

CITIZENS LEAGUE REPORT

POWER TO THE PROCESS
Making Minnesota's Legislature Work Better

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September 19, 1985

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INTRODUCTION

In the fall of 1984, the Citizens League began a study of the state Legislature's policy making ability. During the period of study, that ability was tested during a difficult legislative session. In the end, the Legislature had again fulfilled its function albeit through a difficult-to-understand, messy, sometimes contentious process.

Several perceptions emerge from studying the process: Minnesota continues to be well served, although this is not always well understood; Minnesotans have, and should have, high expectations about their Legislature; the legislative process is becoming tougher on the people involved; people are the key variable in making the Legislature work; and, one must conclude, the process must be made easier on those involved--by those involved.

If the Legislature is going to continue to be able to do its policy making job, if Minnesotans' high standards for legislative performance are to be met, if the Legislature process is going to be fair, some things will have to change.

This report is intended to do two things. First, it explains to the lay reader how the process actually works, describing its strengths and weaknesses. Second, for those who have a grasp of the legislative process, it analyzes the nature of the problems we have identified in the process now and proposes some solutions to them. We reject many of the popular proposals for change and instead urge that those in charge of the process fully take charge and fulfill their responsibility both to the citizens of the state and to the institution that they serve.

FINDINGS

Minnesota's Legislature is held in high esteem by scholars and analysts who make comparisons among legislatures.

Minnesota's state government is frequently identified as having been able to get out in front of emerging issues and undertaking innovative, progressive policies. Author Neal Peirce in The Book of America: Inside the 50 States Today, cited Minnesota as being one of the best governed states in the nation. "The Minnesota political structure remains open, issue-oriented, responsive," Peirce wrote.

Metropolitan government, school finance, environmental protection, and human services here are often seen as embodying new and successful ideas. Early action to equalize the financial resources available to educate children around the state was mandated by courts in many states but adopted as a policy matter by Minnesota's Legislature.

Political scientist Alan Rosenthal of the Eagleton Institute at Rutgers University, one of the nation's leading legislative scholars, told the committee that Minnesota's Legislature functions successfully. A 1971 comparative study by the National Conference of State Legislatures ranked legislatures on functional responsibilities, accountability, level of representativeness, and degree of informedness. Minnesota came in tenth. Rosenthal pointed out that legislative performance is subjective, however, and that comparisons and rankings among states have real limitations. The differences in political life and social needs among states are so great that evaluating legislative performance must take into account the unique conditions present in each state. A different kind of Legislature would be needed in New Jersey than in Minnesota, he said, adding that Minnesota's Legislature has served the state well.

The relative success of the institution does not seem to be tied to any distinctive procedures or organizational aspects of the body, but rather to the environment surrounding public debate and the consideration of the public's business. The quality of the Legislature is a reflection of the importance ascribed to public life by Minnesotans.

When asked what accounted for the level of success in Minnesota's Legislature, Rosenthal replied that it attracted high quality people.

Daniel Elazar, a professor of political science at Temple University and former visiting professor at the University of Minnesota, views the political culture surrounding a representative institution as important to the way in which it sees itself and acts. Elazar describes Minnesota's political culture as dominated by the idea of a commonwealth: most public officials are seen as serving the overall public good. In contrast, the prevailing ethic in some other states often is more marketplace- or interest-dominated: individuals in the public sector are seen by the public as serving their own ends or those of favored constituents.

In contrast, most Minnesota citizens do not think highly of their Legislature and do not fully understand how it functions.

For a variety of reasons, public understanding of the Legislature is lacking. Structurally, the Legislature is unlike most institutions, with two houses and many decision-making points. The impact of the media in filtering the public's perception of the Legislature has a role. What the media cover is not necessarily what is taking up the Legislature's time. The electronic media especially must condense and simplify a complicated, diverse process, necessarily creating an impression that does not include the entire picture.

Misunderstandings aside, the legislative process is not a neat one, involving debate, posturing, tactical statements, and genuine disputes over issues. In many instances, the public would prefer a cleaner, less voluble, more orderly process, even though it is hard to imagine a legislative body with those characteristics.

A 1983 Minnesota Poll, conducted by the Minneapolis Star and Tribune, found that only three percent of the public said they had a great deal of confidence in the Legislature with 16 percent saying they had quite a lot of confidence. Fifty-one percent said they had some confidence and 23 percent said they had very little confidence. The poll asked for opinions on nine institutions, with the Legislature ranking second from the bottom. Minnesotans expressed less confidence only in the prison system. More complete poll data are contained in Appendix A.

Minnesota polls in 1975 and 1976 showed only one percent of the public rated the Legislature's work as excellent. Almost half of the respondents identified it as "only fair" in both years.

All of these polls were taken in the month of May, near the end of the legislative session, a time when the public is conscious of legislative activities. The end of the session is also a time when the process is less orderly and the debate more strident, which may have had an impact on public perception of the Legislature.

The two-house structure leads to redundancy in staffing and education of legislators but allows greater opportunity for the development of policy thoughts and ideas.

The two-house structure requires additional work:

- * Hearings must be held on similar or identical bills and policy proposals twice, increasing the workload on executive branch officials and others outside the Legislature bringing proposals for consideration. When the Department of Transportation, for example, brings in its biennial proposal for highway work, it makes an identical presentation to committees in each body. The basic background information brought to legislators during these hearings could just as easily be done once.

- * Extra staff are required both within and without the institution because of the dual structure. Because different staffs do research for the two houses, legislators see different research and

analysis papers on policy issues which may lead to differences later in the process.

Once the policy making process moves into gear, the dual house structure brings advantages.

- * It allows different ideas and policy approaches to evolve separately.

- * It also allows different houses to work on different portions of an issue separately, with the tacit understanding that the other house will basically accept the solution worked out.

We learned, for example, that in the development of the school aids bill in 1983, the Senate worked on student transportation finance issues and the House on upgrading school performance. The ideas and solutions worked out through separate channels were included in the final bill.

Some legislative functions take place in only one house. The Senate approves certain gubernatorial appointments. Revenue bills must originate in the House.

Perhaps the most significant effect of the two house structure today is to introduce a major check into the legislative process. Because both houses must pass an identical bill, additional debate and focus is brought to issues. By contrast, a unicameral body would use fewer resources and could move more quickly.

The Legislature is free to organize itself in some aspects of its business, such as size and committee structure, but not in others, such as duration and time of sessions. Legislative organization of its work is often based on habit and tradition. Caucuses and leaders play an important role in internal organization of the Legislature.

Committee Structure. A major element in legislative organization is the committee structure. Any body of 201 would have to break down into smaller groups in order to accomplish anything. The Senate has 16 committees with membership ranging from 27 (Rules and Administration) to 11 (Elections and Ethics). The House has 18 committees ranging in size from 38 (Appropriations) to 10 (Budget). Committees are sometimes established to allow senior members to have chairmanships, not to respond to any particular work demand.

Committee assignments, including chairmanships, for both the minority and majority members are made by the Speaker of the House in the House of Representatives. In the Senate, the caucuses assign their own members to committees, with the majority caucus determining how many seats the minority will hold on each committee. The Rules Committee subcommittee on committees confirms appointments to committees.

Hearing process. Committee hearings go into great detail, giving members an opportunity to understand programs. Members debate the pros and cons of programs and proposals for law changes. Advocates for change and the status quo are heard. Both minority and

majority members contribute to shaping the bill. The final vote is recorded and the final version of the bill is made public, offering an opportunity for public and interest group comment.

It was pointed out that during a conference committee, only the people who have sat through all of the hearings are really in a position to make choices about the proposed compromises because they are the ones who fully understand the proposed legislation.

The hearing process serves a variety of functions. Sometimes, the hearing is mainly a place for education of legislators. Many legislators said that having heard the testimony at hearings, they were in a position to understand the relevance of bills or portions of them. In other instances, hearings are the time when legislators learn of constituent concerns, serving as a sounding board for public opinion. Sometimes, debates in hearings are used to resolve differences. Hearings provide an opportunity to discuss and debate new policy ideas.

The committee process works well in allowing full legislative consideration to the details of policy matters, but makes a comprehensive outlook more difficult. Many legislators drew distinctions between matters that were part of their committee work and matters that were not. They said they had considerably less expertise about those policy matters where they were not party to committee sessions. All legislators are at one time or another called upon to vote on all bills, including the ones that have not gone through their committees.

Several resource persons criticized the fragmented nature of legislative decision making. To a certain degree, using committees means fragmenting the decision making process. Clearly, the members on a given committee will have more of an impact on legislation moving through it than other legislators. They will be more conversant with the issues in the given topic area.

One suggestion that was raised repeatedly to help allow legislators develop a more comprehensive viewpoint was the Minnesota Horizons program. That event--a three-day, basic orientation session held before the start of the 1975 and 1983 sessions, covering a great deal of background on Minnesota's demographics and its economy--was cited as an excellent, worthwhile effort that should be repeated. Legislators said members needed to gain a general background and orientation for issues. They said the committee process allows members to gain specialized and detailed knowledge of the issues considered by the committee, but few opportunities to develop general understanding. Since all lawmakers are called upon to vote on all proposed laws, such background and understanding are important.

Interim meetings. The Legislature may authorize committees to meet when the Legislature is not in session, although they cannot take final action on legislation. In various years, attempts have been made to use the time between the two annual sessions more effectively. Regularized, pre-scheduled mini-sessions have been tried with mixed success. Much can be accomplished during the interim, but interim meetings raise several questions. Frequent

visits to Saint Paul may be easily accomplished by metropolitan area legislators, but are difficult for other members. Public and media attention is much less focused during the interim, raising questions about accountability. Moreover, if the Legislature is supposed to be part-time, frequent interim meetings may be seen as a back door attempt at creating a full-time body.

No lasting change in meeting patterns over the 24-month period has come about through efforts to use the interim.

Floor Sessions. Floor debate, which in theory is where different viewpoints are aired, was not identified as a significant influence on decision making by any of our resource persons. More of the substantive debate occurs in committee or within a caucus. Floor debate does serve the purpose of making the majority accountable for its actions. It provides an opportunity for questions to be raised publicly about the course of action under consideration. For example, the 1983 MEED bill that created a new jobs program was clearly a caucus-supported measure and the majority caucuses had the votes to pass the legislation. During the floor session, however, the minority had a chance to challenge in public the proposal.

In most of the tax and spending bills we studied, rules were suspended to bring bills directly to the floor. The idea that a bill is read three times on the floor of each house is irrelevant to how the process really works. The three reading provision seems to be a vestige of a time when copies of bills were not widely available and bills were simple enough to be understood by an oral presentation.

Most bills are not brought to the floor unless the sponsors and leaders think they have the votes to pass it. Bills supported by the majority caucus are almost certain to pass.

Size. The size of the Minnesota Legislature is frequently criticized. Minnesota's Senate of 67 is the largest in the nation. Minnesota's House, with 134 members, is 12th. The Legislature is 31st in the number of constituents represented per senator, and 23rd per representative. Because of Minnesota's relatively large area and low population density in certain areas, some legislative districts cover large areas.

Although the level of public concern about the size of the Legislature is considerable, much of the evidence on the subject does not point to improvements in policy if the size of the institution were changed. University of Minnesota political science professor Virginia Gray studied the topic in detail and found that smaller legislatures neither have more flexible rules nor are more efficient. Their members are not necessarily more visible. They do not necessarily have smaller budgets and do not have smaller staffs or lower salaries. States with smaller legislatures do not necessarily spend less on government. Professor Gray found several advantages to larger bodies: a larger talent pool, more expertise and specialization, opportunities for policy innovation, and better oversight of administrative agencies.

The widely diversified interests in the different regions of the state, coupled with a large number of legislative districts, means that special regional interests get a more focused voice than they otherwise would.

Constitution. Many of the major organizational elements of the legislative process are set in the state's Constitution. The Constitution provides that Minnesota have a two-house Legislature, limits the number of days that it can meet, determines the time of year it meets, sets the length of terms, establishes coterminus boundaries for senate and house districts, establishes rules for gubernatorial veto, requires that legislators do not hold other public office, requires a majority vote for passage, requires that bills embrace only one subject, and sets certain rules for procedure. The Legislature cannot call itself into session; only the Governor has that authority.

Most of these questions, including some fundamental issues of legislative structure, were decided in the 19th century when Minnesota was a rural, agrarian society. Other major structural and procedural questions, such as going to annual sessions, were decided as late as the 1970s.

Statutory requirements. State statutes determine, among other things, size, the definition of a legislative day, the size of a quorum, procedures for filling vacancies, pay, living expenses, and punishment for misconduct. The statutes also set up a variety of legislative commissions, such as the Legislative Commission on Minnesota Resources, and the Legislative Audit Commission. These laws--like any others--can be changed by the Legislature.

Rules. Each house adopts its own rules for procedure by majority vote at the beginning of the session. It takes a two-thirds vote to change the rules during the session. Joint rules are established by both houses. Joint rules cover such topics as how conference committees are organized, the form of bills, scheduling deadlines for action on bills, and the major appropriations bills (state government, health/welfare, K-12 education, higher education, agriculture/transportation/semi-state activities, and debt financed building and other public works). For the actual proceedings of the bodies, both houses use their own rules, past precedent, and Mason's Manual of Legislative Procedures.

Rules serve often as a check on majority authority, forcing certain decisions to be made out in the open. When a dispute over the application of a rule arises, the presiding officer, a member of the majority party, determines what the rule means. If the legislator who raised the point is unsatisfied, he or she can call for a vote on the ruling of the presiding officer. Assuming the majority party has its people present on the floor and they vote with the caucus, the majority will prevail in disputes of this sort. Several resource persons said that in the 1985 Legislative session, it seemed that precedent was increasingly used to determine what a ruling should be. This is troublesome because of all of the elements in the hierarchy of procedure--constitution, law, joint rules, individual house rules, Mason's manual and precedent--precedent is most easily used in an arbitrary or unfair manner.

The caucus is a central element in legislative action. Some issues are resolved in a partisan fashion and others are not. Other political factors besides partisan ones are important in determining how legislators line up on a given issue.

Of the hundreds of votes, both on the floor and in committees, most are not along partisan lines. For many years, legislators were not identified on ballots as belonging to one party or another. The political fracture lines in education finance, for instance, would be determined by the characteristics of a legislator's district, such as whether it had an expanding or shrinking school enrollment, a high or low tax base, and high or low per-pupil expenditures. Representation of rural, urban, suburban, business, or labor interests are important in determining voting patterns. Whether the district voted DFL or IR would be of less importance.

On some issues, votes are highly partisan. The proposal to establish an emergency jobs bill in the 1983 Legislature was entirely a partisan matter. The emergency jobs subsidy program became a DFL caucus position early in the session, and because the majority caucus had agreed to pass a bill, the major issue became how big a bill would go through and how the jobs program would be integrated into other jobs and income programs. The bill that passed was carried almost entirely with DFL votes. Because the job subsidy bill was included in the health-welfare appropriations bill, the vote on the larger bill took on a partisan character.

Many tax proposals are highly partisan and almost all of the votes cast in committee or on the floor on tax matters will be along party lines. These votes signal the basic partisan differences on tax matters.

On these highly partisan issues, the most important policy decisions are made within the caucus, outside the committee process or floor sessions. The role of the political party as distinct from the caucus organization is limited in the Legislature and its influence is declining. Parties previously were important in collecting and distributing money and other resources for campaigning. Right now, parties are less significant in this respect. Individual candidates finance their own campaigns, lessening the impact parties have in supporting candidates. Parties still stand for sets of policy ideas, but increasingly the articulation of these ideas is accomplished in the legislative caucus and not through the party itself. The caucus does not now generally finance campaigns, an activity that once was a central element in party discipline.

The caucus is an important organizational element in the legislative system. It provides a forum for policy discussion, decision making, and the use of personnel resources. Unlike some elements of legislative organization, the caucus is informally defined. The Constitution and most laws do not speak to the organization or even the existence of the caucus, although caucus leaders are often granted special authority.

Several resource persons said negative inter-caucus conflicts in hearings and floor sessions are increasing. The concern expressed

was not over differences between caucuses related directly to policy differences or activities thought to enhance the chance of a caucus to impress the electorate, which are types behavior that are inevitable and part of the election process. The concern was over conflict that may occur purely as a matter of spite. Divisiveness of this nature is an indication that the legislative process is not functioning as intended.

An important role of the minority caucus is to force the majority to be on record for its actions. The minority may seek to highlight the differences between it and the majority. These activities are inevitable and proper even though they may be popularly identified as "partisan politics." Politics is partisan and an important function of the minority is to try to become the majority. To do so, it must seek to accentuate differences in philosophy and in legislative agenda. It must highlight what it perceives to be the shortcomings of the majority's actions and then appeal to the voters to change the party in charge.

During the 1983-84 Legislature, the IR caucus made a point of accentuating the differences between it and the DFL caucus, especially in tax matters. The IRs then used those differences as the base of the 1984 campaign. Now, with the IR caucus in control of the House, the DFL is adopting parallel tactics, trying to focus attention on IR caucus positions, especially in the area of social service cuts, which the DFL caucus thinks are unacceptable to voters.

Only a few major leadership positions exist and the authority of leaders is limited. In contrast to many other institutions, the leaders are chosen from below. The leadership has the responsibility to control the process.

Although it is commonly stated that legislative leaders are "powerful," when considered in their institutional context, their power is sharply limited. Legislative leaders, compared to people in top positions in institutions in business, the military, or the media, have limited power but a lot of responsibility. They are chosen by their peers when the Legislature organizes every two years, in contrast to the selection process in other institutions, and therefore must be directly responsive to membership concerns.

The caucus, like the Legislature itself, functions as a representative democracy. The leaders are elected and empowered to carry out the wishes of the caucus. If they fail to satisfy caucus members, they can be replaced. The leaders must maintain the confidence of the members in order to hold their offices.

Committee chairs, though extremely influential in their respective spheres, are less influential elsewhere in the institution. Their effectiveness is therefore predicated on their ability to achieve consensus and agreement among a broad group or to make trades. Because there are so many channels through which to act, chairs are hard put to simply say "no" to the wishes of members.

Even the top leadership people are limited in their authority. They may appoint committee chairs and appoint members to committee,

but they cannot control them once they are installed. If members are unhappy about leadership choices, they are free to vote against the leaders. Because the leaders must manage a great many matters, their effectiveness in any one area is diluted.

By the same token, legislative leaders are in a unique position to get the Legislature to act. Caucus leaders, to the degree they can mobilize members' votes, have access to the one thing which is needed to pass laws; a majority vote. Few other individuals can get this to happen. Leaders set the tone for legislative action. Although they may not be in a position, for example, to follow the development of conference committee reports, they can make clear in advance what is permissible and what is not.

The leaders also are central in the mechanics of legislative process. They can strongly influence what happens on the floor, when bills come up for votes, and rule on procedural items. They are the only members in a position to control objectional practices, such as the failure to give adequate notice for bill hearings or inclusion of non-germane items in a bill. They set the tone for what sort of conduct is permissible and what is not.

Legislative leaders have some unique prerogatives and authority. Only the Speaker and Majority Leader can become involved in the affairs of all committees. The Speaker and Majority Leader speak for their caucuses and represent their positions, allowing them significant leeway to set the agenda and tone of public debate. The Speaker of the House and the Senate Majority Leader occupy a unique position in the budget process, albeit one outside the formal process.

The Speaker of the House has certain powers that the Senate Majority Leader does not. The Speaker of the House is its presiding officer, authority the Senate Majority Leader does not have. In the Senate, leadership authority is divided between the Majority Leader and Senate President, even though, in many respects, the Senate President is mainly an honorary title. The President, however, presides over the Senate. (For many years, the Lieutenant Governor presided over the Senate.) The House Speaker can appoint committee chairs. The Speaker can refer bills to committee, which the Senate Majority Leader cannot do.

Different individuals use their positions in different ways. Some leaders take an aggressive posture. Some are highly partisan. Others are lower key and more accommodating. Personality is a significant factor in the success or failure of leadership. Although seniority is significant in determining committee chairmanships and leadership posts, some individuals never become leaders or chairs of key committees because it is recognized that they do not have the skills to perform leadership functions.

The Legislature possesses enormous and unique legal and financial authority, but the institution itself depends on the goodwill and expectations of its members for maintaining a fair, open, accountable, and responsible process.

The Legislature itself determines the openness and appropriateness of its procedures. It shapes the way it functions. Forcing the institution to adopt stricter formal rules on openness by outside regulation would seem to have a limited impact. If a consensus were to develop to allow, for example, more voice votes or to make more decisions outside the formal process, the Legislature could do so.

The only outside controls on legislative behavior are the constitution, the electorate and the courts. The constitution sets forth some overall guidelines but does not regulate or seek to control the norms of behavior in the Legislature. The constitution requires that bills embrace only one subject, but in practice the Legislature determines what that means.

On election day, voters can pass judgement on past legislative behavior but beyond that have no opportunity to control directly or determine the behavior or decisions of legislators. This year, voters expressed profound dissatisfaction about a special session, but one was held nonetheless.

Courts have directed legislative bodies to adopt certain practices, such as reapportionment, but in general courts are not anxious to rule on internal legislative activities. In contrast to what has happened elsewhere in the society, people have not run to the courts in recent years to seek changes in legislative practices.

Rules and laws can be changed by majority vote in the Legislature. The legislative process is therefore ultimately dependent on the norms and expectations of individual legislators because they can write the formal rules of conduct.

The informal set of expectations and unwritten rules will be as important as the formal rules of procedure on most matters of process. Because outside control over this aspect of the process can only have a limited effect, special attention must be paid to nurturing and developing high expectations and high standards of conduct.

Most of these questions of behavior are matters of degree. For example, legislators are expected to do things to help their constituencies and districts. At the same time, certain behavior is not allowed. In many legislative institutions, including the Congress, it is common for public works bills to specify exactly what projects will be built, in effect allowing legislators to vote specifically for projects in their own districts. In Minnesota, the major priorities in highway building are set by the professionals in the Department of Transportation. This is not to say that no member of the Minnesota Legislature has ever used his or her influence to get something built in his or her home district. It is to say that such conduct is not generally acceptable in the normal course of transacting business. There is

nothing stopping the Legislature from acting like Congress in this regard except its own willingness to limit its behavior.

Leaders and committee chairs, especially, have the ability to take liberties with the process if they seek to do so. Because they can control the rules, they can stack the procedure to their advantage if they want. An example in the past session was the charge by the DFL House caucus that the IR majority caucus had been unfair in committee assignments. The IR response was that the process had been no different from when the DFL was in charge. Four years earlier, when the senate DFL caucus had a similar opportunity, it, too, was criticized by the minority for its committee assignments. The example illustrates two points. First, the minority caucus has no recourse but public protest or to appeal to the electorate. They had no avenues within the process to redress their grievance. Second, the majority response was that no excess had been committed because the majority was simply playing by rules accepted in the past by the body.

Policing matters of this sort is almost entirely a matter of self-restraint by lawmakers. Provisions in the constitution, law, or rules will not likely deter unacceptable conduct if it were to become the norm.

The staff directly responsible to the Legislature is not well managed or organized. Partisan and non-partisan functions are blurred. Legislators do not see themselves as staff managers nor act in that capacity.

The Legislature directs a substantial staff, numbering about 800 during the session, including paid professionals and unpaid volunteers. The Legislature still handles staff much as it did 50 years ago when few people were involved. The organization of the staff is described in appendix B of this report. Unlike many institutions, the management of full-time personnel at the Legislature is a secondary or tertiary concern, not a primary one.

In this section, we focus mainly on professional staff, not clerical and support staff. A major distinction exists between caucus and non-caucus staff. Caucus staff are concerned with political functions such as campaigning and elections. They are responsible to the caucus and are expected to be loyal to their political party and their jobs depend on the success of the party. Non-partisan staff people are those who work for the institution, serving some function for it, not for a party. Professional researchers in the House Research Office and the Office of Senate Counsel and Research and bill drafters in the revisors office are in this classification. In between are individuals who work for committees or for individual legislators. Often, the partisan identification of these staff persons is not clear.

The Legislature manages staff through the rules committees and the Legislative Coordinating Committee (LCC). In some instances--such as in House and Senate Research, the Revisor's Office, the Legislative Auditor's Office, and the public information offices--staff is housed in independent or quasi-independent organizations. Some staff people are assigned directly to

committees and others to caucuses. Other models for organization are used in other states. Wisconsin, for example, centralizes all of its non-partisan staff functions in one highly-respected, professional office.

Much legislative research work is done for the Legislature by executive branch personnel. Professionals in the Department of Finance and Revenue, for example, develop financial projections for taxing and spending policy issues. The Department of Education will respond to legislative initiatives on education issues.

Because the Legislature meets for only a few months a year, staff resources at that time are overburdened. During the session, it is nearly impossible for the staff to keep up with the workload. Staff people work extremely long hours. Many legislators expressed amazement that the staff was able to keep up with the crush of business at the end of the session.

In general, the staff work we heard about was highly praised for being professional and dedicated. Problems seem to lie in organization and management, not in the quality or number of staff people.

Several problem areas were identified with regards to staffing:

Inadequate identification of partisan versus non-partisan staff. Right now, the lines between partisan and non-partisan staff people are sometimes unclear. The Legislature needs both partisan and non-partisan staff support, but both functions suffer when the two are mixed. If research staff and administrative functions were to become politicized, the overall effectiveness of the body would decline. Pretending partisan staff needs do not exist is an invitation to get otherwise non-partisan positions involved in partisan matters. On matters that are highly political or in which partisan differences are great, legislators will naturally gravitate to staff persons who they expect to be loyal to them. It has been pointed out, for example, that minority members sometimes identify non-partisan staff people as working for a committee chair simply because the staff person sits next to the chair during a committee hearing.

House fiscal analysts, who work for appropriations and tax committees, fall in between the caucus and non-caucus staff. They do not work for the caucus but also do not work for House Research, an expressly non-partisan office. When the Independent Republican caucus replaced many of the fiscal analysts after the last election, the caucus was criticized for taking partisan action, but it had not been clear beforehand whether or not the jobs were supposed to be partisan. At the same time, the IR caucus handicapped itself during the session because of the relative inexperience of the new fiscal analysts.

Duplication of effort. Currently, several staff functions are done twice. Bill writing, for example, is supposed to be done by the Revisor of Statutes, but is in fact done by various different staff people, including caucus staff and research staff. Several staff entities are involved in financial and budget analysis in some cases performing similar functions.

No overall personnel policy. No professional employees of the Legislature are covered by civil service. No personnel policy covers all of them either. Since the early 1970s, the Legislature has made progress in the area of personnel policy. Instead of no policy at all or dozens of policies, the legislative staff is now covered by only a few. Still, in several instances, people doing similar jobs have different pay and benefits creating a high degree of resentment. Most well-run institutions, public or private, seek to avoid this arrangement because it leads to poor morale and high turnover.

Most aspects of the Legislature's work are open. Hearings are public and the public has an opportunity to be heard at them. Accountability in the process is high. The public, organized in many interest groups, is well represented during the legislative process.

Of the many measures discussed in public interest literature to insure openness, most are in place in Minnesota. People can call offices of the House and Senate to learn the current status of bills. The public can receive copies of bills free. Only 17 states make bills available to the public free of charge. During the legislative session itself, reprints of bills showing current amendments are also available. This service is not available in most states. A daily journal of legislative events is made available, again a service not always present among state legislatures. Minnesota's legislative journals are more complete than most. In some states, not all of the votes and amendments are shown in the journals. Floor debate is recorded, although not transcribed.

Three-day notice of bill hearings in committees is required by the Minnesota Legislature although the rule is not as strictly observed as it was. In most states, one-day, two-day, or no notification is required. Individuals can request that they be contacted if a given bill or even a given subject is to be the subject of a committee hearing and legislative staff will phone them to notify them. The rules call for bills to be laid over for 24 hours after committee action before floor action. This rule is often not observed in the last minute crush of business at the end of the session.

The public information offices of the House and Senate make available free directories of members showing office addresses, telephone numbers, occupation and other biographical information, committee membership and other relevant information about individual legislators.

The committee process is open, with citizens and constituent groups given a chance to speak. Virtually any group or individual seeking to address a legislative committee will be given the opportunity to do so.

Openness breaks down in several places. Toward the end of the session or as committee deadlines approach, meeting schedules are often not followed or changed at the last minute. Meeting agendas are often not followed. These problems stem, our resource people said, more from the press of business than from a stated or implicit desire to hide what is taking place. It appears that

violations and breakdowns are becoming more common and they certainly present opportunities to sidestep the normal, open process.

When meeting as the committee of the whole, floor votes are not recorded in the journals. Major decisions are often made behind closed doors. The state's Open Meeting Law, which is very strict in its requirements about meeting notification and what constitutes a public meeting, does not apply to the Legislature.

Caucus decisions, made behind closed doors, are often critical for passage of legislation. If the majority caucus makes a decision, and the caucus is united, the votes are by definition present for legislative action in both the committees and on the floor. The passage of MEED in the 1983 session was a perfect example. The DFL caucus was agreed that a program would be passed, and that meant that when the final votes were taken, the majority could pass the law. The details of the MEED program were worked out in the formal legislative process.

Caucuses are free to meet as they see fit. Unlike committee meetings or floor sessions, they are not necessarily open to the public, no notification need be given, and no record is made of votes.

End-of-session compromises are often made in private. These final compromises can be an important decision-making point in the process. Although they usually represent only a small fraction of the many thousands of decisions made throughout the legislative process, they carry a disproportionate weight as they relate to all tax and spending measures to be resolved. In the end, though, a vote must be taken for any aspect of the legislative process to proceed. The votes make clear where individual legislators and caucuses stand. If a legislator wants to force a vote on a sensitive issue--making clear exactly who supports and who opposes a measure--he or she may do so.

In recent years, the number of lobbying groups has increased. Minnesota now has the fifth largest number of registered lobbying groups, trailing Florida, Texas, California, and Pennsylvania, states with much larger populations. Minnesota's definition of lobbying and lobbyists is broad, so these statistics may not be strictly comparable.

According to the state Ethical Practices Board, the number of registered lobbyists has grown from 1,067 in 1975 to 1,730 in 1985. (In 1976, the legal definition of a lobbyist became more restrictive, so, if anything, the earlier figure is higher than it would have been if the definitions had been the same.) Some lobbyists register to represent more than one group or association and a group or association may have more than one lobbyist registered to represent it. For example, 317 of the lobbyists registered in 1975 represented more than one association; by 1985, the number lobbyists representing more than one association rose to 690. In the same period, the number of groups or associations represented by lobbyists rose from 300 to 875.

As more groups have become organized to influence state government, they have often focused on the Legislature. The legislative process is expressly designed to receive the views of individuals and organizations seeking changes in law or policy.

The growth of the state's role as primary financier for local units has led to a proliferation of public sector lobbyists. In education, for example, formerly there were only three or four full-time lobbyists for school boards, teacher groups, and other constituencies. Now, there are a half dozen groups representing different categories of school districts, and individual districts have full-time representatives at the Legislature. Cities and counties are also strongly represented. There are statewide and metropolitan lobbying groups for cities and counties. In the past two sessions, cities that felt they were not getting their fair share of Local Government Aid apportionments have hired lobbyists to represent them.

The increase in public sector lobbying is only partially reflected in the Ethical Practices Board statistics above. The state lobbyist disclosure law does not require registration by public sector officials or employees who are acting in their official capacities when they provide information to legislators so no one knows how many public sector lobbyists there are.

The number of advocacy groups representing other constituencies has also grown. The business community is now more visibly involved in lobbying than it was in the past. One significant business group, the Minnesota Business Partnership, was formed in part to increase the impact of the business community on the Legislature. Recipients of public services have formed advocacy groups, along with the people who work in those industries. All of these groups are a recognized part of the legislative process.

The presence of all of these lobbying groups makes more visible the action of legislators. A main function of lobbying groups is to determine if individual legislators are for or against the group's issues of concern.

Lobbyists also form an important link between constituency groups and the Legislature. Lobbyists provide legislators with information about constituent views. During the hearing process, legislators will often turn to lobbyists to ask how a proposal would affect a group.

The Legislature reacts quickly to outside pressure. The Legislature can and will act on both major statewide problems and on issues of importance to local and special interest groups and constituencies.

When an individual or pressure group raises an issue a legislative response will almost always follow. Hearings will be held and testimony heard. Sometimes, the Legislature will take action and other times it will not. Some issues--because they are highly controversial, because the public mind is undecided, or because political interests create a deadlock--are not resolved immediately. Other times, when a clear public consensus or majority opinion exists, immediate action follows.

Examples abound from the 1985 session. Extensive hearings were held on farm problems, child sexual abuse, business concerns about unemployment compensation and the superfund law, mandatory seat belt laws, the drinking age, and charitable gambling. One legislator told us that a bill was under consideration to increase the liability of pet owners, a bill responding to an incident in which a child had been killed by a runaway dog. All of these items represent proposals to change the law based on present concerns of individuals and constituencies, as opposed to the regular service provision operations of the state. Pressure for action came from a variety of organizations and units of government.

In some cases, such as on child sexual abuse and farm issues, laws changed. The farm constituencies were only partially satisfied by the response they received. In other cases, such as unemployment compensation, a stalemate occurred even though continuing with the current law is not regarded as an adequate solution by most of the parties involved. The issues of mandatory seat belt usage and charitable gambling were left unresolved.

Collectively, though, the actions show a picture of a Legislature that is in touch with the demands of its constituents, a central role of any legislative body.

If anything, the Legislature is criticized for being too responsive to short term pressures and demands from constituents. Many committee resource people cited examples of the Legislature revising laws that had only been on the books for a few years, before the impact of those laws could be fully assessed.

Different bills are treated in a variety of fashions, with decisions about them made in different ways. There is no single path for a proposal to become law.

The theory of legislative action is that a bill is introduced early, referred to a committee or committees for hearings, passed to the floor for debate, and passed into law. None of the major spending bills examined in our case studies were acted upon in this fashion.

Events strongly influence legislative agendas and activities. The farm crisis is a good example. Even though many legislators generally concede there is little state government can do to help farmers, the magnitude of current farm problems has created an enormous impetus to act.

Personalities are strongly influential. One legislator willing to take the time to work hard on an idea can, over time, champion a cause and get laws changed. One legislator spent many sessions pushing for no fault insurance and finally was successful. People with a variety of personalities can be successful legislators. Some plug away at one agenda. Others become experts at a single topic, gaining special credibility and influence. Still others master the procedures and techniques of legislative action. Others work their way into chairmanships or positions of leadership.

Gubernatorial leadership is important. The agenda established by the Governor on both budget and non-budget matters sets the stage for legislative action. Basically, any item that the Governor says is important will be taken up by the Legislature. An outcome satisfactory to the Governor, however, is far from certain.

Ideas can have an impact. Legislators said that policy ideas can become consensus items at the Legislature. It is now generally recognized that the state needs some sort of budget reserve or mechanism to cover possible downturns in revenue collections. The issue before the Legislature is how much money or what mechanism, not whether the reserve is needed.

The Legislature spends substantially different amounts of time and effort on different bills. Some bills are debated extensively and go through several committees. Others are heard only once and adopted on the floor in a consensus-like fashion. Some issues attract a great deal of attention, but in others, the transactions are low key. Public attention is often focused on these high-profile, contentious debates and often misses the day-to-day processing of the majority of bills.

Major decisions about the bills we studied were reached in caucus sessions (health-welfare appropriations), in the offices of the leadership (overall budget), and in conference committees (school aids).

The Legislative process itself is complex, requiring skill, patience, and understanding. Many legislators said that after several sessions, they are still learning about how to get things to happen in the Legislature.

The Legislature exerts a powerful influence on the details and a much lesser influence on the major elements of state spending. The Governor sets the central agenda on spending matters. Overall, the state budget does not change substantially from year.

Our committee spent much time looking at the passage of the three of the major budget bills: health-welfare, school aids, and taxes. It was frequently pointed out that although adjustments were made in many portions of these bills, the overall spending figure was determined in advance of the legislative session and not changed much during committee hearings or floor action. In fact, the major elements of the budget do not change dramatically from biennium to biennium.

The major new spending initiative by the administration in 1985 was the Strategy on Aging, which sought to spend \$34 million largely to provide options for nursing home care. This major initiative represents about three-tenths of a percent of total state spending of roughly \$10.8 billion for the biennium.

On budget matters, the Governor enjoys special constitutional and institutional prerogatives which the Legislature does not. The Governor can veto items in major appropriations bills following legislative action. He is constitutionally charged with developing and sending a budget to the Legislature for its consideration. The

people doing the staff work on budget matters work mainly in the departments of Finance and Revenue whose commissioners are appointed by the Governor.

With the exception of the house's budget resolution adopted for the first time in 1985, neither body of the Legislature takes a formal, explicit position on the overall size of the budget.

The Governor's budget proposal is sent to the Legislature in a package, but is acted upon as a series of pieces. Various committees get parts of the budget and final floor votes are taken on the pieces, not the package. A previous Citizens League study and the recent Governor's Tax Study Commission proposed a more comprehensive legislative approach to the budget. The new House budget resolution effort represents a significant departure from past practice in that it attempts to set in advance the overall spending level which the final budget will reach. In describing the new budget resolution to our committee, House Speaker David Jennings said the process was still in its beginning stages and needs to be developed and refined.

The Speaker of the House, the Senate Majority Leader, their staff people, and the chairs of the major fiscal committees are central in making sure that the sum of the major budget bills does not exceed the total revenue available or spending desired. Legislative leaders are in contact with the executive branch well before the start of the session. As a practical matter, they are responsible for insuring that the major pieces of the budget--considered through independent legislative committees--fit together at the end of the session. The process by which the major pieces are fit together is largely informal and does not receive the public scrutiny that other aspects of the legislative process do. This model is not the only one for linking taxing and spending. Several states have joint revenue-appropriation committees.

The leaders and the Legislature as a whole do not have a strong centralized staff office to develop the financial material that would be necessary to develop their own detailed budget proposals. The Congress, for example, has its own Congressional Budget Office at its disposal to do budget staff work. The Wisconsin Legislature has a staff office that serves the joint house-senate budget committee. That strong staff office serves as a legislative counterbalance to executive branch people.

A singular feature of legislative action on the budget is its focus on detailed elements of spending. Extensive committee hearings cover almost every piece of state spending. Executive branch officials responsible for the administration of programs are brought before committees to cover all aspects of their budgets. The various interests who stand to gain or lose from changes have the opportunity to be heard.

In cases where a major policy change is proposed, the tenor of legislative debate changes. Lawmakers make special efforts to understand fully major policy shifts and generally debate them at greater length and in more depth than other matters.

Many legislators are involved, one way or another, in the development of the state's budget. No single legislator sits on all of the committees looking at budget matters, but there are 83 seats on the Senate finance, taxes, and education aids committees and subcommittees, and only 67 senators. In the house, 122 committee seats in a body of 134 are on budget-related committees and subcommittees.

The Legislature must address a broad range of complex policy issues including social and human service delivery, social equity, and justice. The nature of legislative work will become more complex, not less so. Legislative business requires specialized information and analysis.

The current number, scope, and complexity of state activities, the more technical nature of some of the decisions, the more varied problems brought to the Legislature have added new strains on the policy making process.

New Responsibility for State Government. State government is involved in additional public functions today, functions in which it was not involved in past decades. In the 1950s, for instance, the state did not attempt to have a direct impact on economic growth but now debates major policy initiatives in the direct stimulation of the economy and jobs programs. Environmental, human and civil rights, and metropolitan affairs are significantly larger items on the legislative agenda than in the 1950s.

Service Delivery. Before the 1960s, state government had a limited service delivery role. It now is directly and indirectly involved in health and human services, housing, post-secondary education, and transit. By contrast, in the 1950s, there was no state community college system, a smaller state university system, and fewer vocational technical institutes. Transit and housing were mostly private matters and the public role in health care was much smaller.

Taxation and Public Finance. The role of state government in the area of taxation has grown. The state now is the central tax collector for a complicated state-local fiscal system in which the state levies sales and income taxes that are then mostly passed along to local units. In 1957, 42 percent of state-local revenues was raised through property taxes and 11.8 percent from state-collected income taxes. In 1983, local property taxes accounted for 17.8 percent of state-local revenues with state-collected sales and income taxes growing to 35 percent. Total state-local revenues as a percent of personal income climbed from 11.9 percent in 1957 to 18.0 percent in 1982, part of a national trend of growth in state-local government.

The extent and means by which state-collected revenues are transferred to cities, counties, school districts, and other local units is now a central policy issue for the Legislature. The role of state government as the central tax collector may be waning. In the past few legislative sessions, the emphasis has been on increasing local revenue autonomy. The dismantling of the system, however, may represent a policy challenge as great or greater than its creation.

State government has also increased its involvement in non-financial local matters. The state is involved, for example, in standards for police licensing. Even in education, an area in which local autonomy is closely guarded, the state is increasing its policy role. In the recent legislative session, a law was passed prohibiting the opening of school before Labor Day.

Oversight of executive agencies. The general growth in state-local government has led to a system in which the Legislature creates an agency, defines tasks for the agency to accomplish, and delegates to the agency the authority to draft needed rules which have the effect of law. The time used to review the activities of executive agencies has therefore increased.

Collection and use of data. Some of the functions state government is called upon to perform are highly technical in nature, requiring specialized knowledge. Action on environmental laws, economic development, energy, taxation, and even some education programs may require knowledge of technical and quasi-scientific data.

Because of the complexity of many spending formulas--in schools, taxes, health care, and income support--few legislators fully understand the components of these formulas. Attempting to master them, lawmakers can easily become consumed in detail, losing the ability to grasp the larger picture. In these topic areas, legislators often vote on the basis of computer runs showing how a proposal would affect their district or a constituency. Voting by computer run illustrates how the state has developed an impressive data infrastructure which gives legislators the ability to quantify in detail the impact of their actions. At the same time, reliance on a computer projection showing the impact of a proposal on a legislator's district or constituency may foster a parochial, narrow decision making framework.

The Legislature has an open-ended workload. Priority setting by the Legislature comes hard because of the nature of the workload and legislative process.

Any member can introduce as many bills as he or she wants. Any member of the public or an interest group representing the public can contact a legislator and request that the Legislature take up a given issue. Part of a legislator's job is to respond to constituent pressures and inquiries.

The current arrangement for bill passage during the session leads to an end-of-session logjam which creates an atmosphere of haste and confusion. Because there is no practical reason for bills to be moved early, it is usually in a legislator's best interests to wait until late in the session to push for action. Some bills, however, do not follow this pattern. The salaries and compensation bill of 1983, for example, was taken up early in the committee. The sponsor said he wanted as much debate as possible on the bill and felt the debate would help the chances for its passage but this procedure represents the exception, not the rule.

Procedural efforts to set early deadlines (which do not apply to the spending and tax bills) during the session had only a limited impact, although they have reduced somewhat the end-of-session crush which was often present in earlier bienniums. Because it is common practice to attach measures to the major appropriations bills, which move through right at the end of the session, the effect of earlier deadlines is diluted. In addition, provisions can be added in conference committees, an additional means to circumvent deadlines. The only real deadline for legislative action is the end of the session.

In 1983, the Legislature decided it wanted a short 1984 session. That short session was generally conceded to have functioned at less than optimal effectiveness, culminating in an omnibus appropriations bill which was roundly condemned by most of the legislators speaking to our committee. The inability of the Legislature in 1983 to budget its time successfully and transact business fairly on a shortened time frame is an indication of the difficulty it has in setting priorities.

Legislators have extremely high time demands both during the session and during campaigns.

It is physically impossible for a legislator to accomplish all of the duties assumed to be part of the job. A legislator cannot be on the floor for every single vote and still attend all of the committee meetings, especially conference committee meetings, which he or she is supposed to attend.

A legislator--assuming no leadership or chairmanship duties--could easily attend 30 hours of hearings a week early in the session. Carrying bills would mean additional preparation time for committee hearing work. Additional time would be needed to read other bills, speak with other legislators outside the hearing process, caucus, meet with constituents and lobbyists, attend floor sessions, and do outside research.

Our committee has focussed on the policy making aspect of the Legislature. Legislators are called upon to perform additional non-policy functions which can be time consuming especially constituent service activities. Incentives and rewards for service within the Legislature do not necessarily support the policy making function. Legislators get as much political mileage for constituent service as for policy making.

Although legislative service is often difficult, Minnesota's Legislature has attracted and continues to attract many highly qualified people. Many of the legislators who met with us described their desire to have an impact on public policy as a key reason for service. Others said they find legislative service exciting. For individuals who want to make government a career, a stint in the Legislature is often useful.

The public and legislators are ambivalent about whether the Legislature is a full-time or a part-time career. Only some legislators make the Legislature a full-time job. Leadership posts and some committee chairmanships are generally conceded to be full-time jobs, and important ones at that.

More and more members are making the Legislature a profession. In the 1950s, 1960s, and early 1970s, no legislator identified him or herself as a full-time legislator. In 1985, 27, more than 10 percent, did.

Some members of the public and the Legislature believe strongly in smaller government and identify the Legislature as just one more part of government. They believe that more legislative time means more laws, in the general sense, and more interference in people's lives. They are therefore strongly opposed to any measures which would expand legislative activity.

Although most county boards and city councils are part time, some public bodies with significantly less policy responsibility are full time and do not draw the same criticism. Counties and cities have, however, significant management responsibilities which the state Legislature does not.

Most of the public concern about a full-time Legislature stems from a fear that a legislative body in continuous session would enact too many laws and generally become more intrusive. Another concern, that full-time lawmakers would be more cut off from society at large and responsive to internal rather than external pressures, appears to be less important. Proponents of longer legislative sessions say more time would allow a more orderly process, more time for thought, and more thorough examination of the various policy options.

When the issue of full-time versus part-time service comes up, it is frequently debated concurrently with legislative salaries. Currently, Legislators make roughly the median salary for state jobholders in contrast to the 1950s when it was impossible to live on a legislator's salary alone. In addition to salaries, legislators receive tax free per diem payments for time spent on legislative business. Despite the increase in pay, it is generally conceded that they get less salary than others of similar responsibility and that the House Speaker and Senate Majority Leader posts are full-time jobs. In some instances, other public elected officials at the county level in the metropolitan area make more than state legislators. Proponents of higher salaries for legislators argue that the pay level is a disincentive to legislative service. Others fear that if the pay were increased, more legislators would make it a full-time job.

Structuring legislative pay to reward accomplishment would be difficult if not impossible. Of central importance in assessing legislative pay and workload is turnover. Excessive turnover would mean an unnecessary loss of institutional memory and legislative skills. Turnover in the past decade was higher than in previous years. Appendix C contains demographic information about legislators including time in office.

The addition of new provisions in conference committees is a significant and growing issue in policy making.

The major spending bills and most major policy bills end up in conference committees to resolve differences between the two

houses. The conference committee report (the bill that comes out of the conference committee) cannot be amended on the floor and legislators from the majority are hard pressed to vote against these major bills as they appropriate large sums for public spending and therefore must be passed before the start of the fiscal year.

Conference committee members are free to add provisions to these bills before bringing them to the floor. Most states do not allow the inclusion of new provisions by conference committees, limiting their authority to resolving differences between the two houses, the stated purpose for the joint committees. Our committee heard of many instances in which new provisions--often provisions which have not been heard, let alone passed, by a committee or one body of the Legislature--were added to conference committee reports. Often, items are added to the conference report after compromise has been reached on the matters of contention between the two houses.

Hasty legislative action in this context can lead to bad policy. A unitary tax provision was included in a tax conference report in 1981. The unitary tax had not been fully heard and debated in committee. It was supposed to have raised \$43 million, but instead raised no money at all, leaving a gap in projected state income to be filled by other means.

Allowing new measures to be added in conference creates a shortcut through the legislative process. It creates several problems:

- * It allows decisions to be made by only a few persons, decisions which should be made by the entire body.
- * It diffuses responsibility for legislative action, because of the difficulty legislators have in voting against the bills.
- * It allows provisions either not heard in public, or heard and defeated, to become law.
- * Perhaps worst of all, it leads to cynicism about the legislative process, in and out of the Legislature. In the example of the unitary tax, the business community ended up paying no more money than it had in the past, but complained loudly about the way in which the decision was reached.

Several legislators said inclusion of new items at the conference stage was becoming more frequent and more flagrant; an accepted part of legislative business. In the 1985 session, it was common to include dozens of provisions in committee reports for trading purposes at the conference level, a sharp increase from previous years. This activity is an indication that the regular, open process--with its safeguards for fairness and accountability--is becoming less important in policy making and that the conference committees--meeting without notice, involving only a few legislators, developing a take-it-or-leave-it package--are becoming a central decision-making point.

Many legislators support the authority of conference committees to incorporate new provisions. They cite several reasons:

- * Many good laws were made possible through the flexibility of the process. Metropolitan State University, came into being through addition at the conference committee stage.
- * The process also provides a way to address problems that come to the Legislature's attention late in the session or that result from the defeat of other bills that were expected to pass.
- * The conference committee is a good setting in which to develop a compromise which is better than the two versions of the bill which have emerged from the respective houses. Reconciling the differences between bills can develop a better bill.

The determination of what constitutes a new provision or new item is not an easy one. The bill appropriating money for state government includes an enormous variety of subjects. The tax bill involves all states revenues, leaving wide latitude for inclusion of many subjects.

Other special circumstances may lead to excessive conference committee actions. The 1984 supplemental appropriations bill, known as the garbage bill because it is the bill into which so many items are tossed, is a prime example of what can go wrong. The bill, however, was the product of short session in which there was great pressure to act. The bill was also an amalgamation of spending bills, whereas most spending bills are basically confined to one function. This meant that only two members of the conference committee--one from each house--were expert in each of the functional spending areas: education, state agencies, transportation, health-welfare, and so on. Also, the bill came after several sessions in which fiscal constraints had held back spending. Many interest groups wanted to make up what they had been unable to get in the past, leading to additional pressures on legislators.

As with many questions about legislative performance, problems with conference committees are a matter of degree. If on occasion some mischief occurs but is balanced by added flexibility to respond to last-minute ideas and circumstances, action that limits flexibility in the name of reform may on balance harm the process. If, on the other hand, a pattern of cynicism and abuse is evolving, action should be taken to correct the situation before the activity becomes an accepted part of the legislative process.

Omnibus spending bills hinder legislative accountability and reduce the Legislature's ability to consider and develop policy.

The major elements of the state budget are packaged into several bills: the health-welfare bill, the school aids bill, the higher education bill, the state agency bill, the bonding bill, and the transportation/semi-state agencies bill. In addition, the tax bill contains major state spending items such as homestead and other property tax credits, the circuit breaker, and local government aid. Together, these bills account for almost all of general fund

spending. The big spending bills authorize spending for all state-local service programs, spending formulas, and revenue raising. The bills run to the hundreds of pages to cover all the material.

Because it would be impossible for the Legislature to consider each and every spending measure in isolation, some sort of packaging of spending bills is needed. The Legislature could not possibly vote on all appropriations measures independently. In addition, omnibus bills make compromises possible, adding flexibility to the system.

Critics of omnibus bills point to two negatives in the system.

Accountability. Legislators voting for, say, the school aids bill can take credit for appropriating money for education. If there are measures in the bill that constituents do not like, the legislator can say he or she had no choice but to vote for the bill because of its importance. A former lobbyist from a teachers' organization said omnibus bills in education made it impossible to tell who supported and who opposed measures of interest to the organization. At the same time, measures that may be sound public policy but would be politically unacceptable to some group can be included in omnibus bills and passed.

Mixing policy and appropriations. Because it is difficult or impossible to vote against omnibus bills, legislators seek to get new policy ideas embedded in them, thereby insuring their passage. One representative told the committee that it is becoming more and more common for policy ideas that are not really appropriations measures to be included in general appropriation bills for expediency's sake. In many instances, policy proposals may not be debated at all in the policy committee, but instead simply inserted in an omnibus bill. The 1985 state departments bill, for example, contained all sorts of items unrelated to financing state government. One lobbyist told the committee that he advised a client seeking a liquor license for a non-profit organization, licenses that the Legislature must approve, not to seek early introduction of a bill to provide the license but instead to wait until late in the session and then get the license in one of the spending bills. This strategy worked and the license went through unnoticed.

As this method becomes accepted, it becomes the normal means for policy making, bypassing the policy committees and calling into question their role in the process.

The degree to which policy making is separated from finance questions in the committee structure was raised as an issue by several legislators who spoke to our group. In most of the major service areas, spending formulas and finance considerations are considered in one committee and "policy" in another. Several speakers defended this practice, saying it is necessary to have a setting for an orderly budget process--the Appropriations Committee in the House and the Finance Committee in the Senate--and another where new policy ideas can be discussed.

Right now, virtually all education proposals are in the school aids bill. Almost all health-welfare policies are in its appropriations bill. A new education or health-welfare initiative becoming law outside the omnibus procedure is almost unthinkable.

Often, items that are tangential to spending concerns--items that are really new policy items--go through in the spending bills. For example, the 1985 state departments bill included provisions dealing with the determination of judicial vacancies, administrative rule changes, and the power of eminent domain that, although they have some spending ramifications, are not really appropriations matters.

CONCLUSIONS

Most commonly-heard proposals for legislative change focus on larger structural change. Most critics of the system would like to see it become smaller, full time, or unicameral. Changes of this nature would not address the main problems identified by this committee.

Legislative size is appropriate. Shrinking the size of the legislature is the most popular idea for overall change. A key variable for the success of the Legislature here has been the high quality people which it has attracted. The most significant alteration in legislative dynamics which would result from a change in size would be to reduce the talent pool, a highly risky proposition. A smaller Legislature would reduce the ratio of population to lawmaker, reducing representativeness. With a lot to lose and no certainty of gain, a smaller Legislature is not a good idea.

Little or no evidence exists that a smaller Legislature would be more open, more respected, or more productive. We do not see how size is a factor in most of the problem areas we have identified. Size does not affect the conference process or the mixing of policy into finance bills. The workload on individual legislators might actually increase if the size of the Legislature were made smaller. Only in the area of fragmentation does having fewer legislators make sense.

The idea that smaller is better is grounded in the belief that the Legislature is somehow a bad place and that anything that would rein it in, such as having fewer legislators, would be an improvement. Another argument frequently heard is that a smaller Legislature would cost less or spend less. The cost of operating the Legislature is a small fraction of total state spending and at least one state, Massachusetts, reduced legislative size and ultimately spent just as much on its operations. Recent research at the Hubert Humphrey Institute shows that per capita public spending in states with smaller legislatures is not lower than in states with larger legislatures.

The current system of a part-time body with some full-time members works well. As with the idea of shrinking the Legislature, the problem with a full-time institution is that it would change the incentive for service. Right now, the Legislature attracts many good people. Moving to a full-time body would certainly attract different people but would not insure they would be of comparable or better ability.

The part-time system serves Minnesota well. Individual legislative districts are free to choose people who will serve as full-time representatives and senators if they want. The part-time status of the Legislature refers only to the session time of the institution.

Going full time offers no assurance or reasonable expectation that the main ills we have identified would be addressed. A full-time Legislature could still have conference committees, mix policy and appropriations, and have a fragmented decision-making system. The only problem it might solve would be that of the workload, and even

in that case, no certainty of success is present. A full-time body might just be less efficient with its time or identify new things to do in order to justify its full-time status.

A Unicameral body is not recommended now. As with the full-time idea, a unicameral body would address only some of the problems identified. It would eliminate conference committees, but would have an unknown impact on other problems.

Because the unicameral model is so different and relatively untested in American political experience, its real impact in Minnesota cannot be known in advance. This committee has not identified problems of sufficient magnitude to support a structural change as significant as moving to a unicameral body.

The impact of moving to a unicameral system is still basically an unknown; all of its ramifications cannot be fully understood in advance. Going to a unicameral system would have some disadvantages, such as ending the two-track policy discussion opportunity, and the current system of two-year terms for some legislators and four-year terms for others. It would not allow split partisan leadership, as is currently the case.

Other steps are available to enhance efficiency and accountability and to repair the conference system that do not contain so great a step into the unknown. Given the degree of risk and many unknowns inherent in a change of such magnitude and the lack of an institutional failure on the scale to warrant wholesale change, the committee does not propose a unicameral system at this time.

Changes in the internal organization of the Legislature can enhance accountability in the process and can decrease some of the workload pressures.

More leadership authority and accountability needed. The roles of the caucus leaders and committee chairs are central in the lawmaking process. The people who occupy these positions of responsibility need additional authority to carry out their roles. In addition, a mechanism is needed to hold them to account when they allow the process to be misused.

One significant change over previous decades is in the area of campaign finance. Political parties used to play a central role in the financing of campaigns and thereby supported party discipline. Legislators had a sense that there were part of an organized group. Increased political activism and increased campaign costs have increased the ability of individual legislators to strike out on their own, limiting the ability to the caucus to carry out its role. Each legislator ought to be in a position to act independently, but, as things now stand, more caucus discipline is needed, not less.

Better use of time needed. Right now, the Legislature does not make good use either of the time during the session or the time between sessions. A variety of initiatives have been attempted for use of the interim, with varying degrees of success. Currently, the interim is not used to its fullest potential.

Better use of the early days of the session offers a means to reduce the logjam at the end. Some elements of the session--budget hearings, for example--can be planned and scheduled in advance. Other routinized matters, such as local bills, could have earlier deadlines.

Better staff management, staff identification needed. The use of staff is an important variable in legislative organization. Problems now are concentrated in lack of clarity about partisan versus non-partisan status, parallel staffing in the two houses, and management, including the lack of a personnel policy. Progress has been made in all of these areas in past years, but opportunities exist for improvement. Better use of staff could better support the Legislature in its policy making role.

Stronger legislative role in budgeting needed. Traditionally in Minnesota and in most other states the executive branch plays a stronger role than the legislative branch in developing the budget. If the Legislature is to carry out its policy-making function, it needs a stronger role in budgeting. Minnesota's House took an important step in 1985 when it passed its own budget resolution. The 1985 process was conceded by its backers to be a first step which, it was hoped, would lead to a better results as the process was refined. The budget is probably the most important policy document in state government. It makes sense that the Legislature plays a strong role in its development. Increased legislative involvement in the larger budget policy decisions is justified and needed.

Current legislative practice in the conference committee process, the omnibus spending bills, and observance of rules undermines credibility and policy making.

The conference committee process on major finance bills poses a long-term threat to credibility. No single element of the legislative process undermines both credibility and the substance of policy making more than the existing use of conference committees on the major finance bills. As the system now stands, conference committees have complete discretion to include provisions which may not have been heard or passed in committee or the floor in either chamber. They can resurrect provisions that were defeated elsewhere. The package is then presented to each house of the Legislature on a take-it-or-leave-it basis with very little time for consideration. Often, members are not fully aware of what is contained in a conference committee bill up for a floor vote. Because conference committee reports on finance matters have grown so huge--covering enormous health, social and human service programs, tax and spending formulas, jobs and public works programs--assimilating them takes time.

Because the major appropriation and tax bills must be passed in order to pay for state-local government operations, legislators are hard pressed to vote against the conference committee packages presented in the last days of the session. On other sorts of bills, conference packages often are rejected. Conference committee reports on subjects like workers compensation, unemployment compensation, and the drinking age are in danger of

rejection, whereas the tax bill, the health-welfare appropriation bill, the school aids bill, and the other major spending bills are almost certain to pass. The non-money bills rarely contain extraneous provisions because loading them up could cost votes.

Allowing major decisions to be made in this way in the conference process creates several problems:

- * It sidesteps the regular committee and floor action process with all of its safeguards.
- * It encourages the late introduction of policy ideas, working against the need for full hearing and discussion of new ideas.
- * It feeds the perception that legislators like to make decisions behind closed doors and don't trust the public.
- * It creates the perception that the system is easily manipulated, undercutting public confidence but also conveying the message to legislators that toying with the process is acceptable behavior.

The process can demoralize legislators and does demoralize those who follow the process. By allowing the routine inclusion of new material in conference committees, the leadership is signaling legislators that it is acceptable conduct to play fast and loose with the process. Individual legislators now use techniques of this sort routinely and have learned to disregard the regular process.

Changes are needed in the conference process to enhance credibility and focus accountability.

The conference committee process should be structured to allow enough flexibility to fashion a compromise package that is better than the two proposals coming in to the conference. Accountability should be clearly fixed. The public should know who is responsible for making decisions. Right now, certain key legislators and the majority caucus leaders are in a position to control the process. Changes are needed to sharpen this responsibility so that those with the power to make decisions about what goes into the big appropriations bills are held accountable for the choices. The process should not be so flexible as to allow a few legislators to bypass or sidestep major portions of the process. We would be willing to sacrifice some flexibility on compromise in order to enhance the overall accountability and credibility of the Legislature.

Inclusion of policy in major finance bills hinders accountability. The Legislature has fallen into the habit of including virtually all policy proposals in the major spending bills. Doing so as a routine matter makes end-of-session inclusion and removal of major policy items easier. It also concentrates the decision making on those items in a few hands and insulates the choices from public scrutiny because only one vote is taken on a package containing many ideas.

Often, the inclusion of many diverse items in the major finance bills stretches or exceeds the constitutional provision that bills embrace only one subject. The 1985 tax bill, for example, contained appropriations for some positions in a state department as well as government structure provisions.

Because so much of state government stays the same from year to year, the major appropriations bills which reauthorize and finance public programs are the focus of changes in public policy. Although it is not possible to remove wholly policy changes from appropriations bills, new steps are needed to separate the two in order to sharpen policy debate and force members to be accountable for their votes.

Several rules designed to guarantee a fair and open process are slipping out of the process. Violations of the three-day notification for meetings, and one-day layover for bill adoption are increasing. Questions are raised increasingly about the use of precedent and useage as grounds for floor action. These precedents are not written down in advance of their application.

A downward slide in a traditionally fair process will lead to a decline in public expectations and credibility, resulting in a loss in legislative talent and finally in a dropoff in policy output.

Problems in the conference committee and budgeting process can be corrected through the actions of the leaders and caucuses and through the better application of rules.

The problems cited can be corrected by a more vigorous application of existing rules or stricter standards of conduct by the Legislature. The legislative leadership could, for example, insist to conference committees that omnibus spending bills be cleaned up and not allow bills to come to the floor with all the extra provisions which appear as a result of conference committee decisions. The leadership could also easily agree that certain policy items should not be included in the major finance bills.

Many of the problems apparent now are a matter of the Legislature's sliding into bad habits more frequently. Most of the problems cited have occurred in the past, but they are happening more now. Inclusion of new provisions in conference reports, lack of three-day notification, and overuse of vague precedent are problems that can be corrected without recourse to major structural or procedural change. It is more a matter of reestablishing a better definition of acceptable behavior in the policy-making process.

Legislators will respond to decisions by the leadership to protect the integrity of the process. If instead they find out that no such decision is forthcoming, they will quickly learn that it is acceptable behavior to load everything in at the conference stage or to include all items in the big spending bills.

In some instances, the leadership is hampered by a lack of clarity in the rules. There is no rule, for example, stating that new provisions should not be added in the conference report. The interpretation of what constitutes "one subject" in a bill is

inherently subjective. Considering a bill as broad as, say, the tax bill or the state government finance bill, one subject can easily and honestly be interpreted to take in many subjects and issues.

RECOMMENDATIONS

Our solution to the current problems in the Legislature is to strengthen the leadership, caucuses, and membership within the existing overall framework. A system with more accountability from the leaders and members can result in an open, fair, responsible process.

The leaders and members have available to them the means to correct many of the problems in the current process. In 1984 and 1985, the public was dissatisfied with the legislative process but had no one to hold accountable except for individual legislators no one of whom is responsible for the collective actions of the body. Most of the public criticism is directed vaguely at the entire body. This system of accountability is not checking the current slide into bad habits and an unfair process. Someone, or some group, should be held accountable when the system breaks down.

The logical entity to carry that responsibility is the caucus and its leadership. It represents the group with the votes and the internal decision making power. If the Legislature cannot accomplish its work in a given amount of time or if the conference process gets out of hand, the people responsible are the leaders of the caucuses controlling the organization, the leaders, in turn, responsible to individual legislators. At the same time, individual legislators should understand that if the public is dissatisfied with the way in which business is conducted, the caucus--along with incumbents in general--will suffer at the next election. Given the importance of the caucus in developing partisan positions on policy issues, a strong role in campaign matters is also justified.

We propose this approach with the understanding that the key element in legislative performance is the quality of the people involved. A process characterized by accountability and clear lines of responsibility will attract individuals who are interested in shaping public policy. It will allow for greater fulfillment based on achievement. Greater public credibility resulting from more clarity in the process is an additional attraction for legislative service.

Minnesota has been lucky to attract the sort of person it has to public service in the Legislature. Over the long term, a decline in the credibility of the institution by the failure to insure a fair and open process could serve as a powerful disincentive to legislative service. Should that occur, Minnesota will be hard pressed to maintain its leadership in policy matters.

Based on our understanding of the existing legislative process and the problems in it, the committee proposes several changes, listed below. These proposals are grouped into five areas:

First are recommendations on the role of the caucus and leadership. These proposals are aimed at focussing both responsibility and accountability, thereby giving those in charge greater authority to control the process.

Second, we propose three procedural changes: 1) a new measure to limit abuses in the conference committee process; 2) new steps to reduce mixing of policy and appropriations; 3) some suggestions on areas where

existing rules should be applied with renewed vigor. We recommend that the Legislature, especially the leadership, adhere more strictly to existing rules in order to enhance their stature with the public and make the process more predictable.

Third, we offer ideas for procedural changes to make the overall process more efficient. The goal here is to streamline the process and remove some of the workload pressure. We offer these ideas as a means to improve the overall effectiveness and functioning of the institution.

Fourth, we recommend some changes in staff organization in order to clarify partisan distinctions, to enhance staff performance, and give the Legislature greater institutional presence.

Finally, we offer a proposal to make the Legislature better and more broadly informed through the continuation of the Minnesota Horizons program.

Recommendations about the role of caucus and leadership.

The House Speaker and Senate Majority Leader have a unique ability to shape and direct the work of the Legislature. This ability should be strengthened and clarified to enhance accountability.

New responsibilities for the leader of the Senate majority caucus. Currently, the the leader of the Senate majority caucus has less responsibility than his House counterpart, the Speaker of the House. The reason for the disparity is rooted in tradition. For decades, the Lieutenant Governor presided over the Senate. When that practice ended, a new position, Senate President, was created to be the presiding officer.

The leader of the Senate majority caucus should have the authority currently held by the Senate President, specifically the authority to preside over floor sessions. The presiding officer is often identified as the person in charge of the process. He or she makes important determinations on the rules. The caucus leader is the logical person to be responsible for those decisions. If the caucus leader decides to allow another member to preside, he or she would still be free to do so, as is the practice in the House. The caucus leaders should be allowed to make selections of majority committee chairs as is the practice in the House of Representatives. (We also recommend below that the practice of appointing minority committee members be changed.)

Although this greater authority would concentrate authority with the caucus leader, it would increase the accountability of the caucus to the public. In fact, the main purpose of making the change would be to focus responsibility and accountability. Similar responsibilities are shouldered by the House Speaker and the practice has not led to significant problems.

Majority and minority caucuses should make their own committee assignments in both Houses. Letting the Speaker of the House make committee assignments for the minority party debilitates the effectiveness of the minority caucus and its members. The caucuses

should be an important element in the process and each should be in a position to be held accountable for its own actions. The minority caucus should be in a position to deploy its own members in a way to carry out its role of questioning the majority and developing policy alternatives. A primary decision is the allocation of human resources--legislators--as part of the committee process. Proper allocation of legislators is a key variable in policy making. Developing legislative skills and expertise and the proper use of those skills and expertise is a central determinant of legislative performance. There is no valid reason why the Speaker of the House should appoint minority members to committees.

Legislature should formalize the budget resolution process. Each house should formally adopt a budget resolution early in the session. A formal adoption of a statement about the aggregate size of the budget offers an opportunity for each house to react to the proposal made by the Governor. This year's process in the House was an important first step, but should be expanded to include several new provisions. First, the budget resolution should specify the amounts of money to go into each of the major spending bills. Second, it should be specific about non-general fund spending. Third, it should include a figure for the budget reserve, if one is to be included.

Legislative fundraisers during the session should be limited to the caucus. A fundamental means to strengthen the caucus would be to allow it to help finance the campaigns of individual legislators. Each caucus should adopt the practice of prohibiting session fundraisers for individual members. This would provide a means to let the caucus be more active in the finance of political campaigns. Currently, most political contributions made during the session are channelled directly to individual candidates. (This would remain the case when the Legislature is not in session.) A better system would move the money through the various caucuses during the session. It would serve as a screening device to lessen the influence of a particular contributor on an individual legislator. It would enhance the role of the caucus and create more discipline. Ending the practice of session fundraisers for individuals would also end the appearance of donors "buying votes" during the session.

Any change in campaign finance would have to be accompanied by a continuation of the strict accounting and reporting rules now in place.

Recommendations about the conference committee process and on existing rules.

The Legislature, by rule or law, should limit the authority of conference committees to include new items. This rule or law would require that no new item could be introduced into a conference committee report unless it had been included by one of the houses in its version of the bill sent to the conference committee. As with any aspect of legislative procedure, this rule or law would be subject to interpretation by the presiding officer of each house.

Unless one sought an absolute limit on what could be included in a conference report through a provision limiting the conference committee only to language contained in an original bill, some flexibility will be left to the leaders to determine exactly what constitutes a new provision. By adoption of a new rule or law, the leadership and members of the Legislature would be put on notice that the practice of adding new provisions is seen as a severe abuse of the process, one which, if brought to the attention of the voters, would be a political liability. It would allow the full Legislature to debate whether new provisions had indeed been added in conference committee deliberations without opening the entire compromise package developed by the conference committee to floor amendment.

An addendum should list all new language which was not included in either house's bill along with the name of the legislator or legislators who added the language. Such a system would allow clarity on exactly what language had to be added to reach compromise and who was responsible for the new language.

All votes taken in conference committees should be by roll call and recorded, which is not the current practice. This also would clarify how legislators stand on specific matters under consideration by the conference committee.

Rules for germaneness should be developed and adopted. The joint rules of the two houses should include a definition of germaneness which could be applied to the major finance bills and other bills. Right now, determination of what can be included and what can not is entirely up to the discretion of the leaders. In some cases, items are included that clearly do not relate to even sweeping bills. For instance, in the last session, the tax bill, which logically should include diverse revenue raising measures, included a revision in the governing structure of the Hennepin County Park Reserve District. A more formalized definition of what can and cannot be included would have made it clear that governance and tax policy ought not to be in the same bill and would thereby strengthen credibility and serve as a useful discipline.

Stricter separation of policy from appropriations should become the norm. We urge leaders, whenever possible, to promote separate consideration of policy matters from finance matters.

The Legislature should adhere to the conceptual model of one committee dealing with policy and another with spending. Policy committees should be the ones to have real control over matters which are non-monetary. It often takes money to carry out new policies, which means that the two decisions--policy and appropriations--interconnect. The major problem currently is that most of the decisions about policy matters are taking place in money committees. The practice undercuts the utility and importance of the policy committees.

At present, several existing rules are not being followed as well as they should. It is not our goal to hinder the flexibility of the leadership, but rather to point out that a continuing slippage in their observance of the rules will injure the credibility of the institution

and make its successful policy-making dependent on personalities rather than a fair process. The process should take this need into account.

The three-day notification rule should be adhered to. Situations will undoubtedly occur during the press of business that require the suspension of this rule but continued violation of it for convenience's sake injures the fairness of the process. The rule is in place for a reason and ignoring it dilutes accountability.

Require that all bills be available in printed form before a vote is taken. Right now, printed bills are supposed to be distributed before votes are taken, but the rule is sometimes ignored. It should be followed.

Stricter adherence to the 24-hour layover required before bills are voted upon is needed. This rule is being ignored more frequently than in the past. If it were permitted to slip into non-use, the credibility and accountability of the Legislature would be seriously undermined.

Precedent and usage should be codified. Currently, because of the enormous scope of precedents which are available to justify a ruling by the presiding officer, too much latitude is available for riding roughshod over the process. In order to clear up potential or current problems in cases where precedent is not clear or being improperly used, the two houses should codify precedents.

Recommendations about procedure.

Joint hearings on appropriations would reduce time needs. A major portion of the committee hearing process is the description of the budget proposals by the agencies involved. This important work allows legislators to get a detailed orientation and understanding of what the major agencies do. Currently, the process is duplicated in both houses. Commissioners and assistant commissioners make identical presentations to members of the same committees in the two houses. Many states require that these hearings be held jointly and Minnesota should too. Joint hearings would have an additional advantage of allowing members of the House and Senate who would likely end up on end-of-session conference committee to meet each other early in the session and through the give and take of the hearing process become acquainted with each others' concerns.

Adoption of an interim agenda would allow better use of that time. The Rules Committee in each house should be designated with drawing a short agenda for matters to be considered by committees during the interim between the two years of the legislative session. The interim agenda should be adopted by each house. Development of an interim agenda would allow legislators to consciously defer action on a given matter and put it on the agenda for the second half of the session. It would allow constituent groups and interested parties to be prepared for legislative consideration and action. Formal adoption of an interim agenda would be a signal to the public that the Legislature was going about its work in an orderly fashion. A short list of items to be considered during the interim should not be a prelude to a full-time Legislature but should

instead serve as a check on the number of items being considered by the Legislature during the interim. No additional committee action beyond that outlined in the approved agenda should be allowed during the interim unless the rules committee approved it.

All meetings held during the interim should be conducted under similar rules of notification as session meetings. Because public and media attention is likely to be less focussed during the interim, the Legislature would do well to take all steps possible to make sure the public and interest groups are informed about what actions are taking place.

Better use of the time available during the interim would allow successful joint hearings on complex policy matters. It would allow members from both houses to study problems together, preserving the opportunity to debate separate policy options during the session. Interim hearings, because they would not conflict with the normal session crush, could be conducted at a more leisurely pace.

Prefiling agency and local government bills would speed up the process. Although members of the public cannot and should not be expected to curtail what they bring to the Legislature or be asked to do so in a limited fashion, government personnel can. If the Legislature adopted a rule that all agency and local bills were to be prefiled, the Legislature could act on them early in the session. It could set a formal or informal deadline for passage of these bills. This step would help clear the calendar late in the session when time is dear. A requirement for prefiling and early action of agency and local government bills would not include appropriations matters and the inclusion of defeated agency and local government bills in subsequent appropriations bills would be specifically disallowed by the rules.

The Legislature is already moving in this direction with the imposition of additional drafting fees by the revisor's office for agency bills filed after a certain date.

Recommendations on staffing.

The changes proposed here are designed to clarify responsibilities in the staff area and to heighten the efficient use of staff.

The major administrative functions of the Legislature are carried out by the Legislative Coordinating Committee (LCC). The leader of the senate majority caucus, the Majority Leader, should be the alternating chair of the LCC, not the Senate President. (This change would not be necessary if the Senate Majority Leader were given the responsibilities of the Senate President.)

A new joint staff office should be created. It should include the following staff groups: 1) the House Research Office, 2) the Senate Counsel and Research Office, and 3) the fiscal analysts assigned to the House Appropriations Committee and its subcommittees and the Senate Finance Committee and its subcommittees. The head of the new joint research staff should be chosen by the LCC and be removable only for cause. The staff director should be given the

authority to hire and discharge staff persons. The office should be non-partisan.

Support of both the minority and majority caucuses to allow them to fulfill their roles on committees should come from caucus staff organized separately from the new joint staff office. If more resources are needed in those caucus staffs to carry out their caucus duties, the Legislature should add people as necessary. For personal and partisan staff, hiring and firing should be the prerogative of the caucus or the individual legislator for whom the staff person works.

A comprehensive personnel policy should be adopted by the LCC for all non-partisan legislative employees. This policy should be different from the one for executive branch employees because legislative staff service is different from executive branch service. It should cover pay and benefits for all legislative employees.

Recommendation on orientation and continuing education for legislators.

The Minnesota Horizons program was frequently identified as a worthwhile, significant educational experience for new legislators. The Legislature should develop a suitable mechanism for institutionalizing this pre-session orientation meeting.

In addition, the Legislature should undertake new initiatives in continuing education of its members on matters of procedure and process. Lawyers, doctors, accountants, and other professionals continually upgrade their skills through continuing education. Similar efforts by legislators would be a responsible step.

WORK OF THE COMMITTEE

Committee charge. The League's study committee on the Legislature was formed by the League Board as part of its 1984-1985 work program.

The charge to the committee is as follows:

"The charge to this committee shall be to identify and make recommendations on major policy questions related to the decision making process and procedures of the Minnesota Legislature.

"The committee shall pay particular attention to procedures and practices which enhance or inhibit effectiveness in the Legislature's central role of policy making.

"To begin its process, the committee shall conduct case studies of how a variety of bills became law and using the knowledge gained from these cases and such other information as may be available, develop a set of specific questions to be used in responding to the charge to the committee.

"In reviewing the bills, the committee shall explore how each bill was assembled and enacted, where each recommendation came from, who participated in the bill assembly process, what hearings were held, where compromises were made (and on what basis), and how this bill was viewed by legislators, legislative staff, executive branch officials, lobbyists, and other interested groups.

"The committee should compare the organizational structure, principles, and practices of the Minnesota Legislature with those Legislature's of other states. The committee should consult broadly with existing and former legislators, legislative staff, representatives of the executive branch, lobbyists, media representatives and other individuals and groups who follow the activities of the Legislature closely. The committee will want to follow closely the planned study of the Legislature to be conducted by the Humphrey Institute and other faculty at the University of Minnesota."

Committee membership. A total of 129 persons originally signed up for the committee. The following 30 persons were active in the committee.

B. Kristine Johnson, Chair
Bill Kelly, Co-chair
Monte Aaker
Robert Ambrose
Donald Anderson
Charles Backstrom
Bert Black
Roger Brooks
Maybeth Christensen
Mary Duroche
Patricia Genereux
Larry Kelley
Barry Kelner
Diane Ladenson
Mary Ann McCoy

David McDonald
Donn McLellan
Victor Miller
Michael Peroz
George Pillsbury
Carl Reuss
Scott Russell
David Schaaf
Angie Smith
Jane Starr
Larry Sundberg
Roy Taylor
Peter Thoreen
Joane Vail
Alan Williams

In addition, Irma Sletten monitored the progress of the committee and was in frequent contact with staff about the substance of the report drafts.

Committee process. The committee first met on November 28, 1984 and held a total of 30 between then and its last meeting on August 7, 1985. Meetings were held weekly, with some exceptions. The main source of information to the committee was the testimony of the following people:

John Cairns, former executive director, MN Business Partnership
Jerry Christensen, chancellor, MN Community College Board
Beverly Driscoll, associate director, Association of MN Counties
Gary Farland, lobbyist, MN Department of Education
Lee Greenfield, state representative
Royce Hanson, associate dean, Hubert H. Humphrey Institute of Public Affairs
David Jennings, speaker of the House
Jay Kiedrowski, assistant commissioner of Finance
Ross Kramer, Messerli & Kramer law firm
Diane Ladenson, campaign director, United Jewish Fund & Council
Peter Levine, former director, House Research
Gene Mammenga, former lobbyist & legislator
Bill Marx, staff, Senate Education Committee
Don Moe, state senator
Dan Mott, staff, Senate Education Aids Subcommittee
Ken Nelson, state representative
Tom Nelson, state senator
James Nobles, legislative auditor
Sally Olsen, state representative
John Redmond, assistant to Majority Leader Roger Moe
Ann Rest, state representative
Alan Rosenthal, professor, Eagleton Institute, Rutgers University
Don Salamone, director, Research Office, MN Department of Revenue
Don Samuelson, state senator
Dave Schaaf, real estate broker
William Schreiber, state representative
Wayne Simoneau, state representative
Steve Sviggum, state representative
John Todd, justice, MN Supreme Court
John Tomlinson, state representative
Gordon Voss, state representative
Ann Wynia, state representative

Minutes of all meetings were prepared and shared with others in the communities. Copies of meeting minutes are available from the League office.

The initial goal of the committee was to understand in some detail how the Legislature actually works. To do so, the committee studied in detail the passage of four bills during the 1983 session. These bills were the tax bill, the school aids bill, the health/welfare appropriations bill, and the the bill changing legislative salaries. Bill authors, bill opponents, committee chairs, leaders, staff people, and involved lobbyists were interviewed.

During a significant portion of the the committee's work, the Minnesota Legislature was in session. The committee regularly followed and discussed the actions of the 1985 Legislature.

The National Conference of State Legislatures made available a great deal of comparative information about how other legislative bodies functioned and this material was folded into the committee's research efforts. Information about the Minnesota Legislature was made available by various branches of the institution.

Following the presentation of this material, the committee deliberated, in sequence, the findings, conclusions, and recommendations section of this document. Several drafts of each section were prepared and extensive discussion on them was held. The final report was submitted to the Board of Directors on August 22.

Staff assistance was provided to the committee by Robert de la Vega, Donna Keller and Joann Latulippe.

APPENDIX A

The Minneapolis Star and Tribune's Minnesota Poll has surveyed public attitudes about the Legislature and other institutions from time to time.

The poll sampled the public in May of 1975, 1976, and 1983. The table below shows what percentage of respondents in 1983 responded to the question, "Would you please tell me how much confidence you, yourself, have in the Minnesota State Legislature."

	<u>Great deal</u>	<u>Quite a lot</u>	<u>Some</u>	<u>Very little</u>
1983	3%	16%	51%	23%

In 1975 and 1976, the poll asked respondents to rate legislative performance. Here are the results.

	<u>Excellent</u>	<u>Good</u>	<u>Only fair</u>	<u>Poor</u>	<u>Not sure</u>
1976	1%	20%	46%	16%	17%
1975	1%	22%	47%	14%	16%

A 1983 Minnesota Poll sampled public opinion major institutions. It asked people to say what confidence level they had with certain organizations. Here is what the poll showed.

	<u>Great deal</u>	<u>Quite a lot</u>	<u>Total</u>
Local Police	27%	42%	69%
Church	38%	29%	67%
Public Schools	13%	37%	50%
Minnesota Supreme Court	14%	35%	49
Local Courts	9%	23%	32%
Congress	4	23%	27%
TV	6%	16%	22%
Legis.	3%	16%	19%
Prisons	3%	15%	18%

This poll also asked people to say what institution they held in the lowest esteem. The Legislature came out second, with 25 percent of respondents saying they held it in low esteem. Television was tops, at 30 percent. Prisons came in at 17 percent, newspapers at 16 percent, Congress at 14 percent, local courts and public schools at 13 percent, churches at 10 percent, and local police and the Minnesota Supreme Court at six percent.

All of these polls claim a margin of error of plus or minus four percent.

The Star and Tribune's poll asked people in Minnesota for their opinion of their Legislature. A national poll conducted by the Gallup organization asked, "How would you rate the honesty and ethical standards of people in these different fields..."

	<u>Very High; High</u>	<u>Average</u>	<u>Low</u>	<u>No Opinion</u>
Clergy	64%	27%	5%	4
Druggists	61	33	4	2
Doctors	53	35	10	2
Dentists	51	41	5	3
College Teachers	47	38	5	10
Engineers	46	39	3	12
Police	42	45	11	2
Bankers	38	49	9	4
TV commentators reporters	33	47	15	5
Funeral directors	29	43	19	9
Newspaper reporters	26	52	16	6
Lawyers	24	43	27	6
Stock brokers	19	45	11	25
Business executives	18	55	20	7
Senators	17	48	29	6
Building contractors	17	54	23	6

	<u>Very High; High</u>	<u>Average</u>	<u>Low</u>	<u>No Opinion</u>
Local political officeholders	16	49	29	6
Congressmen	14	43	38	5
Realtors	13	52	28	7
State officeholders	13	49	31	7
Insurance salesmen	13	49	34	4
Union labor leaders	12	35	44	9
Advertising practictioners	8	43	39	10
Car salesmen	6	34	55	5

This poll was national, so it does not necessarily represent sentiment locally. Also, because of the way the question is asked, it is not clear what people think of legislators and their legislatures, as opposed to state government in general.

APPENDIX B

The staff of each house is nominally under the control of the rules committees of each house and joint staff under the control of the Legislative Coordinating Committee (LCC) either by itself or in combination with another legislative commission. No formal budget for overall legislative staff is prepared or formally adopted by any committee or house of the Legislature. All joint agencies have budgets approved by the LCC. Money to run the staff offices is appropriated in the same bill that finances the executive branch agencies. Committees may also have at their direct disposal certain staff persons.

Little formal definition of the role of the various staff offices exists. Duties may change as personalities and legislative desires change. There is no overall personnel policy for legislative employees, in contrast to the executive branch. As a rule, professional legislative employees are not covered by civil service. Salaries are reviewed by the respective rules committee.

Legislative Commissions. Various legislative commissions, such as the Legislative Coordinating Committee, the Legislative Commission on Energy, and the Legislative Commission to Review Administrative Rules, perform a variety of legislative services. These offices are run by boards composed of members from both houses.

Some commissions and legislative agencies, such as the Legislative Commission on Minnesota Resources, the Legislative Commission on the Economic Status of Women, and the Iron Range Resources and Rehabilitation Board, function as if they were executive branch agencies, although they are part of the legislative branch. These commissions meet all year long and have staff people assigned to them.

An additional commission, the Legislative Audit Commission (LAC), performs a unique function: program review of certain state activities. Each year, the LAC approves a study agenda and LAC staff develops a performance review of the program. The LAC also performs certain financial audits of state agencies.

In some cases, the Legislature will direct a commission to report back on a certain subject. The Legislature is free to set up as many joint commissions as it wishes.

The LCC oversees the activities of the Revisor of Statutes and the Legislative Reference Library, giving it a direct administrative responsibility for the operation of the Legislature which the other commissions do not have. The LCC indirectly supervises all other joint staff. The chairmanship of the LCC alternates annually between the Speaker of the House and the President of the Senate.

Legislative commissions under the LCC typically have a governing board of both senators and house members. In some cases, 18 legislators may be involved, or as few as four. Frequently, executive branch officials are commission members.

Shared Services: Two offices provide services to both houses: The Revisor of Statutes and the Legislative Library.

Revisor of Statutes. The revisor's office has the principal responsibility for drafting bills, although it is not exclusive in providing that service. The revisor's office provides other services, such as preparation of engrossments, enrollments, committee reports, conference committee reports, and other documents. The office also does code revision and statute production. In 1985, it had a full time staff of 57 people, including 14 attorneys.

The Legislative Library. The library provides general information, spot research, and reference resources. It has bills and other information from previous sessions. It keeps copies of all reports to the Legislature. About ten people work in this office.

HOUSE

Chief Clerk of the House. The clerk's staff handles various administrative duties for the chamber, such as the calendar, the journal, and record keeping. Bills are available from the clerk's office through its index service. The clerk is elected by the membership and his activities are financed through an appropriation approved by the Rules Committee.

House Research. The office provides non-partisan research staff to all House committees and responds to information and bill drafting requests from House members. Staff members often have specialties. Each committee is provided with one or two analysts with backup from assistants. This office consists of about 25 research and legal professionals plus support staff.

The research office has a good deal of flexibility to define its own activities. It has no express charter, charge, or mission statement. For example, House Research does bill drafting even though the revisor's office exists specifically to perform that function.

Caucus Research. Each party caucus maintains a staff to do research, media services, constituent service, and advise caucus members. The size of the caucus staff is related to the size of the caucus. Caucus staff is not assigned to committees.

Sergeant at Arms. This office operates primarily during the session and provides security and messengers. The office reports to the majority caucus office.

Public Information Office. A public information office of about seven people provides basic background information including directories, pamphlets and brochures about the Legislature, legislative maps, and related materials, but not specific information about laws or bills under consideration. This office is organized under the Rules Committee.

SENATE

Secretary of the Senate. The secretary is the chief administrator for the body and is elected by its members. The secretary works with the chairman of the Rules and Administration Committee on personnel and budget matters. The office is responsible for finances, public information, calendar, the journal, and clerical and support

services. About 25 professionals and support staff work for this office.

Senate Counsel and Research. In contrast to the House, the Senate initially assigned an attorney to committees to provide staffing. Later, research staff were added and organized in a separate office. In 1983 the research and counsel office were placed under a single administrator. The office conducts legal and program research, drafts bills, assists committees and provides legal counsel to committees. Senate research and counsel staff persons are more directly responsible to committee chairs than their house counterparts. New senate research and counsel staff people are cleared by their committee chairs. In the House, people are hired by the research office.

Caucus Research. Caucus staff report to caucus leaders and do constituent service, research, and media relations, not unlike the jobs accomplished by the House caucus staff.

COMMITTEES

In addition to the staff assigned by House Research and Senate Counsel and Research, each committee chairman may hire an administrative assistant and a secretary. The administrative assistant's role varies with the committee, but he or she is mainly an administrator and manager of committee business and not a researcher. Duties include organizing meetings and assisting committee chairs in setting meeting agendas. Certain Senate committee vice chairs also have assistants.

The House Appropriations and Senate Finance Committees also have staffs of fiscal analysts to provide additional research capacity. This staff analyzes agency requests, the Governor's budget, assists committees in drafting appropriation bills and conference committee reports, and prepares fiscal notes required by law.

PERSONAL STAFF

Except for the leaders of the two houses, members do not have personal staff. However, some committee chairs may use committee administrative assistants and secretaries as personal as well as committee staff. During the session, a secretary is assigned to each senator and every two or three representatives. Both houses have secretarial pools.

LEADERSHIP STAFF

Professional and secretarial staff are assigned to the House Speaker and Senate Majority Leader and ranking majority and minority leaders. Additional committee staff is available to the leaders through their chairmanship of the rules committees.

EXECUTIVE BRANCH

As a practical matter, the Legislature uses the staff resources of the executive branch extensively during the legislative session. The Department of Revenue's research office, for example, responds to hundreds of legislative questions about the impact of tax proposals. The Department of Finance is also heavily involved in financial matters, often providing a quasi-support role to legislative policy making. The same is true of other major operating departments, like the Department of Education, Human Resources, and Economic Security.

APPENDIX C

The data covers seven separate legislative sessions: 1951, 1959, 1969, 1973, 1979, 1983, and 1985. The data is reported for the Legislature as a whole.

<u>Session</u>	<u>AGE</u>						<u>No Report</u>
	<u>20-29</u>	<u>30-39</u>	<u>40-49</u>	<u>50-59</u>	<u>60-69</u>	<u>70+</u>	
1951	6	16	32	36	26	6	71
1959	6	22	23	25	23	3	96
1969	6	35	63	35	17	4	43
1973	15	52	58	34	14	0	27
1979	8	56	62	41	18	1	17
1983	9	62	65	46	13	1	22
1985	4	45	76	53	10	1	12

We have fewer old legislators than in the past. Most legislators fall within the 40 to 49 age range; the number in this age range has increased fairly steadily over time. The number of legislators aged 30 to 39 has increased steadily up to 1985 when the number in this age group declined. The number of legislators aged 60 and over has decreased fairly steadily.

<u>Session</u>	<u>YEARS SERVED</u>								<u>NR</u>
	<u>Frosh</u>	<u>1-4</u>	<u>5-8</u>	<u>9-12</u>	<u>13-16</u>	<u>17-20</u>	<u>21-24</u>	<u>25+</u>	
1951	39	48	30	29	16	5	4	4	18
1959	41	38	35	19	10	14	7	6	26
1969	30	66	51	21	18	4	4	8	0
1973	64	64	34	26	8	3	0	2	0
1979	40	65	61	21	9	2	3	0	0
1983	48	39	57	40	11	4	1	1	0
1985	27	73	46	36	12	6	0	1	0

Throughout the years under study, most legislators had served from two to four previous years in either the House or Senate. The second largest group of legislators were those having served six to eight years prior to the current session. The number of freshman legislators remained roughly constant with a peak number in the 1973 session of 64 freshman and a low in 1985 of 27. The number of long-term legislators has decreased.

<u>GENDER</u>	
<u>Session</u>	<u>Number of Females</u>
1951	1
1959	1
1969	2
1973	6
1979	18
1983	28
1985	29

The number of female legislators continues to grow, yet still represents only 14 percent of the total number of legislators.

<u>Session</u>	<u>[H.S.</u>	EDUCATION			<u>No Report</u>
		<u>H.S. Graduates</u>	<u>College</u>	<u>College Graduates</u>	
1951	5	8	17	63	105
1959	0	11	29	91	67
1969	0	23	28	119	32
1973	0	19	26	134	22
1979	0	15	34	144	8
1983	0	28	30	143	0
1985	0	14	40	142	5

More legislators seem to be better educated now than in the past. The number of legislators with college degrees has increased up to the 1980s when the number levels off. This conclusion may be skewed as a result of the large number of legislators in the earlier years under study who did not report their educational level.

<u>Session</u>	OCCUPATION						
	<u>Bus.</u>	<u>Teacher</u>	<u>Farmer</u>	<u>Atty.</u>	<u>Worker</u>	<u>Leg.</u>	<u>Other</u>
1951	32	8	38	33	11	0	76
1959	29	11	50	50	26	0	32
1969	41	15	41	51	13	0	41
1973	40	24	43	40	15	0	39
1979	26	34	37	24	12	11	97
1983	36	35	37	23	13	25	52
1985	33	29	35	22	9	27	66

The number of businessmen, farmers and attorneys in the legislature has remained fairly constant, with the number of businessmen and attorneys peaking in 1969 and tapering off since then, and the number of farmers declining slowly since 1969. The number of educators has risen steadily, with a small decline in 1985. The 1985 session had the fewest members occupied as workers, although this number has traditionally been small. No legislators characterized their occupations as "legislator" until 1979; since then the number of members occupied as legislators has increased steadily.

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