Sponsor:

REP. LINDA MCCULLOCH, House District 70, Missoula, handed out (EXHIBIT 4) which she read verbatim.

Proponents' Testimony:

Joe Kerwin, Secretary of State's office, said there are problems with the current law regarding redistricting issues. When the law was written, there was anticipation of only one election. However, because of the gubernatorial election, two elections are involved. They have proposed using averages for the number of signatures needed which will aid the Clerks & Recorders in certification procedures and citizens who are circling petitions to qualify measures.

Robert Throssell, Montana Association of Clerk & Recorders, said the transition period of redistricting adds a burden to Clerks & Recorders and election administrators, and using averages will help ease that burden.

Sue Haverfield, Flathead County Clerk & Recorder, and Legislative Chair for the Montana Association of Clerk & Recorders, stated support for HB 404.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. HARGROVE asked Joe Kerwin why the previous process was in place. Mr. Kerwin said that process was developed in 1983, and it worked, but it also caused extra work for Clerk & Records and signature gatherers.

SEN. HARGROVE said he thinks the background of the previous process showed a recognition for different levels of interest from one precinct to another. He said if there was a district that had 90% participation and another district that had 10%, the same number of signatures would now be required. Mr. Kerwin said that's why this will apply only for the interim or transition time, and then the previous method will be used again.

SEN. COLE asked Joe Kerwin if they can use either an average or the old formula. Mr. Kerwin said the old method is currently being used -- the actual numbers from the last gubernatorial election with the old house districts. He said there is an option and one of the options must be chosen. The law does not provide to do either one, a choice must be made.

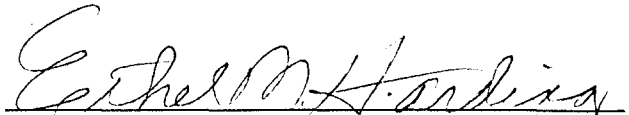
CHAIRMAN HARDING asked Joe Kerwin to clarify if the method used could be either/or. Mr. Kerwin said no, it must be one or the other statewide.

Closing by Sponsor:

REP. MCCULLOCH highlighted three points about HB 89. First, it does away with complex bureaucratic requirements that were confusing to citizens. Second, it streamlines the administrative procedure to save county election administrators valuable time during the election year season. Third, it protects the integrity of the process of qualifying ballot issues by petition.

ADJOURNMENT

Adjournment: 11:50 AM


ETHEL M. HARDING, Chairman


GAIL MOSER, Secretary

EMH/gem

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL

DATE _____

~~WES~~ 3-7-95

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SEN:1995
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CS-09

SENATE STATE ADMIN.

EXHIBIT NO. 1

DATE 03-07-95

BILL NO. H3273

TO: LEGISLATIVE MEMBERS
FROM: REPRESENTATIVE GRINDE
SUBJECT: HOUSE BILL 273

LEGISLATIVE SESSIONS IN EVEN NUMBERED YEARS

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

ATTACHED IS INFORMATION PERTAINING TO HOUSE BILL 273.

THE CRUX OF THE BILL IS PAGE NUMBER FIVE (PG.#5) THE DATES GIVEN ARE ONLY IN 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.

January 23, 1995

TO: Addressee

FROM: Representative Larry Hal Grinde

SUBJECT: House Bill 273: Even-numbered year legislative sessions

Attached is some general information pertaining to House Bill 273 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. The is process work -- but it does not work well.

Adopting House Bill 273 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 cost should be incurred, and cost savings could accrue. Having all bill 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-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

1 HOUSE BILL NO. 273

2 INTRODUCED BY GRINDE, MERCER, HARP, FOSTER, HOLDEN, HARPER, HAYNE, PECK, BENEDICT,
3 GAGE, HERTEL, KNOX, REHBEIN, SQUIRES, BAER, EWER, SHEA, MENAHAN, FORRESTER, CRIPPEN,
4 COCCHIARELLA, SIMON, ELLIS, BARNETT, SIMPKINS, GRIMES, ESTRADA, SWANSON, FORBES,
5 RANEY, SCHWINDEN, ELLIOTT, PAVLOVICH, HIBBARD

6

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

11

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

13

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

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

19

20 NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the
21 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
22 the full title of this act and the following:

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

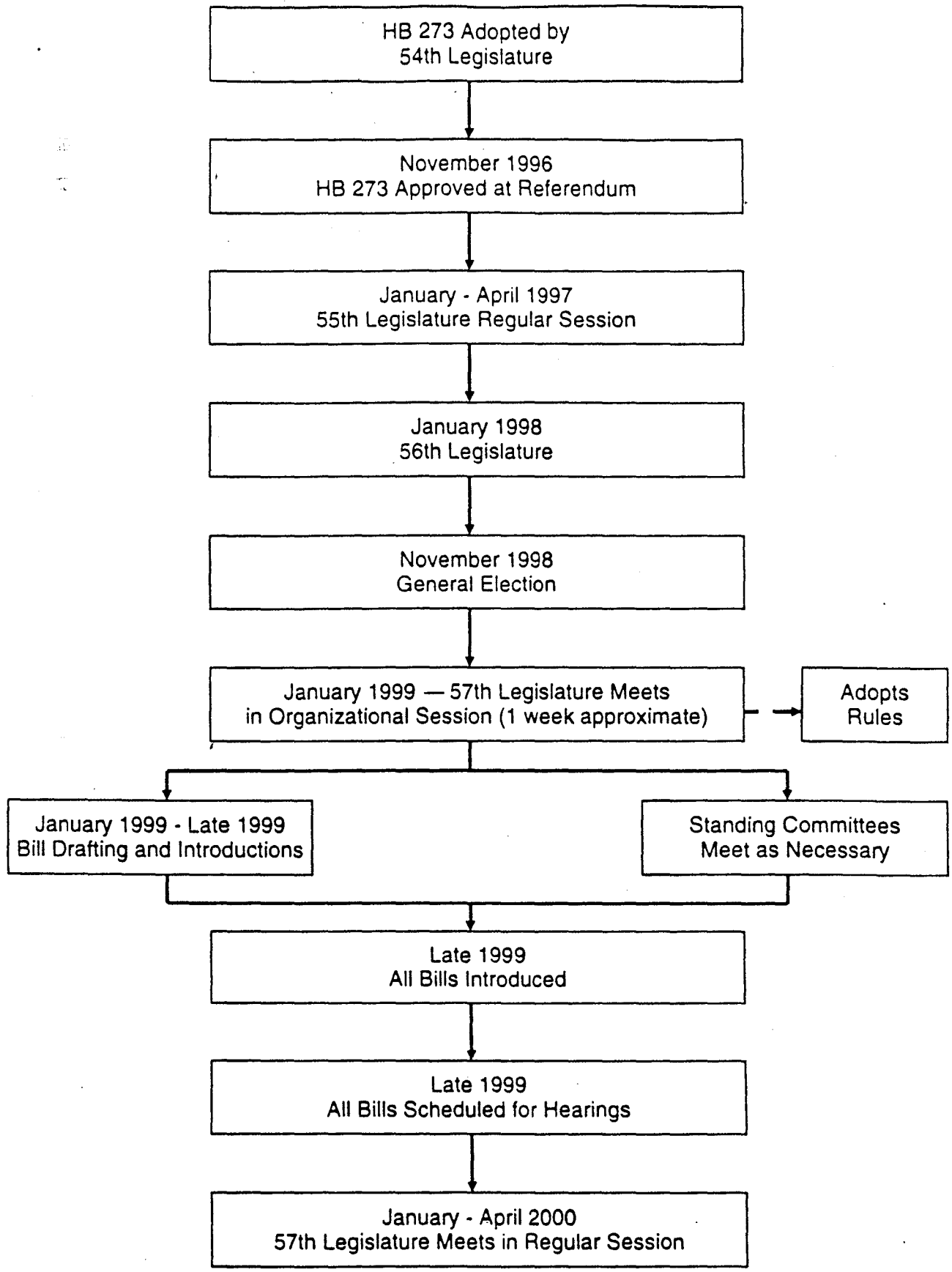
24 ☐ AGAINST the legislature meeting in even-numbered years.

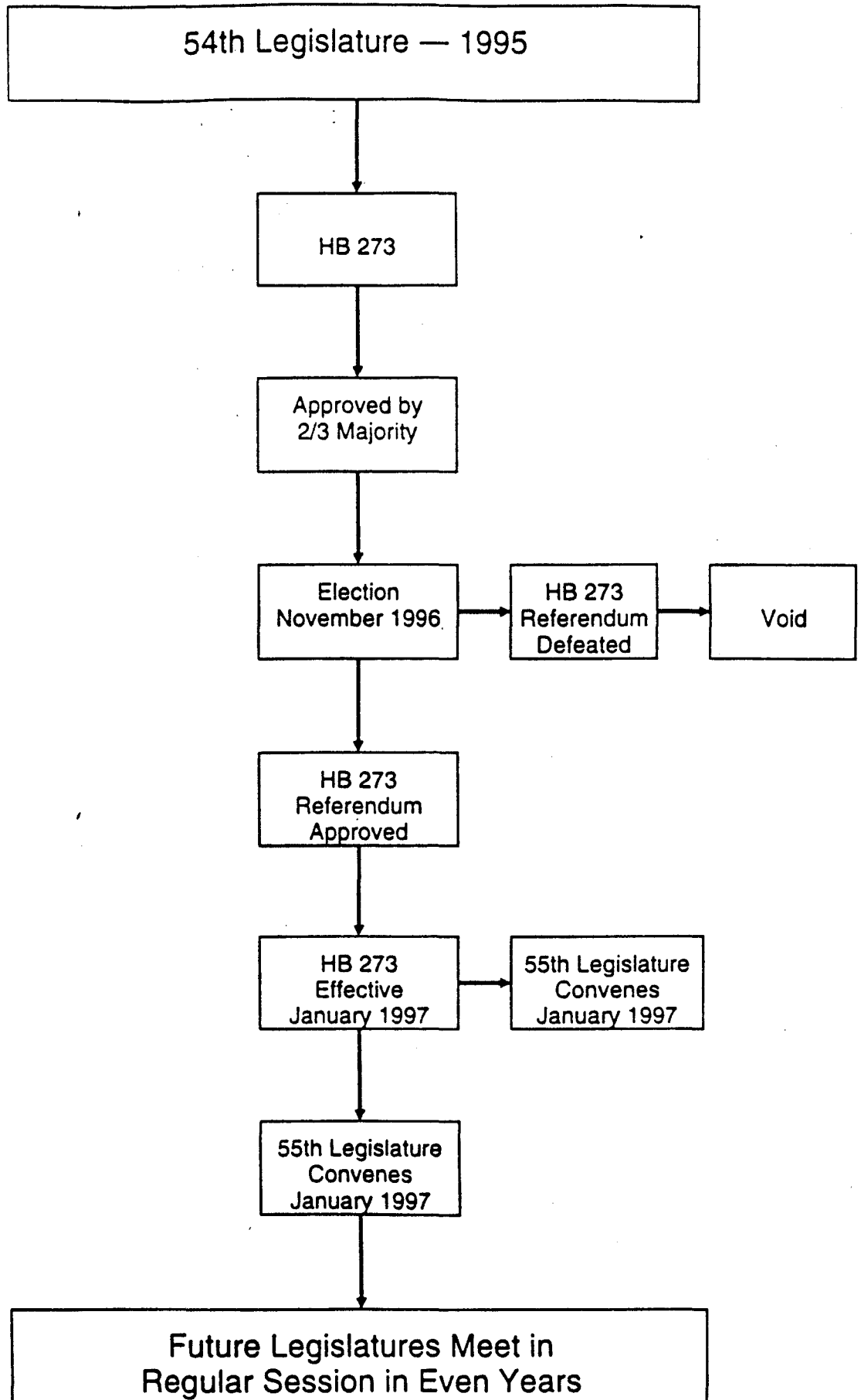
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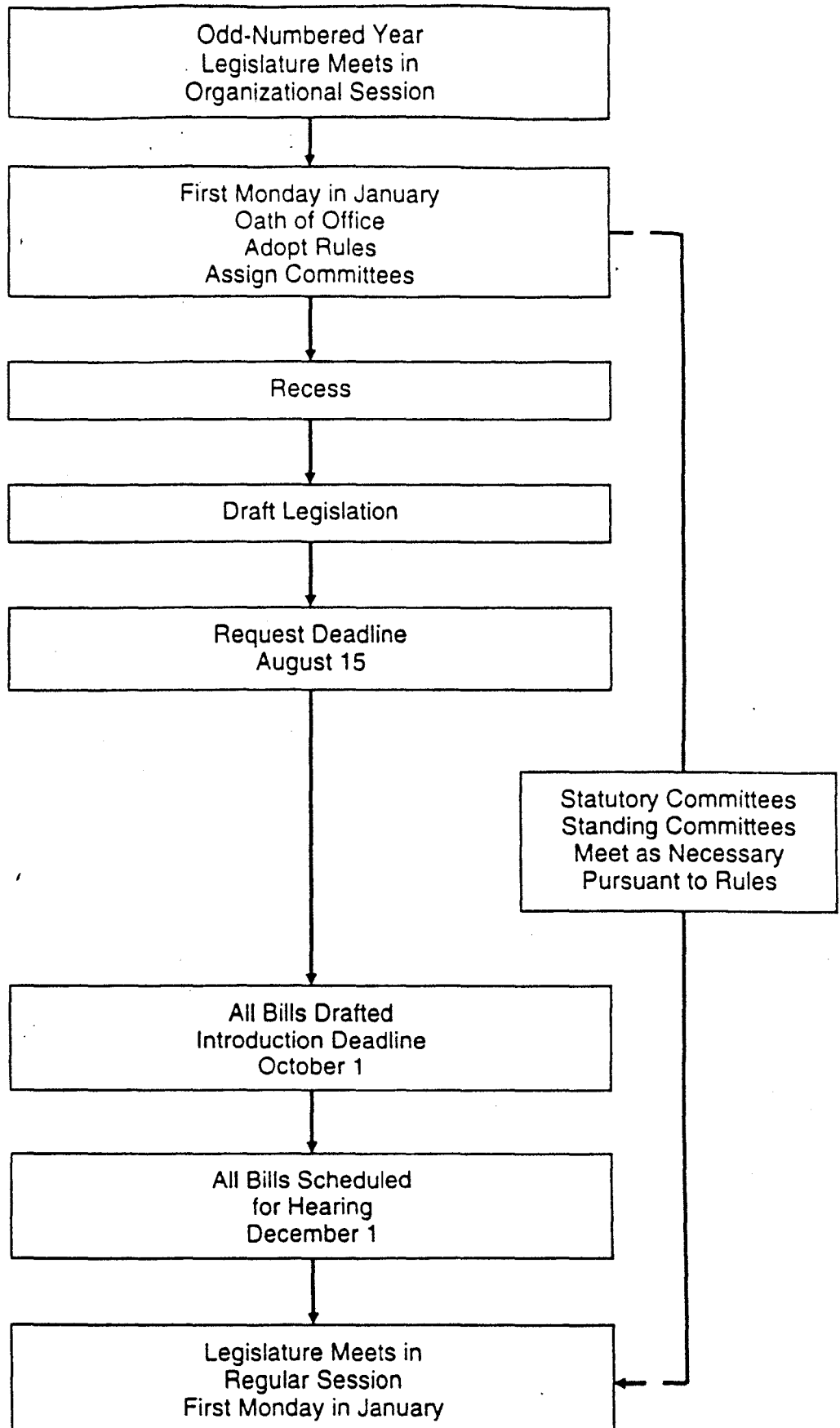
26 NEW SECTION. **Section 3. Effective date.** [This act] is effective January 1, ~~1997~~ 1998.

27

-END-







ORGANIZATIONAL MEETING

House Bill 273

Representative 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.

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.

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 then 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 --± \$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 1998 could be limited to a very few subjects, among which should be a budget for FY 2000. The 2000 legislature would then budget biennially for FY 2001 & 2002, and so forth.
4. There may be no real drawbacks -- but only if the legislature acts responsibly and with more discipline that 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 1998 session?
- An answer. Whatever it wants to do. However, the only real business that must be addressed is the FY 2000 budget. The 1998 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 1998 session, but there may be savings during the 2000 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 2000 legislature (although that could be one subject of the 1997 or 1998 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 1997 or 1998 session.
- Question 4. If HB 273 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 with the members and organize, there is no provision in HB 273 that allows the legislature to "convene". However, when the legislature convenes under HB 273 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-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.

SPECIAL SESSIONS OVER THE PAST DECADE

Special Session	Cost
11-93	\$737,173
7-92	\$524,886
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>
	\$4,263,207

KUFM COMMENTARY
Stan Bradshaw
April 12, 1993

Having spent the last three and a half months lobbying in the legislature, I want to talk about the legislative process, what's wrong with it, and about one good idea to address some of the problems that appears to be wrecked on the shoals of politics.

If every person who votes in Montana could spend a week at the legislature watching committee hearings and activity and watching legislative debates, my bet is that by far the majority of voters would be horrified by what they saw. In fact we might be sorely tempted to suggest that we do all our legislating through the initiative process. The making of law, like the making of sausage, is truly an ugly thing to behold.

So what's so horrifying about the process? Well, after about day two, the process is sort of like a runaway train...without the tracks. Decision is guided less by informed, deliberative thinking than by partisan dogma, bias, blind faith, and ignorance.

At this point the easy, and cheap, shot would be to indict the individual legislators. It would also be the wrong shot. By and large, the people who we elect to represent us are well intentioned, and hard working. The problem is with the process itself.

By way of illustration, I wonder how many people listening to this commentary are conversant with the finer points of school equalization, workers compensation, educational funding, environmental policy, or tax policy, to name just a few of the topics. My guess is that only a few of you have detailed knowledge of any of

these topics, and then that knowledge probably covers only one of them.

Well, most legislators don't come to the session knowing much about these things either. Our legislature is a mozaic of farmers, shopkeepers, teachers, carpenters, lawyers, and so on. And, in most cases, nothing in their experience prepares them for what hits them when they get to the legislature.

In 90 days, they have to consider well in excess of a thousand or so bills covering the issues I described above, and a lot more. They'll be pulled every which way by lobbyists and interested citizens, each trying to press their own perspective on them. The pace is frantic and relentless and completely inimical any kind of thoughtful, deliberative discussion. The task of simply reading a thousand-plus bills, let alone thinking about them or understanding them, is nearly out of reach. But, as luck would have it, this is the approach mandated by our constitution.

So what to do about it? Well, changing the constitution would be a good start. But how?

There are a couple of approaches that get tossed around fairly routinely. And, they rightly get routinely rejected.

The first is the idea of annual sessions. There is a persistent conviction among some that if we did this every year we'd get better at it. I doubt it. Instead, we'd just expose ourselves to this madness twice as often. States that take that approach seem to have all the problems I have described here.

The other idea that one hears frequently is that of a full time, professional legislature. No thanks. You only need to look at Congress to see how well that works.

It may well be that there is no better system than what we have, and that the problems that I describe simply represent the frailty of any human endeavor, especially those that embody our attempts at self-government. On the other hand, we don't even have the chance under the existing system to fine tune that process and try to bring a little more sanity to it.

During the first half of the session, there was a faint hope of nudging the process a little more towards a deliberative, rational approach. Rep. Larry Grinde, of Lewistown, sponsored HB 176, which was deceptively simple. HB 176 proposed a constitutional initiative to change the legislative session from odd-number years to even numbered years. On its face, that doesn't seem like much. But in fact, this simple amendment would have opened the way for a completely different approach.

By holding the session in even numbered years, the legislature could hold a brief special session in the odd-number year (right after legislative elections, elect its officers, submit bill-draft requests, and provide for the introduction of bills during the off-year, with plenty of time for legislators and the public to digest them and understand them. In short, to deliberate on them. Would this system be fool-proof? No, but it would take away one impediment to a rational legislative process, and at least provide legislators the opportunity to get better educated.

Now, when a bill proposes a constitutional ballot initiative, it needs two-thirds of the vote of the entire legislature -- one hundred votes. HB 176 got 97 votes in the house alone. This means it only needed three votes in the Senate. So it should have been a done deal in the Senate, right? Wrong. The Senate, in its wisdom, amended the

bill into something likely to be totally unacceptable to Rep. Grinde. As a result, its chances of being amended to its original form and eventually passed are remote.

So why did the Senate amend it? Don't ask me. Ask your Senator. Better yet, come and spend a day or so watching this process (we've got two weeks left), let the process wash over you, maybe talk to Rep. Grinde about his ideas, and then ask your Senator. Let them be accountable for their actions. Accountability... Now there's a novel concept... Any bets on passing that idea into law?

The Montana Standard, Butte, Friday, March 12, 1993

Opinion, comment

3/12 Standard

Even-year sessions

Changing from odd to even might make government better

The long, hard campaign ends, the election is held. Montana's newly elected and re-elected lawmakers get some rest, then plan carefully and thoughtfully for the next session of the Legislature. The session is orderly, harmonious and successful.

Just kidding.

What happens is that the campaign ends, the election is held, and the legislators rush into session 60 days later. Their nerves might still be frazzled from the campaign and electoral results might have made their legislative plans and campaign promises less enable. But because the Legislature meets in odd-numbered years, they've got just two months to catch their breath, plan for the session, have bills drafted and (perhaps most important of all) find a place to rent in Helena.

House Majority Leader Larry Grinde, R-Lewistown, thinks there's a better way. That way, he believes, is to change the Legislature's regular sessions from odd-numbered to even-numbered years.

As Grinde explains it, it would work like this: After the November elections, the legislators take office, organize and adopt rules of procedure. All that should take just

a few days. For the remainder of the post-election, odd-numbered year, committees meet for more orderly discussion of issues, legislation is drafted and the legislative agenda is set. "Good planning allows for good process," Grinde says. "Sufficient time for consideration allows for greater participation and better government."

Presumably, when the session does convene, 14 months after the election, it really would help produce better government.

The idea makes so much sense that one wonders why no one thought of it before. Or at least, tried to do anything about it. Grinde is trying to bring about the change with his House Bill 176, which would require a constitutional amendment. Ninety-five of the 100 House members approved the bill, which was presented in the Senate yesterday. The Senate, we expect, will give it the remainder of the support it needs to put it on the 1994 ballot.

The change would not produce flawless government. Nothing would, including the politically impractical suggestions that Montana adopt a unicameral Legislature, a smaller Legislature, and so forth.

But we think it would help, and at virtually no extra cost.

Even-year sessions a good idea

A proposed constitutional amendment that would require the Legislature to meet in even-numbered years sailed through the House 93-7 Monday and needs only seven votes in the Senate to qualify for the 1994 general election ballot. (Constitutional amendments must receive approval of 100 of the 150 legislators to qualify for the ballot.)

The support for House Bill 176, sponsored by Rep. Larry Grinde, R-Lewistown, is surprising because it represents a radical change.

AN IR VIEW

If the amendment is placed on the ballot and approved by the voters, members of the 54th Legislature would meet for 90 days in 1995. They would return for a regular session in January 1996. According to Grinde's scenario,

the '96 session could be focused on adopting a budget for fiscal year 1998. The fact that legislators will be running for re-election a few months after the '96 session ends could persuade them to keep the session short.

The Legislature would then meet in January 1997 for an organizational session that would last a week or less. Rules would be adopted, standing committees appointed and then the Legislature would adjourn.

Lawmakers would then have almost a year to have their bills researched and written before the 1998 session convened. Legislation would have to be introduced about three months before the start of the '98 session. This will allow hearings to be scheduled and advertised well in advance of the '98 session.

Committees also could conduct hearings throughout the state on major bills prior to the start of the session.

There are other advantages.

The governor will have almost a year to prepare a budget. The governor also will have more time to appoint department directors. Currently, a new governor basically inherits the budget of the outgoing governor. He or she has only about seven weeks to modify the outgoing governor's budget and put together a cabinet.

Even-year sessions would also make legislators more accountable because they will be running for re-election a few months after the session adjourns instead of 14 or 15 months after a session, as is now the case.

We think Grinde's bill should be placed on the ballot so it can be thoroughly debated by legislators and the public.

DOONESBURY

Give 'em an even break

Legislators could count on some even-year benefits

Any number of things could be done to make Montana's Legislature perform better, including institution of annual sessions, merging the House and Senate into a single chamber, and reducing the number of legislators.

Of all the constructive things that could be done, however, few would be as simple as adopting House Majority Leader Larry Grinde's proposal to convene the Legislature in even-numbered years instead of odd-numbered years.

That one change could work wonders.

Legislative sessions now convene in odd-numbered years. What happens is that legislators and governors are elected in November on even-numbered years, then thrown into the maelstrom two months later. Convening the Legislature on even-numbered years instead would give newly elected officials more than a year to prepare.

The change would be especially useful if the year between an election and legislative session were used to draft and circulate bills, organize political party agendas and teach newly elected

lawmakers the ropes. Moving legislative sessions to even-numbered years will make all the more sense when the provisions of the term limits approved by voters last fall kick in and there's more turnover in the Legislature.

Even-year sessions won't solve all problems, of course. For one thing, there's still the problem of having to write two-year budgets requiring lawmakers and the governor to do the impossible — accurately forecast revenue and expenses 2½ years into the future. (As Rep. Mike Kadas, D-Missoula, points out, a 1 percent error in writing the budget can translate into a \$60 million deficit.) Montanans, understandably dubious about having the Legislature in session more than they now are, have resisted proposals to formally institute annual sessions, even though the need to adjust the budget midway through the biennium has made special sessions a regular occurrence.

In addition to moving to even-year sessions, it would be interesting to see what good could come from the governor making a practice of calling a special session every other January merely to revise the budget. That would give lawmakers a chance to finish their budget figures, rather than simply rush to Helena to clean up the mess when their

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE 63-02-95

BILL NO. 18273

Even-year session idea makes sense

It's been all too easy to find pieces of legislation to bash during this year's legislative session, but one measure — a repeat from 1993 — deserves wide support.

House Bill 273, Rep. Larry Grinde's proposal to change legislative sessions from odd to even years, was passed by the House last week.

The Lewistown Republican's simple but far-reaching idea stumbled over differences between House and Senate versions two years ago, but it's just too good a plan to be allowed to fail again.

Currently, the Legislature is forced to enter into a mad scramble immediately after the November election to organize for a session in fewer than two months, then rush through a 90-day frenzy of hearings and debate.

AN R VIEW

Under Grinde's constitutional amendment, which would have to be approved by the voters as well as by a two-thirds majority of legislators, the Legislature would convene for a few days after the November election so that members could take the oath of office and make committee assignments.

During the remainder of the odd-numbered year legislation could be drafted, standing committees could meet, and an orderly agenda could be prepared well ahead of the regular session in the following even-numbered year.

The change has many advantages, and would come at little or no extra cost. It would increase legislative efficiency and allow an incoming governor a full year (rather a month) to prepare a budget. Legislators would have all the time they need to study complex issues, rather than being forced to march in lockstep to the session's grueling pace.

But perhaps the greatest advantage would go to the public, who would have a greater opportunity to be involved. Not only would people know well in advance when legislation will be discussed, but with all bills filed well in advance they wouldn't be blind-sided by last-minute introductions.

There are concerns — Grinde himself listed possible drawbacks in a packet promoting his measure — but they are relatively minor. Probably the most serious is the question of whether the number of bills will skyrocket to fill the extra time, although a strong leadership ought to be able to prevent it.

The proposal clearly deserves to be presented to the voters in the next general election. If it does, we think the odds are

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
Testimony on HB 89 - Revise Vital Statistics Law
for

Senate State Administration Committee
March 7, 1995

Submitted by Sam H. Sperry

SENATE STATE ADMIN.
EXHIBIT NO. 3

DATE 8-5-95

BILL NO. HB 89

Current vital statistics law in Title 50, Chapter 15, was established in 1967, with some parts dating back to 1947. While the vital records and vital statistics concepts in current law have not changed dramatically, the language in current law has become outdated and cumbersome as technology and changing uses of vital records have placed new demands on and presented new opportunities for the vital statistics system of the nation.

This bill essentially brings the language in Montana law up-to-date and standardizes procedures throughout the state, thereby allowing Montana to conform to national vital statistics standards.

The department has chosen to adapt, for this bill, those parts applicable to Montana of the Model State Vital Statistics Act and Regulations recommended by the National Center for Health Statistics. There is absolutely no federal mandate involved. This model law is recommended to the States to ensure a uniform national vital statistics system.

Six sections of current law have been repealed by this bill. This was done in order to reword and combine related concepts into a more cohesive statement. Repealed sections 110, 112, 113 and 206 are incorporated into new sections 7 and 8; and repealed sections 201 and 205 are incorporated into new sections 11, 13, and 14. All other sections of this bill amend or clarify existing sections.

Section 3 amends 50-15-101, which is vital statistics definitions. Subsection (5) is a medical definition of a fetal death. Some fetal deaths are reportable as vital events. Section 17 amends 50-15-403 and sets down the criteria for which fetal deaths must be reported on Fetal Death Certificates. The Montana Abortion Control Act, 50-20 MCA, defines reportable induced abortions. The provisions of 50-20 MCA are unrelated to those of 50-15 MCA.

Section 6 amends 50-15-111, which is a "fee" statute. Currently the law provides a "flat" fee for vital records services. Experience shows that in some instances the department has charged more for services than was necessary; and in other instances, not enough. It is the intent of this section to allow the department to set fees for records service by rule in order to operate on a cost-recovery basis. This amendment is expected to be revenue neutral.

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Senate State Administration
Page 2

This bill provides for rule making authority for operational procedures of the vital records system and the department believes that this bill will provide the tools necessary for a more efficient and uniform administration of the vital statistics system in Montana; and that it will facilitate the utilization of new technology, as it relates to records administration, without having to change our laws for the next 10-15 years.

SENATE STATE ADMIN.

EXHIBIT NO. 4

DATE 03-02-95

BILL NO. HB 404

996 *General
Election*

Candidates using the
reorganized House
District boundaries

Current law makes no provision for
petitions for the second election
following reorganization without
a new gubernatorial election.

994 *Election*

Newly reorganized
House District bound-
aries used for
candidates

Petitions based on 1992 gubernatorial election. Petitions signatures based on previous House District boundaries as provided for in current law 13-27-303

993 *Legislative Session*

Reorganization of House Districts.

992 *General
Election*

Gubernatorial
Election

Previous House District
boundaries

SENATE INTRODUCTION

Mr. Chairman and members of the Committee, for the record, I'm Linda McCulloch, representative for scenic western Missoula County. I bring before you today House Bill 404.

This bill fixes an inconsistency in the election law dealing with the gathering of signatures for petitions. Petitions for ballot issues, such as CI 66, CI 67, etc., must contain signatures in a number of legislative districts based on a percentage of votes cast for governor in each district.

House Bill 404 sounds much more complicated than it really is. In fact it passed the House with 100 yes votes.

We just had the first election after the '92 gubernatorial election and after reorganization of House districts. By current law old district maps needed to be used to collect signatures. This is confusing and burdensome to both petition circulators and election administrators.

We're going into a next major election, which is the second election since redistricting and still no new gubernatorial election. But, the current law only provides for using the above procedure for only the first election following reorganization of House Districts. Because we have no procedures for this next election we open the State of Montana up for lawsuits.

This bill simply states that for elections following redistricting, until the gubernatorial election, new districts are used. The best solution for everyone involved is to take the total number of votes cast and divide it by the number of legislative districts. The resulting number is the number of signatures needed in each district.

In 1994, the election administrators verified 140,251 signatures, most in the last month before the election. Using the old districts also can be confusing to citizens trying to collect signatures. Rather than just a "quick fix," this bill improves the process by making it less confusing for petition circulators, and, easier, administratively, for county election administrators. Without this change, the Secretary of State would not have any clear guiding statute on how to allocate the number of signatures needed for any statewide ballot issue.

Finally, and most importantly, this bill does not make it any easier or more difficult to qualify an initiative. The bill also only deals with those elections between a redistricting and the first gubernatorial election, for all other elections the current law remains in effect.

During the proponents' testimony, Joe Kerwin, from the Secretary of States' office will further explain the bill in detail. Thank you and I reserve the right to close.

DATE March 7 1995

SENATE COMMITTEE ON STATE ADMINISTRATION

BILLS BEING HEARD TODAY: HB 273 / HB 89 / HB 404

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Check One

Name	Representing	Bill No.	Support	Oppose
James Long	Self	89	✓	
Ruth Long	L + C Genia. Soc. Self	89	✓	
George T. Hoff	mt State Genealogical Socy	89	✓	
Pat Downs	L + C. Genealogical Society	89.	✓	
Naomi Smith	"	89	✓	
Fern Baele	mt. State (Self) Family History Library	89	✓	
Sam Sperry	DHES	89	✓	
Jim Jensen	MERC	273	X	
Eloyce Kockler	Self	89	X	
Tom Hatcher	Self	89	-	
GEORGE OCHENSKI	Self-	273	X	
Steve Brown	Self	273	X	
Deborah Smith	Common Cause	273	X	
J.V. Bennett	Mont PIRG	273	✓	

Arlette Randash

VISITOR REGISTER

LAURIE KURT VIK

CC of MT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

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SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

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Check One

Name	Representing	Bill No.	Support	Oppose
Ammonia Benson		89	✓	
Multz Ann Justus		89	✓	
Maria Thompson		89	✓	
Joe Kerwin	SOS	273	✓	
Joe Kerwin	SOS	404	✓	
Robert Throssell	MT Ass Cl #2ec	HB 89 HB 404	✓ ✓	
Lee Claverfield	Flackhead Co/MACK	#B 89 HB 404	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY