

NOTES ON ANNUAL and EVEN SESSIONS

Prepared for the Legislative Council

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Multiple issues

- Annual vs. biennial (Constitutional)
- Even v. odd years (Constitutional)
- Length (Constitutional)
- January start date (Statutory)

History

- Territory of Montana - 1st session 60 days, no session in any one year to exceed 40 days. (Sec. 4 Organic Act)
- Original 1889 constitution - No session of the legislative assembly, after the first, which may be 90 days, shall exceed 60 days (Art. V, sec. 5) shall meet the first Monday of January next succeeding the general election provided by law... of each alternate year thereafter...
- 1974 Amendment by Initiative: Constitutional Initiative No. 1, proposed by initiative petition and approved at the general election held November 5, 1974, replaced annual 60 day sessions with biennial 90-day sessions by deleting two sentences at beginning of section that read: "The legislature shall be a continuous body for two-year periods beginning when newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any other session of the legislature during the biennium", in first sentence after "shall meet" substituted "each odd-numbered year" for "at least once a year", and increased length of session from 60 to 90 days. Amendment effective December 31, 1974.
- 1974 Initiative Vote was 110,587 "For" to 104,581 "Against", a plurality of 6,006 votes. Interestingly, the following county seats recorded pluralities *against* the initiative for biennial sessions: Kalispell, Bozeman, Havre, Helena, Libby, Missoula, Livingston, Hamilton, Thompson Falls, and Billings.
- Chapter 517 was passed by the 1981 Legislature submitting to the voters a constitutional amendment on the 1982 general election ballot to provide that the "Legislature shall meet in annual sessions for 60 legislative days in odd-numbered years and to provide limitations on the business that may be conducted in each respective session." The limitation was, for an odd-numbered year session was limited to consideration of legislation not relating to appropriations and the even numbered year limited to legislation relating to revenue or appropriations. An exception could be approved for introduction by a two-thirds vote. Although the language included the phrase "shall be a continuous body", the limitation on bills may have allayed any fears that bills could be carried from the first session to the second session.
- 1982 Initiative Vote was 118,980 For and 171,196 Against, a plurality of 52,216 votes. The only county seat recording a plurality *for* annual sessions was Hardin.
- There was no record of arguments nor rebuttals in the 1974 Voter Information Pamphlet. The 1982 Voter Information Pamphlet included arguments "For CA-11" included: sensible limits on legislation for annual sessions, annual sessions would save money (vs.

costly special sessions), improve accountability through every legislator involved in development and adoption of budget, campaign directly after the appropriations and revenue session, better control over spending taxpayers dollars. Arguments "Against CA-11" included: maintaining a citizen legislature, would lead to more and more bill drafts, cost, and legislative meddling, additional costs of \$250,000 each year and more, ability for only 2/3 of the members of *either* house to open the session (and introduce other legislation).

Annual vs. Biennial Sessions

- 1960's - only 19 states met annually, 10 limited to budgetary matters, remainder were biennial and all but 3 states held legislature in odd years
- By mid-70's - 41 states moved to annual sessions, several used flexible language and total days divided
- Now - 44 states meet annually (AK, MT, NV, ND, OR, TX) all in odd year (AK has proposed constitutional amendment this November.)
- 6 states have limited scope (CT, LA, ME, NM, NC, WY) - see NCSL sheet (tan) speaks to mixed reviews of limited scope sessions
- Last three state legislatures to change: KY (2001), NH (1985), and WA (1981)

Session length

- Early 60's - 17 states had no restrictions
- Between 70's and 90's session limitations more defined
- Currently, only 12 states have no limits
- 38 limited either through constitution (28 states); indirectly through compensation, per diem, or mileage in 3 states; statutory in 4 states; and 3 states use chamber rules.
- Recent trend to shorten sessions: Colorado reduced to 120 days in 1988; in 1990, constitutional amendment in Nevada to limit to 120 days; in 1992, Louisiana shortened and limited scope of even-year session (fiscal)
- Other biennial states, number of days, and where limitation resides: AK 60 calendar days, MT 90 legislative days, NV 120 calendar days, ND 80 legislative days, OR none, TX 140 calendar days.

Special sessions

Since 1967, 23 of the last 26 special sessions have involved appropriations, spending authority, taxation, school funding, or emergencies such as funding fire suppression, school equalization, or unfunded liabilities. Six legislatures of the last 22 Legislatures (45th, 46th, 50th, 54th, 55th, 58th) did not have special sessions.

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