

Results of 2014 Survey of Legislators on Scheduling and Calendar
Prepared for Legislative Council
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In March of 2014, the Legislative Council sponsored a survey of legislators. There were two parts of the survey, the first part was on legislator compensation and expenses, and the second part was on the legislative calendar and scheduling. The response rate was 75.8% (72% senators and 77% representatives.) The results of this survey are summarized below and may be a foundation for discussion and a way to measure support for any changes in the legislative calendar.

Summary: Although there were a majority of legislators who believed delaying the start of session would enhance the ability of legislators in numerous areas, there is little support for going any later in the year. Meeting every year has some support, but the comments indicate that the devil is in the details. Many believe that having a budget session one year and a policy session the next (or vice versa) was a good idea, but there were other legislators who did not like the idea.

There appears to be support for changes in the current structure to be more efficient; i.e., some two- or three-day weekends, a break in the latter part of session with the caveat of not adding more days, and potentially needing to provide some additional travel reimbursement; more efficient use of Saturdays, or the Legislature should only meet on Saturdays when needed. If committees are required to keep up on their bill hearings and executive actions on a regular schedule, then a combination of some Fridays or Saturdays off, and working Saturdays as needed could be planned.

Introduction deadlines, executive action deadlines, etc., could be passed in rule to keep the bills flowing. Bill drafting can be done as early as the information is received to not impede the flow of bills. If there are committees that are falling behind, perhaps Saturday committee meetings should be considered. This could be reserved for bills that may have substantial numbers of those who would travel and less need for state employees to testify.

Recruiting candidates for the legislature is problematic -- only half of the legislators seem to attribute it to the 4-month schedule. The low legislator pay, the negative political atmosphere, and the time away from home and family, regular jobs seem to be equally problematic.

Many legislators believe that the system is working now and feel that the experience is a worthwhile sacrifice and that they understood what they were getting into and just want to do the job. Many legislators also seem to want change, but not a clear majority, and without consensus on exactly what kind of change to make.

5-Day Work Week

- Legislators were split on whether or not they prefer a five-day work week, with 47 legislators (50.54%) responding Yes, and 46 legislators (49.46%) responding No.
- Primary concern that the session ends in April as it does now. Concern that there would not be enough time to get the work done and it may make days in the work week even longer.
- Pros were: ability to work their regular day job or fulfill professional obligations on weekends, more time for personal issues, family, friends, and constituents, and time to recharge and read bills.

Session Saturdays

- Ranged from Saturdays were a waste of time to how critical Saturdays were at transmittal and at the end of session. Saturdays could be put to better use, including committees meeting.
- Concern that the work week was full as it is now, floor sessions may run into committee hearing times which would make the committees go later or hinder the committee work.
- Constituents like to come to Helena on Saturdays because they don't have to work.
- Many legislators stated that they lived too far to travel on two-day weekends, especially if Friday is a busy day, and it would be an additional cost. Some did not want more dead time on weekends and other mentioned that Saturday afternoons are a busy time.

Delay to start of session

- Three-quarters of the legislators answered that delaying the start of the odd-year session until later in January or early February would: be better for preparation and discussion of legislation, enhance the ability to organize and develop budget amendments and policy, enhance the potential for training and integration of new legislators. Other related comments: enhance the ability to have better revenue estimates, give a new Governor more time to prepare, provide more time to hold hearings on complicated issues.
- Negative comments included the fact that the end of session may be delayed into May or June, that it would be hard on the rural legislators especially those in agriculture and in construction and other business interests. Comments indicate that starting earlier is better for certain legislator's business interests, another stated that a few weeks makes no difference and it's better to get started and be done.
- One legislator didn't want the number of days reduced, one agreed that it would give more time for organization, however, was worried that it would generate more time for more bills, there was worry that the session would need to run longer. One commented that until they are actually looking at legislation, it may be difficult to see what bills are working through the process. And another commented that little may get done until actually in session.
- Agreed that time between election and session was compressed and leaves little time for new legislators to get up to speed or to draft bills. Training in November and December was noted as being hard because it is right in the middle of the Christmas season. The start date is not the problem, it is getting the public and interest groups engaged. One idea was to be sworn in on the day we do now by law, have a few days of training, then recess for at least two weeks to allow formulation of budget amendments and/or policy refinement.

Annual Sessions (meeting for two months every year)

- One commented that the session should be delayed a full year after election for more time to learn the process, preparation and training, and the potential to hold committee meetings before the session starts.
- Some comments were that annual sessions would increase the ability: of the public to participate in the consideration of complex legislation; of the legislature to vet and consider many complex bills and issues before it; to participate in the budget process; of ag-based legislators to return home earlier in the spring; of citizens to get time off or have ability to serve; of legislators to learn and serve in the first term and allow increased training; and expanding the pool of citizens who would consider serving.
- Pros include that a year to prepare for session and get some bill drafts in would be more productive. One suggested laws one year and the budget in the next year.

- Cons include: question how you would do the budget process in half the time, concerns for staffing for just two months every year, concerns for finding housing or lodging and that costs to legislators may rise, concern that annual sessions were just an opportunity to spend more money, most legislators would not be able to take two months from their profession each year.
- There were questions regarding whether there was significant enough number of policy bills for a strict policy session, concern that all legislators should serve on an appropriations committee for a budget session, and several suggested increasing the amount of days to every year for 3 months or 60 days.
- One wanted a budget session every year.
- One liked splitting the session into budget and policy sessions, but saw more bills introduced and there may be a tendency to kick tough bills down the road to the last meeting of the biennium. One stated it would depend on the design of the annual sessions and another that there would be tradeoffs with many employers so perhaps “no difference”. Some wanted more days altogether, others wanted either a 45-45 split or a 40-50 split.
- The question regarding the inability to recruit good candidates because of the current four-month schedule was split – 49% stating Yes and 51% stating No. Affordability was a major concern with many mentioning the low pay and loss of wages. Practicality and not being able to leave occupations for four months was mentioned or going into March and April is problematic. Term limits, time away from home and family, and lack of child care were also mentioned.

Other

- Other ideas and comments for improvement of the legislative calendar included: doubling the terms for less campaign time and more continuity, limiting absences from committees, setting expectation for committee chairs and making days more productive, not separating appropriations from the regular time or process, more education.
- Changes to the current session included: more time to legislate, more aggressive planning of legislation before session and in the first month, planning for 2- and 3-day weekends to provide opportunity for work at home, joint subcommittee hearings on the budget prior to session like Wyoming and North Dakota, for the political parties to reach out to the newly-elected for some socialization, a break at Day 75 or 85 to transmit bills to Governor and await vetoes or amendatory vetoes, not wasting the first week with orientation, not having Saturday sessions for the first 3 weeks of session, access to flex funding or compensation for legislators for child care was mentioned three times.
- Delaying the start of session, starting sessions in October or delaying by one year was mentioned. 45 days a year maximum, meet every year for 3 months starting in February – go to 60 days a year and double the pay, annual sessions of no longer than 70 to 90 days total, longer sessions in one year such as 50 days and 40 days, funding standing committees year-round, and one session for passage of new bills and a budget and the other session only for repeal of current laws. Even-year sessions received a few comments to allow a full year of training for new legislators, one thinking that if the even year was used to adopt or amend the budget, that the timeframe would be compressed to a matter of weeks.

Policy considerations:

1. Do you want a new survey of current legislators?
2. Do you want to expand the questions on the occupations of legislators and who would and would not be able to serve every year?
3. Rules and definitions for "budget" session and "policy" session -- current categories are simple resolutions, appropriation bills, general bills, interim study resolutions, revenue bills, referendum proposals, revenue estimating proposals.

