

The View from the Gallery

You are viewing one of the world's most beautiful legislative chambers. Many men of national political stature have sat in the embossed red leather chairs behind the dark cherry desks which have been in use since the occupancy of the chamber in 1889. The wood-panelled and columned walls are studded with paintings of the great men of Texas and of significant events in Texas history. Here hang pictures of Sam Houston, Stephen F. Austin, Lorenzo de Zavala, and Albert Sidney Johnston, to mention only a few. In the rear of the chamber are the paintings depicting the Battle of San Jacinto and Dawn at the Alamo.

The two massive chandeliers hanging in the chamber are both in the shape of a star with the clusters on each of the five points of the star arranged to spell out "T-E-X-A-S." Auxiliary chandeliers, shaped like stars, serve to accentuate the unique and strikingly beautiful vaulted ceiling.

The Lieutenant-Governor, as President of the Senate, occupies the dais at the front of the chamber. Behind him is the brilliant display of the six flags that have flown over Texas soil, while immediately in front of him are the Secretary of the Senate and the other administrative officers and clerks of the Senate.

The views from the several windows lining two walls of the Senate chamber are equally beautiful. To one side is a magnificent view of the spacious Capitol grounds and the streets of downtown Austin. To the other side are the pink granite structures that house the various governmental and regulatory agencies of the State. The buildings of the University of Texas, which itself was once only a subject for debate within this historic chamber, loom beyond as edifices of intellectual achievement.

Do You Recognize Your Senator?

The chart printed in this leaflet will help you spot your own Senator. You will find that he is delighted to meet a home-town constituent. You can probably arrange to meet him by calling at his Capitol office for an appointment. His office is listed on the bulletin board just outside the Senate Chamber. You will find his staff glad to meet with you and to assist you.

The Job of the Senator

- ★ to define carefully the problems that confront our people.
- ★ to mediate conflicts between opposing forces in our state.
- ★ to right injustices that may exist which involve the public.
- ★ to establish broad general policies for the State.
- ★ to keep a careful check on state departments.
- ★ to provide a forum where the people can be heard.
- ★ to provide an open door where a private citizen can find a friend to intercede in his behalf in the maze of big government.
- ★ to appropriate funds to advance man's progress, protect property and persons, strengthen our productive capacity, and create new opportunities for our children.
- ★ to confirm Governor's appointees.

The Senators may accomplish these objectives by enacting laws; conducting investigations; creating joint Legislative Committees to supervise intensive research; holding public hearings; and by other legislative techniques.

The Unseen Senate

The Senate activity you see before you represents only the *final* stage of months of work that precedes introduction in the Senate. Committees work *the year round*, holding hearings, conferring with federal, State, and local agencies, conducting field trips, amassing information, and evaluating alternate solutions to problems. Highly skilled bill drafters put the bills together. It takes 21 steps for a bill to become law.



The Language of the Lawmaker

You hear unfamiliar words on the Senate floor, but they go back many scores of years. Here is a brief explanation of some of them:

"The Morning Call"

This is the regular order of business called for by the President. In order, the Chair calls for the business as follows: Petitions and Memorials, Reports from Standing and Select Committees, Senate Bills on First Reading, Introduction of Resolutions, Messages and Executive Communications, Motions to Print on Minority Report, and for other motions from the floor.

"Filibuster"

A member of the Senate may, after gaining the floor, continue to hold the floor for any length of time so long as he speaks on the subject for which he was recognized. This delaying tactic is seldom successful in defeating a measure, but many times sets the stage for compromise.

"Engrossment"

This term represents the stage of enactment where the Senate has ordered a re-typing of the bill which incorporates any amendments that may have been adopted.

1914-1917	W. P. Hobby
1919-1923	T. W. Davidson
1919-1933	Edgar Witt
1929-1937	Walter F. Woodul
1931-1933	W. R. Poage
1935-1951	Allan Shivers
1939-1941	Coke Stevenson
1941-1945	John Lee Smith
1941-1961	Ben Ramsey

This lists titles of bills reported favorably by committees for Senate passage. It is divided into several sections, usually in the following order: Joint Resolutions, Concurrent Resolutions, and Senate Bills on second reading.

You can get a copy at the Calendar Clerk's Desk on the floor of the Senate. Local and Uncontested bills—those which are completely unopposed—are acted upon without discussion or debate. In the main, these are special, private or local bills, and those general bills to which no objection has been raised. They have been carefully screened in the various committees and finally by the Local and Uncontested Bills Committee.

Some Great Men of the Past Who Served Here

Many distinguished men who later held other high offices learned the skills of government here. Among the notables were:

The Daily Calendar

The Lieutenant Governor, President of the Senate



Preston Smith is the 36th Lieutenant Governor of Texas. He is an experienced Legislator having served three terms in the House of Representatives and six years as State Senator. He is also an experienced and capable presiding officer and is presently serving in his second term as Lieutenant Governor. The following is a letter from Lieutenant Governor Smith:



Dear Fellow Texan:

This brochure has been prepared as a courtesy for all Texans, as well as tourists.

It will serve to better acquaint you with your Texas Senate and its operation, and is intended to stimulate interest and encourage participation in state affairs. It is your duty and your privilege to participate in the affairs of your state, and thus insure majority rule.

We are genuinely proud of our Texas Senate, its beautiful setting, its dignified membership, and its many accomplishments.

Sincerely,
Preston Smith
Lieutenant Governor



PRESTON SMITH,
Lieutenant Governor
TOM CREIGHTON,
President Pro Tempore
A. M. AIKIN, JR.,
Dean

A Gallery Viewpoint

THE TEXAS SENATE IN ACTION

YOUR SENATORS

District Senator

District	Senator
1	A. M. Aikin, Jr.
27	James S. (Jim) Bates
28	H. J. (Doc) Blanchard
7	Galloway Calhoun, Jr.
6	Criss Cole
5	Mrs. Neveille H. Colson
22	Tom Creighton
16	Louis Crump
3	Martin Dies, Jr.
9	Ralph M. Hall
25	Dorsey B. Hardeman
4	Roy Harrington
31	Grady Hazlewood
14	Charles F. Herring
23	Jack Hightower
21	Abraham Kazen, Jr.
10	Don Kennard
15	Culp Krueger
11	William T. (Bill) Moore
8	George Parkhouse
18	William N. (Bill) Patman
24	David Ratliff
20	Bruce A. Reagan
19	Walter Richter
30	Andy Rogers
17	A. R. Schwartz
29	W. E. (Pete) Snelson
26	Franklin Spears
2	Jack Strong
13	Murray Watson, Jr.
12	J. P. Word

Office

Office
321
317
301 B
337
129 H
320
301 C
332
129 C
301 A
222
129 I
129 D
335 A
129 E
325
329
331
213
211
421
212
338
129 F
326
333
419
334
330
335 B
301 D

Occupation

Occupation
Attorney
Attorney
Attorney
Attorney
Attorney
State Senator
Attorney
Attorney
Attorney
Attorney
Refinery Technician
Attorney
Attorney
Attorney
Oil Lease Broker
Radio - Newspapers
Attorney
Outdoor Advertising
Attorney
Specialty Advertising
Insurance Agency
Public Relations
Farmer - Insurance
Attorney
Advertising
Attorney
Attorney
Attorney
Attorney
Attorney

Address

Address
Box 385, Paris
Box 117, Edinburg
501 Great Plains Life Bldg., Lubbock
Box 296, Tyler
Melrose Bldg., Houston
202 Brewer, Navasota
Box 546, Mineral Wells
Box 417, San Saba
Box 1196, Lufkin
Cain-Hall Bank Bldg., Rockwall
P. O. Dr. 1588, San Angelo
4007 3rd, Port Arthur
Rt. 1, Box 218, Canyon
Perry-Brooks Bldg., Austin
Box 1720, Vernon
Raymond Bldg., Laredo
3715 Potomac, Fort Worth
Box 1390, El Campo
Box 1187, Bryan
633 Norway Rd., Dallas
Box 665, Ganado
Box 1123, Stamford
625 Wilson Bldg., Corpus Christi
Box 23, Gonzales
200 N. Main, Childress
Nat'l. Hotels Bldg., Galveston
2406 Shell, Midland
Natl. Bank of Comm., San Antonio
Petroleum Bldg., Longview
Amicable Bldg., Waco
120 S. Erath, Meridian

Lt. Gov. Preston Smith	219	Businessman	2808 22nd St., Lubbock
------------------------	-----	-------------	------------------------

LIEUTENANT GOVERNOR
PRESTON SMITH
LUBBOCK

PRESS

JOURNAL CLERK

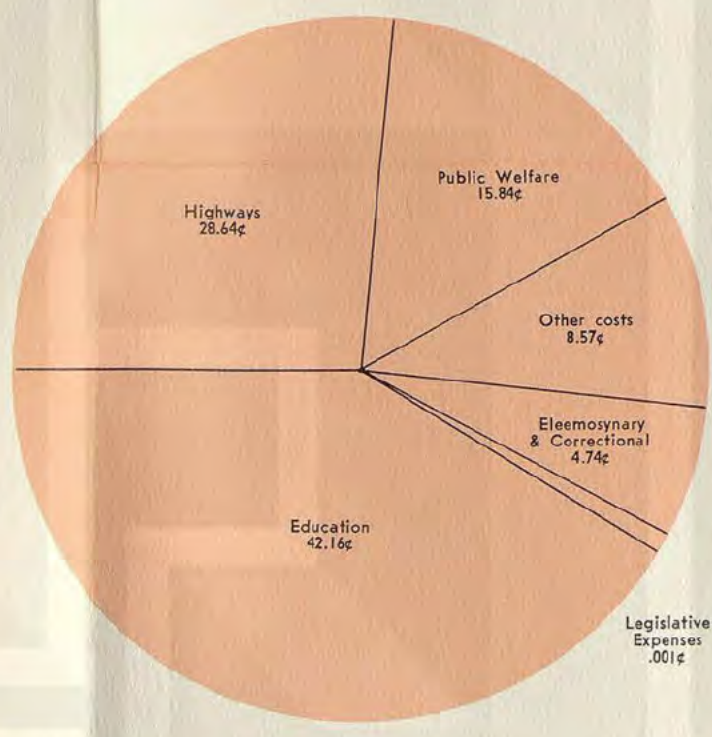
SECRETARY
OF THE
SENATE

ASST. SENATE
SECRETARY

CALENDAR CLERK

HALL 9 ROCKWALL	WORD 12 MERIDIAN	HIGHTOWER 23 VERNON	AIKIN 1 PARIS
WATSON 13 MART	HARRINGTON 4 PORT ARTHUR	DIES 3 LUFKIN	COLSON 5 NAVASOTA
REAGAN 20 CORPUS CHRISTI	RICHTER 19 GONZALES	STRONG 2 LONGVIEW	SCHWARTZ 17 GALVESTON
KRUEGER 15 EL CAMPO	KAZEN 21 LAREDO	BLANCHARD 28 LUBBOCK	HAZLEWOOD 31 AMARILLO

HARDEMAN 25 SAN ANGELO	A. ROGERS 30 CHILDRRESS	COLE 6 HOUSTON	BATES 27 EDINBURG
RATLIFF 24 STAMFORD	CALHOUN 7 TYLER	PATMAN 18 GANADO	SNELSON 29 MIDLAND
HERRING 14 AUSTIN	CRUMP 16 SAN SABA	MOORE 11 BRYAN	KENNARD 10 FORT WORTH
PARKHOUSE 8 DALLAS	CREIGHTON 22 MINERAL WELLS	SPEARS 26 SAN ANTONIO	

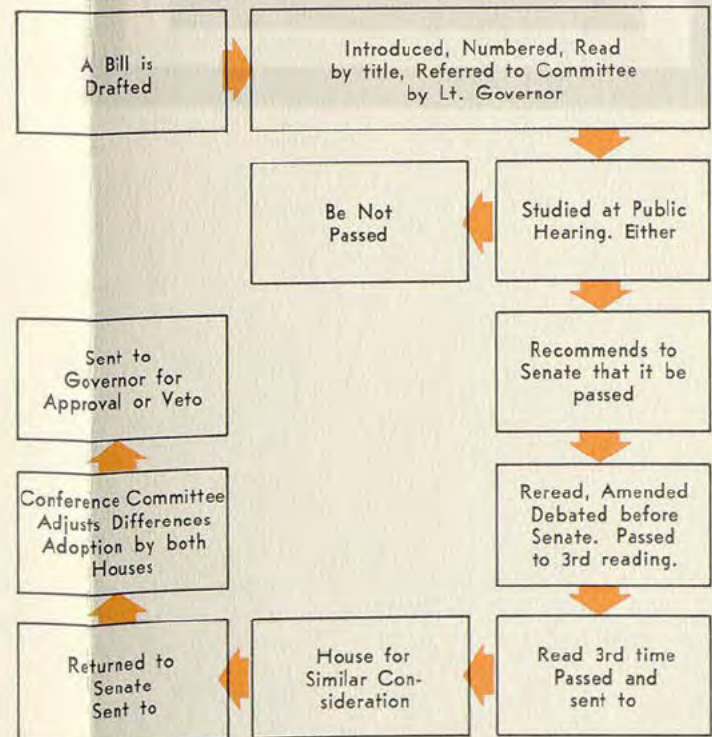


How Your Tax Dollar Was Spent in 1964



Each session almost a thousand bills are considered by the Senate. Each one of these bills is assigned to one of the 24 standing committees of the Senate

for study. At this time any citizen may appear at the public hearing and express his views on pending legislation.



How a Bill Passes the Senate

REPORT
of the
TEXAS
ASSEMBLY
'67



STATE LEGISLATURES
IN AMERICAN POLITICS



TEXAS A&M UNIVERSITY
College Station, Texas

THE TEXAS ASSEMBLY COMMITTEE

Earl Rudder, Chairman
President, Texas A&M University

Frank W. R. Hubert, Director
Dean, College of Liberal Arts

Jack Woods, Assistant Director
*Instructor of Government and Assistant to the
Dean, College of Liberal Arts*

Mrs. Zita Lee, Secretary

Claude D. Davis, *Instructor in Government*

C. J. Freeborn, *Food Services*

J. M. Nance, *Professor of History and Head,
Department of History and Government*

J. Wayne Stark, *Director, Memorial Student Center*

Lane Stephenson, *University Information and
Publications*

PREFACE

More than seventy distinguished citizens of Texas met on the campus of Texas A&M October 26-29, 1967 to participate in a regional Assembly devoted to the topic "State Legislatures in American Politics." These participants represented a broad cross section of the Texas citizenship and included leaders in business, industry, government, labor, agriculture, the news media, and the professions. The American Assembly of Columbia University joined with Texas A&M in the sponsorship of the meeting.

On three occasions during the Assembly, the participants met in panel groups to discuss the contemporary issues and problems facing state legislatures, with special attention devoted to the Texas Legislature. In a concluding plenary session the findings of the several panel groups were brought together into a single report which constitutes the substance of this publication.

Generous grants to Texas A&M University from private sources made the Texas Assembly possible, and for this strong support Texas A&M University and the participants in the Assembly acknowledge their gratitude. The report which follows reflects the general consensus of the participants at the Assembly in their private and not their official or institutional capacities. Texas A&M University and the American Assembly are nonpartisan educational organizations and, accordingly, take no official positions on the recommendations contained herein.

REPORT OF THE TEXAS ASSEMBLY

At the close of their discussions the participants in the 1967 Texas Assembly on *State Legislatures in American Politics* reviewed as a group the following statement. The statement represents general agreement; however, no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.

It is the consensus of the members of the Assembly that the Texas Legislature has over the years achieved a quality of membership and a level of performance which are not generally recognized throughout the state. The Assembly is impressed by the fact that the increasing demands of a dynamic society in Texas establish the need for achieving a continuum of progress in the organization of the Legislature and in the performance of its membership. The Assembly feels that the key factor in sustaining the prestige and effectiveness for the Texas Legislature resides in the ability and disposition of Texans to understand the legislative function and to evaluate the capabilities and performance of individual legislators.

The Assembly accordingly recommends that an effective program of public education be undertaken in this state to increase understanding of and interest in legislators and the legislative product among citizens generally. While the Assembly did not attempt to detail the specific techniques through which an effective public education program might be implemented, the three devices listed below seem constructive approaches to the problem.

1. Systematic use of mass media in disseminating information regarding legislators, the legislative process, and the legislative product.
2. Increased presentation of panels of competing candidates before voter groups for questioning and discussion.
3. Enriched orientation sessions for new legislators.

The Assembly feels that no substantial increase in current qualifications for legislators should be made. It takes this view for several reasons, one of which relates to its respect for the right of the people to elect the legislators of their choice.

As a means of attracting and retaining a greater number of qualified persons in the State Legisla-

ture, the Assembly recommends that legislative salaries in Texas be increased substantially. In this regard, the Assembly also strongly suggests adequate pay levels for the presiding officers of both Houses of the Texas Legislature.

The Assembly recognizes the conflict of interest principle as a persistent problem before all law-making bodies, and urges strengthening of the present disclosure and conflict of interest law. The Assembly recommends that legislators be prohibited from appearing before state agencies in adversary proceedings for compensation. This should be made to apply in any case where the legislator might in any manner stand to gain financially from the action of the state agency. Also, safeguards should be established to prevent abuses of the law providing for legislative continuances.

The Assembly endorses the current Texas policy against the acceptance of fees by lobbyists, which fees are contingent upon the outcome of a proposed legislative enactment, and the Assembly urges a continuing enforcement of this policy.

It is the consensus of the Assembly that significant increases in the allotment of funds for research, staff support, and office expenses of both Houses should be made. An adequate staff of specialists to assist with the drafting of legislation should be provided.

The Texas Assembly maintains strong consensus that the present bicameral structure of the Texas Legislature should be continued. With reference to the size of the membership, there was general agreement that the present size of both Houses is not unwieldy, although there was expression of support for a House of 100 members and a larger Senate than at present. The prevailing feeling is that the present size should be maintained as an upper limit.

The Assembly proposes that annual sessions of the Legislature be held, with consideration in even-numbered years given only to budgetary, revenue, and other fiscal matters, and such other emergency matters as are presented by the Governor. The sessions in odd-numbered years should continue to deal with budgetary matters and all other legislation. Existing rules governing special sessions of the Legislature should be retained.

The Texas Assembly endorses the recent reduction in the number of standing committees in the Texas lower house, and further endorses the limited seniority system governing membership on most committees in the House of Representatives. It recommends the consideration of a similar plan in the Texas Senate.

Strong agreement prevails that the power of conference committees should be modified to insure that all members of both Houses are properly aware of the substance and content of conference committee action. The consensus is that conference committees should deal only with matters resolving differences between the two Houses and that no new material should be introduced at this stage except by the passage of a concurrent resolution by both Houses.

Also, in its consideration of the committee structure of the Texas Legislature, the Assembly believes that . . .

- the number of interim committees should be substantially reduced, with the work now done by interim committees being assigned to the Texas Legislative Council or to standing committees dealing with such subject matter.
- standing committees of the Legislature should exercise more responsibility for the screening of legislation.
- provision should be made in both Houses for some effective recourse on the part of the membership when the powers of the committee chairman are abused.

The members of the Assembly recognize that one of the pressing procedural problems is the large number of local bills which must be handled. To remedy this problem, the Assembly recommends that legislative proposals or bills should be presented to the membership before the formal beginning of a legislative session, by mail or by establishment of a procedure for pre-filing of any bill, and that immediately after the organization of the two Houses, a period of time should be set aside for the disposal of local bills, thus freeing the time of the Legislature to deal with matters of more general importance.

There was also consensus that the Constitution should be amended to eliminate unnecessary and

outdated limitations on legislative procedures and powers. An effective constitutional amendment should be proposed to achieve county home rule with clear provisions for local option, since it is desirable for local units of government to regulate the salaries of public officials where budget support comes from local sources. Such action would effectively decrease the pressure upon the State Legislature from local and regional entanglements and allow more time and energy for deliberation of basic state policy.

There is a strong consensus in the Texas Assembly that state government, with particular reference to the Legislature, must engage with an increasing effectiveness in the arena of intergovernmental relations. State governments should be strengthened in such a way as to focus responsibility at the state level for implementing a more workable relationship between local, state, and national governments. The consensus was that the groundwork for such an approach had been laid with the opening of a state liaison office in Washington and with the formation of a planning agency council in Austin for the purpose of better coordination and communication among various agencies dealing with federal programs.

The Assembly also endorses the proposition that state government should exercise more initiative with respect to selected local problems which, cumulatively constitute a statewide concern, and that the State Legislature should play a more effective leadership role with the federal government in dealing with such local problems. The general rule should be that whenever the State Legislature is in a position to occupy the field and to deal properly with the problems therein, it should do so. When federal action is taken, every effort should be made to channel it through proper state and/or local agencies.

With respect to the basic function of the Legislature and its interaction with the executive and judicial branches, the Assembly concludes that the proper delimitation of the respective traditional functions can best be accomplished as a part of the general process of state constitutional revision.

In this regard, the Assembly restates its opinion that the elimination of outmoded and unnecessary constitutional restrictions of legislative powers is necessary and desirable.

PARTICIPANTS — TEXAS ASSEMBLY 1967

October 26-29, 1967

Abernethy, C. L. County Judge
County Courthouse
Plainview, Texas 79072

Austin, Harry G. Senior Vice President and Director
Brown and Root, Inc.
Post Office Box 3
Houston, Texas 77001

Banks, Jimmy Capitol Correspondent
The Dallas Morning News
Drawer RR, Capitol Station
Austin, Texas 78711

Barnes, Ben Speaker of the House
Capitol Station
Austin, Texas

Barnes, Robert County Commissioner
County Courthouse
Corpus Christi, Texas 78401

Barrington, Morris L. Board of Directors
Northwest Division,
Texas Dental Assn.
2713 34th Street
Lubbock, Texas

Barry, R. P. Plant Manager — Texas City Plant
Union Carbide Corporation
Post Office Box 471
Texas City, Texas 77590

Brewer, Robert N. Research Assistant
Citizens Conference on
State Legislatures
Suite 225 —
4722 Broadway Building
Kansas City, Missouri 64112

Bryan, W. W. (Bill) Senior Vice President
Humble Oil and
Refining Company
Post Office Box 2180
Houston, Texas 77001

Burger, Alvin A. Executive Director
Texas Research League
403 East 15th Street
Austin, Texas

Byers, Bo Chief, Austin Bureau
Houston Chronicle
Capitol Station — Box Z
Austin, Texas 78711

Cartwright, E. O. President
The Cartwright Company
4020 First National Bank Building
Dallas, Texas 75202

Cory, R. H. (Dick) State Representative
Post Office Box 3547
Victoria, Texas

Crews, David State Representative
Kahn Trust Building
Conroe, Texas

Cullum, Robert B. Chairman
A. W. Cullum and Company
Suite 700 — 703 Blanton Tower
3300 W. Mockingbird Lane
Dallas, Texas 75235

Davis, Claude D. Instructor of Government
Texas A&M University
College Station, Texas 77843

DeVaney, C. H. President
Texas Farm Bureau
Box 489
Waco, Texas

Duckworth, Mrs. F. L. Chairman,
Study of the State Legislature
League of Women Voters of Texas
2104 Loma Vista
Victoria, Texas 77901

Dunn, J. Harold Chairman of the Board
Shamrock Oil and Gas Corporation
Box 631
Amarillo, Texas 79105

Evans, Roy Secretary
AFL - CIO
308 West 11th
Austin, Texas

Fuqua, H. B. Chairman of the Board
Fort Worth National Bank
1315 Fort Worth National
Bank Building
Fort Worth, Texas 76102

Gantt, Fred Jr. Professor
Department of Government
Box 5011 — North Texas Station
North Texas State University
Denton, Texas

Gilvin, L. P. Gilvin - Terrill, Inc.
Post Office Box 9027
Amarillo, Texas

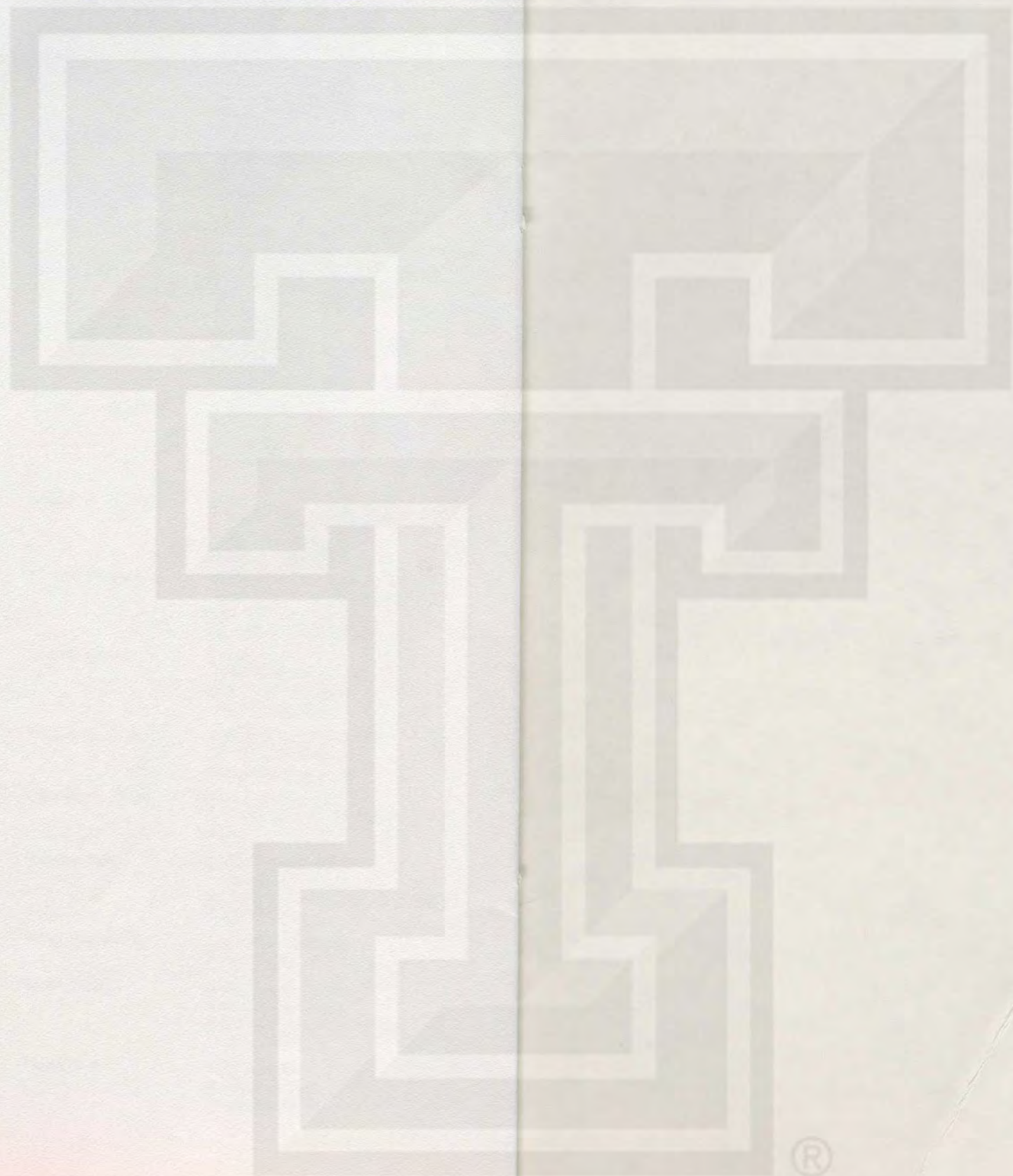
Graham, Callan Executive Director
Texas Catholic Conference
112 East 8th Street
Austin, Texas 78701

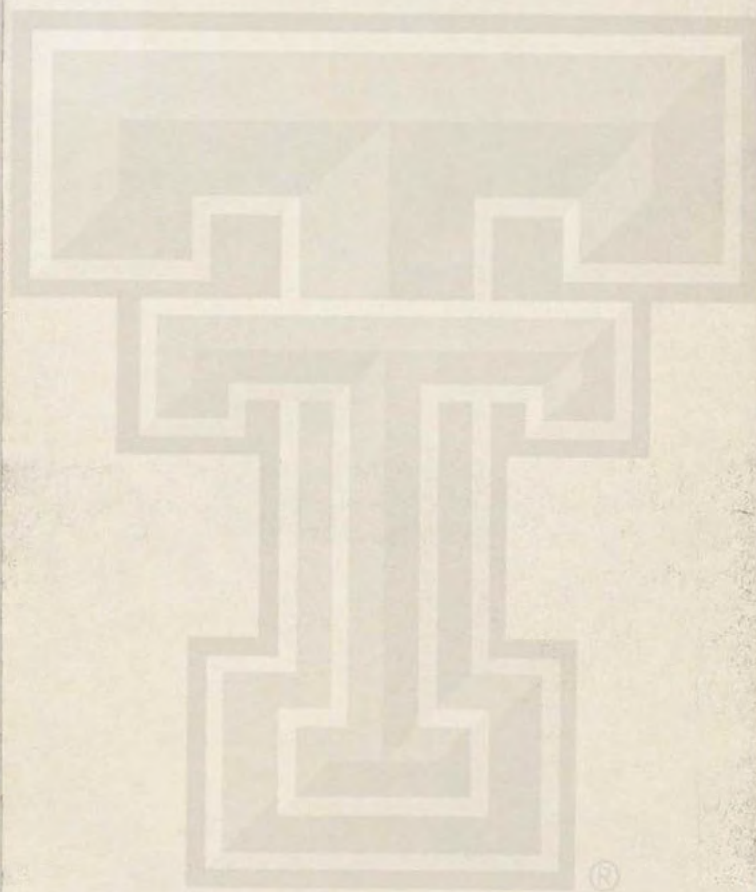
Gutierrez, Gabriel Attorney
1301 South 1st Street
Austin, Texas

Hale, L. DeWitt State Representative
1203 Wilson Building
Corpus Christi, Texas

Hardy, Gerald N. Director of Field Services
National Municipal League
Pforzheimer Building
47 East 68th Street
New York, New York 10021

Hart, Weldon	Executive Director Texas Good Roads Association 302 Vaughn Building Austin, Texas	Morgan, George H.	Field Director Citizens Conference on State Legislatures Suite 225 — 4722 Broadway Building Kansas City, Missouri 64112
Hatchett, E. Earl	Controller General Dynamics Post Office Box 748 Fort Worth, Texas	Moylan, Joseph	Assistant Director, Southern Office The Council of State Governments 830 West Peachtree Street, N. W. Atlanta, Georgia 30308
Hawn, Charles F.	Post Office Box 549 Athens, Texas	McAllister, W. W.	Mayor of San Antonio City Hall Military Plaza San Antonio, Texas 78205
Heldenfels, H. C.	Heldenfels Brothers Contractors Post Office Box 1917 Corpus Christi, Texas 78403	McCall, Abner	President Baylor University Waco, Texas
Hill, John	Secretary of State Capitol Station Austin, Texas	McClesky, Clifton	Associate Professor of Government University of Texas at Austin Austin, Texas 78712
Hulsey, Burl B. Jr.	President and General Manager Texas Electric Service Company Post Office Box 970 Fort Worth, Texas 76101	McCollum, L. F.	Chairman of the Board Continental Oil Company Post Office Box 2197 Houston, Texas
Hurley, Marvin	Executive Vice President Houston Chamber of Commerce Post Office Box 53600 Houston, Texas 77052	McKnight, Peyton	3721 Baine Place Tyler, Texas 75701
Jaworski, Leon	Fulbright, Crooker, Freeman, Bates & Jaworski Bank of the Southwest Building Houston, Texas 77002	McSwain, Angus	Dean, Baylor University Law School Baylor University Waco, Texas
Johnson, Robert	Executive Director Texas Legislative Council Austin, Texas	Nance, J. M.	Head Department of History and Government Texas A&M University College Station, Texas 77843
Jonsson, J. Erik	Mayor of Dallas Dallas, Texas	Neeley, M. J.	Personal Investments 2006 Continental Life Building 7th and Main Fort Worth, Texas
Joor, Mrs. William E.	President League of Women Voters of Texas 1841 Bingle Road Houston, Texas 77055	Nimmo, Dan D.	Associate Professor Department of Political Science University of Houston Houston, Texas 77004
Kinch, Sam E.	Chief, Austin Bureau Fort Worth Star Telegram Box 12086 — Capitol Station Austin, Texas	Peterson, L. F.	905 Fort Worth National Bank Building Fort Worth, Texas 76102
Lewis, Earl M.	Head, Department of Political Science Prairie View A&M College Prairie View, Texas	Schur, Robert J.	Beth-El Congregation Post Office Box 2232 Fort Worth, Texas 76101
Matthews, Steve	Executive Director Texas Municipal League 801 Vaughn Building Austin, Texas	Schwartz, A. R.	State Senator 307 Cotton Exchange Building Galveston, Texas
Moore, William T.	State Senator Capitol Station Austin, Texas		





The American Assembly
Columbia University

State Legislatures in American Politics

**Report of the Twenty-ninth American Assembly
April 28-May 1, 1966 • Arden House, Harriman, N.Y.**

P R E F A C E

This pamphlet is the result of the deliberations of 76 Americans who met April 28-May 1, 1966, at Arden House, Harriman, New York to consider the performance of state legislatures in our political system.

During the first three days the program was devoted to small-group discussion of issues raised in a background volume specifically prepared for this meeting under the title *State Legislatures in American Politics*. Edited by Chancellor Alexander Heard of Vanderbilt University, it contains the following chapters:

1. *Dimensions of State Politics*, by Herbert Jacob, Professor of Political Science, University of Wisconsin.
2. *Functions and Powers of the State Legislature*, by William J. Keefe, Professor of Political Science, Chatham College.
3. *The Political Setting of the Legislature*, by Malcolm E. Jewell, Professor of Political Science, University of Kentucky.
4. *The State Legislator*, by Duane Lockard, Woodrow Wilson School of Public and International Affairs, Princeton University.
5. *Organization and Procedure*, by John C. Wahlke, Professor of Political Science, University of Iowa.
6. *Reform: Limits and Opportunities*, by Alexander Heard.

On the final day of the Assembly the participants reviewed in plenary session a statement of findings and recommendations prepared by a drafting committee under the chairmanship of Chancellor Heard. After careful consideration, and some modification, it was approved—and appears on the pages which follow as the Final Report of the Twenty-ninth American Assembly.

The program will continue with regional and state Assemblies on this subject in cooperation with other educational institutions. Each of these Assemblies will publish and circulate independent reports.

As a non-partisan, educational institution The American Assembly takes no stand on the opinions found herein. The same may be said of the National Municipal League, a citizens' organization for better government, which supported this program as part of a five-year project for the improvement of state legislatures.

CLIFFORD C. NELSON
President
The American Assembly

State Legislatures in American Politics (ed., Alexander Heard) will be published by Prentice-Hall, Inc., Englewood Cliffs, New Jersey, in July 1966.

FINAL REPORT of the TWENTY-NINTH AMERICAN ASSEMBLY

At the close of their discussions the participants in the Twenty-ninth American Assembly on *State Legislatures in American Politics* reviewed as a group the following statement. The statement represents general agreement; however no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.

This is a decisive moment in the development of American politics. It provides an unprecedented opportunity to re-evaluate the role of the states and improve their capacity to participate in the federal-state partnership.

The opportunity for positive action arises from the nationwide ferment stirred by the court decisions compelling reapportionment and by mounting concern over changing state participation in the federal structure. The fifty states are searching for the most effective means of making their part more constructive.

At the heart of this appraisal is an intensive re-examination of the state legislature — its functions, its powers and responsibilities, its structure, its procedures, its personnel — opening wide the possibility for fundamental change that can improve this basic institution of American democracy. The states should move with daring and imagination to strengthen the legislature in all its aspects to give it maximum effectiveness in the changing federal system. This focus on the state legislature by no means implies a derogation of the executive. Strengthening each branch strengthens all by contributing to a strong state government.

Reform should go beyond meeting minimum standards of fair representation and beyond changes that simply enable

the legislature to do its tasks responsibly and well. We encourage a break with institutional features that now produce chronic weakness and popular distrust.

State legislatures have failed to meet the challenge of change because they have been handicapped by restricted powers, inadequate tools and facilities, inefficient organization and procedures, unattractive features that produce excessive turnover in legislative service and lack of public understanding and confidence and because legislatures themselves have been unduly timid in using the powers already in their possession to strengthen their role.

The states differ greatly among themselves in their natural settings, their social and economic life, their political party systems, and in their legislative habits and practices. Recognizing these differences, we offer the following recommendations as a guide for continuing efforts by the states to improve their legislatures.

1. In many states, legislatures operate under severe constitutional limitations on their powers. Provisions safeguarding the rights of individual citizens and basic procedural protections to insure the integrity of legislative processes should be preserved. Constitutions should, however, leave legislatures as unhampered as possible, encouraging the development of their own self-reliance. Constitutional limits on the taxing power, constitutional earmarking of revenues, constitutional requirements that bond issues be submitted to popular vote, and other limitations on a legislature's power to appropriate public funds, and to address itself to public questions, should be eliminated.

2. Use of the popular initiative is inconsistent with representative government, except for the call of a constitutional convention. The referendum should not be employed to reverse legislative decisions or to evade legislative responsibility.

3. Enactment of private bills, bills affecting few persons, local and special bills should be minimized in state legislatures. The purposes of such bills, where possible, should be achieved through general legislation.

4. Because public problems often transcend state lines, legislatures should organize themselves to communicate effectively with other state legislatures and agencies of government, and be willing to authorize participation in inter-governmental and regional programs.

5. As the principle of "one man, one vote" is applied, innovations in districting policies to improve patterns of representation are desirable. Districting problems vary greatly from state to state and from area to area within states. Creative use of single-member districts and multi-member districts, alone or in combination, may help solve problems of fair representation, especially in urban areas.

6. State constitutions should provide for periodic mandatory reapportionment. When initial responsibility for reapportionment is vested in a legislature, the authority and duty should be placed in a non-legislative agency to effect the reapportionment should the legislature itself fail to do so.

7. Adoption of a unicameral legislature may prove fruitful in some states. A small unicameral legislature may be especially appropriate in states where the cost of legislative operations is burdensome. Apportionment on the basis of "one man, one vote" has removed one of the historical justifications for bicameral legislative systems. In bicameral systems, states should provide, in applying the principle of "one man, one vote," for differing methods or patterns of representation in the two houses.

8. Legislatures should be of a size to make the position of legislators more important and visible. To permit individual participation, effective deliberation, full staffing, and adequate compensation, legislatures should be no larger than fair representation requires. We believe that in many cases in the United States legislatures are larger than desirable.

9. To develop more responsibility in legislative performance, and more independence, legislatures should be continuing bodies meeting in annual plenary sessions, without limitation of time or subject. Legislatures should be empowered to call themselves into session.

Turnover in office in a representative assembly is inevitable. Electorates change, age takes its toll, members seek other public positions. We are not concerned with this normal attrition. We are concerned about well qualified legislators who voluntarily drop out from service because of the frustrations of legislative life.

Since legislatures cannot perform with maximum effectiveness or function in proper balance with the executive branch unless there is continuity of experience among their members, ways should be found to reduce these frustrations. The following recommendations seek to do this.

10. Demands on the time of legislators are mounting in all states. Just as the burdens of legislative service have increased, so should compensation and other benefits. Properly incurred expenses should be fully reimbursed.

11. Legislatures should address themselves to the important problems of campaign costs. Both the Congress and state legislatures should consider adoption of tax incentives such as limited tax credits and deductions, to encourage widespread popular financial support of candidates and parties. We also urge the exploration of the possibility of government financing of legislative campaigns.

12. Competent professional staff should be provided the legislature, including staff for the leadership, both majority and minority. Adequate secretarial and professional services should be available to members, both in the capital and in home districts when offices are provided there. Where legislative councils exist, they too should be properly staffed. And competent, professional staffs should be provided, on a year-round basis, for at least the most important committees.

In addition, legislatures should provide central services, including bill drafting, law revision, legislative library and reference services. Such central services should be staffed by professional personnel employed on a permanent non-partisan basis.

By providing these staffs the legislative branch will improve its ability to develop programs, undertake research, exercise oversight, analyze and evaluate the executive

budget, insure effective post-audit, and interpret and communicate its activities. Legislatures should not encroach upon day-to-day operations or upon the responsibilities of the executive branch.

13. State legislators should be provided adequate offices and equipment in the state capital and, where appropriate, in home districts. In addition, legislative committees, especially those with important year-round responsibilities, should be properly housed and equipped.

14. State legislatures should utilize a strong system of standing committees, few in number, with broad well-defined jurisdictions. Committees in both chambers of two-house legislatures should have parallel jurisdiction to permit joint hearings. The committees should, as far as possible, reflect the major functions of state government. Bills should be assigned to committees by subject matter. Where feasible committee memberships should be proportional to the number of each party in the legislature and each party should be responsible for making committee assignments of its members. The number of committees, their jurisdictions and the rules for reference should be determined by a committee on committees. Committees should meet regularly in open sessions, and in executive sessions when necessary, hold hearings, and publish reports when appropriate. All committee decisions should be made in open sessions.

15. To expedite consideration of legislation, devices consistent with adequate opportunity for debate and deliberation should be adopted. These include prefilings, the consent calendar, electronic voting, fiscal notes, and reproduction of documents by modern techniques.

16. Increasing connections between public and private life have led to public concern over conflicts of interest.

Efforts to define and control conflicts of interest have satisfied neither the public nor the legislatures. We recommend:

First, codes of ethics should be adopted, applying to career, appointed and elected public officials, in all branches of state government.

Second, ethics committees or commissions should be created with advisory, review, and investigative functions which should extend to the activities of lobbyists.

Third, all instances of corruption should be vigorously prosecuted.

17. 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. Organization of the legislature should be on a partisan basis in two-party states and the majority party should elect all officers except the officers and leaders of the minority party.

18. Legislative service will become more attractive when the public better understands the importance of legislatures in a democratic society. To improve this understanding, and to enhance the prestige of legislative service, programs should be undertaken to interpret the functions of state legislatures to and through mass media, and educational and civic institutions.

PARTICIPANTS THE TWENTY-NINTH AMERICAN ASSEMBLY

W. HOWARD ADAMS
Associate Director
Arts Councils of America
New York

††HERBERT E. ALEXANDER
Director
Citizens' Research Foundation
Princeton

JOHN ANDERSON, JR.
Executive Director
Citizens Conference on
State Legislatures
Kansas City

NORMAN C. ANDERSON
State Assemblyman
Wisconsin Legislature
Madison

JOSEPH W. BARR, JR.
Mayor
Oil City, Pennsylvania

JOHN E. BEBOUT
Director
Urban Studies Center
Rutgers—The State University
New Brunswick, New Jersey

KARL A. BOSWORTH
Director
Institute of Urban Research
University of Connecticut

ALVIN A. BURGER
Executive Director
Texas Research League
Austin

††WILLIAM N. CASSELLA, JR.
Assistant Director
National Municipal League
New York

*JOHN H. CHAFEE
Governor of Rhode Island

RICHARD S. CHILDS
Chairman, Executive Committee
National Municipal League
New York

FREDERICK A. COLLINS, JR.
Vice President
The Sperry and Hutchinson Company
New York

MORRIS W. H. COLLINS, JR.
Director
Institute of Government
University of Georgia

WILLIAM G. COLMAN
Executive Director
Advisory Commission on
Intergovernmental Relations
Washington, D. C.

RT. REV. DANIEL CORRIGAN
Executive Council of the
Episcopal Church
New York

MARION H. CRANK
Representative
State of Arkansas

BREVARD CRIHFELD
Executive Director
The Council of State Governments
Chicago

MANNING J. DAUER
Chairman
Department of Political Science
University of Florida

ALLEN DINES
Speaker
House of Representatives
Colorado

WILLIAM H. EDWARDS
Edwards & Angell
Providence

JEFFERSON B. FORDHAM
Dean
The Law School
University of Pennsylvania

WILLIAM GILES
Editor
The National Observer
Maryland

RICHARD C. GILMAN
President
Occidental College

FRANK P. GRAD
Associate Director
Legislative Drafting Research Fund
Columbia University

DANIEL GUTMAN
Dean
New York Law School

DELOS HAMLIN
Chairman
Board of Supervisors
Oakland County, Michigan

ALEXANDER HEARD
Chancellor
Vanderbilt University

††DONALD G. HERZBERG
Executive Director
The Eagleton Institute of Politics
New Brunswick, New Jersey

CAMERON HIGHTOWER
State Representative
Texas Legislature

LAUREN HILL
Harriman Scholar
Columbia University

MRS. WILLARD HURST
League of Women Voters
of Wisconsin
Madison

JACK F. ISAKOFF
Professor of Government
Southern Illinois University

MALCOLM E. JEWELL
Professor of Political Science
University of Kentucky

SAM H. JONES
Former Governor of Louisiana
Lake Charles

HAROLD A. KATZ
Representative
General Assembly
Illinois

WILLIAM J. KEEFE
Chairman
Department of Political Science
Chatham College

JOHN P. KEITH
Executive Vice President
Regional Plan Association
New York

EVRON M. KIRKPATRICK
Executive Director
The American Political
Science Association

BERNARD W. KLEIN
Institute of Public Administration
Lansing, Michigan

ALLAN B. KLINE
Western Springs, Illinois

HARRY W. KNIGHT
Vice President
Booz, Allen & Hamilton
New York

†JOHN W. LEDERLE
President
University of Massachusetts

LAWRENCE E. LESUEUR
United States Information Agency
Washington, D. C.

DUANE LOCKARD
Woodrow Wilson School of Public
and International Affairs
Princeton University

WILLIAM R. MACDOUGALL
General Counsel
County Supervisors Association
of California
Sacramento

MALCOLM A. MACINTYRE
Vice President
Martin Marietta Corporation
New York

HARVEY C. MANSFIELD
Professor of Public Law
& Government
Columbia University

GEORGE R. METCALF
President
National Committee Against
Discrimination in Housing
Auburn, New York

†CECIL MORGAN
Dean
School of Law
Tulane University

*Delivered formal address
††Rapporteur

†Discussion leader
††Rapporteur

FREDERIC A. MOSHER
Carnegie Corporation of New York

*EDMUND S. MUSKIE
United States Senator from Maine

†ARTHUR NAFTALIN
Mayor
City of Minneapolis

GRAHAM S. NEWELL
Representative
Vermont General Assembly

PAUL L. PARKER
Vice President
General Mills
Minneapolis

STANLEY PETERFREUND
President
Douglas Williams Associates
New York

CARL H. PFORZHEIMER, JR.
Carl H. Pforzheimer & Co.
New York

MRS. ROBERT J. PHILLIPS
League of Women Voters
Education Fund
St. Charles, Illinois

WILLIAM PINCUS
The Ford Foundation
New York

JAMES K. POLLOCK
Professor of Political Science
University of Michigan

JACK A. RHODES
Director
State Legislative Council
Oklahoma

DOUGLAS SCOTT
Harriman Scholar
Columbia University

HAROLD S. SHEFELMAN
Roberts, Shefelman, Lawrence,
Gay & Moch
Seattle

ROBERT SHERRILL
St. Petersburg Times
Florida

ROBERT F. STEADMAN
Director
Committee for Improvement of
Management in Government
CED
Washington, D. C.

MURRAY S. STEDMAN, JR.
Professor of Government
Trinity College
Connecticut

HUBERT W. STONE
Executive Director
Connecticut Public Expenditure
Council
Hartford

RICHARD F. TREADWAY
Chairman
Treadway Inns Corporation
Boston

*JESSE M. UNRUH
Speaker of the Assembly
California Legislature

JOHN C. WAHLKE
Professor of Political Science
University of Iowa

DONALD C. WAITE, III
Harriman Scholar
Columbia University

GEORGE V. WERNER
Communications Workers of America
Atlanta

ALFRED WILLOUGHBY
Executive Director
National Municipal League
New York

HERBERT L. WILTSEE
Director, Southern Office
Council of State Governments
Atlanta

WENDELL W. WITTER
Dean Witter & Co.
San Francisco

WILSON W. WYATT
Wyatt, Grafton & Sloss
Louisville

BELLE ZELLER
Professor of Political Science
Brooklyn College

ABOUT THE AMERICAN ASSEMBLY

The American Assembly was established by Dwight D. Eisenhower at Columbia University in 1950. It holds non-partisan meetings and publishes authoritative books to illuminate issues of United States policy.

An affiliate of Columbia, with offices in the Graduate School of Business, the Assembly is a national, educational institution incorporated under the State of New York.

The Assembly seeks to provide information, stimulate discussion, and evoke independent conclusions in matters of vital public interest.

AMERICAN ASSEMBLY SESSIONS

At least two national programs are initiated each year. Authorities are retained to write background papers presenting essential data and defining the main issues in each subject.

About 60 men and women representing a broad range of experience, competence, and American leadership meet for several days to discuss the Assembly topic and consider alternatives for national policy.

All Assemblies follow the same procedure. The background papers are sent to participants in advance of the Assembly. The Assembly meets in small groups for four or five lengthy periods. All groups use the same agenda. At the close of these informal sessions participants adopt in plenary session a final report of findings and recommendations.

Regional, state, and local Assemblies are held following the national session at Arden House. Assemblies have also been held in England, Switzerland, Malaysia, Canada, the Caribbean, South America, and the Philippines. Over seventy-five institutions have co-sponsored one or more Assemblies.

*Delivered formal address
†Discussion leader

AMERICAN ASSEMBLY BOOKS

The background papers for each Assembly program are published in cloth and paperbound editions for use by individuals, libraries, businesses, public agencies, non-governmental organizations, educational institutions, discussion and service groups. In this way the deliberations of Assembly sessions are continued and extended.

ARDEN HOUSE

Home of The American Assembly and scene of the national sessions is Arden House, which was given to Columbia University in 1950 by W. Averell Harriman. E. Roland Harriman joined his brother in contributing toward adaptation of the property for conference purposes. The buildings and surrounding land, known as the Harriman Campus of Columbia University, are 50 miles north of New York City.

Arden House is a distinguished conference center. It is self-supporting and operates throughout the year for use by organizations with educational objectives. The American Assembly is a tenant of this Columbia University facility only during Assembly sessions.

The American Assembly

COLUMBIA UNIVERSITY

Trustees

DWIGHT D. EISENHOWER, <i>Honorary Chairman</i>	Pennsylvania
ARTHUR G. ALTSCHUL	New York
WILLIAM BENTON	Connecticut
COURTNEY C. BROWN, <i>ex officio</i>	New York
WILLIAM P. BUNDY	Washington, D.C.
JOSEPHINE YOUNG CASE	New York
JOHN COWLES	Minnesota
GEORGE S. CRAFT	Georgia
DOUGLAS DILLON	New Jersey
MARRINER S. ECCLES	Utah
THOMAS K. FINLETTER	New York
ARTHUR S. FLEMMING	Oregon
ALFRED M. GRUENTHER	Nebraska
W. AVERELL HARRIMAN	New York
GRAYSON KIRK, <i>ex officio</i>	New York
ALLAN B. KLINE	Illinois
SOL M. LINOWITZ	New York
LEONARD F. MCCOLLUM	Texas
DON G. MITCHELL	New Jersey
CLIFFORD C. NELSON, <i>ex officio</i>	New Jersey

Officers

CLIFFORD C. NELSON, <i>President</i>
WILLIAM K. SELDEN, <i>Vice President</i>
D. GRANT SHERLOCK, <i>Secretary</i>
OLIVE B. HAYCOX, <i>Treasurer</i>
MARY M. MCLEOD, <i>Assistant to the President</i>

Chairman Emeritus

HENRY M. WRISTON	New York
------------------	----------



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

NATIONAL MUNICIPAL LEAGUE'S 73RD CONFERENCE ON GOVERNMENT
Milwaukee, Wisconsin, November 12-15, 1967
reported by
Mrs. James Lancaster

LEGISLATIVE REORGANIZATION

(This session was jointly sponsored with the Citizens Conference on State Legislatures. Rutgers is sponsoring individual studies of state legislature; the Citizens Conference has an action program to implement the recommendations.)

The necessity to improve the Legislature is part of the overall problem of improving state government. We are "at the crossroads." The framers of the U.S. Constitution were imaginative and formidable in the concept that out of the competition for power lies the best chance for good government -- not the most efficient, but in meeting the problems with consistency. Can we make it work? State constitutions are so restrictive that powers can't compete with one another. Citizens confronted with the emergency of a problem look to state government get no response or too slow response. Officials know there is a limit to the dollar supply at state level. Citizens will begin to complain unless the city responds to their needs. Many mayors like the arrangement of a straight line to Washington. The speaker thinks they are in for some real trouble unless they encourage the state government to become involved.

There have been many studies of the Legislatures. No longer any trick to figure out what the problem is -- need more time, facilities, pay, better staff and need to be free of restrictions in constitutions. The State Legislator needs to become so powerful that he is able to make decisions that have a bearing on the people, and then it will be in the interest of the people. This is the best guarantee of conflict of interests.

Conditions of state legislatures are getting more and more attention but there are so many special interests involved that no one wants to let go. At present the strategy has taken the premise that there are enough interested and concerned leaders to reorganize the legislature. Of course there is disagreement on "how." There is a need to find a way to set our sights high. Too often you hear, "Well compared to so and so we are in much better shape." Every interest should get together and set down goals. Whose fault? Legislators reflect people they represent. It's like Pogo -- "We have met the enemy, and he is us."

Another panelist said it is very difficult to do any evaluation of reorganization, however it should encourage increased opportunity for deliberation....you have a better end product. Do not bypass committees except in unusual circumstances. The public must have an opportunity to be heard so public notice of all bills to be considered should be given. A timetable system should be developed to help the problem of log jams which occur. He believes responsible lobby groups will support reorganization.

To implement anything you have to have strong leadership, says another panelist. It is necessary for a bi-partisanship effort (illustrated with one incident where the minority party chose to use the opportunity to gag the majority). One of the big problems is between the executive and the legislature and not between parties. Most

(OVER)

initiative in state government reform today is being lead by the executive. There is also likely to be disagreement between the House and Senate. You must have the cooperation of all these -- it is so fragile that any squabble can destroy it. However, if one House disagrees and the other House goes ahead and comes up with something really good - the other House is likely to go along with it.

There was disagreement among the panelists about the specific size for each House and they felt that CED's recommendations of no more than 100 combination in both Houses was not valid. In a complex state you need to have large representation. They did agree that a reduction in numbers may provide the dollars for research and staff for a fewer number.

Citizen groups cannot force the Legislature to act. Steady growth is the best contribution of citizen groups.

* * * * *



Fort Worth, Texas
November 2, 1967

Dear Mrs. Duckworth,

Yesterday I discovered in the September Harper's a summary of that magazine's recent articles about state legislatures, with a brief account of recent developments in Maryland ("Status Report - Spittoons and Computers", page 34). I found it too late to get an extra copy of the magazine. Here it is:

"The decay, corruption, and inefficiencies of legislatures in many states have been explicitly reported in the pages of Harper's over the past several years--Kentucky (October 1960); Vermont (January 1964); New Jersey (April 1964); Nebraska (November 1964); Florida (November 1965); Montana (April 1966). Among the most explosive of such exposes was "The Illinois Legislature: A Study in Corruption," by State Senator Paul Simon and Alfred Balk (September 1964), which led to an investigation by the State Crime Commission and some housecleaning in Springfield. Perhaps the most durable in its consequences was "The Last Chance for the States," by Senator Joseph D. Tydings of Maryland, published in March 1966. After reading the article, a public-spirited, thirty-one-year-old Baltimorean, George S. Wills, decided to take action. With the aid of some citizen volunteers--and supported by small contributions from local businessmen and from the Ford and Carnegie foundations, he drew up a blueprint for reform in his home state based on Senator Tydings' proposals. Through public hearings and energetic publicity, he mobilized lively support for his ideas, which were formally presented to the Maryland legislature in January.

"The first result of our hard labors,' Mr. Wills told us,'was a \$200,000 authorization for administrative assistance to legislators, backed up by strict accounting procedures to verify proper use of funds. A rule was passed reducing the number of House committees from eighteen to nine and assigning each delegate to a major committee. We won partial approval for our financial recommendations--a budget committee to scrutinize executive spending on a year-round basis. The legislators promised to explore the possibilities of automation and even to take a firsthand look at the only computerized assembly in the country in Florida. The Assembly enacted the progressive tax reform bill that had previously been torpedoed by delays. And--finally--the legislature reapportioned itself.'

"This is a handsome payoff, even though there is still, of course, a considerable distance to go to achieve Mr. Wills' announced goal of obliterating 'the spittoon' image of rural assemblymen in blue jeans wasting seventy days of the taxpayers' money every year.'"

Sincerely yours,

Margaret Carter
Margaret Carter (Mrs. Jack)

Copy to Mrs. Jack Wackerbarth

* Sic

The Committee on State Legislatures of the American Political Science Assoc. has listed some broad recommendations as a guide in drafting a legislative article. The basic assumption of the group's recommendations is that restrictions preventing the legislature from exercising its complete power as a representative body should be removed from the state constitution. They are as follows:

1. Sections of the constitution designated as "statutory" prescribing major policy or details of administration should be repealed & all such powers should be delegated with proper safeguards to the legislature or to the executive department. The principle of separation of powers has been implemented in some cases by carrying it to an unfortunate extreme. Nevertheless, the legislature should be ~~so~~ strengthened that it can perform effectively as an equal & coordinate branch of government.

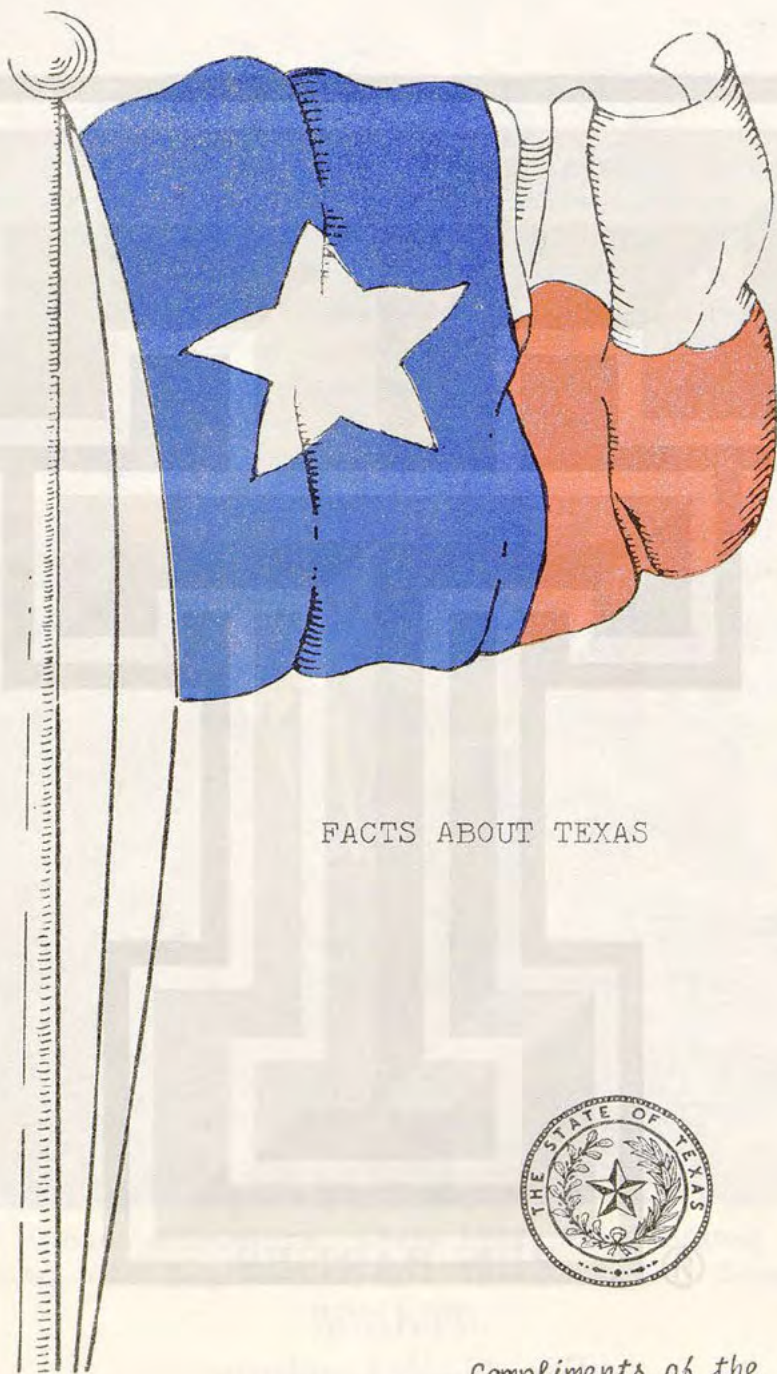
2. The initiative & referendum should be retained where they now exist, but only as weapons of popular control when representative action appears to be blocked. Anything more than this, by way of direct legislation, tends to undermine the responsibility of the legislature for representative action.

3. The legislature should be organized to formulate major public policy. To this end:

a. Details of policy & sublegislation should be delegated to administrative agencies in keeping with state administrative procedure acts. Constitutional instructions to the courts should serve to provide against too narrow an interpretation of delegated authority.

b. A larger measure of power over county, city, & other local matters should be vested in local units of government through general state law. Many state legislatures are heavily loaded with ~~previsien~~ problems of a purely local nature. Extension of the principle of home rule would be in the public interest when consistent with minimum & uniform standards of statewide application.

Source: Belle Zeller (ed.), American State Legislatures (New York: Thomas Y. Crowell Co., 1954), p.28.



FACTS ABOUT TEXAS



Compliments of the
House of Representatives



BEN BARNES
SPEAKER
Fifty-Ninth Legislature

FACTS ABOUT TEXAS

Texas is known as the "Lone Star State" because of the single star in her flag. Our State name originates from the Indian word "Tejas" meaning "friendly".

Texas has an area of 267,339 square miles, of which 263,644 are land and 3,695 are water. It is the second largest state of the continental United States. Texas boundaries measure 4,137 miles--624 miles are the tidewater coast line.

There are 254 Counties in Texas. Brewster County, with 6,208 square miles, is larger than the States of Connecticut and Rhode Island combined.

According to recent census figures, the official population of Texas is 9,579,677, ranking her sixth in the Nation.

State Seal and Flag

The present Texas Seal and Flag were first adopted by the Republic of Texas in 1839 and were provided for in the same act. (Gammel's Laws of Texas, Vol. 2, page 87, being an act approved on January 25, 1839) This provision concerning the Seal has been carried forward in our present Constitution since 1876.

State Song

The State Song was adopted in 1929 by the Forty-first Texas Legislature. (Acts 1929, First Called Session, 41st Legislature, p. 286) "Texas Our Texas"

State Flower

The State Flower is the Bluebonnet or Buffalo Clover--a variety of native lupine, with the flowers resembling tiny blue sunbonnets set close together along the stem, forming a heavy cluster or spike and having a fresh fragrance. The Bluebonnet was chosen by the Twenty-seventh Legislature in 1901 at the request of the National Society of Colonial Dames. (Acts of 1901, Regular Session, 27th Legislature, page 323)

State Tree

The Pecan was named as the Texas State Tree by the Thirty-sixth Legislature at its Regular Session in 1919. (Laws, 1919, page 155)

State Bird

The Mockingbird was chosen as the State Bird by the Fortieth Legislature in 1927 upon the request of the Texas Federation of Women's Clubs. (Acts, 1927, Regular Session, 40th Legislature, page 486)

Flags of Six Governments Have Flown Over Texas:

France	1685-1763
Spain	1689-1821
Mexico	1821-1836
Republic of Texas	1836-1845
Confederacy	1861-1865
United States	1845-1963-----



The Capitol Building is located on a commanding elevation near the center of the City of Austin in the square originally selected for the Capitol of the Republic of Texas.

Order of Construction was as follows: (Taken from files of the State Board of Control, Engineering Division)

Contract to build signed--January 1, 1882.
Ground broken--February 1, 1882.
Cornerstone laid--March 2, 1885.
Supplemental contract substituting granite for limestone--executed July 25, 1885.
Accepted by the Capitol Building Board and Capitol Building Commissioners--May 8, 1888.
Dedicated--May 16, 1888.
Occupied--September, 1888.

FACTS ABOUT STATE CAPITOL

Weight of Cornerstone: 16,000 pounds, in the rough.

Design: Classic in architecture, shaped as a Greek Cross.

Materials Used in Construction:

Exterior Walls--15,000 carloads of Texas red granite transported by ox-power and a specially built railroad; the interior and dome walls are of Texas limestone.

Woods--The wainscoting is oak, pine, cherry, cedar, walnut, ash and mahogany with an aggregate length of about seven miles; the door and window frames are oak and pine, except those in the Governor's Reception Room which are of cherry.

Roof--Copper, 85,000 square feet.

Flooring--Original, hand-blocked clay tile, glass and wood; new floors, terrazzo, all Texas rock aggregate, except the blud in the U.S. Seal, which was imported from Italy.

Dimensions:

Length--585 feet, 10 inches, including steps.

Width--299 feet, 10 inches, including steps.

Height--309 feet, 8 inches, from basement floor to top of statue, which stands 16 feet above the dome. The Goddess of Liberty was raised to position February 26, 1888. The dome stands seven feet higher than the dome of the National Capitol.

Size of Building:

Covers three acres of ground with an approximate 18-acre floor space, or 192,374 square feet of

available office space, and at the time of construction was said to be the seventh largest building in the world.

In 1960, a survey of the building revealed the following: 409 rooms, including 147 partitioned rooms constructed since the building was completed, 924 windows, 404 doors, including 170 small doors in partitioned rooms, 18 vaults, and 47 toilet rooms.

State Parks and Recreational Centers

Texas offers the tourist a wide variety of climate and scenery. The Rio Grande Valley and the Gulf Coast have a subtropical climate and frost is seldom known. Texas has the fourth longest coastline among the states and has fine beaches and excellent fishing. In East Texas there are extensive forests of pine, oak and cypress. Rolling wooded plains comprise the central section of the State, the fertile, easily cultivated "blackland prairie" of North Central Texas being the most important economically. The northern tip of Texas, "The Panhandle," is a region of high, treeless plains. The mountainous region of West Texas, known as the Big Bend area, is perhaps the most picturesque of the entire State. This vast region of mountains and deep canyons has been called "the last frontier of the United States." Here an area of about 788,000 acres has been deeded to the Federal Government and is being developed as the Big Bend National Park.

The recreational area surrounding Lake Texoma, near Denison, is extremely popular. It is under the control of the National Park Service.

Texas has some forty-nine developed State parks, well distributed over the State. These are under the State Parks Board and inquiries about recreational facilities at these parks may be addressed to the Board in Austin.

The State Highway Department maintains more than 950 roadside parks and turnouts that furnish pleasant and attractive picnic grounds.

A series of five lakes along the Colorado River in Central Texas near Austin, known as the "Highland Lakes," is being developed as a vacation resort. These lakes, resulting from dams built by the Lower Colorado River Authority and the Federal Government for power, water conservation and flood control purposes are:

Buchanan Lake, 32 miles long; Roy Inks Lake, 3 miles long; Marble Falls Lake; Lake Travis, 65 miles long and Lake Austin, 22 miles long. Situated in beautiful wooded hills, this lake region is ideal for camping, hunting, fishing and water sports. Wild turkey and deer are plentiful, and the lakes are being stocked with crappie, bass and other fresh water fish.

Also of interest are the various patriotic and historic shrines. The chief of these, the Alamo, stands in the center of the City of San Antonio. Built in 1744 as the chapel for the Mission of San Antonio de Valero, the building is now owned by the State. Several other mission buildings constructed between 1720 and 1791 are still standing in and around San Antonio.

THE TEXAS NAVY

The Texas Navy, first and last, included an even dozen ships, which sailed the Gulf of Mexico waters between 1836 and 1843. They were owned by the Republic of Texas in fleets of four, one, two and six vessels.

In a bill passed on November 25, 1835, the General Council of the Republic authorized the purchase of four schooners. That bill also provided for letters of marque, which licensed privateers to engage in military action during late 1835 and early 1836.

By the fall of 1837, all four ships in the original Texas Navy had been lost, and for about six months the Republic had no Navy. In March, 1838, Texas bought the merchant brig, Potomac, for \$8,000, but used her only as a receiving ship in Galveston.

President Sam Houston never saw the need for spending any money for a navy. In November, 1843, he put the Texas Navy up for auction, but the people of Galveston forcibly prevented bids from being submitted, and the Republic of Texas continued to own her Navy. But the active career of the Texas Navy had ended. In June, 1846, the fleet was transferred to the United States Navy. It then consisted of the Austin, the Archer, the Wharton and the San Bernard. Only the Austin was still fit for sea duty, so actually the Texas Navy that joined the American fleet consisted of the lone sloop, the Austin.

TEXAS RANGERS

Throughout the early troubled years of conflict within and along the borders of Texas, the TEXAS RANGERS have played an effective, valiant and honorable role. True, organization and policy have varied under changing conditions, demands for services and political administrations, and the organization has not had unbroken continuity. However, it has existed almost continuously, and without a great deal of variation in general purpose and integrity from the era of colonization to the present.

Stephen F. Austin employed a small body of Rangers as early as 1823 to protect the frontier colonies against blood-thirsty Karankawas and other tribes. In the period of the Republic the Ranger organization was enlarged and was used to patrol the frontier and punish Indian raiders. When Texas was annexed by the United States the Federal Government assumed responsibility for protecting the frontier and the Ranger organization virtually was dropped. However, the Federal troops, largely infantry, were unaccustomed to the border and Indian warfare and so the Rangers were reorganized.

The Texas Rangers today comprise one division of the State Department of Public Safety. The Texas Rangers are charged with the enforcement of laws governing major crimes, riots and insurrections, and on occasions assist local officers in the enforcement of the law in Texas.



The Governor's Mansion occupies the entire block between Tenth and Eleventh Streets and between Colorado and Lavaca Streets, one block west of the entrance to the Capitol grounds. Its post office address is 1010 Colorado Street, Austin, Texas. The Mansion faces east. Architecturally, it is an outstanding example of neo-classic or Greek Revival style that was popular in Austin in the middle of the 19th Century. This is sometimes called the American Empire Style. It is built of brick, painted white. A gallery runs the entire length of the front of the house. Six massive Ionic columns, made of cedar logs hauled from Bastrop, distinguish the front view. The balcony rail is of an interesting, simple design. Set well back from the street, the Mansion looks secluded, dignified and yet hospitable although flanked by four busy modern streets. Typical of fine homes of this period, a spacious hall runs through the center downstairs and to the staircase upstairs. Visitors are welcomed and conducted through the Mansion on regularly scheduled tours.

Duties and Powers of the Governor of Texas

Executive:

1. Law Enforcement--As the Chief Executive Officer of the State, the Governor is charged with the responsibility of seeing that the laws of the State are faithfully executed.

2. Military--The Governor is Commander-in-Chief of the military forces of the State (National Guard or State Militia), except when they are called into the service of the National Government.

3. Appointments--With the advice and consent of the Senate, he appoints various State officers.

4. Inter-State and State-Federal Relations--The Governor conducts all business of the State with other states and with the United States Government.

5. Ex-officio and Miscellaneous--The Governor is ex-officio member of some ten Boards and Commissions.

Legislative:

1. Messages--The Governor may give messages to the Legislature at any time, either in person or in writing.

2. Veto--Every bill which passes both houses of the Legislature must be sent to the Governor for his approval or veto.

3. Financial--By statute, the Governor is the Chief Budget Officer of the State.

4. Special Sessions--The Governor may call the Legislature into special session at any time for any reason.

Judicial:

On recommendation of the Board of Pardons and Paroles, the Governor may grant reprieves, commutation of punishment and approve pardons.

Facts About Texas Government The Senate and House of Representatives

The Senate is composed of 31 members while there are 150 members in the House of Representatives. Senators serve four-year terms. Representatives are elected for two years.

Their duties are, in conjunction with the Senate and/or the House of Representatives, to pass all laws governing the State and to submit all constitutional amendments to the voters of Texas.

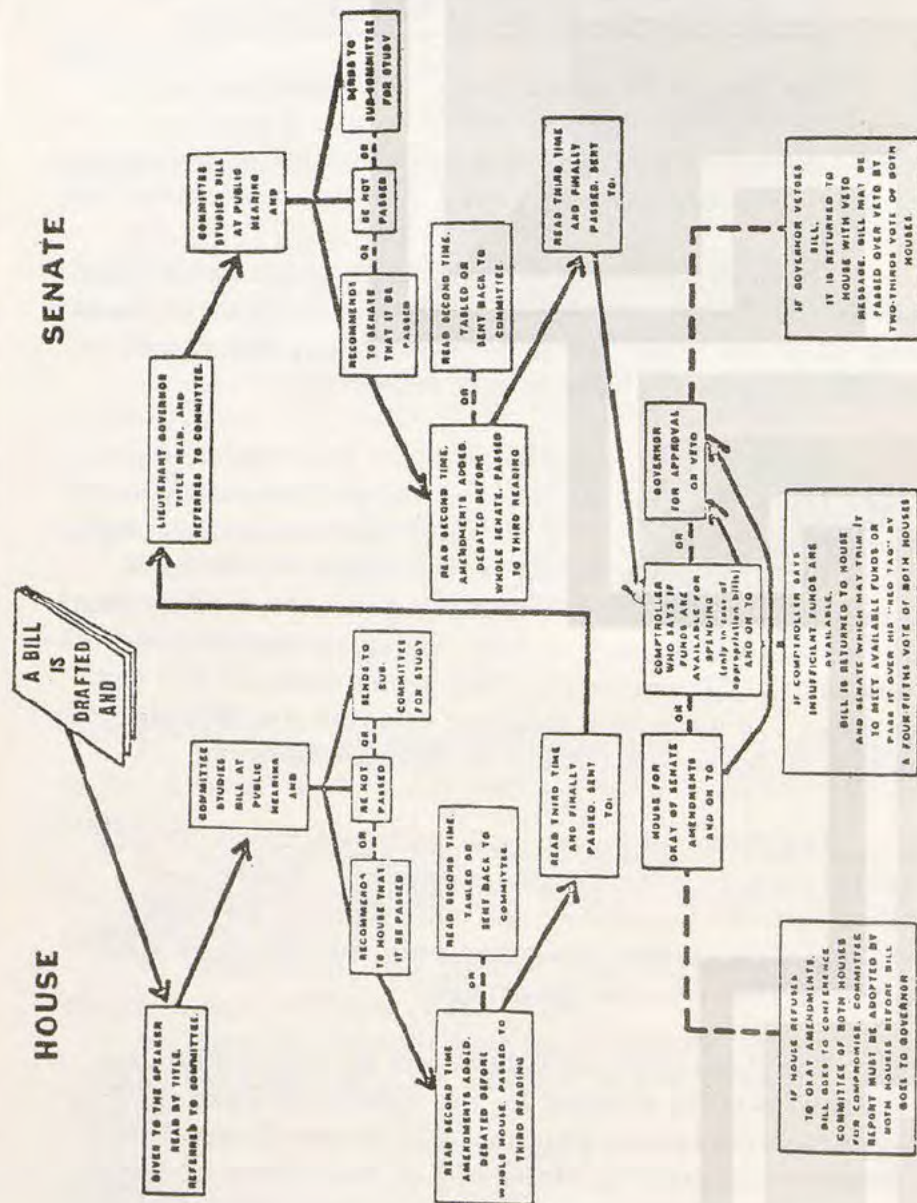
Senators and Representatives convene in Austin, Texas for a Regular Session every two years on the odd-numbered years. A Regular Session of the Legislature is 120 days but may be extended to 140 days. Members receive no per diem expenses for more than 120 days. The salary of both Senators and Representatives is \$4,800 per year, plus a per diem of \$12 for the first 120 days of a Regular Session and \$12 per day for the 30 days of a Called or Special Session.

The Governor may call such additional 30-day sessions as he may deem necessary. These are called Special Sessions. At such Special Sessions the Legislature may consider only the subjects submitted to them by the Governor.

The Senate is presided over by the Lieutenant Governor who is elected by the voters of Texas. The Lieutenant Governor appoints all Senate Committees. A Speaker elected by Members of the House of Representatives presides over the House and appoints all House Committees.

HOUSE

SENATE



THE STORY OF HOW A BILL BECOMES LAW is carefully diagrammed in this chart showing each of the many steps—and sometimes steps—the bill makes on its way to becoming the law of Texas. Arrows lead from box to box with dotted lines covering the alternates. High on the interest list is the fact that regardless of the many, many places the bill may come to grief, it still may be pushed through if enough legislators want it.

PASSING STATE LAW NOT EASY BUT SOMETIMES IT CAN BE FUN

Want to pass a state law? The process is complicated and can lead up many blind alleys. A picture of it looks like the mazes found in children's puzzle books. It can be equally as much fun.

Begin with the writing of a bill. Some lawmakers write their own; though, if the truth were known, they are few in number. The vast majority of bills are written in the offices of lawyers hired and trained to do the job.

They are written at the behest of a professional organization such as that of the teachers who want a pay raise. Or they are backed by civic leaders such as those in Dallas or Fort Worth who want to build a toll road. Or they may be the work of a business group which, for example, wants a five-day week for banks.

These are all examples of bills actually introduced in the 53rd Texas Legislature.

Bill Against Sputtering

For purposes of illustration here, let's take a bill to require mufflers on outboard motor boats. It has been introduced in the House by a lakeside dweller who is tired of being waked up before daybreak by the sputter of early fishermen.

The bill could be introduced in either the House or the Senate, unless it levied a tax. All tax bills must originate in the House. This bill has been introduced in the House. The lawmaker gives it to the Chief Clerk; the Chief Clerk gives it to the Speaker of the House; the Speaker of the House writes a committee assignment on it and gives it to the reading clerk.

The reading clerk reads the title and the bill goes to one of the 43 House committees, in this case to the Committee on Game and Fish.

The committee clerk posts a notice setting the bill for public hearing at a future date.

The hearing date arrives along with all interested parties. Boat owners protest the expense and bother of attaching mufflers. Muffler manufacturers extol the beauties of a busy but quiet water front. Law enforcement officers are called on to testify whether or not such a law could be made to stick.

Gets Recommended

The lakeside dweller clears his first hurdle when the bill is reported back to the House with the recommendation that "it do pass." He suffers slow but ultimate defeat if the committee sends the bill to a subcommittee "for further study." This is the Legislature's gentlest way of killing a bill. It never returns from the subcommittee "deep freeze."

His hoped-for solitude gets a quick and final death blow if the committee recommends the bill "do not pass."

With favorable committee action, the bill goes on the House Calendar and waits its turn to be called up according to number. Here is the only difference between House and Senate procedure. Bills are called up in the Senate according to the order in which they have been reported by committee.

It is read a second time by the reading clerk. The sponsor opens and closes debate. Amendments, if any, are added and the bill passes to a third reading. It is read a third time, finally passed, and sent to the Senate, where it goes through the whole business again; first reading, committee hearing, committee report, second reading and third reading.

If the Senate changes the bill in any way, it goes back to the House for concurrence in Senate amendments and on to the Governor for approval.

Amendment Dispute

Maybe the sponsor doesn't like the changes made in the Senate. Maybe the amendment exempts racing shells. He gets the House to refuse to concur and a conference committee composed of five members of each house is appointed to iron out the differences.

The committee brings back a revised bill that says racing shells may operate only during the hours between sun-up and sun-down. That satisfied the slumber-minded lawmaker. The report is adopted by both houses and the bill goes to the Governor.

If the bill carries an appropriation, say for the hiring of lake patrolmen to enforce the law, it must

have the okay of the State Comptroller. He must say whether or not there is enough money to pay the bill. If there is enough, the bill goes to the Governor. If there is not, it goes back to the Legislature.

They can cut out the appropriation and pass the bill with no more ado, or they can give it a four-fifths vote and pass it over the Comptroller's "red tag."

Maybe the Governor owns a boat, enjoys the hum of its motor, and vetoes the bill. Then back again it goes, and each house must give it a two-thirds vote to pass it over his veto. Once finally approved, the bill goes to the Secretary of State's office, where it is filed away in the archives and becomes law.

It has been a long and wearing process and our lawmaker has earned his rest.

THE OFFICE OF SPEAKER

As Speaker of the House of Representatives of the 59th Legislature, Ben Barnes holds a position of unusual responsibility and influence in Texas state government. He was elected to this office by his fellow members of the House, in which he had previously served two terms, by an unprecedented vote of acclamation.

The origin of the office of Speaker dates back to the time when the elect of the English House of Commons, representing that body, communicated its proceedings to the king for the latter's promulgation as law—acting as speaker for the commons to the king. The office was adopted by the Constitution of the United States for the lower house of Congress, and most of the states have made similar constitutional provisions for a presiding officer in the corresponding houses of their legislatures.

The office of Speaker of the House is provided for in the Texas Constitution by Article III, Section 9, which states:

"... The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its members; and each house shall choose its other officers."

The Rules of the House of Representatives, adopted by that body to govern its operation and procedure, set forth the duties and rights of the Speaker. As provided in Rule I, these may be briefly stated as follows:

1. During the time the Legislature is in session, he takes the chair on each calendar day at exactly the hour to which the House has adjourned or recessed and immediately calls the House to order.
2. He preserves order and decorum in the House chamber, including the galleries, and has general control of the hall of the House and its lobby, galleries, corridors and passages and other parts of the Capitol assigned for the use of the House or its members.
3. He lays before the House its business in the order indicated by its rules, receives propositions made by members and puts them to the House, and enforces the Rules of the House and the legislative rules prescribed by the Constitution.
4. He puts questions to the House and calls for votes. If he is in doubt as the result of a voice vote or if a division vote is called for, he calls for such a vote on the electric voting machine.
5. He has the same right as other members to vote and may cast a deciding vote at the time such opportunity becomes official if it is to make or break a tie.
6. He decides on all questions of order, subject to an appeal to the House made by any ten members on the question, "Shall the Chair be sustained?"
7. He appoints all committees and all committee chairmen.
8. He signs, in the presence of the House, all acts, joint resolutions and concurrent resolutions as required by the Constitution. He also signs all writs, warrants and subpoenas issued by order of the House.
9. He may name any member to perform the duties of Speaker.
10. He selects and appoints all employees of the House and has the right to discharge any of them.

These rights and duties give any Speaker tremendous influence in the Texas legislative process and consequently over the laws which may be passed governing the affairs of the state, its cities, counties and other political subdivisions, and its citizens.

SPEAKERS OF THE LEGISLATURE SINCE 1846

Ben Barnes of DeLeon is the 54th Speaker of the Texas Legislature. His predecessors in this office since statehood, with the dates of their service and home towns or home counties, were as follows:

Date Elected	Speaker	Home Town or County	Date Elected	Speaker	Home Town or County
1846	W. E. Crump	Austin County	1909	A. M. Kennedy	
1847	J. W. Henderson	Houston	1909	John Marshall	Whitesboro
1849	C. G. Keenan	Huntsville	1911	Sam Rayburn	Bonham
1851	D. C. Dickson	Anderson	1913	Chester H. Terrell	San Antonio
1853	H. R. Runnels	Boston	1915	John W. Woods	Rotan
1855	H. P. Bee	Laredo	1917	F. O. Fuller	Cold Springs
1857	Wm. S. Taylor	Cherokee County	1919	R. E. Thomason	El Paso
1859	M. D. K. Taylor	Jefferson	1921	Charles G. Thomas	Lewisville
1861	N. H. Darnell	Dallas	1923	R. E. Seagler	Palestine
1863	M. K. D. Taylor	Jefferson	1925	Lee Satterwhite	Amarillo
1866	N. M. Burford	Dallas	1927	Robert Lee Bobbitt	Laredo
1870	Ira H. Evans	Corpus Christi	1929	W. S. Barron	Bryan
1873	M. D. K. Taylor	Jefferson	1931	Fred Minor	Denton
1874	Guy M. Bryan	Galveston	1933	Coke R. Stevenson	Junction
1876	T. R. Bonner	Tyler	1935	Coke R. Stevenson	Junction
1879	John H. Cochran	Dallas	1937	Robert W. Calvert	Hillsboro
1881	George R. Reeves	Pottsboro	1939	R. Emmet Morse	Houston
1883	C. R. Gibson	Waxahachie	1941	Homer Leonard	McAllen
1885	L. L. Foster	Groesbeck	1943	Price Daniel	Liberty
1887	George C. Pendleton	Belton	1945	Claud Gilmer	Rocksprings
1889	F. P. Alexander	Greenville	1947	W. O. Reed	Dallas
1891	R. T. Milner	Henderson	1949	Durwood Manford	Smiley
1893	John H. Cochran	Dallas	1951	Reuben Senterfitt	San Saba
1895	T. S. Smith	Hillsboro	1953	Reuben Senterfitt	San Saba
1897	L. T. Dashiell	Jewett	1955	Jim Lindsey	Texarkana
1899	J. S. Sherrill	Greenville	1957	Waggoner Carr	Lubbock
1901	R. E. Prince	Corsicana	1959	Waggoner Carr	Lubbock
1903	Pat M. Neff	Waco	1961	James Turman	Gober
1905	F. W. Seabury	Rio Grande City	1963	Byron Tunnell	Tyler
1907	Thomas B. Love	Lancaster			

National Conference on Government
National Municipal League
St. Louis, Missouri
November 14-17, 1965

Cassperson
MRS. WILSON N. L. 1910
TUESDAY, NOVEMBER 16--2:15 P. M.
"The State Legislature--Its
Changing Role"

Summary of Remarks

Jefferson B. Fordham
Dean, Law School, University of Pennsylvania

By and large our state legislatures are relatively weak and underdeveloped governmental organs. They are that way because we have made them so and not because of expansion of Federal power and the lessening of need for a strong state legislative arm.

It is time that the plenary power theory of state legislative competence be restored to genuine vitality in state constitutional language and practice. It is not enough for a legislature to be principally confined to policy-making with respect to public revenue and expenditure with limited attention accorded to civil and criminal law and to governmental organization and administration. There are policy decisions of the greatest moment confronting the states in such problem areas as urban affairs, education, health, social welfare, transport and conservation and utilization of natural resources. The problems of urban life in the larger urban complexes are so demanding that the parent political entity -- the state -- must give them greater attention.

Just at this time the people of the several states of the Union have a splendid opportunity to make the state legislative institution a strong and effective policy-making and power-devolution organ in the American system. The recent apportionment decisions of the Supreme Court of the United States provide a useful stimulus for constructive action as to one major factor, namely, representation, and afford a dramatic setting for a much broader effort to vitalize the state legislatures.

~~CONFIDENTIAL~~
AUSTIN, TEXAS
CASPERSON

CHANGE AND OPPORTUNITY FOR STATE LEGISLATURES

Address to Annual Meeting of
The National Municipal League
St. Louis—November 15, 1965

John Anderson, Jr. *Executive Director*
Citizens Conference on State Legislatures
former Governor of Kansas (from NML Leaflet)

State, metropolitan, city, and county problems are intertwined—and entangled. Legally, cities are creatures of state governments, but they are creatures that have grown to magnificent or terrible proportions, depending on one's perspective. Governor Hearnes presides over a State which, like many others, has metropolitan areas divided by state lines, and which has its state capitol and its major state institutions located at some distance from metropolitan areas. In such states, the communication problems have been difficult and troublesome. However, let us also remember that state pride and loyalty remain strong—in Missouri, Kansas, and throughout the nation.

This is a period in history of turmoil and re-evaluation for states, cities, counties, and school districts. I am indeed pleased to have this opportunity to address the National Municipal League. For several decades this organization has been in the forefront of governmental reform. The accomplishments in the improvement of city government have been significant. This experience, the history of the municipal reform

movement, can be of great help to all of us in facing current problems. Those of us who have been responsible for organizing the Citizens Conference on State Legislatures are especially pleased that the League has extended its interests to the problems of state legislatures.

Certainly the future of city government and the future of state government are intimately related. Unless the states are able to deal effectively with the problems of metropolitan areas, state government will inevitably decline. Since metropolitan areas are typically fragmented into dozens of governmental jurisdictions, the solution of metropolitan problems increasingly depends upon state action—either on direct state action or on state legislation creating or permitting some larger governmental authority or planning body. The alternative, of course, is that metropolitan and regional problems be resolved through federal action.

~~Since my official role in state government terminated last January, I have had some opportunity to think about these matters from the outside. I have even had a chance to read some books. I think it is possible to generalize a little about the history of state government. Despite the good-natured oratory of our political conventions, the issue of state autonomy was settled by the Civil War which included~~

some bloody battles across the Missouri-Kansas border which I cross daily on my way to work.

There were difficulties before and after the Civil War of state legislatures being bought out by the railroads, and other special interests. The history of Kansas is very spicy on this. When the legislature was in session in Topeka, the railroads furnished special trains for the proper entertainment of legislators in keeping with the prevailing frontier customs. In Kansas, as in other states, the public became aroused, threw the entertainment trains out of Topeka, and took other measures.

In the latter half of the Nineteenth Century and the early part of the Twentieth Century, state governments functioned as effective instruments within the federal system. Among other things, the states developed and nourished our great state universities, our public school system, and other institutions to serve the public welfare. They established most of the laws which govern our daily lives and the legal framework for the operation of the free enterprise economy. Let us not forget that state government has been an important institution and still is.

In this connection, let me quote a couple of paragraphs from a recent article by Terry Sanford. Sanford, you know, like myself, completed his term as Governor last January and has since been studying the condition of state government. In last July's issue of Nation's Business, Governor Sanford made the following observations on the role of state government.

"They pass most of our laws. They control most of our courts. They make the ground rules for all our local governments. They run most of our prisons, parole and probation boards, and our training centers for juvenile offenders. They operate and support public schools, colleges, universities and specialized programs for retarded children and for gifted children. They build and repair roads and highways. They operate hospitals for the mentally ill. They control major areas of taxation at state, city, county, corporation, personal and consumer levels. They regulate banking and insurance.

"This is by no means," Sanford continues, "the total of state government activity. And lest it be argued that the states are providing less and less of the funds for these functions, let us examine the

pattern of state government expenditures in the last few years.

"In fiscal 1964, state government expenditures amounted to \$42.6 billion, more than double the \$20.4 billion expended just 10 years before. State expenditures in 1964 were 7.6 per cent higher than 1963 and 16.3 per cent above 1962. Education expenditures increased 23.2 per cent over the last two-year period, highway maintenance and construction was up 16.1 per cent and welfare was up 14 per cent. All of this money didn't come from the federal government either. The states provided \$13.4 billion for education last year. Of this, only \$1.4 billion, or just over 10 per cent, was federal money."

Like Governor Sanford, I would take the position that the states carry a big and important role. And most of the states, most of the time, have been doing a reasonably effective job in many fields. The failures and shortcomings of the states, especially legislatures, makes the biggest news, especially on the national level.

Although the states carry a big and important load and although they have been doing a fairly good job in many areas, we should not attempt to shovel the shortcomings under the

rug. There is great inconsistency and spottiness in the programs of the fifty states. Some have been outstanding in higher education, others in highways, others in penal systems and welfare services. My own state of Kansas has developed some national reputation in mental health. This, interestingly enough, has been due in part to the special availability of knowledgeable professional personnel in the Menninger Foundation in Topeka. States, like cities and school districts, can experiment with new programs and methods. But many programs which have been tried and tested in a few states have not been implemented in even a majority of the remaining states. In this connection, it should not be assumed that the poorer states always lag. Some very large and comparatively wealthy states in the northeast have lagged very badly in developing the state college and university systems which have long been taken for granted in the rest of the country.

In addition to the continued importance of state government from the standpoint of laws and programs, there is another matter which should be considered about state legislatures. I should like to quote the late Roger V. Shumate who for many years served as director of research for the Nebraska Legislative Council, as well as professor at the university.

"No student of modern American government and politics can be blind to the fault of our state

legislatures, but to admit that they have failed comes perilously close to admitting that popular government in the United States has failed. That in turn, would be to admit that what was regarded in foreign lands as the 'American experiment' had failed, and this we are not prepared to do. If we will free our legislatures from their constitutional hobbles, pay them decently, organize them so that they can serve adequately and create a vigilant public opinion which insists upon responsible service of high caliber (these are not simple reforms to be sure) there is no inherent reason why they cannot assume the rightful place of representative assemblies in a representative government."

It is interesting that these comments were made thirty years ago, both from the standpoint that state government might wither away and from the standpoint of the improvements suggested.

What is different today is that the need for state government is being questioned quite openly. I have encountered this since I have been Director of the Citizens Conference. One asks, "Isn't it too late?" and some take the position that state government cannot possibly solve or even substantially assist with the complex problems of the modern industrial age.

The controversy over reapportionment has brought state legislatures to the public's attention as never before in the past—and not in a very attractive light. However, you may stand on the "one-man, one-vote" principle for both houses, the big public issue is that most legislatures were not apportioned according to their own constitutions. The public issue, along with the federal government's greater ability and willingness—under Republican and Democratic administrations—to assume responsibilities for modern problems: these two circumstances have combined to put the future of state government in some jeopardy. A shrewd and competent national political writer I know thinks the states are fast becoming rather insignificant political subdivisions of an all-pervasive federal government. A prominent network television newscaster told a college commencement class earlier this year that state government will fade away in our lifetime, and he seemed to be saying "good riddance".

It is not an exaggeration to predict that the future of state government will be decided in our lifetime and that it will be a different role. The respective roles of state government, of federal government, and of city government, have undergone change and will continue to do so. Let us neither take it for granted that state government will

continue, as in the past, nor should we assume that decline is inevitable. Let us not underestimate state government's strength, potential strength, and case with the public.

I am convinced that there is a growing concern throughout the country that state governments be re-vitalized to do their share in meeting the problems of our times. This is not confined to either political party; it is bi-partisan and non-partisan. Whatever may be the interpretation of the recent past, few people yet advocate that state governments be dissolved or allowed to atrophy, to dry on the vine. Few relish the thought, for example, that the educational system or the police system be fully nationalized. The issue is not one of state's rights but of state's responsibilities, of a realistic balance of governmental functions to serve a highly mobile modern industrial society—and to serve a people whom, I am convinced, want, above all, a voice in their government. The American people want representative democracy and they want things done. This is our challenge.

One of the great lessons of history is that crisis can lead to greatness. I have had an opportunity to see firsthand that Japan has, almost miraculously, developed a viable national and state system of democratic government since World War II. Franklin Roosevelt overcame a severe personal handicap to

become a world leader, and Winston Churchill overcame several political disasters to lead his people in their "finest hour".

State legislatures are now undergoing agony and humiliation over reapportionment. Out of this can arise a great revitalization of legislatures and of state government. What we need to consider now is how this can come about.

I am sure that no one knows the answers. Certainly, I do not. I have accepted the position of Director of the Citizens Conference on State Legislatures because I very sincerely believe that state legislatures are extremely important, because I believe they can be revitalized, and because I believe that the support of citizens groups is necessary to that effort.

Although the measures required to improve the legislative process are complex, and although there is great variation among the states, it is clear that most legislatures in the country are badly in need of better compensation, more research and staff services, improved informational services, more adequate office facilities and better organizational procedures. We need research and imaginative thinking about more complicated issues, such as conditions for recruiting and retaining the most competent men and women in the legislatures.

We need healthy legislatures, and alert, well-balanced, public-serving legislators. Legislators should be paid in accordance with the importance of their responsibilities—and paid only by the public. They should have private offices so that they can meet constituents and lobbyists in a business-like fashion. (It makes quite a difference when you deal with someone from across your desk rather than in a corridor or across a bar.) Legislators need independent sources of data; they need research and staff resources. They also need time to study problems and issues.

The issue of salaries, staff, research, offices, etc., is not a minor matter. Our research in the Citizens Conference indicates that the cost of operating the United States Congress is more than twice that of operating all fifty legislatures combined. Among other things, this is symbolic of the significance the country has come to attach to state government.

Nor, indeed, do the states get the credit they deserve for noteworthy accomplishments. We have to find ways—solid and effective ways—to improve the posture and image of legislatures with the public, with a public which is becoming more knowledgeable and better educated—in largest part because the states have sponsored and nourished a great public educational system. We have to find ways to improve the

status and functioning of our legislative bodies in the public interest. We have to find ways of equipping legislators to deal effectively and knowledgeably in the public interest with the volume of legislation on which they are called upon to act. We have to find ways, with the support and help of citizen groups, to compensate legislators in accordance with the importance of their jobs and to provide them with offices and staff services. We have to find ways to improve communication between the governor and the legislature in such a way as to improve the effectiveness of state government and to preserve the check and balance system. We have to find ways to improve communication between the legislator and his constituents as a means of enhancing the democratic process in this complicated society. State government must further develop its role both in responding to and in helping to shape the society of the future.

Let me especially emphasize that the revitalization of state legislatures must be a bi-partisan and non-partisan effort. It is unfortunate in recent history that the interests of the states have come to be identified with opposition to change and progress. It is tragic that the interests of the states have come to be identified with segregation, despite the fact that several states passed civil rights legislation

prior to the federal bill. Let us hope that the issue of segregation can soon be disassociated from the image of state government.

Among other problems, it seems to me that state legislatures have not served as effectively as they should as agencies for increasing understanding between—and developing the mutual interests of—rural and urban sections of the population. As farming becomes more professionalized, as city folks splash into the countryside for recreation, as metropolitan regions spread along interstate highways—with these developments rural-urban conflict should decline. But let me also stress to you that city interests and city-dwellers, including suburbanites, have not been sufficiently interested in statewide problems. Too often their view of state government and state legislatures seems to be confined to their own special interests—efforts to get kick-backs from state revenue (some of which they may deserve) or efforts to get the state, in effect, to leave them alone. When we get some good opinion surveys of public attitudes toward state legislatures, I suspect we shall find that rural and small-town people (of comparable education) have greater knowledge about state government, that they are more likely to know their legislators, and that they are better informed about the operations of the legislature.

The role our large cities once served in socio-political assimilation is being served less and less effectively. Until or unless effective metropolitan government is developed (including the unlikely prospect that its boundaries could be expanded rapidly enough to keep up with the spread of the metropolitan regions), state legislatures also need to serve as a meeting place, a place of negotiation, and (I would hope) a place for developing understanding among suburbanites and city-dwellers, among socio-economic classes, and among racial and ethnic groups.

Let me conclude by emphasizing again that the future of the states and of state legislatures should not be taken for granted. Before the states are allowed to wither away we should consider, and consider carefully, a wide range of problems. How would Congress and the federal government behave if the states did not perform a check and balance function, including the influence that governors and state political parties exert on Senators and Congressmen, and sometimes on the President—especially before elections! How would cities and public school districts fare if all of their dealings were with the federal government? Above all, what are the implications for the future of democratic government if we cannot make democracy work at the state level?



It is unfortunate that partisan political debate in recent decades has had the effect of identifying the interests of the states as opposed to the interests of the federal government, and, to a considerable extent, as opposed to or blocking, the proper development of the cities and the metropolitan areas. There must be reasonable, rational, and constructive ways to define and develop the appropriate roles of various units of government and of the relationship among them . . . We need far less heat and far more brains applied to these problems. In addition to high-powered brains (which we do need), the public should carefully review these problems. I have confidence in the Democratic process.

Here's What Happens to a Bill After It is Introduced in the Legislature

By GARTH JONES

If a Texas legislator tells you he is going to pass a tax on red and white-striped martini olives, don't believe him.

Not that red and white-striped martini olives couldn't stand a tax, but no one man is going to pass a tax bill through the Texas Legislature, or any other kind of bill for that matter.

The state Constitution—which is the document by which citizens of Texas set the policy that the Legislature and state officials must follow—is explicit. One constitutional provision says no bill may even be considered on the floor of either the House or Senate until it has been recommended by a committee after hearing from anyone who wants to talk for or against it. Another provision says no bill can become law until it has been read on three separate legislative days "and free discussion allowed thereon."

To bypass these constitutional rules would take a four-fifths vote of the House in which the bill is pending—or a majority of 25 senators if all 31 are attending and 120 of the 150 House members. A controversial measure seldom has such one-sided support.

What happens to a bill when it is introduced in the Legislature?

Let's follow a mythical tax bill, which must originate in the House.

The proposed legislation is filed first with the chief clerk, the caption, which gives a brief description of the bill's contents, is then read for the first of three times while the House is in session. The speaker assigns it to a committee, with a tax bill going to the 21-member Committee on Revenue and Taxation.

A time and place for a committee hearing on the bill is posted on official bulletin boards for other legislators and the public to see. The committee may approve or reject the bill as it is, or amend certain portions, or completely rewrite the measure.

If the committee report is favorable the bill is placed on a House calendar, ready for debate. If the committee report is unfavorable it usually means the bill is dead.

Under the new rules adopted by the House, the Rules Committee will assign priorities to all bills and resolutions, placing them on seven calendars according to nature and need. A tax bill goes automatically to the emergency calendar which has the highest priority of all.

When the bill comes up for floor debate, it is read the second time. Then there is debate for and against. Amendments may be offered and members vote whether they will be added. The bill moves to engrossment—rewriting the bill to incorporate amendments.

The final vote in the House comes when the bill is read the third time. If it passes it is sent to the Senate.

In the Senate the bill goes to a Senate committee, probably to State Affairs for a tax bill. There is a public hearing before the committee and the committee may change or rewrite the bill. If approved it goes to the Senate debate calendar.

The Senate calendar is not controlled by a rules committee. Instead the bills advance on the debate calendar in the sequence voted out of committee or senators may choose to debate a certain bill out of regular order by a two-thirds vote. The lieutenant governor has considerable influence in what is debated. After debate on a bill there are two votes on it, as in the House.

If Senate committees or debate have made no changes in a House-approved bill, the measure goes to the governor. However, if there are Senate changes, the measure must go back to the House to approve the Senate amendments. If the House refuses to concur in Senate amendments, it will ask a conference committee of five representatives and five senators to adjust Senate-House differences.

After the conference committee agrees on a compromise, their decision is sent to the respective chambers for adoption. If either the Senate or the House refuses to accept the compromise, then the bill fails.

A bill finally approved by the legislators must be signed by the governor within 10 days when the legislature is in session or within 20 days after a session. Or he can let the bill become law without his signature. If the governor vetoes a bill it takes two-thirds of the membership of the House and Senate to override that veto or put the law into effect despite the governor's protest.

Any proposal that becomes law in Texas is up for a decision at least once by every one of the 181 senators and representatives, plus the governor. Legislators usually get several votes on controversial measures—such as a tax bill.



GRASS ROOTS GUIDES

(REG. U.S. PAT. OFF.)

on Democracy and Practical Politics

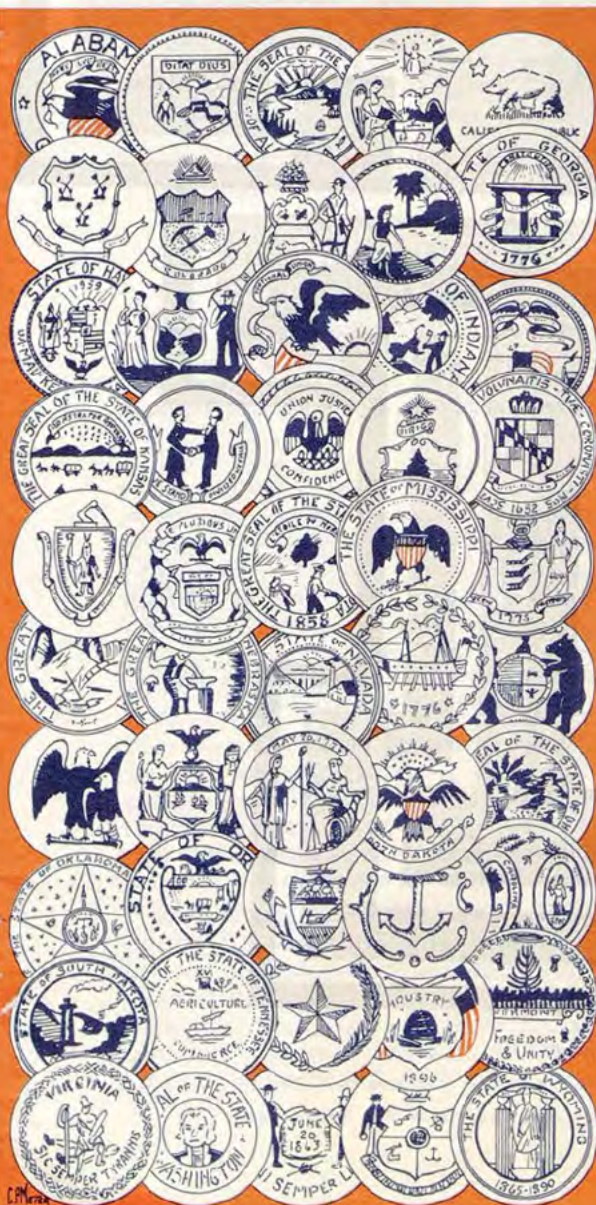
a service of the

CENTER FOR INFORMATION ON AMERICA

OUR STATE LEGISLATURES:

They Are At
A
Crossroads

By
Donald G. Herzberg
and
Alan S. Chartock



About GRASS ROOTS GUIDES:

GRASS ROOTS GUIDES ON DEMOCRACY AND PRACTICAL POLITICS are produced by **The Center for Information on America**, an independent educational corporation, nonprofit and nonpartisan, dedicated to furthering the knowledge and understanding of America by Americans through informational publications, radio, films, television, and conferences.

The purpose of this series is to encourage wider and better informed civic and political activity. It includes two types:

"How-to-do-it" Guides for successful participation, each dealing specifically with a particular political operation;

"What-it-is-all-about" Guides, explaining and examining specific features of our self-governing process, with the aim of cultivating a clearer understanding of how our Democracy functions.

Each Guide is the production of leading authorities and experts, under the general supervision of the **Center's** advisory committees:

POLITICAL ADVISORY COMMITTEE: The Honorable James A. Farley and the Honorable Charles P. Taft.

EDITORIAL ADVISORY COMMITTEE: James W. Fesler, Professor of Government, Yale University; Eric F. Goldman, Professor of History, Princeton University; Philip Handler, Chairman of the Department of Biochemistry at the Duke University Medical Center, and member of the President's Science Advisory Committee; Richard I. Miller, Director, Program on Educational Change, University of Kentucky; Allan Nevins, Senior Research Associate at the Huntington Library; Elmer F. Pflieger, Divisional Director, Department of Social Studies, Detroit Public Schools; W. Wingate Snell, Commission on American Citizenship, Catholic University of America; Robert Spiller, Professor of English, University of Pennsylvania, and Past-President of the American Studies Association.

EDITOR: Townsend Scudder, President of the Center.

Donald G. Herzberg is Executive Director of the Eagleton Institute of Politics, Rutgers University, and Professor of Political Science. Alan S. Chartock is Assistant Professor of Political Science at the University.

This is **BOOKLET No. 38**

Price, single copy, 35 cents.

See inside back cover for further titles and bulk rates.

Copyright 1969 by the Center for Information on America



OUR STATE LEGISLATURES:

They Are At A Crossroads

by

Donald G. Herzberg and Alan S. Chartock

The challenge to the states to play both their constitutional and humane role in our federal system is immediately upon them.

The time of decision is now.

Because of our most pressing social and political problems, states are likely to be participating in vast new programs and greatly enlarged old ones. This problem will be complicated if and when federal tax money is rebated to the states. How the states deal with these federal monies given with fewer federal strings attached will determine the fate of state government for the next decades. If they prove to be unimaginative and inflexible, then state governments may end up as mere appendices of our governmental system. If, on the other hand, state government acts imaginatively, if it proves it can be responsible and responsive to the needs of its citizens, then we will be able to witness a golden age of federalism. Furthermore, we will have proven that a complex society, diverse, with a large population and dispersed over a wide geographic area, can be governed successfully.

At the heart of whether state government will respond responsively or not, lie over fifty states' legislatures and the thousands of men and women who are our legislators. Of the three branches of our state government, state legislatures are the least known and least understood. Yet it is a fact that state legislatures play an essential part in regulating the lives of the citizens of the state and in determining what kind of a life they shall lead.

THE LEGISLATURES OF THE STATES

Knowledge of the way in which state legislatures in this country are organized and perform is essential to anyone believing in democracy. With the expanding role of state government, the legislature will have more and more responsibilities. Programs of tax sharing or "block-grants" to the states may soon be a reality. As of now, most of our state legislatures have not developed the resources necessary for designing, implementing, and overseeing the operation of state programs. One popular concept of representative government is that the state legislators should "*re-present*" the views of their constituents. Constituents, this view maintains, should make known their wishes to their legislators, who in turn should embody them into public policy. According to this theory, if a constituent is not satisfied with the performance of his elected representatives, he should vote against them, while if he is satisfied, he should support them at the polls.

As we know, this theory often breaks down. For example, political scientists tell us that on many occasions the way in which the individual voter votes is affected by variables such as the political affiliation of his parents rather than by the performance of his representatives on particular issues such as health or tax policy. We know, furthermore, that many individuals consider politics a "dirty game," "corrupt," and "unfathomable." Yet these same individuals often do not believe that there is anything they can do about improving what they consider a discouraging situation and resign themselves to a political system which they feel is inadequate. Thus, we know that many Americans' interest in politics often stops at the voting booth. Many of the very groups which need to be heard by our lawmakers have completely lost faith in the legislative process. They believe that the system is so irresponsible that it cannot possibly be utilized to achieve social and political change. The result is often frustration, leading to other ways of seeking to attain desired changes.

In an age where "ombudsmen" and "increased communication" are fast becoming everyday words, it seems incredible that our legislatures have not opened every available avenue to solicit the ideas of minority groups. Partly, this is the fault of legislatures which operate in closed and executive sessions. It has been demonstrated in states like Wisconsin that legislators can meet in open session, with the press present, and still conduct business with a high level of effectiveness.

Lack of participation by many citizens and organizations makes it comparatively easy for organized interest groups to make their

mark on the legislative process. Time and again, it has been demonstrated that a few knowledgeable individuals have the capacity to successfully undertake a particular campaign in the state legislature for the enactment of a legislative proposal. Conversely, the vast majority of persons who sit on their hands are deprived of a say in the way in which state policy is made. Legislators are not always informed on both sides of an issue. If there is no evident opposition to a particular bill, it becomes that much easier for the bill's proponents to see it through the legislature. In this way, many inferior bills have been successfully negotiated through the legislative process.

Thus, the lack of human communication is never more evident than in the problem of scarce citizen participation in the legislative process. Partly because of this lack of interest and partly because of a tendency of some of those in power to prefer limited political participation, the state legislature has failed to equip itself to handle the complex problems of American life. Solutions of the problems of the cities, education, health, sanitation, housing, agriculture, and prisons are often outside the competency and ability of the legislature.

THE LEGISLATIVE TASKS

The legislature has several tasks. These are the *initiation* of new legislation, the legislature's *oversight* of the bureaucracy, and the *servicing of constituent governmental programs*. In recent years, the legislature has not been initiating major legislation. Because of the complexity of modern-day government, the task of designing new programs has fallen, in large part, to the bureaucracy, which has the manpower and expertise to design the complicated new programs. The legislature only sees the new program after the bureaucracy and key persons in the governor's office have devoted large amounts of time to the problem.

The trouble with this is that the legislator is then put into a position of saying yes or no to a program, or of modifying the program, but seldom is thinking out creative new alternatives to those proposed by the government agencies. If a new health, education, or welfare program is designed by government agencies, there is very little that the legislator can do but to modify, reject, or accept that program. In order to create new programs, the legislature would have to employ experts in each of the different substantive fields, such as education, health, and welfare, who would be highly trained and qualified.

Certain legislatures, such as the United States Congress and the California Assembly, have developed specialized staffs and have been

responsible for initiating major new governmental programs. Of course, it is not impossible for the legislature to initiate legislation. An interested individual or interest group often comes to strategic legislators with a bill or a series of bills for introduction. If the legislator believes the ideas to have merit, he may direct his staff or the legislative reference service in his legislature to embody the idea into bill form. Nevertheless, the fact remains that the legislature does not initiate most major legislation.

THE LEGISLATOR AND THE BUREAUCRACY

While the legislature has declined in potency, state executive agencies have been increasingly instrumental in the process of policymaking in the states. In this regard, the management bureaucracies have taken over functions that traditionally were discharged by the governor and the legislature. In fact, bills which affect our state executive agencies by giving or taking away responsibilities are often drafted by the very same agencies which the legislation affects. Added to this is the fact that agency administrators are considered to be most expert in different policy areas and given great respect for that reason.

What all of this means is that the bureaucracy often becomes the major decisional force in state policymaking. Persons wishing to influence public policy often go directly to the bureaucracy, rather than to the legislature. The governor in many states, principally through his budgetary apparatus, has developed machinery which he can at least keep up through the bureaucracy. The legislature, however, has failed to provide itself with the appropriate machinery which can, at least, enable it to oversee the policymaking process.

The legislature has to provide itself with the necessary resources which will enable it to do its job. Experts are agreed that these resources are: increased information staff, physical facilities, and increased use of the legislative committees.

LEGISLATIVE OVERSIGHT

Although legislatures have de-emphasized their initiatory function, their function of oversight of the bureaucracy has continued. Oversight encompasses those activities undertaken by the legislature to ensure that the state government is running properly and complying

with requirements of legislative programs. With the growth of state bureaucracies, legislatures are handicapped in providing oversight of the entire bureaucratic apparatus. The increased technical and detailed aspects of today's programs also make oversight functions difficult. These problems of oversight are made more complex by federal program requirements and problems of implementation at the state level, by metropolitan and local programs, and by interstate and regional compacts and agreements. Without sophisticated staff and well-organized functional committees, the outlook for legislative oversight is bleak indeed.

THE COMMITTEE SYSTEM

The committee system is a device for enabling legislators to study and review the content of legislative proposals. Committees are also for oversight, for fact finding, and for appraisal of program implementation by the state bureaucracy. Committees may be set up within a legislature to operate only during the legislative sittings, or when not in session, or during the entire term of office of members. The fact that many committees of the legislature considerably overlap makes for confusion in the legislative process. Because the jurisdictional responsibility of different committees is diffused, research and oversight is similarly helter-skelter. For this reason the committee system, in many states' legislatures, is not effective. Because of a proliferation of committees, major responsibility is often placed in a single committee, while others fall into a state of decay. This means that only a few legislators will have major responsibilities, while others will not.

Often, the legislature's finance committees are focal points of the committee systems in state legislatures. The leadership of the important finance committee may be chosen on the basis of past performance or as a result of an election for speaker or majority leader. They may receive a higher salary than the rank and file legislators and are included in the legislative leadership. In comparison to other standing committees, the staffing of the finance committee also reflects the powerful position of this committee in the legislature. Although few, if any, standing committees of most legislatures are staffed on a year-round basis, the finance committees enjoy this kind of year-round resource. This often makes the finance committees crucial decision-makers within the legislative process. Often legislative finance committees are staffed with competent personnel on the same basis as the governor's office for the purpose of overseeing and evaluating the expenditures of state funds.

Of the fifty legislatures within the country, only a few have anything approaching an effective legislative committee. According to

responsible for initiating major new governmental programs. Of course, it is not impossible for the legislature to initiate legislation. An interested individual or interest group often comes to strategic legislators with a bill or a series of bills for introduction. If the legislator believes the ideas to have merit, he may direct his staff or the legislative reference service in his legislature to embody the idea into bill form. Nevertheless, the fact remains that the legislature does not initiate most major legislation.

THE LEGISLATOR AND THE BUREAUCRACY

While the legislature has declined in potency, state executive agencies have been increasingly instrumental in the process of policymaking in the states. In this regard, the management bureaucracies have taken over functions that traditionally were discharged by the governor and the legislature. In fact, bills which affect our state executive agencies by giving or taking away responsibilities are often drafted by the very same agencies which the legislation affects. Added to this is the fact that agency administrators are considered to be most expert in different policy areas and given great respect for that reason.

What all of this means is that the bureaucracy often becomes the major decisional force in state policymaking. Persons wishing to influence public policy often go directly to the bureaucracy, rather than to the legislature. The governor in many states, principally through his budgetary apparatus, has developed machinery which he can at least keep up through the bureaucracy. The legislature, however, has failed to provide itself with the appropriate machinery which can, at least, enable it to oversee the policymaking process.

The legislature has to provide itself with the necessary resources which will enable it to do its job. Experts are agreed that these resources are: increased information staff, physical facilities, and increased use of the legislative committees.

LEGISLATIVE OVERSIGHT

Although legislatures have de-emphasized their initiatory function, their function of oversight of the bureaucracy has continued. Oversight encompasses those activities undertaken by the legislature to ensure that the state government is running properly and complying

with requirements of legislative programs. With the growth of state bureaucracies, legislatures are handicapped in providing oversight of the entire bureaucratic apparatus. The increased technical and detailed aspects of today's programs also make oversight functions difficult. These problems of oversight are made more complex by federal program requirements and problems of implementation at the state level, by metropolitan and local programs, and by interstate and regional compacts and agreements. Without sophisticated staff and well-organized functional committees, the outlook for legislative oversight is bleak indeed.

THE COMMITTEE SYSTEM

The committee system is a device for enabling legislators to study and review the content of legislative proposals. Committees are also for oversight, for fact finding, and for appraisal of program implementation by the state bureaucracy. Committees may be set up within a legislature to operate only during the legislative sittings, or when not in session, or during the entire term of office of members. The fact that many committees of the legislature considerably overlap makes for confusion in the legislative process. Because the jurisdictional responsibility of different committees is diffused, research and oversight is similarly helter-skelter. For this reason the committee system, in many states' legislatures, is not effective. Because of a proliferation of committees, major responsibility is often placed in a single committee, while others fall into a state of decay. This means that only a few legislators will have major responsibilities, while others will not.

Often, the legislature's finance committees are focal points of the committee systems in state legislatures. The leadership of the important finance committee may be chosen on the basis of past performance or as a result of an election for speaker or majority leader. They may receive a higher salary than the rank and file legislators and are included in the legislative leadership. In comparison to other standing committees, the staffing of the finance committee also reflects the powerful position of this committee in the legislature. Although few, if any, standing committees of most legislatures are staffed on a year-round basis, the finance committees enjoy this kind of year-round resource. This often makes the finance committees crucial decision-makers within the legislative process. Often legislative finance committees are staffed with competent personnel on the same basis as the governor's office for the purpose of overseeing and evaluating the expenditures of state funds.

Of the fifty legislatures within the country, only a few have anything approaching an effective legislative committee. According to

Belle Zeller (*American State Legislatures*, New York, Thomas Y. Crowell, 1954, p. 95):

"It is generally recognized that the existing committee system of most state legislatures is poorly constituted to handle the large volume of important legislation. In practically all states, there are too many standing committees in each house, resulting in some cases in needless duplication, confusion, waste of legislative talents, and the absence of each committee for legislation in its own field."

If the committee system in the legislature is to function effectively, there must be a limited number of committees which can be staffed, manned, and funded with the resources available to each legislature.

According to an American Assembly report based on a conference held at Tulane University, Baton Rouge, La., January 26-29, 1967, "State legislatures should not permit the unhealthy proliferation of standing committees." The report states that the optimum number of committees is somewhere between ten and fifteen and that serious efforts should be exerted to keep down the number of committee assignments each legislator is asked to shoulder.

Since informational resources and expert sources of advice are concentrated in the management agencies, legislative committees tend to rely on the resources of the bureaucracies for oversight, policy initiation, and for political favors. As a result, conflicts may emerge. Lines of executive authority may be blurred and confused and a committee chairman may go as far as to extend his role to give direction to departmental policy. This may damage the relationships of the governor with the agencies, the governor's relationships with the legislature, and the agency's own standing in relation to the legislature.

Advocates of legislative reform have suggested that the legislature requires mechanisms for developing alternative policies to those of the operating departments. They argue that the legislature must equip itself with the resources which are necessary to do this work. Considering the magnitude of the task, counter-arguments criticizing this approach as "too expensive" are voiced by opponents of reform. Nevertheless, advocates of reform argue that corrective measures must be taken. One proposal for achieving this result is through strengthening the staff work of standing committees.*

*For discussion of increased committee responsibilities see: Alan Rosenthal, *Strengthening the Maryland Legislature, An Eagleton Study and Report* (New Brunswick, N.J.: The Eagleton Institute of Politics, Rutgers - The State University, University Press, 1968), pp. 48-96. Also see: *Strengthening the Wisconsin Legislature, Strengthening the Rhode Island Legislature and Strengthening the Connecticut Legislature* (The Eagleton Institute of Politics, Rutgers - The State University, University Press).

According to William Keefe, "The hard facts concerning employment of professional committee staffs by state legislatures suggest that the matter is regarded as one of low urgency." (See *The American Legislative Process: Congress and the States*, by William J. Keefe and Morris S. Ogul, Englewood Cliffs, N.J., Prentice Hall, Inc., 1955, p. 177). Some of the staff resources available to legislators are worthy of discussion.

THE LEGISLATIVE COUNCIL

In many states, closely aligned with the committee system is the legislative council. Legislative councils often exist as a result of the fact that legislatures in some states meet only a few months every other year. Experts proposing reform for different legislatures have suggested that infrequently meeting legislatures should meet more often in order to consider pressing problems more closely. Increasing numbers of states are moving toward annual legislative sessions.

For this reason, the legislative council "idea" of a group of legislators charged with overseeing and researching important governmental problems during the interim between legislative sessions is in increasing disfavor. Nevertheless, in states where legislative councils do exist, citizens concerned with change in law would do well to acquaint themselves with the operations of these important bodies. Committees established by legislative councils often are charged with major policy formulation roles. The products of these groups are then submitted to the full legislature for passage. It is to be noted however, that in fact many of the important decisions in the legislature are made by members of the legislative councils.

LEGISLATIVE REFERENCE BUREAU

Many people are unaware that you do not have to be a lawyer to participate in the legislative process. The fact is, however, that many state legislatures have a preponderance of lawyers. In many ways this is unfortunate, since the other professions are not represented in the same manner. For instance, having educators, physicians, journalists, and businessmen serve in the legislature would help supply information and expertise in their particular fields to the deliberations of these bodies. The actual technical bill drafting which is done in our legislatures is seldom performed by legislators themselves. Rather, it is the job of a specialized agency, often known as the legislative reference bureau. All a member has to do is bring an idea or concept to the bill drafting service, and within the framework of their

expertise the bill drafters will frame proposed legislation. In some states it is permitted for a citizens' group to request that the bill drafting service frame the legislation for them.

What this means is that once a group gets an idea, they can either get it drafted into bill form, or they can request that a legislator do it for them. Since relatively few persons realize this, many groups fail to take advantage of this service. Of course, the service and its quality varies from state to state. In some states, where the legislature does not have adequate bill drafting services, such a step must be taken to strengthen the legislature.

LOBBYISTS

Many lobbyists place needed ideas and information at the disposal of the legislature. In order to obtain information, legislators rely on lobbyists for aid in the formulation of legislative proposals. Many legislators actively solicit ideas for new legislation from their constituents with very little return. For example, one New York State legislator requested that groups concerned with mental health legislation send him ideas to be processed through the mental health committee of which he was chairman. The response was close to nothing. For this reason, those groups who do choose to make themselves heard on a particular issue often achieve disproportionate influence. Again, the need for professional staffs in different fields of expertise is made clear. Staff can ferret out information other than that supplied by the lobbyists and interest group personnel. Several states have "conflict of interest" and "ethics" legislation designed to help control excessive influence of the interest groups on the legislature. Unfortunately, such legislation sometimes has the effect of driving "conflict of interest" situations underground.

COMPENSATION

Closely connected with the influence of lobbyists on the legislature is the question of legislative compensation. Most state legislators are underpaid. Many states which compensate their legislators at a rate just slightly above the disastrous national average of \$4,375*, maintain that they are "better than other states" and should not raise salaries. This is a spurious argument. According to Larry Margolis, Executive Director of the Citizens Conference on State Legislatures, there is no legislature in the United States which, in his opinion, pays its legislators adequately.

*Research and Policy Committee, *Modernizing State Government* (New York: Committee for Economic Development, July 1967), p. 81.

Legislators deserve an executive salary, since they are elected by the people of the state to make the most important decisions relating to the state. The job of the legislator is an extremely high-risk activity. The citizens of a state should compensate the legislator who may be removed from office at any time.

The Committee for Economic Development has stated that legislators should be paid at the rate of \$25,000 per year in larger states, and at least \$15,000 in other states. A number of writers have disposed of the ill-considered argument that legislators are "part-time" and should be paid as such. Responsibilities outside the capitol, relating to constituents and preparation for the legislative session, make the job of the legislator extremely demanding.

Even if legislators were to say that they spend seventy percent of their time on their legislative work, there is no guarantee that they would have enough energy or opportunity to find employment for the remaining thirty percent of their time.

Legislators must be allowed a decent standard of living, rather than having continually to face the dilemma of deciding whether particular "outside" work constitutes a "conflict of interest."

Another argument advanced against increased legislative compensation is that legislators should not serve because of monetary reward, but because of a desire for public service and their interest in government. It is hard to believe that this is any excuse for penalizing the public-spirited. But even among those dedicating themselves to public service careers, the state legislator compares unfavorably. According to a study put out by the Citizens Conference on State Legislatures and the study of the Wisconsin Committee on Improved Expenditure Management, as reported in the *Milwaukee Journal* for May 12, 1968, legislative pay compares unfavorably with the pay of other public officials, taking into consideration the time spent on the job. This study demonstrated that the median annual salary of state legislators was well below that of congressmen, city aldermen, and other state government officials. Governors make \$25,000; lieutenant-governors, \$9,750; attorneys-general, \$19,500; secretaries of state, \$16,000; executive secretaries to governors; \$16,000; finance or administrative secretaries, \$20,000; revenue or taxation secretaries; \$17,500, health department heads, \$23,000. In addition, the President of the University makes approximately \$21,214. When a university makes its budget request for higher salary, it makes the argument that higher wages are needed to keep top professionals. We wonder if the legislature is any different? Legislators have a considerable way to go before they are making salaries commensurate with their duties and responsibilities.

If we are to expect legislators to react to the needs of their constituents, we must make increased resources available for better service. The latter include resources which any business would consider essential. These would include:

- Use of computers and improved research.
- A private office for legislators where the constituents may speak freely and uninhibitedly to his legislator.
- A telephone for each legislator with sufficient long distance allowances to keep in touch with his constituents.
- A secretary to assist him in communicating with his constituents.
- A research or administrative assistant to help develop a legislative program.
- A car or mileage allowance which will allow the legislator to travel to meetings and to meet with constituents.

FACING THE PROBLEM

The depressing condition of American State Legislators has not gone unnoticed. Help properly has been assigned to the strengthening of state legislatures by concerned organizations such as the Carnegie Corporation, the Ford Foundation, the Eagleton Institute of Politics, The National Conference of State Legislative Leaders, The Citizens Conference on State Legislatures, the League of Women Voters, the Council of State Governments, and the American Assembly. Several state legislatures have been intensely examined by Citizens Commissions and by professional consultants. The needs of each of these have been detailed and recommendations made. Many of these recommendations center around the problems already detailed in this GRASS ROOTS GUIDE. They include better committees, more staffing, more office space, better pay, more modern machinery, better legislative services, and the recruitment of well-equipped candidates from all phases of political and social life.

Most of all, improved legislatures are dependent on an aroused citizenry. Time and again, a handful of individuals, armed with positive suggestions for improvement, have succeeded in upgrading and modernizing state legislatures. This is the area where many of our most pressing social problems must be met. To continue to disregard our legislatures is nothing more than political suicide.

QUIZ FOR THE INTELLIGENT CITIZEN

(For reference keep this record of your answers)

1. Who is your state representative?
2. Who is your state senator?
3. Who are the leaders of your legislature?
4. What are the most powerful influence groups in the legislature?
5. What committees are in existence in your legislature?
6. What staff does your legislature and its members have?
7. How much oversight does your legislature have over the activities of the state bureaucracy?
8. Does your state have a legislative reference service or a legislative council?
9. How much are your state legislators paid?
10. How often does the legislature meet?
11. How much office space does each legislator have?
12. What groups can help you modernize your legislature?

FOR FURTHER READING

- Chartock, Alan and Berking, Max. *Strengthening the Wisconsin Legislature; An Eagleton Study and Report*. (Publication Pending), 1968.
- Clark, Calvin W. *A Survey of Legislative Services in the Fifty States: Research Report Citizens Conference on State Legislatures*. Kansas City: The Conference, 1967.
- Committee for Economic Development. *Modernizing State Government*. New York: The Committee, 1967.
- The American Assembly. Alexander Heard (ed). *State Legislatures in American Politics*. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1966.
- Herzberg, Donald G. *An Intelligent Citizen's Checklist for State Legislative Improvement*. New Brunswick, N.J.: The Eagleton Institute of Politics, 1968.
- Improving the State Legislature: A Report by the Illinois Commission on the Organization of the General Assembly*. Urbana, Ill.: The University of Illinois Press, 1967.
- Jewell, Malcolm E. and Patterson, Samuel C. *The Legislative Process in the United States*. New York: Random House, 1966.
- Keefe, William and Ogul, Morris S. *The American Legislative Process: Congress and the States*. 2nd edition. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1968.
- Lockard, Duane. *The Politics of State and Local Government*. New York: The MacMillan Company, 1963.
- Rosenthal, Alan. *Strengthening the Maryland Legislature: An Eagleton Study and Report*. New Brunswick, N.J.: Rutgers University Press, 1968.
- Tantillo, Charles. *Strengthening the Rhode Island Legislature: An Eagleton Study and Report*. New Brunswick, N.J.: Rutgers University Press, 1968.
- Zeller, Belle. *American State Legislatures*. New York: Thomas Y. Crowell, 1954.

OTHER GUIDES IN THE SERIES

- No. 1 WHO, ME A POLITICIAN? by Donald G. Herzberg.
 No. 7 THE STATE OF THE STATES, by James D. Barber.
 No. 8 LOBBYING, by Charles P. Taft.
 No. 9 THE FUNDAMENTALS OF FREEDOM, by Alan Barth.
 No. 10 PUBLIC OFFICE AT THE LOCAL LEVEL, by Glen R. Peterson.
 No. 14 POLITICAL BROADCASTING, by Herbert E. Alexander.
 No. 16 MONEY FOR POLITICS, by Ellen Davis.
 No. 20 COMMUNITY ACTION, by Lee L. Smith.
 No. 21 THE ELECTORAL COLLEGE, by Virginia and James Eisenstein.
 No. 22 THE CITIZEN AND POLITICAL PARTIES, by Donald G. Herzberg.
 No. 24 POLITICAL PREDICTIONS AND PROJECTIONS, by Aage R. Clausen.
 No. 25 THE EMPLOYER-EMPLOYEE RELATIONSHIP, by Robert E. Doherty.
 No. 26 WATCHDOGS OF THE NATIONAL ECONOMY, by Karl Schriftgiesser.
 No. 27 ARBITRATION IN THE UNITED STATES, by Morris Stone.
 No. 28 THE 90TH CONGRESS AND ITS COMMITTEES, by James V. Toscano.
 No. 29 THE RIGHT TO VOTE, by Donald G. Herzberg.
 No. 30 MONEY IN THE UNITED STATES, by A. Dale Tussing.
 No. 31 CONSUMER'S PRIMER ON MONEY, by A. Dale Tussing.
 No. 32 PRESIDENTIAL PRIMARIES OF 1968, by Virginia and James Eisenstein.
 No. 33 MOCK PRESIDENTIAL NOMINATING CONVENTIONS, by Thomas Wolanin.
 No. 34 THE PRESIDENTIAL NOMINATING CONVENTIONS OF 1968, by David Adamany.
 No. 35 POLITICAL PARTY PLATFORMS, 1968 - WHAT'S THEIR SIGNIFICANCE?, with the highlights of each chosen by the National Committees themselves.
 No. 36D WHY YOU SHOULD VOTE DEMOCRATIC, by Hubert H. Humphrey.
 No. 36R WHY YOU SHOULD VOTE REPUBLICAN, by Richard M. Nixon.
 No. 37 THE 91st CONGRESS AND ITS COMMITTEES, by David Mayhew.

BULK RATES

1 to 9 copies	35¢ each
10 to 99 copies	30¢ each
100 to 499 copies	27¢ each
500 to 999 copies	25¢ each

(We cannot accept charge orders under \$3.00)

By subscription: \$3.00 for next 10 issues

advantageous prices on larger quantities by special quotation.



The Center also publishes VITAL ISSUES, presenting each month the backgrounds and current situation of a topic of major importance for a better informed citizenry. Please address inquiries to:

The Center for Information on America
 Washington, Connecticut 06793

League of Women Voters of Texas

MRS. MAURICE H. BROWN, President

612 NORTH 18th STREET



WACO, TEXAS

June 6, 1966

to: Wackerbarth cc: Joor, Casperson
from: Nolle
re: clippings, etc.

I expect that you have already seen "Florida's Legislature - The Pork Chop State of Mind" in Harpers Nov. 1965. ~~I expect~~ You may want to dilute Harpers materials ~~with~~ with other sources, however,

I did a letter for the National Municipal League in May 28, 1965 on the Legislature. There should be a copy in State Office and in Beulah's file. ~~Askxxxxxxforxxxxxxx~~ I am enclosing a copy. *(This has disappeared temporarily. I'll send it when I come across it.)*

Sometime I mentioned the recent NML mailing of "State Legislatures in American Politics". Beulah or Rose should have a copy you could use. It may not have been mailed on the \$5.00 subscriptions so I can't tell who has it.

Also, "The Great and General Court: The Legislature of the Commonwealth of Massachusetts" would be of interest. I have a copy, but have not sent it because you may very well already have it.

I am enclosing a folder from the Texas Senate. Do not have an ~~extra~~ of House of Representatives booklet. But I called the Capitol and they will send you enough copies for the committee, I hope. If they don't arrive, you can write to House of Reps, Sgt. at Arms office and ask for some.

Did I ever send you DeWitt Hale's address? It is Wilson Bldg., Corpus Christi. He is the chairman of the House Rules Study Committee authorized under HSR 607. The other members are Bill Heatly, Grainger McIlhaney, Maurice Pipkin, and -----.
Hale is considered about the most ~~know~~ knowledgeable man on this subject and is generally well-disposed toward the League.

I have also ~~xxxxxxx~~ enclosed some copies of various news paper articles. Some of these may give some useful quotations or leads.

As you know, I'll be away from Austin for most of the summer. Until further notice, it would better to send things to me % Mrs. F. K. Phillips, 61 Grove Street, Claremont, New Hampshire 03743. Sorry to miss the June Board Meeting and will be eager to see what you have planned.

Beggy

XXXXXXXXXXXX

XXXXXXXXXX

May 20, 1966

to: Lancaster
from: Nolle

ccs = Joor, Caspersen,
Jackerbarth

I am sending you some copies of materials from U. S. Department of Health, Education, and Welfare; these were used at the Water Seminar. I am ~~sending~~ sending all the copies that I are left. It will save me the trouble of wrapping, etc., if you can take whatever are left over what you might want to use to the State Office when the Board meets in Houston in June.

Did you see the March 1966 Public Affairs Comment from the Institute of Public Affairs at U of T? If you are not on the mailing list, you might like to request it. Title is "A New Era in Urban Development"

I am not sure what the status of National Municipal League subscriptions is at present. But I expect that you have one of the 510 memberships that was ordered for State-Local Relations. You would not need the report from the American Assembly that came this last week. Will someone mail a copy to Eloise? I am including her on this with a cc, so she can ask in June if no one sends a copy.

January 11, 1967

TO: All Program Chairmen cc Joor

FROM: Casperson

RE: NML Report

I have received nothing from the NML office as of today. Had hoped to incorporate material from some Workshops I could not attend, but will have to finish up the Report without them if the additional Conference papers are not here when I return from SB meeting.

DEC 2 1966

A Citizens' Organization for Better Government
Founded 1894 • Incorporated 1923

NATIONAL MUNICIPAL LEAGUE

CARL H. PFORZHEIMER BUILDING
47 East 68th Street • New York, N. Y. 10021
Telephone: (212) 535-5700

November 28, 1966

OFFICERS

Alfred E. Driscoll, President
Alan K. Browne, Vice President
Curtiss E. Frank, Vice President
Carl H. Pforzheimer, Jr., Treasurer
Richard S. Childs, Chairman
Executive Committee

REGIONAL VICE PRESIDENTS

Harold H. Anderson, Chicago
Searcy Bracewell, Houston
Jac Chambliss, Chattanooga, Tenn.
Charles R. Diebold, Buffalo
Robert G. Dodge, Honolulu
Ben B. Ehrlichman, Seattle
Bayard H. Friedman, Fort Worth
Carl J. Gilbert, Boston
Milton H. Graham, Phoenix
Lloyd Hale, Minneapolis
A. E. Johnson, Denver
Robert W. Jones, Jr., San Antonio
L. E. Marlowe, Richmond, Va.
George E. Powell, Kansas City, Mo.
Robert H. Rawson, Cleveland
Thomas R. Reid, Dearborn, Mich.
James A. Singer, St. Louis
H. V. Watkins, Jackson, Miss.
John F. Watlington, Jr., Winston-Salem
Wilson W. Wyatt, Louisville
Winston W. Wynne, Miami

COUNCIL

George H. Gallup, Chairman
A. Dwight Button, Wichita, Kansas
Frank S. Cheatham, Jr., Savannah, Ga.
Jerome K. Crossman, Dallas
Frank E. Curley, New York
J. J. Daniel, Jacksonville, Fla.
E. D. Dodd, Toledo
Harold W. Dodds, Princeton, N. J.
Charles Edison, West Orange, N. J.
William H. Edwards, Providence
Bayard H. Faulkner, Upper Montclair, N. J.
Ewart W. Goodwin, San Diego
William T. Gossett, Detroit
Thomas Graham, Louisville
Luther H. Gulick, New York
Charles F. Iles, Des Moines
C. W. Ingler, Dayton
Sam H. Jones, Lake Charles, La.
W. Seavey Joyce, S.J., Boston
Betty L. Knox, Hartford
Mark S. Matthews, Greenwich, Conn.
Donnelly P. McDonald, Jr., Fort Wayne
George R. Metcalf, Auburn, N. Y.
Cecil Morgan, New Orleans
Vernon C. Myers, New York
Richard H. Peake, Jr., Cincinnati
Murray Seasongood, Cincinnati
Lee M. Sharrar, Houston
Edmund B. Shea, Milwaukee
Harold S. Shefelman, Seattle
Wayne E. Thompson, Minneapolis
Robert M. Wood, Atlanta
James C. Worthy, Chicago
Charles Wulfin, St. Louis

HONORARY VICE PRESIDENT

Henry L. Shattuck, Boston

FORMER PRESIDENTS

James C. Carter
Charles J. Bonaparte
William Dudley Foulke
Lawson Purdy
Charles Evans Hughes
Henry M. Waite
Frank L. Polk
Richard S. Childs
Murray Seasongood
Harold W. Dodds
C. A. Dykstra
John G. Winant
Charles Edison
Henry Bruere
George H. Gallup
Cecil Morgan
William Collins

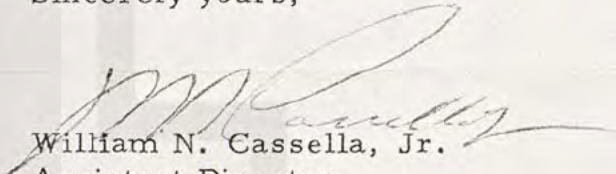
Mrs. Robert E. Casperson
2nd Vice President
League of Women Voters of Texas
6112 Elmhurst Road
Amarillo, Texas 79106

Dear Mrs. Casperson:

In response to your request for Conference papers, we are putting together as many of the presentations and panelists' comments as are available. I regret that some of the commentators did not provide us with summaries of their remarks. You will receive the copies under separate cover.

We are always delighted to meet with the representatives of the Texas League of Women Voters who attend our Conferences and look forward to seeing you and your associates in Milwaukee, November 12-15, 1967.

Sincerely yours,


William N. Cassella, Jr.
Assistant Director

WNC/gr

Copies for-

Program ch. 2. {
Joor. Pres.
Winick
Lancaster
Wackerbarth (hold)
Nolle
May

TO: State Board Members

FROM: Beulah Casperson

RE: National Municipal League Conference

LWV of Texas
December 1966

This report will concern just the highlights of the Conference. The "meat and potatoes" course - the report of the actual working sessions - will come to you and the local Leagues later.

The usual "last comments" will be first this time...so a heart-felt thank you for the opportunity to participate in this most worthwhile forum. I wished for each of you, and particularly the Program Chairmen. The airlines cooperated with all schedules on time and no problems with meeting them. You will be interested to know that by much persistence, it was possible to work out an excursion trip that cost a healthy \$50 less than even the tourist rates. It isn't always possible to work out an excursion schedule, but it's worth remembering for any future long distance trips by plane.

I left Amarillo the morning after returning from the full day Area Conference in Midland and spent the two days before the Conference with my sister and her family in Connecticut. Another pleasant sidelight was the telephone conversation I had with Veta's mother in Swampscott, Massachusetts.

I called Gwen Murphree's home during the stop at Chicago's O'Hare airport on the way east. Gwen was in Indianapolis for a few days, but I left a message with her son, Spike, who was out of school for the day. I asked him to convey our best regards and told him when I'd be changing planes again on the way back home. To my delight, Gwen was at the airport on that morning, and we had a pleasant - but very short - time to talk fast and furiously. She sent her personal greetings to each of you. I was reminded again, as we talked, of Texas' loss and Indiana's gain when Harold was transferred!

The Conference facilities were excellent. The Sheraton-Boston hotel is big and new with very adequate room for all workshops and the luncheon meetings. The total attendance was never announced, but it was considerably larger than that of the one I attended with Dorothy Brown two years ago in San Francisco. There were more actual politicians, as well as political scientists and League members! The student audiences were also larger with many coming into the balcony of the ballroom for the luncheon addresses.

Our national president, Mrs. Robert J. Stuart, shared the Tuesday luncheon speaker's rostrum with ex-Governor Terry Sanford of North Carolina. This was not announced in any of the pre-Conference material nor in any memo from national office. However, it was in the expanded program which is given to registrants. Mrs. Stuart gave an excellent address and in her inimitable manner let all know this was a knowledgeable, feminine woman speaking for an outstanding group of women in the United States. The one evening Mrs. Stuart was there, the Massachusetts League Board held a dinner in her honor. This was held out of the hotel. I did have a brief opportunity to see and talk with Mrs. Stuart and to tell her for all the Texas Leaguers how very pleased we are that she will be with us in Austin for State Council next April.

Mrs. John J. Toomey, national Board member was the LWV representative on the ALL-American cities jury. She, also, is both charming and capable. The jury is a real working group that has a busy schedule for two whole days in hearing the presentations of the 22 finalist communities from which the final 11 are chosen. Decisions are withheld until the LOOK magazine announcement in the spring.

It was possible to talk with a number of other League members including a state Board member from Minnesota, a representative from the Minneapolis Metropolitan LWV Council, the president of the Rhode Island LWV, and members from New York, Massachusetts, Connecticut and Rhode Island.

We went one evening by chartered bus from the hotel to the famed seafood restaurant at the edge of the harbor - "Pier 4". This was a very informal evening with no scheduled speaker and it allowed a delightful opportunity for meeting and talking with even more of the people attending the Conference.

The climate of the Conference was most interesting since it was held so soon after national elections. There was rejoicing over some of the results as well as expressions of dismay over some of the voters' decisions!

I met and talked with several of the people who have been only familiar names for several years including Alfred Willoughby and John E. Bebout. I renewed acquaintance with our speaker for the 1965 Texas Council - John P. Keith, who sent his regards to the Texas League.

I've ordered quite a large amount of extra material from NML that will cover some of the Workshops I could not attend. This will be incorporated with the report of the ones I did attend, but cannot contain the often provocative question and answer period which follows the presentations and panelists.

Stella Foreman of the NML staff told me the last morning that it is "quite definite" that the 1968 NML Conference will be held in Milwaukee. It is definite that the dates will be November 12 - 16. And these dates are of particular interest: the NML Regional Meeting in Texas will be held next fall, October 25-28, instead of the spring time announced earlier. This is a welcome change, since it would have come during the legislative session. The meeting place stays the same, Texas A & M University.

There is no question of the value of the National Municipal League Conference. I shall make every effort to convey the information obtained into the resource report as well as where pertinent in Program business of the Texas LWV.

Alfred Willoughby, Executive Director
W. N. Cassella, Jr., Assistant Director
Gerald N. Hardy, Director of Field Services
W. J. D. Boyd, Senior Associate

OFFICERS

Alfred E. Driscoll, President
Alan K. Browne, Vice President
Curtiss E. Frank, Vice President
Carl H. Pforzheimer, Jr., Treasurer
Richard S. Childs, Chairman
Executive Committee

REGIONAL VICE PRESIDENTS

Harold H. Anderson, Chicago
Searcy Bracewell, Houston
Jac Chambliss, Chattanooga, Tenn.
Charles R. Diebold, Buffalo
Robert G. Dodge, Honolulu
Ben B. Ehrlichman, Seattle
Bayard H. Friedman, Fort Worth
Carl J. Gilbert, Boston
Milton H. Graham, Phoenix
Lloyd Hale, Minneapolis
A. E. Johnson, Denver
Robert W. Jones, Jr., San Antonio
L. E. Marlowe, Richmond, Va.
George E. Powell, Kansas City, Mo.
Robert H. Rawson, Cleveland
Thomas R. Reid, Dearborn, Mich.
James A. Singer, St. Louis
H. V. Watkins, Jackson, Miss.
John F. Watlington, Jr., Winston-Salem
Wilson W. Wyatt, Louisville
Winston W. Wynne, Miami

COUNCIL

George H. Gallup, Chairman
A. Dwight Button, Wichita, Kansas
Frank S. Cheatham, Jr., Savannah, Ga.
Jerome K. Crossman, Dallas
Frank E. Curley, New York
J. J. Daniel, Jacksonville, Fla.
E. D. Dodd, Toledo
Harold W. Dodds, Princeton, N. J.
Charles Edison, West Orange, N. J.
William H. Edwards, Providence
Bayard H. Faulkner, Upper Montclair, N. J.
Ewart W. Goodwin, San Diego
William T. Gossett, Detroit
Thomas Graham, Louisville
Luther H. Gulick, New York
Charles F. Iles, Des Moines
C. W. Ingler, Dayton
Sam H. Jones, Lake Charles, La.
W. Seavey Joyce, S. J., Boston
Betty L. Knox, Hartford
Mark S. Matthews, Greenwich, Conn.
Donnelly P. McDonald, Jr., Fort Wayne
George R. Metcalf, Auburn, N. Y.
Cecil Morgan, New Orleans
Vernon C. Myers, New York
Richard H. Peake, Jr., Cincinnati
Murray Seasongood, Cincinnati
Lee M. Sharrar, Houston
Edmund B. Shea, Milwaukee
Harold S. Sheffelman, Seattle
Wayne E. Thompson, Minneapolis
Robert M. Wood, Atlanta
James C. Worthy, Chicago
Charles Wulfin, St. Louis

HONORARY VICE PRESIDENT

Henry L. Shattuck, Boston

FORMER PRESIDENTS

James C. Carter
Charles J. Bonaparte
William Dudley Foulke
Lawson Purdy
Charles Evans Hughes
Henry M. Waite
Frank L. Polk
Richard S. Childs
Murray Seasongood

Harold W. Dodds
C. A. Dykstra
John G. Winant
Charles Edison
Henry Bruere
George H. Gallup
Cecil Morgan
William Collins

A Citizens' Organization for Better Government
Founded 1894 • Incorporated 1923

NATIONAL MUNICIPAL LEAGUE

CARL H. PFORZHEIMER BUILDING

47 East 68th Street • New York, N. Y. 10021

Telephone: (212) 535-5700

Casper covered this. I have not seen her report. Ask her or so for a copy of it

September 30, 1966

Dear Member:

THE FUTURE STATE OF THE STATES, theme of the 72nd National Conference on Government, raises fundamental questions facing the American governmental system.

How are states adjusting to the many changes now taking place? Will governors provide both political leadership and imaginative administrative direction for new state responsibilities? Will reapportioned legislatures be effective as modern lawmaking instruments? Will the many efforts presently underway to revise state constitutions eliminate archaic restraints upon state and local action? Will the increasing programs of federal financial assistance provide a stimulus to positive action? Will new institutions at the state and regional level provide forward-looking plans and programs for urban development? Will new manpower policies encourage flexible personnel systems? Will civic education and civic organizations develop the leadership the system requires?

Sessions of the 1966 Conference in Boston, November 13-16, will explore these and other pressing questions. The Conference city symbolizes the vast changes taking place in urban America. Its impressive new developments such as the Prudential Center, site of the Conference hotel, provide a striking blend with the well-known landmarks of historic Boston.

The enclosed preliminary program presents the schedule of Conference sessions. See you in Boston? Please use the enclosed card for reservations.

Cordially,

Alfred Willoughby
Alfred Willoughby
Executive Director

AW/gr

Plan to attend the 72nd NATIONAL CONFERENCE ON GOVERNMENT—Nov. 13-16, 1966

The Sheraton-Boston Hotel

Boston, Mass.

LOCAL ADVISORY COMMITTEE

Honorary Co-Chairmen

John F. Collins, Mayor of Boston
Henry L. Shattuck, Honorary NML Vice President
John A. Volpe, Governor of Massachusetts

Co-Chairmen

Carl J. Gilbert, chairman of the board, The Gillette Company
Rev. W. Seavey Joyce, S.J., vice president, Boston College

Charles Francis Adams, *chm. of bd.*, Raytheon Co.
George Akerson, *pres. & publisher*, The Herald-Traveler Corp.
Thomas Allsopp, *senior vice president*, Prudential Insurance Company
Wilbur J. Bender, *executive director*, Permanent Charity Fund
Mrs. Bruce Benson, *vice chairman*, Advisory Council on Education
John K. Benson, *senior vice president*, National Shawmut Bank
Richard A. Berenson, Berenson Liquor Mart
Ephraim A. Brest, *chairman*, Massachusetts Port Authority
Rexford A. Bristol, *president*, Massachusetts Taxpayers Foundation
Edward W. Brooke, *attorney general*, Commonwealth of Massachusetts
Gordon W. Bryant, *president*, Retail Trade Board
Rt. Rev. John M. Burgess, *suffragan bishop*, Episcopal Diocese of Mass.
C. Rodgers Burgin, *chm. of bd.*, Boston Municipal Research Bureau
Salvatore Camello, *president*, Mass. State Labor Council
Erwin Canham, *editor*, The Christian Science Monitor
Ephron Catlin, Jr., *senior vice president*, First National Bank of Boston
Robert A. Chadbourne, *exec. vice pres.*, Associated Industries of Mass.
Richard P. Chapman, *chm. of bd.*, New England Merchants National Bank
Frank S. Christian, *president*, Greater Boston Chamber of Commerce
John J. Curran, *assistant treasurer*, The Norton Company
Sidney Curtiss, *minority leader*, Massachusetts House of Representatives
Most Rev. Richard Cardinal Cushing, Archbishop of Boston
Leslie Cutler, Massachusetts state senator
John F. X. Davoren, *speaker*, Massachusetts House of Representatives
Gerard A. Doherty, *chairman*, Mass. Democratic State Committee
Maurice A. Donahue, *president*, Massachusetts State Senate
Howard V. Doyle, *pres.*, Mass. Fed. of State, Coun. & Municipal Employees
John T. Driscoll, *chairman*, Massachusetts Turnpike Authority
William H. Edwards, *attorney*, Edwards and Angell, Providence, R. I.
Byron K. Elliott, *chm. of bd.*, John Hancock Mutual Life Ins. Co.
George H. Ellis, *president*, Federal Reserve Bank of Boston:
chm. of bd., New England Economic Research Foundation
Benjamin Friedman, *president*, Massachusetts Mayors' Association
Thomas J. Galligan, Jr., *executive vice president*, Boston Edison Company
John T. Galvin, *Public Relations Consultant*
Robert Gardner, *chairman*, Massachusetts Council on the Arts
Eli Goldston, *president*, Boston Gas Company
Eric Hanson, *pres.*, Amer. Soc. for Pub. Admin., Boston Chapter
Francis A. Harrington, *vice pres.*, Paul Revere Life Ins. Co., Worcester
Ernest Henderson, Sr., *chm. of bd.*, The Sheraton Corporation
Thomas M. Hennessey, *vice pres.*, New England Tel. & Tel. Co.
Richard D. Hill, *executive vice president*, First National Bank of Boston
Thomas M. Joyce, *attorney*, Boston
Harold Kern, *publisher*, The Boston-Record American
James R. Killian, *chm. of bd.*, Massachusetts Institute of Technology
Mrs. Laurence J. Kipp, *president*, League of Women Voters of Mass.
Rt. Rev. Msgr. Francis J. Lally, *editor*, The Pilot
John W. Lederle, *president*, University of Massachusetts
Edward J. Logue, *administrator*, Boston Redevelopment Authority
Rt. Rev. Albert Low, *superintendent of schools*, Archdiocese of Boston
Wendell D. Macdonald, *chm.*, Boston Federal Executive Board
Walter J. Mode, *N. E. regional director*, Dept. of H.E.W.
William Ohrenberger, *superintendent of schools*, Boston Public Schools
John F. Parker, *chairman*, Mass. Republican State Committee
Franklin Patterson, *president*, Hampshire College
Don K. Price, *dean*, Littauer School, Harvard University
Howard H. Reed, *pres.*, Assn. of Mass. City Managers & Municipal Admin.
Mrs. Edward T. Ryan, *pres.*, Mass. Educational Conference Board
Abraham Sachar, *president*, Brandeis University
Everett Ware Smith, *president*, New England Council
William H. Sullivan, Jr., *chairman*, Greater Boston Stadium Authority
John I. Taylor, *publisher*, The Boston Globe
Allen L. Torrey, *pres.*, Mass. League of Cities and Towns
Richard Treadway, *vice pres.*, Boit, Dalton, & Church
Very Rev. Michael P. Walsh, S.J., *president*, Boston College
Walter Muir Whitehill, *director and librarian*, The Boston Athenaeum
Howard Whitmore, Jr., *chairman*, Metropolitan District Commission
Frank J. Zeo, *exec. director*, Mass. Taxpayers Foundation

LOCAL ARRANGEMENT COMMITTEE

Chairman: Robert J. M. O'Hare, *director*, Bureau of Public Affairs,
Boston College

Secretary: Michael P. Curran, *executive director*, Mass.
League of Cities and Towns

EDUCATION COMMITTEE

Co-Chairmen: John Gibson, *acting director*, Lincoln Filene Center,
Tufts University

John Gillespie, *director of state colleges*, Massachusetts

**Plan
to attend the**

72nd National Conference On Government

BOSTON

The Boston Sheraton Hotel
November 13-16, 1966

Sponsored by the
National Municipal League



72nd National Conference On Government

BOSTON NOVEMBER 13-16, 1966

SCHEDULE OF SESSIONS

Sunday, November 13

3:00 P.M. — ANNUAL MEMBERSHIP MEETING — NATIONAL MUNICIPAL LEAGUE

4:00 P.M. — TECHNICAL SESSIONS and COMMITTEE MEETINGS

Monday, November 14

9:15 A.M. — WORKSHOPS (6 Concurrent Sessions)

(1) THE GOVERNOR AS POLITICAL LEADER AND CHIEF EXECUTIVE

Chairman: Sam H. Jones, attorney, Jones, Kimball, Harper, Tete & Wetherill, Lake Charles, Louisiana; former Governor of Louisiana

Presentation: Alan J. Wyner, Ohio State University

(2) PREPARING FOR STATE CONSTITUTIONAL REVISION

Chairman: William H. Edwards, attorney, Edwards & Angell, Providence; chairman, Commission on Revision of State Constitution, Rhode Island

Presentation: H. Vernon Eney, attorney, Venable, Baetjer & Howard, Baltimore; chairman, Maryland Constitutional Convention Commission

(3) LEGISLATIVE REDISTRICTING BY NON-LEGISLATIVE AGENCIES

Chairman: William T. Gossett, counsel, Dykema, Wheat, Spencer, Goodnow and Trigg, Detroit

Presentation: Marion H. Crank, state representative, Arkansas; member, Advisory Commission on Intergovernmental Relations

(4) STATE-LOCAL RELATIONS: STATE RESPONSIBILITY AND LOCAL HOME RULE

Chairman: Bayard H. Faulkner, chairman, New Jersey Taxpayers Association Committee on Municipal and County Government; former mayor, Montclair

Presentation: Frank Smallwood, Dartmouth College

(5) FEDERAL GRANTS AND STATE REVENUES

Chairman: Curtiss E. Frank, president, Dun & Bradstreet, Inc.,

Presentation: Dick Netzer, New York University

(6) FINANCING METROPOLITAN TRANSPORTATION

Chairman: Alan K. Browne, senior vice president, Bank of America; chairman, Advisory Board of Financing, San Francisco Bay Area Rapid Transit District

Presentation: Richard A. Hall, vice president, municipal securities dept., First National Bank of Boston

12:15 P.M. — LUNCHEON

Welcome: John F. Collins, Mayor of Boston

Response: Alfred E. Driscoll, president, National Municipal League; former Governor of New Jersey

Speakers: Joseph D. Tydings, U. S. Senator, Maryland

William W. Scranton, Governor of Pennsylvania

2:15 P.M. — WORKSHOPS (5 Concurrent Sessions)

(1) CONSTITUTIONAL REVISION BY CONVENTION

Chairman: John E. Bebout, director, Urban Studies Center, Rutgers—The State University, New Jersey

Presentations: Glenn S. Allen, Jr., budget director, State of Michigan; member, Michigan Constitutional Convention

Dennis J. Roberts, president, Rhode Island Constitutional Convention; former Governor of Rhode Island

(2) FEDERAL AID — STIMULUS TO STATE AND LOCAL ACTION

Chairman: Harold S. Shefelman, attorney, Roberts, Shefelman, Lawrence, Gay & Moch, Seattle; former president, Municipal League of Seattle and King County

Presentation: Arthur Naftalin, Mayor of Minneapolis; member, Advisory Commission on Intergovernmental Relations

(3) STRUCTURING REPRESENTATION IN LEGISLATURES — UNIQUE DEVICES

Chairman: Winston W. Wynne, Connecticut General Life Insurance Company, Coral Gables, Florida; former chairman, Board of County Commissioners, Metropolitan Dade County

Presentation: Malcolm E. Jewell, University of Kentucky

(4) STATE AND METROPOLITAN REORGANIZATION

Chairman: Searcy Bracewell, attorney, Bracewell & Patterson, Houston; former state senator, Texas

Presentation: Victor Jones, University of California, Berkeley

(5) THE STATES AND THE WAR ON POVERTY

Chairman: Betty L. Knox, secretary, Connecticut Legal Aid Society; treasurer, National Committee on Day Care; former city council member, Hartford

Presentation: George H. Esser, Jr., executive director, The North Carolina Fund

Tuesday, November 15

9:15 A.M. — WORKSHOPS (5 Concurrent Sessions)

(1) THE CHANGING FEDERAL SYSTEM

Chairman: Cecil Morgan, dean, School of Law, Tulane

University, New Orleans

Presentations: Robert B. McKay, associate dean, School of Law, New York University

John P. Wheeler, Jr., Hollins College, Virginia

(2) STATE AGENCIES FOR URBAN AFFAIRS AND LOCAL GOVERNMENT

Chairman: Wayne E. Thompson, vice president, Dayton's, Minneapolis; former city manager, Oakland, California

Presentation: Philip G. Simpson, executive secretary, Intergovernmental Council on Urban Growth, California

(3) CITIZEN ACTION FOR STRONGER STATE LEGISLATURES*

Chairman: Dan M. Davis, Plans for Progress, Washington, D.C.

Presentation: George H. Morgan, field director, Citizens Conference on State Legislatures

(4) IMPLEMENTING THE "ONE MAN, ONE VOTE" PRINCIPLE—WHAT THE LOWER COURTS SAY

Chairman: Ben B. Ehrlichman, honorary chairman, United Pacific Corporation; former president, Municipal League of Seattle & King County

Presentations: Gordon E. Baker, University of California, Santa Barbara

Robert G. Dixon, Jr., Law School, George Washington University

(5) POLITICAL CAMPAIGN FINANCE**

Chairman: James A. Singer, attorney, Lewis, Rice, Tucker, Allen & Chubb, St. Louis

Presentation: Herbert E. Alexander, director, Citizens' Research Foundation, Princeton, New Jersey

12:15 — LUNCHEON

Speaker: Terry Sanford, former Governor of North Carolina; director, A Study of American States, Duke University

2:15 P.M. — WORKSHOPS (5 Concurrent Sessions)

(1) INTERSTATE COMPACT FOR EDUCATION

Chairman: Carl H. Pforzheimer, Jr., member, New York State Board of Regents

Presentation: Wendell Pierce, director, Commission for the Interstate Compact for Education, Cincinnati

(2) STATE AND REGIONAL PLANNING

Chairman: Robert H. Rawson, vice president, The Empire Plow Company, Cleveland; president, Regional Planning Commission

Presentation: LeRoy Jones, managing director, Connecticut Development Commission

(3) IMPROVING LEGISLATIVE ORGANIZATION AND PROCEDURES*

Chairman: James K. Pollock, University of Michigan; member, Michigan Constitutional Convention

Presentation: John S. Waggaman, director of research, Legislative Advisory Commission, Indiana

(4) LOCAL GOVERNMENT AND REAPPORTIONMENT

Chairman: Jac Chambliss, attorney, Chambliss, Chambliss and Hodge, Chattanooga

Presentation: Milton Alpert, deputy commissioner and counsel, Office for Local Government, New York State

(5) MODERNIZING THE PROPERTY TAX

Chairman: Charles F. Iles, president, Iowa Parcel Service & Bruce Transfer & Storage, Des Moines; former mayor, Des Moines

Presentations: Frederick L. Bird, former director, Department of Municipal Research, Dun & Bradstreet, Inc.

Lynn A. Stiles, Federal Reserve Bank of Chicago

* Jointly sponsored with the Citizens Conference on State Legislatures

** Jointly sponsored with the Citizens Research Foundation

Wednesday, November 16

9:15 A.M. — WORKSHOPS (3 Concurrent Sessions)

(1) TRAINING FOR CIVIC PARTICIPATION

Chairman: Richard Treadway, vice president, Boit, Dalton & Church; former Mass. state senator

Presentation: George Goodwin, Department of Politics, University of Massachusetts; chairman, Mass. Legislative Internship Program

(2) ELECTION LAWS AND REGISTRATION SYSTEMS

Chairman: Richard S. Childs, chairman, NML Executive Executive Committee

Presentation: Joseph P. Harris, University of California, Berkeley

(3) CHANGING PUBLIC MANPOWER POLICIES

Chairman: Winston W. Crouch, University of California, Los Angeles; member, Los Angeles Civil Service Comm.

Presentation: George H. Ellis, president, Federal Reserve Bank of Boston

Only those chairing sessions and making formal presentations are listed in the preliminary program. The complete roster of panelists for each workshop will be included in the final program.



Alfred E. Driscoll
NML President
Former Governor, N. J.

George H. Gallup
Foreman
All-America
Cities Jury



Joseph D. Tydings
U.S. Senator, Maryland
Luncheon Speaker

Terry Sanford
Former Governor of
North Carolina
Luncheon Speaker



William W. Scranton
Governor of
Pennsylvania
Luncheon Speaker

THE FUTURE STATE OF THE STATES

State government is responding to the fundamental changes which are rapidly reshaping the nation. The reapportionment of state legislatures is the most dramatic response. Technology has transformed the economy and spurred metropolitan growth with new and complex problems everywhere, whether areas are declining or growing.

States, once praised as daring innovators, must again assume the role of pioneer in dealing with both new and old problems. Too much time is wasted in sentimental longing for the leisurely pre-airplane era, deploring the expansion of federal programs or asserting that states are obsolete and should be replaced by "natural" regions.

The states are very much alive. State and local expenditures are an ever-increasing proportion of the Gross National Product. New and imaginative programs involve interstate cooperation. Both state and federal governments are encouraging regional approaches to urban problems. Physical and social planning for the best use of existing and potential resources is no longer the concern only of idealists. "Practical" men, too, are becoming alarmed by the profligate waste of resources and the costs of poverty and social conflict. Their voices are being heard in state government.

There is increasing discontent with archaic organization and procedures in state capitols. Constitutional revision, along with reorganization of all branches of state government, is attracting more attention and understanding than ever before. States are trying to catch up with private industry in the use of electronic age techniques to solve problems created by technological change.

The 72nd National Conference on Government will focus on **THE FUTURE STATE OF THE STATES**. Its sessions will look into the pressing issues facing state government, with speakers and other participants from all sections and segments of the nation.

Plan to join these discussions in Boston, November 13-16. Each year since 1894 the League's Conference has brought together a unique combination of citizens — civic, labor and business leaders, public officials, scholars, researchers and journalists. The exchange of ideas at these Conferences makes a lasting contribution to the strengthening of American self-government.

Registration: Sunday, **November 13** — 2:00 to 5:00 P.M.; Monday and Tuesday, **November 14** and **15** — 8:00 A.M. to 5:00 P.M.; Wednesday, **November 16** — 8:00 to 10:00 A.M. All sessions are open to the public. Registration Fee: \$3.00. Luncheon tickets are \$4.75 and will be on sale at the registration desk.

National Municipal League

Carl H. Pforzheimer Building
47 East 68th Street, New York, N. Y. 10021

Alfred E. Driscoll Alan K. Browne Carl H. Pforzheimer, Jr.
President Vice Presidents Treasurer

Richard S. Childs, Chairman, Executive Committee
Alfred Willoughby, Executive Director

Regional Vice Presidents

Harold H. Anderson, Chicago	Arthur E. Johnson, Denver
Searcy Bracewell, Houston	Robert W. Jones, Jr., San Antonio
Jac Chambliss, Chattanooga, Tenn.	L. E. Marlowe, Richmond, Va.
Charles R. Diebold, Buffalo	George E. Powell, Kansas City, Mo.
Robert G. Dodge, Honolulu	Robert H. Rawson, Cleveland
Ben B. Ehrlichman, Seattle	Thomas R. Reid, Dearborn, Mich.
Bayard H. Friedman, Fort Worth	James A. Singer, St. Louis
Carl J. Gilbert, Boston	H. V. Watkins, Jackson, Miss.
Milton H. Graham, Phoenix	John F. Watlington, Jr., Winston-Salem
Lloyd Hale, Minneapolis	Wilson W. Wyatt, Louisville
Winston W. Wynne, Miami	

Council

George H. Gallup, Chairman	Sam H. Jones, Lake Charles, La.
A. Dwight Button, Wichita, Kansas	W. Seavey Joyce, S.J., Boston
Frank S. Cheatham, Jr., Savannah, Ga.	Betty L. Knox, Hartford
Jerome K. Crossman, Dallas	Mark S. Matthews, Greenwich, Conn.
Frank E. Curley, New York	Donnelly P. McDonald, Jr., Fort Wayne
J. J. Daniel, Jacksonville, Fla.	George R. Metcalf, Auburn, N. Y.
E. D. Dodd, Toledo	Cecil Morgan, New Orleans
Harold W. Dodds, Princeton, N. J.	Vernon C. Myers, New York
Charles Edison, West Orange, N. J.	Richard H. Peake, Jr., Cincinnati
William H. Edwards, Providence	Murray Seasongood, Cincinnati
Bayard H. Faulkner, Upper Montclair, N. J.	Lee M. Sharrar, Houston
Ewart W. Goodwin, San Diego	Edmund B. Shea, Milwaukee, Wisc.
William T. Gossett, Detroit	Harold S. Shefelman, Seattle
Thomas Graham, Louisville	Wayne E. Thompson, Minneapolis
Luther H. Gulick, New York	Robert M. Wood, Atlanta
Charles F. Iles, Des Moines	James C. Worthy, Chicago
C. W. Ingler, Dayton	Charles Wulfin, St. Louis

All-America Cities

Each year 22 finalist communities in the All-America Cities contest send representatives to the Conference to compete before the awards jury. The competition, now in its seventeenth year, is co-sponsored by the National Municipal League and **Look Magazine**. The spokesmen's presentations of their communities' stories provide Conference visitors with an opportunity to hear stories of the various types of civic progress being made throughout the nation. The jury hearings have long been one of the highlights of the Conference.

From among the 22 contestants, an eleven member "team" of cities — analogous to an All-America football squad — will be selected in recognition of the communities' outstanding progress through citizen-led programs. All-America Cities are examples of inspiration and guidance for those who wish to stimulate beneficial citizen action.

Dr. George H. Gallup, chairman of the Council of the National Municipal League and director of the American Institute of Public Opinion, will be foreman of the jury. Eleven other nationally known civic, business and labor leaders, educators and municipal experts will serve as jurors.

Jury Hearings: Monday, November 14, 2:00 P.M., and Tuesday, November 15, 9:00 A.M.

NOTICE OF ANNUAL MEETING OF THE MEMBERS

OF THE

NATIONAL MUNICIPAL LEAGUE, INC.

PLEASE TAKE NOTICE that the annual meeting of the members of the National Municipal League, Inc., a membership corporation, will be held on November 13, 1966, at 3:00 P.M., in the Fairfax Room of the Sheraton-Boston Hotel, Boston, Massachusetts, pursuant to Sections 30 and 43 of the Membership Corporation Law of the State of New York, and pursuant to Article 6, Section 1, of the Constitution of the National Municipal League, Inc. The meeting will be held for the following purposes:

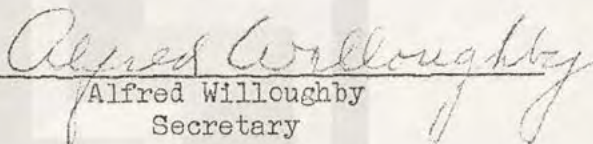
a. To act upon amendments proposed to the Certificate of Incorporation of the National Municipal League, Inc., particularly with respect to increasing the number of its directors from thirty to not more than one hundred, and with respect to changing the designation of the membership corporation's principal business office from the location presently designated to the actual location of the corporation's offices, namely, 47 East 68th Street, New York, New York.

b. To act upon amendments proposed to the Constitution of the National Municipal League, Inc., by providing for additional members of the council and additional regional vice presidents, and by providing for the election of such additional members of the council and regional vice presidents, and for the election of not more than three honorary vice presidents, and for the filling of unexpired terms of regional vice presidents, such amendments to become effective upon the effective date of the amendment of the Certificate of Incorporation.

c. To elect members of the council, regional vice presidents and officers, and to elect additional members of the council and additional regional vice presidents whose election shall become effective upon the effective date of the amendment of the Certificate of Incorporation of the National Municipal League, Inc.

d. To act upon and to transact any other business which may legally come before the meeting.

Dated: New York, New York
The 12th day of October, 1966


Alfred Willoughby
Secretary

REPORT OF NOMINATING COMMITTEE (1966)

At the annual meeting of the membership at 3:00 P.M., November 13, 1966, in connection with the 72nd National Conference on Government in Boston, the Nominating Committee will place the following in nomination (incumbents indicated by asterisk):

For President: *Alfred E. Driscoll

For Vice Presidents: *Alan K. Browne
*Curtiss E. Frank

For Regional Vice Presidents:

*Searcy Bracewell, Houston	Russell W. Peterson, Wilmington, Del.
*Jac Chambliss, Chattanooga	*George E. Powell, Kansas City, Mo.
*Charles R. Diebold, Buffalo	*Robert H. Rawson, Cleveland
*Robert G. Dodge, Honolulu	*Thomas R. Reid, Dearborn
Maurice R. Eastin, Indianapolis	*James A. Singer, St. Louis
*Ben B. Ehrlichman, Seattle	Earl Sneed, Oklahoma City
James E. Fitzmorris, Jr., New Orleans	Wayne E. Thompson, Minneapolis
*Bayard H. Friedman, Fort Worth	Richard F. Treadway, Boston
*Milton H. Graham, Phoenix	Hobart D. Turman, Dallas
Fred A. Herrington, Lincoln, Nebraska	*H. V. Watkins, Jackson, Miss.
*A. E. Johnson, Denver	*John F. Watlington, Jr., Winston-Salem
*Robert W. Jones, Jr., San Antonio	Elkins Wetherill, Philadelphia
*L. E. Marlowe, Richmond, Va.	*Wilson W. Wyatt, Louisville
	*Winston W. Wynne, Miami

For Members of the Council:

John Anderson, Olathe, Kansas	Horton Herman, Spokane
Lester L. Bates, Columbia, S. C.	John S. Linen, Mendham, N. J.
S. J. Beauchamp, Jr., Little Rock	Willard C. Marshall, Salem, Oregon
Preston Blake, Jr., Norfolk, Va.	W. Larry Mills, Boise, Idaho
LeRoy Collins, Tallahassee	James M. Osborn, New Haven
J. J. Daniel, Jacksonville, Fla.	Patrick J. Quealy, Kemmerer, Wyo.
Richard W. Freeman, Jr., New Orleans	Terry Sanford, Raleigh, N. C.
Lloyd Hale, Minneapolis	Ernest P. Schumacher, Memphis
Francis A. Harrington, Worcester	William W. Scranton, Dalton, Pa.

For Honorary Vice President:

*Henry L. Shattuck, Boston

Additional nominations may be made at the meeting.

NOMINATING COMMITTEE

Bayard H. Faulkner, Chairman
Richard S. Childs
Frank E. Curley
Vernon C. Myers
Carl H. Pforzheimer, Jr.

LEAGUE OF WOMEN VOTERS OF TEXAS

1966 CONVENTION

Hotel Texas
Fort Worth, Texas

REGISTRATION FORM

Please fill in and present to Registrar.

All Delegates and Observers ATTACH TRAVEL EQUALIZATION FORM.

Name: Please Print _____ Hotel Room _____
Number _____

Address: _____
(Number and Street) (City)

Name of Your Local League: _____

Your Portfolio, if any: _____

If a program item, state content:
(Schools, Libraries, Zoning, etc.) _____

Please indicate whether you are serving at this convention as:

<input type="checkbox"/> President	<input type="checkbox"/> State Board Member	Official Guest:
<input type="checkbox"/> Delegate	<input type="checkbox"/> Convention Worker	<input type="checkbox"/> Press
<input type="checkbox"/> Observer	<input type="checkbox"/> Visitor	<input type="checkbox"/> Radio
		<input type="checkbox"/> T.V.
		<input type="checkbox"/> Other: _____

Your badge, Workbook No. 2, and meal tickets will be given to you by
the Treasurer, upon payment of your fees.

Please do not write below this line

FEES:

Registration, \$10.00 (Single Session, \$2.50) \$ _____
Travel Equalization _____

MEALS:

Brunch @ \$2.50
Tuesday Evening Dinner @ \$4.00
Wednesday Evening Dinner @ \$4.50

TOTAL: _____

Paid by _____ Cash. or by _____ Check

Vernon Law Book Company
Kansas Cy - mo

Art 5154 a # 4-13

"It shall be unlawful
for any labor union to
make any financial con-
tribution to any political
party or to any persons
running for political
office as a part of the
campaign expenses of
such individual"

Keep This

P281- Vol 15 Vernon's
Civil Statutes of the State
of Texas (annotated)

Everyone seemed to feel that
unions were prohibited from
contributing directly to poli-
tical campaign funds, but
no one knew where to find
the statute covering it.
The Election Code refers to
contributions by corporations,
but not to unions. This
statute is from the article
governing formation and
activities of unions

LEAGUE OF WOMEN VOTERS OF TEXAS
1966 CONVENTION

Hotel Texas
Fort Worth, Texas

REGISTRATION FORM

Please fill in and present to Registrar.

All Delegates and Observers ATTACH TRAVEL EQUALIZATION FORM.

Hotel Room

Name: Please Print _____ Number _____

Address: _____
(Number and Street) (City)

Name of Your Local League: _____

Your Rental Car, if any: _____

No dues money -

literature
Can be spent on card voting
record - educate their
membership *

\$1.00 Cope drive annually
50 to state 50 to natl

Local Cope can have
recesses, lunches, etc.

Committee on Pol Education *

Controlled by parent organization

Federal statute

"Corrupt practice act -"

Data on participa-
tion of unions in
election campaigns
from Delbert Adams
Secy Tarrant County Labor Council



Time for Your Decision

November 6 is your opportunity to

VOTE FOR VOTING MACHINES

The League of Women Voters — after research and study — is **FOR VOTING MACHINES** because they give

1. Privacy in casting a **truly secret ballot**.
2. **Quick and accurate returns**.
3. **Cash savings** on the cost of each election.
4. **Maximum protection against election fraud**.
5. **Uniform conditions** in all polling places.
6. A faster recount, if needed.

!!! VOTING MACHINES WILL NOT INCREASE YOUR TAXES !!!

Funds (over a million dollars each year) now being applied to construction of the new Criminal Courts Building will be available beginning in 1964 and could be used to purchase the voting machines.

A study made by the League of Women Voters based on the number of people by precincts who voted in the 1960 general election indicates that 540 machines would be adequate to serve the voters of Tarrant County. This would provide machines in every precinct for both parties in proportion to the number of votes cast for the Democratic and Republican candidates for Governor in 1960 — the year of the largest election ever held in Tarrant County (137,000 voters). Dallas County's 650 machines served 240,000 voters.

Of the three machines now approved for use in Texas, even the most expensive would cost only \$972,000 for the recommended 540 machines; if less expensive machines are se-

lected, or with quantity discounts which may be available, the cost would be less.

Dallas County figures the cost for each machine use to be \$23.65, including depreciation and insurance on machines and warehouse, repairs and maintenance, interest on indebtedness, drayage, and custodian's salary. Based on this figure, and paying election workers the maximum permitted by law, voting machines in November 1960 would have saved the taxpayers of Tarrant County one-third of the election cost with paper ballots.

Voting machines have proved their value in Bexar, Dallas, and Harris Counties, as well as in numerous less populous areas. Accurate election results from these counties are available a few hours after the polls close.

LET'S HAVE VOTING MACHINES IN TARRANT COUNTY, TOO.

VOTE YES NOVEMBER 6

For further information call the League of Women Voters of Fort Worth, WA 3-9245.

first Primary and in Gen'l elections, all items not reported in statements filed in first 2 primaries.

Any gift, loan, or debt exceeding 10⁰⁰ must be reported with names of donor or debtor and the purpose of such gifts loans or debts. Filing may be by registered or certified mail, the postmark dated prevailing. County, State or city secretary, depending upon the office involved. Penalties ~~are provided for~~, both fines and/or imprisonment are provided for failure to comply, and ~~the~~ ^a candidate fails to file or who swears falsely may not run in any subsequent election, and the candidate is liable to each opposing candidate for double the amt of any unreported gift or debt incurred plus attorney's fees.

§ Any person who ^{makes} contributions or loans aggregating more than \$100 is responsible for reporting such contributions or loans if the candidate does not do so; failure to see that the amt is reported makes the donor liable to each opposing candidate for double the amt of the contribution or gift.

Art 14-12 Sect 2
P. 170

any person who makes contributions or loans aggregating more than one hundred dollars is responsible for reporting such contributions or loans if the candidate does not do so; failure to see that the amount is reported makes the donor liable to each opposing candidate for double the amount of the contribution or gift.

any person who makes contributions or loans aggregating more than one hundred dollars is responsible for reporting such contributions or loans if the candidate does not do so; failure to see that the amount is reported makes the donor liable to each opposing candidate for double the amount of the contribution or gift.





Time for Your Decision

November 6 is your opportunity to

VOTE FOR VOTING MACHINES

The League of Women Voters — after research and study — is FOR VOTING MACHINES because they give

1. Privacy in casting a truly secret ballot.
2. Quick and accurate returns.
3. Cash savings on the cost of each election.
4. Maximum protection against election fraud.
5. Uniform conditions in all polling places.
6. A faster recount, if needed.

!!! VOTING MACHINES WILL NOT INCREASE YOUR TAXES !!!

Funds (over a million dollars each year) now being applied to construction of the new Criminal Courts Building will be available beginning in 1964 and could be used to purchase the voting machines.

A study made by the League of Women Voters based on the number of people by precincts who voted in the 1960 general election indicates that 540 machines would be adequate to serve the voters of Tarrant County. This would provide machines in every precinct for both parties in proportion to the number of votes cast for the Democratic and Republican candidates for Governor in 1960 — the year of the largest election ever held in Tarrant County (137,000 voters). Dallas County's 650 machines served 240,000 voters.

Of the three machines now approved for use in Texas, even the most expensive would cost only \$972,000 for the recommended 540 machines; if less expensive machines are se-

lected, or with quantity discounts which may be available, the cost would be less.

Dallas County figures the cost for each machine use to be \$23.65, including depreciation and insurance on machines and warehouse, repairs and maintenance, interest on indebtedness, drayage, and custodian's salary. Based on this figure, and paying election workers the maximum permitted by law, voting machines in November 1960 would have saved the taxpayers of Tarrant County one-third of the election cost with paper ballots.

Voting machines have proved their value in Bexar, Dallas, and Harris Counties, as well as in numerous less populous areas. Accurate election results from these counties are available a few hours after the polls close.

LET'S HAVE VOTING MACHINES IN TARRANT COUNTY, TOO.

VOTE YES NOVEMBER 6

For further information call the League of Women Voters of Fort Worth, WA 3-9245.

(c) Both corporations officials and candidates receiving unlawful gifts are criminally liable

Both civil and criminal penalties are provided for candidate who make unlawful expenditures or receive unlawful contributions.

~~Religious, charitable, or eleemosynary~~ ^{civic} Commercial ~~or~~ industrial clubs or associations, religious, charitable or eleemosynary groups may not

ask for Law

Art 14.08:

- ① Candidate must keep record of gifts, loans of money or other valuable things, and of all gift, loans, and payments made, plus debts incurred on account of his candidacy.
- ② ~~officer~~ ^{except those who are unopposed} Candidates must file statement (not less than 10 days prior to ~~each~~ ^{each} election) of gift & loans received and ~~if~~ payments made or debts incurred and obligations contracted for future use in behalf of his candidacy. Must include all gift, loans, debts, etc whether made or incurred before or after filing & 10 days after election must make supplemental statement. For a runoff, the statement must include all items not reported in statements filed for



Time for Your Decision

November 6 is your opportunity to

VOTE FOR VOTING MACHINES

The League of Women Voters — after research and study — is **FOR VOTING MACHINES** because they give

1. Privacy in casting a **truly secret ballot**.
2. **Quick and accurate** returns.
3. **Cash savings** on the cost of each election.
4. **Maximum protection** against election fraud.
5. **Uniform conditions** in all polling places.
6. A faster recount, if needed.

!!! VOTING MACHINES WILL NOT INCREASE YOUR TAXES !!!

Funds (over a million dollars each year) now being applied to construction of the new Criminal Courts Building will be available beginning in 1964 and could be used to purchase the voting machines.

A study made by the League of Women Voters based on the number of people by precincts who voted in the 1960 general election indicates that 540 machines would be adequate to serve the voters of Tarrant County. This would provide machines in every precinct for both parties in proportion to the number of votes cast for the Democratic and Republican candidates for Governor in 1960 — the year of the largest election ever held in Tarrant County (137,000 voters). Dallas County's 650 machines served 240,000 voters.

Of the three machines now approved for use in Texas, even the most expensive would cost only \$972,000 for the recommended 540 machines; if less expensive machines are se-

lected, or with quantity discounts which may be available, the cost would be less.

Dallas County figures the cost for each machine use to be \$23.65, including depreciation and insurance on machines and warehouse, repairs and maintenance, interest on indebtedness, drayage, and custodian's salary. Based on this figure, and paying election workers the maximum permitted by law, voting machines in November 1960 would have saved the taxpayers of Tarrant County one-third of the election cost with paper ballots.

Voting machines have proved their value in Bexar, Dallas, and Harris Counties, as well as in numerous less populous areas. Accurate election results from these counties are available a few hours after the polls close.

LET'S HAVE VOTING MACHINES IN TARRANT COUNTY, TOO.

VOTE YES NOVEMBER 6

For further information call the League of Women Voters of Fort Worth, WA 3-9245.

Election Code: Campaign Expenditures
art 14:03

Allowable:

Traveling expenses of candidate, campaign mgr and/or secretary

Filing fees

Paid clerical & sten. help

Telegraph, telephone, postage

Printing & stationery

Cost of voting lists

Office rent

Advertising & publicity, and/or demonstrations

Cost of meetings, including payment for speakers & musicians

Attorney fees & expenses of election contests

Any other campaign expenditure specifically prohibited.

Campaign contributions - art 14:04

Any person other than a corporation ^{unlimited} may make direct contributions, ~~and only~~ for purposes set forth ^{above}.

Individual may expend ~~as~~ (With out reporting, as much as \$2500 for lawful purposes; no limit on amt an individual may contribute via his personal services and traveling expenses.

Except as above, all campaign expenditures must be made by candidate, his campaign or asst campaign mgr.

Penalties:

For unlawful expenditure supporting a candidate,

Civil - Art 14:05: ^{to each opposing candidate} ^{reasonable} liable for double amt of any unlawful expenditure + attorney fees for collection by candidate or manager.

(b) For unlawful expenditure, opposing a particular candidate or candidate, liable to opposed candidates for double the amt of the unlawful expenditure plus reasonable attorney fees for collecting.

14:06 - ~~and~~ ^{candidate or mgr} making unlawful expenditure criminally liable also.

Art 14:07 - Corporations may not contribute, except as permitted by Art 213 of Penal code; ~~and~~ lending institutions may make loans, but not contributions. Loans made but on which no effort is made ^{later} to collect are not mentioned.



REPORT

CHARTERED BY INDUSTRIAL UNION DEPT., AFL-CIO

Second Class
Postage
PAID
at
Austin, Texas

KIRBY-SMITH McDOWELL, President
A. N. "NATE" SLOUGH, Sec'y-Treas., Editor
308 West 11th Street GR 8-9394
Austin, Texas

Mrs. Maurice Brown
League of Women Voters
1841 Bingle Road
Houston, Texas 77055

AUG 29 1966

Published Monthly, Vol, IV, No. 7
July 31, 1966

CONVENTION COMING: Remember----Terrace Motel, Austin, Texas; August 20 & 21----thats our Convention date. The Ex. Board will meet August 19th. All our friends are invited.

THE COURTS vs JUSTICE: Quick strikebusting injunctions are always easily obtained by management, since its not too hard for them to shop around and find a friendly judge. But for Unions, justice comes slowly---oh so slowly.---All this is highlighted in a new book about the historic clash with Kohler, which resulted in a U.A.W. victory after 11 bitter years. And it sums the practice up excellently by quoting U.A.W. Director Kitzman's statement; "It took only 29 days for Kohler Company to get an ironclad injunction against its workers and Local 833, but it took NLRB six years, four months, and 21 days to tell the company it was guilty of unfair labor practices".

POLITICS IN '66: The U.S. Senate has 100 members with the present make up of 68 Democrats and 32 Republicans. 33 seats are up for election this year 18 of which are presently held by Democrats and 15 by Republicans.**The U.S. House has 435 seats, all of which are all up election this year. At present there are 293 Democrats, and 140 Republicans, with 2 vacancies.*****Of the 50 state Govenors, 33 are Democrats, and 17 Republicans. 35 are up for election this year, 20 Democrats and 15 Republicans.*****Traditionally, the party in power loses strength in "off year" elections (i.e. when the Presidency is not being contested). Over the past 60 years the average loss in such off-year elections has been 37 House seats and 5 Senate seats.---COPE calculates there are 51 liberal first term Congressmen that are particularly vulnerable this year. They are very much concerned about the \$12 million war chest the John Besmirsch Society is raising for these elections-----and the fact that the ultra-conservative ACA (Americans for Constitutional Action) plans to put people and money to work for radicals & other conservatives in 115 House Districts----This could spell real trouble for liberals this year----and our only defense is COPE---so give \$5 to COPE today!

CALIFORNIA GRAPE PICKERS WIN CONTRACT: The National Farm Workers recently signed a contract covering 500 farm workers with Schenley Industries. The 1 year contract provides a \$1.75 per hr. minimum rate, and includes a hiring hall arrangement, a union shop security agreement, and dues check off. The Company attorney stated (after the contract was signed) that the 35¢ per hour wage increase would be absorbed by the producer and would not result in a price increase of the product!

EVOLUTION vs REVOLUTION: The nuts and the quacks and the John Besmirchers are always be-moaning the fact that our condition and governmental policies and approaches have changed. They constantly demand that we go back to the "principles this nation was founded upon" (whatever that means).-----We hear this attitude stated daily, and see it expressed in our news media so often that, regretablely, have come to expect it. This fact probably helps explain our delight in seeing our own viewpoint ably expressed in a recent editorial in the Fresno, (Calif.), Bee, which is quoted in full here:

"There are moments when the tradition-bound demand too much reverence for what was at the expense of what is. In other words, these say what was good enough for the generations past should be good enough for the generations present, and no experimentation, please, and no departure from the established course.**** a little research into the thinking of the founding fathers reveals they had a much greater sense of adventure and certainly more insight into the inclinations of society.*** Take Thomas Jefferson. Surely no one in American history contributed more to the shaping of the American experiment in democracy. He wrote the Declaration of Independence; he served the nation as its third president; he was democracy embodied in the living man.***Yet he was the vigorous champion of man's right to change his government to conform to his society. To a friend in 1824 Jefferson wrote;

"Can one generation bind another, and all others, in succession forever? I think not. The Creator has made the earth for the living, not for the dead. A generation may bind itself as long as its majority continues in life; when that has disappeared, another majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing, then, is unchangeable, but the inherent and inalienable rights of man".

Altogether this is a magnificent expression. It allows for the natural changes evolution must bring to accommodate changing times and changing scenes and changing demands. It allows for change, but it reserves to the people those inherent and inalienable rights; and these preserved, change then need not be feared."

A UNION MEMBERS GOLDEN RULE: Buy Union-made goods from others as you would have them pay Union wages unto you!

✓

WILL LABOR BECOME NON-PARTISIAN POLITICALLY? About a year ago, the editor of this newsletter, in a strongly worded article, demanded that labor leaders at all levels take a careful look at our political posture, and turn back to the Gompers theory of not getting involved with any political party. For this we have been soundly criticized by some---but we believe we were correct in our assessment of the situation, and in our position. We naturally then are very pleased with a speech AFL-CIO President George Meany recently made to the Legislative Conference of the Building and Construction Trades Department. A portion of that speech is excerpted below:*****The time has come for Organized Labor to analyze its political situation and see just what it is that we must do.****Let's take a look at the Democratic Party. We find that most people---not all, but most of the people---who support the ideals and the principles of organized labor, most of the people who support better working conditions, decent hours, decent wages, most of them have a Democratic label. But that doesn't mean that the Democratic Party as a whole is the party of liberalism or the party of progress. Nor does it say that the Democratic party can deliver its own members on Capitol Hill.*****We know full well that there are a substantial number of members of that party from the southern part of this nation, who have a completely perfect record insofar as labor is concerned---They are 100 percent against everything we stand for. So it is quite obvious that if we are looking around for a party to adopt or control then we don't want the Democratic Party because they can't deliver.***Then you take the Republican Party, the party that is known mostly as the Conservative party. However, we find a number of Republicans, on the House floor and in the Senate, who go along pretty well with labor's program.*****The trouble is that the minute they get the reputation of going along with labor's program, they lose whatever influence they have in the party. In fact, some of America's great men have been read out of the Republican Party because they didn't conform to the line as laid down by the financial interests who, somehow, over the years seem to control these people...***So we can't buy either party. We don't want to set up our own party. So what do we do?*****We follow the Gompers policy. And let me make this crystal clear. Every once in a while I read an anti-labor article in one of the papers or magazines which says that labor has drifted away from the Gompers policy. That Gompers was nonpolitical. This is not so.***Gompers was just as political as any other labor leaders of his time and perhaps more than most. But he was nonpartisan.****He believed that labor should support people regardless of political parties, should support people rather than labels, and support them on the basis of their attitude and their voting record on the things with which labor is interested.***So I would say that we have got to take a new look at our political action, look at COPE. We have to do everything within our power to make the COPE organization stronger, so that we can carry out our political policy, that we can defend ourselves against those who would use the legislative process to hamper or destroy the trade union movement.*****Now, this means that we work with COPE, that we don't work with any political party---whether it is Republican, Democrat or anything else. And let me say, speaking for myself alone, that I don't buy the idea, and there is nothing in the record to sustain the idea, that labor needs the Democratic Party. I am sure it is the other way around.***We are going to concentrate on more and better political action. We are not going to spend a lot of time crying over spilt milk. If, we need a two-thirds vote to pass a labor bill, we have got to go out and get the two-thirds vote and get them over there on Capitol Hill. This is the way to meet the Dirksen challenge. This is the way to meet the challenge of those who seem to feel that there is some great future in an America where people work for starvation wages and where trade unions are, to some extent, either completely eliminated or rendered impotent and helpless as an instrumentality to advance the cause of workers and of the population as a whole.....

CONGRESSMAN ROGERS RETIRES: The 18th Congressional District, Composed of 30 Panhandle Counties, will have a new Congressman since Walter Rogers has declined the Democratic nomination. His Republican opponent, Price, was expected to have given him the race of his life anyway. Rogers had no Demo. opponent in the primary. The Dist. Demo. Executive Committee will appoint a nominee to be on the Nov. ballot.

THIS & THAT: New York & Illinois both have laws making it illegal for merchants to send unsolicited merchandise to the public. Under these laws, anyone receiving such unordered goods, is released from any obligation to pay.*****Massachusetts recently enacted a "Truth-in-lending" law requiring lenders to state in writing the true annual interest rate being charged on any loan.*****The Bureau of National Affairs (privately owned) Publisher of BNA Reports and Services, is being boycotted by many Unions for its anti-union activities. The Newspaper Guild has been on strike there since May. Some 50 International Unions and many attorney friends of Labor have cancelled their subscriptions.***Ex-Presidents of the U. S. are entitled to certain office expense allowances for their lifetime. President Truman's expenses are currently \$71,000 per year,---while that great Conservative-General Ike---has a bill for \$104,000 per year.***During 1965, a total of \$2,759,550 in back pay was awarded by NLRB to people illegally fired for union activity.***NLRB was established in 1935.---In its 31 years it has conducted representation elections covering 19 million workers, with an average of over 60% of the people participating in these elections being in favor of Union representation.***Three railroad unions ORC&B (Conductors and Brakemen), BLF&E (Locomotive Firemen & Enginemen), and SUNA (Switchmen) have announced a merger plan. Each Union will recommend to its membership that the three become one big Union.

FARM WORKERS MARCH: Labor Day is "D" day for a massive rally for the Valley Farm Workers who are marching from Rio Grande City to the State Capitol. Make plans now to spend the day in Austin, Sept. 5th.

This is a copy. The original has been returned. *Brouncombe*

HOW A BILL BECOMES A LAW IN TEXAS

SENATE - (31 members)

May meet in executive session at which time session closed
4/5 vote required for each bill introduced after 1st 30 days

Introduction and 1st reading

Referred to a standing committee by Lt. Gov. (President)

Committee consideration and report

Bill placed on calendar by President

Second reading
Debate & Amendment

Passage to engrossment

Third reading and final passage

Bill sent to House

Bill returned for President's signature

GOVERNOR:

1. Signs bill
2. Vetoes bill
3. Allows bill to become law without signature

VETO

1. Veto message read
2. 2/3 majority to overrule veto

Split Session

1. 120 days each two years
2. 1st 30 days introduction of bills
3. 2nd 30 days committee meetings
4. 3rd 60 days discussion and final disposition

Emergency Clause

4/5 vote required to abolish 3 readings

Special Sessions

May be called by Governor on special subject

Special Types of Bills

1. Revenue bills originate in House only
2. Appropriations both Houses

Other Types of Bills

Resolutions - are not laws

- a. Simple - one vote Both Houses
 - b. Concurrent Both Houses
 - c. Joint (2/3 vote) Both Houses
- Constitutional Amendments

HOUSE OF REPRESENTATIVES (150)

Sessions always open
4/5 vote suspends rules to allow 60 days for introduction

Introduction and 1st reading

Co-sponsors

Contains only one subject

Referred to a standing committee by speaker after 24 hours

Committee consideration and report

Bill placed on calendar by Speaker

Second reading
Debate & Amendment

Passage to engrossment
Bill and amendments are rewritten

Third reading and final passage

Bill sent to Senate

Bill returned and prepared (enrolled) for Speaker's signature in presence of House

2/3 vote for any discussion

Bills may be amended by either House

Agreement to Amendments

Disagreement to Amendments

Bill sent to Conference Committee
5 members each House appointed by presiding officer

Report must be accepted or rejected in full

Bills go into effect
90 days after Legislature adjourns

GOVERNOR

National Conference on Government
National Municipal League
St. Louis, Missouri
November 14-17, 1965

Wednesday, November 17 - 9:15 A. M.
"Reapportionment - Trigger to Change"

CASPERSON

STATE LEGISLATIVE REAPPORTIONMENT:

ITS EFFECTS IN COLORADO

(with some nation-wide observations)

by
Allen Dines, speaker, Colorado House of Representatives

My main assignment here today is to discuss, and attempt to evaluate and possibly to forecast, the effects of legislative reapportionment on a court-approved population basis in my State of Colorado. I will get to that very shortly.

But since I am the lead-off speaker on this subject, perhaps a brief look at some over-all reapportionment developments would be in order.

We all know that in most States the game of reapportionment roulette is not over. Shots are being fired so fast, both by courts and by legislatures, that it is virtually impossible to keep up to date. I do not purport to be current on the status of apportionment in every state -- but I would be hopelessly out of date as to almost all States were it not for the excellent compilations titled "Legislative Reapportionment in the States" published in June of 1964 and 1965 by The Council of State Governments. I understand that The Council plans to issue a revised supplement at the end of this month which will summarize the many legislative and court actions of the last five or six months.

I hope no one is offended by my phrase "reapportionment roulette." It came to my mind first, because I hear so many people either praising or blaming the United States Supreme Court for putting a gun to the foreheads of the States and saying "Reapportion or we'll pull the trigger;" and second, because there still seems to be a large element of chance, of gambling, of uncertainty about acceptable standards of reapportionment, varying from state to state and from court to court.

The Supreme Court did, of course, provide great impetus toward reapportionment in the 1962 Tennessee case, Baker v. Carr, saying that proper parties could bring, and that courts could consider and decide, legislative apportionment cases. And the Court on June 15, 1964, in a collection of legislative apportionment cases from six states -- Alabama, Colorado, Delaware, Maryland, New York and Virginia -- did express a broad constitutional apportionment standard: "...that the seats in both houses of a bicameral state legislature must be apportioned on a population basis."

This is now universally referred to as the rule of "one man, one vote" -- even though the Court's opinion stated that "some deviations from the equal-population principle" might be constitutionally permissible in certain unspecified circumstances.

It should be no surprise, therefore, that even after the "one man, one vote" decision some state legislatures have elected to gamble on apportionment plans not based strictly on population -- evidently hoping to be counted among the acceptable "deviates" -- or that state courts and lower federal courts have extracted widely differing meanings from the Supreme Court's words. It should be no surprise that the reapportionment question can today -- in November, 1965 be regarded as "settled" even temporarily in only a handful of states, and probably cannot be regarded as "settled" permanently in any state.

A few random sidelights may interest you. For one thing, the Supreme Court did not fire the first effective shot in the reapportionment round. That honor seems to belong to the Federal District Court in Minnesota which, in 1958, said that if the next Minnesota legislature didn't reapportion itself, the Court would take jurisdiction of a suit for relief. The Minnesota legislature promptly reapportioned in 1959.

Another item: Since the 1960 census, some reapportionment action has been taken in each of the 50 states, by the legislature, or a state board or commission, or the governor, or the people, or the courts, or -- in most states -- a combination of court and legislature. The interesting thing is that, to my knowledge, six states -- Alaska, Kentucky, Maine, North Carolina, South Carolina and South Dakota -- have reapportioned their legislatures without any lawsuit of any kind, before or after the reapportionment. One wonders if the citizens -- and the lawyers -- in those six states are not litigious by nature, or whether they just haven't gotten around to starting anything yet. It is, of course, possible but unlikely that everyone in those States is now satisfied.

I've noted that lower courts have acted variously in response to the Supreme Court's opinions. Most courts, I find, at least started out with the attitude that the drawing of legislative district lines on a map was fundamentally a legislative function; that the court's role was to give the legislature opportunity to act on its own, to encourage legislative self-reapportionment, to use judicial restraint in issuing orders and injunctions, and to step in with court-formulated apportionment plans only as a last resort.

Some courts, however, immediately assumed that full reapportionment powers had been given to them by the Supreme Court, and that they were to tell legislatures precisely what to do and when. Without attempting to catalogue the actions of the various courts, and passing over such sport as the 1964 Illinois election at large of all 177 state representatives, and the 1965 Arizona legislature's laboring 198 days to come up with a Senate reapportionment plan which the courts will almost certainly reject, I return to Colorado.

Colorado was among the six states whose apportionment acts were held unconstitutional by the Supreme Court on June 15, 1964. The voters of Colorado in 1962 had approved a state constitutional amendment establishing a so-called "federal plan" of apportionment -- House based on population, Senate based on a number of factors including population, area, geography and tradition. The legislature had implemented this plan in 1963. It had the effect of markedly diminishing existing population disparities as to both House and Senate. An 8 to 1 ratio in senate districts was cut to about 4 to 1. A 9 to 1 ratio in house districts was cut to less than 2 to 1. The Federal District Court upheld

this action, but, of course, the Supreme Court reversed, mainly finding fault with the non-population factors in the senate districting. Our General Assembly was called into special session in July of 1964 to reapportion again in compliance with the Supreme Court decision and the order of the Federal District Court which followed. The legislature acted and the Court approved.

Colorado has 35 senate districts. Based on 1960 census figures the "perfect" district would have a population of 50,113. Under the 1964 reapportionment, the largest senate district has 60,000 people (21% above "perfect"), the smallest 41,000 people (17% below "perfect"). The "perfect" house district (we have 65 Representatives) would have a population of 26,984. The largest house district has 35,000 people, 30% above the ideal; the smallest has 20,000 people, 25% below "perfect".

To some courts, these Colorado variations from the "ideal" population figures per district would be so excessive as to be held unconstitutional. I understand that the Michigan Supreme Court rejected all apportionment plans except one providing less than a 3% deviation from the norm, and that at least one federal court has set 15% as the maximum allowable variance from "perfect" population equality. The Federal District Court in Colorado, however, had no difficulty in accepting our 1964 reapportionment as coming within the Supreme Court's equal-population principle -- at least for the time being.

The numerical effect of Colorado's 1964 population reapportionment was to shift a total of seven and one-half senate seats from among the less-populated counties, dividing them among seven of our most-populous counties; and to shift 10 house seats, which were divided among six of our most-populous counties.

I want to note here that it was not the big, "bad" City and County of Denver which gained greatly in representation through population redistricting. Denver gained one Senator (giving it nine of 35) and one Representative (giving it 18 of 65).

The big gains in representation were received by the four fast-growing suburban counties surrounding Denver (that is, Adams, Arapahoe, Jefferson and Boulder Counties) which, among them, picked up five and one-half senate seats and seven house seats. (The other gains are accounted for by El Paso County, gaining one Senator and two Representatives.)

Colorado has a total of 63 counties, 53 of them almost completely rural in nature. Before reapportionment these rural counties had 15 Senate seats and 26 House seats. They now have 8 and 16, respectively. However, among our 10 most populous counties, at least three must be described as semi-rural (Weld, Larimer, Mesa), and they have among them 3½ senate seats and 7 house seats. This leaves our seven primarily urban or suburban counties with 23½ Senate seats (compared to 16 before reapportionment) and 42 House seats (compared with 32 before reapportionment). In short, these seven primarily urban and suburban counties now have a substantial majority of the seats in both houses -- 67% in the Senate, 65% in the House. Oddly enough, however, the same seven counties had 68% of the total state population in 1960 -- awfully close to "one man, one vote."

(The seven counties are Adams, Arapahoe, Boulder, Denver, El Paso, Jefferson and Pueblo. Since the 1960 census, they have continued to grow rapidly in population so that, according to 1964 estimates, the seven counties now have 70% of the total state population. As this trend continues, the 1964 reapportionment obviously will edge farther away from one man, one vote.)

The 1964 legislative election were, of course, conducted under the new act, so that our 45th Colorado General Assembly is my State's first legislature in modern times, if not in its entire history, based on the equal population principle in both houses.

In Colorado, we have had only one year's experience -- this year, with a regular session of 119 days and a short special session of 3 days -- with a "one man, one vote" state legislature. To be sure, this is more experience than most states have had in actually operating under a reasonably strict population-based apportionment. Yet it is a very short time on which to base any firm statement as to what the effects of population reapportionment have been in the Colorado General Assembly in 1965, much less to predict what they might be in the future. I can give you my own observations, and try to separate actual results from apparent tendencies and speculations.

As to political effects deriving from reapportionment, I can tell you factually that in the elections of November, 1964, Democrats won control of the State House of Representatives by a margin of 42 to 23 -- almost exactly reversing the previous Republican House majority -- while the Republicans retained control of the State Senate, 20 to 15. (Only half of the Senate seats were at stake in 1964; however, all but one of the Senate seats shifted by reapportionment were voted on in 1964, so that Senate reapportionment has virtually been accomplished.)

Remembering that 1964 was, to say the least, an unusual political year and election year across the nation, can one say that the large Democratic gains in the Colorado House were a result of reapportionment? I think not -- at least not to any provable extent. Several more elections will be needed before anyone can say whether population reapportionment in Colorado will produce any sort of permanent legislative shift in either house favoring either political party.

Again, it's a fact that the 1964 elections brought 36 freshman legislators into the Colorado House -- a record number of first-termers. But again, as with the House shift in political party control, one cannot attribute this to reapportionment alone, if at all.

So much for election results, which in 1964 may or may not have had a relationship to population redistricting. Let's look at the performance of the 1965 General Assembly.

Here I think there is one overriding, compelling point to be made.

It is that the fears, doubts and dire predctions of the opponents of population apportionment were not realized.

The new urban-suburban dominated legislature did not discriminate against or punish rural areas or rural interests; there simply was no anti-rural coalition or combination. On the contrary, many bills were enacted into law which were rurally-sponsored, rurally-supported, and directly aimed at meeting the needs of our less-populous counties. In fact, the great majority of rural legislators of both parties told me -- a Denver Democrat -- that they felt they had received very fair treatment and honest consideration of their proposals during the 1965 session. They occasionally felt out voted (as I sometimes did) but not punished or hurt.

Now, perhaps it is true that, in this first "one man, one vote" session urban legislators were especially sensitive toward rural feelings, and bent over backwards to be fair. Future legislatures could conceivably become anti-rural. But I strongly doubt that; so long as the people nominate and elect competent, responsible men and women to the legislature, the genuine needs and practical interests of any area, occupational group, county, district or community will not be ignored.

The first point as I see it, then, is that predictions of unfairness toward any segment of the state resulting from population apportionment proved wholly untrue.

On the other, and positive side, the 1965 Colorado legislature did devote a great deal more of its time and effort to the consideration of the vast assortment of existing and emerging urban and suburban problems -- problems which previous legislatures, not set up on a "one man, one vote" basis, had sometimes simply ignored, sometimes winked at and shoved under the rug, and sometimes seriously attacked without being able to agree on a bill.

Our reapportioned legislature, I believe, brought with it a fundamental change in attitude. Traditional stand pat-ism of previous General Assemblies was far less in evidence, though present (particularly in the Senate). Fear of change was greatly diminished; so, I think, at least temporarily, was the influence of lobbyists representing narrow, special interests, whether urban or rural.

Our 1965 session not only recognized the need for change and modernization of state laws to keep pace with the change in our social order, but it acted. And, I repeat, it did so not by means of overlooking rural problems or other pressing needs, but in addition to considering the normal run of legislation of prior General Assemblies.

That is one reason why our 1965 session was the second longest in Colorado history.

Reapportionment accelerated a shift -- previously apparent but seldom brought to the fruition of final passage -- in the kinds of legislation considered and adopted.

One newspaper writer called the 1965 session a "sociological session." Another pointed out that the reapportioned 45th General Assembly -- "when it wasn't fighting about taxing and spending" -- had shown "a surprising ability to agree on issues that divided legislatures hopelessly in the past."

~~This was~~
This was true, despite the fact of divided political control -- Democratic House, Republican Senate and Republican Governor.

Let me mention just three actions taken in 1965 on issues which a number of prior legislatures had been unable to deal with or agree upon -- daylight savings time, capital punishment and birth control. All had been hot reappearing controversies.

1. Our reapportioned legislature reached a fair and logical compromise on daylight savings time; we voted a two-year trial of daylight time, putting it into effect for 1965 and 1966. Then, in November of 1966, the voters of Colorado will decide by referendum whether to retain daylight time or abolish it.
2. The elimination of the death penalty has been proposed again and again in Colorado. The legislature, while declining to decide the issue on its own, at least took action; again, it put the question to the voters, who will decide in 1966 whether to keep capital punishment or make life imprisonment the maximum penalty in the state.
3. As for birth control, this General Assembly worked out a carefully worded bill permitting, but in no way requiring, counties to use public funds to disseminate birth control advice and materials through health or welfare departments to any parent or married person desiring such information. The law also makes clear that no public employee need participate in the offering of family planning help if it is against his or her conscience.

Admittedly, the three legislative actions just noted were hard fought, and the end-products were, in each case, compromises. The point, however, is that the 1965 Assembly was able to reach agreement and take some action on highly controversial questions often presented but never acted upon before. Our reapportioned legislature, in short, proved willing to practice "the art of the possible" -- which is the real key to most legislative action -- rather than approaching issues with the attitude that action was impossible.

In the area of "social legislation" -- some of it affecting primarily urban areas, but much of statewide importance and impact -- let me list a few of the 1965 accomplishments (and again, many of these issues had been bottled up, killed or allowed to die in previous years).

1. Major and long-needed emphasis was given to education, both through and beyond the high school level. A large increase in state money -- \$18 million for the coming year -- was provided directly to local school districts, based on an average daily pupil attendance formula. A new Metropolitan State College in Denver was authorized and begun this year. Additional financial support was voted for our state junior colleges, our four-year colleges and our two universities. A Commission on Higher Education was created to coordinate the activities of all these institutions.

2. No less than 29 bills were passed in the area of local governmental affairs, ranging from a local dog leash law to a new statute on municipal annexation. The latter, a compromise between urban and suburban viewpoints, was of particular significance. It broke a long deadlock created by the previous vetoes of two prior annexation bills -- bills on which urban and rural legislators had in the past combined to treat suburban interests a bit harshly.

3. The list of other significant acts is long: A strengthened fair housing law; an increase in workmen's compensation benefits; the establishment of a police academy for local law enforcement officers; a significant number of public health bills; revision of procedures for trial and release of the criminally insane; improved regulation of the funeral and cemetery businesses; regulation of debt-adjusters; revision of garnishment procedures; a "Good Samaritan" law; tightening of driver licensing requirements, and adoption of the inter-state driver licensing compact.

Reapportionment was not, in and of itself, responsible for all of this legislation. But to a significant extent, I think it contributed to all, by creating what one might call an atmosphere for action, not inaction; and by breaking up some long-standing, internal legislative alliances which had tended toward inaction.

I confess that the 1965 Colorado General Assembly fought long and hard -- within itself, and with the Governor -- over taxing and spending. But I can assure you that, with or without reapportionment, this battle would have occurred in much the same fashion, for it was a partisan and a philosophical battle -- as these annual budget battles invariably are.

I like to think, myself, that the Democrats won the finance fight -- providing increased state aid to local school districts, allowing some property tax relief; agreeing to a 1 cent state sales tax increase, but with an offsetting \$7 per person annual rebate either in cash or in the form of an income tax credit, thereby basing our state tax structure more on the ability to pay principle than was the Governor's program; and generally providing for the needs of a growing state. I like to think the Democrats won this fight because we were right.

Colorado's 1965 legislature had its party-line divisions, and other types of internal splits, alliances and combinations. But this year's legislative divisions and alliances were less rigid than in past years; there was a good deal more internal legislative mobility, particularly in the House, on the part of individuals, and regional groupings, and even political parties than I have observed previously. Reapportionment, I suggest, contributed a good deal to this mobility, this flexibility, and to an effective, functioning legislature.

Whether new internal splits and alliances will develop, and become as rigid and inflexible as those of the past, only time will tell.

With but one session's experience of "one man, one vote" under our legislative belt, I believe that population reapportionment has contributed

significantly to Colorado's having an improved legislature that performed well, worked hard and truly came to grips with major issues to which attention was long overdue.

I supported the equal-population principle before the Supreme Court told us to, and I support it as strongly or more strongly now.

I would have two messages for state legislators and others across the nation who fear the direst consequences for rural areas, or for any sort of minority segment of a state, if the "one man, one vote" rule is put into effect. }

First, many people in Colorado had those same fears, but most of them concede that their fears did not materialize in 1965 -- and I do not believe that they will in the future. }

Second, the strongest opponents of the "one man, one vote" principle maintain, in the same breath, that their heart's desire is to strengthen state government. I suggest that state government can never be strengthened without its fully understanding and responding to the needs and desires of the state's people. Deliberately keeping a state legislature unrepresentative of people can only tend to weaken, not strengthen, state government. }

National Conference on Government
National Municipal League
St. Louis, Missouri
November 14-17, 1965

~~_____~~
~~_____~~
November 17 - 9:15
(Date and time of workshop)

~~_____~~
Reapportionment - Trigger To
(Name of workshop)
Change

Summary of remarks by Samuel K. Gove
(Your name)

Professor - Univ of Ill.
(Your title)

It is my opinion that in most states, reapportionment will not cause the major upheaval in public policy that its proponents hope for, nor its opponents fear. State governments are in a state of change as is our society. Changes will come in our legislatures, but whether these changes can be identified as an aftermath of reapportionment is debateable. Two factors will tend to offset the expected impact of reapportionment. First is that even though we reapportion and bring new people into our legislators, there is no basis to conclude that these people will ~~##~~ greatly differ from the incumbents. In most states there are not many people who differ from the incumbents who ~~##~~ have their hearts set on serving in our state legislative bodies. And secondly, no matter who serves in our legislative chambers, they will be subject to most of the same pressures as the incumbents. The organized lobbies are not going to drop out of existence - they are going to learn to live with and adjust to new situations.

PASADENA VOTER

THE LEAGUE OF WOMEN VOTERS OF PASADENA

President
Mrs. Frank Jobes
GR 2-7726

Editor
Blanch Kirk
GR 3-5046

1966
SEPTEMBER CALENDAR

AUGUST MEMBERSHIP LUNCHEON MEETING

Carl Burney history and government instructor at San Jacinto College, was the speaker at the membership luncheon meeting of the Pasadena Area LWV, held at the First Methodist Church on August 11th. Ruth Jobs presided while Barbara Neal introduced the speaker, who talked on our state legislature.

Mr. Burney began by nudging our memory about the reasons why we have the kind of state constitution we have. The 1876 constitution was a rebuttal to the radical constitution of 1869 (during military reconstruction). The first constitution gave strong powers to the governor; the later constitution took power from the governor so we now have what is appropriately called a legislative constitution, not fundamental law. We have had a multitude of amendments--quite different from the national constitution.

Because the one-party system has been dominant in Texas for so many years, citizens do not know what is happening. In the nation, the minority party is the watchdog and the press, TV, radio--all listen to this minority. In Texas we are not so fortunate, though other states are in the same situation. A strong 2-party system in any state can be a positive help.

As set up by the constitution, the state legislature until a few years ago was controlled by the rural counties. This is as it should be, considering the situation in Texas in 1876. The 1965 Texas state legislature met, under court order to re-district. Harris County was given 19 representatives and four state senators. We do not yet know the effect of these changes.

Mr. Burney then went on to discuss the organization and procedures of the state legislature. The two most important members are the Speaker of the House, and the Lieutenant Governor who presides over the Senate. In both the House and Senate, the committee system is utilized. The legislature cannot deliberate on every piece of legislation submitted, as it meets once every two years and may have to consider 2000 bills. Bills are shuffled off to committees. In Texas the Speaker can "load up" a committee to reflect his own feelings. One committee, State Affairs, can be assigned any bill, since any bill can be sent to any committee which the Speaker wishes. The Speaker rules on his own points of order; he can be overruled by a 2/3rd vote, but members do not go against the speaker.

A bill has to have three readings on three different days. If it survives the second reading it still may die because it cannot get on the calendar, and dies for a lack of a third reading. If the bill survives, it goes to the Senate. The Lieutenant Governor votes only in a tie, while the Speaker can vote many times.

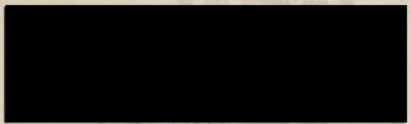
Another point stressed by Mr. Burney was that before the bill goes to the Governor, the bill must have been passed by both houses in identical wording. If there is no consensus, a conference committee is called to iron out difference. This bill cannot be voted upon except "yes" or "no". If the bill is not good but must be passed (like a tax or appropriation bill), the legislators have a difficult choice.

As for influencing the Speaker and the Lieutenant Governor, this is the present situation: (1) Public opinion is nil. Newspapers are not too concerned because the public is indifferent. (2) Party influence is nil because of the political situation in Texas. (3) The Governor has some influence, but this is personal more than legislative. (4) Influence of the lobby is large. The laws with regard to lobbying are almost unenforceable and may have been written thus purposely. However, the lobby does perform useful and important functions. The lobby gives information in various fields and knows that its influence diminishes if it does not furnish good facts. Members of the legislature are not always conversant with all problems. The LWV need to look at the work of the lobby, according to Mr. Burney.

In closing, Mr Burney stated that he believed these six changes can improve the situation: (1) Texas could become a unicameral body. Nebraska is now the only state with that type. (2) We could go to th- joint committee situation where the mass screening of legislation is done before the bill goes to both houses. (3) Printing of all bills immediately would help, so legislators would know more. (4) Better bill drafting would help. As it is now, a legislator gets no help with this. We find much written by attorneys for the lobbying groups. (5) Placing a time limit on the introduction of a bill would help. The bifurcated session is what we are supposed to have now, according to the constitution as amended in 1931. But each session as it opens votes to do away with this. (6) Some movement has been started for annual rather than biennial session. An adequate annual salary to enable members to be full time legislators might be meaningful.



Mrs Jack Wackerbarth



League of Women Voters of the U.S.
1200 - 17th Street, N.W.
Washington, D.C. 20036

March 1, 1965

DO YOU KNOW

THE ABC's OF YOUR STATE GOVERNMENT

WHO'S IN CHARGE HERE?

- Who levies my state taxes?
- Who made the law that sets up residence requirements for voting?
- Who fixes the chuckhole on state highways?
- What can the citizens of my town do if our water is polluted by a city upstream?
- Can my local government pass any law it pleases?
- If I think the state constitution is out of date what can I do about it?
- Is there higher education available at public expense in my state? Where?

STATE GOVERNMENT QUIZ

A. THE OFFICE OF GOVERNOR

1. Who is the Governor?
2. When was he elected and what is his political party?
3. How long is his term of office and what is his salary?
4. Does he initiate policy?
5. What are his primary duties?
6. Does he have veto power?
7. Can he run for reelection? How many times?
8. Does the Governor submit a budget to the Legislature? If so when?
9. What are the executive departments under the Governor?
10. Who is the Lt. Governor -- What are his duties?

B. THE STATE LEGISLATURE

1. What are the two houses of the legislature called?
2. How many serve in each house and what is their term of office?
3. What political party controls each house of the legislature at this time?
4. How often and for how long does the state legislature meet? Is the length of the session limited by law?
5. What are the salaries of the legislators?
6. Who represents you in the legislature?
7. What are the main duties of the legislature?
8. List as many legislative committees as you can.

9. What is the primary function of the legislative committees?
10. Is there a legislative research staff?

C. STATE JUDICIARY

1. What is the highest court in the state?
2. How many judges sit on this court.
3. Are they appointed or elected, and for how long, and what are their salaries?
4. What other state courts are there?
5. Who presides over these courts?
6. Are the judges elected or appointed, for how long, and what are their salaries?

D. STATE GOVERNMENT DEPARTMENTS

1. What are the major departments in the state government?
2. Which departments are headed by elected officials? Which by appointed officials?
3. How many department heads can you name?
4. Does the state have any official advisory boards or commission? To whom are they responsible? How are the members chosen?
5. Is there a merit system in operation in our state government?
6. Is there a civil service commission? Who acts as personnel officer?
7. Who is responsible for managing and maintaining state property?

E. THE ROLE OF THE CITIZEN IN STATE GOVERNMENT

1. What state officials do you elect?
2. When is the next state-wide election?
3. What ballot issues were voted on in the last state election? Were they approved or defeated?
4. How are issues put on the ballot?
5. How can the state constitution be amended?
6. How can the citizen influence legislation?
7. How are citizens chosen for jury duty?
8. Are sessions of the legislature open to the public? How do you go about attending them?
9. Can a citizen testify before a committee? How does he go about it?

your file copy of the
Legislature section of
the original "Know Your
State" Survey, which
later became "Texas Con-
stitutional Review" good
on Constitutional provisions
(over)

but portions may be dated,
so use with care.

36

THE LEGISLATURE

Article II, Section I of the Texas Constitution sets up the three departments of state government: legislative, executive, and judicial. It provides further that each shall keep its powers separate and distinct except in such instances as are expressly permitted under the Constitution. The first of these departments, the Legislature, is the subject of the present study. Since the Legislature makes policy for all state activity, this report is basic to all of the other reports on the operation of Texas government.

In some instances an expression of judgment has been given. These conclusions do not necessarily represent a recommendation of the League of Women Voters of Texas. Members of the League will express their opinions in the local discussions which will take place after a study of this report.

The report is divided into three sections: Part I, Composition of the Legislature, Part II, Proceedings of the Legislature, Part III, Constitutional Requirements, Limitations, and Privileges of the Legislature.

PART I

COMPOSITION OF THE LEGISLATURE

Article III, Section I of the Constitution reads as follows:
"The Legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled 'The Legislature of the State of Texas.'" The number of members, as specified in Section 2, may never exceed 181.

The following chart shows the major DIFFERENCES between the two houses of the Legislature. All of the provisions are found in Article III.

SENATE	HOUSE OF REPRESENTATIVES
1. <u>Number</u> -shall never exceed 31 (Section 2)	1. <u>Number</u> -shall never exceed 150. (Section 2)
2. <u>Term</u> -chosen for 4-year terms arranged so that one-half are elected biennially. (Section 3)	2. <u>Term</u> -chosen for 2-year terms.
3. <u>Qualifications</u> -U.S. citizen, qualified elector of the State at the time of election, resi- dent of State 5 years prior to election, resident of Senator- ial District 1 year prior to election. (Section 6)	3. <u>Qualifications</u> -U.S. citizen, qualified elector of State when elected, resident of State 2 years prior to elec- tion, 1 year resident of district from which chosen. (Section 7)
4. <u>Age</u> - 26 (Section 6)	4. <u>Age</u> - 21 (Section 7)
5. <u>Apportionment</u> -State divided into Senatorial Districts of contiguous territory based on the number of qualified electors. No one county may have more than 1 Senator and Senator. (Section 25)	5. <u>Apportionment</u> -As nearly as possible by population. Ratio obtained by dividing population of State accord- ing to most recent U. S. Census by 150. When a single county has sufficient population, it

may be formed into a separate district.

When 2 or more counties are required to make up the proper number, they must be contiguous.

When a county has more than enough population for one or more representatives, it may merge its surplus population with a contiguous county for an additional representative covering both counties.¹ (Section 26)

A 1936 amendment limits the number of representatives from highly populated counties. No county may have more than 7 Representatives and no district may be created which would allow for more than 7 except under the following conditions: if the county had more than 700,000 population in the last U.S. census, it may have 1 additional Representative for every 100,000 population over 700,000. (Section 26a)

Apportionment shall be made at the first session after the publication of each U.S. decennial census. (Section 28)

6. Presiding Officer-at the beginning and close of each session or whenever otherwise necessary, must elect a pro-tempore Lieutenant Governor to preside in case of death or disability of the duly elected Lieutenant Governor. (Section 9)

6. Presiding Officer-when first assembles, shall organize temporarily, then shall elect Speaker from own members. (Section 9)

7. Meetings- may meet in executive session at which time sessions may be closed. (Section 16)

7. Meetings - Sessions always open. (Section 16)

¹He is known as a flotorial representative. In the 1953 Legislature, there will be 5 flotorial districts: District 94f, composed of Potter, Carson, Randall, and Armstrong Counties; District 49f, composed of Cooke and Grayson Counties; 15f, composed of Smith and Gregg Counties; 37f, composed of Kleberg and Kenedy, and Nueces Counties; and 40f, composed of Cameron and Willacy Counties.

SENATE AND HOUSE OF REPRESENTATIVES

8. Time of meetings - every 2 years at such time as provided by law and at other times when convened by the Governor. (Section 5)
9. Order of business - except as otherwise provided, each house may determine its order of business by the approval of 4/5 of the membership. (Section 5) A legislative manual is published biennially from one session to another.
10. Qualification of members - each house is the judge of the qualifications and election of its own members; contested elections are determined in a manner provided by law. (Section 8)
11. Officers - each house chooses its own officers, except the Lieutenant Governor in the Senate. (Section 9) These include the secretary, journal clerk, calendar clerk, engrossing clerk, sergeant-at-arms, etc. and are elected by the members of the Legislature. Such additional employees as are needed are appointed by the presiding officer in each house.
12. Quorum - two-thirds of each house is a quorum to do business. A smaller number may adjourn and compel the attendance of absent members in a manner and with such penalties as each house may provide. (Section 10)
13. Punishment of members - Each house determines its own rules of proceedings, punishes members for disorderly conduct and with the consent of two-thirds, may expel a member, but not a second time for the same offense. (Section 11)
14. Journal - each house shall keep and publish a journal of its own proceedings. On the request of three members present, the vote of the members of either house shall be entered. (Section 13)
15. Vacancies - vacancies shall be filled by special elections called by the Governor. If the Governor fails to issue a writ within 20 days after the vacancy occurs, the returning officer of the district is authorized to order the election. (Section 13)
16. Immunity from arrest - except in cases of treason, felony, or breach of the peace, members of the Legislature are privileged from arrest during the sessions of the Legislature, including going to and returning from same. One day is allowed for each 20 miles of travel. (Section 14)
17. Punishment of visitors - Each house may punish a person by imprisonment not to exceed 48 hours for disrespectful or disorderly conduct in its presence or for obstructing its proceedings. (Section 15)

18. Adjournment - neither house may adjourn for more than 3 days nor hold its meetings anywhere except where it usually sits without the consent of the other house. (Section 17)

19. Restrictions on members: (Section 18)

- a. During his elected term, a member is not eligible for any civil office or profit which is created or whose emoluments are increased during that term
- b. During his elected term, a member is not eligible for office or place which is filled with the approval of all or part of the Legislature, except where provided by the Constitution.
- c. During his elected term, a member is not eligible to vote for another elected member to fill an office or place requiring the approval of all or part of the Legislature, except where provided by the Constitution.
- d. A member may not be interested directly or indirectly in any contract with the state or any county which is authorized during the term for which he was elected.

20. Legislative immunity - No member can be questioned elsewhere for words spoken in debate in either house. (Section 21)

21. Personal interest - if a member has a personal or private interest in a measure, proposed or pending, he must disclose the fact and refrain from voting thereon. (Section 22)

22. Removal from district represented - if a legislator moves from the district or county he represents, his office shall become vacant and filled in the manner prescribed. (Section 23)

23. Pay - see below.

MILEAGE AND PER DIEM

One other subject applicable to both houses remains, the question of pay. Prior to 1930, each legislator received a per diem of five dollars for the first sixty days of the session, and two dollars for the remaining days of the session. The result was that the regular biennial sessions were terminated at the end of the first sixty days. Since all of the work could not possibly be accomplished in that period of time, a great number of special sessions had to be called.

With a two-fold purpose of reducing the number of special sessions and of attracting more qualified people, the Legislature presented an amendment to the Constitution which was ratified by the people on November 4, 1930. This amendment, which is still in effect, provides that each legislator shall receive a per diem of not more than ten dollars per day for the first 120 days of each session. This figure is reduced to five dollars per day for the remainder of the session. In addition each member is entitled to mileage going to and from the seat of government at the rate of \$2.50 for every twenty-five miles. The latter amount is computed by the Comptroller from a table based on the most direct route from the seat of government to the county seat of the member involved. The member is not entitled to mileage for a special session called within one day after the adjournment of a regular or called session.¹

There is a small expense allowance determined by each session for its members. Although there is no maximum figure, the amount is by custom kept small for fear that the voter back home will accuse the legislator of extravagance. For legislators in more populous counties, the amount provided is not enough to meet the expenses of the office.

The ten dollar per diem is rarely sufficient for the legislator living away from home. It leaves no margin for the support of family either in Austin or at home. The legislator thus has two choices. He may serve at a financial loss; or, he may turn to special interests for subsidization while serving the people.

¹Texas Constitution, Article III, Section 24.

Because the present pay of legislators seldom covers their expenses, many people have shown interest in a revision of this section of the Constitution. An amendment to increase the pay of legislators to \$3600.00 a year was rejected by the voters in 1949.¹

WHO MAY NOT SERVE IN THE LEGISLATURE

Sections 19 and 20 of Article III of the Constitution provide that there are certain officers and classes of people who may not be members of the Legislature. While holding the office for which he is elected or appointed, the following are not eligible for the Legislature: judge, secretary of state, attorney general, clerk of any court of record, any person holding a lucrative office under the United States, Texas, or any foreign government.

No one who has been a tax collector or otherwise entrusted with public money is eligible for the Legislature or for any office of profit or trust in the State government until he has accounted for all money with which he has been entrusted.

PART II

PROCEEDINGS OF THE LEGISLATURE

THE PRESIDING OFFICERS

The presiding officer of the Senate is the Lieutenant Governor and of the House is the Speaker of the House. The former is elected by the people; the latter is elected by members of the House of Representatives.

Lieutenant Governor

The office of lieutenant governor will be discussed as a part of the Executive Department in a later report of the Survey. Interest for the present is in his role as President of the Senate. Article IV, Section 16 of the Constitution provides in part that "The Lieutenant Governor shall, by virtue of his office, be President of the Senate and shall have, when in committee of the whole, a right to debate, and vote on all questions; and when the Senate is equally divided, to give the casting vote."

As the Senate's presiding officer, the lieutenant governor appoints members to committees and refers bills to committees. He may therefore exercise considerable control in blocking or pushing the passage of a bill by referring it to a committee in which his political group has a majority vote.

Speaker of the House

The election of a Speaker is the first order of business after the House is convened by the Secretary of State. As the presiding officer of the House, he appoints committees, refers bills to committees, and appoints and discharges House employees. It can be understood why his election is usually the climax of vigorous

campaigning following the general election.

THE SPLIT SESSION

Article III, Section 5, as amended in 1930, makes specific provisions for the procedure to be followed in the regular sessions of the Legislature. This is shown in the following outline:

First 30 days	1. Introduction of bills and resolutions 2. Acting upon emergency appropriations 3. Passing upon recess appointees of the Governor 4. Such emergency matters as may be submitted by the Governor in special messages
Second 30 days	5. Committee hearings on bills and resolutions and other pending matters 6. Emergency matters submitted by the Governor
Last 60 days	Action on 7. Bills and resolutions then pending and upon emergency matters submitted by the Governor in special messages

However, the same Section 5 provides that by a 4/5 vote of its membership, either house may otherwise determine its order of business. Subsequent legislatures have interpreted this provision to mean that the limitation on the introduction of bills to the first thirty days could be waived. Rules have been adopted which permitted unlimited introduction of bills during the first sixty days. Introduction during the remaining days of the session could be by unanimous consent, by a suspension of the rules requiring a 4/5 vote of members present, or by emergency submission by the Governor.

THE SPECIAL SESSION

The governor may, on extraordinary occasions, call the Legislature in special session. (Article IV, Section 8) Article III, Section 40, provides that "...there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor..." A special session may not last longer than thirty days.

PASSAGE OF BILLS

The procedure for the passage of bills in Texas is the same as that usually followed in bicameral legislatures. Since the University of Texas has issued a pamphlet on the subject, it would seem an unnecessary duplication to repeat here the steps in the passage of bills. It is recommended that copies of Municipal Studies No. 25, How Bills Become Laws in Texas, be used in conjunction with this report.¹

General Constitutional Provisions

There are certain requirements and limitations prescribed by the Constitution with regard to the passing of bills. The following are taken from Article III.

1. Bills may originate in either house, and when passed by such house, may be amended, altered, or rejected by the other. Bills for the raising of revenue, however, must originate in the House of Representatives. The Senate retains the right to amend or reject them as it does other bills. (Sections 31 and 33)

2. No law may be passed except by a bill and no bill can be so amended in its passage through either house as to change its original purpose. (Section 30)

¹How Bills Become Laws in Texas, Bureau of Municipal Research, University of Texas, Municipal Studios No. 25, Austin, 1947. Price 50 cents.

3. If a bill or resolution has been considered and defeated by either house, no bill or resolution containing the same substance may be passed into law during that session. (Section 34)

4. Every bill must be read on three separate days in each house. This requirement can be waived by the declaration of an emergency in the caption of the bill and an affirmative vote of 4/5 of the house in which the bill is pending. The vote of the legislators must be entered in the Journal. (Section 32)

5. The subject of a bill must be expressed in its title. Except for general appropriation bills, no bill may contain more than one subject. If a bill amends a section of an act already in effect, the entire section must be reenacted and published at length, not by title alone. (Sections 35 and 36)

6. Every bill must be referred to a committee and reported on. No bill may be passed on which has not been referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Section 37)

7. Every bill must be signed by the presiding officer in the presence of the house over which he presides and notice of the signing must be made in the Journal. (Section 36)

8. Laws take effect 90 days after the adjournment of the session. This does not apply to appropriation bills. By the declaration of an emergency and a two-thirds vote of all of the elected legislators, a different effective date may be set. (Section 39)

9. Members may give voice votes except when voting for their officers. (Section 41) In the Texas House of Representatives, there is an electric roll call device for recording votes.

LEGISLATIVE PRACTICES

Printing of Bills

Bills may be introduced by presentation of two copies to the Clerk or by presentation on the floor. A number is assigned and the Reading Clerk reads the title. This constitutes one of the three readings required under the Constitution. At this stage the bill need not be printed. Thus during discussions by committees after the first reading, only one copy of a bill may be available.

Where outside individuals or organizations are interested in the passage of a bill, additional copies are usually furnished members of the committee. Only after a bill is reported favorably from a committee is it mandatory that copies be printed for all members.

The Lobby

Lobbies in Texas are practically unregulated. Persons wishing to appear before committees must register with the House Committee on Registration. However, no further action is taken.

In addition, legislators should be required to make a full disclosure of their employment and financial interests. When legislators have corporate clients or individual clients whose relationship might influence legislation, he should be able to disqualify himself on any measure in which his individual or corporate client has any interest.

The Legislator and his Job

As the functions of state government have increased, so have the responsibilities of the individual legislator increased. The subjects of bills on which he must vote become more complex. Consider that there are 43 standing committees in the House and 39 in the Senate of the 53rd Legislature, each covering a range of subjects. Each member of the Legislature will usually be on two or more standing committees. This is but a part of his work. He must also serve on investigating committees. At the same time he must be available to members of his constituency.

In recognition of the complexity of demands on the legislator, some states have set up agencies to assist him in his work. The oldest of these is the Legislative Reference Library. The Legislative Reference Division of the State Library offers assistance in bill drafting and in research to individual legislators.

The Legislative Budget Board, created by Statute in 1949¹, is composed of the Speaker and four members of the House, the President and four members of the Senate. It appoints the Director of the Budget and approves his personnel. Through the Director, it conducts a continuous study of state expenditures and revenues. Also through the Director it is responsible for submitting an estimated budget of appropriations within five days of the opening of any regular session to the Governor and to all members of the Legislature. This becomes the basis for the appropriation bill for the operation and maintenance of the entire state government. This document eventually becomes the appropriation act.

The Legislative Audit Committee, created by Statute in 1943², is composed of the following: the Speaker, chairman of the House Appropriations Committee, chairman of the House Revenue and Taxation Committee; President of the Senate, chairman of the Senate Finance Committee, chairman of the Senate State Affairs Committee. The primary requirement of the Committee is to appoint the Auditor (with the approval of the Senate) and to receive his reports. It may also hold hearings on reports by the Auditor of any improper

¹Tex. Civ. Stat. (Vernon, Supp. 1950) Art. 5429c.

²Tex. Civ. Stat. (Vernon, 1948) Art. 4413a-8 through 4413a-23.

practices in state agencies. The State Auditor audits all state agencies. He reports on the satisfactory or unsatisfactory operation of all departments, and may recommend changes to improve the functioning of the departments. He may not make recommendations as to new sources of tax revenue. His reports go to the agency heads, governor, lieutenant governor, speaker, secretary of state, and each member of the Legislature.

Texas Legislative Council

By far the most important recent development in legislative aids has been the establishment of the legislative council. Generally it is composed of members of the legislature who meet between sessions to consider the most urgent problems expected in the next session. Because of the importance attached to this type of organization, the Texas Legislative Council is here discussed in detail. Specific information regarding the operation of the Council is taken from The Council Report to the 52nd Legislature, January, 1951.

History and Purpose - The Texas Legislative Council was established by the Legislature in 1949.¹ Its purpose, as stated in the Act, is "... to assist the Legislature and its individual members in obtaining information upon Specific legislative problems and matters affecting the general welfare of the State and to assist said members in drafting proposed legislation."

Composition and Meetings - Section 1 of the Act provides that the President of the Senate who serves as Chairman, shall appoint five Senators. The Speaker of the House, who serves as Vice

¹Ch. 324 (p. 607) - Laws, 1949 (Art. 5429b).

Chairman, shall appoint ten Representatives. The committee must be drawn from various sections of the State and no two members may be appointed from any one congressional district. Terms of office run from the date of appointment to the convening of the next Legislature.

Section 2 requires that meetings be held at least once a quarter.

Funds for the operation of the Council are appropriated by the Legislature. Members of the Council receive no compensation save for expenses in travel in connection with the business of the Council. The amount appropriated for 1951-1953, exclusive of earmarked appropriations for special studies was \$104,000.00.

Powers and Duties - Section 3 provides as follows:

"The Council shall have power and its duties shall be:

- (a) To investigate departments, agencies and officers of the State and to study their functions and problems.
- (b) To make studies for the use of the Legislative branch of the State government.
- (c) To gather information for the use of the Legislature.
- (d) To make such other investigations, studies, and reports as may be deemed useful to the Legislative branch of the State government.
- (e) To sit and perform its duties in the interim between sessions.
- (f) To report to the Legislature its recommendations from time to time and to accompany its report with such drafts of legislation as it deems proper."

Organization - Section 2 of the Act provides that the Council shall adopt its own rules of procedure. Under the rules adopted March, 1950, four standing committees were created as follows:

1. Executive committee - to supervise organization and administration of the Council.
2. Subject Matter committee - to study proposed subjects, to recommend priority for these to be undertaken.
3. Finance Committee - to prepare budget and approve salary schedules for operation of the Council.
4. Investigating committee - to investigate reports of malfeasance, non-feasance, or gross neglect of duty of state officials of state departments or institutions.

In addition to the standing committees there may be appointed study committees to work as liaison between the professional staff and the other members of the Council on specific subjects. There may also be advisory committees appointed on recommendation of the study committee. These are composed of other members of the Legislature, other state or local officials, or private citizens on a voluntary basis.

The permanent professional staff is small with special consultants called in when necessary. The present staff is composed of the Executive Director plus an associate director, two research associates, and an administrative secretary, plus five clerical workers.

Procedure - Subjects for research may be submitted in writing by any member of the Legislature, by any state or local official, or by any citizen or group of citizens. These are referred to the Subject Matter Committee which makes recommendations to the whole Council as to which subjects deserve consideration and their order or priority. When the topics have been selected by the Council, they are referred to the staff for investigation.

The staff, on conclusion of its research, presents a Staff Research Report which goes not only to the members of the Council but also to the entire Legislature. It is objective and makes no recommendations for solving the problem. Instead it offers several approaches giving the advantages and disadvantages of each.

The Study Committee for that particular subject then studies the report. It may request additional information as well as hold public hearings. The Study Committee then reports its recommendations to the Council which then formulates the Council Report. The latter is presented to the Legislature and contains both the findings and the recommendations of the Council.

The Council Reports to the 53rd Legislature, which convened on January 12, 1953, covered the following subjects:

- By direction of 52nd Legislature,
 1. House Concurrent Resolution Number 69, the tax structure of the State.
 2. By direction of Senate Concurrent Resolution Number 33, 52nd Legislature, local government problems in Texas.
 3. By direction of the 52nd Legislature, problems relating to the construction and maintenance of highways and roads of the State.
 4. By direction of Senate Concurrent Resolution Number 46, 52nd Legislature, a study of the Uniform Commercial Code.
 5. Additional subjects proposed to the Legislature not given detailed study to date:
 - a. Council Report to the 52nd Legislature.
 - b. Texas Water Problems
 - c. Request of Brazos River District
 - d. Legislative Suggestions and Recommendations of State Board of Education
 - e. Inactive State Agencies and Obsolete Provisions of the Statutes

PART III

REQUIREMENTS, LIMITATIONS, AND PRIVILEGES

The following pages are devoted to a discussion of the requirements, limitations, and privileges of the Legislature. Certain designated powers are not presented here because they will be covered in other reports of the Survey. These include provisions regarding taxes, public welfare, health, education, municipal corporations, and various state boards and commissions.

The following analysis will show that the powers of the Legislature are restricted and limited in many ways. To understand this condition it is necessary to look first at reasons for the development of the practice of restricting powers.

HISTORICAL BACKGROUND

The present restrictions and limitations on state legislatures have developed through the years as a result of various factors. During colonial times the assemblies were the champions of the people against the tyrannies of the crown-appointed governors. It was inconceivable, therefore, that the people should fear the power of the legislature when the time came for framing their first state constitution.¹

However, almost immediately the legislature, in reaction to having thrown off the yoke of Colonial governors, began inviting trouble through uncontrolled lawmaking. The people in turn began taking over the legislature power to pass mischief making laws.

¹Luce, Robert, Legislative Principles, p. 551.

"Georgia seems to have been the first state to apply this remedy. In 1789 this state transferred some of the assumed legislative functions to its courts and other states met the problem of 'mischief-making laws' in a similar manner by declaring that no law should be passed granting power and privileges in any case where the courts have jurisdiction to handle them.¹

For example, most legislatures had taken upon themselves the power to grant divorce. Mounting resentment against the meddling of legislatures in private affairs may have led Georgia again to take the lead in the treatment of this matter by saying: "Divorces shall not be granted by the Legislature until the parties have had a fair trial before the superior court, and a verdict shall have been obtained authorizing a divorce upon legal principles."²

During the first decades of the 19th century, unlicensed law-making brought on scandals through the granting of favors. As a consequence many states began to change their constitutions to read that "no private or special laws shall be passed" and to indicate the fields prohibited from invasion. Internal improvements following the invention of the steam engine and the reckless pledging of public funds and credit, brought on more restraining legislation and constitutional changes.

Another field for restrictions on legislatures grew from the practice of awarding extra compensation to men working for the public. In this particular form of restraint, the new state of Texas made the start in its Constitution of 1845, by stipulating that no one could receive additional compensation for services performed other than those authorized by pre-existing law. This provision remains in the present Constitution.

¹Ibid., p. 552

²Ibid., p. 552.

Following the Civil War came a flood of pensions, annuities, and kindred requests. These led to provisions prohibiting legislatures to make grants in its list of local, private, and special laws. Thereafter the states followed one another rapidly in framing provisions restricting the freedom of their legislatures.

New York and Pennsylvania led the way in an attempt to cure the evils of log-rolling, extravagance, and corruption. In Pennsylvania, a commentator in the late 1800's wrote:

"The condition of affairs was partly due to the inferior character of some of the members of the Legislature and partly to the unscrupulous behavior of certain rich corporations which made a business of appealing to the cupidity of the more dishonest members for the purpose of obtaining legislation beneficial to their purposes. The usual method of conferring such benefits was the enactment of laws which are known as local and special laws.. and special legislation that the constitutional convention of 1873 was convened in Pennsylvania."¹

The Texas Constitution of 1876 followed the example set by Pennsylvania in placing restraints on the Legislature. Although the Texas Constitution was largely a product of the reaction against the excesses of the Reconstruction, it is well to remember that the framers thereof were also following the national trend of the times in placing restrictions and limitations on legislative bodies. Distrust of the legislators and legislatures was widespread.²

¹Ibid., p. 562

²Luce, Robert, "The Decline of the Legislatures" Atlantic Monthly, p. 702.

/ critic of the times commented:

"We have grown to distrust our State Legislatures. Their convening is not hailed with joy, and a universal sigh of relief follows their adjournment...Our representatives are the subject of jest and ridicule, of anger and fear. This is a serious matter. When a democracy loses faith in its law-makers, respect for laws must soon fade away, and with it vanishes self-government."¹

The increasing number of limitations placed upon the power of state legislatures during the 19th century have today made it almost impossible to enact a law on any important subject"..... without regard to constitutional provisions that specify in great detail what may be included and what must be omitted; how the statute must be phrased...who may be included within its terms and who may receive exemption."² Many states are now conducting research into improved methods of legislation.³

"Vigorous, vital, effective legislative bodies are essential to democratic government, to efficiency and economy of administration, and to enactment of legislation on social, economic, financial and other problems facing states."⁴

"When depression-born demands for modern services were not met by the state and local governments, the federal government of necessity undertook new functions...wartime necessity increased centralization...Under the circumstances, it is not likely that the state legislatures will be willing any longer to confine themselves to the role of commonwealths merely setting up needed administrative organization to implement policy the national government has laid down....."

¹ Idem.

² MacDonalld, Austin, American State Government and Administration, p. 170.

³ Perkins, John A., "State Legislative Reorganization," American Political Science Review, vol. 40, p. 510.

⁴ Harris, Joseph P., "Modernizing the Legislature," National Municipal Review, 1947, p. 142

There may be an awareness that only by a real reformation can the legislatures hope to cope with the growing complexity and technical character of the subject matter with which they would deal. To regain their long-lost prestige they must also demonstrate that they are responsive to local needs....."¹

The Texas Legislature is no exception to that of other states. "Most thoughtful students of Texas government believe that the present Constitution of Texas unduly restricts the sphere of the Legislature by placing excessive restraints upon its power and freedom of action, and fixes with a measure of finality many matters which might well have been left to the discretion of future legislatures."²

DISCUSSION OF CONSTITUTIONAL PROVISIONS

The federal government is one of delegated powers. Of necessity the Federal Constitution states positive objects of national policy and speaks of "grants of power." The framers of the federal Constitution delegated these powers to the central government which were necessary in order to conduct the national affairs of the Union.

The state governments then inherited or retained the historic authority of general government. This is illustrated by the 10th Amendment to the federal Constitution which reads: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

¹Perkins, John A., op. cit., p. 510.

²Weeks, O. Douglas, "The Texas Legislature - A Problem for Constitutional Revision." Texas Law Review, vol. 21, p. 490.

As a consequence, state constitutions dealt largely with the limitation of powers that resided in state governments. An affirmative grant of power as appears in the Federal Constitution was not necessary in state constitutions. The Constitution of Texas does not undertake to enumerate the powers of the Legislature. Since the powers of the state are inherent, a specific enumeration thereof is not set forth. "The Texas Constitution grants very few specific powers to the Legislature but sets out the manner in which the body must use the power it already has. The Texas Constitution therefore charges the Legislature with certain 'requirements.'"¹

Article III, Section 42: To Pass Necessary Laws.

The Legislature must pass such laws as are necessary to carry into effect the provisions of the Constitution.

The "legislative power is vested in the Legislature, which has full and complete authority in reference to the enactment of statutes, both civil and criminal, except in so far as it is positively inhibited by the state and federal constitutions."² In other words, "...the Constitution confers specific authority to impose an express duty upon the Legislature to enact laws..."³

The courts have interpreted this duty to pass laws as a power..."the Legislature may investigate, ascertain, and determine what enactments are required for the furtherance and protection of public interests (Exparte Ferguson, 112 Crim. Rep. 152, 15 S.W. (2) 650) and within Constitutional limitations, it may enact any

¹Judd. Correlius and Hall, Claude, The Texas Constitution, p. 66.

²Texas Jurisprudence, vol. 39, p. 61.

³Idem.

law that it deems proper...But a legislature cannot surrender its law-making power, nor can it restrict the authority of subsequent legislatures by the enactment of irrepealable legislation."¹

However, this power may be exercised by another agency so authorized by the Legislature.² The constitution and statutes confer legislative power on many boards and commissions. "Cities and counties also furnish appropriate agencies through which the state may perform duties."³ The Texas Supreme Court has ruled that the Legislature could confer on corporations a local legislative power to meet the purpose for which the corporation was created.⁴

A discussion of the general powers of the Legislature would necessarily include the all-important policy power, which has grown to such enormous proportions that it is difficult to define its limits. It is the "inherent power of the government to pass such laws as may be deemed necessary for its own protection and to secure the safety, comfort, and general welfare of its citizens. In general it includes all legislation designed to promote social welfare, such as...licensing of physicians, druggists and lawyers; the control of trusts; quarantine laws; workmen's compensation; the conservation of natural resources..."⁵ and many more which come within the bounds of police power of a state. Because of the growing urbanization of the state, the greatest field of delegated police power is perhaps that which the Legislature has given to municipalities.

¹Ibid., p. 62.

²Texas Jurisprudence, vol. 9, p. 493.

³Idem.

⁴Blessing v. Galveston (42 Tex. 641).

⁵Stewart, Frank M. and Clark, Joseph L., The Constitution and Government of Texas, p. 49.

In discussing how the Legislature is required to exercise various broad powers under Section 42, it may be noted that this provision is a "...broad requirement and gives to the Legislature power to pass almost any law not limited by the Constitution of the United States or the Constitution of Texas."¹

Article III. Section 43: Revision and Publication of Laws.

The first session of the Legislature following the adoption of the Constitution of 1876 was charged with providing for revising, digesting, and publishing the civil and criminal laws. The section further provides that a similar revision "may be made" every ten years thereafter.

Since the word may is here used, this section has been interpreted to be permissive in nature. At least the Legislature has not felt compelled to comply with this requirement every ten years but has directed the revision of the states only when it felt such action to be necessary. Four revisions have been made. The most recent, that of 1925, is still in effect. Court decisions have established the authenticity of the Revision Statutes of 1925.²

Article III, Section 44: Compensation of Officers: Payment of Claims.

The Legislature must provide for the compensation of all public servants unless otherwise provided for in the Constitution.

The second part of this Section reads: "...nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended when the same shall not have been provided for by pre-existing law..."

¹Judd and Hall, op. cit., p. 52.

²Am. Indemnity Co. v. City of Austin (246 S.W. 1019) and City of Lubbock v. Magnolia Petroleum Co. (291 S.W. 660).

An interpretation of this Section by the Attorney General has in some instances prevented the payment of legitimate claims against the state even when the parties have had permission to sue and have had a fair trial in the courts. Although this section serves to prevent injury to the state, it seems to be too restrictive to allow justice in many cases. The problems presented here will have to be solved by the constitution-makers of the future.

Article III, Section 46: Legislature Shall Enact Vagrant Laws.

Article III, Section 47: Lotteries Shall Be Prohibited.

The purpose of Section 46 was "...to give the people of Texas more power to control the large number of idle negroes [sic] set free by the Civil War."¹ Penal codes 607, 608, and 609, seemingly have adequately taken care of this requirement of the Constitution.

Sections 46 and 47 "...show that the 1876 Constitutional Convention had in mind a number of topics on which it was not willing to trust the legislature to exercise its own judgment as to whether or not it should legislate, but commanded in these instances, laws should be passed to accomplish the purposes names."²

Many people question the wisdom of incorporating the provisions of a penal code in a constitution. Such matters, it is said, should be left to the discretion of the law makers.

Article III, Section 55: Power of Legislature to Release Debt.

This section reads: "The Legislature shall have no power to

¹Judd and Hall, op. cit., p. 67.

²Storrie V. Houston Street Railway Co. (44 S. L., 796).

release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability of obligation of any corporation or individual, to this State or to any county or defined subdivision thereof, or other municipal corporation therein, except delinquent taxes which have been due for a period of at least ten years."

The last phase concerning delinquent taxes is an amendment ratified by the people on November 8, 1932. In view of the fact that the Federal government has the power to make settlements with corporation and individuals in tax matters, this constitutional restriction on the power of a state legislature seems somewhat stringent. Abuses which this section seeks to prevent could be covered by statute or through the action of an administrative board.

Article III, Section 56: Local and Special Laws.

This section places numerous limitations on the Legislature by forbidding it to pass any local or special laws with regard to a list of twenty-nine subjects. They range from the changing of a person's name to the regulating of fees of aldermen.

The section concludes: "And in all other cases where a general law can be made applicable no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities."

"In an effort to prevent the legislature from dealing individually with matters relating to persons and property which should be covered by general legislation and to keep down legislative interference in matters of purely local concern, the state constitutions restricted the use of special legislation" by such provisions as that contained in this section.¹

We have seen in the beginning of this part of the report how most early state legislatures, unrestrained by constitutional limitations, enacted large number of special acts applicable only to individual persons or places. As a consequence most states inserted in their constitutions restrictions upon the enactment of special and local laws. This did not prevent state legislatures from continuing their practice, especially in the field of local legislation.

"It has become the rule throughout the United States that general laws can be made applicable to a certain class or group and still not be in violation of constitutional prohibitions against special laws."² The courts of most states have taken the view that "Prohibition of special legislation in such cases does not prevent classification of cities and counties and the application of different regulations to different classes, provided that the classification is reasonable and that all units within a particular class are accorded like treatment."³

¹MacCorkle, Stuart, op. cit., p. 88.

²Keith, John P., City and County Home Rule in Texas, p. 46.

³Snider, Clyde F., American State and Local Government, p. 195.

All sorts of local bills, even those of raising salaries of county officials, are introduced and passed as general laws in each session of the Texas Legislature. On their face they are state-wide because they appear under the guise of a phrase reading "all cities or counties in Texas having a population between one number and another number."¹ "The Texas Legislature, during the regular session of 1949, enacted over 600 bills, fifteen percent of which applied to one or more population figures to define the group or area affected by the legislation."² A survey of the last session reveals a similar percentage.³

Many of these measures are drafted back home by interested parties. The legislator introduces them as an accomodation in many instances not even knowing their contents or implications."⁴ Although they affect only a few people, these local bills must go the route of all other bills, defeating the principle of home rule and consuming the time and energy of the Legislature. Meanwhile, more important bills of statewide application become bogged down or are often rushed through in the last hours of the session without proper consideration.

The judicial treatment of these "bracket" or population bills was one of a hands-off policy until 1930. At that time the Texas Supreme Court made an effort to curb the deluge of local legislation. For the thirty years prior to 1930, not one statute was

¹MacCorkle, Stuart and Smith, Dick, Texas Government, p. 89.

²Norris, Herman I., "Population Bills in Texas," Texas Law Review, vol. 28, p. 828.

³Texas Almanac, 1952-1953, p. 338

⁴MacCorkle and Smith, op. cit., p. 89.

brought before the courts to be held a special law. This was the results of an early ruling of the Supreme Court that "A classification which does not manifest a purpose to evade the Constitution cannot be held a special law merely because in the court's opinion, the classification is unreasonable."¹

In 1930, the Texas Supreme Court gave the following ruling regarding a case which involved the approval of a bond issue under an act to permit the issue of special assessment certificates for improvements of streets for cities of "not less than 106,000 inhabitants and not more than 110,000 inhabitants according to the United States census of 1920":

"...an act which is so drawn that by its plain and explicit provisions it is made to apply to one city only...and can never in any contingency apply to any other city is just as repugnant to the Constitutional provision...as though the name of the city and been written into the act..."²

The court further says now that a population bill is a general law only when the court considers its classifications to be reasonable and natural. The guides for the reasonableness and naturalness of the classification are used: 1. The classification should not be based on existing circumstances only. That is, the classification should not be based on a specific federal census but on the last preceding census, thus allowing every ten years for any city that enters the population bracket to take advantage of the legislation. 2. The classification must be relevant or based on substantial distinctions. The courts have

¹Keith, John P., op. cit., p. 50

²Ft. Worth v. Bobblitt (121 Tex. 14, 36 S.W. (2)).

held that population brackets are permissible where the "...., spread of population is broad enough to include or segregate a substantial class, and where the population bears some real relation to the subject of legislation."¹

"Can a population classification ever be relevant and based on real differences? Practically it is admitted that there is, at best, little reality to a population classification. For example, whether county officers need more compensation depends on their present salary and duties, and only remotely on the number of people in the county. Or whether a city should issue its own utility bonds depends on its need and financial ability, not on its population."²

"What, then, has saved the population bill from judicial annihilation? The answer, admittedly, is that only a small percentage ever reach the courts. Of the more than 400 population bills enacted in the last decade, only a handful have been litigated. Obviously, with such a percentage, the sponsor of a population bill can well afford to introduce his bill and take his chances it will never reach the courts."³

Of course it is not contended that there should be no local and special legislation in the Legislature altogether. There are some situations that can be dealt with only by special laws---- acts to meet emergencies, to free local governments from special

¹Miller v. County of El Paso (136 Tex. 370, 150 S.W. (2) 1000).

²Texas Law Review, vol 28, p. 828.

³Ibid., p. 841.

laws already passed, and to pay legitimate claims against the state since Texas has no court of claims to handle this latter problem.¹

To date there has been no really practical solution presented to eliminate the deluge of local bills in the Legislature. It has been suggested that a more rigorous procedure in the Legislature would afford some guarantee that the bills passed were necessary to the local units affected. "This procedure would require: 1. that the bill recite in detail the need, cost, and consequences of its operation; 2. that a special committee should consider the bill in a quasi-judicial hearing; 3. that the bill as adopted should contain findings of fact as reliable as a judicial record; and 4. that there should be rules to prevent quick passage."²

Article III, Section 57: Notice of Local or Special Laws

It was the intention of the constitutional framers to provide a means whereby the members of a locality affected by a local bill might be informed when their local autonomy was about to be encroached upon. Thus this section provided that no local or special law could be passed unless the notice of the intention was published in the affected locality thirty days prior to its introduction into the Legislature. The Supreme Court has ruled that in the absence of proof to the contrary, it would have to presume that the Legislature had complied with this section.³ This has had the effect that almost nullifying the Constitutional provision of notice for local and special bills. Either the provision should be

¹MacCorkle and Smith, op. cit., p. 95.

²Gilchrist, Henry, "The Form of a Constitution," Texas Law Review, vol. 28, p. 851.

³Cravens v. State (57 Cr. R. 135; 122 S. . 29; 136 Am. St. Rep. 977).

removed from the Constitution or be incorporated in statutory procedure for the passage of local and special legislation.

Article IV, Section 25: Laws for Investigation of Breaches of Trust.

The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds and providing for their suspensions from office on reasonable cause shown. A legislative investigation is essentially a judicial function. Investigative committees formulate their own rules of procedure, issue subpoenas and compel attendance of witnesses, administer oaths, and inspect books, records, and files of the department or individual in question. Outside of the Bill of Rights and rules of notice and hearing, legislatures, national and state, have developed little or no tradition of fairness to limit their conduct. The American lawyer has "...devoted courage and vigilance for individual rights in building the tradition of a fair court trial, but this courage and vigilance has been lacking in the field of legislative inquiries."¹ Constitution makers of the future should perhaps give some thought to legislative investigative procedure in order to preserve legislative prestige as well as to prevent grave abuses of individual rights.

Article VII, Section 1: Public Schools to be Established.

This section reads: "A general diffusion of knowledge being essential to the preservation of liberties and rights of the

¹Hurst, James Willard, The Growth of American Law, pp. 36-37.

people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." In keeping with this constitutional mandate, the Legislature has become the central agency in the development of our state system of education. We are here examining only the governmental aspects of various constitutional provisions. Thus, we will not discuss the functioning of the State Board of Education, created and made mandatory upon the Legislature by a constitutional amendment in 1928. The "State Board of Education has a general supervisory power over the public school system of Texas."¹ This is an example of delegation of legislative power to an administrative board.

Article XII, Section 3: Franchises to be Under Legislative Control.

Article XII, Section 4: Charges and Collections of Freights, Wharfage, Fares or Tolls for the Use of Property Devoted to the Public Prohibited except Specially Authorized by Law.

Article XII, Section 5: Freights, Wharfage, Fares or Tolls Subject to Legislative Control.

These three Sections deal with Legislative power to control private corporations in regulating freights, tolls, wharfage, or fares levied, and for the use of highways, landings wharves, bridges, and ferries devoted to public use. They also direct the setting up of a mode of procedure to punish unlawful charges for the same, reserving legislative power to change the laws dealing with these subjects.

¹Patterson, McAlister, and Hester, State and Local Government in Texas, p. 236

The legisla ture could not regulate by general law the operation of railroads in Texas so as to get satisfactory results. In 1894, a Railroad Commission was created by constitutional amendment.¹ To its original purpose of regulating railroad rates and transportation has been added the regulation of the production of oil and gas which is now of even greater importance. "The expanding authority of the Federal government and its interstate Commerce Commission has reduced the need for state regulatory bodies in the field of interstate transportation; but so far as intrastate regulation is still applicable, the Railroad Commission regulates railroad, express, dock, and wharf companies and sets the rates for freight and passenger traffic and intrastate rates for motor bus and truck transportation...²

Tolls on highways, landings, wharves, bridges, and ferries are now practically extinct, and where they remain or are instituted are under the control of the State Highway Department.

The power of control in both instances might be reserved to the Legislature through administrative boards responsible to that elective body. In such case, detailed provisions such as those in these Sections could be eliminated.

Article XV, Sections 1 through 7: Impeachment.

When the Texas Supreme Court ruled to make impeachment proceedings effective in Texas by refusing to allow the former Governor Ferguson to file on an election ballot, the court defined

¹Judd and Hall, op. cit., p. 27.

²MacCorkle and Smith, op. cit., p. 130.

the nature of impeachment is our form of government as follows:

"Impeachment at the time of the adoption of the Constitution, was an established and well-understood procedure in English and American law, and it had been resorted to from time to time in the former country for perhaps five hundred years. It was designed primarily, to reach those in high places guilty of official delinquencies or maladministration. It was settled that the wrongs justifying impeachment need not be statutory offenses or common law offenses against any positive law. Generally speaking, they are designed as high crimes and misdemeanors which in effect, meant nothing more than grave official wrongs...These offenses cannot be defined, except in the most general way. A definition can, at best, do little more than state the principle upon which the offense rests. Consequently no attempt was usually made to define impeachable offenses, and the futility as well as the unwisdom of attempting to do so has been commented upon. When the Constitution of Texas was adopted, it was done in the light of and with the full knowledge of and understanding of the principles of impeachment as theretofore established in English and American parliamentary procedure."¹

With this explanation in mind, we see that impeachment is a well-established heritage of parliamentary bodies and rightfully a legislative power. Therefore it is well to set forth briefly the skeleton framework for impeachment proceedings in a constitution.

The Texas Constitution vests power of impeachment in the House of Representatives but the cases are tried by the Senate, where a two-thirds vote of the Senators present is required for conviction. "When sitting for that purpose, the Senators must be on oath or affirmative impartially to try the person accused.

¹Ferguson v. Maddox (114 Tex. 85, 263, S.W. 888).

The extreme judgment in cases of impeachment can extend no further than to removal from office and disqualification from holding any office of honor, trust, or profit under the State. But one convicted of impeachment charges may also be held responsible to the courts provided the offense or offenses are in the category of crimes or misdemeanors."¹

The Constitution also provides that a district judge, charged by not fewer than ten practicing lawyers under oath, may be removed by the Supreme Court for incompetency, partiality, oppression or other official misconduct, unfitness by habit or conduct, and failure to perform the duties as a judge.

Article XVI, Section 1: Official Oath.

This Section begins: "Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation..." Then follows the promise to perform duties with skill and in accordance with the laws of the United States and this State. It concludes "...and I furthermore solemnly swear (or affirm), that I have not, directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God."

The original oath contained a further affirmation that the

¹Judd and Hall, op. cit., p. 140

person had not fought or accepted a challenge to a duel, or acted as a second in a duel. A constitutional amendment was ratified by the people on November 8, 1938, removing this item from the oath.

Article XVI, Section 11: Usurious interest prohibited.

The Constitution reads "All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first Legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent same; but when no rate of interest is agreed upon the rate shall not exceed six per cent per annum." The section was amended in 1891 as submitted by the Second Legislature to replace the original provision of 12 and 8 per cent.

The statute enacted by the Legislature to meet the requirement is found in the revised statutes of 1925 as Article 5073. Although the courts have been vigilant when cases have been brought before them, few cases are prosecuted, particularly in the small loans class. Forms of usurious interest do exist in Texas under this Constitutional limitation.

One writer on small loans said that "...the only fruitful course open to the correction of small loan evils is to seek an amendment to the Constitution to remove the interest limitation as it applies to small loans and vest in the legislature the authority to regulate the small loan business..."¹ Opinions seem

¹Donaldson, J. Glenn, "Small Loan Legislation in Texas." Texas Law Review, vol. 20, p. 186.

to be divided as to whether that provision should be entirely relegated to statutory law. Perhaps the provision as it now operates as a directive to the Legislature to pass laws on usury might be set forth in a general empowering clause in order that more positive statutory laws on the subject might be passed.

Article XVI. Section 22: Fence Laws.

This Section gives the Legislature power to pass fence laws applicable to any subdivision of the state to meet the wants of the people. Fence laws, which were necessary in pioneer agrarian frontier life, surely have no place in a modern constitution. If some of the sections of the State find a necessity for the continuation of fence laws, statutory laws might be passed under a general empowering clause in the Constitution.

Article XVI. Section 23: Stock Laws.

Under this Section, power to pass laws for the regulation of live stock and the protection of stock raisers, for the inspection of cattle, stock, and hides, and regulation of brands is given the Legislature. It also provides that any local law must be submitted to the freeholders of the section affected thereby before it can go into effect.

Again it would seem that a general empowering clause could cover the subject. Some of these provisions now require different statutory laws from those of the frontier era of livestock raising and much of the regulation and inspection is done by the Livestock and Sanitary Commission.

Article XVI, Section 24: Roads, Convict Labor.

The Legislature must make provision for laying out and working public roads, for the building of bridges, and for the utilizing of fines, forfeitures, and convict labor to all these purposes. In 1916, the Federal Government passed the Federal Highway Act, whereby states were to receive money for the building of federal and state highways if they established a state highway department to accept and administer the funds.

In 1917, Texas established its highway department. In performing its tasks, it ran into conflicts with other governmental units authorized by the Constitution and statutes to lay out and work public roads. The Supreme Court of Texas in one decision swept aside the constitutional provisions concerning road-building by saying: "The Constitution does not confer power over public roads. It is only by laws of the state, as enacted by the Legislature, that jurisdiction over public roads has ever been exercised by county commissioners courts...The Provisions of the State Highway statutes create an agency in which are vested powers to formulate and execute plans and policies for the location, construction and maintenance of a comprehensive system of state highways and public roads."¹ Although the Court is specifically referring to Article V, Section 18, it can readily be seen that this same ruling makes this Section unnecessary in the Constitution. The State Highway Department, as an agency of the Legislature, has the responsibility for laying out and working public roads.

¹Robbins v. Limestone County (268 S.W. 915).

Article XVI, Section 34: How Forts May be Acquired by the United States.

The Legislature is given the power to pass laws on the manner in which forts may be acquired by the United States. Although the procedure described is used to lease lands to the Federal Government for the purposes named, under the present state-federal relationship where the federal government needs lands from the states for rapidly changing military needs, it would seem that statutory law and provision for the administration thereof might more effectively set up procedures for this matter. It is now frozen in procedure by the Constitution.

Article XVI, Section 39: Memorials of Texas History.

The legislative power to make appropriations for preserving and perpetuating memorials of history is an optional provision in a constitution and might be grouped with other provisions of this type under a general welfare article in the constitution.

Article XVI, Section 41: Bribery of Certain Officials to be Prohibited.

Any person who directly or indirectly gives or promises money or anything of value to influence any executive, judicial officer, or member of the Legislature is guilty of bribery and shall be punished in the manner provided by law. Any member of the Legislature, executive or judicial officer who solicits, receives for himself or for another from any company, corporation, or person, money, employment, or reward, or thing of value, or personal advantage for his vote or official influence shall be guilty of bribery. He shall forfeit the office he holds and shall have any

additional punishment provided by law. It would seem that this is clearly a provision to be placed in a criminal code with adequate laws for the enforcement thereof.

Article XVI, Section 42: Legislature May Provide for Inebriate Asylum.

The Legislature may establish an inebriate asylum for the cure of drunkenness and reform of inebriates. No eleemosynery institution of this type now exists, but any provision for such an institution could be in the section on public welfare as a general directive.

Article XVI, Section 45: Records of the History of Texas.

The Legislature is charged with the duty of providing for "...collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas as may be now in the possession of parties willing to confide them to the care and preservation of the State." To reduce the length of the Constitution, this provision might be combined with others in the public welfare article.

Article XVI, Section 46: Militia to be Organized.

A law providing for the organization of a state militia might also be placed under a general empowering clause for the Legislature.

Article XVI, Section 47: Scruples Against Bearing Arms.

This Section states "Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service." Since the matter of conscientious objecting is now of federal concern entirely, such a provision seems unnecessary in a modern state constitution.

Article XVI, Section 48: Laws to Remain in Force.

This Section states that all laws and parts of laws now in force which are not repugnant to the Constitution of the United States, or to this Constitution, shall continue and remain in force until they expire by their own limitation or be amended or repealed by the Legislature. This is known as a saving clause and is placed in constitutions when they are drawn up so that the entire system of laws will not go out with the old constitution.

Article XVI, Section 49: Exemptions from Forced Sales.

Quoting: "The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female."

"A person's life, liberty, and property cannot be taken except by 'due process of law.' The taking of property for a public use and for the payment of taxes through a legally prescribed manner constitutes 'due process'; but the taking of property for the satisfaction of debts, judgments, and many other obligations because of contract or tort is somewhat limited and, in certain instances, strictly forbidden."¹

According to Article 3832, Revised Civil Statutes, 1925, the portion of personal property which is exempt from forced sale is as follows: all household and kitchen furniture, lot or lots in a cemetery, implements of husbandry, tools, apparatus and books of any trade or profession, family library, portraits and pictures,

¹Judd and Hall, op. cit., p. 210.

five milk cows and their calves, two mules, two horses and one wagon, one carriage or buggy, one gun, twenty hogs, twenty head of sheep, saddles, bridles, and harness, provisions for home consumption, current wages for personal services, all wearing apparel, twenty head of goats, fifty head of chickens, thirty head of turkeys, thirty head of ducks, thirty head of geese, thirty head of guineas, and one dog.

These are reserved to every family, and the Supreme Court of Texas has held that "...the family relation is one of status, and there must be legal or moral obligation on the head to support the other member or members, and that there must be a corresponding dependence upon the part of such member or members for support."¹

Article XVI, Section 50: Homestead Exemptions; Incumbrances; Pretended Sales.

Article XVI, Section 51: Homestead Defined:

Article XVI, Section 52: Descent of Homestead.

These three sections "...relate to the homestead, the place where the family resides. Like certain personal property, the homestead is exempted from forced sale for the satisfaction of incidental debts and other obligations which may be incurred. The Constitution specifies three exceptions to the exemptions of the homestead from forced sale and these are for the 'purchase money thereof, ...taxes due thereon, or for work and material used in constructing improvements thereon.' For a lien to subsist against a homestead, a contract in writing must be drawn up and signed under the legal formalities of a deed conveying land. The homestead exemption laws

¹Roco V. Green (50 Tex. 484).

of Texas are somewhat venerated by public opinion, and they are liberally construed by the courts."¹

A homestead cannot be exempt from forced sale until all vendor's lien notes have been paid and the vendee has a good title executed and recorded in the County clerk's office with the other title papers of the land. All unpaid taxes on a homestead constitute a claim superior to the homestead exemption. There is no perfect title if the records show unpaid taxes on the homestead. A husband must be joined by his wife as required in making a conveyance of the homestead for a lien for improvements on the homestead to be enforceable in the courts. The wife must acknowledge the legal import of the document she is signing, that she does not wish to retract it, and this must be certified to by a notary public or one authorized to take acknowledgements. These are attitudinal requirements that must be complied with before the lien or the conveyance of a homestead is enforceable.

A family may have either a rural or an urban homestead but it cannot have both at the same time. The rural homestead may consist of two hundred acres of land in one or more parcels. The homestead in a city, town or village may consist of a lot or lots, not to exceed in value \$5000 at the time of the designation as a homestead without reference to the value of any improvements thereon. So says Section 51, of the Constitution.

¹Judd and Hall, op. cit., p. 211.

Section 52 provides for the descent of the homestead.

"If the homestead is owned by one of the spouses, and the owner dies, the survivor, though not the owner of the property, continues in the enjoyment of the homestead rights and privileges the same as before until removed by death. The surviving heirs of the deceased do not acquire possession of the homestead during the lifetime of the surviving spouse. It is well established that a husband owning as his separate property real estate constituting the homestead cannot by his will deprive his wife of her life estate in the property after his death. When the homestead is community property during the lifetime of both the husband and wife, the homestead remains in the possession of the survivor. If a husband and wife own an urban homestead and a tract of land elsewhere, the survivor may sell the city homestead and transfer the purchase money and homestead to the other real estate and hold the same as his life estate and homestead. If the survivor sells his one-half interest then the heirs of the deceased owner's one-half interest are entitled to the possession of their inheritance of the property."¹

Although some inequities may have resulted in the application of the Texas homestead laws, they have on the whole worked to promote family stability at a time of financial crisis in the family, as was intended by the framers of the Constitution.

Article XVI, Section 54: Indigent Lunatics.

The Legislature is charged with the duty of providing for the custody and maintenance of indigent lunatics. This section could be grouped with a provision for eleemosynary institutions under a public welfare article.

Article XVI, Section 56: No Appropriation for Immigration.

The Legislature is denied the power to appropriate money for a bureau of immigration to bring immigrants into the state. It is doubtful if this is a proper provision for a constitution. Rather it would seem a matter for the discretion of the Legislature as

¹Judd and Hall, op. cit., pp 213-214.

the need arose. It has worked to prevent appropriations for state advertising to bring new industries or tourists to the state in this era.

Article XVI, Section 57: Land Set Aside for State Capitol.

Article III, Section 58: Sessions to be held at Austin, Seat of Government.

The latter Section provides that the "Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

Three million acres of the public domain were appropriated by the Constitution for the purpose of erecting a new state capitol and other necessary public buildings at the seat of government. This has been accomplished and would not need to be retained in a new constitution. Any appropriations for future building might be listed under a general empowering clause of the Legislature.

Article XVI, Section 59A: Conservation and Development of Natural Resources.

The Legislature is given the power to pass laws on the conservation of all natural resources of the state, including control, storing, preservation and distribution of its storm and flood waters, the waters of rivers and streams, for irrigation purposes, power, reclamation of arid and semi-arid lands, and of drainage of overflowed lands or other lands needing drainage. It further is declared the public right and duty of the Legislature to provide for the conservation and development of forests, water and hydro-electric power, navigation of inland and coastal waters,

and the preservation and conservation of all such natural resources of the state.

Although this Constitutional amendment is of rather recent origin,¹ it is somewhat detailed in the requirements and directives to the Legislature. The same objectives might be accomplished with the added benefit of the elimination of wordiness by a general empowering clause on conservation. Present details might become outmoded in the future.

Article XVI, Section 60: Texas Centennial.

The detail with which the legislature is limited is seen from this amendment to the Constitution, adopted in an election on November 8, 1932, so that appropriations for a centennial celebration might be accomplished. Any directives of this type might in the future be optional under a public welfare clause, thus leaving future legislatures a degree of discretion.

¹Adopted August 21, 1917. Through error, this amendment was adopted as Section 59-a although there was no Section 59. The resolution by which the amendment was submitted was divided into three parts, a, b, and c. However, when printed, it was listed as 59-a instead of 59 (a). Thus resulted the confusion on numbering.

BIBLIOGRAPHY

Books

- Book of the States, The, 1952-1953, The Council of State Governments, Chicago, 1952.
- Holloway, William V., State and Local Government. New York: McGraw-Hill, 1951.
- Hurst, Jamrs W., The Growth of American Law. Boston: Little-Brown and Company, 1950.
- Judd, Cornelius D. and Hall, Claude V., The Texas Constitution: Explained and Analyzed. Dallas: Banks-Upshaw, 1932.
- Keith, John P., City and County Home Rule in Texas. Austin: Institute of Public Affairs, University of Texas, 1951.
- Lebowitz, Leon, Legal Bibliography and Research. Waco: Baylor University Press, 1949.
- Luce, Robert, Legislative Problems. New York: Houghton-Mifflin Company, 1935.
- MacCorkle, Stuart, Police and Allied Powers of Municipalities in Texas, Austin: University of Texas Publication, 1938.
- MacCorkle, Stuart and Smith, Dick, Texas Government: New York: McGraw-Hill, 1949.
- MacDonald, H. Malcolm, Outside Readings in American Government, Texas Supplement, New York: Thomas Y. Crowell Company.
- McDonald, Austin F., American State Government and Administration. New York: Thomas Y. Crowell Company, 1945.
- Patterson, C. P., McAlister, Sam B., and Hester, George C., State and Local Government in Texas. New York: The MacMillan Company, 1949.
- Snider, Clyde F., American State and Local Government. New York: Appleton-Century and Crofts Company, 1950.
- Southwestern Reporter.
- Stewart, Frank M. and Clark, Joseph L., The Constitution and Government of Texas. Boston: D. C. Heath and Company, 1949.

BIBLIOGRAPHY

Books

Texas Digest.

Texas Reports.

Texas Jurisprudence.

Texas Almanac, 1952-1953. Dallas: Dallas Morning News, A. H. Belo Corporation, 1951.

The Council Report to the 52nd Legislature, Texas Legislative Council. Austin: January, 1951.

Periodicals

Calkins, Howard A., "The Need for Constitutional Revision in Texas." Texas Law Review, vol. 21.

Gilchrist, Henry, "The Form of a Constitution." Texas Law Review, vol. 28.

Harris, Joseph P., "Modernizing the Legislature," National Municipal Review, 1949.

Morris, Herman I., "Population Bills in Texas," Texas Law Review, Vol. 28.

Perkins, John A., "State Legislative Reorganization" American Political Science Review, Vol. 40.

Weeks, C. Douglas, "The Texas Legislature - A Problem for Constitutional Revision," Texas Law Review, Vol. 21.

MODEL STATE CONSTITUTION

The Legislature

The following quotation is taken from the introduction to the Model State Constitution of the National Municipal League:

"The Model State Constitution has for a period of more than a quarter of a century exerted a very considerable influence on the development of state constitutions. Its high standards, well ahead of common practice, have served to guide members of constitutional conventions and commissions in many states, as well as leaders of civic organizations wherever efforts to obtain constitutional revision were being seriously considered...

The Committee on State Government is not unmindful of the responsibilities which thus rest upon it. It labors under no delusions of infallibility. It is working now, and will continue to work, for the improvement of the Model State Constitution."¹

We quote this statement as an introduction to the discussion of the legislature to remind those who study these pages that no one presumes the MSC to be the final answer to anything. Neither is it assumed that the MSC would be adopted in its entirety without consideration of local conditions. The reports on the MSC have been presented so that a basis of comparison of the Texas Constitution might be available.

Since 1933, the National Municipal League has recommended a unicameral legislature, that is, one composed of only one house. The Committee on State Government² which framed the MSC felt that

¹Model State Constitution, Fifth Edition, Revised, 1948, Prepared by The Committee on State Government, National Municipal League, New York 7, New York.

²Wherever the Committee is mentioned, the reference is to the Committee on State Government of the National Municipal League.

a unicameral legislature would be more representative and more efficient. At the same time, the Committee recognized that few if any states would adopt constitutional amendments for a unicameral legislature. The Committee suggested that with a few changes, the MSC might be adapted to bicameral legislatures. A study of the reasons for the Committee's recommendations may suggest modifications that might be desired in the Texas Constitution.

As nearly as possible, the provisions of the MSC have been arranged to follow the pattern set in the discussion of the Texas Legislature under the same general headings. We have included where possible the reasons for the adoption of the provisions in the MSC.

PART I: COMPOSITION OF THE LEGISLATURE¹

1. Number -- If either unicameral or bicameral, the legislature be kept small.

"Smaller houses would tend to bring the following benefits: (1) make membership seem more important and thus increase each member's responsibility; (2) make it easier to increase the pay of legislators; (3) reduce the tendency to leave important decisions to more or less irresponsible committees; (4) enable the legislature to act as a truly deliberative assembly....

"....one and usually both houses in most of the forty-seven states with bicameral legislatures are too large. Except for a few states, the lower house could be cut to advantage fifty per cent or more. In more than half the states even the upper house is probably more than twice as large as it would need to be to give both fair representation and the advantage of deliberation in a small highly select body..."²

¹Unless otherwise specified, all of the provisions are in Article III of the Model State Constitution.

²Ibid., p. 53.

2. Term -- 2 years. (Section 301) Specifically for a unicameral legislature. No recommendations for the upper house under a bicameral system.) Term to begin on the first of December following election (Section 302) in odd-numbered years. (Section 304)
3. Qualifications -- Any qualified voter. (Section 301)
4. Age -- No restrictions. (Section 301)
5. Apportionment -- State divided into election districts. From 3 to 7 legislators elected from each district depending on the population. (Section 302) The Secretary of the Legislature reallots the number of members in each district after each decennial census. The total number of members and the boundaries of the districts may be altered only by law. (Section 303)

Respportionment requirements of the legislature have frequently been ignored. Therefore, a general empowering clause is included in the MSC. Article XII, Section 1200 is a "Self-Executing Clause" which reads in part as follows:

"Whenever legislation shall be needed to carry out a mandate of the constitution, the governor shall call the matter to the attention of the legislature, and he may issue an executive order to carry out the mandate. Every such executive order shall be transmitted to the legislature while it is in session and shall become effective as law sixty days after its transmittal unless it shall have been modified or replaced by a resolution concurred in by a majority of all the members of the legislature."¹

¹Ibid., p. 20

Under such a provision, if the legislature refused or failed to act on any matter, and particularly on the matter of redistricting, the governor could take action.

6. Presiding Officer -- Elected by the legislature from its own members. (Section 308)

7 and 8. Meetings -- The legislature is deemed a continuous body during the two years for which it is elected. Meetings are held quarterly or at such time as prescribed by law. Special sessions may be called by the governor. (Section 307)

This provision represents a change over earlier versions of the MSC. The Committee points out that problems requiring action by the legislature do not occur in certain seasons of the year only. Responsibility of the legislators would be spread out over a two-year period.

"The periodic piling high of the legislative hopper, the waste of legislative time waiting for committees to digest hundreds of bills, and the frantic congestion of the closing days of the session, all because legislation must come only once in two years, has long been noted as a grave evil. The holding of from four to seven regular sessions over a period of twenty-four months need not mean a total length of session much in excess of the number of days many legislatures now sit in regular session. Indeed the growing practice of recessing and the increased frequency of special sessions have already been responsible for many more legislative days in the biennium in some state without removing the evils inherent in the present, single, regular session."¹

It must be remembered, however, that these quarterly sessions would not be a duplicate of the present biennial sessions. Instead each one would take up a matter of current importance. For example,

¹Ibid., p. 28

the state budget would be the sole subject of one session prior to the time for adopting the budget.

9 and 10. Order of Business and Qualification of Members --

Legislature is judge of the election, returns and qualifications of its members. May vest in the courts the trial and determination of contested elections of members. Determines its own rule of procedure. Has power to compel attendancy and testimony of witnesses and production of books and papers either before the legislature or a committee thereof. (Section 308)

11. Officers -- Secretary chosen to serve for an indefinite term. (Section 308)

A full-time secretary is essential to the successful operation of a continuous legislature. He would be in charge of all employees and records and serve as secretary of the legislative council. Thus there would be a permanent staff for continuous service.

Article VII, Section 708, also provides for the appointment of a full-time auditor.

Where the bicameral legislature exists, the Committee strongly recommends that duplication of work and expense be eliminated by the election of a single legislative staff. In New Jersey, this is accomplished at a joint meeting of both houses of the legislature. It may be done also by concurrent resolutions in each house. Each house of course should continue to serve as the judge of the election of its members and be responsible for its own

discipline. It should retain independent power of investigation; should retain the power to engage special investigators. However, "All committees except those dealing with the internal proceedings of a single house should be joint committees, served by a common secretariat."¹

12. Quorum -- Majority of all members is a quorum. However, legislature may meet with a smaller number and compel the presence of absent members. (Section 311)

13. Punishment of members -- May punish its members for disorderly conduct and expel a member with concurrence of two-thirds of all members. (Section 308)

14. Journal -- Shall keep a journal of its proceedings which must be published from day to day. Record vote with yeas and nays entered in the journal must be taken on demand of one fifth of members present. Legislature may prescribe other methods of voting. Mechanical devices for voting may be used. (Section 311)

15. Vacancies -- By majority vote of the remaining members from the district in which the vacancy occurs. Other manner may be provided by law. If vacancy remains unfilled for more than 30 days, governor may appoint eligible person for the unexpired term. (Section 305)

¹Ibid., p. 54

20. Legislative Immunity -- Members cannot be questioned in any other place for a speech or debate in the legislature.

23. Pay -- Annual salary shall be prescribed by law: amount cannot be increased or decreased during term for which elected.

"The Committee believes also that the compensation of legislators in most states is grossly inadequate. If in many states the membership were reduced by half and the compensation of those remaining doubled, the pay would still be inadequate although the financial outlay to the state would not be increased. Obviously, the statement of the exact amount of salary does not belong in the constitution. The amount will vary somewhat from state to state, because of differences in living costs and the influence of past practice. The Committee is of the opinion that, in the larger states, the compensation should be not less than \$7500. or \$8000. per year, and that in no case should it be less than \$4000. This recommendation is in keeping with the objective of having the legislature function as a continuous body."¹

PART II: PROCEEDINGS OF THE LEGISLATURE

The Presiding Officer

"The Model makes the presiding officer of the legislature the stand-in for the governor during his temporary absence or inability to perform his duties, and his successor in case of vacancy. This provision is dictated by the short ballot principle and the desire to avoid a supernumerary lieutenant governor. With a bicameral legislature the obvious substitute is the common provision putting the president of the senate and the speaker of the house first and second in line. In practice this arrangement has left a good deal to be desired, particularly in view of the unrepresentative character of many state senates. Further, the presiding officer is chosen for reasons other than his fitness or acceptability for the office of governor.

¹Ibid., p. 27

"One logical scheme is one which was given serious consideration in New Jersey, namely, to permit the governor to designate one or more of his department heads in order of priority to act in his place. Another alternative is to empower the legislature in joint meeting to name an acting governor. It would be possible to combine the two last devices, permitting the governor to designate one of his aides to serve until or unless the legislature in joint meeting elects someone else."¹

Passage of Bills

Laws can be passed only by bills. All bills except appropriation bills or bills for the codification of existing laws must be confined to one subject expressed in the title. Appropriation bills must be confined to appropriations. (Section 313)

No bill can become a law until it has met the following prerequisites: (1) read on three different days; (2) printed and on desks of legislators in final form at least three legislative days before final passage; (3) majority vote of all members; (4) published, as provided by law. (Section 314)

Committees

This heading is discussed under the subject of The Legislator and His Job in the report of the Texas Legislature. It is considered separately here because of the specific constitutional provisions which appear in the MSC and not in the Texas Constitution.

The MSC provides that each committee must keep a journal of its proceedings as a public record. It further provides that notices of committee hearings and clear statements of the subjects

¹Ibid., pp. 54-55.

to be discussed must be published a week ahead in the journal. Finally, it gives the members of the legislature the power to relieve a committee of a bottled-up bill. The legislature may take a bill from the committee to which it is assigned by an affirmative vote of one-third of all its members. (Section 312)

"It has long been recognized that the most important part of the legislative process takes place in the standing committees. Legislatures must depend largely upon their committees for detailed consideration of bills. Hasty committee action frequently means a poor law, or the killing of a good measure through inadequate consideration. Constitutions have regularly required publicity of records for the sessions of the legislature. Meetings and records of the standing committees are fully as important...In section 312...they are furthermore required to publish notice of all committee hearings one week in advance, specifying the subjects to be considered. While this may seem a small matter to many, sufficient notice of a committee hearing is as fundamental to due process of law-making as adequate notice or service in cases before the courts. While a few states have established definite procedure for both hearings and records, most states have not, and the Committee felt that these were so important for the perfecting of a sound legislative system that the requirements should be included in the Constitution."¹

The Legislative Council

The Legislative Council, its composition, organization, duties, and compensation are presented in Sections 317 through 320 of the MSC. Under the MSC the Council is composed of from 7 to 15 members chosen by and from the legislature. The manner of election may be directed by the legislature. Members shall continue until successors are elected. The Council may be dissolved at any time by a majority vote of all the members, and a successor may be elected.

¹Ibid., p. 29.

The Council shall meet as often as necessary to perform its duties. These include: (1) appointing a director of research; (2) adopting rules of procedure; (3) collecting information concerning the government and general welfare of the state; (4) considering, reporting, and making recommendations to the legislature on measures submitted to it for proposed legislation; (5) recommending bills or otherwise for the general welfare; (6) such other duties as assigned by law. Compensation of members of the Council additional to their compensation as legislators may be provided by law.

"On the whole, existing legislative councils have borne out the recommendations upon which provisions for such a council were included in the 1933 revision of the Model State Constitution. They have already made substantial progress in making legislation more of a continuous operation, have been fairly successful in demonstrating that the legislature itself can prepare a legislative program, have subjected the administration to observation and criticism in keeping with the fundamental responsibility of the legislature therefore without acrimonious debate or attempts to interfere with administration itself. In most instances they have brought the administration and the legislature closer together, guaranteeing to the administration more careful consideration of some of its needs and of policies suggested, and assuring the legislature itself of better understanding of administrative problems."¹

PART III: REQUIREMENTS, LIMITATIONS, AND PRIVILEGES

Section 300 provides as follows:

"Legislative Power. The legislative power shall be vested in a legislature, which may delegate to other public officers the power to supplement statutes by ordinances, general orders, rules, and regulations, provided a general standard or principle has been enacted to which such delegated legislation shall conform. All such delegated legislation,

promulgated by state officers, departments, offices, or agencies, shall be reported to the legislative council, and shall be adopted and published in accordance with a fair procedure prescribed by law. The legislature may delegate to the legislative council authority to approve or disapprove ordinances, general orders, rules, and regulations supplementing existing legislation."

A discussion of the delegation of authority to administrative agencies by the legislature comes more specifically under the heading of administrative efficiency. It will be presented in detail under a separate report of the KYS Survey. It is mentioned briefly here because of the added importance given the Legislative Council.

"Delegation of quasi-legislative powers to administrative boards has been common, but in the United States no agency of the legislature itself has as yet participated in rule-making powers.

This authorization would meet the ever-increasing complaint that administrative bodies, through their rules and regulations, exercise an important function of legislation without adequate check by the legislature itself. Since the council would have available the recommendations and advice of any administrative agencies affected, it would be acting as an additional review agency, representing the legislature, in coming to any final decision concerning general orders."¹

Article XII, Section 1200. Self-Executing Clause.

The second half of this section was quoted in connection with the discussion on reapportionment. The first paragraph provides as follows:

"The provisions of this constitution shall be self-executing to the fullest extent that their respective natures permit. The legislature, the governor, and the judicial department shall each have power to take any action consistent with its nature in furtherance of the purposes of this constitution and to facilitate its operation."

¹Ibid., p. 29.

Article XII, Section 1202. Oath of Office.

Provision is made in the MSC for all legislative, executive, and judicial officers of the state and all civil divisions thereof, to take an oath swearing to support and defend the constitution of the United States and of the applicable state. The Committee comments as follows: "There may be some reasonable question as to how significant or effective such an oath actually is, but it is a form which has long had widespread - indeed, almost universal - acceptance. It certainly does no harm, and it violates no basic concept or principle of democratic government. The Committee, therefore, includes this provision more in deference to common usage than because of any deep conviction that the observance of such a formality will, in and of itself, transform the venal or incompetent into devoted public servants."¹

Article X. Public Welfare.

The Article on Public Welfare in the MSC demonstrates how the legislature may be given a general directive to cover a variety of subjects which are specifically itemized in the Texas Constitution.

Section 1000, Public Education, declares that the "legislature shall provide for the maintenance and support of a system of free common schools...and such other educational institutions, including institutions of higher learning, as may be deemed desirable."

Section 1001, Public Health, declares that the "...protection and promotion of the health of the inhabitants of the state are matters of public concern and provision therefor shall be made by the state..."

¹Ibid., p. 50.

Section 1002. Public Relief, declares that "The maintenance and distribution, at reasonable rates, or free of charge, of a sufficient supply of ...common necessities of life... are public functions, and the state and its civil divisions may provide the same for their inhabitants in such manner and by such means as may be prescribed by law."

Section 1003. Public Inspection of Private Charitable, Correctional, or Health Institutions and Agencies, states that the inspection of any institution engaged in these specified activities may be made in such manner as the legislature shall provide.

Section 1004. Public Housing, is adapted from the New York State constitution. It states that low rent housing may be provided for persons of low income, that replanning of substandard and unsanitary areas may be prescribed.

Section 1005. Conservation, declares that the legislature shall have power to provide for the conservation, development and utilization of the agricultural, mineral, forest, water and other natural resources of the state.

Section 1006. Sightliness, Order and Historic Associations, reads: "The natural beauty, historic associations, sightliness and physical good order of the state and its parts contribute to the general welfare and shall be conserved and developed as a part of the patrimony of the people, and to that end private property shall be subject to reasonable regulation and control."

Section 1007. Powers of the State, reads: "The enumeration in this article of specified functions shall not be construed as a limitation upon the powers of the state government. The state

government shall have full power to act for the government and good order of the state and for the health, safety, and welfare of its citizens, by all necessary and convenient means, subject only to the limitations prescribed in this constitution and in the constitution of the United States." This provision was included, according to the Committee, because of the possibility that provisions of state constitutions might be construed narrowly as limitations. The primary purpose of the Committee was to provide a broad general framework of constitutional powers which would guarantee adequate authority"...to establish and maintain a complete program of public welfare services."

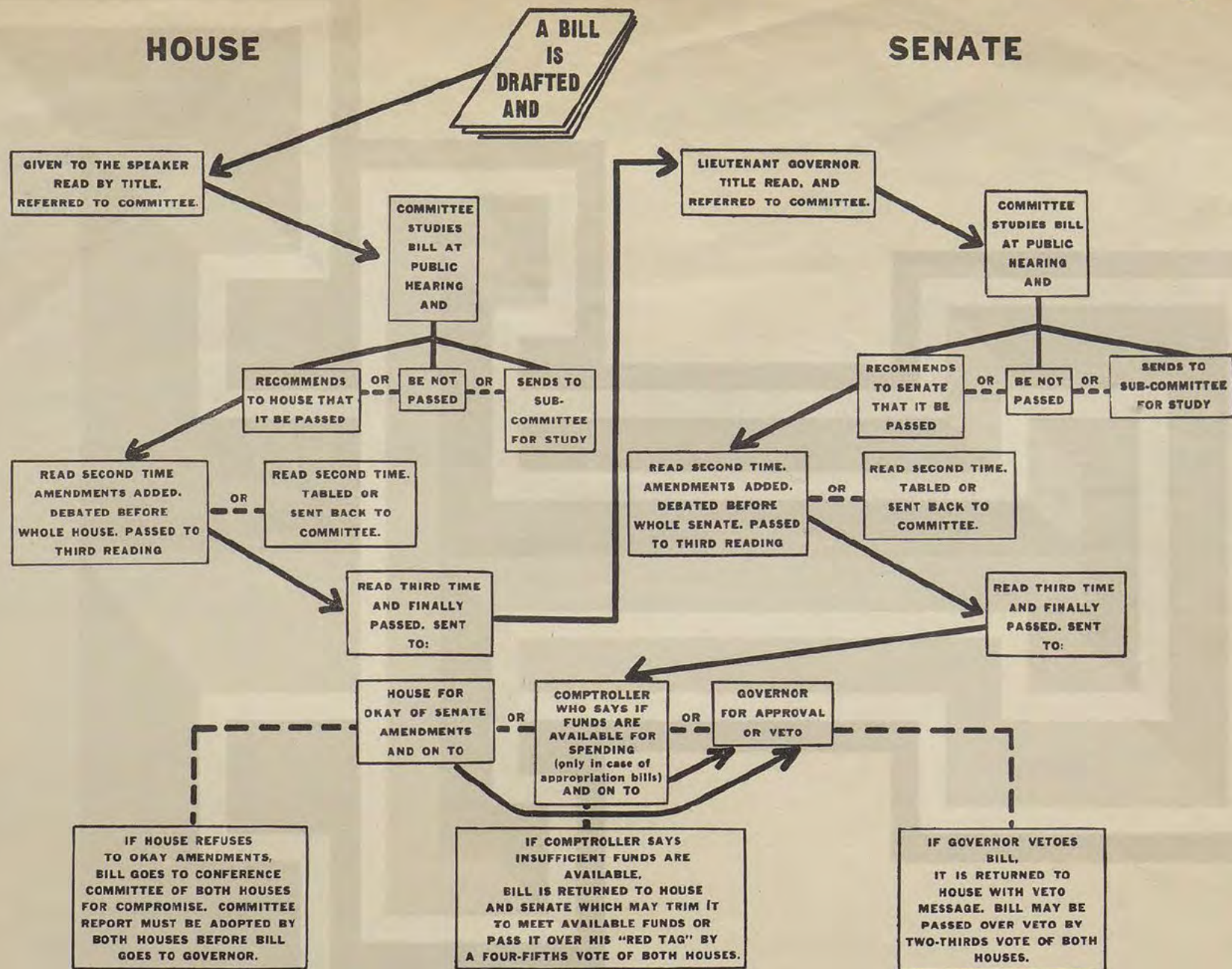
Article III, Section 310, concerns local and Special legislation. This subject is discussed at length as regards the Texas Constitution. In both the MSC and the Texas Constitution the provision is made that the legislature may not pass a special act where a general act can be made applicable. The primary difference in the MSC is that a provision is made for a majority vote in the applicable district before the bill becomes law.

Article V, Section 507, concerns Impeachment. The legislature has the power of impeachment by a two-thirds vote of all its members. The procedure for trial and removal from office of state officers shall be established by law. Conviction of a man for charges of impeachment requires a vote of not less than two-thirds of the members of the court hearing the charges. Article VI, Section 606, provides that the legislature may remove a judge

from office after due notice of the reasons given and opportunity for defense.

The provisions in the MSC dealing with finance, local government, and intergovernmental relations will be presented under other headings of the Survey. They are as brief as the ones discussed here. It is apparent that the legislature has been given broad grants of power without specific enumeration of what those grants include. The student of the MSC and the Texas Constitution can make his own evaluation of which system would appear to operate more satisfactorily while still providing guarantees of a democratic form of government.

Ziegler



THE STORY OF HOW A BILL BECOMES LAW is carefully diagramed in this chart showing each of the many steps—and sometimes stops—the bill makes on its way to becoming the law of Texas. Arrows lead from box

to box with dotted lines covering the alternates. High on the interest list is the fact that regardless of the many, many places the bill may come to grief, it still may be pushed through if enough legislators want it.

—The Times Herald Staff Chart

"THE TEXAS LEGISLATURE: Evaluation of the organization and functioning of the Texas Legislature" was selected in 1966 for study by the League membership. Emphasis on reapportionment has resulted in a nation-wide campaign to improve and to strengthen state legislatures. Thus, the item is extremely timely, and the study could result in agreement on principles and criteria by which the League may evaluate proposals concerning the Texas Legislature.

During the first year a basic study will be made of the role of the Legislature in Texas government and the mechanics of its operation. Constitutional and statutory provisions governing the Legislature, and the House and Senate Rules will be examined, along with data concerning research and technical facilities, public relations, lobbying, and other pertinent areas which may develop as the study progresses.

Evaluation of the findings will constitute the second year's work. For comparison, some attention will be given to Legislatures in other states, especially in the areas of organization, powers, and limitations, and the efficiency with which their work is accomplished. Based on the results of this evaluation, the League may make recommendations concerning the course future planning for the Texas Legislature might take.

u

®

I THE TEXAS LEGISLATURE: Evaluation of the organization and functioning of the Texas Legislature

Enthusiasm for the study of the Texas Legislature has remained high since its adoption at the Tenth Biennial Convention two years ago. As local Leagues delved into the examination of the structure and functioning of this basic branch of state government, they realized they were studying an item which was in the limelight after years of being called an "invisible" institution. Governmental observers and experts throughout the United States were focusing attention on State Legislatures. The National Municipal League was in the middle of its five year study; The National Legislative Council, the Council of State Governments, the Citizens Conference on State Legislatures, the Committee for Economic Development, the American Assembly, and the Texas Assembly all proved rich sources of information. The Texas Assembly met at Texas A & M in October of 1967 to spend four days in discussion of the Texas Legislature. It was composed of leaders in Texas business, civic organizations and government. Because we were involved in this timely study two League of Women Voters representatives were the only women invited. Because of the fast pace of developments in state legislatures, Leaguers found THE STATE LEGISLATURES PROGRESS REPORTER, the daily paper, and interviews with their working legislators the best way to keep abreast of the changing picture. The wisdom of adopting this study at this time of national discussion of state legislatures after the reapportionment decision and increasing emphasis on Federal-State-Local Relations is recognized by most Texas Leaguers.

PHASE I - Texas Leagues studied the Texas Legislature as it is with the majority of Leagues having general meetings which involved their legislators or expert panelists. Most Leagues had from one to four unit meetings to provide background to watch the 60th Legislature in session in January 1967. Having reviewed the function, structure, sessions, procedures, aids for the legislators, the influence of the governor, and lobby, most Leaguers became fairly knowledgeable legislative buffs. Resource committees were guided by THE TEXAS LEGISLATURE LEADER'S GUIDE AND BIBLIOGRAPHY and a LEGISLATURE KIT, a collection of fifteen articles from current writings on the legislature, plus other information needed for the first year of study. Every member received background in an article in the TEXAS VOTER in September 1966.

PHASE II - On this study item we changed procedures for reaching consensus on a State Program Item. Perhaps to set an example for the Texas Legislature to experiment with new procedures? *as this report is submitted* An emerging consensus was gathered from Leagues as they studied in depth the phases of the Legislature outlined in a series of Facts and Issues. *and report* Phase II involved evaluating the Texas Legislature to see if it was ready for "jet age" problem solving or was still a "horse-and-buggy" institution as some current writers refer to it. Our Legislature was compared to legislatures in other states during this year of study. Another DISCUSSION GUIDE AND BIBLIOGRAPHY for Phase II and a Supplement to the Texas Legislature Kit brought resource committees up-to-date.

Publications to prepare each member for informed discussion were a series of four Facts and Issues on The Texas Legislature:

First:	"Aids for the Texas Legislator"	June 1967
Second:	"The Influence of the Governor"	October 1967
Third:	"The Framework and the Functioning"	October 1967
Fourth:	"The Influence of the Lobby"	November 1967

The Texas Legislature (continued)

Although each Facts and Issues was accompanied with a Discussion Question and Report Form, resource committees were instructed to rephrase the questions if they wished, add new ones, or discuss phases of legislative procedure not mentioned on the form. This ~~was~~ an experiment in trying to reach "grass roots" consensus without possible guiding of the results of League discussions by the usual Consensus Questions. The success of this method should be evaluated by the local Leagues, as well as by the state Board.

any consensus positions reached by LLE will be announced at State Convention,

✓
To Bubis, Noe, Sieber

April 9, 1969

From Joor

Re: Legislature Consensus

The Legislature consensus was approved by the Board at the post-Council Meeting. Therefore there can be no changes, even editorial changes, made without returning the consensus to the Board. I do not recommend the latter since we spent considerable thought on each sentence of the consensus.

The copy that goes in the VOTER must be identical to that approved by the Board.



The Legislature - New State Item Chairman - Mrs. Jack Wackerbarth

It has been said that one of the dividends of a new program item is that everyone starts together at the same time and place, with no frustrating catching up to be done; it is in these happy circumstances that we begin our study of the Texas Legislature. Not quite!

Those League members who have been educated in Texas, due to the required courses in Texas government, already have a working knowledge of the mechanics of the Legislature, while League members who received their education elsewhere may not have this background. So, we find ourselves faced with the same old problem, and it is with this in mind that the following list of books and pamphlets is presented, in order that those who wish to do so may begin some work on the item.

Suggested Readings:

The Texas Constitution - Sections dealing with the Legislature. This may be found in various places. THE TEXAS ALMANAC, obtainable at libraries or from the Dallas News, carries the text.

Benton, Wilbourn E., TEXAS - ITS GOVERNMENT AND POLITICS. 1966. Prentice-Hall, Inc., Englewood Cliffs, New Jersey. Chapters 1, 2, 5, 6, and 7. Other chapters may be of interest.

I have this MacCorkle, Stuart A., and Smith, Dick - TEXAS GOVERNMENT. Fifth Edition, 1964. McGraw-Hill, Inc., New York City. Chapters 1, 4, 5, and 6. Other chapters may prove interesting.

Jewell, Malcolm E., THE STATE LEGISLATURE, 1962. Random House, Inc., New York City

Tydings, Joseph D., "The Last Chance for the States", HARPER'S MAGAZINE, March 1966, p. 71

Scherf, Margaret, "One Cow, One Vote", HARPER'S MAGAZINE, April 1966, p. 103.

This list is not to be construed as a complete bibliography. Many additional publications and sources of information have been suggested; time has not as yet permitted checking them out as to availability, etc. Among them are booklets by O. Douglas Weeks, published by the Institute of Public Affairs of the University of Texas, concerning Presidential Politics in 1952, 1956, 1960 and 1964; various publications of the National Municipal League, and various newspaper and magazine articles, especially the series by Mr. Gardner of the Houston Post, copies of which were provided by the Galveston League at Convention.

A more complete bibliography will be sent with the June Board Report, which will be followed in the early fall by a Leader's Guide. It is hoped that unit meetings on this item can be held either in November or January; this seems pertinent since 1967 is a legislative year.

No attempt will be made to reach consensus during the 1966-67 program year, although you will be asked for a report of any areas of agreement which your League happens to reach. Primarily this will be the "information" phase of the study, which will be concerned mainly with the role of the Legislature in Texas government and the mechanics of its operation. Constitutional and statutory provisions governing the Legislature and the House and Senate Rules are the basic

documents with which we shall concern ourselves, along with data concerning research and technical facilities, public relations, lobbying, and any other areas which develop during the study.

The second year will be the "evaluation" phase, at which time we shall attempt to reach consensus, especially in those areas where greatest interest appears. Your comments and suggestions will be much appreciated.



April 9, 1969

To: SO, Joyce Colwell, Ruth Joor, Muggs (copy to Bubis)

From: Helen Noe, and indirectly, Barbara Bubis (requested by memo rec'd today)

Re: Legislature consensus going out on standing order. (We hope it isn't already done) and my

Memo from Barbara this morning asks that Mary Sieber's/corrections on Consensus for VOTER, be used for the mimeographed copy going out on standing order. The changes are:

the word legislature not capitalized.

5 a, of consensus, the word is Presession (without hyphen)

Periods at end of all numbered and lettered statements. (Mary S. did not note this. I did.)

6 e, Presession filing of bills and resolutions.

f, Early introduction and circulation of bills and resolutions.

7 b, All campaign contributions and loans to be reported, (underlined words are the words to be substituted for the word reported).

Put a comma after contributors, and insert the word designated in the last clause, as "and effective enforcement by an agency designated for this purpose."

c, Add to be. It will then read, "Total expenses of lobbying to be filed."

(How do you like having two ex-Journalism students on your Board????)

> Dear Barbara, Mary Sieber has to send me her copy, all marked in red ink, so I can transfer to printer's copy. Therefore, I'm doing this by memo. Poor Joyce and Muggs. But important.

Janice omitted Lobby Do's and Don'ts from her article. Perhaps they could be used for July issue, keyed to between session behavior and Congress. If there is space, and Janice thinks it is a good idea.

Thanks for information on yourself. I love your prompt answers. I'm still juggling space and layout, and will use amount according to how that turns out. The Texas Poll information is interesting! The "how to" is the problem.

H.
Have promised copy to printer by Monday - Have to mail it Sunday! Had hoped to finish today!!

H -

LEAGUE OF WOMEN VOTERS OF TEXAS

1841 BINGLE ROAD
HOUSTON, TEXAS 77055

Leg
Presidents Mailing
June 1967

DISCUSSION QUESTIONS AND REPORT FORM

Facts and Issues #I

"Aids For The Texas Legislator"

Introduction

These discussion questions were chosen to stimulate free and open discussion of the problems that the Texas Legislator encounters in trying to perform his duties efficiently. The Legislature Committee or the Discussion Leader may feel other areas are pertinent after reading Facts and Issues #I and other background material. Or your Legislator may suggest other aids which have not been covered. If so, please add them with the appropriate analysis on the back page of this form.

In conducting and analyzing your discussion, your committee and your local Board should consider the following: areas of agreement or disagreement; degree of agreement or disagreement; minority viewpoint; was this a strong minority view?; areas undecided and why; was information insufficient?; other comments.

Please send three copies to the state office as soon as your discussion is completed and reviewed by your local Board. Each of the three Facts and Issues on The Texas Legislature will be accompanied by this type of Discussion Report Form. Final deadline for all three is February 1, 1968. Earlier return will help to identify any emerging consensus in the earlier stages of program making.

8 sets of Discussion Question forms are being sent to each local League president. 4 are free of charge. The other 4, for distribution to Discussion Leaders will be 35¢. Additional copies may be ordered at 10¢ each or 35¢ for four.

DISCUSSION QUESTIONS

1. What is the value to the Legislator of clerical help? More office space? Professional help for research and information? Should the Legislature receive more or less of any of these?

2. Is it desirable to favor the Senate over the House when it comes to clerical budget allowances? What factors should be considered?

3. Do committee chairmen have adequate aid in the handling of their workload incurred in connection with their chairmanship?

4. Do Legislators have sufficient research and information sources available for assistance on specialized topics? If not, which specific sources do you think would be of most benefit?

5. Do Texas Legislators need additional help in bill drafting? What sort of help?

6. Do you think electronic helps should be increasingly employed to help the Legislator? Who should have access to information made available by computer?

7. What should be the role of the Legislature in promoting aids to legislative efficiency?

8. Are the procedures for legislative review of budget preparation adequate? What is your evaluation of the two-budget system in operation in Texas?

PROCEDURAL QUESTIONS

This information will help the state Board evaluate the variations in coverage by Leagues.

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

* * * * *





American State Legislatures:

their Structures
and Procedures

The Council of State Governments

JUN 5 1967

AMERICAN STATE LEGISLATURES:

THEIR STRUCTURES
AND PROCEDURES



THE COUNCIL OF STATE GOVERNMENTS
CHICAGO, ILLINOIS
1967



COPYRIGHT, 1967, BY
THE COUNCIL OF STATE GOVERNMENTS
1313 EAST SIXTIETH STREET
CHICAGO, ILLINOIS 60637

Library of Congress Catalog Card Number: 67-63852
Printed in the United States of America
Price, \$3.00

FOREWORD

The National Legislative Conference, at its Nineteenth Annual Meeting in Portland, Maine, August 17-19, 1966, took note of the current widespread interest among the States in reorganizing their lawmaking processes. The Conference adopted a resolution requesting its Secretariat, the Council of State Governments, to make a survey and report concerning the "composition, compensation and other organizational and procedural aspects of our state Legislatures," in order that pending and future reorganizations might be based on comprehensive data and information.

This handbook for legislators results from that request. We have endeavored to keep the text as brief as possible and yet to include indication of recent trends and current developments. Tables which accompany the text, and others which appear in the appendices, are designed to supplement the textual treatment, particularly for those interested in interstate comparisons and contrasts.

Nationwide interest in strengthening the Legislatures continues unabated today. This makes it probable that many of the data included here will change during early months and years ahead. The fact is, of course, that appreciable alterations in legislative organization and procedure already have occurred in 1967, subsequent to compilation of this handbook. The conclusion is justified that our legislative bodies are increasingly adapting themselves to changing conditions and requirements.

The Council of State Governments expresses its great appreciation to the service staffs of all of the state Legislatures for providing the bulk of the information which appears here. The report was written by Edwin L. Sterling, Assistant Director of Research of the Council, in cooperation with George A. Bell, Director of Research, and Herbert L. Wiltsee, Director of the Council's Southern Office and Secretary of the National Legislative Conference.

BREVARD CRIHFELD

Executive Director
The Council of State Governments

March, 1967

TABLE OF CONTENTS

	PAGE
Foreword	iii
1. Size of State Legislatures	1
2. Legislative Terms	1
3. Apportionment and Districting	3
Apportionment	3
Single- and Multi-Member Districts	3
Slot System	5
4. Regular Sessions	6
5. Special Sessions	8
6. Compensation for Legislators	11
7. Retirement Benefits for Legislators	15
8. Orientation Conferences	16
9. Office Space and Clerical Assistance	19
10. Selection of Leadership	24
11. Standing and Joint Committees	27
12. Bill Introduction, Reference and Enactment	31
13. Automatic Equipment	37
Electric Roll Call	37
Automatic Data Processing	37
14. Executive Veto	38
15. Legislative Staff Services	42

LIST OF TABLES

TABLES	PAGE
I Size of State Legislatures.....	2
II State Legislative Terms.....	3
III Status of Reapportionment.....	4
IV Use of Single- and Multi-Member Districts.....	5
V Regular Sessions	6
VI Special Sessions	9
VII-A State Legislative Salaries and Expense Allowances: Annual Session States	12
VII-B State Legislative Salaries and Expense Allowances: Biennial Session States	13
VIII Realized Compensation for a Biennium of a Typical Legislator in Salary, Per Diem and Living Expense Allowances.....	14
IX State Retirement Systems for State Legislators.....	15
X-A Orientation Conferences: Program Participants.....	17
X-B Orientation Conferences: Agenda.....	18
XI Office Space for State Legislators.....	20
XII Clerical Assistance for Legislators, Leaders and Committees.....	22
XIII Legislative and Party Leaders in State Legislatures.....	25
XIV-A Standing and Joint Committees: Range in Number.....	28
XIV-B Standing and Joint Committees (1964-65).....	29
XV Pre-Session Filing, Committee Referral and Reporting of Bills...	32
XVI Bill Readings, Roll Call and Enactment Requirements.....	34
XVII Electric Roll Call Systems.....	37
XVIII Legislative Use of Automatic Data Processing.....	38
XIX Executive Veto.....	39
APPENDIX	
TABLES	
A Size of State Legislatures.....	44
B Number of Special Sessions.....	46
C Orientation Conferences for State Legislators.....	47
D Bill Introductions and Enactments: Regular and Special Sessions	48
E Time Limitations on Introduction of Bills.....	49
F Permanent Legislative Service Agencies.....	52

AMERICAN STATE LEGISLATURES: THEIR STRUCTURES AND PROCEDURES

1. SIZE OF STATE LEGISLATURES

From World War II until the early 1960's, there was a gradual trend toward increasing the size of state Legislatures. However, during a period of widespread reapportionment commencing in 1963 the trend has been reversed, at least for lower houses.

During the earlier period (1943-1963) eighteen States increased their House sizes, and only two reduced them. Increases in Senate sizes occurred in twelve States and decreases in none.

In contrast, nine States since 1963 have reduced House sizes and only six have increased them. The total for all fifty States has dropped from 5,913 House members in 1963 to 5,630 at the beginning of 1967. Sharp reductions in lower house sizes occurred in several states, notably in Connecticut (from 294 to 177) and Vermont (from 246 to 150). On the other hand, Senate sizes have been increased in fifteen States compared to reductions in only three.

The forty-nine bicameral state Senates range from eighteen members in Delaware to sixty-seven in Minnesota, with a median of thirty-eight (Kentucky and Michigan). The unicameral Legislature in Nebraska has forty-nine Senators. Lower chambers range from thirty-five in Delaware to 400 in New Hampshire. Here the median is 100, the actual number in seven States.

(See Table I, on the next page, for the sizes in 1967, and Appendix A for changes since 1943.)

2. LEGISLATIVE TERMS

All States provide two- or four-year terms, or a combination thereof, for their lawmakers.

In thirty-eight States (including Nebraska) Senators are elected to four-year terms. Four States having such terms for Senators also provide terms of similar length for House members. In the remaining forty-five States, the House term is two years. (See Table II on page 3.)

Over the past ten years, four States—Michigan, Nebraska, Ohio and Tennessee—have lengthened former two-year terms for the upper house to four years. On the other hand, there recently have been some unsuccessful efforts to provide longer terms. An attempt in 1963 to increase those in the Senate to

TABLE I
SIZE OF STATE LEGISLATURES
House and Senate
January, 1967

State	House	Senate	State	House	Senate
Alabama.....	106	35	Montana.....	104	55
Alaska.....	40	20	Nebraska.....	(a)	49
Arizona.....	60	30	Nevada.....	40	20
Arkansas.....	100	35	New Hampshire.....	400	24
California.....	80	40	New Jersey.....	60	29
Colorado.....	65	35	New Mexico.....	70	42
Connecticut.....	177	36	New York.....	150	57
Delaware.....	35	18	North Carolina.....	120	50
Florida.....	117(b)	48	North Dakota.....	98	49
Georgia.....	205	54	Ohio.....	99	33
Hawaii.....	51	25	Oklahoma.....	99	48
Idaho.....	70	35	Oregon.....	60	30
Illinois.....	177	58	Pennsylvania.....	203	50
Indiana.....	100	50	Rhode Island.....	100	46
Iowa.....	124	61	South Carolina.....	124	50
Kansas.....	125	40	South Dakota.....	75	35
Kentucky.....	100	38	Tennessee.....	99	33
Louisiana.....	105	39	Texas.....	150	31
Maine.....	151	34	Utah.....	69	28
Maryland.....	142	43	Vermont.....	150	30
Massachusetts.....	240	40	Virginia.....	100	40
Michigan.....	110	38	Washington.....	99	49
Minnesota.....	135	67	West Virginia.....	100	34
Mississippi.....	122	52	Wisconsin.....	100	33
Missouri.....	163	34	Wyoming.....	61	30

(a) Unicameral.

(b) A subsequent court plan has increased the size of the House to 119.

six years and those in the House to four failed in Oklahoma. In 1965 New York voters rejected a proposal to double the terms of all legislators. Texas voters in the same year declined to lengthen House terms to four years.

The four-year Senate terms are staggered except in Alabama, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Jersey and Virginia, so that every two years a portion of the Senate seats are up for election; this practice provides a greater measure of continuity to the upper chamber than otherwise would obtain. In none of the four States with four-year House terms are they staggered.

New Jersey eliminated staggered terms for its Senators through a constitutional amendment approved in November, 1966, in order to accommodate more readily to decennial redistricting. This amendment also provides for

TABLE II
STATE LEGISLATIVE TERMS
House and Senate
January, 1967

Length of term	States
Two-year term, both chambers (12)	Arizona, Connecticut, Georgia, Idaho, Maine, Massachusetts, New Hampshire, New York, North Carolina, Rhode Island, South Dakota, Vermont
Two-year House term and four-year Senate term (33)	Alabama, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming
Four-year term, both chambers (4)	Alabama, Louisiana, Maryland, Mississippi
Four-year term, unicameral (1)	Nebraska

a unique, variable-length Senate term arrangement: henceforth, Senators will be elected for four-year terms twice each decade, but the election following each decennial census will be for two years only.

3. APPORTIONMENT AND DISTRICTING

Apportionment

The apportionment of seats in state Legislatures has been dramatically changed since 1962, as a result of a series of U. S. Supreme Court decisions which culminated in the "one-man, one-vote" principle. In the aftermath of *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964), forty-two States have adopted apportionment plans with the basis of representation essentially population, while in Alaska, Kansas and South Carolina plans have been completed for the lower chambers. (See Table III.) The last three States, along with five others, have temporary or interim plans for either or both houses. Specific deadlines for reapportioning exist in Delaware, Georgia, Kansas and South Carolina.

Single- and Multi-Member Districts¹

Even with representation by population, apportionment plans can vary. For example, single-member districts may be established in which the voters elect only one member for the district. Or multi-member districts may be

¹For further information, see *Single-Member and Multi-Member Districts in State Legislatures as of December, 1966: And Use of Numbered Positions in Multi-Member Districts*. Council of State Governments, Chicago, 1967.

TABLE III
STATUS OF REAPPORTIONMENT
January, 1967

	Plan Adopted*	
Alabama	Maryland	Oklahoma
Alaska(a)	Massachusetts	Oregon
Arizona	Michigan	Pennsylvania
Arkansas	Minnesota	Rhode Island
California	Mississippi	South Carolina(a)
Colorado(b)	Missouri	South Dakota
Connecticut	Montana	Tennessee(b)
Florida(c)	Nebraska(b)	Texas(d)
Idaho	Nevada	Utah
Illinois	New Hampshire	Vermont
Indiana	New Jersey	Virginia
Kansas(a)	New Mexico	Washington
Kentucky	New York	West Virginia
Louisiana	North Carolina	Wisconsin
Maine(b)	North Dakota	Wyoming
	Temporary Plan Adopted*	
Alaska(e)	Hawaii(f)	Ohio(f)
Delaware(d)	Iowa(f)	South Carolina(e)
Georgia(d)	Kansas(e)	

* A plan is recorded here as adopted when it is unchallenged in the courts, or not yet reviewed by the courts although litigation may be pending, or accepted by the courts either without restrictions or with minor exceptions. Temporary plans are reapportionments which the courts have ruled must be revised, usually within a specific court-determined time limit.

(a) House only.

(b) In November, 1966, voters approved a constitutional amendment on apportionment (in Maine affecting the Senate only). Implementing legislation is required in Colorado, Maine and Tennessee.

(c) The plan adopted by the Florida Legislature was superseded in February, 1967, by a court-ordered plan, under which elections must be held prior to the regular legislative session in April, 1967.

(d) Texas: Must revise the 1965 House apportionment to eliminate at-large districts by August 1, 1967. Delaware: Legislature must be reapportioned by January 10, 1968. Georgia: Both houses must be reapportioned by May 1, 1967.

(e) Senate only. In Alaska the plan remains in force until the constitution is amended to provide a permanent apportionment. In Kansas a new plan must be adopted by April 1, 1968. In South Carolina a new Senate plan must be adopted prior to the 1968 general elections.

(f) Hawaii: The plan is in force until the Legislature adopts a valid plan. Iowa and Ohio: Plans approved for use in 1966 elections.

set up in which voters elect two or more members. Currently, almost three-fourths of the States make some use of multi-member districts.

Table IV groups state legislative bodies in three categories as regards their use of single- and multi-member districts:

1. Thirty-nine bodies in twenty-six States are based exclusively on single-member districts.
2. Five bodies in five States are based exclusively on multi-member districts.
3. Fifty-five bodies in thirty-five States are based on a combination of single- and multi-member districts.

The proportion of legislators elected from single- and multi-member districts varies. In the Arizona, California and New Mexico Senates, for example, only a small percentage of the total membership comes from multi-member

TABLE IV
USE OF SINGLE- AND MULTI-MEMBER DISTRICTS
January 1, 1967

<i>Single-member districts used exclusively</i>	<i>Multi-member districts used exclusively</i>	<i>Single- and multi-member districts used in combination</i>	
California (H)	Arizona (H)	Alabama (H & S)	Nevada (H & S)
Colorado (H & S)	Illinois (H)	Alaska (H & S)	New Hampshire (H)
Connecticut (H & S)	New Jersey (H)	Arizona (S)	New Jersey (S)
Delaware (H & S)	North Dakota (H)	Arkansas (H & S)	New Mexico (S)
Georgia (S)	West Virginia (S)	California (S)	North Carolina (H & S)
Idaho (S)		Florida (H & S)	North Dakota (S)
Illinois (S)		Georgia (H)	Oregon (H & S)
Kansas (H & S)		Hawaii (H & S)	Pennsylvania (H)
Kentucky (H & S)		Idaho (H)	South Carolina (H & S)
Maine (S)		Indiana (H & S)	South Dakota (H & S)
Massachusetts (S)		Iowa (H & S)	Tennessee (H & S)
Michigan (H & S)		Louisiana (H & S)	Texas (H)
Minnesota (S)		Maine (H)	Vermont (H & S)
Missouri (H & S)		Maryland (H & S)	Virginia (H & S)
Nebraska (unicameral)		Massachusetts (H)	Washington (H)
New Hampshire (S)		Minnesota (H)	West Virginia (H)
New Mexico (H)		Mississippi (H & S)	Wyoming (H & S)
New York (H & S)		Montana (H & S)	
Ohio (H & S)			
Oklahoma (H & S)			
Pennsylvania (S)			
Rhode Island (H & S)			
Texas (S)			
Utah (H & S)			
Washington (S)			
Wisconsin (H & S)			

Abbreviations: H—House; S—Senate.

districts. In Hawaii, by contrast, all but five Representatives and one Senator are elected from multi-member districts. Mississippi represents the middle ground; most of its House members come from multi-member districts (seventy-seven out of 122), while most Senators are from single-member districts (thirty-three out of fifty-two).

Slot System

Use is being made today of numbering of positions, seats or slots within multi-member districts. Under the slot system, each legislative position is separately designated, usually by number, and the candidate runs only for one designated seat.

The slot system is used in eighteen legislative bodies of twelve States, confined to the South and West. In the South these include both houses in Alabama, Arkansas, Florida, Mississippi and Tennessee; lower houses in Georgia and Texas; and the Senate in South Carolina. In the West, they include both houses in Oregon, the Senates in California and New Mexico, and the lower house in Washington.

4. REGULAR SESSIONS

As recently as World War II, the overwhelming majority of our state Legislatures—all except four—met in regular session only once every two years. The trend toward annual sessions since that time has been so pronounced that today at least twenty-one Legislatures meet annually. (See Table V.) The total would be twenty-two were it not for a New Hampshire

TABLE V
REGULAR SESSIONS
January 1, 1967

State	Years in which sessions are held	Sessions convene		Limitations on length of regular sessions
		Month	Day	
Alabama.....	Odd	May	1st Tues.(a)	36 L
Alaska.....	Annual	Jan.	4th Mon.	None
Arizona.....	Annual	Jan.	2nd Mon.	63 C(b)
Arkansas.....	Odd	Jan.	2nd Mon.	60 C(c)
California.....	Annual	Jan.	Mon. after Jan. 1	None(d)
Colorado.....	Annual(e)	Jan.	Wed. after 1st Tues.	160 C(b)
Connecticut.....	Odd	Jan.	Wed. after 1st Mon.	150 C(f)
Delaware.....	Annual(e)	Jan.	Odd-1st Tues.	90 L
		Feb.	Even-1st Tues.	30 L
Florida.....	Odd	Apr.	Tues. after 1st Mon.(g)	60 C(h)
Georgia.....	Annual	Jan.	Odd-2nd Mon.	45 C
		Jan.	Even-2nd Mon.	40 C
Hawaii.....	Annual(e)	Feb.	Odd-3rd Wed.	60 C(i)
		Feb.	Even-3rd Wed.	30 C(i)
Idaho.....	Odd	Jan.	Mon. after Jan. 1	60 C(b)
Illinois.....	Odd	Jan.	Wed. after 1st Mon.	None(j)
Indiana.....	Odd	Jan.	Thurs. after 1st Mon.	61 C
Iowa.....	Odd	Jan.	2nd Mon.	None
Kansas.....	Annual	Jan.	Odd-2nd Tues.	None
		Jan.	Even-2nd Tues.	60 C(c)
Kentucky.....	Even	Jan.	Tues. after 1st Mon.	60 L
Louisiana.....	Annual(e)	May	Even-2nd Mon.	60 C
		May	Odd-2nd Mon.	30 C
Maine.....	Odd	Jan.	1st Wed.	None
Maryland.....	Annual	Jan.	3rd Wed.	70 C
Massachusetts.....	Annual	Jan.	1st Wed.	None
Michigan.....	Annual	Jan.	2nd Wed.	None
Minnesota.....	Odd	Jan.	Tues. after 1st Mon.	120 L
Mississippi.....	Even	Jan.	Tues. after 1st Mon.	None
Missouri.....	Odd	Jan.	Wed. after Jan. 1	195 C(f)
Montana.....	Odd	Jan.	1st Mon.	60 C
Nebraska.....	Odd	Jan.	1st Tues.	None
Nevada.....	Odd	Jan.	3rd Mon.	60 C(b)
New Hampshire.....	Odd	Jan.	1st Wed.	July 1(b)
New Jersey.....	Annual	Jan.	2nd Tues.	None
New Mexico.....	Annual(e)	Jan.	Odd-3rd Tues.	60 C
		Jan.	Even-3rd Tues.	30 C
New York.....	Annual	Jan.	Wed. after 1st Mon.	None

TABLE V—Continued

State	Years in which sessions are held	Sessions convene		Limitations on length of regular sessions
		Month	Day	
North Carolina.....	Odd	Feb.	Wed. after 1st Mon.	120 C(b)
North Dakota.....	Odd	Jan.	Tues. after 1st Mon.	60 L
Ohio.....	Odd	Jan.	1st Mon.	None
Oklahoma.....	Annual	Jan.	Tues. after 1st Mon.	90 L
Oregon.....	Odd	Jan.	2nd Mon.	None
Pennsylvania.....	Annual(e)	Jan.	1st Tues.	None
Rhode Island.....	Annual	Jan.	1st Tues.	60 L(b)
South Carolina.....	Annual	Jan.	2nd Tues.	40 L(b)
South Dakota.....	Annual	Jan.	Odd-Tues. after 3rd Mon.	45 L
		Jan.	Even-Tues. after 1st Mon.	30 L
Tennessee.....	Odd	Jan.	1st Tues.	90 L(b)
Texas.....	Odd	Jan.	2nd Tues.	140 C
Utah.....	Odd	Jan.	2nd Mon.	60 C
Vermont.....	Odd	Jan.	Wed. after 1st Mon.	None
Virginia.....	Even	Jan.	2nd Wed.	60 C(b)
Washington.....	Odd	Jan.	2nd Mon.	60 C
West Virginia.....	Annual(e)	Jan.	Odd-2nd Wed.	60 C(k)
		Jan.	Even-2nd Wed.	30 C(k)
Wisconsin.....	Odd	Jan.	2nd Wed.	None
Wyoming.....	Odd	Jan.	2nd Tues.	40 C

Abbreviations: L—Legislative days; C—Calendar days.

- (a) Legislature meets quadrennially on second Tuesday in January after election for purpose of organizing.
 (b) Indirect restriction on session length. Legislators' pay, per diem, or daily allowance ceases but session may continue. In Colorado and Tennessee, the 160-day and 90-day limitations, respectively, apply to the legislative biennium. In Idaho the per diem only ceases after 60 days and legislators continue to receive expense allowance for length of the session. In New Hampshire travel allowance ceases after July 1 or 90 legislative days, whichever occurs first. In Virginia session may be extended up to 30 days by 3/5 vote of each house, but without pay.
 (c) May be extended by 2/3 vote of each house. Kansas limitations effective January, 1968.
 (d) At end of each regular session there is a 30-day recess; on the first Monday after the end of the recess period, the Legislature convenes to consider vetoed measures.
 (e) Budget sessions held in even-numbered years, except in Louisiana.
 (f) Approximate length of session. Connecticut session must adjourn by first Wednesday after first Monday in June, Missouri's by July 15.
 (g) In November, 1966, voters approved a constitutional amendment permitting the Legislature to meet in an organization session in even-numbered years, the first Tuesday following the general election, to swear in new members and select officers.
 (h) Length of session may be extended by 30 days, but not beyond Sept. 1, by 3/5 vote of each house.
 (i) Governor may extend any session for not more than 30 days. Sundays and holidays excluded in computing the number of days of any session.
 (j) By custom Legislature adjourns by July 1, since all bills passed after that day are not effective until July 1 of following year.
 (k) Must be extended by Governor until general appropriation passed; may be extended by 2/3 vote of Legislature.

Supreme Court ruling of January, 1967, invalidating an annual session amendment, approved the previous November, because of ambiguous phrasing of the question on the ballot. In addition, a 1966 amendment grants each odd-numbered-year session of the Tennessee General Assembly the power to meet in the following year, if desired; and the Illinois Attorney General in late 1966 advised that its General Assembly has the power to meet annually.

The shift to annual sessions has been occasioned largely by the need to budget and appropriate more frequently than every two years, and about one-third of the so-called annual session States limit their "off-year" regular sessions to consideration of fiscal problems only. Other justifications for

annual sessions have come to the fore in recent years, however, and the movement to limit "off-year" sessions appears to be on the wane. Maryland in 1964, and California and Kansas in 1966, removed prior limits on subjects appropriate for "off-year" consideration, and States most recently added to the annual session category provide no subject limitations.

Two trends since World War II, somewhat counter to each other, have characterized changes in time limits on regular legislative sessions.

1. There has been a reduction in the number of sessions on which no direct time limits have been placed. Twenty-four States in 1947 imposed no time limits on regular sessions; by 1967, that total had dropped to sixteen.
2. Session lengths have been liberalized in several States, including Georgia, Louisiana, Maryland, Minnesota, New Mexico, South Dakota and West Virginia.

Exercising a power which its Bureau of Legislative Research in 1966 declared lay with the Legislature, the Arkansas General Assembly in January, 1967, voted to extend its sixty-day regular session.

Split sessions in various forms have been utilized in some States. Several Legislatures—including those in Delaware, Michigan, New Jersey, Pennsylvania, Rhode Island and Wisconsin—regularly have taken frequent recesses in recent years, without sine die adjournment, thus prolonging the regular sessions and, among other results, enabling lawmakers to review executive vetoes.

Alabama and Florida employ a variant of the split sessions; their Legislatures are enabled to meet briefly for organizational purposes shortly after election and in advance of the regular session.

In still another type of split session, the regular session is divided into a period for bill introduction, a recess for committee consideration of bills, and a period for floor action. California once followed this procedure, but weaknesses in its system led to abandonment of it in the 1950's. Georgia and Tennessee now use split sessions somewhat similar to the old California type.

The desirability of reconvening sessions to consider executive vetoes has led in recent years to innovations in addition to those mentioned above. The Hawaii and Louisiana Legislatures, both limited as to session lengths, are empowered to call themselves back for review of vetoes.

5. SPECIAL SESSIONS

All state constitutions provide for the convening of special sessions to meet emergencies arising during the interim between regular legislative sessions. Special sessions have been held frequently. From 1956-57 to 1962-63 they averaged forty per two-year period in twenty-six States. In 1964-65, when reapportionment emergencies faced many States, the totals rose to sixty-five special sessions in thirty-six States, a substantial increase even discounting the fact that seventeen sessions were held in four States alone. (See Appendix B.)

Special sessions have occurred in both annual and biennial session States and in States with both limited and unlimited session lengths. From 1956 to 1965 three States had ten or more extraordinary sessions—Alabama, California, and Maryland—while nineteen other Legislatures had between five and nine special sessions. Only five Legislatures completed the decade without special sessions—those of Massachusetts, New Jersey, Montana, Oklahoma and South Dakota. The first two of these avoided such sessions by extending regular sessions; Oklahoma's unlimited biennial session steadily increased in length during the period under review; and South Dakota adopted annual sessions in the same period.

There has been a definite trend to give Legislatures constitutional power to call themselves into special session. Fifteen have such powers today, compared with eight in 1947. There is also a growing willingness to permit Legislatures to determine the subjects they may consider; they now can do so in about half of the States. These include more than a dozen in which the Legislatures, while lacking power to call themselves into special session, may add to the subjects considered during such a session if one is called. (See Table VI.)

TABLE VI
SPECIAL SESSIONS
January 1, 1967

<i>State</i>	<i>Limitation on length of session</i>	<i>Legislature may call</i>	<i>Legislature may determine subject</i>
Alabama.....	30 L	No	2/3 vote present
Alaska.....	30 C	Yes	Yes(a)
Arizona.....	20 C(b)	Petition 2/3 members	Yes(c)
Arkansas.....	15 C(d)	No	(d)
California.....	None	No	No
Colorado.....	None	No	No
Connecticut.....	None	Yes	Yes
Delaware.....	30(b)	No	No
Florida.....	20 C(e)	(e)	Yes(e)
Georgia.....	(f)	Petition 3/5 members(g)	Yes(c)
Hawaii.....	30 C(h)	(i)	(i)
Idaho.....	20 C	No	No
Illinois.....	None	No	No
Indiana.....	40 C	No	Yes
Iowa.....	None	No	Yes
Kansas.....	None	No	Yes
Kentucky.....	None	No	No
Louisiana.....	30 C	Petition 2/3 elected members each house	No(j)
Maine.....	None	No	Yes
Maryland.....	30 C	No	Yes

(Table continued on next page)

TABLE VI—Continued

State	Limitation on length of session	Legislature may call	Legislature may determine subject
Massachusetts.....	None	Yes	Yes
Michigan.....	None	No	No
Minnesota.....	None	No	Yes
Mississippi.....	None	No	No
Missouri.....	60 C	No	No
Montana.....	60 C	No	No
Nebraska.....	None	Petition 2/3 members	No
Nevada.....	20 C(b)	No	No
New Hampshire.....	15 L(b)	Yes	Yes
New Jersey.....	None	(k)	Yes
New Mexico.....	30 C(l)	Yes(l)	Yes
New York.....	None	No	No
North Carolina.....	25 C(b)	No	Yes
North Dakota.....	None	No	Yes
Ohio.....	None	No	No
Oklahoma.....	None	No(m)	No
Oregon.....	None	No	Yes
Pennsylvania.....	None	No	No
Rhode Island.....	None	No	No
South Carolina.....	None(b)	No	Yes
South Dakota.....	None	No	Yes
Tennessee.....	30 L(b)	Yes(n)	Yes
Texas.....	30 C	No	No
Utah.....	30 C	No	No
Vermont.....	None	No	Yes
Virginia.....	30 C(b,o)	Petition 2/3 members	Yes
Washington.....	None	No	Yes
West Virginia.....	None	Petition 2/3 members	No
Wisconsin.....	None	No	No
Wyoming.....	None	No	Yes

Abbreviations: L—Legislative days; C—Calendar days.

(a) Unless Governor calls and limits.

(b) Indirect restriction on session length. Legislators' pay, per diem, or daily allowance ceases but session may continue.

(c) If Legislature convenes itself.

(d) A 2/3 vote of each house may extend session up to 15 days.

(e) Twenty per cent of the membership may petition the Secretary of State to poll the Legislature; upon affirmative vote of 3/5 of both houses an extra session, no more than 30 days in length, may be called. Extra sessions called by the Governor are limited to 20 days.

(f) Seventy-day session limit except for impeachment proceedings if Governor calls session; 30-day limit except for impeachment proceedings if Governor calls session at petition of Legislature.

(g) Thirty-day limit except for impeachment proceedings.

(h) Governor may extend any session for not more than 30 days. Sundays and holidays excluded in computing the number of days of any session.

(i) Legislature may convene in special session on 45th day after adjournment to act on bills submitted to the Governor less than ten days before adjournment if Governor notifies the Legislature he plans to return them with objections.

(j) Unless Legislature petitions for special session. However, no special session may be called during the 30 days before or the 30 days after the regular fiscal sessions in the odd years without the consent of 3/4 of the elected members of each house of the Legislature.

(k) Petition by majority of members of each house to Governor, who then "shall" call special session.

(l) Time limitation does not apply if impeachment trial is pending or in process. Legislature may call 30-day "extraordinary" session if Governor refuses to call session when requested by 3/5 of Legislature.

(m) Governor may convene Senate alone in special session.

(n) Upon 2/3 vote of each house.

(o) May be extended up to 30 days by 3/5 vote of each house, but without pay.

6. COMPENSATION FOR LEGISLATORS

State legislators receive their basic compensation in one or both of two main ways—on a salary basis, covering the period of the term; or on a daily pay basis, with payment confined either to days of the actual session or to a limited number of session days, after which compensation ceases.

Since World War II, the general trend of compensation has been decidedly upward. Table VIII shows that the median compensation now realized by a typical legislator for a two-year period at current levels of salary, daily pay and expense allowance is in the range of \$6,025–\$6,300. This compares with a median range of \$3,900–\$4,000 just three years ago.¹

Apart from basic compensation increases, most States since 1960 have raised expense allowances, generally through statutory action rather than constitutional change. In many States it is a practice to provide higher compensation and increased expense allowances to legislative leaders.

Along with these trends, there has been a steady shift in the basis of payment from per diem to straight salary. Today only thirteen States pay their lawmakers exclusively on a per diem basis, compared with more than half of the States during World War II. Arkansas, Oklahoma and Oregon employ a combination of per diem and salary.

As shown in Table VII-B, salaries in biennial session States range from \$200 each two years in New Hampshire to \$18,000 in Illinois. Per diem rates in Legislatures meeting biennially vary from \$5 in North Dakota's sixty-day sessions to \$40 in Iowa's unlimited sessions. States with annual sessions provide yearly salaries ranging from \$1,500 in South Dakota and West Virginia to \$16,000 in California. Per diem rates in annual session States range from \$5 (up to sixty days) in Rhode Island, to \$50 (up to sixty days in even-numbered years and up to thirty in odd-numbered years) in Louisiana. (See Table VII-A.)

Legislators dependent on a per diem arrangement fare, on the whole, more poorly than those paid on a salary basis. And salaries average higher in annual session States than in those with biennial sessions. The median realized biennial compensation in annual session States is \$9,400, which compares with \$4,300 in biennial session States.

Legislative compensation is fixed in the constitutions or by a combination of constitutional and statutory provisions in twenty-two States, compared with twenty-eight at the close of World War II. California and Tennessee, in 1966, were the latest States to shift from a constitutional to statutory method of determining compensation. However, recent efforts to make the same shift in New Mexico (1965) and Maryland (1966) were unsuccessful, as were efforts to provide constitutional increases in compensation in Oklahoma, New Hampshire and Massachusetts in 1964 and West Virginia in 1966.

¹For comparable data for past two bienniums, see *The Book of the States*, Vols. XV and XVI. Council of State Governments. Chicago, 1964, 1966.

TABLE VII-A

LEGISLATIVE SALARIES AND EXPENSE ALLOWANCES:
ANNUAL SESSION STATES*

January, 1967

State	Compensation set by	Per Diem		Annual salary	Expense allowance†
		Amount	No. of days permitted		
Alaska.....	stat.	...	...	\$ 6,000	\$ 35
Arizona.....	const.	...	...	1,800	12(a)
California.....	stat.	...	...	16,000	25(b)
Colorado.....	stat.	...	...	3,200	...
Delaware.....	const.	...	...	4,500	25
Georgia.....	const.	...	...	4,200	25
Hawaii.....	const. & stat.	...	...	2,000	32.50, 45(c)
Kansas.....	stat.	\$10	(d)	...	15(e)
Louisiana.....	stat.	50	(f)	...	250(g)
Maryland.....	const.	...	...	2,400	25
Massachusetts.....	stat.	...	...	7,500	900(h)
Michigan.....	stat.	...	...	12,500	2,500(h)
New Jersey.....	const. & stat.	...	...	7,500	...
New Mexico.....	const. & stat.	20	(i)	...	...
New York.....	const. & stat.	...	...	15,000	(j)
Oklahoma.....	const.	15	75	(k)	100(l)
Pennsylvania.....	stat.	...	...	7,200	4,800(h)
Rhode Island.....	const.	5	60	...	...
South Carolina.....	const. & stat.	...	...	4,000	15(m)
South Dakota.....	stat.	...	...	1,500	...
West Virginia.....	const.	...	...	1,500	...

* Figures exclude stationery, postage, mileage and similar allowances.

† Unless otherwise noted, figures shown are paid daily for duration of session.

(a) Limited to legislators from outside the city limits of capital.

(b) Also paid up to 40 days when engaged in interim committee work and up to 60 days if member of a joint committee.

(c) \$32.50 for legislators from Oahu; \$45 for legislators from neighbor islands.

(d) Limited to 90 days in odd-numbered years and 30 days in even-numbered years.

(e) Not to exceed \$1,350 during regular session nor \$450 during special or budget session. In addition, legislators receive \$50 monthly between sessions.

(f) Limited to 60 days in even-numbered years and 30 days in odd-numbered years.

(g) Monthly allowance received between sessions.

(h) Total annual expense allowance. On February 9, 1967, the Governor of Massachusetts signed a new legislative pay bill effective for the 1967 legislative session only. It provides a \$10,000 salary, a \$900 base yearly expense allowance plus \$15 per diem for legislators living more than 40 miles from the state capital.

(i) Paid 60 days in odd-numbered years and 30 days in even-numbered years.

(j) Expense allowances to be set during the 1967 session.

(k) \$100 paid monthly between sessions after termination of the 75th legislative day.

(l) Paid monthly throughout the biennium as follows: \$50 for travel within the legislator's district; \$50 for office rent within the legislator's district.

(m) Payable up to 45 days on days statewide legislation considered.

TABLE VII-B

STATE LEGISLATIVE SALARIES AND EXPENSE ALLOWANCES:
BIENNIAL SESSION STATES*

January, 1967

State	Compensation set by	Per Diem		Biennial salary	Expense allowance†
		Amount	No. of days permitted		
Alabama.....	const.	\$10	36	...	\$ 20
Arkansas.....	const.	20	60	\$ 2,400	...
Connecticut.....	stat.	...	...	3,250	750(a)
Florida.....	const.	25	...	2,400	300(b)
Idaho.....	const.	10	60	...	25
Illinois.....	stat.	...	...	18,000	...
Indiana.....	stat.	...	...	3,600	20
Iowa.....	stat.	40	...	...	...
Kentucky.....	stat.	25	60	...	150(c), 25
Maine.....	stat.	...	...	2,000	5, 12(d)
Minnesota.....	stat.	...	...	9,600	14(e), 21
Mississippi.....	stat.	...	...	3,000	12.50, 100(b)
Missouri.....	stat.	...	...	9,600	10
Montana.....	stat.	20	60	...	15
Nebraska.....	const. & stat.	...	...	4,800	...
Nevada.....	stat.	40	60	...	25
New Hampshire.....	const.	...	...	200	...
North Carolina.....	const.	15	120	...	20
North Dakota.....	const.	5	60	...	20(f)
Ohio.....	stat.	...	...	16,000	...
Oregon.....	stat.	20(g)	120	6,000	...
Tennessee.....	stat.	...	...	3,600	(h)
Texas.....	const.	...	...	9,600	12(i)
Utah.....	const. & stat.	...	...	1,000	5
Vermont.....	stat.	...	...	3,000	15
Virginia.....	stat.	35(j)	60	...	600(j)
Washington.....	stat.	...	...	7,200	25
Wisconsin.....	stat.	...	...	16,800	15(k)
Wyoming.....	stat.	12	40	...	20

* Figures exclude stationery, postage, mileage and similar allowances.

† Unless otherwise noted, figures shown are paid daily for duration of session.

(a) Total biennial expense allowance.

(b) Florida: paid monthly between sessions. Mississippi: \$100 paid monthly between sessions; \$12.50 daily expense allowed during sessions not to exceed 90 days.

(c) \$150 monthly allowance is received between sessions.

(d) Paid to all legislators; those outside city limits of capital paid the higher figure.

(e) Paid to legislators who do not have to maintain a residence in capital during the session.

(f) Plus a \$35 monthly allowance throughout the biennium.

(g) Represents a combination of per diem and "expense allowance."

(h) Expense allowances to be set during the 1967 session.

(i) For first 120 days of a regular session and 30-day special sessions.

(j) The figures shown become effective January 1, 1968. The \$600 expense allowance is paid semi-annually in two equal amounts.

(k) Payable up to 110 days to legislators required to establish a temporary residence in Madison.

TABLE VIII*

REALIZED COMPENSATION FOR A BIENNIUM OF A
TYPICAL LEGISLATOR IN SALARY, PER DIEM
AND LIVING EXPENSE ALLOWANCES

(Computed for Typical-Length Regular Sessions) (a)

State	Biennial compensation	Pay basis	State	Biennial compensation	Pay basis
New Hampshire...	\$ 200	S	Kentucky.....	\$ 6,300	D(b)
Rhode Island...	600(A)	D	Oklahoma.....	6,300(A)	S & D(b)
Utah.....	1,230	S(b)	Colorado.....	6,400(A)	S
Wyoming.....	1,280	D(b)	Maryland.....	7,300(A)	S(b)
New Mexico.....	1,800(A)	D	Hawaii.....	7,770 to	S(b)
Idaho.....	2,100	D(b)		9,220(c)(A)	S
Montana.....	2,100	D(b)	Oregon.....	8,400	S & D
North Dakota...	2,270	D(b)	Washington....	8,700	S(b)
Maine.....	2,380 to	S(b)	South Carolina..	9,400(A)	S(b)
	2,912(c)		Louisiana.....	9,750(A)	D(b)
South Dakota...	3,000	S	Florida.....	10,500	S(b)
West Virginia...	3,000(A)	S	Georgia.....	10,525(A)	S(b)
Virginia.....	3,300	D(b)	Texas.....	11,040	S(b)
Arkansas.....	3,600	S & D	Minnesota.....	11,042 to	S(b)
Tennessee.....	3,600	S(d)		11,763(c)	
Arizona.....	3,600 to	S(b)	Delaware.....	11,200(A)	S(b)
	5,928(c)(A)		Missouri.....	11,550	S(b)
Alabama.....	3,780	D(b)	New Jersey.....	15,000(A)	S
Nevada.....	3,900	D(b)	Ohio.....	16,000	S
Connecticut.....	4,000	S(b)	Massachusetts..	16,800(A)	S(b)
Kansas.....	4,000(A)	D(b)	Alaska.....	17,600(A)	S(b)
Vermont.....	4,000	S(b)	Illinois.....	18,000	S
North Carolina..	4,200	D(b)	Wisconsin.....	16,800 to	S(b)
Nebraska.....	4,800	S		18,450(c)	
Indiana.....	4,820	S(b)	Pennsylvania...	24,000(A)	S(b)
Iowa.....	5,800	D	Michigan.....	30,000(A)	S(b)
Mississippi.....	6,025	S(b)	New York.....	30,000(A)	S(d)
			California.....	35,075(A)	S(b)

Abbreviations: (A)—Annual sessions; (D)—Daily or weekly pay basis; (S)—Salary basis.

* Totals show compensation prevailing in or authorized during 1966, excluding mileage, stationery, and all variable interim allowances.

(a) Where necessary to compute pay on the basis of days or weeks of regular session, the regular sessions of 1964 and 1965 have been used.

(b) Additional expense payments are made and are included in compensation shown.

(c) The alternative figures for these States result from differential expense allowances paid to legislators who do or do not reside in or adjacent to the capital city.

(d) Legislature authorized to establish expense allowance during session. Amounts not shown in figures above.

7. RETIREMENT BENEFITS FOR LEGISLATORS

Retirement benefits are a form of deferred additional compensation. Since the close of World War II, many States have recognized the legislators' service to the public, often at substantial personal loss, by providing retirement pensions.

New York in 1921 became the first State to provide retirement benefits to legislators. Ohio followed suit in 1941, as did seven other States in the late 1940's.

Today, thirty-four provide legislative retirement plans, usually by simply extending the benefit of the State's retirement system to lawmakers. (See Table IX.) At least six of these States have either adopted new plans or amended existing plans within the past biennium.

TABLE IX

STATE RETIREMENT SYSTEMS FOR STATE LEGISLATORS

January, 1967

Type of plan	States
States with optional participating plans (27)	Alaska, California, Delaware, Hawaii, Illinois, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin
States with compulsory plans (8)	Arizona, Arkansas, Florida, Idaho, Kentucky, Missouri, New York, West Virginia

Retirement benefits are provided in the form of payments from funds accumulated by deductions from the legislator's salary, a similar contribution by the State, and investment income. The amount of annual retirement payment is usually determined on the basis of such factors as the amount of the accumulated fund, years of service and age of the recipient.

State legislative retirement systems, taken together, have at least seven distinct features:¹

1. Participation by individual legislators may be optional (in twenty-seven States) or compulsory (eight States). New York has both types.
2. Lawmakers are permitted to count all previous public service—legislative or otherwise—toward retirement, provided back payments or contributions are made.
3. There is no compulsory retirement age for legislators, as there generally is for public employees. Most systems specifically exempt legislators from any compulsory retirement age.

¹For further details see *State Retirement Plans for State Legislators: A Tabulation of Benefits and Related Features*. Council of State Governments. Chicago, 1967.

4. Almost one-half of the States set minimum retirement eligibility at age 60; in other States there is a range from no minimum to age 70. Utah has neither a minimum retirement age nor a minimum service requirement. California, Delaware, Hawaii, Louisiana, Maryland, New York and Tennessee provide alternate plans permitting legislators to retire at any age upon accumulation of specified service years.
5. Seven States have no minimum service requirements for eligibility. In other States minimum service requirements range from four years in California; five years in Arizona, Hawaii, New Mexico and Ohio (at age 60); to twenty-five years in Ohio (at age 55) and thirty years in Delaware, Mississippi and Tennessee.
6. All plans except New York's require contributions by legislators. These range from 3 per cent of salary in Idaho to 15 and 20 per cent in Maryland and Rhode Island, respectively.
7. In all States lawmakers may withdraw their own contributions, but not those contributed by the State, when they leave legislative service. In twenty States legislators receive interest payments upon withdrawal of their contributions.

8. ORIENTATION CONFERENCES

There is normally a turnover of about 50 per cent among state legislators following each general election. With many States holding elections in 1966 under new apportionment plans, the normal attrition rate was in some instances vastly exceeded. For example, preliminary estimates show an 80 per cent turnover in Maryland, and 70 per cent in Florida, Illinois and Oklahoma.

New legislators are introduced to the legislative process in various ways, ranging from informal chats with veteran legislators to formal orientation conferences.

The orientation conference generally consists of a one-, two- or three-day meeting prior to or early in the legislative session. The programs customarily cover such matters as legislative procedures, rules and services. Sometimes they feature discussions of state fiscal affairs and current issues.

For 1966 and 1967, forty-four States report holding orientation conferences.¹ This is sixteen more than were reported in the early 1950's.² Included in the latest tally are New York, in which only the Senate conducts such a program, and eight other States in which such conferences are held only occasionally. North Carolina and Rhode Island held conferences for the first time for Legislatures meeting in 1967.

Usually the conferences are arranged by legislative leaders, legislative councils, legislative clerks, and legislative service agencies, frequently in co-operation with state universities. In Kentucky and North Carolina the Governor is among the sponsors, and in several other States the chief executive is a program participant.

¹See Appendix C for further details.

²*American Legislatures: Structure and Procedures—Summary and Tabulation of a 1953 Survey*. Council of State Governments. Chicago. 1954.

TABLE X-A
ORIENTATION CONFERENCES
Program Participants
Forty-four States
January, 1967

State	Principal program participants	State	Principal program participants
Alaska.....	L, Ls	Montana.....	L, Ao, U
Arkansas.....	L, Ls, U	Nebraska.....	L
California.....	L, Ls	Nevada.....	Ls
Colorado.....	L, Ls, Ao	New Hampshire.....	L, Ls, U
Connecticut.....	L, Ls, G, U	New Jersey.....	L, Ls, G
Delaware.....	L, Ls, U	New Mexico.....	L, Ls, G, Ao, U
Florida.....	L, Ls, G, Ao	New York(a).....	L, Ls, Ao, U
Georgia.....	L, Ls, G, Ao, U	North Carolina.....	L, G, Ao, U
Hawaii.....	L, Ls, Ao, U	North Dakota.....	L, Ls, Ao, U
Illinois.....	L	Oklahoma.....	L, G, U
Indiana.....	L, Ls, G, Ao	Oregon.....	L, Ls
Iowa.....	L, Ls, Ao, U	Pennsylvania.....	L
Kansas.....	L, Ls, Ao	Rhode Island.....	L, Ls, G
Kentucky.....	L, Ls, G, Ao	South Carolina.....	L
Louisiana.....	L, Ls, Ao, U	South Dakota.....	L, Ls
Maine.....	L, Ls, G, Ao, U	Tennessee.....	L, Ls, G, Ao, U
Maryland.....	Ls	Texas.....	L, Ls, G, Ao, U
Massachusetts.....	L, Ls, U	Utah.....	L, Ls
Michigan.....	L, Ls, Ao, U	Vermont.....	L, Ls
Minnesota.....	L, Ao	Washington.....	L, Ls, Ao
Mississippi.....	L, Ls, Ao	Wisconsin.....	L, Ls, Ao
Missouri.....	L, Ls, U	Wyoming.....	L, U

Abbreviations: L—Legislators; Ls—Legislative service staff; G—Governor; Ao—Administrative officials; U—University personnel.

(a) Senate only.

TABLE X-B
ORIENTATION CONFERENCES

Agenda
Forty-four States
January, 1967

<i>State</i>	<i>Agenda</i>	<i>State</i>	<i>Agenda</i>
Alaska.....	Pl, Ss, Ex, Lsr	Montana.....	Pl, Ss, Ex, Btf, Lsr, Sp
Arkansas.....	Pl, Ss	Nebraska.....	Pl, Ss
California.....	Pl, Ss	Nevada.....	Pl, Ss
Colorado.....	Pl, Ss, Btf	New Hampshire...	Pl, Ss
Connecticut.....	Pl, Ss, Ex, Btf, Lsr, Sp	New Jersey.....	Pl, Ss
Delaware.....	Pl, Ss, Lsr	New Mexico.....	Pl, Ss, Ex, Btf, Lsr, Sp
Florida.....	Pl, Ss, Ex	New York(a).....	Pl, Ss, Ex, Btf, Lsr, Sp
Georgia.....	Pl, Ss, Ex, Btf, Lsr, Sp	North Carolina....	Pl, Ss, Ex, Btf, Lsr, Sp
Hawaii.....	Pl, Ss, Ex, Btf, Lsr, Sp	North Dakota.....	Pl, Ss, Btf, Lsr, Sp
Illinois.....	Pl, Ss, Ex, Lsr	Oklahoma.....	Pl, Ss, Lsr
Indiana.....	Pl, Ss, Ex, Btf, Lsr, Sp	Oregon.....	Pl, Ss, Btf, Lsr
Iowa.....	Pl, Ss, Ex, Btf	Pennsylvania.....	Pl, Ss
Kansas.....	Ex	Rhode Island.....	Pl, Ss, Btf, Lsr
Kentucky.....	Pl, Ss, Ex, Btf, Lsr, Sp	South Carolina....	Pl, Ss
Louisiana(b).....	Pl, Ss	South Dakota.....	Pl, Ss
Maine.....	Pl, Ss, Ex, Btf, Sp	Tennessee.....	Pl, Ss, Btf, Lsr
Maryland.....	Pl, Ss, Ex, Btf, Lsr	Texas.....	Pl, Ss, Ex, Btf, Lsr, Sp
Massachusetts....	Pl, Ss, Ex, Btf, Lsr	Utah.....	Pl, Ss, Lsr
Michigan.....	Pl, Ss, Ex, Btf	Vermont.....	Pl, Ss, Lsr
Minnesota.....	Pl, Ss, Btf	Washington.....	Pl, Ss
Mississippi.....	Pl, Ss, Ex, Btf, Lsr	Wisconsin.....	Pl, Ss, Ex, Btf, Lsr, Sp
Missouri.....	Pl, Ss, Btf, Lsr, Sp	Wyoming.....	Pl

Abbreviations: Pl—Parliamentary procedure and legislative organization; Ss—Staff services available; Ex—Executive agency organization and operation; Btf—Budget, tax and fiscal; Lsr—Legislative study programs and reports; Sp—Substantive problems.

(a) Senate only.

(b) Other agenda items "as determined."

9. OFFICE SPACE AND CLERICAL ASSISTANCE

Lawmakers of well over half of the States must conduct their official business at their desks in their respective legislative chambers, in corridors, or in makeshift facilities. In only seventeen States are all legislators provided with either individual or shared office space. Of these, six States provide individually assigned offices for all legislators, five provide some individual and some shared offices, and the remaining six only make shared office space available. In five additional States there is shared or individual space for all members of the upper houses. (See Table XI.) In 1959 only nine States reported any individual office space.¹

It is customary in most States to furnish individual office space to legislative leaders, primarily House Speakers and Speakers Pro Tem, Senate Presidents and Presidents Pro Tem—although frequently floor leaders and in some instances committee chairmen are included.

Wide variances in providing secretarial and other clerical assistance to legislators are shown in Table XII. Nine States, including populous New York and California, assign individual secretaries to their lawmakers. More common, however, is the use of secretarial pools (twenty-one States). Another common arrangement (twelve States) is partial reliance on individual secretaries, supplemented by secretarial pools. Eight States report no secretarial assistance, although they provide other clerical aids.

Most States provide secretarial and other clerical help to all committees in each house. The remainder provide such assistance to one or more committees.

¹*American Legislatures: Structures and Procedures—Summary and Tabulations of a 1959 Survey*, pp. 59-61. Council of State Governments. Chicago. 1959.

TABLE XI
OFFICE SPACE FOR STATE LEGISLATORS
January 1, 1967

20

Office space for legislators					Office space for legislative leaders				Other	
State	House		Senate		House		Senate			
	Indi- vidual basis	Shared space	Indi- vidual basis	Shared space	Speaker	Speaker Pro Tem	Presi- dent	President Pro Tem		
Alabama.....	*	*	*	..	Floor Leaders	
Alaska.....	*	..	*	..		
Arizona.....	*	..	*	..		
Arkansas.....	*	*	*	..	*	*		
California.....	*	..	*	..	*	*	*	*		
Colorado.....	*	..	*	..	Floor Leaders	
Connecticut.....	*	*	*	*	Floor Leaders	
Delaware.....	*	..	*	*	Majority Leaders	
Florida.....	*	..	*	..	*	..	*	*	Floor Leaders	
Georgia.....	*	*	*	*		
Hawaii.....	*	..	*	..	*	*	*	*		
Idaho.....	*	..	*	*	Minority Leaders	
Illinois.....	*	*	..	*	*	Floor Leaders	
Indiana.....	..	*	..	*	*	..	*	*	House Floor Leaders, Committee Chmn.	
Iowa.....	*	..	*	*	Floor Leaders	
Kansas.....	*	..	*	*	Floor Leaders	
Kentucky.....	*	..	*	*		
Louisiana.....	*	..	*	..		
Maine.....	*	..	*	..	Floor Leaders	
Maryland.....	..	*	*	..	*	..	*	..	Committee Chmn.	
Massachusetts.....	..	*	..	*	*	..	*	..	Floor Leaders	
Michigan.....	*	..	*	..	*	..	*	..	Committee Chmn. Appropriation Committee Chmn. & Ways & Means Chmn.	
Minnesota.....	*	*	*	*	*		
Mississippi.....	*	..	*	..		
Missouri.....	..	*	*	..	*	*	*	*		

21

Montana.....	*	..	*	..	Floor Leaders
Nebraska (unicameral)	*	*	..	Floor Leaders
Nevada.....	..	..	..	..	*	..	..	..
New Hampshire.....	..	..	..	..	*	..	*	..
New Jersey.....	*	..	*	..	Floor Leaders
New Mexico.....	..	*	..	*	*	*	*	*	Floor Leaders
New York.....	*	*	*	..	*	*	*	*	
North Carolina.....	*	..	*	..	*	*	*	*	
North Dakota.....	*	..	*	..	Floor Leaders
Ohio.....	*	*	*	*	*	*	Major Committee Chmn.
Oklahoma.....	..	*	*	*	*	*	*	*	Floor Leaders
Oregon.....	*	*	..	*	*	Floor Leaders
Pennsylvania.....	..	*	..	*	*	*	*	*	Senate Finance and House Appropriation Committees Chmn.
Rhode Island.....	..	..	..	..	*	..	*	..
South Carolina.....	..	..	..	..	*	..	*	*
South Dakota.....	*	..	*	..	Administration Floor Leaders
Tennessee.....	..	..	..	..	*	..	*	..
Texas.....	..	*	*	..	*	..	*	..	
Utah.....	..	..	..	..	*	..	*	..
Vermont.....	*	..	*	..	Some Committee Chmn. Floor Leaders, Finance Committee Chmn.
Virginia.....	..	..	..	..	*	..	*	..
Washington.....	*	..	*	..	*	..	*	..	
West Virginia.....	..	..	..	..	*	..	*	..
Wisconsin.....	..	*	..	*	*	..	*	*	Floor Leaders, Finance Committee Chmn.
Wyoming.....	..	..	..	..	*	..	*	..

Abbreviation: Chmn.—Chairmen.

TABLE XII
CLERICAL ASSISTANCE FOR LEGISLATORS, LEADERS AND COMMITTEES
January 1, 1967

State	Secretarial assistance				Other clerical assistance				Committees given secretarial and clerical assistance
	House	Senate	Leg. leaders	Cmte. chmn.	House	Senate	Leg. leaders	Cmte. chmn.	
Alabama.....	I & P	I & P	I & P	I & P	I & P	I & P	I & P	I & P	All
Alaska.....	P	P	P	P	P	P	P	P	All
Arizona.....	P	I	I	I & P	P	P	P	P	All
Arkansas.....	P	P	I	.....	P	P	.....	.....	Budget(a)
California.....	I	I	I	I	P	P	P	P	All
Colorado.....	P	P	I	P	P	P	P	P	All
Connecticut.....	I	I	I	P	P	P	I	P	All
Delaware.....	P	P	P	P	P	P	P	P	All
Florida.....	I & P	I & P	I & P	I & P	I & P	I & P	I & P	I & P	All
Georgia.....	P	P	I	P	P	P	I	P	All
Hawaii.....	I	I	I	I	I & P	I & P	I & P	I & P	All
Idaho.....	P	P	P	I	P	P	P	P	All
Illinois.....	P	P	P	P	P	P	P	P	All
Indiana.....	P	P	I	I & P	I	P	P	P	H-Ways and Means, S-Finance
Iowa.....	I	I	I	I	P	P	P	P	All
Kansas.....	P	I	I	P	P	.....	P	P	All
Kentucky.....	.....	.....	I	I	P	P	P	P	All
Louisiana.....	P	I	I	I	.....	.....	.....	.....	All
Maine.....	.....	.....	I	.....	P	P	P	P	All
Maryland.....	.....	I	I	I	P	.....	.....	.....	All
Massachusetts.....	P	P	I	P	P	P	I	P	Budget, Rules, Ways and Means
Michigan.....	I & P	I	I	I	.....	.....	.....	.....	All
Minnesota.....	P	P	I	I & P	P	P	I	I & P	All
Mississippi.....	P	P	P	P	P	P	P	I	H-Appropriations, H-Ways and Means, S-Finance
Missouri.....	P	I	I	I	P	P	P	P	Appropriations, Judiciary
Montana.....	.....	.....	I	.....	P	P	I	I	All
Nebraska (unicameral).....	.....	P	P	.....	.....	P	P	P	All
Nevada.....	P	P	P	P	P	P	P	P	H-Ways and Means, S-Finance, H & S-Judiciary
New Hampshire.....	.....	.....	I	.....	.....	.....	.....	P	Appropriations, Judiciary
New Jersey.....	I	I	I	.....	.....	.....	I	.....	Appropriations
New Mexico.....	P	P	I	P	P	P	I	P	All
New York.....	I	I	I	I	I	I	I	I	All
North Carolina.....	P	P	I	I	P	P	P	P	Appropriations, Judiciary, Rules, Ways and Means, Elec- tions
North Dakota.....	.....	.....	I	.....	P	P	P	P	All
Ohio.....	I & P	I & P	I & P	I & P	I & P	I & P	I & P	I & P	All
Oklahoma.....	I	I	I	I	I	I	I	I	All
Oregon.....	I	I	I	I	I	I	I	I	All
Pennsylvania.....	P	P	I	P	.....	I	P	P	All
Rhode Island.....	P	P	I	P	P	P	I	I	All
South Carolina.....	P	P	I	P	P	P	I	P	All
South Dakota.....	.....	.....	I	.....	P	P	P	P	Appropriations
Tennessee.....	.....	.....	I	.....	P	P	P	P	All
Texas.....	I	I	I	I	I	I	I	I	All
Utah.....	P	P	P	P	P	P	P	P	All
Vermont.....	.....	.....	I & P	P	P	P	P	P	All
Virginia.....	P	P	P	P	P	P	P	P	All
Washington.....	I & P	I & P	I & P	I & P	I & P	I & P	I & P	I & P	All(b)
West Virginia.....	I & P	I & P	I & P	I & P	I & P	I & P	I & P	I & P	All
Wisconsin.....	P	P	P	P	P	P	P	P	All
Wyoming.....	I & P	I & P	I & P	I & P	P	P	P	P	All

Abbreviations: Leg.—Legislative; Cmte.—Committee; Chmn.—Chairmen; I—Individual; P—Pool basis; H—House; S—Senate.
(a) House only.
(b) Primarily limited, however, to major committees.

10. SELECTION OF LEADERSHIP¹

All ninety-nine of the state legislative bodies organize themselves periodically for the conduct of their business. There is little uniformity, however, in how this is done. Each of the forty-nine lower houses (excluding Nebraska's unicameral "Senate") is presided over by a "Speaker." Although the majority party caucus of house members has considerable and growing importance in selecting the nominee for Speaker, there are at least eight States in which this is not the case: Alabama, Arkansas, Louisiana, Mississippi, South Carolina, Texas, Vermont and Wyoming.

A Council of State Governments survey in late 1966, partially summarized in Table XIII, reveals the differing extent to which Legislatures have formalized their organizational arrangements. For example, six States at that time utilized three or fewer legislative leadership titles, exclusive in each case of a Lieutenant Governor who serves as Senate President: Nebraska (whose unicameral, nonpartisan Senate elects only a Speaker); Louisiana, Mississippi, Texas and Vermont (each of which elects a Senate President Pro Tem and a House Speaker); and South Carolina (Senate President Pro Tem, House Speaker and Speaker Pro Tem). At the other extreme is Pennsylvania with its twenty leadership titles, excluding the Lieutenant Governor. Other States which recently have utilized thirteen or more leadership titles are Colorado, Kentucky, Michigan, Rhode Island and Washington.

The presiding officer of the fifty Senates is the "President" in all cases except Tennessee, where he bears the title of "Speaker." Thirteen Senates (exclusive of Tennessee's) elect their own Presidents—eleven where there is no Lieutenant Governor (Alaska, Arizona, Florida, Maine, Maryland, New Hampshire, New Jersey, Oregon, Utah, West Virginia and Wyoming), and two where the Lieutenant Governor does not preside over the Senate (Hawaii and Massachusetts). All of these use a party caucus to select the nominee for President except Wyoming, which uses a joint caucus.

Another Senate leadership position of considerable power in many States, especially when the Lieutenant Governor presides over the upper house, is the Senate President Pro Tem. However, this office does not exist in six States (Maine, Massachusetts, Nebraska, New Hampshire, Tennessee and Utah), and exists in Arizona only by election of the members in the absence of the President. The office is combined with the office of Majority Leader in several states including Alaska and New York, and is entitled "Vice President" in Hawaii and Wyoming. Seniority determines the incumbent in Virginia; the President appoints him in West Virginia; and in South Dakota this officer is selected by the majority party caucus without vote by the Senate as a whole.

In general, positions of party leadership within the Legislature, such as majority and minority leaders, whips, caucus chairmen and secretaries, are elected by the respective party caucuses without subsequent action by the House or Senate. To give these leaders status as officers of the body of which

¹Information on which this section is based is derived from a Council of State Governments survey of late 1966. Further details, such as voting procedures, will be described in a forthcoming Council research memorandum.

TABLE XIII
LEGISLATIVE AND PARTY LEADERS
IN STATE LEGISLATURES

Elected and Appointed*

December 31, 1966

State	Senate	House
Alabama.....	Lt Gov-Pres; PRES PRO TEM; Flr Ldr	SPKR; SPKR PRO TEM; Flr Ldr
Alaska.....	PRES; Pres Pro Tem-Maj Ldr; Min Ldr	SPKR; Spkr Pro Tem-Maj Ldr; Min Ldr
Arizona.....	PRES; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr
Arkansas.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr	SPKR; SPKR PRO TEM; Maj Ldr
California.....	Lt Gov-Pres; PRES PRO TEM	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr
Colorado.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Asst Maj Ldr; Maj Cauc Chm; Min Ldr; Asst Min Ldr; Min Cauc Chm	SPKR; Maj Ldr; Asst Maj Ldr; Maj Cauc Chm; Min Ldr; Asst Min Ldr; Min Cauc Chm
Connecticut.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Asst Maj Ldr; Min Ldr; Asst Min Ldr	SPKR; Maj Ldr; Asst Maj Ldr; Min Ldr; Asst Min Ldr
Delaware.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Whip	SPKR; Maj Ldr; Min Ldr; Whip
Florida.....	PRES; PRES PRO TEM	SPKR; SPKR PRO TEM; Min Ldr
Georgia.....	Lt Gov-Pres; PRES PRO TEM; Admin Flr Ldrs	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr; Maj Whip; Maj Cauc Chm; Maj Cauc Secy; Admin Flr Ldrs
Hawaii.....	PRES; VICE PRES; Maj Ldr; Maj Flr Ldr; Min Ldr; Min Flr Ldr	SPKR; VICE SPKR; Maj Ldr; Maj Flr Ldr; Min Ldr; Min Flr Ldr
Idaho.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Min Ldr; Maj Cauc Chm; Min Cauc Chm	SPKR; Maj Ldr; Min Ldr; Maj Cauc Chm; Min Cauc Chm
Illinois.....	Lt Gov-Pres; PRES PRO TEM; MIN LDR; Whip	SPKR; Maj Ldr; MIN LDR; Whip
Indiana.....	Lt Gov-Pres; PRES PRO TEM	SPKR; Maj Flr Ldr; Min Flr Ldr
Iowa.....	Lt Gov-Pres; PRES PRO TEM; MAJ LDR; ASST MAJ LDR; MIN LDR	SPKR; SPKR PRO TEM; MAJ LDR; ASST MAJ LDR; MIN LDR; ASST MIN LDR; MIN WHIP
Kansas.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr
Kentucky.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Maj Cauc Chm; Maj Cauc Secy; Maj Whip; Min Ldr; Min Cauc Chm; Min Whip	SPKR; SPKR PRO TEM; Maj Ldr; Maj Cauc Chm; Min Ldr; Min Cauc Chm; Asst Min Ldr; Min Cauc Secy; Min Whip
Louisiana.....	Lt Gov-Pres; PRES PRO TEM	SPKR
Maine.....	PRES; MAJ LDR; ASST MAJ LDR; MIN LDR; ASST MIN LDR	SPKR; MAJ LDR; ASST MAJ LDR; MIN LDR; ASST MIN LDR
Maryland.....	PRES; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr
Massachusetts...	PRES; Maj Ldr; Maj Whip; Min Ldr; Min Whip	SPKR; Maj Ldr; Maj Whip; Min Ldr; Asst Min Ldr; Min Whip
Michigan.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Maj Flr Ldr; Min Ldr	SPKR; SPKR PRO TEM; AS-SOC SPKR PRO TEM; Maj Flr Ldr; 3 Assoc Flr Ldrs; Maj Whip; Min Ldr

(Table continued on next page)

TABLE XIII—Continued

State	Senate	House
Minnesota.....	Lt Gov-Pres; PRES PRO TEM; MAJ LDR; MIN LDR	SPKR; MAJ LDR; MIN LDR
Mississippi.....	Lt Gov-Pres; PRES PRO TEM	SPKR
Missouri.....	Lt Gov-Pres; PRES PRO TEM; MAJ LDR; MIN LDR; Cauc Chm; Cauc Secy	SPKR; SPKR PRO TEM; MAJ LDR; MIN LDR; Cauc Chm; Cauc Secy
Montana.....	Lt Gov-Pres; PRES PRO TEM; PRES PRO TEM AD INT; MAJ LDR; MIN LDR	SPKR; SPKR PRO TEM; MAJ LDR; MIN LDR
Nebraska.....	Lt Gov-Pres; SPKR	(UNICAMERAL)
Nevada.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr
New Hampshire..	PRES; Maj Ldr; MIN LDR	SPKR; Maj Ldr; MIN LDR
New Jersey.....	PRES; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; Maj Ldr; Min Ldr
New Mexico.....	Lt Gov-Pres; PRES PRO TEM; MAJ FLR LDR; MIN LDR LDR	SPKR; MAJ FLR LDR; MIN FLR LDR
New York.....	Lt Gov-Pres; PRES PRO TEM (and Maj Ldr); MIN LDR	SPKR; Maj Ldr; MIN LDR
North Carolina..	Lt Gov-Pres; PRES PRO TEM; Min Ldr	SPKR; Min Ldr
North Dakota....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; Maj Ldr; Min Ldr
Ohio.....	Lt Gov-Pres; PRES PRO TEM; MIN LDR	SPKR; SPKR PRO TEM; MIN LDR
Oklahoma.....	Lt Gov-Pres; PRES PRO TEM; MAJ FLR LDR; Min Flr Ldr	SPKR; SPKR PRO TEM; MAJ FLR LDR; Min Flr Ldr
Oregon.....	PRES; PRES PRO TEM; Maj Ldr; Min Ldr	SPKR; Maj Ldr; Min Ldr
Pennsylvania....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Maj Whip; Maj Cauc Chm; Maj Cauc Secy; Min Ldr; Min Whip; Min Cauc Chm; Min Cauc Secy	SPKR; Maj Ldr; Maj Whip; Maj Cauc Chm; Maj Cauc Secy; Maj Pol Comte Chm; Min Ldr; Min Whip; Min Cauc Chm; Min Cauc Secy; Min Pol Comte Chm
Rhode Island....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; 2 Dpy Maj Ldrs; Min Ldr; 2 Dpy Min Ldrs	SPKR; 1st Dpy Spkr; 2nd Dpy Spkr; Maj Ldr; 2 Dpy Maj Ldrs; Min Ldr; 2 Dpy Min Ldrs
South Carolina...	Lt Gov-Pres; PRES PRO TEM	SPKR; SPKR PRO TEM
South Dakota....	Lt Gov-Pres; Pres Pro Tem; Maj Ldr; Min Ldr	SPKR; Spkr Pro Tem; Maj Ldr; Min Ldr
Tennessee.....	SPKR; Min Ldr; Admin Ldr	SPKR; Min Ldr; Admin Ldr
Texas.....	Lt Gov-Pres; PRES PRO TEM	SPKR
Utah.....	PRES; Maj Ldr; Min Ldr; Whip	SPKR; Maj Ldr; Min Ldr; Whip
Vermont.....	Lt Gov-Pres; PRES PRO TEM	SPKR
Virginia.....	Lt Gov-Pres; Pres Pro Tem	SPKR; Min Ldr; Flr Ldr (and Chm. Cmte on Priv and Elec)
Washington.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Min Ldr; Maj Cauc Chm; Min Cauc Chm; Maj Cauc Secy; Min Cauc Secy	SPKR; SPKR PRO TEM; Maj Ldr; Maj Whip; Min Ldr; Min Whip; Maj Cauc Chm; Min Cauc Chm; Maj Cauc Secy; Min Cauc Secy
West Virginia....	PRES; Pres Pro Tem; Maj Ldr; MIN LDR	SPKR; Spkr Pro Tem; Maj Ldr; MIN LDR
Wisconsin.....	Lt Gov-Pres; PRES PRO TEM; Maj Ldr; Maj Cauc Chm; Min Ldr; Min Cauc Chm	SPKR; SPKR PRO TEM; Maj Ldr; Maj Cauc Chm; Min Ldr; Min Cauc Chm
Wyoming.....	PRES; VICE PRES; Maj Ldr; Min Ldr	SPKR; SPKR PRO TEM; Maj Ldr; Min Ldr; Maj Whip; Min Whip

* Those shown by title in all capital letters are elected by all members of their respective chambers.

Abbreviations: Admin—Administration; Assoc—Associate; Cauc—Caucus; Chm—Chairman; Comte—Committee; Dpy—Deputy; Elec—Elections; Flr—Floor; Int—Interim; Ldr—Leader; Lt Gov-Pres—Lieutenant Governor serves as Senate President; Maj—Majority; Min—Minority; Pol—Policy; Pres—President; Priv—Privileges; Secy—Secretary; Spkr—Speaker.

they are members, however, the whole body votes on some or all of them in almost a fourth of the States: Illinois, Iowa, Maine, Minnesota, Missouri, Montana, New Hampshire, New Mexico, New York, Ohio, Oklahoma and West Virginia. In some of these, including Illinois and New Hampshire, the defeated nominee for President, President Pro Tem or Speaker becomes the Minority Leader.

While most leadership posts are elective, by the caucus or the legislative body or both, a few are appointive. Thus some Senate and House majority leaders are appointed by the President or Speaker, respectively, in Arizona, California, Illinois, Massachusetts, New Hampshire, New York and West Virginia. Some minority posts in Massachusetts are similarly appointive. Three traditionally one-party states in the South—Alabama, Georgia and Tennessee—continue to utilize "Floor Leaders" in both houses, who are designated by the Governors to provide leadership in consideration of Administration proposals.

11. STANDING AND JOINT COMMITTEES

The principal function of standing committees is to consider, for further recommendations, the various bills assigned them. In most state Legislatures, as well as in Congress, bills usually are referred to committees soon after introduction; the committees hold hearings and subsequently may recommend the passage, defeat or amendment of the bills referred. As agencies of their respective houses, standing committees ordinarily have "life" only for the duration of the legislative session.

The number of committees affects the efficiency of the legislative process; in general, the larger the number the more likely there is to be overlapping of committee jurisdictions and conflicts in the scheduling of committee meetings and hearings. The last twenty years have seen a marked trend toward reduction of the number of standing committees. The cumulative effects of these changes are shown in Table XIV-A below. Between 1946 and 1965 the median number of House standing committees serving each State dropped from thirty-nine to twenty-one, and Senate committees have declined from thirty-one to twenty.

In all but two States, House committee appointments are made by the Speaker. Several practices are followed for assignment to upper house committees, such as appointment by the Senate President (twenty-seven States including Tennessee), appointment by the President Pro Tem (six States), and appointment by committees (eleven States), and by election, resolution or rules (six States). (See Table XIV-B)

Legislatures, generally, make little use of joint standing committees, despite the frequency with which studies have suggested them. Twenty-four bicameral

legislative States have no such committees; thirteen have only one each; and nine have between three and six each. Connecticut, Maine and Massachusetts are, as they have been for many years, the only States which rely on joint committees for the bulk of session-time hearings. Slowly emerging is a trend toward requiring that committee hearings be open to the public. Twenty States had such a requirement in 1965, compared with sixteen in 1959. In the majority of States the holding of open hearings remains discretionary.

TABLE XIV-A
STANDING AND JOINT COMMITTEES
RANGE IN NUMBER
1946 and 1965

Number of standing committees	Number of states in each range					
	House		Senate(a)		Joint	
	1946	1965	1946	1965	1946(b)	1965(c)
10 or under.....	0	5	0	5	23	22
11-20.....	2	16	8	24	0	0
21-30.....	2	15	15	16	0	2
31-40.....	9	5	13	3	2	1
41-50.....	15	8	9	2	1	0
51-60.....	12	0	2	0	0	0
61-70.....	7	0	1	0	0	0
71-80.....	2	0	0	0	0	0

(a) Nebraska is included only under "Senate."
(b) Excludes 22 States reporting no joint standing committees.
(c) Excludes 25 States reporting no joint standing committees.

TABLE XIV-B
STANDING AND JOINT COMMITTEES*
1964-65

State	House committees appointed by Speaker	Senate committees appointed by	No. of standing committees at 1964 and 1965 regular sessions			Range in size of committees			Hearings open to public†
			House	Senate	Joint	House	Senate	Joint	
Alabama.....	*	President	19	30	0	7-15	3-21	.....	Dis.
Alaska.....	(a)	(a)	9	9(b)	0	7-11	5-7	.....	Dis.
Arizona.....	*	President	21	21	0	11-15	7-14	.....	Dis.
Arkansas.....	*	President	26	25	1	5-21	5-13	12	Dis.
California.....	*	Comm. on Rules	26	21	4	3-20	5-13	6-14	Yes
Colorado.....	*	Resolution	16(c)	20	1	4-19	5-15	6	Dis.
Connecticut.....	*	Pres. pro tem	0	0	28	.....	.....	27-41	Yes
Delaware.....	*	Pres. pro tem	26	22	1	5	5	10	Dis.
Florida.....	*	President	49	44	0	5-23	7-19	.....	Yes
Georgia.....	*	President	24	19	0	5-51	3-22	.....	Dis.
Hawaii.....	*	President	23(d)	19	0	3-17	2-10	.....	Dis.
Idaho.....	*	President	15	14	0	7-17	5-11	.....	Dis.
Illinois.....	*	Comm. on Comms.	23	24	0	6-35	3-22	.....	Yes
Indiana.....	*	President	29	29	0	7-16	5-11	.....	Dis.
Iowa.....	*	President	15	15	0	6-45	3-30	.....	Yes
Kansas.....	*	Comm. on Comms.	45	31	1	3-23	5-13	12	Dis.
Kentucky.....	(e)	President	44	19	0	4-45	9-22	.....	Dis.
Louisiana.....	*	President	18	19	0	9-20	3-17	.....	Dis.
Maine.....	*	President	6	3	25	4-7	4-12	7-10	Yes
Maryland.....	*	President	15	16	3	6-31	3-15	6-10	Yes
Massachusetts.....	*	President	6	4	31	3-16	3-10	15-19	Yes
Michigan.....	*	Comm. on Comms.	41(f)	20(g)	1(h)	5-16(i)	6-9(j)	6(k)	Dis.
Minnesota.....	*	Comm. on Comms.	33	22	0	4-29	7-27	.....	Yes
Mississippi.....	*	President	50	46	5	5-33	3-26	5-13	Dis.

(Table continued on next page)

TABLE XIV-B—Continued

State	House committees appointed by Speaker	Senate committees appointed by	No. of standing committees at 1964 and 1965 regular sessions			Range in size of committees			Hearings open to public†
			House	Senate	Joint	House	Senate	Joint	
Missouri.....	*	Pres. pro tem	47	30	3	5-50	5-15	15	Dis.
Montana.....	*	Comm. on Comms.	18	23	0	5-17	3-11	.....	Dis.
Nebraska.....	(l)	Comm. on Comms.	(l)	14	(l)	(l)	1-9	(l)	Yes
Nevada.....	*	President	21	19	9	5-9	3-5	.....	Yes
New Hampshire.....	*	President	24	16	1	5-23	3-7	8	Yes
New Jersey.....	*	President	13	12	6	7-8	6-9	12	Dis.
New Mexico.....	(m)	Comm. on Comms.	16(n)	7(o)	0	7-14	7-11	.....	Dis.
New York.....	*	Pres. pro tem	36	28	0	5-20	6-25	.....	Dis.
North Carolina.....	*	President	46	34	1	7-61	7-25	21	Yes
North Dakota.....	*	Comm. on Comms.	14	11	0	22	10-19	.....	Dis.
Ohio.....	*	Pres. pro tem	21	13	0	7-25	7-9	.....	Yes
Oklahoma.....	*	(p)	36	36	0	3-31	3-28	.....	Dis.
Oregon.....	*	President	16	20	1	9	5-9	14	Yes
Pennsylvania.....	*	Pres. pro tem	35	21	0	19	10-24	.....	Dis.
Rhode Island.....	*	Named in rules	15	17	1	9-17	5-13	9	Dis.
South Carolina.....	*	Elected(q)	8	25	5	5-27	5-18	6-15	Dis.
South Dakota.....	*	President	25(r)	16	0	3-15	3-9	.....	Dis.
Tennessee.....	*	Speaker	17	17	0	17-30	9-17	.....	Dis.
Texas.....	*	President	43	24	1	5-21	5-21	6	Yes
Utah.....	*	President	16	14	1	7-19	3-13	32	Yes
Vermont.....	*	Special Comm.	18	18	3(s)	15	5-6	6	Yes
Virginia.....	*	Elected	34	21	1	3-18	2-16	2	Dis. (t)
Washington.....	*	President	24	20	0	9-47	6-31	.....	Dis.
West Virginia.....	*	President	24	28	4	12-25	5-18	10-14	Yes
Wisconsin.....	*	Comm. on Comms. (u)	23	14	5	3-11	3-13	5-14	Yes
Wyoming.....	*	President	18	16	1	7-9	2-5	5	Dis.

NOTES TO TABLE XIV-B

* Reproduced, with minor changes, from *The Book of the States, 1966-67*. Council of State Governments. Chicago, 1966.

† Abbreviation: Dis.—Discretionary.

(a) Nominated by Committee on Committees and elected by House and Senate respectively.

(b) Ten during 1964 session; 9 during 1965 session.

(c) Seventeen in 1964 session; 16 in 1965 session.

(d) Twenty-one in 1964 session; 23 in 1965 session.

(e) Committee on Committees.

(f) Forty-eight in 1964 session; 41 in 1965 session.

(g) Twenty-one in 1964 session; 20 in 1965 session.

(h) None in 1964 session; 1 in 1965 session.

(i) Five-fifteen in 1964 session; 5-16 in 1965 session.

(j) Six-ten in 1964 session; 6-9 in 1965 session.

(k) Six in 1965 session; no joint committee in 1964 session.

(l) Unicameral legislature.

(m) Standing Committee on Committees advises the Speaker.

(n) Only 12 consider legislation; 4 are procedural.

(o) Also the Committee on Committees.

(p) Senate elects Senate standing committees. Appointments to temporary and special committees are made by the Senate presiding officer.

(q) Special committees are appointed.

(r) Twenty-three in 1964 session; 25 in 1965 session.

(s) Corresponding committees of each house usually meet jointly.

(t) Final vote by a House committee must be held in open session.

(u) Confirmation by Senate.

12. BILL INTRODUCTION, REFERENCE AND ENACTMENT

During 1964-65 lawmakers in the States were confronted with more than 127,000 separate pieces of legislation during regular and special sessions, compared with approximately 93,600 for 1954-55—an increase of more than 35 per cent. For both periods, the ratio of introductions to enactments was about three to one. (See Appendix D.)

To provide for the orderly handling of the perennial flood of bills, as well as to ease end-of-session log jam, several techniques have been developed, such as pre-filing of bills and establishment of timetables to govern the introduction of new legislation and the reporting of bills out of committees.

Forty-five States today specify periods during which bills may be introduced, although in three of these (Nevada, Ohio and Rhode Island) the limits generally apply only to the lower chamber, and in Alaska they are in force only during the second session of a biennium. (See Appendix E.) This total is virtually unchanged from 1947.

Many States provide exceptions to the limitations. Bills requested by the Governor are exempt in nine States, and in ten States revenue or appropriation bills are accepted at any time during the session. In most States limitations may be lifted by an extraordinary vote, usually two-thirds.

Sixteen States provide for pre-session filing of bills, compared with about six States in 1947. Washington is using this technique for the first time in 1967. Pre-session filing is mandatory in Massachusetts.

In a large majority of States the presiding officer of each house is charged with referral of bills to committees. Committees in about three-fourths of the States are not required to report out the bills. (See Table XV.)

A handful of States practice the "carry-over" system, similar to that employed by Congress, under which bills still on the calendar at the end of the

TABLE XV
PRE-SESSION FILING, COMMITTEE
REFERRAL, AND REPORTING
OF BILLS
January 1, 1966

State	Pre-session bill filing permitted	Bills referred to committee by		Committee must report all bills
		House	Senate	
Alabama.....	No	Speaker	President	No
Alaska.....	Yes	Speaker	President	No
Arizona.....	No	Speaker	President	No
Arkansas.....	No	Speaker	President	No
California.....	No	Speaker	Rules Comm.	Yes(a)
Colorado.....	No	Speaker	President	Yes(a)
Connecticut.....	Yes	Speaker	President	No
Delaware.....	No	Speaker	P.O.	No
Florida.....	No(b)	Speaker	President	Yes
Georgia.....	No	Speaker	President	No
Hawaii.....	No	Speaker	President	Yes
Idaho.....	No	Speaker	President	(c)
Illinois.....	Yes	Speaker	Bills Comm.	No
Indiana.....	No	Speaker	President	No
Iowa.....	No	Speaker	President	Yes(d)
Kansas.....	No	Speaker	President pro tem	No
Kentucky.....	No	Committee on Committees	Committee on Committees	No
Louisiana.....	Yes	Speaker(e)	President(e)	No
Maine.....	Yes	Joint Committee(f)		No(g)
Maryland.....	No	Speaker	President	No
Massachusetts.....	Required(h)	Clerk(i)	Clerk(i)	Yes
Michigan.....	Yes(j)	Speaker	President(k)	No
Minnesota.....	No	Speaker	President	No
Mississippi.....	No	Speaker	President	No
Missouri.....	No	Speaker	President	No
Montana.....	No	Speaker	President	Yes
Nebraska.....	Yes(l)	(m)	Ref. Comm.	No
Nevada.....	No	Introducer	Introducer	No
New Hampshire.....	Yes	Speaker	President	Yes(a)
New Jersey.....	No	Speaker	President	No
New Mexico.....	No	Speaker	President	No
New York.....	Yes	Speaker	President	No
North Carolina.....	No	Speaker	President	Yes
North Dakota.....	(n)	Speaker	President	Yes
Ohio.....	No	Reference Comm.	Majority Leader	No
Oklahoma.....	Yes	Speaker	President	No
Oregon.....	Yes	P.O.	P.O.	No
Pennsylvania.....	No	Speaker	P.O.	No
Rhode Island.....	No	Speaker	President	No
South Carolina.....	No	P.O.	P.O.	No

TABLE XV—Continued

State	Pre-session bill filing permitted	Bills referred to committee by		Committee must report all bills
		House	Senate	
South Dakota.....	No	Speaker	President	No
Tennessee.....	No	Speaker	Speaker	No(o)
Texas.....	No	Speaker	President	No
Utah.....	Yes	Speaker	President	Yes
Vermont.....	No	Speaker	President	No
Virginia.....	No	Speaker	President	No
Washington.....	No	Speaker	President	No
West Virginia.....	Yes(l)	Speaker	President	No
Wisconsin.....	(p)	Speaker	P.O.	Yes
Wyoming.....	No	Speaker	President	No(q)

Abbreviation: P.O.—Presiding Officer.

(a) In practice, those not acted upon are reported back last day of session without recommendation. In New Hampshire, all bills still in committee at time of adjournment are "indefinitely postponed" by concurrent resolution.

(b) House permits bills to be delivered to custody of clerk prior to session. Official introduction occurs after session begins.

(c) Senate—yes, unless excused by majority vote; House—no.

(d) Can be excepted in House by an affirmative vote of not less than 55 members.

(e) Upon motion of author.

(f) Composed of President of Senate, Speaker of House, two Senate members and three House members.

(g) Done as a matter of practice.

(h) Bills must be introduced in December one month in advance of session.

(i) Subject to approval of presiding officer.

(j) Pre-session filing permitted at second session of biennium, not at first. Since January 1, 1964, all business, bills and joint resolutions carried over from odd-year sessions have had the same status in the succeeding regular sessions. Bills are numbered consecutively through the two years of a term, instead of through each regular session as previously.

(k) Senate may determine where bill is to go.

(l) Permitted, but engaged in to limited extent.

(m) Unicameral legislature.

(n) Bills processed by Legislative Research Committee and Budget Board printed in advance of session.

(o) Bills may be forced out by majority vote after seven days in committee.

(p) Bills are printed in advance to a limited extent, and these are given numbers.

(q) Bills may be forced out by request of member on floor. In Senate, motion must be seconded by three Senators. In the House, no committee may retain a bill longer than five days without permission from the House.

first session of a legislative term carry over to the second session without need for reintroduction. States following this practice include Alaska, Georgia, Kansas, Michigan, Rhode Island and South Carolina. In South Carolina's case it has been used since 1865.

In each house of forty States, bills must be given three readings on separate days. In thirty-two States bills can be passed only by a majority of all legislators elected or in membership; in most of the remaining States a majority vote of those present is required. A roll call vote for final passage is mandatory in about one-half of the States. In the others, a specified number or percentage of the members may force a tally. (See Table XVI.)

TABLE XVI
BILL READINGS, ROLL CALL AND ENACTMENT REQUIREMENTS
January 1, 1966

State	Number	Readings		Roll call on final passage; mandatory on request of		Majority of members required to pass bill(a)
		On separate days	In full	Senate members	House members	
Alabama.....	3	Yes	3rd	All bills	All bills	Present & voting
Alaska.....	3	Yes(b)	2nd(c)	All bills(d)	All bills(d)	Membership
Arizona.....	3	Yes	1st(e), 2nd(e), 3rd	All bills(d)	All bills(d)	Elected
Arkansas.....	3	Yes(e)	1st, 3rd	5	5	Elected
California.....	3	Yes(e)	3rd	All bills	All bills	Elected
Colorado.....	3	(f)	2nd(g), 3rd(g)	All bills	All bills	Elected
Connecticut.....	3	(h)	2nd, 3rd	1/5 present	1/5 present	Present & voting(i)
Delaware.....	2	Yes	...	All bills, joint and concurrent resolutions		Elected
Florida.....	3	Yes	(j)	5	5	Present
Georgia.....	3	3	3rd(k)	1/5 present	1/5 present	Elected
Hawaii.....	3	Yes	2nd(l), 3rd	All bills	All bills	Membership
Idaho.....	3	Yes(e)	3rd(g)	All bills	All bills	Present
Illinois.....	3	Yes	(m)	All bills	All bills	Elected
Indiana.....	3	Yes(e)	1st(e), 2nd(e), 3rd	2	2	Elected
Iowa.....	(n)	(o)	(p)	1	1	Elected
Kansas.....	3	Yes(e)	3rd	All bills and joint resolutions		Elected
Kentucky.....	3	Yes(q)	1st, 2nd(q), 3rd(q)	2	2	2/5 elected & maj. voting
Louisiana.....	3	Yes	One reading	All bills and resolutions		Elected
Maine.....	(r)	Yes(e)	1st(e), 2nd(e)	1/5 present	1/5 present	Present & voting(i)
Maryland.....	3	Yes(e)	...	All bills and joint resolutions		Elected
Massachusetts.....	3	Yes(s)	...	1/5 present	30	Present & voting(i)
Michigan.....	3	(f)	3rd	(d)	(d)	Elected & serving(t)
Minnesota.....	3	Yes(e)	1st, 3rd	1	15	Elected
Mississippi.....	3	Yes(e)	3rd	1/10 present	1/10 present	Present & voting(i)
Missouri.....	3	Yes	...	All bills and joint resolutions		Elected
Montana.....	3	Yes	...	All bills and joint resolutions		Present
Nebraska.....	2	(u)	1st, 2nd	1	(Unicameral)	Elected
Nevada.....	3	Yes(e)	3rd	All bills and joint resolutions		Elected
New Hampshire.....	3	(f)	(m)	1	1	(v)
New Jersey.....	3	Yes(w)	...	(d)	(d)	Membership
New Mexico.....	3	(x)	3rd	1	1	Present
New York.....	3	(y)	...	1	1	Elected
North Carolina.....	3	Yes(e)	1st, 2nd, 3rd	1/5	1/5	Present & voting(i)
North Dakota.....	2	Yes	2nd	All bills	All bills	Elected(z)
Ohio.....	3	Yes(aa)	3rd(aa)	All bills	All bills	Elected
Oklahoma.....	4	Yes	3rd(e)	Maj. elected	Maj. elected	Elected
Oregon.....	3	Yes(e)	3rd(ab)	All bills and joint resolutions		Elected
Pennsylvania.....	3	Yes	1st, 2nd, 3rd	All bills	All bills	Elected
Rhode Island.....	2(g)	Yes(g)	2nd	1/5 present	1/5 present	Present & voting
South Carolina.....	3	Yes	2nd	5	10	Present & voting(i)
South Dakota.....	2	Yes	(ac)	All bills	All bills	Elected
Tennessee.....	3	Yes(ad)	3rd	All bills	All bills	Membership
Texas.....	3	Yes	1st, 2nd, 3rd(ac)	3	3	Present & voting
Utah.....	3	Yes(s)	3rd	All bills	All bills	Elected
Vermont.....	3		2nd	1	5	Present & voting(i,t)
Virginia.....	3(af)	Yes(af)	...	1/5 present	1/5 present	2/5 elected & maj. voting
Washington.....	3	Yes(ag)	House—2nd, 3rd Senate—2nd, 3rd(j)	(ah, d)	(ah, d)	Elected
West Virginia.....	3	Yes	Yes	1/10	1/10	Present & voting
Wisconsin.....	3	(ai)	...	1/6 present	1/6 present	Present & voting(i)
Wyoming.....	3	Yes(ae)	1st, 2nd, 3rd(aj)	All bills	All bills	Elected

(Notes to table on next page.)

NOTES TO TABLE XVI

- (a) Special constitutional provisions requiring special majorities for the passage of emergency legislation or appropriation or revenue measures not included.
- (b) Bill may receive second and third readings on same day when three-fourths of membership agree.
- (c) Only if three-fourths of the members present order it read in full.
- (d) Constitutionally mandatory.
- (e) Except by two-thirds vote.
- (f) Second and third readings only on separate days. In New Hampshire, third reading is on a separate day, except by suspension of rules.
- (g) Except by unanimous consent.
- (h) Bills or joint resolutions originating with a committee may receive second reading same day.
- (i) House rules or custom determine procedure.
- (j) Second and third readings must be in full, but this and the requirement of readings on separate days may be waived by a two-thirds vote.
- (k) First and second readings of local and private bills by title only unless ordered engrossed.
- (l) Both houses: Second reading may be by title.
- (m) In Illinois, by House and Senate rule, bills are read by title only. In New Hampshire in practice, readings by title only. In New Hampshire House this requires suspension of rules with respect to third readings. In New Hampshire Senate, must be read in full upon request by any member.
- (n) Senate: three readings; House: two readings.
- (o) Senate: May not have second and third readings same day without suspending rules. House: May not have first and last readings same day without suspension of rules.
- (p) Senate: First, second and third readings required but requirements often waived. House: First and last readings required but requirements often waived.
- (q) Second and third readings at length may be dispensed with by vote of majority of elected members.
- (r) Senate: Two readings of all bills and resolves. House: Three readings of all bills, two of all resolves.
- (s) Except under suspension of rules, then all readings in one day.
- (t) In Michigan, two-thirds is required in each house for appropriation of public money or property for local or private purposes. In Vermont, two-thirds quorum is necessary for state tax.
- (u) Second reading abolished. Rules often suspended and referred to committee same day as first reading.
- (v) House: A majority of the members is a quorum for doing business, but, when less than two-thirds of elected members are present, the assent of two-thirds of those members is necessary to render acts and proceedings valid. Senate: Not less than thirteen Senators shall make a quorum for doing business; if less than sixteen are present, the assent of ten is necessary to render acts and proceedings valid.
- (w) Bills may receive first and second readings on same day and, if three-fourths of membership agree by roll call vote, second and third readings on same day. Roll call vote on final passage is mandatory.
- (x) No more than two readings same day.
- (y) Assembly: May receive second and third readings same day by special provision of Rules Committee or by unanimous consent. Senate: Bills receive first and second readings upon introduction before committee reference.
- (z) Two-thirds vote required for amendment or repeal of initiated or referred measures.
- (aa) Except by three-fourths vote.
- (ab) The rule provides for reading in full unless requirement is suspended by two-thirds vote of a house.
- (ac) Readings by title, but one full reading may be demanded.
- (ad) Passed each time read.
- (ae) Requirements often waived.
- (af) Except a bill codifying the law or where emergency declared and a four-fifths vote.
- (ag) Except two readings permitted on same day by two-thirds vote. In Senate, majority vote only required after 49th day.
- (ah) Roll call by electric roll call device in House, but one-sixth of the members present may demand an oral roll call.
- (ai) Senate: No two readings on same day. Assembly: Second and third readings on separate days.
- (aj) In the Senate the President may direct that a bill be read by title only on first and second reading, unless otherwise ordered by the Senate, and by unanimous consent a bill may be read by title only upon third reading. In the House, the first and second readings are by title only, unless otherwise ordered by the House.

13. AUTOMATIC EQUIPMENT

Electric Roll Call

The first use of electric roll call machines at the state level goes back to World War I, when a system was installed in the Wisconsin lower house. Installations followed in Iowa (1921), Louisiana and Texas (1922), and Virginia (1924). Currently, thirty-five States use electric roll call systems, as shown in the table below. Most recently, Alaska placed machines in both chambers and Massachusetts in the lower house in 1965, and Maine, Montana and New York made new installations in one or both houses during 1966.

TABLE XVII
ELECTRIC ROLL CALL SYSTEMS
January 1, 1967

Use	States
Installed in both chambers (10) (including the Nebraska Unicameral Legislature)	Alaska, Indiana, Louisiana, Minnesota, Montana, Nebraska, New York, North Dakota, Tennessee, Virginia
Installed in lower house (25)	Alabama, Arizona, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, Ohio, Pennsylvania, Texas, Washington, West Virginia, Wisconsin

Automatic Data Processing

In recent years considerable thought has been given to utilizing the computer at critical points of the legislative process. When the number of bills to be considered runs into the thousands, and many volumes of statutes must be searched, much time can be saved and more accurate results obtained if information can be retrieved from an automatic data processing system.

The most common legislative use of ADP relates to the history of bills—showing committee and floor action and current stages of progress. At least nine States have such a program in operation, and two more are known to have one in design.

Statutory retrieval programs are operating in four States, and in the design or near-operational status in five. These entail entering the entire state code of laws on tape, so that, by use of key words, sections pertaining to any subject under search can be retrieved.

Other applications, in one or more States, relate to budget status, indexing of journals, and drafting of bills. (See Table XVIII.)

TABLE XVIII
LEGISLATIVE USE OF AUTOMATIC DATA PROCESSING*

History of bills	Statutory retrieval	Budget status	Bill drafting	Journal indexing
<i>In operation</i>	<i>In operation</i>	<i>In operation</i>	<i>In design or completed</i>	<i>In design or completed</i>
Connecticut Iowa Florida Kansas Michigan Missouri New York Tennessee Wisconsin	New Jersey New York Ohio Pennsylvania <i>In design or completed</i> Alaska Hawaii Iowa Kansas Texas	Ohio Virginia <i>In design or completed</i> Alaska Iowa Wisconsin	Oregon	New York
<i>In design or completed</i> Texas Vermont				

* Based in part on information received from the Public Administration Service, Chicago.

14. EXECUTIVE VETO

The constitutional right of the Governor to veto legislation exists in all States except one (North Carolina), but the scope of veto power varies. While the Legislature is in session, exact time limits are prescribed after which bills become law unless previously vetoed by the Governor. Twelve States allow ten days for this, twenty-one permit five days, nine give the Governor only three days. (See Table XIX.) Since World War II only two States, Michigan and New Jersey, have altered the time period within which the executive must veto bills prior to their becoming law while the Legislature is in session. In both instances the number of days available to the Governor was increased.

Eighteen States permit the Governor to "pocket veto" legislation after adjournment by simply failing to act. The item veto on appropriation bills is found in forty-one States; in seven of these, Governors have the additional option of reducing appropriation items. Two States with the item veto, Washington and South Carolina, also permit the Governor to exercise it against parts of any type of measure; in Oregon it may be used against a clause that gives any bill immediate effect. Tennessee is the only State since 1947 to adopt the item veto.

The conditional veto, found in four state constitutions—those of Alabama, Massachusetts, New Jersey and Virginia—is a recently developed technique to resolve differences between the Governor and the Legislature on particular parts of a measure. Essentially, the conditional veto allows the chief executive to return a bill to the Legislature along with specific changes or amend-

TABLE XIX*
EXECUTIVE VETO
1964-65

State	Days after which bill becomes law (before adjournment) unless vetoed†	Fate of bill after adjournment		Item veto on appropriation bills	Votes required in House and Senate to pass bills or items over veto(a)	Constitution prohibits Governor from vetoing	
		Days after which bill is law unless vetoed†	Days after which bill dies unless signed†			Initiated measures	Referred measures
Alabama.....	6	..	10	***	Majority elected	(b)	(b)
Alaska.....	15	20	..	***	Two-thirds elected	*	*
Arizona.....	5	10	..	***	Two-thirds elected	*	*
Arkansas.....	5	20(d)	..	***	Majority elected	*	*
California.....	10	30	..	***	Two-thirds elected	*	*
Colorado.....	10(d)	30(d)	..	***	Two-thirds elected	(b)	(b)
Connecticut.....	5(e,f)	15(d,f)	30(d)	***	Majority present	(b)	(b)
Delaware.....	10	..	..	***	Three-fifths elected	(b)	(b)
Florida.....	5	20(d)	..	***	Two-thirds present	(b)	(b)
Georgia(g).....	5	30	..	***	Two-thirds elected	(b)	(b)
Hawaii.....	10(e)	45(e,i)	(e,i)	***	Two-thirds elected	(b)	(b)
Idaho.....	5	10	..	***	Two-thirds present	(b)	(b)
Illinois.....	10	10	..	*	Two-thirds elected	(b)	(b)
Indiana.....	3	5(d,i)	..	..	Majority elected	(b)	(b)
Iowa.....	3	(k)	(k)	..	Two-thirds elected	(b)	(b)
Kansas.....	3	..	(l,m)	*	Two-thirds elected	(b)	(b)
Kentucky.....	10	10	..	***	Majority elected	(b)	(b)
Louisiana.....	10(d,n)	20(o)	..	***	Two-thirds elected	(b)	(b)
Maine.....	5	(p)	..	***	Two-thirds present	(b)	(b)
Maryland.....	6	..	6(r)	***	Three-fifths elected	(b)	(b)
Massachusetts.....	5(e)	..	(s)	***	Two-thirds present	(b)	(b)
Michigan.....	14(d)	..	14	***	Two-thirds elected and serving	(q)	(h)
Minnesota.....	3	..	3	***	Two-thirds elected	**	**
Mississippi.....	5	(p)	..	*	Two-thirds elected	(b)	(b)

(Table continued on next page)

TABLE XIX—Continued

State	Days after which bill becomes law (before adjournment) unless vetoed†	Fate of bill after adjournment		Item veto on appropriation bills	Votes required in House and Senate to pass bills or items over veto(a)	Constitution prohibits Governor from vetoing	
		Days after which bill is law unless vetoed†	Days after which bill dies unless signed†			Initiated measures	Referred measures
Missouri.....	(i)	..	45	*	Two-thirds elected	*	*
Montana.....	5	5	15(d,u)	*	Two-thirds present	*	*
Nebraska.....	5	10	..	*	Three-fifths elected	*	*
Nevada.....	5	..	..	..	Two-thirds elected	*	*
New Hampshire.....	5	..	(s)	..	Two-thirds present	(b)	(b)
New Jersey.....	10(w)	45	..	..	Two-thirds elected	(b)	(b)
New Mexico.....	3	..	20(u)	..	Two-thirds present	(b)	(b)
New York.....	10	..	30(d)	..	Two-thirds elected	(b)	(b)
North Carolina.....	(x)	(x)	(x)	(x)	.....	(b)	(b)
North Dakota.....	3	15(d)	..	*	Two-thirds elected	*	*
Ohio.....	10	10	15	*	Three-fifths elected	*	*
Oklahoma.....	5	..	..	*	Two-thirds elected(c)	*	*
Oregon.....	5	20	..	..	Two-thirds present	..	*
Pennsylvania.....	10(d)	30(d)	..	*	Two-thirds elected	(b)	(b)
Rhode Island.....	6	10(d)	..	..	Three-fifths present	(b)	(b)
South Carolina.....	3	(p)	..	*	Two-thirds present	(b)	(b)
South Dakota.....	3	10(d)	..	*	Two-thirds present	*	*
Tennessee.....	5	10	..	*	Majority elected	(b)	(b)
Texas.....	10	20	..	*	Two-thirds present	(b)	(b)
Utah.....	5	10	..	*	Two-thirds elected	*	*
Vermont.....	5	..	(l)	..	Two-thirds present	(b)	(b)
Virginia.....	5	..	10(d)	..	Two-thirds present(aa)	(b)	(b)
Washington.....	5	10	..	*	Two-thirds elected	*	*
West Virginia.....	5	5(d)	..	..	Majority elected	(b)	(b)
Wisconsin.....	6(n)	..	6(n)	*	Two-thirds present	(b)	(b)
Wyoming.....	3	15(d,j)	..	*	Two-thirds elected	(b)	(b)

NOTES TO TABLE XIX

* Reproduced, with minor changes, from *The Book of the States, 1966-67*. Council of State Governments. Chicago, 1966.

† Sundays excepted.

(a) Bill returned to house of origin with objections, except in Georgia, where Governor need not state objections, and in Kansas, where all bills are returned to House.

(b) No provision for initiative or for referendum by petition of the people in state.

(c) Three-fourths in case of an emergency measure.

(d) Sundays not excepted.

(e) Sundays and legal holidays excepted.

(f) After receipt by Governor.

(g) Constitution withholds right to veto constitutional amendments.

(h) No provision for initiative in state.

(i) If bill is presented to Governor less than 10 days before adjournment and he indicates he will return it with objections, legislature can convene on 45th day after adjournment to consider the objections. If, however, legislature fails to convene, bill does not become law.

(j) Bill becomes law if not filed with objections with Secretary of State within 5 days after adjournment in Indiana, and 15 days after adjournment in Wyoming.

(k) Bills forwarded to the Governor during the last 3 days of the General Assembly session must be deposited by the Governor with the Secretary of State within 30 days after the adjournment of the General Assembly. The Governor must give his approval if approved or his objections if disapproved.

(l) Bills unsigned at the time of adjournment do not become laws.

(m) In practice, the legislature closes consideration of bills 3 days before adjournment sine die. However, some bills may be "presented" to Governor during last 3 days of session. In 1963, the interpretation was followed that the Governor had 3 days to sign or veto bills after they were presented irrespective of whether the legislature had adjourned sine die or not.

(n) Governor has 10 days in Louisiana and 6 days in Wisconsin from time bill is presented to him in which to approve or disapprove.

(o) Becomes effective in 20 days, if not vetoed, Sundays not excepted, unless a later date is set in the act.

(p) Bill passed in one session becomes law if not returned within 3 days after reconvening in Maine and Mississippi and within 2 days after reconvening in South Carolina.

(q) Constitution provides that Governor may veto initiated measures, and if legislature sustains veto, measure is referred to vote of people at next general election.

(r) Within 6 days after presentation to the Governor, regardless of how long after adjournment.

(s) Within 5 days of receipt by Governor. In Massachusetts, in practice, General Court not prorogued until Governor has acted on all bills.

(t) If Governor does not return bill in 15 days, a joint resolution is necessary for bill to become law.

(u) Governor must file bills with Secretary of State.

(v) Governor may not veto items in budget submitted by himself after it has passed legislature with three-fifths vote.

(w) If house of origin is in temporary adjournment on tenth day, Sundays excepted, after presentation to Governor, bill becomes law on day house of origin reconvenes unless returned by Governor on that day. Governor may return bills vetoed suggesting amendments, and bills may be passed in amended form, but must be approved by Governor in amended form within 10 days after presentation to him.

(x) No veto; bill becomes law 30 days after adjournment of session unless otherwise expressly directed.

(y) Also may veto items in new bills declaring an emergency, and may veto emergency clauses of new bills.

(z) Governor may reduce or eliminate items but must give written notice of item veto either 3 days before adjournment or one day after bill is presented for signature.

(aa) Including majority elected.

ments which he wants incorporated. The Legislature must consider the question of accepting these changes before attempting to pass the bill over his veto or returning it to him for final consideration.

In an overwhelming majority of the States (forty-two) an extraordinary vote is required to override a veto, usually a vote of two-thirds of the legislators elected.

APPENDIX A
SIZE OF STATE LEGISLATURES*
1943, 1953, 1963, and 1967

State	1943		1953		1963		1967	
	House	Senate	House	Senate	House	Senate	House	Senate
Alabama.....	106	35	106	35	106	35	106	35
Alaska.....	.....	.....	.....	.....	40	20	40	20
Arizona.....	58	19	80	19	80	28	60	30
Arkansas.....	100	35	100	35	100	35	100	35
California.....	80	40	80	40	80	40	80	40
Colorado.....	65	35	65	35	65	35	65	35
Connecticut.....	272	36	279	36	294	36	177	36
Delaware.....	35	17	35	17	35	17	35	18
Florida.....	95	38	95	38	124	45	117	48
Georgia.....	205	52	205	54	205	54	205	54
Hawaii.....	.....	.....	.....	.....	51	25	51	25
Idaho.....	49	44	59	44	63	44	70	35
Illinois.....	153	51	153	51	177	58	177	58
Indiana.....	100	50	100	50	100	50	100	50
Iowa.....	108	50	108	50	108	50	124	61
Kansas.....	125	40	125	40	125	40	125	40
Kentucky.....	100	38	100	38	100	38	100	38
Louisiana.....	100	39	100	39	105	39	105	39
Maine.....	151	33	151	33	151	34	151	34
Maryland.....	123	29	123	29	142	29	142	43
Massachusetts.....	240	40	240	40	240	40	240	40
Michigan.....	100	32	100	32	110	34	110	38
Minnesota.....	131	67	131	67	135	67	135	67
Mississippi.....	140	49	140	49	122	52	122	52
Missouri.....	150	34	157	34	163	34	163	34

Montana.....	90	56	94	56	94	56	104	55
Nebraska (Unicameral).....	.....	43	.....	43	.....	43	.....	49
Nevada.....	40	17	47	17	37	17	40	20
New Hampshire.....	399	24	400	24	400	24	400	24
New Jersey.....	60	21	60	21	60	21	60	29
New Mexico.....	49	24	55	31	77	32	70	42
New York.....	150	56	150	56	150	58	150	57
North Carolina.....	120	50	120	50	120	50	120	50
North Dakota.....	113	49	113	49	113	49	98	49
Ohio.....	136	33	136	33	137	33	99	33
Oklahoma.....	120	44	118	44	121	44	99	48
Oregon.....	60	30	60	30	60	30	60	30
Pennsylvania.....	208	50	208	50	210	50	203	50
Rhode Island.....	100	44	100	44	100	46	100	46
South Carolina.....	124	46	124	46	124	46	124	50
South Dakota.....	75	35	75	35	75	35	75	35
Tennessee.....	99	33	99	33	99	33	99	33
Texas.....	150	31	150	31	150	31	150	31
Utah.....	60	23	60	23	64	25	69	28
Vermont.....	246	30	246	30	246	30	150	30
Virginia.....	100	40	100	40	100	40	100	40
Washington.....	99	46	99	46	99	49	99	49
West Virginia.....	94	32	100	32	100	32	100	34
Wisconsin.....	100	33	100	33	100	33	100	33
Wyoming.....	56	27	56	27	56	27	61	30
Totals.....	5634	1820	5702	1829	5913	1913	5630	1980

* Data from successive volumes of *The Book of the States*. Council of State Governments. Chicago.