

Mr. Chairman and members,

My name is Phil Griffin. I am appearing today as the secretary of the Minnesota Governmental Relations Council. Founded in 1979 MGRC was created to, " ... to promote and advance the ethical and professional standards of legislative representation." Our membership is comprised of 495 lobbyists working in Minnesota.

MGRC would like to commend Chairman Pelowski and the members of this committee for taking time to examine legislative process reform. While the subject may not generate media attention or public interest it is important. Our interest in improving the process stems from personal, professional, client and public interest.

In the interest of time I will not reiterate a number of the possible suggestions presented by Ms. Erickson from NCSL in your previous hearings. There are a number of ideas that have been adopted in other states and we would urge you to consider many of these in your future deliberations. Instead I would like to offer several observations about the current legislative process in Minnesota.

In short Mr. Chair and members, we have concerns about how the legislative process is being abused and the impact this has on the public's ability to follow and comment on proposed legislation. Let me explain by using examples. An increasing amount of debate and action on legislation is moving from Committee hearings to the House and Senate Floors. Both the House and Senate have and should exercise their ability to debate legislation. But, legislation is being amended - substantially - without the opportunity for public input. Bills are being introduced and adopted at record numbers without sufficient time or notice for input from the public. The House yesterday introduced HF4217. 4217 bills introduced in two years...and we aren't at the end of session. Technology has provided the legislature with tools to open the process to the public through computers, television and the Internet. However, the use of these tools without discipline results in a process subject to observation but not examination or influence. I might add that influence is not a problem or negative, it is a constitutionally protected right.

Let me sight five specific examples from this session:

1. **Lack of public notice for committee hearings** – Committee hearing notices not being posted in a timely fashion, the agenda being listed as “To Be Announced”, the agenda including the infamous “HF XXXX”. All of these examples leave the public and their representatives in the dark about the issues being presented, discussed and possibly acted upon at the hearing. Equally impossible to deal with it the constantly changing agenda. This session I received computer updates from a committee changing the agenda five times on the days of a hearing including the final agenda that was updated just 45 minutes before the hearing.
2. **Amendments in committee** –House rules permit committee chairs to impose a “24 hour” deadline for the filing proposed amendments with the chair. These rules have not been enforced even when adopted. Or if they are enforced they are not done so equally. On some bills the 24 hour rule is in effect, on other bills it is

not. Worse still, is the use of the equally infamous “delete all amendment”. While there are circumstances when it is simpler for the committee and the public to deal with such an amendment it is more often a mechanism to avoid analysis and further efforts to change an author’s position. For the first time this session I witnessed an author bring a delete all amendment to a committee hearing, with an amendment to the delete all amendment and an amendment to that amendment. All of this after a bill had already been in another committee.

3. **Unrealistic timelines or agendas** – A two-hour hearing with over twenty bills on the schedule is an announcement that a hearing is a “rubber stamp” for bills not a full hearing of issues. Likewise a two-hour hearing for a major bill may not be sufficient time to hear from the divergent sides of issues. It may only be possible for a chair to balance these extremes with years of experience and the Wisdom of Solomon, but the legislature must work to better balance this equation. The number of bills that are being processed and the timelines for committees are resulting in the increasing amount of floor activity described above. Committees are not being allowed the time to properly analyze and debate legislation.
4. **Committee Deadlines Not Being Enforced** – Although we have passed committee deadlines there are a large number of committees still meeting and passing bills after deadline.
5. **Fiscal Notes Ignored or Bills Passing Committee Without Fiscal Notes** – This session for the first time in my 31 years of working at this state capitol I have seen a bill pass fiscal committee when an agency has clearly stated the bill will have a fiscal impact. The Committee passed the bill along without taking the fiscal impact into account. This session has also seen an entire body pass finance legislation without fiscal notes in order. This is a dangerous precedent.

Mr. Chairman and members, I would like to take more time to outline many other concerns with our current process but please allow me to make just a couple observations. The concerns raised above have been raised during the session. One staff person told me, “Phil, this is the way things have always been.” I would strongly disagree. In four years as a committee administrator for the House of Representatives I submitted agendas on behalf of my chairs for the next week’s hearings that were followed. My committees never heard or scheduled a bill that had not been introduced. Agendas that ran long were carried over to another hearing and deadlines were enforced.

Observing and enforcing rules of process is in the best interest of the public and of our legislature. As lobbyists, we are here everyday to follow the movement of legislation and last minute changes. The public at large is not. It would almost seem impossible to follow a piece of legislation from beginning to end this year knowing when it was being heard, what is was amended to and who has spoken for or against it. Minnesota has a long and proud tradition of a good legislative process. We continue to believe that Minnesota legislators share our goal of improving our government. While we do not know how you will proceed with future hearings on this subject we would like to offer the assistance and expertise of our membership to you in any future efforts you make. Many of us love and respect this institution and look forward to working with you.

Finally, Mr. Chairman I would like to make one final comment. And, while I'm sure MGRC would share this view let me make these comments on behalf of myself. Both Ms. Timmons and Mr. McCormick have been very polite and politic in making their comments to you. I will be more frank. One of the great assets of our legislature is your staff. To ask staff to work under the pressure of time and workload of recent sessions is not only unfair, it borders on abuse. Good decision-making on your part cannot happen when you are sleep deprived and working through nights in succession. Likewise your staff cannot function at its best if they are being forced to staff your efforts. They are always here to prepare before you begin your work and to complete your work after you leave. My grandmother often told me that nothing good ever happens after midnight. I would urge you to heed her words.