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STUDY AND ACTION IN TEXAS

1971-1973 STATE PROGRAM

LEAGUE OF WOMEN VOTERS OF TEXAS
DICKINSON PLAZA CENTER DICKINSON, TEXAS 77539

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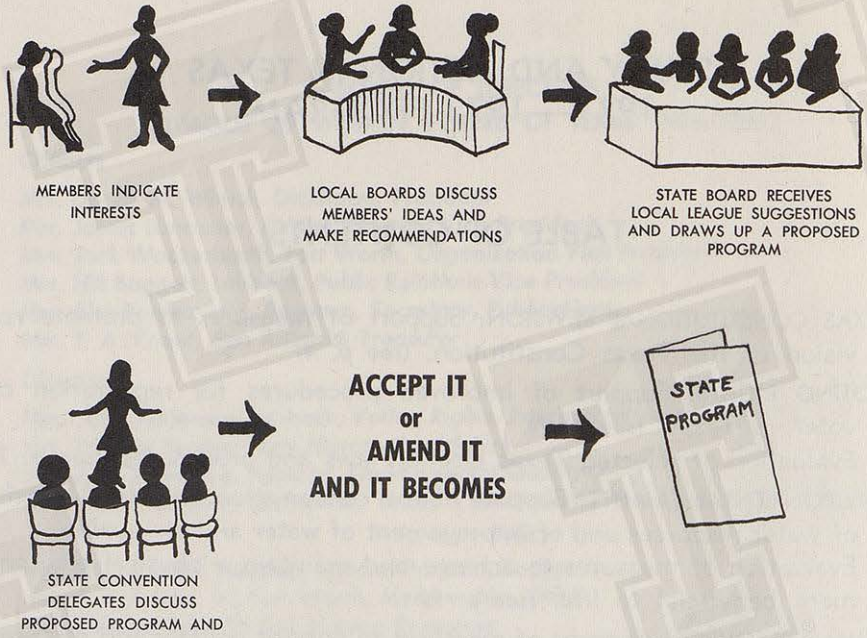
INTRODUCTION

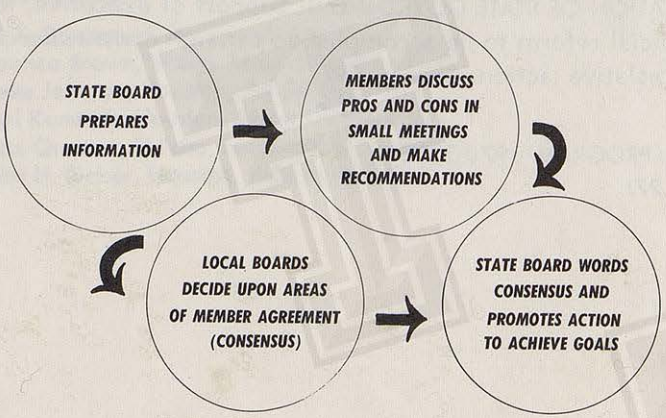
Who Chooses State Program?

Every other year League members across Texas make suggestions for state program. These must be subjects which involve government action. Let's trace what happens in League program-making.



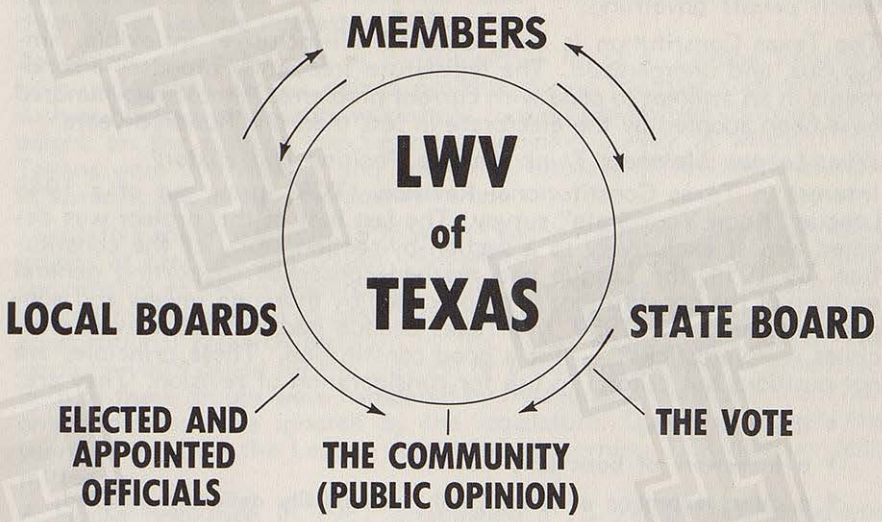
How Is State League Program Developed?

The state Board is responsible for preparing factual information which local League members discuss in small meetings.



How Is Consensus on State Program Translated into Action?

The state Board looks at League consensus positions and makes suggestions to the members on ways to bring them about. Local League Boards and members also take an active part in making plans. Action takes many forms. It may be supporting specific bills in the Texas legislature. It may be developing public support. It may be writing letters to one's legislators in Austin. It may be developing unique ways to put League positions across.



What is the current state program of the League in Texas? How is it being developed? In what ways is it being acted upon? What future lies ahead for it? In order to acquaint those interested in the League with state program, this brief account of current items has been prepared.

TEXAS CONSTITUTIONAL REVISION

Support of measures to promote revision of the Texas Constitution.

The Texas Constitution, adopted in 1876, strongly reflects the political environment at that time. In the turbulent post-Civil War Reconstruction period, Texas was ruled by carpetbaggers, who, unlike the majority of Texans, had not supported the Confederacy; they governed under the constitution of 1869. When the supporters of Confederate ideals regained power, they drafted a new constitution with strong safeguards against abuse of power. This constitution of 1876 was designed to *prevent* the state from governing — in contrast to the U.S. Constitution, which *permits* governing.

The Texas Constitution is long, detailed, all-inclusive, inflexible, ambiguous, and unorganized. The legislature frequently proposes amendments in an attempt to cope with current problems. Almost two hundred have been adopted by the electorate in less than one hundred years.

What League Members Think: League Position and History

Interest in Texas Constitutional Revision (TCR) grew out of a 1948 League "Know Your State" survey. The last half of this project was devoted almost exclusively to a section-by-section study of the constitution. By 1954, the League had reached consensus supporting general revision of the constitution, to be preceded by thorough review and adequate research. By 1959, the Texas League had adopted eleven principles — "yardsticks" — for a good constitution. These principles are not positions but criteria to use for consideration of revision. They are:

- **a bill of rights;**
- **a framework of basic law;**
- **a clear separation of powers with responsibility definitely assigned;**
- **qualifications for voter eligibility and guarantees of fair elections;**
- **provisions for justice with a minimum of delay;**
- **a coordinated finance structure capable of flexibility;**
- **maximum home rule for municipal and county government with coordination of overlapping functions;**
- **provisions for support of public education;**
- **provisions for support of public health and welfare services;**
- **provisions for amendment and revision;**
- **basic policies regarding state employee selection, retention, and promotion.**

League members had agreed in 1962 that a constitutional convention preceded by qualified research is the most desirable method for general revision. When a Constitutional Revision Commission was appointed in 1967, League members, fearing they would be unable to support the commission's revised constitution, agreed on a new position early in 1969:

- **support for revision of the Texas Constitution within League principles and standards, preferably by constitutional convention, although alternate methods can be supported.**

At the 1971 state Convention, TCR was given the priority spot in state programming, emphasizing the desire of League members for action on this item and the urgent need for revision.

What League Members Do: League Action

League action on TCR began with the publishing of *Texas Constitutional Review* in 1955. It has been used by high school and college students as a textbook on TCR, and the booklet has been so successful that revision and reprinting were necessary in 1966. The League has published other materials to inform the public about the need for constitutional revision. Notable among these is a *Brief Case for Revision of the Texas Constitution,* a flyer printed in 1960 that tells what is wrong with the constitution and what to do about it. *Revision Quo Vadis?* was published in 1968 as a chronicle of League interest in TCR.

To arouse public interest in constitutional revision, League members have undertaken various citizen projects during the past sixteen years, such as holding community workshops. urging newspaper editorial campaigns on the subject, conducting an opinion survey in which 1,730 Texans were interviewed, and promoting displays of revision materials in libraries and at city and county fairs.

Legislative action began in 1956 when League members introduced resolutions at precinct and county conventions supporting a constitutional commission to begin research on TCR. The next year the League persuaded the legislature to pass a joint resolution calling for a four-year constitutional research program by the Texas Legislative Council. The resolution also called for the creation of a Citizens Advisory Committee. Both of these groups were hampered by inadequate funds and their recommendations were ignored by the legislature. During the next few years all the bills the League supported concerning TCR died in committee.

A House resolution in 1967 established a 25-member Constitutional Revision Commission, and the governor appointed a League member to the commission. The completed document was submitted to the legislature in 1969, but failed to win the approval of two-thirds of both houses. The League supported this document because it was more logically arranged, shorter, and more understandable, and obsolete sections had been removed.

TCR action in 1969-70 centered on supporting three proposed constitutional amendments. Voter approval of the amendment to remove obsolete, superfluous, and unnecessary sections of the constitution was a happy occasion for the League.

During the 1971 legislative session, four bills were introduced concerning constitutional revision. The League testified at the hearing on HJR 61 by Wolff, but has not yet decided whether it will support or oppose this proposed amendment, which will be submitted to the voters at the general election in November 1972. It provides that the 63rd Legislature elected in November 1972 act as a constitutional convention to propose a revised constitution to the voters of Texas, retaining the bill of rights of the present constitution. In 1973, the legislature will appoint a constitutional commission; the number of commission members and their qualifications will be decided by the legislature. The commission is to study the need for constitutional change and report to the

legislature no later than November 1, 1973. Then the legislature will sit as a convention in 1974 to either rewrite the constitution or propose revision of articles or sections. A two-thirds vote of the convention would be required for the passage of each section. The new document or revised sections would then be submitted to the voters for their approval at the general election in November 1974.

What League Members See Ahead

Another amendment to be voted upon at the November 1972 election specifies that proposed amendments to the constitution be presented to the voters in a more readable form and that proposed amendments be published for a longer time in more newspapers before the election than is now required. Also of interest is the adoption of HCR 83 establishing a joint interim committee to study the funds earmarked by the constitution for specific purposes.

In keeping with the desire of League members to do something about revision, TCR workshops will be held in the fall of 1971, and a statewide public education campaign will begin. For the first time in many years there is concern in the legislature about a Constitutional Convention. Now is the opportunity that the League has waited for — to convince voters and legislators of the need for revision.

VOTING RIGHTS

Support of improved procedures for registration of voters in Texas. Evaluation of selected Texas election laws and procedures.

Voter Registration. One of the Texas League's long-sought-for goals was realized when a permanent voter registration law passed in 1971. The poll tax and the annual voter registration system in Texas had represented perhaps the greatest obstacles to broader citizen involvement in the governmental process in the past.

The new legislation, which permits the voter to re-register by voting at least once every three years, meets many of the League's criteria and falls short in a few ways. The enactment of the new voter registration laws is contingent upon a final judgment in the federal courts on the *Beare* v. *Smith* case, declaring the annual registration requirement to be unconstitutional.

Election Laws. League members have a long history of interest in the electoral process. They realize that election laws and their administration directly affect the right to vote of every citizen.

Election laws had been studied by the Texas League in the 1950s, but in 1968 all the support positions except those on voter registration were dropped. Consequently, League members at the state Convention in 1971 voted to reexamine selected election laws and procedures.

The evaluation will focus on how election laws are administered by state and local officials and how political parties and primaries affect the electoral process.

Specific areas outlined for study are the selection and training of election officers, record-keeping, adequacy of redress procedures for election violations, practices impeding the citizen in his right to vote, election violations, practices impeding the citizen in his right to vote, election mechanics, the drawing of precinct lines, rules governing conduct of party meetings, and primaries. League members will interview local officials, observe elections, and attend precinct meetings to gather information.

What League Members Think: League Position

In 1961, Texas League members reached consensus opposing the poll tax as a requisite for voting and favoring a permanent, uniform, personal registration system. They believe that the best voter registration system is one that provides a balance between three important elements: adequate safeguards against fraud, uniformity and ease of administration, and voter convenience.

Criteria include:

Adequate Safeguards Against Fraud

- **Personal registration and issuance of registration card.**
- **Signature identification at the polls.**

League members think that initially personal registration should be required for everyone. If the voter signs a voter identification card before the registrar, his signature can then be checked against the roster he signs at the polls.

- **Accurate and current registration lists, periodically revised.**

To see that the lists are kept current — that the voter who dies, who is adjudged insane, who is convicted of a felony, who moves away, or who

fails to vote at certain specified intervals is removed from the list — is an administrative responsibility.

Uniformity and Ease of Administration

- **Good administrative methods.**

The system should provide for uniformity, economical methods, qualified staff, and adequate record facilities.

Voter Convenience

- **Re-registration by voting.**

After the initial personal registration, re-registration should be accomplished by voting. Exercise of the franchise within a specified period — two to four years — would be all that would be required in order to retain registration status.

- **Year-round registration with no fee.**

Registration should be year-round except for the 30 days prior to an election. (The January 31 deadline for registration was permanently removed by the 62nd Legislature.)

- **Liberalization of residency requirements.**

Although Texas law has been liberalized in this regard since 1967, residency requirements still have the effect of disqualifying many persons otherwise entitled to vote.

- **No declaration of party affiliation when registering.**

To help establish a strong two-party state, League members think a declaration of party designation should not be required at the time of registration.

What League Members Do: League Action

In the spring of 1962, League members introduced resolutions for a permanent voter registration system at many precinct conventions and appeared before both parties' state convention platform committees. A statewide campaign to repeal the poll tax as a requisite for voting was organized by the League in 1963. The effort was defeated; however, in 1966, the federal courts declared the poll tax unconstitutional as a requirement for voting.

League representatives appeared at legislative hearings, distributed pamphlets, and lobbied legislators supporting a permanent registration system. They also testified in this regard before the Texas Election Code Revision Committee and the platform committees of both major political parties in the summer of 1970.

Members successfully supported legislation that liberalized residency requirements in presidential elections and state office elections and have supported other changes in registration and election procedures which have been achieved.

What League Members See Ahead

The Texas League knows that the 1971 voter registration legislation represents only the first step on a long road in reaching the goal of increased citizen participation in government. The implementation of the new voter registration system will be closely followed by the League, and continued efforts will be made to improve the system.

Many election law reforms have been proposed. After an in-depth study, the League will endorse some of these proposals or make new ones. The League is uniquely equipped to play an important role in guaranteeing every citizen's right to vote.

ENVIRONMENTAL QUALITY

Support of the conservation and development of water resources and of improvement of water and air quality. Evaluation of measures to achieve and maintain a physical environment beneficial to life.

The national League, at its May 1970 convention, adopted a program item that incorporated the League's Water Resources support positions, developed over the past fifteen years, into a study of environmental quality. The preceding month, the League in Texas had adopted a similar item as part of its state program, with the first phase to be a study of water planning in Texas. These two developments brought water quality and water management to the forefront of the Texas state program agenda for the first time. In 1971 the state Convention added air quality to the item to parallel the national League's position on air pollution control.

What League Members Think and Do: League Position and Action

Texas League members began their study of water planning in 1970 with much background knowledge and experience through their participation in the national Water Resources program study, which was initiated in 1956. National studies through the intervening years had led to League support of long-range planning for conservation and development of water resources and of improvement in water quality. These have been implemented by both state and local Leagues in Texas by study and action.

During 1959, local League studies were coordinated through a "Where We Are on Water" questionnaire as an aid toward reaching national consensus in November of that year. During 1963, under the national Water Resources item, local Leagues devoted time to a review of water resources planning in Texas and made water pollution surveys in their communities, the results of which were published later in the year. The information gathered was used by the LWV of Texas in testimony presented to the Natural Resources and Power Subcommittee of the House Government Operations Committee on water pollution conditions in Texas.

In 1964, Texas Leagues studied the Texas Water Pollution Control Board — again under the national Water Resources item. It was a brief study, and the consensus reached was that the Texas Water Pollution Control Board did meet the League's national position. While members approved the organization and structure of the Board in general and felt its enforcement power to be adequate, many were critical of the method of financing the Board's activities. Under this consensus, the LWV of Texas testified in 1967 before the Texas Water Pollution Control Board, urging that the Board take the lead in developing public awareness of Texas water requirements and the possible methods for fulfilling them. The League also testified before the President's Advisory Board on Water Pollution, a national board, on state water pollution problems.

In the same year, 1967, acts passed by the 60th Legislature changed much in the area of water management. The Texas Water Pollution Control Board became the Texas Water Quality Board. In 1969 its responsibility for control of water quality was more sharply defined, and it was given a sizable appropriation by the 61st Legislature. Because of the

change in name and functions, the League's 1964 consensus on this board needs updating.

Citizen education has also been a part of the League's activity on this item. In April 1966, a Texas seminar on "Land and Water Use for Tomorrow's Living" focused on Texas water problems and on effective citizen action for their solution. This was funded through the Education Fund of the LWVUS. In 1969, the Texas League prepared pro and con information on the Texas Water Plan constitutional amendment.

The year 1970 seemed to be a time for the LWV of Texas to express its concern for clean water. It testified before the Texas Water Quality Board both on mercury and heavy metal pollution and on thermal pollution. Local Leagues were encouraged to testify before this board and the other two major state water agencies concerning their local needs.

During these years, all the action taken by the LWV of Texas on water quality and water management was under the aegis of the national Water Resources program item.

In April 1970, the League membership in Texas authorized for the first time a state-level study on water planning — as the first phase of an evaluation of measures to achieve and maintain an ecologically sound environment in Texas. It reached the following consensus on water planning in Texas:

State government should have the responsibility for water planning and development in Texas.

- **Development of adequate water supplies should be ecologically sound.**
- **Additional water resources should come from within the state.**
- **Maximum use of present water supplies should be made through reuse, conservation, and more efficient water and land use.**
- **Water should be available for all users whenever feasible; however, municipal needs should come first.**

Under the national Environmental Quality program item, Leagues across the country have studied air pollution problems. The consensus on air quality in Texas, on the state program level, is:

Support of state government action for control of air pollution in Texas, which includes:

- **power to set and enforce standards stricter than those required by the federal government;**
- **adequate funding to carry out research, planning, and enforcement;**
- **local and regional governments to be allowed to set and enforce standards stricter than those of the state; and**
- **encouragement of citizen involvement in the enforcement process.**

Lobbying on environmental matters in 1971 continued up to the last day of the 62nd Legislature by all environmental organizations, including the League. But the League's top priority measure, HB 452 by Orr, creating the Office of Environmental Quality, died in the Senate. One bill that passed which the League supported prohibits the dumping of refuse on highways or into inland or coastal waters. Two resolutions which passed relate to the authorization of the Interagency Natural Resources Council to coordinate land use in the coastal zone, and the improvement of environmental quality, human opportunity, and local government. Most environmental bills supported by the League failed to pass.

What League Members See Ahead

The League knows the experience of having an idea before its time. U.S. Representative Jim Wright from Texas dedicated his book on water to "The League of Women Voters who have been crying in the wilderness for many years." After sixteen years of concentrated effort in the water quality and water management field, the LWV of Texas is now on the edge of redoubling its efforts to achieve clean water in adequate quantities and clean air for the state of Texas.

During the next biennium the League's environmental quality thrust at the national level will be on land use, with emphasis on solid waste disposal. At the state level, plans call for a publication on comprehensive planning and coastal and river land use.

A number of interim study committees were created by the recent legislature on environmental topics, including land use and environmental control, water resources, and solid waste disposal. The work of these committees will be followed by the League and statements made at hearings when appropriate. League members are urged to follow hearings being held in their communities, for environmental quality, more than any other issue of our day, involves all levels of government, as well as all citizens.

HUMAN RESOURCES

Support of measures to combat poverty and discrimination in Texas.

The League of Women Voters of the United States in 1964 adopted as a national program item "an evaluation of policies and programs in the United States to provide for all persons equality of opportunity for education and employment."

The start of the study was a survey of the extent and intensity of deprivation. This resulted in the national publication *Prospects for Education and Employment*. Next came the setting of guidelines by which to measure federal programs. The federal agencies involved in the program were studied. League attention focused on the Economic Opportunity Act, the Manpower Development and Training Act, and vocational education. Consensus was reached on the guidelines, and also on the problems of depressed areas and civil rights programs.

At the 1966 national Convention, the delegates readopted the Human Resources item, but this time it read, "Support of policies and programs in the United States to provide for all persons equality of opportunity for education and employment."

The 1968 national Convention added housing to the support position of the Human Resources item. Local Leagues surveyed local housing patterns in preparation for consensus on guidelines for fair housing standards.

In January of 1971, the latest statement of position on Human Resources was issued by the national Board relating to welfare. This statement is in *The National VOTER,* March-April 1971. A more detailed history of national League study and action can be found in the national publication, *Study and Action: 1970-72 National Program,* pp. 8-14.

What League Members Think: League Position

While arriving at consensus positions on the national level in regard to discrimination and poverty, local Leagues in Texas engaged in studying the implementation of federal programs in their own local communities. They analyzed their own Head Start and OEO programs. They surveyed patterns of discrimination in housing. They evaluated the impact of their Community Action Programs.

The national Board encouraged local and state Leagues to study and act on discrimination where the need was the most urgent. As a result of this stance, local and state Leagues were given permission to study and act on a wide variety of Human Resources issues, so long as the members understood and were in agreement, and so long as the intended action fell within the intent of the national League's support positions. Many local Leagues worked on specific problems in their own communities, pushing for the creation of local human relations commissions; working to get their communities involved in the Model Cities program; becoming involved in local school desegregation problems; helping to see that surplus foods were being distributed equitably.

The Texas state League added to national information by publishing *Texas Prospects for Education and Employment* in the initial phase of the study. When housing was added to the Human Resources item, the state Board furnished an analysis of the effects of the *Jones v. Mayer*

Supreme Court decision and Title VIII of the 1968 Civil Rights Act upon discriminatory practices in housing. Statistics from the regional office of the Department of Housing and Urban Development showing the number of units of low-cost housing constructed in Texas under the various federal programs were furnished to the local Leagues.

Four issues of a Texas Human Resources Newsletter have been published. The Newsletter has contained information on meetings of state governmental units dealing with human resources, reports on the recommendations emanating from those units, and a projection of legislative activity for the 1971 session of the Texas legislature. Future issues of the Newsletter will be concerned with giving information on specific human resources problems in the state of Texas in the hope that these problems can be worked on and ameliorated.

In the fall of 1970, the Texas League studied and came to consensus on human relations commissions and welfare. A state Facts & Issues on human relations commissions was published. The welfare consensus, although mainly focusing on the national welfare program proposals, included a limited state consensus.

The League of Women Voters of Texas supports:

- **An effective Human Relations Commission for Texas, including such features as: permanent, independent status; investigative and legal enforcement powers; an adequate budget, funded independently of the governor's office; equitable representation of racial and ethnic groups; and a staff adequate to perform its duties and trained in human relations work.**
- **The removal of the ceiling on welfare spending from the state constitution.**
- **The provision of supportive services for welfare recipients, including health care, child care, family planning, and legal aid.**

At the 1971 state Convention, delegates adopted a Human Resources item as an official part of the state program.

What League Members Do: League Action

In addition to responding to numerous calls for support or opposition to national legislation in the human resources field, Texas Leagues have acted at the state level.

During the 1969 session of the state legislature, the Texas League supported two pieces of human resources legislation. The state League testified in support of certain provisions of a bill encompassing the recommendations of the Governor's Committee on Public School Education. Those provisions supported dealt with adult basic education programs, compensatory school programs from kindergarten through high school, and vocational education. The League also testified in support of a bill outlawing discrimination in many areas on the state level and creating a human relations commission to enforce the antidiscrimination laws. Unfortunately, neither bill passed.

Subsequently, the League presented statements to the Governor's Committee on Human Relations stating the League's recommendations for legislation concerning housing, education, and employment.

The 1971 session of the Texas legislature saw many bills in the human resources area introduced into both houses. The League supported legislation to create a permanent state human relations commission, a

Fair Employment Practices Commission, and a Texas Housing Finance Corporation to aid nonprofit groups in the construction of low-cost housing; legislation to put tenants on public housing authority commissions; and legislation providing supplemental aid for statewide adult literacy programs. None of this legislation passed.

League members also worked hard for the passage of Amendment No. 3 in the May 18, 1971, special election. This amendment would have removed the $80 million constitutional ceiling on assistance payments to some categories of welfare recipients, and would have raised the ceiling on payments to AFDC mothers to $55 million. Amendment No. 3 was rejected by the voters.

What League Members See Ahead

The state of Texas has been slow in adopting state legislation aimed at combating discrimination and poverty. League members will need to lay the groundwork now, looking toward the next regular session of the legislature. They must use new awareness and knowledge of the lobbying process, expand their working with other like-minded groups, and be aware of the importance of keeping up with the latest developments.

Besides legislative activity, League members will be busy monitoring ongoing programs in such areas as commodity distribution, school desegregation, school free-lunch programs, housing availability, etc.

In the next two years, League members will work in all of the ways they know how, in order to bring about equality of opportunity in education, employment, and housing for all Texans.

STATE-LOCAL RELATIONS

Support of more flexibility and adequate powers at the local level; comprehensive regional and state planning; formation of regional planning councils.

The study of state-local relations, which was begun in 1962, was a logical continuation of the League's study of the Texas Constitution. League members had found many governmental problems that did not conform to an established political jurisdiction.

The League began its study by acquiring essential background information on state-local relations in Texas, on various alternatives to present local government arrangements, and on the problems of financing local government. In the next biennium, League members studied the county in depth. This was followed by a study of state planning and of metropolitan regional planning.

The League's study of planning in the mid-sixties was exceptionally well timed; regional and state planning was just coming to Texas. The League was able to make a sizable contribution to this development by virtue of the research and knowledge acquired from its state-local relations study. ***Blueprint for Planning*** (1965) broke League sales records and was read by key government officials and others working on planning. As Councils of Governments (COGs) came into being throughout the state, many local Leagues were in at the beginning conducting "Know Your COG" surveys.

A COG or Regional Planning Council (RPC) is a voluntary association of local governments. In ten of the regional councils in Texas, voting membership is limited to elected officials from general-purpose governments; the other Texas councils accord voting representation to other groups, which may range from special-purpose governments and ethnic groups to the professions, business interests, and "regional citizens." A partnership organization with formal legal status, a RPC or COG promotes cooperation between separate units of government in meeting area-wide problems. Although it is a political subdivision, it lacks the powers of taxation and enforcement. The League supports this mechanism for coordination of all local planning and development activities that have regional implications.

Previous to 1971, COGs had the executive-derived power, based on gubernatorial directive, to review and comment on applications from local governments for financial assistance from the federal government. Recent legislation has made this power statutory and has added state programs with regional significance to the list of programs to be reviewed by these regional organizations.

What League Members Think: League Position

For nine years, League members have been attempting to untangle the citizen's dilemma in the web of governments. Intergovernmental relations is indeed a complex web, and League members have been unable to reach consensus on one aspect of study — financing. However, these support positions have evolved:

Local level—support of measures to provide

- **Adequate and realistic powers for cities and/or counties enabling performance of services without overlapping costs and taxation, in preference to single-purpose districts.**

- **For greater accountability to and regulation by the state of single-purpose special districts.**
- **A flexible governmental structure for counties and municipalities, together with legislative and financial powers adequate to provide local services.**

The proliferation of special districts in Texas has been spectacular in recent years. During the decade from 1957 to 1967, non-school special districts mushroomed dramatically from 645 to 1,001 — an average of one new district every ten days. The proliferation of special districts is attributed to local units of general government having inadequate powers to meet the public's service demands.

The cities of Texas have apparently fared well with their home rule status and annexation powers, but the counties have been stifled and have ambiguous responsibilities. Although there remains the need to be able to form special districts, the formation of new ones should be discouraged as much as possible, and those existing should be made accountable to some level of general-purpose government.

Regional and state levels

- **Support of comprehensive regional and state planning in Texas. The state government should give regional councils financial and technical assistance, and coordination between the state government and the regional councils should be encouraged.**

The regional council movement in Texas is six years old: twenty-three such voluntary associations of local governments have been formed and cover all but one of the state's twenty-one planning regions (the exception is the Permian Basin State Planning Region — Midland-Odessa metropolitan area). These state planning regions provide a framework for coordination of functional planning activities of state agencies and a guide to state and federal agencies in developing regions for delivery of services. Almost 90 percent of the Texas population is served by regional councils

During the past six years the League has supported comprehensive state planning, along with regional planning. Both the Planning Agency Council of Texas, created in 1965, and its successor, the Division of Planning Coordination, which was established in the governor's office in 1967, received League support. The League will continue to evaluate the effectiveness of planning among state agencies and commissions during the next biennium under its Executive Department study.

What League Members Do: League Action

In 1969, local Leagues in Texas, working together, successfully supported regional planning council legislation giving RPCs power to engage in cooperative activities other than planning and declaring RPCs to be political subdivisions.

The Texas League also tried, but without success, to secure a county land use protection act that would equip county governments with the essential tools, such as subdivision requirements and building codes, to control urban development within unincorporated areas.

League members successfully supported the constitutional amendment (approved by the voters in November 1970) that authorized the legislature to pass special laws permitting local governments to combine offices and services. This amendment deals entirely with agreements

within a county, between the county government and its political subdivisions, or among political subdivisions within a county. An interlocal cooperation act passed by the 62nd Legislature in 1971 broadened this authority to permit contracting for services among counties and other governmental subdivisions of the state, including agencies of the state. The use of this authority will be encouraged by local Leagues when applicable.

Among the twenty-three bills in the 62nd Legislature that the League actively supported relating to its State-Local Relations positions were bills on county home rule, land use planning, housing, and urban development; giving local governments authority to regulate building standards; and authorizing cooperation and contracts among political subdivisions.

A Texas Advisory Commission on Intergovernmental Relations was created to conduct research and to make recommendations to improve coordination and cooperation between the local, state, and federal governments.

The Texas Department of Community Affairs was created to elevate the Division of State-Local Relations in the governor's office to departmental status under a director appointed by the governor. The department will manage local government assistance and planning programs and coordinate federal and state activities affecting local government on a continuing basis.

The above two legislative acts and the interlocal cooperation act, as well as other League-supported legislation, were enacted as recommendations of the Texas Urban Development Commission. The commission and a citizens resource committee were appointed by Governor Smith in May 1970. It included several League members. The final report will be made late in 1971.

The League actively opposed a bill relating to municipal extraterritorial jurisdiction and annexation powers. This bill amends the Municipal Annexation Act by prohibiting annexation along highways, railways, or narrow strips of territory. Governor Smith has vetoed this bill, and the legality of "spoke" annexation has been upheld in a recent Texas Supreme Court decision (*Fox Development Company, Inc.* v. *City of San Antonio,* opinion delivered: June 9, 1971). Until such time as unincorporated land in urban areas is regulated by local governments, it would be premature to take this power of annexation away from the cities. This annexation power also helps prevent the proliferation of small units of government and special districts, which the League opposes.

State-Local Relations positions offer local Leagues an opportunity to support a particular regional planning council (the formation of the Panhandle Regional Planning Commission in 1969 was actively promoted by the LWV of Amarillo) or to study and support a regional project, such as an area plan for parks and recreation.

What League Members See Ahead

In 1971 the League will begin a reevaluation of the state's regional planning councils by having one local League in each regional area do a study of its RPC. Information from these surveys will be compiled and circulated to all local Leagues.

A county land use protection act is needed in the state of Texas. The

authority to establish planning and subdivision regulations, similar to the powers available to cities to require the adherence of land developers to building code standards and regulations governing street right-of-ways, utility installations, drainage, etc., should be conferred upon counties or RPCs.

The role of the Texas county in the last part of the twentieth century will probably be more clearly delineated in the decade of the seventies. The League will support expanding the authority of county government to carry out urban activities and giving it the option to assume a larger role in meeting county-wide needs and problems.

The broad State-Local Relations support positions will give League members an opportunity for increased action on intergovernmental relations measures in the future.

MODERNIZATION OF STATE GOVERNMENT

Support of executive, legislative, and judicial reform to be accomplished through constitutional revision and legislative action.

During the past decade there has been an emphasis in the United States on the "new federalism" and the need for greater *state* responsiveness to the problems and challenges of today and tomorrow. The League has been studying specific areas of state government in Texas since 1954. Although these studies are far from inclusive, they have covered many basic needs for change in all three branches of government.

THE TEXAS EXECUTIVE DEPARTMENT

Support of measures to increase the effectiveness of the executive department of the state government, with continued evaluation of the organization and functions of the executive boards and commissions.

In 1968 the Texas League decided to evaluate the organization and functioning of the state's executive department as a continuation of its studies of the constitution and the legislature. In the first year the study concentrated on the office of the governor. In the second year the League examined the total administrative organization, discussing the other officers in the executive branch. In 1970 it turned its attention to the various executive boards and commissions, concentrating on those concerned with natural resources.

The state constitution designates the governor as "the chief executive officer of the state," yet it deliberately limits his authority in many ways. He cannot appoint or remove key administrative officers. The executive branch has six other elected officials (the lieutenant governor, attorney general, treasurer, comptroller of public accounts, commissioner of agriculture, and commissioner of the General Land Office), who are entirely independent of the governor and administer their respective offices without executive supervision. Each serves for a term of only two years.

Although nominally part of the executive branch, the lieutenant governor is primarily a legislative leader through his being the presiding officer of the Senate. In this position he has power of life or death over pending legislation in his power to assign bills to friendly or hostile committees. In Texas a party's candidate for the lieutenant governorship runs independently of the gubernatorial candidate. Although their names appear together on the ballot, they may have widely differing political views.

The responsibility for administering most of the laws in Texas rests with over a hundred executive agencies, which are headed in most cases by appointed boards and commissions. Although the governor has appointive power over many of these, in some instances he may appoint only one or two members, most of his appointments must be confirmed by the Senate, and some appointments involve technical, economic, or geographic qualifications that limit his choice. He does not have the power of removal. For these reasons and others, the governor's appointive power does not give him effective control over the executive branch.

The major effort in executive reorganization in recent years has been the creation of the Division of Planning Coordination in the office of

the governor in 1967. This division provides staff for the interagency councils, reviews statewide plans, assists regional planning commissions and councils of governments, serves as a clearing house of ideas and information, and assists the governor and other state decision-makers by analyzing the future effect of alternative decisions.

What League Members Think: League Position

As a result of their study, League members became convinced that if the needs of modern state government were to be met, the executive branch must be strengthened.

They reached agreement in support of the following specific measures:

- **Election of the governor, lieutenant governor, and attorney general to four-year terms.**
- **Limitation of the governor to two terms, which may or may not be successive.**

League members feel that four-year terms of office would encourage long-range policy planning, cut down on campaign costs, and allow the governor to spend more time in planning and executing programs, less in campaigning. A limit of two such terms would avoid a concentration of power in one party.

- **The governor and lieutenant governor to run as a team.**
- **Gubernatorial elections in nonpresidential election years.**

The League feels that candidates for the two top positions in the state government should run as a team; the lieutenant governor would then become a spokesman in the legislature for the governor's legislative program, and in the case of the governor's inability to serve through absence, disability, impeachment, or death, his successor, the lieutenant governor, would hold similar political views. The League also recommends that gubernatorial elections be held in nonpresidential election years, so that state affairs need not vie with national elections for the attention of the voters.

- **Constitutional provision for the succession to the office of governor should the governor become unable to perform the duties of his office.**

The constitution at present is silent on the question of what happens if a governor becomes mentally or physically incapable of performing his duties.

- **A cabinet-type executive department. The secretary of state, comptroller of public accounts, treasurer, commissioner of agriculture, and commissioner of the General Land Office appointed by the governor with Senate approval for four-year terms.**

In a cabinet form of organization in which only the governor, lieutenant governor, and attorney general are elected, and the governor is given the power to appoint and remove all other officials, the chief executive has firm control over the departments in his administration. He and his department heads form a cabinet for coordination and planning of administrative programs.

- **The governor's budget to be the only budget presented to the legislature.**

Texas is the only state that has both an executive and a legislative

budget. The legislature tends to prefer its own budget to that of the governor. The governor may veto specific items, but may not adjust the amounts, either at time of passage or during the duration of the budget. At present he has no direct financial control over state government agencies.

- **Reorganization of state boards and commissions along functional lines by grouping them in areas of responsibility.**
- **The governor to have, within reasonable safeguards prescribed by law, power to remove appointive officers of the executive department and appointees to boards and commissions.**

The functions of state administration in Texas today are scattered among the numerous agencies. They differ widely in organization and in the method of selecting their governing heads. There is no systematic plan for their coordination to eliminate duplication of activities. In order for a cabinet-type executive department to function, the governor must be granted greater authority over the many agencies and commissions.

What League Members Do: League Action

The state League prepared a directory of Texas executive boards and commissions in 1971.

Because of the newness of the consensus on the Texas executive department, the 1971 session of the legislature was the League's first opportunity for action on its support positions.

The League successfully supported the creation of a Community Affairs Department that elevates the Division of State-Local Relations in the governor's office to departmental status under a director appointed by the governor and serving at his pleasure. This development is a step toward a cabinet type of government.

The League also supported the creation of a Commission on Organization of the Executive Branch of Government, but this bill was unsuccessful. However, interim committees were established to study reorganization of the executive department.

The League opposed a resolution providing for four-year terms for governor, lieutenant governor, attorney general, comptroller of public accounts, commissioner of the General Land Office, and secretary of state, because it failed to limit the number of terms, continued all of the first five offices listed as elective ones, and did not provide for candidates for the offices of governor and lieutenant governor to run as a team. This resolution passed the legislature and will be presented to the voters in November 1972.

What League Members See Ahead

The state League will prepare material on comprehensive planning among state agencies and departments early in 1972.

The creation of the Texas Department of Community Affairs, an independent agency, to direct the state's activities in dealing with urban problems, will strengthen planning on the local level.

While constitutional change is required to effect major reorganization of the state's executive department, much can be done on the legislative level in connection with the many boards and commissions

set up by statute. Studies of the executive branch in Texas have been made from time to time—notably the Griffenhagen Report in the early thirties—but have not resulted in any major reorganizational efforts. However, through the emphasis in recent years upon strengthening state government, interest in the executive department has increased. The League will continue its efforts to awaken the voters of Texas to the need for greater executive effectiveness.

THE TEXAS LEGISLATURE

constitutional questions

Support of measures to increase the efficiency and responsiveness of the legislature.

League members decided in 1966 to evaluate the organization and functioning of the Texas legislature. They began by making a basic study of the role of the legislature in state government and the mechanics of its operation. The second year's study concentrated on possible improvements in the legislative process. Specific aspects reviewed included sessions, the committee system, aids for the legislators, and the influence of the governor. Finding that the total legislative picture was too vast to be adequately covered in a two-year study, the League membership decided to continue the study for another two years, focusing specifically on the influence of the lobby. The result was refining and expansion of consensus areas.

In April 1970, League members voted to place emphasis on action toward achieving League goals in the coming legislative session.

In January of 1971, the concern of the Texas League in regard to the legislature's effectiveness was confirmed by the report of the non-profit, nonpartisan Citizens Conference on State Legislatures. This study ranked the Texas legislature overall 38th in the nation in functionality, accountability, information-handling capacity, independence, and representativeness.

What League Members Think: League Position

In general the Texas League supports measures that will increase the efficiency and responsiveness of the legislature. Specifically the League's consensus falls into three categories: legislative procedures; aids for legislators; and responsiveness to the public.

Legislative procedures: The League is working to achieve:

OK • **Annual sessions of sufficient length and scope to permit the efficient handling of legislative business.** 4.08 Model State Constitution

Today's world moves so fast and changes so quickly that biennial sessions are just not adequate to transact the business of the modern state. A change from biennial to annual sessions would require a constitutional amendment.

? — • **Increased power of the House and Senate in relation to the power of the presiding officers. This would include (a) more voice for the legislators in determining committee membership and (b) bills and resolutions referred to committees of appropriate jurisdiction.**

4.09 Model State Constitution

Power is now concentrated in the hands of the presiding officers of the legislature. Their having the authority to supervise and carry out the agenda, preside over debate, and appoint the committees and

their chairmen, among other instances, allows them to influence the legislative process greatly.

- **Restriction of conference committees to adjusting the differences in bills and resolutions passed by the two houses.**

Such a change is necessary to curb the power of conference committees, which now often completely rewrite a bill submitted to them.

- **Orderly flow of bills and resolutions. This would include (a) reduction of the number of committees; (b) closer cooperation between the two houses by such means as parallel, joint, and joint interim committees; (c) deadlines for reporting bills and resolutions out of subcommittees and committees; (d) fewer local bills on the legislative calendar; (e) pre-session filing of bills and resolutions; and (f) early introduction and circulation of bills and resolutions.**

By such changes the League hopes to facilitate the work of the legislature and prevent the last minute surge of bills, which are often passed without adequate consideration.

Aids for the legislators: It is unrealistic to ask the modern legislator to serve at a personal financial sacrifice and to work hampered by lack of office space, lack of information, and lack of sufficient time and help to do the job. The League recommends:

- **Adequate compensation for legislators and elimination of salary amounts from the constitution.** 407 Model State Constitution
- **Increased effectiveness of the legislator by (a) pre-session orientation; (b) fewer committee assignments; (c) adequate professional and clerical help; and (d) improved facilities for research, information, and bill drafting, including use of electronic aids.**

Responsiveness to the public: The League believes in the right of citizens to know when a legislator has a conflict of interest on legislation being proposed, and to know what their senator or representative is doing in the legislature. The League therefore specifically supports:

- **Standards that enable legislators to be more responsive to the public and that lessen conflict of interest, including: (a) shorter campaigns to reduce campaign costs; (b) all campaign contributions and loans reported, with clear identification of contributors and effective enforcement by an agency for this purpose; (c) total expenses of lobbying filed; and (d) a workable code of ethics which clearly defines and discloses conflicts of interest.**
- **Procedures that facilitate public knowledge of legislative activities, which include: (a) record votes taken in committee meetings; and (b) all committee meetings posted and open to the public.**

At the present time the journals in the two houses are a mere skeleton record of what went on. More votes need to be record votes, and more care must be given to posting committee meetings.

What League Members Do: League Action

In 1969, the League actively supported proposed constitutional amendments for annual sessions and legislative pay raises, but both amendments were defeated at the polls.

A survey of state legislators' opinion about legislative procedures in

Texas was published in October of 1970 by the League. This study, which also included legislators' suggestions for improving the Texas legislature, was made available to the public.

In the 62nd Legislature the League continued to work for its support positions. Action was taken on behalf of annual sessions, salary increases, limitation of conference committees, and ethics. Unfortunately the session ended without any victories for the League in legislative reform.

A proposed constitutional amendment that would have established a state commission to promulgate ethics rules for public officials and set legislators' pay was not supported by the League, because it favored stronger ethics proposals also being considered by the legislature. The amendment failed to gain approval.

During the closing hours of the session the legislature passed an ethics bill that the League had supported. However, the bill had been considerably weakened by the conference committee.

What League Members See Ahead

The League will continue to work toward implementation of its support positions, particularly in the areas of annual sessions and limitation of conference committees. The accent will be on ACTION. The point the League makes time and time again was succinctly stated in a *Houston Post* editorial on February 2, 1971. "A legislative body that is structurally weak, poorly compensated, inadequately staffed and hamstrung by special interest pressure groups, cannot function in the best interests of the public."

THE TEXAS JUDICIARY

Support of an effective judicial structure for Texas.

Provisions for the Texas judiciary, unlike those for the other two branches of the state government, are neatly set out in one article (Article V) in the Texas Constitution. Basically unaltered since 1891, they define the scope and form of the state's judicial system in great detail.

The Texas court system, with its more than 1,500 courts (exclusive of corporation or municipal courts), some 400 of which are above the justice of the peace level, is not constituted to cope with today's burgeoning crime rate and clogged dockets. The basic defect is that there are numerous trial courts with concurrent powers and overlapping jurisdictions, and each court is independent of the others. As a result, there is much duplication of effort and wasting of time and money; the system does not provide prompt, economical, and equal justice for all.

Another problem is the unprofessional court atmosphere and lack of record keeping in the lower courts. If a defendant appeals his case, the higher court must begin the case anew because the previous hearing was not recorded. Many of these cases die due to crowded dockets, lack of cooperation between city and county officials, lack of active prosecution, or lack of evidence due to long delay.

Texas is unusual in having two highest courts, the Supreme Court of Texas, which hears only civil cases, and the Texas Court of Criminal

Appeals. At present, the legislature has much power over the judicial system, as it determines with only a few exceptions the exact number of courts and judges in the judicial districts. All judges in Texas except some at the municipal level are elected to office. No legal training is required of the judges of the constitutional county courts, and previous to the 1971 legislative session, none was required for justices of the peace.

What League Members Think: League Position

As a result of their study of the judicial article in the constitution, completed in 1960, League members believe that all courts in the state should be part of a unified and coordinated system controlled by the Supreme Court; the financial needs of all state courts should be viewed as a whole under a central fiscal policy; a unified code of procedure and practice should be established for *all* courts; administrative directors under the supervision of the Supreme Court should manage the nonjudicial business of the courts, including the free transferring of judges to equalize the case loads in the various judicial districts.

Specifically, League members agreed to support an effective judicial structure for Texas, which would include:

- A single system of centrally administered statewide courts with a uniform fiscal policy.
- A uniform code of criminal and civil procedure formulated by the Supreme Court, with legislative approval.
- Assignment of judges according to special training and docket needs.
- A full-time judiciary whose members qualify to practice law in Texas.
- Integration of justice of the peace court functions into courts of record.

The present Texas judicial selection system relies heavily upon gubernatorial appointments to fill vacancies; some two-thirds of the district and appellate judges initially become judges in this manner. Once appointed, their continuing on the bench through election is usually a foregone conclusion. The costs and hazards of political campaigning for judicial candidates will increase as Texas moves toward becoming a two-party state.

In 1964, the League adopted a study item called Judicial Selection and Tenure as a logical follow-up to the judicial structure study. Consensus was reached the next year and the following position added:

- Modification of the present appellate judge system to provide for: selection by a combination of commission nomination, executive appointment, and noncompetitive and nonpartisan elections; compulsory retirement; and new and effective removal procedures.

All of the judicial positions were placed under TCR in 1964. In 1971, at the state Convention, these positions were placed under Modernizing State Government, along with other support positions to improve the executive department and the legislature.

What League Members Do: League Action

In 1965, the League successfully urged adoption of a constitutional amendment that provided for mandatory retirement for district and appellate judges at the age of 75 and for their removal or retirement in the event of misconduct or disability.

During the 1971 legislative session, the League supported HB 168 by Williams, relating to the removal of justices of the peace for incompetency. This bill, which was signed by the governor, requires justices of the peace to have forty hours of law instruction in a state-supported college or university.

The League also supported HJR 74 and SJR 43, joint resolutions proposing a merit plan for selection of judges in Texas. SJR 43 was stalled in the Senate and HJR 74 never came out of the House committee to which it was assigned.

What League Members See Ahead

Bills on judicial reform are almost certain to be introduced in the next session of the legislature. Two interim committees have been created by the 62nd Legislature to study the Texas penal code and judicial reform. Hopefully the League will have a chance to testify before the two committees. In addition, the League will continue to support proposed constitutional amendments that relate to its judicial positions.

NATIONAL PROGRAM 1970-1972
LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

U. S. CONGRESS: An evaluation of congressional structures, procedures, and practices and their effect on responsive legislative processes.

ENVIRONMENTAL QUALITY: Evaluation of measures to achieve and maintain a physical environment beneficial to life, with emphasis on the relationship of population growth and distribution.

Support of national policies and procedures which promote comprehensive long-range planning for conservation and development of water resources and improvement of water quality.

HUMAN RESOURCES: Support of equal opportunity in education, employment, and housing. Support of public programs for income assistance and supportive services.

Evaluation of further measures to combat poverty and discrimination.

FOREIGN POLICY: Support of U.S. policies to promote *development* efforts which focus on human needs and which emphasize cooperation between the developed and developing countries; promote world *trade* while maintaining a sound U.S. economy; relax tensions and normalize relations with the People's Republic of *China* and facilitate mainland China's participation in the world community; strengthen the peacekeeping and peacebuilding capacities of the *United Nations* system.

REPRESENTATIVE GOVERNMENT AND VOTING RIGHTS:

Election of the President: Support of the national direct popular vote method to elect the President and Vice President of the United States.

District of Columbia: Support of self-government and representation in Congress for citizens of the District of Columbia.

Apportionment: Support of apportionment of both houses of state legislatures substantially on population.

Action to protect the right to vote of every citizen. (Bylaws, Article XIII, Section 1, a.)

Federal legislation more and more is applicable to the problems with which local and state governments are trying to cope. Thus in the League there are three emerging trends. First, state program and often local program are extensions of study and consensus positions reached at the national level. For example, Texas has program studies and positions on Environmental Quality and Human Resources, which implement, and at times amplify, the national positions. This, in the League, is called *vertical programming.*

The second trend is for League members to work at the state level on national positions when such action is applicable. While most League activity on Foreign Policy positions takes place on the national level, there are state-related activities. For instance, the Texas League opposed "Buy America" legislation in the state legislature in 1969 and 1971. Sometimes League members look at national legislation, such as the Trade Act of 1970, in light of its effects on their state. During the 1971 session of the Legislature four bills were introduced concerning trade, including the already mentioned "Buy America" bill; another, relating to the creation, powers, and duties of the Texas Foreign Trade

Commission, was still in a Senate committee by the end of the session. Of great interest to the Texas League was a concurrent resolution (SCR 29-Schwartz and HCR 7-Salem) urging the Texas Industrial Commission, in recognition that reciprocal trade is the lifeblood of a healthy foreign trade climate, to include an energetic, aggressive, properly staffed import division within the agency to advise and assist commerce, industry, or individuals seeking to bring goods through our borders. When a resolution like this is passed unanimously by the Senate and signed by the governor, the League applauds.

The third trend is toward greater flexibility in permitting local and state Leagues to work under local and regional positions for state and national legislation on issues which do not come under a national position, but which are of high interest to their members because they directly affect their own communities. League state and national boards handle these requests on an individual basis.

THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Third in a Series

THE FRAMEWORK AND THE FUNCTIONING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE LIEUTENANT GOVERNOR'S POWERS. The lieutenant governor, who is elected by the voters of the entire state, is assigned by the Texas constitution the task of presiding over the Senate. In this position he is recognized as the Senate leader, because of the power that current rules vest in the presiding officer. His leadership comes also from the fact that, as winner of a state-wide election, he represents powerful elements and groups in the state.

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

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

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

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

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

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

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

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

ANNUAL SESSIONS. The formulation and enactment of legislation demands and should receive a great deal of time and thought. The current nation-wide trend toward annual sessions of state legislatures has been brought about by their increased workload. Twenty-two states now have annual sessions, and three (Iowa, Idaho, and Utah) will vote on annual session proposals this year or next. Opponents of annual sessions in Texas state that the present system, with special sessions, allows for legislative sessions whenever they are necessary without the undue expense of annual sessions. Many recommendations have been made throughout the country, however, that legislative sessions should be on an annual or continuing basis without constitutional limits on subject matter or length. The reasons advanced for annual sessions are: they give more time for the study of problems and the proposing of legislation for their solution; they eliminate the long period between sessions when the legislative process can be initiated only by the governor; they reduce the number of ill-considered bills that are adopted in haste at the end of a session; they allow for more continuity; and they permit more effective use of research and secretarial staffs. A pattern of annual sessions in Texas may have been initiated by the decision of the 60th Legislature (1967) to adopt a one-year budget, thus necessitating a special session in 1968. A change to annual sessions will probably increase the pressure on the public to give the legislators substantial salary raises.

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

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

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

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

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

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

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

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

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

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

Conference committees are created to give final form to a bill when the two chambers of the legislature have passed differing versions. The chamber originating the bill requests a conference committee, by a simple majority vote, when it is unable to accept the amendment of the other house. A conference committee is called only if the second house agrees by a simple majority vote. The speaker and lieutenant governor each appoint a five-member committee from their respective houses to serve on the conference committee; the chairman is selected by and from the members of the committee of the originating house. To resolve a dispute, a majority of each chamber's committee must be in agreement.

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

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

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

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

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

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Fourth in a Series

THE INFLUENCE OF THE LOBBY

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

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

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

LOBBYING DEFINED. The term "lobbying" itself is one of inexact reference. It may be simply defined as "the efforts of individuals or groups of people outside the legislative body to influence legislation." Legally defined, legislative lobbying is generally limited to "direct communication" with members of the legislature or Congress (in Texas, the governor and lieutenant governor, as well) for the purpose of urging or opposing specific legislation. "Direct communication," however, is not confined in time to the legislative sessions or in place to the legislative halls of the capitol. Grass-roots communication from constituents back home, both before and during legislative sessions, can be a form of lobbying, although it is not subject to state or federal lobby controls. In addition, there are countless indirect ways for lobby groups to build community support or influence public opinion for or against legislation. Finally, lobbying activities are also directed toward the executive and judicial branches of government, so a comprehensive definition of lobbying should include all attempts by private groups or interests to influence government decisions.

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

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

Year	Number	Number of Spending Reports Filed	Spending Amounts (round figures)
1961	3,153	235	$77,000
1965	2,022	185	64,000
1967	1,996	156	65,000

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

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

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

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

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

"Knowledge is power" for the skilled lobbyist. In the areas of special interest to him, he must be familiar with the existing laws and with the legislative proposals that are likely to be considered, as well as with ways to support or oppose them. He must be armed with the knowledge of the political power structure in the state government and the legislative process. (The experience of an ex-legislator is extremely valuable here.) His accumulated personal information on the legislators (and the candidates) should include their political views on specific issues, political commitments, other sources of income, and even personal habits. In addition, he needs to know who are the supporters and friends of each back home (especially those who may be influential), so that, if the occasion arises, pressure can be applied in the right places. The lobby tends to focus its attention on senators, for, since they represent larger districts and serve longer terms than members of the House do, and there are fewer of them, their votes have greater relative value.

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

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

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

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

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

What efforts are made in other states to control campaign

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Third in a Series

THE FRAMEWORK AND THE FUNCTIONING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE LIEUTENANT GOVERNOR'S POWERS. The lieutenant governor, who is elected by the voters of the entire state, is assigned by the Texas constitution the task of presiding over the Senate. In this position he is recognized as the Senate leader, because of the power that current rules vest in the presiding officer. His leadership comes also from the fact that, as winner of a state-wide election, he represents powerful elements and groups in the state.

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

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

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

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

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

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

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

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

ANNUAL SESSIONS. The formulation and enactment of legislation demands and should receive a great deal of time and thought. The current nation-wide trend toward annual sessions of state legislatures has been brought about by their increased workload. Twenty-two states now have annual sessions, and three (Iowa, Idaho, and Utah) will vote on annual session proposals this year or next. Opponents of annual sessions in Texas state that the present system, with special sessions, allows for legislative sessions whenever they are necessary without the undue expense of annual sessions. Many recommendations have been made throughout the country, however, that legislative sessions should be on an annual or continuing basis without constitutional limits on subject matter or length. The reasons advanced for annual sessions are: they give more time for the study of problems and the proposing of legislation for their solution; they eliminate the long period between sessions when the legislative process can be initiated only by the governor; they reduce the number of ill-considered bills that are adopted in haste at the end of a session; they allow for more continuity; and they permit more effective use of research and secretarial staffs. A pattern of annual sessions in Texas may have been initiated by the decision of the 60th Legislature (1967) to adopt a one-year budget, thus necessitating a special session in 1968. A change to annual sessions will probably increase the pressure on the public to give the legislators substantial salary raises.

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

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

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

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

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

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

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

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

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

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

Conference committees are created to give final form to a bill when the two chambers of the legislature have passed differing versions. The chamber originating the bill requests a conference committee, by a simple majority vote, when it is unable to accept the amendment of the other house. A conference committee is called only if the second house agrees by a simple majority vote. The speaker and lieutenant governor each appoint a five-member committee from their respective houses to serve on the conference committee; the chairman is selected by and from the members of the committee of the originating house. To resolve a dispute, a majority of each chamber's committee must be in agreement.

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

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

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

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

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

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LEAGUE OF WOMEN VOTERS OF TEXAS
1841 Bingle Road, Houston, Texas 77055

T. Leg
Consensus

To: Martin SO
From: Bubis
Re: Program folder comments
Legislature item
5/10/70

As you know, I've never been happy with the wording of the legislature consensus, as I have always felt it too wordy. At the time it was adopted, I really was more interested in getting ~~xxxxxxx~~ it down on paper than in being PR minded. Could we perhaps shorten it for this publication in the following manner?

Annual sessions

Limitation of conference committees

~~XXXXXXXXXXXXXXXX~~ Adequate salary for legislators

Increased authority for legislators

Increased effectiveness of legislators

Orderly flow of bills and resolutions

Lessened conflict of interest

More public knowledge of the legislature.

T. Leg
Consensus

TO: Martin, SO
From: Bubis
Re: 1970-71 Program folder
5/10/70

THE TEXAS LEGISLATURE: SUPPORT OF MEASURES TO INCREASE THE EFFICIENCY AND RESPONSIVENESS OF THE LEGISLATURE.

The League is working to achieve:

--Annual sessions of sufficient length and scope to permit the efficient handling of legislative business.

--Restriction of conference committees to adjusting the differences in bills and resolutions passed by the two houses.

--Adequate compensation for legislators. Elimination of salary amount from the constitution.

--Increased power of the House and Senate in relation to the power of the presiding officers.

--Increased effectiveness of the legislator.

--Orderly flow of bills and resolutions.

--Standards that enable legislators to be more responsive to the public and that lessen conflict of interest.

--Procedures that facilitate public knowledge of legislative activities.

Annual sessions, salary increases, and limitation of conference committees will be emphasized during the coming year. These were areas of legislative improvement agreed upon as vital by both League members and a majority of legislators.

This year, a statewide survey testing legislators' opinions about how the legislature operates and what improvements might be made, will be made available to the public.

T. Leg Consensus

To: Noe, Martin, SO
From Bubis
Re: VOTER article, proposed program, Legislature item
1/5/~~69~~ 70

THE TEXAS LEGISLATURE: Support of m measures to increase the efficiency and responsiveness of the legislature.

What are proposed goals for the coming year?

We need to PINPOINT legislative improvements we want to emphasize.

We need to INFORM the public about how laws are made in Texas.

We need to OVERCOME public apathy about the Texas legislature.

We need to PROMOTE changes in the legislature among both legislators and citizens.

We can REVIEW what we have learned as part of our League programming.

T. Leg.
Consensus

November 21, 1969

TO: Bubis, May, Herman, Wackerbarth, SO
FROM: Martin
RE: Wording of the Legislature consensus

There is no doubt that the consensus as worded--both the introductory paragraph and the eight support positions--is long. However, I do not think this matters, at this stage. The wording was approved by the state Board and was announced to the membership in the May 1969 Texas VOTER. I recommend that we leave each word intact and keep the statement handily in our files for reference. When the next legislature meets, we will most likely appreciate having the details spelled out, for these are what the local Leagues said in their reports.

Actually, I do not feel that we can legally change the statement even to the extent of making it more brief. Once positions are announced, these remain the positions until further study and further agreement.

However, we can certainly reword the Legislature item and attempt to encompass all support positions within a broad wording. This is one of the responsibilities that we will have to consider when we meet in Dallas December 4 & 5, for I have no doubt that the committee will want to recommend The Texas Legislature for part of next year's program. Regardless of whether we decide to combine the item with others or leave it separate, we will surely want to consider a good, broad wording that will cover all positions.

I agree that we need to have something more concise for release to the public and when a new Program folder, or whatever is decided on to list newly adopted program, is prepared, some editing will have to be done.

Frankly, it seems a little premature to me right now to wear ourselves out with rewording except to word a new item. How would this sound:

THE TEXAS LEGISLATURE: Support of measures that make it responsive to the needs of Texas.

If we should decide to propose an overall item such as STATE GOVERNMENT, the above wording could be used along with similar statements for the other(s) or a general support position could follow State Government with itemized listing to follow. I am just tossing this out for your advance thinking.

Barbara, you are certainly to be commended for keeping your item in front and ahead of the program-making phase that we are just getting into. We all need to think of each of the present program items in the same manner so that we can have some good recommendations to make to the January Board.

By the way, let me mention again: I am sure we will need time on the January agenda to meet as we did in June to polish things up before presentation to the Board. Ideally, this would be after all state Program committees have met, but we cannot always realize the ideal in committee meetings. So, we can make do so long as it is before reporting to the Board.

HAPPY THANKSGIVING TO EACH OF YOU.

League of Women Voters of Texas

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MRS. WILLIAM E. JOOR, President

Tex Leg / Consensus

LEAGUE OF WOMEN VOTERS OF TEXAS
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Presidents Mailing
8 copies
May 1968

CONSENSUS QUESTIONS--TEXAS LEGISLATURE
Facts and Issues #4
"The Influence of the Lobby"

INTRODUCTION

These questions are in addition to the Discussion Questions sent in November 1967. However, you should be able to use the report from those questions to at least partially answer these consensus questions, if your League has already had a meeting on "The Lobby". Please mail three copies of your consensus to the state office postmarked no later than October 20, 1968.

LWV of _____

CONSENSUS QUESTIONS

1. Does the present method of reporting political campaign expenses in Texas adequately inform the public? If not, what changes would you propose?

2. Do you consider high campaign costs a problem in electing legislators responsive to the public? If so, what solutions would you suggest?

3. Does Texas Lobby Control legislation adequately regulate improper lobbying practices? What changes, if any, would you suggest in this law?

4. In your opinion, does the Texas Legislature have adequate standards or guidelines to define conflict of interest? If not, what standards would encourage public confidence in legislators?

PROCEDURAL QUESTIONS

1. Did every member have access to background material before discussions? In what form?

2. How many meetings were devoted to the influence of the lobby?

3. Approximately what percentage of your membership participated in this consensus?

4. Do you feel that you had adequate resource material for study and decision making?

GENERAL COMMENTS

Tex Leg / Consensus

THE TEXAS LEGISLATURE
Presentation by Mrs. F. L. Duckworth
Eleventh Biennial State Convention

Presidents Mailing
March 1968
LWV of Texas

In San Antonio in March 1968 there emerged, along with the bluebonnets, spring, and HemisFair, a full grown consensus on the Texas Legislature. It is the result of two years of germination, hoeing, watering, and pruning by the League of Women Voters of Texas. We thought it would never get here! Along with it you found a summary of the number of Leagues reporting essential agreement on changes needed to create a Texas Legislature more responsive and effective in dealing with modern Texas-size problems. We view this statement of consensus as a living result of our labors so far, and one that can grow and mature as we go into our next two years of study.

A discussion of our pathway to reach this position would not be complete without some comment on the difficulties along the way. The journey was not without its bad moments, the major one being the delay in the arrival of the Facts and Issues. The credit for completing the publications as soon as we did must go to the members of the state legislature committee, both those on the state Board and those who served off-Board, unsung heroines who worked like Trojans. Every one of them deserve a medal for action above and beyond the call of League duty - and indeed some of them deserve a purple heart!

In spite of the uneven path to consensus, League members in Texas thoroughly enjoyed this study. After spending the first year getting an "overview" of the legislative process in Texas, we concentrated the second year on possible improvements. When League material was late, committees depended heavily on clippings from the newspapers, the STATE LEGISLATURES PROGRESS REPORTER, and the report from the Committee on Economic Development, which came to every League member in the state. In addition, most Leagues quizzed their legislators, singly and in panel discussions for an inside view of the legislative process. This personal interviwing shows on our consensus. Since we did not stick to the textbooks, a practical political note prevails in the reports. Reforms that might conform to an ideal picture of legislative processes were not emphasized because we realized our state was not ready for them. We reached a resounding consensus on the need for annual sessions, changes in the committee system, more compensation for legislators, and adequate aids to help them efficiently do their job of representing us. We heard many excellent specific suggestions for solutions for some of the problems, but the nature of our emerging consensus experiment did not channel all Leagues into concentrated attention on the same areas.

This contributes to your feeling, as expressed in your reports, that you have not covered the legislature study as you would like to. You found, as we did in preparing the material, that the total legislative process is so vast that it defies coverage in two years. We first confronted this problem of the super abundance of material when we decided to publish the every member material in the Facts and Issues format. In order to condense the information, we had to cut out some "goodies" that you could have used. Some of you said the Facts and Issues were too full of material and you could not possibly cover it all. Others of you said that there was not enough material on certain areas to enable you to reach an informed consensus. You were right in both respects! In turn you had to bypass some

(OVER)

of the areas covered in the Facts and Issues because there was not enough unit discusssion time available.

The "emerging consensus" method was new for Texas. By circulating only suggested discussion questions and asking each League committee to choose its own consensus areas and consensus questions, we hope to avoid the often heard criticism that a League consensus is slanted by the wording of the question or the choice of questions. Of course, not all study items lend themselves to emerging consensus since the areas for consideration are almost predetermined by the adoption of the item. At a State Board Conference in St. Louis, we found that we were one of two state Leagues who were trying this emerging consensus method.

We should now ask ourselves, "how did it work?" Most Leagues used the discussion questions on the report forms as consensus questions. Only those Leagues with large committees or extensive League program experience reworded or revised the questions. Therefore, we really did not avoid the supposedly sinister qualities of consensus questions.

What to do about it? We hope to complete the study on the fourth Facts and Issues "The Influence of the Lobby". In discussing campaign costs on the third Facts and Issues, many Leagues expressed concern about campaign costs, but no clear solution was found. Although many Leagues have coveredthe lobby or plan to do so, this area was dropped from this year's request for consensus. We will ask you to schedule a discussion on this lively topic, if you have not already done so.

Our glimpse into the influence of the governor on the Legislature only whetted our appetites for solid information on the role of the governor in Texas. The only agreement we found in this area was that we should leave his veto power as it is now, with many specifying "until such time as he gains more constitutional or formal powers". This will be clarified in our study of the Executive Department, if this is adopted, and contribute to our understanding of the Texas Legislature study.

Finally, with the results of the statewide consensus before you, each League might review specifics in the consensus areas. In addition, you might discuss more deeply the questions that you did not have time to cover in the first two years of the study. For instance, many Leagues chose to eliminate discussion of the size of the legislature, unicameralism and apportionment. Some Leagues felt they did not have enough information on electronic aids and how they might benefit the legislature. In the light of our consensus we might study in depth the possible issues involved in the power of the presiding officers.

This has been a truly "Texas-size" study item and we need to complete our evaluation and and be ready for "Texas-size" action to bring the Legislature into a better position to cope with "Texas-size" problems.

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TO: Local League Presidents, Program Vice Presidents, State Item I Chairmen

FROM: Mrs. F. L. Duckworth, State Legislature Chairman

LWV of Texas

RE: Consensus on Facts and Issues #4, "The Influence of the Lobby" November 1967

Now that most local Leagues are in the process of discussing the Texas Legislature, they are finding that the material in the first three Facts and Issues is more than enough to cover in the number of meetings available to them. Since so many Leagues cannot cover the fourth Facts and Issues on Lobbying, we are asking that you do not include it in this year's consensus.

The influence of the lobby is an important area in a complete understanding of the legislative process. It will make an interesting and timely discussion. We do urge you to make every effort to include it in your program schedule, perhaps at a later date. In order to aid the Resource Committee in their reading and in stimulating the discussion, we are enclosing with this memo the Discussion Questions for Facts and Issues #4 and "The Influence of the Lobby." Two items from the Legislature Kit for Phase I are helpful in studying this area of the legislature - "Texas Lobby Control Legislation" and the Allan Duckworth series, "The Lobbyists."

Although you will not be asked to report on your discussions on the lobby this year, your League may wish to consider this area in future program direction. We are beginning to receive the Discussion Question and Report Forms from Leagues who have discussed some of the first three Facts and Issues. We urge you again to send your Report Forms to the state office as soon as your discussion is completed. Although the consensus deadline is not until February 15, 1968, if you can send individual reports in earlier, we can begin the tabulation of the emerging consensus areas.

Because there is no consensus on "The Lobby" we are enclosing only three discussion question forms.

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Leg.

TO: Local League Presidents, Program Vice Presidents, State Item I Chairmen

FROM: Mrs. F. L. Duckworth, State Legislature Chairman

LWV of Texas
October 1967

RE: Change of consensus deadline for Study of the Texas Legislature

Due to further delays in publication of Facts and Issues #3 and #4, the deadline for consensus has been changed from February 1, 1968 to February 15, 1968. We sincerely regret the inconvenience caused you by the delay. We hope you will understand that we have problems of illness and unavoidable delays just as you do in your local Leagues. We face them with the same worry and concern as any League group which encounters unexpected obstacles in carrying out League activities.

Facts and Issues #3 (The Framework and the Functioning) should be in your hands by the end of October. Facts and Issues #4 (The Influence of the Lobby) should be ready in early November. The Supplementary Kit should arrive soon. In order to avoid the delay which will be caused by waiting to send in an order for the last two Facts and Issues until the first one arrives for the president, your publications chairman could place your full order with the state office now. The entire quantity which you will need for resource committee and members will then arrive for immediate distribution.

The summary report of the Committee for Economic Development should have reached each League member on the current mailing list of the LWV of Texas. If you can urge each member to read this in preparation for discussion units on the Legislature, it will call their attention to the fact that this is a publication which will help them to participate in meetings on the Legislature.

We will be glad to pass along suggestions for solutions which local Leagues have found for coping with this problem of late material and too much material to cover in the unit meetings available for it. One local League has decided to use the two sets of discussion units which are scheduled to cover Facts and Issues #2 and #3. While #4 on the Influence of the Lobby is essential for understanding the total legislative process, it is least likely to lead to a firm or meaningful consensus. Therefore they plan to use it for a discussion unit later in the year and not try to schedule it before consensus deadline.

With this memo will come your copies of the Discussion Questions and Report Form for Facts and Issues #3. While these would ordinarily come with the completed Facts and Issues, we are sending them at this time to help Legislature Committee Chairmen define the areas for beginning the preliminary reading and research on the Framework and the Functioning. Committee members can start this reading in the following areas: membership in the legislature (qualifications and past experience of legislators, costs of seeking office, compensation and terms of office); apportionment; powers of the lieutenant governor; powers of the speaker of the house; committees (size, purpose, and functioning); rules of house and senate; and legislative sessions (length, frequency, size of the legislature, including review of unicameral form).

Your preliminary reading for #3 should include, of course, your best source of material which will be your newspaper clippings from the last session. There are readings in Discussion Guide for Phase II which can start some of your committee members on background material for both #3 and #4. There will be many pertinent articles in the STATE LEGISLATURES PROGRESS REPORTER. The basic texts listed in Leader's Guide for Phase I have excellent and varied background for #3. Gantt, Dawson and Hagard, GOVERNING TEXAS, Section IV, Pages 114 to 135; McCleskey, THE GOVERNMENT AND POLITICS OF TEXAS, Chapter 5; Benton, TEXAS - ITS GOVERNMENT AND POLITICS, Chapters 5,6,7; and Jewell, THE STATE LEGISLATURE, Chapter 4.

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

First in a Series

AIDS FOR THE TEXAS LEGISLATOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD. This board, created in 1949, is composed of four senators and four representatives, plus the lieutenant governor and the speaker of the House; these leaders appoint the members from their respective Houses. By statute, the chairmen of the committees handling revenue and appropriations must be among those who are appointed. The board employs professional staff members and a full-time director of the budget (not to be confused with the director of the budget in the executive office of the governor). It makes a continuous study of state revenues and expenditures, and it reviews and analyzes the budget. It must submit a budget of estimated appropriations to the legislature and the governor within five days after the session begins. It also drafts the appropriations bills necessary for implementing the budget.

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

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

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

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

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

THE LOBBY. Aids available to the Texas leg-

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

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

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

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

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

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

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

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

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

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

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

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

End.

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Second in a Series

THE INFLUENCE OF THE GOVERNOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Third in a Series

THE FRAMEWORK AND THE FUNCTIONING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE LIEUTENANT GOVERNOR'S POWERS. The lieutenant governor, who is elected by the voters of the entire state, is assigned by the Texas constitution the task of presiding over the Senate. In this position he is recognized as the Senate leader, because of the power that current rules vest in the presiding officer. His leadership comes also from the fact that, as winner of a state-wide election, he represents powerful elements and groups in the state.

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

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

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

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

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

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

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

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

ANNUAL SESSIONS. The formulation and enactment of legislation demands and should receive a great deal of time and thought. The current nation-wide trend toward annual sessions of state legislatures has been brought about by their increased workload. Twenty-two states now have annual sessions, and three (Iowa, Idaho, and Utah) will vote on annual session proposals this year or next. Opponents of annual sessions in Texas state that the present system, with special sessions, allows for legislative sessions whenever they are necessary without the undue expense of annual sessions. Many recommendations have been made throughout the country, however, that legislative sessions should be on an annual or continuing basis without constitutional limits on subject matter or length. The reasons advanced for annual sessions are: they give more time for the study of problems and the proposing of legislation for their solution; they eliminate the long period between sessions when the legislative process can be initiated only by the governor; they reduce the number of ill-considered bills that are adopted in haste at the end of a session; they allow for more continuity; and they permit more effective use of research and secretarial staffs. A pattern of annual sessions in Texas may have been initiated by the decision of the 60th Legislature (1967) to adopt a one-year budget, thus necessitating a special session in 1968. A change to annual sessions will probably increase the pressure on the public to give the legislators substantial salary raises.

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

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

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

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

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

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

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

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

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

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

Conference committees are created to give final form to a bill when the two chambers of the legislature have passed differing versions. The chamber originating the bill requests a conference committee, by a simple majority vote, when it is unable to accept the amendment of the other house. A conference committee is called only if the second house agrees by a simple majority vote. The speaker and lieutenant governor each appoint a five-member committee from their respective houses to serve on the conference committee; the chairman is selected by and from the members of the committee of the originating house. To resolve a dispute, a majority of each chamber's committee must be in agreement.

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

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

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

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

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

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

First in a Series

AIDS FOR THE TEXAS LEGISLATOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LEGISLATIVE BUDGET BOARD. This board, created in 1949, is composed of four senators and four representatives, plus the lieutenant governor and the speaker of the House; these leaders appoint the members from their respective Houses. By statute, the chairmen of the committees handling revenue and appropriations must be among those who are appointed. The board employs professional staff members and a full-time director of the budget (not to be confused with the director of the budget in the executive office of the governor). It makes a continuous study of state revenues and expenditures, and it reviews and analyzes the budget. It must submit a budget of estimated appropriations to the legislature and the governor within five days after the session begins. It also drafts the appropriations bills necessary for implementing the budget.

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

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

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

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

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

THE LOBBY. Aids available to the Texas leg-

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

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

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

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

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

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

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

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

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

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

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

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

End.

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Second in a Series

THE INFLUENCE OF THE GOVERNOR

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

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

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

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

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

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

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

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

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

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

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

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THE INFLUENCE OF THE LOBBY

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

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

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

LOBBYING DEFINED. The term "lobbying" itself is one of inexact reference. It may be simply defined as "the efforts of individuals or groups of people outside the legislative body to influence legislation." Legally defined, legislative lobbying is generally limited to "direct communication" with members of the legislature or Congress (in Texas, the governor and lieutenant governor, as well) for the purpose of urging or opposing specific legislation. "Direct communication," however, is not confined in time to the legislative sessions or in place to the legislative halls of the capitol. Grass-roots communication from constituents back home, both before and during legislative sessions, can be a form of lobbying, although it is not subject to state or federal lobby controls. In addition, there are countless indirect ways for lobby groups to build community support or influence public opinion for or against legislation. Finally, lobbying activities are also directed toward the executive and judicial branches of government, so a comprehensive definition of lobbying should include all attempts by private groups or interests to influence government decisions.

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

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

Year	Number	Number of Spending Reports Filed	Spending Amounts (round figures)
1961	3,153	235	$77,000
1965	2,022	185	64,000
1967	1,996	156	65,000

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

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

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

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

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

"Knowledge is power" for the skilled lobbyist. In the areas of special interest to him, he must be familiar with the existing laws and with the legislative proposals that are likely to be considered, as well as with ways to support or oppose them. He must be armed with the knowledge of the political power structure in the state government and the legislative process. (The experience of an ex-legislator is extremely valuable here.) His accumulated personal information on the legislators (and the candidates) should include their political views on specific issues, political commitments, other sources of income, and even personal habits. In addition, he needs to know who are the supporters and friends of each back home (especially those who may be influential), so that, if the occasion arises, pressure can be applied in the right places. The lobby tends to focus its attention on senators, for, since they represent larger districts and serve longer terms than members of the House do, and there are fewer of them, their votes have greater relative value.

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

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

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

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

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

What efforts are made in other states to control campaign

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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THE TEXAS LEGISLATURE

A Study By

THE LEAGUE OF WOMEN VOTERS OF TEXAS

Fifth in a Series

Through the Members' Eyes

A LOOK AT THE TEXAS LEGISLATURE

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

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

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

MAJOR IMPROVEMENTS

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

- Physical, research, and staff improvements
- Annual or longer sessions
- Salary increases
- Seniority system for committees
- Constitutional revision
- Rules revision
- Stronger code of ethics
- Greater influence on the legislative process for individual legislators
- Budgeting and taxation improvements
- Limitation of conference committees
- Pre-filing of bills before the session begins
- Changes in method of selection of Speaker
- Committee staff
- Year-round work on bills
- Other bill-handling, committee, and substantive improvements

In addition, in other sections of the interviews, the legislators bring up the need for more orientation for legislators, better communication with the public, and a lighter work load.

It is interesting to note that many of these changes are proposed as solutions to multiple problems.

MORE TIME

In August, 1969, voters turned down a constitutional amendment which would have permitted the legislature to meet in regular session during the second year of the biennium for 90 days. Despite this defeat at the polls, legislators indicate they still favor annual sessions more than three to one.

In their opinion, with annual sessions, the first year's regular session should last about the same length of time as the present biennial session (120 to 150 days); the second year's regular session, however, should be shorter. Both budget and legislation should be considered each year, if annual sessions are adopted.

If biennial sessions continue, they should last about the same number of days as now.

A limited number of days in session is favored over an unlimited number by two-thirds of the legislators.

Annual sessions is just one of the solutions offered for the serious logjam of bills at the close of the session. Other solutions suggested are longer sessions, changes in time limits, pre-filed bills, calendar and other bill-handling improvements, committee improvements, and more printed information. (Some of these ideas will be discussed later.)

HIGHER SALARIES

At present, representatives serve two-year terms and senators serve four-year staggered terms. Legislators think this length of term of office is about right and do not want to change it. However, with the exception of one legislator, they agree that salaries need to be increased.*

The most frequently suggested salary is in the $10,000 to $12,500 range, with $25,000 for the presiding officers. In addition, they feel they should be reimbursed for such expenses as Austin residence and meals, travel, and attendance at meetings, particularly interim meetings. About a third also mention expense allowances for speaking engagements.

Presiding officers have extra large speaking and travel expenses. It is suggested that they have special allowances for speaking and that either there should be a plane for the Speaker and Lieutenant Governor or they should have access to the planes for other state offices.

Although several legislators say that being a legislator is a full-time job, almost all have other businesses or pro-

*The constitution was revised in 1960 to provide the present salary of $4,800 per year, plus $12 a day for the first 120 days of the 140-day regular session and for 30 days of each special session. Legislators also are reimbursed $2.50 for every 25 miles traveled going to and from Austin one time each regular session, and for office expenses. In addition, the 1969 Legislature passed substantial interim expense allowances.

fessions. Primarily, they are lawyers. Most of the legislators are willing to serve full time.

PRE-SESSION ORIENTATION

Pre-session orientation is endorsed by most legislators, to be offered to all legislators and legislative staff members.

RULES OF PROCEDURE

Rules of procedure are adopted by both houses at the beginning of each session. Legislators say by about four to one that they would like to see changes in these rules. They prefer:

- Limitation of conference committees
- Committee improvements
- Seniority system and increased individual influence on the legislative process
- More joint rules
- Calendar and bill-handling improvements
- Changes in the method of rules adoption

BUDGET

Separate budgets should be drawn up by the governor and the legislature (as at present), perhaps with more staff assistance, but should be considered earlier in the session, legislators say. A number of other suggestions are given concerning budget-making. Among them are:

- More participation by the legislative body
- Limitation of conference committees
- Annual budget
- Longer time to consider, with budget available for advance study
- Budget accompanying each bill
- More coordination between legislation of taxes and appropriations
- Joint hearings or joint committees
- More use of appropriation subcommittees and of recommendations of standing committees
- Follow-up as to how appropriations are being used
- Printing of the two budgets side by side, with differences indicated in the margin

LOCAL BILLS

Legislators are divided about equally on whether the legislature should continue to handle a heavy volume of local bills, with the edge given to less volume. However, even some who feel it is impractical to spend less time give suggestions for types of legislation which should be handled in other ways.

Heading the list of such bills is **setting salaries of county employees.** One legislator estimates that the last legislature spent time on about 100 bills just to set permissive salaries for court reporters.

Legislators also say that **game laws** can be worked out by local authorities or by the Parks and Wildlife Department. Local control of **special districts** (such as water, hospital, soil conservation, fire, air pollution, and mosquito control) is recommended, as is local control of **farm to market roads, local bond issues** or **local tax rates, county judiciary,** and anything which involves **county or local funds** or which **affects counties.**

Perhaps the legislature can delegate more authority to state agencies, it is suggested. A few also see the need for county home rule. (A constitutional amendment would be required to establish county home rule.)

COMMITTEES

Despite the fact that committees of the two houses are set up differently, both senators and representatives want many of the same changes in committee structure and procedures. There is agreement among the majority that there should be **fewer standing committees,** possibly 25 to 35 in the House (instead of the present 45), less than 15 in the Senate (instead of the present 27).

Legislators should have three to five **committee assignments,** depending on the work load of the committee. Several representatives comment that no legislator should be asked to serve at one time on two major committees (such as State Affairs and Appropriations). A few of those suggesting five assignments qualify this by saying that some of these should be to honorary or inactive committees. Legislators presently serve on about five committees.

There are a number of ideas about **eliminating or combining specific committees,** and most legislators favor **creation of no new committees.** Most often suggested for combination are committees concerned with education, with appropriations and taxation, with agriculture, and with transportation.

If **new committees** are considered, the most popular is environment or air pollution.

The present system of **bill referral to committees,** based on assignment by the presiding officer, is preferred by a little less than half of the legislators, with those suggesting changes favoring assignment either by subject matter or by an assignment committee.

Legislators prefer a **seniority or modified seniority** system more than three to two over the present system of assignment of legislators to committees by the presiding officers. Those preferring modified seniority differ in the methods of accomplishing this, with a number of plans being offered.

One of the proponents of the seniority system claims it is superior because it allows full use of knowledge acquired by those continuing on the same committee.

A senator opposing seniority says, "The Lieutenant Governor runs statewide and is answerable to the whole state. The system gives statewide type of control. A seniority system could lead to poor committee chairmen completely wrong for the job—i.e., a rural chairman of the urban affairs committee."

Additional recommendations for **assigning legislators to committees** include selection by qualifications or experience of the legislator, by preference of the legislator, or by an assignment committee.

Most legislators wish to **limit conference committees** to adjusting the differences between the two houses. There are a few other suggestions for conference committees, such as that deadlocked committees should not be reassigned, the committee should be instructed, and the conference committee report should be open to amendment.

A number of specific recommendations for committee improvements are made by legislators. They relate to:

Staff, Research, and Physical Facilities

- Full-time research staff for legislators and committees
- Research by standing committees during interim
- Committee study of bills, proposals, and problems
- Studies to be assigned to standing committees
- Permanent committee rooms
- Adequate bill-drafting aid

Committees of Record

Complete records of committee proceedings
Tapes of witnesses' testimony available to legislators
Witnesses under oath, with testimony in writing

Time Limits for Bills in Committee

Time limits for bills to come out of committee
Bills not in committee more than 30 days
Easier method of getting bills out of committee
In Senate, a simple majority, rather than two-thirds, required to re-refer bill to friendly committee
Elimination of rules committee bottleneck
Speaker required to hold hearings on all bills

Establishment of Committees and Subcommittees

Pre-session appointment of committees
Committees to be appointed first week of session
Joint committees
Committees to be set up by a committee
Screening committee for bill referral
Bills to be assigned to germane committee
Fewer committees
Elimination of state affairs committee
Fewer legislators on committees
Year-around continuing committees
Automatic subcommittees in Senate
No automatic subcommittees in House
More subcommittees

Committee Meetings

Policy change so that chairman is not only one who can call meetings of subcommittee
Majority of committee to be able to call meeting
Fewer Jim Hogg meetings (out in the hall)
No executive sessions (closed meetings)

BILL HANDLING

Besides the handling of bills in committees, other suggestions are made to help the legislature be more efficient in considering bills. Perhaps the greatest number of recommendations concern **time limits.** Legislators say they want:

Pre-filing of bills or year-round work on bills
Bill screening to prevent duplication
Less wasting of time at the beginning of the session
Faster processing of bills
Bills to be taken up by number
Cut-off date for introduction of bills
Limit on the number of bills introduced at the end of the session
Carry-over of bills from one session to the next

Other opinions concern the need for **built-in delays** in order to stretch out the present regular session of 140 days every other year set by the constitution. Because of the rejection of annual sessions, legislators are looking at alternatives which would give them more time to legislate. It is suggested that temporary adjournment in the middle of the session would give committees more time to deliberate.

Besides committee research, legislators want more time, staff, and funds to do **individual research.** One legislator reports, "Biggest handicap is lack of time and tools to research all legislation except at own expense. Time element is very important. When asking advice of others, they answer to the best of their ability, but that isn't always good enough. The 'family code' bill is an example. The Texas Bar Association said that this was what was needed, and, as they are respected, it was passed. Now the furor!"

Better bill analysis, which would include the cost of implementing the bill and how these costs would be paid, is another suggestion.

Some legislators want **more printed information.** Besides the printed calendar suggested before, they mention printing:

Conference committee reports
Amendments and substitute bills before voting on them
Bills, to be available 24 or 48 hours in advance
Committee activities each day
Notations on committee changes in bills

Other bill-handling ideas:

Limit on number of bills that may be introduced
Changes in rules for amendment introduction
Bills to be brought to floor without consent of presiding officers
No consent days for measures not expected to have opposition
Limited rules suspensions

CAMPAIGNS

A few more than half of the legislators favor a **shorter period of campaigning.** They feel campaigns should be shorter both from filing to primary and from primary to election. The same slight majority do not think there should be regulation of **amounts of money spent in elections.** Some comment that this is not enforceable.

Minority recommendations concerning campaign costs include:

Control of total expenditures
Limits on amounts contributed
Limits on media budgets
Amount spent to be based on population in district
Lower filing fees; fees paid by party
Stricter enforcement of present regulations

Legislators are divided about stronger regulation of **reporting campaign costs.** Those who want improvement recommend:

Full and accurate disclosure
Non-campaign times included
Original contributor disclosed
Committees and individuals acting on behalf of candidates required to file reports
Earlier reporting deadline during campaigns
Annual reporting
Better enforcement with regular auditing
Speaker required to report contributions and expenses for his campaign as Speaker

Relationship of **campaigns to media** is brought up by some legislators. Besides the suggested limit on media budgets during campaigning, there is concern about the high cost of media. Legislators suggest lower media rates for political campaigning with more public service and government-sponsored media time. Regulation of newspaper abuses and accurate reporting are also mentioned.

Other ideas concerning campaigning:
Limited amount of personal contributions to be made tax-deductible
Libel laws to be applied to campaigning
Requirement that unopposed candidates file campaign expenditure reports
More encouragement of potential candidates by parties
Better voting regulation

CODE OF ETHICS

About seven out of eight legislators favor revising the present code of ethics. When asked what major points this code should cover, they reply:

Better financial accounting
Full disclosure of personal income
Disclosure of special and business interests and affiliations, clients, and retainer fees
No state-related business; no member lawyer practicing before a state agency; no nepotism
Conflicts of interest to be disclosed, with abstention in case of conflict
Reporting of gifts, campaign contributions, author or speaker fees
Either no retainer fees, or control of retainer fees
Better enforcement with strict penalties for violation

LOBBYING

Legislators are evenly split over the need for changes in the present regulation of lobbyists, with a slight majority favoring no change. Those who suggest changes advocate:

More accurate reports of expenses, with public disclosure
More accurate registration of lobbyists
Regulation of lobby's contact with legislators
Limitation of campaign contributions and expenditures
Stricter enforcement and penalties for violations

LEGISLATIVE IMPROVEMENTS

Twenty-seven pre-listed items relating to the legislature have been rated in one of four ways, from very necessary to very unnecessary. Legislators' answers have been weighted according to degree of interest and listed in order of importance.

Very Necessary

More office space
Early introduction of bills
Professional staff for committees
Centralized daily bill-analysis service
Standing committees continuing during interim
Public record of votes in committees
Additional staff for legislators
Publication of committee hearings
Improved research and information facilities
Seniority system

Somewhat Necessary

Pre-session filing of bills
Additional pre-session orientation
Increase in legislators' travel allowances
Parallel committees in the two houses
Joint hearings by committees from both houses
Reporting deadlines for committees
Permanent rooms for standing committees
Better bill-drafting aid
Joint committees
Fewer committee assignments
More electronic aids
More legislative interns
More joint bills

Somewhat Unnecessary

Introduction of fewer bills
Special sessions to be called by the legislature
Selection of committee members by a committee

Very Unnecessary

Reduction in the size of the House

OTHER SUGGESTIONS

Communication with the public is a concern of the legislators. They say communications could be improved if they had:

Better public relations assistance
Money for a newsletter
A system for reporting to the public with feedback
More free media time to tell what is happening at the state capitol
WATS line (allowing constituents to make free calls to their representatives)
More public understanding of the legislature
More letters from constituents
Office and staff on a permanent basis in home district
Better communications with state departments and officials and with local officials
Directory of lobbyists and key men in state agencies

Aside from better communications, other ideas mentioned by the legislators include:

Computerized statutes and bills
Professional help in establishing legislative priorities
More education for legislators
Single-member districts
Unicameralism
More experienced clerks
State merit system
Improvements in state departments
Lighter work load with more even division of responsibility

ACKNOWLEDGEMENTS

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

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

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Texas Voter - 5-69

Ready, Set, Go for Action

We've been studying the Texas legislature for three years. Now we're ready to recommend changes. Our new consensus:

The League of Women Voters of Texas supports measures that provide for changes in the Texas legislature which will make it more effective in solving the problems of our complex society.

Support Positions:

1. Annual sessions of sufficient length and scope to permit the efficient handling of legislative business.
2. Restriction of conference committees to adjusting the differences in bills and resolutions passed by the two houses.
3. Adequate compensation for legislators. Elimination of salary amount from the constitution.
4. Increased power of the House and Senate in relation to the power of the presiding officers:
   a. More voice for the legislators in determining committee membership;
   b. Bills and resolutions referred to committees of appropriate jurisdiction.
5. Increased effectiveness of the legislator:
   a. Pre-session orientation;
   b. Fewer committee assignments;
   c. Adequate professional and clerical help;
   d. Improved facilities for research, information, and bill and resolution drafting, including use of electronic aids.
6. Orderly flow of bills and resolutions:
   a. Reduction of the number of committees;
   b. Closer cooperation between the two houses by such means as parallel, joint, and joint interim committees;
   c. Deadlines for reporting bills and resolutions out of subcommittees and committees;
   d. Fewer local bills on the legislative calendar;
   e. Pre-session filing of bills and resolutions;
   f. Early introduction and circulation of bills and resolutions.
7. Standards that enable legislators to be more responsive to the public and that lessen conflict of interest:
   a. Shorter campaigns to reduce campaign costs;
   b. All campaign contributions and loans reported, with clear identification of contributors and effective enforcement by an agency for this purpose;
   c. Total expenses of lobbying filed;
   d. A workable code of ethics which clearly defines and discloses conflicts of interest.
8. Procedures that facilitate public knowledge of legislative activities:
   a. Record votes taken in committee meetings;
   b. Committee meetings open to the public.

The President Says:

Dear League Member:

For the first time in my memory as an active member of the League of Women Voters of Texas, local League pledges to state and national services have equalled the amount proposed by the state Budget Committee. This is a notable milestone in the history of the League and proves that we are moving forward in this anniversary year.

As we are moving ahead in finance, so should we be moving ahead in membership growth. A constantly growing membership is a true gauge of a vital, enthusiastic League. Many facets affect membership growth, not the least of which is the League's image in the community. This image is in direct ratio to League community education and activity.

Texas Leagues score excellent in study, rate a high grade in legislative and voters service activities, but in community education do we deserve a passing grade? Can we honestly say that our citizens have a clear idea of why we are supporting a system of permanent registration, or a revised constitution? Do our communities know what benefits comprehensive planning can bring about?

We have excellent state publications–**Revision Quo Vadis**; **The Urban Challenge**; **Facts & Issues** on the legislature and the executive department. Are they reaching the community or are they hidden in League homes and offices?

The League's recent Texas Citizenship Test, shown on TV stations throughout the state, was a fine example of community education and was received enthusiastically by schools and civic groups. More of this kind of creative activity is needed both locally and statewide.

In this fiftieth birthday year, let us strive to reach three goals–adequate fi-

Mrs. Preston Smith and Governor Smith listen to the League's national President, Mrs. Bruce B Benson, speaking at Presidents Council dinner

(Action in Austin, cont'd.)

ute. For the first time this bill, which has passed the House several times, has a Senate sponsor, Sen. Charles Wilson of Lufkin. Other bills of League concern include companion resolutions for annual sessions (HJR 8 by Rep. Solomon et al and SJR 11 by Sens. Aiken and Connally) and SB 262 by Sens. Kennard and Brooks, which would create a Legislative Information and Modernization Committee.

State-Local Relations

The League supports SB 547 by Sen. Kennard (and its companion, HB 609 by Reps. Burnett and Tommy Shannon). These bills contain the latest recommendations of the Texas Research League for comprehensive regional planning and councils of governments.