

**Scheduling of Committee Hearings
Legislative Management Committee
September 24, 2008**

Mr. Chairman and committee members, for the record I am Rod St. Aubyn, Director of Government Relations for BCBS of North Dakota. I appear before you today to discuss an issue that has created a situation that affects not only lobbyists, but more importantly ND citizens appearing before legislative committees with the intent of testifying on bills. Several legislative committee chairmen have gone away from the practice of assigning bill hearings from a time-certain to block scheduling of these hearings – such as 6 different bill hearings beginning at 9:00 am. I have personally discussed this with some committee chairs. They attest that the reason that they do this is that they feel that it manages the time better. They also indicate that some bills are difficult to predict how much time to allow for hearings.

Before addressing their comments I would like to emphasize the problems. Each session our company monitors over 100 bills that have some effect on our company. During the first couple of weeks of the session and again during the first couple of weeks after cross over, we find ourselves trying to juggle up to 5 or 6 hearings scheduled at the same time. The problem is several are being heard in committees where they block schedule all bills from 9:00 am. So one of our bills may be the third bill heard beginning at 9:00 am. It is impossible to guess when you should be there. In the past, I have allowed about 10 to 15 minutes per hearing as an estimate.

In fact, last session I had this very situation. The Chair had scheduled several bills to be heard beginning at 8:30 am. One of the bills we had major concerns with was the 4th bill to be heard. I also had 4 other bills being heard during the same elongated time period in other committees. I estimated it would take at least 30 minutes to get through the other 3 bills in that committee. Because of my other hearings, I showed up 35 minutes later. The Committee had not only heard the bill I had concerns with, but they also had already taken action on it within that 35 minute time period. Luckily, we were able to express our concerns in the Senate committee after crossover.

The current practice of block scheduling hearings is grossly unfair to the citizen. It forces the citizen to wait an indefinite amount of time to hear a bill they have an interest in, which is scheduled to be the third bill heard beginning at 8:30 am.

Another problem is it creates unnecessary noise and disruption outside committee rooms, especially for those controversial bills which have numerous people appearing on both sides to testify. People continually open and shut the doors to check on the status of their bill, causing disruption, since the small committee rooms are normally filled with people waiting for their bills to be heard.

Last session, I once again was waiting for a bill to be heard in a committee room. The committee was hearing a bill later on regarding nurse midwives. The room soon was filled with parents with babies who had home deliveries, long before the hearing, just so

people had places to sit. In addition, the hallway outside the committee room was full of other parents with their children waiting for the hearing to start. The noise got so loud that others had to tell them to hold down the noise several times while other hearings were being held. Others appearing for other bill hearings could not find a place to sit because the room was filled for later scheduled hearings. I want to emphasize that this was not one isolated situation. It happens many times each session and could be avoided with time-certain hearings.

I want to address some of the justifications that I have heard from Committee Chairs regarding block scheduling.

Block scheduling allows me to be flexible with the hearings. Sometimes it's impossible to know how much time to allow for some bills.

While there is some truth in this, the majority of other chairs are able to accommodate the situation quite well. They know that if they are in doubt about how much time to allow for the hearing, they can always talk to the bill sponsor or the interest group to gauge how much time to allow. If a large number of people show up to testify, I have personally seen many chairs exercise good judgment by asking how many people present are testifying for the bill and how many are testifying against the bill. The chair then instructs the participants that he/she will allow 30 minutes for each side and asks them to refrain from duplicating messages. Generally this works quite well. I have also seen chairs recess a hearing and continue it in the afternoon and ask for those who live locally to wait until the afternoon session. While this is rarely needed, it is an excellent option and creates minimal inconvenience.

If I allow 30 minutes for a hearing and it only takes 15 minutes, we waste too much time taking breaks.

Many chairs will take committee action on past bills or at least have committee discussion during these down times. They seem to know that they can manage this time quite well. It also gives the committee time to consider if they need further information or research on a previously-heard bill before taking action.

It seems that a majority of the committee chairs still schedule hearings on a time certain basis. However, for those that do block scheduling, it has created many problems for lobbyist and citizens alike. I think it is important to remember the purpose of these public hearings. It is to give an opportunity for public input on bills. Block scheduling really impedes or creates obstacles for citizens to participate in the process. If someone has to take off time from work to testify and they are the 4th bill to be heard beginning at 8:30 am, how do they realistically know when to show up? It discourages public input.

I approached the ND Lobbyist Association via email about the issue after the 2007 Legislative Session and asked their thoughts about approaching Legislative Management about the problems I encountered. I was overwhelmed by responses from my fellow colleagues. In fact I had almost 30 responses in less than 24 hours, all echoing my sentiments. I have included an attachment with my email and the numerous responses. Generally I have excluded identifications of the authors since I had not secured their approvals for disclosures, but the frustration was very apparent. It is clear that people want the use of block scheduling of hearings eliminated and replaced with time-certain hearings. They asked that I represent our group to your committee.

Mr. Chairman and committee members, we all know that even with time-certain hearings, there will be some problems as well with hearing schedules expanding. However, the citizens of ND and my colleagues can tolerate those exceptional situations. We urge your committee to adopt rules incorporating time-certain hearing schedules. It is in the citizen's best interest. I would be willing to answer any questions the committee may have.