

History of Montana Annual Session Proposals

Prepared for Legislative Council

By Susan B. Fox

January 8, 2014

(revised 2/12/14)

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
1965: Annual Sessions in general were proposed (MLC)	Legislature not able to complete work in 60 calendar (44 legislative) days.	<ul style="list-style-type: none"> • Produce more experienced legislators, more effective Legislature, more careful deliberation, improved oversight of agencies. • Legislative process more visible and provide greater opportunities for participation. 		none	no bill/referendum or initiative offered
Study for 1972 Constitution	<ul style="list-style-type: none"> • Current Legislature provides advantages to organized special interests, not to the base of popular support on specific issues. • Broad support is not organized at the right time and place. • Short session does not provide time to identify each other and organize. 			none	no bill/referendum or initiative offered

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
<p>1972 Con Con - Continuous body for 2-year periods, bills may carry over within biennium. Meet at least once a year in regular session of not more than 60 legislative days. Any Legislature may increase the limit on the length of subsequent session. Majority of Legislature or Governor may convene special session.</p>	<ul style="list-style-type: none"> • Current 60 calendar days is insufficient for legislative work (Trans 384-5). • In 61 years, since 1911, only six (6) Montana Legislatures have been able to complete business in 60 (calendar) days. • Not sufficient time for public notice or participation. 	<ul style="list-style-type: none"> • More flexibility in procedure and more time to consider bills in order to avoid unpredictable and costly special sessions. • Annual sessions would allow Legislature to act/respond to change that is rapid and continuous, rather than react to crisis. 	<ul style="list-style-type: none"> • Biennial sessions were seen as more flexible and the Legislature could come back in if necessary. • Could call self back in special sessions and have arrangements made in advance (minority report). • Annual sessions of 80-90 days preclude Ag, businessman from running. • Problem of too many bills rather than not enough time. 	<p>none</p>	<p>116,415 to 113,883</p>
<p>1974 Constitutional Initiative No. 1, November 5, 1974. Struck "continuous body" and carryover of bills, returned to a biennial session, extended to not more than 90 days.</p>	<ul style="list-style-type: none"> • Annual sessions had generated an excessive volume of legislation and increased frenzy of legislative work rather than reducing it. • Anecdotal information indicated carryover was problematic. 			<p>none</p>	<p>110,587 to 104,581</p>

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
<p>1982 Constitutional Amendment No. 11: annual sessions of 60 legislative days, odd-year, substantive legislation and 45 legislative days, even-year for budgetary matters. Allow other matters in other-year session upon vote of 2/3 members of either house.</p>	<ul style="list-style-type: none"> • Ch. 517, L.1981. 1981 Legislature had met an additional 15 days in special sessions and cost \$441,000 • Third special session was contemplated. • Increasing number of complex problems required greater legislative attention. • Sporadic special sessions were bad management and poor economics and could exceed cost of limited annual sessions. 	<ul style="list-style-type: none"> • Save the state taxpayers money and be more cost-effective, accountable, and responsive. • Limitations were sensible but provision to allow 2/3 vote of either house for other legislation provided flexibility. • Would improve accountability and more legislators could be involved in the development of the state budget. • Incumbent legislators running for reelection after the appropriations session would increase accountability. • Better control over funding. • Need to break tight existing administrative bureaucracy. • All walks of life could run as sessions shorter and more predictable. Cost factor about equal if cost of special sessions taken into consideration. • 2/3 vote not easy to get. • Lobbyists, bureaucrats, special interest groups, and foes of responsible government against. 	<ul style="list-style-type: none"> • 1974 initiative should be respected - reasons still valid. • Desire for citizen Legislature; annual sessions make people from all walks of life unable to take time off, moving us to professional legislators. • Annual sessions would lead to more bills, more cost, legislative meddling. Stated that additional costs did not include additional staff and the administration of additional measures. • Belief that the 2/3 vote requirement for either house allowed only 34 senators or 67 representatives to open session to anything they wished. • Sessions could be easily extended and would not restrict special sessions, and taxation measures could be presented in any of the sessions; limitation to money matters a sham. 	<p>Would increase cost about \$500,000 for 105 days in the same 2-year period (including legislators' salary, expenses, and staff).</p>	<p>118,908 to 171,196</p>

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
<p>1988 Constitutional Amendment No. 20: "split sessions" of not more than 100 days in a 2-year period requiring the Legislature to apportion days between sessions, no session over 60 days, revenue and appropriation in odd-year, general in even-year, prohibited carryover.</p>	<ul style="list-style-type: none"> • Special sessions from 1981 to 1987 required additional days and costs. • Current system breeds crisis management; legislator burn-out, stifles public participation. • Lone experience of 1974 annual session was not able to complete work in 60 days and 1975 required a special session. • Laws passed were drafted under pressure, considered in haste, passed in frustration. 	<ul style="list-style-type: none"> • Need for more timely and responsive method than special sessions to meet increased demands of the state. • Both sessions would adjourn at end of February. • Proposes split, not annual sessions. • Allows Legislature to bring critical issues in general session by rule. • Shorter sessions mean more people can participate. • Prohibited carryover - main problem in 1974. 	<ul style="list-style-type: none"> • 1974 initiative message loud and clear - less legislative involvement and less spending. <i>Should establish procedures to screen bills to reduce number, allow more time for review.</i> • Making Legislature professional precludes qualified people from running, not suited for Ag, rural. 	<p>Additional cost of \$462,000</p>	<p>169,491 to 178,855</p>

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
<p>1996 - Constitutional Amendment No. 32: Meet in regular session biennially in even-numbered or odd-numbered years (but not both), retained 90-day limit. Proposed using 1st year of biennium to organize and prepare legislation for public review and comment.</p>	<ul style="list-style-type: none"> • Ch. 341, L. 1995. • Too little time to organize, appoint committees, have legislation drafted. • Too little time to review leg, notify public, review Governor-proposed budget, government spending, and taxation. • Current system hinders opportunity to change government in response to will of the people. 	<ul style="list-style-type: none"> • More time to understand impact on work, taxes, Montana way of life. • Opportunity to consider new proposals and let Legislature know how they feel. • More time with constituents to discuss issues and produce sound policy - in election year increases accountability. • Option of even-year sessions. More input. Provides option of even-year, prohibits annual sessions. 	<ul style="list-style-type: none"> • Voters have to wait a year to carry out will of the people. • Gives lobbyists and special interests plenty of time to make case. • Legislators may forget why they were elected. Meeting in election year makes it tough to take a stand or legislators will spend more time posturing. • Gives leaders more control, time to manipulate committee membership, caucus positions, and timing of hearings. Idea will fail and lead to annual sessions. • Has failed twice before. <i>No need to wait a year -- meet short period of time in January in an odd-numbered year, recess a month or so to allow for more public input and still finish in April or May.</i> 	<p>unknown</p>	<p>174,471 to 196,618</p>

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
2001-30 days odd-year on revenue/appropriations 60 days in even-year on general bills, not to exceed 90 days altogether; may extend to other legislation by 2/3 vote of each house. No carryover except by 2/3 vote of each house.			<ul style="list-style-type: none"> • Carryover of bills (although specifically prohibited). • Additional costs, including startup. (Montana Farm Bureau sole opponent in House) 	No additional cost	SB 123 - died on House Floor 27-73

Type and Variety	Problems Addressed	Pros	Cons	Fiscal Note (if any)	Vote
<p>2003 - 3 bills 1) (Similar to 2001) 30 days odd-year on revenue/approp, 60 days in even year on general bills, not to exceed 90 days altogether, may extend to other legislation by 2/3 vote of each house. No carryover except by 2/3 vote of each house. Removed ability to increase limit on subsequent session, rules permit other considerations.</p> <p>2) Annual sessions of not more than 45 days each, no carryover (Colorado)</p> <p>3) Meet each year (not to exceed 90 days in 2-year period), removed ability to increase subsequent sessions, could be 45/45 days or 60/30 days</p>		<p>1) Term limits, time away from home. more opportunities for legislators to deal with budget and appropriations</p> <p>2) Easier to come every year for 45 days.</p> <p>3) More versatility to deal with complexity, volatility.</p>	<p>1) More often means more opportunities for mischief, people deserve a break. Split is too restrictive. <i>Wyoming holds all day budget sessions.</i></p> <p>3) <i>How do you deal with general bills that have fiscal notes during a general session?</i></p>		<p>1) SB 182 - tabled in Senate State Admin</p> <p>2) SB 70 - died on House floor</p> <p>3) SB 214 - tabled in Senate State Admin</p>

CI0425 3353sfnb.