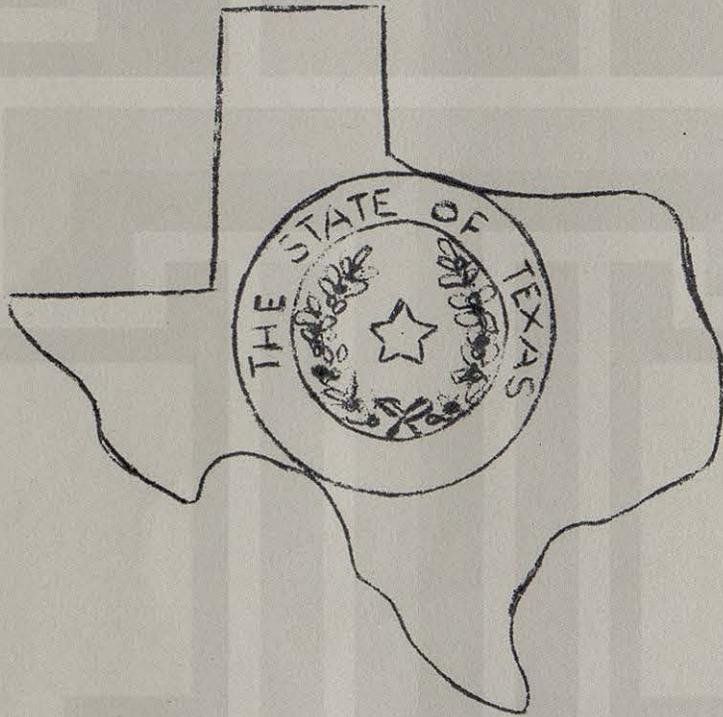


Tex Leg - general  
Gloria Herman  
621-5966

# THE TEXAS LEGISLATURE

## Leader's Guide and Bibliography



League of Women Voters of Texas  
1841 Bingle Road  
Houston, Texas 77055

Price 43¢



THE TEXAS LEGISLATURE

LEADER'S GUIDE and BIBLIOGRAPHY

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LEADER'S GUIDE to the STUDY of the TEXAS LEGISLATURE

It has been said that Texas has one of the strongest of all the state legislatures. This may be due in part to provisions contained in the state Constitution. Although observers have referred to this document as a "stright-jacket"<sup>1</sup>, and as "a legislative constitution rather than fundamental law"<sup>2</sup>, it is the Constitution which initially delegated broader powers to the legislature than to the executive branch of the government, and it is the Constitution which prevents abrogation of these powers, even in the rather unlikely event the legislature should be so inclined.

The Constitution furnished the basic law under which the legislature operates. It also sets forth the powers and privileges enjoyed, outlines in some detail the procedures to be followed, and sets many limitations on the types of laws which may be passed. Many observers feel the Constitution is much too detailed and contains many items which might better be covered in other documents, such as the statutes, or the House and Senate Rules. In the final analysis it is the people who must decide just how much power they care to relinquish to their elected representatives and to the administrative agencies which they supervise, and how much they wish to retain for themselves via limitations in the Constitution.

In embarking on this study of the legislature, the League of Women Voters of Texas has many members whose knowledge in the constitutional area, gained at the time constitutional revision was under consideration, is of great assistance. That study, however, did not produce criteria for evaluation of material which properly should be included in a revised constitution. It is hoped that this one will do so for the section devoted to the legislature, although this is not the only purpose of the current effort.

Many criticisms have been levelled at the legislature. We shall attempt to examine some of these in detail, and later to evaluate some of the proposals for improvement in these areas. In this initial "look at the legislature", however, we are attempting to view the lawmaking body as it is. We must keep in mind constantly that the 1967 session - the 60th Legislature - may, but not necessarily will, be quite different from past sessions, since it is the first to convene after the substantial changes in apportionment which were made in 1965, due to court order. History will be in the making, and we of the League of Women Voters will have front-row seats as the drama unfolds. It is the purpose of the first part of this study item to furnish the members sufficient background information that they may more easily follow and understand the action as it is taking place.

- 
1. Dr. O. Douglas Weeks, quoted by Wm. H. Gardner, Houston Post, February 17, 1966.
  2. Carl Burney, Instructor in government, San Jacinto College, at meeting of Pasadena Area LWV, August 11, 1966.

The General Plan:

Since 1967 will be a legislative year, the study of the legislature seems naturally to fall into two parts. Phase One will provide background data on functions, procedures, and factors which influence legislation, followed by a laboratory period, as we observe the legislature in action during the session. Phase Two will be devoted to comparisons with other states and evaluation of changes which have been proposed in the interest of increased efficiency and general improvement of the legislative product.

This publication is devoted to Phase One. Since this part of the study is primarily an information-giving one, it may be adapted to any of the three methods of presentation - through units, through a general meeting, or through a workshop. Local Boards, working with their Resource Committees, will decide which method of presentation is preferred.

For Leagues who wish to make the Texas Legislature the subject of unit meetings, materials are included which were planned to aid discussion leaders in presenting the programs. The questions presented are designed to stimulate discussion. Essential background facts, though not always the "pat" answers are presented with the questions. It is hoped that this will make easier for the discussion leader the task of seeing that the basic information is brought out.

A general meeting may be one of two types - either member-presented (a speaker, a panel followed by discussion, a skit, etc.), or a program featuring an outside speaker or speakers. A skit which has already been used successfully by several Leagues is included in the kit which accompanies this publication; other types of member-presented programs may find some use for the material contained herein, or individual ideas may be worked out. An outside speaker will, no doubt, wish to prepare his own outline of material to cover. Any of these would make an interesting program.

A workshop would probably be a combination of some of the above. It is suggested that this particular form of presentation might be more suitable for the second phase of the study, however, since there will be a great deal of material to cover at that time, and the membership might prefer to use for evaluation the additional discussion time which a workshop would afford. It is a fair guess that only the most dedicated of members would be interested in more than one workshop on this subject.

The Role of the Resource Committee:

The role of the Resource Committee for this item is not essentially different from that of any other Resource Committee. As many of the members as possible should read as many as possible of the very excellent texts on the subject. These are listed in the basic bibliography which has already been sent to local League presidents, and appears later in this pamphlet. These texts are written from various viewpoints, and committee members may be surprised at the candidness of the views expressed and the detail of the material. For anyone who is at all interested in the subject, they present fascinating reading. Committee members should also familiarize themselves with the materials contained in the kit. Additional interesting reading may be chosen from the sources listed in the supplementary bibliography.

The Committee's most exciting assignment will be to function as the eyes and ears of the local League, by reading and clipping the newspaper and magazine articles on the legislature which already are beginning to appear and will be almost a daily feature of most newspapers after the session begins in January. Much of the finest source material on the Texas Legislature is yet to be written. Legislatures all over the country will be in the spotlight, since many in addition to that of Texas have been reapportioned since their last session, and the accounts of on-the-scene observers will be invaluable.

Reapportionment is definitely a factor to be considered, but whether or not it will result in a policy change in the Texas Legislature is the subject of much conjecture. Clarice McDonald Davis, a Legislative Intern of the Texas Legislative Council, writing in COMMENT, a publication of the Institute of Public Affairs of the University of Texas, for May, 1965, felt that it would not. However, now that reapportionment is an accomplished fact, it will be interesting to see if policy changes develop which would be reflected in changes in some rules and in the legislative climate generally, in addition to following the course of specific legislation.

The committee will want to work out some method of calling interesting developments to the attention of the membership...Reminders through the local VOTER and/or brief announcements at unit meetings might be used. This is not with the idea of pushing the Legislature Study to the exclusion of other League program items; but since the spring, 1967 months are our laboratory period, we must make the most of them in order to be ready for Phase Two of the study and consensus.

The Resource Committee will work with the Unit Organization Chairman to arrange a briefing meeting in all Leagues which have two or more units, and to arrange for a resource person to be in attendance at all meetings. This may be either a committee member or someone who has been thoroughly "briefed" on the subject. The new LWVUS publication, MEANINGFUL MEETINGS, may be helpful.

This committee also will receive reports of activity at the various meetings, and forward to the state chairman a report of any unanswered questions and areas of agreement which may evolve. Although consensus is not being sought at this time, a few areas of agreement may begin to appear even at this early date.

#### The Discussion Leader:

This material has been prepared with the Discussion Leader in mind, and it is hoped that the method of presentation will help her to conduct the meeting and keep the discussion moving. She will need to read the foregoing explanatory material in this Guide, and the article in the September, 1966 TEXAS VOTER. If there is time, she should read as much of the material in the Legislature Study Kit as possible; if time permits reading only a part of this material, the articles by Dick Cherry ("The Legislature From Within"), and those by Mr. William H. Gardner of the Houston Post probably would be the most generally informative and useful.

The attempt has been made to present in outline form the basic facts which will be needed to conduct the meeting. This information is supplied to help the discussion leader keep track of the relevant facts, to be developed by the resource person, as group interest suggests or misunderstanding requires; this will allow for answering at least some of the questions which may come up without having to thumb through a stack of resource material. The questions which have been included may help the leader include the chief aspects of the item in the discussion; she should take care not to answer these questions herself, but let the facts be brought out by group participation.

THE TEXAS LEGISLATURE

Functions: Six in number, as follows:

Legislative: Enacts laws under which Texans live.

Constitutional: Originates changes in state Constitution; ratifies amendments to federal Constitution.

Executive: Senate must approve Governor's appointments to various boards and judicial posts.

Electoral: Canvasses returns in elections of executive officers; decides contests in elections for these officers.

Judicial: Each house is judge of qualifications and election of its members; may discipline members and outsiders for disorderly conduct in its presence; may impeach (present formal charges against) executive officers and judges, who are then tried by Senate. (This function seldom exercised.)

Apportionment: Determines boundaries of Congressional and Texas House and Senate districts.

QUESTION: What six functions does the Texas Legislature perform?

Note: Most members are familiar with the following basic facts, which are presented here chiefly for reference. If a review is desired, it should be very brief, to conserve time for less well known facts in the area of procedure.

Structure: Texas Legislature bicameral (2 houses)

Senate: 31 members; Lieutenant Governor is President (presides)

Term of office: 4 years.

Qualifications: At least 26 years old, resident of Texas 5 years and of district one year immediately preceding election; must be U.S. citizen, and qualified Texas elector.

Salary: \$4800 per year, plus \$12 per day for first 120 days of regular session and 30 days of each special session, plus 10¢ per mile for travel to and from Austin each session.

Office expenses: 3 to 4 full time secretaries plus drawing account from \$2,000 to \$3,000 each biennium for expenses of operating office.

House: 150 members; presiding officer is Speaker, elected by House members from their number.

Term of office: 2 years.

Qualifications: At least 21 years old, resident of Texas 2 years. Otherwise same as for Senators.

Salary: Same as for Senators.

Office expenses: 1 full time, 1 part time secretary, plus drawing account \$1100 to \$1300 per biennium.

QUESTION: How is the Speaker elected?

By majority vote of members of the House. Aspirants begin campaigning for office two to four years in advance. Race often decided months in advance; a close race between two strong contenders can (and did in 1961) cause several weeks' delay in organizing House for business.

Sessions:

Types: Regular: Biennial; meet in odd numbered years; convene second Tuesday in January; may not exceed 140 days in length.

Special: Convene at call of Governor; may consider only business named in call or later submitted by Governor; may not exceed 30 days in length; may not consider constitutional amendments.

Format: Constitution states: Introduce bills first 30 days, hold hearings second 30 days, consider and act on bills following 60 days; each house may determine its own order of business by 4/5 vote. Latter provision has always been invoked, and rules adopted which permit introduction of bills during first 60 days, and even later under certain circumstances.

QUESTIONS: What factors named above tend to restrict the number of people available to serve as legislators: Why do so many come from the legal profession?

Session timing almost eliminates any but self-employed; most businesses and professions must operate on year-round basis. Lawyers receive automatic postponement of their cases during sessions and for a month preceding and following.

How does the format of the session contribute to the end-of-session log jam? Bills introduced late in session reach second reading, and printing for consideration, toward the end. Limitation on length of session makes delaying tactics effective, both in killing bills, and in forcing compromise to meet constitutional deadline for adjournment.

Procedure:

Proposals: Are introduced as bills or resolutions. A bill is referred to a committee, reported by the committee, adopted by body of origin; goes through this routine in second house; must pass both houses in the same form, survive scrutiny by comptroller (if money is appropriated), and be signed by Governor; becomes law 90 days after legislature adjourns, unless declared emergency and adopted by 2/3 vote.

Joint resolutions (Constitutional Amendments), follow same course as bills, except need not be signed by Governor; require 100 votes in House and 21 in Senate for passage or adoption of conference report; after passage must be submitted to vote of people.

Concurrent resolutions require action of both houses and signature of Governor; Simple resolutions are adopted on first reading by simple majority and signed by presiding officer.

Committees:

Standing: 25 in Senate, 43 in House; hold hearings on bills referred to them; report each bill favorably or unfavorably, usually after its consideration by a sub-committee.

Conference: Adjust differences between House and Senate versions of a bill adopted by both; sometimes include provisions adopted by neither.

Obstacles to Passage: In either house, a committee may fail to report the bill or report it unfavorably; the body may refuse to print bill on minority report, or fail to take it up for consideration, or vote it down after second or third reading; if it passes both houses, but with different amendments, conference committee may fail to agree, or fail to get its report accepted by both houses (must be accepted or rejected without change.)

QUESTIONS: Why are the offices of Speaker and Lieutenant Governor of such great importance?

Committee system in Texas places great power in hands of presiding officers, who name all committees and designate their chairmen; refer bills to committees; and control flow of legislation through influence on calendar, recognition of or failure to recognize certain members, ruling on germaneness of amendments, etc.

How does the committee system promote balanced, informed consideration of legislative proposals?

It permits a small number of legislators to consider a proposal informally, with information from varying points of view; assign bills to subcommittees for detailed study; combine overlapping proposals; and offer proposed committee amendments. Prompt committee action can help avert end-of-session log jam.

How does the committee system impede balanced, informed consideration of proposals?

Members are overburdened by work, especially on key committees. Some bills are never considered; some are never reported, or delayed long enough to make passage unlikely or impossible.

Aids for Legislators:

Facts: Reports of interim committees  
Reports of Legislative Council  
Legislative Reference Library  
Reports of Legislative Budget Board  
The lobby  
Texas Research League\*  
Texas Legislative Service\*

(\*These two are privately financed, TLR by the business community, and TLS by sale of its services to interested people, chiefly lobbyists, though received by the legislators free of charge.)

Assistance in Bill Drafting:

Texas Legislative Council and Attorney General's staff give some aid; The lobby often employs bill drafting experts, making their services available to legislators (LWV of Texas, a part of the lobby, performed this service on a permanent voter registration bill in 1961);  
Legislative Budget Board prepares budget estimates and assists in drafting appropriations bills.

Influences on the Legislative Process:

The Governor: Influences legislation by

Messages: His plans for legislation are only real plans presented.

Veto: May veto any bill, but not constitutional amendments, since these are later submitted to the electorate. May be overridden by 2/3 vote of each house; seldom obtained. During the session he has ten days to exercise veto for bills passed during last ten days of session, he has twenty days to act, and veto power is absolute.

Special Sessions: Can call special session and submit items in his program which regular session might have failed to enact.

QUESTION: How does the Governor influence legislation?

Because he is titular head of majority party, his support or opposition carries great weight with members of legislature. Threat of veto often more effective than veto itself. Threat of special session used sparingly.

The "Third House":

Lobbying Methods:

Continuous lobbying activities in Austin (permanent offices, etc.)  
Employment of former legislators with background experience in legislative and lobbying fields.

Personal records on each legislator and knowledge of others who might influence him in return for promises to support or oppose certain legislation.

Campaign contributions.

Influence on important committee appointments through the Governor, Lieutenant Governor, and Speaker.

Free transportation, recreation, meals and refreshment.

Employment of attorneys who are legislators on a retainer basis.

Employment of public relations firms to aid in creating favorable "climate" at the grass roots.

Employment of researchers to provide detailed information to legislators.

Drafting bills for busy legislators.

Writing speeches for busy legislators.

Appearing before committee hearings - probably less important than all the work done previously.

Group Lobbying: Groups whose recent activities have been the subject of discussion: insurance, securities firms, loan companies, banks, public utilities, oil, etc.

Typical groups continuously involved in lobbying:

Oil and gas producers - Texas Independent Producers' and Royalty Owners' Association (TIPRO)

Manufacturing interests - Texas Manufacturers' Association (TMA)

Labor - Texas AFL-CIO, through its Committee on Political Education (COPE)

The doctors - Texas Medical Association (TMA)

The teachers - Texas State Teachers' Association (TSTA)

Many others, too numerous to mention. (The League of Women Voters of Texas lobbys to implement its program, where consensus has been reached.)

Lobby Control: Texas lobby control laws in the main are built around the disclosure principal. The Lobby Registration Act of 1957 and its companion legislation, the Legislative Code of Ethics and the Representation Before State Agencies Act, require registration of lobbyists and disclosure of interest in pending legislation by lobbyists and legislators. Because they permit the use of intermediaries, opinions differ as to the effectiveness of these statutes.

QUESTION:

LWV of Texas - October 1966 - Study of Texas Legislature

QUESTIONS: How has the lobby process changed?

In the early years, lobbying was mainly an individualized process. Today, by contrast, the tendency of American interest in politics is collective, with representation by a few (professional lobbyists, usually).

How does lobbying contribute to the competent, responsible functioning of the legislature?

Lobbyists can inform legislators about the impact of proposals on some of those most directly affected. The lobby can provide information about the performance of the legislature to interested groups and to the public. Research, bill drafting, and public relations service provided by lobbyists can supplement similar work by disinterested agencies.

How does lobbying impede competent, responsible functioning of the legislature?

It can give legislators a distorted view of the impact of legislation or of public opinion. It can strengthen the power of entrenched vested interests to prevent or delay needed progress. It is often associated with making or withholding crucial campaign contributions.

BASIC BIBLIOGRAPHY for PHASE ONE  
STUDY of the TEXAS LEGISLATURE

Among the materials listed, the Texas Legislative Manual, the Legislature Kit and at least one of the texts are essential reading for a well-informed Resource Committee. If possible, try to read several of the texts, since they are written from different points of view, and greater stress is placed on some items than on others by the various authors.

TEXAS LEGISLATIVE MANUAL, official handbook used by members of the legislature. A "must" reference volume. Contains: the Constitution as amended; Rules of the Senate; Rules of the House of Representatives; the Joint Rules. Can be secured in paperback through your Senator or Representative at small cost, or possibly no charge. Any League which experiences difficulty in securing this publication may write Senator Don Kennard, Continental Bank Building, Fort Worth, who has graciously offered to secure a copy for any League which cannot obtain it otherwise. Try your local legislators first; this will furnish an opportunity to talk with them, to let them know that the League is studying the problems of the legislature, and that we are going to the ultimate source for our information.

Benton, Wilbourn E., TEXAS: ITS GOVERNMENT AND POLITICS: Second Edition, 1966; Prentice-Hall, Inc., Englewood Cliffs, New Jersey. Price, \$4.95.

One of the newer texts; contains up-to-date information on the legislature in Chapters 5, 6, and 7. Be sure to include also Chapters 1 and 2 in your reading, for background information on population trends and other forces having impact on the legislature.

Gantt, Dawson, and Hagard, GOVERNING TEXAS: DOCUMENTS AND READINGS; 1966; Thomas Y. Crowell Company, New York. \$2.95

A collection of articles on Texas government, five of which concern the legislature. The most revealing single article we have found on the functioning of the legislature, "The Texas Legislature From Within", by Dick Cherry, has been reprinted from this collection with the permission of the publisher, for inclusion in our Texas Legislature Kit (See next page). The special value of this article is that it views the legislative process from the standpoint of the legislator.

League of Women Voters of Texas, TEXAS CONSTITUTIONAL REVIEW; League of Women Voters Education Fund, Washington, D. C.; Revised, 1966

Every 1965-66 League member has received this publication. New members can secure it through local Publications Chairmen. The section on the Legislature contains valuable background data.

MacCorkle and Smith, TEXAS GOVERNMENT; Fifth Edition, 1964; McGraw Hill, Inc., New York City. \$4.95.

A fine basic text. Three chapters, Nos. 4, 5, and 6, concern the legislature; you will wish to read also the information on election campaigns in Chapter 1. The text of the Texas Constitution is included, as an appendix.

LWV of Texas - October 1966 - Study of Texas Legislature

McCleskey, Clifton, THE GOVERNMENT AND POLITICS OF TEXAS; Second Edition, 1966. Little, Brown & Company, Boston, Massachusetts. \$3.95.

The newest book on Texas Government. Written in somewhat different style from that of other government texts, using many quotations from legislators and news media for emphasis; contains an interesting case study in the legislative process, the 1965 pay raise for teachers. Be sure to include pages 70-79 as well as Chapters 5 and 6 in your reading.

McCleskey, Clifton, THE GOVERNMENT AND POLITICS OF TEXAS; First Edition, 1963; Little, Brown and Company, Boston, Massachusetts.

Similar to the newer volume described above, but the case study is the 1961 tax issue which resulted in passage of the sales tax legislation. This is quite a candid appraisal of pressures and counter-pressures encountered by the legislator in working on important legislation. This volume has been used as a text in many college government courses, and may be purchased used at some bookstores for as little as \$2.00. The new price was \$3.95.

Patterson-McAlister-Hester, STATE AND LOCAL GOVERNMENT IN TEXAS; Third Edition, 1961; the Macmillan Company, New York, Dallas.

Another excellent basic text, which strives for simplification. Chapters 7 and 8 are devoted to the legislature.

TEXAS LEGISLATURE KIT, League of Women Voters of Texas, 1966.

A collection of materials from various sources, mainly reprints (by permission), with such provocative titles as

Ills of the Legislature (with suggested remedies)

The Texas Legislature From Within (the legislative process as viewed by a former legislator)

Skit: How A Bill Becomes Law in Texas (with background data)

Texas Lobby Control Legislation ( a LWV-prepared summary of statutes in lobby control area)

Many other interesting articles are included in addition.

SUPPLEMENTARY READING

For those Committees who desire to pursue the subject in greater depth, the following source materials are suggested. Some are preparatory for Phase Two, so that you may get an early start on your reading. Others supplement the basic bibliography for Phase One.

Council of State Governments, Chicago, Ill.

THE BOOK OF THE STATES, published biennially. Contains valuable comparison data with other states.

OUR STATE LEGISLATURES, 1948.

AMERICAN LEGISLATURES: STRUCTURE AND PROCEDURES, 1955.

AMERICAN STATE LEGISLATURES IN MID TWENTIETH CENTURY, 1961.

Eckstein, Harry; PRESSURE GROUP POLITICS; Stanford University Press, Stanford, California, 1960.

Gantt, Fred, Jr., THE CHIEF EXECUTIVE IN TEXAS: A STUDY IN GUBERNATORIAL LEADERSHIP; University of Texas Press, Austin, 1964.

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Huey, Mary Evelyn, TEXAS CONSTITUTIONAL REVISION: THE LEGISLATIVE BRANCH;  
Arnold Foundation, Southern Methodist University, Dallas, 1962.

Jewell, Malcolm E., THE STATE LEGISLATURE, POLITICS AND PRACTICE; Random House,  
New York; 1962. \$1.45.

Lane, Edgar; LOBBYING AND THE LAW, University of California Press, Berkeley,  
California, 1964. \$6.50.

Mr. Lane is Assistant Professor of Political Science at the University; also  
Managing Editor of Public Opinion Quarterly. The book deals with state  
legislatures and lobby regulatory laws which they have passed, mentioning  
Texas frequently. Some specific recommendations for improving the approach  
to the problem are included. If your library does not have this volume,  
try to have them order it.

Maddox-Fuquay; STATE AND LOCAL GOVERNMENT, D. van Nostrand Co., Inc., Princeton,  
New Jersey. 1962.

National Municipal League publications, 47 E. 68th Street, New York.

Authors and dates appear with the various listings.

MODEL STATE CONSTITUTION, Sixth Edition, 1963. \$2.00

Boyd, Wm. J., CHANGING PATTERNS OF APPORTIONMENT, 1966. \$0.75

Heard, Alexander, ed., STATE LEGISLATURES IN AMERICAN POLITICS, 1966. \$1.95.

The background volume prepared as a basis for deliberations of the 29th  
American Assembly. Articles are by outstanding political scientists,  
and cover such subjects as functions, organization, procedures, and  
suggested changes in state legislatures.

Heard, Alexander, FINAL REPORT OF THE TWENTY-NINTH AMERICAN ASSEMBLY.

A pamphlet containing the 29th Assembly's recommendations.

Neuberger, Richard L., ADVENTURES IN POLITICS: WE GO TO THE LEGISLATURE; Oxford  
University Press, Fair Lawn, New Jersey. 1954.

Smith, Dick; HOW BILLS BECOME LAWS IN TEXAS, Revised Edition, 1954;  
Institute of Public Affairs, The University of Texas, Austin.

This booklet now out of print. Your League files may contain a copy.

Still, Rae Files, THE GILMER-AIKEN BILLS, A STUDY IN THE LEGISLATIVE PROCESS:  
The Steck Company, Austin, Texas, 1956.

Mrs. Still treats the forces influencing legislation - the presiding officers,  
the Governor, the Lobby, and public opinion - in a factual manner that is  
most informative.

Texas Legislative Council reports; Austin, Texas.

A CODE OF ETHICS FOR STATE OFFICERS AND EMPLOYEES, 1956.

COMPENSATION OF LEGISLATORS AND FREQUENCY OF SESSIONS, 1956.

LOBBY REGULATION, 1956.

Texas Legislative Service, LEGISLATIVE PROCEDURE OF THE STATE OF TEXAS;  
PO Box 100, Austin, Texas. 1961.

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VERNON'S REVISED CIVIL STATUTES OF THE STATE OF TEXAS

VERNON'S REVISED PENAL STATUTES OF THE STATE OF TEXAS

Vernon Law Book Company, Kansas City, Missouri

These are the reference volumes for current Texas statutes. They are kept up to date by biennial revisions. Most libraries have a set, as do County Law Libraries, and many attorneys.

The following three volumes have to do with Congressional Lobbying, and are of interest to those desiring comparisons between federal and state approaches to the situation. Your library probably has one or more of them.

Chase, Stuart; DEMOCRACY UNDER PRESSURE, The Twentieth Century Fund, 1945.

This deals more with pressures on Congress, but points out the danger to democracy of the "Me First Boys", according to a review.

Hurst, James W.; THE GROWTH OF AMERICAN LAW; Little, Brown & Company, Boston, Massachusetts; 1950.

This has a section devoted to the Legislature, which stresses the point that one of the weaknesses of our legislature is "the failure to develop procedures or agencies that would relieve it of detail and let it concentrate on the relatively few major issues of any session."

Schriftgiesser, Karl, THE LOBBYISTS; Little, Brown & Company, Boston, Massachusetts; 1951. \$3.50.

Sub-title - The Art and Business of Influencing Lawmakers. This deals with Congressional Lobbying, but has a chapter on Recommendation, Pro and Con, which contains suggestions for improvement in the 1946 Legislative Re-organization (Federal Lobby Control) Act.

The following articles are listed under the name of the periodical in which they appeared. The Periodical Room of your library should be able to supply at least some of them. Law Libraries will probably have the Baylor and Texas LAW REVIEWS, if your public library does not.

BAYLOR LAW REVIEW:

Lindsey, Jim; "The Texas Legislative Council"; Spring, 1950

HARPER'S

Scherf, Margaret; "One, Cow, One Vote"; April, 1966

Tydings, Joseph D.; "The Last Chance for the States", March, 1966

NATIONAL CIVIC REVIEW:

Dunn, Leslie; "Lobbying an Art on Beacon Hill"; April, 1965

The author is a Director of the LWV of Massachusetts

Fordham, Jefferson B.; "An Effective Legislature"; March, 1966

Walker, Harvey; "The Legislature Today"; November, 1960

Unruh, Jesse; P. 466; article deals with the need for more professional advice available to legislators as an aid to dealing more intelligently with special interest groups.

NATIONAL MUNICIPAL REVIEW: (Former name of NATIONAL CIVIC REVIEW)

Neuberger, Richard L.; "Aids for the Legislator", March, 1956.

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NEWSWEEK:

"The Sick State of the State Legislatures", April 19, 1965.

STATE GOVERNMENT:

Bibb, James W., and Guild, Frederic H., "Kansas Legislative School,"  
Winter, 1961. Describes an orientation program for new legislators.  
McGee, Vernon; "A Legislative Approach to State Budgeting", August, 1953.  
McGee, Vernon; "The Vitality of State Legislatures", January, 1958.  
Nokes, Geo. O.; "Constitution and Legislature in Texas", March, 1946.  
Walker, Harvey; "The Role of the Legislature in Government", Spring, 1960.

SOUTHWESTERN SOCIAL SCIENCE QUARTERLY:

Ogden, Wm. E.; "Tenure and Turnover in Recent Texas Legislatures."; March, 1965.

TEXAS LAW REVIEW:

Weeks, O. Douglas; "Toward a More Effective Legislature"; October, 1957.

THE TEXAS OBSERVER:

"Austin Lobbyists At Work"; May 2, 1963.  
"Cost of the Speakership Campaign"; September 2, 1960.  
"Hearings on Teacher Pay Raise Bill"; May 28, 1965.  
"Services Performed by the Lobby"; July 15, 1961.  
"The Texas Research League"; February 7, 1963

9/1/67

Letter To the Editor

Fluoridation: A Decision for City Council?

Dear Mayor and Councilmen:

Reflecting on the July public hearing to study fluoridation of Austin's water supply, I want to express my appreciation to you for your patience in listening to all the arguments. The mail that day appropriately brought the first issue of "Aids for the Texas Legislator," published by the League of Women Voters. It has this to say on the "complexities of lawmaking": "The task of today's legislator is not an easy one. Every day he must make decisions on the vast number of complex problems, many in fields other than his own. He is, or must become" a 'Generalist.' In doing so, our 'generalist' legislator finds that he must deal with the problem of the specialists — doctors in public health legislation, teachers, etc." I am sure every decent proponent and opponent of fluoridation certainly will feel thankful to you for having undertaken such an arduous task.

You do not lack ample expert testimony on the question, but you will have these difficulties:

1. On one hand there is an overwhelming body of evidence in favor of fluoridation. On the other hand you heard a number of well motivated citizens raising doubts in your minds as to the safety of the measure. Particularly, you must feel uneasy that there is a sizable minority of physicians in Austin who are against fluoridation.

Do not feel uneasy because there is doubt. There is not any medical measure which will not have some opponents. In a democratic society you must only govern according to the weight of the scientific evidence. If fluoridation is really so dangerous, the next

logical step would be to take the naturally occurring fluoride out of our water before it reaches our city pipe lines.

The lawyer for the opposition pointed out that, in a legal action, one must be sure beyond any reasonable doubt that the accused is guilty. Yet human courts are proven wrong; however, one must carry on judicature as well as one humanly can.

2. In arriving at your judgment, you will be impressed by the standing of the witnesses in the community. Do not feel influenced by the respectability or professional standing of individual physicians who testified. As in court, you do not want to decide a case because of the fame of an individual witness. Rather be guided by the objective evidence. And be guided by the consensus of

opinion of expert scientific bodies (not individuals). In reviewing doctors' testimony also remember that doctors are human beings too, as such subject to emotional factors.

As one of the speakers pointed out: although there is opposition, there must be a right answer. Austin's citizens hope you will find this right answer by weighing the

evidence. Do not be intimidated into shifting the responsibility on the voters.

**OTTO LIPPMANN, M.D.**  
Chairman, Committee on Child Health and Development



LWV Texas

LEAGUE OF WOMEN VOTERS OF TEXAS  
1841 BINGLE ROAD  
HOUSTON, TEXAS 77055

Presidents Mailing  
September 1967

DISCUSSION QUESTIONS AND REPORT FORM  
Facts and Issues #2  
"The Influence of the Governor"

INTRODUCTION

These discussion questions are only a few which might be used in unit discussions on Phase II of our Study of the Texas Legislature. They are intended to be only a nucleus around which your Legislature Resource Committee can build other provocative questions to stimulate the thinking of the discussion group about the influence of the governor on the legislature. Your League might wish to add questions to this list, or select alternative areas for discussion which seem pertinent after reading the second Facts and Issues and other background material and, possibly, consulting with your legislators. Please list such additional areas on the back of the last page of this form and analyze them according to the instructions in the following paragraph.

In conducting and analyzing your meetings, your committee and your local Board should consider the following: areas of agreement or disagreement; degree of agreement or disagreement; minority viewpoint; strength of minority view; areas undecided and why; other comments.

Eight Discussion Question and Report Forms are being sent to each local League president. Four are free of charge while the other four, for distribution to Discussion Leaders, will be 35¢ for the four. Additional copies may be ordered for 10¢ each or four for 35¢. Please send three copies to the state office as soon as completed and reviewed by your local Board. Each of the Facts and Issues in this series will be accompanied by this type of Discussion Report Form. Final deadline for all four is February 1, 1968. RETURN BEFORE THEN WILL HELP TO IDENTIFY ANY EMERGING CONSENSUS IN THE EARLY STAGES OF PROGRAM MAKING.

1. How does the trend toward increasing influence of the governor over the state legislature affect state government? What factors contribute to this development?

2. Evaluate the effectiveness of the veto power as a tool for the legislative leadership of the governor. Should this power be increased or diminished. If so, how?

3. How does the budget-making process affect the influence of the governor over his legislative program?

4. Do the governor's talents as a political leader have any particular effect on the success of his legislative program? Explain.

PROCEDURAL QUESTIONS

These should apply to all of the meetings held on the governor's section of the Legislature Study. This information will help the state Board evaluate the variations in coverage by Leagues.

1. Did every member receive some material before units or general meetings?
2. How many meetings did your resource committee have which were devoted, at least in part, to this area of the study?
3. How many general membership meetings did you have? Sets of units?
4. Approximately how much membership participation was there?
5. Was there adequate resource material for the study and decision making?
6. Please list other material used.

(Please add comments and additional questions covered on the back of this sheet.)



# THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

First in a series

## AIDS FOR THE TEXAS LEGISLATOR

**COMPLEXITIES OF LAWMAKING.** The task of today's legislator is not an easy one. Every day he must make decisions on a vast number of complex problems, many in fields other than his own. He is, or must become, a "generalist." In addition to his role as a maker of public policy, he must attempt to evaluate the worth of a multitude of economic and social projects and, acting as a sort of economic umpire, apportion public funds among many competing forces. In doing so, our "generalist" legislator finds that he must deal with the problems of specialists—doctors in public health legislation, teachers in education, and economists in taxation, for example. Each professional group feels that its views on proposals dealing with its specialty are better than the legislator's views. In the final analysis, the lawmaker must rely largely on common sense in choosing between alternatives. Even so, he must have certain facts before he can make a choice. Where can he get them? Time is lacking for extensive personal research. To whom can he turn for information to aid him in making his decisions?

**SERVICES AVAILABLE.** To help meet the ever-increasing need for information and to assist with the work load, various clerical, technical, and research services are available to the Texas legislator. It is the aim of this publication to examine a number of these services, to compare them with services available in other states, and to discuss suggestions for improvement.

**OFFICE SPACE.** Texas now provides office space for all its legislators. Only a few other states do so, although the trend is to provide improved office and related facilities. North Carolina and New Mexico have just completed new buildings; New York and Hawaii have them under construction; and Connecticut, Indiana, Washington, Ohio, and others are considering the provision of office space for their legislators. Some states, notably Illinois, are even thinking of providing each legislator with funds to establish and run an office in his home district, as well. In contrast, thirty-six states furnish office space only to legislative leaders and a few committee chairmen.

Although Texas senators have had private offices in the capitol for years, representatives, except for leaders such as the speaker and later the committee chairmen, until 1961 had only their desks on the floor. Their secretaries worked shoulder to shoulder in a corridor behind the House chamber. At present, most offices are shared with other members. By 1969, however, when an extensive building program to provide new quarters for executive departments and the judiciary in other buildings is completed, members are to

have either private or semi-private offices in the capitol.

**CLERICAL HELP.** Texas provides the equivalent of three-and-a-half to four full-time secretaries for each senator during the session, and each representative has one full-time and one half-time secretary. In addition, a House member may draw from \$600 to \$800 per session and approximately \$500 between sessions for contingencies, such as stamps, office supplies, and telephone service. A senator may draw up to \$3,000 each biennium for the same purposes.

Although critics say that additional clerical assistance could be used, particularly by representatives with large constituencies, Texas is one of the few states providing any substantial amount of clerical help for its legislators. Individually assigned secretaries are provided in five other states (California, Florida, Iowa, Missouri, and Oregon). In Pennsylvania \$2,400 per biennium is allowed each legislator for clerical assistance. An additional twelve states maintain stenographic pools, but in roughly two-thirds of the states little or no secretarial or clerical service is furnished.

**PROFESSIONAL STAFF.** Full-time administrative or professional staff is provided legislative leaders in five states; Texas is not among these. Thirty states furnish *some* professional staff assistance to standing committees. Texas does so, particularly in the field of appropriations and taxation. It is one of only four states having committees served by more than one staff assistant, in this respect ranking with California, Hawaii, and Massachusetts.

**TEXAS LEGISLATIVE COUNCIL.** A number of research and information services are available both to the legislature as a whole and to the individual legislator. To provide information on subjects of interest to the legislature, the Texas Legislative Council was created in 1949. That such councils serve a very useful purpose is shown by the fact that forty-four states now have either a legislative council or a council-type agency which performs substantially the same service. Of the states which do not have them, California and New York rely on a system of staffed interim committees.

The Texas Legislative Council is composed of ten representatives appointed by the speaker of the House, who serves ex-officio as vice-chairman, and five senators appointed by the lieutenant governor, who serves as the chairman. The council is the official research arm of the legislature. It is required by law to meet quarterly; it employs a full-time executive

director and research staff. Its work is financed by legislative appropriation (\$538,000 for 1966-67). It has the power to subpoena witnesses and evidence during its investigations, but it does not ordinarily do so.

The council's research usually is undertaken at the request of the legislature, but any individual legislator or private citizen may submit a topic for consideration. Its reports, which are factual, often are accompanied by recommendations; frequently drafts of legislation are included. Many of these have been enacted into law. Members of the League of Women Voters will recall the report of the council on revision of the Texas constitution. Other reports, to name but a few, have dealt with taxation, local government, wild-life management, lobby regulation, juvenile delinquency, redistricting, and revision of the criminal code. Such studies have usually been made between sessions of the legislature.

During the session the council assists individual legislators and committee chairmen by preparing drafts and analyses of bills and resolutions. Such technical service to the individual legislator is limited by the size staff which the council's budget permits. There are always more requests than can be filled. It is estimated, however, that the council is responsible for drafting approximately fifty to seventy-five per cent of the bills which actually are enacted into law. Only five states (Nevada, Ohio, Alaska, Michigan, and Florida) provide larger appropriations for their legislative councils than does Texas.

The Texas Legislative Council has prepared and published a legislative manual, which contains the text of the constitution and the House, Senate, and joint rules. This has proved extremely helpful, especially to new legislators. It is kept up to date by issuing supplements.

**ELECTRONIC AID.** A magnetic tape typewriter was used by the staff of the Legislative Council to record the voter registration bill passed by the February 1966 special session of the legislature. Robert Johnson, council director, estimates that conventional typing of the bill would have taken four times as many man-hours. With this machine, amendments to a bill can simply be included on the magnetic tape, without having to retype the whole bill as has previously been done. Mr. Johnson points out that this would be an invaluable aid to both speed and accuracy in handling the extremely long general appropriations bill, where dozens of pages are untouched by amendments but have to be retyped several times each session.

**COUNCIL OF STATE GOVERNMENTS.** Each state has a commission on interstate cooperation, and the central agency of these commissions is the Council of State Governments. All branches of state government--executive, legislative, and judicial--receive the council's services, which are concerned mainly with research. The council and its eight affiliates (which include the National Governors' Conference and the National Legislative Conference) provide specific information in answer to inquiries, make studies of state and interstate problems and publish their findings, and sponsor regional and national conferences on a great many important public questions. Their services are available to legislators and to

other state officials. Every legislator receives the council's monthly bulletin, *State Government News*, and is offered a free subscription to its quarterly magazine, *State Government*.

**INTERSTATE COMPACTS.** Further sources of information to legislators are the commissions established by the interstate compacts of which Texas is a member. (Compacts have long been fostered by the Council of State Governments as an important means of cooperation between states.) The Interstate Oil Compact Commission and the Southern Regional Education Board are outstanding study-advisory-recommendatory bodies.

**ORIENTATION.** Approximately thirty-one states hold orientation conferences regularly or occasionally; sixteen hold them between the time of the general election and the beginning of the session. Designed particularly for new legislators, the subjects discussed include parliamentary procedure, the committee system, and aids for legislators. In some states administrative programs and revenue and spending procedures are also reviewed. Kentucky's conference, which has been held before each regular session of the legislature (except two) since 1949, seems to be particularly helpful to the legislators, and also to the few members of the executive branch who are invited to attend.

In Texas, Speaker of the House Ben Barnes held a two-day orientation meeting for new representatives a month before the 1967 legislative session began. This was the first time a special orientation session had been held. Previous orientation had been done by the House parliamentarian in several two-hour meetings during the busy first few days of the session.

**BILL DRAFTING.** Some states have special bill drafting agencies, but in Texas no one agency has this responsibility. The legislator who is also a lawyer may be well able to draft bills; the legislator who is not a lawyer will be at a great disadvantage in this respect. As has been noted above, the Legislative Council furnishes assistance, within the limitations of time and personnel available. However, the legislator is not entirely dependent upon the Legislative Council for such help.

First, he may refer to the *Manual for the Assistance of Members of the Texas Legislature*, prepared by the attorney general's office, which contains valuable information on the drafting of various types of bills and resolutions. The attorney general's office will give advice on the legality of bills and resolutions submitted to it by a legislative committee. But since several weeks are required for the necessary research, the service is of limited usefulness. Because of this time factor a bill may be killed by a committee's decision to request advice.

**STATE LIBRARY.** The legislator can also find assistance in the records kept by the Legislative Reference Division of the State Library. There he may procure copies of previous bills and resolutions, and from the legislative history maintained by the division, he can find out what happened to them after introduction. The division also has information on what legislative action has been taken in other states on any particular topic.

Originally the Reference Division was intended to serve also as an agency for more specialized research

than that provided by the Legislative Council, and to make this service available to the individual legislator concerned with problems not of interest to the legislature as a whole. In practice, however, this function has had to be subordinated to keeping current the very important legislative historical records; there remains little time during a session to do research for individual legislators. Between sessions, when time might be available, the staff is much reduced.

It has been suggested that the Reference Division be expanded. An alternative suggestion is to permit the State Library to continue keeping the historical records, but to move the research service to another agency (possibly one directed by the Legislative Council) which maintains a full-time, year-round director.

**COMPUTERS.** Much routine research work can be done by computers, which can be programmed, for example, to provide a rapid search of all statutes affected by new legislation. (In New York a computer-aided search for all laws affecting banking produced the astonishing total of 1,604.) The Texas legislature in 1965 made a special appropriation of \$100,000 to the Legislative Council for computer programming to assemble and print out a preliminary record of existing statutes and set up a statute information retrieval program. When this electronic project is completed, passage of laws in conflict with present statutes can be minimized. The University of Pittsburgh is working with several states to incorporate their entire statute law on rapid retrieval computer equipment. The Council of State Governments has led in bringing to the attention of the states the challenge, potentialities, and problems of computer use.

Chief among the problems are the recruitment of well-trained data processing personnel and the efficient use of equipment (for example, for most economical use computers should run twenty-four hours a day, seven days a week). Plans for management of automatic data processing equipment to be used by state agencies are being formulated by a division in the state auditor's office. A computer-based tax administration and accounting system already has been installed by the comptroller's department; one use of the equipment is to assemble data needed for preparation of budget estimates and revenue forecasts. An additional problem, beginning to be recognized as the use of computers increases, is in the field of public policy--who, for example, should have access to data being accumulated about individuals?

**TWO BUDGETS.** In fiscal matters Texas is unusual among the states, in that both legislative and executive budgets are prepared and submitted to the legislature. This practice is deplored by some as a duplication of effort, and, therefore, wasteful. However, the legislature has been reluctant to abandon the preparation of its own budget report.

**LEGISLATIVE BUDGET BOARD.** This board, created in 1949, is composed of four senators and four representatives, plus the lieutenant governor and the speaker of the House; these leaders appoint the members from their respective Houses. By statute, the chairmen of the committees handling revenue and appropriations must be among those who are appointed. The board employs professional staff members and a

full-time director of the budget (not to be confused with the director of the budget in the executive office of the governor). It makes a continuous study of state revenues and expenditures, and it reviews and analyzes the budget. It must submit a budget of estimated appropriations to the legislature and the governor within five days after the session begins. It also drafts the appropriations bills necessary for implementing the budget.

**BUDGET REVIEW AND CONTROL BY LEGISLATURES.** There is some provision for legislative budget review in twenty-five of the states. The legislative council provides this service in fourteen states, with some employing a special fiscal analyst. In eleven states budgetary review is a function of special or standing committees of the legislature. In three states these committees have special staff to assist in this work.

Missouri, New Jersey, Oklahoma, and Wisconsin require that each bill which will cost the taxpayers money carry a "fiscal note" estimating its impact on the state budget. This system has proved disappointing in some cases, as preparation of accurate estimates often requires more time than is available, and inaccurate estimates can be deceptive.

In Texas, the state comptroller, who is in charge of collecting taxes, must submit to the governor and to the legislature upon its convening a financial statement which includes the condition of the state treasury at the end of the last fiscal year, its probable condition at the end of the current fiscal year, and an itemized estimate of anticipated revenue for the next biennium based on the laws currently in effect. This estimate is subject to review by the Committee on State Revenue Estimates, composed of the governor or his representative, the director of the Legislative Budget Board, and the state auditor. Except by a four-fifths vote of each House, no appropriation bill may become law unless the comptroller certifies that the appropriation is within the amount estimated to be available in the fund from which the expenditure will be made; if not, the legislature must either find revenue sufficient to provide the money or reduce the appropriation, so that the budget remains in balance.

Twenty states, including Texas, have some form of post-audit of the state's financial transactions after their completion, in order to provide the legislature with "follow-up" information on revenues and expenditures. In this way the legislature can determine whether revenues have been collected in compliance with the laws and whether funds have been expended in accordance with legislative intent.

In Texas post-audits are performed by the Legislative Audit Committee, which is composed of the lieutenant governor, the speaker of the House, the chairmen of two Senate committees (Finance, and State Affairs), and the chairmen of two House committees (Appropriations, and Revenue and Taxation). This committee appoints the state auditor, who must have had five years of experience as a certified public accountant before appointment. He may not serve ex-officio on any board or commission. He is required to audit the financial records of all state agencies at least once every two years, and of certain ones annually or more often. Approximately eighty people assist in this work.

**THE LOBBY.** Aids available to the Texas leg-

islator include services performed by members of the lobby, who have furnished some of the most expert bill drafting and legal counseling obtainable by legislators. While it must be presupposed that no lobbyist would advise a legislator contrary to the interests of his client, at the same time, the blanket accusation that *all* legislation drafted by the lobby is biased, is not valid. An example is the bill prepared by the League of Women Voters of Texas providing for a permanent voter registration system.

**TEXAS RESEARCH LEAGUE.** This organization occupies an important place among those groups which furnish information to the legislature. Its publications state that it is "a privately supported, non-profit, non-political, educational corporation engaged in objective research into the operations, programs and problems of Texas government." It is further stated that "the League does no lobbying. It undertakes studies only upon official request. No charge is made for these studies. They are financed entirely by annual contributions paid by public-spirited individuals, firms and corporations as a public service to the government and the people of Texas."

Despite its policy of not lobbying, since the Texas Research League is financed by the business community (top executives of a wide range of corporations form its board of directors), critics feel that it is a "tool" of the lobby and that its findings tend to favor businessmen at the expense of other segments of the population. Various state agencies, however, as well as the legislature use the services of the TRL.

**TEXAS LEGISLATIVE SERVICE. HOUSE AND SENATE JOURNALS. USE FOR A COMPUTER.**

Another private agency which provides service to the legislature without charge is the Texas Legislative Service. It prepares daily summaries of legislative action and an index showing the status of each pending proposal at the time. The agency sells this service to the lobby primarily, although anyone may subscribe to it, and the League of Women Voters of Texas does so.

Such an index and summary service is classed as essential in the 1963 report of the Committee on Organization of Legislative Services, of the National Legislative Conference. The committee, however, feels that an agency of the legislature, rather than a private organization, should prepare these reports, so that better control can be maintained over their accuracy and content.

The committee also recommends publication of daily journals containing an official report of legislative actions. Texas publishers, on a daily basis, House and Senate journals, which contain rulings of the chair and all votes. Unlike the *Congressional Record*, they do not include a verbatim record of the proceedings. However, between the daily journals and the reports of the Texas Legislative Service, Texas lawmakers seem to be better informed than most. In many states an index of the status of legislation is published only once or twice during the session, although

daily reports are available in at least three states other than Texas.

This is an area in which automatic data processing could be used to great advantage, according to Vernon McGee, former director of the budget for the Legislative Budget Board. Such equipment could provide every member daily information on the status of all pending legislation.

**STAFF RECRUITMENT AND THE BUDGET.**

While budgetary problems admittedly are a factor in restricting the information and assistance which can be made available to the legislature, more money alone will not solve the problem. Staff recruitment, for example, depends only partly upon better salaries.

**LEGISLATIVE INTERNS.** To help meet the need for additional staff, a program of "Legislative Interns" was initiated several years ago in California, financed partly by a grant from the Ford Foundation. Texas and eleven other states and Puerto Rico now participate in this program, which is designed to interest college-trained young people in careers as legislative professional staff. Chosen from graduate students in history, political science, law, and journalism, they are assigned to various committees of the legislature and, in Texas, also to the secretary of the Senate, the speaker's office, and the governor's office. Those assigned to committees have done considerable work in the analysis of bills.

California legislators are enthusiastic over the results obtained so far. In 1965 the legislature assumed full financial support of the program. In Indiana the feeling is that the program has demonstrated the desirability of a genuine legislative research organization. In Texas, which is participating in the program for the second time, the work of the interns is highly regarded.

**STATE CIVIL SERVICE SYSTEM.** In recruiting staff, the reluctance of many qualified persons to accept positions which depend on political considerations must be taken into account. For this reason, some people advocate a state civil service system based upon merit for selecting and promoting employees. Opponents claim that in such a system advancement often depends more on seniority than on merit, and, therefore, the best qualified talent would not find the positions attractive unless the salary scale was higher than in industry. Whether or not this is true is a matter for debate. At present only a very few departments of the state government operate under the merit system.

**SUMMARY.** Texas legislators have many more services and far better facilities available to them than do legislators in many other states. To what extent would additional facilities and increased services assist legislators in fulfilling their responsibilities as lawmakers? It is a complex problem. Which aids would be useful? Who shall provide them? And in what manner or form? There are no easy answers.

End. (R)



# THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Second in a Series

## THE INFLUENCE OF THE GOVERNOR

**GROWTH OF EXECUTIVE INFLUENCE.** Under the first state constitutions, supreme power rested with the state legislatures. The powers of the governors, by contrast, were sharply limited. Usually, the governor was appointed by the legislature for a short term, was not expected to recommend legislation, and in only two states was given the veto power.

The twentieth century has seen the governor become increasingly important in the legislative process. In large part this development reflects a general desire for stronger executive leadership to cope with the urgent problems of modern life. State legislatures have difficulty in dealing with these problems for many reasons, among them lack of staff and shortness of time in which to consider the large number of bills presented. In Texas, however, the legislature is reputed to be the dominant branch of state government, although the influence of the governor has gradually increased.

The effectiveness of governors in influencing legislation depends upon their use of both the legal and the informal means of leadership available to them. What legal powers over legislation has the governor in Texas? And how effective are his informal methods of influence?

**THE VETO.** The governor's most effective constitutional tool for legislative leadership in Texas is the veto power, which is possessed today by the governors of all the states except North Carolina. He is almost completely in control of any measure which he vetoes or threatens to veto, because to override a veto requires the favoring vote of two-thirds of the members present in each house of the legislature. No veto has been overridden for well over two decades. During the period from 1875 to 1963, only a little over 8 per cent of the vetoes while the legislature was in session were overridden.

Of the 1,715 measures enacted by the 59th Legislature (1965), Governor Connally vetoed 40. He vetoed 40, also, of the 825 bills passed during the regular session of the 60th Legislature (1967). Through the years, consideration of public policy has been the reason most frequently given by Texas governors for their vetoes. Other reasons given have been unconstitutionality, improper drafting of bills, and fiscal imprudence.

In Texas, as in forty-one other states, the governor has the power to veto individual items in appropriation bills without vetoing the entire bill. Item vetoes may be overridden by the legislature in the same way as other vetoes, but in practice overriding does not occur because the major appropriation bills, which are usually itemized, are generally not passed until shortly before the end of the session.

Court decisions have somewhat restricted the Texas governor's power of item veto. For example, the governor cannot reduce items in an appropriation bill or eliminate qualifications or directions for their expenditure. Also, if the governor files objections to items in an appropriation bill during the session, he cannot later veto other items in that bill after adjournment of the legislature.

**MESSAGES.** The state constitution requires the governor to give to the legislature, by message, at the start of each session and at the close of his term of office, information as to the condition of the state. He is also required to recommend such measures as he deems expedient, and to present his budget within five days after the session begins. His "State of the State" message, delivered in person at the start of the session and given statewide coverage on TV, radio, and in the newspapers, presents his general recommendations for legislation and his estimate of which are most important. Governor Connally's message to the 60th Legislature (1967) dealt with some thirty major subjects, ranging from constitutional revision by convention to traffic safety.

How important are such messages in the governor's relationship with the legislature? They are his chief means of setting forth his legislative program and focusing public attention on it, but much more is necessary to get his program enacted. Bills must be drafted and managers found for them, and support in the legislature must be recruited for every step of the way from introduction to enactment. During the session the governor's staff includes administrative assistants who handle legislative matters, testify before committees, and obtain witnesses for particular bills. The effectiveness of messages in influencing the legislature seems to depend upon the governor's skill in using his other powers and devices for legislative persuasion.

**SPECIAL SESSIONS.** Another important legislative power granted to governors by state constitutions is that of calling special sessions. Governors call special sessions for many reasons: to complete passage of needed legislation, for example, or to deal with emergencies, or to put a program into operation more quickly. The special session may serve as a device for gubernatorial influence on legislation, as it is a means of drawing public attention to an issue which is part of the governor's program. Since legislators as a rule do not like to leave their jobs to attend special sessions, a threat to call one may be enough to get legislators to support the governor's program during the regular session.

The governor in every state is empowered to call special sessions. In all but fourteen states this power is

his exclusively, and in most of the states it is he who specifies the subjects of legislation to be considered. In seven states the governor must call a special session if he is petitioned to do so by a specified majority of each house. In six states the legislatures are authorized to call special sessions.

In Texas the governor's power to call special sessions includes the constitutional authority to specify what is to be considered in them. The number of special sessions he can call is not limited, but the maximum duration of each session is restricted to thirty days. Nor does the governor have complete control over the agenda, for although he can specify the subject matter for the session, he cannot limit the legislature's consideration to only the details he specifies. Simple and concurrent resolutions, which are not considered to be "legislation," are beyond his control. Too, his agenda must often include subjects particularly wanted by the legislators if he is to have their support for his projects. Furthermore, the courts have upheld the validity of legislation on topics not included in the governor's call.

From 1876 through 1967 there have been sixty-nine special sessions of the Texas legislature, called by twenty of the twenty-four governors who have held office during that period. Most of these sessions have dealt with financial crises or emergency conditions. Five special sessions, the largest number for any one legislature, were called in 1929 - 1930 by Governor Dan Moody, primarily to effect prison reform, provide more money for education, and establish civil service regulations for state employees. Governor Connally called a special session in 1966 to rewrite the voter registration system, as a result of the U. S. Supreme Court decision that ruled the requirement of a poll tax receipt for voting unconstitutional.

**BUDGETARY POWERS.** In forty-four states the governor is responsible for preparing and submitting the budget to the legislature. In one state—Arkansas—the legislature has this responsibility, and in the remaining states budget preparation is done by boards or commissions.

In Texas two budgets are presented to the legislature: one by the governor and the other by the Legislative Budget Board, which is composed of four representatives and four senators plus the speaker of the House and the lieutenant governor (who appoint the members from their respective houses). Ordinarily, the legislative budget is smaller than the executive budget, and the legislature tends to prefer the budget prepared by its own board to that of the governor.

The dispute over proposed new taxes was the main cause of the 60th Legislature's taking the unprecedented step, at the governor's urging, of appropriating money for the state government for only one year instead of the normal two.

**INFORMAL POWERS.** The governor's role as legislative leader comes only partly from his constitutional and statutory powers. There are many other factors that enhance his influence.

One of these factors is that, as chief of state, he is the best known state government official; he represents the state in national and state affairs, and he is responsible to a statewide constituency. The governor's activities, which are widely publicized, help him in exercising legislative leadership, even when they are purely social or ceremonial, because they add to his prestige and hence to his persuasiveness in dealing with members of the legislature. In exercising his power of appointment to some 110 boards and commissions, he can also exert influence on legislation by appointing individuals who will favor legislation he is promoting.

Another factor is the position of the governor as titular head of his political party. In Texas he can generally count on the state executive committee and many local party leaders to support his legislative program. At state conventions he can exert legislative leadership through his speeches, through the party platform, the writing of which he usually controls, and through his many contacts with the party faithful. His party position is also of importance in influencing the selection of legislative leaders. Unless he can have the cooperation of most of these leaders, his legislative program has little chance of adoption.

Another important factor is the personal qualities of the governor himself. Former Governor Allan Shivers has this to say: "The personality, persuasiveness, reliability, flexibility, determination and courage of the Governor can, and do, make the difference between success and failure of a legislative program."\*

**LEGISLATIVE SUCCESS OF GOVERNORS.** How have the legislative programs of Texas governors fared? Governor W. Lee O'Daniel (1939-1949) probably had the least success in getting the important features of his legislative program passed. Governor Allan Shivers (1947-1957), with his previous experience of twelve years in the legislature and two and a half years as lieutenant governor, was especially successful with his legislative program. Governor John Connally (1963-) had notable success with the 59th Legislature (1965). He has estimated that 80 to 85 per cent of his program was enacted by the 60th Legislature (1967) in regular session although several of his major recommendations were not.

**CONCLUSION.** "I think it may be truthfully said that the Governor's relationships with members of the Legislature are the most delicate, the most fascinating, and the most rewarding of his activities." — Former Governor Allan Shivers.\*

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\*Allan Shivers, "The Governor's Office in Retrospect," in *Governing Texas: Documents and Readings*, edited by Gantt, Dawson, and Hagar (New York: Thomas Y. Crowell Co., 1966).



# THE TEXAS LEGISLATURE

A Study By  
THE LEAGUE OF WOMEN VOTERS OF TEXAS

Fifth in a Series

## Through the Members' Eyes

# A LOOK AT THE TEXAS LEGISLATURE

State government affects our lives in many ways—education, welfare, highways, to name a few. It also collects billions of dollars in taxes and revenues to pay for these services. The state is big business.

The board of directors of this multi-billion-dollar enterprise is the Texas Legislature. Are their rules and procedures designed to be businesslike and to respond to public needs?

To find out, the League of Women Voters of Texas interviewed 102 members of the 1969 Legislature (86 representatives and 16 senators). Results show legislators have concrete suggestions for improving many legislative procedures.

### MAJOR IMPROVEMENTS

When asked to volunteer suggestions for major improvements, legislators mention:

- Physical, research, and staff improvements
- Annual or longer sessions
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Our thanks to each legislator who spent more than an hour of his busy time giving us comprehensive views about the legislature and to the League members throughout the state who did the interviewing.

*The opinions expressed in this report are those of the legislators, and, while they are at times parallel to those of the League, are not necessarily those of the League of Women Voters of Texas.*



# THE TEXAS LEGISLATURE

A Study By  
THE LEAGUE OF WOMEN VOTERS OF TEXAS

Fifth in a Series

## Through the Members' Eyes

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The board of directors of this multi-billion-dollar enterprise is the Texas Legislature. Are their rules and procedures designed to be businesslike and to respond to public needs?

To find out, the League of Women Voters of Texas interviewed 102 members of the 1969 Legislature (86 representatives and 16 senators). Results show legislators have concrete suggestions for improving many legislative procedures.

### MAJOR IMPROVEMENTS

When asked to volunteer suggestions for major improvements, legislators mention:

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- Salary increases
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## ACKNOWLEDGEMENTS

Our thanks to each legislator who spent more than an hour of his busy time giving us comprehensive views about the legislature and to the League members throughout the state who did the interviewing.

*The opinions expressed in this report are those of the legislators, and, while they are at times parallel to those of the League, are not necessarily those of the League of Women Voters of Texas.*



# THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Fourth in a Series

## THE INFLUENCE OF THE LOBBY

The American citizen can use a variety of ways to influence legislation. Almost everyone is a member of some interest group in the wide spectrum of such groups that has developed as a result of the increasing complexity of modern society. Increased specialization in the production of goods and services has brought about an increase in the number of pressure groups and with it the need to convey their viewpoint to the legislator. The constitutional right of citizens or groups of citizens to petition their government is a legitimate and necessary part of the democratic process. Unfortunately, few people are actively involved in politics at the state level. If they do belong to an organized group, they are often poorly informed about the state legislative activities of that group. Therefore, lobbying has become the responsibility of group leaders or hired lobbyists, and the organized petitioning of lobbies has come to be the most effective way to influence the policies and decisions of government.

As an institution, the lobby makes positive contributions to the legislative scene. In serving, for instance, as a source of technical and political information for the public and for legislators, especially the newly elected, it supplies a need often not met in any other way. The competition between lobbyists can help a legislator arrive at a balanced view of the issues involved in a specific area of legislation. A lobby can have the effect of enhancing the value of the opinion of an individual or group, if the individual or group can afford a lobbyist's services. Finally, the lobby serves as a means of providing functional representation for groups whose interests are not identical with those of their geographical area.

The practice of lobbying is perhaps inherently susceptible to abuse. Although outright corruption is only occasional and difficult to prove, the lobby's often subtle, subsurface effect on the legislative process in general and on specific legislation should be of continuing concern to the general public. The task, however, of differentiating legitimate pressure from activities not in the public interest is not an easy one. In evaluating the influence of the lobby on the state legislature in Texas, we need to know who lobbies, how much they spend, what methods they use, and what controls exist.

**LOBBYING DEFINED.** The term "lobbying" itself is one of inexact reference. It may be simply defined as "the efforts of individuals or groups of people outside the legislative body to influence legislation." Legally defined, legislative lobbying is generally limited to "direct communication" with members of the legislature or Congress (in Texas, the governor and lieu-

tenant governor, as well) for the purpose of urging or opposing specific legislation. "Direct communication," however, is not confined in time to the legislative sessions or in place to the legislative halls of the capitol. Grass-roots communication from constituents back home, both before and during legislative sessions, can be a form of lobbying, although it is not subject to state or federal lobby controls. In addition, there are countless indirect ways for lobby groups to build community support or influence public opinion for or against legislation. Finally, lobbying activities are also directed toward the executive and judicial branches of government, so a comprehensive definition of lobbying should include all attempts by private groups or interests to influence government decisions.

**THE REGISTERED LOBBY IN TEXAS.** The 1957 Lobby Control Act requires three groups of persons to register as lobbyists: (1) Those who for compensation attempt to promote or oppose legislation by some form of "direct communication," defined as "arguing for or against legislation"; (2) those who do the same thing without being paid for it if done for the benefit of another person; and (3) those who acting on their own behalf and without any compensation spend more than \$50 in a legislative session to promote or oppose legislation by "direct communication." The Act provides that such persons in registering must give their own names, addresses, and occupations, and the same information concerning those whom they represent, as well as a brief description of the legislation in which they are interested. They must also make monthly reports during each legislative session on total expenditures for the purpose of "direct communication" with legislators.

Lobby registration figures furnished by the Texas House Chief Clerk's office are of interest:

Year	Number	Number of Reports Filed	Spending Amounts (round figures)
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The figures seem to indicate a downward trend in the number of lobbies registering and reporting expenditures in Texas. This decrease, however, may reflect a lessening of seriousness in conforming to the 1957 lobby control legislation, rather than any lessening in lobbying activity. Also, the figures on expenditures probably cover only a small fraction of the total, as they do not include the tremendous amount of between-session spending by pressure groups, such as in campaign contributions and public relations activity.

It would be impossible to categorize all the groups involved in lobbying in Texas, for the range is wide. The list includes brewers, teachers, the oil and gas industry, and the Texas Municipal League. Since Texas is a large state with a diversified economy, it is also difficult to compare figures of registered lobbyists with those of other states, although some groups, such as public utilities and large industries, are involved in all states. According to a recent survey by the National College Press Service, the average number of lobbyists per session in states keeping a record is about 275. (A projection of this figure to fifty states would make a total of 13,750 lobbyists, or nearly twice as many lobbyists as legislators.)

Regarding lobby spending, the highest single expenditure reported in 1967 was made by the Texas Brewers Institute (\$6,871). Other spending groups included the oil and gas industry (\$12,342), public utilities (\$4,840), and the Texas State Teachers' Association (\$2,089). Of course, the power of an interest group is not necessarily dependent on its financial resources; some of the most effective lobbies in the state achieve their results through grass-roots pressure, which costs little.

Comparative information on lobby spending at the national level and in other states is difficult to obtain. Reports filed under the federal lobbying act have at times indicated annual group expenditures of ten million, although it seems safe to say that this is only a partial figure. In California, during recent sessions, reported expenditures have exceeded three million, although this figure is generally confined to the hiring and maintenance of registered lobbyists.

**LOBBY METHODS.** The word *lobby* probably brings first to the mind of the average citizen all the "for free" favors offered to the legislator, such as meals, beverages, passes, receptions, weekend parties, and trips. Such favors, which are a part of "**social lobbying**" (and which might be termed in Texas the "catfish and beer" or "beef and bourbon" circuits), are extended to legislators between sessions as well as when they are in the Capital. In Texas, social lobbying also includes financial contributions to the "Speaker's Day" and "Governor for a Day" celebrations, which have at times in the past involved much fancy food and many expensive gifts. The advantages gained from this type of lobbying are probably minimal when compared to those realized from the much more skillful methods employed by the professional lobbyist.

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Legislative Service, which provides the texts and status of bills, runs from \$500 to \$1,000 a session. This service is an important item in the budget of the League of Women Voters, a lobby group of limited scope and one that depends largely on the grass-roots type of lobbying. It might also be noted that lobbyists are not required by current statutory regulations to include such expenses as office rent, telephone bills, research, and publicity in their reports on lobbying expenditures.

The **political campaign** method of lobbying—investment by a pressure group in political campaigns—may or may not be the most important way to influence legislation. One writer suggests that the key is in recruiting candidates who lean the right way in the first place. Speaking for a political group recently, a leader emphasized that lobbying is done best on election day, or perhaps it would be more accurate to say that election results reflect the lobbying that has been done before. As one politician puts it, "the game is over before the legislature meets."

From the viewpoint of political reality, it must be stated that present costs of campaigning have made it impossible to run for office without aid from some source. The costs of communicating with the electorate by mail, telephone, travel, and all news media, including television appearances (now considered essential), have increased greatly, and in addition the other expenses—filing fees, rental of campaign headquarters, clerical help, assistant campaigners, and the employment of public relations experts—are considerable. Reported expenditures for a gubernatorial campaign have been over \$500,000. Can we believe that the implicit financial aid behind such spending is completely altruistic? Are there any controls on this form of lobbying?

The Texas Election Code regulates political campaigns to some extent. There is no ceiling on campaign expenditures or contributions, but the code does require two itemized reports from each candidate, one filed from seven to ten days before the election, and the other not more than ten days after. Each candidate's statements must cover all gifts received, debts incurred, and loans and payments made in his behalf, and must include the names and addresses of all persons involved. The code also requires that any person making a campaign contribution of more than \$100 must ascertain if the candidate properly reported it. If not, it is the duty of the contributor to report. (One authority asserts that this requirement is honored almost entirely in the breach.) Corporations and labor unions may not contribute. The code provides penalties for those who violate its provisions.

There is, however, a crippling loophole in the Texas Election Code. The candidate's reports cover only those transactions *under his authority and subject to his control*. This means that much of the spending in political campaigns is not accounted for, since volunteer labor, free rental, free printing, and free public relations work are only some of the ways in which contributors can avoid the letter of the law. Unions help through funds raised by special political education groups. Corporations can make available to the candidate public relations experts, secretarial help, and other valuable assistance at no cost to the candidate. Another weakness of the Election Code lies in the inadequacy of its provisions for full examination of campaign reports and for investigation of possible violations.

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costs? The variations are many: thirty-two require filing of campaign receipts by political parties, thirty-four by candidates; thirty-four require filing of campaign disbursements by political parties, while forty-five require it of candidates. In thirty-three states, corporations are prohibited from contributing, while four prohibit contributions by unions (Indiana, New Hampshire, Tennessee, Texas, and Nebraska only if the union is a corporation). No states prohibit contributions from other sources, with the exception of a few specific limitations in eleven states. Twenty-nine states place restrictions on the character of expenditures, while thirty limit amounts spent on behalf of candidates. One of the most important factors in promoting public awareness of campaign contributions is the timing of the filing of statements. Timing requirements vary greatly: some states require the filing of statements both before and after an election, while others require statements only after elections. In general, the public needs such campaign information before the election, but in Texas, the pre-election report tends to be scant in information, and the total picture of campaign expenditures and sources of money is not revealed until the post-election report.

Another method used by pressure groups to influence legislation is through the payment of **retainer fees** to lawyer-legislators for professional services that may or may not involve legislation. There is no practical way of ascertaining the exact basis of such employment. Some argue that retainer fees constitute legalized bribery, while others maintain that prohibition of such would be a violation of personal rights. Thus arises the question—does the knowledge and expertise of a legislator in a special field justify involvement resulting in private gain?

A similar ethical problem is raised when a legislator lobbies for himself and his associates on behalf of legislation that will affect holdings in which he has a personal interest. The Texas Constitution provides that "a member who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon." In 1957 the 55th Legislature passed an act amplifying this provision in great detail and stating that noncompliance would constitute grounds for expulsion. It is of interest that the act uses the phrase "*substantial* conflict with the proper discharge of duties in the public interest." Legislation introduced, but not passed, in both the 1965 and 1967 sessions spelled out "substantial interest" as meaning more than ten percent.

Among the many suggestions for reforms in lobbying practices, perhaps the Report of the Twenty-ninth American Assembly\* (held in 1966) represents the best composite of present thinking on the subjects of lobbying and conflict of interest. The report states: "Legislatures should address themselves to the important problem of campaign costs. Both the Congress and the state legislatures should consider adoption of tax incentives, such as limited tax credits and deductions, to encourage widespread popular financial support of candidates and parties. We also encourage the exploration of the possibility of government financing of legislative campaigns." The Assembly felt that "efforts to define and control conflicts of interest have satisfied neither the public nor the legislatures." It made the following recommendations: First, codes of ethics should be adopted for career, appointed, and elected public officials in all branches of state government; second, ethics committees or commissions should be created with advisory,

review, and investigative powers in regard to the activities of lobbyists; third, all instances of corruption should be vigorously prosecuted.

**REGULATION OF LOBBYING.** As noted in an earlier section, the 1957 Lobby Control Act in Texas defines lobbying as the attempt to influence legislation through direct communication either for pay, or on the behalf of others, or at a cost of over \$50 during a session. Any persons so qualifying as lobbyists are required to register with the Chief Clerk of the House and to furnish information both about themselves and their immediate employers. It should be noted that these provisions apply only to natural persons; they do not cover, therefore, corporations, labor unions, or other organized groups. They also permit the use of intermediaries, which means that the original sponsors of some lobbying activity and their expenditures need not be reported. The Act includes a prohibition concerning the giving or receiving of contingent fees (compensation dependent upon the passage or defeat of legislation), and a prohibition upon going on the floor of either house while in session unless by invitation. Penalties of up to \$5,000 in fines and/or two years' imprisonment are provided for willful violation of the Act's provisions.

It is generally agreed that the present definitions of lobbying in state statutes across the country are vague, ambiguous, and inadequate, thus making the task of interpreting and enforcing lobby regulations a difficult one. (The fact that lobby-control statutes have not often been challenged in the courts and only a few convictions have been upheld probably contributes to the lack of compliance with them.) For purposes of comparison, here are some of the variations to be found on the statutory meaning of lobbying:

Corrupt solicitation—a felony (Alabama, California)

Claim or representation of improper influence (rather than the act itself)—a felony (Arizona, California, Utah, Montana)

Personal solicitation unlawful unless addressed solely to the judgment (Georgia)

Personal, direct, or private influence limited to committee appearances and/or newspaper publications, public addresses, and written or printed statements or appearances as counsel (Idaho, Kentucky, North and South Dakota, Wisconsin)

Defined as hinging upon private pecuniary interest as opposed to interests of the whole people (ten states)

Five states have no lobby regulation whatever, while five states have laws covering only improper lobbying practices and setting specific penalties. The other states have some form of registration, established either by statute or by legislative house rule. One common prohibition (appearing in the lobbying regulations of twenty-five states) covers contingent fees. On the whole, however, regulation and registration provisions vary as widely as the definitions of lobbying do. One of the most peculiar variations is that some states that define lobbying as corrupt solicitation, punishable as a felony, also have registration laws for lobbyists.

Although state legislatures became concerned about lobbying as early as the 1880's, the federal government had no lobby controls until the Legislative Reorganization Act was passed in 1946. The Act compelled lobbyists to register with

\*The American Assembly, which was established by Dwight D. Eisenhower at Columbia University in 1950, holds nonpartisan meetings and publishes authoritative books to illuminate issues of U.S. policy. The sixty men and women comprising the Assembly represent a broad range of experience and competence in American leadership.

the U.S. House and Senate, but failed to designate any agency to be responsible for enforcing its provisions or for doing anything with the information except printing it in fine type in the Congressional Record. Such mere filing of information has been assessed as useless without an agency to classify, organize, and disseminate the information. Although the Act has been much criticized, it has not been rewritten.

Lobby regulations presumably have been based on the premise that public disclosure has value as a deterrent to undesirable conduct. The use of such information, however, by anyone "wishing to know," including the news media, is dependent on its being accessible in an organized, digestible form. Thirty-one states, including Texas, specify that registration records shall be "open for inspection"; and the state of Washington requires that all lobbying information be available in the President of the Senate's office for inspection by members. Some states make a real effort to make this information publicly available: California requires printing of registration and financial reports in the Assembly Journal; Wisconsin and Montana require that reports be delivered to the House at regular intervals; Michigan makes its Secretary of State responsible for furnishing copies of all registrations to members of the legislature; and Illinois requires a bulletin to be issued to the Assembly and to the press. In Texas the registration and expenditure reports of lobbyists are handled by the Chief Clerk of the House of Representatives, who provides the forms and maintains the records. Members of the legislature and the public have access to them.

**EFFECTIVENESS OF LOBBY LAWS.** Lobby control in its present forms has been called a "temporary disinfectant." Abuses now occurring in state legislatures would not be tolerated in the U.S. Congress. Yet some states began to regulate lobbying more than sixty years before Congress took such action. Why have state lobby laws failed? What are the alternatives to present methods?

At the root of the problem is the fact that in the strictest sense lobby regulation laws are not solutions at all. They are simply an application of a general principle to the more visible aspects of lobbying, the principle being that disclosure will serve the public interest by giving information about matters of public consequence. It assumes that if the facts are accessible, the public will seek them out and use where indicated.

Political interest groups, however, do more than hire lobbyists to represent them. This fact is not reflected in disclosure laws. The complicated procedure of lobbying, which has evolved in response to the demands of the interest groups and the increasingly complex legislative process, thus defeats the intention of disclosure laws as a means of lobby control. Factors contributing to the complexity of today's legislative scene are: proliferation of administrative agencies; growth of the legislator's workload; the pressures on him for specialization; decline of locality as the legislator's point of reference;

and his increasing role as middle man between his constituency and the executive branch.

The ambiguities and contradictions in the language of the statutes concerned with the definition and control of lobbying are another failing of the lobby laws. There is uncertainty as to just to whom they should apply. The requirements for registration and expenditure reports are demonstrably not comprehensive enough to ensure publicity on all lobbying activity. Penalties fail to specify the administrative procedures needed for enforcement. Whatever of value that could come from the disclosure laws has not yet sifted down into the mainstream of community opinion.

There are those who say that no lobby control laws will ever be effective in Texas unless all members of the House and Senate, as well as the lieutenant governor, are required to make public the sources of all their monthly and yearly income. Such a requirement, of course, would bring to light the retainer fee, which may or may not bring undue conflict of interest. The theory is that, as part of the public knowledge, the decision as to whether undue conflict of interest is involved could then be made by those interested in the public welfare. This requirement has been opposed in the past on the grounds that it is undue interference with personal liberty.

Two factors are of paramount importance in discussing lobby control laws and their effectiveness. First of all, the right of all individuals and groups to use legitimate means to make themselves heard in the legislative halls of our country must be preserved. This includes the rights of freedom of speech, press, petition, assembly, and association. Second, the men who serve as legislators should live and work by ethical standards that grow directly from the ethical standards of our society as a whole. Although we may want them to be more virtuous than the mainstream of society, the pressures upon them to be otherwise are at times compelling.

There are those who argue that what is needed most for effective lobby control are high quality legislators, sufficiently versed in the legislative process so that they are capable of recognizing any slanted or incomplete information or appeals made other than to reason. If we are to agree with this emphasis, then the key to effective regulation is not the formal control mechanism, but the legislator himself.

The second need may be for internal reforms that would make the legislator less dependent upon information from special interest groups. The legislator may wish to make wise and just policy in harmony with his own conception of the public interest, yet though he is exposed to the various sides of a public question, how can he evaluate this information unless he has an alternate source of informed opinion from his own experts? More competent professional assistance, more time to consider important legislation, and a lightened workload may be required if today's legislator is to achieve independence of judgment amidst the pressures of conflicting interests in the legislative arena.

LEAGUE OF WOMEN VOTERS OF TEXAS  
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Presidents Mailing  
November 1967

DISCUSSION QUESTIONS  
Facts and Issues #4  
"The Influence of the Lobby"

INTRODUCTION

These questions are intended as a help to you in guiding and stimulating your unit discussions on the last of our series of Facts and Issues on the Texas Legislature. They do not need to be included in the Report Forms that you send to the state office.

1. What are the functions of a lobby group in the democratic process?
2. What are some of the benefits of lobby groups? What are some of the dangers?
3. What lobby methods seem to be the most effective?
4. What problems arise in donations of pressure groups to political campaigns? Do you feel the present methods of reporting political campaign expenses are effective? What suggestions do you have for changing them, if any?
5. Evaluate Texas Lobby Control Legislation and its effectiveness. What suggestions do you have, if any, for changing this law?
6. When does the acceptance of a retainer fee or other financial gain constitute conflict of interest? What clarification could be made in this area?
7. What methods do you think would be most effective in protecting the public interest against undue pressure from lobby groups?

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What efforts are made in other states to control campaign

costs? The variations are many: thirty-two require filing of campaign receipts by political parties, thirty-four by candidates; thirty-four require filing of campaign disbursements by political parties, while forty-five require it of candidates. In thirty-three states, corporations are prohibited from contributing, while four prohibit contributions by unions (Indiana, New Hampshire, Tennessee, Texas, and Nebraska only if the union is a corporation). No states prohibit contributions from other sources, with the exception of a few specific limitations in eleven states. Twenty-nine states place restrictions on the character of expenditures, while thirty limit amounts spent on behalf of candidates. One of the most important factors in promoting public awareness of campaign contributions is the timing of the filing of statements. Timing requirements vary greatly: some states require the filing of statements both before and after an election, while others require statements only after elections. In general, the public needs such campaign information before the election, but in Texas, the pre-election report tends to be scant in information, and the total picture of campaign expenditures and sources of money is not revealed until the post-election report.

Another method used by pressure groups to influence legislation is through the payment of **retainer fees** to lawyer-legislators for professional services that may or may not involve legislation. There is no practical way of ascertaining the exact basis of such employment. Some argue that retainer fees constitute legalized bribery, while others maintain that prohibition of such would be a violation of personal rights. Thus arises the question—does the knowledge and expertise of a legislator in a special field justify involvement resulting in private gain?

A similar ethical problem is raised when a legislator lobbies for himself and his associates on behalf of legislation that will affect holdings in which he has a personal interest. The Texas Constitution provides that "a member who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon." In 1957 the 55th Legislature passed an act amplifying this provision in great detail and stating that noncompliance would constitute grounds for expulsion. It is of interest that the act uses the phrase "*substantial* conflict with the proper discharge of duties in the public interest." Legislation introduced, but not passed, in both the 1965 and 1967 sessions spelled out "substantial interest" as meaning more than ten percent.

Among the many suggestions for reforms in lobbying practices, perhaps the Report of the Twenty-ninth American Assembly\* (held in 1966) represents the best composite of present thinking on the subjects of lobbying and conflict of interest. The report states: "Legislatures should address themselves to the important problem of campaign costs. Both the Congress and the state legislatures should consider adoption of tax incentives, such as limited tax credits and deductions, to encourage widespread popular financial support of candidates and parties. We also encourage the exploration of the possibility of government financing of legislative campaigns." The Assembly felt that "efforts to define and control conflicts of interest have satisfied neither the public nor the legislatures." It made the following recommendations: First, codes of ethics should be adopted for career, appointed, and elected public officials in all branches of state government; second, ethics committees or commissions should be created with advisory,

review, and investigative powers in regard to the activities of lobbyists; third, all instances of corruption should be vigorously prosecuted.

**REGULATION OF LOBBYING.** As noted in an earlier section, the 1957 Lobby Control Act in Texas defines lobbying as the attempt to influence legislation through direct communication either for pay, or on the behalf of others, or at a cost of over \$50 during a session. Any persons so qualifying as lobbyists are required to register with the Chief Clerk of the House and to furnish information both about themselves and their immediate employers. It should be noted that these provisions apply only to natural persons; they do not cover, therefore, corporations, labor unions, or other organized groups. They also permit the use of intermediaries, which means that the original sponsors of some lobbying activity and their expenditures need not be reported. The Act includes a prohibition concerning the giving or receiving of contingent fees (compensation dependent upon the passage or defeat of legislation), and a prohibition upon going on the floor of either house while in session unless by invitation. Penalties of up to \$5,000 in fines and/or two years' imprisonment are provided for willful violation of the Act's provisions.

It is generally agreed that the present definitions of lobbying in state statutes across the country are vague, ambiguous, and inadequate, thus making the task of interpreting and enforcing lobby regulations a difficult one. (The fact that lobby-control statutes have not often been challenged in the courts and only a few convictions have been upheld probably contributes to the lack of compliance with them.) For purposes of comparison, here are some of the variations to be found on the statutory meaning of lobbying:

- Corrupt solicitation—a felony (Alabama, California)
- Claim or representation of improper influence (rather than the act itself)—a felony (Arizona, California, Utah, Montana)
- Personal solicitation unlawful unless addressed solely to the judgment (Georgia)
- Personal, direct, or private influence limited to committee appearances and/or newspaper publications, public addresses, and written or printed statements or appearances as counsel (Idaho, Kentucky, North and South Dakota, Wisconsin)
- Defined as hinging upon private pecuniary interest as opposed to interests of the whole people (ten states)

Five states have no lobby regulation whatever, while five states have laws covering only improper lobbying practices and setting specific penalties. The other states have some form of registration, established either by statute or by legislative house rule. One common prohibition (appearing in the lobbying regulations of twenty-five states) covers contingent fees. On the whole, however, regulation and registration provisions vary as widely as the definitions of lobbying do. One of the most peculiar variations is that some states that define lobbying as corrupt solicitation, punishable as a felony, also have registration laws for lobbyists.

Although state legislatures became concerned about lobbying as early as the 1880's, the federal government had no lobby controls until the Legislative Reorganization Act was passed in 1946. The Act compelled lobbyists to register with

\*The American Assembly, which was established by Dwight D. Eisenhower at Columbia University in 1950, holds nonpartisan meetings and publishes authoritative books to illuminate issues of U.S. policy. The sixty men and women comprising the Assembly represent a broad range of experience and competence in American leadership.

the U.S. House and Senate, but failed to designate any agency to be responsible for enforcing its provisions or for doing anything with the information except printing it in fine type in the Congressional Record. Such mere filing of information has been assessed as useless without an agency to classify, organize, and disseminate the information. Although the Act has been much criticized, it has not been rewritten.

Lobby regulations presumably have been based on the premise that public disclosure has value as a deterrent to undesirable conduct. The use of such information, however, by anyone "wishing to know," including the news media, is dependent on its being accessible in an organized, digestible form. Thirty-one states, including Texas, specify that registration records shall be "open for inspection"; and the state of Washington requires that all lobbying information be available in the President of the Senate's office for inspection by members. Some states make a real effort to make this information publicly available: California requires printing of registration and financial reports in the Assembly Journal; Wisconsin and Montana require that reports be delivered to the House at regular intervals; Michigan makes its Secretary of State responsible for furnishing copies of all registrations to members of the legislature; and Illinois requires a bulletin to be issued to the Assembly and to the press. In Texas the registration and expenditure reports of lobbyists are handled by the Chief Clerk of the House of Representatives, who provides the forms and maintains the records. Members of the legislature and the public have access to them.

**EFFECTIVENESS OF LOBBY LAWS.** Lobby control in its present forms has been called a "temporary disinfectant." Abuses now occurring in state legislatures would not be tolerated in the U.S. Congress. Yet some states began to regulate lobbying more than sixty years before Congress took such action. Why have state lobby laws failed? What are the alternatives to present methods?

At the root of the problem is the fact that in the strictest sense lobby regulation laws are not solutions at all. They are simply an application of a general principle to the more visible aspects of lobbying, the principle being that disclosure will serve the public interest by giving information about matters of public consequence. It assumes that if the facts are accessible, the public will seek them out and use where indicated.

Political interest groups, however, do more than hire lobbyists to represent them. This fact is not reflected in disclosure laws. The complicated procedure of lobbying, which has evolved in response to the demands of the interest groups and the increasingly complex legislative process, thus defeats the intention of disclosure laws as a means of lobby control. Factors contributing to the complexity of today's legislative scene are: proliferation of administrative agencies; growth of the legislator's workload; the pressures on him for specialization; decline of locality as the legislator's point of reference;

and his increasing role as middle man between his constituency and the executive branch.

The ambiguities and contradictions in the language of the statutes concerned with the definition and control of lobbying are another failing of the lobby laws. There is uncertainty as to just to whom they should apply. The requirements for registration and expenditure reports are demonstrably not comprehensive enough to ensure publicity on all lobbying activity. Penalties fail to specify the administrative procedures needed for enforcement. Whatever of value that could come from the disclosure laws has not yet sifted down into the mainstream of community opinion.

There are those who say that no lobby control laws will ever be effective in Texas unless all members of the House and Senate, as well as the lieutenant governor, are required to make public the sources of all their monthly and yearly income. Such a requirement, of course, would bring to light the retainer fee, which may or may not bring undue conflict of interest. The theory is that, as part of the public knowledge, the decision as to whether undue conflict of interest is involved could then be made by those interested in the public welfare. This requirement has been opposed in the past on the grounds that it is undue interference with personal liberty.

Two factors are of paramount importance in discussing lobby control laws and their effectiveness. First of all, the right of all individuals and groups to use legitimate means to make themselves heard in the legislative halls of our country must be preserved. This includes the rights of freedom of speech, press, petition, assembly, and association. Second, the men who serve as legislators should live and work by ethical standards that grow directly from the ethical standards of our society as a whole. Although we may want them to be more virtuous than the mainstream of society, the pressures upon them to be otherwise are at times compelling.

There are those who argue that what is needed most for effective lobby control are high quality legislators, sufficiently versed in the legislative process so that they are capable of recognizing any slanted or incomplete information or appeals made other than to reason. If we are to agree with this emphasis, then the key to effective regulation is not the formal control mechanism, but the legislator himself.

The second need may be for internal reforms that would make the legislator less dependent upon information from special interest groups. The legislator may wish to make wise and just policy in harmony with his own conception of the public interest, yet though he is exposed to the various sides of a public question, how can he evaluate this information unless he has an alternate source of informed opinion from his own experts? More competent professional assistance, more time to consider important legislation, and a lightened workload may be required if today's legislator is to achieve independence of judgment amidst the pressures of conflicting interests in the legislative arena.

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Presidents Mailing  
October 1967

DISCUSSION QUESTIONS AND REPORT FORM  
Facts and Issues #3  
"The Framework and the Functioning"

INTRODUCTION

This discussion report is to be used in the same way as those you received for Facts and Issues Numbers 1 and 2. Additional questions, as selected by your committee, can be discussed and the report of that discussion analyzed and listed on the back of this form. These questions are designed to stimulate your thinking on the various issues raised in the Facts and Issues and may be reworded or eliminated if you wish to pursue other areas included under the Structure and Functioning of the Texas Legislature.

Please send three copies to the state office as soon as your meetings on this Facts and Issues are completed and reviewed by your local Board. Final deadline for all four Discussion Report Forms is changed to February 15, 1968. EARLY RETURN WILL HELP TO FORMULATE AN EMERGING CONSENSUS BEFORE STATE CONVENTION.

1. Evaluate the effect of the following on the efficiency of legislators: size of the legislature; apportionment; terms of office; campaign costs; compensation; committee system.



2. What is the role of the lieutenant governor in the legislative process? Should it be changed? If so, how?

3. Evaluate the powers of the speaker of the house. Should they be expanded or diminished? How?

4. How does the committee system of the Texas Legislature function? Would you recommend modification of the system? If so, what modifications and why?

5. How do the length and frequency of the sessions affect the responsiveness of the legislature to present day demands?

6. What measures do you think would eliminate the last minute rush of the legislative session?

7. What proposals for reforms in structure and procedure suggested would be of most value in making the Texas Legislature more responsive to modern problems?



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DPM (2 copies  
to LLP)  
July 1968

BIBLIOGRAPHY FOR PHASE THREE  
A Study of the Texas Legislature

Phase Three will involve additional consensus on our present support positions resulting from the emerging consensus taken during our second year of study. The two previous Bibliographies will still be useful. They will be found in the gray covered Leaders Guide of October 1966 and the green covered Discussion Guide for Phase II of October 1967. In the following list the items designated by an asterisk (\*) are the ones judged most necessary if time is a limiting factor or may be the ones most likely to be readily available.

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# THE TEXAS LEGISLATURE

A Study By  
THE LEAGUE OF WOMEN VOTERS OF TEXAS  
Third in a Series

## THE FRAMEWORK AND THE FUNCTIONING

In the past decade American state legislatures have been under close scrutiny by educators, foundations, citizen groups, and by the legislators themselves. The focusing of attention upon this vital link in the American federal system and its ability to represent citizens in our complex modern society has resulted in proposals to alter its mode of behavior. In line with this national movement it would seem appropriate to assess legislative performance in Texas. What is the constitutional and statutory framework of the Texas legislature? How does it function within this structure? Are there alternatives that would make it more efficient and at the same time more responsive to the will of the people?

**MEMBERSHIP.** Although the constitutional requirements for serving in the Texas legislature are not very limiting, other factors, including voter preference and occupational background, play a role in determining the membership of this body. In the past lawyers have predominated in both houses, but legislators with a background in business or agriculture have also been common. The groups infrequently represented in Texas include women, Negroes, and Republicans. Men elected to the state senate usually have had previous political experience. The ease with which a person can absent himself from his regular occupation is an important factor in determining who seeks the office of legislator. This economic consideration also contributes to the high turnover in legislatures.

A recent report from the Committee for Economic Development (CED),<sup>1</sup> a nonprofit, nonpartisan group of leading businessmen and educators in the nation, in commenting on state legislatures in general, says, "Broad experience in a wide variety of modern institutions and affairs should be more characteristic of membership than at present." The report suggests that "the larger states should look forward to having full-time rather than so-called 'citizen legislators' who devote most of their attention to their own professions."

**SIZE OF LEGISLATURE, APPORTIONMENT, TERMS OF OFFICE.** The thirty-one Texas state senators are elected for a four-year term. In September of 1965, Texans approved an amendment to the state constitution that allows a single county with sufficient population to have more than one state senator, thereby making it possible for Texas to comply with the U. S. Supreme Court ruling on apportionment. Harris County now has five senators; at the other end of the scale is the senatorial district that contains twenty-seven counties.

The House has 150 members elected for two-year terms. A ratio obtained by dividing the population of the state by the number of House seats is used to apportion the members among the counties. After the 1960 census, the state was divided into eighty-six districts. Since the first reapportionment in 1881, the districts have increasingly deviated from the "ideally equal" district. In 1965, the legislature passed a House-redistricting bill complying with the "one man, one vote" ruling of the U. S. Supreme Court. A federal court decision upheld most of the act, but directed the legislature to make some corrections before August 1, 1967. The 60th Legislature (1967) passed a redistricting bill that permits a population deviation of 24.2% between the largest and smallest districts, that eliminates flatorial districts,\* and that, for the first time in Texas history, creates districts that cut across county lines.

The 1967 redistricting bill continues to allow multi-member House districts. Critics of the system charge that it discriminates against minority groups and small rural areas included in urban districts. If the districts were single member, these groups or areas might be able to elect a candidate more representative of their interests. Supporters of multi-member districts claim that such districts will be better represented by legislators elected at large, and that single-member districts in metropolitan areas are likely to foster conflicts among the legislators that will retard the progress of the region.

The CED report<sup>1</sup> says: "No state legislature should have more than 100 members. Smaller size would elevate membership status, increase visibility, and help in recruiting qualified candidates." Its recommendation that terms of office should be for four years echoes the suggestions made in Texas that House terms should be lengthened. Proponents for longer terms argue that it takes time for newly elected legislators to become familiar enough with legislative procedure to make a positive contribution. Opponents stress that the present system forces the legislator to be more closely attuned to the desires of his constituents.

**COSTS OF SEEKING OFFICE.** Filing fees vary according to the population of the district that the candidate represents—from \$1 to \$300 per county. Candidates for state-wide offices pay a \$1,000 fee. The 60th Legislature (1967) failed to pass a bill that would have set filing fees at 10% of the salary of the legislative office.

\*If a county has more than enough population for a district, it is given one representative, and then the surplus population is added to that from an adjacent county or counties to create another district — called a "flatorial" district.

The Texas Legislative Council reported on campaign expenditures in the first Democratic primary of 1956. Admittedly incomplete, the report indicated that candidates for the House had spent from \$250 to \$10,000, with the majority spending from \$2,000 to \$5,000. For Senate seats, campaign expenses began at \$3,000 and reached a maximum of \$40,000. Expenses a decade later are probably 25% higher.

**COMPENSATION.** It is commonly agreed that legislators' salaries and expense allowances should be high enough to enable any qualified person to serve without having to make a financial sacrifice. A constitutional amendment passed in Texas in 1960 provides for salaries of up to \$4,800 per year for legislators; each legislature since then has set the salaries at that figure. Expense allowances of \$12 per day are also paid for the first 120 days of a regular session and for the 30 days of a special session. Ten cents per mile is allowed for travel to and from Austin one time only at the beginning and end of a session. Legislators are covered by Social Security and belong to the state employee retirement system. A resolution proposing an amendment that would permit the salaries of the legislators to be set by the legislature itself, rather than through amendments to the constitution, failed to pass the 60th Legislature (1967). However, an amendment will appear on the ballot in 1968 that, if passed, could raise salaries from \$4,800 to \$8,400 per year and extend the per diem allowance to cover 140 days.

Each House representative is allowed one full-time and one part-time secretary during the session, while senators are allowed three to four full-time secretaries. In addition to this secretarial help, legislators are given a drawing account to cover the expenses of operating an office. Such allowances do not always cover expenses. (The power of the unethical lobbyist may be less when legislators break even on legitimate expenses.) The 60th Legislature (1967) passed a bill that raised the allowance for expenses between sessions to \$1,000 per month for senators and \$200 per month for House members.

In many states legislators are paid salaries that are for the entire legislative term. In other states they are paid on a daily basis. Biennial compensation ranges from \$200 in New Hampshire to \$20,000 in New York, with the median in the \$4,000 to \$4,800 bracket. Daily rates go from \$5 per diem in Rhode Island and North Dakota to \$50 in Louisiana, with a median daily rate of \$15.

Throughout the country, consideration is being given to increasing the salaries of legislators. Citizens' committees in Montana, Maryland, and Ohio have all recommended increased legislative salaries. In Idaho, Nebraska, North Carolina, Utah, and Washington, as well as in Texas, constitutional amendments that would either raise, or pave the way for raising, legislators' salaries will be voted on this year or next. The CED report<sup>1</sup> recommended that salaries be increased substantially (\$15,000 to \$25,000 minimum per year in the larger states) and indicated that such an increase was possible without increasing operating expenses "if the size of legislative bodies is reduced."

**THE LIEUTENANT GOVERNOR'S POWERS.** The lieutenant governor, who is elected by the voters of the entire state, is assigned by the Texas constitution the task of presiding over the Senate. In this position he is recognized as the Senate leader, because of the power

that current rules vest in the presiding officer. His leadership comes also from the fact that, as winner of a state-wide election, he represents powerful elements and groups in the state.

The lieutenant governor sets the size of the committees of the Senate and appoints their members and chairmen. In so doing, he can heavily influence what will emerge from committees and hence what business will be done by the Senate. Since he refers all bills to committee, the placement of a bill in a friendly or hostile one is at his discretion. (Bills, however, can be re-referred to other committees by a simple majority vote on the floor.) Through his power to make parliamentary rulings, the lieutenant governor can control Senate actions, and, in exercising the traditional power of recognition, he can control the consideration of bills on the Senate floor. The regular calendar order is often suspended by a two-thirds vote for the introduction of favored bills; persons sponsoring unfavored legislation may find it difficult to be recognized.

**THE SPEAKER'S POWERS.** The speaker of the House is formally elected by a secret ballot of its members at the beginning of each legislative session. In back of his election may lie several years of campaigning, for a candidate must line up support for his election no later than the session preceding the one in which he desires the speakership. Because he must have the votes of new members as well as returning members, he has to help in legislative contests throughout the state. His state-wide campaign is expensive. Just how expensive is not known because there are neither regulations regarding money received and spent nor requirements of sworn reports about contributions to his speakership campaign. However, the candidate who went on to win the speakership in 1961 had earlier told a reporter for *The Texas Observer* that his campaign would cost \$20,000. It can be assumed that the cost is now even higher—some mention a figure of \$70,000.

As presiding officer of the House, the speaker interprets House rules, refers bills to appropriate standing committees, and appoints all committee chairmen and vice-chairmen. Heretofore, the speaker has also appointed committee members, but new rules adopting a modified seniority system, to go into effect at the end of the 60th Legislature, limit him in future sessions to the filling of committee vacancies and the appointment of all members of the rules, House administration, and conference committees. The committee chairmen set the agenda and the date, time, and place of committee meetings, appoint sub committees, and refer bills to them. Thus the speaker, through his appointed chairmen, is in a position to control legislation. He also has the power to delay rulings.

**SALARIES OF THE PRESIDING OFFICERS.** At the present time, the speaker and the lieutenant governor receive the same compensation paid to other legislators. When the governor is out of the state, the lieutenant governor is paid compensation equivalent to that of the governor. In addition, each of them is furnished an apartment for himself and his family in the Capitol during the session. Proposals to raise the salaries of the lieutenant governor and speaker to \$18,000 a year were considered during the 1967 session, but they bogged down in the Senate. Supporters argued that because the position of presiding officer is more time-consuming than that

of the average legislator, the salary should be proportionately greater.

**COMMITTEES.** The Texas Senate has twenty-five standing committees. During the 1967 session, the House voted to reorganize and eliminate some of its forty-three committees. The House committees, if organized in future sessions under the same rules used in 1967, will also number twenty-five and will tend to parallel those already in existence in the Senate. This situation promises to encourage the use of joint hearings and the shared use of research material, which should save both time and money. Committee size ranges from five to twenty-one members. Members of each house serve on several committees; the activity and size of their committees determine their workload. In the House, the new rules attempt to equalize the workload by limiting members to serving on no more than three standing committees; chairmen of committees will be limited still further.

Lack of experienced legislators on committees can greatly impede the legislative process. Research covering the years 1935 to 1961 revealed that more than 70% of the legislators serving on the major House committees had had no previous experience on that committee; in the Senate, the figure was 35%. Among the committee chairmen in the House, 50% had had no previous experience on their committee; in the Senate, the figure was 17%. In an attempt to solve this problem in the House, where the situation is more acute because its members are elected for only two-year terms, pre-session orientation meetings have been held. In addition, a limited seniority system was established during the 60th Legislature to promote continuity and expertness on committees.

**LEGISLATIVE SESSIONS.** The Texas constitution states that the legislature is to meet in regular session once every two years. An amendment adopted in 1960 sets for the first time an explicit limit of 140 days on the length of a regular session. In addition to the regular session, the legislature may also be convened by the governor in any number of special sessions of no more than 30 days each. The governor is empowered by the constitution to specify what subjects these special sessions are to cover.

**ANNUAL SESSIONS.** The formulation and enactment of legislation demands and should receive a great deal of time and thought. The current nation-wide trend toward annual sessions of state legislatures has been brought about by their increased workload. Twenty-two states now have annual sessions, and three (Iowa, Idaho, and Utah) will vote on annual session proposals this year or next. Opponents of annual sessions in Texas state that the present system, with special sessions, allows for legislative sessions whenever they are necessary without the undue expense of annual sessions. Many recommendations have been made throughout the country, however, that legislative sessions should be on an annual or continuing basis without constitutional limits on subject matter or length. The reasons advanced for annual sessions are: they give more time for the study of problems and the proposing of legislation for their solution; they eliminate the long period between sessions when the legislative process can be initiated only by the governor; they reduce the number of ill-considered bills that are adopted in haste at the end of a session; they allow for more continuity; and they permit more effective use of

research and secretarial staffs. A pattern of annual sessions in Texas may have been initiated by the decision of the 60th Legislature (1967) to adopt a one-year budget, thus necessitating a special session in 1968. A change to annual sessions will probably increase the pressure on the public to give the legislators substantial salary raises.

**FLOOR ACTIVITIES.** A bill may be introduced in either house of the Texas legislature or simultaneously in both houses, except for a revenue bill, which must originate in the House. A bill may be conceived and drafted by someone other than a legislator (e.g., the governor, local governmental authorities, state agencies, pressure groups), but only a legislator may introduce it. He does so by filing the bill with the presiding officer or the Chief Clerk or by introducing the bill from the floor. Bills are numbered in the order in which they are introduced. The constitution limits the introduction of bills to the first thirty days of a session; this limitation, however, is regularly eliminated by the adoption of a simple or concurrent resolution at the beginning of each session that bills may be introduced in the first sixty days without restriction, with introduction after that by special consent. Pre-filing of bills, whereby bills to be considered are filed prior to the legislative session, would give legislators an opportunity to study the bills in advance and to consult with constituents about them before leaving for Austin.

After **first reading**, which is a reading of a bill's caption (a brief statement of its purpose and provisions), the presiding officer assigns the bill to a committee. After hearings and consideration of amendments, the committee makes its report. A favorable report (be passed) automatically means the bill will be printed, distributed to each member, and placed on the calendar. An unfavorable report (be not passed) can be overcome if a minority report is filed by committee members and accepted by the chamber; then the bill is printed and placed on the calendar.

In the Senate, bills are placed on the calendar in the order in which they are reported out of committee—regardless of number or importance. Placement on the calendar is no guarantee that a bill will be considered. In the House, under the new rules, bills reported out of committees will be arranged on the calendar by the rules committee in a manner ensuring priority to the most important. Special times can be designated for consideration of local and consent (uncontested) bills. Local and special bills, which cannot be studied in depth by the legislature in the little time available during its regular session, would be better handled at the local level or through executive agencies, but a change must be made in the state constitution if legislators are to be relieved of this time-consuming responsibility.

**Second reading** consists of consideration of the text of the bill by the entire membership. The bill is then rejected, accepted, or accepted as amended. If adopted, it is passed to engrossment (reprinting to incorporate amendments). **Third reading** consists of reading the title of the bill. It is followed by discussion, possible amendment by two-thirds vote, and then a final vote. The constitution specifies that bills are to be read on three different days, but a four-fifths majority can suspend this rule in the case of an emergency.

If expenditure of money is involved, the bill is sent to the comptroller for his certification that the amount appropriated is within the amount estimated to be available. If not available, he returns the bill to the legislature, where steps must be taken to reduce the appropriation or provide additional revenue. In case of an emergency or "imperative public necessity," a four-fifths vote of the total membership of each house can override this restriction.

Once a bill is passed in identical form by each house, it is sent to the governor for his signature or veto. A two-thirds vote in each house may override his veto. An unsigned bill can still become law if it is not returned to the legislature within ten days, or, in the case of an adjourned legislature, if the governor does not register his disapproval with the secretary of state and publicize his action within twenty days (Sundays excluded).

**MECHANICAL AIDS.** In the House, an electronic voting machine is used to tabulate totals on all votes; it also records names for record votes. In the Senate, all voting is done by voice. Therefore, unless voting is done by roll call, the presiding officer determines whether the yeas or nays have the majority. If a voting machine were used in the Senate, it would erase all doubts about the outcome of each vote.

A public address system is used in the House by the presiding officer and by members who wish to address the chamber. The Senate does not use microphones, making it difficult often for interested observers to hear the proceedings.

**COMMITTEE ACTIVITIES.** Standing committees have the function of considering the bills referred to them after initial introduction in the legislature. This procedure of referring all bills to committees serves the purpose of screening the bills presented so that impractical or undesirable legislation can be discarded. The use of subcommittees has a further screening effect. It is possible, but not too easy, for a member to request that a bill be re-referred to another (and, hopefully, more favorable) committee. If no action is taken by the committee on a bill, it dies.

**Hearings** in the House are conducted after at least a forty-eight-hour advance notice stating time and place. If the hearing is to be held with less than this notice, the committee must suspend the rules by a two-thirds vote; such a suspension usually occurs only at the end of a session. The forty-eight-hour advance notice is required of Senate committees only if a senator submits a written request in time to the chairman. Otherwise, the committee by majority vote can set the order of appearance and time allotted for interested persons to appear before it in public hearings. There has been some question whether the advance publicity and the subsequent newspaper reporting in the past have been adequate in fulfilling the function of committee hearings to establish a dialogue between legislator and constituent.

**Conference committees** are created to give final form to a bill when the two chambers of the legislature have passed differing versions. The chamber originating the bill requests a conference committee, by a simple majority vote, when it is unable to accept the amendment of the other house. A conference committee is called only if the second house agrees by a simple majority vote.

The speaker and lieutenant governor each appoint a five-member committee from their respective houses to serve on the conference committee; the chairman is selected by and from the members of the committee of the originating house. To resolve a dispute, a majority of each chamber's committee must be in agreement.

Conference committee reports must be accepted or rejected in total. This fact has given rise in the past to the practice of conference committees' attaching "riders" to bills (especially appropriation bills) that are not related to the bill's main subject. Although such riders are subject to point of order, they have frequently been passed because of the pressure of time and the necessity of passing essential legislation.

In the 60th Legislature (1967), the House proposed new rules that would limit the discussions and actions of conference committees to only those matters in disagreement between the two houses. Under these rules, which were adopted by the House, but not the Senate, committee members would not be permitted to change, alter, amend, omit, or add text on any matter not in dispute, or to add text on any matter not already included in either the House or Senate version of the bill. The presiding officer would determine whether or not the rules had been followed. Limitations on conference committees dealing with appropriations, tax, reapportionment, and recodification bills could be suspended by a concurrent resolution passed by a majority vote in both houses. Reports of bills from these committees were to be furnished to legislators forty-eight hours before any action could be taken. Other types of bills have a twenty-four-hour limit.

**Interim committees**, which meet between sessions to consider possible legislation, have not been fully utilized in Texas. The advantages of researching and considering legislation without the pressure of the legislative session are obvious. Seventy interim study and investigating committees were created by the 1967 Legislature, but shortage of funds and lack of time on the part of legislators have caused most of their business in the past to be conducted by letter rather than by meetings.

**THE CHALLENGE.** The task of making the structure of the state legislature most efficient and most responsive to the people's will is a complex one. But the price of failing to do so is exorbitantly high. The challenges are reflected in a statement by Jesse M. Unruh, Speaker of the California Assembly: "No other governmental body deals more directly and continuously with the quality of life in America than the state legislature. . . . The principal requirements of modern political structures are flexibility and imagination in response to the wide range of urgent problems which government has never dealt with before."<sup>2</sup> It will take the education and constant efforts of all responsible citizens to maintain a system that can meet the challenges.

1. Committee for Economic Development, "Modernizing State Government," as cited in *State Legislatures Progress Reporter*, June-July, 1967, Vol. 2, No. 9.

2. Jesse M. Unruh, "Reforming Our Legislatures" (address before the Young Democratic Clubs of Maryland, April 14, 1967), as cited in *State Legislatures Progress Reporter*, June-July, 1967, Vol. 2, No. 9.



# THE TEXAS LEGISLATURE

A Study By  
THE LEAGUE OF WOMEN VOTERS OF TEXAS

Second in a Series

## THE INFLUENCE OF THE GOVERNOR

**GROWTH OF EXECUTIVE INFLUENCE.** Under the first state constitutions, supreme power rested with the state legislatures. The powers of the governors, by contrast, were sharply limited. Usually, the governor was appointed by the legislature for a short term, was not expected to recommend legislation, and in only two states was given the veto power.

The twentieth century has seen the governor become increasingly important in the legislative process. In large part this development reflects a general desire for stronger executive leadership to cope with the urgent problems of modern life. State legislatures have difficulty in dealing with these problems for many reasons, among them lack of staff and shortness of time in which to consider the large number of bills presented. In Texas, however, the legislature is reputed to be the dominant branch of state government, although the influence of the governor has gradually increased.

The effectiveness of governors in influencing legislation depends upon their use of both the legal and the informal means of leadership available to them. What legal powers over legislation has the governor in Texas? And how effective are his informal methods of influence?

**THE VETO.** The governor's most effective constitutional tool for legislative leadership in Texas is the veto power, which is possessed today by the governors of all the states except North Carolina. He is almost completely in control of any measure which he vetoes or threatens to veto, because to override a veto requires the favoring vote of two-thirds of the members present in each house of the legislature. No veto has been overridden for well over two decades. During the period from 1875 to 1963, only a little over 8 per cent of the vetoes while the legislature was in session were overridden.

Of the 1,715 measures enacted by the 59th Legislature (1965), Governor Connally vetoed 40. He vetoed 40, also, of the 825 bills passed during the regular session of the 60th Legislature (1967). Through the years, consideration of public policy has been the reason most frequently given by Texas governors for their vetoes. Other reasons given have been unconstitutionality, improper drafting of bills, and fiscal imprudence.

In Texas, as in forty-one other states, the governor has the power to veto individual items in appropriation bills without vetoing the entire bill. Item vetoes may be overridden by the legislature in the same way as other vetoes, but in practice overriding does not occur because the major appropriation bills, which are usually itemized, are generally not passed until shortly before the end of the session.

Court decisions have somewhat restricted the Texas governor's power of item veto. For example, the governor cannot reduce items in an appropriation bill or eliminate qualifications or directions for their expenditure. Also, if the governor files objections to items in an appropriation bill during the session, he cannot later veto other items in that bill after adjournment of the legislature.

**MESSAGES.** The state constitution requires the governor to give to the legislature, by message, at the start of each session and at the close of his term of office, information as to the condition of the state. He is also required to recommend such measures as he deems expedient, and to present his budget within five days after the session begins. His "State of the State" message, delivered in person at the start of the session and given statewide coverage on TV, radio, and in the newspapers, presents his general recommendations for legislation and his estimate of which are most important. Governor Connally's message to the 60th Legislature (1967) dealt with some thirty major subjects, ranging from constitutional revision by convention to traffic safety.

How important are such messages in the governor's relationship with the legislature? They are his chief means of setting forth his legislative program and focusing public attention on it, but much more is necessary to get his program enacted. Bills must be drafted and managers found for them, and support in the legislature must be recruited for every step of the way from introduction to enactment. During the session the governor's staff includes administrative assistants who handle legislative matters, testify before committees, and obtain witnesses for particular bills. The effectiveness of messages in influencing the legislature seems to depend upon the governor's skill in using his other powers and devices for legislative persuasion.

**SPECIAL SESSIONS.** Another important legislative power granted to governors by state constitutions is that of calling special sessions. Governors call special sessions for many reasons: to complete passage of needed legislation, for example, or to deal with emergencies, or to put a program into operation more quickly. The special session may serve as a device for gubernatorial influence on legislation, as it is a means of drawing public attention to an issue which is part of the governor's program. Since legislators as a rule do not like to leave their jobs to attend special sessions, a threat to call one may be enough to get legislators to support the governor's program during the regular session.

The governor in every state is empowered to call special sessions. In all but fourteen states this power is

his exclusively, and in most of the states it is he who specifies the subjects of legislation to be considered. In seven states the governor must call a special session if he is petitioned to do so by a specified majority of each house. In six states the legislatures are authorized to call special sessions.

In Texas the governor's power to call special sessions includes the constitutional authority to specify what is to be considered in them. The number of special sessions he can call is not limited, but the maximum duration of each session is restricted to thirty days. Nor does the governor have complete control over the agenda, for although he can specify the subject matter for the session, he cannot limit the legislature's consideration to only the details he specifies. Simple and concurrent resolutions, which are not considered to be "legislation," are beyond his control. Too, his agenda must often include subjects particularly wanted by the legislators if he is to have their support for his projects. Furthermore, the courts have upheld the validity of legislation on topics not included in the governor's call.

From 1876 through 1967 there have been sixty-nine special sessions of the Texas legislature, called by twenty of the twenty-four governors who have held office during that period. Most of these sessions have dealt with financial crises or emergency conditions. Five special sessions, the largest number for any one legislature, were called in 1929 - 1930 by Governor Dan Moody, primarily to effect prison reform, provide more money for education, and establish civil service regulations for state employees. Governor Connally called a special session in 1966 to rewrite the voter registration system, as a result of the U. S. Supreme Court decision that ruled the requirement of a poll tax receipt for voting unconstitutional.

**BUDGETARY POWERS.** In forty-four states the governor is responsible for preparing and submitting the budget to the legislature. In one state—Arkansas—the legislature has this responsibility, and in the remaining states budget preparation is done by boards or commissions.

In Texas two budgets are presented to the legislature: one by the governor and the other by the Legislative Budget Board, which is composed of four representatives and four senators plus the speaker of the House and the lieutenant governor (who appoint the members from their respective houses). Ordinarily, the legislative budget is smaller than the executive budget, and the legislature tends to prefer the budget prepared by its own board to that of the governor.

The dispute over proposed new taxes was the main cause of the 60th Legislature's taking the unprecedented step, at the governor's urging, of appropriating money for the state government for only one year instead of the normal two.

**INFORMAL POWERS.** The governor's role as legislative leader comes only partly from his constitutional and statutory powers. There are many other factors that enhance his influence.

One of these factors is that, as chief of state, he is the best known state government official; he represents the state in national and state affairs, and he is responsible to a statewide constituency. The governor's activities, which are widely publicized, help him in exercising legislative leadership, even when they are purely social or ceremonial, because they add to his prestige and hence to his persuasiveness in dealing with members of the legislature. In exercising his power of appointment to some 110 boards and commissions, he can also exert influence on legislation by appointing individuals who will favor legislation he is promoting.

Another factor is the position of the governor as titular head of his political party. In Texas he can generally count on the state executive committee and many local party leaders to support his legislative program. At state conventions he can exert legislative leadership through his speeches, through the party platform, the writing of which he usually controls, and through his many contacts with the party faithful. His party position is also of importance in influencing the selection of legislative leaders. Unless he can have the cooperation of most of these leaders, his legislative program has little chance of adoption.

Another important factor is the personal qualities of the governor himself. Former Governor Allan Shivers has this to say: "The personality, persuasiveness, reliability, flexibility, determination and courage of the Governor can, and do, make the difference between success and failure of a legislative program."\*

**LEGISLATIVE SUCCESS OF GOVERNORS.** How have the legislative programs of Texas governors fared? Governor W. Lee O'Daniel (1939-1949) probably had the least success in getting the important features of his legislative program passed. Governor Allan Shivers (1947-1957), with his previous experience of twelve years in the legislature and two and a half years as lieutenant governor, was especially successful with his legislative program. Governor John Connally (1963-) had notable success with the 59th Legislature (1965). He has estimated that 80 to 85 per cent of his program was enacted by the 60th Legislature (1967) in regular session although several of his major recommendations were not.

**CONCLUSION.** "I think it may be truthfully said that the Governor's relationships with members of the Legislature are the most delicate, the most fascinating, and the most rewarding of his activities." — Former Governor Allan Shivers.\*

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\*Allan Shivers, "The Governor's Office in Retrospect," in *Governing Texas: Documents and Readings*, edited by Gantt, Dawson, and Hagar (New York: Thomas Y. Crowell Co., 1966).

T.leg. facts + issues

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BASIC BIBLIOGRAPHY for PHASE ONE  
STUDY of the TEXAS LEGISLATURE

Among the materials listed, the Texas Legislative Manual, the Legislature Kit and at least one of the texts are essential reading for a well-informed Resource Committee. If possible, try to read several of the texts, since they are written from different points of view, and greater stress is placed on some items than on others by the various authors.

TEXAS LEGISLATIVE MANUAL, official handbook used by members of the legislature. A must reference volume. Contains: The Constitution as amended, Rules of the Senate, Rules of the House of Representatives, The Joint Rules. Can be secured in paperback through your Senator or Representative at small cost, or possibly no charge.

Benton, Wilbourn E., TEXAS: ITS GOVERNMENT AND POLITICS; Second Edition, 1966  
Prentice-Hall, Inc., Englewood Cliffs, N.J. Price \$4.95

One of the newer texts, contains up-to-date information on the legislature in Chapters 5, 6, and 7. Be sure to include also Chapters 1 and 2 in your reading, for background information on population trends and other forces having impact on the legislature.

Gantt, Dawson, and Hagard, GOVERNING TEXAS: DOCUMENTS AND READINGS; 1966; Thomas Y. Crowell Company, N.Y. \$2.95

A collection of articles on Texas government, five of which concern the legislature. The most revealing single article we found on the functioning of the legislature. "The Texas Legislature From Within", by Dick Cherry, has been reprinted from this collection with the permission of the publisher, for inclusion in our Texas Legislature Kit.

League of Women Voters of Texas, TEXAS CONSTITUTIONAL REVIEW; League of Women Voters Education Fund, Washington, D.C.; Revised, 1966

You have received this publication. The section on the Legislature contains valuable background data.

MacCorkle and Smith, TEXAS GOVERNMENT; Fifth Edition, 1964; McGraw Hill, Inc. N.Y.C. \$ 4.95

A fine basic text. Three chapters, Nos 4, 5, and 6, concern the legislature, you will wish to read also the information on election campaigns in Chapter 1.

McCleskey, Clifton, THE GOVERNMENT AND POLITICS OF TEXAS; Second Edition, 1966  
Little, Brown & Company, Boston, Mass. \$3.95.

Newest book on Texas Government. Be sure to include pages 70 to 79 as well as Chapters 5 and 6 in your reading.

McCleskey, Clifton, THE GOVERNMENT AND POLITICS OF TEXAS; First Edition, 1963  
Little, Brown and Co., Boston, Mass.

Similar to the newer volume described above, but the case study is the 1961 tax issue which resulted in passage of the sales tax legislation.

Patterson-McAlister-Hester, STATE AND LOCAL GOVERNMENT IN TEXAS; Third Edition, 1961; Macmillan Co. N.Y., Dallas

Another excellent basic text. Chapters 7 and 8 are devoted to the legislature.

T. Leg. facts + issues

TO: Local League Presidents, Program Vice Presidents and State Item I Chairmen  
FROM: Mrs. F. L. Duckworth, State Legislature Chairman, LWV of Texas  
RE: Revised titles and publication dates of material on the Texas Legislature Study  
September 1967

This brings good news - and bad. The good news is that the Legislature Committee is planning four Facts and Issues on the Texas Legislature. Then not so good is the fact that we must again revise publication dates on this every member material. In the event that you will need to revise your calendar to allow for the delay, here is the proposed schedule:

- #1 - Aids for the Texas Legislators - June - four pages
- #2 - The Influence of the Governor - September - two pages
- #3 - The Framework and the Functioning - Late September - four pages
- #4 - The Influence of the Lobby - October - four pages

The publication formerly referred to as "Structures and Procedures" is The Framework and the Functioning. The one on "Outside Influences" is divided into the two-page Influence of the Governor and #4 Influence of the Lobby. The original designations were simply "working titles". We hope to make this series of publications attractive to non-Leaguers, as well as League members.

A great deal of practical guidance on actual legislative procedures and possible areas of reform will come to you from your legislators. Many Leagues have scheduled fall meetings with lawmakers and other outside experts. There can be no more useful background for later discussions. Many areas, for instance the powers of legislative leaders, require first hand observation for proper evaluation. Many of the "inner workings" of the state legislature are not written up in publications or the press. We urge you to share the "pearls of wisdom" from your lawmakers with us. You may wish to do this by a VOTER article or by an informal report to state office or the state chairman. We are hearing "quotable quotes" from Leagues who have had summer Legislative Roundups.

The DISCUSSION GUIDE AND BIBLIOGRAPHY for Phase II will be ready in late September, along with the Supplementary Legislature Kit. Possibly the best resource material will be the newspaper clippings which your committee has accumulated from the recent session. Jewell in THE STATE LEGISLATURE, POLITICS AND PRACTICE says, "Politics is the key to understanding the American state legislature; yet the casual newspaper reader may learn more about the politics of his legislature than a student who peruses all the scholarly literature available on the subject." This is especially true right now when many groups are studying legislative reform. Recent articles, such as TIME's of August 4, 1967, about the report of the Committee for Economic Development, should be especially pertinent. If your League does not yet have a copy of this complete report, they are available for \$1 from Mr. Ernest W. Gross, Director of Distribution, Committee for Economic Development, 711 Fifth Avenue, New York, New York 10022.

The Leader's Guide and Legislature Kit prepared for Phase I are still essential for resource committees. Aids for the Texas Legislator with its accompanying discussion questions and suggestions will start you on Phase II until the other Facts and Issues are in your hands.

\* \* \* \* \*

10-16-67

MEMORANDUM FROM:

League of Women Voters of Texas

1841 BINGLE ROAD • HOUSTON, TEXAS 77055

TO: Helen Duckworth

From: Janice May

Dr. MacOrtle has left the University of Tex. permanently. His place has been taken by Prof. Lynn Anderson (who does not have a Ph.D. so don't call him "Dr."). His address is Pearce Hall 1030 U of Tex, Austin 78712 or simply address <sup>yourself</sup> to Professor Lynn Anderson, Director, Institute of Public Affairs, U. of T., Austin 78712.

H. Clefton McCleskey is Associate Professor of Government at the U of Texas & author of the text, the Government and Politics of Texas. He should certainly set your matters

We also send our materials to Prof.  
Wilbourn E. Benton, Professor of Government  
at Texas A. & M. University.

A good friend of the League is J. William  
Davis, Professor of Government, Texas Tech.  
You know of him, of course.

In general - I think your news  
items are good - that is, for the kit. We can  
have controversy in the news items.  
I wouldn't be too concerned about  
the empty space on F & I No. II. I had the  
same problem with some articles I did for  
The Voter. Apparently it is not yet a  
science - that is, determining the ratio  
between printed & typed pages.  
The F & I No. 2 looks good despite the size of  
the band.

October 10, 1977

To: State Office c.c. Brownscombe, May, Ramey, Martin, Wackerbarth,  
From: Duckworth  
Re: Courtesy 1 copies of F & I #2

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Also Mr. Wm. J. D. Boyd  
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Mrs. Anona Teska, Program Secretary  
League of Women Voters of the U. S.  
1200 17th St., N. W.  
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Mr. Robert N. Brewer  
Research Assistant  
Citizens Conference on State Legislatures  
910 Pennsylvania  
Kansas City, Missouri 64105

Send the complete series:

Dr. Stuart A. MacCorkle  
Professor of Government  
University of Texas  
Austin, Texas

Dr. Comer Clay, Government Dept.  
Texas Christian University

May I have 10 copies of Facts and Issues #2 to give as courtesy  
copies?

Thank you.

## THE TEXAS LEGISLATURE

Presentation by Mrs. F. L. Duckworth  
Presidents' Council, 1967

Presidents' Mailing

As is true of every program item at every Presidents' Council, today we find ourselves at mid-point in our study of the Texas Legislature. Meetings planned to provide background knowledge for observing the Legislature at work during the current session have been held by local Leagues, and, judging from comments which we have been hearing, these have resulted in a new awareness of both the challenges and the problems which face the members of the Legislature.

Last year in Fort Worth, when choosing to study the Texas Legislature, convention delegates made it clear that they wanted more than what they termed "a text-book" approach to the study. They wanted to know "what really goes on behind the scenes" during a session--what "really happens" to a given piece of legislation as it is passed or goes down in defeat. The committee has made every effort to do this.

The initial plan of dividing the study into two phases seemed appropriate. Phase I has included a study of the Texas Legislature as it is, and observation of the Legislature at work; Phase II was to be the evaluation time, during which we planned to examine the results of the session and look at certain criticisms which have been levelled at the Texas Legislature, along with suggestions for improvement and comparisons with legislative procedures in other states. In this way we felt that the strengths as well as weaknesses might be found, and a consensus reached which could form the basis for evaluation of future proposed changes affecting the Legislature.

In considering the material to present, the problem was not in a lack, but rather in an embarrassment of riches. The several excellent texts listed in the bibliography cover the subject quite thoroughly. The authors are surprisingly candid in their appraisal of the Legislature; each presents his particular theory as to possible improvements which could or should be made. Quite fortunately, these were written from varying points of view, so that presentation of a one-sided picture was not a problem. In addition, we had the League's own experiences with legislation to draw on. A number of excellent newspaper articles served to amplify the basic information.

In order to make these available to the local Leagues, a KIT was assembled, containing articles which we were able to obtain permission to reprint and certain League-prepared materials. This accompanied a LEADER'S GUIDE, which had a new look, since it contained basic information in outline form for ready reference by discussion leaders, in addition to the bibliography and program helps which a Guide usually contains.

I might explain here that early in working on the item, we were informed of a number of structural and procedural changes which various legislators planned to propose; for this reason the committee felt that publication of membership-oriented material should be delayed until after the legislative session; we did not feel it wise to go to the expense of publishing material which might have been made obsolete shortly after its completion. Accordingly, the only membership material prepared was the article for the September TEXAS VOTER. This contained a very general discussion of structure, procedures, and influences affecting legislation, in the hope that it would arouse the interest of the membership as a whole in doing some extra reading and research on this item.

Frankly, we were quite unprepared for the enthusiasm with which this material was received. The materials have enjoyed a brisk sale; various methods of presentation

(OVER)



have been employed, including several "Go-See" tours; and it is a safe bet that tomorrow's visit to the hill will hold even more than the usual interest for the participants.

Between now and the closing hour of Council when direction for next year's program is requested, we would like the delegates to consider the form in which you would like next year's material presented, keeping in mind the general plan of reviewing the session in general, considering suggestions for improvement, and comparisons with procedures in other states. The committee, with state Board approval, had thought in terms of four pamphlets in the FACTS and ISSUES format, accompanied by a second Leader's Guide containing discussion helps and consensus questions; this could contain a ready reference outline for the discussion leader similar to that in the first Guide, if this proved helpful. One of the pamphlets might deal with Structure, another with Procedures, a third with Outside Influences Affecting Legislation, and one with Aids which are made available to legislators to assist them in handling their work load. We had hoped to have the last-named of these in your hands by this time. The former chairman, whose resignation was made necessary by her moving out of the state, has asked that I present her apologies for not having been able to fulfill this promise. Copy is nearly ready to go to printers now, however. Would you like to have this as soon as possible, or would you prefer that it be held and distributed with the other three? This, of course, assumes that you like the general plan, and that no one comes forward with a different and better suggestion.

Our sincere desire is to give you interesting, usable material. You can help us. Please make your suggestions and wishes known during the Little Meetings or in your conversations with the state Board.

\*\*\*\*\*

LWV of Texas, 4/67