

FLEXIBLE SESSION REPORT

BY

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SECRETARY OF THE SENATE**

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M E M O R A N D U M

TO: SENATOR HARMON T. OGDahl, CHAIRMAN
AD HOC COMMITTEE ON FLEXIBLE SESSIONS

FROM: GEORGE G. GOODWIN
SECRETARY OF THE SENATE

SUBJECT: FLEXIBLE SESSIONS

The following background material, statistical data, observations and suggestions are offered for the consideration of your committee in its deliberations on procedural changes required should the "flexible session amendment" be ratified by the electorate this fall.

It is my firm belief that time is the greatest single problem of the Minnesota Legislature. There has been more time available than needed for the work accomplished during the first half of regular sessions and insufficient time for the orderly, deliberate completion of work during the last half of regular sessions.

The partial deadlines adopted and faithfully implemented in the Senate in 1971 were of great help in improving efficiency in the use of the time structure. A "full set" of deadlines,

in conjunction with judicious scheduling of the time structure gained under the "flexible session concept" should enable the Minnesota Legislature for some years to complete its job within 120 legislative days.

The 63rd session (1963) was the first 120 legislative day session after 74 years of 90 legislative day sessions. Interpretation of "legislative day" yielded no more than 104 actual working days under the 120 day amendment. The flexible session amendment will yield 120 actual working days per biennium following passage of a law defining "legislative day". It may be noted here that if Extra Session Laws 1971, Chapter 26 (hereinafter referred to as Ch. 26) is ratified, Minnesota will join Illinois, Ohio, Tennessee, Vermont and Wisconsin in what is loosely referred to as the flexible session concept, which is also being considered in Iowa.

An unexposed benefit resulting from Ch. 26 will be virtually doubling "session time" for staff and a somewhat similar gain for legislators. Ch. 26, in effect, creates a possible total of 40 weeks during which a biennial session may be held or not more than 20 weeks in each year of the biennium.

Ch. 26, in effect, could result in an increase of actual working days of the session by 16 - 18 days, but

sharply increases the time for administrative work, committee hearings, and legislator-constituent contact. Interim committee work should benefit as well. A higher degree of professionalism of staff should result from passage of Ch. 26.

Ratification of Ch. 26 will not place the Legislature on an "annual session" basis. (An annual session can be described as beginning and ending each year. A biennial session begins and ends each biennium.) One of the effects would be a biennial budget basis with annual review. There would be many other effects and problems but since the purpose of Ch. 26 is to provide a more efficient time-frame, attention will be focused accordingly, with effects, advantages and problems considered later.

LEGISLATIVE TIME STRUCTURE

Time is required to accomplish the following:

1. Organization
2. Bill drafting, introduction and referral
3. Committee action
4. Floor action

The amount of time required for each of the above segments of the time structure will determine the flexible session schedule. As a starting point for the purpose of discussion and solution, the following is offered.

1. ORGANIZATION

Briefly stated, organization includes the selection of leaders, officers, employees, committees and their chairmen and vice-chairmen, committee membership, temporary rules and miscellaneous items. Historically, the Minnesota Senate has unofficially accomplished its organization prior to the first day of session.

It is recommended here that consideration be given to organizing shortly after the general election in conjunction with a two or three day orientation session for newly elected members. If unofficial pre-filing and bill referral were to immediately follow, a considerable time savings could be realized. Per diem expenses could be handled retroactively following convening of the session.

Organization, including joint session to receive the Governor's message, can be accomplished in two legislative days.

2. REQUESTS FOR BILL DRAFTING, INTRODUCTION AND REFERRAL

Basic to considerations of the amount of time required for this element of the time structure is an understanding of companion bills. Practitioners recognize a companion bill as being identical with a bill in the other body having the same "Revisor Number".

In 1969, 2682 bills were introduced in the Senate and 3094 were introduced in the House. Almost 90% of the Senate bills had companion bills in the House.

In the regular session of 1971, 2817 bills were introduced in the Senate and 3195 were introduced in the House. Again, almost 90% of the Senate bills had companions in the House.

It should be noted that all requests for bill drafting do not result in bills being drafted. The requestor will often cancel his request after reviewing the preliminary draft or for other reasons cancel his request. Further, it should be noted that bills drafted and delivered are not necessarily introduced. Prior introduction of similar bills and many other actions are responsible.

Possibly the main reason for the disparity between the time bills are delivered to the requestor and their ultimate introduction is the "pressure theory". Historically, legislators experienced in their craft will "time" the introduction and/or the hearing of their bills to coincide with the "pressure building" period of the session for the purpose of expediting passage. The "time" can be moved backward (thereby alleviating the end-of-session logjam with no reduction in the pressure desired) by the adoption of a full set of deadlines.

Another solid support for adoption of deadlines is the historical fact that legislative bodies find it nigh impossible to make decisions until required to do so.

Exhibit "A", Page 13, is offered as an aid in establishing the number of days required to draft, introduce and refer to committee a sufficient quantity of bills to fire up the boiler of the legislative locomotive.

3. COMMITTEE ACTION

Exhibit "B", Pages 14 and 15 indicates the number of bills referred to and reported out of Senate standing committees during the regular sessions of 1969 and 1971. Additionally, for 1971 the number of meetings for each committee is shown, as well as total hours spent in meetings of the full committees. Subcommittee information is shown when available.

As a stimulant to discussion, it is suggested here that after the first week of regular session, one to two legislative days of session per week would suffice until such time that committee work load required attendance of a majority of members of the Senate, at which time the tempo could increase to a two or three days-per-week schedule. Stated conversely, it is suggested here that the session be limited to one or two legislative days per week until such time as two or three legislative days per week should be required by committee work load.

4. FLOOR ACTION

Sufficient time for deliberation, debate, and final action of the full Senate depends entirely upon timely committee action, which depends upon timely bill introduction and referral, which depends upon timely requests for drafted bills and their delivery.

Before considering the amount of time required for "Floor Action", it may be well to review the Senate work load during the past five 120 day session. (See Exhibit "C", Page 16)

It can be unequivocally stated that no legislature handles a similar work load with similar manpower and time limitations as does the Minnesota Legislature, nor does any legislature approach a comparison. The willingness of Minnesotans to work long and hard; coupled with procedures, customs, traditions, and systems which are constantly improved, upgraded, streamlined, and modernized; and above all a sense of dedication on the part of all participants; combine to make the above statement possible.

Exhibit "D", Page 17, is a summary of work flow of the regular sessions of 1969 and 1971. From it we see that by the end of the 10th week of session (out of a total of 20 weeks) the following had been accomplished:

<u>1969</u>	<u>1971</u>
1. 50% of Senate bills introduced	45% of Senate bills introduced
2. 17% of House bills received	17% of House bills received
3. 16% of bills reported out of Committee	13% of bills reported out of Committee
4. 13% of bills reported out of Committee of the Whole	16% of bills reported out of Committee of the Whole
5. 13% of bills received final passage	9% of bills received final passage

Further, we learn that during the last 4 weeks of the sessions of 1969 and 1971, the following occurred:

<u>1969</u>	<u>1971</u>
1. 50% of House bills received	53% of House bills received
2. 50% of all bills reported out of Committee	50% of all bills reported out of Committee
3. 44% of all bills reported out of Committee of the Whole	46% of all bills reported out of Committee of the Whole
4. 63% of all bills received final passage	70% of all bills received final passage

Senate work on Resolutions, Gubernatorial appointments, election contests, and other matters are not reflected in the above statistics but, of course, should be planned for in the future.

Again to stimulate discussion, it is stated here that the preceding indicates that approximately half of all floor work of the Senate in the regular sessions of 1969 and 1971 was accomplished in 24 legislative days. Recognizing the inadequacy of those 24 days for fuller debate and deliberation, and offering a starting point for discussion, it is suggested that the figure of 24 days be increased by 50% in recognition of need. This results in 36 days for half the floor work, which if doubled to accommodate the balance of floor work, yields 72 days for all floor work, leaving 48 days out of the potential 120 for the balance of session work.

CONCLUSION

For the purpose of setting the stage for constructive controversy, it is suggested that under Ch. 26, a biennial session composed of 70 to 80 days in the odd numbered year and 40 to 50 days in the even numbered year would accomplish the following:

1. Provide sufficient time for the Legislature to complete its responsibility in an orderly, deliberate manner.
2. Permit budget review.
3. Permit timely review of vetoes.
4. Provide faster legislative reaction to problems as they occur.
5. Increase efficiency in the use of time and money.

An observation begs to be made at this point. I am convinced that the benefits accruing to the flexible session concept could be wiped out should realistic deadlines fail to be adopted.

Exhibit "E", Page 18, is included for the purpose of illustrating one of an almost infinite number of "Flexible Session Schedules" possible.

Included in my memorandum of November 17, 1970 to your Subcommittee on Procedures was a suggestion which deserves consideration at this point. (Exhibit "G", Page 30)

An amended version, as follows, might also be considered:

- Nov. 7, 1972 - Election
- Nov. 10, 1972 - Revisor invites bill requests. In cases when member-elect is undecided, an appropriate letter could be sent to both candidates.
- Nov. 29-30, 1972 - Informal pre-session organization and orientation program. (Canvassing board meets Nov. 21, 1972). Pre-filed bills could be sent to committees until session commences, at which time formal introduction and referral of pre-filed bills could be accomplished.
- Jan. 2-3, 1973 - Convene session. Adjourn on Jan. 3 or 4, 1973, until March 1, 1973, during which period bills could be pre-filed, unofficially referred, heard and readied for reporting.
- March 1, 1973 - Reconvene and meet on a 4 or 5 day per week basis.
- May 22, 1973 - Adjourn to Jan. 8, 1974. Continue pre-filing of bills and unofficial referral to committees during interim.
- Jan. 8, 1974 - Reconvene. Interim assessment of work load would determine schedule for 1974.
- May 21, 1974 - Adjourn sine die.

EFFECTS OF PASSAGE OF CH. 26

Since the Ad Hoc Committee has wisely been charged with the responsibility of meeting with a like committee of the other body, it might be well at this point to review a report made by the Chief Clerk of the House of Representatives to the House Procedures Subcommittee, which has met twice on the flexible session question. (See Exhibit "F", Page 19) (Exhibit "H", Page 31, is Ch. 26.)

At this writing (March 20, 1972) the most pressing problem facing the Senate following passage of Ch. 26 will be the ramification of problems resulting from a probable 35 member body.

Other questions, problems and effects which arise, in addition to those appearing in the Burdick report are:

1. Passage of Ch. 26 would inevitably result in committee meetings on other than "Legislative Days". It would be wise to adopt rules pertaining to notices of meetings, quorums, records, votes, etc.
2. Pre-filing and referral may well require printing of every bill.
3. A sharp reduction in the size of the Legislature would result in fewer bill introductions.
4. Flexible sessions should make for more efficiency in both time and cost of journal production and printing.

5. Statutory authority should be enacted for payment of per diem expenses related to pre-session activities.
6. Serious consideration should be given to proposals of the Secretary of the Senate relative to printing bills. If all bills are to be printed on introduction considerable savings could be realized by adoption of new methods.
7. Parallel committees and joint hearings should be considered.

These and many more questions will surface in the course of discussions your committee will have.

This memorandum would not be complete without a suggestion to discuss pre-session organization and pre-filing of bills should Ch. 26 fail to pass.

SUMMARY OF WORK FLOW
REGULAR SESSIONS OF 1969 and 1971

	<u>1969</u>		<u>1971</u>	
	<u>NUMBER</u>	<u>PERCENTILE</u>	<u>NUMBER</u>	<u>PERCENTILE</u>
Senate Bills Introduced	2682	-	2817	-
Last half of session	1321	50%	1141	45%
After last day for	367	13%	167	6%
House Bills received by Senate	918	-	688	-
Last half of session	771	83%	571	83%
Last four weeks	461	50%	365	53%
Last two weeks	267	29%	149	21%
Last week	155	17%	80	11%
All Bills Reported by Senate				
Committees	1692	-	1673	-
Last half of session	1418	84%	1467	87%
Last four weeks	850	50%	856	50%
Last two weeks	463	18%	342	20%
Last week	161	9%	124	6%
All Bills Reported by C of W				
Last half of session	718	-	805	-
Last four weeks	555	77%	678	84%
Last two weeks	314	44%	350	46%
Last week	223	31%	92	11%
Last week	143	20%	70	8%
All Bills Passed by Senate				
Last half of session	1273	-	1218	-
Last four weeks	1112	87%	1112	98%
Last two weeks	804	63%	856	91%
Last week	610	48%	496	40%
Last week	350	27%	339	27%

WORK FLOW OF BILL REQUESTS, DELIVERIES, AND INTRODUCTIONS FOR YEARS INDICATED

	1969					1971				
	<u>REQUESTED</u>	<u>DELIVERED</u>	<u>INTRODUCTIONS</u>		<u>TOTAL</u>	<u>REQUESTED</u>	<u>DELIVERED</u>	<u>INTRODUCTIONS</u>		<u>TOTAL</u>
			<u>SENATE</u>	<u>HOUSE</u>				<u>SENATE</u>	<u>HOUSE</u>	
Preceding										
Nov. 1	561	155				336	10			
Nov.	182	129				334	18			
Dec.	323	335				412	361			
Subtotal	<u>1066</u>	<u>619</u>				<u>1082</u>	<u>389</u>			
Session										
Week										
1	191	154	14	0	14	166	233	0	0	0
2	266	194	93	187	280	404	142	4	129	133
3	273	156	130	150	280	474	251	125	144	269
4	237	239	141	195	336	314	242	117	125	242
5	255	216	158	202	360	257	298	158	151	309
6	210	223	152	240	392	260	229	133	158	291
7	240	244	222	175	397	221	292	135	200	335
8	150	190	132	150	282	325	343	115	171	286
9	195	175	178	228	406	273	349	173	183	356
10	160	198	141	150	291	255	327	181	234	415
11	140	236	226	230	456	180	298	243	257	500
12	145	189	172	265	437	150	331	200	199	399
13	120	137	165	120	285	140	322	167	264	431
14	135	150	186	173	359	84	189	171	128	299
15	180	195	205	243	448	165	301	402	386	788
16	75	108	204	248	452	70	139	355	331	686
17	30	55	62	52	114	42	43	85	74	159
18	45	53	64	47	111	30	35	36	41	77
19	30	38	29	27	56	11	16	13	12	25
20	18	21	8	12	20	26	23	4	10	14
Total	4161	3790	2682	3094	5776	4929	4792	2817	3197	6014

Bill request and delivery data was furnished by the Revisor of Statutes. Senate Bill introduction data was excerpted from "Senate Work Flow Study of Bills, 1963 through 1971." House Bill introduction data was excerpted from House Journals.

WEEKLY WORK FLOW OF BILLS IN SENATE
COMMITTEES FOR YEARS INDICATED

WEEK	1969		1971	
	SF-HF REFERRED TO COMMITTEES	SF-HF REPORTED OUT BY COMMITTEES	SF-HF REFERRED TO COMMITTEES	SF-HF REPORTED OUT BY COMMITTEES
1	14	0	0	0
2	93	0	5	0
3	131	5	126	2
4	148	19	124	5
Subtotal	386	24	255	7
5	170	33	168	19
6	168	25	154	51
7	246	50	159	42
8	162	27	134	24
Subtotal	746	135	615	136
Cumulative Subtotal	1132	159	870	143
9	207	63	192	29
10	169	52	196	34
11	271	52	266	46
12	208	79	231	56
Subtotal	855	246	885	165
Cumulative Subtotal	1987	405	1755	308
13	208	70	189	62
14	231	115	193	50
15	283	123	455	113
16	267	129	410	121
Subtotal	989	437	1247	346
Cumulative Subtotal	2976	842	3002	654
17	152	142	175	484 *
18	168	245	162	193
19	141	303	82	218
20	163	160	84	124
Subtotal	624	850	503	1019
Grand Total	3600	1692	3505	1673

* The effect of J.R. 20

WORK SCHEDULE FOR SENATE STANDING COMMITTEES
AND SUBCOMMITTEES - REGULAR SESSION 1971

	<u>MEETINGS</u>	<u>HOURS</u>	<u>MEETINGS OF SUBCOMMITTEES</u>	<u>NUMBER OF SUBCOMMITTEES</u>
Agriculture	29	30 Approx.		4
Civil Administration	42	51	110 (150½ hours)	4
Commerce & Insurance	30	35	10	
Corrections & Commitments	17	18 3/4	-	None
Education	38	46	16+	
Elections & Reapportionment	21	24 3/4		1
Finance	38	57	235 (398 Hours)	(398 Hours)
General Legislation	14	14 1/2		2
Health & Welfare	40	45 Approx.		6
Higher Education	26	27	-	-
Judiciary	37	63	N/A	N/A
Labor Relations	23	29	15	2
Local Government	33	35 1/2	N/A	N/A
Natural Resources	39	43	27	
Pensions & Retirement	23	23	-	-
Public Highways	37	41 Approx.		2
Regulated Industries	15	13 1/2		5
Taxes & Tax Laws	46	58 (14 not timed)	N/A	N/A
Urban Affairs	37	41 1/4		2

WORK LOAD IN REGULAR SESSION

	<u>1961</u>	<u>1963</u>	<u>1965</u>	<u>1967</u>	<u>1969</u>	<u>GAIN OVER 1967</u>	<u>1971</u>	<u>GAIN OVER 1969</u>	<u>TOTAL GAIN OF 1971 OVER COVERED PERIOD</u>
Senate Bills Introduced	1801	1893	2083	2360	2682	13%	2817	5%	56%
House Bills Introduced	1948	2010	2249	2655	3094	16%	3197	3%	64%
All Bills Reported Out of Senate Committees	N/A	1187	1216	1480	1692	14%	1673	-1%	40%
All Bills Reported Out of C of W	N/A	464	526	565	718	27%	805	12%	73%
Senate Bills Passed in Senate	452	476	534	425	587	38%	664	13%	47%
House Bills Passed in Senate	642	625	668	874	918	5%	554	-40%	-13%
Total Bills Passed in Senate	1094	1101	1202	1299	1505	16%	1218	-19%	11%
Enactments	757	888	903	908	1159	27%	966	-17%	27%

FLEXIBLE SESSION SCHEDULE

<u>WEEK</u>	<u>1973</u> <u>LEGISLATIVE DAYS</u>	<u>1974</u> <u>LEGISLATIVE DAYS</u>
1	2	1
2	2 to 3	1
3	2 to 3	1
4	2 to 3	1
5	2 to 3	1
6	3 to 4	1 to 2
7	3 to 4	1 to 2
8	4 to 5	1 to 2
9	4 to 5	1 to 2
10	4 to 5	2 to 3
11	4 to 5	2 to 3
12	5	2 to 3
13	5	3 to 4
14	5	4 to 5
15	5	4 to 5
16	5	5
17	5	5
18	0	0
19	0	0
20	6	6
Total	68 to 78	42 to 52

Deadlines, bill carry over policy, and exigencies could sharply affect final decisions on the schedule, particularly the 1974 portion of the 68th session.

By concurrent resolution, adjournment for more than three days is possible, thereby making the above or any other schedule possible.

Note that the above schedule presumes a total of 20 weeks in each year. Should Ch. 26 be ratified, the Legislature would resultingly be required to enact legislation prescribing the time of meeting.

REPORT:

"CHANGES IN LEGISLATIVE PROCEDURE THAT MIGHT RESULT
FROM PASSAGE OF FLEXIBLE SESSION AMENDMENT"

By Edward A. Burdick, Chief Clerk of the House

AN OBSERVATION

A veteran Minnesota capitol reporter observed the other day that we'll witness in 1973 the most dramatic change in the Minnesota legislative process in the history of the state if the "flexible session" amendment is adopted, if the United States Supreme Court upholds the redistricting plan of the Federal District Court thereby reducing the size of the House and the Senate, and if incumbent legislative members continue to announce retirement plans.

I agree with his observation.

You have asked me to report on changes in our legislative process that would result from passage of the "flexible session" amendment. This report includes many questions but does not contain many answers.

Your committee should be commended for placing this subject on the agenda today. It is not too early to ask questions.

Frankly, I believe it would be impossible for this committee or any committee to anticipate all the changes in procedure that might result from passage of the "flexible session" amendment. Probably the first several years we'll make some errors in judgment trying to allocate in the most efficient manner the 120 days available to the legislature. Very likely you will have many differences of opinion when the rules and statutes are rewritten to conform to the "flexible session"

plan. The "trial and error method" will be very much in evidence. Some of the changes we make early next year might turn out to be impractical and unworkable. Some might prove to be illegal or even unconstitutional. Perhaps in some areas the courts will be asked to make the final determination. It's a long range program.

HISTORY

First, let's review the history of the time which has been allocated over the years under the Minnesota Constitution to the legislature.

Article IV, Section 1, of the constitution which was adopted when Minnesota became a state in 1857 did not limit the number of days that the legislature could meet. And it did not prohibit the legislature from meeting annually..

In 1860 the constitution was amended to limit each session to a term of 60 days.

In 1873 an amendment was proposed to make the sessions biennial and to limit each biennial session to 70 days. This proposal was rejected by the voters.

In 1877 the constitution was amended to provide for biennial sessions with a limit of 60 days.

In 1881 an amendment was submitted to the voters to remove the time limit from the length of sessions. This amendment was not ratified by the voters.

In 1888 the constitution was amended to provide for biennial sessions limited to 90 days in length.

In 1962 the voters approved an amendment extending the length of the biennial session from 90 days to 120 days.

LEGISLATIVE REQUIREMENTS

Now let's talk about the "flexible session" amendment that will be submitted to the voters this fall, 115 years after Minnesota became a state and 95 years after annual sessions were prohibited.

I believe this amendment if supported by the voters would:

- a. Require the legislature to enact a law defining the term "legislative day".
- b. Require the legislature to enact a law prescribing when it shall meet in regular session for not to exceed 120 days each biennium.
- c. Require the legislature meeting in regular session to adjourn by no later than the first Monday following the third Saturday in May of any year.

Please remember, this amendment does not require the legislature to meet annually. It is possible that the legislature by enacting a law could continue the existing system of meeting every other year. It is possible that the legislature by enacting a law could give the same definition to

"legislative day" that the courts have given (the calendar day concept). Or it could give a new definition of "legislative day" and could provide for sessions in the even numbered years by passing certain laws.

But bear in mind, if this amendment to the constitution is ratified by the voters the legislature is required to make certain decisions and to carry out the terms of the proposal by enacting certain laws.

Let's assume for purposes of this report that the amendment to the constitution is adopted this fall. My crystal ball tells me that the legislature in the early part of the 1973 regular session will define "legislative day" as a day in which the legislature is actually in session. No doubt it will also establish a time for convening a session in even numbered years. Perhaps the legislature will meet for 75 days the first year and 45 days the second year, or vice versa; or there could be some other combination. I guess that's why we call it a "flexible session".

QUESTIONS

Should the "flexible session" concept become a reality I think answers to the following questions are needed:

1. Will it be necessary for the legislature to convene in extra session after this fall's

election to set the time for convening the legislature in regular session in 1973? Is the language of the present statute superseded by the language of the constitutional proposal?

2. If the House meets on a given day and the Senate does not meet that day, will this be counted as a "legislative day"?

3. Can bills be passed on the last day of the session in 1973? Section 22 of the constitution now says that "No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses."

4. Will bills that are pending at the desk on the last day of the 1973 session be alive and be eligible for passage on the first day of the session in 1974? What about bills in committee?

5. If a bill is defeated during the 1973 session will it be possible to introduce the same bill and take action on that bill in the 1974 session?

6. If a bill is defeated on the last day of the 1973 session, will a motion for reconsideration be in order the first or second day in 1974?

7. Will the House and Senate adjourn sine

die the last day of session in 1973 or merely adjourn?

8. Will it be necessary to elect a Speaker and other officers the first day of the 1974 session? Who will convene the House in 1974?

9. Will it be necessary to adopt new permanent rules in 1974?

10. Will it be necessary to appoint new standing committees in 1974?

11. Will it be possible for the Governor to call an extra session following the 1973 session and prior to the 1974 session?

12. Can bills that are still in conference committees at the end of the 1973 session be considered early in the 1974 session?

13. How will bills be numbered in 1974? Will the first bill introduced in 1974 be labeled H. F. No. 1 or will the 1973 numbering be continued?

14. If bills remaining in standing committees at the end of the 1973 regular session are kept alive, can official committee action be taken on these bills during the interim period prior to the 1974 session? What official status will standing committees have during the first interim period?

15. Can definition of "legislative day" be made retroactive when bill is passed by legislature?

16. Could the legislature recess for 2 weeks at end of either year's session; for example, recess from May 1 to May 15, in order to let the governor allow bills to become law without his signature or for reconsideration of bills vetoed?

17. Can bills be filed during the first interim period?

I will not attempt to answer the above procedural questions. I have listed them to point out that there will be misunderstandings if the constitutional amendment is adopted and if the legislature decides to meet in both years of the biennium.

ADDITIONAL PROBLEMS

There are many other areas where direction must be given if "flexible sessions" are adopted. Perhaps the following comments will be of interest to this committee:

1. Veto Power of the Governor: If the legislature passed a bill two days before the day of adjournment during the first year of the

biennium, would that bill be subject to pocket veto? A public official whom I consider to be very knowledgeable in this area has said: "The constitutional proposal does not answer the question. It may well be that the governor would have 14 days after adjournment to sign or pocket veto the bill."

2. Permanent Journals: It now takes months to complete the permanent journals. Some short cuts will have to be devised in order to complete the indexing and printing of the journal for the first year of the biennium so that it can be delivered prior to the second year of the biennium.

3. Session Laws and Statutes: The Revisor of Statutes says, "Session laws and statutes require publishing whether the legislature meets biennially, annually, or otherwise. Depending upon the pattern of legislative meetings, the publishing schedules must be arranged to meet the facts. The real problem presented is with the statutes, a publication which at the present time requires an editing and printing schedule of from six to nine months. Annual sessions may require substantial changes in editing methods and printing schedules. Pocket parts may be the answer;

accumulative supplements may be the answer. A separate statutory staff -- as in the case of Wisconsin -- may be the answer; or the entire subject may have to be contracted out to a law book company."

4. Staff: The legislature may find it advisable to meet only one or two days a week early in the session in order to budget sufficient time for the second year of the biennium. It is not necessary to have a full complement of employees such as doorkeepers and messengers when the legislature is not meeting. Some method should be established to employ part time workers.

5. Deadlines: The new rule on deadlines (Joint Rule No. 20) should be reviewed. Perhaps some rule should be adopted to prohibit consideration of local bills the last month of each session. Remember that E. S. Chapter No. 26 strikes the following: "and no new bill shall be introduced in either branch, except on written request of the Governor, during the last 30 days of such sessions." Perhaps a rule could be adopted to restrict introductions the last month of each session.

In preparing this report I discussed the "flexible session" concept with other members of the House staff, with the Secretary of the Senate, the Revisor of Statutes and with Chief Clerks and Secretaries representing other states which have recently adopted annual sessions. They have contributed many ideas and suggestions.

WHAT SOME STATES ARE DOING

Attached to this report are several charts showing structures and procedures of other states. In reviewing these charts you will find, for instance, that 33 states now have annual sessions and most of them have faced up to the questions we have raised today. Two of these 33 states (Illinois and Virginia) started the annual session concept on July 1, 1971. Sixteen states still meet in regular session in only the odd numbered year but 3 of these 16 states (Ohio, Tennessee and Vermont) may recess to the even numbered year. Two of these states (Tennessee and Vermont) are listed as carryover states. One state (Kentucky) meets only in regular session in the even numbered year.

Of the 33 states that have annual sessions 14 keep their "paper alive" (bill carryover) and 17 do not. Two states (Illinois and Virginia) have yet to finalize their policy.

It is interesting to note that the New York Senate has bill carryover and the New York House does not.

The veteran Chief Clerk of the Iowa House strongly recommends that bills be kept alive at the end of the first year but that all bills on the calendar the last day be referred to standing committee. Iowa is now holding its fourth annual session. They have no limit on number of days but expect to adjourn later this month.

To my knowledge there is no state with a "flexible session" concept similar to ours. Perhaps the Tennessee plan comes the closest except there is no limit on the number of days the Tennessee legislature can meet in a biennium. The catch is after 90 days the pay and per diem expenses stop.

A RECOMMENDATION

In conclusion I have a recommendation to make: This subject should be studied by many people including those outside the legislature. A bipartisan approach should be attempted. Coordination must take place between the House and Senate Rules committees and between House and Senate leaders and staff people at an early date. Can you imagine the problems that could arise if procedures adopted by the House were in direct conflict with procedures adopted by the Senate? No session should be that flexible!

EDWARD A. BURDICK
Chief Clerk
Minnesota House of Representatives

Excerpt from Secretary of Senate memo of Nov. 17, 1970 to
Legislative Procedures Subcommittee

REMEDY - DEADLINES

The purpose of this report is directed at a single method of alleviating the logjam problem. Nevertheless, it should be recognized that many methods are being employed in other states, as well as being suggested and considered in Minnesota. The Acting Secretary of the Senate suggests for future study the following:

1. Pre-filing of bills
2. Organization immediately following results of state canvassing board meeting (approximately November 20th)
3. Interim committee meetings immediately following organization. (Approximately Dec. 1st)
4. Referral of pre-filed bills to interim committees
5. April 1st - start of annual session
6. June 1 - 15 - end of annual session
7. Deadlines for bill introduction, committee action and floor action.

LAWS 1971

EXTRA SESSION
CHAPTER 26—S.F.No.30

[Not Coded]

An act proposing an amendment to the Minnesota Constitution, Article IV, Section 1; regulating legislative sessions.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. CONSTITUTIONAL AMENDMENT; LEGISLATIVE SESSIONS. The following amendment to the Minnesota Constitution, Article IV, Section 1, is proposed to the people of the state. The section, if the amendment is adopted, shall read as follows:

Section 1. The legislature shall consist of the Senate and House of Representatives. The senate shall be composed of members elected for a term of four years and the house of representatives shall be composed of members elected for a term of two years by the qualified voters at the general election.

The legislature shall meet at the seat of government in regular session in each ~~odd-numbered year~~ biennium at the ~~time~~ times prescribed by law for a term not exceeding a total of 120 legislative days; ~~and no new bill shall be introduced in either branch, except on the written request of the Governor, during the last 30 days of such sessions.~~ The legislature shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the legislature may adjourn to another time. "Legislative day" shall be defined by law.

A special session of the legislature may be called as otherwise provided by this constitution.

Sec. 2. The proposed amendment shall be submitted to the voters at the general election for the year 1972. The ballots used at the election shall have the following question printed thereon:

"Shall Article IV of the Minnesota Constitution be amended to alter the manner of determining the length of legislative sessions, permitting variations in the times for meetings of the legislature?"

Yes.....

No....."

Approved August 3, 1971.