

THE SENATE'S "AUTOMATIC MACHINERY"

(Article by Raymond Brooks, Dean of Capitol Press, which appeared in his column, Capitol, in the Austin AMERICAN-STATESMAN of February 18, 1965. Reprinted by permission by League of Women Voters of Texas, 1966.)



By RAYMOND BROOKS

The Senate has set up its "Automatic" machinery for mowing the underbrush of several hundred local and uncontested bills this session, and keeping them out of the way of big debates and controversial legislation soon to come up.

The upper house quickly defined the atmosphere or "temper" of this session, as one of prosaic work over most of the range, but with first-rate oratorical gladiatorship awaiting half a dozen or more issues.

Senators started introducing local bills quickly, and this time the committees whipped them out until there is now a lengthy "calendar" of bills ready for floor action.

But the unique procedure by which the Senate clears its decks is the "local and uncontested" calendar and special sittings of the Senate to act on it.

A committee has been named, and all members can ask that bills be put on the uncontested calendar. If there are objections, when the bills are reached, they are laid aside and put back in regular order.

What makes the whole thing run with express train smoothness is the custom of having Senator Dorsey B. Hardeman preside at the local and uncontested sessions. He runs the bills through the entire ritual of enactment, all the way from first reading to final passage, in about 50 seconds per bill. But he doesn't miss a word of the parliamentary formula, nor either of the two roll calls required for immediate final passage and immediate effectiveness of each bill.

Senate Secretary Charles Schnabel, instantly when Hardeman orders a roll call, says, "Thirty ayes, no noes" — or whatever number of senators then present. Occasionally just to show that all the rules are being complied with, some senator will say, "show me voting no;" and Hardeman is the one who most frequently does it.

The calendar is safeguarded, in that if any member has any question about the bills, he can knock it off the uncontested calendar. And each of the bills has had a committee report in advance, in which the absence of any opposition or contest has been established.

In the bills being passed during the first 60 days of session, a constitutional rule must be suspended. There also is a rule against taking bills up out of order which must be suspended, so that really controversial issues aren't likely to occupy much time before the end of the 60-day "introduction of bills" period, which is on or about March 9.

Thus, Senator William T. Moore's constitutional amendment for equal women's rights was at the top of the calendar and eligible to be debated so far as the calendar itself was concerned. But the 60-day rule still had to be met, and so the 26-4 roll-call was made, giving it the necessary margin to be discussed at this stage of the session.

In general, the session rules keep the doors open for easy enactment of all the mass of little legislation — raising shorthand reporters' salaries, repealing hospital districts, special game or fish laws, or putting counties under general state regulatory powers; a mass of trivial changes in the laws relating to special types of little local insurance companies.

There is a big question whether that sort of trivia ought to require the time and attention of the legislature of a state, but as of now "it is the law," and they make the best of it.

Behind all the ease and mechanical facility of railroad-ing the "little bills" through is the question whether this leaves open the way for someone to slip in some jokers or sleepers. It can be reported that this isn't the place where such things occur, and that there are enough members watching events in committee and on the floor to tag anything exceptional in the minor bills.

It is the massive, complicated and difficult major legislation in which the changing of a word or switching of a comma may have important legal effect; and most often, the truly significant enactments that members find they didn't know anything about until after voting them through, come in the adoption of conference reports, in which only 10 members, and not always that many, have ever seen or discussed the words that became the law.

RIGHT-TO-KNOW BILL MAY BE PASSED

(Article by Gayle McNutt, Austin Bureau of the HOUSTON POST, which appeared in that paper August 21, 1966. Reprinted by permission by League of Women Voters of Texas, 1966.)

Right-to-Know Bill May Be Passed in Texas

By GAYLE McNUTT
Post Austin Bureau

AUSTIN — Government of, by and for the people is the foundation of the United States and all its political subdivisions.

But how much the people are entitled to know about how their government is being run is largely left up to the discretion of public officials. This is particularly true of state and local government in Texas.

IN CONROE recently, Justice of the Peace Bob Yancey had a Houston Post reporter jailed for demanding to see his criminal docket—a public record that is generally taken for granted. That was on the lowest level of government.

In San Marcos last week, Mayor Ellis Serur ejected reporters from a city council meeting called to discuss an impending bond issue.

"It's not in the public interest for the public to know about this bond election," a reporter was told by the mayor.

On the state level, Land Commissioner Jerry Sadler has on several occasions refused to allow reporters to see even the minutes of Veterans Land Board meetings. Under an antiquated 1889 law governing the land board, he can legally do so.

The Texas Parks and Wildlife Commission Chairman, Will Odom, candidly told reporters recently his three-man commission, which controls a multi-million dollar budget, prefers to meet in "private" sessions rather than open all its meetings to the public. And a reporter who asked to see minutes of the commis-



sion's meetings was told they could be shown only with the permission of the department's executive director. He was not in the office at the time and the reporter did not get to see the minutes.

This policy has since been changed and the minutes are now available to the public without executive authorization.

The directing bodies of many state agencies, as well as local governing bodies such as city councils and school boards, conduct much of their business in "executive" sessions or informal meetings which are closed to the public. They then hold scheduled

meetings, open to the public, at which business matters are rapidly disposed of without discussion, that having been privately disposed of in advance.

ONE OF THE greatest examples of secrecy in government is in the Texas Legislature itself, where 10 men work behind closed doors to draft a multi-billion dollar state budget. The Appropriations Conference Committee, made up of five senators and five representatives, is so elite that not even the governor or the other 171 state legislators can attend its meetings.

—Post Drawing by Bud Bentley

It is supposed to adjust differences in the appropriations bills passed by the House and Senate, but actually it redrafts the entire bill, making additions, deletions or any changes it sees fit. In effect, it drafts the bill. And the financing bill the committee drafts must either be accepted or rejected "as is" by the Texas Legislature.

All of the described acts of secrecy and many more just as flagrant take place regularly in Texas, despite the fact that there is no constitutional authority for them.

ANY NEWS reporter — or any citizen and taxpayer—is simply shut away from what his government is doing.

Of course, not all public bodies and officials follow such practices. Many — probably most—conduct the public's business in the open, in front of the people who elected them. But under present state laws it is possible for most public officials, if they so desire, to conceal much of what they are doing from the people who elected them.

There are some indications now, however, that laws may be enacted soon in Texas to set down the policy that the people have the right to know what their government is doing.

Congress set down such a policy for federal agencies earlier this year and President Lyndon Johnson, who had earlier opposed the bill, signed the Freedom of Infor-

mation Act into law July 4. The act limits the power of federal officials to withhold information and when they do, their acts are subject to review by federal courts. The burden is on the government to prove that withholding the information is justified.

EVEN THIS bill, however, does not apply to Congress itself, which conducts much of its business in secrecy. Nor does it apply to state and local governments.

In signing the bill, the President said:

"This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest."

Legislation similar to the federal act has been introduced in the Texas Legislature for many years, under two separate bills, one that would require open meetings of public bodies and one that would provide public access to public records. Some proceedings of course, such as those of grand juries or personal data files, would be exempted under the law.

AN "OPEN MEETINGS" bill has passed the House in the last two Texas Legislatures, but has been killed in a Senate committee. An "open records" bill did not pass either house.

Basically, the laws would provide free public access to all meetings and records of public governing boards or agencies, except in instances involving confidential information such as in the personal files or investigative reports. Some of the proposals would have provided misdemeanor penalties for officials who insisted on secrecy in their operations.

All freedom of information proposals would provide review by state courts in cases where public records are allegedly withheld or when public bodies are charged with holding secret meetings.

Legislative redistricting will change considerably the makeup of the 60th Texas Legislature which meets in January. Notably, the 31-member Senate will have at least 10 new faces and many of the old senators who have opposed passage of the freedom of information bills will be absent.

THERE ARE indications that freedom of information legislation will get a more friendly reception next year, especially among legislative leaders.

Lt Gov Preston Smith, who successfully sponsored an "open meetings" bill in both the House and Senate while serving in those two bodies only to see it killed in the other house, presides over the Senate. While he does not take an active part in directing the passage of bills, he can help them along by referring them to receptive committees and seeing that they get a hearing before the full Senate.

Speaker Ben Barnes plays the same role in the House.

Both have said they would support "properly drawn" freedom of information bills in the legislature next year.

SMITH SAID it is his belief that any state board or agency that spends tax money should be required to hold its

meetings open to the public and that its records should be open for inspection.

"The people are entitled to no less than that," he said.

He pointed out, however, that unless such legislation includes penalties for violators or at least strong court injunctive provisions, it would be largely ineffective.

Barnes said that while he believes state agencies and other governing bodies should have the right of "executive" (closed) sessions to discuss some matters, such as those involving personalities and individual matters, he believes that all general business should be transacted in public and that records should be open.

HE SAID HE thought it would be good to "set a legislative policy that all meetings of public bodies should be open to the public and that all records of interest to the public should be available to them."

Some discretion in deciding what matter is of a confidential nature should be left to public administrators, Barnes said, so their efficiency will not be lessened by a fear of publicity on some matters. He said, however, the public should at least have recourse to the courts should a public official become too secretive in his actions.

Barnes said he was sure a bill could be drawn that would protect both the public and their servants.

"I VERY STRONGLY believe that public information should be available to the public," he said. "People that are elected and hired for public jobs should use common sense, of course, and not release information that would be harmful to individuals. But if there is a public need and desire for information about what an agency is doing or that is on public documents, it should be available."

The speaker said he believes legislative conference committees, such as the appropriations committee, are entitled to meet in privacy to avoid outside pressures.

But he said if they are to continue to have that privilege, the present rules are bad that allow conference committees broad powers. The rules, Barnes said, should be changed so that the committee could adjust only the differences between the House and Senate versions and it should not be able to add, delete or change anything else in the bill.

ONE VOTE DECISIVE

(Article by Raymond Brooks, Dean of Capitol Press, which appeared in the Austin AMERICAN-STATESMAN of September 4, 1966. Reprinted by permission by League of Women Voters of Texas, 1966.)

One Vote Decisive

By RAYMOND BROOKS,
Dean of Capitol Press

In Texas, through 1966, final decision on major legislation was made by precisely the same number of people as the selection of vice presidents (and thus on occasions, the President) of the United States. That, is one.

The control was in the hands of "free" conference committees of five House and five Senate members. Each contingent voted separately. Three members of either could kill or veto anything in any bill. With the usual division, one "swing" vote decided the choice of the House or the Senate group, thus the action of the conference committee, and, consequently, the fate of major legislation.

A great deal of the powerful leverage of one-man legislation lay in the fact that the conference committees did not follow the iron-bound custom of Congress, or the apparent mandate of the Texas Constitution, and limit themselves to adjustment of actual differences in House and Senate versions of bills. The committees entirely rewrote legislation, within the broad limits of captions, and laid out their product for a "take it or leave it" vote — in 99 per cent of cases, on the unread conference rewriting of legislation of the highest importance.

These comments were written as in the past tense before the 1967 Legislature convened; that because there were demands of changes in rules or procedure or both, as the "power struggle" between the House and the Senate developed and exploded in the loss of the services of the veteran legislative budget officer, Vernon McGee. Only early grounds given for failure to retain him was that House members felt he was "too strong" in shaping the biennial budgets.

The conference committees work, and always have worked, in closed session. This writer disagrees with the standard position taken by the news organisms which insist that every feature of official business should be in the public gaze. This writer believes the conference committees never could either "adjust the differences" or write a new appropriation bill under the bombardment of department officials and pressure of the public.

That does not endorse the product in many of the conference reports, where shenanigans have been too frequent, and individual personal spites have shown up after it was too late for any correction. But it is reasonably possible to write a rule that limits the conferees to adjustment of actual differences in House-Senate versions, as in Congress, and of requiring the full and public explanation in both houses of the compromises and adjustments, before any vote can be taken.

Both House and Senate follow the usual practice of the presiding officers' naming the leading sponsors and majority supporters of legislation as it passes in the respective bodies, to the conference committees. On the all-important biennial appropriations bills, the chairmen of the appropriations and finance committees always are chairmen of the conference groups. From the Senate finance committee, the four vice chairmen constitute the rest of the conference contingent.

Both House and Senate can, and often do, instruct conference committees. There are close restrictions on this; but when done, it has been considered up to the committee to decide whether to follow the instructions. Frequently, a conference group will permit a bill to die rather than disregard the

instructions; but if a majority sees fit, they can sign and make a valid conference report despite the instructions. That checks the decision back to the entire membership of that branch, on a take-it-or-leave-it vote. If either body fails to adopt a conference report, the bill is more or less "dead;" but there is procedure to resuscitate it. A motion to "reconsider and spread" can be made, and taken upon on a later day, after notice is given, for a second try.

An advantage of the congressional procedure is that several reports may be made on agreements to portions of a bill, and acted upon separately, before the final adoption of the report as a whole. This has the effect of letting Congress and the public know what will be in principal sections; and to help Congress decide what action to take on the remaining portions of an entire statute.

LEGISLATIVE "HOMEWORK" EASES LOAD

(Article by Raymond Brooks, Dean of Capitol Press, which appeared in the Austin AMERICAN-STATESMAN of July 22, 1966. Reprinted by permission by League of Women Voters of Texas, 1966.)

Legislative 'Homework' Eases Load

Better system and staff aid likely will enable the 60th Legislature to wind up its work next May in the 140 days to which its regular session is limited.

Both are relatively new acquisitions.

Between-session work of the Legislative Budget Board and the Governor's Budget Office prepare and pre-review the appropriation bill. Thus subgroups of the 21-member committees are familiar with the measure before the session opens, and others — this includes a majority of the senate — join a second review of the entire spending program, in the early days of session.

The Legislative Council will have reviewed various of the major proposals for new policy measures and for reorganization and tightening up of operations by departments. In this, the legislature has had and is having extremely valuable help from the non-profit, non-partisan, privately financed Texas Research League. The league maintains a technical and professional staff which studies, analyzes and reports on operations and proposed revisions.

The Legislative Audit has a permanent staff to keep current its review of spending of the money appropriated every two years.

The house and senate created or authorized more than a dozen special study committees, some made up of members only, others including or made up of laymen, and the governor has named some special advisory committees, to submit recommendations to the lawmakers on specific matters of policy.

Along with these, a major collateral step smoothing the legislative path and easing the pressure of the increased work load, has been the practice in Gov. Allan Shivers' administration, to some degree in Gov. Price Daniel's, and one reaching its high point in the tightly run administration of Gov. John Connally — that is, the detailed preparation and presentation of an administrative package of wanted legislation, and the steps taken to acquaint lawmakers and the public in advance with its need and its provisions. Final legislation may not be, and usually is not, precisely what was asked to start with; but the general theory will have been laid out and the bounds of discussion and revision charted out. There is not the vague and sometimes aimless exploring of a matter with which the lawmakers are unfamiliar.

Until recently, the regular sessions ran from early January to around the middle of July, and additional special sessions were frequent. The constitution was amended, when lawmakers first were granted a nominal full-time salary of \$400 a month, to limit the regular ses-

sion automatically to 140 days. Unquestionably, the value of the salary, though it does not pretend to be full-time pay, has enabled many lawmakers to give more time to interim committee work and individual study of legislation.

So it has been that Gov. Connally has had to call only one special session, and that for less than the 30-day limit, in his four years; and that was to deal with the emergency situation created by federal court decisions on registration for voting without having paid the poll tax. Gov. Daniel called some special sessions; but they mostly were to deal with the problems of finding enough money to float the general appropriation, and before enactment of the sales tax law. The sales tax finally forced itself onto the books against the wishes of the legislature and of a reluctant governor. Gov. Daniel, who had helped stave off a constitutional sales tax in the W. Lee O'Daniel administration, expressed his dissatisfaction by withholding his approval and letting the sales tax become law without his signature.

And, finally, one may add, the legislature has shown every evidence in later years of being a more prosaic working body, giving more attention to tasks, duties and problems and less to political double-play. The custom of having the speakership race in the house settled well in advance of a session has saved that body valuable time in getting organized and down to work.—RAYMOND BROOKS

ILLS OF THE LEGISLATURE

(A series of six articles by William H. Gardner, Political Affairs Editor of the HOUSTON POST, which appeared in that newspaper February 13-18, 1966. Reproduced by permission by the League of Women Voters of Texas, 1966.)

Ills of the Legislature

New Blood Won't Cure The Archaic Hangover

First of a Series

By WILLIAM H. GARDNER, Political Affairs Editor

AUSTIN — The 1966 elections will shake up the membership of the Texas Legislature as never before, thanks to the Supreme Court dictum of one man, one vote. Many Texans will welcome the change.

Scores of new faces will answer to roll call when the 60th Legislature convenes on Jan 9, 1967, and of course many old, familiar faces will be missing. Not only will the Legislature change markedly in membership but also in character and outlook because of the influx of metropolitan lawmakers.

AS LONG AGO as 1940 the Texas population balance swung from rural to urban; more than a quarter-century later the Legislature will finally reflect that switch. True, it took the unyielding orders of federal courts to accomplish the transformation, but it has been done.

So the Legislature of Texas, stimulated

by new blood, is entering an era of new concepts, new ideas, new viewpoints. Will it also have new, advanced methods and procedures in order to achieve a real renaissance? Unhappily the answer is no, unless and until drastic steps are taken to modernize the lawmaking process, to abandon the horse-and-buggy pace of 1876, to use the know-how and progressiveness of the 1960s to meet the space-age needs of today's 10.5 million Texas citizens.

Unless the old, cumbersome ways are changed the image of the Legislature will

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not improve greatly, no matter how many bright young newcomers take their seats in the House and Senate. It will be the same old vehicle with some new chrome trappings — a 1966 automobile pulled by a team of mules.

THIS SERIES of stories will point up some of the encumbrances that slow and hinder the legislative wheels — some of them archaic holdovers from the past, some evils and maladies that have grown up in more recent years. The series will attempt to explain, in a measure, the question of what's wrong with the Texas Legislature.

It must be said at the outset that the picture is not all dark. The Legislature itself has taken some significant steps, especially since World War II, to improve its methods and equip itself to meet the needs of modern life.

Striking examples are the Legislative Budget Board, which plays a paramount role in analyzing state spending and shaping the biennial budget, and the Legis-

lative Council, which is of invaluable help in studying a wide range of state problems. Both agencies were created early in the 1950s.

The Texas Research League, privately financed, is also of great value to the Legislature in delving into matters of wide interest such as taxation, urban development, the reorganization of state services and many others. Numerous interim committees of the Legislature have tackled a variety of problems, and from time to time investigation committees have dug into smelly situations.

FIVE YEARS ago the people approved annual salaries of \$4,800 for their legislators, to replace the old, inadequate per diem payments. This was a commendable step, though in today's market the pay is too low.

At present a committee headed by Rep Dewitt Hale of Corpus Christi is engaged in a long-range study of the revision of House rules in order to make them more workmanlike and efficient.

There have been attempts at lobbyist control and at setting up a code of ethics for lawmakers, which were well-intentioned though not very effective. These then are some of the good points; regrettably they are still outweighed by the bad.

What are some of the liabilities of lawmaking, the ills of the Texas Legislature? Here is a partial list, to which any experienced legislative observer could make his own additions:

The breakdown of the committee system, legislative secrecy, government by rider, the arbitrary power of the conference committee, duplication and waste of time, effort and money; duplication of services; lack of decorum, slipshod handling of bills resulting in frequent errors of language, inadequate help, legislative delay of court cases, the long and costly process of electing a speaker.

These and other legislative ills will be examined in more details in the stories that follow.

NEXT: Evils of committees.

Ills of the Texas Legislature

Committee System Is In Sad Need of Streamlining

Second of a Series

By WILLIAM H. GARDNER
Political Affairs Editor

AUSTIN — A few sessions back a young and inexperienced member of the Texas House met a veteran senator in the Capitol rotunda, and proudly divulged that he had just been named chairman of the committee on commerce and manufactures.

"Congratulations," said the senator drily, "but you know that committee hasn't met since the Colquitt administration."

THIS MAY have been a humorous exaggeration — Oscar Branch Colquitt was governor of Texas in 1910-14—but it brought home the point that some committees are meaningless today. The committee system badly needs revising and updating.

Continued From Page 1 House, for six or eight years, has operated under an automatic rule that all bills go to a subcommittee for further study after a hearing. The reason given for this rule is that it allows more time to analyze bills, but many suspect the real purpose is to protect members from having to vote on measures while a crowd of witnesses is present to see, and remember, the way they voted.

The subcommittee rule can be waived by a two-thirds vote of the committee, but a great majority of bills go to a subcommittee of three or five members, appointed by the committee chairman. The subcommittees work in secret; even the author does not usually know what they are doing to his bill, or why. Moreover, a bill in subcommittee is at the mercy of the committee chairman, who

The House has 43 standing committees; the Senate 24. About 10 years ago the Senate made a stab at streamlining its setup, at the instigation of Houston's Sen Searcy Bracewell, by reducing its committees from 39 to 24. This was an improvement, but further revision is in order.

MORE IMPORTANT than the number of committees, though, is the fact that no attempt has been made in many years to see that the working committees are designed to meet today's complex needs and problems. For example, there are no committees in either house on youth, economic development, science and technology, the aging, mental health, metropolitan affairs. Hopefully a House committee now studying legislative procedures will come up

with recommendations to improve the inadequacies.

There are even more serious ailments in the Legislature's committee system. Some observers say a "complete breakdown" of the committee system has taken place in the last 20 years. The true role of the committee is to consider and analyze bills after they are introduced, conduct hearings in order to get all sides of the issue, and after careful screening report out to the floor only those measures which have merit. It is a sound theory, designed to weed out impractical and undesirable legislation and prevent a flood of bills from swamping the two houses.

THE BREAKDOWN of the system has taken a somewhat different course in the House and the Senate. The

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may or may not allow the subcommittee to report on it, depending on his own inclination. He can, therefore, effectively kill a bill by stowing it away in an unfriendly subcommittee, and only rarely can the sponsor, through appeals to the House as a whole, break it free or have it rereferred to a more amenable committee.

THE SENATE is not so inclined to bottle up bills as to pass them out in torrents, without proper hearings and little or no attempt to probe their strengths and weaknesses. The trend which has developed there in the last decade or so is for the committees to abandon their responsibility for evaluating legislation, and simply pass the buck to the entire Senate. Last session, for instance, the

constitutional amendments committee passed out with a favorable recommendation every single one of the several dozen proposals submitted to it, on the odd theory that all 31 senators had the right to pass judgment on anything so important as constitutional amendments.

Apologists for the custom of railroading everything through committee argue that under the Senate system the president, who is of course the lieutenant governor, can weed out the bad bills by simply refusing to let them be brought up for floor consideration. This fatuous reasoning merely shifts the burden of appraising legislation from the committee to one man, an even worse abdication of responsibility.

IT IS TRUE that lieutenant governor has a powerful control over legislation through his appointment of committees and the referral of bills to them. Some lieutenant governors in recent years have stacked bills in two or three committees headed by their trusted friends and left most of the other committees twiddling their thumbs. One long time senator has suggested that a cure for this would be to let the Senate elect the committees, or else have them appointed by the president pro tem, as is done in some states. After all, this senator points out, the lieutenant governor is not a member of the Senate, or even the legislative branch of government, but rather the executive.

Another glaring fault of the Texas committee system is that no records are kept of committee hearings, other than a listing of the witnesses who appear, and legislators who are not members of a particular committee have no inkling of what takes place at the hearings.

TWO OBVIOUS needs for improving the system are:

- 1) To staff the committees with well-paid professional help, and
- 2) To require that every bill reported out of committee be accompanied by a report summarizing its contents and what it is trying to do.

Ills of the Texas Legislature

Men in Money Bill Huddle Termed 10 Most Powerful

Third of a Series

By **WILLIAM H. GARDNER**
Political Affairs Editor

AUSTIN — The five senators and five representatives who make up the conference committee on the general appropriation bill have been referred to as the 10 men who govern Texas.

The description is not far wrong, at least where state spending is concerned.

MEETING BEHIND closed doors, these 10 legislators who are selected to "adjust the differences" between the House and Senate appropriation bills actually have a free hand in adding or deleting budgeted expenditures. Since nobody else, not even other legislators, is permitted to sit in on their discussions the final contents of the budget, and how they are arrived at, are known only to the conferees. And invari-

ably they bring out the bill in the closing days of the session so nobody has time to go into it carefully.

Since the finished product is about two inches thick, with thousands of figures and scores of riders, the most the average lawmaker can do is skim through the items affecting his own district and hope for the best. Another handicap to floor debate on the measure is the rule that a conference committee report must be accepted in toto, or rejected in toto—no amendments, additions or deletions can be made on the floor.

WHILE THE appropriation bill furnishes the most flagrant example of the abuse of the conference committee function, the same objections apply to other conference committees on other legislation. Therefore, the two major

evils of the conference committee as it now operates in this state are: 1) The secrecy in which it works and 2) its assumed prerogative of adding provisions not approved beforehand by either house.

UNTIL A few years ago the House and Senate insisted that their conference committees hew to the traditional rule of adjusting the differences between the houses, and nothing more. Many senators and representatives lament that this time-honored concept has gone up the board, and resent the secrecy with which conference committees surround themselves.

"The conference committee's power should be limited to adjusting the differences between the two houses," Speaker Ben Barnes has said. "Too much legislation is written in

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Continued From Page 1 conference committee. I would like to see a joint rule adopted to do away with this practice."

Sen Charles Herring of Austin, a veteran of the upper house, is another who deplors the present-day habits of conference committees.

"**I THINK** all conference committees should be open," Sen Herring said. "Furthermore, no conference committee report should be brought up for adoption in either house without proper advance notice — five days at least — and a copy of the report furnished to every member of the Legislature."

Gov John Connally had occasion last session to lash out at the cavalier manner the conference committee juggled the appropriation bill. Though even the governor is barred from the sacrosanct meetings of the committee, he learned by grapevine that the confer-

ees had boosted appropriations some \$31 million above the comptroller's estimates of available revenue, and above the House and Senate bills.

AMAZED AND angry, the governor called in newsmen and described the conference committee's action as "incredible," adding a few other pointed remarks. His blast caused the committee to trim its sails by \$26 million, but even so the final bill was \$6 million more than the Senate had appropriated, and \$14 million more than the House. It was necessary to tap the driver's license fund by \$4.5 million to get the bill in shape to be certified by the comptroller as within available revenue.

Not only are other members of the Legislature kept in the dark about the final contents of the appropriation bill, but also the heads of state departments who must operate under the budget. A deliberate

effort is made, not only by the conference committee but by the House Appropriation and Senate Finance Committees also, to keep the figures secret from state officials while the budget is being prepared.

THIS HUSH-HUSH attitude led Sen Herring to suggest that the Legislature adopt the practice of Congress, not only with respect to appropriations but all legislation. That policy is to refer every bill to the department or agency it affects, as soon as it is introduced, for their comments, suggestions and criticism. Not only would the Legislature benefit from the advice received from the officials who must work with the legislation if it is enacted, but many misunderstandings into bills could be avoided.

NEXT: A galaxy of wrongs.

Central Operations Could Pay Off in Time and Money

Fourth of a Series

By **WILLIAM H. GARDNER**
Political Affairs Editor

AUSTIN — There are numerous bottlenecks in the Texas Legislature that impede its work and waste time and money.

One of the worst is that each house maintains its own separate system of printing, enrolling bills, handling mail and other routine services which could be more easily and economically carried on by a central installation serving both houses.

A MAJOR duplication of effort, with resulting waste of time and energy, not to mention money, is the preparation of the big appropriation bill. Each house has its appropriation committee — called the finance committee by the Senate — which conducts separate hearings over long weeks, talking to the identical witnesses, receiving virtually identical information and then writing two separate spending bills which eventually must be remolded into one by a conference committee.

Though a few disagree, many legislators and legislative authorities think a joint appropriation committee would be more sensible and efficient.

"IT IS RIDICULOUS for witnesses to shuttle from one committee to the other, telling the same story," said Sen Charles Herring of Austin, who favors a joint setup.

Speaker Ben Barnes thinks the budget hearings should be held jointly, but then each house should write its own version of the appropriation bill.

Another who inclines to a joint committee on appropriations is James W. McGrew, research director of the Texas Research League and authority on state government, who says, "then we would have the free conference committee at the beginning, rather than the end."

THERE IS little disagreement among legislative experts that many of the separate services, such as printing and enrolling bills, could be carried out cheaper and more efficiently in a central workroom.

Vernon McGee, executive director of the Legislative Budget Board, is of the opinion that the Legislature needs a chief of administrative services to supervise and coordinate all the purely technical and mechanical operations of the two houses. McGee also thinks more use should be made of modern technological aides such as computers and data processing. One beneficial use of such equipment would be to give every member every day the exact status of every pending bill. The Legislative Service, a privately-owned Austin enterprise, provides this information now to some extent, but no doubt it could be done more swiftly and completely by electronic methods.

A STEP TOWARD automation has been made by the Legislative Council — the Legislature's research arm — which has installed a magnetic tape selective typewriter for the instant reproduction of bills. This device, says Executive Director Robert E. Johnson, does the work of four typists.

An old sore spot is the provision in Texas law that attorneys in the Legislature are entitled to an automatic continuance (postponement) of any case in which they are retained while the Legislature is in session, and 30 days before and after. Formerly such continuances were optional with the trial judge, but now they are mandatory. This privilege is often abused by the hiring of lawyer-legisla-

tors simply for the purpose of delaying a trial. In most instances it is a thwarting of justice, and is not ordinarily resorted to by reputable attorneys. But since lawyers constitute 39 per cent, on the average, of House membership and 69 per cent of the Senate, it will not be easy to change the law.

CLOSED-DOOR sessions of the Senate to consider and act on nominations by the governor is another custom that has come increasingly under attack and criticism by the newspapers, the public and lately even a few senators. The cry is ever louder that the public's business should be conducted in public.

Another great abuse — a deplorable source of much hasty and ill-conceived legislation is the "local and uncontested" calendar. Designed to speed up the passage of scores of purely local measures and bills which are limited in purpose and non-controversial, the local and uncontested calendar has become a catch-all, a dangerous tool for lawmakers who want to put a fast one by their colleagues. The bills are passed in rapid-fire order, only the captions are read and the most cursory explanations are given. In this manner broad, far-reaching and often questionable pieces of legislation are slipped through in the millrace of bills being enacted.

THE NEED IS imperative to tighten up this glaring loophole in the lawmaking process; perhaps by requiring a stern, tough screening by a local bills committee; perhaps by merely striking out the word "uncontested" and confining the procedure to bona fide local bills.

NEXT: The Legislature's Image.

Ills of The Legislature

Lawmakers Often Invite Own Distasteful Image

Fifth of a Series

By **WILLIAM H. GARDNER**
Political Affairs Editor

AUSTIN — Everybody who has watched the Texas Legislature over a long period of time agrees that generally speaking it is better now than it was 15, 20 or 30 years ago.

Most members are hard-working, conscientious men and women of average ability and intelligence. Some are well above average and a few rank in the category of statesmen. On the other side of the ledger, a small minority are venal, unscrupulous or mentally below par.

Admitting then that the Legislature as a whole is trying to do the right thing by the people of Texas, why is its image so bad? Regrettably, many Texans, especially those in business, industrial and professional circles, have little respect for their lawmakers in Austin.

ONE ANSWER, of course, is that the Legislature often contributes to this unfavorable image—at times it seems almost to invite contempt. Frivolity, provincialism, lack of decorum, waste of time, horseplay, the accepting of favors from lobbyists, all have a part in building a distasteful impression in the public mind.

A part of the trouble lies in the out-moded legal framework of the Legislature—the restrictions that bind it and hinder it from functioning with the efficiency this day and age demand.

Dr O. Douglas Weeks, University of Texas professor of government, says the Legislature is "laced up in a veritable constitutional strait-jacket."

Writing in the Texas Law Review, Dr Weeks offered this advice: "In constitutional revision it is better to eliminate the extensive details which hamper and constrain legislation. It is time the Legislature was made a more responsible body and trusted with broader discretion."

NO DOUBT this is true, but constitutional revision except by haphazard amendment is apparently still a long way off, and in the meantime the Legislature itself could do a good many things to polish up its image.

Take the matter of decorum. The House has made some moves in recent years to enhance its dignity—members are required to wear coats, secretaries are banned from the floor while the House is in session and legislators are forbidden to drink coffee or munch sandwiches at their desks. Yet decorum is sadly lacking in many committee hearings as well as the formal sessions of the House and Senate. Members wander around, read newspapers, prop their feet on their desks, carry on private conversations, exchange jokes and generally create a hubub which too often leaves a bad impression with the citizens watching from the gallery. Too often must the presiding officers instruct the sergeants-at-arms to "break up the huddles," or implore the members to take their seats.

Then there is the assinine custom, which grows worse all the time, of stopping the whole proceedings to introduce some high school class from Podunk that has been herded into the gallery, or a county judge or other local official who has been "accorded the privileges of the floor."

This pernicious habit is more pronounced in the Senate than in the House and sometimes becomes almost laughable.

IN THE springtime, when many schools convey their classes to the Capitol to see their government in action, the conduct of Senate business becomes a jerky, start-and-stop affair that drives sensible people to distraction. A senator will rise to discuss a bill—perhaps a vital piece of legislation—only to be interrupted every few words by a colleague wanting to "introduce a class." Senatorial courtesy requires that the floor be yielded immediately, and even the most statesmanlike senator will not flout the request, for he is going to want to introduce a class himself someday. It is high time the Legislature stopped kowtowing to every constituent who wanders into the Capitol, and got along with its business.

Trivial resolutions, sometimes called courtesy resolutions, are another bane. They are sent out by the thousands during the course of a session, at state expense of course. They are employed for a multitude of purposes—to congratulate a high school athletic team, memorialize constituents who have died, or extend best wishes to a fellow legislator on his birthday, wedding anniversary or for the birth of a baby. Often they go out in droves to groups which just happened to visit the state Capitol.

FILIBUSTERS in the Senate are another futile and ridiculous waste of time and the taxpayer's money. They seldom accomplish their objective and usually bring down ridicule. Liquor is in evidence at such affairs, the long tirades

are occasionally witty but usually inane, and senatorial dignity suffers. The House, with better judgement, avoids filibusters by limiting the time a member may hold the floor.

A bad habit in the House, though, is "button pushing." Representatives vote by pushing buttons on their desk which flash their vote in lights on an electrical scoreboard. Green is for yes, and red is for no. Many times when a member is absent from the chamber, a colleague, seeing a chance to pick up a vote for his side, will push the absentee's button. The speaker may try to put a stop to it by ordering the sergeant-at-arms to "pick up the keys of the absent members"—that is, the keys which lock their voting devices—but such relief is only temporary and the custom goes on.

A **LESS SERIOUS** fault of the House voting system is that some members tend to follow the leader — they pay little attention to what is being said about a bill under discussion and just push their own buttons in accordance with the vote of a fellow-member whom they have chosen to follow on a particular issue.

Robert E. Johnson, executive director of the Legislative Council and himself a former representative from Dallas, suggests that the practices of button pushing and follow the leader could be partially overcome by wiring the voting board so that the red and green lights would not flash on until the voting was completed.

NEXT: Some cures for the ills.

One Example of Confusion: How To Choose the Speaker

Sixth of a Series
By WILLIAM H. GARDNER
Political Affairs Editor

AUSTIN — As this series of stories on the ills of the Legislature was being prepared a number of persons in or closely associated with it offered criticism of current procedures and suggestions for improvement.

Other evils were recognized for which nobody would come up with a ready remedy. An example is the election of the speaker by the House of Representatives. House members begin a campaign for speaker two and often four years in advance. They travel over Texas, visiting members and prospective members, campaigning as if for a state-wide office. The financial burden is heavy, of course, and it is well recognized that a good share of the cost is borne by the lobbyists.

CLEARLY THIS is an unhealthy situation, but how to cure it? By having the people elect a speaker? That would be equally expensive and many of the campaign contributions would come from the same sources. By limiting the time an aspirant for the speakership could campaign among the members? This would be unrealistic and unenforceable.

Said Ben Barnes, the present speaker: "Frankly, I don't know what the answer is, and I don't know anybody who does."

Solutions are more apparent for some other legislative ills, though in certain instances the remedy would require a constitutional amendment. In a good many cases, however, a simple change of the rules, or the statutes, would suffice.

THERE IS WIDE support for opening up conference committees, and also curtailing their power; for holding joint committee hearings, on the giant appropriation bill; for consolidating certain legis-

lative services such as printing, enrolling and engrossing bills; for indicating by the use of underlines, italics, brackets of similar method the new language in bills that amend existing statutes and the old language being taken out; a tighter control of local bills; the professional staffing of key committees; for giving legislators more advance information on pending bills, and a better method of catching errors in bills.

Considerable sentiment exists for annual sessions of the Legislature, and the preponderance of opinion is that one session should be limited to the budget. Vernon McGee, executive director of the Legislative Budget Board and an authority on state finance, is opposed to annual sessions if they deal each year with a new budget, arguing that such a system means "living from crisis to crisis." He contends that the preparation of a budget two and a half years in advance makes for more and better long-range planning.

ROBERT E. JOHNSON, executive director of the Legislative Council, suggested that the pre-filing of bills before the Legislature convenes would help members become better acquainted with their contents. The council is now preparing a bill-drafting manual for distribution to legislators, heads of state agencies and attorneys who draft legislation for various interests which should be most helpful and perhaps eliminate some errors.

Often the courts have difficulty interpreting the legislative intent when statutes are under attack, or statutory questions are raised in lawsuits. The proposal has been made that a full record be kept of legislative debate, similar to the Congressional Record, but the cost probably

would be prohibitive. However, it would be a big help to legislators and others if records could be kept of committee hearings. Admittedly this too would be expensive, but it would fill a great void that now exists in the legislative process.

A MORE equitable distribution of the workload and more efficient use of Senate and House employees has been proposed. At present legislators from rural district, who have a relatively small amount of correspondence and clerical work, get as much secretarial and other office help as those from the big cities. As a result, some employees are over-worked while others have little to do. An adjustment is in order.

There is a demand by some that bills be printed when they are introduced so that each member can have a copy to read and study ahead of time. This, too, would be an added expense but it would give lawmakers a better understanding of the measures they are called upon to judge.

LAST NOVEMBER the voters turned down a constitutional amendment to raise the salaries of the lieutenant governor and speaker to \$12,000 a year. They now receive only the \$4,800 paid to every other member. It seems just and right that the two presiding officers, with heavy responsibilities and virtually fulltime jobs, should be more adequately compensated.

This Spring hundreds of candidates in every part of the state will be importuning the voters to send them to the Legislature. It is to be hoped the people will make their selections carefully and well, for in spite of what some believe, the making of a state's laws is of paramount importance to all the people of that state.

IT IS TO BE hoped, also, that the candidates will give thought to improving the law-making process, to eliminating some of the Legislature's handicaps and bottlenecks, to making it conform to the 20th Century.

True, under a Democracy the Legislature is not inherently an efficient organization. If efficiency is the only goal, a dictatorship can achieve it quicker, but who wants that? So 100 per cent efficiency is purely a dream, never to be realized. Still, the creaking wheels can be greased, the impediments cast aside and the improvements introduced which will make the Legislature a better instrument for serving the people, and Texas thereby a better state.

END OF SERIES

LEGISLATIVE TENURE

(Article from Lubbock AVALANCH-JOURNAL of August 12, 1964.
Reprinted by permission by League of Women Voters of Texas, 1966.)

Tech Professor Discusses Legislative Tenure Set-Up

Dr. William E. Oden, associate professor of government at Texas Tech, discussed the contention that the Texas legislature should strengthen its committee system and tenure to increase efficiency in government during the final in the series of Tech Union luncheon-discussions Tuesday.

"We hear a lot of talk these days about the infringement on the rights of states by the federal government," Oden remarked. "We don't hear as much talk about the functioning of our state agencies, however."

Oden presented figures based on several years' research on "Tenure and Turnover in the Texas Legislature."

16-Year Study

His study covered the number of returning legislators and their return to the same legislative committees between the years 1935 and 1961.

Oden pointed out that the accumulative percentage of 838 members of the House of Representatives since 1935 showed that 39.5 per cent had no previous legislative experience; 26.8 per cent had one year's experience; 13.8 per cent had two years' experience; 7.0 per cent had three years' experience; 4.4 per cent had four years' experience; and 6.6 per cent had five

or more years' legislative experience.

Another feature of the study was the number of previous legislative sessions that representatives served on the same House committee.

No Committee Experience

Oden's research revealed that more than 70 per cent of the legislators serving on one of the major House committees had no previous experience on that committee. Only 8 per cent had four or more years' experience on the committee.

In the Texas Senate, 35 per cent had no previous experience on their committee; 30 per cent had one year; 15 per cent had two years; and 18 per cent had three or more years.

"The figures would seem to indicate that, especially in the House, steps to insure seniority should be considered to insure committee experience," Oden said.

"Even among the committee chairmen in the House, 50 per cent had no previous experience on his committee; and 17 per cent of the committee chairmen in the Senate had no previous experience."

"The mortality rate of freshmen legislators and the low percentage of reappointments to the same committees work against acquisition of legislative skills," Oden concluded.

TEXAS LOBBY CONTROL AND RELATED LEGISLATION

(Summaries of statutes in this area prepared by League of Women Voters of Texas, 1966, with commentary on this Legislation by James R. Soukup, Instructor in Government, the University of Texas, the latter reprinted by permission from COMMENT for May, 1958, published by the Institute of Public Affairs, The University of Texas.)

References:

VERNON'S TEXAS PENAL STATUTES - 1958 Supplement - TITLE 5 - Offenses affecting the Executive, Legislative, and Judicial Departments of the Government. Chapters One and Two, Pages 713/719.

In 1957 the 55th Legislature passed legislation covering Bribery and Lobbying.

Chap. One, Article 158 - Bribery of certain officers, states: Whoever shall bribe any executive, legislative or judicial officer after his election or appointment, and either before or after he shall have qualified or entered upon the duties of his office . . . with intent to influence his act, vote, decision, judgment or recommendation or any matter, question, cause, contract or proceeding which may be then pending, or which may thereafter be brought or come before such person in his official capacity . . . shall be guilty of bribery and shall be confined in the penitentiary not less than 2 nor more than 5 years, or be fined not less than \$500 nor more than \$5000, or by both such fine and imprisonment.

Chap. One, Article 159 - Officers Accepting bribe, carries slightly different penalties - shall be confined in the penitentiary not less than two nor more than ten years, or be confined in jail for not less than 1 month nor more than 2 years, or be fined not less than \$500 nor more than \$5000, or by both such fine and imprisonment.

(Note: ~~The~~ deletions cover other than members of the legislature)

Chap. Two. Lobbying - Articles 183-1 and 183-2

Art. 183-1 - Representation before the Legislature; registration; prohibited acts; violations, penalties. (Known as the Representation Before the Legislature Act)

Since a full understanding of the terms used in this Article seems advisable, they are defined as given in Section 2:

(a) The term "person" means any individual, firm, partnership, committee, association, corporation, or any other organization or group of persons, except that "personal" in Section (e) and "persons" required to register in Sec. 3 refer only to natural persons.

(b) The term "expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "legislation" means bills, resolutions, amendments, nominations, and any other matters pending in either House of the Legislature, or any other matter which may be the subject of action by either House, including the consideration, passage, defeat, approval, or veto of same.

(d) The term "compensation" means any money, service, facility, thing of value or financial benefit received or to be received in return for or in connection with services rendered or to be rendered.

(e) The term "direct communication" means any personal appearance before a legislative committee, or any personal contact with any member of the Legislature, the Governor or Lieut. Governor during a session of the Legislature, to argue for or against pending legislation, or any action thereon by the Legislature, the Governor, or the Lieut. Governor.

Three groups of persons are required to register as lobbyists (Sec.3) - any person who undertakes to promote or oppose the passage of any legislation by the Legislature or the approval or veto thereof by the Governor -

- (a) for compensation, by direct communication
- (b) without compensation, but acting for the benefit of another person
- (c) acting on his own behalf and without compensation, ~~makes~~ an expenditure, or expenditures totalling in excess of \$50. for direct communication as defined.

However (Sec 4a) persons may contact their own legislators without registration so long as not provided in Sec. 3.

Registrants are required (Sec. 5) to provide name, occupation, and address, and the name of the person or persons for whom the registrant is acting, and a description of the legislation.

Periodic reporting is also required (Sec. 6) covering expenditures for direct communication, including entertainment expense, but not including expenditures for personal sustenance, office expense, lodging and travel; also not including campaign contributions other than as provided in the Texas Election Code (14.01).

All such registration and reporting is made (Sec. 8) to the Chief Clerk of the House of Representatives whose duties are to provide forms and maintain records, to which both members of the Legislature and the public shall have access (Sec. 8a).

There are certain prohibitions including the acceptance of fees contingent upon passage or defeat of legislation (Sec. 9), admission to the House or Senate floors during sessions except by invitation (Sec. 10), no effort to seek to influence votes on pending legislation other than by appeal to reason (Sec. 11), false, forged, counterfeit or fictitious communications relating to legislative matters constitute misdemeanors (Sec. 12).

The penalties for violation or any part of the Act (Sec. 13) are: For a person - a fine of not more than \$5000 or imprisonment for not more than 2 years. For a corporation violating Sec. 9 (see above) a fine of not more than \$5000.

Registration requirements do not apply to (Sec. 4) persons performing professional services in drafting bills or advising and rendering opinions to clients as to the construction or effect of proposed or pending legislation; representatives of news media, including editorial or other comment, so long as such persons engage in no further or other activities and represent no other person; representatives of churches protecting the religious rights of their members; persons appearing before a committee by invitation or request of the committee as long as not otherwise involved legislatively; governmental officials appearing only on official business.

Article 183-2 - Representation before state agencies; registration; violations.

Defined in Sec. 1:

- (a) "state agency" means any office, department, commission or board of the executive department of the government;
- (b) "person" means any individual including a member of the Legislature, legislative employee, state officer or state employee.

Registration here (Sec. 2) means every person appearing before a state agency or contacting in person any officer or employee thereof on behalf of any other person, firm, partnership, corporation or association in relation to any case, proceeding, application, or other matter before such agency; and registrants are required to provide name and address, or the name and address of the person, firm, partnership, corporation, or association being represented; and to state whether or not any money, etc, is to be received in return. Reporting and filing is made to the Secretary of State (Sec. 3) and penalty for failing to register (Sec. 4) is a misdemeanor and subject to a fine not exceeding \$500 or by imprisonment not exceeding 6 months.

Registration is not required (Sec. 3) if contact is solely for information and there is no attempt to influence, consists of participation in a public hearing, registration is already on file, or the person receives no fee, payment, compensation or anything of value.

RELATED LEGISLATION

Legislative Code of Ethics

References:

VERNONS TEXAS CIVIL STATUTES - 1958 Supplement - TITLE 110 A - Public offices.
Articles 6252-9, Sections 1/4, Pages 585/6. or Acts 1957, 55th Legislature,
P. 213, Chapter 100. Also, TEXAS CONSTITUTION, Article III, Sec. 22.

TEXAS CONSTITUTION, Article III, Sec. 22 provides: "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, stating the policy of the State Legislature to be: no officer or employee of a state agency, member or employee of the Legislature, should have an interest, financial or otherwise, direct or indirect; or engage in any business or transaction or profession or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. Any of the persons mentioned above shall not:

- (a) accept gifts, favors or services that might reasonably tend to influence him in the discharge of his official duties;
- (b) fail to file with the Secretary of State a sworn statement disclosing any interest in any business activity which is under the jurisdiction of any state regulatory agency;
- (c) use his official position to secure special privileges or exemptions, except as may be lawfully authorized;
- (d) vote on any legislative measure in which he has a personal or private interest, but shall disclose such interest to be recorded in the proper journal;
- (e) accept employment or engage in any activity which might require or induce him to disclose confidential information acquired through his official position;
- (f) disclose confidential information or use such information for his personal gain or benefit;

- (j) accept employment which might impair his independence of judgment in his performance of public duties;
- (k) receive any compensation for his services for the state from any source other than the state of Texas, except as lawfully authorized.

Note: Parts g, h, and i of Sec. 3 apply to officers and employees of state agencies.

The Act further states that non-compliance with the above code specifications shall constitute grounds for expulsion, removal from office, or discharge, whichever is applicable.

Election Campaign Contributions

References: TEXAS ELECTION CODE, Chapter 14
VERNON'S CIVIL STATUTES, Article 5154a, Paragraph 4-B

Chapter 14 of the Texas Election Code deals in some detail with the subject of campaign contributions. Subsection 3 requires candidates for public office to report campaign expenses and contributions. Paragraph (j) of this section requires any person making contributions or loans aggregating more than \$100 to ascertain whether or not the candidate reports the sum, and if not, the donor must report it himself. In each instance penalties are provided for failure to comply.

Corporations (Subsection 7) and unions (the latter by Article 5154a of the Civil Statutes) are forbidden to contribute to any candidate's campaign fund, and unless "legally engaged in the business of lending money", corporations may not lend money to finance campaign expenses.

Individuals, however, (Subsection 4) may make campaign contributions (without limit), to be used by the candidate or his campaign managers for purposes stated specifically in Subsection 3. These include travel expenses, filing fees, clerical help, telephone, telegraph, postage, printing, stationery, office rent, etc. In addition, Paragraphs (b) and (c) of this section permit an individual to spend not more than an aggregate of \$25.00 of his own funds for "lawful purposes", and to contribute (without limit) his own personal services and personal traveling expenses to aid or defeat any candidate. Except as permitted by these latter paragraphs, all campaign expenditures must be made by the candidate or his campaign managers, and reported, as stated above.

Comments on Effectiveness of Lobby Legislation

The following excerpts from "Lobby Regulation in Texas" by James R. Soukup, are taken from COMMENT for May, 1958:

"Criticisms: Both opponents of any change and those who desired wider publicity are skeptical of the 1957 lobby law. Members of the former group maintain that a man who would violate bribery statutes will not be deterred by lobby regulations. Advocates of full publicity were even more disappointed. They refer to the narrow definition of direct communication, the lack of year around reporting, and the failure to require itemized reports as glaring loopholes. Moreover, on the basis of federal experience, they contend that another serious defect is the failure to provide for a special agency to evaluate the data and investigate alleged violations."

Defense: Defenders of the law "refer to the lobby act as 'a step forward'. They argue that there are self-enforcing features of the law. That is, lobbyists would consider it foolish to try to evade the law because any bad publicity would destroy their effectiveness. In this vein, it is contended that competitive rivalry would lead some lobbyists to inform on those who fail to comply with the law. Registration is lauded on the grounds that it will enable the public and legislators to know who the lobbyists represent. Prohibitions against contingent fees are also considered desirable Some contend that the pattern of group activities will change in that properly equipped groups will shift their emphasis from visiting legislators to electioneering and public information programs.

"Lobbyists' Attitudes: Professional lobbyists claim that the law will not affect their methods of operation which they regard as legitimate. They feel that it is not likely to halt the practices of what they refer to as 'amateur lobbyists who make quick, infrequent visits to Austin and try to buy votes.' Moreover, the consensus is that the pattern of interest group behavior will not change appreciably.

" A division of opinion between business and labor lobbyists does exist. Many business representatives thought that such a law was unnecessary. They agree with assertions that information derived from reports may be misleading because mass groups, like organized labor, stress activities that are influential but not covered by reporting features of the lobby law. (Footnote: This argument is valid only if such mass groups are sufficiently united and wealthy to exert concentrated pressure during elections and to engage in wide scale public information programs.)

"AFL-CIO leaders urge the full disclosure of lobbyist activities, particularly expenditures. . . . They make the following recommendations: (1) Registration provisions should apply directly to corporations and other associations as well as natural persons. Otherwise, an interest group could use an intermediate public relations firm to hire the lobbyist' true clients; (2) Direct communication should be broadly not narrowly defined; and (3) all compensation and expenditures of lobbyists, including salaries and office expenses, should be reported year around.

Mr. Soukup concludes: "The new lobby act is not likely to be effective as a means either for preventing corruption or revealing the true scope of interest group activities. Professional lobbyists will file reports, but the so-called amateurs who are often the source of corruption can, if they desire, evade the law. The narrow definition of direct communication, weak reporting features, and the lack of an adequate enforcement agency will result in less than full disclosure of pressure group spending.

" Nevertheless, the act represents some progress. Legislators are more likely to be more wary of questionable dealings with lobbyists. More information than in the past will be available about lobbying activities. The law may strengthen the already apparent tendency of major interest groups to place less stress on visits to the capitol and more on electioneering and public information programs."

LWV of Texas
October 1967

TEXAS LEGISLATURE KIT, SUPPLEMENT

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A LOOK AT TEXAS RESEARCH LEAGUE

(An article by Garth Jone, Associated Press Writer, which appeared in the Victoria Advocate on November 23, 1966)

TEXANS IN POLITICS

A Look at Texas Research League

By GARTH JONES

Associated Press Writer

With all the recent talk about a possible city sales tax and a new look at city-state relationships, you have heard frequent references to "The Texas Research League."

Many people think the league is an agency or department of the state government. It just looks that way, but it is not.

Alvin Burger, executive director of the league since its birth in 1952, will tell you the league "is a tax-payer supported, non-profit, non-partisan, educational corporation engaged in objective research into the operations and problems of Texas government."

Actually, in more direct words, the league is a group of well-heeled, influential, informed and civic-minded executives and professional men who didn't like the way politicians ran state government and tried to do something about.

A fast count of the 1966 board of directors shows 11 presidents or chairmen of the board of Texas public utility firms, eight oil or gas companies, 11 major banks, two daily newspaper publishers, plus 22 presidents of assorted major statewide firms or corporations.

The vice presidents listed are too numerous to count. The league says it subsists on annual contributions, income tax free, from more than 700 individuals, firms and companies.

The research work is done by

a league staff of only about a dozen experts, including some who top the nation on state government studies. In addition the league usually recruits help from selected public officials and consultants from member companies.

Although league studies are undertaken only by request of government official bodies, there is no charge made for league services.

At times, particularly during the big fight over inauguration of a state sales tax, the league caught considerable criticism—that it was a tool of the conservatives, that it spoke only for the big business man.

Supporters of the league reply by pointing out that the experts only do research and report their findings. The bylaws forbid lobbying—but do not keep individual members from using their corporate resources in supporting a league recommendation.

But the league's best recommendation is its list of accomplishments. In 13 years it has made more than 30 major studies of Texas government functions. Five successive tax study commissions created by the legislature have asked the league to do most of their research in making recommendations to modernize and strengthen tax laws.

The league has studied, and made recommendations for improving, state water development, water pollution control,

financing of public education, highways, state hospitals, and public welfare programs; the railroad commission, insurance regulation, state parks, game and fish regulation, and numerous others.

Right now, the league, at the request of the governor, is in the midst of its biggest test—a 3½ year study of the problems in the 22 fast growing metropolitan areas of Texas.

Seventy per cent of Texas' nearly 12 million people live in these areas where the control is split among the state, 36 counties and more than 1,000 municipalities, school districts and special districts.

Burger told the recent annual meeting of the league that during the study another five metropolitan areas may be added—the Longview-Marshall area, Bell County, the Sherman-Denison area, Victoria, and Big Spring.

Whether the league's long record of success will continue depends largely on the actions of the 60th legislature—where big cities have their first taste of increased power against traditional rural domination, due to redistricting. At least seven league recommendations will be considered, including such controversial subjects as letting counties hire most of their top officials rather than elect them.

"For a long time we've heard the complaint that our state legislature particularly — have been apathetic to the needs and

problems of local government," I. F. Betts, 1966 league president told the annual meeting.

"There is ample evidence that this attitude has begun to change. It's high time it did... It's in our cities, our counties and our school districts that the impact of population growth is most directly felt. If the state is not to abdicate its responsible role with respect to these local units it has created, then it's time to rid our statute books and our constitution of provisions which hamstring local governments..."

Betts added that "we shall not lobby for them (league recommendations). Our bylaws prohibit that. This means that the recommendations offered in our studies must be 'sold' on their merits. That's the way it has always been; but even so, our batting average remains remarkably high."

SPECIAL SESSIONS AND VETO POWER AVAILABLE AS GOVERNOR'S WEAPONS
(Article by Garth Jones, which appeared in the Victoria Advocate o
May 10, 1967)

AUSTIN NOTEBOOK

Special Sessions and Veto Power Available as Governor's Weapons

By GARTH JONES

AUSTIN — A Texas governor has a gun on each hip to back up his dealings with the legislature — the veto and the special session.

Right now, Gov. John Connally probably is considering the possibility of bursting out of his office with both barrels blazing to settle the legislative brawls that range from one end of the Capitol to the other.

Connally already has said he will call a 1968 special session for new taxes if legislators will concentrate now on one-year appropriations instead of a two-year package.

When the 1968 spending bill reaches his desk, the governor still has his veto power allowing him to cancel the entire measure or any specific part of it.

If this regular session does not agree on a spending bill, Connally likely will call a 30-day special session at once, in which legislators would be required to devote all their efforts on a spending compromise without such distracting legislation as redistricting and school teacher pay raises.

The veto and special session powers are about the only direct

controls a Texas governor has over the senators and representatives.

His official messages and budget requests to a regular legislative session are just advisory and often ignored, at least in part, by legislators who often feel their folks back home deserve more attention.

A governor controls the appointments to the many state agencies and boards but he cannot remove his appointees nor can he dictate their actions—unless they want to be controlled. Many appointees to agencies and boards develop close contacts with senators and representatives, particularly on appropriations, that sometimes sever their original close relations with the governor.

And the governor has no direct control over the elected heads of state departments such as the attorney general, comptroller, treasurer, land commissioner, and others. They usually deal directly with legislators and most resent efforts of governors to influence the operations of their departments.

But the veto and the special session are the governor's own

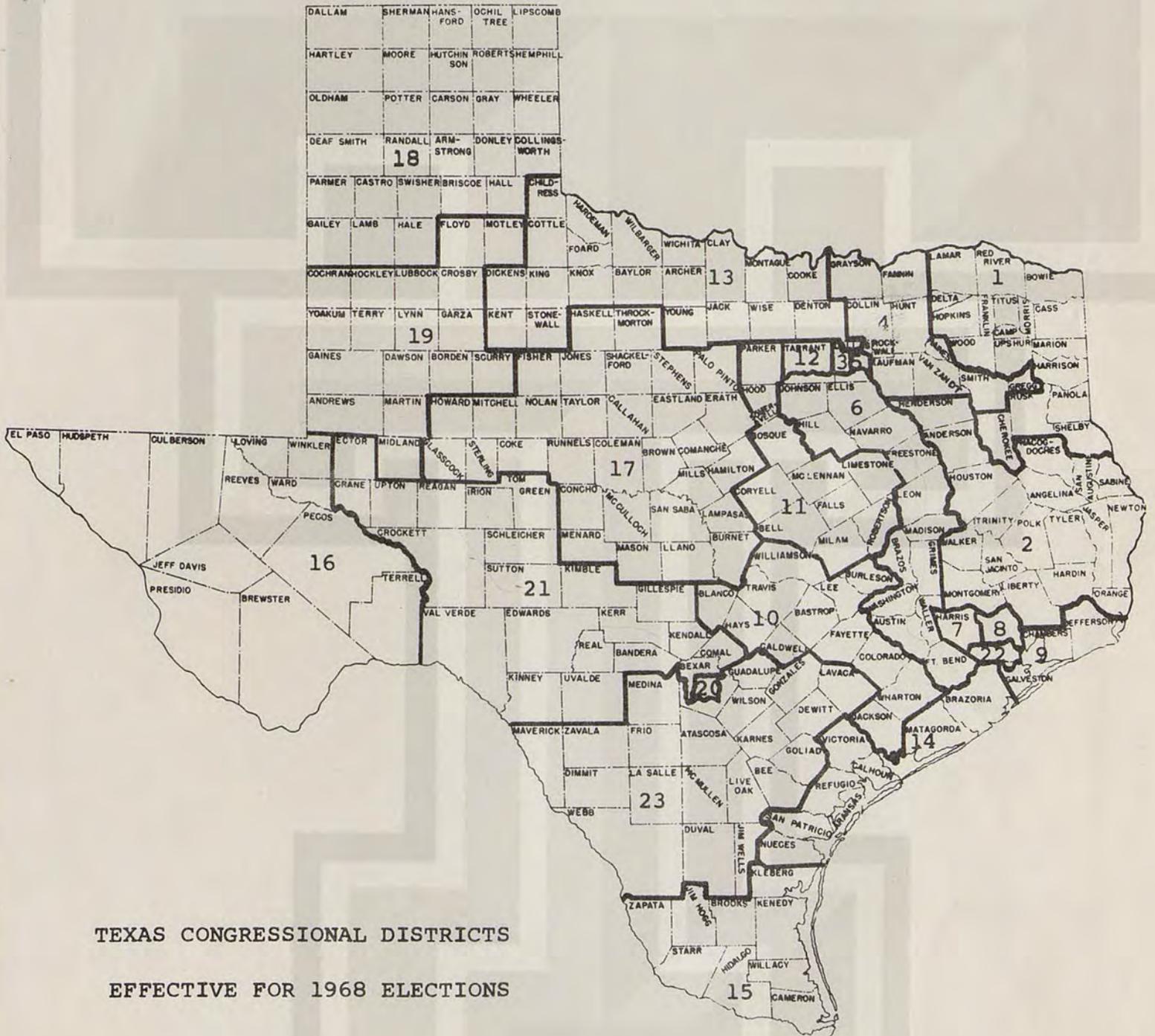
effective departments.

In recent years less than four per cent of a governor's vetoes have been overridden by a two-thirds vote of both houses. Many vetoes are made on controversial bills that pass in the final days of a special session, such as appropriation bills, and the legislature gets no chance to override because it has adjourned.

Every Texas governor has used the veto power, some to cancel out bills that were technically defective and some because they did not agree with the subject matter.

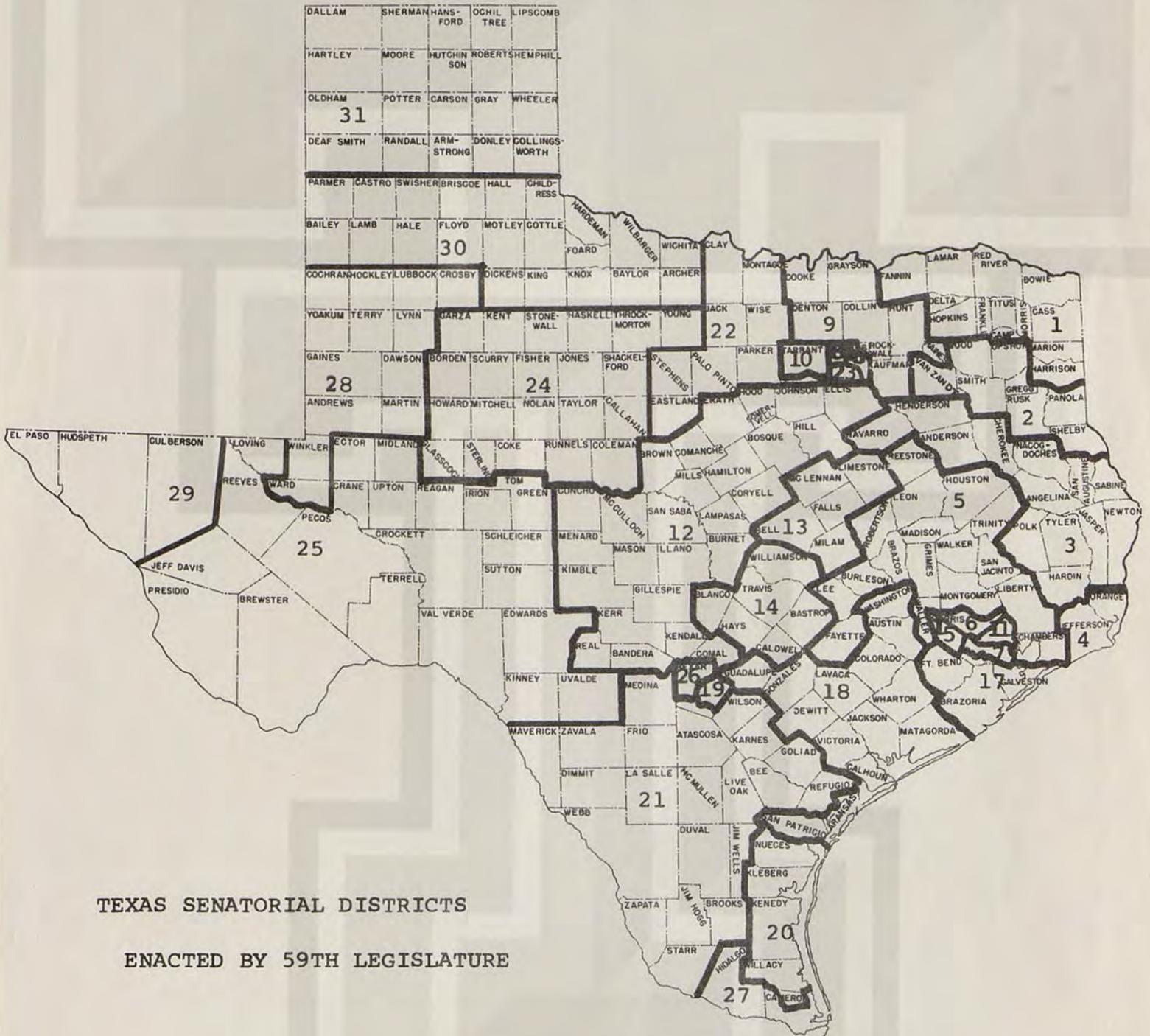
The late Gov. Dan Moody held the veto record, with 117 vetoes in four years. Moody also held the special session record, calling five in one term.

Connally called no special sessions during his first term that followed the 1963 Legislature. He called the 1965 Legislature back in session once, to follow federal court orders on voter registration. His third term apparently will include the scheduled 1968 session, plus more this year if legislators are unable to settle their appropriations differences before May 29.



TEXAS CONGRESSIONAL DISTRICTS
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PHASE II

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DISCUSSION SUGGESTIONS
Phase II
Study of the Texas Legislature

INTRODUCTION AND REVIEW OF PHASE I

In 1966 at the state Convention Texas League members selected EVALUATION OF THE ORGANIZATION AND FUNCTIONING OF THE TEXAS LEGISLATURE as a new study item. The first year was spent studying the Texas Legislature as it is by exploring textbook information about the structure and the functioning of our state's lawmaking body. Texas League members observed with new understanding the 60th Session of the Texas Legislature. Before, during, and after this lively session changes in this process were discussed in the Legislature and in the press. Clippings of these movements toward change are valuable resource material for the League's evaluation of the legislature.

A quick catch up is in order for members of the resource committee who are new or who missed the discussions last year. The LEADER'S GUIDE AND BIBLIOGRAPHY and the materials from the Legislature Kit from last year could be reviewed. Some selections from the Kit are necessary for Phase II. For instance, "Texas Lobby Control and Related Legislation" will be vital for use with Facts and Issues #4, "The Influence of the Lobby," which will be published in October. In addition new League members should be given some background to make Phase II more meaningful to them. Some Leagues are using a VOTER article, a film on the Texas Legislature (see bibliography), or a summary before the discussion of Phase II.

PHASE II

The purpose of this second year is to compare the Texas Legislature with legislatures of other states and to evaluate changes which have been proposed to increase efficiency and general improvement in the legislative product.

In this part of the study your local League discussions are in the spotlight. This will be a "grass roots" consensus. From free wheeling discussions in local groups as they delve into the possibility of modernizing the legislative branch of state government, the state Board will try to define areas of emerging consensus.

You let us know the results of your discussions by filling out in triplicate the Discussion Questions and Report Form, which will be sent to local League presidents with each Facts and Issues, and sending it to the state office as soon as your discussion is completed. Early return of these forms will speed the compilation of the results and our report back to you. The deadline for return of all four is February 1, 1968. As is pointed out on each form, the questions are only a starting point from which your resource committee or local members can raise other questions for discussion and evaluation.

Tools available to help your cultivate "grass roots" will be the four Facts and Issues which will cover: 1) aids for the legislators, 2) the influence of the governor, 3) the framework and the functioning of the legislature, 4) the influence of the lobby. These publications are intended as every member material so that all those participating can be informed and active in helping to guide the course of consensus. Other uses of these publications in the community for those who share your interest in the Texas Legislature will occur to your committee. In addition to the accompanying bibliography, you will wish to utilize direction toward possible

consensus areas from programs with your legislators, newspaper clippings gathered by your committee during the 60th Legislature, the STATE LEGISLATURE PROGRESS REPORTER (being sent directly to Legislature Chairmen), and the summary of C.E.D. recommendations being sent to each person on the Texas League of Women Voters mailing list.

Planning by the Legislature and Resource Committee will be needed to cover this amount of material in the meetings available during a program making year. Many local Leagues have planned all day workshops, Legislature Learn-Ins, and general membership meetings with legislators during which they question their lawmakers concerning possible streamlining of the legislative process. You may wish to consider covering only two or three of the Facts and Issues in depth in discussion units. The areas to be covered should be suggested to the local Board by the Legislature Committee. Breaking a Discussion Unit into buzz groups to discuss various sections of the Facts and Issues would allow coverage of a wide range of subjects mentioned in the Facts and Issues. Groups of from four to eight members discussing a small manageable area could bring their conclusions back to the main group with recommendations for possible further in depth consideration by the entire membership at a later meeting. Or their discussion, which should have a leader and a recorder, condensed and distilled by the small group could lead to some conclusions in a shorter length of time when reported back to the entire discussion unit.

INTRODUCTION TO BIBLIOGRAPHY

Several considerations have entered into the presentation of an extensive, but by no means complete, list of reference material. Listing of materials which contribute various types of information will allow for flexibility in pursuing the kind of background needed to develop the emerging consensus areas your League discovers. Since library facilities vary considerably in local communities, many items are listed in the hope that each League may find at least a few additional readings to supplement the Facts and Issues. The interest in strengthening state government, which leads to emphasis on legislative reform, is a recent development. Thus you will find some of the material listed will be mainly background which will help in understanding the current literature.

BIBLIOGRAPHY FOR PHASE TWO
A Study of the Texas Legislature

The basic bibliography for Phase One in the LEADER'S GUIDE (October, 1966) is also basic reference for Phase Two. It will not be repeated here. Many items in this list may not be available at your local library, however they are listed for convenience of resource committees who may wish to study certain phases of particular interest to their League in depth.

BOOKS

Jewell and Patterson. THE LEGISLATIVE PROCESS IN THE UNITED STATES. New York: Random House, Inc., 1966. \$7.95.

Gives a comprehensive survey of the American legislative systems - Congress and the state legislatures. This recent volume was suggested in the June State Board Report and is excellent for those who wish to study thoroughly the legislative process.

Adrian, Charles R. STATE AND LOCAL GOVERNMENTS, Second Edition. New York: McGraw-Hill Book Co., 1967.

An analysis of politics at the state and local levels. Chapter 7 - Intergroup Activity and Political Power; part of Chapter 10 pertaining to the governor's legislative role; Chapters 13 and 14 on Legislative Organization and Functions, Legislative Behavior and Apportionment.

Bosworth, Karl A. THE FORTY -EIGHT STATES - THEIR TASKS AS POLICY MAKERS AND ADMINISTRATORS. New York: American Assembly, Graduate School of Business, Columbia University, 1955.

Evaluates size, quality of legislators, pay, study committees, legislative councils, party research bureaus, committee organization and practice, committee chairmen, sessions.

Easton, David. A SYSTEM ANALYSIS OF POLITICAL LIFE. New York: John Wiley and Sons, Inc., 1965.

Jacob and Vines. POLITICS IN THE AMERICAN STATES - A Comparative Analysis. Boston, Toronto: Little Brown and Co., Inc., 1965.

Thorough coverage of political participation, interest groups and the politics of important state programs.

Kaufman, Herbert. POLITICS AND POLICIES IN STATE AND LOCAL GOVERNMENTS - Foundations of Modern Political Science Series. Englewood Cliffs, New Jersey: Prentice-Hall, 1963.

Chapters on Intergovernmental Relations; The Architecture of State and Local Political Strategies; Everyone is in Politics.

Keefe and Morris. THE AMERICAN LEGISLATIVE PROCESS. Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1964.

Key, V. O., Jr. AMERICAN STATE POLITICS: AN INTRODUCTION. Alfred A. Knopf, Inc., 1956.

Lockard, Deane. THE POLITICS OF STATE AND LOCAL GOVERNMENT, Fifth Printing, 1966. New York: The Macmillan Co., 1963.

Emphasis on Political Dynamics.

- MacDonald, Austin F. AMERICAN STATE GOVERNMENT AND ADMINISTRATION, Sixth Edition. New York: Thomas Y. Crowell Company, 1961.
Chapter 2 - Organization of State Government.
- Maddox and Fuquay. STATE AND LOCAL GOVERNMENT - Political Science Series - Second Edition, 1966. Princeton, New Jersey: D. Van Nostrand Co., Inc. (1962 edition listed in Bibliography for Phase One.)
- Marx, Herbert L., Jr. STATE AND LOCAL GOVERNMENT - The Reference Shelf Series, Vol. 34, No. 3. New York: The H. W. Wilson Co., 1962.
Gives readings from periodicals including one on Unicameral and another on Compacts and Authorities.
- Morlan, Robert L. CAPITOL, COURTHOUSE AND CITY HALL. Boston: Houghton Mifflin Co., 1960.
Readings in American state and local government.
- Swarthout and Bartley. PRINCIPLES AND PROBLEMS OF STATE AND LOCAL GOVERNMENT. New York: Oxford University Press, 1958.
Sections on evaluation and proposed improvements in state government.
- Trippett, Frank. THE STATES: UNITED THEY FELL. Cleveland: World Publishing Co., 1967. \$5.95.
From the book jacket, "Life in an American state legislature makes Alice in Wonderland seem like an exercise in normality. This barbed and witty but never really unkind portrait examines the performance of these venerable political bodies and records their foibles."
- Zeller, Belle. AMERICAN STATE LEGISLATURES. New York: Thomas Y. Crowell, 1954.
A study by a committee of the American Political Science Association; comprehensive with figures.
- Zimmerman, Joseph F. STATE AND LOCAL GOVERNMENT - College Outline Series, Fourth Printing, 1965. New York: Barnes and Noble, Inc. Paperback \$2.25. Available in college bookstores.
Gives concise information; contains a Model State Constitution; tables on terms and compensation, representation, sessions, legislative procedure, standing committees, hearings; bibliography.

AREAS COVERED BY FACTS AND ISSUES

I Aids For the Texas Legislator

- Barber, James D. THE LAWMAKERS: RECRUITMENT AND ADAPTATION TO LEGISLATIVE LIFE. New Haven: Yale University Press, 1965.
- Fite, Harry H. THE COMPUTER CHALLENGE TO URBAN PLANNERS AND STATE ADMINISTRATORS - Technical and Management Series, Vol. 2. Washington and New York: Sparton Books. London: Macmillan and Co., Ltd.
- Siffin, William J. THE LEGISLATIVE COUNCIL IN THE AMERICAN STATES. Bloomington: Indiana University Press, 1959. 266 pages.
- Frank, Elke. LAWMAKERS IN A CHANGING WORLD. Englewood Cliffs, New Jersey: Prentice-Hall, 1967. \$4.95 (cloth) \$1.95 (paperbound).

II. The Influence of the Governor

Ransome, Coleman B. THE OFFICE OF GOVERNOR IN THE U.S. University Ala.: University of Alabama Press, 1956.

Gantt, Fred, Jr. THE CHIEF EXECUTIVE IN TEXAS: A STUDY IN GUBERNATORIAL LEADERSHIP. Austin: University of Texas Press., 1964. \$6.50.

Listed in Phase One bibliography but repeated here since it is valuable reference.

Rich, Bennett M. STATE CONSTITUTIONS: THE GOVERNOR. National Municipal League, State Constitutional Studies Project, No. 3, 1960. (See later listing under National Municipal League for ordering information.)

III The Framework and the Functioning

Abernathy, Byron Robert. CONSTITUTIONAL LIMITATIONS ON THE LEGISLATURE. Lawrence: Governmental Research Center, University of Kansas, 1959.

Davis, Clarice McDonald. LEGISLATIVE MALAPPORTIONMENT AND ROLL-CALL VOTING IN TEXAS, 1961-1963. Austin: Institute of Public Affairs, University of Texas, 1965. Public Affairs Series, #66.

Eulan, Heinz and Sprague. LAWYER IN POLITICS. Bobbs-Merrill Co., Inc. 1964.

Ray, Joseph Malchus. TEXAS LEGISLATURE: ONE HOUSE OR TWO. Austin: The University of Texas, 1937.

Davis, J. William. THERE SHALL ALSO BE A LIEUTENANT GOVERNOR - Public Affairs Series # 73. Austin: Institute of Public Affairs, The University of Texas, 1967. \$3.00 (paperback).

IV The Influence of the Lobby

Burdette, Franklin L. LOBBYISTS IN ACTION (HOW STRINGS ARE PULLED). Washington, D.C.: National Capitol Publisher, Inc. P. O. Box 7706.

Crawford, Kenneth Sale. THE PRESSURE: THE INSIDE STORY OF LOBBYING IN AMERICA. New York: J. Messner, Inc., 1939. About congressional lobbyists.

Fenton, John H. PEOPLE AND PARTIES IN POLITICS: UNOFFICIAL MAKERS OF PUBLIC POLICY. Scott, Foresman, 1966.

Holtzman, Abraham. INTEREST GROUPS AND LOBBYING. New York: The Macmillan Co., 1966. Case studies and original research on the origin and tactics of interest groups in America, with comparative glimpses of interest groups in British and Italian political systems. Explores ways groups seek to promote policies they favor.

Lane, Edgar. LOBBYING AND THE LAW. Berkeley, Calif.: University of California Press, 1964. \$6.50
Listed in the first LEADER'S GUIDE but repeated here because it is considered especially helpful.

Taft, Charles P. "LOBBYING: WHAT DOES IT CONSIST OF? WHERE DOES IT FIT INTO OUR PROCESSES OF GOVERNMENT?" - Grass Roots Series. Washington, Conn. 06793: Center for Information on America. \$0.35. Pamphlet.

PERIODICALS

ANNALS OF AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE

Schermerhorn, Gertrude L. "Lobbies and Pressure Groups: A Lobbyist's Point of View," January 1938.

A League of Women Voters lobbyist feels lobbyists of the right sort are needed. The people share in the blame for poor legislation.

CHRISTIAN SCIENCE MONITOR

Strout, Richard L. "Legislative Reform," May 12, 1965.

..one of state government's most pressing needs.. "We can't go on like this."

COLLIERS

Velie, Lester. "The Secret Boss of California," August 20, 1949.

About Artie Samish considered "Mr Legislature," who was lobbyist for the liquor and other industries.

COMMENTARY

Norris, Willie. "Legislating In Texas," November 1964.

FARM JOURNAL

Bledsoe, Stewart. "I Spent a Winter in Politics," January 1966.

A look at legislative duties through the eyes of a rancher.

HARPER'S

Janson, Donald. "House Nebraska Built," November 1964.

Believes unicameral in Nebraska is economical.

NATION

Beetle, David H. "Legislatures; The 100 Year Lag," November 7, 1966.

About legislative pay raises, groups striving to help, unicameralism, politics of legislatures.

NATIONAL CIVIC REVIEW

Miller, James Nathan. "Hamstrung Legislatures," April 1965.

(Reprinted in READER'S DIGEST, May 1965)

Brydges, Earl W. "The Electronic Solon," July 1965.

Anderson, John, Jr. "On Behalf of the States," January 1966.

Freshmen Legislators Briefed in California - page 23.

D'Alemberte and Fishburne. "Why A Second House?," September 1966.

Katz, Harold. "Challenge, Opportunity," September 1966.

Editorial: "How Many Lawmakers?" October 1966

D'Alemberte, Talbot. "The Ombudsman," December 1966.

Legislative Orientation in California - page 636.

Editorial: "The More Things Change..," March 1967.

Proposals Increase for Ombudsman - page 149.

Voters Lack Knowledge of State Legislators - page 153.

Citizens Groups View Legislature - page 169.

"For Stronger States," (Excerpt from Modernizing State Government).

Hamilton, R. H. "Hawaii Creates First Ombudsman," July 1967.

Veto and Governor of North Carolina - page 406.

SATURDAY EVENING POST

Ambrister. "An Octopus in the State House," February 12, 1966.

PERIODICALS (Continued)

SATURDAY REVIEW

Littlewood, Tom. "The Trials of Statehouse Journalism," December 10, 1966.
A look at state legislatures from the press table - often called the "fourth house."

SENIOR SCHOLASTIC

"State Legislature: A Battle for Survival?" March 25, 1966.

STATE GOVERNMENT

Horack, Frank E., Jr. "Bicameral Legislatures Are Effective," April 1942.

THE TEXAS OBSERVER

"The Legislature and Our Changing Times," April 14, 1967.
Suggest reform of legislative procedures in Texas.
"Speaker;s Day Not What It Used to Be," April 28, 1967.

TIME

"The States - In Bad Shape," August 4, 1967 - page 19.

U.S. NEWS AND WORLD REPORT

"When a State Tries to Clean Itself Up," February 7, 1966 - page 16.

WALL STREET JOURNAL

Otten, Alan L. "Lift for Legislatures, Citizens Groups Help Statehouse, Drive to Overcome Defects," July 1, 1966.

WESTERN POLITICAL SCIENCE QUARTERLY

Shumate, Roger. "The Nebraska Unicameral Legislature," September 1952.
An analysis of success, criticisms, defenses.

OTHER RESOURCE MATERIALS

PUBLIC AFFAIRS COMMENT

Soukup, James R. "Lobby Regulation in Texas," May 1958.
Johnson, Floy M. "Legislative Reapportionment in Texas: Unfinished Business," November 1966.
Mooney, O. M. "The Digital Computer: Its Development and Its Use in Texas State Government," September 1967.

Single copies of PUBLIC AFFAIRS COMMENT are free on request. Write to: Institute of Public Affairs, Austin, Texas 78712.

Publications Available

Citizens Conference on State Legislatures

Suite 204, 910 Pennsylvania, Kansas City, Missouri 64105 (Make checks payable to them, prepaid please).

April 1967	Compilation of Recommendation Pertaining to Legislative Improvement in the Fifty States	\$1.25
April 1967	A Survey of Legislative Services in the Fifty States	2.15
May 1967	State Constitutional Provisions Affecting Legislatures	1.25

Publications Available (continued)

Committee for Economic Development

711 Fifth Avenue, New York, New York 10022

July 1967 "Modernizing State Government" \$1.00

Council of State Governments

1313 East 60th Street, Chicago, Illinois 60637

1967 "American State Legislatures: Their Structures and Procedures" 3.00

1961 "Fiscal Services for State Legislators"

1966 "The Final Report of the 29th American Assembly"
Columbia University

National Municipal League

47 East 68th Street, New York, New York 10021

STATE LEGISLATURES PROGRESS REPORTER - periodic newsletter reporting problems and progress - to get your name on the mailing list, write requesting it - mention you are LWV.

MODEL STATE CONSTITUTION - 1963 2.00

Study groups of Leagues of Women Voters are entitled to an educational discount of 50 percent on orders of five copies or more of any materials. Publications list available upon request.

LEAGUE OF WOMEN VOTERS

Publications on State Legislatures:

"The California Legislature: Facts for Citizens," 4 pages, LWV, California, 126 Post Street, Room 512, San Francisco, California, 94108. 15¢.

"Under the Golden Dome: A Guide to the Georgia Legislature," flip format, LWV, Georgia, 3121 Maple Drive, N.E., Suite #2, Atlanta, Georgia 30305. 25¢.

"A Closer Look at Idaho's Constitution: The Legislature," Mrs. Don Batten, Publications Chairman, LWV, Idaho, 34 Yale Street, Pocatello, Idaho 83201. 10¢.

"Unicameral Legislature," LWV, Iowa, 203 Brick and Tile Bldg., Mason City, Iowa, 50401, February 1966. 20¢.

"A Study of State Legislative Districting," LWV, Iowa, 203 Brick and Tile Bldg., Mason City, Iowa 50401, November 1965.

"The Maryland General Assembly," Revised 1967, LWV, Maryland, 5 State Circle, Annapolis, Maryland 21401. 25¢.

"The Unicameral Legislature," LWV, Missouri, 6374 Delmar Blvd., St. Louis, Missouri 63108. 10¢. 25 for \$1.25.

"The Great and General Court: The Legislature of the Commonwealth of Massachusetts," LWV, Massachusetts, 120 Boylston Street, Boston, Mass. 02116. November 1965. 15¢.

"Unicameralism vs. Bicameralism," LWV, Nebraska, Mrs. Don Abernethy, Publications Chairman, 707 South Blaine Street, Grand Island, Nebraska 68801. 1962. 15¢.

"Let's Look at our Legislature," LWV, New York, 451 Park Avenue South, New York, New York. 1960. 20¢.

"A Look at the Legislature," Pub. No. 51, LWV, Washington, 7615 Sand Point Way, N.E., Seattle, Washington 98115. January 1967. 35¢.

LWV of Texas:

THE TEXAS LEGISLATURE - Leader's Guide and Bibliography - 43¢

Texas Legislature Kit - October 1966 - \$1.50

Supplementary Legislature Kit - October 1967 - 75¢

Facts and Issues - THE TEXAS LEGISLATURE

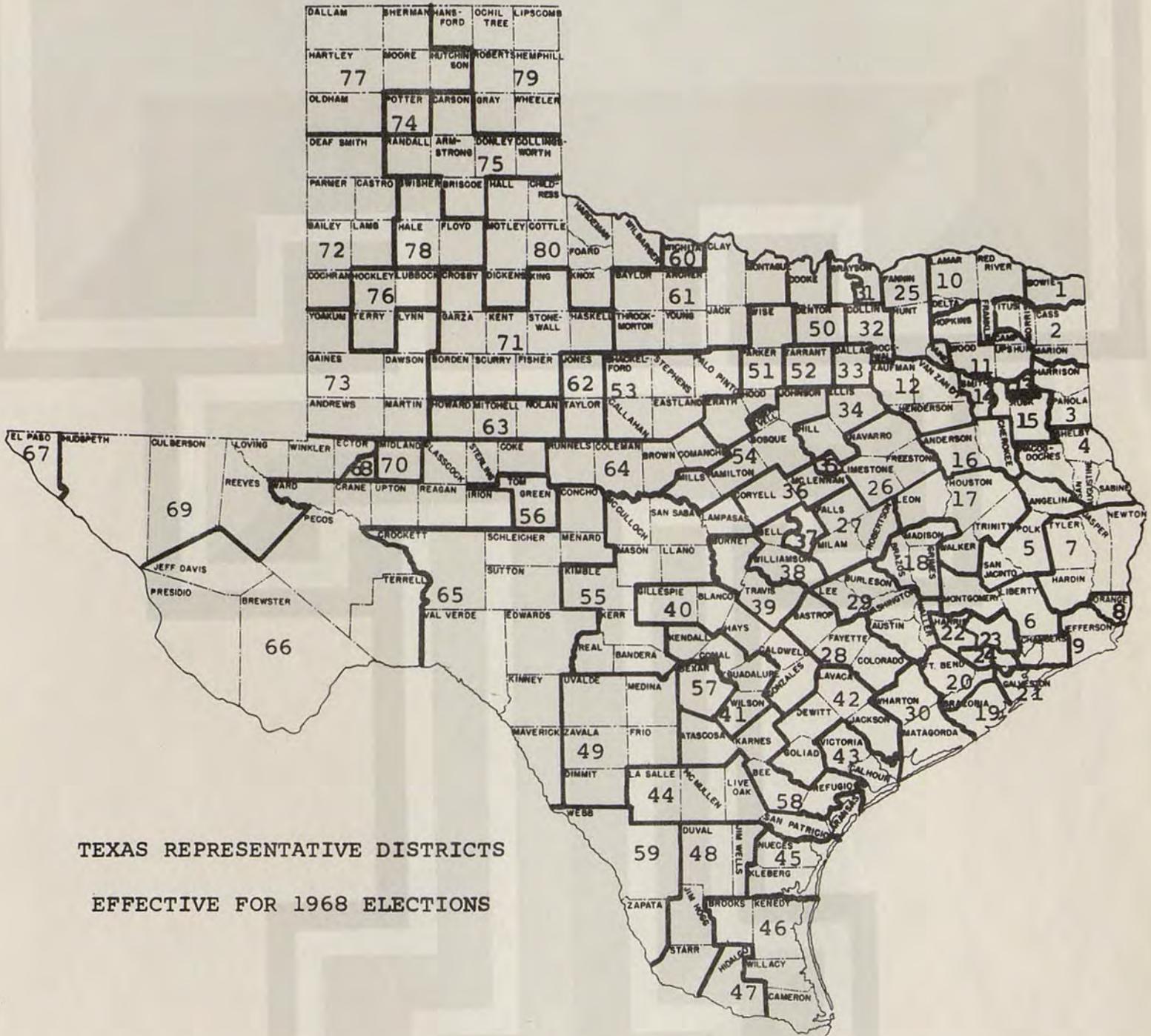
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#4 - "The Influence of the Lobby" 15¢

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TEXAS REPRESENTATIVE DISTRICTS
EFFECTIVE FOR 1968 ELECTIONS



'PIECEMEAL' LEGISLATION DEPLORED BY CONNALLY
(Article which appeared in the Dallas Morning News, June 20, 1967)

'Piecemeal' Legislation Deplored by Connally

Staff Special to The News

BANDERA, Texas—Gov. John Connally said Monday that law-making in Texas is in danger of being "piecemealed to death" by the volume of Legislation which is local in nature.

He noted the 60th Legislature passed bills creating 54 water-related districts, 28 hospital districts, 51 special districts, and four airport authorities.

"On top of all these," he told a meeting of the Texas County Commissioners Association, "The Legislature passed 108 other bills pertaining to counties and only 32 of those were of a general nature."

SIX OF THE 20 proposed constitutional amendments pertain directly to powers of counties, he noted. The Legislature rejected Connally's plea to call a convention to write a new State Constitution.

"More and more of this piecemeal legislation is being enacted every time the Legislature

meets," said Connally. "You might say we are being 'piecemealed to death'."

Connally pointed to a bill he signed Sunday which proposed a constitutional amendment allowing Tom Green County to contract with the City of San Angelo to operate a county jail," necessary because of the dilapidated condition of the present jail."

"I supported a bill introduced this session," he said, "which would have allowed this inter-local cooperation on a general basis and not require the Legislature to pass special laws for every individual condition that arises."

THE GOVERNOR urged the county lawmakers to active participation in the governmental process. He cited the Texas Research League's seven-point proposal for revamping of county-metropolitan governments which failed to gain legislative approval.

"Some of you supported, some did not," he said, "and it was defeated by lack of sufficient support."

"We cannot much longer continue to listen to the counsel of those who would retreat into the tranquility of the status quo . . . those who would let Texans look past the courthouse and the state house to Washington for action on their just demands," he said.

"We cannot continue to live in the past."

COMMITTEE SYSTEM STILL IN 'ARCHAIC ATROCITY'
(Article by Tom Littlewood for Roscoe Drummond, which appeared in the Galveston Daily News, September 11, 1967. Reprinted by permission of the Hall Syndicate, Inc.)

Roscoe Drummond

Committee System Still In 'Archaic Atrocity'

By TOM LITTLEWOOD
(For Roscoe Drummond)

STUDENTS OF PUBLIC affairs convinced one another long ago that the states would wither away unless their legislatures were "professionalized" and made workable. But the public wasn't listening and not much happened.

More recently, the Supreme Court's reapportionment mandate, the gush of urban problems, and the remedial zest of the national government changed the conditions significantly. As a consequence, the business community awoke to the realization that merely owning legislators would no longer do.

In most capitals the committee system is still an archaic atrocity. Generally the legislatures have had to rely for their expertise on the governor's hired hands or the frequently contradictory information of interested lobbyists. On the typical insurance committee can be found all the members who are insurance men—but no technical resources for examining the public's interest.

IT FOLLOWS LOGICALLY that independent, responsive legislatures need to meet every year and stay as long as it takes. In turn, members should be paid reasonable salaries and have adequate office facilities and staff. Until then, the sad truth is that codes of ethics designed to cleanse conflicts of interest are probably only futile symbolic gestures.

Intent upon harnessing the new-found self-interest of business, a nationwide legislative upgrading movement has formed around the many-sided figure of Jesse M. Unruh. The far-ranging Speaker of the California Assembly has a hand in the National Conference of State Legislative Leaders, which has been concerned with converting the statehouse old guard, and in Rutgers University's Eagleton Institute of Politics, a refreshing academic precinct where ivory towers are extinct. In addition, Unruh's former assistant, Larry Margolis, has now moved over to become director of the Citizens Conference on State Legislatures. This group hopes to involve interest groups early in the planning and financing of individual legislative modernization campaigns.

Nevertheless, the tradition of the citizen-legislator who left his plow in the field and tramped off periodically, like a volunteer fireman, lives on. For most, even today, their part-time legislative service is a hobby, a diversion that happens to benefit their law practice or business. Important decisions are left to a few elder backstage managers who know what's going on and are able profitably to referee the interplay of conflicting interests.

Georgia's legislature can hardly function responsibly meeting six weeks a year—or New Jersey's one and two days a week. Unruh's own state is an exception to the general rejection by the voters of legislative improvement propositions. California's legislators are paid \$16,000 a year, have capital and district offices, secretaries, assistants, a state automobile and liberal expense allowances.

ELSEWHERE, BRIGHT young men who were inspired by the reapportionment decisions to enter the legislatures are disheartened by the inefficiency. Unless they rise rapidly to positions of influence, they are ready to quit. As a deterrent, Eagleton brings some of them together with Unruh and other political veterans at a summer seminar where they compare notes and frustrations. This year it was discovered, somewhat

surprisingly, that many of the dedicated newcomers felt the best people would drop out, even with higher salaries, rather than take more time from their regular jobs. Others suspected that better pay would entice party leaders to squat down themselves on a legislative sinecure.

Jesse Unruh's missionary work for the legislatures has incidentally—and unobtrusively—established his base as a national politician. Particularly meaningful are his friendships with younger Democratic leaders, such as Ben Barnes of Texas and Richard Bodine of Indiana, tomorrow's governors, senators, and who knows what.

Strengthening the legislatures has been especially difficult where political bosses tell members how to vote. Illinois, a prototype in that respect, achieved some beginning improvements this year. But the voters have refused annual sessions. And the sinister image of the legislature made it easy for the Governor to veto a pay raise, after newspapers moaned that the pocketbooks of parttime legislators would only be fattened.

EVER THE REALIST, Unruh has an answer to that: no one knows the total cost of maintaining the American political system, within which he includes campaigning for office, influencing decisions by lobbying and other means, and the salaries and operating expenses of public officials. But the cost is huge and the price gets paid—not always through the front door though, as the civics books say it should.

CONFERENCE COMMITTEES UNDER FIRE

(Article by Garth Jones, which appeared in the Victoria Advocate
January 5, 1967)

TEXANS IN POLITICS

Conference Committees Under Fire

By GARTH JONES

If the predicted controversy over legislative conference committees erupts in the next few weeks, a lot will be said about 10 men being given authority to spend \$4.6 billion of the taxpayers' hard earned cash.

That, in effect, is the power that has been exercised in the past by some conference committees named to iron out Senate and House differences on state spending.

Speaker Ben Barnes, backed by numerous House members, wants the conference group of five House members and five senators bound strictly to compromising differences between the Senate and House versions of 1968-69 spending.

Lt. Gov. Preston Smith, backed by a number of senators, says he sees no need to change present conference committee rules.

Gov. John Connally has said nothing recently about conference committees although he indicated once after the end of the 1965 legislature that conference committee curbs might be a good idea.

In 1963 after the end of that session, Connally spoke out loud and clear in a veto message that chopped big holes in parts of the compromise bill produced by a 10-man conference group.

Connally vetoed item after items were added to the spending bill by the conference committee in defiance of previous action by the House, Senate, the governor's budget office and the Legislative Budget Board.

In one item, Connally noted that all four bodies had approved, upon the recommendation of a special state parks study by Texas Tech, that \$250,000 be used to buy 4,500 acres on the Pedernales River in Central Texas for a new state park. The committee cut the appropriation out of the bill.

"The conference committee disregarded the recommendation of the Texas Tech study, the Legislative Budget Board, the governor, the House Appropriations Committee, the Senate Finance Committee and the House and Senate members

themselves," Connally's veto message said. "In addition the conference committee knocked out funds needed to complete the Texas Tech study."

The 1963 committee doubled appropriations for new prison buildings despite recommendations of the four budget bodies after public hearings.

"I am reluctant to believe that all facts involved in the appropriations were not fully weighted by these four bodies and that the conference committee found sufficient additional facts to double the appropriation," he said.

Other Connally vetos included:

An item calling for a \$10,000 water gauging station in Hall County that was never mentioned in either bill approved by the House and Senate.

Creation of a \$15,000 job as archeologist for the Texas Memorial Museum. Nobody had made a budget request for the position.

Appropriation of \$25,000 to enclose a swimming pool at a state college, and at the same time reducing requests for teaching salaries and research by \$125,000.

Transfer of the state insurance liquidator's office from the Board of Insurance to the attorney general's department by a rider or special paragraph tacked onto the spending bill.

THE UNICAMERAL LEGISLATURE

Institutions of representative government should not be regarded as ends in themselves, but simply as means through which social and economic objectives can be achieved. An efficient legislative structure for state government is important so that lawmakers will have the fullest opportunity to know and be responsible to the public will.

Bicameralism is a characteristic feature of American government found in the organization of both Congress and the legislatures of every state except Nebraska. However, it has not been the only structure employed in American legislatures. Pennsylvania, Georgia, and Vermont had experience with unicameralism in their early history. Nebraska has had a unicameral state legislature since 1937. Great Britain's legislative body, from which our tradition stems, is bicameral in name only. The House of Commons has assumed all important legislative and political functions from the House of Lords, and is essentially a unicameral system. At one time some 40 per cent of the nation's cities had bicameral legislative bodies, but bicameralism has practically disappeared at the municipal level.

Although the traditional bicameral legislature remains in all but one state, the two houses generally have the same jurisdiction, the same authority, and the same requirements to perform identical functions. Further, state government is undergoing major change today. *Reynolds v. Sims* and other recent U.S. Supreme Court decisions have established the general rule that a state must make "an honest and good faith effort to construct districts for both houses of its legislature as nearly of equal population as is practicable." Differing bases of apportionment alone are a less valid rationale for a bicameral system.

It is therefore important to re-examine the efficiency and effectiveness of unicameralism as compared to bicameralism, and to weigh the relative merits and disadvantages of each.

Spotlight on Nebraska

The story of the pioneering efforts of Senator George W. Norris and others to convince Nebraskans to adopt a one house legislature began in 1913. A legislative committee was appointed to study ways and means by which the state government could be made to function more effectively. It recommended the unicameral system. A long and arduous campaign began, ending victoriously in November of 1934.

At that time, a citizens' petition had secured a statewide vote on the constitutional amendment to merge Nebraska's 33-member Senate and 101-member House into a single legislative body. The amendment carried by a large majority, and the unicameral legislature has been in operation in Nebraska ever since.

Legislative Structure

Nebraska has a one-house legislative body composed of not less than 30 nor more than 50 members (currently 50), elected from single-member districts on a nonpartisan ballot (which is not essential to the system). Legislators meet in unlimited biennial sessions, for which they are presently paid \$4,800. Legislative terms have recently been extended from two to four years, with half the members elected every two years. The governor continues to present a budget, exercise the veto power, and make certain appointments subject to legislative confirmation. The presiding officer of the assembly is the lieutenant-governor, and the chief clerk is a full-time officer. A legislative council, to which all legislators belong, functions between and during sessions to maintain research and reference services, as well as to formulate legislative programs.

One of the objectives of the unicameral amendment was an effective committee system. There are at present 18 standing committees, 13 on subject matter and 5 on administration and rules. Membership and chairmen of the committees are chosen by a 13-member Committee on Committees.

Rules of Procedure

Introduction of bills by individual members is limited to the first 20 legislative days. After the 20-day limit, a standing committee may introduce bills upon a majority vote of its members and upon the vote of three fifths of the elected members of the legislature. Bills may also be introduced after the 20-day limit upon recommendation of the Governor.

There are public hearings on almost all major bills. Any citizen may appear to state his position for or against a measure. Notice of date and time of committee meetings is published in the legislative journal 5 days in advance of hearings.

En route to passage after receiving committee approval, a bill makes at least three appearances on the floor—first to undergo debate and amendments, a second time for technical refinements and unanimous consent amendments, and third, final reading aloud and final vote. All bills must be published after refinement and when received by the legislature must lie on the members' desk for one legislative day before the final vote.

Unicameralism a Success in Nebraska

There has been no serious attempt in Nebraska to return to bicameralism since 1934, although there are recurrent movements to change from non-partisanship to the party system. A survey of 68 present and former senators by the University of Nebraska's School of Journalism in 1961 turned up only four who wanted to return to the two-house system.

Nebraska's Gov. Frank B. Morrison has said in an interview with the *New York Times* that two houses are unnecessary. "There is no longer any reason for any state to retain the duplications of a bicameral system when a unicameral system serves the same purpose less expensively." The legislators in Nebraska generally agree that the unicameral system has benefited the state. Those interviewed by the *Times* indicated that lawmakers were much more responsive to the wishes of their constituents under the unicameral system than under the old two-house establishment. Vice-Chancellor of the University of Nebraska, Dr. A. C. Breckenridge, says that the unicameral system has "become a source of considerable pride for many Nebraskans. Although it is by no means a perfect institution, it is a workable and responsible device for representative government."

The unicameral legislature also is advocated by the National Municipal League in its Model Constitution and the system is supported in Nebraska by the Nebraska League of Women Voters.

Why Only in Nebraska?

With many western nations and almost all major cities in the U.S. governed by unicameral systems, why is Nebraska the only state with a unicameral legislature? One reason given is the innate conservatism in America where government is concerned; another is that legislators are naturally reluctant to vote themselves out of office. Three other factors were at work in Nebraska when the unicameral system was adopted: (1) long outstanding leadership for unicameralism in the state; (2) initiative provisions available in the constitution; and (3) disenchantment with the bicameral legislature and its handling of depression issues.

In Support of Bicameralism

The adherents of bicameralism give a number of reasons for its retention. A study of apportionment by a group of political scientists, "One Man, One Vote," said: "Bicameralism may also serve to further the very objective of representing the people equitably in a legislature. In any districting, geographic features are bound to cause some inequities of population among districts. When there are two houses, an area that is somewhat underrepresented in one may be given a compensating advantage in the other and minor inequities in apportionment thus be balanced off." The Supreme Court said that different constituencies could be represented in two houses under a population standard; one house could have single-member districts while the other could have at least some multi-member districts. Differences in personnel, constituency, and outlook due to different terms and other factors all are justifications for bicameralism.

Efficiency and Consideration of Bills

Supporters of bicameralism insist one of its greatest advantages is that hasty or ill-considered legislation, passed by one house, can be killed on sober examination by the other. The following statistical analysis of the action of one house upon the bills from the other in Missouri challenges this argument.

Missouri General Assembly		
Bills introduced and Their Disposition		
72nd General Assembly, Reg. Session 1963		
Introduced		1,154
Passed House of Origin...	549	47.6%
Failed in House of Origin...	605	52.4%
Action in Second House		549
Passed without		
Amendment	200	36.5%
Passed with Amendments...	87	15.7%
Failed to Pass	262	47.8%
Bills Sent to Conference		22

The house of origin in Missouri failed to pass approximately half the bills introduced, which means that a large fraction of the legislation proposed in either house is never even considered by the second chamber. When bills do get to the second house, a far greater percentage of those finally passed are not amended, seeming to disprove the theory that one house acts as a check upon the other.

Unicameral advocates assert that the real checks and balances are the governor's veto, a court review, and the fact that a bad bill can be repealed by referendum or at the next legislative session. Checks and balances should be exercised between the three branches of government.

A summary of the above provides an interesting parallel with those of Nebraska's unicameral legislature during the same year.

		1963
Bills intro. Mo. Legislature.....	1,154	
Bills passed Mo. Legislature	287	25%
Bills intro. Neb. unicameral Leg.....	815	
Bills passed Neb. unicameral Leg.....	545	67%

For purposes of comparison, the last year of Nebraska's bicameral legislature is enlightening: of 1,956 bills introduced in 1935, 192 or 18% were passed. Certainly in a one-house legislature the total number of bills introduced is greatly reduced and the percentage of bills passed is greatly increased. In Nebraska, reports on bills can be requested 20 days after a bill has been sent to committee. The unicameral legislature has not experienced the bunching up of bills at the end of the session which so often characterizes the last 48 hours of many legislative sessions (caused in part by bills being approved by one house and held by the other until the last possible moment.)

Responsibility and Visibility

In a single house, supporters say, each legislator would feel greater personal responsibility for careful consideration of all bills to be voted upon, knowing that responsibility for presenting bad legislation could not lightly be delegated to a second body. Responsibility is more easily pinpointed in a unicameral system. With bicameralism, one house can stop, or seriously impede, good measures that are favored by a majority of the people. Some authorities feel that the biggest problem of state legislatures has been the failure to take any action at all rather than the laws actually passed.

It is claimed that two houses provide protection against corruption and undue influence by lobbies, yet Nebraska's simple organization and small membership provide high "visibility" for legislation. Certainly the elimination of the conference committee, which Senator Norris termed a third house, removes one point of undue influence. Nebraska State Senator R. D. Marvel says: "There's now no way for us to pass the buck. I can't say to a constituent, 'Okay, I'll introduce this for you,' and then run to the other house and say, 'Boys, kill this.' The lobbyist, too, doesn't dare talk out of both sides of his mouth. We're working in a goldfish bowl." The definite legislative procedures required in Nebraska make it easier for the voter to understand the process and to know where and when his voice would be most effectively heard.

Economy

A unicameral legislature would undoubtedly be more economical. While improved rules of procedure could be followed under bicameralism, duplication of effort still would be involved in getting legislation passed by two houses. The total cost of Nebraska's first unicameral session in 1937, with 226 bills passed, was \$140,000. The last bicameral session in 1935, with 192 bills passed, cost \$203,000. Experts, however, are inclined to discount the importance of this argument. The single house should cost less, they say; but legislative costs are so small a part of total state budget that this is not a significant argument. Of more importance is the fact that the unicameral system would reduce the number of legislative members, making it possible to pay the legislators a more reasonable sum without increasing the amount spent on salaries.

Quality of Legislation

Certainly the rules of procedure have been an outstanding feature of Nebraska's unicameral system. Many of these same improvements could be made within a bicameral system, however. To adequately evaluate the quality of government in any state, one must look at the kind of legislation which is passed, rather than the techniques used to pass it. Some authorities have noted that in a state as concerned with economy as Nebraska, the legislation passed has not kept pace with progress in other states. For example, Nebraska has no merit rating system for state employees, something the League of Women Voters has long supported in Missouri. Critics also have pointed to Nebraska's tax problems as an area in which bicameral legislatures seem to have done a better job. Yet, if the reason for lack of progress is failure of the legislature to act, having two houses instead of one would have made the situation even worse. Unicameralism, as a tool, does not guarantee good government, but it does eliminate some of the obstacles that plague bicameralism. Nebraska's problems and constituency are different from those of a more urban state, and comparisons of the quality of legislation are exceedingly difficult to make.

How Could Missouri Change to Unicameralism?

The legislature could offer a unicameral amendment to the voters, or citizens could circulate initiative petitions asking that such an amendment be put on the ballot at the next general election.

The change would take effect thirty days following approval by a majority of the voters.

LEAGUE OF WOMEN VOTERS OF MISSOURI
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STATES' RIGHTS

(Excerpts from a series of articles by Richard M. Morehead, Austin Bureau of the Dallas News, which appeared in that newspaper August 7 through 10, 1966. Deletions (which include all of the first article) are of material not relevant to the study of the legislature. Reprinted by permission by League of Women Voters of Texas, 1967)

States' Rights—2

Reapportionment Easing Gains in Federal Power

(Second of a series)

By RICHARD M. MOREHEAD
Austin Bureau of The News

AUSTIN, Texas — Reapportionment, long resisted by rural-dominated state legislatures, is giving state government a chance to reverse its steady loss of authority to Washington.

Federal courts forced this move on mostly-unwilling state governments, with decisions that each citizen's vote is supposed to count equally in electing congressmen and state legislators.

The result has been a dramatic shift of legislative strength from

rural voters to the cities. This year, Texas is electing its first Legislature and congressmen under the "one man, one vote" doctrine. The change doubtless will influence legislation in 1967, although the "city" legislator often reacts about like his rural counterpart.

Dallas, Harris, Bexar and other urban centers made the largest gains in reapportionment. If their legislators formed a team—which they won't because of wide differences in philosophy—metropolitan counties could control future legislation.

BUT THE CITY members are expected to be more responsive than past legislatures to the problems of "megapolis." Areas such as Dallas-Fort Worth offer such a maze of city, county, district, state, federal and joint programs that even an expert can get lost therein. The Texas Research League currently is making a study which hopefully will provide guideposts in assigning responsibility and authority in metropolitan areas.

The opportunity for city-oriented state legislatures to reestablish strong local government is seen by some conservative and liberals alike.

Old boundaries disappear, and the demand for public services grows.

"In less complex days, county lines were somehow sacred," Gov. John Connally said this year in Dallas.

"Today the city of Dallas, and not the county seat, is the focal point for many people in Denton, Collin, Rockwall, Kaufman and Ellis counties. Your new regional planning program itself is indicative of this blurring of county and city lines. When the Legislature last year established new legislative and congressional districts, county lines became less important than population centers.

"In the same way, state lines have become far less distinct than they were a few years ago. We are moving toward an economic and social life which tends more and more to obliterate state lines."

It is in the expansion of state services, perhaps using considerable federal funds, that the new relationship in government may grow. Legislatures with increased urban membership are expected to be less inclined to cling to the old ways, more inclined to tax and spend for the educational, welfare, highways, parks, hospitals and other programs they believe citizens want and need.

For a decade, state governments have expanded services more rapidly than the federal—a little-known fact. But Uncle Sam still is dominant with his purse full of income tax money plus an economic philosophy that a growing national debt is desirable.

The feeling grows among many state officials, at least, that the time is ripe for the statehouses to recapture part of their lost stature.

Tuesday: Should legislatures be abolished?

States Rights—3

Crossroads Seen For Legislatures By Some Students

(Third of a series)

By RICHARD M. MOREHEAD
Austin Bureau of The News

AUSTIN, Texas — Abolish state legislatures?

Some informed Americans believe legislatures are at a crossroads in their existence as effective instruments of government.

Speaker Ben Barnes of the Texas House of Representatives is one who holds to this belief. The next four to six years, says Barnes, will determine whether state governments through legislatures meet their responsibilities, and serve an important role in federal-state-local relationships.

If the legislatures fail to provide the leadership and the services the public demands, said Barnes, they may really be in the twilight of their importance in the United States.

The suggestion to "abolish legislatures" came from Editor William E. Giles of the National Observer. It was his way of dramatizing the opportunity facing state lawmakers today, and their need to "shape up" or quit business.

Giles was among 73 informed persons attending an American Assembly discussion of state legislatures this year at Columbia University. The group included Alvin A. Burger, head of Texas Research League, and State Rep. Cameron Hightower of Liberty.

AFTER LENGTHY discussion, these delegates proposed a number of changes in state legislatures. Some would apply to Texas; others not.

Unless legislatures wake up to their responsibilities and meet them, said Editor Giles, Uncle Sam will continue his takeover. But Giles expressed confidence "the populace will be heard" before it is too late, and the states retain a respected role.

For about 75 years after adoption of the post-Reconstruction

Texas Constitution of 1876, the Legislature dominated state government — a sort of suspicious brake from the grassroots on executive power.

Recently, particularly under Gov. John Connally, more authority has been extended to the governor and his appointees. An example is the Coordinating Board for Higher Education. Such delegation of authority appears to be in line with changes in state government structure elsewhere.

Rural members in the Texas Legislature, particularly senators, sometimes thwarted those who wished to provide more state services. Into these welfare areas where state legislators feared to tread, the federal government often moved.

THE RESULT has been a hodgepodge of welfare, education and other programs—increasingly directed from Washington. The states pioneered some anti-illiteracy, anti-poverty, health and welfare programs which are being enveloped by the larger federal plans. Now efforts are under way to make some administrative sense of this proliferation of government.

The changes in balancing federal state-local government in this decade can be the most significant since the War Between the States.

This struggle is political. Elections, court decisions and federal laws for years have gone mostly against "states' rights." But close observers insist that "socialist" programs are here to stay—taxing those able to pay for the benefit of other citizens.

The principal question seems to be: Who will manage such programs?

SUGGESTIONS from the American Assembly conference on legislatures include:

—Leave state lawmakers as unhampered as possible of constitu-

tional restrictions such as limits on taxing powers, earmarking of revenues, and requiring public votes on bond issues. This change would apply to Texas.

—Establish effective communication with other states for solution of interstate and regional problems. The long-range plan for water development in Texas would require such action, if West Texas is to get water from the Rocky Mountain states.

—Give authority for reapportionment to a non-legislative agency where the legislature itself fails to redistrict periodically.

—Legislatures are too large in many states. The office should have status and pay to attract top-quality people, with time for effective deliberation, and assisted by trained staffs. Unlimited annual sessions are desirable.

—Problems of campaign costs must be solved. Both Congress and legislatures should consider tax incentives to campaign contributors to "encourage widespread financial support" of candidates . . . "We urge also the possibility of government financing of legislative campaigns," the Assembly said.

—Establish a few strong legislative committees and abolish the others, with all committee decisions made in open sessions.

—Codes of ethics should be adopted covering all public officials; review committees should keep watch on activities of lobbyists; ". . . all instances of corruption should be vigorously prosecuted." Texas has no effective ethics law.

—Vigorous party organizations should be encouraged within a state and its legislature. Well organized majority and opposition parties contribute to effective and responsible legislative performance . . ."

WEDNESDAY: "Thinking big" at a state level.

States' Rights—4

Governors, Legislatures Thinking Big Financially

By RICHARD M. MOREHEAD
Austin Bureau of The News
AUSTIN, Texas—State officials
are learning to think big financially.

How well state government survives in the United States will depend to large extent on how well its leaders learn to raise and spend money.

Compared to Uncle Sam, they've been pikers. But state legislators are awakening to the fact that unless the services people want are provided on the state and local level, they'll be forthcoming from Washington along with federal controls.

The competition from Washington has been unfair. The federal government is "ransacking the pocketbooks of the American taxpayers," as Gov. Nils Boe of South Dakota expressed the problem at this year's National Governor's Conference.

THE IRATE state executive urged his colleagues to quit designating "task forces" to consult with federal officials, and to insist on changing the U.S. Constitution so that 10 per cent of all federal income taxes are left in each state where they are collected.

Gov. Samuel P. Goddard Jr. of Arizona called this "a rather collectivist idea" but agreed "we've come to a point of near desperation in searching for new state tax sources."

And Gov. Henry Bellmon of Oklahoma said Congress' policy of raising the national debt whenever it runs short of money, notwithstanding the huge income tax, makes more difficult the plight of states trying to live on balanced budgets.

A few days earlier, in Austin, State Rep. W. S. Heatly Jr. of Paducah voiced a similar complaint while discussing the serious shortage of trained state employes — many of them lost to higher-paying federal jobs. The

state constitution prohibits deficit spending, except in an emergency, but federal economists endorse increasing the debt as desirable public policy.

REGARDLESS of which economic philosophy one follows, the fact is that with proper financing the states face a great opportunity to retain a place of importance in U.S. government.

"During the thirties and forties, state governments were sleeping giants," said Gov. William W. Scranton of Pennsylvania. "Washington began pre-empting their responsibilities. But now the giants have awakened. Most state governments have shown tremendous vitality in the past 10 years—far more than ever in their previous history.

"In that period, expenditures for state programs have increased at a rate almost double that of the domestic expenditures of the national government. States have begun to display a capacity for making institutional reforms in their own structures, and a

(Last of a series)

willingness to increase activity in their traditional functions and to take on a vast area of new ones . . . education, transportation, conservation, recreation, human services."

The National Governors Conference has members working actively with federal officials in trying to strike a desirable balance of programs and powers. Except for the fact that Washington has most of the money, and the states and cities have most of the problems, it would be a fair fight.

"IF MODERN government is to do the best possible job for America, the states and localities must continue to play their roles," Gov. Scranton continued. "It is worthwhile to remember that of

the great federal programs launched during the Progressive and New Deal eras, the ones that have best endured are administered through the states."

He mentioned unemployment insurance, old age assistance, vocational training, and the agricultural extension service. Programs run from Washington — such as the National Youth Administration, Public Works Administration, and Civilian Conservation Corps—mostly perished, Scranton noted. Some are reappearing under new names.

Vast new areas of state-federal government relationships are at hand. These included continued highway construction, particularly in metropolitan areas; traffic safety, involving manufacture, licensing, and policing; water development and pollution control; expanded education and research, from help for the least-able to opportunity for the most-able citizens.

A close student of Texas government, Director Alvin A. Burger of the Texas Research League, said this state especially under Gov. John Connally in recent years "has been facing up to its responsibilities with an increasing sense of purpose."

"IN SOME AREAS of public service our state is doing an outstanding job," said Burger.

He cited the Texas Highway Department, Department of Public Safety, and State Welfare Department as examples of leadership.

Burger said the Legislature has acted "with commendable intelligence and foresight" during the past decade "in the troubled area of state finance."

And he pointed to the need for vast state funds in the years ahead:

—Water development will probably cost five billion state government dollars in the next 40 years . . . "an investment, not an expenditure in the ordinary

sense, since most of the money spent will be repaid by water users . . ."

—Higher education, predicting a \$160,000,000 increase will be sought for this purpose in the next two years.

—Public schools, whose financing is the subject for a special committee to report in 1968.

—"Substantial increases" for state parks, mental health, water pollution control, public libraries, and state law enforcement.

"I can see little abatement in the pressures for increased state and local government spending in the next decade and beyond. We face unprecedented population growth far into the future. The space age economy will impose new and varied demands . . . Federal programs, notably those bearing the Great Society label, will tend to increase, not lighten, the financial burdens of Texas government as well as the federal treasury . . ."

THE NEED FOR OVERHAUL

(Article by Stuart Long, Advocate Austin Bureau, which appeared in the Victoria Advocate October 1, 1967)

THE AUSTIN SCENE

The Need for Overhaul

By **STUART LONG**

Advocate Austin Bureau

AUSTIN — Demands for higher quality state government, attuned to jet-speed minded 20th century problems and changes, make it come through loud and clear that Texans are going to have to assess their own state government machinery.

The call of Gov. John Connally for annual sessions of the Legislature, which went unheeded in the Texas Senate this spring, is only one of the things certain to be in any realistic appraisal of the situation.

At the National Legislative Conference at San Antonio, every voice heard on the subject came out for reforms to loosen the 19th century bonds the people put on their lawmakers in the constitutions written and tuned to the sure-enough horse-and-buggy days.

Legislators and legislative experts from all over the U.S. gathered for the discussions. Their diagnoses were amazingly alike, no matter what their region and what their political party.

Over and over it came: We must have annual or even unlimited sessions of the Legislature. We must have well-paid legislators who can spend the time it takes to grub out the answers to the problems caused by urbanization, population growth, social unrest, crime and lack of education. We must have simplified legislative processes. We must have better staffs of experts to help legislators find the answers and then put them into laws which will be workable and valid, and which will recognize the many complications involved in seemingly the simplest piece of legislation.

The new constitutional revision committee which went to work two weeks ago, under Robert G. Storey, the distinguished Dallas attorney, may well reflect this view, since half its members were named by Connally and Speaker Ben Barnes, who shares Connally's view on the subject.

Maryland's Senate President, William S. James, told the conference of that state's current effort at constitutional revision. He said any constitution in this century must break the constitutional shackles on legislators, holding them to low pay, limited time in session, and severe restrictions on what they can do.

Sen. Robert P. Knowles of Wisconsin, president pro tem of that state senate, said there is great concern in the academic and business worlds over the handcuffs on legislature. Business has set up a foundation to undertake state by state reforms in the field.

Speaker Barnes pointed out the situation existing right now in the Texas Education Agency. Because Congress has not yet appropriated money for this year's operations of federal school programs, old programs are being carried on with the people running them not knowing whether they will be carried through this school year or not. Congress might start new ones, which would not quite fit the pattern which has been set by the Legislature for the Education Agency's operations.

He stressed the need for the Legislature to have its schedule dovetailed with that of Congress, in view of the fact that 27 per cent of the state budget comes from federal grants. The fiscal years should be changed to fit each other, because federal programs appear to be here to stay.

The problem was pinpointed by a three-term member of the Texas Legislature whose value is agreed on by every stripe of political opinion in the House. He has a small business. The \$4,800 a year he gets in salary is not enough to hire a competent replacement during the time he is in Austin for 140-day regular sessions every odd-numbered year, out campaigning three or four months in every even-numbered year, and tending to the necessary work of the job of legislator in between.

So he is very likely to step out after this term, and there are many others like him. The certainty of a special session in 1968 adds at least another month of time away from his business.

And, when he is in Austin for the legislative session, the first 30 days must be virtually wasted because of constitutional prohibitions.

So he will be lost to the legislative process, at a time when it needs the best men and women available to whip the problems of the 1960s.

MODEL STATE CONSTITUTION*

ARTICLE IV

THE LEGISLATURE

*Source: National Municipal League, *Model State Constitution* Sixth Ed. (New York: National Municipal League, 1963). Printed by permission of the National Municipal League. The Model State Constitution carries alternate provisions for a bicameral and a unicameral legislature, but only the bicameral alternative is included here.

ARTICLE IV

THE LEGISLATURE

Section 4.01. Legislative Power. The legislative power of the state shall be vested in the legislature.

Section 4.02. Composition of the Legislature. The legislature shall be composed of a senate and an assembly. The number of members of each house of the legislature shall be prescribed by law but the number of assemblymen shall not be less than.....nor exceed....., and the number of senators shall not exceed one-third, as near as may be, the number of assemblymen. Each assemblyman shall represent one assembly district and each senator shall represent one senate district. Each member of the legislature shall be a qualified voter of the state and shall be at leastyears of age.

Section 4.03. Election and Terms of Members. Assemblymen shall be elected by the qualified voters of the state for a term of two years and senators for a term of six years. One-third of the senators shall be elected every two years.

Section 4.04. Legislative Districts.

(a) For the purpose of electing members of the assembly, the state shall be divided into as many districts as there shall be members of the assembly. Each district shall consist of compact and contiguous territory. All districts shall be so nearly equal in population that the district with the greatest population shall not exceed the district with the least population by more than per cent. In determining the population of each district, inmates of such public or private institutions as prisons or other places of correction, hospitals for the insane or other institutions housing persons who are disqualified from voting by law shall not be counted.

(b) For the purpose of electing members of the senate, the state shall be divided into as many districts as there shall be members of the senate. Each senate district shall consist of a compact and contiguous territory. All districts shall be so nearly equal in population that the district with the greatest population shall not exceed the district with the least population by more than per cent. In determining the population of each district, inmates of such public or private institutions as prisons or other places of correction, hospitals for the insane or other institutions housing persons who are disqualified from voting by law shall not be counted.

(c) Immediately following each decennial census, the governor shall appoint a board of.....qualified voters to make recommendations within ninety days of their appointment concerning the redistricting of the state. The governor shall publish the recommendations of the board when received. The governor shall promul-

gate a redistricting plan within ninety to one hundred and twenty days after appointment of the board, whether or not it has made its recommendations. The governor shall accompany his plan with a message explaining his reasons for any changes from the recommendations of the board. The governor's redistricting plan shall be published in the manner provided for acts of the legislature and shall have the force of law upon such publication. Upon the application of any qualified voter, the supreme court, in the exercise of original, exclusive and final jurisdiction, shall review the governor's redistricting plan and shall have jurisdiction to make orders to amend the plan to comply with the requirements of this constitution or, if the governor has failed to promulgate a redistricting plan within the time provided, to make one or more orders establishing such a plan.

Section 4.05. Time of Election. Members of the legislature shall be elected at the regular election in each odd-numbered year.

Section 4.06. Vacancies. When a vacancy occurs in the legislature it shall be filled as provided by law.

Section 4.07. Compensation of Members. The members of the legislature shall receive an annual salary and such allowances as may be prescribed by law but any increase or decrease in the amount thereof shall not apply to the legislature which enacted the same.

Section 4.08. Sessions. The legislature shall be a continuous body during the term for which members of the assembly are elected. The legislature shall meet in regular sessions annually as provided by law. It may be convened at other times by the governor or, at the written request of a majority of the members of each house, by the presiding officers of both houses.

Section 4.09. Organization and Procedure. Each house of the legislature shall be the final judge of the election and qualifications of its members and the legislature may by law vest in the courts the trial and determination of contested elections of members. Each house of the legislature shall choose its presiding officer from among its members and it shall employ a secretary to serve for an indefinite term, and each house shall determine its rules of procedure; it may compel the attendance of absent members, discipline its members and, with the concurrence of two-thirds of all the members, expel a member, and it shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before such house of the legislature as a whole or before any committee thereof. The secretary of each house of the legislature shall be its chief fiscal, administrative and personnel officer and shall perform such duties as each such house of the legislature may prescribe.

Section 4.10. Legislative Immunity. For any speech or debate in the legislature, the members shall not be questioned in any other place.

Section 4.11. Special Legislation. The legislature shall pass no special or local act when a general act is or can be made applicable, and whether a general act is or can be made applicable shall be a matter for judicial determination.

Section 4.12. Transaction of Business. A majority of all the members of each house of the legislature shall constitute a quorum to do business but a smaller number may adjourn from day to day and compel the attendance of absent members. Each house of the legislature shall keep a journal of its proceedings which

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shall be published from day to day. Each house of the legislature shall prescribe the methods of voting on legislative matters but a record vote, with the yeas and nays entered in the journal, shall be taken on any question on the demand of one-fifth of the members present.

Section 4.13. Committees. Each house of the legislature may establish such committees as it may deem necessary for the conduct of its business. When a committee to which a bill has been assigned has not reported on it, one-third of all the members of each house of the legislature shall have power to relieve it of further consideration. Adequate public notice of all committee hearings, with a clear statement of all subjects to be considered at each hearing, shall be published in advance.

Section 4.14. Bills; Single Subject. The legislature shall enact no law except by bill and every bill except bills for appropriations and bills for the codification, revision or rearrangement of existing laws shall be confined to one subject. All appropriation bills shall be limited to the subject of appropriations. Legislative compliance with the requirements of this section is a constitutional responsibility not subject to judicial review.

Section 4.15. Passage of Bills. No bill shall become a law unless it has been printed and upon the desks of the members in final form at least three days prior to final passage and the majority of all the members has assented to it. The yeas and nays on final passage shall be entered in the journal. Each house of the legislature shall provide for the publication of all acts and no act shall become effective until published as provided by law.

Section 4.16. Action by the Governor.

(a) When a bill has passed the legislature, it shall

be presented to the governor and, if the legislature is in session, it shall become law if the governor either signs or fails to veto it within fifteen days of presentation. If the legislature is in recess or, if the session of the legislature has expired during such fifteen-day period, it shall become law if he signs it within thirty days after such adjournment or expiration. If the governor does not approve a bill, he shall veto it and return it to the legislature either within fifteen days of presentation if the legislature is in session or upon the reconvening of the legislature from its recess. Any bill so returned by the governor shall be reconsidered by each house of the legislature and, if upon reconsideration two-thirds of all the members of each house shall agree to pass the bill, it shall become law.

(b) The governor may strike out or reduce items in appropriation bills passed by each house of the legislature and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the governor.

Section 4.17. Post-Audit. The legislature shall, by joint resolution, appoint an auditor to serve at its pleasure. The auditor shall conduct post-audits as prescribed by law and shall report to the legislature and to the governor.

Section 4.18. Impeachment. The legislature may impeach the governor, the heads of principal departments, judicial officers and such other officers of the state as may be made subject to impeachment by law, by a two-thirds vote of all the members of each house, and shall provide by law procedures for the trial and removal from office, after conviction, of officers so impeached. No officer shall be convicted on impeachment by a vote of less than two-thirds of the members of the tribunal hearing the charges.

ETHICS CODES WEAK IN LEGISLATURES

(Article by Russell Lane, Associated Press, which appeared in the Victoria Advocate, May 18, 1967)

DESPITE DODD PROBES

Ethics Codes Weak in Legislatures

By RUSSELL LANE

CHICAGO (AP)—Congressional investigations of Sen. Thomas J. Dodd, D-Conn., and Rep. Adam Clayton Powell, D-N.Y., apparently have created little concern in state legislatures about the ethics of their members.

Most states have laws or legislative rules designed to discourage legislators, other state officials and lobbyists from cheating the public. But few such codes prevent all forms of cheating, and few have teeth in them.

The question of ethics, as Indiana's House Speaker Otis R. Bowen says, presents a large gray area.

Conflict of interest, which can mean thousands of dollars to a legislator in a large industrial state, is scarcely a recognized concept in a small farming state where many legislators with agricultural interests handle legislation affecting the farmer.

For example, North Dakota legislators repealed this year as too onerous the state's Anticorruption Act which bars anyone doing more than \$10,000 a year in business with a state or local government agency from serving in the legislature.

In California, where a legislator earns \$16,000 a year and expenses, there is a stiff conduct law for public officials. New York and Ohio also have tough codes.

This year, the New Mexico Legislature made it illegal for a legislator to obtain a state contract in excess of \$1,000 except through competitive bidding. The move was a reaction to a former state senator's deals to sell several hundred thousand dollars worth of furniture for two state buildings, on which he had served as an architect's consultant.

In Washington State, the legislature passed bills last month setting up boards of ethics to police members. A measure to require financial statements by lobbyists also was passed.

The Pennsylvania Legislature adopted a resolution to investigate the need for a legislative code of ethics. Illinois, Florida, Connecticut, Wisconsin, Hawaii and Iowa had ethics proposals under consideration, but Iowa's bill was sponsored by a group of freshman legislators and was not expected to make any headway.

Measures to establish or improve legislative codes were defeated, or failed to come to a vote, in Arkansas, Oklahoma, Georgia and West Virginia.

Little or no legislative action on ethics occurred in New Hampshire, Montana, Indiana, Virginia, Ohio, Wyoming, Alaska, Maryland, Nebraska, New Jersey, Minnesota, Massachusetts, Maine, Minnesota and Delaware.

The New Jersey Bar Association's Ethics Committee attacked the common practice by lawyer-legislators of representing private clients before state agencies. Forty-four of the 83 legislators are lawyers.

"The public must be given assurance," the committee said, "that there is no room in New Jersey state government for any resort to influence, privilege or favoritism."

Rep. Jack R. Simpson in Alaska sponsored and won passage of a bill which would have permitted him to become a member of the state bar without passing the bar examination. The measure was vetoed by Gov. Walter J. Hickel.

In Massachusetts, a bill sponsored by Rep. Charles Ianello of Boston provided \$35,000 for scholarships to the Boston Lyric Opera Co., a singing school run by Ianello's daughter and several other relatives. Atty. Gen. Elliott L. Richardson ruled the appropriation illegal.

In Illinois, the anonymous voices of several men recorded on tape in a hotel at Springfield, the capital, created shock waves that are still being felt in an investigation of alleged bribery in connection with legislation to kill a bill which provided for mobile currency exchanges.

The son of a deceased lobbyist told an Oklahoma Senate committee this year that his father

had distributed more than \$200,000 to state officials during a 15-year period. The witness, Clyde Hale Jr. testified that his father, who lobbied for a utility company, paid more than \$38,000 to two attorneys for the state agency which regulates utilities. In 1965, Oklahoma's Supreme Court was rocked by bribe scandals.

Louisiana adopted in 1964, as an amendment to the state constitution, a code which enunciates that an official cannot use his office for personal gain. Critics assert the amendment isn't strong enough to force state boards to ban such practices as "double-dipping," the term for holding two state jobs at the same time.

New York's 1965 ethics code is regarded as a model by many officials in other states. It bars lawyer-legislators from practicing in the state's Court of Claims, keeps former legislators from lobbying for two years after their terms, bans promoting of legislation by legislative employes, keeps former chairmen or deputy chairmen of commissions from practice before such commissions on contingent fee cases for two years, and forced financial disclosure by legislators in connection with interests in businesses regulated by the state. Penalties up to a \$500 fine and one year in jail are provided.

MAJOR CHANGES IN RULES OF TEXAS HOUSE OF REPRESENTATIVES
60th Legislature (1967)

1. Reorganization of the House's 43 standing committees into only 25 committees, with shuffling of committee responsibilities to more evenly spread the work.
2. Adoption of a modified seniority system whereby members appointed to committees will retain this membership as long as they desire.
3. Creation of a new office of administrative officer of the House, appointed by the Speaker, to supervise all House employees.
4. Assignment to the Rules Committee of legislative traffic control similar to that of the House Rules Committee in Congress and the creation of seven different House calendars, with priority listing, for consideration of legislation.
5. Requirement of a standardized form for printing all legislation to make it easier for lawmakers to understand how existing legislation is to be changed.
6. Changes in the printing system to require that all bills except local bills are printed and distributed upon introduction (before public hearings) and printed again (if changes are made) at each of five other stages of the legislative process.
7. Provision of year-round staffs for all major committees and year-round operation of the standing committees to do work now done by various interim committees appointed to make special studies.
8. A requirement that each piece of legislation reported out of committee be accompanied by a staff analysis explaining what it would do.
9. Provision of a "motion to limit amendments", which would require seconding by 26 members, as a means of ending delaying tactics. It would not cut off debate but would limit it to amendments then pending or on the Speaker's desk.

CALENDARS

Emergency Calendar - all bills submitted as emergency matter by the governor; revenue and tax bills, general appropriations bill; and others deemed to demand immediate action.

Major State Calendar - all bills of state-wide effect which establish or change state policy in major fields.

Constitutional Amendments Calendar - all joint resolutions proposing amendments to Texas Constitution and those proposing ratification of amendments to U.S. Constitution.

General State Calendar - all bills of state-wide effect which establish or change state law in minor fields.

Area Calendar - bills which apply to more than one county but are not state-wide in legal effect.

Local Calendar - bills which apply to only one county named in the bill.

Consent Calendar - bills on which there is general agreement and probably no opposition.

THE LEAGUE, THE SECRET BALLOT, AND THE LEGISLATURE

(An account of the League's experiences in securing passage of legislation, prepared for the Dallas LWV, March, 1957)

Introduction -

The League of Women Voters of Texas sponsored secret ballot bills in four legislatures---those of 1943, '45, '47, and '49. The bill was defeated in the House in 1943 and in the Senate in 1945 and 1947. In 1949 the bill became law, but in the process it was changed from a really secret ballot to simply a more secret ballot.

All secret ballot bills sponsored by the League originally provided for a form of paper ballot which would make it impossible to ascertain how an individual had voted. Under the bill which was finally passed, it is possible---although illegal except under court order in case of an election contest---to check on how people have voted. Ballots and their detachable stubs have corresponding numbers, and the stub, signed by the voter, is deposited in a sealed box separate from the ballot box. The election judge notes on the poll list that the person has voted, but is not to make any record of his ballot number. Under the old law there was no ballot stub, and the number on a person's ballot was the same as the number entered by his name on the poll list. Checking was extremely easy, almost invited, one might say. Under the new law checking (without court order) can be done only if judges are ignorant of the law or willing to break it. This is, obviously, an appreciable improvement.

Why did the League accept the amendment which made our bill fall considerably short of our goal? It was judged at the time that a part loaf was better than none, and that neither the League, cooperating organizations, nor League friends in the legislature would be willing to make a strong fifth attempt to secure a really secret ballot. There was the sense that the secret ballot effort had reached its peak, a peak which could not be sustained through another legislature.

Major Lessons Learned by the League -

During the successive legislative battles over the secret ballot the League learned many major lessons and applied them. The result was an exceptionally creditable legislative performance, considering that the League had not been legislatively active before, is a voluntary organization of comparatively small membership, and has never had much money to spend on legislation. Among the lessons were:

- (1) the necessity for neverending, intelligent hard work on the part of the League, between legislative sessions as well as during them;
- (2) the value of having among League leaders women with legislative "know-how" and personal acquaintance with people influential with legislators;
- (3) the importance of having many informed people, particularly legislators, contribute to the thinking embodied in the bill, thus improving its chances of passage;

- (4) the importance of widespread grass-roots support, well informed and from people of more than usual influence, if possible, but, at any rate, widespread;
- (5) the importance of support by especially influential individuals and organizations;
- (6) the importance of support by newspapers and radio stations (TV would be included now also);
- (7) for bills dealing with elections, the very great importance of support (or at least not opposition) from the State Executive Committee of the Democratic party (perhaps the Republican party would be included now also);
- (8) the very great importance, usually, of support from the Governor, and, always, from the Lieutenant Governor and the Speaker of the House;
- (9) the supreme importance of at least a few particularly influential senators and representatives really believing in the legislation and feeling it to be essential, so that their support would be from conviction rather than from expediency.

Probably some of these need further explanation.

For example, never-ending, intelligent hard work, between legislative sessions, is necessary because grass-roots support cannot be achieved overnight, and because personal contacting of legislators by their own constituents (which is most effective) must be done, usually, while the legislator is still at home before the legislature meets. Intelligent hard work is emphasized, because mistakes made in the contacting of legislators, and influential people and organizations, can alienate potential supporters and even create opposition. As the legislative session wears on and delays and frustrations accumulate, tact, even tempers and quiet persistence become more and more important. And the decision to use force, by massing a delegation of "home folks" in the gallery, for instance, or employing the intervention of people to whom recalcitrant legislators can hardly say no, is never made lightly.

It is very important to have the support of the Governor because he is usually the leader of the Democratic party within the state, or at least a large section of it. Also, the position of chief executive of the state in itself carries with it a great deal of influence, so that knowledge that the Governor favors a bill can increase its support from legislators. It was a special goal of the League to have the secret ballot mentioned in the Governor's opening message to the legislature.

The support of the Lieutenant Governor and the Speaker of the House is always of very great importance, because the former appoints the standing committees in the Senate and refers bills to these committees, and the latter appoints the standing committees in the House (unless the House directs otherwise) and refers bills to them. It is the aim of sponsors of legislation to have a favorable membership on the committees which are likely to consider their bills and to have their bills referred to a major committee which is favorable to them.

Since any law dealing with voting or elections directly affects political parties and elected officials, such bills in the legislature are of particular interest to these groups. In the 1947 legislature the League learned the hard way

that opposition by the Democratic State Executive Committee can be instrumental in killing a bill.

The supreme importance of having particularly influential senators and representatives thoroughly believing in the excellence and desirability of the legislation rests upon the fact that they are influential and the fact that support which comes from conviction, rather than from expediency, will be much more active and inspired. Such supporters can influence fellow legislators in many ways. For example, if one of them is chairman of a standing committee, legislators interested in bills referred to his committee would wish to vote, if at all possible, for a measure which the chairman favored. A proponent of a bill in which he thoroughly believes will systematically contact individual legislators to explain and secure support for the bill, which is probably the most effective procedure there is to gain votes. Promises to aid or to withhold aid for the bills in which doubtful members are particularly interested can also be effective, as can promises of support or opposition in their campaigns for reelection. During floor battles over amendments, delays and parliamentary tactics, to defeat or advance a bill, members themselves are the only persons who can "work the floor" in an effort to change votes. In short, much of the work of passing a bill must be done by legislators themselves and cannot be done by outsiders. Under such conditions the superiority of conviction as a driving force, rather than expediency, is clearly shown.

Legislative Techniques -

From its experience with the secret ballot bills, the League learned many techniques for persuading legislators to its point of view. Several of these follow:

With Leagues in only a small portion of the legislative districts of the state, and with opposition to the secret ballot centered chiefly in the rural districts, in which there were almost no Leagues, means had to be devised for securing support in non-League districts, where the usual methods of League members talking or writing to their legislators could not be used. Some of these means are described in the next three paragraphs.

Wives of newspaper editors and officials, who were acquainted with newspaper editors and owners of newspapers throughout the state, had special success in obtaining editorials favorable to the secret ballot bills in papers all over Texas. A clipping service was hired to clip these editorials, and they were used when talking secret ballot with the legislators in whose districts the newspapers were situated.

A League member whose business required personally contacting merchants in small towns in many parts of the state, talked secret ballot with many of them, and distributed literature. From this grew the plan described in the next paragraph.

On forms sent out by the state office, League members returned many hundreds of names of friends in all parts of Texas, to whom letters about the secret ballot were sent, either by the state office or by the woman who supplied the name. In the latter case, a personal note was put on the letter. Parts of League meetings were given over to such correspondence. Members of the campus Leagues at the University of Texas and TSCW were particularly effective in thus securing letters to the legislators, for they wrote to their own parents!

When an organization has a paid lobbyist in Austin, he takes care of much of the interviewing of legislators to explain and solicit support for the bill in which his organization is interested. Such interviews are essential to the success of a bill. If it has no paid lobbyist, members of the organization must themselves do the work of a lobbyist as completely as they can. This makes the role of the Austin League particularly important in our legislative activities. Their members did the bulk of the interviewing of legislators to explain and enlist support for the secret ballot bills.

From these interviews grew carefully compiled records of the attitude of each legislator---whether he was proponent, opponent or undecided. Results of interviews by a legislator's own League constituents were included in the record, as well as evaluations derived from conferences with the legislative sponsors of the secret ballot bills. The record for one legislature was useful in the next, also, for ordinarily about two-thirds of the legislators were reelected.

During the years of secret ballot activity the League's state office was never in Austin, and there was never the money for state Board members, or even the legislative chairman, to travel to the Capitol as often as would have been desirable. Austin League members, therefore, were the ones who constantly attended the legislature. This "Capitol Committee" kept in close touch with legislators sponsoring the secret ballot bills and gave the state office as much notice as possible of when committee hearings were to be held, when the bills were to be brought up for vote, and when it was particularly important to have letters and visits from League members, and other supporters, from over the state. During the session, legislators are tremendously busy men---they have little time to write letters (to the state office of the League, for example), but they can give information verbally. The liaison function of the Capitol Committee was, therefore, very important. The committee was, to a great extent, the eyes and ears of the League at the legislature.

Growth of League Interest in the Secret Ballot -

The secret ballot seems to have first appeared on the state League program of work in 1936, when it was one of nine items. In 1938 it was one of five program items. In 1939 it was in the program for special emphasis, under the wording, "Elimination of ballot numbering." The 1940 program included a means of achieving a secret ballot---"Promotion of the use of voting machines"---which turned out to be too costly for most Texas counties to consider. From 1941 until passed in 1949, the secret ballot was always the major item on state League programs.

In January, 1941, the state Board appointed a committee to work out plans for a bill to secure a secret ballot for Texas, thus starting the League on more than eight years of almost continuous activity, in and out of the legislature, on this item.

League experience heretofore had been confined to support of bills already written and presented by other groups. The first question to be answered, therefore, was: how does an organization go about writing a valid bill? Other questions of equal importance were: how do you secure support for your bill? And how do you get it through the legislature without crippling amendments? The activities of the League in answering these questions form the next section of this report.

How the League Achieved the More Secret Ballot -

The resume which follows is a composite, pretty much in chronological order, of the major activities for the secret ballot bills during the eight years the League worked on them.

1. Research into the ballot laws of other states, especially those of the 30 or so which had the perforated stub, completely secret ballot, and acquisition of sample ballots from as many states as possible.
2. Interviews, by League members, of lawyers, election officials, county clerks, legislators, professors of government, and others with particular knowledge of voting procedures, to obtain suggestions for the secret ballot bill.
3. Letters to all members of the preceding legislature and to other prominent people who could not be personally interviewed, asking for advice in framing provisions of the bill.
4. Consultation with other interested groups and organizations on contents of the bill, and techniques and procedures for securing legislative support.
5. Continued effort to learn from interviews, letters, consultation, and experiences in other states, particular reasons why our earlier secret ballot attempts had failed.
6. Tentative decision as to what should be included in the bill, taking into account as much as possible the information obtained from the interviews, letters and consultations.
7. Candidates' questionnaires from the state League which featured the secret ballot, especially for legislative candidates.
8. Introduction of resolutions favoring the secret ballot into political party conventions---precinct, county and state. In 1948 the state Democratic and Republican party conventions adopted the resolution, and it became one of the items on their platforms.
9. Securing, after the November elections, sponsors in both the House and the Senate for the bills. Sponsors always came from districts in which there were Leagues, for it was essential that a constituent, who was also a League member, accompany the state League president on the extremely important first visit to the prospective sponsor. After sponsors had been secured, there was close cooperation between them and the League, and the type and timing of legislative action from then on was determined, to a large extent, by the recommendations of the sponsors.
10. Final decision, after consulting the sponsors, as to what was to be included in the bill and who was actually to write it. Usually the secret ballot bills were written by the state Attorney General's office.
11. Meetings with other state organizations to seek their legislative support. The League was not strong enough to act alone, and over the years approximately a dozen organizations joined forces with us at one time or another. The secret ballot bill was finally passed with the help of the BPW, AAUW, Jewish Women's Federation, PTA, Council of Church Women and the Federated Women's Clubs.

12. Interviews, before the legislature convened, with the Governor, Lieutenant Governor and prospective Speaker of the House, to interest them, and, if possible, secure their support for the bill.
13. Interviews with legislators, before they left home for the session, to explain the secret ballot bill and obtain their support. (These interviews were often instrumental in obtaining co-sponsors for the bill. Two reasons for wanting a large number of co-sponsors were: (1) the bill then looked more important and more worthy of study, and (2) a man's name at the top of a bill tended to give him a special interest in it.)
14. A program of education---virtually continuous throughout the eight years---for Leagues, and for people all over the state. Utilized were all the devices which ingenuity could suggest and devoted workers, backed by comparatively little money, carry out. (Perhaps the most effective single piece of printed material on the secret ballot was one which carried a facsimile of the upper part of the then existing ballot and showed the added perforated stub which the League bill called for.)
15. Tactful, firm, persistent pressure on the legislature to speed the bills along and to pass them without crippling amendments. Only about a third of the bills introduced into the legislature pass, and a large proportion of these are local and special bills which draw little or no opposition. To get a bill of general interest, which is also controversial, through even one house, is no mean achievement.
16. Constant checking on attitudes of legislators and progress of the bills.
17. Calls for action which brought letters and delegations from many sections of the state when they were especially needed.
18. Soul searching, reappraisal and renewed determination after the defeats of 1943, 1945 and 1947.

Finally, on June 7, 1949, after eight and one-half years of legislative activity, Governor Jester signed the more secret ballot bill which had been enacted by the Fifty-first Legislature. (And the League of Women Voters of Texas was able to turn its attention to other interests.)

THE LOBBYISTS

(A series of six articles by Allen Duckworth, Political Editor of the DALLAS NEWS, which appeared in that newspaper September 10 - 15, 1961. Reprinted by permission, by League of Women Voters of Texas, 1966.)

Pressure Applied by Trade Group

Texas lobbyists, in sworn statements, have reported the spending of more than \$77,000 for "direct communication" with the state's legislators this year.

This represents a mere bagatelle of the cost of lobbying, which is a multi-million dollar business these days.

This doesn't mean that millions are spent in an under-the-counter, sinister manner. Lobbying has grown with the growth of big state government. It is part of the democratic system. Citizens and business have a right to be heard in the consideration of new laws.

Lobbying today is no longer of the "beef and bourbon" variety. The successful lobby doesn't put the pressure directly; it usually comes from back home. Most of today's lobbying is through trade associations with permanent offices in Austin.

Expenses are tremendous. A top-flight lobbyist has to pay for office space, stenographic help, research, phone calls to the people he represents, often in other states. His bill for Texas Legislative Service, providing texts and status of bills, will run from \$1,000 to \$1,500.

* * *

GOV. PRICE DANIEL, during the legislative sessions of 1959 and this year, frequently denounced the "arrogant" lobbyists as those who were blocking his program.

The governor wants to tighten up the lobbying laws, says he will submit the topic at the next special session, either this fall or in January.

Texas first started "regulating" lobbyists in 1957, when a law was passed requiring all persons appearing before committees or making direct approaches to legislators in behalf of a bill's passage or defeat, to register with the chief clerk of the House of Representatives.

All persons spending more than \$50 for "direct communication" with members during sessions also are required to file expense statements.

Gov. Daniel doesn't believe the registrations reflect the true background of the lobby. For instance, a hundred businesses can contribute to a lobbyist's expense activities, but only the lobbyist's name appears on registration, along with the name of some association or company he represents.

* * *

MANY CITIZENS think of lobbyists as men with big cigars handing out hundred-dollar bills.

There have been abuses, some of them within the last few years. But they seldom involve the professional lobbyist. The scandals involved "amateurs."

Legitimate lobbyists avoid the "businessmen" of the legislature like a plague. ("Businessman" is a term used in Austin to refer to a legislator who would take an outright bribe.)

There is still a small stable of lobbyists who swarm onto the House and Senate floors at noon recess, rounding up members for a free lunch. They spend their money, but this isn't the way many votes are influenced nowadays.

There are still a few who will call members off the floor during sessions to discuss legislation. This is old hat.

A successful Austin lobbyist, who seldom goes near the capitol, put it this way:

"A lobbyist who has to call a member off the floor to find out what's going on has rigor mortis already setting in on him. The real lobbyists can count a vote in a committee, or on the House or Senate floor, before it is taken."

* * *

THE BIG PRESSURE comes through the trade associations before votes are contemplated. It sometimes dates back to election campaigns. Members don't forget who their friends were in past elections, where their support will come from if they run again.

Big business lobbyists, in the last decade, have taken tips from schoolteachers, who have one of the most powerful lobbies. The teachers are well organized. When their lobbyists in Austin pass the word, they know how to shower members with phone calls, telegrams and personal visits.

Votes still change overnight. But the changes are more likely to be the result of calls from back home, rather than direct communication with members by lobbyists.

The trade associations have grown tremendously in Austin in the last few years. Back in 1930, there were only 26 such groups. Today, there are 171.

Thirty-six associations own their headquarters buildings.

The "interests" range from teachers to truckers, chemicals to cemeteries, builders to brewers.

* * *

ABUSES REMAIN and probably always will to some extent. Lobbyists themselves, however, have at times contributed to reforms. The best example is the reorganization of the Insurance Department after a series of scandals. The insurance lobby deserves a large degree of credit for the reform laws.

Through well-informed lobbyists, the legislators receive valuable information. There also is something of a checks and balances angle: The truck lobbyists against the rails; the power companies against the rural co-ops, home builders against oil companies on city annexation laws.

There remain some doubtful "customs" involving lobbyist spending. Legislators themselves "use" the lobby to help buy presents for the House speaker each regular session; to help honor a Senator when he acts as "Governor-for-a-day."

There are members who will throw a party, call lobbyists and ask them to send over a couple of cases of liquor.

The opportunities for free-loading are limitless, if a member is so inclined. And he is never named in the expense statements. Lobbyists merely file the amount they say they spend, don't list the names of members they entertain. Furthermore, they don't have to include campaign contributions on these reports or money used to communicate with members while the legislature is not in session.

Influence Can't Be Gauged By Filed Expense Accounts

Expense accounts filed by lobbyists do not necessarily reflect their degree of influence.

Neither do they show the names of members of the legislature involved in expenditures.

All persons who appear before committees, or communicate with members in behalf of legislation or against it, during sessions, must register.

This year, 3,153 persons registered as lobbyists.

Those spending more than \$50 for direct communication with members are required by law to file expense statements. They merely list the total amounts spent. This statement doesn't include campaign contributions or any money spent on members while the Legislature isn't in session.

There were 235 lobbyists who filed expense accounts this year for a regular and two special sessions, and they reported a total of more than \$77,000 for direct communication. This is regarded largely as entertainment.

MORE THAN half of the direct communication expenses were listed by oil and gas, telephones, power utilities, railroads, motor industry and beer and liquor. Together, they spent \$47,740.61.

Each of the groups spent more than the three lobbyists for schoolteachers swore were their expenses, \$1,135.26.

The teachers came out well, however, with a special session being called to give them nice salary increases. Teachers, through their association, have employed a technique being copied by industry and big business: The most effective lobbying isn't over a beefsteak and beer in Austin; it is through pressure from back home. Looking toward next election day, legislators can't well ignore the hundreds of teachers in their districts, supported by sympathetic parents.

Oil and gas was the biggest spending group in sworn reports, a total of \$16,234.54.

Biggest spender in sworn reports was E. H. Foster of Austin, representing Phillips Petroleum, Phillips Chemical and Phillips Pipe Line Co. He listed \$1,137.29 for each of the three clients, or a total of \$3,411.87.

"Judge Foster," as he is known, has elaborate buffets in his hotel suite. They are open two days a week for senators, two other days for House members. A House member reports that senators receive more expensive cigars.

SECOND LARGEST reported spender for this year was Bailey Jones of Austin, representing Lone Star Gas Co. of Dallas---\$3,407.65.

Jones is one of the most popular lobbyists in Austin, has probably bought more breakfasts than any other Texan in history. For years, he has presided each morning at a large table in the Stephen F. Austin Hotel coffee shop. He buys from 20 to 30 breakfasts each legislative morning. Some members wait to be invited, others just pull up a chair, order their meal and allow it to be added to Bailey's long check.

There are only 31 senators, as against 150 House members, so the breakfast check picked up by Preston P. Mangum of Dallas is much smaller. He represents Lone Star, also, and buys senator breakfasts, also at the Austin. Mangum swore his spending was \$826. Too, he has a rival in the morning entertainment of senators in the person of Weaver Moore, who filed an expense statement of \$1,351.81 as a representative of Texas Motor Transport.

Claude C. Wild of Austin, representing Humble Pipeline, filed a \$2,410.40 account. Harris M. Winfree, working for Gulf Oil, said he spent \$792.40.

William H. Abington, lobbyist for Texas Mid-Continent Oil and Gas Association of Dallas, had an \$850 account. B. M. Britain of Amarillo, Southwestern Public Service Co. of Amarillo and Natural Gas Pipeline Co. of Chicago, filed a \$734 statement. He is regarded as one of the most powerful of gas lobbyists. Fourteen other lobbyists for oil, gas and pipelines, filed lesser amounts.

SECOND BIGGEST spenders, as a group, represented brewers and the hard liquor industry, which spent \$14,928.87.

Homer Leonard of Texas Brewers is a former House speaker, with a great personality. He probably has had more personal contact with members than any other lobbyist. Leonard's speciality is catfish parties on his lake lodge near Austin. His expense statement was \$4,151.20. Other big spenders for breweries were Burt Sommers, \$3,508.04; D. H. Buchanan, \$2,879.81.

The motor industry (trucks, buses, etc.) had reports from 11 lobbyists for total spending of \$7,602.52. Biggest spenders were Jack C. Bryan, \$2,553.95; Jim T. Sparks, \$2,402.20, and Weaver Moore, \$1,351.81, all representing Texas Motor Transportation Association. Marvin Blakley, Jr. of Dallas, East Texas Motor Freight Lines, Inc. was at the bottom of the list with total expenses of only \$13.79.

Railroads, represented by 13 registered lobbyists, reported total spending of \$4,830.25. Biggest spender in the reports was Fort Worth & Denver, \$673.15.

The power companies' lobbyists reported total spending of \$1,974, and Texas Power & Light of Dallas accounted for \$985.55 of that. A lone lobbyist for West

Texas Utilities reported spending \$1,672.65 two years ago. This year, West Texas Utilities had 14 registered lobbyists for a spending total of only \$323.05.

ALTHOUGH REPORTS are required for spending totals of more than \$50, those who registered as representing Southwestern Bell Telephone Co. made detailed reports. Thirty-one registered as lobbyists for Bell for a total spending of \$2,170.13. Many of those who registered evidently were district managers from various parts of the state in Austin for brief visits.

Warren Hatfield of Dallas, top lobbyist for Southwestern Bell, said he spent \$1,257.55. Smallest spender for Bell was E. E. Scruggs of Houston, who filed 75¢.

Labor, which is growing in power in the Austin lobby, listed a total of only \$768.45 for five lobbyists for AFL-CIO.

Texas Association of Fire Fighters, who have made gains in wage-working condition legislation, spent \$1,118.42. Tom Pinckney, Austin fireman who donates off-duty time to lobbying said most of the money was spent for meals for members.

John Osorio, Austin lawyer who was on former Gov. Allan Shivers staff, was a big spender. He filed a total of \$1,824.74 as lobbyist for Sears Roebuck, Retail Furniture Association of Texas and Investment Bankers Association of America.

A conservative spender from Dallas, Austin F. Allen, representing Employers Casualty Co., filed \$3.60.

Many Ex-Legislators Get Lucrative Jobs in Austin

Old legislators, unlike Gen. MacArthur's legendary old soldiers, eventually die ---but before their dire day, many embark upon lucrative careers as lobbyists in the Texas state capitol.

Well-paid lobbying jobs are seldom passed out to stumble-bums as rewards for voting "right" while in office. The fellows who get the good lobbying jobs after retiring from the Legislature (voluntarily or because of election day mishaps) are those with the know-how of legislative processes, the ability to organize and present a case effectively in behalf of the people they represent. The modern lobbyist is expected to stay sober, keep his hands clean of scandal, have the respect of legislators.

The list of former legislators who have graduated into the lobbying business is long.

FOUR FORMER Speakers of the House are now lobbyists:

Homer Leonard is the No. 1 lobbyist for Texas brewers and is perhaps the most effective of his trade in Austin.

Claud Gilmer of Rocksprings is a telephone lobbyist (Southwestern Bell and his own local system. Gilmer also is a rancher and local bank president).

Reuben Senterfitt of San Saba, one of Texas' few 2-term House speakers, got the governor bug in 1956, placed fifth in a 6-man race and took up lobbying. He now represents Texas Power & Light Co., Dallas, and Texas Electric Service, Ft. Worth.

W. D. Reed of Dallas, another former speaker, has been an infrequent Austin visitor this year because he has been graduated largely to bigger time in Washington.

For years Reed was almost a permanent resident in Austin during legislative sessions, as lobbyist for Budweiser beer, theaters, Safeway Stores, Texas Association of General Contractors.

There are some who say another former speaker, Gov. Price Daniel, should come under lobbyist registration because he lobbies for his program.

FORMER STATE senators are successful in the lobby:

Ex-Sen. Johnnie B. Rogers of Austin has been doing right well since his defeat for re-election a few years ago. He is a spender for the Texas Brewers Institute, has other clients, such as morticians.

Searcy Bracewell of Houston, who tried for the U.S. Senate in 1959 and finished fourth in the special election won by Ralph Yarborough, is lobbyist for Gulf States Utilities and "Citizens for a Sales Tax."

Weaver Moore is an old-time senator from Houston, always eager to pick up a member's meal check and further the motor transport interests.

Former Sen. Jimmy Phillips of Angleton quit public life to become a lawyer for Dow Chemical, Freeport, but he shows up in Austin as a lobbyist for Dow, though he sometimes denies it and people laugh.

Gen. James E. Taylor is adjutant general of Texas, making him head man in the National Guard. He is an ex-senator and is "on leave" as lobbyist for the Motor Transport Association of Texas. His comrade-in-arms, Maj. Gen. Carl Phinney of Dallas, commanding general of the 36th Division, has been active in past years as lawyer-lobbyist for trucks and buses. He is a former chief clerk of the Texas House.

John S. Redditt, former senator from Lufkin, former member of the State Highway Commission, former member of the Committee on Higher Education, and presently a University of Texas regent, is one of the smoother operators in the blue ribbon section of the lobby, looking after Gulf Oil Corp. of Houston and Houston Natural Gas.

Former State Sen. G. C. Morris of Greenville, who gave Speaker Sam Rayburn a brief election night fright in the 1944 Democratic primary (18,736 votes to Mr. Sam's 24,507), also has been identified with the motor industry, representing Texas auto wholesalers.

Ottis E. Lock of Lufkin, often called "Honest Ottis" while in the Senate, sometimes shows up in Austin to look after the Kurth interests. When he was governor-for-a-day, as president pro tem of the Senate, Lock insisted that all the expenses of his party and his gifts be from his folks back home; demanded that no bite be put on the lobby, as sometimes is done for such events.

SOME FORMER House members now in the lobbying business:

William B. Abington, Fort Worth, pleads the causes of the Texas Midcontinent Oil & Gas Association of Dallas, is regarded as a top-flight lobbyist.

H. J. (Doc) Blanchard, Lubbock, a brilliant legislator who quit after last session, represents the Texas Water Well Drilling Association.

Callan Graham, an old rock of conservatism in the House, is representative of the Texas Good Roads Association.

Preston P. Mangum is a former floterial representative for Dalls, Rockwall and Kaufman Counties. He can call the legislative turns with amazing accuracy as a lobbyist for Lone Star Gas Co., Dallas. He buys breakfasts for senators in the Stephen F. Austin coffee shop each legislative morning. Between sessions, Mangum lives in Rising Star, Eastland County, where he is justice of the peace. It is not clear who dispenses justice in Rising Star while he is on duty in Austin for Lone Star.

Jack C. Bryan, former House member and feed dealer from Buffalo, Leon County, has made a quick mark as a lobbyist for Texas Motor Transportation Association during the last two sessions.

Sam Hanna, former Dallas member and assistant manager of Hotel Adolphus, lobbies for Pacific Finance.

Abe Mays of Atlanta is lobbyist for Southwestern Electric Power of Marshall.

Jim T. Sparks, who was a member from Sherman, is lobbyist for Texas Motor Freight Association.

Charles Tennyson of Austin is the top man in the powerful Texas State Teachers Association lobby.

Burt Sommers, a former East Texas legislator, is a free spender for beer. D. H. Buchanan of Longview is another ex-member working for Texas brewers.

Ray Kirkpatrick, who was a legislator from Trenton, Fannin County, represents the Texas Cemeteries Association and the Texas Pest Control Association.

Jack Welsh, youngster from Marlin, served briefly in the House and became lobbyist for the Texas Retail Association.

Obel McAllister, who served well his Tarrant County district, lobbies for Jefferson Lake Sulphur Co.

Jim Yancey of Houston is a Texas Manufacturer Association agent.

FORMER governor aides have fared well as lobbyists.

John Osorio, who was on Gov. Allan Shivers' staff, represents Sears Roebuck, the Retail Furniture Association of Texas, Investment Bankers Association of America. In the 1959 session, Osorio's office was something of an annex to the House. The ill-fated House Bill 707 (taxes) was put together in his office.

Jake Jacobsen, former top advisor to Gov. Price Daniel, is a lobbyist for Continental Oil and others.

Tom Reavley, a secretary of state for Shivers, has been lobbying for the Rural Electrification Cooperatives for four years.

Then, of course, there is the secretary of state during the Allred administration---Edward Clark, attorney, banker, ranchman and timberman. Clark is the lobbyists' lobbyist. Some say he is the most powerful man in state government, although he seldom goes to the capitol, doesn't entertain members, except on rare occasions.

Lobbyists of Texas Targets for Periodic 'Shakedowns'

Texas lobbyists are targets for shakedowns every two years, sometimes more frequently.

The "touch" comes on two occasions: "Speaker's Day in the House" and "Governor for a Day" for a senator.

Both events involved donations for gifts - either cash or actual gifts.

Gifts for the speaker of the House are showered upon him and his family in the Hall of Representatives. Everyone, from members, committee clerks, janitors, stenographers, sergeants at arms, are asked to contribute. Often, however, the "loot" adds up to thousands of dollars and a goodly portion is shared by the professional lobbyists.

In the cases of honors for "acting governors," the occasions are often phony situations. The president pro tem of the Senate is supposed to act as governor when the governor and lieutenant governor both are out of the state. On this day, the home-town people are invited to Austin to hail their man as governor. They share with the lobby in giving him a cocktail party, a banquet and many fine gifts. The bill sometimes runs as high as \$10,000. But, in fact, he isn't really legally governor about half the time.

IT HAS BECOME a custom to allow just every "pro tem" to have his day as Governor. There have been legal instances, such as the time a few months ago both Gov. Price Daniel and Lt. Gov. Ben Ramsey both were in Mexico. But there have been many counterfeit occasions when the governor and lieutenant governor both were NOT absent from the state. At least one was in hiding.

Old-timers around the capitol claim to remember the beginning of both "Speaker's Day" and "Governor-for-a-Day" celebrations.

"Speaker's Day" apparently dates back to the time when Coke Stevenson was presiding officer of the House. Members passed the hat and he was presented with a handsome saddle for his horse. Since then, "Speaker's Day" has grown tremendously. A couple of years ago, "Speaker's Day" presents included a World Book set for the speaker's son, an expensive charm bracelet for his wife, a hi-fi and stereo record player, coffee maker, a set of china, an oil painting of speaker's son, a camera, boots, an electric clock, a set of luggage, a portable TV, a pressure cooker, shotgun-rifle, etc. The lobby paid for quite a bit of that bill.

THE Governor-for-a-Day business started on the local level some years ago. The lobby was not involved - only admirers of his home district who were thrilled that their senator would act as governor. It may have been Grady Hazlewood of Amarillo, probably was. The lobby wasn't involved in the expense, only home folks.

A later pro tem, jealous of Hazlewoods' home folks tributes, decided to match or out-do him. He put the bite on the lobby for a lavish show.

Since then, it has been a custom to expect the lobby to share the cost of honoring an "acting governor."

This doesn't mean that all pro tems get such an honor. The lobby refuses a few. Others insist on a home-town financed affair. But they are in a minority.

The usual deal gets under way with a committee formed to entertain the potential "Governor-for-a-Day." First, of course, a date is arranged for the governor and lieutenant governor to leave the state or act like they are leaving the state. Reservations are made for cocktail parties and banquets at hotels. A list of registered "big" lobbyists is made up. They receive a form letter asking for \$50 for two tickets to a banquet (which will cost about \$3, the overcharge going to buying presents. But some other well-heeled lobbyists are asked to kick in more money - especially if the senator is one voting on his side, such as opposition to the small loan industry control).

THE BITE on lobbyists for honoring a speaker comes only every two years. But the "acting governor" party can be more multiple.

The Senate rotates the honor of president pro tem. There have been six so far this year, will be two more if there is a third special session. It works this way: A president pro tempore was elected at the regular session by senators to serve until adjournment, when another was named to serve during the interim. A second special session was held and a third president pro tempore was elected, then a fourth for the interim, a fifth for the second special session, a sixth for the interim. A seventh should be named if there is another special session, than an eighth for the interim.

The "acting governor" ordinarily holds a day-long reception in the governor's office, serving coffee and cookies to visitors, many from his home district. Some acting governors commission battalions of "colonels" on their staff. One had a variety of commissions, such as junior Texas rangers for the kiddies of his district.

Lobbyists are expected to foot the bill for a cocktail party before the banquet. At a recent event, there were four bars and plenty of goodies at a cocktail party, with lobbyists standing in the receiving line with the acting Governor and his family.

Gifts for acting governors have included such expensive items as a station wagon.

A long time lobbyists in Austin told The Dallas News recently that "this thing is getting out of hand. It is almost blackmail at times."

Interest Groups Hike Austin Economy

Organizations which participate in the lobbying business have become a major part of the Austin economy.

Lobbying, of course, isn't confined to the legislature. It extends to contacts with and appearances before the many boards and departments of big state government.

The "trade associations" have just about eliminated the old-time individual lobbyist who showed up in Austin only during sessions.

Most of the "interests" from big business to big labor work the Austin beat on a permanent basis, with permanent offices. (During sessions, they are reinforced by lobbyists from back home.)

Almost a thousand persons are employed by these associations in Austin.

Many of the associations own their own headquarters buildings, such as the Butane Dealers Association, The Electric Cooperatives, Inc., of Texas, representing REA "locals," Texas Federation of Women's Clubs, Lumberman's Association, Texas Medical Association, Motor Transportation Association, Oil Field Haulers Association, Inc., Oil Jobbers Association, Texas Congress of Parents and Teachers, Public Employees Association of Texas, Plumbing and Heating Contractors, Texas Real Estate Association, Texas Restaurant Association, State Teachers Association, Sheriff's Association.

IF ALL the trade associations were dissolved, it would be a blow to the office building rentals in Austin.

Here are associations renting year-round space in the Perry Brooks Building alone: Casualty Underwriters, Clay Products Association, Aggregates Association, Automotive Dealers, Automotive Wholesalers, Beer Distributors of Texas, Beverage Distributors, Brewers Institute, Chiropractic Association, Dairy Association of Texas, Inc., Dairy Products Institute of Texas, Texas Florists Association, Texas Good Roads Association, Texas Association of Home Buildings, Texas Hot Mix Association, Lathing and Plastering Contractors Association, Highway Safety Council, Legal Reserve Officials Association, Municipal Retirement System, Plaintiffs Attorneys Association, Ready Mixed Concrete Association, Social Welfare Association, Texas Telephone Association, Vocational Agriculture Teachers Association.

Other buildings also are similarly loaded with association offices. And this doesn't include the hundreds of square feet of law office space occupied by attorneys who also lobby in behalf of these and out-of-Austin influence groups.

THERE ARE two different types of "associations" which try to influence legislation, for or against.

There are the permanent groups and temporary organizations, formed for a one-shot crash program.

An example of what probably will be a temporary group was last session's "Citizens for a Sales Tax."

This was a businessman's association, formed to lobby for a sales tax as against Gov. Price Daniel's program. The governor, vexed by the money raised to fight his program, suggested the lobbying regulation act of 1957 be made stronger.

Daniel's point was that a special interest could contribute toward influencing legislation and not have its name registered.

The governor has announced he will submit tighter lobbyist control as a topic for the next special session, this fall or in January.

In amending the act, said Daniel, there should be "special consideration to prohibiting interference with the legislative processes and more complete and accurate reporting of expenditures, especially by organizations formed wholly or partially for the purpose of influencing legislation.

"Any organization should be required to list contributors of more than \$50. Otherwise, there can be complete evasion of the lobby control act by persons and corporations contributing to and working through another organization.

"One of the main purposes of the lobby control act is to bring out into the open those who are attempting to influence legislation. This is defeated when those financially interested are permitted to work through another organization without registering or reporting their interest of contributions."

REP. Sam F. Collins of Newton sponsored a bill last session which would have tightened lobbyist reporting, but it didn't survive. The proposal probably will be revived at the next session.

The Collins bill would require the listing of any contribution of more than \$1 to a lobbying cause such as the financing of an "association." Those receiving the benefits of entertainment would be listed by name.

Legislators themselves would be required to file, each year, anything they received in the way of retainers, salaries, etc., from any industry, company, union or organization, even fraternal.

Contributors to campaigns for Speaker of the House would be required to file reports. The speaker races are becoming more costly every year and lobbyists take sides, contribute thousands of dollars.

Those who contribute to the upkeep of the permanent associations are generally known. It would be safe to assume that teachers finance teachers associations, railroads the rail associations, truckers trucking groups.

MUCH OF THE LOBBY work through associations is done before sessions.

The modern lobbyists begin their work during election campaigns. They get the people back home active in behalf of re-election of members who have been helpful or new candidates who appear "promising."

Although lobbyists must, under law, file reports of money spent for "direct communication" with members during sessions, they are not required to report to the House clerk money used to promote the election of members.

The modern lobbyists prepare themselves well for appearances before committees of the legislature. Many have staff researchers. Printed material and charts often are used for presentation to members and for sending to interested parties back home who might in turn put the pressure on a member.

Many of the vanishing tribe of rugged, arrogant lobbyists would argue with committee members, pound tables, even make direct threats.

The new lobbyist often uses the "respectable citizen" technique. He brings to Austin men of high repute in their communities for brief statements. The lobbyist merely acts as master of ceremonies. His "witnesses" are men legislators know by reputation and are not the type who can be subjected to hazing. Such citizens often journey to Austin in chartered planes for committee sessions.

Quite often, a member is caught in an uncomfortable association squeeze. There is a running fight between the power utilities and the REA co-ops. When it is all REA in a rural member's district, he knows how to vote without much study. The same goes for a big-city member with only Texas Power & Light serving his voting area.

There are regions, however, where the service of REA and the private power firms are about even. That can cause a member to have nightmares, with electric prodding on opposite sides by the power firms' Ready Kilowatt and the REA's little man, Willie Wiredhand.

'Invisible Man' Exerts Great Influence

If this were a first person story, a fitting title might be "How They Changed My Vote Without Even Buying Me a Cup of Coffee."

We will stray for a bit into pure fiction so far as names, issues and circumstances are concerned, but it will be an example of how the "invisible" lobby sometimes operates in and out of Austin.

There are men who exert great influence on Texas legislation, but seldom appear at the State Capitol or even in the city of Austin. Legislators often are influenced by men they never meet; might never have heard of.

As you probably recall, from your high school civics, bills must be read and voted on three times and on three separate days unless rules are suspended by a four-fifths vote.

REP. J. Merriheart Dobbs of Garlic Grove, a sincere freshman House member, casts a vote for a bill to put a 10 per cent tax on travelers checks.

The registered lobbyist for the American Travelers Checks Research Foundation, Inc. - Ronald E. Glenfox - is in the gallery when the vote is taken. He notes the bill was approved by a majority of ten votes.

At recess, Rep. Dobbs runs into Glenfox in the Capitol rotunda, recalls that the lobbyist bought him a steak and a pitcher of beer the night before at the Saengerrunde.

"Sorry to vote against you," says Dobbs.

"Ha, ha, ha," replies the genial Glenfox. "Think nothing of it. I've never discussed legislation with you, now have I? Let's forget business and go down to the club for lunch."

Rep. Dobbs feels more and more like a statesman.

Little does he realize that Glenfox has started a process designed to change his vote to "no."

Glenfox is really only an envoy for unregistered people who often exert far more influence than the registered lobbyist. And they don't file expense accounts for 'direct communication' with members, although their operating expenses, such as for phone calls, are heavy. In his role of "bearer of messages," Glenfox already has called a law firm up town and advised an attorney of the vote. This attorney, in turn, gets in touch with his client in another city. They decide the bill should be defeated. They chart a campaign aimed at changing at least 20 votes.

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RUFUS CLUTCHPENNY, the kindly old president of the Garlic Grove First Farmers State Bank, doesn't care about the proposed tax one way or another. His customers aren't much on traveling. But he is a small "correspondent" bank for a big Dallas bank. The president of the Dallas bank has received word from up the line to work on Rep. Dobbs. And he gets in touch with Clutchpenny.

Rep. Dobbs arrives home for a weekend and receives a call from Clutchpenny. This is pleasant news, because Clutchpenny is a mighty fine man, a community patriarch, a ruling elder in the church. He helped Rep. Dobbs' daddy save the old farm after a Juniper Creek rampage wiped out the cotton crop. And he helped Rep. Dobbs with a loan to finish University of Texas law school and backed him in his campaign for election to the House.

They meet at the Chat and Chew Cafe for a cup of coffee, which Clutchpenny allows Merriheart to buy. They discuss the weather and young Dobbs' voting record. Clutchpenny is very complimentary as they talk about this bill and that. Then they come to the check tax.

"Merriheart," says Clutchpenny, "I'll never suggest to you that you vote one way or another. But I think you ought to reconsider your vote on the travelers checks. Seems to me it is putting a tax on the little guy who has saved up for his vacation. Now, don't let me influence you. You go back and vote your convictions, yes, sir. But I just happen to have received this little brief through the mail today. I'm a man who believes in taking a good look at both sides of a question."

THE PROCESS is going on with many other representatives who voted for the bill.

When another vote is taken, the bill is killed.

There has been no pay-off for the job. Of course, Rep. Dobbs may have remembered campaign favors of the past and those he expected to receive in the future. At the moment, he didn't even get a free cup of coffee.

Much money is involved in such a smooth operation, however. There are legal retainers, organization work, long distance calls, telegrams, etc.

Old pros in Austin will tell you that one of the most powerful men in influencing certain legislation in Austin is James A. Elkins, venerable Houston attorney, of the highly respected law firm of Vinson, Elkins, Weems and Searls. Judge Elkins is chairman of the board of the First City National Bank of Houston. Searls is identified with Gulf Oil.

You won't find Judge Elkins prowling the halls of the State Capitol. He isn't registered as a lobbyist. The Elkins firm retains a great Austin law firm of Clark, Thomas, Harris, Denius and Winters. Big man on legislation is Edward Clark, the senior partner. He usually stands aloof from physical contact with the capitol building, didn't register this year as a lobbyist and didn't file an expense account for 'direct communication' with members. Clark has his contacts on Capitol Hill. They look out for numerous interests, such as banks, insurance, utilities. His messengers call in information which Clark sometimes relays to Elkins and Elkins relays to those over the state who can effectively "explain" things to their legislators.

THE CITIZEN may believe lobbying is bad business all the way around, but he has benefited on occasion, by lobbyist activities.

After insurance scandals shook the big Texas industry a few years ago, lobbyists for legitimate companies worked successfully for reform laws to prevent future racketeering at the expense of the public.

Dallas can thank the professional lobbyists for a major role in obtaining the University of Texas Southwestern Medical School. The going was rough. A group of Dallas businessmen held a meeting. They sought the advice of Gen. Carl Phinney, Dallas attorney who knows his way around in Austin. He suggested that each of the representatives of big business present get in touch with his lobbyist in Austin and instruct them to work with "their friends" in the legislature for the medical school.

This was done, and in a few weeks the bill became law.

Lobbying isn't restricted to big business, schoolteachers or labor. There are lobbyists for animal protection; preacher lobbyists fighting beer.

When Dallas' city attorney Henry P. Kucera goes to Austin to testify against a bill sponsored by firemen and policemen lobbyists, he too becomes a lobbyist.

The West Texas Chamber of Commerce filed a sworn statement through its general manager, Fred H. Husbands, that it spent \$2,548.69 for "direct communication" with members of the legislature from January to May. The East Texas Chamber spent \$619.

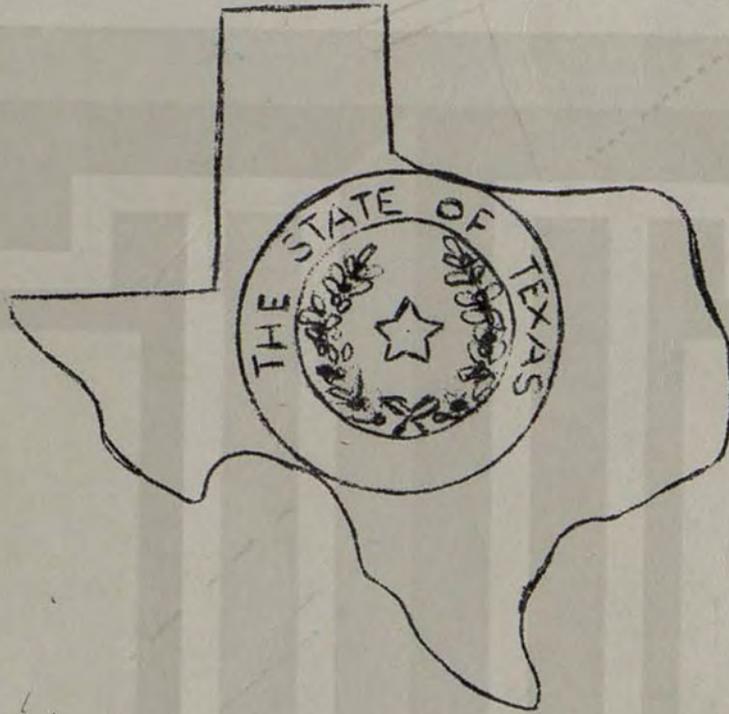
Debate over lobbying can't well deny the right of petition of individuals or a collection of individuals. The argument is over methods and how far the state should go, by law, in requiring full disclosures by those who influence legislation.



F. Suckworth

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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"¹, and as "a legislative constitution rather than fundamental law"², 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.

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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, MEANINGFULL 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.

*Save this for Unit Discussion
on Texas Legislature in January.*

LWV of Texas - October 1966 - Study of Texas Legislature

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.

Collect this & future installments for study

Sauer, etc.

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.

January
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.

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.

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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

Poyd, 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 Reorganization (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. (R)

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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

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October 1966

TEXAS LEGISLATURE KIT

1. Aids to Legislators
2. How to Predict the Fate of your Favorite Bill
3. Ills of the Legislature
4. The League, the Secret Ballot, and the Legislature
5. Legislative "Homework" Eases Load
6. Legislative Tenure Set-up
7. The Lobbyists
8. One Vote Decisive
9. "Right to Know" Bill
10. The Senate's "Automatic" Machinery
11. Skit: How a Bill Becomes a Law
12. State Has Sore Spot
13. The Texas Legislature from Within
14. Texas Lobby Control Legislation
15. Standing Committees of the Legislature



AIDS TO THE LEGISLATOR

For many years legislators were hampered by lack of facts about the problems which they were expected to solve. To help overcome this, in 1949 the Texas Legislative Council was created by statute, to be the research arm of the legislature. This council is composed of ten representatives and five senators appointed by the presiding officers of the respective houses, who serve as ex-officio members, with the Lieutenant Governor serving as chairman and the Speaker as vice-chairman.

The Council is required to meet at least quarterly, and is charged with investigation of various state departments and agencies, and study of their functions and problems, as directed by the legislature. Much of its work consists of gathering information for use of the legislature. Its reports usually contain recommendations, accompanied by drafts of any legislation which it deems proper. The Council employs a regular research staff which makes studies at the request of the legislature and/or the Council; any legislator, state or local official, or private citizen may submit topics for consideration.

The Legislative Council is able to give some help to individual legislators on bill drafting, and in this area, the Attorney General's staff also is helpful, as is the Legislative Reference Division of the State Library, which keeps a record of the legislative history of all bills and resolutions introduced in the legislature, thus furnishing valuable factual information on legislative action in Texas in the past, and by other states, on a particular topic. These latter two agencies have many other duties, however, which leave insufficient time to provide the full service which might be desirable, and budgetary problems prevent expansion of their services.

Increased use of interim committees also has resulted in availability of more information on the specific subjects studied. In addition, the Texas Research League makes studies at the request of the legislature. According to one of its publications, this organization is "a privately supported, non-profit, non-political, educational corporation engaged in objective research into the operations, programs and problems of Texas government. The League.... 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."

In the fiscal area, the Legislative Budget Board was created during 1949. It is composed of four members from each house appointed by the presiding officers, who also are members of the Board, with the Lieutenant Governor as Chairman. The chairmen of the House and Senate committees handling revenue and appropriations must be among the appointees. This Board appoints a Budget Director, who, with his staff, is responsible for preparing the biennial budget and the appropriations bills necessary to put it into effect. The Budget Director is considered one of the most powerful men in Texas government.

The state comptroller's department is now installing a computer-based tax administration and accounting system, which, no doubt, will

expedite that officer's rulings on availability of funds for various projects. This installation could also result in increased awareness of the utility of data processing in the field of government among both legislative and executive leaders.

Data processing equipment could be used to furnish quickly much information which would aid the legislators in decision making. According to the former executive director of the Legislative Budget Board, "one beneficial use of such equipment would be to give every member every day the exact status of every pending bill." During past sessions, the Texas Legislative Service, a privately owned subscription service, furnished this information in summary form for its subscribers, and furnished legislators copies of its reports free of charge. Electronic equipment might produce more complete information and eliminate any existing time lag.

One step in the direction of automation has already been made by the Legislative Council. This organization has installed a magnetic tape selective typewriter, which is said to do the work of four typists in reproducing bills.²

Many states use data processing equipment, but "most ... have not achieved even minimal use of computers in the area of decision making."³ It must be kept in mind that the chief usefulness of automated equipment is to provide a ready source of facts, for example, to trace a certain bill's effect on other existing legislation. A computer cannot "think", and its reports are only as accurate and complete as the information stored in its "memory" initially by the programming technician.

1. Vernon McGee, quoted by William H. Gardner, Ills of the Legislature, THE HOUSTON POST, February 16, 1966.
2. Robert E. Johnson, Executive Director of the Legislative Council, quoted in the same HOUSTON POST article, February 16, 1966
3. National Civic Review, September, 1966, page 476.

HOW TO PREDICT THE FATE OF YOUR FAVORITE BILL

Know How Your Legislature Functions

A. THE BILL

1. Is it properly drawn?
2. How much is it being discussed? How much publicity can you get for your point of view?

B. THE LEADERSHIP

1. Does the bill have the governor's approval? Does it evoke his active support? His passive acceptance? His opposition?
2. Does the lieutenant-governor favor the bill? The speaker of the House?

C. THE COMMITTEE

1. Was the bill assigned to the best committee?
2. Will there be a public hearing? Do you want a public hearing?
3. If the bill is not reported favorably, can you muster enough committee strength to get it printed on a minority report?

D. THE MEMBERS DIRECTLY CONCERNED

1. The sponsor

a. Is he "effective"?

- (1) Does he usually support the governor's program?
- (2) If a member of the House, did he support the winning candidate for speaker?
- (3) Does he have important committee assignments? Is he on the committee that will consider the bill?
- (4) Is he experienced?
- (5) Can he influence other members?

b. Is he dedicated?

- (1) Can he give the bill a low number?
- (2) Is he prepared to nurse it watchfully through the various steps in legislative achievement?

2. The members of the committee

- a. Who are they?
- b. Which ones already favor the bill? Which ones are firmly opposed to it? Which ones have open minds?
- c. Which ones come from districts where your organization is active and respected?
- d. Which supporters of the bill who live in the district of a member can learn from a thorough discussion how he feels and what considerations would influence him?

3. Each member of the legislature from your own district

- a. Is the bill consistent with his general outlook? With his functional alliances? With his particular legislative interests?
- b. Did he have meaningful opposition in the last primary? In the last general election? Is he likely to run for reelection or for another elective office?
- c. Does he favor the activity and program of your organization? Is it known and respected by his constituents?

E. THE STRATEGY

1. Are you prepared to keep abreast of developments, informing your members about the kind of support and the kind of resistance you are encountering?
2. Are you prepared, if it becomes necessary, to accept proposed amendments that amount to modified or partial achievement of your goals?
3. Are you prepared to resist proposed amendments that undermine your basic purpose or make continued activity more difficult?



THE TEXAS LEGISLATURE
FROM WITHIN

By Dick Cherry

(Mr. Cherry, a former professor of political science at Baylor University, served as a member of the Texas House of Representatives in the 58th and 59th Legislatures. He wrote this article especially for the new book, GOVERNING TEXAS: DOCUMENTS AND READINGS, edited by Fred Gantt, Jr., Irving Owen Dawson, and Luther G. Hagard, Jr. The article is reprinted by the League of Women Voters of Texas, 1966, by special permission of the publisher, Thomas Y. Crowell Company, New York City.)

There is really no way of knowing what it is like to be a legislator, except to be one. Other political scientists have written institutional, or constitutional, or procedural, or behavioral, or statistical studies of

legislatures. Some of these scholars have, by painstaking interviewing of legislators or even by serving internships on legislative staffs, developed keen insights into what it is like to be a legislator. However, these researchers are at best observers—never participants.

This political scientist has had the rare privilege of being a participant by having been twice elected to the Texas House of Representatives. The observations which follow are a result of sifting this experience for its most indelible features. These observations are not offered as a substitute for more comprehensive and systematic studies of legislatures, but it is hoped that they will supplement such studies by supplying the human side so often missing in such studies.

The experience of being a legislator is an intriguing combination of satisfaction and frustration. The frustrations often outweigh the satisfactions, but the intrigue is always present. Once bitten by the political "bug" the politician is not unlike the person addicted to drugs. He is not certain of his ability to overcome his addiction. He knows he would have painful withdrawal symptoms. Mostly, he lacks the will to quit.

Since the bulk of this article deals with problems and difficulties encountered by the legislator, his addiction would appear to suggest insanity unless mention were made immediately of some of the compensations in his life. Two events are at the top of the list. One is the victory celebration on election night. By the end of the campaign, he has thoroughly convinced himself that he is the better man, and if it has been a bitter campaign he is apt to be further convinced that his opponent is the incarnation of evil. To learn that he has similarly convinced tens of thousands of people is more than gratifying. Not only has he won in a society that places a premium on winning, but he has won in the kind of contest that same society outwardly regards as its most important.

The second major compensation for the legislator is to see one of his own bills become a law. At this point he has the satisfaction of knowing that he has not only the authority to legislate but also the ability to legislate. What could be more rewarding to one who has been taught since childhood that the distinctive Anglo-American contribution to the practice of government has been "rule of law"?

The state legislator also finds that there are other compensations. He is initially startled but subsequently pleased that his actions and views are no longer purely private. Newsmen seek him out. He becomes aware that much of what the communications media call "news" is political news and that in his small way he can help to make it. This may require some limitations on his conduct and some restraints on his utterances, but he has become what social scientists call an "opinion leader." He shares with other "opinion leaders" an influence upon the attitudes and climate of opinion in his community which, in turn, make it the kind of community it is. Our legislator finds that newsmen are not

the only ones who give him attention. State policemen have a certain regard for his "State Official" license plates. The "honor of his presence is requested" at dedications, receptions, galas, and other functions that he has never even attended as a spectator, let alone as a special guest. He gets free passes to all kinds of events and parking privileges where parking space is scarcest. If he is a Nimrod, he learns how the wealthy bring home trophies without having to be hunters. In short, he has been transformed from a nobody into a somebody.

The original fascination or addiction reinforced by his "celebrity value" and potential impact on public affairs constitutes the satisfaction component in the legislator's satisfaction-frustration index.

Many of the "problems" or targets for reform which political scientists have identified are encountered by the legislator as frustrations. The author hopes that his prior experience as a political scientist has enhanced rather than restricted his perception as a legislator. If so, the reader will find that what follows includes, but is not restricted to, a few of the "problems" political scientists commonly write about. The reader should also find that additional insights are obtained when the legislature is viewed by a legislator.

THE VAGARIES OF "NATURAL SELECTION"

There is a hallowed American myth that any American boy can grow up to be President. The legislator knows that this is untrue, not only as applied to the Presidency but to the lowly office of legislator as well. There are the obvious inequalities of opportunity to hold public office because of the sex, social class, race, or religion of the aspirant. In addition, there are two other reasons why many feel called to be state legislators, but few even file for the office. These reasons can be termed: *livelihood* and *love*.

In his highly regarded book, *To Be a Politician*, Stinson Bullitt writes¹ of the need of the politician to have another trade—"an acrobat's net"—to fall into in the event he loses. What Mr. Bullitt does not make clear is that if the politician is a candidate for legislator he also needs another trade in the event he wins. The loser can continue his other trade uninterrupted, and with the publicity he gained from the campaign he can probably do so with more success than before. The winner, on the other hand, may be on his way to joining his community's human scrapheap, which includes a number of derelict ex-legislators. Advance knowledge of this potential fate deters many qualified would-be candidates.

The office of state legislator is unique in that it is treated in nearly every state as a part-time office, and paid accordingly. The offices in our

county courthouses and our national Capitol are full-time with full-time pay. Offices such as city councilman or school trustee are usually part-time with no pay. Holders of the full-time offices are expected to have no other employment. Holders of the local part-time offices are expected to have other employment, and they may expect that their public service will not interfere with that employment. The legislator's public service, however, is part-time in the sense of being full-time part of the time. It is full-time for part of a year or part of every two years. Few are the types of employment that do not suffer from such a schedule. Fewer still are the employers who will permit it. If an employer willingly permits such absenteeism, we may wonder whether he expects to have the public interest served or his own. Our aspiring politician, then, had better not choose an occupation in which he works for a wage or salary. But those who do not work for wages or salaries are a dwindling proportion of the population. In June 1965 they made up only 14.8 per cent of the Texas civilian labor force!² Even this dwindling percentage, however, is composed mostly of occupations not easily combined with lawmaking. What physician or dentist can forsake his practice for several months at a time? How many merchants or barbers or others in service occupations can do so? Who but the most successful farmers can be absent from the farm for an entire planting season?

It is just such a process of occupational elimination that results in so many legislators emerging from a single profession—law. However, many lawyers cannot become candidates either. If a young lawyer works for a large firm, he is not free to become a candidate without permission of the senior partners. If he practices alone, he has no one to service his clients for the duration of the legislative session. If he is a member of a partnership, he needs to have partners who not only approve of his candidacy but who will split fees with him which the firm earns in his absence. His partners are more likely to be willing to do so if he produces revenue for the firm which it would not otherwise receive. He can do this by accepting retainers from organizations interested in legislation, by becoming the firm's "specialist" who handles cases heard before state regulatory bodies, and by making available to the firm's clients his privilege of having the state's courts postpone cases in which he is counsel until after the legislative session ends. All of these methods by which a lawyer may enhance his income by being a legislator raise a serious question: Do the interests of his firm, his clients, and the organizations that retain him conflict with the public interest? Of course, the more capable lawyers do not have to rely upon the crutch of public office to establish or build their legal practice. On the contrary, for them to seek election to the Legislature and to serve in it would entail a financial sacrifice that few care to make. This leaves us, then, right back

¹P. 7.

²"Texas Labor Market," June 1965, Texas Employment Commission, Austin, Texas.

where we started: a person's choice of occupation may eliminate him entirely from becoming a candidate for state legislator, or if his chosen occupation is one that can be combined with lawmaking, the combination may not be compatible with the public interest in some cases and with occupational advancement in others.

Potential legislative candidates who are not eliminated by occupation and other characteristics may be eliminated by their choice of a spouse. Few state legislators are bachelors. Fewer still are women. The American electorate's image of a state lawmaker is not of a single individual, but of a happily married couple with children. The entire family is expected to campaign as a team. The wife is expected to be enthusiastic about her husband's candidacy and to enjoy getting herself and the children ready to attend a seemingly endless number of barbecues, bean suppers, ice-cream socials, church and school carnivals, and so on. The children are expected to be well behaved, even when their parents are preoccupied with circulating among gatherings of voters or listening attentively to the program which has been arranged for the occasion.

In contacts with voters, the wife and children are often expected to know the candidate's views. In any case, they are expected to know the "right" thing to say to win support for him. There is probably no other kind of job-seeking in America in which the aspirant must involve his family to the extent that he does if he is seeking public office. His involvement of his children can be cruel if they are old enough to become emotionally involved in the campaign but not old enough to accept defeat graciously. His involvement of his wife can also be cruel if she does not share his enthusiasm for politics. Yet how many young men who later seek public office consider this in choosing a bride and in planning and rearing a family?

Involvement in the campaign is not the end of the involvement of the lawmaker's wife and children. Not only does the family campaign as a team, but, in a sense, they must serve as a team when they win. A decision must be made as to whether to move the family to the state capital for the duration of the legislative session. To do so may mean interrupting the schooling of the children. It certainly means added expense. On the other hand, not to do so means that the lawmaker is separated from his family except possibly on weekends, and that his wife must be both father and mother to their children most of the time.

The factors that have been discussed here as *livelihood* and *love* serve, together with other factors commonly discussed in political science literature, to limit the availability of candidates for the State Legislature. Such factors affect not only the quantity but the quality of candidates. They contribute to the rapid turnover among state lawmakers. The brevity of tenure of lawmakers, coupled with the permanency of the lobby, gives the lobbyists an "experience" advantage. Such factors also go a long way toward explaining why those lawmakers who

do not choose to drop out after one or two terms have an extremely high aspiration to move up.³ This high ambition level, in turn, plays directly into the hands of the lobbyists. The Hon. J. C. (Zeke) Zbranek in an article entitled "Why the Establishment Controls the Legislature" in the June 12, 1964, issue of the *Texas Observer*, emphasizes how the lobby effectively exploits the lawmaker's ambition to attain higher office. He calls it "the most potent weapon in the Third House's arsenal."

These deterrents to state legislative candidacy and tenure also have repercussions at other levels of our political system. Studies of the career patterns of governors show that they usually start as state legislators. The career patterns of U.S. congressmen and senators show the same. The career patterns of Presidents and presidential candidates, in turn, typically include prior service as a governor or a U.S. senator. In a sense, then, state legislatures provide a pool from which the nation draws its future executive and legislative leadership. The processes of "natural selection" that are operating unnoticed today in thousands of individual decisions about jobs and girl friends are determining the nation's future leadership.

"RUNNING TRAPS" AND OTHER SKILLS

Reference was made above in the enumeration of a lawmaker's satisfactions to the importance of the satisfaction he derives from seeing one of his bills enacted into law. In his own opinion and in the opinion of those who elect him, he cannot long be considered a lawmaker if he cannot pass any bills.

In order to be effective in passing bills, a legislator must master certain skills. He soon learns that being a master of public debate is of little consequence. Since the speeches for and against bills are not recorded, he soon learns that they are often inadequate and even misleading. Thus, if he cannot rely upon the speeches in deciding how to vote on other bills, he cannot expect other members to rely upon his speeches in deciding how to vote on his bills. He also learns that a knowledge of the formal steps that a bill must go through between introduction and final passage merely provides him with a road map. It is not a means of transportation. Each of the formal steps required by the constitution and rules is more like a roadblock than a gateway for the author of a bill.

Like the visitor on his initial visit to the galleries, the freshman legislator is likely to be embarrassed not only by the level of debate but also

³ Jerry B. Michel of Texas Christian University found through "in depth" interviews of members of the 58th Texas Legislature that the legislators evince high aspiration but are frustrated by the small number of higher offices within their reach ("Legislative Decision-Making: A Case of Reference Behavior," Ph.D. dissertation, University of Texas, 1964, pp. 50-61).

by the "ant colony" atmosphere in the legislative chamber. Members are scurrying here and there, constantly forming and then dissolving huddles and paying no attention to the speaker who has the floor. Those doing the scurrying may be lining up votes for or against the bill under consideration. More than likely, they are working to get one of their own bills over the next roadblock in its way. In other words, they are exercising the skills that really count in getting bills passed. In general, these skills can be summed up as "politicking the politicians." At this level politicking is personality-oriented, not issue-oriented. In other words, it is not the substance of your bill that matters, it's who you are and who you know and what organized pressures are behind your bill, and what changes you are willing to accept if necessary to move the bill forward.

This hectic scurrying around the legislative chamber and the reception room and to and from the telephone is referred to as "running traps." The author of a bill has made previous contacts with the presiding officer, or with a committee chairman, or with individual members (depending on what formal roadblock is holding up his bill). He has determined who or what might be the key to the removal of that roadblock. He has acted upon his analysis of the situation. Now he "runs his traps" to see what he has caught—what results his efforts have produced.

What are the major roadblocks that can hold up a bill? The first is referral of the bill to a standing committee. If an author has done his homework, he knows what committee chairman and committee would treat his bill most sympathetically. His task is to get the presiding officer to refer it to that committee. His past relationship with the presiding officer—whether he has supported the presiding officer and/or is pledged to do so in the future—is very important. Also, if the bill is backed by an organization that has influence with the presiding officer, the author can have the organization exert its influence. If the governor supports the bill and has influence with the presiding officer, the author can call upon the governor's office for assistance. If there is no organized opposition to the bill, the author may get a favorable referral simply on the basis of being friendly toward the presiding officer and letting his wishes on referral be known.

The next hold-up after referral is getting the bill set for a hearing. Here the key person is the committee chairman, and the author must seek a hearing in the same way he previously sought referral. After a bill is heard by a standing committee, the next prospective hold-up is having it frozen in an unfavorable subcommittee. If the author has done his homework, he knows whom he wants the chairman to appoint to the subcommittee on his bill—and if he has enough influence with the chairman, he can make his choices known and get them.

If the author gets his bill out of subcommittee and then out of full

committee, his next problem is to get it up for floor debate. This problem may take him back to the presiding officer for a special setting, or it may take a special majority of the total membership, or (if his bill is local and noncontroversial) it may take him to the chairman of the committee that controls the uncontested or consent calendar. Whatever is called for the author must do if his bill is to be considered. Even if his bill is a local one, it may be a "must" in his district, and if this becomes apparent to those who control the roadblocks he may have to dip heavily into his reservoir of good will and influence.

When his bill is finally set for floor debate, the author must do a lot of advance contacting of individual members. In making these contacts he finds as he has throughout his bill's journey that his personal relationships are more important than the contents of his bill. What he has done or can do for other members, what the members hear or have heard from third parties concerning the bill, how the members think the bill will affect their individual districts—these are decisive at this stage. One thing the author has going for him is that he has successfully steered his bill to the floor. This in itself is often taken by many members as an indication that the bill is supported by the leadership, and that they should therefore go along.

By the time the bill comes up for floor debate, the author and the bill's other friends, if any, should have "worked the floor" so thoroughly that they know what the vote is going to be before the debate begins.

So, if you have occasion to visit a legislative chamber, do not be too quick to criticize the lawmakers who do not stay in their seats and listen attentively to the debate. They are probably the effective lawmakers "running traps."

PUBLIC "LISTENINGS" BUT NOT HEARINGS

Among the formal steps required in passage of a bill, the step called "public hearing" can be quite frustrating to the author of a bill as has been noted above. The holding of such a hearing is not a right of authors, but a privilege to be granted or withheld by the chairman of the committee to which the bill has been referred. Many bills die because they are never granted this privilege. Others die because it is granted to them too late in the legislative session. Still others may suffer from being scheduled at a time when it is inconvenient for their proponents to appear, or scheduled with only the minimum 48-hour notice so that proponents scattered over the state do not have adequate time to put their affairs in order and travel to the capital.

As frustrating as securing a hearing may be to the author of a bill, attending the hearing may be even more frustrating to the members of the committee. Committee members who want to make a constructive contribution at this stage in the legislative process are frustrated by lack

of expertise and preparation. They serve on so many committees that they do not have adequate time to devote to any one. They have personal staffs so limited in size and often in ability that careful research on each bill referred to each committee on which they serve is impossible. With such a rapid rate of turnover in the Legislature, and little or no consideration given to seniority in selecting committees, the typical committee member has not acquired expertise in the subject matter of the committee from previous service.

It is in this unprepared state that the typical committee member approaches each bill that comes up for a hearing before one of his committees. The so-called hearing itself should be called a "listening." The committee listens to the author present his bill. It listens to the testimony of the witnesses he introduces. It listens to anyone who appears in opposition. Finally, it listens to the author's close. Throughout this listening, the conscientious committee member is searching his mind for intelligent questions to ask the author and witnesses. He knows that the committee will be told only what the witnesses who choose to appear choose to tell. (There is no system for insuring that all persons having information pertinent to consideration of the bill will appear.) If other points are to be made, or additional information is to be elicited, only well-placed and well-put questions or comments by committee members can do this. There is no cross-examination of witnesses by anyone representing either the supporters or opponents of the bill. There is no counsel representing the committee to question or cross-examine any witnesses. Responsibility rests solely with the committee members themselves for developing all the necessary information for the committee to make an intelligent decision on the fate of the bill. With the handicaps under which they work, committee members are often ill prepared to perform this function. Committee "hearings" become in reality only "listenings," and the function of committees becomes one of "killing" or "kicking out" the bill—not of perfecting it.

A LEGISLATURE THAT DOESN'T LEGISLATE

The most frustrating of all the frustrations for the rank-and-file state legislator who reflects on his legislative experience is that he does not get to legislate on any of the major bills that come before the Legislature. Bills setting or changing major state policy are controversial; at least they are sufficiently controversial that the House and Senate can be expected to pass differing versions of each such bill. When a bill passes in one house in even a slightly different form than it passes in the other, and the first house will not agree to the second house's version, a conference committee is called for. A new conference committee (five members from the House and five from the Senate) is appointed by the respective presiding officers on each such occasion. However, on major

bills, a small number of legislators are appointed to one conference committee after another. One veteran analyst of the Texas Legislature, William H. Gardner of *The Houston Post*, has called the conferees on the appropriations bill "the ten men who govern Texas."⁴ To the extent that the appropriations bill outranks all others in importance, he is correct. If he had taken into consideration the pool from which conferees on all major bills come, he might have written "the twenty-five men who govern Texas." In view of the total membership of the Legislature in Texas, this leaves over 150 legislators who do not govern.

These rank-and-file legislators do not govern because in Texas, as in many states, the rules governing conference committees allow what are called "free conference committees." This means that the conference committee in its executive (secret) deliberations on a bill is not restricted to "adjusting the differences" between the two houses. It can delete provisions that have been passed by both houses, and add provisions that have been passed by neither house. In other words, the conferees can completely re-write the bill. This re-write then becomes the conference committee report which the conferees present for adoption by their respective houses. Conference committee reports need not be printed, so when they come before each house, no member who is not a conferee knows fully what he is voting on. As Mr. Gardner writes in the article referred to above:

This malady is even more pernicious because of the rule that the houses must accept a conference committee bill *in toto*, or not at all. It cannot be changed on the floor, just accepted or rejected.

Furthermore, conference committee chairmen have fallen into the habit of giving only the scantiest of information on what their report contains. Their usual approach is: Everybody knows what's in this bill, so why waste time explaining it?

As a matter of fact, few who must vote on the report's adoption know what is in it. Many a legislator has been berated by constituents unfamiliar with the "free conference" rule with: "What do you mean you didn't know what was in that bill you voted for? What do you think we sent you down there to the capitol for if not to make it your business to know such things?" Such questions merely serve to embarrass an already frustrated legislator, because his answers not only remind him that he does not really legislate but they require him to admit it to others.

The conferees on non-spending bills at least have to keep the changes they make in a bill germane to the original. Interpretations of "germaneness" are somewhat flexible, but this requirement serves as some check. However, even this limitation is ineffective in the case of the conference committee on the General Appropriation Bill. Since it

⁴"The Texas Scene," *The Houston Post*, May 16, 1965.

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appropriates money for every program in which the state is engaged, virtually every subject is germane. Extraneous provisions called "riders" can be placed in the Appropriation Bill by the conferees. The issue of "germaneness" cannot be raised against them. The report is so voluminous that such provisions often go undetected. If they are detected they cannot be rejected without rejecting the entire report, thus cutting off all funds to all programs. An article appearing in the June 6, 1965, *Waco Tribune Herald* carrying the headline "Furor Over 'Secret' Legislation After Pay Raises 'Slipped Through'" discusses the problem of riders. It points out that even the Speaker of the House of Representatives sometimes does not know about all the riders. He is quoted as saying, "There was at least one that went through that I didn't know about, and I thought I had a complete listing."

Political scientists or "good government" groups may present many arguments for unicameralism. None of their arguments is likely to be as compelling to the state legislator as the argument that "unicameralism" eliminates conference committees.

The four problems of legislatures and frustrations of legislators discussed here do not exhaust the subject, but they loom as major ones when a legislature is viewed from the "inside." Our state legislatures operate today in an environment in which their agenda is set by governors, lobbyists, and the press. The legislatures are ill equipped to sift this agenda owing to limitations of time, staff, and the abilities of individual members. They are ill equipped to develop their own agendas independent of outsiders. Interim committees might do this, but they are typically understaffed and the legislators named to them cannot financially afford to devote full-time to interim projects after having devoted full-time during the regular session. Today's state legislator may well be serving during the twilight of state government in the United States. If so, this twilight is gathering all the more rapidly because of the shortcomings of the legislative branches of our state governments.

If it be any consolation, however, today's state legislator is serving during what the president of the American Political Science Association has pointed out as the decline of legislative government in Washington and throughout the world.⁵

⁵ David B. Truman, ed., *The Congress and America's Future* (Englewood Cliffs, N.J.: Prentice-Hall, 1965), p. 1.

STATE HAS SORE SPOT OF MINORITY VETO CONTROL

(Editorial from the Austin AMERICAN-STATESMAN of February 24, 1963. Reprinted by permission by League of Women Voters of Texas, 1966.)

Editorials

State Has Sore Spot Of Minority Veto Control

It takes a two-thirds vote in both branches of the Legislature to override the governor's veto of a bill. And that is to carry into effect the Legislature's own product.

But, ironically, it takes only one-third, plus one, of one branch of the Legislature to veto the most important function of a governor, his selection of the people to administer state government.

This is the only example of minority rule in the state set-up.

The House can impeach, and the Senate, as a court of impeachment, can remove officials from office. But that takes a two-thirds vote, in contrast with the power of one-third to prevent an appointed official from serving.

The Senate does not initiate the selection of administrative officials, nor make the inquiry into qualifications and fitness which leads to their selection.

The governor, who is responsible for the success and effectiveness of his administration, is presumed to have made, and has made, that determination. Effectiveness of his appointees, and effective operation of the executive and administrative agencies of government are his concern.

But the Texas Constitution sets up a single, isolated case of minority control by which any 11 senators can veto any selection, and in the final analysis dictate the selection of the non-elective officials of state government.

Confirmation by simple majority in the Senate would seem to be a conscionable minimum requirement. The logical factor, to conform to the principle of government, would be that an appointee could be rejected only by a two-thirds negative vote, the same margin as required to override a governor's veto.

The matter of another sole exception to a principle of state government—constitutional provision for secrecy in debating and voting on the confirmation of appointees—is now under wide and bitter discussion, in the light of events

criticized within as well as outside the Senate.

That method of procedure probably has never affected the outcome of a vote on confirmation of a governor's appointee. The purpose of the executive session provision in the Constitution, as shown by its penalty provision, is not to shield an individual senator, but theoretically to protect the individual under discussion.

The public generally believes it is entitled to know what goes on in all phases of its state government.

But the matter of minority control of the choice of public officials goes not to discussion of one individual's qualifications, but to the quality of public service and the capacity of a governor to meet the responsibilities placed on him by the Constitution.

HOW A BILL BECOMES A LAW IN TEXAS

(Prepared by LWV of Dickinson, 1966. Reprinted by LWV of Texas)

As an introduction to our new state study item on the Texas Legislature, I would like to present to you some background information for our skit on "How a Bill Becomes a Law".

1. Regular Legislative session is 120 days.
 - A. First 30 days devoted to introduction of bills.
 - B. Next 30 days devoted to committee consideration of these bills.
 - C. Last 60 days for final disposition of the bills.
2. This is called split session and regularly abolished by a 4/5 vote of each house, as permitted by the Constitution, so bills may be introduced during the first 60 days.
 - A. Exceptions
 1. Emergency appropriation bills
 2. Local bills
 3. Emergency bills submitted by Governor
3. Bills may originate in either house
 - A. Exception
 1. Revenue bill which must originate in the House.
4. For convenience sake we will suppose the bill under discussion originates in the house.
5. The bill may be drafted by an interested party but must be introduced by a Legislator.
6. The bill is filed in triplicate with the Chief Clerk or introduced from the floor.
7. A bill may contain but one subject and this must be expressed in the title.
 - A. Exception - general appropriation bill.
8. The bill is numbered and has the first reading by caption only.
9. Speaker of the House refers the bill to an appropriate committee (43 standing committees in House - all appointed by Speaker). (Special committees also appointed.)
10. Committee may not meet while House is in session without special permission. Complete records are kept as to the time, place, attendance, and vote.
11. Committee meetings are open to public. These committees ^{may} have sub-committees.
12. Each committee is supposed to report on each bill but frequently this is not done.
13. During first 66 days of session, after a bill is in committee for 6 days, the committee may be required to report or discharge the bill by a 2/3 vote of House. This is how bills are brought out of unfavorable committees.
14. Committee reports take 3 forms: favorable, unfavorable, or inability to agree (goes to sub-committee for further study).

15. With an unfavorable report, a bill is dead unless a minority report is filed with the calendar clerk within 2 days.
16. With a favorable report the bill is sent to the calendar clerk who has it printed and a copy placed on each member's desk at least 24 hours before it is to be considered.
17. The order to print a bill automatically places it on the calendar for consideration by the House.
18. It is now ready for its second reading.
19. Bills are taken up in numbered order (order of original introduction).
 - A. Exceptions
 1. Suspension days - Every Monday and the first 6 of last 8 days of a session during which a bill may be taken up out of order by a 2/3 vote.
 2. By unanimous consent
 3. As postponed business, which requires a majority vote
 4. Under suspension of the rules, which requires a 2/3 vote
 5. As "special order", which means a vote will be taken upon a certain day, regardless of its number. This requires a 2/3 vote.
20. House has an order of business which it follows every day:
 1. Roll Call
 2. Prayer by the chaplain
 3. Excuses for absence
 4. First reading of bills filed with the Chief Clerk; introductions of bills from the floor, and referral of bills to committees.
 5. Requests to print bills on minority report, requests for more time from committees, and routine business
 6. Resolutions offered from the floor
 7. Unfinished business
 8. Disposal of business on the Speaker's desk
21. Certain days are set aside for certain types of bills.

Monday - suspension day
Tuesday - House joint resolutions and bills on third reading
Wednesday and Thursday - Senate bills
Friday and Saturday - devoted to House bills on second and third readings.
22. After the bill is read in its entirety, debated and amended, it is passed to engrossment. (Black's Law Dictionary defines engrossment as copying a bill in a large, fair hand on parchment.)
23. At this point the bill is rewritten by the Engrossing Clerk with all amendments inserted exactly as passed and deletions left out. After this the bill is ready for third reading and final passage.
24. If it is not passed to engrossment, the bill is dead.
25. The third reading is by title or caption and requires a simple majority vote to pass.
26. It is now ready to go to the Senate
27. The chief clerk transmits the bill to the Senate certifying its passage.
28. In the Senate the bill follows the same procedure as in House.
 - A. First reading by title only.
 - B. Referred to committee by President of Senate who is the Lt. Gov. (there are 25 standing committees in Senate all of which are appointed.)
 - C. With favorable report it is printed, numbered, and put on the Calendar and taken up in numbered order.
 - D. Bill may be amended in any way the Senate sees fit.

29. If bill passes the second reading, it is read a third time (by title only) and voted on for final passage.
 30. Secretary of Senate informs the House of the bill's passage or defeat
 31. If bill is passed as presented to the Senate, it is returned to Speaker for signing.
 32. If amendments are added this must be noted by endorsement on the bill and then returned to the Speaker.
 33. If Senate amendments are approved by House, the Speaker signs the bill; but if House does not approve amendments, a Conference Committee is requested.
 34. If Senate does not agree to a Conference Committee the bill is dead.
 35. All Conference Committees are composed of five members from each house who are appointed by their presiding officer.
 36. A Conf. Comm. is restricted to adjusting the differences between the two houses and is not supposed to change anything that has joint agreement.
 37. At times a Conf. Comm. may insert entirely new provisions; some Conf. Committees have deleted agreed provisions.
 38. After the Conf. Committee has settled the questions in disagreement the members report to their houses.
 39. This report may not be amended and must be accepted or rejected in full.
 40. If the report does not have approval of the two Houses, the bill may be sent back to the Conf. Comm. or even to a new Conf. Comm. if both houses feel this is needed.
 41. If the two houses cannot reach agreement on the Conf. Comm. report, the bill is dead.
 42. If the bill is approved, it is sent to the Enrolling Clerk who makes a complete record of the passage of the bill; i. e. - record of vote - amendments, Conf. Comm., and agreements or disagreements.
 43. The Speaker of the House and Chief Clerk then sign the bill and it is sent to the Senate where the President and Secretary of the Senate sign it.
 44. Bill is then sent to the Governor.
 45. The Gov. has 10 days, exclusive of Sundays, to sign the bill. After that it becomes law with or without his signature.
 46. If it reaches him during last 10 days of the Leg. Session, he has 20 days to sign or veto the bill.
 47. If he signs the bill, it becomes a law 90 days after the end of the session.
 - A. Exception: If passed by 2/3 vote of those elected to each House, bills containing emergency clause become effective when signed by Governor or filed with Sec'y of State without veto.
 48. If he vetoes the bill, it must go back to the House where it originated with his reasons for veto.
 49. After the session is over, a vetoed bill goes to the Sec. of State along with his reasons for veto.
 50. The bill must have a 2/3 vote of each House to be passed over Gov. veto.
 51. If a 2/3 vote is not received, the bill is dead.
 52. If it is passed over the Governor's veto, it is filed with the Sec. of State.
- Now, if you will bear with us for a moment, we will take our places on stage for our skit. (This outline from LWV pamphlet: "How a Bill Becomes a Law")

SKIT

HOW A BILL BECOMES A LAW IN TEXAS

(Prepared by LWV of Dickinson, 1966. Reprinted by LWV of Texas)

Narrator: LISTEN DEAR LADIES IN UTTER AWE
WHILE WE SHOW YOU HOW A BILL BECOMES A LAW--

THE BILL CAN ORIGINATE IN THE HOUSE OR SENATE
DEPENDING UPON WHAT' . CONTAINED IN IT--

THE EXCEPTION OF COURSE IS THE REVENUE BILL
WHICH BY LAW ORIGINATES ON THE LOWER HILL--

FOR CONVENIENCE SAKE THE BILL WE ESPOUSE
WILL BEGIN ITS LABOR IN THE LOWER HOUSE.

Speaker of the House: (bangs gavel) The Texas House of Representatives is now in session. The Chair recognizes the Honorable I. M. Running from Geronimo County.

House Member: (rises, drags bill onto floor, bill smiles coyly and shakes hands all around)
Thank you, Mister Speaker. Mr. Speaker, Honorable Colleagues, distinguished guests and friends (turns to audience with sweeping arm gesture). In this fair election year of 1966, I wish to express...(interrupted by Speaker)

Speaker of House: (banging gavel) Mr. Running, the bill, please!

House Member: (obviously agitated) I will now introduce H.D. 006 3/4 drafted by the Society for the Preservation of Precise duties for the Governor. However, before the first reading of this bill, I would like to recognize and have read into the record, the presence this morning in this chamber of the Quilting Society of Granny's Gulch of Geronimo County. (House Members turn to stare and applaud loudly)

(Speaker bangs gavel loudly. Members quiet down immediately) H. M. turns to Narrator who reads:

Narrator: THE BILL'S FIRST READING IS BY TITLE OR CAPTION
AT WHICH TIME THE HOUSE TAKES NO ACTION

(Narrator turns to House Member)

House Member: (Reads bill by title) Commander-in-Chief may call out militia.

(While Narrator reads below Speaker of the House rises and pushes bill into House Committee while 3 committee members move from front row to House Committee table)

Narrator: THE SPEAKER REFERS IT TO A HOUSE COMMITTEE
WHO DISCUSS, AMEND AND MAKE IT SOUND PRETTY

Speaker of House: (after placing bill in front of House committee) This bill is referred to the Committee on preservation of reservations.

In the House Committees

- Chairman: The Committee will come to order. We are here to consider H.B. 006 3/4.
(House Committee confers in low tones) (Committee then rises and moves to join full House)
- Chairman: (addressing Speaker of the House) Mr. Speaker, after considering H.B. 006 3/4 and holding public meetings on same, the committee turns the bill over to the full House with a favorable report.
- Narrator: WITH IT'S FAVORABLE REPORT THE BILL IS RETURNED
WITH A SECOND READING THE HOUSE IS NOW CONCERNED
- Chairman: As Commander-in-Chief of the military forces of the state the Governor shall have power to suppress insurrections, repel invasions and protect the frontier from hostile Indians. (Texas Constitution, Art. IV, section 7)
- Narrator: AMENDMENTS ARE ADDED DURING HOUSE DEBATE
IF A MEMBER HAS A CHANGE TO INITIATE
- House Member: Mr. Speaker
- Speaker of the House: The Chair recognizes Mr. I. M. Running from Geronimo County.
- House Member: Mr. Speaker, upon further consideration of H.B. 006 3/4 I wish to introduce the following amendment: I would like to amend this bill to include a TV in every Teepee. This amendment will make it easier for the Governor to squelch Indian uprisings because the red man will be too tired from watching the late, late show to get up early enough to attack at dawn (hands toy TV to bill)
- Narrator: THE HOUSE CAN NOW TABLE THE DOCUMENT
OR RETURN IT TO COMMITTEE IF THERE'S FURTHER DISSENT
OR IF THE HOUSE DECIDES THE BILL SHOULD BE PASSED
A THIRD READING IS HELD AND TO THE SENATE CAST
IN THE SENATE YOU WILL SEE, SIR
THE BILL WILL FOLLOW THE SAME PROCEDURE.
(I. M. Running pushes bill to Senate. House Members switch signs and become Senators. Speaker of House becomes President of the Senate)

In the Senate

- Pres. of Senate: The Senate of Texas is now called to order.
(Windy Ayres rises and grabs bill. Bill switches her sign to read S.B. 006½. Bill bows to audience and Senators)
- Senate Member: Mr. Chairman.
- Pres. of Senate: The Chair recognizes the Honorable Windy Ayres from Tumbleweed County.
- Windy Ayres: Mr. Chairman, Honorable Colleagues, distinguished guests and friends, I would like to introduce the first reading of S.B. 006½, but before I do, I would like to recognize and have read into the record the presence of Mr. Woody Cutter, Champion tree scaler of Tumblewood County. (Senate Members stare and applaud)
- Pres. of Senate: (takes bill to committee, bill sits on a Senate committee member's lap and winks; put arm around neck of committee member and then stands)

Bill speaks: It's not what you know but who you know !

(Committee members confer. Chairman of committee returns bill to floor)

Windy Ayres: (Waves hand for recognition)

Pres. of Senate: The Chair recognizes the Honorable Windy Ayres from Tumbleweed County.

Windy Ayres: After further consideration of S.B. 006½, I wish to amend this bill to include a telephone in every teepee. A TV is a luxury; but these days a telephone is a necessity in every home. It will have the added advantage of making this phase of the Governor's duties easier because the squaws will be so busy gossiping with each other that they won't have time to mix the Brave's war paint! (Gives toy phone to bill)

Narrator: WITH AMENDMENTS ADDED ON SECOND READING
IT IS READ A THIRD TIME AND PASSED BEFORE PROCEEDING ...

TO A JOINT COMMITTEE OF HOUSE AND SENATE
WHO THEN RESOLVE THE DIFFERENCES IN IT.

(Committees of House and Senate gather together and confer in low tones. House Members and Senate Members simultaneously walk to bill and jerk TV and telephone from her, then walk back to the crowd and confer again, shake hands all around, one sticks feather in bill's hatband while other member places placard around her neck with HJR 007½)

In Unison: As a compromise we believe every Indian should have a feather.

(Members return to respective houses. Bill walks to House Members and bows. All applaud. Bill does same thing in Senate with same reaction)

Narrator: THERE ARE NO MORE AMENDMENTS, NO MORE DEBATE
IT'S THE GOVERNORS TURN TO PARTICIPATE.

HE LOOKS UPON IT WITH FAVOR OR SCORN
AN THUS DEAR LADIES A LAW IS BORN