

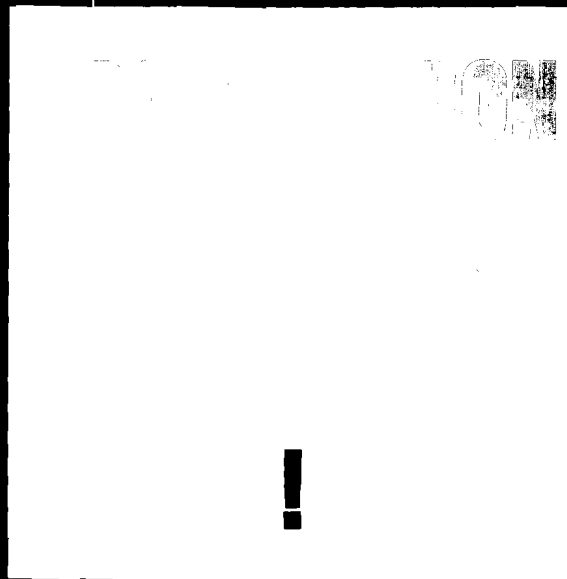
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CITIZENS LEAGUE
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CITIZENS LEAGUE REPORT



ABOUT THE CITIZENS LEAGUE...

The Citizens League, founded in 1952, is an independent, non-partisan educational organization in the Twin Cities area, with some 3,600 members, specializing in questions of government planning, finance and organization.

Citizens League reports, which provide assistance to public officials and others in finding solutions to complex problems of local government, are developed by volunteer research committees, supported by a fulltime professional staff.

Membership is open to the public. The League's annual budget is financed by annual dues of \$10 (\$15 for family memberships) and contributions from more than 600 businesses, foundations and other organizations.

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ORGANIZATION FOR STATE POLICY MAKING!

Twenty-nine Proposals For Strengthening The Minnesota Legislature!

Prepared by

Citizens League Committee on Legislative Organization
and Procedures, Peter H. Seed, Chairman

Approved by

Citizens League Board of Directors

February 16, 1968

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INTRODUCTION

The time is ripe for substantial strengthening of the Minnesota Legislature. In 1967 the Legislature took steps toward professional staffing of its committees. House and Senate Rules Committees are meeting intensively during the interim before the 1969 session to seek further improvements. Long suffering from a lack of office space and committee rooms in the Capitol, the Legislature in 1969 will almost double its space, taking over quarters vacated by state department offices which were moved into the newly completed State Administration Building. Finally, a state-financed study of reorganization of the executive branch of state government is under way and almost certainly will result in much-needed improvements in the leadership role of the Governor. At the same time, the Legislature needs to be strengthened to retain effective policy control over state government.

A national movement has been under way in the last few years to modernize state legislatures to enable them to play a meaningful, effective role in the federal system. The call for modernization has been heightened by activity and reports of the Eagleton Institute of Politics, the National Conference of State Legislative Leaders, the Council of State Governments, the National Municipal League, the U.S. Advisory Commission of Intergovernmental Relations, the Committee for Economic Development, the U.S. Chamber of Commerce and others, plus the establishment of the Citizens Conference on State Legislatures, a foundation-funded national clearing house on improvement of state legislatures.

These groups all recognize that the federal government will continue to provide substantial financial support for a myriad of state functions. But the federal government does not actually build our highways, educate our children, or administer our health, welfare and urban programs, to cite a few examples. These functions are—and will continue to be—carried out under the general supervision of state government. Strong legislatures are needed in each state to do an effective job. These groups also recognize that, although the federal government has taken the lead in stimulating new, innovative programs to solve our modern-day problems, there also is a tendency for the federal government to become overly bureaucratized. Imaginative leadership will be needed from the individual state legislatures which can remain flexible and responsive to changing needs.

Like many other legislatures, the Minnesota Legislature urgently needs modernization. It suffers from a lack of professional staff, organization and planning, and is unduly restricted by the State Constitution as to when it can meet. Legislators are expected to make major policy decisions on many issues affecting the state in an atmosphere of far too many meetings—with overcrowded, unplanned agendas—jammed into too short a period of time, too little background information and not enough staff support. The Legislature also lacks

tools for detailed analysis of the effectiveness of state programs.

Further, certain procedures of the Legislature—for example, in the organization and conduct of committee hearings—sometimes raise questions as to whether all proposals before the Legislature receive fair treatment, that is, a legislative “due process”. The respect and confidence in this process has become more important as the impact of state legislation has become more widespread.

The quality of the members of the Legislature is of great importance. Minnesota has been fortunate to date to attract in general a highly competent group of legislators. Continued active interest by the political parties in promoting good candidates will advance the quality of the Legislature. Modernization of the Legislature will serve, moreover, to further encourage individuals of high ability to run for the Legislature.

The need for legislative improvement is particularly acute in Minnesota. First, Minnesota is in competition nationally for industries, manpower and talent so it can have its proper share of the nation's wealth. Our state starts from somewhat of a disadvantage in being located on the fringe of major national market activity. Extra effort is required on a broad front if we are to maintain and improve our competitive position. For example, our educational system, our tax climate and our recreational facilities need special qualities to make our state attractive. In a sense, we have to put forth a better effort than other states. This means, of course, that our Legislature needs to be a leader among legislatures. Second, some of the other states have a head start on modernization. Only in the last few years have public opinion and legislators' opinions begun to coalesce in Minnesota on the need to take action. In states such as California and Washington major steps already have been taken.

We are distressed by the general attitude of the public towards the Minnesota Legislature. Public opinion polls rate the performance by the Legislature below that of almost every other governmental body, and well below that of Congress. Letters to the editor after a legislative session are frequently very critical.

Expenditures for the operation of the Legislature are very low—less than two tenths of one per cent of the total state expenditures. Minnesota ranks thirtieth among the fifty states in legislative expenditures as a per cent of total state expenditures. Despite this low level, Minnesota legislators frequently find themselves criticized for “spending on themselves”, whether it be a pay increase or a special session to finish its business (with the day-by-day cost of a special session added up regularly on television). To a considerable degree the public attitude towards the Minnesota Legislature is a product of the way the Legislature has been organized and functions.

Make the Legislature a continuing body during the biennium for which it is elected, with formal sessions scheduled at least annually. Set a limit on the number of days when the Legislature meets in formal session during a biennium but allow the Legislature to spread these days over a two-year period as needed. Allow committees to meet between sessions and take the bulk of the biennium, if necessary, to work on bills. Arrange sessions so that major research projects can be set up, carried to completion and acted upon in the same biennium.

Increase compensation of legislators.

Elect legislators on the partisan ballot.

Expand staff services, including administrative assistants for majority and minority leaders of both houses, research assistants for caucuses, research interns for members, personal secretarial staff, professional staff for committees, and a first-rate research library service.

Reduce the number of committees and establish a parallel committee structure in both houses. Assign each member to no more than two standing committees. Assure majority-minority proportional representation on committees. Require caucuses to name their own members to committees in a manner determined by each caucus.

Introduce guarantees for consideration of legislative proposals not present now. Give adequate public notice of committee hearings. Plan committee hearings to make the most effective use of the time available. Reproduce bills in quantity upon introduction, after major amendments and immediately

SUMMARY OF RECOMMENDATIONS

after becoming law. Attach summaries and fiscal notes to bills. Enable committees to hold essentially all-day sessions. Establish an orderly procedure for announcement and scheduling of hearings, testimony of witnesses, and record of testimony and voting. Give County Delegations from populous counties official recognition, with assurance of adequate staff and meeting rooms. Provide a means for regularly scheduled meetings of delegations. Provide that delegations follow essentially the same procedural rules as standing committees.

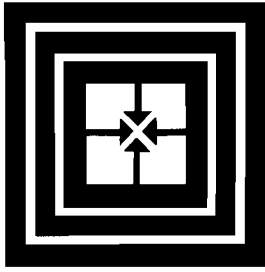
Establish a series of deadlines to expedite consideration of bills, including dates after which no bill may be introduced, by which each house must have completed action on its own bills, after which no bill may remain in committee, and by which houses must have completed final action.

Create a Joint Committee on Legislative Services, composed of majority and minority leadership of the House and Senate, to carry out a variety of services for the Legislature. Empower the Joint Committee to hire a director. Abolish the present Legislative Research Committee and transfer its functions to the Joint Committee. Place the office of Revisor of Statutes under the Joint Committee.

Strengthen legislative fiscal services, including budget analysis and review.

Establish a pre-session orientation for newly elected members. Publish an explanatory manual on procedures and rules of the Legislature.

Utilize modern data processing services wherever possible.



RECOMMENDATIONS

BASIC STRUCTURE AND ORGANIZATION OF THE MINNESOTA LEGISLATURE

1. Length and Frequency of Legislative Sessions



We recommend a new approach to holding sessions of the Minnesota Legislature - an approach which recognizes the Legislature as a continuing body during the biennium and enables the scheduling of sessions at such times to maximize the effectiveness of the work of the Legislature over the two-year period. Specifically, we recommend as follows:

Sessions should be held at least annually. Bills introduced during one session of the biennium should retain their position, whether in committee or on the floor of either house, as the Legislature recesses from one session to the next. Arrangements should be made for bills to be introduced and referred to the appropriate committees between sessions.

Sessions should be scheduled to enable legislative committees to take the bulk of the biennium, if necessary, to work on bills. Committees should be permitted to conduct hearings and work on pending legislation between sessions and not be limited to meeting when the Legislature is in session.

Sessions should be scheduled to enable the Legislature to set up a research program early in the biennium covering areas of most pressing concern, and arrange for the program to be carried to completion and presented to the Legislature for action during the same biennium.

Sessions should be scheduled to enable the Legislature to set up a research program early in the biennium covering areas of most pressing concern, and arrange for the program to be carried to completion and presented to the Legislature for action during the same biennium.

The Legislature should schedule sessions during the biennium within a specified limit on the total number of days in session, excluding days of recess, weekends and holidays. The limit should be no less than 120 days and be specified in the Constitution with a provision that the limit could be raised by law.

We recommend that beginning in 1969 the Legislature and the Governor work out a mutually agreeable plan for calling special sessions of the Legislature so that the above goals can be accomplished in the next biennium. Further, to accomplish these goals in the long run, we recommend that the Legislature submit a constitutional amendment to the voters in the 1970 general election.

2. Compensation of Legislators



The present salary is inadequate for the amount of work and responsibility facing legislators. We recommend a sizeable increase in the regular salary as the preferable approach. At a minimum, and only as a temporary improvement, we recommend that legislators receive a per diem payment of at least \$35 a day, in addition to regular salary and expenses, for attending legislative meetings between sessions.

3. Party Designation

To advance the general responsibility and visibility of the Legislature we recommend election of legislators on the partisan ballot.

4. Space Needs for the Legislature

The 1969 Legislature will have much more space available than previous Legislatures. Space recently vacated in the Capitol by a number of administrative offices which moved into the newly finished State Administration Building will be made available to the Legislature. Many decisions on the use of this space will be made by committees of the House and Senate before the 1969 Legislature meets.

We recommend that the Legislature, in taking over space in the Capitol recently vacated by heads of state departments, give priority attention to (a) rooms of adequate size and proper design for committee hearings, (b)

office space for all legislators, with, at the most, three or four legislators in an office, and (c) office space for professional staff of the Legislature.

5. Size of the Legislature

The recommendations in this report are directed to the Legislature as we find it today—a fairly large body with its 202 members meeting in sessions of limited length and serving considerably less than full time.

The job of a legislator is becoming increasingly complex. In future years it appears that legislators will be moving more and more toward serving full time. As this occurs, a very substantial reduction in the size of the Legislature will be necessary, accompanied by a number of additional changes not recommended for the present. These changes include full-time salaries, full-time administrative and clerical staff for each legislator, private offices at the Capitol and in the members' districts, and much longer sessions.

COMMITTEE ORGANIZATION AND OPERATION

6. Permanent Professional Committee Staff



To assist each legislative committee in gathering information on pending legislation, understanding bills, preparing committee hearings and conducting research, we recommend that each committee be entitled to the services of permanent, professional committee staff, in addition to clerks and stenographers. If each house has 10-12 committees, it is reasonable to expect that at least one full-time, year-round professional staff person could be working with each committee. Some committees, such as Finance and Appropriations, would have several professional staff persons.

7. Organization of Committees

To improve the distribution of workload during the session and between sessions, improve scheduling of committee meetings, provide a logical division of subject matter, facilitate the assignment of professional staff, and give legislators broader responsibility in a given field, we recommend a substantial reduction in the number of committees in the House of Representatives and a slight reduction in the number in the Senate. The number in the House should be more than cut in half. It appears reasonable, based on present workload, a logical division of subject matter and looking at committee structure in other states, that either house could have 10-12 committees, exclusive of procedural committees such as the Rules Committee.

To assist in the use of professional staff, minimize confusion during the session, assist in the formation of joint House-Senate committees where desirable, and facilitate interim research work, we recommend that the House and Senate develop essentially the same committee structure.

To reflect the overall composition of the House and Senate on their respective com-

mittees, we recommend that rules provide for representation of the minority group on committees generally in proportion to its membership in the body.

To protect the rights of the minority and to pinpoint responsibility for assignment of legislators to committees, we recommend that rules require the majority and minority caucuses of the House and Senate to name their own members to committees, in a manner determined by each caucus.

To give legislators the maximum opportunity to become well-grounded in certain fields, and to assist in the overall organization of committees, we recommend that a legislator be assigned to no more than two standing committees. It is possible a person assigned to the Finance or Appropriations Committee would have no other assignment.

To give a committee sufficient time for hearings, subcommittee meetings and in-depth consideration of complex legislation, and to avoid conflict with other committee meetings, we recommend that each committee be given up to an entire day during a week in which to meet, with time off during the day, as needed, for the regular session of the House or Senate. Committees with heavy workloads, such as Finance and Appropriations, would need more days to meet.

8. Planning Committee Hearings



To provide legislators and the public a reasonable opportunity to express their views on pending legislation, and to build public respect for the fairness of the legislative process, we recommend that:

- Committee hearings not be held without prior public announcement of the bills to be heard.

- Announcement of committee hearings be made a reasonable length of time in advance — for example, 7 days.
- Announcement of committee hearings be made in such a manner that they can be known throughout the state. The announcement could be in the form of a regular, printed report from the Legislature, widely distributed.
- Announcement of committee hearings list more than just the file number of bills to be heard. Titles of bills or brief descriptions of them should also be used.

To facilitate the orderly planning of committee hearings, we recommend that:

- The House and Senate adopt and publish rules of procedure for their committees.
- The committee chairman, working with professional staff assigned to the committee, schedule testimony in such an order as to quickly and effectively background the committee on the intent of the bill and what it does, followed by proponents and opponents, so that the committee members will have a clear understanding of the issues and the pros and cons.
- The committee chairman, working with professional staff assigned to the committee, plan the agenda for a committee hearing with time allocated to each bill according to its relative importance and the requests of individuals to be heard.
- Individual citizens, representatives of organizations and officials of the executive branch of state government wishing to testify be encouraged to make requests well in advance of committee hearings, perhaps four days or so.
- A brief period be reserved at each hearing to hear from individual citizens who may not have made requests in advance. It would be expected that representatives of organizations would not be heard during this time.
- Rules should provide that anyone wishing to submit a written statement to a committee should have that right, with the statement made a part of the committee record. Demand to make appearances at certain hearings may be so great that all persons cannot be heard.
- Rules should provide that individuals officially representing organizations or departments in state government submit written statements of their position, preferably at least 24 hours in advance of hearings, with enough copies for all committee members.

A committee could waive this requirement in extraordinary circumstances.

So that testimony at a public hearing can be available later to legislators and the public, we recommend that verbatim records of hearings be kept and that methods be established for providing quick access to transcripts of committee hearings, perhaps by means of electronic recordings available for instant playback or a written record.

9. Guarantee of Committee Consideration

To advance the opportunity for full and fair treatment to legislators' proposals, we recommend that every legislator, if he so requests early enough in a session, be guaranteed a committee hearing on bills he introduces. It would be reasonable that if a bill is introduced by the 40th day (one third of the way through a 120-day legislative session) it would be guaranteed a hearing if the author requests. This guarantee, of course, would not mean a separate hearing on every bill covering the same subject. Common hearings would be appropriate in these situations.

Following a committee hearing, the author of a bill should be guaranteed that the committee consider and dispose of the bill by official action. This does not necessarily mean the bill would be reported to the floor. The committee could take other action, such as tabling.

To assure that bills sent to subcommittee do not stay there without action, we recommend that subcommittees be required to report back to their parent committees within a specified period of time established by the committee chairman and tailored to the bill under consideration.

10. Committee Deliberations

We recommend that no final action be taken on a bill in committee until all members have been afforded the opportunity to make their views known.

To encourage accountability by legislators for their action in committee, we recommend that each committee member have the right to have his vote recorded and that a recorded roll call be taken on demand of any member. In those cases where a recorded roll call is not taken, an individual member still should have the right to have his individual vote recorded.

11. Availability and Explanation of Bills



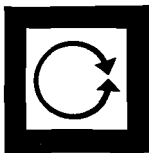
To make bills readily available to legislators and the public as early as possible, and to keep bills current as they are amended, we recommend that bills be reproduced in quantity upon introduction, after major amendments, and immediately upon final passage and signature by the Governor.

To assist the public and members of the Legislature in understanding proposed bills, we recommend that summaries of bills be prepared by the professional staff of the Legislature to accompany each bill upon introduction.

Because of the importance of the fiscal impact of bills before the Legislature, we recommend that the potential revenue or expenditure impact of bills be indicated where appropriate. These are so-called "fiscal notes" and should be prepared by the professional staff of the Legislature.

To assist the House and Senate in understanding the need and purpose of bills reported to the floor, we recommend that a written committee report accompany each bill, outlining the reasoning followed, roll call votes, if any, with allowance for a minority report.

12. Committee of the Whole



We recommend that rules permit recorded roll call votes on demand of a few members in Committee of the Whole, and that in addition an individual member have the right to ask that his vote be recorded in Committee of the Whole on those votes where a roll call is not demanded.

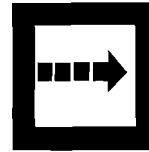
13. Local Legislation

We recommend that committees of the Legislature assigned to consider "local" or "special" bills—those applying to one governmental unit or a few governmental units—review these bills intensively as to their potential impact on other governmental units or their statewide significance. Each committee in reporting a local bill to the floor should include a statement as to whether or not a bill appears to have broader significance.

To give appropriate recognition to the importance of the County Delegations in processing local bills in heavily populated counties, we recommend that such delegations be given official status in the Legislature, be assigned regular meeting times and places, be pro-

vided with staff as needed, and operate essentially under the same procedural rules as regular committees.

14. Orderly Progress of Bills



To provide for orderly progress of bills through the Legislature, to ensure rights of members to have legislation considered in both bodies, and to alleviate the end-of-session log jam, we recommend that the rules of the House and Senate provide for a series of deadlines. We recommend that deadlines be established for the following:

- A date after which bills no longer can be guaranteed a hearing.
- A date after which bills no longer can be introduced, except on recommendation of the Rules Committee.
- A date by which bills assigned to committee in the house of origin must be reported to the floor.
- A date by which bills approved in committee in the house of origin must be reported to the floor.
- A date by which pending bills no longer can be in committee of either house.
- A date by which all bills must have passed both houses.
- A date by which printed copies of the last of the conference committee reports must be on the desks of members. This deadline means that the last of the conference committee agreements must be made sufficiently in advance to meet the printing deadline.

To encourage preparation of bills before the beginning of the Legislature, we recommend that the Legislature provide for a system of pre-filing of bills. Such bills could be printed and perhaps assigned, informally, to committees before the formal opening of the Legislature. Thus committees could begin their work immediately upon organization.

15. Work of the Legislature Between Sessions

To upgrade the work of the Legislature between sessions, we recommend that the Legislature discontinue the uncoordinated, fragmented, incomplete system of activity now undertaken without any overall plan among the Legislative Research Committee, interim commissions, standing committees of the Senate, and standing committees of the House. The Legislature needs to assure (a) that the issues of most pressing concern to the Legis-

lature receive highest priority in interim activity, (b) that work is carried out effectively and in as non-partisan a fashion as possible, (c) that an adequate supply of professional staff be made available, and (d) that there be no unnecessary duplication of subjects among committees.

To accomplish the above, we specifically recommend that:

- a. Early in the biennium the Legislature pass a joint resolution setting forth the specific subjects for research which are of most pressing concern and will need action before the end of the biennium.
- b. Research be conducted through the standing committees of the House and Senate, carrying out the projects as adopted by the Legislature. Committees would be strongly encouraged and expected to meet jointly but would retain the option of meeting separately.
- c. Professional staff working regularly with the standing committees during the session, and, when necessary, special consultants, be assigned to work with the committees on interim activity. Pooling of

House and Senate professional committee staff would be possible when the committees meet together.

- d. Through the Rules Committees of the House and Senate the Legislature should exercise general supervision over work between sessions to see that it is carried out as assigned.
- e. Committees prepare written reports, accompanied by specific bills, as necessary, in completing their work.

The above recommendation is not intended to preclude interim activity by the Legislature from one biennium to the next. We are, however, placing top priority on interim activity within the same biennium, because the same group of legislators which initiates a project can see it through to completion. We also do not intend to rule out the existence of all interim commissions. Currently, there are a number of permanent interim commissions of the Legislature. We have not investigated thoroughly whether any or all of them should be discontinued. But, clearly, there no longer should be a need for temporary interim commissions as presently established.

PERSONAL STAFF ASSISTANCE FOR LEGISLATORS

16. Legislative Leaders and Other Legislators

Because of the extra responsibilities given to legislative leaders, we recommend that the majority and minority leaders of the House and Senate, the Speaker of the House, and the chairman of the Senate Committee on Committees at a minimum be entitled to hire their own full-time personal administrative assistants when the Legislature is in session. A few other legislative leaders, such as the chairmen of the most important committees, might also be able to justify the need for full-time administrative assistants. Personal administrative staff should also be available to other legislators, though full-time assistants for every legislator cannot be justified at this time in Minnesota. Perhaps three or four legislators could ask to share an administrative assistant.

tants to legislators. The students could be juniors, seniors or graduate students. Graduate student interns also might be used as professional staff for committees. The intern program, in effect, could be the training ground for development of a first-class legislative staff.

18. Clerical Assistance

We recommend that every legislator, when the Legislature is in session, be guaranteed the equivalent of a half-time stenographer and that additional stenographic assistance be furnished for committee chairmen if needed. Each legislator would be entitled to hire clerical assistance of his own choosing.

17. Use of Interns



We recommend that the Legislature make wide use of the availability of college students from the several public and private colleges and universities in Minnesota to serve as personal administrative assis-

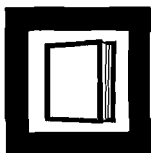
19. Caucus Assistance



To assist the majority and minority caucuses of the House and Senate, we recommend that each caucus be assured of its own research staff to the extent necessary to explore and develop major issues.

ADDITIONAL LEGISLATIVE SERVICES

20. Legislative Library Service



We recommend that the Legislature establish a library service, professionally staffed, to provide legislators and others with needed information, whether through its own collection of books and materials or through other libraries.

21. Information Service

We recommend that the Legislature establish a research service, readily available to all legislators, to answer individual requests for information. A legislator would be guaranteed action on his request for information, with the only limitation being that established by available resources.

22. Data Processing



To provide a more convenient, accurate system of keeping track of bills in the Legislature, and to take full advantage of modern techniques, we recommend that the Legislature implement, to the broadest degree feasible, a central data processing service for a wide variety of legislative processes, preferably including indexing of House and Senate bills, bill drafting, preparation of amendments, statutory revision, and other functions, including budget and program analysis.

23. Pre-Session Orientation

To acquaint newly elected legislators with the operations of the Legislature and state government, we recommend that prior to each biennial session the Legislature provide an intensive orientation program for newly elected legislators and veteran members who might also wish to be refreshed. The Legislature also should prepare a legislative handbook explaining the operations, rules, procedures and services of the Legislature.

24. Fiscal Services



We recommend a unified House-Senate approach to a broad area of fiscal services, including budget review, program and performance analysis and legislative post audit. This should be accomplished by a joint arrangement between the House Appropriations Committee and the Senate Finance Committee, accompanied by substantial expansion in the staffs of these committees.

25. Bill Drafting



So that the Legislature can be fully responsible for its bill drafting, code revision and related services, we recommend that the office of Revisor of Statutes be placed under the Legislature.

ORGANIZATION OF LEGISLATIVE SERVICES

26. Establishment of a Joint Committee on Legislative Services

To provide a mechanism for hiring professional staff assistance to the Legislature, to develop uniform standards of salary and employment conditions for legislative employees, and to carry out a broad range of services to the House and Senate, we recommend that the 1969 Legislature establish a Joint Committee on Legislative Services.

27. Composition of the Joint Committee on Legislative Services



a. To give appropriate recognition to the importance of this committee, we recommend that its membership include majority and minority leadership positions in the Senate and House, and

additional members of the majority and minority from both houses. It is important that members of the Joint Committee on Legislative Services be selected in such a way that its makeup reflects the wishes of the caucuses of the Senate and House. The Committee should have approximately 16 members. We suggest the following as a reasonable makeup:

- The Majority Leader of the Senate and the Majority Leader of the House.
- The Speaker of the House.
- The chairman of the Senate Committee on Committees.
- The chairman of the Senate Finance Committee and the House Appropriations Committee.
- The Minority Leader in the Senate and the Minority Leader in the House.

- Two members of the Senate majority caucus selected in a manner determined by the caucus.
- Two members of the House majority caucus selected in a manner determined by the caucus.
- Two members of the Senate minority caucus selected in a manner determined by the caucus.
- Two members of the House minority caucus selected in a manner determined by the caucus.

b. Chairman

To recognize the importance of balance between the two houses and to minimize problems in selection of the chairman, we recommend that the chairmanship rotate every two years between the House and the Senate and be selected by a majority vote of the members of the Joint Committee.

c. Terms

To provide that the makeup of the Joint Committee reflect the overall makeup of the Legislature at all times, we recommend that its members be named at the beginning of each biennial legislative session, that is, at the same time as are the floor leaders and the various members of the standing committees of the House and Senate.

d. Vacancies

We recommend vacancies in the Joint Committee be filled in the same manner as original members are selected.

28. Powers and Responsibilities of the Joint Committee on Legislative Services

a. Appoint a Director of Legislative Services

We recommend that the Joint Committee appoint a director, competent in the organization of legislative services and the supervision and training of legislative staff. Because the director will be serving the entire Legislature, we recommend that his appointment be confirmed by the House and Senate. He should serve at the pleasure of the Joint Committee. The position of Director of Legislative Services will be among the most important in the state, and the level of salary should reflect its importance. The position will be equivalent in importance to the Legislature as to what the Commissioner of Administration is to the executive branch of state government and the executive director is to the Metropolitan Council. The Legis-

lature should pay a salary necessary to attract a qualified person and not be bound by artificial salary limitations.

b. Appointment of Other Legislative Employees

To develop a greater sense of professionalism in legislative employment, we recommend that the Joint Committee on Legislative Services adopt uniform standards of salary and employment conditions for other employees and that, with only very few exceptions, the Legislature delegate hiring of employees to the Director of Legislative Services. This means the Director, with confirmation by the Joint Committee, would hire professional personnel assigned to committees, committee clerks, index personnel, doorkeepers, general stenographers, file clerks, janitors and other legislative personnel not serving as personal staff. Professional consultants, as needed, would be hired through the Director. Training of staff would be part of the Director's responsibilities.

We recommend that the House continue to select its Chief Clerk and the Senate continue to select its Secretary of the Senate, who are the two bodies' chief administrative officers. We recommend that the Chief Clerk and the Secretary of the Senate be given direct supervisory authority over all persons serving in departments under their responsibility and be given veto power over the assignment of personnel to them by the Director of the Joint Committee.

c. Supersede the Legislative Research Committee (LRC)

We recommend that the present 16-member LRC go out of existence and its staff be placed under the jurisdiction of the Joint Committee.

d. Revisor of Statutes

We recommend that the office of Revisor of Statutes be placed under the Joint Committee.

e. Continuous Review of Improving the Legislature

To provide a framework for a continuing review by legislators of the entire legislative process, we recommend that the Joint Committee be charged with the responsibility of seeking ways to improve the structure and operations of the Legislature.

f. Carrying out Legislative Services

The Joint Committee should be the vehicle for carrying out a variety of legislative services, including the following: Data processing, pre-session orientation, information and research services, bill drafting, library, and arranging for hiring of legislative interns.

29. Joint Action before 1969

The Rules Committees of the House and Senate currently are undertaking, independently, studies of overall legislative organization and procedures. Because many of the needed improvements in the legislative process involve, of necessity, both the House and the Senate, we strongly recommend that the two Rules Committees begin holding joint meetings during the coming months to develop proposals on issues of common concern for the 1969 session.

BACKGROUND OF THIS REPORT

During the past several years the Citizens League has been directing many of its recommendations on solving pressing urban problems of the Twin Cities area to the State Legislature, and has been made clearly aware of the importance of the Legislature to Minnesota and the Twin Cities area. As a consequence the Citizens League has become most interested in the overall organization and functioning of the Legislature. A strong, effective

Legislature is needed if orderly solutions to the problems of the Twin Cities area are to be found.

In the fall of 1966 the Board of Directors of the Citizens League authorized the formation of a research committee to review the organization and functioning of the Legislature and report back with findings and recommendations. It was not intended that they submit a final report for the 1967 Legislature.

COMMITTEE MEMBERSHIP

A total of 25 Citizens League members participated actively in the work of this committee. The Chairman was Peter H. Seed, a Saint Paul lawyer. Other members were Charles H. Backstrom, associate professor of political science, University of Minnesota; Mrs. John I. Coe, housewife; Mrs. Earl F. Colborn, Jr., housewife; F. Kieth Emery, salesman; John R. Finnegan,¹ assistant executive editor, Saint Paul Dispatch-Pioneer Press; Terrence M. Fruth, lawyer; Mrs. Warren Goss, housewife; Lloyd Graven, director of special projects, General Extension Division, University of Minnesota; Mrs. Marie House, National City Bank; Arthur Ingersoll, insurance manager, Cargill, Inc.; Gunner Isberg,

planner, Metropolitan Council; James Jacobs, research, General Mills; Lawrence E. Kelley, advertising-public relations; Leif Larson, retired; Mrs. A. W. Ludwig, assistant comptroller, Sealy Mattress Company; Peter Meintsma, head of political science department, Anoka-Ramsey Junior College; Roger Montgomery, Assistant Minnesota Attorney General; Mrs. Michael Richdorf, housewife; Mark H. Rodman,² lawyer; Robert Sands, lawyer; Barry Schuler, academic dean, Metropolitan Junior College; Edward J. H. Smith, self-employed broker; John W. Windhorst, Jr., lawyer; and Rolfe Worden, lawyer. The committee was assisted by Paul A. Gilje, Citizens League research director.

COMMITTEE PROCEDURES

The committee held a total of 34 meetings from February 23, 1967 to February 5, 1968. The vast majority of these meetings were three-hour evening meetings. In addition a five-member steering committee held about three evening meetings when the committee was first getting organized. Detailed minutes were taken at each meeting, running in total to more than 200 pages single spaced.

From February through May, 1967, while the Legislature was in session, the committee met at a location near the State Capitol, to be convenient for the several legislators and legislative staff personnel who met with the committee and to enable committee members to observe the Legislature in session.

The committee was unable to meet with as many legislators and legislative staff personnel as it would have preferred, but every effort was made to keep legislative leaders and staff regularly informed of committee activity by sending them minutes of committee meetings.

Following is a list of persons who met personally with the committee:

1. Legislators:

Rep. L. L. Duxbury, Jr., Caledonia, Speaker of the House
Rep. William E. Frenzel, Golden Valley
Rep. Robert Christensen, Saint Paul
Rep. Ray Johnston, Blaine
Rep. Paul Overgaard, Albert Lea
Sen. Gordon Rosenmeier, Little Falls
Sen. Wayne G. Popham, Minneapolis
Sen. Jerome Hughes, Maplewood
Sen. Nicholas D. Coleman, Saint Paul
Sen. Robert Brown, Stillwater

2. Legislative Staff Personnel:

Louis C. Dorweiler, Jr., director, Legislative Research Committee
Joseph J. Bright, Revisor of Statutes
Edward A. Burdick, Chief Clerk of the House

¹ A dissent by Mr. Finnegan on size of the Legislature is at the back of this report.

² Mr. Rodman asked to be recorded as concurring with Mr. Finnegan.

Thomas LaVelle, legislative budget analyst, House Appropriations Committee
Glen Skovholt, former research assistant, Senate Rules Committee

John Rutford, former research assistant, House Committee on Metropolitan and Urban Affairs

F. Robert Edman, legislative consultant to several standing committees and legislative commissions

2. Others

Robert Latz, former State Representative, Minneapolis

Congressman Donald Fraser, Minneapolis
Douglas M. Head, Minnesota Attorney General and former State Representative

Dr. Theodore Mitau, chairman, department of political science, Macalester College
Wisconsin State Senator Robert W. Knowles, New Richmond, president pro tem of the Wisconsin State Senate, former majority leader and former president of the National Conference of State Legislative Leaders

C. Emerson Murry, director, North Dakota Legislative Research Committee

Larry Margolis, executive director, Citizens Conference on State Legislatures, Kansas City, Mo., former administra-

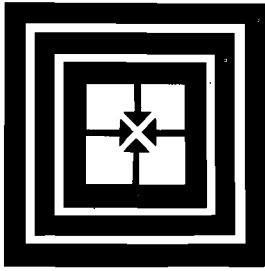
tive assistant to Jesse M. Unruh, Speaker of the California Assembly
Dr. Warren Peterson, research director, Citizens Conference on State Legislatures.

Four members of the committee and a member of the Citizens League staff attended a three-day conference on improvement of state legislatures held early in October, 1967, at Moorhead, Minnesota. Several nationally known authorities on legislative organization and operation were present.

Preliminary drafts of the committee recommendations were first prepared in September, 1967, and were revised several times. During the time of committee deliberations members of the committee held several informal discussions with legislators, lobbyists, observers of the legislative process and legislative staff personnel.

At all stages of its work the committee had excellent cooperation from all of its resource people. Particularly helpful were the staffs of the Secretary of the Senate and Chief Clerk of the House, and the professional research personnel working for the House and Senate Standing Committees.

The committee reviewed several reports which have been made in other states on legislative improvement and received much valuable information on comparative data among the states from the Citizens Conference on State Legislatures, Kansas City, Missouri.



DISCUSSION OF RECOMMENDATIONS

BASIC STRUCTURE AND ORGANIZATION OF THE MINNESOTA LEGISLATURE

1. Length and Frequency of Legislative Sessions

The Present Situation —

The Minnesota Constitution provides that the Legislature shall meet in regular session every odd-numbered year for a period not exceeding 120 "legislative" days. The time when the session starts is set by statute as the first Tuesday after the first Monday in January. The Constitution empowers the Governor to call special sessions of the Legislature. There is no constitutional limit on the length of special sessions.

The Minnesota Attorney General has consistently interpreted the meaning of "legislative" days in the Constitution to mean every consecutive day from the time the Legislature is called into session with the exception of Sundays. Therefore, whether or not the Legislature meets in formal session on any day, it still is counted as one of the 120 days, unless it happens to be Sunday. Another constitutional provision states that "neither house shall, during a session of the Legislature, adjourn for more than three days (Sundays excepted), nor to any other place than that in which the two houses shall be assembled, without the consent of the other house." These days of adjournment, too, are counted as part of the 120 days.

Problems —

There are several problems with the current situation on the length and frequency of legislative sessions in Minnesota.

- a. The Legislature is severely hampered in effectively utilizing the time of the biennium for lawmaking. Rather than spending the bulk of the biennium to work on legislation and then take final action, the Legislature finds itself in the position of having to pass all its laws in the first five months, with the last 19 months used only for preparation for the next biennium, when a new Legislature will take office.

Under the present situation it is virtually impossible for legislative committees to give adequate attention to bills before being forced to act or let proposals die for another two years. Bills which have passed out of committee and on to the floor of either the House or Senate frequently die because time runs out and they then have to be reconsidered again 19 months later. The inflexible 120-day session at the beginning of the biennium creates pressure for premature action as to problems which do not yield themselves to solution within the time limits imposed.

- b. The effectiveness of work between legislative sessions is hampered. During the 19-month interim before the next session in the following biennium, standing committees, interim commissions, and subcommittees of the Legislative Research Committee are meeting on various proposals expected to be considered at the next session of the Legislature. Unfortunately, many of the legislators serving on these committees in the interim do not return to participate in the formal action the following biennium.

It is questionable whether interim work can truly be effective when such a large percentage of legislators do not return to office the following year. All members of the House stand for re-election every two years, and all members of the Senate every four years. Between the 1965 and 1967 bienniums, the turnover in the House was 33%; between 1963 and 1965, 17%; between 1961 and 1963, 38%; between 1959 and 1961, 18%, and between 1957 and 1959, 24%. Turnover in the Senate between the 1965 and 1967 bienniums was 36%; between 1961 and 1963, 34%, and between 1957 and 1959, 30%.

There always is the possibility that caucus control of the House or Senate will shift

from one biennium to the next, as it did in the House between 1961 and 1963, when control shifted from the DFL to the Conservative caucus.

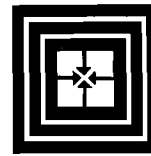
It is not possible for the Legislature to adopt a research program, carry it out to completion, and then act on the recommendations—all within the same biennium.

- c. Another problem with the present situation is that the Legislature is unable to meet annually. If urgent problems arise during the even-numbered years, the Legislature has to wait until the odd-numbered years, unless the problem is of such magnitude that the Governor calls a special session. More and more problems requiring immediate action are coming before the Legislature, but the Legislature is forced to delay action because it cannot meet. These problems include the normal demands of a modern, complex society. They include the increasing demand for action on local legislation. For example, recently approved legislation establishing the Metropolitan Council included a provision that, if there were unresolved disputes between the Council and special-purpose districts in the metropolitan area or local governments in the area, these disputes would be settled by the next session of the Legislature. This could mean an undue delay when they must wait a year or more for the Legislature to meet. The state is unable to respond quickly to its role in programs initiated at the federal level. For example, the recently approved federal meat inspection law will require action on the part of the states. Yet the Minnesota Legislature will have to wait until 1969.

It should be noted that the Legislature recognizes the fact that action has to be taken during the interim. It has authorized contingency funds totaling more than \$4 million during the current biennium which are under the jurisdiction of the Governor, who, after consultation with the Legislative Advisory Committee, can distribute these funds if certain needs arise. The Legislative Advisory Committee includes the chairmen of the House Appropriations Committee, House Tax Committee, Senate Finance Committee, and Senate Tax Committee.

- d. Newly elected legislators are thrust immediately into a full session, with no preparation whatsoever. There is no way for them to gain background and effectively utilize the biennium.

Our Proposal —



The Legislature should be organized as a continuing body during the biennium for which it is elected, and be permitted to schedule sessions at such times as best meet the purposes of the Legislature, with a proviso that the Legislature meet at least annually — and within an overall limit on the number of days that the Legislature meets in session.

Bills introduced during one session of the biennium should retain their position, whether in committee or on the floor of either house, as the Legislature recesses from one session to the next. Arrangements should be made for bills to be introduced and referred to appropriate committees between sessions.

The Legislature should schedule sessions to enable committees to take the bulk of the biennium, if necessary, to work on bills. Committees should be permitted to conduct hearings and work on pending legislation between sessions and not be limited to meeting when the Legislature is in session. The sessions should be scheduled to enable the Legislature to adopt a research program early in the biennium covering areas of most pressing concern, arrange for the program to be carried to completion and presented to the Legislature for action during the same biennium.

The above recommendation will give the Minnesota Legislature the flexibility it needs to meet at those times to maximize its effectiveness, while building in sufficient protection so that sessions of the Legislature do not drag on indefinitely.

We hesitate to suggest specific times during the biennium when the Legislature should hold its sessions. However, if our recommendations are to be carried out, a session of fairly limited length would be needed early in the first year of the biennium, when committees are formed, bills introduced, a research program adopted, and urgent legislation which cannot be delayed until the next year is passed. Then another, somewhat longer session will be needed early in the second year of the biennium, at which time the Legislature can act on committee reports, the research program, and finish its work.

Between sessions, committees of the Legislature would be meeting as needed. It currently is not unusual for Minnesota legislators to be spending two to five or more days a month during the interim attending legislative meetings in Saint Paul. Under our proposal, we would expect that the standing committees would meet perhaps two to four full days each

month. We recommend elsewhere in our report that the number of committees a legislator served on be dramatically reduced. This means, therefore, that he will not have to attend many interim meetings for different committees.

A problem encountered in the proposal to allow the Legislature to schedule its sessions throughout the biennium involves the adoption of the biennial budget and financing for that budget. Currently the budget and appropriate tax legislation are adopted in the first five months of the biennium to cover the two-year period beginning July 1 of that year. If the Legislature continues to follow this policy, then, perhaps, the Legislature might meet during January of the first year to organize. Then it might recess, say, until May, at which time the Legislature could reconvene for a short session to pass the budget and other urgent bills which cannot wait until the second year of the biennium. Then the Legislature could recess, reconvening early in the even-numbered year to complete action on bills. A disadvantage of this approach is the fact that the budget is passed before other major bills — which undoubtedly will have fiscal implications and which would require supplementary financing. This complicates the matter for passage of tax legislation as well. Tax legislation frequently is enormously controversial, and this could have the effect of requiring the Legislature to meet for an undue length during the first part of the biennium.

Another possibility is for the Legislature to change its biennial budgeting process to even-year basis (e.g., July 1, 1970, to June 30, 1972, etc.), which means that the Legislature would pass the budget and appropriate tax bills in the second year of the biennium for which it is elected rather than the first year. For the Legislature to move to this schedule would require that it pass a budget first for only one year, say, July 1, 1969, to June 30, 1970. The Legislature in 1967 passed a budget for July 1, 1967, to June 30, 1969. If the Legislature moved to biennial budgeting on an even-year basis and passed the budget in the second year of the biennium, then the Legislature would have most of a two-year period, rather than the first five months, to act on the budget and tax legislation. This would enable a more deliberative approach to the passage of the budget and tax legislation.

Our committee did not review in detail the question of the need for passage of an annual budget rather than a biennial budget. We are aware of advantages both pro and con, of changing from biennial budgeting.

Despite the above-mentioned problems of budgeting and tax legislation, we must not lose sight of our goal to make the two-year biennium an effective lawmaking process and not place all the emphasis on the first five months.

What specific action needs to be taken so the Legislature can have the flexibility to schedule its sessions over the biennium? First, a constitutional amendment should be proposed to the voters in the November, 1970, election permitting the Legislature to schedule its sessions over the biennium with only a limit on the number of days that the Legislature actually meets. This would prevent sessions from running on indefinitely, and also would prompt the Legislature to schedule its sessions in the most effective way.

A substantial body of opinion in Minnesota believes that the term "legislative" days has been misinterpreted. According to this viewpoint, the Legislature now, if it wanted to, could interpret the Constitution to mean that legislative days are those days in which the Legislature actually meets. However, the idea of counting consecutive days, whether or not the Legislature meets, is so deeply rooted in Minnesota history — an Attorney General's opinion in 1869 refers to it — that it is doubtful that the Legislature now would change this practice.

When the 120-day limit was reached in the Minnesota Legislature in 1967, the Senate actually had been in session only 102 days, and the House 103 days. Many of the days the House and Senate spent in session during the early months were very brief, running one hour or less. Early in the session it was not uncommon for the Legislature to take a long weekend and convene for only a few minutes on Monday evening to stay within the limits of the constitutionally-imposed 3-day recess. (Even the 3-day recess, by the way, is subject to some controversy. Some persons believe that a longer recess currently is possible under a different interpretation of the Constitution if both houses agree. Nevertheless, these three days of recess, except Sundays, are still counted towards the 120 days.)

For purposes of a constitutional amendment, it would appear that the present limit of 120 days could be retained, but with a clear definition that this meant only days in which the Legislature was meeting and with no limitation on the length of recesses. Thus, if the Legislature were actually to meet for 120 days, this would be a longer period during the biennium than the Legislature now is meeting. Furthermore, if the Legislature could schedule its days of meeting when they were

needed, then there would be little need to call the Legislature into formal session when only very little business needs to be transacted.

It would not be necessary for the Minnesota Legislature to wait for a constitutional amendment to be approved by the voters — which currently requires a majority of all persons voting at the election—to accomplish greater flexibility in scheduling of sessions. In fact, changes could get under way as early as the 1969 Legislature. The Governor and the Legislature could agree mutually to the times when it is most advantageous to meet. Then the Governor could call special sessions to coincide with these agreements.

Another alternative, perhaps more remote because of the tradition in Minnesota, is for the Legislature to seek its own legal counsel—not that of the Attorney General—as to the interpretation of the term “legislative” day and to the interpretation of whether the House and Senate can agree to recess for periods in excess of three days. If legislative day means only a day in which the Legislature meets, and if it is also interpreted that recesses in excess of three days are possible upon agreement of the House and Senate, then the Legislature now could lengthen its 120 days over the biennium.

If this took place, we can expect that there would be a court challenge to the action of the Legislature. However, it appears that the judicial branch of government has been most reluctant to overrule the legislative branch in interpreting when it can meet.

2. Compensation of Legislators

The Present Situation —

The Minnesota Legislature establishes compensation of its members by statute. There are no restrictions on compensation in the Constitution. The Constitution provides that the salary of the Lieutenant Governor shall be twice that of legislators. Legislators now are paid \$4,800 a year. In addition, by concurrent resolution of the House and Senate, members are paid either \$14 a day or \$21 a day as expense allowance when the Legislature is meeting in formal session. A legislator who lives at home during the session receives the lower amount.

The total compensation for a legislator for a biennium in Minnesota, including the \$21 daily expense allowance during the session, is \$11,742, according to a compilation of salaries prepared by the Citizens Conference on State Legislatures. (A table in the Appendix indicates the total value of salaries and expense allowances for legislators in the various states.) The table indicates that Min-

nesota ranks 12th in compensation for the biennium. Of the 11 states with higher compensation, all but three—Wisconsin, Illinois and Ohio—had annual sessions. The highest salaries in the nation now paid to legislators are \$16,000 a year in California and \$15,000 a year in New York. But generally legislative pay across the nation has been abysmally low.

In Minnesota, state law provides that the Speaker of the House and the President of the Senate (the Lieutenant Governor) each shall receive \$5 per day extra during the time the Legislature is in session. State law also provides that each legislator is entitled to one round trip per session from his home to the Capitol at the rate of 15¢ per mile.

During the interim, legislators are reimbursed for their expenses to come to Saint Paul. They are reimbursed at a rate of 9¢ per mile for mileage, and receive the regular state allowance for meals, which is \$1.30 for breakfast, \$1.55 for lunch, and \$3.55 for dinner. They also receive their actual hotel expense at the single-room rate. There is no extra per diem for interim work. Previously, the salary of Minnesota legislators was \$2,400 a year. The increase to \$4,800 a year went into effect in January, 1967. At the old level, the law also provided that members would receive \$25 per day during the special session. This has been deleted. There now is no provision for extra per diem during a special session.

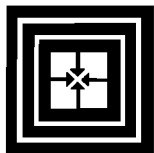
Problems —

The Legislature is becoming more and more active between sessions. Many standing committees are holding all-day sessions in Saint Paul at least once a month. Many legislators are spending two or three or more days a month attending legislative committee meetings. This is a healthy trend because of the need for legislators to spend more time on complex problems. Other recommendations in this report stress the importance of legislative activity between sessions. Legislators do not receive additional compensation for interim meetings. Many legislators now face financial hardship when they take time off from their regular jobs to attend meetings of the Legislature between sessions. Recently, there was a heavily publicized case about a Minnesota legislator who collected sick leave pay from his job while attending interim meetings. He would not otherwise have been compensated.

A legislator now spends the equivalent of 7 months away from his regular job during a 24-month period for “full-time” legislative business. This includes about five months for the regular session and the equivalent of two more months for meetings between the ses-

sions and for special sessions. In addition, a legislator has continuing responsibilities to serve constituents in his district and keep informed of state problems. As a basic principle, the salary of legislators should be large enough so that any citizen of the state, should he choose to run for the Legislature, would not jeopardize his economic well-being if elected. This will maximize the opportunity for citizens of this state to run for the Legislature regardless of occupation. Many citizens cannot afford to be legislators because compensation is not enough to offset loss of other income.

Our Proposal —



We recommend a sizeable increase in the regular salary as the preferable approach. At a minimum, and only as a temporary improvement, we recommend that legislators receive a per diem payment of at least \$35 a day, in addition to regular salary and expenses, for attending legislative meetings between sessions. A per diem payment would compensate legislators for the extra time away from their regular employment. It would stimulate good attendance at meetings between sessions. Further, it would have the effect of clearly indicating the importance of these meetings and, hopefully, stimulate better planning of interim meetings to make a legislator's contribution more effective.

One drawback to the per diem approach, as pointed out to us by a Minnesota Legislator, is that it is not desirable from the standpoint of sound salary policy. According to this argument, if a legislator should receive more pay, it should be in the form of an increase in salary, not payment for attending meetings. We acknowledge this may pose a problem, but on balance per diem can be justified as a temporary measure.

We selected \$35 as a payment because it is a common rate of per diem today. For example, members of the Metropolitan Council and the Metropolitan Area Transit Commission are entitled to \$35 per diem under state law.

3. Party Designation

The Present Situation —

According to state law, legislators are elected without party designation on the ballot. The candidates for the Legislature head the portion of the ballot which includes the other "non-partisan offices", which are the county, municipal and judgeship positions. Prior to

1913 the Legislature was elected on a partisan basis. One other state, Nebraska, which has a unicameral legislature, elects its members on a non-partisan basis as Minnesota does. In all other states, legislators are elected with party designation.

Although legislators are not officially designated according to party, partisan caucuses are established in both the House and Senate, the political parties endorse candidates for legislative office, and limited recognition is given to the minority group in each house in the Legislature.

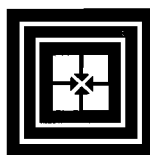
Problems —

Several organizations in Minnesota, including the DFL and Republican parties, have urged that Minnesota elect its legislators according to party designation.

Supporters of party designation for legislators point out that the legislative caucus is the key to organizational control which, in turn, has the greatest influence over policy in the Legislature. Thus, they argue, it is very important that a candidate for the Legislature be formally identified on the ballot as to his party affiliation. Party designation, they claim, will help make elections more than mere popularity or name-recognition contests. It will pinpoint responsibility for enactment or failure to enact legislation and add more importance and meaning to party platforms.

Persons who favor continuing the non-partisan Legislature say that national party labels are not necessarily relevant to state considerations. If, nationally, the Republican or Democratic Party sweeps an election this should not be the major reason for electing Republicans or Democrats to the State Legislature. They further argue that much of the controversy over legislation in the state turns on such issues as urban versus rural or conservationists versus commercial interests rather than Republican philosophy versus Democratic philosophy. Opponents of party designation also claim that legislators should not have to be tied in any manner to a party platform, generally hastily written, they believe, by persons who don't understand the issues in detail.

Our Proposal —



We recommend that Minnesota legislators be elected according to party designation. The arguments in favor of party designation are more persuasive than those against. The political identification of a

legislator is one of his most identifiable characteristics. It has been claimed that some legislators believe they could not be elected in their districts if they had to run according to party affiliation. No one would buy an unlabeled can in a grocery store. A legislator's party affiliation should not be hidden from the voters. A voter gets more than just representation from his legislator. He receives the power and influence of that legislator's caucus.

Insofar as party platforms are concerned, party-oriented Minnesota legislators are very active in the development of the DFL and Republican Party platforms, and thus party platforms are affected by the knowledge and background of the legislators. Further, Minnesota political parties, more than many other states, are issue-oriented to a considerable degree. Party platforms usually are the product of months of work by task forces in different fields.

In summary, party designation would go a long way to improve the responsibility and responsiveness of the Legislature.

4. Space Needs for the Legislature

The Present Situation —

The 1969 Legislature will have substantially more space available than any previous session. With the completion of the new State Administration Building the offices of Commissioner of Administration, State Treasurer, State Auditor and Secretary of State have been or will be vacated from the Capitol. Space which has been used by these offices will be made available to the Legislature and the Governor.

Until now, the Legislature has been severely hampered in its physical facilities. Hearing rooms have been too small, and there have been too few of them. For example, the Senate has had only one hearing room, and the House only two. This has had the effect of limiting the time that a committee can meet, as well as hampering the effectiveness of the committee hearings. Office space has been so limited that most members of the House of Representatives have not had any desk other than the one on the floor.

Following is a general description of the space that will be available:

Senate —

The rooms on the second and third floor of the Capitol on both sides of the Senate chamber will be turned over to exclusive use of senators for committee offices. About 32 rooms will be available here. Two majority group senators will be in

each room. Generally each room will house a committee chairman and a vice chairman. For committees with no vice chairman, another member of the majority group will have an office. This arrangement will take care of all but about 12 members of the majority group, those with least seniority. These other 12 will share three offices. The minority group will have a total of four offices for its 22 members. The minority leader and assistant minority leader probably will share one of these four offices.

On the ground floor the old Senate hearing room in Room 28 and the area immediately east of that room will be turned into offices for the Senate Tax Committee and the Senate Judiciary Committee, a hearing room for the committees and offices for the chairmen of the committees.

In the center of the ground floor, directly under the rotunda, in what is now Room 33, an entirely new hearing room will be constructed. It is intended by the legislative planners that this will be the best hearing room in the Capitol and perhaps the best legislative hearing room in the nation. It is envisioned that this hearing room will have space for about 33 legislators, plus about 120 members of the public. It will be furnished in such a way as to emphasize the dignity and decorum of a committee hearing. According to agreements that have been reached so far, this hearing room will be available for use by the House until 2:00 p.m. each day, and for the Senate for the rest of the day.

On the first floor, the Senate Finance Committee will take over the space which had been used by the Department of Administration. This space will include a hearing room for the Senate Finance Committee, plus two small hearing rooms for subcommittees. In addition, this space will be used for another Senate hearing room.

House —

Space which was occupied by the State Treasurer and the State Auditor on the first floor will be used primarily by the House Appropriations Committee. This will include offices for the committee chairman and staff, a large hearing room for House Appropriations, two small conference rooms for Appropriations subcommittees and a medium-sized hearing room for other House committees. The room which has been used by House Appropriations will become a large hearing room for other House committees, and the room which has been used by Senate Finance

will be a hearing room for both House and Senate committees.

On the ground floor, space which was occupied by the offices of the Treasurer and the Auditor, plus the Public Properties Division and Procurement, will be made into private and semi-private offices for House Members. Eight House committee chairmen will have private offices. Other House committee chairmen will share offices with two chairmen in each room. Members of the House majority group who are not chairmen will have desks in large rooms. The space which has been occupied by the Legislative Research Committee, an adjacent room, plus the space formerly occupied by the State Architect, will be used by the House minority group. The House will have a large hearing room on the ground floor in the area now used for hearing rooms 2 and 3.

The effect of the changes will be to give every member of the House, for the first time, a desk, file, and a small chair next to his desk. Until now, many House members have had no desk outside the chamber. There will be a total of nine hearing rooms, four for the House, three for the Senate, and two shared by the House and Senate.

Several other states are making major improvements in legislative facilities. Michigan is building a \$10-million complex to serve its House and Senate. New Mexico has begun construction of a \$3.5-million legislative-executive building. In New York a \$12-million legislative office building is about to be constructed. In Hawaii construction is under way for a new capitol building which will cost \$17.5 million and include individual offices for each member of the legislature.

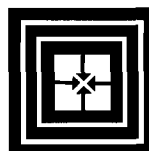
Arizona and North Carolina recently completed major expansions of legislative facilities. North Carolina opened its new legislative building in 1963. In the North Carolina building a legislator can park his car in the basement, attend a committee meeting, work in his own private office, have his meals, do research in the library, meet the press, attend a committee hearing, and attend a legislative session without leaving the building. There is an office for each of the 172 representatives and senators, news and radio-television facilities, stenographic pool space, dining room and kitchen, plus senate and house chambers.

Problems —

Space needs of the Legislature have been so critical in the past that the public and, perhaps, even some of the legislators may feel

that the improvements to be realized in 1969 will be sufficient. But even with these improvements, the vast majority of Minnesota legislators will not have a private office at the Capitol. They will be sharing offices with others. As the Legislature moves toward significant expansion of its full-time professional staff, along with a legislative library, additional space undoubtedly will be needed for these improvements.

Our Proposal —



We did not review in detail the extent to which the Legislature will need additional space in the future beyond that which will be available in 1969. Perhaps a new legislative office building will be needed. Or, there is a possibility that more space in the Capitol building would be made available if the Supreme Court were given new quarters elsewhere.

Long-term allocation of the space to be made available in 1969 should be based on overall decisions on organization of the Legislature. For example, should there be closer coordination between the Senate Finance Committee and the House Appropriations Committee? If so, should the staffs of the two committees occupy the same offices? In 1969 a considerable portion of the first floor of the Capitol will be taken up by separate offices of the two committees.

In allocating the space for the 1969 Legislature, we recommend that priority attention be given to (a) rooms of adequate size and proper design for committee hearings, (b) office space for all legislators, and (c) office space for professional staff of the Legislature.

5. Size of the Legislature

The Present Situation —

The size of the Minnesota Legislature is determined by statute, with the only limitation imposed by the Constitution that the number of senators shall not exceed one per 5,000 inhabitants and the number of House members shall not exceed one per 2,000 inhabitants, and that representation in both houses shall be apportioned equally throughout the state in proportion to population. In the original apportionment of the Legislature, in 1857, the Senate had 37 members and the House 80 members. This was reduced to 21 members in the Senate and 42 members in the House in 1860. In 1866 the numbers were increased to 22 in the Senate and 47 in the House; 1871, 41 and 106; 1881, 47 and 103; 1889, 54 and 114; 1913, 67 and 130 (in 1917

another House member was added to make 131); 1959, 67 and 135. In the reapportionment of 1965, the number stayed the same — 67 in the Senate and 135 in the House.

In comparison with other states, Minnesota has the largest Senate and one of the largest Houses. (See Appendix for a state-by-state listing of the size of legislatures.)

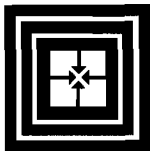
Problems —

Several persons who met with our committee strongly urged that the size of the Legislature be reduced. They argued principally that the effectiveness of the Legislature as a lawmaking body is diminished because the Legislature is so large. Several bills have been introduced in the Legislature to reduce the size, with some calling for a body essentially half the size of the present Legislature.

The Committee for Economic Development, a national organization of top businessmen and educators, has said that no state legislature should have more than 100 members and that smaller states would be better served by still fewer members. The CED report argues that "fewer members permit more individual participation, improve deliberation, elevate the importance — and hence the quality — of membership, lead to better compensation, and facilitate stronger staffing".

On the other hand, arguments were advanced in our committee that the Minnesota Legislature is not too large and that we must look at the question of the size of the Legislature in context of the present situation. If we started fresh, according to this position, we probably would have fewer than 202 members. But citizens now are accustomed to this amount of representation and fear a loss of representation if there were fewer legislators. Furthermore, it was argued that the present tenor of the times — stressing representation for a variety of groups of people in the society — works against reducing the size of the Legislature.

Our Proposal —



We were impressed with the argument that responsibility would be more clearly pinpointed on members of a smaller Legislature and that certain improvements such as offices for legislators in their districts and full-time administrative assist-

ants for every legislator would be more likely to occur with a smaller Legislature. At the same time, though, we recognized that rural areas of Minnesota, already losing legislators because of the shift of population to the cities would have even fewer Senators and Representatives if the size were reduced. Further, many of our committee members felt very strongly that certain groups of individuals in the state would have even less chance for representation in the Legislature if it were smaller.

We agreed that as the job of a legislator becomes increasingly complex he will be moving more and more toward serving full time. As this occurs, a very substantial reduction in the size of the Legislature will be necessary, accompanied by a number of additional changes not recommended for the present. These changes include full-time salaries, full-time administrative and clerical staff for each legislator, private offices at the Capitol and in the members' districts, and much longer sessions.

This report assumes, though, that the part-time "citizen" Legislature will be a fact of life in Minnesota for the next few years. Thus we have directed the recommendations in this report to the Legislature as we find it today — a fairly large body with its 202 members meeting in sessions of limited length and serving less than full time. And we emphasize that recommendations in this report urgently need implementation now — even before a reduction in size occurs.

We did not discuss in detail the desirability of having only one house in the Legislature, though some persons felt very strongly that a bicameral Legislature provides a protection against ill-conceived legislation being passed by one body and becoming law. On the other hand, protections could be given in a one-house Legislature to avoid such pitfalls, like requiring a bill to be passed twice or considered by two entirely different committees. Probably the factor which works most against unicameralism simply is the unlikelihood of either the House or the Senate voting itself out of existence. Many of our recommendations on close coordination between the House and the Senate are intended to emphasize that the Minnesota Legislature is one Legislature, albeit with two houses, so that the Legislature will maximize its effectiveness as one institution.

COMMITTEE ORGANIZATION AND OPERATION

6. Permanent Professional Committee Staff

The Present Situation —

Availability of professional research staff to standing committees of the House and Senate is relatively new. During the 1967 legislative session, for the first time professional research personnel were available to other committees of the Legislature besides the Appropriations and Finance Committees. For several sessions, Appropriations and Finance each has had a fiscal analyst during the session; and within the last three years professional staff have been employed year-round by Appropriations and Finance.

Professional research personnel were hired by the Rules Committee of the House and Senate during the 1967 session for the Judiciary and Rules Committees in the Senate and for the Judiciary, Metropolitan Affairs, and Civil Administration Committees in the House. Also, the research clerk of the Interim Commission on Pension and Retirement became the research clerk for the Pension Committee of the Senate.

Rules of both bodies would have permitted hiring about three or four additional professional research persons in each house. But, these persons were not hired, mainly because, we were told, competent personnel could not be found to fill the vacant positions on a part-time basis.

Since the end of the 1967 legislative session the House and Senate Rules Committees have begun to move, independently of each other, toward permanent staffing of committee research personnel. The Senate Rules Committee has established the formal post of Senate Counsel. The Senate Counsel is working very closely with the Senate Rules Committee and other standing committees of the Senate which are meeting during the interim. He recently has hired a second professional researcher to assist the standing committees. The House Rules Committee has hired a full-time research consultant to work with its standing committees. There are indications that the House will also expand its professional committee staff.

Problems —

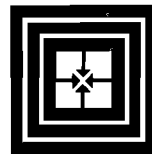
The difficulty the Legislature encountered in 1967 in finding competent personnel to fill professional committee research positions points up three major problems: (1) Professional personnel need to be hired on a permanent year-round basis—not for only five months out of every two years. (2) It is very difficult for legislators themselves to under-

take the job of recruiting professional staff. (3) In general, it will be difficult for the Legislature to find an adequate supply of competent professionals to fill available positions.

Another problem is the relationship of professional research staff to the committee and the committee chairman. During the 1967 session, one professional research clerk for a committee prepared summaries of bills but the summaries were made available only to the committee chairman, not other members of the committee. Another committee research clerk worked almost exclusively as a personal aide to his committee chairman.

Related to this problem is how professional research staff can be adequately supervised and directed in the interim when a committee may be meeting as infrequently as once a month. One professional staff person declined an offer to work with several House committees in the interim because of no clear delineation of lines of authority.

Our Proposal —



To assist each legislative committee in gathering information on pending legislation, understanding bills, preparing committee hearings and conducting research, we recommend that each committee be

entitled to the services of professional committee staff at all times, in addition to clerks and stenographers. If each house has 10-12 committees, it is reasonable to expect that at least one full-time year-round professional staff person could be working with each committee. Some committees, such as Finance and Appropriations, would have several professional staff personnel.

If the Legislature does not reduce the number of committees, as we recommend, perhaps some professional staff personnel would be assigned to serve two legislative committees.

The establishment of a Joint Committee on Legislative Services, as recommended elsewhere in this report, represents the best framework for hiring, training and general supervision of professional staff. The Joint Committee would be made up of majority and minority leadership of both houses, who would hire a highly qualified administrator. The administrator, in turn, would seek out candidates for professional staff positions for the House and Senate and recommend their appointment.

We cannot stress too strongly the importance of giving professional staff assistance to legis-

lative committees. It is an absolutely integral part of the whole concept of making a legislator's time more meaningful, enabling hearings to be better planned, and giving a greater assurance that the Legislature has the best information available when it acts. A current example of good planning for committee meetings is that done for the Minnesota Resources Commission, a Legislative interim group. Detailed agendas are prepared well in advance of each meeting. It should be clearly specified that professional staff would in no way undertake personal duties for committee chairmen, such as dealing with constituents in a chairman's local district or other items that should be handled by an administrative assistant. The professional staff for the committees of the Legislature should be concerned exclusively with committee matters.

The professional staff hired by the Legislature needs to be hired under a system which gives a reasonable degree of assurance that professional staff will not be dismissed for petty political reasons. The professional staff should be hired through the Joint Committee, but when assigned to a standing committee should be responsible exclusively to that standing committee and under the immediate direction of the chairman.

We considered the desirability of majority and minority staffing for each legislative committee, because many issues have partisan overtones. But we felt that Minnesota first needs to provide at least some professional staff for its legislative committees before majority and minority staffing would be considered. Further, it must be noted that we are attempting to build in assurances that professional staff for committees would be non-partisan. The staff would be hired through the bi-partisan Joint Committee.

The attraction and retention of a first-class professional staff for the Legislature will require the establishment of high employment standards plus a high level of compensation. Well-trained, competent professional staff can obtain the respect and admiration of both majority and minority committee members.

7. Organization of Committees

The Present Situation —

There are 16 committees in the Senate, plus two major divisions under one committee, making a total of 18 committees which consider bills (substantive committees), plus the Committee on Committees and the Rules Committee, which are made up exclusively of members of the majority group and primarily

are organizational committees. The House has 31 substantive committees plus its Rules Committee. The vast majority of committees of the House and Senate establish sub-committees.

In some cases, such as the Finance and Appropriations Committees, the subcommittees are formally established on an ad hoc basis to consider one piece of legislation. The size of the standing committees varies considerably. The largest Senate committee is Local Government, with 28 members; and the smallest is the Pension and Retirement Division of Civil Administration and Metropolitan affairs, with 6 members. The largest committees in the House have 33 members and a number of committees are of that size. The smallest committees in the House have about 15 members.

Most committees in the House and Senate meet once or twice a week, following a schedule adopted at the beginning of the session, with each meeting lasting about an hour. Additional meetings can be scheduled as each committee wishes and can arrange. A few committees have more regularly scheduled times to meet. For example, the Senate Finance Committee has three regularly scheduled meetings each week, beginning at 3:00 p.m., with the possibility of running until the dinner hour. In the House, the Appropriations Committee meets daily for at least one hour, and frequently its subcommittees meet all morning long.

Each legislator in the House and Senate serves on a minimum of five substantive committees, with the exception of the floor leaders and the Speaker of the House, who have fewer standing committee assignments. The most substantive committees any legislator serves on is seven, but many of those legislators with seven committees also serve on the Rules Committee, and in the Senate may also serve on the Committee of Committees. Thus the largest number of committees any legislator serves on is nine.

In the House, the Speaker is given the sole responsibility for assignment of legislators to committees. The rules of the House stipulate that the minority group has the right, if it chooses to exercise it, to propose the specific committee assignments for members of the minority group, with the end in view of attaining a proportionate representation on the committees for the minority group. We understand that, although the minority has had this right, it has never chosen to exercise it. The Speaker, however, has generally given a proportional representation on each committee to the members of the minority.

In the Senate, an organization committee of the majority group is appointed by the majority caucus prior to the session to make the committee assignments. This committee in the past interim was made up of two senior members from each congressional district. This was a change from previous years, when the one member with the most seniority from each congressional district made up the organization committee. The Senate rules are silent on proportional representation for the minority or the right of the minority to name its own members. We understand, though, that the majority group assignment of minority members was essentially according to proportional representation in the last Legislature.

In 1967, Conservatives controlled both houses. There were 93 Conservatives and 42 DFLers in the House, and 45 Conservatives and 22 DFLers in the Senate.

Problems —

The workload of various legislative committees differs considerably. Some committees have many more bills than they have time to consider, while other committees have little work to do. In the 1967 session, for example, 395 bills were referred to the Senate Civil Administration and Metropolitan Affairs Committee. This number included bills passed by the House, Senate bills and Senate bills re-referred from other Senate committees. By comparison only 52 bills were referred to the Senate Labor Committee. In the House, there were similar differences. Some 268 bills were referred to the House Judiciary Committee and only 13 to the House Drainage and Soil Conservation Committee. A complete list of the number of bills referred to the committees of the House and Senate is in the Appendix. A committee assigned only a few bills may be kept busy because of the complexity of the bills, but as a general rule the committees assigned the most bills have the biggest workload.

Because the Senate and House have different committee organization it frequently is difficult to follow legislation from one house to another. Joint hearings of House and Senate committees are difficult to arrange because of the differences.

The large number of standing committees and the different committee structure between the House and Senate make interim work difficult. Interim work tends to be over-concentrated in certain committees, while others have little to do. The possibility of standing committees of the House and Senate meeting jointly in the interim for research

studies and pooling professional staff for these studies is also diminished.

With such a large number of committees it becomes even harder for committees and sub-committees to find a time and place to meet and have enough members present for a quorum. Because of the proliferation of committees, members find themselves going from one committee to the next, hour after hour. During a regular session of the Legislature, it is not unusual for a legislator to attend three different standing committee meetings on three successive hours. This arrangement makes it difficult for a legislator to schedule other activities. It also forces him to reorient his thinking as he moves from one committee meeting to the next. One legislator bemoaned the fact that he had adjusted all of his thinking during the one hour to a certain type of problem in the Legislature, and then he was immediately plunged into a hearing the following hour on something entirely different, and it took him the first fifteen minutes or so to become adjusted to the change. And then, before he knew it, he was out of that committee and into another one.

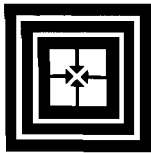
With a large number of committees there is a greater chance of jurisdictional overlap, such as the Dairy Products and Livestock Committee and the Agriculture Committee in the House.

With each legislator serving on from five to seven substantive committees, it is impossible to expect him to be knowledgeable in every area encompassed by the legislation referred to the committees. Further, he finds himself being forced to attend far too many committee meetings, so that his entire legislative day and, in fact, his entire legislative week is little more than going from one legislative committee to the next, with time out for the regular session. This means that the legislator has virtually no time for regular office hours in which he can meet with constituents. He has a very great difficulty in arranging private sessions with constituents, lobbyists or other legislators to talk over legislation. Another problem is finding ways to avoid conflicts so he can appear at some other committee in behalf of a bill he has sponsored. Finally, and importantly, a legislator has practically no time to read or study proposed legislation or background reports.

Members of the minority group in the House and Senate are denied both the opportunity and the responsibility to select their own members to serve in the committees where they believe they can serve best. There is no built-in guarantee that each committee will have a proportionate number of minority

members in accordance with the proportion of the minority to the full body. A committee of the Legislature is intended to assist the work of the full body. It should therefore, to the nearest extent practicable, reflect the actual composition of the body. It is important that proportional representation be guaranteed in the rules and not be discretionary or be just an unwritten rule which may or may not be followed. Minority members must accept the responsibility and not abdicate to the majority. It is generally accepted that the reason the minority has chosen not to name its own members when the opportunity has arisen is that this avoids having to take the responsibility for denying a minority member's choice of committee seats.

Our Proposal —



We recommend a substantial reduction in the number of committees of the House and a slight reduction in the Senate, so that each body would have about 10-12 committees, exclusive of procedural committees such as the Rules Committee. The House and Senate should establish essentially the same committee structure. Rules should guarantee generally proportional representation on committees to the minority in each house. The minority, as well as the majority, should be required to name its own members to committees. Legislators should serve on no more than two substantive committees, with the possibility that a legislator assigned to the Finance or Appropriations Committee would have no other assignment. Committees should be given at least an entire day during a week in which to meet, with time off as needed for the regular session. Committees with heavy workloads would need more days to meet.

Legislators indicated to us that generally they support the idea of reducing the number of committee assignments per legislator, but they fear that certain committees which consider important legislation will lose talented legislators. This, in turn, they fear, will mean that bad legislation will not be sifted out in committee and other bills will not be sharpened with good amendments before reaching the floor. To overcome these problems, we believe it is very important that the number of committees be reduced at the same time that committee assignments are. Thus the responsibility of the average legislator will be the same, if not greater, at the committee level.

Reducing the number of committees would make Minnesota comparable to some of our

neighboring states. Wisconsin has 9 Senate committees and 14 House committees; North Dakota, 11 Senate committees and 14 House committees. In Iowa there are 15 in each body.

The establishment of exact committees of the Legislature naturally is a product of the political process and there is no ideal number of committees, nor is there an ideal breakdown on responsibilities. Nevertheless, following is a way the Legislature could divide itself into 11 substantive committees:

- Agriculture
- Appropriations
- Civil Administration
- Commerce and Labor
- Education and Welfare
- Judiciary
- Local Government
- Metropolitan Affairs
- Natural Resources
- Taxes
- Transportation

It is not unusual in other states for legislators to serve on a few committees. For example, in Wisconsin, each legislator serves on one standing committee. In North Dakota each legislator may serve on no more than three standing committees. Some legislators serving on the Appropriations Committee in the Minnesota House have commented that the committee activity takes up practically their entire committee work during the session, and they have very little, if any, time to devote to other business.

Undoubtedly, one of the real difficulties to be encountered in reducing the number of committees is that some legislators now serving as committee chairmen would have to give up their chairmanships. However, the implications in our report are that a legislator, simply by being a committee chairman, would not be entitled to extra personal staff or special office considerations. The incentive to be a committee chairman might well be diminished with the guarantee that a legislator would not lose good secretarial help or his office. Also, with fewer committees, it is very likely that subcommittee chairmanships will take on more importance.

Our concept of a committee chairman, too, is that he serves more as a moderator of the committee than one who controls everything which comes before the committee. In any event, the need to reduce the number of committees overshadows the political difficulties which would be encountered. Currently in the House and Senate, committee chairmen are the members with the most seniority, with the number of committees generally tailored

to equal the number of members with a certain amount of seniority.

Reducing the number of committees and the committee assignments per legislator along with giving committees entire days in which to meet means that some arrangements will have to be made so that a legislator does not have two committee assignments on the same day.

In terms of selection of legislators to serve on committees, it is most important that the minority not only have the right, but should be required to name its own members to committees. The minority then can place its members on committees where they will be the most effective and be held accountable for the arrangement.

One drawback suggested to us of reducing the number of committees in the House and Senate, establishing a parallel structure between the two houses, and assigning legislators to no more than two committees is the potential power which might develop within a committee. According to this argument, legislators would serve on the same committee from year to year and gradually move up in seniority within the committee. Gradually the committee could evolve into a three-way alliance with the interested department heads in the administrative branch of state government and with the interested lobbyists. The effect of such an alliance would be that the public generally and other legislators would be powerless to invade the purview of the committee.

This is a very real problem—and not to be ignored in any reorganization of the legislative committee structure. The legislative leadership needs to make sure a legislator does not become “entrenched” in power in one committee. The threat of the alliance, though, may be substantially diminished by the guarantees which we suggest for a legislator to have his proposals considered in committee and by the fact that a committee will have a broad range of responsibility and not just one narrow field.

8. Planning Committee Hearings

The Present Situation —

Planning committee hearings currently is largely in the hands of the committee chairman. A committee schedule for the entire House or Senate is adopted early in the session. This provides for a regular meeting date for the committee. The committee chairman is in full control of whether special meetings of the committee should be held, and whether regular meetings should be cancelled.

Establishment of the committee agenda is the responsibility of the chairman. He has very little, if any, professional staff assistance to help him plan meetings. The chairman determines the order in which bills will be considered and how much time each should be allotted. The chairman has the power to deviate, if he chooses, from any announced agenda for the day. Bills which have been announced for hearing may or may not be heard on that day, and additional bills may or may not be heard.

Rules of the House stipulate that the Speaker prepare a schedule of committee meetings, fixing, as far as practicable, the date and hour of the regular meeting time of each committee. If it is necessary to hold a special meeting or change temporarily the regular meeting of the committee, a notice by the chairman of the committee is read before the entire House at least one day in advance and also posted on the bulletin board at the same time. House rules also provide that by majority vote the House can fix a time for a committee meeting at any time. Senate rules are silent on a committee schedule, though one is prepared at the beginning of each session. Senate rules empower any standing committee or subcommittee to meet at any time.

House and Senate rules are silent on advance notice to legislators and the public of bills to be heard in committee. As a matter of routine, 3x5 cards announcing committee hearings are placed at desks of committee members about 24 hours in advance, and similar cards are placed on two or three bulletin boards in the Capitol. The announcement of hearings usually includes no more than a list of file numbers of bills to be considered. This means that legislators and others must check the file numbers to determine exactly what bills are to be considered.

Committee clerks of the House and Senate generally are very cooperative in making phone calls to interested persons who have requested in advance that they be informed when a hearing is scheduled on certain legislation.

The arrangement of testimony on a pending bill generally is left to the bill's author. As a general rule, if the committee chairman has an idea that a bill for hearing is expected to be controversial, he will announce that the proponents will have a certain amount of time, and the opponents a certain amount of time. He then will turn the meeting over to the author of the bill, who will be asked to present the persons who wish to testify in favor. After this has been completed, the chairman will generally ask the audience if

there is anyone wishing to appear in opposition, and if a person stands he will be recognized and heard.

Depending upon the decision of the committee chairman, a recording of testimony before a committee may or may not be made. Rules of the House and Senate do not require this. Senate rules are silent on the type of committee record that should be kept and for how long. House rules have a specific rule dealing with the records and reports of committees. The rules require that the record should include the time and place of each hearing, the attendance, the name of each person (except members of the House and Senate) appearing before the committee with the name of the person's association, firm or corporation in whose behalf his appearance is made. If a roll call is demanded on a bill, the roll call vote shall be placed in the record. The rule further states that the record of committees shall be filed with the Chief Clerk at the expiration of the session of the Legislature, and be open to public inspection for a period of six months following adjournment of the session. Six months after the 1967 session the records were transferred to the Minnesota Historical Society. Rules of the House in 1967 were changed from those of previous years. In previous years the rules simply stated that the records would be filed with the Chief Clerk at the expiration of the session and be open to public inspection during office hours. There was no six-months' limitation.

Problems —

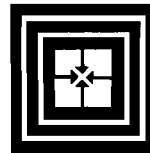
Committee hearings are very poorly planned in the Legislature. This has the effect of making it difficult for both legislators and the public to know what business will be brought up. It frequently leads to an inefficient use of a legislator's time in committee. Persons wishing to make their views known to the committee on pending legislation have encountered problems in finding out when hearings are to be held. There is no guarantee that a bill will actually come up for consideration on a certain day. Hearings often are announced on short notice and in a very limited way. Persons wishing to follow legislation must go out of their way to check bulletin boards. One lobbyist said some of his competitors are not above removing a notice of committee hearing from the bulletin board so that he cannot find out about a pending hearing.

There is no assurance that a chairman will consider only those bills that were announced for public hearing. Quite frequently a chairman may start off a meeting by announcing that he has a fairly non-controversial bill that

he wants to "get out of the way" before the major business for the day is considered. However, such legislation frequently turns out to be more controversial than had been anticipated, and thus the committee's time is spent on a piece of legislation no one was prepared for. Persons who have deliberately arranged their schedules to appear at the committee hearing on other legislation are inconvenienced and may find it hard to return when their bills are rescheduled.

There is no general planning of the testimony to be heard so that legislators can learn quickly and efficiently the key issues. There is no means by which written testimony of persons can be encouraged, and perhaps submitted in advance. Only through the voluntary action of a committee chairman is there any assurance that records of committee testimony will be kept. It is most desirable that the testimony of interested lobbyists and others be made available permanently so that their viewpoints can be recorded. Further, irresponsible or poorly researched statements to influence legislators will be less likely if an individual knows that his statements will be recorded permanently.

Our Proposal —



We recommend that rules of both bodies provide that no bill be considered in committee without prior public announcement. The announcement of a committee hearing should be made well in advance of the committee meeting and not just 24 hours beforehand. With appropriate planning, there is no reason why, as a general rule, the agenda for a committee meeting cannot be established one week in advance.

We recommend that the means by which announcements of committee hearings are made be broadly expanded beyond their present method. Specifically, at a minimum, the announcement of all committee hearings should be made in some permanent written form, perhaps as part of a weekly report on committee hearings, or even a daily statement of what is to be considered on that day. There could be, in addition to the journal, a committee announcement booklet. This could be updated daily, with the announcements of committee hearings up to a week in advance. These announcements should not be made just at the Capitol, but every effort should be made to see that these announcements can be distributed statewide. One possibility is to send routinely a copy to the office of county commissioners in each county for posting. Daily newspapers could be encouraged to run

the announcements of hearings and would be more apt to do so if there were assurances they would be adhered to.

Undoubtedly, situations will arise where it is impossible to give notice of a committee hearing seven days in advance. Under no circumstances, though, should it be necessary to hold a committee hearing without at least 24 hours' notice. For example, interested persons from northern Minnesota may have come to the Capitol for a committee hearing in one body. There may be reasons why the other body also should hear the testimony from these interested persons to avoid having them come to Saint Paul again. Thus, in an emergency an announcement could be made 24 hours in advance, and then the bill could be heard. The rules can be suspended by two thirds of the entire body. This would be a routine action in such cases as just mentioned. At the same time, of course, the majority group in each body must maintain full control and if it finds that it is necessary to hold a committee hearing on short notice on controversial legislation it should have the power to do so. We understand that this could be accomplished by means of a special report coming from the Rules Committee. This would require only a majority vote for approval. Thus the majority could call a hearing on shorter notice, but in order to do so it would have to go through the Rules Committee and have a formal recommendation from the body brought to the floor. It can be expected that as a general rule the notice of committee hearing would be made in accordance with the rules.

It is not sufficient merely to require advance notice of committee hearings. The conduct of the committee hearings needs substantial improvement. We recommend that rules of both bodies provide that individuals, representatives of organizations or officials of the executive branch of state government wishing to appear at committee hearings make a request well in advance. For example, if the Legislature required public notice of seven days in advance, it would be reasonable to expect that persons wishing to make appearances should make their requests at least four days in advance. This would enable the professional staff for the committee, in cooperation with the chairman and the authors of the bills to be heard, to plan the agenda in accordance with the time each bill is expected to take.

Of course, simply the number of persons wishing to make an appearance at a hearing is not the determining factor of how long the hearing should be, but it should be a factor,

along with the relative importance of the bill as determined by the professional staff, the chairman, and the committee. There would not be a guarantee that anyone who asks to make an appearance before the committee would be given the right, because of time limitations. However, there should be an absolute guarantee that persons have the right to submit written statements on pending legislation, with the statements to be made a part of the committee record. To guard against abuse of this, there would probably have to be a requirement that statements could not exceed a certain length.

Official representatives of organizations or departments of state government who wish to appear before the committees should be strongly encouraged to submit written statements to the committee in any event. Further, we believe that it would be desirable to have these written statements submitted in advance of committee hearings with sufficient copies for all committee members. This would facilitate conduct of the committee hearing and perhaps make it unnecessary for a full statement to be read by a lobbyist. It also would set the stage for more meaningful questioning by committee members of persons testifying. It would have the further advantage of facilitating a permanent committee record of testimony and give greater assurance to the accuracy of statements made to the Legislature.

We do not believe that the Legislature should have an inflexible rule that anyone who does not make a request in advance to appear at a hearing would be denied the right. In fact we emphasize that time should be set aside at each hearing, even though limited, for persons who have not made requests in advance. This may not be possible in every case, but private citizens who are not affiliated with any formal organization and wish to appear should have some opportunity. This need not be a long time. But the important thing is to recognize that there would be a protection for the citizen who has not made a request in advance. It would be expected that lobbyists would always make a request to appear in advance of a hearing.

The House and Senate should adopt and publish rules of procedure for committees so the public can know the rules to be followed. If the above-mentioned procedures are followed, not only will the rights of the public be respected in terms of advance notice of hearings, but also the time of the legislators will be spent far more efficiently and effectively in committee hearings. It is most important that

the committee chairman and professional staff, working with the authors, arrange committee testimony so that the most pertinent information on both sides of an issue can be effectively presented. The time of the committee would not be wasted by extraneous, lengthy testimony. Committee members would have in front of them, as a general rule, the testimony of lobbyists. This would enable them to probe with much more meaningful questions. On complicated legislation the order of appearance of persons to explain the bill can be planned so that legislators can understand the bill better.

This is one of the most crucial areas in need of improvement in the Minnesota Legislature. The Legislature is now in the process of significantly remodeling the Capitol and will have committee hearing rooms which will emphasize dignity and respect of the Legislature. It is only appropriate that in this situation the committee hearings be conducted in an appropriate manner. Of course, in order to effectively handle committee hearings the other recommendations we make in this report on longer committee hearings and on professional staff available for all committees must also be accomplished. A committee chairman by himself cannot possibly carry out the details necessary for a good committee hearing. He can establish the general policy guidelines, but the work in arranging the testimony must also involve professional staff. Committees cannot just meet for one hour. They need, if possible, the better part or all of an entire day at one time, so that a number of bills can be considered or so that complex legislation can be given its appropriate attention.

It is most important that rules of both bodies require committee records to be kept and that there be no limitation in the rules as to how long they should be available to the public. Doubtless there are problems of storage space in connection with keeping old records; but with the use of microfilm or a reasonable period of time, say ten years, as a limitation, the space problem on keeping records can be alleviated. It is not necessary that the record of committee hearings be all kept in writing. Electronic recordings could be made of all hearings with mechanisms available to provide instant playback. It frequently has been stated that legislators themselves have really no need for these records and that they do not like the courts looking into these to determine legislative intent. We believe there are overriding reasons why these records should be made permanent and available to the

public. They do provide a good base of knowledge on a given subject which can be used by legislators, professional staff and others on future legislation. If legislation is not passed in one session there is a good start on it at the next session.

9. Guarantee of Committee Consideration

The Present Situation —

When a bill is introduced and referred to committee, it usually will not be considered by the committee unless the author makes a request of the committee chairman. The committee chairman decides whether to bring the bill up for consideration. As a general rule a legislator will be granted a hearing if the proposal has the backing of the committee chairman or if there is sufficient general support to convince the chairman that a hearing should be held. In some committees the committee chairman may say that there is no time to hear certain bills because of the backlog.

For all practical purposes, when a bill is denied a hearing in committee it is dead. Senate rules provide that a majority of the Senate can withdraw a bill from committee at any time and place the bill on general orders for consideration by the full Senate. This rule is virtually never used. House rules also have this same provision and in addition provide a mechanism which is intended to protect individual members of the Legislature from arbitrary action against a bill in committee.

The House rule provides that after 30 legislative days from the time a bill has been referred to committee and no action has been taken, the author may request that the bill be returned to the House and placed on general orders. The committee then has 14 days in which to act, and if the committee does not act within these 14 days the author, within 5 days after the expiration of these 14 days, can demand the return of the bill immediately. It is to be returned to the House and placed at the foot of general orders. The House rule today differs in a very significant way from the rule which prevailed in the 1963 session. At that time the rule provided that, if after a certain number of days the bill had not been reported to the floor, the author could demand its return. The key change made in the rules from 1963 is that now a committee can just take "action" on a bill. It need not report it to the floor. Thus a committee could refer the bill to subcommittee or could lay it over, and this could be regarded as taking action and therefore the requirement could be met.

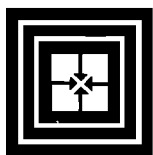
Many times bills are sent to subcommittee for detailed work. A subcommittee may or may not report bills back to the parent committee. There are no built-in requirements that a subcommittee report back in a specific period of time.

Problems —

Is there a need to give a legislator greater assurance that his bills will be considered by the Legislature? One approach is to continue the present situation, with the committee chairman in full control over whether a hearing is to be granted. The advantage of this approach is that the chairman, who has overall responsibility for processing the important legislation in his general field, can pick out those items which appear to be of greatest importance and give them priority. Another approach would be to shift the responsibility for a hearing essentially from the committee chairman to the individual legislator who introduces a bill. That is, if a legislator met timing requirements on introduction and on request for hearing, the appropriate committee would routinely grant a hearing.

A second issue is the extent to which the full body should exercise control over actions of its committees. Should there be a stronger protection beyond merely the right of the majority to recall a bill from committee at any time? If a committee fails to act in a reasonable period of time, can a member demand that a bill be returned to the floor? This may be related to whether a member has the right to a hearing in the first place. But some persons claim there is a real question about whether a legislative body needs something more than just the right to recall a bill from committee at any time, in case there is a situation in which the majority wants to approve a bill, the committee is reluctant to report it out, and the majority is reluctant to overrule the committee. The presence of a stronger rule might have the effect of its never being invoked, because the threat of its being used would be sufficient to assure that a bill would be reported to the floor.

Our Proposal —



We recommend that every legislator, if he so requests, be guaranteed a committee hearing on bills he introduces, provided he introduces his bills early enough in the session. It would seem reasonable that if

a bill is introduced by the 40th day, one third of the way through a 120-day legislative session, a legislator would be guaranteed a hear-

ing if he so requested. To assure that a bill receives adequate consideration in addition to a hearing, we recommend that, after a committee hearing, the legislator be assured that the full committee will dispose of the bill by official action. This would not necessarily mean every bill acted on by the committee would be reported to the floor. The important point is that the full committee would be disposing of a bill. It would not be killed arbitrarily by the chairman or by some other means. To assure that bills would receive adequate consideration in subcommittee as well, we recommend that the rules require bills which are sent to subcommittee be reported back within a specific period of time established by the chairman and tailored to the complexity of the bill under consideration.

Of course, it is common in the Legislature for many bills to be introduced on the same subject. Naturally, individual hearings will not be held for each bill. A common hearing on the subject will be sufficient.

It could be argued that giving a legislator the right to a committee hearing would overload the Legislature with unnecessary hearings and would jam up the entire work of the Legislature to a greater extent than it already is. But, it should be remembered that this guarantee would not exist throughout the entire legislative session, but only if a legislator introduced his bills early enough. This would have the beneficial effect of stimulating earlier activity by the Legislature so that the first two months active would be more meaningful. Secondly, with the responsibility vested in the individual legislator he would be less inclined to introduce bills which he knows are inappropriate bills in the first place. Currently, a legislator may be asked to introduce a bill which he does not like, but knows that he can blame a committee chairman for not having a hearing, thus satisfying the constituent.

This type of procedure, we believe, is key to the whole matter of the "right to petition". It is a key part of legislative due process. The public generally is frustrated with the idea of an arbitrary Legislature giving improper consideration to bills. A system is needed which builds in the right to a committee hearing and gives some basic right to the legislators as representatives of the public. The committee hearing is more than just a procedure on the passage of a bill. It is that opportunity in which an issue can be made public and the pros and cons of that issue openly discussed. It ends the jockeying which now must take

place in order for a legislator to have a hearing. The hearing is held as a matter of course.

Once a hearing has been held, adequate protection needs to be given so that a committee chairman does not arbitrarily kill a bill. The entire committee, which is representative of the entire body, should be given the responsibility of disposing of the bill in one way or another.

With sufficient guarantees given to a legislator that he will receive a hearing, the need to give stronger control to the entire body over the action of committees is not as great. The right of the entire body to withdraw a bill from committee at any time must be continued. Perhaps some means could be developed whereby the majority leader could demand the return of a bill to the floor, as well as a majority of the entire body. This would place strong control in the leadership of the body, where it belongs. If the majority leader had this power, he could be more effective in dealing with committees which are reluctant to report certain bills to the floor.

10. Committee Deliberations

The Present Situation —

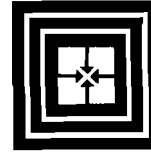
Currently, time available for committee deliberations is quite limited. It is generally common that in a meeting where the committee can meet only one hour the deliberations don't begin until the last five or ten minutes, and there is a real fear that if the bill is not moved out at that time it will never get another chance. The committees are not required to take roll call votes on recommending bills to pass or on amendments which are acted on in committee. But there is a right given to each member of the committee by the rules of the House and Senate to demand a roll call vote. In the Senate this right also is extended to the chief author.

Problems —

Some protection needs to be provided so that legislators are not forced to act on bills so quickly with the knowledge that if they do not act the bill probably won't have another chance. To enhance the confidence of the legislators in the committee system and the respect of the public for the system, there must be a measure of assurance that the legislator will have a reasonable opportunity to have his questions answered and make his views known. In voting on bills in committee there may be occasions where a legislator wants his vote recorded but does not want to press for a roll call vote. Some protection

needs to be provided to enable this to take place.

Our Proposal —



We recommend that committee hearings be planned so that no final action is taken on a bill until all members of a committee have been afforded the opportunity to make their views known. With proper planning of committee hearings it should be possible to reserve a certain amount of time for committee discussion, thus eliminating the often frustrating problem of having to deny committee members full opportunity to have their questions answered and make their views known.

To give opportunity, where desired, for legislators to have their votes recorded in committee when roll call votes are not demanded, we recommend that a legislator have the right to have his vote recorded. On controversial bills this may well have the effect of stimulating a roll call vote. But undoubtedly there will be cases where an individual legislator wishes to be recorded one way or another but others don't feel so strongly on the issue that a roll call has to be taken in committee.

11. Availability and Explanation of Bills

The Present Situation —

Reproduction of Bills—When a bill is prepared by the Revisor of Statutes for a Legislator, 10 copies are produced, with four copies for the Senate, four for the House and one each for the chief author in the Senate and House. The Revisor produces enough copies to be introduced in both the Senate and House, because the vast majority of bills are introduced in both houses.

Rules of both bodies provide that bills will not be reproduced in quantity until they have been reported to the floor from committee. A majority in either body can call for printing of a bill in quantity at any time. A private legislative service located near the Capitol provides a photo-copy reproduction service to make bills available before they are printed. The Legislature obtains copies from this private service for its committee members at a rate of 4 cents a page. For others to obtain copies, they must either pay the private service 25 cents a page or have the bill retyped or recopied by someone else. When a bill has been reported to the floor from committee in the House or Senate, 500 copies are printed.

This is the only time a printed bill is prepared.

Fiscal Notes and Bill Summaries—A fiscal note is a statement accompanying a bill estimating the potential revenue or expenditure impact of the bill if it became law. Bill summaries provide a brief explanation of each bill and should accompany each bill when introduced. Neither fiscal notes nor bill summaries are used by the Minnesota Legislature.

Committee Reports—When a committee submits a report to the full body, the report consists only of the recommendation to pass or be otherwise disposed of and the recommended amendments, if any. The reports do not contain any reasons for the recommendation or background information.

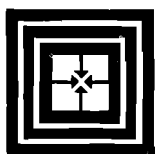
Problems —

Reproduction of Bills—It is extremely difficult for legislators and the public to obtain copies of bills which have not yet been approved in committee and, consequently, have not yet been printed. Frequently there is very high interest in these bills. Intelligent appraisal of proposed legislation is, therefore, very difficult. Another problem is that bills are printed only once. Frequently many amendments are made after the original printing. The job of determining what an up-to-date bill looks like is almost impossible if many amendments have been made. Finally, it may be many weeks or months after a bill has passed the Legislature and been signed by the Governor before it is made generally available to the public. Bills frequently become effective immediately upon passage but few persons know their contents.

Fiscal Notes and Bill Summaries—Without fiscal notes or bill summaries the task of a legislator in understanding the thousands of bills introduced each session is made much more difficult.

Committee Reports—The absence of detailed committee reports increases the burden on legislators. They must learn orally from some other legislator, if at all, the reasoning for certain amendments or the idea behind the bill.

Our Proposal —



Reproduction of Bills — We recommend that bills be reproduced in quantity upon introduction, after major amendments, and immediately upon final passage and signature by the Governor.

In many other states, including North Dakota and Wisconsin, it is common to reproduce bills in quantity upon introduction and after major amendments.

As far as we can determine, the reason the Minnesota Legislature has not reproduced bills in quantity upon introduction is that there is a large number of local bills or duplicates for which there would be very little, if any, demand. We acknowledge that this undoubtedly would be the case, but it would be a small price to pay for the availability of bills. However, if this poses such a major problem for legislators, it certainly would be possible to empower some legislative official to make a judgment as to whether to reproduce a bill in quantity or not. The potential demand for copies of a bill can be fairly well estimated. Further, if many unexpected requests are made, a bill could be quickly reproduced.

We are not certain about the magnitude of the cost of reproducing bills in quantity as we recommend, though one estimate made to us of the cost of reproducing all House bills was about \$20,000. The cost of printing daily journals, bills and other legislative paper now runs about \$100,000 a session in the Legislature. If bills were printed in quantity on introduction, it would not be necessary for both the House and Senate to reproduce them separately, because most bills are introduced in both houses.

Currently bills are printed on letterpress, not offset. Odd-size paper, approximately 13-3/4 by 8-10/16 inches, is used for all bills—not the standard 8-1/2 by 11 inches. A special subcommittee of the Senate Rules Committee is considering recommending that the Senate switch to offset printing.

Fiscal Notes and Bill Summaries — We recommend that fiscal notes and bill summaries be prepared by the professional staff of the Legislature and accompany bills upon introduction. They should be amended as bills are amended.

Copies of fiscal notes and bill summaries as used in Wisconsin are reproduced in the Appendix of this report.

Committee Reports — To assist the entire body in acting on recommendations from full committees, we recommend committees be required to submit written reports outlining the reasoning which was followed in making the recommendations, with allowance for any minority reports. This will serve to aid members in making an informed judgment on proposals. In Congress the committee report on a major bill is generally regarded as

a far more important document to an individual congressman in understanding proposed legislation than the bill itself. We are not equipped to say whether section-by-section bill analysis is at this time or ever will be feasible in Minnesota. But at the very least the report from the subcommittee to the full committee, and from the full committee to the floor, should outline in some form the reasoning which was followed. This would be in addition to any summary of the bill which explains essentially what it does, and any preamble which sets forth the general philosophy as to why this legislation is being suggested.

12. Committee of the Whole

The Present Situation —

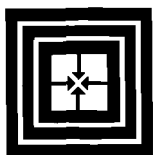
The Committee of the Whole is the entire House or Senate sitting as a committee. When bills are reported to the floor they first are considered in Committee of the Whole. If approved here, they are brought up for final vote. Recorded roll call votes are not allowed in Committee of the Whole.

Problems —

Some of the most crucial votes on pending legislation are taken in Committee of the Whole. A legislator may fight to defeat a bill in Committee of the Whole, but, failing, he may vote in favor when the bill is brought up for final consideration if he knows the bill will pass. Critics claim that to advance the accountability of legislators for their actions, recorded roll call votes should be taken in Committee of the Whole.

Others argue that debate and voting in Committee of the Whole is more free and open without requirements for recorded roll call votes. They claim that many legislators will support progressive amendments to bills in Committee of the Whole which they could not support on a record vote because they fear the adverse reaction of their constituency.

Our Proposal —



We recommend that rules permit recorded roll call votes on demand of a few members in Committee of the Whole and that in addition an individual member have the right to ask that his vote be recorded on

those votes where a recorded roll call is not demanded.

In effect, essentially the same procedure would be followed in Committee of the Whole as in regular committee.

We felt that the advantages of placing legislators on record for their actions, despite certain political problems this produces, outweigh the disadvantages. As a general rule we believe the best interests of the public and the legislators are served by placing legislators on record for their votes.

13. Local Legislation

The Present Situation —

Counties of the state with large populations have several legislators. In these counties the legislators organize themselves into county delegations. County delegations, especially in the largest counties, have very extensive responsibilities. In Ramsey County and Hennepin County the House members in each county and the Senate members in each county organize separate delegations. In Saint Louis County the Senate and House members jointly have a single delegation. In Anoka and Dakota Counties, where delegations were first organized this past year, the House and Senate members meet together.

County delegations are a means for members to discuss common problems in the county. A considerable volume of special legislation applicable to specific counties is introduced and passed each session of the Legislature. Naturally, the members of the Legislature from these counties have a greater and more intimate interest in this legislation than any other legislators.

The most important role currently played by the county delegations is in giving either the approval or disapproval to proposed bills affecting their counties. If a bill is given approval by a county delegation, its passage by the entire Legislature is virtually assured. It will pass through committee onto the calendar of non-controversial matters and through both houses with little discussion. This is true, despite the fact that many of the items approved by county delegations are highly controversial in nature. However, as a rule, before a bill is introduced or, at the very least, before it is heard in formal committee, the county delegation has already taken a stand. The delegation also may well have amended the bill to iron out the differences. Thus, by the time the bill reaches formal committee it is ready to go all the way.

The above procedure is followed not only because the local legislators have a greater interest in this legislation but, just as important, the Legislature has imposed certain unwritten rules that have the effect of denying debate of "local legislation" to any considerable extent, either in committee or on the floor. If the delegations can iron out their

differences, then they don't have to force other legislators to take sides on issues about which they have little, if any, interest. There is strong pressure from the Legislature at large on the county delegations to each agreement in advance of going through the formal legislative process.

In order for a bill to receive approval of a county delegation, a substantial majority, approaching unanimity, is required. A bill still can be introduced in the Legislature and an author can seek a hearing in committee if the bill has not been approved by the delegation, but its chances of passage are considerably diminished. In Saint Louis County the 15-member delegation requires that if two or more members oppose a bill it does not become a delegation bill. In the 17-member Hennepin County Senate delegation, if three or more votes are cast against a bill it will not be a delegation bill. In the 33-member Hennepin County House delegation, if eight members oppose a bill it will not be a delegation bill. In Ramsey County, this past year the members of the House and Senate met jointly for hearings on county and city bills. They then met separately to take votes on whether the bill should be a delegation bill. In the 16-member House delegation in Ramsey County, if three members opposed the bill it was not a delegation bill; and in the 8-member Senate delegation, if one member opposed, it was not a delegation bill. As a practical matter, though, one member of the Ramsey County Senate delegation was not able to block a bill; the unwritten rule required the opposition of two members of the delegation. The requirement of near-unanimity has the effect of increasing the influence of an individual member of a delegation in making changes in bills—not always strengthening a bill—as the price for his support.

As a general rule, county delegations meet in secret to take their votes as to whether a bill should be a delegation bill. This means that persons who block a bill from becoming a delegation bill are not publicly known. The exception this past legislative session was the Hennepin County Senate delegation, which established formal rules of procedure and had them made public. According to these rules of procedure, all votes were taken in public. The complete rules of the Hennepin County Senate delegation are reproduced in the Appendix.

Counties with small populations also have local bills in the Legislature. Generally, the bills are approved by the Legislature on recommendation of the legislators of these counties.

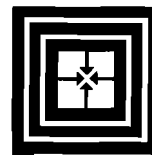
Problems —

County delegations have very extensive responsibilities. Nevertheless, they have very limited facilities. They meet almost entirely outside the formal legislative process—at irregular hours and in inconvenient locations. Notices of meetings may or may not appear on bulletin boards. Delegations usually have very little staff.

The requirement for near-unanimity in many delegations for a bill to receive delegation approval seems to hinder rather than assist passage of good legislation.

In addition to the problems of the delegations themselves is the risk that the Legislature may not give adequate attention to local bills. Currently, when a local bill has the backing of the legislators in that area, the bill generally will be approved. Questions have been raised as to whether the Legislature is looking closely enough at local bills, which may have statewide significance. County delegations serve a very valuable function in developing consensus among legislators from the same county. But delegation approval or support by the legislators from a certain area should not detract from the Legislature's responsibility to take a critical look at these bills. This places major responsibilities upon the committees to which local bills are assigned.

Our Proposal —



We recommend that committees of the Legislature assigned to consider local bills review these bills intensively as to their potential impact on other governmental units or their statewide significance.

Each committee in reporting a local bill to the floor should include a statement as to whether or not a bill appears to have broader significance. To give appropriate recognition to the importance of county delegations in populous counties, we recommend that such delegations be given official status by the Legislature, be assigned regular meeting times and places, be provided with staff as needed, and operate essentially under the same procedural rules as regular committees, including taking votes in open meetings. County delegations should require no more than a two-thirds majority for designation of a bill as a "delegation" bill.

14. Orderly Progress of Bills

The Present Situation —

For all practical purposes, there are essentially no deadlines for processing legislation

other than the constitutional deadline that the session must end on the 120th day. The Constitution states that no new bill may be introduced in either branch of the Legislature during the last 30 days of the session, except on a written request of the Governor. However, this request has generally been granted and therefore the limitation in the Constitution is largely ignored. Bills are introduced up until the last day of the session.

Problems —

Because there are no deadlines on progress of legislation during a session, there is little or no incentive for the Legislature to "get down to business" during the early stages of the session. It is generally common knowledge that not very much happens during the first two months.

Without an effective deadline after which bills cannot be introduced, legislators will delay, for various reasons, submitting their bills at earlier dates. Committees of the two houses now have full control over when bills should pass out of committee. Thus a chairman who is reluctant to allow certain legislation out, may delay action on bills until the last possible moment, knowing that if he does, other bills behind them will not pass because there won't be enough time left. Because of a lack of deadlines, the last week of the session has a major backlog of unfinished business on the floor of both the House and the Senate. Bills are being passed out of the house of origin as late as the last week in the session, when they should have passed out many weeks earlier so that the other body would have time to consider them. Conference committee reports come to the Legislature at the last minute and legislators are forced to vote on key items even though they do not even see a bill in front of them.

Our Proposal —



We recommend that the House and Senate jointly agree on a series of deadlines on progress of legislation. We suggest the following deadlines:

- A date after which bills no longer can be guaranteed a hearing in the house of origin.
- A date after which bills no longer can be introduced, except on recommendation of the Rules Committee.
- A date by which bills must be reported out of committee and be on the floor in the chamber where the bill was first introduced.
- A date by which bills approved in the chamber where the bill was first introduced must be sent over to the other chamber.

- A date after which pending bills no longer can be in committee of either chamber. By this date they must all be on the floor.
- A date by which all bills must have passed both houses.
- A date by which printed copies of the last conference committee reports must be on the desks of members. This deadline means that the last of the conference committee agreements must be made sufficiently in advance to meet the printing deadline.

Further, to encourage preparation of bills before the opening of the regular session, we recommend that the Legislature provide for a system of pre-filing of bills. Such bills could be printed and perhaps assigned informally to committees before the formal opening of the legislative session. Thereby committees could begin their work immediately upon organization.

It is not unusual in other states to establish deadlines and strictly adhere to them. Such practices are followed in North Dakota and Oklahoma, for example. States which have switched from a system of no deadlines to a system of deadlines have discovered that a far greater percentage of legislation is passed before the final two weeks. For example, in California when the switch was made only 23 per cent of all bills were passed in the last two weeks, compared with 50 per cent before the deadlines went into effect. In Illinois the percentages were 57 per cent in the last two weeks before the deadlines went into effect and 23 per cent thereafter.

During the regular session of the 1967 Minnesota Legislature a total of 927 bills were passed and sent to the Governor. Of this number more than two thirds were passed in the last 23 days of the session, and well over half were passed in the last 7 days of the session.

There is no doubt that however strictly deadlines are adhered to there always will be a press of legislative business as the adjournment day nears. This is an inevitable part of the legislative process. Major legislation usually encounters certain roadblocks, and there are compromises and changes which are made throughout the session. Nevertheless, the jam-up in Minnesota need not be as bad as it now is.

The volume of legislation has increased substantially in the last few years. A report to the subcommittee on legislative procedures of the Senate Rules Committee in Minnesota reveals that there has been a 29 per cent increase in bills introduced since 1959 and a 23 per cent increase in bills passed. With the

increase in introduction of bills the problem of the log jam becomes progressively more acute.

Legislators themselves recognize this problem very much. A report to a Senate Rules Subcommittee has suggested a system of deadlines as follows:

- April 1—last day of introduction of all bills.
- April 24—final day for standing committees of the Senate to report Senate bills, except Senate bills referred to another committee, and except bills containing an appropriation.
- May 1—final day for standing committees of the Senate to report Senate bills referred to another committee.
- May 8—final day for third reading and passage of Senate bills.
- May 8—final day for standing committees to report House bills.
- May 16—final date for third reading and passage of House bills.
- May 20—final date for consideration and adoption of conference committee reports.

This generally follows the outline of the types of deadlines we believe should be set up. However, if our recommendations for recognizing the Legislature as a continuing body through the biennium are adopted, then many of these deadlines would extend into the second year of the biennium. Although it is very encouraging that the Senate is moving in the direction of a system of deadlines, such a system cannot be effective unless it is also undertaken by the House. Further, in order to make sure that legislation is processed properly, the deadlines in both bodies should be the same. This means that they need to be jointly agreed upon.

Undoubtedly, critics of proposed deadlines can point out that rules can be suspended and make such a system of deadlines largely meaningless. There is no doubt that rules will be only as effective as the leadership in the body is willing to adhere to them. Thus, a system of deadlines requires the full support of the leadership of the House and the Senate.

15. Work of the Legislature Between Sessions

The Present Situation —

To have a complete picture of the present nature and extent of interim activity, three groups must be examined. They are (a) the Legislative Research Committee, (b) standing committees of the House and Senate, and (c) interim commissions.

The Legislative Research Committee was established by the Legislature in 1947. The statute establishing the LRC calls for one Senator and one Representative from each congressional district. The law states that the members from the House are to be appointed by the Speaker, and the members of the Senate selected at a caucus of the Senators in each congressional district. The statute gives the LRC the following powers:

- (a) Study, consider, accumulate, compile and assemble information on any subject which the Legislature may legislate and upon such subjects as the Legislature may by concurrent or joint resolution authorize or direct or upon any subject requested by a member of the Legislature.
- (b) Collect information concerning the government and general welfare of the state and its political subdivisions.
- (c) Study and consider important issues of public policy and questions of general interest.
- (d) Furnish interim committees of the Legislature upon request, administrative, secretarial and professional assistance within the facilities and appropriations of the committee.
- (e) Assign staff during the regular legislative session to standing committees for the purpose of explaining the work of the affected committee in developing additional data with reference thereto.
- (f) Hire professional staff as necessary within budgetary limits.

The full complement of LRC professional employees includes four research analysts, in addition to the executive director, who currently is Louis C. Dorweiler, Jr. Mr. Dorweiler has held this post since the LRC was established. During the 1965-67 biennium the total expenditures of the LRC were \$103,139. Appropriations for the 1967-69 biennium for the LRC total \$149,000.

The LRC has functioned in recent years mainly as a vehicle for relatively small research projects undertaken on request of individual legislators. The Legislature as a whole and the House and Senate have not given the LRC major research responsibilities other than to provide staff on occasion for certain interim commissions.

Basically the LRC research work in the interim operates as follows: All members of the Legislature are mailed a letter indicating that the LRC is ready to receive requests for interim research projects. Individual legislators with ideas then are encouraged to submit

them to the LRC. The 16-member LRC then meets and determines which projects it wishes to undertake. As a general rule, the person who makes the request of the LRC is given the chairmanship of a subcommittee to work on the project. The subcommittee will meet a few times and agree on a general direction and then make a recommendation to the LRC, which then will decide whether to support the proposal or not.

The LRC in recent years has not been used as a resource for professional staff for the standing committees of the Legislature.

One of the roles of the LRC is to provide assistance during the regular legislative session to legislators who want spot research service undertaken. This service, though, is not very extensive. A Citizens League questionnaire of legislators last spring revealed that many legislators do not utilize the LRC for research. Further, legislators have indicated they felt their requests were not welcomed by the LRC.

The LRC in recent years has not included very many members of the top leadership in the Legislature. For example, only five of the 16 members of the LRC in the last biennium were members of either the Senate or the House Rules Committees. None of the members of the LRC was either majority leader, minority leader, or Speaker. The legislation establishing the LRC provides that the LRC shall be appointed at the end of the regular session, and that its members shall serve until the beginning of the following session. It is not clear from this legislation how the LRC is to operate during the session and to whom its staff is to be responsible. The incumbent executive director stated to us that he consults with the majority leaders of the House and Senate during the regular session.

The second area of interim activity is that undertaken by standing committees of the House and Senate. The movement towards standing committee activity in the interim got under way in 1963. In that year the Legislature narrowly missed passing a bill for a strong centralized legislative services agency with responsibility, among other things, for interim work. When that bill died, another bill allowing standing committees to be activated during the interim was passed.

During the 1965-67 interim 14 Senate committees and 12 House committees were activated. A table in the Appendix shows the committees which were activated and the expenditures by each. Each standing committee had to have its general program authorized by the Rules Committee. During the 1965-67 biennium, Senate standing committees spent

\$103,792, and House standing committees spent \$76,506, for a total of \$108,298. Standing committees during the past biennium had many more funds available to them for professional staff than they used. The Senate standing committee fund had a balance of \$149,574 at the end of the biennium, and the House standing committee fund had a balance of \$73,493 at the end of the biennium.

Activity of standing committees in the interim varied considerably from committee to committee. Some standing committees under strong leadership moved in a variety of areas and came to the session well prepared to take action. Other standing committees met frequently, but generally the meetings were orientation sessions for the members. Then others started with major assignments but for one reason or another didn't really get going, and meetings were held only two or three times. Until very recently, professional staff assistance available to these standing committees has been in the form of temporary employees or consultants.

The research program for the interim adopted for the standing committees is generally adopted independently by the House and Senate Rules Committees. The committees then continue to meet separately during the interim. One exception is the standing committees that are looking into liquor problems in Minnesota. They are meeting jointly this year. Another example of joint meetings of two committees is two committees of the House and Senate looking into the need for a second medical school. The House and Senate Rules Committees may or may not have similar subjects authorized for their committees to work in.

The third mechanism for interim activity is the interim commission. An interim commission is made up of members from both the House and Senate. Generally there are 10-16 members on an interim commission, with an equal number from each body. The House members generally are appointed by the Speaker, and the Senate members by the Committee on Committees. Interim commissions are given specific appropriations in legislative act and a specific assignment in the legislative act. During the 1965-67 biennium a total of about \$321,202.90 was dispersed by interim commissions. A list of these interim commissions and a breakdown of their disbursements is listed in the Appendix. There are a number of interim commissions which have been established as permanent commissions in state law and continue from one biennium to the next. There are others which are established only for the bienniums. The Appendix lists the interim commissions

for 1967 to 1969, along with those which are permanent and temporary, and the appropriations available to each.

Interim commissions generally submit written reports to the next session of the Legislature. The reports of standing committees generally are not formally made, but bills are introduced based on the work of the standing committees. The staff available to interim commissions has generally been on a part-time basis. The LRC has provided staff for some. The legislative retirement study commission has a permanent employee. The legislative building commission utilizes the services of a person who is employed by the Legislature in an administrative capacity during the regular session. The interim commission generally is given authority to hire staff and expend funds as it determines within limits of its appropriation.

Problems —

The Minnesota Legislature has developed a hodge-podge of mechanisms for interim activity. The Legislative Research Committee was intended, when it was established, to be the central research body for the Legislature. For a variety of reasons the LRC today is not widely utilized by the Legislature and serves only a minor function in handling legislative research.

By spreading its research funds in three directions—for the LRC, for standing committees, and for interim commissions—the Legislature has dissipated funds which could be far more effectively utilized if central direction were given. The LRC is made up of legislators who are not in the top leadership and who are given carte blanche to do whatever they wish. They are given no specific assignments and wait only for individual legislators to submit requests.

Probably the most effective research and interim work now is being carried out under the jurisdiction of standing committees. Committee chairmen who are able and understand the need for good research can work well in their areas of responsibility. However, other standing committees have carried out very limited work and have not had a strong leadership.

Standing committees of the Senate may discuss a topic of major importance to the state during the interim, but then there is no assurance that the House will be doing the same, so that, when the next session of the Legislature meets, one body but not the other may have done its homework on a major problem. The result is that the interim activity will not have been as productive as it otherwise would have been.

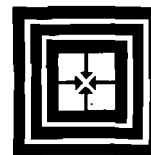
The assignments given to the standing committees by their respective Rules Committees are far more general and deal with many more topics than could be expected to be dealt with intelligently during an interim. This means that the standing committee is left by itself to decide which areas to concentrate on.

The interim commissions are merely a device whereby certain topics of strong interest on the part of some persons in the Legislature can be formally authorized by the Legislature as a whole.

At no time and in no place does the Legislature adopt, in effect, an interim research program.

The fragmentation of its professional research mechanism into three parts severely hampers also the ability of the Legislature to hire its professional staff. Should the LRC hire the professional staff for the Legislature? Should it leave it up to the standing committees? Should the interim commissions rely on part-time assistance?

Our Proposal —



To upgrade the work of the Legislature between sessions, we recommend that the Legislature discontinue the uncoordinated, fragmented, incomplete system of activity now undertaken without any overall plan among the Legislative Research Committee, interim commissions, standing committees of the Senate, and standing committees of the House. The Legislature needs to assure (a) that the issues of most pressing concern to the Legislature receive highest priority in interim activity, (b) that work is carried out effectively and in as non-partisan a fashion as possible, (c) that an adequate supply of professional staff is made available, and (d) that there is no unnecessary duplication of subjects among committees.

To accomplish the above, we specifically recommend that:

- a. Early in the biennium the Legislature pass a joint resolution setting forth the specific subjects for research which are of most pressing concern and will need action before the end of the biennium.
- b. Research be conducted through the standing committees of the House and Senate, carrying out the projects as adopted by the Legislature. Committees would be strongly encouraged and expected to meet jointly but would retain the option of meeting separately.

c. Professional staff working regularly with the standing committees during the session, and, when necessary, special consultants, be assigned to work with the committees on interim activity. Pooling of House and Senate professional committee staff would be possible when the committees met together.

d. Through the Rules Committees of the House and Senate the Legislature should exercise general supervision over work between sessions to see that it is carried out as assigned.

e. Committees prepare written reports, accompanied by specific bills, as necessary, in completing their work.

PERSONAL STAFF ASSISTANCE FOR LEGISLATORS

16. Legislative Leaders and Other Legislators

The Present Situation —

The Senate and House do not provide personal administrative aides for legislative leaders or other legislators. However, some committee chairmen have occasionally utilized committee staff for their personal administrative tasks not related to the committee activity.

Problems —

Several legislators who met with us said they would be significantly helped if they could have personal staff to assist them in a variety of duties as legislators. Many of these duties, such as servicing constituents, place demands on the time of legislators out of proportion to their importance. A legislator is forced to give less time than he would prefer to major legislation.

A substantial majority of legislators who responded to a Citizens League questionnaire last year favored administrative assistants for legislators.

Our Proposal —



We recommend that the Majority Leaders of the House and Senate, the Speaker of the House, and the chairman of the Senate Committee on Committees, at a minimum, be entitled to hire their own full-time personal administrative assistants when the Legislature is in session, with compensation paid out of state funds. A few other legislative leaders, such as chairmen of the most important committees, might also be able to justify the need for full-time administrative

The above recommendation is not intended to preclude interim activity by the Legislature from one biennium to the next. We are, however, placing top priority on interim activity within the same biennium, because the same group of legislators which initiates a project can see it through to completion. We also do not intend to rule out the existence of all interim commissions. Currently there are a number of permanent interim commissions of the Legislature. We have not investigated thoroughly whether any or all of these should be discontinued. But, clearly, there no longer should be a need for temporary interim commissions as presently established.

assistants. Personal administrative staff should also be available to other legislators on a shared basis. Three or four legislators could share an assistant.

We specifically recommend full-time aides for the Senate Majority Leader, the chairman of the Senate Committee on Committees, the House Majority Leader, and the House Speaker because these are the top majority leadership positions in the two bodies. The Senate Minority Leader and the House Minority Leader also should be given full-time aides.

Not every legislator will feel he has a need for an administrative aide, either full-time or part-time. But the Legislature needs to have a mechanism available whereby legislators who are not serving in the top leadership positions can have access to other aides on a shared basis if they wish. These aides should be made available without preference based on seniority. Freshman members may have greater need for such assistance than others. The Joint Committee on Legislative Services, recommended elsewhere in this report, would be the logical body to review requests for administrative aides.

17. Use of Interns

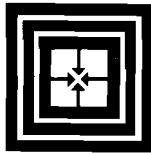
The Present Situation —

The Legislature does not have any program whereby college students, either undergraduate or post-graduate, could be employed as interns by the Legislature. We understand that attempts have been made in the past, with offers for financial assistance from a foundation, but the program has failed because of disagreements on the role of the Legislature in supervising the interns. We understand that renewed attempts to establish an intern program are under way now.

Problems —

The principal advantage of an intern program is that bright, young, eager-to-work individuals can be made available to the Legislature for a short period of time with very little cost. Disadvantages we have heard include the difficulty in colleges and universities reaching agreement with the Legislature on the duties of the interns. The basic problem appears to be that legislators want more freedom in directing interns than the institutions have wanted to accept.

Our Proposal —



We recommend that the Legislature make a strong attempt to make wide use of the availability of college students to assist the Legislature. Juniors, seniors and graduate students from public and private universities in Minnesota could serve as personal administrative assistants. Perhaps some of the graduate students could also be hired as professional staff for committees with the intern program becoming a training ground for development of a first-class professional legislative staff.

As far as we can determine, there are enough legislators today wanting an intern program, and enough interest on the part of the institutions, that good-faith bargaining could iron out the problems of supervision of interns.

We extend every encouragement to the Legislature to establish this program.

18. Clerical Assistance

The Present Situation —

Most committee chairmen in the Senate have the services of a full-time stenographer during the session who also serves as the stenographer for the appropriate committee. In a few cases a chairman and a vice-chairman will share a stenographer.

Majority group senators who are not committee chairmen generally share stenographers on a basis of four senators for each steno. Freshman majority group senators share stenos on a basis of nine senators sharing two stenos. The 22 minority group senators share three stenos. In addition there is a steno pool of six to eight stenos and typists.

In the House a few committee chairmen have their own full-time stenographers, and a few other committee chairmen share stenos on a basis of two chairmen per steno. Most House committee chairmen share stenos on a basis of three chairmen per steno. The House

minority office has one steno. In addition there is a pool of 16 stenos to serve all the members of the House.

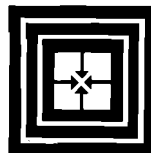
All hiring of stenographic assistance is carried out through the Rules Committees of each House, which are made up only of majority group members. We understand, though, that the stenographic assistance specifically made available to the minority group is hired according to the wishes of the minority.

Problems —

Appointment of stenographic assistance is of special concern because of the particular relationship between stenographers and legislators. Members of the minority group in the Legislature have informed us they are reluctant sometimes to utilize majority-hired stenographic assistance because of the confidential nature of the correspondence they are dictating. One lawyer-legislator in the minority group stated that he frequently would call his own office and dictate confidential letters to his own secretary.

A Citizens League questionnaire of legislators during the last session revealed that 60 per cent of the respondents felt clerical staff was not adequate to meet their needs.

Our Proposal —



We recommend that every legislator, when the Legislature is in session, be guaranteed the equivalent of a half-time steno and that additional stenographic assistance be furnished to committee chairmen,

if needed. Each legislator would be entitled to hire clerical assistance of his own choosing, or he could allow the Joint Committee on Legislative Services to handle the hiring.

Dictating machines have not been available to the Legislature to date, which has hindered the efficiency of the stenographic staff. We understand that at least in the Senate plans are under way to provide dictating machines in the 1969 session. This will be most helpful.

19. Caucus Assistance

The Present Situation —

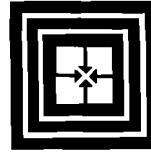
During the 1967 Legislature, for the first time two full-time research assistants were made available to the minority—one for House minority and one for the Senate minority. Specific arrangements were not made for research assistants for the majority caucuses, but a research assistant was hired by the all-majority-group Rules Committee of the Senate.

Problems —

It is not possible for the minority in the House and Senate, with its limited staff, to develop well-researched alternative proposals on major issues or analyze in depth the proposals advanced by the majority group. Such activity would serve to strengthen legislation.

Our Proposal —

We recommend that staffing for minority as well as the majority caucuses be assured in the Legislature to the extent necessary to



explore and develop alternatives on major issues. This recommendation is quite closely tied to that recommending full-time administrative assistants for the top legislative leaders, both majority and minority. It is desirable for the minority to have sufficient research assistance so that their total of minority caucus assistance when added to the number of full-time administrative aides for their leaders equals that of the majority.

ADDITIONAL LEGISLATIVE SERVICES

20. Legislative Library Service

The Present Situation —

The Minnesota Legislature does not provide its members with a library service. The law library in the Capitol, which is used primarily for the Supreme Court, is available to the public and to legislators, but does not contain the material generally needed for a legislative library. The office of the Legislative Research Committee has compiled a collection of research reports from comparable bodies in other states, but this, too, is limited. The Revisor of Statutes, we understand, has a considerable collection of materials which would be appropriate in a legislative library.

Problems —

Minnesota's Legislature cannot be provided with necessary information unless there is an adequate supply of materials available for the Legislature on short notice. It must be in a place readily accessible and not fragmented, as in the present situation. Experience in other states has indicated the need for a legislative library service.

Our Proposal —



We recommend that the Legislature establish a library service, professionally staffed, to provide legislators and others with information, whether through its own collection of books and materials or through other libraries.

It is encouraging to note that a Senate Rules Subcommittee is giving the question of a legislative library thorough investigation during the 1967-69 interim. Hopefully, the Sen-

ate and House can jointly develop a first-class library service for their members.

21. Information Service

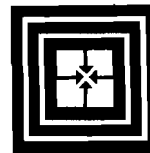
The Present Situation —

Currently, when a legislator wants a short research project undertaken determining, for example, the situation in comparable states on a problem facing Minnesota, he may ask the staff of the Legislative Research Committee for information.

Problems —

The LRC is not widely utilized by legislators. Several legislators who met with out committee said they have the feeling their requests for assistance are not welcomed by the LRC. On the other hand, we understand that a legislator's request for information may be made in such a way that it is difficult, within time and resource limits, to comply with his request. Thus a legislator may not have his request met as he desires.

Our Proposal —



We recommend that the Legislature establish a research service, readily available to all legislators. A legislator would be guaranteed action on his request for information, with the only limitation being that imposed by available resources. Guidelines should be established by the Legislature setting forth that if a request for information is too broad or detailed to be met as requested an alternative which can be met will be suggested by the staff of the service. If a legislator still is dissatisfied, he should have

the right to appeal. We are recommending elsewhere in this report the establishment of a Joint Committee on Legislative Services, which will supersede the Legislative Research Committee. A legislator could appeal to the Joint Committee, which would be in charge of the research service.

22. Data Processing

The Present Situation —

The Minnesota Legislature now does not utilize data processing for its operations. The House and Senate Rules Committees are investigating various possibilities of using data processing in speeding up and improving functioning of the Legislature.

Problems —

Many new possibilities are on the horizon today for the improvement of the functioning of the State Legislature with modern data processing equipment. We have not made a detailed investigation of this problem, but have been made generally aware that there are many areas worth looking into, and that the Legislature has not done enough of this to date.

A recent report to the Massachusetts Legislature from the Massachusetts Taxpayers Foundation deals with many exciting possibilities of using modern information-processing equipment from filing of a bill to the publication of the law. Following are some excerpts from that report:

"Machines which look substantially like ordinary typewriters are equipped with devices which record what is typed so that it may be reproduced without retyping. Other machines operate at high speeds to send or receive messages over the telephone lines. Writing by electronic computers is now produced at rates approaching a thousand lines per minute. Type composition for printing is now possible at rates of at least 20 lines per minute of metal type and 30 lines per minute or more by photographic processes. All of these devices open wide and inviting vistas for improving efficiency in our Massachusetts Legislative process."

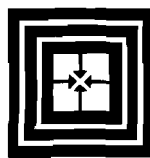
A report by the Massachusetts Legislative Research Bureau on electronic data processing and the legislative process dated April 7, 1966, includes the following quote:

"Finally, in addition to handling all current legislative paperwork such as measures, indexes, calendars and journals, the legislative information service can be used for complete statute text, index and an-

notation, publication of committee reports, pre-session bill drafting and bill printing."

A few states, including Oregon, Florida and North Carolina, have begun to utilize data processing services for the Legislature.

Our Proposal —



We urge the Legislature to utilize data processing services on a broad scale. We have not looked into this in a great amount of detail but are aware of the potential of utilizing data processing services for a wide variety of legislative functions including indexing of House and Senate bills, bill drafting, preparation of amendments, statutory revisions and other functions such as budget and program analysis. A central index system whereby a citizen or a legislator could find out instantaneously the status of a bill in the House or Senate would be most beneficial. Further, to know where to find amendments that have been made to bills on a quick basis is desirable.

Preliminary information indicates that much of the typing, proofreading, retyping, reproofreading—in short, a good amount of the tedium and bother connected with production of legislative measures—can be avoided through a system which stores information electronically as it is prepared and retrieves it automatically and accurately when needed.

23. Pre-Session Orientation

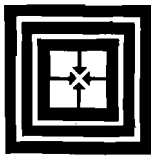
The Present Situation —

When a legislator is elected in Minnesota, he receives no formal orientation in the workings of the State Legislature. Generally his orientation is the experience he gains in the session. He is not given any manual outlining how he should introduce legislation. The various rules of the body and their meanings are not explained to him in any formal document. A service is provided by the Department of Education for freshmen legislators in which they give tours of the various departments of state government during the first few weeks of the session.

Problems —

A newly elected member of the Legislature undoubtedly will not begin to understand the more intricate complexities of the legislative process immediately. This can come only with experience. Nevertheless, he urgently needs to know what takes place on the floor and in committee and what various motions mean. He needs to be informed of services that exist for him and where he can turn for information.

Our Proposal —



We recommend that the Legislature provide a formal pre-session orientation program for its newly elected members, and for veterans if they choose to attend. This can be handled through the Joint Committee on Legislative Services. The orientation session should be held between the election and the opening of the legislative session. A legislative handbook should be readily available to legislators when elected and be used as a text for the pre-session orientation. A good example of an effective legislative handbook is one prepared by the North Dakota legislative research committee in 1967. It deals in detail with a broad range of legislative responsibilities and powers. It discusses the rules of procedure, the daily routine, the committee system, and how a bill is made. It discusses constitutional limitations on the Legislature. It describes the various employees of the Legislature.

24. Fiscal Services

The Present Situation —

The House Appropriations Committee and the Senate Finance Committee, independent of each other, have their own professional staffs which provide the fiscal services for the Legislature now. The staffs report directly to their committees and liaison between the two is not extensive. Each conducts its own review of the executive department carrying out the budget intentions of the Legislature. Although the House Appropriations and Senate Finance employees are basically assigned the job of review of the extent to which the administrative agencies carry out the appropriations authorized by the Legislature, employees generally acknowledge that the extent of the legislative post audit is not too detailed. The staffs of the Appropriations and Finance Committees are occupied to a considerable extent during the interim in working with subcommittees of the Appropriations and Finance Committees.

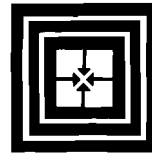
Problems —

We have not evaluated the various fiscal services now carried out by these committees. We did learn, though, that there is only a minimum of coordination between the two. It is not at all uncommon in other states for the work of the Appropriations and Finance Committees to be much more closely connected. For example, in Wisconsin all fiscal services are handled by a Joint Committee on Finance. It may well be that the best efforts of the Legislature in reviewing the ex-

penditures of state government to see if they are in line with legislative intent are somewhat hindered by the separate activity of the House and Senate committees.

We also understand that several legislators recognize the importance of in-depth program and performance analysis of activities of state government. To be truly effective a substantial expansion of the staffs of the Appropriations and Finance Committees, along with closer coordination between the committees, will be needed.

Our Proposal —



We recommend a unified House-Senate approach to a broad area of fiscal services, including budget review and program and performance analysis and legislative post audit. This should be accomplished by a joint arrangement between the House Appropriations Committee and the Senate Finance Committee, accompanied by substantial expansion of the staffs of the two committees.

25. Bill Drafting

The Present Situation —

Bills are drafted for legislators in Minnesota by the office of Revisor of Statutes. The statute establishing the Revisor of Statutes provides that he shall be appointed by the Supreme Court and, subject to the approval of the Supreme Court, he employs and fixes the compensation of assistants in the office.

The normal size of the staff of the Revisor during the non-legislative part of the year is four lawyers and four clerical staff. During the session the staff is significantly expanded. During the 1967 legislative session there were six lawyers on the staff, four lawyers in private practice who were on contract with the Revisor, and a staff of 18 clerical persons. The biennial budget for the Revisor of Statutes is approximately \$250,000.

The duties of the Revisor as set forth in state law are as follows:

- Prepare bills passed by the Legislature for printing, publication and distribution.
- Maintain a bill-drafting department for any members of the Legislature, the Governor, or any department or agency of the state.
- Accumulate data regarding the practical operation and effect of statutes of this and other states.
- Maintain a card index of bills and resolutions introduced at sessions of the Legislature.

- Prepare and have available for use an index of all the laws of the state.
- Keep and file copies of all bills, resolutions, memorials, amendments, committee reports, journals, and documents furnished to him.
- Upon request of any committee or commission created by the Legislature or appointed by the Governor, make a study of or revise the law pertaining to any subject, prepare and advise in the preparation of any bill.
- Prepare and issue styles and forms for drafting bills and other legislative measures for use of members of the Legislature, state offices, and persons interested in the drafting of bills for introduction.
- Render such other services as the Legislature, or either branch thereof, may request.
- Report to each regular biennial session of the Legislature concerning any statutory changes recommended or discussed, or statutory deficiencies noted in any opinion of the Supreme Court of Minnesota filed during the two-year period immediately preceding September 30 of the year preceding the year in which the session is held, together with such comment as may be necessary to outline clearly the legislative problem reported.

The law prohibits the Revisor or any of his employees from urging or opposing any legislation, or from giving any member of the Legislature advice concerning the legal, economic or social effect of any bill or proposed bill, except on request of a member.

Rules of the House of Representatives in Minnesota provide that no bill may be introduced until it has been approved as to form by the office of Revisor of Statutes. Senate rules do not specifically state this, but as a practical matter the vast majority of Senate bills also are approved of as to form by the Revisor before they are introduced. The Revisor does not rule on the question of whether a bill is constitutional in approving it for introduction.

The Revisor of Statutes has served as the staff for certain interim commissions and committees.

The office of Revisor is basically an independent office. Although appointed by the Supreme Court, his responsibilities are totally related to the Legislature. The present Revisor of Statutes normally remains in close contact with the chairman of the Rules Committees of the House and Senate.

Every request of a legislator for a bill is honored on a first-come, first-serve basis.

Lawyers on the staff of the Revisor are assigned to certain special areas. If one draftsman has 25 bills and another has 50 bills, a bill could move faster if the workload of the affected draftsman is not as great.

Immediately after the November elections, all legislators are sent a request from the Revisor to get their bills drafted early. From election day to January 1 the Revisor receives about two or three requests for bills each day. On January 1 the number jumps to 60 to 80 per day. In 1959 the Revisor drafted some 2,200 bills. In 1965 the number had jumped to 2,700 bills, and in the 1967 session the number was 3,800.

Problems —

As far as we could determine, legislators are satisfied with the service they receive from the Revisor of Statutes. Results of a Citizens League questionnaire last spring revealed that all of the legislators responding either were very satisfied or were somewhat satisfied. The incumbent Revisor is held in very high regard by the Legislature. Both minority and majority members of the Legislature say their service from the Revisor is satisfactory. Some problems arise during the session because a legislator cannot get a bill drafted as fast as he would like. This is because of the large number of bills that the Revisor must draft. The Revisor has been in cramped quarters in the Legislature. His staff will be able to expand in the 1969 session because of the addition of more space in the Capitol.

The major question in connection with the Revisor of Statutes is to whom he should be responsible. Should he be responsible to the Legislature or to the Supreme Court? No problems have arisen, because of the capabilities of the incumbent. Yet the question arises whether the Supreme Court or the Legislature should be assigned to pick a successor. Furthermore, if the Legislature were to contemplate any change in the duties in connection with research, for example, there well might be some desirability to have the office closely coordinated with the other staff of the Legislature. Consistent with the idea of separation of powers there really is no reason why the Supreme Court should appoint the official who drafts bills for the Legislature.

Our Proposal —



We recommend that the office of Revisor of Statutes be placed under the Legislature and be directly responsible to a joint committee of majority and minority leaders in both houses. We recommend the

establishment of such a committee in this report — the Joint Committee on Legislative Services. We do not envision that there would be any necessary change in the way the office of Revisor of Statutes is operated. When the time comes to select a new Revisor of Statutes, the Legislature could itself make the appointment, rather than leaving that job with the Supreme Court. It has been argued that one of the reasons for leaving the office of Revisor under the Supreme Court is that it insures his independence of the legislative branch so that he does not become a tool of one group of legislators. However, there is

the overriding concern which we have that, since bill-drafting and recodification are services to the Legislature, the Legislature itself should control these functions. This is a very common practice in other states. We believe that the threat of any partisan segment of the Legislature controlling the bill-drafting process would be tempered by the fact that tradition has generally established the office as non-partisan in Minnesota. Furthermore, the Joint Committee on Legislative Services, as we recommend, would be composed of majority and minority members and would appoint the Revisor.

ORGANIZATION OF LEGISLATIVE SERVICES

26. Establishment of a Joint Committee on Legislative Services

The Minnesota Legislature is not two legislatures. The House and Senate are part of one body—the Legislature. An urgent need exists for official recognition to be given of this fact by the Legislature in the establishment of a joint mechanism for carrying out a broad range of needed services for both bodies. This can be called a legislative council, an executive committee, or, as we propose, a Joint Committee on Legislative Services. A Joint Committee on Legislative Services would provide the framework wherein the House and Senate can get together. A form of a joint committee is common in practically all states.

27. Composition of the Joint Committee on Legislative Services

We believe that one of the major reasons, if not the major reason, for the relative unimportance of the Legislative Research Committee in Minnesota is that the leadership of the House and Senate have not been represented. No joint committee of the two bodies could begin to have any degree of success without the presence of the leadership. Leadership does not mean only that of the majority. The minority leadership needs to be given full and complete recognition in such a joint committee. It is important that the makeup of the joint committee be such as to reflect the wishes of the caucuses of the Senate and House.

It is very common in the establishment of interim commissions in Minnesota for the Speaker of the House to name the House members, and the Senate Committee on Committees to name the Senate members. We considered this alternative for the Joint Committee on Legislative Services but felt that it

would be preferable to specify in the legislation, to assure thereby the continuing role of the leadership, exactly what leaders should be represented.

We believe that a membership of about 16 members for such a Joint Committee would be adequate, and that the following would be a reasonable makeup:

- The majority leader of the Senate and the majority leader of the House.
- The Speaker of the House.
- The chairman of the Senate Committee on Committees.
- The chairman of the Senate Finance Committee and the chairman of the House Appropriations Committee.
- The minority leader in the Senate and the minority leader in the House.
- Two members of the Senate majority caucus, selected in a manner determined by the caucus.
- Two members of the House majority caucus, selected in a manner determined by the caucus.
- Two members of the Senate minority caucus, selected in a manner determined by the caucus.
- Two members of the House minority caucus, selected in a manner determined by the caucus.

The majority leader of the Senate, the chairman of the Senate Committee on Committees, and the chairman of the Senate Finance Committee generally are regarded as the top majority leadership positions in the Senate. The Speaker of the House, the majority leader of the House, and the chairman of the House Appropriations Committee are generally regarded as the top leadership positions in the

House. The Finance and Appropriations Committees of the Senate and House play very important roles in the state. We felt it would be advisable that in addition to the leadership of the two bodies there be some at-large membership from the House and Senate as well. To maximize the opportunity that these persons would reflect the wishes of the caucuses we are recommending that they be selected in a manner determined by the caucuses.

If both the House and Senate are controlled by the Republican-oriented Conservatives caucus, as currently is the case, they would have ten members on the Joint Committee on Legislative Services, and the DFL minority caucus would have six. If one house were controlled by one caucus and the other by the other caucus, there would be an equal eight-eight distribution on the Joint Committee. We discussed at length whether it would be advisable to have an odd number of persons on the Joint Committee to avoid tie votes. We concluded that it is important to recognize the equal contribution of the House and Senate, and, therefore, representation should be equal.

We recommend that to avoid the problem of selecting a chairman in the event one body is controlled by one caucus and the other body by the other caucus and to assure equal treatment to the House and Senate the chairmanship automatically rotate every two years between the House and the Senate, and that the chairman be selected by a majority vote of the members of the Joint Committee.

Another of the problems of the Legislative Research Committee is that its governing body was appointed at the end of a regular legislative session and the terms of its members ended at the beginning of the next. Thus there was no leadership during the entire session. We recommend that the Joint Committee be named at the beginning of each biennial legislative session — that is, at the same time as are the floor leaders and the various members of the standing committees of the House and Senate. Vacancies in the Joint Committee can be filled in the same manner as original members are selected.

28. Powers and Responsibilities of the Joint Committee on Legislative Services

- a. **Appoint a Director of Legislative Services—**
To assist the Joint Committee in carrying out its responsibilities, we recommend that the committee appoint a Director, competent in the organization of legislative

services and supervision and training of professional staff.

The Director of Legislative Services should be among the most important positions in state government. It will be equivalent in importance to the Legislature as the Commissioner of Administration is to the Executive Council. His salary should be sufficient to attract a qualified person, and the Legislature should not bind itself to artificial salary limitations. Because of his relationship to the entire Legislature, we recommend that his appointment be confirmed by the House and Senate, but that he serve at the pleasure of the Joint Committee.

We envision that the Director would be especially sensitive to ways of making the legislative branch of government more effective. He would be, in effect, the chief person for the Legislature, serving both houses.

- b. **Appointment of Other Legislative Employees—**To develop a greater sense of professionalism in legislative employment, we recommend that the Joint Committee on Legislative Services adopt uniform standards of salary and employment conditions for legislative employees, and that, with specified exceptions, the Legislature arrange for the hiring of employees by the Director of Legislative Services, with confirmation by the Joint Committee. Thus, the Legislature would have one personnel system for both bodies, rather than separate personnel systems for the House and Senate.

This means that the hiring of professional personnel assigned to committees, committee clerks, index clerks, doorkeepers, general stenographers, file clerks, janitors and other similar legislative personnel would be hired by the Joint Committee. The Director of Legislative Services would be responsible for arranging the hiring, and the Joint Committee would not actively involve itself in the appointment of personnel but would confirm or reject appointments. It would be intended that the jurisdiction of hiring under the Joint Committee would be those legislative positions which by virtue of the responsibilities that they have, should not be partisan, political appointments. Thus, if one body were controlled by one party and the other body by the other party, hiring of certain personnel would not be a factor. It must further be recognized and re-emphasized that the Joint Committee itself will be representative of the majority and the minority in each house.

Currently these employees are hired under the general direction of the Rules Committees of the two houses. An informal unwritten rule entitles majority group members to patronage appointments.

Hiring practices of administrative personnel for the Legislature lack the professionalism which should characterize this hiring. Patronage needs to have no place in a Legislature. Undoubtedly, whether or not a person is a patronage appointment or a doorkeeper has little effect on that person's activity as a doorkeeper. Nevertheless, the idea of a person being entitled to a patronage appointment seems unnecessary and inconsistent with standard proper procedures of employment. Jobs for the Legislature should be available on an equal basis to persons on the basis of qualification.

We recommend that the House of Representatives continue to select its Chief Clerk, and the Senate continue to select its Secretary, who are the two bodies' chief administrative officers. They should be given direct supervisory authority over all persons serving in departments under their jurisdiction, and be given veto power over the assignment of personnel by the Director of the Joint Committee. This means that the Chief Clerk and the Secretary would be freed from the responsibilities of hiring legislative staff.

- c. **Supersede the Legislative Research Committee (LRC)**—We recommend that the Joint Committee on Legislative Services supersede the existing LRC, and that its staff be placed under the jurisdiction of the Joint Committee. There is no need to continue the LRC separately.
- d. **Revisor of Statutes**—We recommend that the office of Revisor of Statutes be placed under the Joint Committee.
- e. **Continuous Review of Improving the Legislature**—To provide a framework for continuing review by the legislators of the entire legislative process, we recommend the Joint Committee be charged with the responsibility of seeking ways to improve the structure and operations of the Legislature. There are many other subjects besides those mentioned in this report which require study. For example, we did not review lobbyist registration, codes of ethics, and conflict of interest.
- f. **Carrying Out Legislative Services**—The Joint Committee should be the vehicle for carrying out a variety of legislative services, including the following: Data processing, pre-session orientation, bill-drafting, fiscal services, information and research services, library, and arranging for hiring of legislative interns.

STUDY OF LEGISLATIVE IMPROVEMENTS

29. Joint Action before 1969

The Present Situation —

The House and Senate separately authorized their respective Rules Committees to undertake studies of legislative procedures and organization during the interim and report back to the 1969 House and Senate.

The House Rules Committee was instructed to (1) work out satisfactory space accommodations in the newly available space in the Capitol, (2) conduct studies and research concerning and including the following possible future legislative facilities and services: (a) research staff—including the establishment of a legislative services committee, (b) implementing services to the Legislature including, but not limited to, the handling, printing, processing, engrossment, enrollment, analysis and introduction of bills; and (c) the need for replacement of the House voting machine and public address system.

The Senate Committee on Rules and Legislative Expense was instructed to (1) study all aspects of the organization and operation of the State Legislature, including but not limited to the relationship to other branches of government, the relationship between the Senate and the House, the adequacy of clerical, technical and professional assistance available to standing committees, means of strengthening legislative service, means of utilizing systems analysis techniques to increase the information and the alternatives available to the Legislature for the formulation of public programs dealing with complex modern problems, the use of automatic data processing and information retrieval systems in legislative operations; (2) study present and future space requirements for the Legislature, its committees, staff and members; utilization of contributed services of private citizens and organizations in an advisory capacity; (3) study the need for and desirability of legislative post auditing; (4) oversee the

planning, organization, expenses, work and staffing of the standing committees; (5) study other matters within the ordinary jurisdiction of the committee, including but not limited to consultant services, legislative staffing, need for legislative library, central filing system, coordinator for standing committees, orientation for freshman senators, printing of bills, verbatim recordings of Senate proceedings, etc.

The individual Rules Committees of the House and Senate usually have met separately to discuss these various areas. There have been some joint meetings on the allocation of space in the Capitol.

A \$50,000 study of the organization of state government was authorized by the 1967 Legislature. This study will deal with the reorganization of the executive branch, but will not cover the legislative branch. Proposals introduced in the 1967 Legislature for joint House-Senate studies of legislative organization and procedures were defeated.

In several other states "blue ribbon" committees of legislators and citizens, generally financed by the state, have recently made major recommendations on improvement of state legislatures.

Problems —

A major question facing the House and Senate Rules Committees prior to the 1969 legislative session is whether they will continue to meet separately discussing issues of major concern to each of them, or whether they will attempt to reach joint agreement prior to the beginning of the 1969 session on some areas of improvement. It is difficult to imagine that the House and Senate, during a regular 120-day session, can jointly work on legislative organization and procedures to any great extent, because of the press of other business.

It is therefore of crucial importance that during the coming year, prior to the 1969 session, the Legislature develop its areas of improvement. The proponents of the approach to have the House and Senate committees meet separately would point to the fact that the Legislature is a bicameral institution and that separate studies of the organization and structure of the Legislature are justified. Others would contend that the preferable approach would be for the House and Senate Rules Committees to meet jointly so that they can develop a unified recommendation to the Legislature for 1969.

Our Proposal —



We strongly recommend that the two Rules Committees begin holding joint sessions during the coming months to develop common proposals for the 1969 Legislature. By meeting together, the two committees can agree on those areas where they want to make improvement. They could meet jointly for hearings on various improvements, and if they desired they could meet separately to reach conclusions, though it would even be preferable for them to develop those jointly. Rather than have the Senate Rules Committee meet separately and discuss, for example, data processing improvements which would affect both bodies, it would be far preferable to have the Senate and House Rules Committees meet jointly on this issue. Further, if one body were to feel that reproduction of bills in quantity upon introduction is a desirable improvement, the cooperation of the other body clearly would be necessary. At the very least, it would seem sensible that the House and Senate Rules Committees should have common areas of study.

CITIZENS LEAGUE
545 Mobil Oil Building
Minneapolis, MN #55402

C
O
P
Y

February 6, 1968

Mr. Peter Seed, Chairman
Legislative Procedures Committee
Citizens League
545 Mobil Oil Bldg.
Minneapolis, Minn. 55402

Dear Pete:

While I indorse the report of our committee, I feel I must indicate disagreement with a portion of the proposal dealing with the size of the legislature.

I believe that the legislature should be cut substantially to improve its efficiency and effectiveness. I have recommended trimming the House from 135 to 90 and the Senate from 67 to 45 although I am not wedded to to any specific figures. The committee's recommendation recognizes the fact that, ultimately, the size of the legislature should be cut. I do not feel that cuts must be coupled with the creation of a "fulltime" legislature. The arguments which support fewer fulltime legislators also can be applied, for the most part, to support having fewer parttime legislators.

I request that you indicate on the report of the committee that I am not in full accord with the recommendation on the size of the legislature.

Sincerely,

John R. Finnegan,
Asst. Executive Editor
St. Paul Dispatch - Pioneer Press

JRF/cg

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TABLE 1

STATE LEGISLATIVE EXPENDITURES IN RELATION TO TOTAL STATE EXPENDITURES
(Fiscal Year 1965-1966)

State Rank by Population	Legislative Expenditures in thousands	Legislative Expenditures As Percent of Total State Expenditures	
		-Percent-	Rank of States
California	\$23,413	0.181%	29
New York	24,579	.244	14
Pennsylvania	12,789	.238	16
Illinois	6,531	.159	34
Texas	5,326	.138	41
Ohio	4,485	.104	48
Michigan	8,506	.190	26
New Jersey	3,523	.159	35
Florida	3,432	.140	39
Massachusetts	12,134	.471	4
North Carolina	3,044	.147	37
Indiana	2,581	.122	45
Missouri	4,316	.247	12
Virginia	1,453	.074	49
Georgia	3,868	.217	19
Wisconsin	4,129	.183	28
Tennessee	724	.047	50
Minnesota-----	3,371-----	.180-----	30
Louisiana	3,784	.167	33
Maryland	3,117	.186	27
Alabama	2,368	.138	40
Kentucky	2,120	.143	38
Washington	3,048	.138	42
Connecticut	2,796	.203	21
Iowa	2,417	.178	31
South Carolina	2,615	.265	11
Oklahoma	2,852	.200	23
Mississippi	1,956	.197	24
Kansas	2,393	.240	15
Colorado	1,714	.154	36
Arkansas	2,028	.245	13
Oregon	2,211	.168	32
West Virginia	2,232	.219	18
Arizona	2,574	.270	10
Nebraska	1,037	.203	22
New Mexico	970	.127	44
Maine	1,716	.356	7
Utah	752	.106	47
Rhode Island	981	.195	25
Hawaii	3,148	.526	1
Montana	610	.134	43
South Dakota	736	.208	20
Idaho	1,241	.315	8
New Hampshire	1,342	.407	6
North Dakota	892	.223	17
Delaware	1,089	.273	9
Nevada	1,689	.491	2
Vermont	1,424	.488	3
Wyoming	354	.107	46
Alaska	1,689	.417	5

SOURCE — "Legislative Fiscal Support in Perspective", Citizens Conference on State Legislatures, Kansas City, Mo., November 17, 1967.

TABLE II

PROVISIONS FOR REGULAR LEGISLATIVE SESSIONS, 1967-68

STATE	1967-68 Session Provisions		STATE	1967-68 Session Provisions	
	Frequency and Type ¹	Limit On Length Of Sessions ²		Frequency and Type ¹	Limit On Length Of Sessions ²
Alabama	Biennial	36L	Montana	Biennial	60C
Alaska	Annual, General	None	Nebraska	Biennial	None
Arizona	Annual, General	63C	Nevada	Biennial	60C
Arkansas	Biennial	60C	New Hampshire	Biennial	90L
California	Annual, General	None	New Jersey	Annual, General	None
Colorado	Annual, Budget	160C, Total	New Mexico	Annual, Budget	60C, 30C
Connecticut	Biennial	150C	New York	Annual, General	None
Delaware	Annual, Budget	90L, 30L	N. Carolina	Biennial	120C
Florida	Biennial	60C	N. Dakota	Biennial	60L
Georgia	Annual, General	45C, 40C	Ohio ⁴	Biennial	None
Hawaii	Annual, Budget	60L	Oklahoma	Annual, General	90L
Idaho ³	Biennial	60C	Oregon	Biennial	None
Illinois ⁴	Biennial	None	Pennsylvania	Annual	None
Indiana	Biennial	61C	Rhode Island	Annual, General	60L
Iowa ³	Biennial	None	S. Carolina	Annual, General	None
Kansas	Annual, General	90L	S. Dakota	Annual, General	45L, 30L
Kentucky	Biennial	60L	Tennessee ⁴	Biennial	75C
Louisiana	Annual, Budget	30C	Texas	Biennial	140C
Maine	Biennial	None	Utah ³	Biennial	60C
Maryland	Annual, General	70C	Vermont ⁴	Biennial	None
Massachusetts	Annual, General	None	Virginia	Biennial	60C
Michigan	Annual, General	None	Washington	Biennial	60C
Minnesota	Biennial	120L	W. Virginia	Annual, Budget	30C
Mississippi	Biennial	None	Wisconsin ³	Biennial	None
Missouri	Biennial	195C	Wyoming	Biennial	40C

¹ "Annual general" indicates that subject matter of each session is unrestricted. "Annual budget" indicates that every other session is restricted to budgetary and fiscal matters.

² "L" indicates number of legislative days, or days actually spent in legislative session. "C" indicates number of days during the session regardless of whether the Legislature convened every day.

³ Voters in Idaho, Iowa, Utah and Wisconsin will vote on annual sessions in the November, 1968, election.

⁴ The Illinois, Ohio, Tennessee, Vermont and Wisconsin Legislatures have been able to move, in effect, to annual sessions by recessing the biennial session to the following year.

SOURCE: "A Review of Legislative Sessions in the Fifty States", Citizens Conference on State Legislatures, January, 1968.

TABLE III
LEGISLATORS' ESTIMATED REALIZED COMPENSATION,¹
BIENNIAL TOTAL, AS OF JANUARY, 1968

State	Estimated Total Biennial Compensation	State	Estimated Total Biennial Compensation
Alabama	\$11,000	Montana	\$ 2,100
Alaska	17,495	Nebraska	4,800
Arizona	5,434	Nevada	3,900
Arkansas	3,600	New Hampshire	200
California	42,550	New Jersey	15,000
Colorado	9,600	New Mexico	1,800
Connecticut	4,000	New York	36,000
Delaware	14,200	North Carolina	4,200
Florida	10,500	North Dakota	2,640
Georgia	10,775	Ohio	16,000
Hawaii	8,770	Oklahoma	6,500
Idaho	4,500	Oregon	8,400
Illinois	18,000	Pennsylvania	24,000
Indiana	4,800	Rhode Island	600
Iowa	5,800	South Carolina	9,200
Kansas	7,050	South Dakota	3,000
Kentucky	3,600	Tennessee	6,300
Louisiana	9,750	Texas	11,040
Maine	3,044	Utah	1,300
Maryland	8,300	Vermont	4,000
Massachusetts	28,250	Virginia	3,300
Michigan	30,000	Washington	8,700
Minnesota	11,742	West Virginia	3,000
Mississippi	8,025	Wisconsin	19,500
Missouri	18,750	Wyoming	1,400

¹ Includes salary plus expense allowance during the session.

SOURCE: Calvin W. Clark, Research Assistant, Citizens Conference on State Legislatures,
Kansas City, Missouri.

TABLE IV
SIZE OF STATE LEGISLATURES

State	Senate	House	State	Senate	House
Alabama	35	106	Montana	55	104
Alaska	20	40	Nebraska	49	—
Arizona	30	60	Nevada	20	40
Arkansas	35	100	New Hampshire	24	400
California	40	80	New Jersey	29	60
Colorado	35	65	New Mexico	42	70
Connecticut	36	177	New York	57	150
Delaware	18	35	North Carolina	50	120
Florida	48	119	North Dakota	49	98
Georgia	54	205	Ohio	33	99
Hawaii	25	51	Oklahoma	48	99
Idaho	35	70	Oregon	30	60
Illinois	58	177	Pennsylvania	50	203
Indiana	50	100	Rhode Island	46	100
Iowa	61	124	South Carolina	50	124
Kansas	40	125	South Dakota	35	75
Kentucky	38	100	Tennessee	33	99
Louisiana	39	105	Texas	31	150
Maine	34	151	Utah	28	69
Maryland	43	142	Vermont	30	150
Massachusetts	40	240	Virginia	40	100
Michigan	38	110	Washington	49	99
Minnesota	67	135	West Virginia	34	100
Mississippi	52	122	Wisconsin	33	100
Missouri	34	163	Wyoming	30	61

SOURCE: American State Legislatures: Their Structures and Procedures
(Chicago: The Council of State Governments, 1967), p. 2.

TABLE V
REFERRAL OF BILLS TO COMMITTEE, 1967 MINNESOTA LEGISLATURE

Senate Standing Committees 1967	Bills Referred to Committee*	Senate Standing Committees 1967	Bills Referred to Committee*
Agriculture —	79	Juridicary —	417
Civil Administration and Metropolitan Affairs —	395	Labor —	52
Commerce —	120	Local Government —	626
Education —	218	Public Domain —	18
Elections and Reapportionment —	54	Public Highways —	204
Finance —	400	Public Welfare —	94
Game and Fish —	133	Taxes and Tax Laws —	181
General Legislation —	43	Temperance and Liquor Control —	63

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

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

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

TABLE VI

TABULATION OF CITIZENS LEAGUE QUESTIONNAIRE TO MINNESOTA LEGISLATORS

During the week of March 20, 1967, which was about midway through the 1967 Legislature, the Citizens League Legislative Procedures Committee mailed a questionnaire to all 202 legislators.

Questionnaires were filled out and returned by 82 legislators. The following table shows how closely the sample resembled the actual composition of the Legislature:

	Actual	Sample
No. of Legislators	202	82
Conservatives	68%	63%
DFLers	32%	32%
Unidentified	0%	5%
House	67%	59%
Senate	33%	36%
Unidentified	0%	5%
Veterans	68%	58%
Freshmen	32%	34%
Unidentified	0%	8%
Metropolitan Area	45%	57%
Outstate	55%	36%
Unidentified	0%	7%

Here are the results of the questionnaire:

		Total	Con- serv- ative	DFL	Fresh- man	Veter- an*	Metro	Out- state	House	Senate
Are annual sessions of the Legislature needed? (75 responses)	Yes	69%	63%	81%	69%	71%	71%	73%	71%	66%
	No	31	38	19	31	29	29	27	29	35
How strong is your opinion on the question of the need for annual sessions? (70 responses)	Yes, Very Strong	47%	36%	68%	52%	49%	51%	44%	51%	44%
	Yes, Mod. Strong	20	20	16	8	24	16	24	17	22
	Yes, Not Very Strong	6	9	0	8	2	5	8	5	4
	No, Very Strong	11	16	4	12	12	14	8	12	11
	No, Mod. Strong	11	14	8	12	10	7	16	10	15
	No, Not Very Strong	4	5	4	8	2	7	0	5	4
Should legislators serve full time? (75 responses)	Yes	32%	22%	54%	28%	37%	33%	35%	26%	43%
	No	56**	62	42	68	46	61	45	59	50
What is your opinion of the current legis- lative salary? (77 responses)	Too High	1%	2%	0%	0%	0%	2%	0%	0%	0%
	Too Low	26	18	39	20	28	32	17	27	22
	About Right	73	80	62	80	72	66	83	73	78
Should every legis- lator have a private office and desk? (65 responses)	Yes	59%	45%	83%	41%	69%	—	—	58%	60%
	No	35	48	17	50	26	—	—	37	32

Here are the results of the questionnaire: (Continued)

	Total	Con- serv- ative	DFL	Fresh- man	Veter- an*	Metro	Out- state	House	Senate
Do you generally have enough time to background yourself adequately before you vote in the various committees? (78 responses)									
Yes	38%	44%	28%	44%	31%	31%	46%	35%	41%
No	62	56	72	56	69	69	54	65	59
Is the clerical staff available to you adequate to meet your needs? (80 responses)									
Yes	39%	46%	26%	44%	33%	38%	40%	40%	33%
No	60	52	74	52	67	60	60	57	67
Every legislator in California has his full-time administrative assistant. Should this be done in Minnesota? (74 responses)									
Yes	35%	31%	46%	40%	37%	39%	36%	33%	44%
No	55	58	50	52	54	52	60	63	40
If not, should legislators share a full-time administrative assistant? (58 responses)									
Yes	79%	74%	88%	78%	77%	79%	80%	75%	85%
No	10	13	6	11	11	9	15	14	5
Is such assistance needed in the interim as well as during the session? (71 responses)									
Yes	45%	44%	48%	30%	51%	49%	37%	48%	41%
No	28	27	30	22	33	18	48	26	33
Should full-time, year-round research personnel be available for all committees of the Legislature? (76 responses)									
Yes	75%	77%	77%	83%	72%	81%	71%	74%	80%
No	22	19	23	17	23	16	29	23	17
If so, should there be different research personnel assigned to the majority and minority members of the committees? (62 responses)									
Yes	57%	45%	76%	67%	50%	66%	43%	64%	46%
No	29	40	10	24	32	16	52	31	27
How many times during the 1967 session have you asked the staff of the Legislative Research Committee for assistance? (78 responses)									
Never	35%	28%	48%	48%	29%	40%	25%	33%	41%
Once or Twice	31	36	16	33	27	24	39	30	24
Three-Ten Times	28	30	28	19	33	31	29	26	35
More than 10	6	6	8	0	11	4	7	11	0
In general, do you believe that the practice of conducting research work in the interim with joint House-Senate interim commissions is a good practice? (78 responses)									
Yes	90%	90%	89%	93%	87%	93%	83%	92%	86%
No	8	6	11	4	11	7	10	8	7

Here are the results of the questionnaire: (Continued)

		Total	Con- serv- ative	DFL	Fresh- man	Veter- an*	Metro	Out- state	House	Senate
Would interim commissions be aided by more extensive use of consultants? (65 responses)	Yes	80%	74%	92%	79%	79%	82%	78%	82%	77%
	No	8	13	0	5	10	5	13	8	8
How helpful would it be if a summary were attached to each bill as it is introduced? (79 responses)	Very Helpful	76%	70%	89%	85%	73%	80%	70%	83%	63%
	Somewhat Helpful	17	22	7	7	19	13	20	13	23
	Not Very Helpful	7	8	4	7	8	7	10	4	13
Do you find it difficult to obtain copies of bills which have been introduced? (80 responses)	Yes	33%	28%	44%	33%	31%	39%	27%	17%	57%
	No	67	73	56	67	69	71	73	83	43
How helpful would it be if bills were printed in quantity upon introduction and with each revision? (73 responses)	Very Helpful	45%	36%	63%	46%	47%	***		41%	54%
	Somewhat Helpful	33	41	19	38	33			34	32
	Not Very Helpful	22	23	19	17	20			25	14
How helpful would it be if a formal orientation program was conducted for newly elected legislators prior to the opening of the legislative session? (73 responses)	Very Helpful	67%	51%	96%	65%	68%	***		74%	57%
	Somewhat Helpful	21	31	4	31	14			21	20
	Not Very Helpful	12	18	0	4	18			4	23
If you believe some or all of the above possible changes need to be made which would you place as highest priority? (62 responses)	Research	29%	32%	27%	29%	26%	26%	36%	30%	29%
	Office	16	21	9	25	11	18	13	16	17
	Secretary	10	13	5	0	17	10	9	8	13
	Annual Sessions	37	26	50	42	34	41	27	41	29

* The term "veteran" applies to those legislators who are not serving their first year in the Legislature.

** In many cases the total of the percentages for a question is less than 100%. The remaining percentage, which is not listed here, is for other answers.

*** Because of problems in tabulating, percentages for three questions in the Metro-Outstate category were not available.

TABLE VII
1965-1967 INTERIM ACTIVITY
STANDING COMMITTEES

HOUSE

<u>COMMITTEE</u>	<u>Disbursement</u>
APPROPRIATIONS COMMITTEE	
Employees Salaries & Supplies	37,333.43
Subcommittee on Education	4,272.90
Subcommittee on Medical Education	1,988.16
Subcommittee on State Departments	1,830.00
Subcommittee on Welfare-Corrections	1,941.83
AGRICULTURE COMMITTEE	— —
COMMERCE COMMITTEE	1,719.88
DRAINAGE & SOIL CONSERVATION	254.21
EDUCATION COMMITTEE	4,895.71
EMPLOYEES COMPENSATION COMMITTEE	154.50
INSURANCE COMMITTEE	439.82
METROPOLITAN & URBAN AFFAIRS	9,962.04
MOTOR VEHICLES COMMITTEE	424.96
REAPPORTIONMENT COMMITTEE	3,006.15
RULES COMMITTEE	2,774.09
TAX COMMITTEE	(TOTAL) 4,508.85
	<u>76,506.53</u>

SENATE

AGRICULTURE—	93.96
CIVIL ADMINISTRATION —	23,335.21
COMMERCE —	22,718.12
COMMITTEE ON COMMITTEES —	273.56
EDUCATION —	3,937.60
ELECTIONS & REAPPORTIONMENT—	4,679.04
FINANCE —	22,946.64
JUDICIARY —	3,398.79
LABOR —	—
TEMPERANCE & LIQUOR CONTROL —	3,132.22
PUBLIC DOMAIN —	12,579.27
PUBLIC WELFARE —	1,465.21
RULES & LEGISLATIVE EXPENSE —	2,705.35
TAXES AND TAX LAWS —	2,526.62
	(TOTAL) <u>103,791.59</u>

TABLE VIII
DISBURSEMENTS OF INTERIM COMMISSIONS
July 1, 1965 — June 30, 1967

COMMISSION	Disbursed
Public Retirement Systems —	48,766.15
Indian Affairs —	28,925.53
Mississippi Valley Development —	3,479.51
Taxation and Production of Iron Ore —	4,665.88
Mississippi River Parkway —	4,938.47
Highway —	39,039.73
Minnesota Outdoor Recreation Resources —	112,103.66
Employment of Handicapped —	25,719.91
Legislative Advisory Committee —	1,630.44
State Claims —	8,532.93
Legislative Building —	<u>43,410.69</u>
(TOTAL)	321,212.90

APPROPRIATIONS TO INTERIM COMMISSIONS
1967-1969

PERMANENT COMMISSIONS

Interstate Cooperation Commission and Council of State Governments —	\$40,800
Legislative Building Commission —	48,000
State Claims Commission —	12,000
Great Lakes Commission —	32,000
Iron Range Resources and Rehabilitation Commission —	—
Commission on Taxation and Production of Iron Ore and Other Minerals —	25,000
Minnesota Resources Commission —	—
Indian Affairs Commission —	45,000
Legislative Advisory Committee for the Minnesota-Wisconsin Boundary Area Commission —	27,500
Mississippi River Parkway Commission—	10,000
Legislative Retirement Study Commission—	50,000
Interstate Compact Education Commission—	—

**TEMPORARY COMMISSIONS CREATED BY
EXTRA SESSION LAWS 1967, Chapter 55**

Elementary and Secondary Education Commission —	75,000
Highway Interim Commission —	25,000
Interim Commission Administrative Rules, Regulations Procedures & Practices —	5,000
Medical School, study of need & location —	20,000
Lake of the Woods Economic Study —	7,500

Appendix

RULES OF THE HENNEPIN COUNTY SENATE DELEGATION

(Adopted February 24, 1967)

1. The rules of the Senate, so far as they are applicable shall be the rules of the delegation, and procedure in the delegation and its subcommittees, where not otherwise provided herein, shall follow the procedure of the Senate.
2. The members of the delegation shall include all senators whose senatorial district includes a part of Hennepin County. In the case of the senatorial district having only one of its two representative districts entirely within Hennepin County, the senator thereof shall be entitled to a full vote in subcommittee and 1/2 vote in the full delegation.
3. The legislative jurisdiction of the delegation includes any proposed legislation that relates to or applies to a unit of government in Hennepin County that is a part of two or more senatorial districts. Relief associations or retirement plans constitute a unit of government within the meaning of this rule.
4. Bills within the jurisdiction of the Hennepin County Delegation may be introduced by individual members of the delegation and referred to the Committee on Local Government or such other Senate committee as is appropriate. Thereafter, the bill shall be considered by the delegation and a report of delegation action forwarded to the Senate committee in possession of the bill.
5. If three or more votes are cast against a bill, it shall not be a delegation bill, and further handling of such bill shall be without the benefit of designation as a delegation bill.
6. Following announcement of the vote to make a bill a delegation bill and prior to the next order of business, it shall be in order for any two members to demand that within the next two days, any absent member be given an opportunity to record his vote on such measure. Where such demand is made, the vote on the motion or question shall not become final until all persons have been recorded as voting or until after the expiration of the two-day period.
7. The delegation shall meet regularly at a day fixed by the delegation for the transaction of business. Additional meetings shall be called by the chairman when he deems it necessary, or may be called by the written request of a majority of the members of the delegation.
8. The delegation shall keep a record in a journal of all action taken. Such record shall include a record of the votes on any question on which a record vote is demanded.
9. A majority of the delegation shall constitute a quorum. A majority of the members of a subcommittee shall constitute a quorum of such subcommittee.
10. No bill shall be reported from the delegation unless a majority of the delegation was actually present.
11. Formal meetings shall be open to the public except when, for good cause, a majority of the delegation or of a subcommittee orders an executive session.
12. Public announcement of hearings shall be made as early as possible.
13. All witnesses appearing before the delegation should file at least two days in advance of their appearance written statements of their proposed testimony unless the delegation finds good cause for their failure to file such a statement. Oral presentations of witnesses shall be limited to brief summaries of their position.
14. The chairman shall appoint such standing and special or select subcommittees of the delegation as may be authorized by the delegation from time to time. The chairman shall have authority to refer or recall any and all bills, resolutions and other matters to subcommittee or to the full committee, subject always to a motion in the delegation.
15. Any member of the delegation shall have the privilege of sitting with any subcommittee during its hearings or deliberations, and may participate in such hearings or deliberations, but no member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

FISCAL NOTE TO SENATE BILL 265

1 FISCAL NOTE: It is estimated that, based on recent unemploy-
2 ment levels, benefit costs under this bill would increase about
3 \$2.9 million in each year, or about \$5.8 million for the 1967-1969
4 biennium.

5 The increased benefit costs would gradually increase employer
6 contributions correspondingly, with the latter increasing an esti-
7 mated \$580 thousand during the second year of the 1967-1969
8 biennium.

9 Administration costs are estimated to increase \$30,000 per
10 year under this bill, and would be financed 100% from federal
11 grants.

12 INDUSTRIAL COMMISSION OF WISCONSIN
13
14
15
16
17
18
19
20

1967

STATE OF WISCONSIN

SENATE BILL 265

LRB - 688

AMS:kc:1

March 29, 1967 - Introduced by Senator LOURIGAN. Referred to
Committee on Labor, Taxation, Insurance and Banking.

1 AN ACT to repeal 108.02 (19) and 108.04 (3); and to amend 108.04 (2) (a)
2 and (13) (b) of the statutes, relating to the waiting period in unemployment
3 compensation.

4 Analysis by the Legislative Reference Bureau

5 This bill eliminates the one week waiting period now required by
6 statute as a condition precedent to receipt of unemployment compensa-
7 tion.

8
9 The people of the state of Wisconsin, represented in senate and
10 assembly, do enact as follows:

11 SECTION 1. 108.02 (19) of the statutes is repealed.

12 SECTION 2. 108.04 (2) (a) and (13) (b) of the statutes are amended
13 to read:

14 108.04 (2) (a) An employe shall be deemed eligible, ~~for waiting~~
15 ~~period or~~ benefit purposes, as to any given week for which he receives
16 no wages, only if he has within such week registered for work in such
17 manner as ~~may~~ is then ~~be~~ prescribed by commission rules; ~~provided that,~~
18 If the commission finds that there are conditions under which an employe
19 cannot reasonably be required to comply with the foregoing registration
20 requirement, the commission may by general rule waive this requirement



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