

# Missouri Legislative Academy

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## **Would Deadlines Improve the Effectiveness of the Missouri General Assembly?**

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This report is the result of a request for information about the use of deadlines in other state legislatures. The analysis focuses more on the Senate than the House, in part due to the position of those requesting the information, but the analysis and ideas presented here generally apply to the House as well. The report begins with a brief description of Missouri's effort to improve the capacity of the General Assembly in the 1970s, the most recent reform initiative and the only reform of the capacity and processes of the Missouri General Assembly since the 1940s. It also provides an overview of how the legislative process has evolved since the 1970s.

The second half of the report discusses typical methods used in other states that might be applicable in Missouri to improve the processes used to develop, consider and approve legislation, including deadlines and other procedural changes. Among the more common deadlines are bill introduction deadlines, and deadlines for committee and chamber action in the house of origin. Some states also impose bill drafting request deadlines and deadlines for committees to report bills, the latter applicable to the house of origin in some cases and to both chambers in others. Deadlines are one important means



for improving the flow of legislation but there are others: limiting the number of bills that a member can introduce; requiring members to designate their priority bills; allowing committees to report out priority bills as committee bills; and full or partial carry-over of bills (from the first session of a General Assembly to the second).

Members of the General Assembly have not discussed ways to improve the legislative process in any formal, systematic way for many years and, in fact, the two chambers have been unable to agree on joint rules for most of the last decade. Nonetheless, significant legislative turnover in 2000, 2002, and 2004 makes it more important that the process be as rational, as streamlined and as easy to learn as possible.

### **Background**

In the early 1970s, there was an assessment of the strengths and weaknesses of state legislatures by a national civic organization. The results, published in The Sometimes Governments in 1971, formed the basis for a more thorough assessment of the Missouri General Assembly conducted in 1973. The review was conducted by a citizens advisory committee appointed by the Joint Interim Committee on Modernization and Improvement of the Missouri General Assembly. Senators Al Spradling, Donald Gralike, Richard Webster and Paul Bradshaw were members of the joint committee as was Representative Gary Rust. The result was Recommendations for Improvement of the General Assembly of Missouri, published in 1974. The report contained over 120 recommendations for improving the ability of the General Assembly to meet the policy-making needs of the state; many of the recommendations were adopted during the 1970s.<sup>1</sup>

There has not been a similar assessment in the nearly 30 years following. In the intervening years, the legislative process has evolved without conscious long-term direction in response to the changing nature of the members, the strategies of leadership; the tactics of members, and new technology. The result is a legislative process quite

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<sup>1</sup> This report can be found in the Legislative Library. A few of the Report's recommendations may still be relevant: reducing the number of committees and number of committee assignments for members (Nos. 11, and 12); uniform rules for conduct of committees (No. 23); bill carryover for bills on the calendar (No. 40); deadlines for bill introduction, consideration by committee, placement on the calendar and consideration by the chamber (No. 45); interim committees required to file a report (No. 50); committees to be encouraged to sponsor committee bills (No. 58) and substantive amendments be distributed one day before floor debate (No. 63).

unlike that of thirty years ago and one with impediments to effective operations that did not exist then. For example:

- ❖ Consent bills, hardly used in the 70's, now comprise between 60 and 70% of all Truly Agreed To bills (see Figure 1; page 7);
- ❖ Almost all bills that are not consent bills are Truly Agreed To during the last week of session. In 2002, for example, 29% of all non-consent Truly Agreed to Bills were truly agreed to on the last day of session while 86% were truly agreed to within the last 6 legislative days;<sup>2</sup>
- ❖ More bills are introduced later in the session. In the mid to late 80s, an average of only 36% of Senate bills were introduced after the 5<sup>th</sup> legislative day but from 1993 through 2002, an average of 50% of the bills were introduced after the 5<sup>th</sup> legislative day. Delayed introductions means delayed hearings, resulting in hearings that intrude on time that could be committed to floor debate;<sup>3</sup>
- ❖ There has been a 52% increase in the number of bills introduced *in the Senate* compared to the average number introduced for the years 1979-1994 (see Figure 2, page 8). The number of bills introduced in any given year is in part a function of economic health and in part a response to term limits.<sup>4</sup> Either way, an increase in the number of bills further strains the entire process since this 52% increase must be heard by the same number of senators who are served by the same number of committee staff;
- ❖ Bills arrive from the House approximately a month later than they did in the mid to late 1980s;<sup>5</sup>

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<sup>2</sup> Although not shown here, the same conclusion applies to all recent years.

<sup>3</sup> This trend may be an unanticipated consequence of efforts to manage the Senate calendar. In the late 70s and early 80s, bills were heard by committee, voted out, and automatically reported in. In the main, less important bills tended to be reported first, delaying consideration of more important legislation by the Senate, and resulting in a much criticized scramble to pass important legislation in the last days of the session. The process was changed by Senator John Scott when he began the limited reporting system used today.

<sup>4</sup> The National Conference of State Legislatures reports that the number of bills introduced after term limits increased in about half of the term limited states and delayed introductions were common. See Thad Kousser. "Adaptions to Term Limits: Eleven States Respond to the Impact of a Reform." 2001 Missouri Legislative Forum, sponsored by the Danforth and Kaufman Foundations. November 2001.

<sup>5</sup> The slower pace originated in the House but soon characterized Senate action as well. This observation is based upon analyses conducted when I was Director of Research beginning in the late 1980s.

- ❖ For most legislation, floor debate is as likely to be about adding other legislative proposals to the bill under discussion as it is to be about the contents of that bill;
- ❖ The Senate spends less time on Third Reading of House Bills today than it did in the past (17 days on average during the late 70s and most of the 80s compared to an average of 12 days after 1988).<sup>6</sup>

### **Use of Legislative Deadlines**

Typical deadlines are as follows:

- Bill drafting request;
- Introduction of bills;
- Committee action in house of origin;
- Final action in house of origin.

Each of these is discussed below.

#### **Bill Request Deadlines**

Bill request deadlines may seem to be a device to improve the lives of the bill drafting staff but, in fact, well publicized drafting deadlines could alert all those involved in the legislative process about the pending introduction deadline and stimulate requests for bills at an earlier stage in the process. As an added bonus, a longer lead-time for drafting should improve the quality of the product.

#### **Introduction of Bills**

The Missouri Constitution limits bill introduction after the 60<sup>th</sup> legislative day but that provision is a hold-over from the time when Missouri had biennial sessions without specific adjournment dates (see Article III, Section 25) and has little meaning today since the 60<sup>th</sup> legislative day occurs in the third week of April. Rule 48 of the Missouri Senate limits bill introduction after March 1, or roughly the 30<sup>th</sup> legislative day, and the House has imposed a March 15 cutoff date for bill introduction. These deadlines could be

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<sup>6</sup> Timing delays disproportionately affect the Senate because its leadership does not have the power that the Speaker can exercise to move legislation forward.

adjusted to stimulate earlier introduction.<sup>7</sup> There are only 4 states that do not have bill introduction deadlines, and there are no introduction deadlines in the Senate of 2 other states. In a number of cases the limit is set in joint rules. A review of states with sessions of between 60 and 90 legislative days revealed that almost all limited bill introduction after the 15<sup>th</sup> legislative day - which would be February 3, in Missouri's 2003 session.<sup>8</sup> Several imposed earlier deadlines.

#### Committee Action in House of Origin/Final Action in House of Origin

Some states, including Kansas and Oklahoma are using deadlines for every significant point in the legislative process.<sup>9</sup> Oklahoma has a session of just over four months, starting in early February. The Oklahoma Legislature has published its schedule for 2003<sup>10</sup>:

- December 13 – Bill request deadline
- January 7 – Organizational meeting
- January 28 – Senate bill introduction deadline
- February 3 – Session begins
- February 20 – Bills must be reported from committee (corresponds to the 12<sup>th</sup> legislative day in Missouri)
- March 13 – Last day for 3<sup>rd</sup> reading of bills in House of origin (corresponds to the 24<sup>th</sup> legislative day in Missouri)
- April 3 – Last day to report bills from committee in the 2<sup>nd</sup> house (corresponds to the 36 legislative day in Missouri)
- April 24 – Last day to third read bills from the 2<sup>nd</sup> house (corresponds to the 48<sup>th</sup> legislative day in Missouri)
- May 1 – Last day to reject amendments and request conference (corresponds to the 52<sup>nd</sup> legislative day in Missouri)

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<sup>7</sup> In 1999 or 2000, the Senate Committee on Rules, Joint Rules, Resolutions and Ethics considered a proposal to move the bill introduction deadline back a week or two (to mid or late February) but did not approve it.

<sup>8</sup> The States are Colorado Hawaii, Indiana, Montana, Nebraska, North Dakota, Oklahoma, and Tennessee. Book of the States, 1998-1999, Vol. 32. Council of State Governments. Lexington, KY. 1998.

<sup>9</sup> Kansas has a bill drafting request deadline, an introduction deadline and deadlines for consideration in the first and second chamber. See Joint Rules 49 and 50, at [www.state.ks.us](http://www.state.ks.us).

<sup>10</sup> See [www.state.ok.us](http://www.state.ok.us).

May 30 - Sine die (corresponds to the 70<sup>th</sup> legislative day in Missouri).  
*Missouri's session is about 75 legislative days in length.*

### **Other Options**

There are a variety of other alternatives, most of which are used in other states, which might be adapted for use in Missouri. These are briefly discussed below.

Members' bill priorities – Several states require members to identify their priority bills, sometimes before the beginning of session, and these bills are drafted first and reported early. One advantage of this system is that each member must establish priorities for his or her bills but, of course, many of the individual members' priorities will not be legislative priorities.

Committee priorities – The legislatures in some states give reporting priority to bills designated as “committee bills” when voted out. Committee bills could be interim committee bills and other bills so designated by the committee and voted as such by a simple or some larger committee majority.

Limiting bill introduction – Several state legislatures have limits on bill introduction and limits of 5 to 7 bills are common. A limit on the number of bills may not be quite so important in a small body like the Missouri Senate. Nonetheless, between 1979 and 1994, the average number of bills introduced by Missouri senators was 13 per year; today that average is 20.

Interim committees – In the late 1970s and early 1980s, the subjects for interim committee work were identified and staff assigned to work on those issues shortly after the end of session. Consequently, staff had several months to prepare for the hearings, most of which were typically held in September and October. In addition, a report could be written and a bill based upon the committee hearings could be pre-filed by December 1. In more recent years, the work of interim committees occurs near the end of the year when the press of the forthcoming session is already being felt. As a result, reports are less common, and if there is legislation it is more likely to be drafted in January than in November.

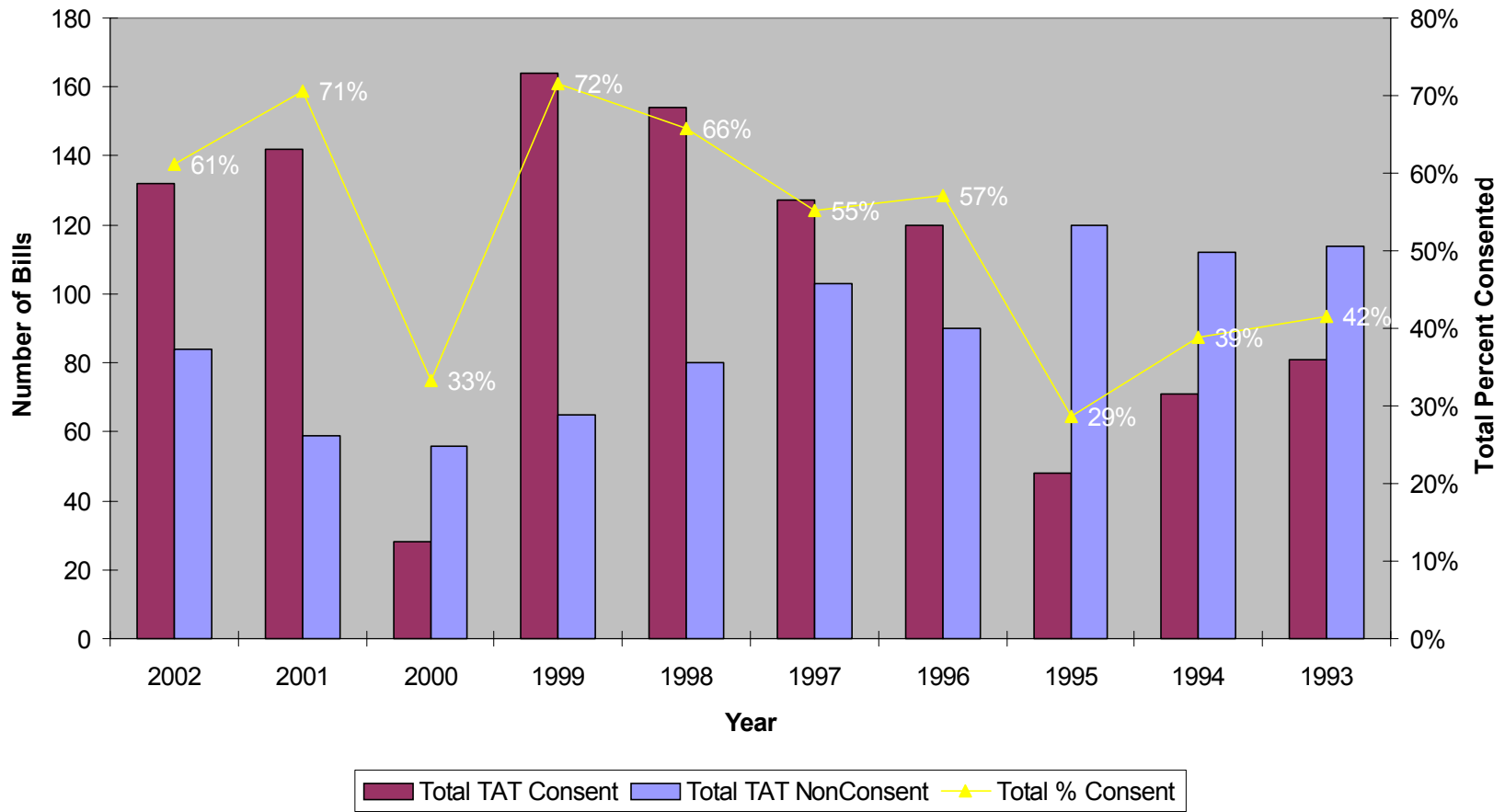
Carry-over – More than half of the states allow bills to “carry-over” from the first to the second session of the legislature. Carry-over may be full or partial, such as bills in

conference, or bills in the second chamber. One of the benefits of carry-over is that the number of hearings would be reduced in the second session of each General Assembly.

### **Conclusion**

Some of the changes outlined here can be accomplished unilaterally (changing the bill introduction deadline, for example), but most will require an agreement with the House, whether through joint rules or some other mechanism. Any change should be considered fully before implementation and monitored to ensure that it accomplishes the desired purposes without significant unintended consequences.

**Figure 1**  
**Consent and Non-Consent Truly Agreed to Bills 1993-2002**





**Figure 2**  
**Increase in Bills Introduced in the Missouri Senate**  
**1979 - 2002**

