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COMMITTEES:  
CITIES OF THE 1ST CLASS, CHAIRMAN  
CIVIL ADMINISTRATION  
EMPLOYEES COMPENSATION  
METROPOLITAN AND URBAN AFFAIRS  
RULES  
TAXES

## State of Minnesota

HOUSE OF REPRESENTATIVES

L. L. DUXBURY, Speaker

December 6, 1968

The Honorable Aubrey W. Dirlam  
Chairman, House Rules Committee  
State Capitol  
St. Paul, Minnesota 55101

Dear Mr. Dirlam:

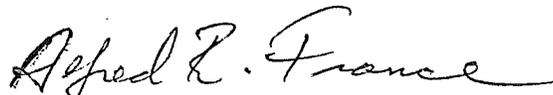
Enclosed are copies of the report of the Rules Subcommittee on Improvement of the Legislative Process. This report is forwarded to your Committee for whatever action it may wish to take, and to the Rules Committee of the 1969 session of the Legislature.

In making this report, I wish to acknowledge the assistance and aid which the Subcommittee received from the Chief Clerk and his staff, and I wish to recognize the considerable efforts of the House Research Consultant, Mr. Thomas Clifford, and his staff. The help of these individuals was invaluable during the course of our interim studies.

The Subcommittee also wishes to express its appreciation to representatives of the electronic data processing industry who made their time and knowledge available to the Committee, and to the representatives of the Citizens League who appeared before the Committee.

It may very well be that the Rules Committee will not agree with all of the recommendations made by the Subcommittee, and it may also be that the Rules Committee for the 1969 Legislative session will not wish to implement all of the recommendations made. However, it is our earnest hope that the efforts of this Subcommittee and the recommendations made will be the basis for a meaningful revision and improvement of the Legislative process in the State of Minnesota.

Sincerely,

  
Alfred E. France  
Chairman



REPORT  
TO  
THE HOUSE COMMITTEE ON RULES

The House Rules Subcommittee  
On Improvement of The  
Legislative Process

December 13, 1968

## I. INTRODUCTION

Upon its appointment by the Chairman of the House Rules Committee, the Subcommittee was charged with the duty to inquire into the various methods and means by which the procedures of the Legislature might be improved so that the legislative process can be made more effective.

The Subcommittee was comprised of the following Legislators:

Rep. A. E. France, Duluth, Chairman  
Rep. Salisbury Adams, Wayzata  
Rep. Thor Anderson, Minneapolis  
Rep. Joe Gimpl, Hinckley  
Rep. Joe Graw, Bloomington  
Rep. Walter Klaus, Farmington  
Rep. R. W. Johnson, St. Paul  
Rep. Lloyd Duxbury, Caledonia, ex-officio  
Rep. Fred Cina, Aurora, ex-officio

The Subcommittee determined at its first meeting that the ex-officio members should participate fully and be afforded a vote on all questions.

During the interim which has followed the 1967 Legislative Session, the Subcommittee has met on ten separate occasions. Two joint meetings with a like committee of the Senate were held, and certain members of the Subcommittee journeyed to Pittsburgh and Harrisburg, Pennsylvania to study application of electronic data processing techniques to the legislative function.

The Subcommittee was aided in its efforts by the report of the Citizens League concerning Legislative Reorganization, and an entire hearing was devoted to testimony offered by representatives of the League.

In considering the various changes and innovations which suggested themselves for the improvement of the legislative process, it became quickly evident that proposed changes would have to be characterized as procedural, mechanical and substantive. The procedural and mechanical changes were those which for the most part could be achieved by the passing of legislation or modification of the Rules of the House. The substantive changes, on the other hand, were those which require modification

of the Rules, enactment of legislation or the adoption of Constitutional Amendments.

In Scheduling the work of the Subcommittee, it was determined that proposed procedural and mechanical changes would be considered first so that all changes which could be implemented prior to the 1969 Legislative Session could be approved by the Rules Committee of the House. The Subcommittee, after considering a number of suggestions, adopted a set of recommendations designed to provide Legislators and the public with a better opportunity to consider and study all proposed legislation. The procedural and mechanical recommendations, once implemented, will help to make the legislative process more visible and, we hope, more efficient.

A number of these recommendations were presented to the House Rules Committee at its meeting on July 19, and after discussion, were approved. The Chief Clerk of the House was then authorized to carry out the recommendations so that they would be in effect for the 1969 Legislative Session.

## II. PROCEDURAL AND MECHANICAL CHANGES ADOPTED FOR THE 1969 LEGISLATIVE SESSION CONSIDERED AND RECOMMENDED BY THE SUBCOMMITTEE

### A. Printing and Processing of Administrative Forms

#### 1. Distribution of Bills and Daily Journals

It was the opinion of the Subcommittee that members would use the new desks on the ground floor when answering mail and studying proposed legislation and that, therefore, it would be necessary to bind copies of all printed bills and daily journals on these new desks. It was also the opinion of the Subcommittee that it might not be necessary to bind all the printed bills on the desks in the chamber, but rather place on each desk in the chamber only the printed bills under consideration by the House each day. It was recommended that these bills be placed in large folders that are labeled: Calendar, General Orders, Consent Calendar and Special Orders, and the Chief Clerk was directed to bind bills and

journals on the desks on the ground floor and to experiment with the system of using unbound bills on a daily basis for the chamber. If the system of using unbound bills in the chamber does not prove to be satisfactory after several weeks of experimenting, bills will then be bound and indexed for the desks in the chamber. Daily journals, of course, will be bound and placed on both the ground floor and chamber desks.

## 2. Number of Copies of Bills to Be Printed

In the past the House has ordered 500 printed copies of every bill favorably reported out of committee. For most local bills and for other noncontroversial bills 500 was an excessive order; for controversial bills and bills that generated considerable public interest, 500 copies was not sufficient. It was the recommendation of the Subcommittee that the Chief Clerk be authorized to reduce the order for noncontroversial bills and increase the order for controversial bills if this can be determined at the time of the original printing.

## 3. Reprinting of Bills Amended on General Orders

The Subcommittee has recommended that bills which are amended on General Orders be engrossed, reprinted and placed on the members' desks before consideration on the Calendar. Additional time will be required between the action on General Orders and the Calendar to accomplish this, and a change in the Rules from a one-day layover to a two-day layover was recommended. At the same time it was the opinion of the committee that it is advisable to reduce the time requirement between Second Reading and General Orders from two days to one day. Under the old rule bills favorably reported out of committee on Monday had their Second Reading on Monday, were printed and placed on the members' desks on Tuesday, appeared on General Orders on Thursday, and if recommended for passage, were on the Calendar on Friday. Under the rule being recommended by the Subcommittee, bills that are favorably reported out of committee on Monday will have their Second Reading on Monday, will be printed and placed on the members' desks on Tuesday, appear on General Orders on Wednesday, and if recommended for passage, appear on the Calendar on Friday. This proposal, therefore, does not require additional time between Second Reading and Calendar action but does permit engrossing and reprinting of bills amended on General Orders.

## 4. Reprinting of Bills for the Senate

Another recommendation of the Subcommittee was that the House, when delivering printed bills to the Senate for their action, deliver printed copies of the last engrossment and that the Senate be requested to do likewise. This would mean that when the House is discussing a Senate File on General

Orders the printed copy of the Senate File on the House members' desks would be in the form as it was passed by the Senate. In the past the copies on the members' desks reflected committee amendments but no subsequent amendments.

#### 5. Printing of Conference Committee Reports

In the past most members have been asked to vote on Conference Committee Reports without having a printed copy of the report. It was the recommendation of the Subcommittee that Conference Committee Reports available prior to the last 3 working days be printed and placed on the members' desks prior to voting on adoption of the report and repassage of the bill as amended by Conference Committee.

#### 6. Technical General Orders and Technical Calendar

It was the recommendation of the committee that the printed General Orders list all bills that have been given a Second Reading and are technically on General Orders but which cannot be considered by the Committee of the Whole until the time required by rule has expired. It was also recommended that the printed Calendar list all bills that have been recommended to pass by the Committee of the Whole and which are technically on the Calendar but which cannot be considered for final passage until the time required by rule has expired. These lists will appear at the end of the regularly printed General Orders and Calendar and will be entitled Technical General Orders and Technical Calendar. Under this recommended plan members will have advance notice of bills that will be considered and the exact status of bills can more easily be determined both by members and by the public.

#### 7. Changing Bill Cover

The Subcommittee recommended that the Chief Clerk of the House, the Secretary of the Senate and the Revisor of Statutes be authorized to change the style of the covers that appear on typewritten bills being offered for introduction. Such a change will permit more space for recording action by both bodies. Further, if bills are not folded it will permit a more efficient method of filing and processing. It was recommended that Senate Bill covers be white in color and that House Bill covers be light green in color to make it easier to distinguish House Bills from Senate Bills. Typing titles in lower case type rather than upper case type, which was a Subcommittee recommendation, will permit the use of copying machines in the production of messages.

#### 8. Printing Senate Amendments to House Bills

It was decided that it would be advisable to reproduce all amendments adopted by the Senate to House Files and place copies of the amendments on House members' desks up to the last 3 working days of the Session. This recommendation means that members will have before them a printed copy of the Senate amendments when asked to concur in those amendments. It has been extremely difficult to find amendments in the Journal, especially if there are several.

#### 9. Distribution of Mimeographed Bills

It was recommended that the Chief Clerk be authorized to order additional copies of mimeographed introductions when the original supply of copies has been exhausted. A file of these mimeographed bills should be located on the ground floor as well as in the Chief Clerk's office. A member will be issued a copy of any introduction he requests. A state department head will also be issued a mimeographed copy of any bill he requests rather than borrowing and later returning an original typewritten copy.

#### 10. Card Index of Appropriation Bills

A card index of all bills referred or re-referred to the Appropriations Committee should be maintained by the Appropriations Committee, and the necessary entries should be made on the cards when individual appropriation bills are incorporated in the large appropriation bills that are introduced by the committee late in the Session. Presently it is difficult to determine what action has been taken by the Legislature on the many bills that are referred to the Appropriations Committee.

#### 11. Processing Reports of Standing Committees

It was the recommendation of the Subcommittee that the Speaker and the Chief Clerk be authorized to reduce the time required in processing the order of business "Reports of Standing Committees". The Chief Clerk, in reading the reports, could group them by committee and one procedural motion could be used to adopt the reports after all reports have been read. A member could request that a certain report be excepted from the general motion, similar to the procedure used in adopting the report of the Committee of the Whole. The Speaker and the Chief Clerk are encouraged to study other methods to reduce the time required at the desk to read and process all orders of business. ✓

## 12. Preparing Messages to the Senate

2 It was the opinion of the Subcommittee that a copying machine could be used to prepare messages to the Senate which would reduce the amount of time formerly required to type one original and seven carbon copies of each message. The Subcommittee recommended that the Chief Clerk be authorized to rent a Xerox machine for this purpose and to install the machine on the third floor where a small stenographic pool will be located. The Chief Clerk was encouraged to experiment with a system of reproducing titles from the original bills rather than typing titles for messages. The preparation of bill covers as detailed in Paragraph 7 would permit this.

## 13. Printed Committee Reports

There are eight basic recommendations made by Standing Committees in their reports to the House. The Subcommittee recommended that forms be printed listing these eight basic recommendations and that committee clerks in preparing reports mark the appropriate committee recommendation with an "X". This will make more uniform the wording of the committee recommendations. It was also recommended that the Chief Clerk be authorized to print and assemble committee reports with one-time carbon to insure that all copies are legible.

## 14. Collect Phone Calls

The Subcommittee recommended that members be authorized to make collect phone calls to the legislative staff during the interim periods for official legislative business.

## 15. Removal of Deadline for Appropriation Bills

Because the rule has become impractical, the Subcommittee recommended the removal of the requirement that Appropriation bills be reported out of committee at least 20 days before the last day of the Session.

## B. Operation of the House Index Department

### 1. Advanced Publication of Index

The operation of the House Index Department was discussed thoroughly by the Subcommittee, and no major change in the procedures used by the department was recommended. It was noted that the department maintains a current record of most

legislative action and that this information is available to the public and to the members prior to publication of the daily Journal. The department was encouraged to continue this policy and to make whatever changes are necessary to produce as current an index as possible. The Index Department will be connected to the new intercom system during the 1969 Session. By using this system, together with the public address system, it will be possible to maintain a complete record of all legislative action at the same time as it is reported to the House. The Subcommittee also suggested that every effort be made to publish the permanent Journal and the permanent index as soon as possible and recommended that copy be made available to the printer much earlier than in the past. The Subcommittee recommended that immediately after the Session the Index Department publish a mimeographed index of the daily Journals and mail copies to all House members for their use before the permanent Journal is available. Such an index would contain only the bills that have been signed into law. Members would be encouraged to take home with them their copies of the bound daily Journals.

## 2. Permanent Record of Bills Maintained at House Desk

A permanent record of all House action is historically maintained by the Second Assistant Chief Clerk who is stationed at the desk in the House Chamber. The Subcommittee recommended that these four large record books be maintained by the Index Department and that the Second Assistant Chief Clerk use a card system for his records. It was the opinion of the Subcommittee that it is necessary to continue maintaining a permanent record in bound books but that a card system is more convenient for the clerks at the desk.

### III. SUBSTANTIVE CHANGES IN THE LEGISLATIVE PROCESS

It was in the area of substantive and policy changes in the Legislature that the subcommittee devoted most of its effort. The subcommittee recognized that a number of persons advocate rather sweeping reforms of the Legislative system; however, the subcommittee also recognized that recommended changes in the existing system might very well make more sweeping changes unnecessary and, perhaps, undesirable. For instance there is oft-voiced sentiment in favor of annual sessions for the Minnesota Legislature. The subcommittee discussed this concept at length, and while recognizing that annual sessions will one day be necessary, the subcommittee concluded that other changes which it is recommending make annual sessions an unwarranted expense at the present time.

The subcommittee also concluded that Minnesota's Legislature, examined in the light of comparative analysis with other state legislatures, measures rather well in terms of effectiveness and productivity. Mr. Larry Margolis, executive director of the Citizens Conference on State Legislatures, underscored this when he described Minnesota's legislative productivity as "high in quality."

Thirty-nine other states are currently involved with an analysis of their legislative process. Generally the two salient trends are to make the legislative function and process more visible to the public and to augment the research and staff capabilities available to the legislatures. Minnesota's Legislature is moving forward on both fronts during this interim period. Many of the procedural changes recommended are designed to give greater visibility to the legislature, and many of the recommended substantive changes which follow are designed to the same end.

#### A. Presentation of Bills

The number of bills that the legislature considers has increased markedly during the last several sessions<sup>1</sup>. To meet the growing demands upon members brought about by these increases in the number and complexity of bills, the subcommittee herein recommends the adoption of rules providing for systems of 1. Bill Analysis, and 2. Fiscal Notes.

<sup>1</sup>In 1961, 1963, 1965 and 1967 members of the House introduced 1948, 2010, 2249 and 2655 bills, respectively.

## 1. Bill Analysis

Bill analysis is a service to the legislature which involves a written analysis of the content of some or all bills being considered. This analysis can be as limited or as broad as the legislature deems proper, and can be provided for all or a limited number of bills.

The purpose of providing the analysis is to allow each legislator to read an abbreviated version of each bill being considered. This brief account thus enables legislators to better meet the growing demands on their time during the legislative session. In addition to providing legislators with an opportunity to utilize their time more efficiently, the bill analysis or synopsis also affords the legislator with an opportunity to be more aware of bills which may be of particular interest to the district or the constituents which he or she may represent. The legislator will also be better able to prepare for debate on various bills, and this, hopefully, will improve the order and style of debate on the House floor.

The bill analysis should not, however, be relied upon to the exclusion of the bill itself. Legislators should still seek to scrutinize each bill as thoroughly as time permits, for it is the bill which may become the law.

### Recommendation

After considering the number of alternative approaches the subcommittee recommends the implementation of a bill analysis system with the following specific provisions:

1. The analysis will be known as the "Revisor's Analysis" and will be prepared by the Revisor's staff.
2. The analysis must be attached to each bill upon its introduction.
3. The analysis will not be considered a part of the bill or evidence of legislative intent. The analysis will be appended to all bills of state-wide application.
4. Only one analysis for each bill will be prepared unless the chairman of the committee to which the bill is referred or the main author request a second analysis after the bill is amended.

It is contemplated that a bill analysis system of the type described above will necessitate the retaining of an additional three attorneys to assist the Revisor. The additional expense for the session is expected to approximate \$20,000.00.

#### B. Fiscal Notes

Fiscal notes are indications attached to each bill enabling legislators to ascertain the financial impact of proposed legislation at a glance.<sup>3</sup> Schedules A, B and C attached to the end of this report set forth the states which have adopted fiscal note statutes, rules and procedures. The subcommittee recommends the adoption of a rule that upon request of a standing committee a fiscal note be prepared and attached to any bill for which such request shall be made. The rule should contain the following stipulations:

1. The fiscal note shall be prepared by the Revisor of Statutes and shall be attached to any bill upon request of the standing committee in which the bill is being considered.
2. The fiscal note shall neither be considered part of the bill nor an indication of legislative intent.
3. The fiscal notes shall not be required on bills passed out of committee within ten days of the end of the regular legislative session.
4. Each bill shall be entitled to only one fiscal note unless the bill is amended subsequent to the preparation of the fiscal note and the chairman of the committee recommending the amendment or the Speaker of the House request another note.

<sup>3</sup>The approximate amount of revenue which will be expended or raised will be noted (at the bottom of the first page of each bill.)

#### IV. E.D.P.

The Subcommittee devoted a great deal of time and study to the application of electronic data processing techniques to the Legislative system. One entire hearing was set aside so that members of the Subcommittee could be acquainted with the basic principles and uses of electronic data processing. Representatives of the various firms active in the field in Minnesota, appeared before the committee and provided it with a briefing in fundamentals, vocabulary and potential uses. A full transcript of this hearing is available.

Members of the Subcommittee also met with officials of the Aspen Corporation of Pittsburgh, Pennsylvania, to learn of the progress being made in the area of statutory storage and retrieval. The group also studied the use of the Bill Status System utilized by the Legislature of the State of Pennsylvania.

Without question, electronic data processing will play an important and dramatic role in the legislative process. The functions outlined earlier indicate some of the uses contemplated at the present time. Yet, it must be borne in mind that this is a field which is revolutionizing itself from day to day. The present ability to print out at a rate of 1,700 to 2,100 lines per minute will in short time be accelerated to a rate of 3,800 to 4,000 lines per minute. Each day brings new capabilities and potentials for the use of electronic data processing, giving rise to the feeling that counsels a "wait and see" approach in determining the present use of electronic data processing in the Minnesota Legislature. Investments required to place the various systems on-stream are very substantial, and our knowledge as to optimum uses of the systems is as yet inadequate. Consequently, this report does not recommend use of electronic data processing systems at this time, save one. We do feel that Minnesota Statutes should be placed on magnetic tape or disc at the earliest possible date. The Subcommittee has made this recommendation to the Rules Committee of the House at an earlier date (July 19), and was authorized to proceed with this project, subject to agreement with the Senate like committee. A joint meeting of the House and Senate committees was subsequently held, and it was agreed that should the Revisor of Statutes wish to develop a statutory storage and retrieval system prior to the 1969 Legislative Session, that the Legislature would appropriate funds to cover the costs which his department incurred in the development of such a system. The agreement did not carry with it, however, any specific recommendation to the Revisor, and it was contingent upon approval by the Rules Committees of the respective bodies. As of this report, while the House Rules Committee had earlier authorized such action, the position of the Senate Rules Committee is not known to the Subcommittee.

In any event, it is the recommendation of this Subcommittee that the House of Representatives support the request of the Revisor of Statutes for authority and funding for the development of a statutory storage and retrieval system should he choose to present such a request to the next Session, as we anticipate.

Further, the Subcommittee recommends that the Rules Committee of the 1969 Session, provide for a continuing study and analysis of the various electronic data processing systems which may be of benefit to the Legislature, particularly the Bill Status System and the Appropriation Accounting System. These two functions, especially the latter, can have a profound effect on the Legislative process. The Bill Drafting System, we feel, will evolve surely, once the Statutory storage and retrieval system has been placed in operation.

A synopsis of the Subcommittee's consideration of various possible uses of computers as well as the cost-benefit of adapting computer technology to the Legislative process is set forth below:

#### COMPUTER USES

The Subcommittee investigated a number of possible uses of E.D.P., including bill status, statutory retrieval, bill drafting, and printing of statutes.

##### A. Bill Status and Index

The computerized bill status and index operation is similar to the manual index system now employed by the House. E.D.P. allows inquiry into the system as to the present status of any bill. It is also possible to get a listing of all bills introduced on any particular topic. This listing could be either by bill number or bill number and short title or bill number and complete title. Committee, Author, and Statute Section indices can also be provided. The operation would supply information as individual inquiries are received and would require immediate access to the data in the system. The index would utilize one or more inquiry devices with a print-out or visual display capability. This equipment could be located in several different locations, such as the Index Department, Retiring Room or Chambers, and outside the Chambers.

The bill status operation could give rise to a variety of reports. This operation normally has information going into the system upon the introduction of each bill and each time any action is taken on any bill until it is passed and signed. Examples of the types of reports that can be generated from this operation are:

1. Daily report

Lists all bills and resolutions introduced.  
Lists all referrals of bills.  
Lists all committee reports of bills.  
Lists all other floor action on bills.  
Lists the calendar of bills for the next several days.

2. Daily subject index

A topical index of all bills introduced that day with a brief narrative as to the purpose of the bill.

3. Weekly report

A list of all bills introduced to date with a chronological listing of all actions taken on each bill.

4. Periodic reports

These vary but could include a list, by committee, of all bills that have been referred and not reported out.

A distinct advantage of this application is the ability to update immediately the index and status information. With an input device either at the desk or in some nearby area, the information in the system can be updated within moments of any floor action (and would seem to be of particular value at the end of the sessions where companion bills are before both bodies.)

Many of the reports noted above might not be needed in Minnesota but they are being produced in one or more states. This does point out the variety of reports possible. One or more states use the output of the system as the master copy to photograph and print as calendars, etc. What other states have done only points to some possibilities, as their operations may be quite different. For example, some of the legislatures have their own printing operation so they can use the output to make photocopies.

## B. Statutory Retrieval

Over 30 states have converted or are in the process of converting their statutes for computer searching. What has and is being done with statutes can also be done with codes, rules, regulations and administrative decisions. Until recently the weak point in statutory retrieval was the time element. Most of the states had their statutes converted by the Aspen Corporation of Pittsburgh and utilized their system and equipment. In order to use the system it was necessary to send material or inquiries to Pittsburgh.

Wisconsin has taken the next step and is in the process of installing a statutory retrieval program of their own that will utilize their own computer equipment. The advantage of this system is greater accessibility. Statutory searches will be undertaken during their evening shifts and the output will be available the following morning. Also, their program goes even further in that another output will be a type composition tape that will be used in automated typesetting machines to set the type for printing the statutes. This technique is expected to save considerable time in issuing their statutes.

In this application the entire statutes are placed in the computer system and by inquiry the computer will search for any word or series or combinations of words. The system, depending on programming, can provide the statutory references, or print out all or portions of the statutes containing these words.

## C. Bill Drafting

In this application each bill is placed into the system when it is first drafted. To assure privacy, it is available only to the drafting agency and the author until it is introduced. At any point in time any or all of the bill may be recalled, additions and deletions made and the revised bill placed back into the system. This may be done as many times as is necessary.

The program automatically respaces the text as additions and deletions are made.

For bills that are not drafted in the drafting agency the text of the bill is placed into the system upon introduction, or if the drafting agency must approve bills before introduction, the text can be placed into the system at that point in time.

#### D. Appropriation Accounting

This particular application is most useful when the entire accounting system and budget-encumbrance system is on the central computer. Then as the appropriations and finance committees make their allocations revised totals would be immediately available.

It is possible to have a chronological record of every appropriation item from the original department request to the amount in the enacted bill. This can be printed out in its entirety as each bill is enacted and can show each and every change with a brief explanation of the change. Such a system also could provide opportunity for a continuous audit of expenditures, thus allowing better budget auditing.

The above four applications are the major applications that deal with legislative processes but a computer utilization program by the legislature could be much broader. By taking advantage of management techniques the computer could be utilized in other areas and can be employed to resolve any problem involving the accumulation and control of information.

V. THE OPERATION AND STRUCTURE OF THE HOUSE

The Subcommittee considered a number of changes that could be made that would improve the operation of the House of Representatives in particular and the Legislature in general. Considerable attention was given to the number of Standing Committees operating within the House of Representatives, the length and frequency of the Legislative Sessions, and the right of the Legislature to call itself into Special Session. The Subcommittee makes the following recommendations with regard to each of these considerations.

A. The Number of Committees

During the 1967 Legislative Session the House operated with 32 Standing Committees. Table A below indicates that this was the fewest Standing Committees that have been active in the past 30 years. Table A also indicates that the number of the Standing Committees of the Senate has been appreciably larger than the 20 Senate Committees that operated during the 1967 Legislative Session.

Table A

<u>Session</u>	<u>Number of Standing Committees House</u>	<u>Number of Standing Committees Senate</u>
1967	32	20
1965	33	22
1963	36	23
1961	34	20
1959	39	20
1957	39	32
1955	41	32
1953	39	38
1951	38	36
1949	38	36
1947	30	28
1945	35	42
1943	34	42
1941	34	41
1939	44	41
1937	47	42
1935	48	41

Table B

REFERRAL OF BILLS TO COMMITTEE, 1967 MINNESOTA LEGISLATURE

House Standing Committees 1967	Bills Referred to Committee*	House Standing Committees 1967	Bills Referred to Committee*
Agriculture	27	Government Employee	
Appropriations	285	Security	127
Cities of the 1st Class	36	Health & Welfare	99
Cities of 2nd & 3rd Class	34	Highways	175
Civil Administration	227	Insurance & Securities	58
Claims	171	Judiciary	268
Commerce and Business		Labor-Management Relations	28
Development	61	Law Enforcement and	
Dairy Prod. & Livestock	27	Liquor Control	116
Drainage & Soil Conserv.	13	Met. & Urban Affairs	42
Education	114	Motor Vehicles	82
Elections & Reapportion.	80	Municipal Affairs	81
Employees Compensation	37	Public Serv. & Utilities	15
Financial Institutions	26	Recreation & Water	
Forestry & Public Domain	81	Resources	51
Game & Fish	92	Taxes	233
General Legislation and		Towns & Counties	229
Veterans Affairs	65	University & Colleges	72

\*Includes re-referred bills from other committees and bills from the other body.

Recommendation

While many authorities are currently in favor of greatly reducing the number of substantive committees in state legislatures, it is the recommendation of the subcommittee that the number of committees be reduced only if such reduction will not create a significant increase in the workload of other committees. It is noteworthy that in the past a number of new committees have been created where the original committee became overburdened because of the referral of too many bills. It is thus recommended that a reduction be made in the number of committees only if such reduction will not result in the creation of large backlogs of bills in the standing committees. If committees are not able to handle the volume of bills they must process, then a backlog occurs in the committee and subsequently on the floor as well.

## B. The Length and Frequency of Sessions

During the course of its deliberations, the subcommittee gave considerable attention to the question of annual legislative sessions. The consensus is that while annual sessions may become necessary in the future due to the ever-increasing complexity of governmental problems, the biennial session provides sufficient time for proper legislative operation at the present time.

### Recommendation

The Subcommittee recommends that the 120 legislative day limit be retained to control the length of regular sessions. It is further recommended that the Legislature be empowered by joint resolution passed by a majority vote of each house to extend the regular session for a period not to exceed 30 legislative days. During this 30 day period, no bills would be required to be reintroduced.

## C. The Legislature's Right to Call a Special Session

The Subcommittee considered the approaches taken by 15 states in which legislatures may call themselves into special session. (See Schedule D) After due consideration of these several approaches, the subcommittee makes the following recommendation.

### Recommendation

The Subcommittee recommends that the Secretary of State, upon receipt of a petition bearing the signatures of 50% of the members of the Legislature, be required to convene the members of both bodies in a convention for the purpose of voting on whether or not a Special Session of the Legislature should be called. They further recommended that a two-thirds vote of all members would be required for an affirmative decision and that the convention called by the Secretary of State would be required to decide the question within two days.

### RATIONALE

There are some, certainly who would prefer to embark upon annual sessions as soon as possible, and the Subcommittee recognizes the merits of the arguments advanced on behalf of annual sessions. However, it is noted that in the states which do now employ annual sessions, the same problems are present

which are found in the Minnesota Legislature. A great volume of bills at the end of the session seems to characterize the legislative function everywhere, including the Federal Congress.

Therefore, at this time, it is the conclusion of the subcommittee that until such time as conditions and demands more clearly warrant annual sessions, the Legislature move more to annualization of its work. The use of Standing Committees during the interim has been a move in this direction, and the recommendation incorporated herein is a like move.

The proposal providing for a Constitutional Amendment to give the Legislature a means to extend its session or to summon itself into session is certainly not without precedent as the accompanying research data evidences. Further, under the principle of separation of powers, it does seem logical that the authority of the Legislative Branch be completed by providing it with the means to shape its sessions to conform to the demands made upon it.

There is some question in the mind of the subcommittee as to what should be the determining factor in providing for annual sessions of the Legislature in Minnesota. It may very well be that the needs of the Executive Branch and the Administration should be the primary reason for annual sessions. When the business of the State is such that its budgeting and programming require planning on an annual basis rather than a biennial basis, this very likely is the logical point at which legislative sessions should become annual. It has been suggested that annual sessions might be designed so that the session in one year be devoted solely to fiscal matters while the session in the succeeding year be devoted to other legislation. This proposal invites an over-emphasis on political gain during the session held during an election year, and further, precludes the opportunity to deal with other than fiscal problems during the fiscal session, even though they be urgent.

For these reasons the recommendation of the Subcommittee is as put forth with the safeguards which have been incorporated in the proposal. Should the subcommittee's proposal or one similar to it be tried, it could very well prove to make annual sessions unnecessary for quite some time.

## SCHEDULE A

Table I  
Fiscal Note Data for States Authorizing by Statute

<u>State</u>	<u>Mandatory or Permissive</u>	<u>Procedural Point when Fiscal Note Required</u>	<u>Fiscal Note Requested By</u>	<u>Fiscal Note Prepared By</u>	<u>Time Limit for Preparation</u>	<u>Fiscal Period Covered by Note</u>
Kansas <u>1/</u>	Mandatory	Before action by Committee of Referral and within 7 days following first reading	Committee of Referral	Budget Director	7 days	Not Specified
South Dakota <u>2/</u>	Mandatory	At Introduction In Committee of Referral Prior to Second Reading of Bill	Presiding Officer Committee Chairman Majority of Members of House where Bill is being considered	State Budget Director with cooperation of agency affected	5 days	Succeeding biennial period plus 5 year projection
Wisconsin <u>1/</u>	Mandatory (except pension bills)	Prior to Introduction  After Introduction in House of Referral	Legislative Reference Bureau when drafting measure  Chief Clerk of House of Referral	Department of Administration determines which agency prepares based on appropriation or revenue  Agency affected when so determined by Dept. of Administration	5 days	Succeeding biennial period and long-range projection if possible
Rhode Island <u>2/</u>	Permissive	Prior to action in Committee of Referral or any time prior to final consideration	Committee Chairman and Fiscal Assistant	State Budget Officer with cooperation of agency affected	5 days	Succeeding biennial period plus long-range if possible

Table I (Continued)

<u>State</u>	<u>Mandatory or Permissive</u>	<u>Procedural Point when Fiscal Note Required</u>	<u>Fiscal Note Requested By</u>	<u>Fiscal Note Prepared By</u>	<u>Time Limit for Preparation</u>	<u>Fiscal Period Covered by Note</u>
Oklahoma <u>4/</u>	Mandatory	Prior to Introduction	Sponsor of Bill	Agency Affected	Not Specified	Not Specified
New Jersey <u>2/</u>	Mandatory (in one house)	Prior to and after Introduction, but before committee action	Sponsor of Bill or Committee Chairman	Director of the Division of Budget and Accounting with cooperation of agency affected	5 days	Not Specified
Montana <u>2/</u>	Mandatory	At Introduction  In Committee of Referral, and before reported out	Presiding Officer of House concerned  Committee Chairmen, or a majority of members of the House considering Bill at time of second reading	State Budget Director with cooperation of agency concerned	6 days	Succeeding biennial period plus long-range projection if possible
Georgia <u>1/ 3/</u>	Mandatory	At the time of Introduction or upon Referral to Committee	Sponsor of Bill or Committee Chairman	Budget Analyst of General Assembly, or Fiscal Advisor of either House	7 days	Current and long-range if possible
Tennessee <u>1/</u>	Mandatory	After Referral and before Committee action	Committee Chairmen	Department of Finance and Administration with cooperation of agency concerned	7 days	Current and long-range if possible
Nevada <u>1/</u>	Mandatory	Upon Introduction	Sponsor of Bill	Sponsor of Bill or agency concerned	Not Specified	Current and long-range if possible
Massachusetts <u>5/</u>	Permissive	When reported favorably out of Committee	Committee Chairmen	Commissioner of Administration with the cooperation of agency affected	Not Specified	Succeeding fiscal period with long-range estimates if possible

Table I (Continued)

State	Mandatory or Permissive	Procedural Point when Fiscal Note Required	Fiscal Note Requested By	Fiscal Note Prepared By	Time Limit for Preparation	Fiscal Period Covered by Note
Virginia <u>6/</u>	Mandatory	Upon Introduction	Sponsor of Bill	Agency concerned	Not Specified	Current and succeeding fiscal year.
Illinois <u>2/</u>	Mandatory	Prior to the second reading of the Bill	Sponsor of Bill	Agency concerned, or sponsor of the Bill if it does not affect an existing state agency	5 days	Not Specified
Connecticut <u>1/</u>	Permissive	Prior to Action by Committee of Referral	Senior Minority Party Member of Committee of Referral, or Principal Legislative Leaders	Commissioner of Administration or Finance with the cooperation of agency concerned	7 days	Current plus succeeding fiscal biennium

- 1/ Fiscal note applies to any bills or resolutions increasing or decreasing state expenditures, liabilities, and revenues. North Dakota excludes bills having less than \$5,000 impact.
- 2/ Fiscal note applies to all measures having fiscal implications, except for bills making direct appropriations.
- 3/ Applies only to bills increasing or decreasing appropriations or expenditures. Does not apply to revenue measures.
- 4/ Though listed under statutory systems, Oklahoma considered the timing and amendment requirements so impractical that they suspended operation of the law by legislative resolution in 1965.
- 5/ Massachusetts established an optional statutory system in both houses and a mandatory legislative rule in their House of Representative for bills "involving a capital expenditure for new projects, or an appropriation for repairs." -- excluding bills in the latter category with less than \$100,000 impact.
- 6/ Virginia, with an active statute on the books to cover a form of fiscal notes, has not used such a system since enactment.
- 7/ The states of Georgia and Washington require fiscal notes only for bills affecting public employee pensions and retirement systems. Other informal note procedure covers all bills with fiscal implications.

## SCHEDULE B

Table II  
Fiscal Note Data for States Authorizing by Legislative Rule

<u>State</u>	<u>Mandatory or Permissive</u>	<u>Procedural Point When Fiscal Note Required</u>	<u>Fiscal Note Requested By</u>	<u>Fiscal Note Prepared By</u>	<u>Time Limit for Preparation</u>	<u>Fiscal Period Covered By Note</u>
California <u>4/</u>	Mandatory (Qualified)	At the time of Hearings on Bills by the Ways and Means Committee and the Senate Finance Committee	Legislative Counsel	Legislative Analyst	Not Specified	Not Specified
Colorado <u>2/</u>	Mandatory	At the time of Introduction  In Committee of Referral before printing of Bill  Upon Substantial Amendment, and before Committee report	Sponsor of Bill  Committee Chairman  Committee Chairman	State Controller in cooperation with agency affected	5 days	Current and long-range if possible
Missouri <u>3/</u>	Mandatory	Upon Introduction	Sponsor of Bill	Budget Director in cooperation with agency affected	Not Specified	Current plus one year
Nebraska <u>1/</u>	Mandatory	Prior to Introduction  In Committee of Referral  Prior to Final Reading	Sponsor of Bill (Introducer) Committee Chairman Committee Chairman	Legislative Fiscal Analyst with cooperation of agency affected	5 days	Succeeding biennial period
Alabama <u>1/</u>	Mandatory	Before Final Passage of Bill	Committee Chairman	Not Specific, but may be Committee Staff	Not Specified	Current and long-range if possible
Maine <u>1/</u>	Mandatory	Upon Introduction or upon Committee Referral	Sponsor of Bill	Sponsor of Bill	Not Specified	Current and succeeding fiscal year

Table II (Continued)

<u>State</u>	<u>Mandatory or Permissive</u>	<u>Procedural Point When Fiscal Note Required</u>	<u>Fiscal Note Requested By</u>	<u>Fiscal Note Prepared By</u>	<u>Time Limit for Preparation</u>	<u>Fiscal Period Covered By Note</u>
Wyoming <u>1/</u>	Not Specified	Upon Introduction	Committee of Referral	Committee of Referral	Not Specified	Not Specified
West Virginia <u>1/</u>	Mandatory (In One House Only)	Upon Introduction	Sponsor of Bill	Agency affected, or Legislative Auditor, or Commissioner of the Department of Finance and Administration	3 days	Current and succeeding fiscal year
New York <u>1/</u>	Mandatory (In One House Only)	After Introduction and before reported out of Committee of Referral	Sponsor of Bill	Division of the Budget or state agency affected	Not Specified	Current and succeeding fiscal year
Maryland <u>1/</u>	Mandatory (One House Only)	After action by Committee of Referral and prior to third reading of the Bill	Committee Chairman	Fiscal Research Bureau with the cooperation of the agency affected	Not Specified	Succeeding fiscal period and long-range if possible
North Dakota <u>2/</u>	Mandatory	Prior to Introduction or while in Committee	Sponsor of Bill, or Legislative Bill-Drafting Agency	State Agency or Department concerned	5 days	Not Specified

1/ Fiscal note applies to any bills or resolutions increasing or decreasing state expenditures, liabilities, and revenues. North Dakota excludes bills having less than \$5,000 impact.

2/ Fiscal note applies to all measures having fiscal implications, except for bills making direct appropriations.

3/ Applies only to bills increasing or decreasing appropriations or expenditures. Does not apply to revenue measures.

4/ California is unique in that they operate under statute, rules, and general committee authority to provide a highly-developed cost estimating procedure similar to a fiscal note system. The Legislative Counsel determines, by statute, if the bill requires fiscal note, the Legislative Analyst provides the bill note for those legislative fiscal committees to which they are referred.

## SCHEDULE C

Table III  
Fiscal Note Data (or Other System) For States Using Informal Procedure

<u>State</u>	<u>Mandatory or Permissive</u>	<u>Procedural Point When Fiscal Note Required</u>	<u>Fiscal Note Requested By</u>	<u>Fiscal Note Prepared By</u>	<u>Time Limit for Preparation</u>	<u>Fiscal Period Covered By Note</u>
Michigan <u>2/</u>	Permissive	Before action in Committee of Referral	Committee Chairman	Agency Affected	Not Specified	Current and future if possible
Oregon <u>1/</u>	Mandatory (within informal procedure)	Before action in Committee of Referral, if possible	Department of Finance and Administration initially screens all measures for those having fiscal implication	Department of Finance and Administration, and screened by Legislative Fiscal Officer	As soon as possible	Current and long-range if possible
Pennsylvania <u>1/</u>	Permissive	After Introduction and prior to action by Committee of Referral	As determined needed by Legislative Budget and Finance Committee under their general authority, or by request from individual legislators	Legislative Budget and Finance Committee with cooperation of agency affected	As soon as possible	Current and succeeding fiscal periods, and long-range where possible
Washington <u>3/</u>	Permissive	After Introduction and usually prior to action by Committee of Referral	Sponsor of Bill, Chairman of Committee, or members of the Legislature	Central Budget Agency, Dept. of Revenue, or Legislative Budget Committee with cooperation of agency concerned	As soon as possible	Succeeding fiscal biennium and long-range projection if possible

1/ Fiscal note applies to any bills or resolutions increasing or decreasing state expenditures, liabilities, and revenues. North Dakota excludes bills having less than \$5,000 impact.

2/ Applies only to bills increasing or decreasing appropriations or expenditures. Does not apply to revenue measures.

3/ The states of Georgia and Washington require fiscal notes only for bills affecting public employee pensions and retirement systems. Other informal note procedure covers all bills with fiscal implications.

## SCHEDULE D

### ALASKA

#### Alaska Laws

Section 4.05.100 The Legislature may call itself into Special Session if 2/3's of the membership responds in the affirmative to a poll conducted by the Presiding Officer of each House. Each Presiding Officer may initiate a poll by their joint agreement, and each shall initiate a poll upon the request of 25% of the membership of each House, expressed in writing and signed by those members. When 2/3's of the membership to which the Legislature is entitled responds in the affirmative, the Presiding Officer of the Senate and the Speaker of the House shall jointly announce the result of the poll and a date for the convening of the Special Session. If one of the presiding officers is deceased, has resigned, or is incapacitated, the presiding officer of the other House may conduct the poll of the members of both Houses.

### ARIZONA

#### Constitution of Arizona

Article 4.1, Section 1 Upon the presentation to the Governor of a petition bearing the signatures of not less than 2/3's of the members of each House, requesting that he call a Special Session of the Legislature and designating the date of convening, the Governor shall forthwith call a Special Session to assemble on the date specified.

### CONNECTICUT

#### Connecticut Statutes

Section 2.7 When the members of the Connecticut General Assembly deem it necessary to meet in a Special Session they may so notify the Secretary of State in writing. The notice shall be valid for thirty days after its' execution by such member. Said Secretary, upon receiving valid notices from a majority of the members of each House, shall forthwith notify all members of said Assembly to meet in their respective chambers in the Capitol at 10:00 in the forenoon on a date not less than 10 nor more than 15 days thereafter. When so assembled, if a majority of the members of the Senate and the House of Representatives, respectfully, judge, by a vote taken by yeas and nays recorded in the Journals, that the convening of the General Assembly is necessary, specifying in such votes the facts constituting such necessity, the two Houses shall then complete their organization and proceed to the consideration of the matters proper for legislative action.

FLORIDA

Constitution of Florida

Article 3, Section 2 When 20% of the members of the Legislature shall execute in writing and file with the Secretary of State, various certificates that conditions warrant the convening of the Legislature into Extra Session, the Secretary of State shall, within 7 days after receiving the requisite number of such certificates, poll the members of the Legislature, and upon the affirmative vote of 3/5's of the members of both Houses, shall forthwith fix the day and hour for convening such Extra Session. Notice thereof shall be given each member after receiving the requisite number of said certificates. The time for convening of said Session shall be not less than 14 days nor more than 21 days from the date of mailing said notices.

GEORGIA

Constitution of Georgia

Article 5, Paragraph 13 When 3/5's of the members elected to the House of Representatives and 3/5's of the members elected to the Senate shall certify to the Governor of the State of Georgia that in their opinion an emergency exists in the affairs of the State of Georgia, it shall thereupon be the duty of said Governor and mandatory upon him, within 5 days from the receipt of such certificate or certificates, to convene said General Assembly in Extra-Ordinary Session for all purposes. If the Governor does not convene the General Assembly within the five days, the General Assembly may convene itself in Extra-Ordinary Session.

HAWAII

Hawaii Constitution

Article 3, Section 17 The Governor shall have 45 days, after the adjournment of the Legislature sine die, to consider bills presented to him less than 10 days before such adjournment, or presented after adjournment, and any such bill shall become law on the 45th day unless the Governor by proclamation shall have given 10 days notice to the Legislature that he plans to return such bill with his objections on that day. The Legislature may convene at or before noon on the 45th day in Special Session, without call, for the sole purpose of acting upon any such bill returned by the Governor.

LOUISIANA

Louisiana Constitution

Article 3, Section 8 Any proposal to call or convene a Special Session of the Legislature within 30 days prior to the convening of the Budget Session or within 30 days after its adjournment sine die and any proposal to extend the Budget Session to matters other than those enumerated in this paragraph whether proposed by the Governor or the Legislature shall require the consent of 3/4's of the elected members of each House.

MASSACHUSETTS

Constitution of Massachusetts

Chapter 1, Section 1, Article 1 The Legislative Body shall assemble every year on the last Wednesday in May and such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceeding the said last Wednesday in May.

NEBRASKA

Nebraska Laws

Section 50-125 Whenever 10 or more members of the Legislature shall lodge with the Secretary of State a positive statement in writing, over their signatures respectfully, setting forth the purpose or purposes for which said Legislature is convened as required by Section 50-124, requesting that the Legislature meet in Special Session, the Secretary of State shall forthwith certify to each of the other members of the Legislature, the fact that 10 or more members have lodged such statements with him and the object or objects of calling such Session. If within 10 days thereafter an additional number of members of the Legislature, sufficient to make 29 or more, shall lodge statements in like manner as aforementioned with the Secretary of State, requesting that the Legislature meet in Special Session, the Secretary of State shall forthwith certify to the Governor the fact that 29 or more of such members have lodged said statements with him and the object/objects of calling such Session. Thereupon the Governor shall by proclamation stating therein the purpose or purposes for which it is called convene the Legislature to meet in Special Session in five days after receipt of said certificate from the Secretary of State.

NEW HAMPSHIRE

New Hampshire Statutes

Chapter 16 There shall be filed with the Secretary of State a petition for the calling of a Special Session of the General Court which petition shall be signed by not less than 50 members of the House of Representatives, not more than 10 of whom shall reside in the same county, and signed by not less than 8 members of the Senate. Said petition shall state the reason or reasons why the public welfare requires a Special Session of the General Court. Upon receiving such petition, the Secretary of State shall forthwith mail a copy thereof to each member of the General Court together with a ballot upon which shall be stated the following question: "Are you of the opinion that the General Court shall meet in Special Session?" If within 10 days after the date of mailing of said ballot by the Secretary of State a majority of the members of the House and a majority of the members of the Senate shall return said ballot marked in the affirmative, the General Court shall be called in Special Session. Upon receipt of the affirmative votes above required, the Secretary of State shall set a day for the convening of the General Court which day shall not be more than 15 days thereafter and notice thereof shall be sent by the Secretary of State to each member of both Houses.

NEW JERSEY

New Jersey Constitution

Article 4, Section 1, Paragraph 4 Special Sessions of the Legislature shall be called by the Governor upon petition of a majority of all the members of each House and may be called by the Governor whenever in his opinion the public interests shall require.

NEW MEXICO

Constitution of New Mexico

Article 4, Section 6 Special Sessions of the Legislature may be called by the Governor, but no business shall be transacted except such as relates to the object specified in his proclamation. Provided, however, that when 3/5's of the members elected to the House of Representatives and 3/5's of the members elected to the Senate shall certify to the Governor of the State of New Mexico that in their opinion an emergency exists in the affairs of the State of New Mexico, it shall thereupon be the duty of said Governor and mandatory upon him, within 5 days from the receipt of such certificate or certificates, to convene said Legislature in Extra-Ordinary Session for all purposes; and in the event said Governor shall fail or refuse to convene said Legislature as therefore said, then and in that event said Legislature may convene itself in Extra-Ordinary Session as if convened in regular Session.

TENNESSEE

Constitution of Tennessee

Article 2, Section 8 It shall be convened at other times by the Governor as provided in Article 3, Section 9, or by the Presiding Officers of both Houses at the written request of 2/3's of the members of each House.

VIRGINIA

Virginia Statutes

Section 30-3 Whenever 2/3's of the members of both Houses of the General Assembly shall, after their adjournment sine die, desire to convene the same in conformity to the Constitution, they shall make application in writing to the Governor over their signatures, and this shall be deemed by a proper application. He shall thereupon convene the General Assembly, at such time and place as shall be designated by the application; or, if the time and place be not so designated, then at such convenient and reasonable time and place as he shall appoint.

WEST VIRGINIA

Constitution of West Virginia

Article 6, Section 19 The Governor may convene the Legislature by proclamation whenever, in his opinion, the public safety or welfare shall require it. It shall be his duty to convene it, on application in writing, of 3/5's of the members elected to each House.