

MAINE STATE LEGISLATURE

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LEGISLATIVE COUNCIL MEETING
Legislative Council Chamber
June 15, 1976

CALL TO ORDER

The meeting was called to order at 10:29 a.m. by the Chairman, Senator Jerrold B. Speers.

ROLL CALL

Senators: Sen. Conley, Sen. Cummings, Sen. Sewall, Sen. Speers

Representatives: Rep. McKernan, Rep. Martin, Rep. Najarian,
Rep. Palmer, Rep. Rolde

Staff: William H. Garside, Legislative Admin. Director
Ronald Lord, Legislative Finance Officer
Edith Hary, Law & Legislative Reference Librarian
David Silsby, Legislative Research Director

SECRETARY'S REPORT

It was moved and unanimously carried that the secretary's report be accepted as presented.

STAFF REPORTS

Legislative Administrative Director: The Bureau of Public Improvements requested the use of Business Legislation Room 134 for the Appeals Board processing. After a discussion on Room 134 the Council denied this request and authorized the use of Room 105 in the State Office Building for the appeals procedures pursuant to the State Employees Classification Plan.

MOTION

Rep. Martin moved that the Council authorize part of Room 105 for the appeals hearing.

The motion was seconded by Rep. Rolde and voted in.

Also introduced by the Legislative Administrative Director was a memo from William Blodgett of the Maine State Retirement System requesting a meeting with Legislative Leadership.

MOTION

Rep. Martin moved that the Board of Trustees of the Maine State Retirement System contact the Chairman of the Joint Standing Committee on Veterans and Retirement, Senator Collins, to discuss the unfunded liability involving non-contributory teachers in the retirement system.

The motion was seconded by Sen. Sewall and carried.

Legislative Administrative Director (Cont'd)

Further introduced was a request by John O'Sullivan, Commissioner of the Department of Finance and Administration, for the Council to support the introduction of identification badges. After some discussion a motion was brought to the floor.

MOTION

Rep. Martin moved that the Council go on record in opposition to the request for identification badges to be worn by legislative employees.

The motion was duly seconded and carried with a vote of 7 to 2, Sen. Speers and Rep. Palmer voting against the motion.

The Bureau of Taxation would like to extend an invitation to the Joint Select Committee on Property Tax Valuation to attend a one day seminar in Cambridge, Massachusetts to be held on July 19. The travel expense would be paid out of Legislative budget.

MOTION

Rep. Najarian moved that the Property Tax Valuation Committee be authorized to attend a one day seminar in Cambridge, Mass.

The motion was duly seconded and carried.

The Administrative Director recommended that Bent Schlosser attend the New England Legislative Staff Conference. This conference is to be held June 17 through June 19 in Wakefield, Mass.

MOTION

Rep. Palmer moved that the Council authorize Bent Schlosser to attend the seminar of the New England Legislative Staff.

The motion was duly seconded and carried.

Legislative Finance Officer: Ronald Lord introduced a budget report showing the analysis of the General Fund. This report showed a balance of \$170,000.

The Finance Officer recommended Bent Schlosser for a salary increase of \$1,500 (a total of \$18,000). As of May 24, 1976 Bent had completed six months of service as Assistant Finance Officer. This request was tabled by the Council.

Law and Legislative Reference Librarian: Edith Hary requested the approval of the Council to send one or two persons to Boston to attend the American Society of Law Librarians seminar. This will be a 5 day conference starting June 19, 1976.

Law and Legislative Reference Librarian (Cont'd)

MOTION

Rep. Plamer moved to authorize two individuals on the Legislative Law and Legislative Reference Library staff to attend the seminar in Boston.

The motion was duly seconded and carried.

Legislative Research Director: David Silsby advised that the 2nd Special Session passed 9 bills, 6 of which were over the Governor's veto. The two bills passed as emergencies are to carry an effective date of June 14, 1976 and Senator Katz' bill on Private School Tuition is to carry an effective date of September 13, 1976. The effective date of the vetoed bills is presently unclear and an Attorney General's opinion is being sought on the question.

A question arose as to the number of copies of these laws that should be printed (7,000 copies or less?). Discussion followed.

MOTION

Rep. Martin moved to authorize printing of Second Session Laws in pamphlet form to be inserted with the First Special Session Laws.

The motion was seconded by Rep. Najarian and carried.

COMMUNICATIONS

MOTION

Sen. Conley moved that all communications be placed on file.

The motion was duly seconded and carried unanimously.

COMMITTEE REPORTS.

No Committee Reports.

OLD BUSINESS

No Old Business.

NEW BUSINESS

Item #1 - A report from the Secretary of the Senate was presented to the Council regarding the Engrossing problems.

NEW BUSINESS (Cont'd)

MOTION

Rep. Martin moved that the Engrossing matter be tabled and specially assigned for the next meeting.

The motion was seconded by Sen. Sewall and carried.

Item #2 - (State Retirement System meeting with Legislative Leadership) This has been taken up by the Legislative Administrative Director.

Item #3 - Elsie Bowen presented a written request for the Council's consent to apply 90 days of accumulated sick leave to her years of state service.

MOTION

Sen. Sewall moved that the Council authorize Elsie Bowen to take 90 days accumulated sick leave for retirement purposes.

The motion was duly seconded and carried.

Item #4 - It was mentioned that Steve Lakis, who is working with the Legislative Resource Improvement Committee, submitted a report concerning legislative procedures to that committee together with certain recommendations and comparisons of procedures used by other state legislatures.

Item #5 - Discussion of authorization of the legislative aides who continue in the interim.

MOTION

Rep. Rolde moved that legislative staff aides would be authorized to work at the sole discretion of each member of leadership.

The motion was duly seconded and carried with a vote of 6 to 3, Sen. Speers, Rep. McKernan and Rep. Palmer voting against; Sen. Conley, Sen. Cummings, Sen. Sewall, Rep. Martin, Rep. Rolde, and Rep. Najarian voting in favor of the motion.

ADJOURNMENT

MOTION

Rep. Palmer moved that the Council adjourn.

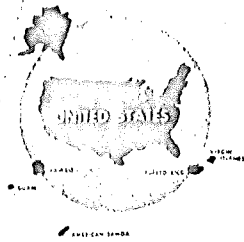
ADJOURNMENT (Cont'd)

The motion was duly seconded and carried unanimously.

The next Council meeting is scheduled for Thursday, September 16, 1976.

The meeting adjourned at 12:30 p.m.

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June 11, 1976

M E M O

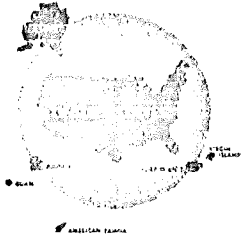
TO: Legislative Resource Improvement Committee
FROM: Stephen Lakis
RE: Meeting of Legislative Resource Improvement Committee
of June 9, 1976

Enclosed you will find three (3) documents which served as the basis for discussion at the June 10 Legislative Resource Improvement Committee meeting. In attendance at that meeting were:

Senator Katz
Representative Palmer
Helen Ginder
Ed Pert
Joan Kress
Stephen Lakis

As I will be on vacation next week, June 14th, I plan to schedule the next committee meeting either in the last week of June or after the July 4th holiday. I am particularly interested in your comments with respect to the enclosed literature.

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Memo To: The Joint Committee on Legislative Resource Improvement

From: Stephen Lakis, PLRI Staff Associate

Re: Preliminary Recommendations

Date: June 10, 1976

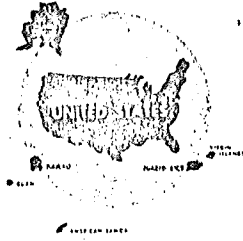
The following recommendations are principally the product of my research and analysis of the Maine Legislative system. In every instance except one (recommendation 11) these recommendations are the result of findings gleaned from the Legislator questionnaire, statistical analysis of bill*flow in the 1973 and 1975 regular sessions, interviews with legislators, legislative staff, media representatives, and interested citizens, comparative research, and my personal observations of the Maine Legislative process. As indicated above, these are preliminary recommendations and are offered to the committee for review and comment. In the ensuing weeks and months additional recommendations, similar in form to these will be likewise offered to the committee.

Preliminary Recommendations

- (1) Eliminate the Reference of Bills Committee and establish in its stead, in the Joint Rules, committee jurisdictions. Specify further in the Joint Rules that all bill references will be made automatically on the basis of these jurisdictional guidelines by the presiding officers of both houses with the advise of the Clerk and Secretary respectively.

- (2) Develop uniform rules of committee procedure. These uniform rules will specify quorum requirements, reporting deadlines, voting procedures, interim committee activities, notice of meetings, attendance requirements, minutes of meetings, duties of Committee Chairmen, etc.
- (3) Improve the legislatures auditing capabilities, especially in the areas of compliance and performance auditing.
- (4) Develop a comprehensive system of deadlines to regulate the flow of legislation through the legislative process. (see recommendation on deadlines)
- (5) Reduce the total number of special studies conducted and change the procedure for authorizing special studies.
- (6) Develop an administrative structure which more clearly reflects the duties and responsibilities of the Office of Legislative Research and the Legislative Assistants Office.
- (7) Strengthen the interim period between legislative sessions.
- (8) Provide for the adoption of a consent calendar in the Senate similar to that utilized in the House.
- (9) Establish an interim committee period shortly after the convening of the regular legislative session.
- (10) Review the Wilfong proposal and issue recommendations to the Legislature.
- (11) Develop recommendations for improving the engrossment process, (see Kress memo).
- (12) Improve the operation of Legislative Council by more clearly defining the authority, duty, and responsibility of the Director of Legislative Council.
- (13) Encourage greater use of pre-filing, especially with respect to executive departments, agencies, and interest groups.
- (14) Review the form and content of a legislative bill and legislative amendment, (i.e., line numbering, statements of fact, re-drafts, underlining new language, etc.).
- (15) Develop a bill carryover system.

the State Legislative Leaders Foundation



New Hampshire

No greater dichotomy exists between state legislatures than that found between the New Hampshire and Massachusetts state legislatures. In political environment, legislative structure and operating procedures, the New Hampshire General Court is markedly unlike the Massachusetts General Court. Where in Massachusetts the impact of PLI was retarded by restrictive and static traditions and by a legislative leadership generally uncommitted to the specific objectives of the Program for Legislative Improvement, in New Hampshire the program faced no such obstacles. To demonstrate, unlike Massachusetts, the Program for Legislative Improvement in New Hampshire had throughout its tenure the active and direct support of legislative leadership. Moreover, in the final year of the program, a changeover occurred in the Speakership of the New Hampshire House. Under the direction of the new Speaker, George B. Roberts, Jr., a renewed vigor for structural and procedural legislative improvement evolved. As the ensuing pages will reveal, this positive relationship between the PLI and the chief officer of the New Hampshire House led to the development and implementation of a large number of significant PLI recommendations.

This final report will be comprised of three major sections. In Section I, specific aspects of the New Hampshire political environment will be discussed in terms reflecting their relationship to the objectives of PLI. Section II will deal with the history and specific activities of PLI in New Hampshire. And, finally, in Section III, suggestions will be advanced in two areas: (1) for improving similar programs envisioned in the future in New Hampshire, and (2) for improving the New Hampshire General Court.

I. Political Environment

The New Hampshire House of Representatives, with its 400 members, holds the dubious distinction of being the third largest legislative body in the free world, while the New Hampshire Senate, with its 24 members, is one of the smallest state Senates in the entire United States. The problems associated with the size of the House and the disparity in size between the House and Senate are immense.

Rather than increase representativeness, the 400-member House with its many multi-member districts, blurs legislator accountability and responsibility. Furthermore, the great disparity in size between the House and Senate serves to effectively weaken the level of inter-house cooperation. To wit, the general roles and responsibilities of Senators and Representatives differ markedly given the proportionate disparity in the size of House and Senate districts. Additionally, the information flowing into each body through their respective standing committee systems differs. Senate committees, being much smaller in membership, are more accessible and therefore generally receive more information on a given issue than do their counterparts in the House. Likewise, Senate committees are more likely to receive close attention from lobbyists and other interest group representatives.

For PLI, the difference in size between the House and Senate evidenced itself in the final two years in the general approach each chamber took to legislative improvement. In general, the small closely knit Senate was more in favor of maintaining the status quo than in implementing specific legislative reforms. Accordingly, the emphasis of PLI, particularly in the final year of the program, was largely upon the House.

Another characteristic of the New Hampshire political environment relates to legislative compensation. The annual salary awarded to legislators is \$100, with the Speaker and Senate President receiving an additional \$50 per biennium. Most obviously, this low compensation has had the effect of making the New Hampshire legislature less diverse in its membership by restricting those who can afford to run and serve. Somewhat less obvious however, (but no less certain) is the fact that this lack of diversity in membership has directly contributed to the conservative nature of the New Hampshire legislature.

Finally, and most significantly, the New Hampshire General Court meets in regular session but once during the legislative biennium for a period not to exceed 90 legislative days nor extend beyond July 1. (In recent bienniums the legislature has met in special session during the even-numbered years. Special sessions, however, by virtue of their inherently limited agendas and uncertainty, are no replacement for annual, regular sessions; they are instead symptomatic of the need for such regular sessions.) This most serious limitation, in addition to reflecting the citizens' general distrust of the legislature, limits severely the legislature's opportunities for careful deliberation. Furthermore, it reduces the effectiveness of legislative

committees and the ability of less senior members to develop expertise and to become more acquainted with legislative procedures and norms.

With respect to the Program for Legislative Improvement, the extremely limited session pattern was a formidable obstacle. Because the General Court met for but a brief period in regular session every two years, the session time available to implement legislative improvements was accordingly quite brief. It was, in part because of this limited session pattern that the PLI was unable to bring about the implementation of specific legislative improvement recommendations until the regular legislative session in 1975.

To be sure, these three characteristics of the New Hampshire political environment - large size, low compensation, and limited session length - have been the concern of nearly every legislative improvement study conducted in N. H. Unfortunately every attempt to alter these characteristics has met with failure.

The reason for each of these failures can be traced back to the New Hampshire Constitution. The Legislative Section of the New Hampshire Constitution is among the most restrictive in the nation. It specifies the legislative apportionment formula, the level of compensation for legislators, and the period of time in which compensation may be awarded to legislators. While efforts to amend the Legislative Article have repeatedly been made, in every instance they have fallen short of obtaining the necessary two-thirds vote at the polls.

This inability to secure two-thirds of the voter's approval for amendments which would strengthen the entire New Hampshire legislative process is in itself symptomatic of yet another characteristic of the New Hampshire political environment. That being the general absence of effective outside public support for the legislature

Every effort to bring about a change in the Legislative Article of the Constitution has been defeated through a combination of news media and Executive opposition on one hand, and a lack of effectively organized public support on the other. The only state-wide newspaper, The Manchester Union Leader, has consistently opposed all efforts for legislative reform. This position in opposition to legislative reform has, in turn, been buttressed by the Chief Executive.

Against this formidable opposition, the legislature has in large measure stood alone. What few public interest groups there are have repeatedly demonstrated an inability to effectively organize campaigns to counterbalance this opposition. Moreover, the appearance of any well organized and well financed public interest groups advocating these necessary constitutional reforms continues to be unlikely. Consequently, the prospects for effectuating legislative reform in the near future in the areas of size, compensation, and session length remain dim.

II. PLI in New Hampshire

The first PLI staff associate assigned to both the New Hampshire and Massachusetts legislatures discovered the general atmosphere to be far more conducive to legislative improvement in New Hampshire.

Accordingly, during the first year of the program, a significantly greater amount of PLI time and effort was devoted to the New Hampshire legislature. In addition to furnishing the leadership with a wealth of information pertaining to legislative improvement, and most particularly by assisting in the formulation of a legislative management bill, PLI staff succeeded in developing, within the legislature, an atmosphere highly conducive to legislative reform. More importantly, the positive experience which the New Hampshire legislature enjoyed with PLI staff made the transition in staff associates at the end of 1973 all the more facile.

During the first part of 1974, the emphasis of PLI shifted from the New Hampshire General Court to the Massachusetts General Court. The factors precipitating this shift were twofold: First, very little PLI activity had taken place in the Massachusetts legislature in 1973. Accordingly, it was deemed necessary to redress this imbalance; secondly, the New Hampshire legislature was not in session in 1974. There being no legislative session meant quite obviously that the PLI was denied an opportunity to bring about the actual adoption of legislative improvement recommendations. These two factors notwithstanding, during the latter part of 1974, PLI activity in New Hampshire once again resumed. This renewed PLI activity was due primarily to the advent of the New Hampshire Constitutional Convention and the attendant PLI effort to create a New Hampshire Citizens Commission.

N. H. Constitutional Convention - N. H. Citizens Commission

As has been noted, three of the most serious problems confronting the New Hampshire General Court - its size, its compensation, and its restricted session length - are prescribed by the New Hampshire Constitution. In light of this, the Constitutional Convention of 1974 created three specific Constitutional Committees to deal with each of these legislative matters.

Clearly, the opportunity for PLI to have input into these committees could not be overlooked. Accordingly, throughout the life of the Convention, PLI staff worked closely with these three committees. In addition to furnishing each committee with technical data and information, PLI staff also presented oral testimony supporting size reduction in the House, the establishment of a legislative compensation commission to set legislative salaries, and annual sessions.

Complementing this internal effort, PLI staff set out to organize an outside effort in the form of a Citizens' Commission to study the New Hampshire General Court. The establishment of a Citizens' Commission occupied a major position in the New Hampshire PLI Agenda For Reform. Indeed, perhaps in no other state in the entire program was a Citizens' Commission more necessary than in New Hampshire. There were two major reasons underlining the need for a vehicle such as a Citizens' Commission. The first reason stemmed from the Constitutional Convention. If the Convention were to act favorably upon those resolutions calling for size reduction, establishment of a compensation commission, and annual sessions, it would then be necessary to mount a well financed and well organized public information campaign in order to help gain the necessary two-thirds voter support at the polls. Without such an organized campaign to counter the opposition of the Manchester Union Leader and the Governor, it was recognized that all three measures would undoubtedly be defeated.

The second reason for establishing a Citizens' Commission related to the general absence in the New Hampshire political environment of any well organized public interest group advocating structural and procedural legislative reform.

A permanent Citizens' Commission such as that envisioned would be able to study the entire New Hampshire legislative process in detail. In this broader role, the Commission would be able to offer the legislature and the citizens of New Hampshire positive recommendations for the structural and procedural improvement of their state legislative institution. Additionally, the Citizens' Commission would serve a watchdog function, monitoring the activities of the legislature.

In sum, the Commission was to have a dual role. First, to develop and organize public support for those resolutions amending the Legislative Article of the Constitution, and, second, to continue on after the Constitutional Convention in a role as public advocate for legislative improvement.

All of this extended planning for the Commission was based upon the supposition that the Constitutional Convention would act favorably on the recommendations of the committees on size, annual sessions, and legislative compensation. Such favorable action, in addition to giving the Citizens' Commission an immediate goal, would further instill in the Commission sufficient impetus to continue on beyond the convention in a permanent role.

Unfortunately, the 1974 Constitutional Convention was, in terms of legislative improvement, a failure. In the first instance, the resolution calling for a reduction in the size of the House failed to gain passage on the convention floor. Secondly, while the annual session question passed, the question which appeared on the November ballot was vague and misleading. More explicitly, the annual session question which appeared on the ballot was titled Legislative Mileage and never once mentioned annual sessions despite the fact that its effect if passed would have been to permit annual sessions. Finally, instead of adopting a resolution calling for a legislative compensation commission, the convention adopted a resolution fixing the salary of legislators on a par with the lowest paid wage given state employees. (This question appeared on the ballot in 1975 and was summarily defeated.)

In the face of these discouraging developments, the efforts to establish a Citizens' Commission continued. With the support of a number of New Hampshire citizens and legislators, a Citizen's

Commission was partially established and an advertising effort was launched. In addition to the annual session question, the Commission supported the questions calling for pre-session organization and increasing the size of the Senate from 24 to 36 members.

Every Constitutional question appearing on the ballot was defeated (although the annual session question was supported by considerably more than fifty percent of the voters). Subsequent to these ballot results, the impetus for the continuance of the Citizens' Commission waned.

In retrospect, the Citizens' Commission effort could perhaps have been more effective if the original membership base had been broader, cutting more evenly across party lines and political ideologies and incorporating representatives of the business and labor community. Yet the fact remains that this effort to sustain a permanent Citizens' Commission failed and accordingly this important facet of legislative improvement remains in abeyance in New Hampshire.

1975

The final year of the Program for Legislative Improvement witnessed the attainment of a number of PLI objectives in New Hampshire. Indeed, in terms of PLI recommendations adopted, 1975 was more successful than the previous two years combined. The coincidence of the regular legislative session with the ascension of George B. Roberts, Jr., to the Speaker's office gave PLI at once the opportunity and means to actively pursue and secure a number of PLI recommendations.

Among the most significant legislative improvements adopted during 1975 were:

1. Joint Legislative Management

Both SLLF and CCSL (Legis/50) correctly held legislative management

to be a primary objective for implementation in the New Hampshire General Court. Joint legislative management, it was argued, would give the legislature the needed capacity to effectively and more efficiently manage and administer the various staff agencies serving the New Hampshire General Court. Accordingly, from the outset in 1973, PLI staff worked closely with legislative leadership and leadership staff on the development of a comprehensive legislative management bill. Unfortunately, this management bill, which passed the legislature, in 1973, was vetoed by the Governor.

The next opportunity to work on legislative management was not until the regular session in 1975. At the outset of 1975, PLI staff proposed to the new leadership that they once again consider establishing a joint management capability. The new Speaker accepted this proposal and placed the full support of his office behind it.

Cognizant of the fact that the previous effort to establish a joint management capability in New Hampshire had failed by virtue of a Gubernatorial veto (the same Governor was still in office in 1975), a new approach toward implementing joint management was devised. To reduce the possibility of losing, once again, the entire legislative management package, a series of nine interrelated management bills was introduced. Each of these bills constituted a component of joint management as engendered within the omnibus legislative management bill of 1973. With such a series of bills, it was deemed possible to lose perhaps one or two bills while still retaining the essence of joint legislative management.

Still another change which was made related to the proposed establishment of a new joint management committee as stipulated in the 1973 bill. Instead of creating a new committee, an existing joint

committee, the Joint Legislative Facilities Committee, was utilized as the legislative management vehicle. (One of the management bills filed in 1975 increased the membership on Legislative Facilities by adding the chairman of Senate Finance, the chairman of House Appropriations, and the House and Senate Minority Leaders. It also increased the rank-and-file membership by two additional members.)

Finally, and most significantly, the provision that an Office of Legislative Management be created and staffed by an Executive Director and Administrative Assistant was deleted. While this was admittedly an integral part of the original legislative management bill, it was correctly felt that its inclusion in the new management package would spell the certain veto of the entire package.

The end result of these joint efforts of PLI and the Speaker was the passage of nearly all the essential components of legislative management. Lost, however, on the floor of the Senate was the bill which would have brought the Office of Legislative Budget Assistant into the management structure.

Subsequent to the adoption of these joint management bills, PLI staff prepared a series of rules of procedure for the Joint Legislative Facilities Committee (management committee). These rules of procedure which among other things specified reporting requirements, quorums, roll call votes, and the creation of a personnel policies subcommittee, were summarily adopted.

Since its inception in 1975, the new Legislative Facilities Committee has clearly demonstrated the felicity of the joint management concept. Under the Facilities Committee administration and

supervision, a new legislative office building and garage have been constructed. Additionally, changes have been made in the personnel structure of the Office of Legislative Services. In the near future the LFC will be hiring a new director of OLS and supervising the remodeling of the State House building.

The Legislative Facilities Committee represents a significant step in the direction of creating a more effective and efficient legislative operation in New Hampshire. In the future, this current sound management structure may be further strengthened through the establishment of an Office of Legislative Management and the incorporation of the Office of Legislative Budget Assistant into the joint management apparatus.

2. Uniform Rules of Procedure

Legis/50 posited in their Legislative Evaluation Study that a major requisite of legislative effectiveness is accountability. They specified a number of the essential elements of accountability, one of these elements being "explicit, published rules and procedures which are uniform and stable."*

In response to this, PLI staff prepared a series of rules of procedure to regulate committee activities on a uniform basis. Briefly stated these rules covered the following areas; duties of committee chairmen, attendance requirements and attendance records, standing committee meeting schedules during the session and during the interim, interim committee reporting deadlines, notice of committee meetings during the session and during the interim, notice of executive sessions, the contents of each notice of a committee

* Page 17, "State Legislatures: An Evaluation of Their Effectiveness"

hearing, quorum requirements, majority vote requirements for a formal committee action (i.e., majority of quorum present and voting), roll call voting (required on all final dispositions), minutes of meetings required, and keeping of permanent committee records and specification of contents.

Pursuant to the adoption of these committee rules, PLI staff presented written and oral testimony to the House Rules Committee. The committee in turn approved each rule recommendation, with final floor approval coming shortly thereafter.

There were a number of additional legislative improvements made in 1975. Chief among these were:

1. Construction of a new legislative office building. The refurbishing of the Post Office building has produced a modern, well-equipped legislative office building. This legislative facility provides for the first time in the history of the New Hampshire legislature ample office space for all committee chairmen as well as separate committee rooms for each regular House and Senate standing committee. Furthermore, each committee hearing room has a built-in recording capacity so that permanent records of all public hearings can be made. The new state legislative facility is unquestionably one of the most modern and well equipped in the entire nation. More importantly, by providing the legislature with much needed space for its deliberations, the capability of the legislature to perform in a more effective and more efficient manner is significantly improved.

2. Construction of a legislative parking garage. Again, for the first time, members of the New Hampshire legislature will be

afforded an opportunity to park their vehicles in close proximity to the State House. Besides being of obvious benefit to legislators, this new parking facility should ease some of the parking congestion evident during each regular session.

3. The installation of an electronic roll call machine in the House chamber. Prior to the installation of the electronic roll call machine, a roll call vote in the House took nearly 45 minutes. As a consequence of this lengthy process, few roll call votes were taken. The new electronic roll call permits nearly instantaneous recording and tabulation of votes. The results of the installation of the roll call machine have been not only to reduce the time needed to take a roll call, but also to increase the incidence of roll call voting. In sum, the electronic roll call machine has made the New Hampshire Legislature both more efficient and more accountable.

4. Installation of a bill status system. An electronic bill status system has been installed providing legislators and the public with easy and ready access to the legislature. Specifically the bill status system provides information on the current position of a bill in the legislative process. It can identify the committee to which the bill has been referred, any amendments made in committee (not the content of the amendment however) and any actions taken on the floor. While this system now only supplies basic information on the current status of bills, future plans call for increasing the system's capabilities so that the actual content of a bill and any amendments can be readily obtained.

5. The establishment of a House Word Processing Center. Again for the first time in the history of the New Hampshire House, all members can now obtain typing and general secretarial assistance from

the House Word Processing Center. Furthermore electronic dictating stations have been set up in all committee rooms in the new Legislative Office Building. This dictating capability has been further enhanced by installing a special telephone line which permits legislators to call and dictate from outside Concord.

6. Revision and strengthening of the orientation program. The 1975 program was by far the most successful ever held in New Hampshire. During the course of the program, freshmen legislators were provided with information pertaining to the mechanics of the legislative process and the current issues which they as legislators will be dealing with during the session.

PLI also had input in a number of substantive areas where legislative action is contemplated in the near future. Some of these more significant areas were:

-- Regulation of lobbying activities. PLI staff prepared a written report which enumerated various approaches to lobbyist regulation as found in other state legislatures. This report further specified the rationale for adopting stricter regulatory standards. Supplementing this, oral and written testimony was presented to the Legislative Administration Committee.

-- Strengthening the New Hampshire Right to Know Law. PLI staff, at the request of House minority leadership, analyzed the Right to Know Law and developed recommendations therein for making it more inclusive. A detailed report was prepared enumerating PLI suggestions along with the rationale for changing the current openness law.

-- Establishment of a legislative code of ethics and Ethics Commission. A comparative research paper on ethics was prepared and submitted to House legislative leadership. This paper identified both the salient characteristics of most legislative ethics laws and the vehicles (ethics commissions) used for enforcing these standards of conduct.

Conclusion

It is difficult to accurately assess the overall impact of PLI in New Hampshire. In the first instance, not enough time has passed between the adoption of legislative improvements and their actual implementation. Secondly, the total impact of PLI must be assessed beyond simple empirical terms quantifying the number of recommendations adopted. Specifically, the impact of PLI must be additionally evaluated in terms of the climate for legislative improvement it has created in the New Hampshire legislature. While a great number of improvements have admittedly been made in the New Hampshire legislative process, it nonetheless remains that considerably more improvement is necessary in order to make the legislature a fully effective and co-equal branch of government. Whether or not the legislature moves forward toward implementing these legislative improvements in the future will in part be determined by the strength of the climate for legislative improvement created by the Program for Legislative Improvement.

At this juncture despite the inability to draw definitive conclusions as to the specific impact of PLI in adopted recommendations in New Hampshire, certain basic conclusions can be accurately set forth relating to the immediate goals and objectives of PLI.

In terms of the ability of PLI to affect structural and procedural changes in the New Hampshire legislative process, the program was a distinct success. Nearly one-third of all PLI recommendations noted in the PLI agenda were adopted over the course of the program. In addition to this, a number of other PLI recommendations have been fully presented to the legislature and are currently under active consideration.

The success of the New Hampshire program was due to a number of factors. Chief among these was the active support of legislative leadership from the very inception of the program. Most particularly, legislative reform and the Program for Legislative Improvement benefited from the active and effective support of the current Speaker, George B. Roberts, Jr. In the face of a hostile press and a Governor - both of whom were (and still are) firmly opposed to legislative co-equality - the Speaker actively worked for and secured a number of significant legislative reforms. Unquestionably, the New Hampshire General Court is a far more effective and efficient legislative institution than it was three years ago.

This notwithstanding, in order for the legislature to become a completely effective institution, it is incumbent that certain additional reforms be made. What follows is a list of the most significant of these reforms.

1. The legislature must be permitted to meet in flexible annual sessions. The arguments are so well versed that no additional comments are necessary save to note that without annual sessions the legislature can never become a completely effective, independent and functional policy-making institution.

2. The size of the New Hampshire House must be reduced. The people of New Hampshire could as well be served by 100 members as by the present 400.

3. The annual compensation, including per diem, paid to legislators must be increased significantly. A large segment of the New Hampshire population is denied the opportunity to serve in the legislature by virtue of the insufficiency of the wages paid.

4. The Legislative Management Committee (Legislative Facilities) must be strengthened by the establishment of an Office of Legislative Management and the appointment of an Executive Director to manage and administer the daily affairs of the legislature. Furthermore, the Office of Legislative Budget Assistant must be placed within the joint management structure.

5. Professional committee staff must be augmented so that each regular committee has the use of at least one professional staff person.

6. The post audit capabilities of the legislature must be significantly strengthened and expanded. Beyond fiscal audits the legislature must develop the in house capability to conduct performance audits and compliance audits. Again, this capability is prescriptive for an informed and independent legislature.

While the New Hampshire program was by most standards a successful endeavor, it remains that improvements can be made in the organization and approach of future similar programs. In particular, the emphasis of any future legislative improvement program must be placed upon the "outside" approach. The most pressing problems confronting the New Hampshire legislature relate to the legislative section of the

Constitution. As has been shown, changing this Constitution is no easy task. In the future a major effort must be made to organize a broadly based Citizens' Commission-type organization. This commission must be charged with the primary responsibility of organizing public support for these Constitutional changes.

MASSACHUSETTS

Of the seven state legislatures originally participating in the Program for Legislative Improvement, the Massachusetts legislature held the distinction of being the most complex and the most resistant to legislative reform. The first PLI staff associate assigned to the Massachusetts General Court resigned after the first year, noting that he had been completely unable to bring about the adoption of any PLI recommendations. The past two years in Massachusetts have been spent developing working relationships with the legislative leadership and their respective staffs; formulating recommendations for the structural and procedural improvement of the Massachusetts legislature and; assisting where possible in the implementation of these recommendations. Pursuant to these activities, the Program for Legislative Improvement in Massachusetts has enjoyed only a modest degree of success.

This final report will present a detailed analysis of the Massachusetts Program for Legislative Improvement. The objectives herein shall be to specify and explain failures of the program, as well as its successes; to suggest changes in the design of future legislative improvement programs; and finally, to offer specific recommendations for the improvement of the Massachusetts General Court.

In accordance with these objectives, this report will be comprised of three sections. In Section I, the Massachusetts political environment will be explored. In particular the role of legislative leadership, tradition and rule, and media and public interest groups will be considered vis-a-vis their interrelationship with PLI. Section II will deal with the design of the Massachusetts Program for Legislative Improvement. More specifically, this section will consider 1) the original agreement made between Legis/50 and SLLF and the Massachusetts leadership

and, 2) the PLI Agenda for legislative reform - its strengths and weaknesses. In Section III the impact of the PLI upon the Massachusetts legislature will be considered. Additionally, suggestions will be advanced for strengthening the design of future legislative improvement programs in Massachusetts and for strengthening the Massachusetts General Court itself.

I. Political Environment

Decorum and Attendance

In many ways the Massachusetts Legislature resembles the Congress of the United States. Indeed it is often cited that the Massachusetts Rules of Procedure served as the model from which a number of Congressional rules of Procedure were developed. One manifestation of this similarity lies in the area of decorum and attendance. On many occasions it is possible to observe a session of the Massachusetts House or Senate being attended by less than one-half the members. With regard to decorum, particularly in the Massachusetts House, it is common to observe legislators walking about the House floor, talking with their colleagues while debate is simultaneously proceeding.

Legislative attendance and decorum at joint standing committee meetings is similar to that found on the House and Senate floor. Moreover, frequently committee votes on bills are taken by telephone poll, proxy vote or perhaps not at all.

Speaker and President: Powers

Another area in which comparison between the Massachusetts Legislature and Congress is appropriate is in leadership structure.

As with their counterparts in Congress, the Speaker and Senate President in Massachusetts occupy positions of near absolute power in the decision-making authority of the legislature. By virtue of responsibilities formally vested in these two offices by legislative rule and reinforced by tradition, the President and Speaker at their discretion, can directly control or influence nearly all the actions of

Each is designated as Chairman of the Rules Committee of their respective houses and has power to appoint all members of all committees, including chairmen, vice-chairmen and minority party members. Furthermore, each has effective management and control over all legislative accounts from which legislative staff for leaders, individual legislators and committees are hired. In addition to controlling legislative staff hiring, the Speaker and President also exercise considerable control over the hiring of state employees in the many agencies, departments and commissions created and funded by the legislature.

With respect to legislation, the Speaker and President have control over the referral of all legislation to committee. Furthermore, they have the discretionary authority to determine whether or not to call for a standing or roll call vote on any matter on the floor of the House or Senate. As a result of this discretionary power, a large number of bills are either killed or are acted upon favorably without ever being formally voted upon.

These considerable powers of the President and Speaker very clearly affected the design of the program and the success or lack thereof of a number of the legislative improvement recommendations offered. From its inception, PLI in Massachusetts was almost totally directed toward working through the offices of the President and Speaker. As time passed, it became increasingly more apparent that this approach would not produce the intended results. Quite simply, Legislative leadership was unwilling to support those PLI recommendations whose effect, if implemented, would have been to curb leadership powers. The overriding concern of the Massachusetts legislative Leadership through the life of the PLI was to maintain the status quo.

Free Petition

The similarity between the Massachusetts Legislature and the Congress of the

United States becomes even more apparent when one considers the level of activity associated with each Legislative institution. As with Congress, the Massachusetts General Court is a very busy place. Meeting annually, for nearly eleven months, the legislature manages to consider, each session well in excess of 9,000 individual legislative documents.

This tremendous volume of legislation, (the Massachusetts legislature is the second busiest in the nation after New York), is in large measure the product of the unique practice of free petition whereby any citizen of the Commonwealth can directly introduce a petition into the legislative process. Free petition, more than any other factor associated with the Massachusetts political process, depicts the true character of political life in the Massachusetts General Court and explains much of why politics is conducted as it is.

It is a reality that free petition is far more valuable for its political clout than for the democratic principle it embodies. Legislators through free petition are afforded a unique opportunity to immediately and directly satisfy their constituents' demands. Regardless of the merits of a particular petition, a legislator will most often permit a petition's introduction into the legislative process by simply indicating on the legislative document that it is being introduced "by request." In this manner the legislator at once satisfies his constituents' request and alleviates his responsibility for the bill. The only loser is the legislative process which becomes customarily bogged down in the consideration of literally hundreds of insignificant pieces of legislation.

Outside interest groups also make full and sometimes irresponsible use of free petition. Because of the relative ease in which a bill can be introduced, many interest groups file the same bill in both Houses. Furthermore, a number of identical bills may be filed during the same session. If the bill(s) fails during the session, the usual tactic is to refile it in the next and all succeeding

sessions until it is finally passed. Again, in this instance the legislative process suffers both in time consumed and dollars expended.

Free petition, however, is not the sole source of the large volume of legislation considered yearly in the Massachusetts General Court. A considerable percentage of the yearly volume of legislation represents re-filed bills; that is, bills which have been introduced and defeated in past sessions; and duplicate bills, that is, similar or identical bills introduced in the same session. To further exaggerate this tremendous volume of legislation, each and every legislative document must be referred to a committee and reported out to the floor prior to final adjournment. While the practice of reporting out every bill is itself laudable, when considered in light of the tremendous volume of legislation and the fact that much of this volume is comprised of re-files and duplicates, the appropriateness of this practice becomes questionable.

The traditional "right" of free petition very clearly affected the design of the program in Massachusetts. Because of its largely negative impact upon the legislative process, free petition became the focal point of a considerable amount of PLI activity. The Massachusetts Agenda had stipulated that the right of free petition should be abolished. In practice, however, this recommendation was modified by PLI staff calling instead for restricting free petition rather than abolishing it outright.

Regardless of whether or not the recommendation called for the abolishment or the restriction of free petition, the end results were the same. In every instance this and other traditional practices in Massachusetts proved more resistant to reform or change than nearly all other practices and procedures founded upon rule or law.

Media and Interest Groups

Yet another aspect of the Massachusetts political environment relates to the role and impact of the media and public interest groups. It is obvious that both the media and various public interest groups exercise considerable influence upon the Massachusetts Legislature. Unfortunately, neither of these groups provided the Program for Legislative Improvement with any appreciable support. To demonstrate, on every occasion when an effort was made to bring about a restricting of free petition, both the printed media, principally the (Boston Globe) and various public interest groups challenged and criticized this alleged attack on the supposedly inherent right of free petition. Aside from such isolated instances, neither the printed media nor the electronic media devoted anything more than cursory, part-time attention to the many structural and procedural problems confronting the Massachusetts General Court. While reporting and analysis of specific aspects of legislative improvement is understandably difficult, it nonetheless remains that the absence of active media support for legislative improvement only served to weaken the general climate for such improvement.

In large measure, however, the absence of accurate and/or consistent media coverage was more a failure of the Program for Legislative Improvement than of the media. Very little attention was given to cultivating media relations. In part, the decision not to develop media relations was based upon a fear that to do so might weaken or strain leadership support for the entire project. Complementing this was the fact that a Citizens' Commission was envisioned as an outside public interest group advocating structural and procedural legislative reform. It was argued that this proposed Citizens' Commission embodying the "outside" approach to legislative reform would be in a far better position to develop relations with the media than would be the inside PLI staff associate. The Citizens' Commission

never materialized in the form envisioned and accordingly the gap in PLI-media relations persisted to the end of the program.

From its inception, the PLI faced considerable opposition from a number of public interest groups organized under the rubric, the Massachusetts Ad Hoc Coalition. Essentially, this coalition, (comprised chiefly of members from the League of Women Voters, Common Cause, and Massachusetts Civil Liberties Union), viewed the efforts of the Program for Legislative Improvement as an unnecessary infringement upon their territory (i.e., the Massachusetts legislature). What was significant, however, was not their opposition to the Legis 50, SLLF Program for Legislative Improvement but rather their lack of support for its objectives. Insofar as a number of these interest groups were occasional advocates of structural and procedural legislative reform, it originally was assumed that the general commonality of interest between the PLI and these groups would lead to a complementary approach toward the goal of improving the Massachusetts General Court. It is indeed paradoxical and unfortunate that quite the opposite held true.

Legislative Staff

The staffing system in Massachusetts reflects the intensely partisan nature of the Legislature, the considerable powers of the majority leadership, and the rivalry between the House and Senate. Despite the fact that the Massachusetts Legislature functions under a joint committee system, there is a total absence of any vestige of joint administrative management. Uniform salary schedules and job description for nearly all staff are non-existent. In part, as a consequence of this, many highly capable professional staffers occupy the bottom rungs of the pay scale while a considerable number of patronage employees with little or no professional training or experience are among the highest paid staff in the Legislature. To demonstrate, the Sergeant-at-Arms office employs a number of doorkeepers (there are considerably more doorkeepers than there are doors in the Massachusetts legislature) who receive annual salaries far in excess of those paid to trained and educated committee staff.

The staff support agencies in Massachusetts are markedly fractured. No one agency provides staff for all joint standing committees. Instead any one or combination thereof of the following staffing arrangements is used:

1. Some of the more powerful joint committees have their own staff and pay them out of committee accounts.
2. Other committees receive staff who are paid out of Rules Committee accounts. (Leadership)
3. Certain committee chairmen have their own personal staffs. That is, the Senate Chairman will have his or her own staff as will the House Chairmen.
4. A number of committees are staffed through a joint service agency which serves principally as a conduit for both patronage and professional staff appointments.

With respect to Leadership staff, both the President and Speaker surround themselves with large personal staffs. Moreover, in each office certain key staff occupy positions of considerable and inordinate power and influence. During the first year of the program this leadership staff functioned as an effective bulwark to the efforts of the PLI staff associate. For the last two years of the program this leadership staff, particularly in the House, served as the principal channel of communication between PLI staff and the Massachusetts Leadership. This arrangement, reflecting the marginal degree of Leadership commitment to the PLI ~~as it did~~, was generally unsatisfactory.

In sum, the Program for Legislative Improvement in Massachusetts functioned in a political environment characterized by 1) a hierarchical leadership structure which vested near total legislative control in the offices of the Senate President and House Speaker, 2) a number of traditions and rules which reinforced the existing

power structure and retarded legislative improvement, 3) an active media which paid little attention to legislative reform, 4) a coalition of public interest groups, a large number of which both actively and passively opposed the efforts of the Program for Legislative Improvement. and 5) a legislative staffing system marked by fractionalization, poor administrative management, and extensive patronage.

II. Original Agreement

The original agreement between Legis 50, SLLF and the Massachusetts leadership occupies a central role in explaining the course the Program for Legislative Improvement took. The most obvious characteristic of this agreement was its lack of definition. To wit, the Massachusetts leadership, while agreeing to invite the PLI into their legislature, never did more (nor were they ever required to do more), than make a vague and informal commitment to the objectives and methodology of the program. As a consequence, the PLI operated for an extended period of time without direction. The specific objectives of the PLI beyond the general concept of legislative improvement were exceedingly vague to the leadership thereby making it difficult for the PLI staff to affect a cohesive methodology which incorporated their participation. Rather what occurred was a series of half starts complemented by a wide variety of differing methodological approaches.

Originally, SLLF and Legis 50 envisioned a program operating in Massachusetts under the direction and supervision of a joint bi-partisan legislative committee. With the active assistance of this committee the staff associate would have been afforded a suitable vehicle for the development, presentation, refinement and subsequent implementation of legislative improvement recommendations. Unfortunately, no such vehicle was ever established. More than one year after the program had commenced, the second staff associate assigned to Massachusetts was charged with the primary responsibility of developing a working relationship with the House Speaker through his legislative staff! Although communications channels were established in the House and a joint bi-partisan leadership staff committee was

created to review the PLI Agenda, the fact remains that nearly 1½ years of effort were required to develop a working relationship - a relationship which should have automatically come into existence at the start of the program. Moreover, this working relationship, existing as it did with staff and not directly with legislative leaders, meant that all actions had to be reviewed by the leadership before being finalized.

Massachusetts Agenda for Reform

The absence of a clear commitment on the part of the leadership to the program's objectives and methodology manifested itself further in the Massachusetts PLI Agenda for Legislative Reform. The recommendations contained in the Agenda largely reflected the basic hypothesis which Legis/50 had advanced in their Legislative Evaluation Study of all 50 state legislatures. Succinctly stated, the LES study held that the effectiveness of state legislatures as policy-making institutions is directly related to their internal structure and operating procedures. Legis/50 posited that all legislatures should be functional, accountable, independent, informed and representative (FAIIR). The degree to which each legislature demonstrates these qualities determines how well that legislature performs its role. By operationalizing each of these concepts (FAIIR) and in turn, by interviewing legislators, media representatives and informed citizens, a series of some 70 specific legislative improvement recommendations were developed for the Massachusetts General Court.

This PLI Agenda containing some 70 recommendations was to serve as the basic working document directing all PLI activity. Engendered in this document were recommendations dealing with utilization of time, committee operations, bill procedures, compensation, staffing patterns, Constitutional revision, administrative management, ethics and lobbying.

Aside from being perhaps too long and containing some inaccuracies, this Agenda was basically a sound document. However, the manner in which it was presented had the effect of weakening its overall impact and significance. To wit, the Agenda, while being a public document, was never actually made public. Furthermore, more than one year after the program had commenced, the Agenda had yet to be extensively discussed with leadership. As a consequence of these two factors, the impact of this basic working document of the PLI was effectively diluted. Despite the diminished impact of the Agenda, it continued in the second and third years of the program to serve as the basic document from which specific PLI recommendations emanated.

To illustrate, the Agenda correctly recommended that the Massachusetts General Court restructure significantly the manner in which it utilizes its time. Given the fact that the single greatest problem confronting the legislature relates to its improper utilization of time, PLI staff accordingly devoted considerable effort to developing recommendations which would, if implemented, have obviated this functional weakness. Recommendations were fully developed calling for 1) adoption of a bill carryover system, 2) establishment of interim committee periods, 3) elimination of duplicate bill filing, and 4) utilization of a proposed or expository bill format.

While none of the recommendations in this group were ever fully adopted, PLI nearly succeeded in bringing about the adoption of one of the most major recommendations contained in the entire Agenda -- bill carryover.

Bill Carryover

Bill carryover was recommended to the legislature as a means of restricting free petition without abolishing it outright. In essence bill carryover meant that the two-year biennium would be treated as one continuous session (this two-year period would be interspersed with recess periods and periods of interim committee activity) with most bill introductions coming in the first few months of the first

year (odd-numbered year). The obvious effect of bill carryover on the legislative system would have been to significantly reduce the number of petitions introduced into the legislature in the second year of the biennium. This would thereby have afforded the legislature the opportunity to more effectively and efficiently utilize its time by spreading much of its legislative workload out over a two-year period.

The Senate, under the direction of the Senate President, had passed similar bill carryover legislation on two previous occasions only to see it die in the House. Recognizing this, the efforts of PLI staff were primarily directed toward the Speaker's office.

Extensive comparative research on alternative systems of carryover was prepared. The entire question of carryover, its possible designs for Massachusetts, and the attendant ramifications of each of these designs upon the Massachusetts Legislative Process was then explored with the Speaker's staff. Upon receiving this comparative research and analysis, the Speaker finally became convinced of the general merits of the proposal. Consequently he agreed to allow a carryover bill to be drafted and reported out to the House floor. This represented the first time that carryover was ever drafted as a House bill and considered on the House floor.

This proposal, restricting free petition as it did, was challenged by certain legislators who viewed it almost solely in terms of its political ramifications and not in terms of its positive effect upon the legislative process. Combining with these legislators were various interest groups who correctly perceived carryover as a possible threat to their ability to influence the legislature. Finally, the Boston Globe editorialized against restricting free petition - one year after editorializing in favor of carryover. Throughout this period, the Massachusetts ad hoc coalition remained silent.

While the measure did not pass, it now appears that support for carryover is again growing. The new Speaker has indicated that he is willing to give carryover a trial run in the 1977-78 legislative session. (At one time, the Speaker suggested implementing carryover in 1976). This is of major significance not only for the Massachusetts legislative process but also for the Program for Legislative Improvement. The persistence of the carryover concept and its apparent gradual acceptance, particularly in the House, serves to indicate a measure of the positive impact PLI has had on the Massachusetts legislature.

In addition to the work done in the area of time utilization, PLI staff furnished the Massachusetts legislature with comparative data and analysis relating to: 1) uniform rules of committee procedure, 2) subcommittee rules of procedure, 3) roll call voting and the abolition of proxy voting in committee, 4) budget reform, 5) legislator ethics, 6) establishment of committee jurisdictions, 7) multiple bill sponsorship, 8) legislator orientation, 9) creation of a federal liaison office, 10) establishment of a Massachusetts Citizens' Commission, and 11) campaign finance.

In many of these substantive areas and particularly in the areas of budget reform, committee jurisdictions, subcommittee procedures, and legislator orientation, PLI enjoyed some successes. In 1975 the legislature adopted an open budget bill which contained a number of PLI recommendations. With the assistance of the House Clerk, former Senate Clerk, and certain of the Speaker's staff, committee jurisdictions were developed and enumerated in a legislative committee handbook. With respect to subcommittee rules of procedure, while no formal action was taken by the legislature, a number of legislative committees did adopt those guidelines advanced by PLI. Finally, PLI staff assisted in the development of an orientation program for freshmen legislators elected to the 1975-76 legislative session. During

this orientation program, PLI staff addressed freshmen legislators on the topic of legislative reform.

III. Conclusion

Impact of the PLI in Massachusetts

It cannot be denied that the Massachusetts Program for Legislative Improvement fell short of the original expectations which were held by Legis/50, SLLF, Ford and this staff associate. This fact notwithstanding, the program did have an impact upon the Massachusetts legislature. At the very least, PLI served to highlight to the leadership the presence of major structural and procedural weaknesses in the Massachusetts political process. Furthermore, by virtue of the extensive information presented to the legislature, PLI has left behind a foundation upon which renewed efforts for legislative improvement can be built. Most particularly, PLI efforts in the area of time utilization may in the very near future become fully realized through the adoption of a bill carryover system complemented by the utilization of interim periods of committee activity.

PLI was able to bring about a number of specific structural and procedural improvements in the Massachusetts legislative process. However, it must be emphasized that these specific successes were far overshadowed by the failure to bring about the implementation of a number of highly significant legislative improvement recommendations.

Perhaps most importantly, the Massachusetts Program for Legislative Improvement will have a major impact upon the design of future legislative improvement programs.

In the first instance, any future legislative improvement program must have, at the very outset, a clear commitment on the part of the legislative leadership to the specific objectives and methodology of the program. No such leadership commitment to the objectives of the PLI ever existed in Massachusetts.

Secondly, any future legislative improvement effort in Massachusetts must be broadly based, bringing in media and public interest group participation. The considerable powers vested in legislative leadership, the complexity of the political process and the presence of deep-seated ^{general} traditions make a broadly based program prescriptive. Furthermore, for these same reasons, any staff assigned to Massachusetts must be assigned on a full-time basis.

Finally, any future legislative improvement effort in Massachusetts must focus upon an appreciably shortened agenda of recommendations. The Massachusetts PLI Agenda, with its 70 recommendations, was far too lengthy and general. Better to have an agenda of some 25 well-developed, highly-significant recommendations than an agenda with 70 general recommendations, many of which have, relatively speaking, only negligible significance.

Legislative Improvement Recommendations For Massachusetts

A number of structural and procedural improvements are necessary in order to make the Massachusetts General Court a more effective and somewhat more efficient policy-making institution. Chief among these improvements are:

1. The restriction of free petition. There is no need to abolish this practice (at any rate, the tradition along with the political ramifications is probably too strong to break); rather

what is required is a restructuring of the manner by which it currently operates. The most propitious restructuring would be to adopt a bill carryover system whereby the two-year biennium is treated as one continuous session rather than as two separate sessions. The practice of free petition could then be restricted primarily, but not exclusively, to the first few months of the first year of the biennium.

2. Elimination of duplicate bill filing. Some central screening process must be devised whereby duplicate bills can be discovered and eliminated. In accordance with this, multiple sponsorship must be firmly encouraged by leadership. Use of the computer system is the most obvious means of dealing with this problem. However, if deadlines for the introduction and referral of all legislation are strengthened (i.e., adhered to), committee staff could as well locate and combine most identical bills at the start of the session.

3. Creation of interim periods. The first two or three months of the session should be devoted almost exclusively to committee work. Hearings should be held daily with executive sessions at least weekly. There should be no floor sessions during these interim periods save for the consideration of emergency matters. Interim periods should further be held throughout the two-year biennium as need determines.

4. Elimination of re-filed legislation or restructuring the processing of same. Any measure defeated in the first year of the biennium should not be permitted to be reintroduced in the second year of the same biennium. It is estimated that nearly 20 percent of all bills filed are re-files. This is expensive and time-consuming.

Certain committees have initiated practices which speed up the handling of re-filed petitions. For instance, one committee groups

all re-filed bills together and specifies on the committee list with an asterisk that these bills are re-files and as such only written testimony will be accepted. This practice is not, however, uniform throughout the legislature and therefore is largely ineffective. The only real solution is to either eliminate re-files completely or prescribe that all re-files by-pass the committee stage and appear directly on the House or Senate calendar with appropriate notation.

5. Deadline enforcement. Deadlines must be enforced particularly at the introduction, referral and reporting stages. Currently, the deadline structure is weak and ineffective with late filed bills an all too common occurrence.

6. Roll Call. Require a roll call vote on the final disposition of every matter both in committee and on the floor. The clear necessity for accountability is the primary argument for this recommendation. The argument that the legislative process would be slowed down is a specious one. In the first instance, the Massachusetts legislative process could not possibly be slowed down more than it is now. Secondly, by requiring greater accountability, it is wholly probable that one effect will be to cause legislators to introduce fewer legislative proposals.

7. Uniform rules. Uniform rules of committee procedure should be established and enforced. These rules should specify quorums, mandatory roll call voting, elimination of proxy voting, time and manner of taking testimony of the public and legislators, deadlines, and statements of legislator intent and bill summaries.

8. Central staffing. All committee staff should be hired and assigned through one central, autonomous staffing agency. Currently,

the Speaker and Senate President control all staff hiring. This power should be removed and vested in a legislative agency responsible in turn to a joint, bipartisan legislative committee.

9. Require the House and Senate Ways and Means and Rules committees to report out all matters either originally assigned to them or referred to them from another committee by a date certain.

HARRY N. STARBRANCH
SECRETARY OF THE SENATE



The Senate of Maine
Augusta, Maine 04333

May 24, 1976

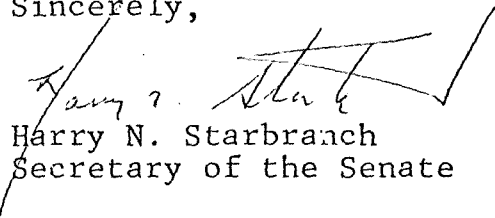
Mr. Mark L. Gartley
Secretary of State
State House
Augusta, Maine

Dear Mr. Gartley:

Forwarded herewith is a copy of the report that I received from Joan Kress which I am sure you will agree is excellent.

I also am enclosing a copy of my memorandum to Legislative Council, all for your information.

Sincerely,


Harry N. Starbranch
Secretary of the Senate

HNS;pm

cc Legislative Council

MAY 25 1976

HARRY N. STARBRANCH
SECRETARY OF THE SENATE



The Senate of Maine
Augusta, Maine 04333

May 24, 1976

TO: Legislative Council
FROM: Harry N. Starbranch

Forwarded herewith is a report from Joan Kress regarding the engrossing problems that we have been experiencing.

I completely agree with her conclusions and would recommend that the Legislative Council take steps to implement them.

I am providing copies of this report to the Clerk of the House and the Administrator as well as the Law Library for purpose of coordination.

May 20, 1976

TO: HARRY N. STARBRANCH
Secretary of the Senate of Maine

FROM: JOAN S. KRESS

SUBJECT: ENGROSSING

The function of the engrossing department is now handled through the Secretary of State's office. Carrie Berry is presently the person in charge of engrossing. During the Special Session of the 107th Legislature a certain amount of "back up" occurred in the engrossing department.

The main difficulty within the engrossing department was the time frame in which work was to be carried out. From the beginning of the session, it was necessary for some of the personnel in engrossing to work evening hours in addition to the regular work day, in order to process the bills.

Bills sent to engrossing were expected to be ready for the following morning as the bill had been put on the next days calendar. Having witnessed a "mock run" on a bill at the Kennebec Journal, it is apparent that a set amount of time is necessary to complete a run on a bill. The complexity and size of the bill, naturally, adds to the amount of time it takes to print, proof-read and come up with the engrossed copy. Pressure to complete the job more quickly is relatively useless as the required steps in the job take just so many hours.

Amendments are the one big time-consuming job for both the printer and the engrossing department. Some bills are amended so often, that it takes up to four hours for the printer to fit the amendments into their proper place in the bill.

Amendments are written in several formats which makes it very difficult for the printer and engrossing to decide exactly what is meant by the amendment. Some amendments count lines from the bottom of the page or paragraph, other amendments count from the top. Often the amendment doesn't state that the bill should be renumbered. Often this only becomes apparent to the printer or proofreader after reaching the end of the bill. A format for amendments should be established that ensures uniformity.

Legislative research sees engrossing as a check and balance system. Some States have the engrossing department as a satellite of research. I do not see engrossing as a check system. The personnel in charge of engrossing should not be expected to have the expertise in bill writing to make the decision that an amendment was incorrectly written. Once a bill has been sent to engrossing, a joint order from the House and Senate is necessary to recall the bill.

When engrossing receives a bill, the stamps on the bill are to be read to see that the bill has gone through the proper procession of the Senate and House. Slip-ups occurred when untrained personnel or extremely tired personnel rush the stamp reading job. If useless amendments could be marked (lightly with pencil) perhaps by engrossing or research, the printer would be able to work with the amendments more quickly. Figuring out the amendments is a time consuming job. This aspect of engrossing was sometimes short changed in order to conserve time.

Katie Douglas, a retired former head of engrossing, stated that one of the most important functions in engrossing a bill was the reading of the stamps upon the receiving of the bill. At the time that Mrs. Douglas headed engrossing, dead amendments were marked as such before the bill was sent to the printer.

Engrossing should have better scheduling. If two persons within the department have the ability to read the stamps and place the amendments in their proper place, these two people should not work on the same shift during rushed times. Proofreading can be done by adequately trained personnel with the person in charge of amendment placement only available for a specific problem. Proofreading, being an extremely tiring job should be done by several shifts of personnel when it is necessary to work through the night. A person with administrative ability should be in charge of engrossing to correlate personnel and work load. Over working of personnel in engrossing produces inefficiency. If Committee clerks are to be used for proofreading, they should be trained earlier in the session so as to be of value to the engrossing department as proofreaders.

Better lighting and more privacy from interruption of outside people should be provided for proofreading. Personnel who are proofreading should not be interrupted to find copies of legislation. Proofreading should be secluded and separate from the other functions of the department.

During the Special Session of the 107th, the election work began before the engrossing function was finished. This overlapping made the engrossing function even more difficult for the available personnel. The new law states that beginning with the 108th session what was formerly the Special Session can run 60 days plus an additional extension if necessary. This new time frame will probably mean that elections and engrossing will continue to overlap in the future.

The suggestion of number lined paper being used for the original bill (the Federal Government and several other States use this system) might add to the uniformity in amendment drafting. Numbered lines would simplify the job of putting the amendments in the proper place. The Kennebec Journal sees using the numbers on documents and engrossed copies as messy and time consuming, but sees the numbering system on original bills as an aid in amendment placement. Research and the Legislative aides thought that the use of numbered lined paper might be useful too.

Someone should be in the position of deciding when a bill has been "amended to death" and when it should be in "new draft". The amending of bills has been considered to be the cheapest form of dealing with a bill. However, in investigating the new draft, the amendment costs more money. The amendment for 1200 copies (500 copies are usually run) done in-house is \$93.60. The new draft for 1200 copies is \$78.00. The printers contract price for engrossed copies is based on the idea that the type set for the document can be used for the engrossed copy. With so many bills being wiped out by an amendment and really rewritten under the amendment, the price for engrossed copies will probably have to increase. Much time would be saved in engrossing and printing if new drafts were used on some of the bills that have been amended so often.

When bills are sent to the printer and the printer is asked to go both ways with the bill, the process of setting the type for a document and an engrossed copy at the same time is much more time consuming and costly than doing the document and the engrossed copy on different days. The typesetter has to use a different process that requires almost twice as much time to set both types at the same time. The extra time infiltrates through the whole system, therefore, not making it anything but less efficient.

Before the last Special Session, the printer always used the priority of the documents, the journal, and then the engrossed copies. During the last Special Session the engrossed copies had first priority with the journal only taking precedence if the printer would not be able to finish the engrossing work and the journal by the next morning. The printer's operation is very efficient and I feel that any time-estimate given for a particular engrossing job by the printer should be considered the minimum time that the job can be done.

Someone should be in charge of the engrossing decision relating to the time necessary to run a bill through the engrossing procedure. The pressure should not infiltrate to the proofreaders or the printer. Both engrossing and printing should be mechanical functions.

Part of the "back up" at the end of the session is due to the fact that so many bills stay in committee so long. If a deadline for turning bills out after their public hearing could be set, more bills would be on the floor in better spaced intervals. Perhaps three weeks or a month after public hearing would be a reasonable time limit for holding bills. This would give engrossing and the printer a more even load of work throughout the session rather than so many bills in the closing days. Leadership deadlines for having all bills out of committee would also be helpful.

The pay schedule of personnel having to work over-time is a demoralizing aspect of the engrossing department. Additional help (committee clerks) were paid a set bonus regardless of the evening hours they worked in engrossing. Engrossing personnel were given time and one half, but the time and one half did not equal what the auxiliary help were being paid. A standard of pay for all persons doing proofreading should be established in order to eliminate the resentment and "bitching" evident within the engrossing department.

This report was done by reviewing the Department of Engrossing under Secretary of State Markham Gartley, the Department of Legislative Research under Mr. David Silsby, the Legislative Aides under Ms. Helen Ginder, Katie Douglas, retired Engrossing Department personnel, and the Kennebec Journal. All departments recognize the existence of a problem and have been most helpful.

Suggestions based on this report would be as follows:

1. An administrative type person in charge of engrossing.
2. More efficient work scheduling in engrossing.
3. Training of auxiliary personnel to backup and become a second shift for engrossing. (The use of Committee Clerks with the clerks being informed that proofreading is part of their job description.)
4. More realistic time expectations for especially large bills.
5. Equalized pay for equal work.
6. Uniformity in the writing of amendments. Perhaps through the use of number-lined bills.
7. A complete study of the costs involved in amendments and redrafts.
8. Leadership sticking to its deadlines, and perhaps imposing additional deadlines on committees.
9. The possible changing of engrossing from the Secretary of State office to a Legislative function.

If you have any suggestions or comments on this report, please advise.

Joan S. Kress