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The office of Gov. Walker in Springfield announced the guards were freed unharmed after state police issued their ultimatum.

One guard reportedly was struck when he was captured

walls said they saw
one busload of state police in full riot gear enter the prison about seven hours after the rebellion erupted. Prison Supt. Vernon Revis said at

Please see All/page 17A

Revision group favors flexible session dates

Post State Capital Bureau

AUSTIN — Apparently locking up its position for good after considering many alternatives, the Texas Constitutional Revision Commission voted 20-14 Thursday to recommend providing complete flexibility for meetings of the legislature in a new state constitution.

The vote reversed a position taken by the commission at an absenteeism - plagued meeting Aug. 25 in favor of recommending exactly the annual legislative sessions scheme proposed in amendment 1 to the present constitution on which Texas will vote Nov. 6.

That position was approved by the commission Aug. 25 by a vote of 15-11 with 11 of the 37 commissioners absent, including the chief advocates of giving the legislature complete flexibility for sessions.

The 15-11 vote was reconsidered 20-11 Thursday and the commissioners then haggled

Please see Flexible/page 17A

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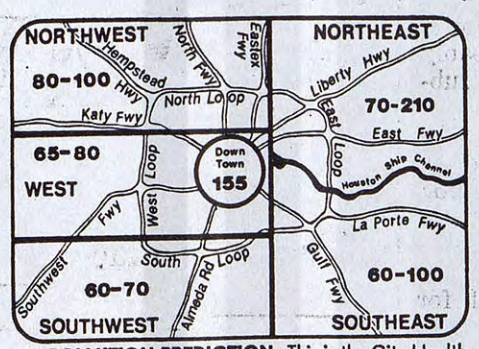

POLLUTION PREDICTION: This is the City Health Department's forecast for 8 a.m. today of the visible air pollution (micrograms of suspended particulates) found in a cubic meter of air. State and federal standards for safe air are a maximum 260 micrograms on a 24-hour average. City pollution office, 222-4302; county pollution office, 228-8311.

Delia's floods put Battleship Texas afloat

The old Battleship Texas, once the pride of the U.S. Navy, was floating again Thursday.

But Jim Frantz, park superintendent for the San Jacinto Battleground State Park, said there were no plans to bring the gallant veteran of both World Wars out of mothballs.

Tidal flooding from Tropical Storm Delia briefly resurrected the ship from is its muddy berth at the park, the first time it has floated since Hurricane Carla in 1961, Frantz said.

The foot-and-a-half of water under the old hull, however, quickly began subsiding, he said.

lawyers want decision voided

ters were mailed last week, but without any public announcement, a committee official confirmed.

The corporations were given 10 days to respond or face possible subpoenas for testimony and records.

Technically, Nixon petitioned the U.S. court Thursday for a writ of mandamus which would nullify Sirica's order.

That is different in some respects from a simple appeal of the lower court order.

Nixon's lawyers wrote that Sirica's order "is not a final judgment that may be appealed."

In order to obtain appellate review on the merits of the case, "the President would be required to refuse to comply with the order . . . and await further action which is unnecessary and would only delay a resolution of this important and extraordinary case," Nixon's attorneys said.

By asking for a writ of mandamus, the President may challenge Sirica's decision while perhaps avoiding the contempt proceedings.

Nixon asked that the full nine-judge court review the decision rather than assigning it to a three-judge panel, the normal appellate court procedure.

"The ground for this suggestion is that the present proceeding involes a question of exceptional importance," the White House lawyers said.

They added that the case "raises the paramount question" of whether a court can force a U.S. president to submit to the compulsory process of criminal investigations.

Nixon has contended throughout the historic debate that the courts have no jurisdiction to force disclosure of private communications between the President and his advisers.

Sirica ruled, however, that the grand jury was entitled to information bearing on criminal investigations.

He asked for the nine tapes for his private inspection so that he could determine if sensitive material could be removed and unprivileged information relevant to the Watergate case then turned over to the grand jury.

Flexible session dates favored

From page 1

for about two hours on what restrictions should be recommended on legislative sessions.

Most of the commissioners indicated they support the Nov. 6 constitutional amendment proposal, but the commission majority sentiment was that the new constitution it will recommend to next January's Constitutional Convention (composed of the legislature) should go farther in freeing the legislature from restrictive time limits.

The Nov. 6 proposition would authorize 180-day, odd year sessions of the lawmakers for all purposes and 60-day sessions in even-numbered measures and other matters submitted by the Governor. The Governor could extend the 60-day sessions 30 more days.

The Nov. 6 proposition also calls for raising the lawmakers' salaries from $4,800 a year to $15,000 — a proposal some supporters of annual sessions feel will cause voter defeat of the whole amendment.

After reconsidering its Aug. 25 recommendation that this annual session scheme be included in the new constitution, the commission Thursday rejected 26-4 a proposal that annual sessions of up to 180 days be permitted each year.

It then rejected 17-14 a proposal that would require annual sessions of such duration as prescribed by law.

Finally, it accepted 20-14 the recommendation which its legislative committee, headed by former State Rep. Zan Holmes of Dallas, has pushed for many weeks —complete flexibility.

The approved proposal is that "the legislature shall meet at least once every two years at such times and for such duration as prescribed by law."

The present constitution allows the legislature to meet regularly only every two years — for no more than 140 days in odd numbered years — and meet otherwise only in special sessions not exceeding 30 days at the call of the governor to consider only subjects submitted by the governor.

And the commission recommendation would allow just that. It would let the lawmakers decide whether these were needed every year and how long they should be.

Commissioner Leroy Jeffers of Houston, president of the State Bar of Texas, fought the flexibility proposal to the end, claiming its language was "deceitful" because it did not simply say it was authorizing annual sessions.

Jeffers refused to apologize and persisted the recommendation was misleading. He also claimed its approval would be interpreted as commission opposition to the Nov. 6 constitutional amendment. Supporters of the flexibility provision argued it should not be interpreted that way because the commission had already recommended deletion from the constitution of a pay ceiling for legislators and they had gone beyond the Nov. 6 amendment, anyway.

After settling the session-limits question, the commission then refused 17-16 to reconsider its 14-13 vote of Aug. 25 against allowing the legislature to call itself into special sessions by two-thirds vote of both houses.

Commission Chairman Robert W. Calvert and vice chairman Beryl Milburn, who was presiding, voted against such reconsideration and provided the margin for its defeat.

The commission approved 21-10 giving the legislature power to override the governor's vetoes of legislation, if done when the lawmakers are out of session, at the following session of the same legislature. Under the present constitution if the governor vetoes legislation after the legislature has adjourned the lawmakers get no chance to exercise their constitutional power to override the vetoes by two-thirds vote of the members of both houses.

The Baytown Sun Invites
MR. AND MRS. WILLIAM A. BLEVINS
515 Williams
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At The Brunson Theater Box Office
Now Showing
"ONE LITTLE INDIAN"
And
"LADY AND THE TRAMP"

The Baytown Sun

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SUN SPOTS

Realtors Meet

BAY AREA Board of Realtors will hold its regular monthly meeting at noon Monday at Holiday Inn. The board of directors will meet at 11 a.m.

Scout Training

ORIENTATION training for all new leaders and assistants in Central Baytown Neighborhood Girl Scouts will begin at 9 a.m. Monday at First Christian Church, 204 Forest. Nursery will be provided.

Reception Set

MR. AND MRS. J. F. Christian will celebrate their 50th wedding anniversary with a reception from 2 to 5 p.m. Sunday at Highlands Methodist Church Fellowship Hall. Friends ware invited through the press.

Parks Board

RICHARD MORAVEK, Mrs. John Harding and Ike Hall were reappointed to the Baytown Parks and Recreation Board Thursday night by the Baytown City Council.

Rough Riders

BAYTOWN ROUGH Riders will sponsor an open all-trophy play night at 7 p.m. Saturday at the Baytown Fair Grounds.

City Council

BAYTOWN CITY Council will meet at 5 p.m. Monday for a work session on the budget.

LEGISLATIVE TALK AT CHAMBER LUNCH
Texas House Speaker Price Daniel Jr., Chamber Legislative Committeeman Robert L. Gillette and State Rep. Joe Allen.
(Sun Photo by Ed Malcik)

Speaker At Chamber Lunch - -

Annual Sessions Needed In Texas Legislature: Daniel

By WANDA ORTON

No industry would dream of running a $9 to $10 billion business on a two-year basis, basis.

Neither should the Texas State Legislature in the opinion of House Speaker Price Daniel Jr.

The Liberty lawmaker, speaking here Friday at the Baytown Chamber of Commerce luncheon, promoted passage of Amendment No. 1 on the November ballot to create annual sessions of the

recalled that in 140 days the members were unable to meet enough to solve all the problems.

Yet, unless a special session is called, they will not have another opportunity to work on these problems again until 1975.

On higher salaries, Daniel said he had nothing to gain personally "because I'm not running again."

"But I've been there," he continued, "and I've observed the sacrifices that some members have to make because of

dent, intelligent and hard-working members in the legislature."

Many needed changes and reforms were instigated in the 63rd legislature to make the government "more open and honest and democratic," Daniel said.

The Open Meetings Law was strengthened and laws were passed to require more open records of lobbyists and finan-

(See DANIEL, Page 2)

Worker Claim

Skylab 2 Crew Breaks Space Travel Records

Surpasses Mark First Trio Set

SPACE CENTER, Houston (AP) — The Skylab 2 astronauts, humming along with a new set of gyroscopes in their orbiting laboratory, became history's longest-flying space travelers today.

At 7:01 a.m. DST, Alan L. Bean, Dr. Owen K. Garriott and Jack R. Lousma surpassed the single-mission endurance mark of 28 days, 50 minutes set in June by the Skylab 1 crew.

Mission control calculated the astronauts had completed 404 orbits of earth and had traveled 11.5 million miles since their launching July 28.

And if all continues to go well and they complete their full 59-day voyage, they'll more than double the old standard. It's a record that may stand for many years.

The Skylab 3 crew is scheduled to start a 56-day flight in November. After that, the United States plans no more long-duration space trips for at least five years.

The Skylab 2 astronauts on Friday enhanced their chances

More Bay Area In Danger - -

Subsidence Widens Hurricane Tide Zones

HOUSTON (AP) — Land subsidence has placed an additional 50,000 Galveston Bay area residents in hurricane tide danger zones.

"And we are overdue for high tides and a hurricane in this area," says Davis Benton of the National Weather Service.

The chief meterologist for the upper Texas coastal area revised his tide danger zone lines after studying a new land subsidence report released July 26 by the National Geodetic Survey.

The report indicates subsidence in the Galveston Bay area has ranged up to 3.8 feet since 1963 and up to 5.1 feet since 1943.

Benton estimates there now are 500,000 residents in tide-prone areas along the entire Texas coast—200,000 in the Beaumont-Port Arthur-Orange area, 250,000 within 10 miles of Galveston Bay, and 50,000 in other coastal areas.

He increased the Galveston Bay estimate by 50,000 after studying the land subsidence report.

"This really means something in that a difference of two or three feet means you wouldn't have been affected by storm tides 10 to 15 years ago," Benton said.

"And it doesn't take a tropical storm to affect some areas."

He added that 22 warnings of tides of three to five feet above mean sea level have been issued by the Galveston office in a rather short period of time. He also recalled that a "hell of a pressure gradient" the night of Feb. 14, 1969, caused tides of up to eight feet in Baytown and from five to 10 feet in bay areas.

Benton says the most significant thing about the land subsidence report is the sinking occurring in bay areas where storms always have caused high tides, such as 16

Special Cove Meet Set On Pipeline

COVE (Sp) — Cove City Council will have a special meeting at 7:30 p.m. Monday concerning a proposed pipeline on FM Road 565 Mayor Leroy Stevens said.

It has been reported that the pipeline will contain oxygen

Cove does not have to certify its marshal.

The marshal can function with all the authority of a peace officer. Although new laws require law enforcement schooling and certification for peace officers, this is not

Our World

From AP Wires

+ WASHINGTON — The price freeze notwithstanding, the American family paid $12 more last month for a market basket of farm-produced food. And beginning Labor Day weekend, it may cost more to run the family car.

+ AUSTIN — The hearing on a proposal to split the East Texas oil field into northern and southern halves has been recessed until Tuesday afternoon, when it will start its fifth week.

+ UNDATED—The Interagency Fire Center says high humidity and low temperatures have helped firefighters in containing all but two of the major woodland and rangeland blazes that have blackened 190,335 acres in the drought-stricken West.

+ SPACE CENTER, Houston — The home of America's astronauts will be dedicated Monday under a new name — the Lyndon B.

work session on the budget.

Weather And Tides

EAR TO partly cloudy warm through Sunday is Baytown area weather cast. Low expected rday night in the low high Saturday in the low

ANS POINT tides for y: High at 3:34 p.m.; t 2:30 a.m. and 3:41 ++ Monday tides: at 1:05 a.m. and 3:57 lows at 3:19 a.m. and m.

enotes weak tide.

ROUND TOWN

WALKER gets to see Cowboy game at the to celebrate her ay Friday . . . Ken- and George Cassi- o at the game. . . ard planning g Sandy to visit oxie Stockbridge Watkins makes a rise.

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and her K. BROWN, Cla- grand- atthews and Norman visited Abaytown students at from xalTexas State Univer- Woodward received degrees Deweekend ae ttrom the Univer- part be in Lafayette. like n'u Southwestern Dnner terms at the . . . eyeam's List for spring ates Rizes, has been named gag Mrs. Claude Lowery ity is)ean's List E LOWERY Jr., son of

Liberty Mayor Boosts His 'First City' Claim

LIBERTY (Sp) — Who's on first?

The debate goes on between the mayors of Anahuac and Liberty about Liberty's slogan, "First City on the Trinity."

Anahuac Mayor Dalton LaFour recently challenged the Liberty claim in a letter to Liberty Mayor Lewis T. Majors.

Mayor Majors has responded with a letter to Mayor LaFour, stating that Liberty's claim is "clearly accurate by definition and historical documentation."

Majors wrote, "Liberty has always intended that the word 'First' be used as an adjective." He quotes Webster as "first" meaning, "preceding all others in time . . . earliest."

Majors continued, "It would be inappropriate for Liberty to designate itself as the 'first city' geographically. Who knows, Fort Worth might wish to claim (with justification) that it is the first city (geographically) on the Trinity, being located near the headwaters of the river.

"Perhaps we could have said 'Oldest City on the Trinity' or 'Longest Established City on the Trinity.'"

Majors explained that "First City on the Trinity" was elected, however, to denote that it is "the earliest established settlement on the Trinity River still in existence."

"Admittedly," he added, "Liberty has not always been known by that name. Prior to 1830, it was known as Atascosito and was established, like Anahuac, as a Spanish fort and settlement. Of course, Anahuac has also had other names such as Perry's Point and Chambersea. However, by whatever name, its settlement does not predate that of Atascosito."

We accept contributions to the . . . JAMES NEAL (JAY) ALLEN SCHOLARSHIP FUND.
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ate annual sessions of the legislature and to raise salaries of legislators.

Both are "absolutely essential," Daniel told the capacity crowd attending the luncheon at Holiday Inn.

Sessions every two years may have worked out well back in 1876, Daniel said, but not in 1973.

Although the House in the 63rd Legislature worked longer and harder than any House in state history, Daniel the sacrifices that some members have to make because of the low pay."

These sacrifices, are "tremendous," Daniel emphasized. "You would be surprised at how many have had to close their business or give up their jobs to serve.

And because of their debts, some will not be able to run again for the legislature. "Unfortunately," Daniel added, "they are the kind that we need the most because they were among the most indepen-

Worker Claim Service Here Will Be Cut

The Texas Employment Commission itinerant service will be changed from a weekly to bi-weekly schedule at the WOW Hall, 515 E. Texas, effective Sept. 7.

Charles W. Wilkerson, manager of the Pasadena office, explained, "This change has been brought about by a decrease in claims taken in the Baytown area which is indicative of a good labor market."

The service dates next month will be Sept. 7 and Sept. 21. Hours will remain 8:30 a.m. to 3 p.m.

"We do not feel this will impose a burden on applicants in the Baytown area," Wilkerson said, "as we have been and will continue to use the mail-in procedure of accepting continued claims which eliminated the necessity of reporting in person each week."

The Skylab 2 astronauts on Friday enhanced their chances of completing a full mission when Lousma and Garriott hooked up a new set of six gyroscopes during a space walk of 4 hours, 31 minutes.

Orbiting 270 miles high, Lousma, a muscular Marine major, plugged in four connectors on a 23-foot-long gyroscope cable. Mission control reported the new gyros "look beautiful" and immediately assigned them to control the vehicle.

"Good news," replied Bean, who had remained inside the space station, ready to control it on the remote chance something went wrong during the installation. The gyroscopes keep the laboratory from tumbling out of control.

During a nine-minute period when neither the old or the new gyros were functioning, the 85-ton Skylab drifted only slightly off attitude, and Bean had to take no action.

The station was launched in May with nine gyroscopes, three in each axis—roll, pitch and yaw.

It has been reported that the pipeline will contain oxygen and nitrogen and will be located within 30 yards of some homes in Cove.

At a meeting Thursday night a franchise was approved for Houston Lighting and Power Co. The city has been notified by the company about an average 6.8 per cent increase in rates for HL&P. This is the same increase recently granted in Houston.

Stevens named a committee to make arrangements for an official seal for the city. Ken Clark, Gene Dutton and Charles Joseph will comprise the committee.

Action was tabled concerning the length of terms for the mayor and aldermen. .

Justice of the Peace Paul Williams of Mont Belvieu and Beach City Jimmy McClellan discussed the duties of a city marshal and the feasibility of having him certified.

Stevens said that it has since been clarified by Chambers County Sheriff Louis Otter that laws require law enforcement schooling and certification for peace officers, this is not necessary for elected officers, Stevens said.

sinking occurring in bay areas where storms always have caused high tides, such as 16 feet during Hurricane Carla in 1961.

Houston — The home of America's astronauts will be dedicated Monday under a new name — the Lyndon B. Johnson Space Center.

City Spending More Than $700,000 On Street Repair

This year the City of Baytown is spending in excess of $700,000 from the budget and revenue sharing funds for rebuilding streets, said City Manager Fritz Lanham.

Lanham told the council Thursday night that bids will be opened Sept. 10 on Phase III of the 1973 street improvement program, estimated to cost $175,000. The contract will be awarded at the Sept. 13 meeting of the city council.

The council approved adding North First to the Phase III contract job, moving it out of the previously scheduled concrete paving work by city forces.

Lanham indicated the concrete paving work requires too much manpower and time for city work. The last street paved in the concrete program by city forces was Seventh Street.

Besides North First, the Phase III streets will include Neal, Bowie, Carleton, Arkansas, Dorris, Mabry, Fanestiel, Donovan, Beaumont, Oakwood, Dyer, Avenue J, Avenue K, Avenue L, Lincoln, Lindberg and Harbor.

Brown and Root was awarded a $183,993.45 contract May 24 for Phase II street improvements, including Adams, Dwinnel, Dallas, South Jones, Graham, Stella, Bolster, Kern, West Humble, Katherine, Holly, Utah, Michigan and South Whiting. Phase II streets are expected to be finished by mid-November.

Mid-September is the target date for completion of Phase I streets for which $280,857.30 contract was awarded Brown and Root on March 8. These streets are Lobit, East Pearce, Cedar Bayou-Crosby, Elvinta, Massey-Tompkins, Texas and Bayou Drive, North Burnett, Rollingwood, Morrell and Cypress.

In addition, nine other streets were recently added to the Phase I contract at a cost of $63,597.15. The additional streets are Dale, Fort Worth, Marion, American, Barrymore, Madison, Monroe, Jefferson and North Second.

Both Phase I and Phase III street improvement programs are being financed out of revenue sharing funds.

Rites Set Here For Longtime Baytonian

Funeral services will be held at 10:30 a.m. Monday for Mrs. Gertrude Mable Battle, 87, a resident of Baytown since 1925.

Mrs. Battle, who made her home with her daughter and son-in-law, Mr. and Mrs. Lamar Oltman, at 4912 Goose Creek Drive, died at 1:15 p.m. Friday in a Baytown hospital.

The Rev. Jewel McClure of St. Mark's Methodist Church will conduct the services at Paul U. Lee Chapel. Burial will be in Forest Park Lawndale Cemetery in Houston.

Mrs. Battle, with her late husband, John D. Battle, moved to Baytown from Millican, Tex. Her husband was employed at the Exxon Refinery and had been retired about a year when he died in 1938. She was a charter member of St. Mark's Methodist Church and taught Sunday School for many years.

Those desiring to send memorial gifts are requested to make donations to St. Mark's Church or to their own favorite charity.

In addition to her daughter and son-in-law, Mrs. Battle is survived by two sisters, Mrs. Lee Norwood and Miss Mattie Crawford, both of Wellborn, Tex.; and one brother, R. D. Crawford of Navasota.

Pallbearers will be B. W. Keyser, Kern Braswell, Preston Miller, James Clements, Leon Brown and G. C. Blair.

Chambers-Liberty Navigation Panel Has Charge Of Waterways In Both Counties

ANAHUAC (Sp) — The Chambers-Liberty Counties Navigation District is at the "helm" of the waterways within the vast confines of district.

Meeting every third Wednesday at the district office in Anahuac, the three-member board is concerned with a myriad of topics related to navigation of the inland and coastal waters.

The district, supported by taxes from Chambers and Liberty Counties, contains approximately 441,024 acres of land. Approximately 255,649 acres are in Chambers County and approximately 185,375 are in Liberty County.

Current members of the board are Richard Morrison of Liberty, chairman; Travis Reed of Beach City, vice-chairman; and Charles Ezer of Anahuac, secretary.

Manager of the district is Warren Clark and his secretary is Mrs. Eva George.

The district was created on July 8, 1948, by a vote of 401 to 118 by qualified electors who owned taxable property within

At that time voters authorized the district to issue $100,000 in tax bonds and to issue revenue bonds in an amount not to exceed $12 million for the purpose of dredging channels in Trinity and Galveston Bays, widening and deepening Trinity River, construction of wharves, docks, warehouses, grain elevators and facilities for the control and distribution of storm and flood waters.

The district covers an area from Red Fish Reef in the south of Chambers County to the north line of Liberty County and extends from three to six miles on each side of the Trinity River and Trinity Bay.

In 1947 the district bought the irrigation system of the Lone Star Canal Corp. and its water rights for $325,000. Water rights purchased with this transaction permitted the watering of 30,000 acres.

Since then the district has acquired additional water rights along with the necessary storage facilities for conservation and development of these water rights.

In 1972 the district was authorized to impound an amount of water not to exceed 35,300 acre-feet of water in Lake Anahuac. This lake was planned, financed and built by the district in 1953 at a cost of $1 million.

The district was further authorized to divert and use an amount of water from Trinity River, Turtle Bayou and Trinity Bay not to exceed 142,947 acre-feet of water per year for irrigation, domestic use, municipal use and industrial use.

The district has entered into contracts with the City of Houston and Trinity River Authority providing for the furnishing of a fresh water supply to the Houston metropolitan area through the Wallisville Reservoir Project.

The water to be impounded in the reservoir is said to be necessary to the district's obligations as well as to the economic well being of Chambers County.

Because of this substantial interest in the reservoir project, the district has intervened as a defendant in the current federal suit to halt construction of the Wallisville Re-

NAVIGATION DISTRICT AT WORK
From left, Charles Ezer, Eva George, Richard Morrison, Travis Reed

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FULL SERVICE
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State revision body reverses view on legislature sessions

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By FELTON WEST, Chief
Post State Capital Bureau

AUSTIN — Plagued with absenteeism Saturday, the Texas Constitutional Revision Commission reversed its earlier position in favor of unlimited annual sessions of the legislature and otherwise whittled away at recommendations of its legislative committee for reform of the state lawmking body.

Proponents of more sweeping reforms of the legislature hoped to get more of their "troops" out for the next commission meeting, Sept. 6, then move to reconsider and reverse some of the actions to restrict the legislature which the committee voted Saturday.

For about the last two hours of Saturday's commission meeting — the last of three days of consecutive meetings — the 37-member commission had only 20 or 21 members present. A quorum is 19.

SEVERAL MEMBERS criticized the absenteeism and some who favored the legislative reforms recommended by the legislative committee complained its recommendations were getting chopped as a result.

Notable absentees all day were Legislative Committee Chairman Zan Holmes of Dallas and committee member James Kronzer Jr. of Houston, the most gung-ho reformer on the committee. Both had explained Frdiay that other business would prevent their attending Saturday's session.

Explanation of the committee's recommendations was left to Vice Chairman Loys D. Barbour, an Iowa Park farmer, who frequently was unable to defend or explain the committee's recommendations and disagreed with some of them himself.

COMMITTEE MEMBERS Ralph Yarborough, former U.S. senator from Austin, and Dr. George Beto of Huntsville, former Texas prison system director, were present during the morning session, but even they were absent during the afternoon — leaving Barbour as the only spokesman for the committee.

After the commission had rejected the committee's recommendation for constitutional flexibility that would let the legislature meet in regular sessions every year for as long as it considered necessary, Yarborough complained the commission was in the process of "unreforming the constitution."

"WE'RE MAKING the old constitution look better with every vote," he complained as he kept coming out on the losing side.

The commission also rejected the committee recommendation to let the legislature call itself into special sessions to consider subjects it chose by two-thirds vote of the members of each house.

'We're making the old constitution look better with every vote.'

Both this and unlimited annual sessions had been tentatively approved by the full commission in an earlier meeting July 28.

The unlimited-annual-sessions proposal was rejected 15-11 Saturday by adoption of an alternative proposed by Galvestonian Preston Shirley calling for annual sessions limited in duration and purpose.

THE SHIRLEY PROPOSAL is the same annual-session scheme proposed in an amendment to the present constitution that Texans will vote on this November. It would allow 180-day regular sessions in odd-numbered years and 60-day regular sessions in even-numbered years, with the governor having the power to extend the 60-day sessions 30 days for consideration of matters he submitted.

The 60-day sessions would be limited to appropriations and financing plus whatever other matters the governor proposed.

The legislature may now meet only for 140-day regular sessions in odd-numbered years and 30-day special sessions called by the governor.

Among other action Saturday, the commission endorsed unanimously a requirement that House and Senate rules and joint House-Senate rules be continuing so that once adopted during one legislature they would carry over effective in the following legislature until changed.

IT ALSO STRONGLY recommended a constitutional prohibition against legislators' practicing for compensation before state agencies and a ban on letting lawyer-legislators and lawmakers who are parties to suits obtain automatic postponement of court cases because of their office-holding.

The commission also voted to make it more difficult for the House to impeach executive or judicial officials by requiring a two-thirds vote of the House instead of the majority required now. Impeachment constitutes indictment of an official by the House to remove him from office, which must be tried by the Senate and requires a two-thirds vote there for conviction and removal.

d at school

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" he said.
n she came back 20
s later, she realized
ld was dead, he said.
evidence indicates Ca-
nn was dead before
placed in the bathroom.
a reasonable person

deaths of two boys on the Avocado Dormitory at the Austin State School in March, 1972, had been listed by MH-MR officials as due to suffocation from vomit, Judge Dear investigated charges that one child had been beaten before dying and another died with sand stuffed in his

Names in the news

King Gustaf improves

Sweden's **King Gustaf VI Adolf**, 90, suffering from a bleeding ulcer, improved slightly during the day Saturday, his personal physician said in Stockholm. "We can detect an improvement in the condition which gives some hope," Prof. **Gunnar Bioerck** said after examining the aging monarch Saturday night. Prof.

and a 1,200-pound red-white-and-blue birthday cake.

Kissinger, Echeverria talk

Henry A. Kissinger met Saturday in Mexico City with Mexican President **Luis Echeverria** and said his semiofficial visit to Mexico "underlines the importance

PRICE DANIEL, JR.
SPEAKER

State of Texas
House of Representatives
Austin, Texas

August 20, 1973

Mrs. Thomas Litras
5107 Inverness
Baytown, Texas 77520

Dear Mrs. Litras:

As you are the representative of the League of Women Voters of Texas who will serve on the non-partisan Statewide Committee for the Adoption of Amendment No. 1, I wanted to advise you that the organizational meeting of the Committee will be held at 10:00 a.m., Wednesday, August 29th, in the Old Supreme Court Room at the State Capitol in Austin.

I sincerely appreciate the endorsement of this Amendment by your organization and your personal willingness to devote time, energy and effort to the Committee and to the work that it will do in support of Amendment No. 1.

Hopefully, Governor Briscoe, Lieutenant Governor Hobby and Attorney General Hill will be able to attend this most important organizational meeting of the Committee. They are already publicly on record in favor of the Amendment and are being invited to make a brief presentation to the Committee on the 29th.

Looking forward to seeing you in Austin on August 29th, I am

Sincerely,

Price

Price Daniel, Jr.

PDjr:gp

cc: Mrs. Darvin Winick

LEGISLATIVE SESSIONS

State or other jurisdiction	Years in which sessions are held	Sessions convene: Month	Sessions convene: Day	Limitations on length of sessions: Regular	Limitations on length of sessions: Special	Special sessions: Legislature may call	Special sessions: Legislature may determine subject
Alabama	Odd	May	1st Tues. (a)	36 L	36 L	No	⅗ vote those present
Alaska	Annual	Jan.	2nd Mon.	None	30 C	⅔ of membership	Yes (b)
Arizona	Annual	Jan.	2nd Mon.	None	None	Petition ⅔ members	Yes (b)
Arkansas	Odd	Jan.	2nd Mon.	60 C(c)	15 C(d)	No	(d)
California	Annual	Jan.	Mon. after Jan. 1	None(e)	None	No	No
Colorado	Annual(f)	Jan.	Wed. after 1st Tues.	None(g)	None(g)	No	No
Connecticut	Annual(f)	Jan.	Odd-Wed. after 1st Mon.	(h)	None(i)	Yes	Yes
		Feb.	Even-Wed. after 1st Mon.	(h)			
Delaware	Annual	Jan.	2nd Tues.	June 30	None	Yes(j)	Yes
Florida	Annual	Apr.	Tues. after 1st Mon.(k)	60 C(c)	20 C(c)	Yes(j)	Yes
Georgia	Annual	Jan.	Odd-2nd Mon.(l)	45 C	(m)	Petition ⅜ members(m)	Yes(b)
		Jan.	Even-2nd Mon.	40 C			
Hawaii	Annual	Jan.	3rd Wed.	60 L(n)	30 L(n)	Petition ⅔ members(o)	Yes(o)
Idaho	Annual	Jan.	2nd Mon.	60 C(g)	20 C	No	No
Illinois	Annual	Jan.	2nd Wed.	None	None	Yes(j)	Yes(j)
Indiana	Annual	Jan.	Odd-Tues. after 2nd Mon. (p)	Apr. 30(q)	30 L(q)	No	Yes
		Jan.	Even-Tues. after 2nd Mon.(p)	Mar. 15(q)			
Iowa	Annual	Jan.	2nd Mon.	None	None	No	Yes
Kansas	Annual	Jan.	Odd-2nd Tues.	None(g)	None(g)	Petition ⅔ members	Yes
		Jan.	Even-2nd Tues.	60 C(c)			
Kentucky	Even	Jan.	Tues. after 1st Mon.	60 L	None	No	No
Louisiana	Annual(f)	May	Even-2nd Mon.	60 C	30 C	Petition ⅔ elected members	No(r)
		May	Odd-2nd Mon.	30 C	30 C	each house	
Maine	Odd	Jan.	1st Wed.	None	None	Majority of each party	Yes
Maryland	Annual	Jan.	2nd Wed.	90 C(c)	30 C	Petition of majority of members	Yes
Massachusetts	Annual	Jan.	1st Wed.	None	None	Yes	Yes
Michigan	Annual	Jan.	2nd Wed.	None	None	No	No
Minnesota	Odd	Jan.	Tues. after 1st Mon.	120 L	None	No	Yes
Mississippi	Annual	Jan.	Tues. after 1st Mon.	(s)	None	No	No
Missouri	Annual	Jan.	Odd-Wed. after 1st Mon.	June 30	60 C	No	No
		Jan.	Even-Wed. after 1st Mon.	May 15(t)			
Montana	Odd	Jan.	1st Mon.	60 C	60 C	No	No
Nebraska	Annual	Jan.	Odd-1st Tues.	90 L(c)	None	Petition ⅗ members	Yes
		Jan.	Even-1st Tues.	60 L(c)			
Nevada	Odd	Jan.	3rd Mon.	None(g)	None(g)	No	No
New Hampshire	Odd	Jan.	1st Wed.	(g)	None(g)	Yes	Yes
New Jersey	Annual	Jan.	2nd Tues.	None	None	(u)	Yes
New Mexico	Annual(f)	Jan.	Odd-3rd Tues.	60 C	30 C(v)	Yes(v)	Yes(b, v)
		Jan.	Even-3rd Tues.	30 C			
New York	Annual	Jan.	Wed. after 1st Mon.	None	None	No	No
North Carolina	Odd	Jan.	Wed. after 2nd Mon.	None	None	Petition ⅗ members	Yes
North Dakota	Odd	Jan.	Tues. after 1st Mon.	60 L	None	No	Yes
Ohio	Odd(w)	Jan.	1st Mon.	None	None	No	No
Oklahoma	Annual	Jan.	Tues. after 1st Mon.	90 L	None	No	No
Oregon	Odd	Jan.	2nd Mon.	None	None	No	Yes
Pennsylvania	Annual	Jan.	1st Tues.	None	None	Petition of majority of members	No
Rhode Island	Annual	Jan.	1st Tues.	60 L(g)	None	No	No
South Carolina	Annual	Jan.	2nd Tues.	None	None	No	Yes
South Dakota	Annual	Jan.	Odd-Tues. after 3rd Mon.	45 L	None	No	Yes
		Jan.	Even-Tues. after 1st Mon.	30 L			
Tennessee	Odd(w)	Feb.	4th Tues.(x)	90 L(g)	None(g)	Petition ⅔ members	Yes
Texas	Odd	Jan.	2nd Tues.	140 C	30 C	No	No
Utah	Annual(f)	Jan.	Odd-2nd Mon.	60 C	30 C	No	No
		Jan.	Even-2nd Mon.	20 C			
Vermont	Odd(w)	Jan.	Wed after 1st Mon.	None(g)	None	No	Yes
Virginia	Annual	Jan.	Odd-2nd Wed.	30 C	30 C(c)	Petition ⅔ members	Yes
		Jan.	Even-2nd Wed.	60 C			
Washington	Odd	Jan.	2nd Mon.	60 C	None	No	Yes
West Virginia	Annual	Jan.	2nd Wed.(y)	60 C(c,z)	None	Petition ⅗ members	No(aa)
Wisconsin	Annual	Jan.	1st Tues. after Jan. 15(ab)	None	None	Petition of majority of members	Yes(aa)
Wyoming	Odd	Jan.	2nd Tues.	40 C	None	No	Yes
Guam	Annual	Jan.	2nd Mon.	None	N.A.	N.A.	N.A.
Puerto Rico	Annual	Jan.	2nd Mon.	Apr. 30(c)	20	No	No
TTPI	Annual	Jan.	2nd Mon.	50 C	None	No	No
Virgin Islands	Annual	Jan.	2nd Mon.	75 L	None	No	No

Abbreviations: L—Legislative days; C—Calendar days.

(a) Convenes quadrennially on second Tuesday in January after election to organize.

(b) If Legislature convenes itself.

(c) Session may be extended for an indefinite period of time by vote of members in both houses. Arkansas: ¾ vote; Florida: ⅗ vote; Kansas: ¾ vote, only limit is in compensation and expenses; Maryland: ⅗ vote for 30 additional days; Nebraska: ⅗ vote; Virginia: ⅗ vote for 30 days; West Virginia: ⅔ vote; Puerto Rico: by joint resolution.

(d) Governor may convene General Assembly for specific purpose. After that business is completed, a ⅔ vote of members in both houses may extend session up to 15 days.

(e) Reconvenes for constitutional limit of 5 days on the Monday after a 30-day recess to reconsider vetoed measures.

(f) Even-year session (odd-year in Louisiana) is basically limited to budget and fiscal matters.

(g) Indirect restriction since legislators' pay, per diem or daily allowance stops but session may continue: Colorado: statutory limit of 160 days pay in biennium for those Senators elected prior to 1970; Kansas: statutory limit of 90 days pay in odd-numbered years, 30 days special session; Nevada: constitutional limit of 60 days, no limit on allowances, 20 days for special session; New Hampshire: constitutional limit on expenses of 90 legislative days or constitutional limit of 60 days; Tennessee: constitutional limit of 90 days on expenses only, July 1, whichever occurs first, 15 days salary and expenses for special session; Rhode Island: 30 days for special session; Vermont: statutory limitation.

(h) Odd year, not later than first Wednesday after the first Monday in June; even year, not later than first Wednesday after first Monday in May.

(i) Special session for reconsideration of bills vetoed by the Governor after close of regular session, limited to three days.

(j) Legislature may be called into special session in Delaware by mutual call of both presiding officers; in Florida and in Illinois by joint proclamation of the presiding officers of both houses.

(k) By statute, convenes February 1, in 1972 only.

(l) Convenes for 12 days to organize, recesses and convenes on second Monday in February for limit of 33 calendar days.

(m) Limited to 70 days if called by Governor and 30 days if called by Governor at petition of Legislature, except for impeachment proceedings.

(n) Extension of 15 days granted by presiding officers of both houses at the written request of ⅔ of the membership or granted by the Governor.

(o) If Governor notifies Legislature he plans to return bills with objections which were submitted to him less than 10 days before adjournment, a special session to reconsider such bills may be convened without call on 45th day after adjournment.

(p) Convenes November 15 even years to organize and elect officers; odd years to organize.

(q) Regular session, odd year: 61 L days or April 30; even year: 30 L days or March 15; special session: 30 session days in a period of 40 calendar days.

(r) Unless Legislature petitions for special session. However, no special session may be called during the 30 days before or 30 days after the regular fiscal sessions in odd years without consent of ¾ of the elected members of each house. Legislature may convene in special session on 31st day after sine die adjournment to act on all measures vetoed by the Governor if a simple majority of each house desires to reconsider at least one vetoed bill. Such a session is limited to 10 days.

(s) Regular sessions in 1972 and every fourth year thereafter are limited to 125 calendar days; other years 90 calendar days. By concurrent resolution and by ⅗ vote of those present and voting in each house, session may be extended for 30 days with no limit on number of extensions.

(t) If the Governor returns any bill with his objections after adjournment of the Legislature in even-numbered years, the Legislature shall automatically reconvene on the first Wednesday following the first Monday in September for a period not to exceed 10 days for the sole purpose of considering bills vetoed by the Governor.

(u) Petition by majority of members of each house to Governor, who then "shall" call special session.

(v) Limitation does not apply if impeachment trial is pending or in process. Legislature may call 30-day "extraordinary" session if Governor refuses to call session when requested by ⅗ of Legislature. Only then may they determine the subject.

(w) Legislature may divide session to meet in even year also. Ohio is required by law to hold 2nd session.

(x) The Legislature convenes on first Tuesday in January for 15 days to organize and introduce bills.

(y) In 1973 and every 4 years thereafter following each gubernatorial election the Legislature convenes on the 2nd Wednesday of January to organize but recesses until the 2nd Wednesday in February for the start of the 60-day session.

(z) Governor must extend until general appropriation is passed.

(aa) No if called by Governor alone; questionable if called as a result of petition of members.

(ab) Unless otherwise provided by the Joint Committee on Legislative Organization. Early in each odd-year session the Joint Committee on Legislative Organization develops the legislative session work schedule to be adopted by legislative joint resolution, which is to include at least one meeting in January of each year.

SALARIES AND COMPENSATION OF LEGISLATORS

State or other jurisdiction	Compensation set by	Salary and daily pay: Regular session: Amount per day	Limit on no. of days of pay: Annual session	Limit on no. of days of pay: Biennial session	Regular session: Annual salary	Regular session: Biennial salary	Special session: Amount per day	Special session: Limit on no. of days of pay	Travel and expense allowances: During session: Per mile	Round trips home to capitol	Expenses per day*	Between sessions: Per mile	Between sessions: For expenses on committee business per day	Between sessions: Other per month
Alabama	Const.	$10	....	36 L	.....	.....	$10	36 L	10¢	One	$20; 300(a, b)	..	....	$ 300(a, b)
Alaska	Stat.	..	....	....	$ 9,000	.....	..	....	15	One	35; 4,000(c)	..	....	....
Arizona	Const.(d)	..	....	....	6,000	.....	..	....	10	Unlimited	20(e)	10¢	(f)	....
Arkansas	Const.	20	....	60 C(g)	.....	$ 2,400	6	....	5	One	....	..	....	150(h, i)
California	Stat.	..	....	....	19,200	.....	..	....	(j)	(j)	30	(j)	30	....
Colorado	Stat.	..	....	....	7,600	.....	..	....	10	(k)	10(l)	10	35(m)	....
Connecticut	Stat.	..	....	....	2,000	.....	25(n)	....	10	Daily	1,500(b, o)	..	25(p)	1,500(b, o)
Delaware	Const.	..	....	....	6,000	.....	..	....	15	Unlimited	25(c)	..	....	....
Florida	Stat.	..	....	....	12,000	.....	..	....	10	Weekly	25	10	25	300(b)
Georgia	Stat.	..	....	....	4,200	.....	..	....	10	Weekly	25	10	25	....
Hawaii	Const./Stat.(q)	..	....	....	12,000	.....	..	....	..	Unlimited(r)	750(b, s); 20(t)	..	(u)	....
Idaho	Const. & Comp. Comm.	10	60 C	....	.....	.....	10	20 C	10	Five	35	(v)	25	3.50(a, b)
Illinois	Stat.	..	....	....	17,500	.....	..	....	15	Weekly	50(c); 3,600(w)	..	....	3,600(w)
Indiana	Stat.	..	....	....	6,000	.....	..	....	10	Weekly	25	10	25	60(a, b)
Iowa	Stat.	..	....	....	5,500	.....	40	....	10	Weekly	15(x)	10	40(y)	....
Kansas	Stat.	10	90 C(z)	....	.....	.....	10	30 C	9	Weekly(aa)	25(ab)	..	....	100(i, ac)
Kentucky	Stat.	25	....	60 L(ad)	.....	.....	25	....	15	One	25; 50(c)	8	25	300(b)
Louisiana	Stat.	50	60 C(z)	....	.....	.....	50	30 C	10	(ae)	500(a, b)	10	50	500(a, b)
Maine	Stat.	..	....	....	.....	2,500	20	....	10	Weekly	7; 9(af)	(v)	(v)	....
Maryland	Comp. Comm.	..	....	....	11,000	.....	..	....	10	Unlimited(i)	25(i)	10	25(i)	2,500(i, ag 5,000(i, ag
Massachusetts	Stat.	..	....	....	11,400	.....	(ah)	....	..	Daily	(ai); 1,200(b, w)	..	....	1,200(b, w
Michigan	Comp. Comm.	..	....	....	17,000	.....	..	....	10	Weekly	20(aj)	..	(v)	....
Minnesota	Stat.	..	....	....	.....	9,600	..	....	10	One	24; 16(ak)	10	25	....
Mississippi	Stat.	..	....	....	5,000	.....	22.50	....	(al)	Weekly	12.50(am)	..	....	100(b)
Missouri	Stat.	..	....	....	.....	16,800	..	....	10	Semi-monthly	10	..	....	....
Montana	Stat.	20	....	60 C	.....	.....	20	60 C	9	Two	25	9	(v)	....
Nebraska	Const./Stat.	..	....	....	4,800	.....	..	....	10	One	160(c)	..	....	....
Nevada	Stat.	40(an)	....	60 C	.....	.....	40(an)	20 C	12	(ao)	30; 60(c); 250(ap)	..	....	(aq)
New Hampshire	Const.	..	....	....	.....	200	3	15 L	25(ar)	Daily	....	25(ar)	(v)	....
New Jersey	Const./Stat.	..	....	....	10,000	.....	..	....	(as)	....	(at)	..	....	....
New Mexico	Const./Stat.	36	60 C(z)	....	.....	.....	36	30 C	10	One	(au)	10	36	....
New York	Const./Stat.	..	....	....	15,000	.....	..	....	(v)	Weekly	5,000(b, w)	..	(v)	5,000(b, w
North Carolina	Stat.	..	....	....	2,400	.....	..	....	10	Weekly	25; 50(a)	10	25	50(a, b)
North Dakota	Const.	5	....	60 L	.....	.....	5	....	10	Three	40; 50(a, b)	10	30(av)	50(a, b)
Ohio	Stat.	..	....	....	12,750	.....	..	....	10	Weekly	....	..	....	....
Oklahoma	Const. Bd.	..	....	....	9,000	.....	..	....	10	Weekly	(c, aw)	9(ax)	25(ax)	....
Oregon	Stat.	..	....	....	.....	6,550	..	....	..	....	25	8	(au)	125(b)
Pennsylvania	Stat.	..	....	....	7,200	.....	..	....	10	Weekly	8,400(w)	..	....	8,400(w)
Rhode Island	Const.	5	60 L	....	.....	.....	..	....	8	Unlimited	....	..	....	....
South Carolina	Const./Stat.	..	....	....	4,000	.....	100	....	9	Weekly	25(ay); 15(c)	..	....	....
South Dakota	Stat.	..	....	....	3,000(az)	.....	20	....	5	One	....	9	16	20
Tennessee	Const./Stat.	..	....	....	3,600	.....	30	30 L	10	Weekly	30(am)	10	30	....
Texas	Const.	..	....	....	4,800	.....	..	....	10	One	12(ba)	..	....	875(i, bb);
Utah	Const./Stat.	25	60 C(z)	....	.....	.....	25	30 C	10	Weekly	15	..	....	2,400(i, bb)
Vermont	Stat.	..	....	....	.....	150(bc)	..	....	8	Weekly	8; 12.50(bd)	8	8; 12.50(bd)	....
Virginia	Stat.	..	....	....	5,475	.....	..	....	9	Weekly	31.25	9	35	....
Washington	Stat.	..	....	....	.....	7,200	40	....	10	One	40	10	25	50
West Virginia	Comp. Comm.	..	....	....	3,300	.....	35	....	10(be)	Weekly	15, 10(bf)	10(be)	15, 10(bf); 35(bg)	....
Wisconsin	Jt. Finance Comm.	..	....	....	8,900	.....	..	....	10(bh)	(bh)	20(bi)	(v)	(v)	25; 40(bj)
Wyoming	Stat.	15	....	40 C	.....	.....	15	....	10	One	26	..	....	....
Guam	....	..	....	....	12,000	.....	..	....	..	....	....	..	....	....
TTPI	Stat.	20	....	....	8,000	.....	20	....	..	....	....	..	....	....

Abbreviations: L—Legislative days, C—Calendar days.
*Unless otherwise noted.
(a) Additional monthly expense allowance. Idaho: per day; Indiana: per week.
(b) Paid automatically.
(c) Total office allowance. Alaska: annual allowance for postage, stationery, stenographic services and other expenses; Delaware: supplies per year; Kentucky: supplies per biennium; Nebraska: postage per year; Nevada: postage, express, newspaper and stationery; Oklahoma: provided by resolution of each house, necessary expenses such as stationery, office supplies, stamps, telephone, etc.
(d) Creation of a compensation commission was approved by the voters at the November 1970 election. Recommendations which may subsequently be made by the commission for increase in legislative compensation are to be submitted at general elections.
(e) $10.00 for legislators from Maricopa County.
(f) Legislators attending legislative business outside their county of residence receive maximum subsistence pay of $20.00 per day. Legislators attending legislative business inside their county of residence receive subsistence pay of $10.00 per day. Legislators attending legislative business outside of the State receive maximum of $30.00 per day.
(g) Daily pay continues if session extended by ⅔ vote in both houses.
(h) $200 per month maximum in 1972–73 and a $250 per month maximum in 1973–74.
(i) Paid by voucher.
(j) Each legislator is allowed the use of a car purchased and maintained by the State for use on legislative business. Each legislator is also reimbursed for the actual expense of any public transportation used.
(k) One trip at 10¢ per mile. Those legislators living over 25 miles from Denver receive 10¢ per mile for a trip every weekend.
(l) Legislators living over 25 miles from Denver receive limit of $10.00 per night for lodging. Daily travel expense to $10.00 in lieu of lodging for nights not spent in Denver.
(m) $35.00 per day for committee attendance up to $1,050 maximum. Joint Budget Committee members have a $3,500 maximum for budget committee attendance in addition to $1,050 for other committee attendance.
(n) $25 a day for each day beyond the ninth day.
(o) Total biennial expense allowance payable in one or two lump sums.
(p) Or amount specified in act creating committee, whichever is more, plus necessary expenses.
(q) The 1968 revision of the Hawaii constitution required creation of an advisory compensation commission quadrennially starting in 1971.
(r) Travel allowance: legislators from Oahu away from Oahu, $30.00 per day; legislators from neighbor islands away from island of residence $20.00 per day.
(s) Total annual allowance for incidental expenses connected with legislative duties.
(t) Applies only to legislators outside of Oahu.
(u) On official business on island of residence, $10.00 per day; away from island of residence $30.00 per day; outside the State $45.00 per day.
(v) Actual and necessary expenses. Maine: mileage is paid at same rate received by state employees.
(w) Maximum annual expense allowance.
(x) For days actually in session, Polk Co., $7.50.
(y) Plus meals and travel allowance.
(z) Limitation on first session. Second session limitation; Kansas 60 C days, Louisiana 30 C days, New Mexico 30 C days, Utah 20 C days.
(aa) Mileage payable for one round trip for each full week of legislative session.
(ab) Limited to 90 days regular session, 30 days special session.
(ac) Monthly except January, February and March in odd years and January and February in even years.
(ad) Legislators are paid for Sundays and holidays during session. Thus compensation period usually is 72 to 74 days.
(ae) Eight during general session in even-numbered years; four during fiscal session in odd-numbered years.
(af) $7.00 per day for meals, $9.00 per day for lodgings or in lieu of reimbursement for actual lodging expense, a daily mileage allowance up to $9.00 per day, plus a small allowance for postage, telephone, etc.
(ag) Allowance for office, secretarial and traveling expenses: House $2,500; Senate $5,000.
(ah) Not provided in constitution and may be fixed by special act of the Legislature.
(ai) Each member depending on where he lives receives a per diem allowance for mileage, meals and lodging from $2.00 to $32.00 per day.
(aj) A maximum of $20.00 per day may be claimed. Total annual amount may not exceed $2,750.
(ak) $16.00 for legislators living at home during the session.
(al) Allowance for one month: 10¢ per mile up to 1,000 miles, 8¢ per mile next 500 miles, 7¢ per mile over 1,500 miles.
(am) Limited to 90 legislative days. Mississippi: paid for each day of attendance.
(an) $60.00 per day after November 7, 1972.
(ao) 12¢ per mile and $3.00 per diem allowance for one round trip. In addition, a supplemental travel allowance not to exceed $1,200 for a regular session and not to exceed $500 for a special session is provided.
(ap) Total telephone allowance. $100 for special sessions.
(aq) $60.00 printing allowance for period of session through third Wednesday in July of the following year.
(ar) 25¢ for first 45 miles, 8¢ per mile for next 25 miles, 6¢ for over 70 miles.
(as) State railroad pass is only type of travel allowance.
(at) Free stationery, postage and telegram privileges.
(au) Amount not stipulated. New Mexico: for stationery, postage, telephone and telegraph expenses; Oregon: for food and lodging.
(av) Additional allowance. $18.00 per day for meals and lodging and other actual and necessary expenses.
(aw) For travel outside the State, amount of first class air travel and $35.00 per diem.
(ax) Limited to 20 days in lieu of expenses for interim State Legislative Council meetings or its committee work in the State, plus travel and other expenses for council or its committee work outside the State.
(ay) Paid except when local uncontested matters are considered.
(az) $3,000 for 45-day session in odd-numbered years. $2,000 for 30-day session in even-numbered years.
(ba) For first 120 days of regular session and 30 days of each special session plus postage, stationery, supplies, telephone and secretarial assistance.
(bb) Allowance for supplies, telephone and secretarial help, not to exceed $2,400 in Senate, $875 in House.
(bc) Per week during session; salary and per diem limited to $4,500 for biennium.
(bd) $8.00 for meals, $12.50 per day or $50.00 per week, whichever is less, for rooms or travel expense.
(be) 10¢ per mile, if by private car; actual cost if traveled by common carrier.
(bf) $15.00 per day or $105.00 per week paid upon voucher for lodging; $10.00 per day or $70.00 per week for meals; $35.00 per day out of State.
(bg) Compensation payable only to members of the Joint Committee on Government and Finance and the Commission on Interstate Cooperation not to exceed $1,050 per year.
(bh) 10¢ per mile first 400 miles per month, 7¢ thereafter; full cost of weekly round trips by public carrier.
(bi) For legislators required to establish a temporary residence in Madison.
(bj) $25.00 for Assemblymen and $40.00 for Senators in districts of one county or less, plus $15.00 and $20.00 respectively for each additional county or part of county in the district.

(I.) Thirty-nine states meet annually, in practice:

Alaska
Arizona
California
Colorado[1]
Connecticut [1]
Delaware
Florida
Georgia
Hawaii
Idaho
Illinois
Indiana
Iowa
Kansas
Louisiana[1]
Maryland
Massachusetts
Michigan
Minnesota[2]
Mississippi
Missouri
Montana
Nebraska
New Jersey
New Mexico[1]
New York
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee[2]
Utah[1]
Virginia
Vermont[2]
West Virginia
Wisconsin
Wyoming

[1] Sessions during even-numbered years (odd-numbered years in Louisiana) are limited to budget and fiscal matters.

[2] May divide its biennial session to meet annually.

Source: Council of State Governments
Lexington, Kentucky

cost is too much -

Annual Sessions

Pro: Texas is a modern state with a tremendous budget it needs a modern full time legislature.

There are too many bills and not enough time to permit wise desicions under our present ~~bi annual~~ system.

The 60 day session devoted to fiscal matters will ensure a thorough review of such matters without holding up much needed legislation.

Legislative problems could be faced as they arose. The legislative process is continuous - why should the legislature be the only branch of government on a part time basis. Con. There is already enough time if the legislators would just use it properly.

Our legislators should be far sight enough to legislate for two years in advance

It is just too expensive.

This is not a good amendment. There should be two sessions of equal length and these sessions should be open without time limits for adjournment

To: Baker, Anderson, So
From Titus
Re: Voter's Service Amendment # 1

The LWV-T is supporting Amendment #1. So far the only known opposition is from Governor Briscoe. I am sure more will be forthcoming.

At the present time a group for support is being mobilized by Speaker Daniel who will not be a candidate for re-election.

Caution: Remember the division between Voter's Service and Action when answering any inquiries perhaps such inquiries should be referred to appropriate program Chairman -

Salary Raise

Pro:

More pay means more independence from special interest lobbying.

Pressures from having to have outside employment would be reduced

Low pay keeps many qualified persons from becoming legislative candidates.

More pay would help keep experienced law-makers in the legislature.

More pay would reflect the tremendous responsibility ~~for a $2.5+ billion budget and the interest of to me~~ of legislating for the problems of a large, complex State.

Con: **This is just too much of a raise.**

Service as a State legislator is an honor not a fully compensated job.

We do not wish to have professional legislators in Texas.

Amendment #1

Provides that the legislature meet in regular session each year. ~~odd Numbered Year~~ One session of not to exceed 180 days (at present 140) and one session, limited to fiscal or emergency matters raised by the governor not to exceed 60 days, this session could be extended 30 days by the Governor.

Provides an annual salary for legislators of $15,000, at present $4,800, and per diem of $18.00, at present $12.00. It also extends the per diem to the complete session. At the present time legislators are paid per diems only for 120 days of the 140 day session -. Milage

Pro

Texas is a modern and complex state which needs the services of adequately compensated and full time legislators.

The legislative process should be a continuous and problems are continuous one as are the other branches of state government.

~~It is unrealistic to expect Meal to serve in~~

The problems the legislature faces

F.Y.I. Oct. 1-73

This is a fact sheet that I put together with Katy - a Sec. at Common Cause for the use by the Statewide Committee for the Adoption of Amend. #1 - and specifically for a mailing to 500 A.A.R.P. chapters in lieu of a pamphlet that has yet to be printed.

You can imagine my shock when I accidently discovered the heading! (They wanted to deliver them directly to A.A.R.P. from the Municipal League who printed them for me. I insisted on picking them up and delivering them myself.)

I registered my surprise and displeasure that they had used their name - and failed to mention the "Statewide Committee for the Adopt. of Amend #1". Katy agreed and offered to cut off the heading - scratch it out etc.

I left with them as is - and had them redone as copy attached. Two hours later - $15.00 poorer - and stick "Hot under the collar."

Such is a day in the life of Nancy Hitchner - Mrs. Misc. of the L.W.V. of

A GUEST VIEWPOINT

by Randall Wood, Common Cause of Texas

On November 6 the voters of Texas will have the opportunity to authorize their state legislators a living wage and at the same time give the lawmakers the time necessary to properly oversee the operations of our state government. This change is embodied in Amendment I on the November ballot.

Many of our citizens hold a low opinion of our state government and consequently accord little importance to the problems of our state legislature. This approach shows a lack of understanding of the vast influence that state government has on our lives.

We now pay our legislators $4,800 a year, a figure that was set in 1960 and has not been increased since. This low salary forces our legislators to spend as much time as possible making a living from outside employment, and it severely limits the amount of time that can be spent representing their constituencies. Many of our finer legislators, who are not wealthy and who refuse to become involved in business endeavors that might compromise their independent judgment, simply leave public service.

Many people believe that being a legislator is a part-time job and that legislators should therefore be paid on that basis. Our state government is a nine billion dollar biennial business and it can no longer be operated on a part-time basis. The fact is that from 1961 to 1973, the Legislature was in session every year with the exception of 1970. For instance, in 1972 the Legislature was called into four special sessions by the Governor to work on emergency matters. In some cases these special sessions destroyed the ability of the legislators to make a decent living for their families.

At present, there are only two types of legislators that survive well on the present pay - the ones who are wealthy and those who are helped out by patrons or business partners. The legislators who do not fall within these two categories make a substantial sacrifice for themselves and their families to serve the people who elected them. They can only do a half-time job supporting their families and a half-time job for the public.

Some voters take the attitude that our legislators are not doing a good job, so why pay them a decent salary? It is true that our state legislature has not always performed well. But those who take this position should ask themselves if a continuation of unreasonably low salaries is going to attract better people to run for the state legislature. Do we really want only the independently wealthy or those beholden to certain special interests to be able to serve in our state legislature? Probably not. Yet with the present salary level, we discourage many competent people from running for office and many of those who do run soon find that they cannot afford public service.

Amendment I provides for a salary of $15,000 a year and for annual sessions of the Legislature. The amount of this salary increase may upset some. But again, the question is what kind of people do we want in Austin? Most legislators can make more than $15,000 in the business world had they not chosen public service.

If we want competent capable persons representing us in the legislature, we can't expect to encourage them to run for an office that pays only $4,800 a year.

Amendment I also provides for a 60 day session in even-numbered years for budgetary purposes in addition to regular 180 day sessions in odd-numbered years. At present, budgets must be prepared almost three years in advance. No business or household could operate under these budgetary limitations and neither can our state Legislature. There have been three emergency budget sessions in the last four regular sessions of the Legislature. However, real annual budgeting cannot take place until the people vote approval of Amendment I.

Copy can picked up.

FACTS SHEET ABOUT AMENDMENT I

* Amendment I will raise legislative pay from $4,800 to $15,000 per year and per diem from $12 to $18. The $4,800 salary limitation was placed in the constitution in 1960. Since then the consumer price index has risen 41.3% and the purchasing power of the dollar has fallen from 81¢ to 56¢ (1950 dollars).

* Texas now ranks 35th among the 50 states in percentage of expenditures allocated to state legislatures. The range is from $200/year in New Hampshire to $19,200/year in California.

* The passage of Amendment I will cost Texans approximately $2 million more in tax dollars for salary and per diem a year. This investment in state government will cost about the same as a two mile section of Interstate Highway and will increase the state budget .05% a year. It will cost about $0.18 per person a year to implement.

* State government is no longer a part-time operation. In the House last session, 1,749 bills were introduced for consideration. The Appropriations committee in the House last session spent over 400 hours in committee hearings on the state budget alone; this does not include time spent by those legislators in other committee hearings or on the House floor in debate. In addition, legislators serve on special interim and investigatory committees between sessions, and must attend to constituent complaints and mail.

* Texas ranks among the top six states in the nation in population and size and complexity of state government. The other five states pay an average of $16,175/per year to their legislators. Texas pays $4,800.

* The Legislature has been called into special sessions every year for the past twelve years except 1970. We, in effect, have annual legislative sessions and should make the Constitution reflect this reality. Thirty-nine states in the nation meet annually, including all the major urban, industrialized states.

* Amendment I has received the endorsement of the top four elected state officials -- Governor Dolph Briscoe, Lt. Governor Bill Hobby, Attorney General Hill, and Speaker Price Daniel.

INFORMATION FROM STATEWIDE COMMITTEE FOR THE ADOPTION OF AMENDMENT #1

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Final Copy as delivered to A.A.R.P.

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July 23, 1973

TO: COKER, ANDERSON, SO
FROM:: LITRAS
RE: VOTERS GUIDE: AMENDMENT NO. I

Analysis

Amendment #1 provides that the Texas Legislature meet in regular session each year. It provides that the regular session to be held in each odd-numbered year year shall meet for a period not to exceed180 days duration, and that the regular session in each even-numbered year shall meet for a period not to exceed 60 days duration and shall be limited to the consideration of fiscal matters and such emergency matters as may be submitted by the Governor; provided further that the even-numbered-year session may be extended by the Governor for an additional period not to exceed thirty days.

Amendment #1 provides an annual salary for members of the Legislature not exceeding $15,000 per year and a per diem of not exceeding $18 per day for each Regular Session and each Special Seaaion of the Legislature.

This amendment if passed will become effective in January of 1975.

PRO

Texas is a modern and complex state which needs the services of adequately compensated, full-time legislators.

The problems confronting the Legislature are continuous and the legislative process should also be continuous in order to deal with them.

An adequate salary will mean more independence from special interest lobbying, fewer pressures from having to have outside employment, attract more qualified persons to serve as legislators, and help keep experienced law-makers in the Legislature.

The present biennial session of 140 days is just not enough time to act on all of the legislative matters brought up in each session and also deal with the tremendous amount of work necessary on an appropriations bill.

con't. AMENDMENT # 1

Cons

This is not a godd amendment to achieve adequately compensated legislators and annual sessions. The salary amount for legislators is too high and Texas needs annual sessions of equal length which should both be unlimited as to time and subject matter.

Service as a Texas Legislator should be counted as an honor not just a full-time job.

Texas does not wand or need professional legislators.

It is just too expensive to raise salarids and extend legislative sessions at this time.

There is adequate time in the present 140 day session if the Legislators would get down t to business, annual sessions would just mean more wasted time and money.

Vetoes: Anderson
Leabo
Chairman

Teachers support proposal

8-14-73

Post-Dispatch Capital Bureau

AUSTIN — The Texas State Teachers Association announced its support Monday for proposed constitutional amendment 1 on the Nov. 6 ballot which would create annual legislative sessions and raise lawmakers' pay to $15,000 a year.

The 157,000-member TSTA endorsed the amendment in a front page editorial in the August edition of its newspaper, "Texas Schools."

"TSTA has a long and unbroken record of support for just proposals for legislative pay raises," the editorial claimed. Texas voters have turned down four attempts to raise legislators' present $4,800 a year salaries since 1957.

TSTA said it would campaign among its members for adoption of the amendment, using the slogan "annual sessions plus adequate salaries equals responsible Texas government."

July 27, 1973

The Honorable Price Daniel, Jr.
P. O. Box 1
Liberty, Texas 77575

Dear Mr. Daniel:

Persuant to our letter of July 23, I thought you might like to see a copy of our Texas VOTER, which is sent to our membership.

You will note on page 3 our article concerning Amendment No. 1.

Cordially,

Mrs. Darvin M. Winick, President
League of Women Voters of Texas

VW/ag

bc: Anderson, Litras (with a copy of the original letter from Daniel asking for our cooperation)

JUL 19 1973

State of Texas

House of Representatives

Austin, Texas

PRICE DANIEL, JR.
SPEAKER

July 18, 1973

Mrs. Darvin Winick
President
League of Women Voters of Texas
Dickinson Plaza Center
Dickinson, Texas 77539

Dear Mrs. Winick:

During the 63rd Regular Session of the Legislature, a number of reforms were enacted which I believe will significantly open up and improve the operation of our State government, as well as the political atmosphere in which legislation and decisions affecting the public are considered.

There are, however, some desperately needed changes, which the Legislature cannot make without the approval of the voters of this State. On November 6, 1973, a special election will be held for the purpose of allowing the people of Texas to consider a number of proposed amendments to the Texas Constitution. Although all of the amendments are important and deserve serious attention, it is my firm conviction that Amendment No. 1 is most vital to our continued efforts to improve and upgrade the operation of our State government and its service to the people of this State.

Amendment No. 1 provides for annual legislative sessions and for increased legislative salaries. As I will not be a candidate for re-election to the House of Representatives or for election to the Senate, I have no personal interest in this matter except for my abiding concern that government be equipped to best serve the interests of the people. Having now served as a legislator and as Speaker of the House---having witnessed the crises created by the time limitations placed upon the Legislature's actions and the tremendous sacrifices that are required of members---I have become totally convinced that the Legislature cannot continue to operate as it did in 1876. It cannot properly give adequate consideration to the diverse and complex problems of today in just 140 days out of every two years. The Texas Legislature must be given a reasonable amount of time each year to meet and solve the demands of State government and respond to the needs of the people of Texas in the 1970s.

JUL 19 1973

July 18, 1973

Equally important is that Amendment No. 1 provides for a decent, living wage for our legislators. At the present time, members of the Legislature receive $4,800 a year; it is therefore impossible for many citizens to even consider serving as a State senator or representative without enduring tremendous and sometimes overwhelming personal and economic sacrifice. Many good legislators simply find it impossible to continue serving. The cost of decent salaries for our legislators is miniscule in comparison with the State's budget, but the potential benefits are great indeed.

By means of this letter, I would like to request that your organization participate in a concerted effort to obtain voter approval of Amendment No. 1 on November 6th. Although I will continue to pursue my personal, statewide campaign for the adoption of this Amendment, I feel that a separate impetus should come from public spirited citizens' organizations such as yours. For that reason, I am contacting a number of groups and asking that, if they share my support for this important change in our Constitution, they designate a representative to serve on a non-partisan Statewide Committee for the Adoption of Amendment No. 1. I will be happy to serve as a coordination point for the creation of such a Committee but feel that it should be an independent group in which it would be best if I did not take a leadership role. It should be an organization of concerned citizens, not public officials.

I hope that you and the governing body of your organization will give careful consideration to my proposal as soon as possible, so that the committee can begin its important work at the earliest opportunity. If your organization decides to participate in this significant drive to improve and upgrade our State government, please let me know the name, address and telephone number of the representative of your organization who will serve as a member of this Statewide Committee.

Sincerely,

Price Daniel Jr.

Price Daniel, Jr.

PDjr:mj

State of Texas

House of Representatives

Austin, Texas

PRICE DANIEL, JR.
SPEAKER

August 3, 1973

Mrs. Darvin M. Winick
President
League of Women Voters of Texas
Dickinson Plaza Center
Dickinson, Texas 77539

Dear Mrs. Winick:

Thank you for your kind letter in response to mine regarding the support of your organization for the adoption of Amendment No. 1. The assistance of the League of Women Voters of Texas will be vital to the campaign for the adoption of this important amendment providing for annual sessions and increased legislative salaries.

I also appreciate your designating Mrs. Thomas Litras to serve on a Statewide Committee for the Adoption of Amendment No. 1. As I have had very encouraging responses from many citizens' organizations such as yours in this regard, I am confident that a meeting of the Statewide Committee can be held in Austin sometime later this month. Either my staff or I will be in touch with you about the plans for the meeting in the very near future.

I am confident that, because of the concern you and your organization share with me in this effort, you will be interested in the enclosed statement, which I recently issued jointly with the Governor, Lieutenant Governor and Attorney General.

Please call upon me whenever I may be of service to you in any way.

Sincerely,

Price Daniel, Jr.

PDjr/ds
Enclosure
cc: Mrs. Thomas Litras
5107 Inverness
Baytown, Texas 77520

Joint Statement of the Governor, Lt. Governor, Attorney General and House Speaker
FOR USE ON SUNDAY, JULY 29, 1973

Texas' four top State officials today announced their joint endorsement and support for the adoption of Amendment No. 1 which will be considered by the voters of Texas in a special election on November 6, 1973.

The amendment, if approved, would provide for 60-day budgeting sessions of the Legislature in even-numbered years in addition to the regular sessions in odd-numbered years, and would also provide maximum salaries of $15,000 for members of the Legislature.

The four officials, Governor Dolph Briscoe, Lieutenant Governor Bill Hobby, Attorney General John Hill, and House Speaker Price Daniel, Jr. said: "We support Amendment No. 1 as an important step toward more efficient and effective State government.

"The Legislature is now required to enact two-year appropriations based upon long-range guesswork in a time of complex and constantly changing problems. This amendment would permit the Governor and the Legislature to assess the State's priorities each year, review the progress of various programs, examine possible economies, and come forward with more realistic and fiscally responsible budgeting.

"In addition, the amendment provides for a moderate and reasonable annual salary for the men and women who take valuable time from their personal lives and occupations in order to serve the people of Texas as members of the House and Senate. Many good legislators simply find it impossible to continue serving at the present pay of $4,800 per year. The cost of decent compensation for our legislators is miniscule in comparison with the State's budget, but the potential benefits to Texas are substantial.

"It should be pointed out that this amendment provides for only a limited even-year session devoted solely to the budget and to emergency matters. Furthermore, the annual salary is totally reasonable and in keeping with our traditional legislative system in which the members reside in their districts and stay in close touch with their constituents.

"We believe that Amendment No. 1 should be passed. It is our intention to inform the voters on this question as completely as we can and we urge the active participation and support of organizations and individual citizens throughout Texas in a program of voter education and voter turn-out in the election this November 6."

Briscoe

Briscoe switches stand, backs annual legislative session

By RANDY FITZGERALD
Post State Capital Bureau

AUSTIN — Reversing a previous position, Gov. Dolph Briscoe has joined three of the state's other top officials in endorsing annual sessions for the Texas legislature.

Briscoe, along with Lt. Gov. Bill Hobby, House Speaker Price Daniel Jr. and Atty. Gen. John Hill, announced their joint support Saturday for constitutional Amendment 1, providing annual sessions and a pay raise for members the legislature.

Voters will decide the fate of the amendment on Nov. 6.

In an interview with The Post July 8, Briscoe stated flatly "I do not support annual sessions."

But Secretary of State Mark White insists Briscoe's public support of annual sessions "is not really a departure" from his previous position.

White, who along with Briscoe press secretary Bob Hardesty were "negotiators" for the governor in planning the joint announcement, said the apparent discrepancy in Briscoe's position can be clarified by a close look at the amendment's wording.

"The distinction here is quite important between annual sessions open only to fiscal matters and one open to anything," said White.

"Amendment I would permit 180-day legislative sessions in odd numbered years and 60-day fiscal sessions in even numbered years. There is quite a bit of difference between a session only permitting consideration of fiscal matters and one permitting anything to be considered," said the secretary of state.

White said Briscoe has opposed regular sessions open to all subjects but favors yearly sessions so long as the 60-day proceedings are concerned with budgetary matters.

Just three weeks ago, Briscoe told The Post, "The thing that bothers me about annual sessions is the trend we have seen in Congress where the Congress meets year 'round, but doesn't accomplish any more than when it met half a year."

During that interview Briscoe would not say he planned to campaign actively against the annual sessions amendment, but he certainly did not indicate he would come out publicly for it, much less promote its passage.

Press secretary Hardesty denied a rumor that the governor announced his support for annual sessions in response to the Constitutional Revision Commission writing its exectutive department provisions to Briscoe's liking.

"Annual sessions was considered only on its own merits," said Hardesty.

The joint statement from the four state officials indicated they would "inform the voters" about the amendment, which implies they will actively campaign for its passage.

"The legislature is now required to enact two-year appropriations based upon long-range guesswork.

"This amendment would permit the governor and the legislature to assess the state's priorities each year, review the progress of various programs, examine possible economies and come forward with more realistic and fiscally responsible budgeting," said the officials.

The pay raise in Amendment 1 would provide a salary jump from $4,800 to $15,000 a year.

The joint statement endorsing the amendment describes the increase as "a moderate and reasonable annual salary for the men and women who take valuable time from their personal lives and occupations in order to serve the people of Texas as members of the House and Senate.

"Many good legislators simply find it impossible to continue serving at the present rate of pay."

Volume LVIII
Number Nine

October
1969

NATIONAL CIVIC REVIEW

(Formerly National Municipal Review)

For Annual Sessions - 401

Roy H. Owsley

Lessons of Defeat

N. J. Spector

New Lawmakers?

Robert Heath and Joseph H. Melrose, Jr.

Published by
NATIONAL MUNICIPAL LEAGUE
Founded 1894

News of the League

Agnew and Muskie Scheduled to Address 75th Conference

Vice President Spiro T. Agnew and United States Senator Edmund S. Muskie of Maine are scheduled to be the

Spiro T. Agnew

Edmund S. Muskie

major speakers at the League's 75th National Conference on Government in Philadelphia. The Vice President is to address the opening luncheon meeting on Monday, November 10, and Senator Muskie will speak at the November 11 luncheon. League President Alfred E. Driscoll, former governor of New Jersey, will also speak at the luncheon on November 10.

The local advisory committee for the Conference is headed by Governors Raymond P. Shafer of Pennsylvania, Russell W. Peterson of Delaware and Richard J. Hughes of New Jersey, and Mayor James H. J. Tate of Philadelphia as honorary co-chairmen. Former Governor William W. Scranton of Pennsylvania and Elkins Wetherill, president of the Philadelphia-Baltimore-Washington Stock Exchange, are the active co-chairmen of the committee, which is composed of 41 officials

(*Continued on next page*)

Scranton Nominated as League President

William W. Scranton, former governor of Pennsylvania, has been nominated as the nineteenth president of the National Municipal League, to be elected at the annual membership meeting in Philadelphia on November 9.

Alfred E. Driscoll, whose term expires December 31, has served as League president since 1963.

The 1969 Nominating Committee, chaired by John S. Linen, a former League vice president, also nominated for reelection as first vice president, Alan K. Browne, senior vice president, Bank of America, San Francisco. The nominee for second vice president is Vernon C. Myers, president of *Look* Magazine.

Governor Scranton served as special

(*Continued on page 451*)

National Civic Review

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(A Citizens' Organization for Better Government)

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See inside back cover for list of officers

NATIONAL CIVIC REVIEW

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Cincinnati Faculty Center Named for Seasongoods

The new faculty center at the University of Cincinnati has been named in honor of Agnes and Murray Seasongood, who donated the principal funds for its construction. Mr. Seasongood, a former mayor of Cincinnati, served as National Municipal League president from 1931 to 1934. He was on the University of Cincinnati law faculty for 34 years.

The center, which will be the permanent home of the Cincinnati Faculty Club, provides facilities for a variety of cultural events, scholarly meetings and other activities, and will be a focal point for the widely scattered faculty of this urban university.

The library at the National Municipal League headquarters is also named in honor of Mr. Seasongood.

Conference Speakers

(*Continued from previous page*)

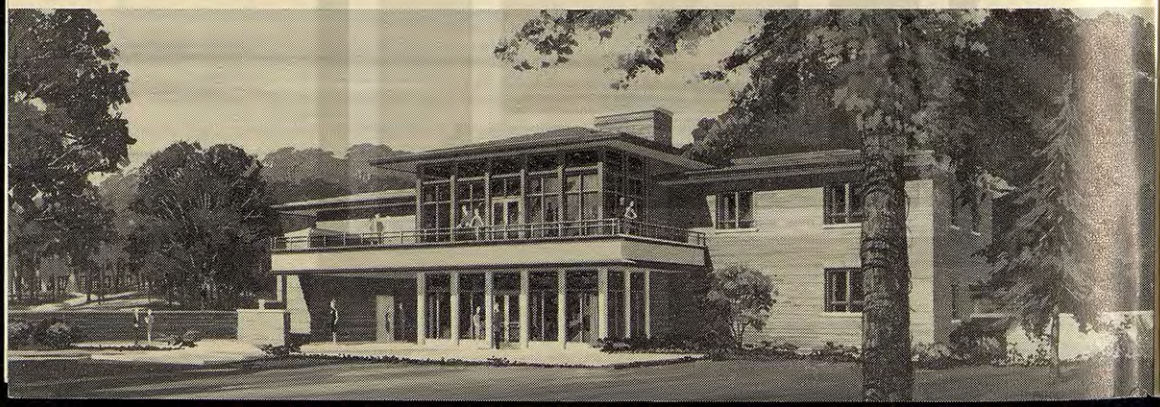
and civic leaders from the Philadelphia region.

The Conference theme, "The Involved Citizen," will be explored in the 24 workshop sessions. National Municipal League officers and Council members who will chair all of the sessions include four former governors—John Anderson of Kansas will head the session on "Citizens Organize for Legislative Modernization," Jack M. Campbell of New Mexico on "Constitutional Convention: A Citizen Conclave," Sam H. Jones of Louisiana on "The Civic Voice at State Capitols," and Terry Sanford of North Carolina on "The Non-Profit Corporation and Urban Progress."

The breadth of coverage of the program and the nature of citizen involvement is illustrated by the fact that other workshop sessions will be chaired by present and former mayors, chairmen of county boards and planning boards, corporate and bank executives and other community leaders. Those giving presentations and serving as panelists at the sessions also include a roster of distinguished experts with extensive experience in civic affairs.

The dates of the Conference are November 9 through 12, and the headquarters will be the Benjamin Franklin Hotel.

In photograph above, Mr. and Mrs. Murray Seasongood are shown at reception in their honor at the new faculty center. With them are Herman G. Pfaltzgraff, assistant dean of University College (left) and University of Cincinnati President Walter C. Langsam (right). Photograph below shows architect's rendering of the new center.



Annual Sessions

For Annual Sessions

Trend toward continuity for legislatures grows as Kentucky faces enabling amendment.

By ROY H. OWSLEY

AT the general election this November, Kentuckians will vote on a proposed constitutional amendment relating to the legislative branch of the state government which was approved by the 1968 session of the General Assembly. If approved, the amendment will make several important changes, including a provision for annual sessions, limited to 60 days each, to be completed by June 30. It also provides that the 60 legislative days need not be consecutive. (The present biennial regular sessions are limited to 60 calendar days exclusive of Sundays and legal holidays.) In addition, the proposed amendment would clearly legalize the functioning of legislative committees between sessions by declaring the legislature to be a continuing body, and would provide for the convening of the General Assembly on the first Tuesday after the first Monday in March in years following the election of a governor, retaining the present January convening date for all other years. This last is intended to give a new governor more time to prepare his initial budget, and the legislature more time for its consideration. Finally, the proposed amendment contains a simple provision that the compensation of the members of the General Assembly shall be fixed by law, to replace the present archaic provisions for per diems and travel allowances.

There clearly is a nationwide trend toward annual sessions. This year, for the first time in this century, most of the states have constitutional provisions for them. This contrasts with only four states in 1941. With the 1968 passage of amendments in Idaho, Iowa and Utah, and a new constitution in Florida, 27 states now require annual legislative sessions (21 of these provide for annual general sessions; six, for a general session one year and a budget session the next). In addition, Illinois, Ohio, Tennessee and Vermont have instituted annual sessions by employing the device of not adjourning sine die. This makes a total of 31 states with regular sessions each year. Of these, 15 have definite limits on length, 12 are unlimited, and four legislatures may themselves extend the length of the session.

And the sweep is continuing. During this year to date, legislative developments have moved 12 more states toward longer or more frequent sessions. These include three—Delaware, Maryland and West Virginia—which already have constitutional

* Dr. Owsley is a Louisville life insurance company consultant who has a long record of public service in city and state government. He served as chairman of the Kentucky Committee on the State Legislature in 1968. This article presents his views, not those of the committee. He is also a member of the National Municipal League's governing Council.

Editorial Comment

The Involved Citizen

CITIZENSHIP in the United States is a most exacting calling. The American governmental system with its many levels and units of government is growing more complex with rapidly changing technology and social patterns. Paradoxically, the increasing demands placed on government lead to both citizen frustration and apathy.

All too often not only the aggrieved citizen but also the one who just wants an opportunity to express a point of view has difficulty finding a receptive ear. He feels helpless when he encounters the highly impersonal and often arrogant expert, or the insecure officeholder who smarts under even constructive criticism.

The development of responsible institutions for meaningful citizen participation is clearly one of the most pressing needs facing the nation. It is manifestly impossible for every citizen to be intimately involved in the policy-making process for every public program which affects him. Thus, institutions which represent him assume paramount importance. He must feel that his desires and concerns are considered by those in power.

How can the system provide more adequate vehicles for citizen participation? How can the citizen be represented more effectively in the affairs of his neighborhood, city, region, state and nation? How can our education system better prepare citizens for participation?

Since its founding in Philadelphia 75 years ago, the National Municipal League has continuously endeavored to develop ways and means for citizens to become more effective in their communities and states. It has formulated programs for making state and local government more representative, responsive, responsible and competent. The current urgent problems of both growth and decay, within and outside urban areas, are challenging the fundamental nature of representative government and demand immediate attention.

The League's 75th National Conference on Government will focus on the involved citizen as voter, party member, civic leader, officeholder, etc. The conference, which each year since 1894 has gathered together a unique combination of serious citizens from all parts of the country and has helped develop new approaches to the constantly changing problems of self-government, will again be held in Philadelphia.

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75th

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yet many states still hold to the pattern of restricted sessions, held annually or biennially. Approximately half now meet annually.

Legislative problems should be faced when they arise and not in spasms. True emergencies should be the only reason for special sessions. Moreover, legislative action should be preceded by intensive study and analysis.

These factors, coupled with the increasing workload of legislatures, the waste of time involved in waiting for committees to analyze hundreds of proposals and the end-of-session congestion, all testify to the need for the legislature to meet as a continuous body.

The *Model* provision permits the legislature to govern its own schedule in providing by law for a convening date and for such other regular sessions. The *Model* provides also for the convening of the legislature at other times at the request of the governor or by the responsible leader of the legislature when the latter is requested to do so by a majority of the members. Under these provisions it is not at all necessary that every session be a miniature of the prevalent annual or biennial session. Priority could be given to those measures requiring consideration during the period the legislature happens to be convened. Action on local matters could be timed in accordance with the fiscal year, tax-levying, budget-making or bond-issuing requirements of localities. The state budget could receive ample consideration at one session without crowding other measures on the calendar which could be taken up subsequently. Committees could plan their work with preliminary hearings and specific arrangements for further hearings at the next session or between sessions. An orderly process of distributing the work over the 24-month term would provide greater opportunity for adequate consideration and would quiet the public's fear of hasty or ill-considered action.

2. In a 1967 booklet, *Modernizing State Government,* the Chamber of Commerce of the United States suggested, among other things, that each state "modernize the constitution so that it permits latitude for appropriate action by the three official branches" and "ease constitutional restrictions on the length and frequency of legislative sessions."

3. In a July 1967 booklet, also entitled *Modernizing State Government,* the research and policy committee of the powerful and highly respected national Committee for Economic Development made the unreserved observation that: "In all states, sessions should be annual, without time limitations for adjournment."

* * *

4. Writing in the May 1968 issue of *Nation's Agriculture,* Charles B. Shuman, president of the American Farm Bureau Federation, said: "State legislative sessions are often limited in length to accommodate to the seasonal workload of part-time legislators . . . . State and county legislative bodies have not kept pace with changing times—they need to be remodeled and revitalized."

5. A December 1968 publication of the Council of State Governments, the official organization of the states, contains the following statement on the subject of *Legislative Modernization:*

If a legislature can only meet every other year, how can it react properly to the current problems facing the state? How can a state comply with new federal legislation, enacted by a Congress that meets annually? The power to meet in annual sessions is absolutely essential today, if state government is really going to have any important role in the future. Unless states assume this responsibility, the growth of the federal power and the

provisions. Under a unique provision of the Delaware constitution the 1969 legislature, by a two-thirds majority vote of each house, enacted an amendment providing for six-month annual sessions instead of the former 90 calendar days in even years and 30 days in odd years. In Maryland a proposed constitutional amendment would extend the length of annual general sessions from 70 to 90 days. In West Virginia a newly proposed amendment would change the 30-day budget session in even years to a 60-day general session.

The other nine states are Connecticut, Indiana, Minnesota, Missouri, Nevada, Oregon, Texas, Virginia and Washington. In Indiana and Connecticut, annual-sessions amendments were passed by the legislatures a required second time. In Connecticut, Missouri, Oregon and Texas, bills proposing annual-session amendments were enacted. In Minnesota, bills were passed after the traditional deadline as a basis for a court test of the right to hold part of the legislative session in each year of the biennium. The Virginia legislature, meeting in special session, proposed a new state constitution providing for annual sessions which will be submitted to the voters in 1971 if passed again by the legislature in 1970. In Washington, Governor Daniel J. Evans, by a pre-planned arrangement, called a 60-day special session at the conclusion of the 1969 regular 60-day biennial session and has announced plans for another one in 1970 to provide annual sessions on a trial basis.

If the present trend continues, and there is every indication that it will, within five years nearly all the states will provide for annual legislative sessions. If Kentucky does not approve the amendment this year, it may very well find itself the last to make the change. It will eventually, it's only a question of *when*. The trend is an outward manifestation of a renewed interest in the legislative branch of state governments. "To a large degree," according to an April staff memorandum of Kentucky's Legislative Research Commission, "this concern has resulted from the diminishing influence of the state governments in the American system of government."

In late 1968 studies of ways to strengthen state legislatures were being conducted or recently had been completed, in various degrees of depth, in 40 states. Twenty-five of these were comprehensive studies involving practically every aspect of the legislative process. Most that have dealt with the subject have recommended annual sessions.

* * *

Likewise, most national groups concerned with civic affairs that have studied the matter have recommended annual legislative sessions for the states, or at least the easing of restrictions on length and frequency. For example:

1. The National Municipal League has endorsed annual sessions since its *Model State Constitution* was first published in 1921. Twenty years later, in the fourth edition, the concept of the legislature as a "continuous body" was introduced. The commentary on this provision in the current sixth edition, published in 1963 and revised in 1968, states:

The legislative process is continuous,

Lessons of Defeat

Bridgeport effort points up need for more emphasis on 'selling' a proposed charter.

By N. J. SPECTOR*

ON November 5, 1968, by a margin of almost three to one, voters of Bridgeport, Connecticut, rejected a proposed city charter. The vote was 7,921 in favor and 21,519 against. Voters in all 24 precincts of the city's 10 Assembly districts turned thumbs down on the proposed changes. The combined "yes" and "no" votes totaled 29,440, which is 44 percent of those eligible, although it is slightly more than 52 percent of those who cast ballots for President. The major concerns here are the how and why of the process of attempted charter revision, rather than the final result.

In order to modernize the municipal governmental structure, the mayor of Bridgeport engaged the services of a management consultant firm. The major findings indicated that the city needed a new charter, that the existing structure was archaic and unable to permit the city to carry out municipal services effectively. Furthermore, the consultants added, there was a need to overhaul various city departments and make certain consolidations. It was indicated that in certain areas there was no clear chain of authority and important matters became unduly delayed.

In late February 1968 the Bridgeport common council appointed a 13-member bipartisan charter revision commission to draft a new charter. After more than five months of meetings and hearings, the commission submitted its draft to the council. The council then conducted a public hearing, recommended some relatively minor revisions in the draft and returned it to the commission. After accepting the proposed changes, the commission filed its final version of the charter with the council, which approved it August 29 and ordered a referendum for November 5, 1968.

In general the charter proposal would have strengthened the powers of the mayor and the common council. At the same time it would have curtailed the powers of most city boards and commissions. It would also have reorganized some municipal departments and created a few new ones, and established and dropped some managerial positions while revising the duties of some others.

Terms for the city's top elective officials—mayor, city clerk, town clerk and city treasurer—would have been lengthened from two to four years. Aldermen would have continued to serve for two years but would have been paid $1,800 a year. As at present, they would have been elected from each of the voting districts. The president of the coun-

* Dr. Spector is an assistant professor of political science at the University of Bridgeport.

strength of the federal-local nexus must increase.

Even more pertinent here is the fact that the so-called annual-sessions amendment to be voted on next month is quite similar to the relevant provisions of the new constitution recommended by the 50-member Kentucky Constitution Revision Assembly in 1965. Although many other parts of the CRA proposal were bitterly attacked in the preelection campaign of 1966, its provision for annual sessions of the General Assembly provoked almost no public or organized opposition.

The Legislative Research Commission reported in September 1966 that: "The assembly recommended annual sessions on the basis of recent Kentucky experience in the necessity for numerous special sessions and to place the basic operations of government on a more orderly and timely basis. Fiscal matters, it was felt, in particular required the annual session." The same report stated: "If the proposed revision of the constitution is approved by the voters, it may well be that the most significant single result will be the upgrading of the legislature."

* * *

The arguments for annual sessions are many and varied. A summary of some of the more important ones is given in the Kentucky LRC staff memorandum referred to above. It reads, in part:

1. In our rapidly changing dynamic society, 60 days every two years is not sufficient time in which to consider the increasing volume and complexity of legislation. . . .

2. Biennial sessions limited to 60 days guarantee dependence of the legislature upon the governor. The legislative body is placed in the position of simply ratifying executive demands. Annual sessions would permit more extensive scrutiny of the budget, which currently totals over one billion dollars.

3. Annual sessions would enable the legislature to respond more rapidly to fluctuations in the economy, to rapidly changing federal programs, and to the needs of local units of government.

4. Interim committees help to bridge the gap between sessions by allowing legislators time for study and formulation of proposals. However, this advantage is diluted by the failures of some members to return for the next session. Annual sessions would add continuity of legislator experience and reduction in turnover. Two sessions would certainly increase a representative's knowledge of the diverse state government programs, rather than one session immediately after election.

5. Annual legislative sessions would also tend to increase interest and concern of the citizenry toward state legislative activity.

6. The legislative bodies of cities, counties and special districts, which are creatures of the General Assembly, meet at least monthly, and yet the General Assembly is confined to a 60-day session every two years.

We live today in a fast moving, highly competitive society. Social and economic conditions are subject to rapid, sometimes violent, change. Some of these changes, perhaps most, require governmental attention and action of some kind at some level—local, state or federal. If state and local governments are unable or unwilling to act effectively and in a timely manner, citizens inevitably will turn to the federal government.

Moreover, in a time of rapidly changing social and economic condi-

(Continued on page 440)

an assistant professor of political science at the University of Bridgeport. From within the mayor's official family there was dissent; the city purchasing agent opposed the creation of a department of finance whose director would be appointed by the mayor.

Opposed to some or all of the major provisions of the new charter were the executive vice president of the Greater Bridgeport Chamber of Commerce, leader of the Greater Bridgeport Labor Council, president of the Bridgeport Education Association, leaders of the police and firefighters union locals, a previous Republican mayoral candidate, town chairman of the Socialist party, and chairman of the Independent Republican Club of Bridgeport. In addition, many individuals disapproved the changes because they disagreed with one particular aspect of the document.

Perhaps more crucial to the success or failure of charter revision in Bridgeport was the forum on the editorial page of the only daily evening newspaper in the city, the *Bridgeport Post*. According to the latest statistics its daily circulation is more than 82,000. (The total population is about 152,000.)

A content analysis of the editorial pages from April to November 1968 reveals that, of 24 editorials written, 23 could accurately be categorized as unfavorable toward the charter, and one as neutral. Of 50 letters written to the editor during the same period, 42 contained negative comments toward the new charter, four were positive and four could be described as neutral.

Since the voters did in fact overwhelmingly reject the charter proposal, it is valuable to analyze these negative editorials and letters to obtain a clue as to why the voters reacted as they did.

Three major categories evolved as offering potential reasons for the charter defeat: (1) the charter provisions—increase in mayor's term, salaries for councilmen, and increase in mayor's power of appointment; (2) the charter revision commission and the referendum—high salaries for commission staff members, and timing of the referendum (to coincide with presidential and other statewide elections); and (3) negative attitude toward "politicians" in general.

* * *

Where did the editorials and the letters disagree? Concerning the mayor's tenure of office, there was much more concern in the former (five or 22 percent) than the latter (four or 10 percent). Significantly, the editorials placed much less stress (one or 4 percent) on the "Politicians" issue than did the letters (seven or 17 percent).

Both sources agreed that the timing of the referendum was the least significant negative factor. Both considered the salary of the commission staff to be fourth in importance and both felt that the issue of the councilmen's salary was about third in importance.

The most clear-cut point of agreement concerned the fear of increased power of appointment in the hands of the mayor. Of the 23 negative editorial comments, nine revolved around the mayor's powers. Sim-

cil, also a paid official, would have been elected at large, and he instead of the mayor would preside over the council.

The mayor, with the approval of the civil service commission, would have appointed the police and fire chiefs, who would have to meet specified skill and service requirements. These would have replaced the merit system tests. The present incumbent police and fire heads would have retained their civil service tenure, the mayor having the power to make appointments only as vacancies occurred.

The mayor, in addition, would have appointed virtually all department heads and members of city boards, generally subject to confirmation of the common council. The council would have had a non-voting member on most boards. More specifically, the proposed charter would have ended the "self-perpetuating" power of the board of park commissioners and the board of library directors. Members of these bodies, who are now elected by the boards, would have been named by the mayor.

The charter would have dropped the requirement for naming a city employee representative to the civil service commission, and would have limited extra points for war veterans in merit tests to one examination instead of every test. Another major innovation would have been the creation of a new Department of Housing headed by a director named by the mayor.

These and other proposed changes would have converted Bridgeport's municipal structure from a "weak" to a "strong" mayor form of government.

The charter revision commission held three public hearings on specific topics: (1) mayor's and councilmen's term of office and councilmen's pay; (2) boards, commissions and departments; and (3) civil service. The first hearing, held in April 1968, reflected the following lineup: None of the speakers advocated an increase in terms of office from two to four years for councilmen; more than half of those who spoke backed a four-year term for mayor and pay for councilmen.

The second hearing dealt mainly with the proposed mayoral appointment of the police and fire chiefs. Almost all of those discussing the issue opposed the change.

* * *

At the third public session the main topic of discussion was veterans' preference points for municipal civil service examinations. A variety of viewpoints was expressed. A representative of the Connecticut Veterans of Foreign Wars, for example, spoke in favor of using the points for every test. Obviously caught on the horns of a dilemma, the police and firefighters unions took no formal position.

Two final public hearings were held in August by the commission and the council, respectively. It was at this point that formal opposition to the new charter began to synthesize. The only two individuals who consistently supported the proposed charter were the chairman of the Mayor's Action Committee (a group of prominent local businessmen), and

be, and often are, the most important factors for success. As the months went by, and as the pattern of editorials and letters became apparent, no organized, concerted effort was made to write letters to the editor in favor of the charter proposals. Furthermore, the suggestion to use civics classes in the high schools as a forum to air the pros and cons of the new charter fell on deaf ears.

4. At no time was the electorate convinced that the proposed charter was indeed a compromise. After the three public hearings, and after the awareness of the trend of the editorials and the letters to the editor, it might have been prudent to concede one major point (increased mayoral appointment powers), in order to salvage others (four-year terms for mayor, pay for councilmen).

5. A reallocation of funds could have permitted the commission and its friends to present a better case to the voters. Aside from a few last minute radio "spots" and ads in the newspaper, there was not much in the way of a "mass" appeal to the electorate. Speeches by commission members at service club meetings were simply not enough.

6. Debates between advocates and opponents could have been arranged. Instead, a sparsely attended public meeting at which questions were asked of a panel of commission members, fell flat. A "head-to-head" confrontation would have been much more exciting, and probably more beneficial to the reformers.

7. Perhaps the single most important factor was the absence of a report to the voters. The charter commission should have printed a brief report, in laymen's language, explaining the high points of the charter. A translation would have been most appropriate for those Spanish-speaking residents of the city.

One of the greatest shortcomings of the many charter reform movements is to assume that the job is done when a new document has been drafted. The best charter in the world is obviously of little value if it is not accepted by the voters and does no more than collect dust on a shelf. The effort to win public understanding and acceptance must start from the day the charter commission is named, and should perhaps make up about 50 percent of the job. Frequently, charter commissions have ended their work in failure because they apparently misinterpreted their goal.

ilarly, of the 42 negative comments made by letter writers, 16 dealt with this issue.

A synthesis of this "shared fear" could be expressed as follows:

1. Too much power in political hands;

2. Unnecessary downgrading of commissions and boards led by civic-minded citizens working part-time with no pay; and

3. Dangerous return to pre-civil service days for such municipal employees as policemen, firemen and teachers.

The referendum campaign lasted about two months. The proposed charter was endorsed by both the Democratic and Republican town committees, the Mayor's Action Committee and the board of directors of the chamber of commerce. A week before the election the local branch of the NAACP gave its informal approval to the new charter.

Major opposition came from a newly-formed ad hoc Committee of Concerned Citizens, the political action committee of the Bridgeport Education Association and a local plumber who led a one-man crusade against the charter.

Some factors were obviously beyond the control of the advocates of municipal reform. There was (and is), for example, an intra-party battle going on in the Republican party. Thus, while the GOP town committee backed the charter, independent Republicans and a key GOP women's club worked for its defeat. Today the leadership of the ad hoc Committee of Concerned Citizens is the nucleus of a more permanent Republican Action League, a group which is challenging the incumbent party leadership.

Where did the campaign for the charter revision fail? The following suggestions are from personal observation of the entire process:

1. The goal for most commissions should be to write the best possible charter that they think the voters will adopt on election day. A charter commission is justified in writing an all-encompassing utopian charter only when it feels that the voters will adopt it.

On the morning after the election the chairman of the charter revision commission stated: "Too many segments of the voting population object to individual provisions in a proposed charter, and when they oppose one point, they vote against the whole charter." An obvious way to avoid this particular problem is to present the charter as a series of independent questions.

* * *

2. In appealing to the electorate, many "publics" are involved. Interests included are efficiency, economy, better personnel, greater financial control, more effective democratic control, improved city services, etc. The pro-charter leaflets distributed by the commission prior to the election stressed one point above all: efficiency. Very little of anything was said publicly about strengthening the common council as a potential check on an increasingly powerful municipal chief executive. (The editorial page of the *Bridgeport Post* reflected this situation.)

3. The commission did not pay significant attention to the newspapers and the schools. They could

part of one, county with a population of 250,000 or more; or

2. A district is made up of more than one county, but the greater proportion of the population of that district comes from an urban county.

House

1. A district is contained solely in an urban county; or

2. A district is made up of parts of counties and the greater proportion of the population of that district comes from an urban county; or

3. A district is contained in a county which is classified as intermediate, but is composed of a city of 100,000 or more.

Intermediate

Senate

1. A district is made up of one, or part of one, county with a population of between 100,000 and 250,000; or

2. A district is made up of more than one county, but the greater proportion of the population of that district comes from an intermediate county.

House

1. A district is contained solely in an intermediate county; or

2. A district is made up of parts of counties and the greater proportion of the population of that district comes from an intermediate county; or

3. A district is contained in a county which is classified rural, but is composed of a city of 50,000 or more.

Rural

Senate

1. A district is made up of one, or part of one, county with a population less than 100,000; or

2. A district is made up of more than one county, but the greater proportion of the population of that district comes from a rural county.

House

1. A district is contained solely in a rural county; or

2. A district is made up of parts of counties and the greater proportion of the population of that district comes from a rural county; or

3. A district is contained solely in a county classified rural and does not contain a city of 50,000 or more.

County Classifications:

Urban—250,000 or greater.
Intermediate—100,000 to 250,000.
Rural—less than 100,000.[2]

The subgroup sizes are noted in Figure 1. The Pennsylvania House of Representatives was analyzed first.

All data for the biographical variables was gathered from the appropriate *Pennsylvania Manual.* This source provides capsule biographies with some uniformity, in that they are prepared from information provided by either the legislator or his staff, information that the legislators

[2] Population figures for the 1965-1966 session taken from *Butcher* v. *Bloom,* 415 Pa. 455, 456. Population figures for post reapportionment session taken from the Opinion of the Court in *Butcher* v. *Bloom,* 420 Pa. 311.

Figure 1

	House 1965-66	Senate 1965-66	House 1967-68	Senate 1967-68
Membership	209	50*	203	50**
Democrats	115	22	99	22
Republicans	94	27	104	27
Urban	112	25	116	27
Intermediate	54	16	56	15
Rural	43	8	31	7

* Returns in dispute in 29th Senatorial District, no certified winner.
** Returns in dispute in 28th Senatorial District, no certified winner.

New Lawmakers?

Few changes evident in the composition of Pennsylvania's legislature after redistricting.

By ROBERT HEATH and JOSEPH H. MELROSE, JR.*

EVER since *Baker* v. *Carr* (369 U.S. 186), when the Supreme Court of the United States entered the field of apportionment, political scientists have delved into almost every facet of the subject. Most, however, have dealt with the causes of malapportionment, the various reapportionment plans, and historical and judicial elements.[1] Here, to develop an operational model for studying the effects of reapportionment on state legislatures with respect to the legislators themselves, the 1965-1966 and 1967-1968 legislative sessions in Pennsylvania have been analyzed. These were the sessions immediately before and after the state legislature was reapportioned by the state supreme court in February 1966.

Certain variables were established to make up a composite picture of a legislator prior to and after reapportionment. The composites were then examined by statistical means, modes, correlation coefficients and distributions, with the hypothesis that slight change, if any, with regard to education, race, years of service, age and other factors has occurred because of reapportionment.

By law the Pennsylvania General Assembly elected in November 1964 (prior to reapportionment) was to consist of 209 representatives and 50 senators. Two years later the membership in the General Assembly had been changed by reapportionment to 203 representatives and 50 senators.

To ensure greater accuracy in the analysis, each house of each session was treated as a separate entity, with six subgroups in each: (1) total membership, (2) Democrats, (3) Republicans, (4) rural legislators, (5) urban legislators, and (6) legislators from intermediate districts (these districts are frequently suburban but, since they may not be surrounding a city and still have similar population figures, they have been labeled intermediate to avoid confusion).

No existing, satisfactory method could be found for categorizing a district as urban, rural or intermediate. A classification system was devised, therefore, which, it is felt, is completely valid and will be satisfactory for any state. The criteria used for classification are:

Urban

Senate

1. A district is made up of one, or

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[1] Some of the most recent literature in these areas were papers presented at the 1968 American Political Science convention: Stephen D. Slingsby, "Some Limitations of Computer Redistricting"; Paul H. Conn, "Social Pluralism and Democratic Representation"; and Peter J. Henriot, "The Court and Virtual Representation."

mean populations of the House district in 1965 and 1967 compare as follows: Urban, 58,168-56,181; Rural, 41,523-54,081; Intermediate, 55,968-55,899.

Very little change is indicated in any of these variables after reapportionment. The legislators in the House of Representatives are slightly younger, slightly better educated and sligthtly less experienced. The changes are not great enough to indicate that reapportionment had any effect. They may have been caused by the trend toward younger men in government generally, or by the switch from a Democratic to a Republican majority. No significant correlation coefficients were found between any of the testable variables, but several interesting relationships did exist.

* * *

The one area in which reapportionment did have a substantial effect was the size of the district. Uniformity was increased in all the groups under investigation. It is noteworthy that in 1965 rural districts had both the highest (81,534) and lowest (4,485) population figures, while in 1967 urban districts had both the highest (64,660) and lowest (47,908) figures.

Results of an investigation of the Pennsylvania Senate were much the same as those for the House. In the 1965-1966 Senate all members except one were married and all were white males. The average age was 53, the oldest member being 87 and the youngest, 32 (46 listed birth dates). Senators were better educated than their colleagues in the House. The average senator had a college education and many (26) had a higher education. Pennsylvania state senators in 1965 had an average of seven years of prior experience in the Senate and 10 years in the state legislature. There is a range of 26 years of senatorial experience between the freshman members and their most senior colleague, who was starting his twenty-seventh year in January 1965. In terms of total legislative experience the most experienced member was beginning his twenty-ninth year, as opposed to the newest member who was beginning his freshman year. In this body almost half of the senators were lawyers (24), with finance being the second most frequently listed occupation.

Again with respect to the subgroups, the average senator in 1965 was: Urban—married, white, male, Democrat, age 53, college, 8 years in Senate, 12 in legislature; Rural—married, white, male, Republican, 56, college, 10 years in Senate, 13 in legislature; Intermediate—married, white, male, Republican, 52, college, 7 years in Senate, 8 in legislature.

The size of the 1965-1966 senatorial district also showed a rather substantial range. The mean population was 226,412. The smallest district had a population of 129,851, while the population of the largest district was 352,629, giving a range of 222,778.

The only significant correlation coefficient was between the variables of experience in the Senate and experience in the General Assembly. The Pearson Product Moment Correlation Coefficient was +.8216.

As was the case in the House of Rep-

wanted to be part of the official record. The variables that we will study are race, sex, marital status, age, education and length of service in the chamber. (Total length of service in the legislature will also be examined for the Senate.)

In the 1965-1966 Pennsylvania House of Representatives the first three variables can be dispensed with very quickly. Almost all of the members were married, caucasian males. Of the 209 members only 19 were not married, eight were non-white, and 13 were female. The mean age of the House members when sworn in was 49.485 (only 194 listed birth dates). The youngest member was 26 years of age while the oldest was 85. The average education for the representatives was midway between a junior college associate degree and a college degree. The modes in the distribution, however, fell at the high school diploma level and the advanced degree level. The representative being sworn into office in January 1965 had an average of 5.33 years of legislative experience behind him. The most experienced legislator was entering his twenty-ninth year while some were just beginning their legislative careers. The most common occupation listed by the legislators, 47 of them, was law. Others frequently listed included finance, education, business and agriculture. The legislative district in the 1956-1966 House had a mean population of 54,175. The smallest district in the state had a population of 4,485 while the largest had 77,049.

In the 1965-1966 House, with respect to the subgroups, the composite of the legislator was as follows: Urban—married, white, male, Democrat, age 50, junior college, 6 years' service; Rural—married, white, male, Republican, 51, junior college, 6 years' service; Intermediate—married, white, male, 47, college, 6 years' service.

The House of Representatives elected in November 1966 was not very much different. Again, almost all members were married, white males. This time only 20 were single, 10 were non-white, and eight were female. The average age in the post-reapportionment House was 48.189 years (196 listed birth dates). The level of education indicates that the average member had a college degree. The mode of this distribution, however, was the advanced degree level. The second highest was a college degree and third, a high school diploma. The representatives had an average of 4.5 years of experience in the legislature. The most experienced man was beginning his twenty-fifth year of service while the least experienced was beginning his first year. Law was again the chief occupation. Reapportionment did make the districts more equal in terms of population, the mean for the new districts being 55,783. The smallest district had a population of 47,908 while the largest contained 64,660 inhabitants. The range of 16,752 was considerably smaller than before reapportionment.

* * *

In 1967, the average Representative was: Urban—married, white, male, Democrat, age 48, college, 5 years' service; Rural—married, white, male, Republican, 51, college, 6 years' service; Intermediate—married, white, male, 47, college, 5 years' service. The

News in Review

City, State and Nation . . . *William J. D. Boyd, Editor*

More Legislative Action Summarized

Tax and Fiscal Matters Dominate State Agendas

NUMEROUS special sessions, invariably to handle tax and fiscal matters, plus regular sessions largely devoted to financial matters marked a generally "routine" legislative year for most states. Few newspapers credited their states' legislatures with having milestone accomplishments, and some were criticized for their failure to meet pressing urban or metropolitan area needs. Following is a summary of some state actions:

GEORGIA: Taxes, including a special session on revenue and appropriation matters, dominated the agenda. A tax on mixed drinks to be imposed by cities on a local option basis was authorized. Salaries of state judges were raised from $18,000 to $20,000, with an $1,800 yearly expense allowance. A mental health "bill of rights" was enacted, outlining the rights of patients in mental institutions including rules governing discharge, the right to wear their own clothing and related matters. Unemployment compensation was raised from $45 a week to $47 effective January 1, 1970, and to $50 effective January 1, 1971. Procedures for electing the mayor of Atlanta and other municipal officials were simplified. Measures defeated included the governor's plan for state supported kindergartens and a bill requiring the use of textbooks containing the contributions of American Negroes.

NEW JERSEY: A variety of tax increases was instituted to provide $16 million in urban aid. Funds were made available to construct and rehabilitate low- and moderate-income homes, to assist cities to improve educational programs for disadvantaged children, and for public health and safety and library facilities. Three major referenda items will be placed on the November ballot: to lower the voting age from 21 to 18, approve bonds for a pure waters program and create a state lottery.

OHIO: The open-housing law was extended to cover one-family dwelling units, in line with federal law. Schools were granted $150 in 1969 and $175 for 1970 for special programs for each child on the Aid to Families with Dependent Children program. The laws governing the formation of independent or third parties were eased, in line with federal court rulings. Cities were authorized to issue revenue bonds for recreational purposes outside their debt limit, and a similar right was granted to counties for parking facilities. The municipal debt limit was raised from 2.5 to 3.5 percent of property value on tax rolls. Workmen's compensation was granted to miners who contract the "black lung" disease from coal dust. Tax exemption was given on certain air pollution control equipment. Welfare appropriations were increased by $250 million. Sunday liquor sale and other liquor laws were eased. State licensing of day-care centers was authorized. A variety of taxes was raised to provide additional funds for education. On the November ballot will be a constitutional amendment lowering the voting age from 21 to 19. A 32-member constitutional revision commission was authorized; twelve of the commissioners are legislators, who then co-opted 20 additional members on a nonpartisan basis. Up to $100,000 was authorized for their expenses.

SOUTH DAKOTA: Strikes by public employees were prohibited, and any union violating the law is liable for a fine up to $50,000 with individuals subject to a $1,000 fine. Three constitutional amend-

resentatives, very little change took place in the composition of the Senate before and after reapportionment. The 1967-1968 body was also made up almost entirely of married, white males. Several members were unmarried, one was Negro and one was a female. In most other respects there was also little difference between the two sessions. The mean age of members was 52 (45 listed birth dates), the youngest senator being 32 while the oldest was 64. The average senator in this session had also received a college degree, with many having advanced degree work. The largest change between pre-reapportionment and post-reapportionment senators occurred in the category of experience. In 1967 the average senator had five years of previous experience in the legislature. The most experienced member in terms of Senate experience had 26 years while the newest legislator was just beginning his first term. In terms of overall legislative experience the most experienced man had 30 years. The most common occupation was again law, with finance placing second.

In the 1967 session the average senator was: Urban—married, white, male, Democrat, age 49, college, 5 years in Senate, 9 in legislature; Rural—married, white, male, Republican, 58, college, 8 years in Senate, 8 in legislature; Intermediate—married, white, male, Republican, 52, college, 7 years in Senate, 10 in legislature.

Reapportionment did have a substantial effect on the population figures for the new senatorial districts. The mean population was 226,387, with the smallest district having a population of 205,309 and the largest a population of 248,695. This leaves a population range of only 43,386, drastically reducing the disparity in district size. The mean populations of the Senate districts in 1965 and 1967 compare as follows: Urban, 260,591-227,921; Rural, 152,033-219,590; Intermediate, 211,149-226,771.

Again the only significant Pearson Product Moment Correlation Coefficient was between the variables of Senate experience and legislative experience. In this session the value was +.7365. A correlation coefficient of this magnitude was to be expected.

* * *

The only areas that showed change were the variables age and experience. In most cases there was a shift to a younger less experienced senator. Since this same trend is more obvious in certain groups, it might be possible to suggest that reapportionment played some part in this change; but since it occurred in most of the groups studied, it could also be assumed that the changes are more probably caused by a trend toward younger men in government.

The variable in which the greatest change was observed was the population of the senatorial district. The change in the ranges of district population between 1965 (222,778) and 1967 (43,386) best shows the success of the reapportionment in terms of "one man, one vote," although little change was seen in members.

during the 1969-1971 biennium, increases of 16 percent in faculty salaries at state-supported colleges and universities, salary hikes for state employees averaging 10 percent on a graduated scale, and tax relief for single heads of households. In addition to these taxes, the General Assembly approved a slight increase in existing levies on whiskey, beer, and the sales tax on motor vehicles.

One bill enacted late in the session requires that a referendum on the question of an optional one cent sales tax be held next month in each of the state's hundred counties. The additional penny tax will be levied only in counties where a majority of voters approve the tax. Half of the revenue will be retained by the county and half will be placed in a statewide pool and distributed on a per capita basis among all counties levying the tax. In Mecklenburg County, the state's most populous, the addition would raise the sales tax to 5 percent, since voters approved an additional penny tax over the 3 percent state levy in November 1967.

* * *

Several bills expanding home rule for cities and counties were enacted early in the session. Among the most significant is an act granting counties the power to adopt ordinances, a power held by Tar Heel municipalities for many years. Another act repeals all local acts fixing salaries and fees of local officials and delegates such authority to city and county governing boards. Another measure authorizes each county governing board to change its method of election on approval of a majority of voters in a referendum. Still another act repeals all local exemptions from permissive general laws, including planning and zoning laws.

Legislators approved an act creating a Department of Local Affairs to provide technical and planning assistance to cities and counties. The new department, directed by Irvin Aldridge, former assistant to the director of administration, embraces several existing state agencies including the recreation commission, division of community planning and the governor's law and order committee.

In the area of welfare services, the General Assembly took action to change the name of the Department of Public Welfare to Department of Social Services. This change applies to all county agencies as well. The state welfare laws were completely recodified to clarify and reorganize provisions. Social Service Commissioner Clifton Craig described this recodification as one of the most important changes the state agency has had in several years.

Seven proposed constitutional amendments were approved for submission to voters in November 1970. These are:

(1) General revision of the entire constitution to modernize the language and eliminate obsolete provisions;

(2) Revision of sections relating to local government finances to give local governments greater freedom in expenditure of funds without the necessity of obtaining voter approval;

(3) Reallotment of escheats, or money the state receives from estates or deceased persons who leave no will or relatives;

(4) Requirement that the General Assembly reduce the number of state departments and agencies from approximately 200 to 25 or fewer by 1975;

(5) Repeal of the literacy test as a requirement for voting in state elections;

(6) Authorization for special sessions of the legislature to be called on request of three-fifths of the members of each house; and

(7) Authorization for the General Assembly to fix exemptions under the state income tax law to permit joint returns to be filed by a husband and wife.

Several other proposed amendments were rejected, including: (1) giving the governor veto power, (2) allowing the governor to serve two consecutive terms, (3) providing for annual sessions of the legislature, (4) installing a modified short

ments were proposed for a vote this fall. One would allow retired judges to serve under certain circumstances, another would reduce the residence requirement for voting from one year to 180 days, and the third would raise from 5 to 10 the percentage of qualified voters needed to sign an initiative petition. A constitutional revision commission was created and was appropriated $25,000. Legislative salaries were increased to $3,000 for the long session held in odd-numbered years and to $2,000 for the shorter even-year session. Pay raises for executive personnel were also authorized.

TENNESSEE: For the first time the state appropriations were made on an annual basis. For the second time the legislature chose to divide the authorized 90-day biennial session into one 45-day session each year. A series of new health measures was enacted, voting laws were liberalized, an increased education bill was passed which will permit pay increases of $500 to elementary and secondary school teachers, and it was made a felony for a non-student to incite or participate in a riot at any public school. Legislative salaries were raised from $150 to $300 a month. Smaller municipalities were permitted to annex areas by ordinance rather than special referendum. An occupancy tax for Shelby County (Memphis) hotel and motel rooms was approved, and the maximum interest rate on industrial revenue bonds was raised from 6 to 8 percent.

UTAH: Since the voters had rejected a proposal for liquor-by-the-drink, the legislature accomplished virtually the same end by authorizing restaurants to sell liquor in bottles of two ounces or less. Land in use as a farm for at least five years will be taxed at its agricultural rather than its market value. Several proposals for fiscal relief to cities were rejected. Legislation was passed making Utah cities eligible for two federally funded programs—the federal transportation act governing mass transit systems and the program for federally aided civic improvements and renovation of blighted areas. Major reorganization of the educational system was enacted, placing all of the state's colleges and universities under the authority of a single board of higher education. Three constitutional amendments were referred to the November electorate—voter residence requirements would be lowered from one year to six months, the legislature would be authorized to adopt federal tax laws by reference, and submission of an entire article of the constitution to the voters would be authorized. A 15-member constitutional revision commission was established with the governor, president of the Senate and speaker of the House each to appoint three members, and these nine would choose the remaining six.

North Carolina Ends Longest Session

The 1969 North Carolina General Assembly adjourned July 2 after breaking the record for longevity (145 workdays) and enacting the largest tax program in the state's history.

Major taxes approved were an additional two cents per gallon on gasoline for highway construction and improvements (see the REVIEW, July 1969, page 329) and a compromise package setting a two cents per pack cigarette tax and one cent per bottle on soft drinks. The gasoline tax hike took effect July 1 and the others on the first of this month. Governor Robert W. Scott had recommended a five cents per pack cigarette tax and an additional two cents per pack on cigars, but opposition from legislators in the state's eastern counties, where tobacco plays a dominant role in the economy, forced the compromise package.

Revenue from the cigarette and soft drink taxes will be used to finance teachers' pay increases averaging 20 percent

tions were filed with the secretary of state, beginning July 8. Seventy representatives of candidates were waiting when the office opened. They saw other petitions being received at a side door, and, when they protested, the secretary of state reportedly asserted that the latter would get priority. He assigned the top ballot position in all 51 districts before he received the waiting petitioners.

The American Civil Liberties Union took the complaint to federal court (*Weisberg* v. *Powell*). The complaint claimed: "It is a belief, widely shared by election experts, that the placement of a candidate's name at the head of a list of candidates on the ballot is alone worth approximately 20 percent of the total votes cast in that race."

The court did not confirm the extent of the potential damage but was sympathetic and required resolution of the issue in each district by lot.

Earlier, the state supreme court had upheld most provisions of the legislation establishing the convention, including the nonpartisan elections. Most of the court's opinion was unanimous, but it divided five to two in upholding the right of members of the state legislature to run for delegate positions while forbidding other state officials from doing so. The state constitution forbids any persons holding "lucrative offices" from holding a seat in a constitutional convention.

R.S.C.

Committee Rejects Lower Voting Age

In late August, as New Mexico's state constitutional convention moved into its second and concluding month, all proposals had been introduced and major committee actions were beginning to emerge. One of the most controversial issues at the convention is the matter of lowering the voting age.

By a vote of seven to seven the elections committee failed to adopt a move to lower the voting age to 18. At the same time it tabled a move to retain 21 as the legal age. The entire subject, therefore, was expected to be brought before the whole convention for debate either through a minority report or action of the elections committee but without specific recommendation.

Nevada to Implement Proposals on Legislature

The Nevada legislature has taken several major steps to implement recommendations by the research division of the state's Legislative Council Bureau. Voters will be asked to approve, in November 1970, three constitutional amendments for unrestricted annual sessions, increased compensation and revised apportionment procedures.

Among other actions were provision for fiscal notes, creation of a joint interim finance committee, and protecting newsmen from having to disclose their sources.

North Dakota to Get Legislative Building

The North Dakota legislature has appropriated $3,200,000 for construction of a multi-purpose building which will include new quarters for the Legislative Council, committee rooms, and a legislative lounge and dining facilities.

In concurrent resolutions, the legislature arranged for a study of the feasibility of recessed annual sessions in place of the present biennial session and proposed a constitutional amendment to create a legislative compensation commission with power to determine legislators' pay and expenses.

Oregon Changes Primary

The Oregon presidential primary has been changed. In the future, when a candidate's name is listed on the ballot it cannot

ballot under which several state elective officials (e.g., insurance commissioner, agriculture commissioner, superintendent of public instruction) would be appointed by the governor, (5) lowering the voting age from 21 to 18, and (6) increasing the term of state senators from two to four years.

Acting under authority of a constitutional amendment approved by voters in 1968, the General Assembly approved an increase in legislative salaries from $4,200 to $6,400 effective with the 1971 session. Two related acts authorized additional compensation for members of the General Assembly. One created a retirement system for members who have served four or more terms and for those over 70 years of age who have served at least three terms. The act provides for a payment of $25 per month for each two-year term served. The second act increases subsistence pay of members from $20 to $25 per day retroactive to the opening date of the 1969 session. (Two weeks following adjournment of the session, 10 legislators had refused to accept the $845 retroactive pay available to each member under this act.)

Voter and editorial criticism of the retroactive pay provisions and the retirement system was heavy in most sections of the state. Governor Scott cited increased legislative pay as one sign of growing legislative power at the expense of the executive branch and expressed concern that the balance of power among the three branches of state government might be upset.

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Maryland Adopts Presidential Primary

Maryland has enacted provisions for primaries to choose delegates to presidential nominating conventions and to exhibit voters' preference for President. The primaries are to be held on the third Tuesday in May. The secretary of state will ascertain how many delegates to each party convention have been allotted to Maryland and divide three-fourths of them among the congressional districts. The other quarter is reserved for election at large by party convention.

Each candidate for delegate may have the name of a presidential aspirant placed adjacent to his name on the ballot, provided that the latter's permission has been received at least 53 days before the primary. "The elected delegation . . . shall select their alternates" and "the entire delegation" shall fill vacancies. All elected district delegates "shall be bound to vote" for the presidential candidate who received the highest number of votes in their respective congressional districts, and the at-large delegates "shall be bound to vote" for the candidate who receives the highest statewide vote on the first two convention ballots or until the candidate either polls less than 35 percent of the convention or releases the delegation. No penalty is provided for deviation.

Presidential aspirants may obtain a place on primary ballots by filing a petition of signatures of 400 registered voters 53 days before the May primary. The secretary of state may in his discretion, without permission, place on the ballot the names of aspirants "generally advocated or recognized in national news media," unless a denial of candidacy is filed. An aspirant who withdraws cannot later reinstate his position.

R.S.C.

Con-Con Ballot Positions Challenged in Illinois

Illinois is about to have a constitutional convention with members elected on nonpartisan ballots. The order in which names of candidates are to appear on the ballots in 51 districts was generally assumed to be the order in which the nominating peti-

Legislatures Hold Key to Federal System's Survival

State legislatures must shoulder responsibility for avoiding the imminent collapse of the state-federal system of government in the United States, state Senator Edwin C. Becker of North Dakota, chairman of the governing board of the Council of State Governments, said recently. He noted further that an "army of impatient Americans" seemingly is more aware than state legislatures that government must be reorganized at all levels.

Senator Becker issued his challenge for state legislative action in opening a series of 16 seminars in legislative training at Princeton University, sponsored by the council and the National Legislative Conference in cooperation with various universities. "If this challenge for comprehensive government reorganization is not met head on," he said, "we will have served as the architects and supplied the tools which will have destroyed the United States."

The federal government must revamp the congressional committee system, create more effective congressional staffs, and implement block grant programs that will decentralize the present government system and give cities and states more power to set their own priorities, the senator maintained. But state legislatures must be the "spark plug" for more vigorous and responsive state and local government.

He also held that the failure of legislative assemblies to act effectively is primarily caused by self-imposed restrictions —archaic legislative rules, inflexible structure and organization, lack of professional staff, poor legislative pay and constitutional barriers.

Plans Being Made for 70's Apportionment

According to Associated Press writer Walter Mears, the Democratic party is already making plans for reapportionment and redistricting of congressional and state legislative seats following the 1970 census.

Population shifts during the 1960s have been so extensive that the new reapportionment, both on the national and state levels, may be almost as great as the initial wave which swept the nation from 1962 to 1966. In early 1971 almost all state legislatures will be redrawing congressional district lines plus reshuffling their own seats.

The Democratic National Committee has, according to the Mears article, assigned to Mark Shields, director of campaign and political organization, the job of pinpointing the state legislative seats now held by Republicans which the Democrats might hope to capture in the 1970 election. It will be those legislators who will determine the new district lines.

Substantial shifts to suburban areas are expected (see the REVIEW, September 1969, page 351). On the national level, California is expected to gain six congressional seats; Florida, two; and Arizona, New Jersey and Texas, one each. Colorado and Connecticut might each gain one as well. Pennsylvania is expected to lose two seats, and Illinois, Iowa, Michigan, New York, North Dakota, Ohio, Oklahoma, West Virginia and Wisconsin, one each. New York could possibly lose a second congressional seat and South Dakota might lose one.

Council-Manager Plan Developments

MANITOU SPRINGS (population 3,626), COLORADO, adopted the council-manager plan by a vote of 380 to 181 on August 5.

FLORENCE, COLORADO, has voted to retain the council-manager plan by a 487-to-253 vote.

Voters in WEEHAWKEN, NEW JERSEY, will vote on adoption of the council-manager plan at the November election.

(Continued on page 436)

be removed even if he specifically requests the secretary of state to do so. In the past, if an individual submitted a declaration that he was not a candidate, he could have his name stricken from the ballot (see the REVIEW, July 1968, page 369). New York Governor Nelson A. Rockefeller did this in 1968 and, shortly afterward, reversed himself and became an active candidate. The change in the law was directly attributed to this action.

New York to Implement New City School Law

In late April, after a five-week period of negotiations, the New York State legislature enacted a new school law for New York City (see the REVIEW, May 1969, page 214 and June 1969, page 263). The new law replaces a 1968 measure which provided little organizational change for the city school system, with the exception of allowing the mayor to appoint a local black leader and several pro-community control people to the central board of education.

Criticism of the school bureaucracy had been smoldering since the late fifties when the board in its school construction and zoning programs was unable to accomplish much more than token school desegregation. In the mid-sixties, many anti-poverty workers in the ghetto areas began to view schools as potential environments for increasing community unity.

The legislature had debated the school issue since early February. Because of the conflict over teacher employment rights and community power in the Ocean Hill-Brownsville and Harlem demonstration districts during 1968, the legislators faced sharply divergent claims. On the one hand, the community activists, who were armed with evidence of low reading scores and poor achievement levels of a large number of students, wanted a major voice in matters of teacher selection and promotion, capital improvements and curriculum development. On the other hand, the teachers' union feared that any weakening of the civil service safeguards would result in discrimination against the teachers.

Under the new law, protections for teachers against arbitrary and politically motivated transfers and dismissals are carefully spelled out. Yet, through their local boards, ghetto communities still will be able to recruit staff members for their schools (provided the teachers meet minimal educational requirements).

In the interim period before the election of a new central board, one made up of an appointee of each of the five borough presidents will run the city schools. One of the interim body's most important responsibilities is to determine the boundaries of the community school districts.

The local community boards will be allocated $250,000 annually for school repair and maintenance and may hire local superintendents and teaching staffs.

Other features of the law, concerning the election procedures for the community boards are: elections are scheduled for the fourth Tuesday in January 1970, all registered voters are eligible to vote, plus some parents otherwise disqualified, candidates for local boards must be nominated by petitions with signatures of at least 300 qualified local voters, and voting for community school board members will be by proportional representation.

Community residents will benefit from the new decentralization law, since for the first time in 60 years, the school system will become more closely accountable to the political elites in the local areas which are served. The law has clearly set up the rules and the framework within which the political confrontations are apt to take place. This time, however, the confrontation between blacks and whites which paralyzed the New York City school system last year may be replaced with a less ethnically polarized conflict.

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cities included in the district in each of the three counties (Columbia, Multnomah and Washington), and one member of each of the three boards of county commissioners. Subsequent to formation, the voters of a district may change the method and manner of choosing the members of the governing body.

Formation of a metropolitan service district may be initiated by petition or by a resolution of the governing body of either the most populous county or city included in the proposed district. On August 14 the board of county commissioners of Multnomah County took this step and the measure may conceivably be on the ballot in November.

Financial powers of the district include the ability to levy a property tax; special assessments on benefited property and user charges. In addition, with voter approval, a district may issue general obligation and revenue bonds.

One of the important issues considered by the legislature was the relationship between the metropolitan district and the mass transit district, since both deal with public transportation. The matter was resolved with amendments to each bill which provide that should a metropolitan service district be formed it may take over all the assets and liabilities of the mass transit district and operate a public transportation system with all the powers of the former.

Counties in Oregon have been authorized for some time to establish county service districts to provide one or more of the following functions: sewage collection, treatment and disposal; parks and recreation; street lighting; storm drainage; diking and flood control; and wholesale water supply. Another procedure has been added for establishing a county service district to provide sewerage service. Under this House bill, a county may, on receiving a "certificate of emergency" from the state environmental quality commission or the county health officer, form a service district without an election. If within 30 days, however, 10 percent or more of the property owners object, then an election must be held.

Washington County officials, major proponents of the legislation, have started proceedings to establish a county service district that will include all the urbanized area within the county.

A fourth House measure extended the expiration date of legislation creating the Portland Metropolitan Study Commission from June 30, 1969, to June 30, 1971. In addition, it provided an appropriation of $99,500 to finance the commission's activities for the biennium. The program initially will include: work on the establishment of the metropolitan service district; investigation of the desirability and feasibility of some specialized municipal reorganizations in the Portland urban area (there are 16 cities other than Portland within the 380-square-mile urban area, ranging in population size from 250 to 16,400); investigation of the program, organization and effectiveness of the Columbia Region Association of Governments; and continuing efforts to foster functional consolidations between Portland and Multnomah County via intergovernmental agreements.

A. McKay Rich
and Donald E. Carlson
Portland Metropolitan Study Commission

Rules to Implement Cooperation Act

The United States Bureau of the Budget (Washington, D. C. 20503) has issued Circular No. A-95 to implement the intergovernmental cooperation act of 1968, particularly Section 201 and Title IV.

The President is directed by Title IV to "establish rules and regulations governing the formulation, evaluation and review of federal programs and projects having a significant impact on area and community development." Section 401(b) mandates

Oregon Laws Aid Metropolitan Areas

Service, Transit Districts Among the Authorizations

THE 1969 Oregon Legislative Assembly passed several bills of considerable importance to the state's three metropolitan areas, including legislation relating to boundary commissions, mass transit districts, metropolitan service districts, county service districts and metropolitan study commissions (see the REVIEW, September 1969, page 376).

A House bill, introduced at the request of the Portland Metropolitan Study Commission, created boundary commissions in each of the metropolitan areas as of July 1. The governor has appointed the 11 members on the Portland area commission and the seven members on the Salem and Eugene commissions, none of whom may be elected or appointed local governmental officials.

These commissions have the power to review, modify, reject or approve all changes in boundaries for cities and certain non-school special districts within their jurisdiction. Upon approval of major changes such as formations, consolidations, mergers or dissolutions, proceedings continue according to the provisions of appropriate state statutes. In the case of annexations or disconnections, those approved by the commissions will take effect within 45 days unless 20 percent of the registered voters in the area affected exercise their power of referendum.

Proposals for the formation, consolidation, merger and dissolution of cities or districts can be initiated either by petition or by the boundary commission. Annexation and disconnection proceedings can be started by petition, resolution of the governing body or a city or district, or resolution of the boundary commission.

The legislature appropriated $175,000 to be distributed among the three commissions for the 1969-1971 biennium. It appears the Portland area commission will receive approximately $78,000. Ronald C. Cease of Portland State University has been elected chairman for the first year.

Because the commissions are only in the formative stages, it is too early to assess their impact on governmental organization within the metropolitan areas. But many have high hopes at this point.

Another House bill provides for the creation of a three-county transit district within the Portland SMSA on passage of a resolution by the Portland city council declaring the need for such a district. Following adoption of such a resolution, the governor is to appoint the seven-member governing body. The financial powers of the district are very extensive, including ad valorem property taxes, a business license tax, either a net income tax or a sales tax, and service charges and user fees. In addition, when authorized by the voters, the district may issue general obligation bonds and revenue bonds.

A Senate measure, introduced at the request of the Portland Metropolitan Study Commission, enables the formation of a multi-purpose metropolitan service district in each of the three metropolitan areas. Initially, such a district is empowered to provide the "metropolitan aspects" of sewage treatment and disposal, solid waste disposal, flood control and public transportation. Additional functions may be added by a vote of the eligible voters in the district.

The district governing bodies follow the constituent representation principle. The Portland area body would consist of one member from the Portland city council, one elected city official representing the

sions of the problem at National, Dulles and Friendship airports in the Washington-Baltimore area.

Among the characteristics of the three airports and their users were:

—On an average day, 91,000 persons, traveling in a conglomeration of 48,700 private automobiles, taxis, limousines and buses, went to and from the airports. The private automobile was by far the most preferred.

—National Airport handled almost 70 percent of these people; Friendship, slightly more than 20 percent, and Dulles, only 10 percent.

—Two-thirds of National's flights were less than 500 miles, mainly for business trips in the Northeast Corridor.

—Fewer than one out of three trips to the airport (28 percent) were made by those actually taking a flight. Twenty-seven percent were made up of those transporting the "flyers" to the airport. Airport employees constituted 18 percent, and the remaining 27 percent were "others."

—Fifty-three percent of the air travelers went to and from suburbs, and the other 47 percent to and from urban locations.

The survey provides important data for planning future systems. Patterns of travel, for example—from the suburbs especially—are widely dispersed. Any new or improved system would have to compete favorably with the convenience and flexibility of the private automobile. One of the most salient findings of the report is that both access and carrier schedules tend to dictate the choice of airport for the traveler.

Urban Affairs Group Reports in Florida

In a recent report to the Florida legislature, the Interim Committee on Urban Affairs made the following recommendations:

—Creation of a state Department of Community Affairs;

—Authorization for local governments to transfer functions by agreement of the governing bodies;

—Authorization for public agencies to enter into contracts with other public agencies of Florida or other states or of the United States government for the performance of common functions and furnishing of services; and

—Authorization for local governments to organize councils of local officials.

Pa. Urban Affairs Council

Governor Raymond P. Shafer of Pennsylvania has issued an executive order creating an 11-member cabinet-level urban affairs council. The governor will be the chairman of the council. Other members include the executive director of the state planning board, attorney general, and secretaries of agriculture, administration and budget, commerce, community affairs, education, highways, labor and industry, legislation and public affairs, and public welfare.

Law on Housing

Governor Francis W. Sargent of Massachusetts has signed a law (Chapter 774 of the Laws of 1969) which allows the commonwealth, under specified conditions, to overrule local building and zoning codes to allow public housing agencies and private, nonprofit or limited dividend corporations to construct housing for low- and moderate-income families in suburban communities. A five-member board is established in the state's Department of Community Affairs with authority to reverse the decisions of city and town boards of appeal. Local officials are reported strongly opposed to the law on the ground that it is a violation of home rule.

Metropolitan Washington COG Urges Police Aid Pacts

The Metropolitan Washington Council of Governments has urged all major local

(Continued on page 445)

that "all viewpoints—national, state, regional and local—shall, to the extent possible, be taken into account in planning federal or federally assisted development programs and projects." In addition, Section 401(c) stipulates that "to the maximum extent possible, consistent with national objectives, all federal aid for development purposes shall be consistent with and further the objectives of state, regional and local planning."

Section 201 requires federal agencies administering grant-in-aid programs to supply the governor and legislature of any state, on the request of either, information on the amount and purpose of grants-in-aid made in that state.

Circular No. A-95 incorporates two existing planning requirements: Circular No. A-82 which implements the Section 204 review provision of the demonstration cities and metropolitan development act of 1966, and Circular No. A-80 which encourages regional planning on a consistent geographic base of state-established regions.

Part I of the new circular establishes the Project Notification and Review System (PNRS) as a type of "early warning system" to facilitate coordination of state, regional and local planning and development. It seeks to encourage a potential applicant for a grant to notify the state and either the regional (non-metropolitan) or metropolitan clearinghouse of his intent to do so. This system is designed to provide sufficient opportunity for effective coordination or constructive change in the application, something which frequently was not possible under the old Section 204 review requirement.

Three types of clearinghouses will be established:

1. State clearinghouse, a state agency with comprehensive planning capability, designated by the governor;

2. Regional clearinghouse, a non-metropolitan areawide agency with general planning capability, designated by the governor; and

3. Metropolitan clearinghouse, a metropolitan areawide agency designated as such by the Bureau of the Budget for the purposes of the Section 204 review requirement.

Coverage and applicability under this expedited Section 204 process is extended by authority of the intergovernmental cooperation act to:

1. Formally established non-metropolitan regions where there is an areawide agency of general planning competence designated by the governor;

2. Any state where the governor designates a qualified state agency; and

3. Certain federal assistance programs not now covered by Section 204.

Part II incorporates Circular No. A-80 which was developed to offset a growing tendency among federal programs to promote the establishment of regional planning activities that were uncoordinated, geographically or functionally. This part, in addition to encouraging related planning carried on within consistent geographic bases, sets performance standards for planning coordination.

Part III provides information on grants-in-aid programs to governors and legislatures. The bureau has requested each governor to designate an agency of the state to serve as a central point for the reception of grant-in-aid information from federal agencies.

Federal Groups Study Airport Access Problems

The problems of getting to and from metropolitan airports are highlighted in *A Report on the Dimensions of the Airport Ground Access Problem,* released by the Office of High Speed Transportation, United States Department of Transportation (Washington, D. C. 20591).

The report summarizes the results of a survey, sponsored jointly by the department's office of high speed ground transportation and the Federal Aviation Administration, to determine the dimen-

from all jail duties, while the jails were brought into a new state Department of Correction along with other penal institutions. Because they are mentioned in the state constitution, however, the sheriffs still continue to hold office—the last vestiges of county government. The counties still exist, but only as geographical boundaries, used unofficially as a means of identification. But even as geographical boundaries they are disappearing, replaced by such identifiers as planning regions, congressional districts, and state House of Representatives or Senate districts. For example, markers proclaiming, "You Are Now Entering the Capitol Planning Region," appear on all major highways leading into Hartford; similar signs are prominently displayed elsewhere.

Connecticut is able to do without county government because of its smallness and the existence of major highways which make it possible to reach the capital within a couple of hours from any part of the state. Moreover, the state functions as a service agency in many respects, operating parks and hospitals, administering federal welfare programs and handling other services controlled by counties in other states.

Yet, almost a decade following the counties' demise, the state is searching for new governmental units larger than the traditional town or city. The reason is that Connecticut, as one of the fastest growing states on the Atlantic coast, with one foot steeped in New England roots, the other dipped in economic and social ties with New York City and the east, has local governmental problems stemming from rapid population growth, technological advancements and the drying up of new sources of revenue. Its small communities are having growth problems and, without industry to provide the revenue necessary to finance expanded government operations, they are encountering financial difficulties in building schools, installing sidewalks, lights and sewers, and providing other services demanded by commuter-type populations. At the same time the larger cities are in weakened financial straits trying to meet expanded welfare rolls, improve their police and fire protection services, and engage in other functions demanded by a changing population.

Thus, while county government is not missed in Connecticut because of the limited functions it performed and also because of the lack of direct relations it had with voters, larger municipal governmental units to handle local services on a regional basis are being considered, and established in some parts of the state. However, while many counties elsewhere in the nation are successfully functioning as urban governments for metropolitan populations, it is doubtful whether Connecticut's former county governments could have fulfilled this role.

ROSALINE LEVENSON
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County Record Cited on Modernization

Although modernization of county government is increasing, the number of individual counties making changes is extremely small, according to an article in the July issue of the *Regional Review Quarterly*, published by the National Association of Counties (NACO).

While county home rule appears to be the most popular method of reorganization at the present time, it is pointed out that only 40 counties out of the 3,049 in the United States have home rule charters, 18 of which were passed between 1960 and 1969. Furthermore, only 14 states have passed enabling legislation for county home rule.

The record of home rule charters is highly encouraging, however, compared with that of consolidations, either multi-

County Government . . . . . *Alice L. Ebel, Editor*

Connecticut Seeks Regional Units

Counties Do Not Exist for Areawide Services

NEARLY a decade has passed since Connecticut's eight county governments were abolished, yet the status of the counties still remains a puzzle to observers in and out of the state. To residents, the counties continue to be used as a source of reference—many organizations are still formed on a county basis, county names still have relevance, county agents are used by the Agricultural Extension Service which is organized by counties, and county sheriffs continue to be elected. To observers outside of the state, Connecticut's lack of counties poses governmental problems, and questions still arise: Are the counties missed? What governmental jurisdiction is taking their place?

Although the county governments were initially formed as judicial districts, they performed diverse and vital functions during the eighteenth and nineteenth centuries. The peak of their operations occurred from the last quarter of the nineteenth century to World War I, during which time they were responsible for granting liquor licenses, operating homes for neglected children, administering financial assistance to widows with dependent children, supporting agricultural extension services, operating jails, constructing and maintaining roads and courthouses, building bridges and providing quarters for law libraries.

After World War I, the counties' powers were gradually diminished as the state began assuming many of its operations, although the counties had started to lose functions to the state even prior to the war years. By the time the county governments were terminated, they were performing only one principal function, operation of jails. Their other tasks were relatively minor: maintenance of state courthouse buildings, inspection of weights and measures (performed at the same time by the state and larger municipalities), adjustment of road disputes and administration of certain types of trust funds. In addition, they appropriated funds for various activities within their boundaries, as, for example, agricultural extension services and forest-fire fighting.

The counties had no direct taxing power and, at the time of their abolition, no one function or activity over which they exercised exclusive authority. The end of the counties occurred in October 1960, a year after the General Assembly enacted an abolition bill into law. At that time their operations were distributed among various state agencies, county employees were transferred to the state payroll, and all property, trust funds and other assets were transferred to state ownership. The counties' liabilities and debts also were assumed by the state. The number of county employees absorbed by the state totaled 313, of whom 207 worked for the jails.

A unique arrangement was worked out in regard to administration of the nine county jails (two in one county). A new state agency, the office of jail administrator, was created, headed by an administrator appointed by the board of directors of the state prison. The sheriffs, the only elected officials in the counties, whose offices had been created by the state constitution, were given the unofficial title of correctional director and permitted to continue operating the jails under the jurisdiction of the state administrator. The sheriffs also continued their court and civil process functions.

Today, the sheriffs have been removed

Cooperative Purchasing Successful in New Jersey

A voluntary, county-sponsored, cooperative purchasing program which began in Bergen County, New Jersey, with only four units in 1965, now has 49 participating municipalities. Under this arrangement, the participating units join in mutual bidding and purchasing of certain items, particularly gasoline and petroleum products. Joint purchasing of gasoline alone saved an estimated $35,000 in 1968.

Bergen County officials believe that the outstanding feature of their program is that its success hinges on a voluntary and profitable pooling of interest. The result is that all participants enjoy economic benefits of what is in effect bulk purchasing of commodities. Officials point out that this is done without infringement on local "home rule" prerogatives, responsibility and power.

The program's directors plan to concentrate on two major objectives in the coming year. One is to increase the number of commodities which are jointly purchased, so that the program may mean even more of a saving, and thus appear more attractive and economically beneficial to municipalities. Also, officials hope to induce public school districts in Bergen County to participate.

Medical Examiners Authorized for All Texas Counties

The Texas Medical Association has secured approval of a bill authorizing all the counties, singly or in combination with others, to provide for appointive medical examiners to take over the coroner function in place of the former system which vested it in elective justices of the peace.

The first change from the JP system had been made in 1955 when the four largest counties covering Dallas, San Antonio, Houston and Fort Worth were permitted under an optional law to set up qualified medical examiners. A 1965 law authorized 10 more counties, those over 120,000 population, to do likewise. Now the opportunity to modernize the function is extended to the entire state.

R.S.C.

Counties Must Take Regional View of Problems

The county can no longer afford to take an isolated view of problems which are common to all citizens in a statewide area. This was the message of two speakers at the annual convention of the Association County Commissioners of Georgia in Savannah last spring.

Former Georgia Governor Carl Sanders stated that, after taking a hard critical look at its own organizational structure and administrative process, county government should enlist greater support from state government. He pointed out that such problems as education, law enforcement and pollution are of vital concern to all citizens and must be approached with unified determination by local and state government.

Another speaker, Thomas Ferry, director of the division of state and local programs for the Federal Water Pollution Control Administration, also stressed the need for an overall view of common problems. He warned county commissioners that, unless pollution is checked in time, it will turn the nation's water supply into "witch's brew."

Mr. Ferry also urged the commissioners to take the initiative in regionalizing sewage treatment facilities. Such regional facilities, he said, have four advantages: (1) larger units can be operated at less cost, (2) more efficient and capable plant operation and maintenance is attainable in larger facilities, (3) smaller plants cannot handle the complex treatment required for increased reuse of water, and (4) too many small plants often result in areas of blight.

Ferry said he believes that counties are

county, or between counties and other governmental units. The *Regional Review Quarterly* notes that counties are reluctant to discuss such consolidations and even slower to approve them. Thus, a proposed merger of Athens and Clarke County, Georgia, was defeated in March.

Although some scattered discussions of multi-county consolidations are in progress, including an ambitious plan in Florida to reduce the number of counties from 67 to 39, there have, in fact, been only two such successful combinations since the turn of the century—James and Hamilton Counties, Tennessee, in 1919, and Milton and Fulton Counties, Georgia, in 1932. City-county consolidations have fared a little better, but not much. There have been only four of these consolidations since World War II: Baton Rouge-East Baton Rouge, Louisiana (1947), Nashville-Davidson, Tennessee (1967), Jacksonville-Duval, Florida (1968), and Indianapolis-Marion, Indiana (1969). Occasionally, functional consolidation has been successful, as in Seattle-King County, Washington.

The article concludes that the record of county reorganization stands as follows: While there have been 20 home rule charters in 10 years and three city-county consolidations in three years, in the last 20 years, six of 11 major local government reorganization attempts in metropolitan areas have been defeated.

More Counties Establishing Effective Urban Roles

The National Association of Counties held its annual convention in July in Portland, Oregon. In a July 30 editorial *The Oregonian* states that the meeting "attests to the new, much more important role the county is playing in local government in the United States." It states further:

> The time is long gone when the typical county's concerns were primarily rural. The keynoter . . . was John Gardner, president of a private organization whose name, the Urban Coalition, identifies its primary interests—pollution, slums, race relations and all aspects of deteriorating city life.
>
> These, too, have become the interests of more and more counties, as urban areas have sprawled beyond incorporated city boundaries and the American people, wherever they may live, have become aware of the stake all have in core areas.
>
> The county has traditionally provided many services for all residents of the county, farmer, suburbanite and city-dweller alike: tax assessment and collection, courts and the recording of legal documents, welfare—to name a few. In a majority of the more than 3,000 counties in the nation, the county government remains the dominant local government, outranking in size, revenues and responsibility any town or city government in its area.
>
> Many county governments are still heavily preoccupied with only the rural and unincorporated parts of their territory, with respect to law enforcement, school administration, road building, sanitary services and the like. But home rule and other innovations have given county government, including that of a few Oregon counties, tools comparable to those of the city to deal with the entire range of local services and lawmaking.
>
> It is quite apparent from the convention proceedings . . . that representatives of the more populous U. S. counties—those in metropolitan areas or in crowded suburban areas or embracing both—have taken the leadership in the endeavor to make county government more effective.
>
> It was not so long ago that the national image of county government was that of a musty, high-ceilinged court house inhabited by provincial-minded officeholders and their relatives. This may still be true of some counties, but they are the few that have lost touch with the necessities of a nation whose nature the revolutions of transportation and communication have transformed in a few decades from rural to urban. The task of the modern county is a much tougher one than that of the past.

Taxation and Finance . . . *Troy R. Westmeyer, Editor*

Louisiana Council Reviews Session

Legislature Is Criticized on Fiscal, Other Issues

THE Public Affairs Research Council of Louisiana in its August 1 *Legislative Bulletin* presented a brief, clear, objective review of the legislative session just closed, as follows:

The greatest accomplishment of the 1969 fiscal session, perhaps, is that it proved to be so inadequate, cumbersome and ineffective in coping with the problems at hand that views have crystallized among a number of legislators and other state officials that changes must be made —not only eliminating the fiscal session but also clarifying and modernizing procedures and providing additional means of assisting legislators to carry out their role more effectively and intelligently. The session evidenced a number of efforts by the legislature to become a strong and independent branch of government, but many of these were misdirected as encroachments on executive authority rather than an enhancement of the legislative role. Several studies are under way to recommend means of strengthening the legislature.

The original purpose of the fiscal session was to permit more close and accurate budgeting through annual review. However, the legislative time schedule itself makes budget review almost impossible. Ten days can be lost in the beginning of the session awaiting presentation of the budget, and five days are lost at the end because the constitution requires appropriation bills to be on the governor's desk five days prior to final adjournment. (The five-day requirement has become meaningless since the governor has 10 days to veto bills.) Hence, only 15 days, including weekends, may be allotted to review the budget. Even if a model budget were presented, 15 days is hardly adequate for the two houses to review a complex document consisting of over 300 budget units and entailing the expenditure of $1.4 billion.

The fiscal session has been opened to consideration of a number of matters that are clearly nonfiscal—such as riots and sex education which were major issues of the 1969 session. Considerable time is lost during a fiscal session merely determining if legislation can be introduced—either through being labeled fiscal by a screening committee of each house, or through consent resolutions requiring three-fourths approval of legislators. Because of the clear inadequacies of the fiscal session, PAR has previously recommended annual 60-day sessions, unlimited as to subject matter, until the workload indicates need for longer sessions.

Few progressive measures emerged from the 1969 fiscal session. In the area of fiscal management, the legislature took two steps forward—by expanding opportunities for investing idle state funds and speeding deposit of royalty money into the state treasury. However, the legislature took a number of steps backward: new bond issues were authorized which do not follow a 1966 constitutional amendment nor model legislation approved in 1968; revenue dedications were expanded rather than reduced; legislation to alleviate inequities of the property tax was killed; and corrective legislation regarding tax discounts on tobacco, liquor and beer which are either unique to Louisiana or inordinately high and cost the state millions of dollars each year failed to pass.

Some legislation aimed at improvement falls short of a true solution. A stopgap plan was approved for congressional reapportionment to meet new court requirements. Constitutional revision was considered but only "weak" attempts to gain action were approved, and two additional proposed constitutional amendments passed, bringing to 659 the total amendments presented to voters under the 1921 constitution. The legislature added three more types of reports on state employees but took no steps to bring about better personnel management. It placed curbs on future activities of the Louisiana Office Building Corporation in constructing state office buildings in three cities,

the most experienced and best qualified to perform this function of regionalization, but he cautioned that, "The longer counties put off establishing themselves as the agency of jurisdiction, the harder it will be to assume this responsibility."

State Purchasing Power May Save Local Dollars

Local governments in California could save an estimated $300 million of taxpayers' money by utilizing the state's purchasing power. This is the verdict of a recent study by the state comptroller for the Department of Finance. The report indicated that, through the state's purchasing power, lower prices could be obtained on a variety of items, ranging from police cars to stationery.

Oklahoma, which issued a similar report, is now considering legislation to require counties to buy road-building materials through the state Purchasing Department, with an anticipated annual saving of $4 million. Oklahoma county commissioners have complained that such legislation would deprive local dealers of business.

Georgia Traffic Study

A six-year study of traffic needs has recently been completed in the Chatham-Savannah area (Georgia). The study analyzes traffic patterns and priorities for implementing a road system which will cost $82 million. Computers were used to arrive at general needs and to construct a kind of blueprint for road patterns. Called the Chatham Urban Transportation Study, the plan calls for 27 construction improvements within the county to be cost-shared with state and federal agencies.

Plan Agency Gets Funds

The regional planning agency in Brown County, Wisconsin, initiated in 1962 at a cost of $25,000, has in turn generated over $11 million in state and federal funds. The agency has received $322,444 for parks, recreation and open space land acquisition. In addition, many communities in the county have received funds for such purposes as sewers, water systems, and urban development and renewal.

County News Roundup

The HALL COUNTY, GEORGIA, commission recently adopted a plan for dealing with critical areas in county management such as purchasing, zoning, implementation of subdivision and mobile home regulations, water supply and garbage disposal.

* * *

To relieve the city of serious financial difficulties and prevent reduction in services, MACON and BIBB COUNTY, GEORGIA, will consolidate sanitation and public works under county management beginning July 1, 1970.

* * *

All sheriff's deputies in MADISON COUNTY, ILLINOIS, were put under a civil service merit system by action of the board of supervisors. The sheriff is still to be elected and will appoint his chief deputy. The board also approved establishment of a parks and recreation department.

* * *

In WINNEBAGO COUNTY, ILLINOIS, county officials plan to establish their own code of conduct.

* * *

In MINNESOTA the governor and legislature are taking steps to consolidate counties into 11 multi-county regions.

* * *

SHELBY COUNTY, TENNESSEE, has established a new bureau of information in order to gain greater public cooperation in law enforcement.

privileges and immunities of the citizens of the municipality. . . .

Writing in the August issue of *Public Affairs Report,* bulletin of the Institute of Governmental Studies of the University of California, Berkeley, Stanley Scott and Randy H. Hamilton make a detailed study of recent developments on this issue. Referring to the California situation they note:

Most of California's special district governments also confront the same extraordinary vote requirement in bond elections, although it is the legislative enactment authorizing or creating the district, rather than a constitutional mandate, that causes the problem. While California's formula is among the three or four most restrictive in the nation, some or all local governments in at least 21 other states—including such important ones as Iowa, Massachusetts, Missouri, New York, Ohio, Pennsylvania and Texas—must also overcome a variety of obstacles posed by extraordinary majority requirements.

When stripped to its essentials, the two-thirds requirement has the following results: (1) in effect, it confers two votes on every qualified citizen who, for whatever reason, opposed capital financing measures submitted by his locally elected representative body; (2) it gives only one vote to each person who supports the proposal of his local government. This result seems doubly ironic. It means that the clear will of the community—expressed both by (1) a majority of an equally apportioned local legislature, and by (2) a majority of the voters participating in a bond referendum—can nevertheless be thwarted by a minority of the electorate. Thus the two-to-one advantage given the "no" vote contradicts the concept of voting equality. . . .

Studies made in 1961 and 1963 found a similar situation with respect to county and municipal bond issues. Over periods of from 10 to 13 years, in three major urban governments—Los Angeles County, the city of Los Angeles, and the city and county of San Francisco—roughly one-half of the bond proposals were defeated by the two-thirds majority requirement. Virtually all of the issues received more than a simple majority, and only a negligible fraction of the dollar amounts failed to obtain more than 50 percent support.

Using the West Virginia and Idaho decisions as precedent, a group in the state of Washington has filed suit to have declared passed all those measures in the Forward Thrust program that received majority support in a 1968 election but which failed to get the necessary 60 percent approval. Among these measures is a $385-million rapid transit plan (see the REVIEW, April 1968, page 220).

W.J.D.B.

Federal-State Tax Sharing Plan in Congress

President Richard M. Nixon sent to Congress in mid-August his plan for sharing increasing amounts of federal money with state and local governments. Under this proposal about $500 million would be returned to state-local governments in the first year. By June 30, 1976, the amount shared annually would be about $5 billion.

Formulas would apportion the money among the states and municipalities, but beyond this no federal strings would restrict how the money could be used.

The President emphasized the necessity of strengthening state and local governments and, in so doing, put an end to the tendency to push more and more of the decision-making on the federal government.

In his message on the proposal the President noted: "The fiscal case for federal assistance to states and localities is a strong one. Under our current budget structure, federal revenues are likely to increase faster than the national economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditures at the local level tend to exceed such growth. The result is a 'fiscal mismatch,' with potential federal surpluses and local deficits."

The amount to be shared would be divided initially on the basis of each state's

but failed to bring about its demise.

The legislature did little to improve itself. It refused to approve legislation requiring a fiscal note on proposed legislation to explain financial implications; took shortcuts in legislating by extensive use of resolutions which do not follow prescribed procedures for bills; and granted its agency, the legislative council, preferential treatment. The legislature granted itself and elected officials sizable pay raises through questionable methods and imposed burdens on local governments by granting salary increases for local officials which must be paid from local funds. It continued the practice of increasing retirement benefits for legislators as well as others but postponed the financing.

The budget should have been the major issue of the session, but this turned out to be a fiscal fiasco. The document presented was poorly prepared and meaningless in providing information. To express indignation, legislators added millions of dollars, thereby unbalancing the budget, but as a gesture of fiscal responsibility, it gave the governor unprecedented authority to bring the budget in line through selective or across the board cuts up to 15 percent of the annual appropriation.

Three-fifths Majority Held Unconstitutional

West Virginia's supreme court ruled in July that the requirement of a three-fifths margin of approval in order to pass a bond issue is in violation of the Fourteenth Amendment to the United States constitution and, therefore, invalid (*Lance* v. *Board of Education*). This action follows close on the heels of a similar ruling by a lower court in Idaho (*Bogert* v. *Kinzer*), which is now on appeal to the state supreme court. A similar suit is pending in the superior court of Sutter County, California. These actions are an outgrowth of earlier reapportionment decisions.

The requirement for extraordinary majorities to pass bond issues is not unusual in this country. The recent rulings, therefore, are expected to have a widespread impact on state and local government finance. Most observers expect the issue to reach the Supreme Court of the United States for final resolution.

The West Virginia case arose from the failure of a bond issue and a new tax levy to receive the necessary 60 percent approval in Roane County although both received majority support (51.55 and 51.51 percent, respectively). The court noted:

As we have stated previously, the plaintiffs, speaking in behalf of themselves and all other voters who voted with the majority in the special election, assert that, by the debasement and dilution of their affirmative votes when considered in relation to the negative votes, they have been denied their rights under the equal protection provision of the Fourteenth Amendment of the constitution of the United States. It is now clear, we believe, that such an assertion presents a justiciable question, cognizable by the courts, and not a mere political question.

In Idaho's *Bogert* case, District Judge Gus Carr Anderson stated:

The general argument . . . is that when such bonds are issued, the property of the real estate owner is being obligated to pay such bonds and that, therefore, a greater number should assent to this than is normally required. It would, therefore, appear that, among a group of voters with the same classification, same qualification, the one-third who votes against would apparently appear to be given greater weight in their votes, although the other voters who vote "yes" have the same qualifications, are in the same class, and are presumably just as competent as the one-third who votes "no."

There is no question that the one-third, two-thirds requirement gives the one in the one-third class two votes as [compared] to the one in the two-thirds class. . . . By virtue of debasing the vote of the one who is voting "yes" as against the one who is voting "no," the minority can prevent an educational system, recreation, roads or anything else that requires the municipality to be indebted. The Fourteenth Amendment states that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States. . . ."

It appears to this court that such a requirement as one-third, two-thirds is unreasonable and does violate . . . the

a 3.5 percent tax has been imposed, but voters must approve a constitutional amendment approving a state income tax before it can become effective.

In Arkansas, which levies a graduated tax, the tax rate is boosted on the top two brackets ($11,000-plus to $25,000—4 to 5 percent; over $25,000—5 to 6 percent), effective for taxable years beginning on and after January 1, 1969. The tax rate in Alabama is slated to rise from 5 to 7 percent, if the voters at the November 1970 election approve a constitutional amendment approving the higher rate, said CCH, which also noted that Minnesota has extended for two years its 8.5 percent corporate income tax rate, the 1.8 percent additional tax and the 10 percent surtax.

Vermont became the forty-fifth sales tax state when its new 3 percent levy went into effect on June 1, the same day that the Maine rate rose from 4.5 to 5 percent and Maryland and South Carolina rates went from 3 to 4 percent. Connecticut's rate went from 3.5 to 5 percent, effective from July 1, 1969 through June 30, 1971.

On July 1 sales tax rates in New Mexico and South Dakota rose from 3 to 4 percent and when the slated-to-drop Florida rate was continued at 4 percent. Other states joining the 4 percent sales tax club this year include North Dakota (effective January 1, 1970) and Utah, both up from 3 percent.

In Pennsylvania the slated-to-decrease 6 percent rate was continued indefinitely, and Washingtonians can count on a 1 percent reduction if the income tax there is voter-approved.

Finally, New York raised its rate from 2 to 3 percent, which means that purchases made in New York City will now be assessed 6 percent with the city and the state each taking half of the tax revenue.

Gasoline tax increases have been imposed in 13 states so far this year. Illinois raised its rate from six to 7.5 cents a gallon on August 1, while Montana has boosted its gas tax ½ cent to seven cents a gallon. Penny-a-gallon boosts have been chalked up in California (temporary), Connecticut and Maine, which go to eight cents, and in Colorado, North and South Dakota, Utah and Wyoming where the rate rises to seven cents. A rise of two cents in tax per gallon has brought the rate to nine cents in North Carolina, to eight cents in Indiana and to seven cents in Kansas. Also, Idaho's seven-cent tax has been continued until January 1, 1972, when it is slated to drop to six cents.

Texas-Size Bond Issue Voted Down Narrowly

The Texas Water Development Authority's $3.5-billion bond proposal was defeated by a narrow margin on August 5. This probably was the largest bond issue ever submitted.

In the election a total of nine constitutional amendments were up for a decision. Amendment No. 6, which would have removed the statutory interest rate ceiling from state agency bonds also failed.

There were two important winners in the balloting. Amendment No. 8, which will permit the legislature to issue $200 million in revenue bonds for loans to students for higher education, won by a vote of 373,105 for, 244,510 against.

The amendment which aroused the most public interest—No. 5—also was a winner. This raises the ceiling of permissible welfare payments to $80 million. Payments to families with dependent children have been cut back in Texas because the previous ceiling of $60 million prevented the legislature from increasing state contributions to federal-state welfare programs. The amendment increasing the ceiling was overwhelmingly approved.

New York City Interest Cost Is Near 7.5 Percent

In a late August sale of $280.2 million in various notes, New York City was

population with adjustments based on the tax-effort put forth. Such adjustments would increase somewhat the share of a state that already was making a tax-effort above the national average.

The states would keep some of the money coming from the federal government, but would have to pass along the balance to its cities, towns and counties. The division would be in proportion to the manner in which the state and its local governments accounted for the total revenue raised within the state. Although the division would vary greatly from state to state, depending on how much of the total revenue the particular state raised, nationally the proportion between states and their subdivisions would be about 50-50.

School districts and other special-purpose districts (fire protection, water supply, etc.) would not be recipients of the federal sharing under this proposal.

State Taxes Continue Their Upward Trend

At mid-year, states had turned to increased rates on existing taxes and had added additional tax sources in order to meet expenditures which, for the most part, had been demanded by citizens with political clout or were locked into provisions of existing legislation. The inflationary spiral also was a significant factor. The following compilation was made by Commerce Clearing House.

Illinois, Maine and Washington have imposed new personal income taxes to boost the total number of such states to 41. Since August 1, Illinois individuals, estates and trusts have been subject to a 2.5 percent income tax, challenged as being in conflict with the state constitution. The income tax was upheld by the Illinois supreme court in a July 29 ruling. Maine has levied a graduated tax, effective July 1, ranging from 1 percent on the first $2,000 to $2,080 plus 6 percent of the excess over $50,000. Washington lawmakers approved a 3.5 percent income levy, subject to voter approval at the November 1970 election.

Pending voter approval at the November 1970 election, Alabama will raise its personal rate from 5 to 7 percent for taxable income above $5,000. Minnesota also extended for two years its increased personal rates which range from 1.5 percent on the first $500 to 12 percent on taxable income over $20,000. Montana has increased the rate on taxable income between $10,000-$14,000 to 8 percent, such income between $14,000-$20,000 to 9 percent, between $20,000-$35,000 to 10 percent, and above $35,000 to 11 percent.

New Mexico has raised its tax rates for single individuals and married persons filing separate returns to range from 1 percent of net income up to $500 to 9 percent in excess of $100,000. Marrieds and heads of households are now taxed at rates ranging from 1 percent on net income up to $1,000 to 9 percent on net income in excess of $200,000.

Rounding out the personal income tax front are an additional 1 percent tax in North Dakota beginning in 1970, a brand new 10 percent Rhode Island investment income tax beginning on or after January 1, 1969, and a 15 percent Vermont surtax on individual income liability for taxable years beginning after 1968, CCH said. So far, 10 states increased their tax rates on corporate income (nine outright and one subject to voter approval), two states imposed a corporate income tax and another state adopted such a tax subject to voter approval.

Illinois, Maine and Washington have levied new taxes on corporate income. The rate in Illinois and Maine is 4 percent with the Illinois tax applying to taxable years ending after July 31, 1969, and the Maine tax effective for taxable income earned or received on or after January 1, 1969. The Illinois law, which also imposes a personal income tax, survived a constitutional challenge. In Washington,

Citizen Action . . . . . *Judith A. Moncrieff, Editor*

'Greater Memphis' Plans Development

Commerce Group Spurs Community-wide Program

MEMPHIS, Tennessee, has under way a $4-million, four-year Greater Memphis Program to tackle areawide urban problems. The program was spearheaded by the Memphis Area Chamber of Commerce, and began to take shape two years ago when 15 local businessmen decided that Memphis needed a community-wide development program.

An action committee was formed which, in less than two months, attracted a community-wide following of 500 people. The citizens who joined the action committee expressed dissatisfaction with the role of the chamber of commerce, feeling that its function of reviewing local programs and promoting business interests was too narrow to serve adequately the needs of an urban community. In response, the chamber hired as chief executive David W. Cooley, who held a similar post in Jacksonville, Florida, and played a major role in the consolidation of Jacksonville and Duval County.

Mr. Cooley shares Memphis citizens' feelings that the chamber of commerce should play more than a watchdog function in urban affairs. Consequently, steps have already been taken to participate actively in community improvement programs through its Greater Memphis Program which includes: establishment of a research and a human resources department, hiring black employees at professional and clerical levels, initiation of a regional development organization, and institution of a membership drive to secure greater representation from Negro businessmen.

The American City reports that, in conjunction with the program, a consortium of firms has been formed to provide basic literacy, motivation, job preparation and prevocational training for the hard-core unemployed. To accomplish this, the chamber has contracted to head a federally-sponsored program in cooperation with the National Alliance of Businessmen.

On another front in Memphis, in an effort to solve the problem of inadequate urban recreational facilities, the city has initiated a mini-park program, the outgrowth of the Memphis city beautiful commission's decision to "forget the frills" and get down to the business of cleaning up. As a result of this policy, funds normally devoted to a downtown parade, beauty contest and banquet were channeled into converting vacant lots to playgrounds for youngsters in underprivileged areas.

The areas were selected through three basic guidelines:

1. Vacant lots had to be in low-income, high-density neighborhoods too far from any existing public park.

2. A neighborhood organization had to be formed with adult leadership which would pledge itself to clean up the vacant lot selected as the park site, as well as alleyways and front and back yards.

3. The neighborhood groups had to furnish park supervision and maintenance.

It was, however, left entirely up to the designated neighborhood groups to decide whether they wanted a mini-park and to seek out a suitable vacant lot. Once the lot was located, it was often made available voluntarily by the owners, or permission was acquired by the neighborhood organization or the city beautiful commission.

The program was funded by the commission and by private contributions, but the actual work was done by residents. One hundred fifty adults and children gathered in a rubbish-covered vacant lot

forced to pay 7.43 percent interest for $25 million of them and 7.48 percent interest for the remainder. This record interest rate is expected to encourage delays in the marketing of some issues by New York as well as by other municipalities throughout the nation. Some projects for which the bond money is needed cannot be delayed. But, for projects of other than the "urgent" category, the high interest rates are forcing public officials to take second looks at projects and their timing.

New York City Comptroller Mario A. Procaccino, a candidate for mayor, commenting through his office on the sale of these securities, whose maturities ranged up to one year, said, "The high interest cost of these notes reflects not only the current money market for all borrowers but also the uncertainty of the municipal bond market caused by the tax reform legislation before Congress."

In the city's sale of notes on June 5, it was forced to pay an average interest cost of 6.84 percent for $136,580,000 of three-month and six-month bond anticipation and urban renewal notes.

CITY, STATE AND NATION

(Continued from page 421)

The voters party of BETTENDORF, IOWA, is working for a referendum on adopting the council-manager plan.

The charter commission of SAN DIEGO, CALIFORNIA, second largest city having council-manager government, has recommended that city councilmen be elected from single-member districts rather than the present system by which councilmen are nominated from districts but elected at large.

Virginia Capital Wins Big Annexation

A three-judge annexation court has approved the expansion of Richmond, Virginia, to include an additional 44,000 people and 23 square miles, effective December 31. Further appeals of the ruling are still possible. With the increase in population and area Richmond will still remain the second largest city in the state (260,000 people and 63 square miles). Norfolk has approximately 330,000 population.

Most of the new residents, from Chesterfield County, are white, a factor which, according to the *New York Times,* would offset the growing strength of black voters who are estimated to comprise 55 percent of the present city population.

Local Government Study Released in South Carolina

The Municipal Association of South Carolina has released a 232-page *South Carolina Local Government Study* (P. O. Box 306, Columbia 29202). Prepared by Public Research and Management, Inc., of Atlanta, the study reports extensive consultation on the operations of the state's 260 cities, of which only 15 exceed 10,000 population.

The report identifies the technical assistance, training and information needs of these local governments, as well as present state government programs designed to meet these needs. It analyzes existing constitutional provisions and statutes which create, govern or control local governmental operations. It also analyzes the organization, staffing, budgets and work programs of the 19 offices of community affairs established in other states. The report recommends the establishment of an office of local government affairs as a major unit of a new division of state planning and local government affairs in the executive department of the state government. A recommended organization, staffing pattern, budget and program for the division is also presented.

adequately explained when reasons should have been revealed; inefficiently performed or otherwise objectionable.

Although sources feel that an ombudsman will not be a panacea for all of King County's administrative problems, he could go a long way toward reestablishing citizen confidence in, and control of, local government.

Citizens Make Plans to Save Landmarks

In the process of urban renewal, the preservation of architectural landmarks which enrich a city's environment is often overlooked. The citizens of Portsmouth, New Hampshire, became involved in a preservation effort last fall, when it was proposed to raze buildings dating back to colonial times to make way for an urban renewal project.

The area sited for the project encompasses slightly less than 10 acres in the heart of Portsmouth. It was in this area that prominent families in the eighteenth and nineteenth centuries built what spokesmen consider to be the finest examples of New England architecture of this period. This heritage had gone unnoticed until 1968 when concerned citizens made a survey of the intended urban renewal site.

According to *New Hampshire Town and City,* following public meetings, a profit-making development corporation, Portsmouth Preservation, Inc., was formed to seek reversal of the decision to raze the homes. The organization hopes to persuade the Portsmouth Housing Authority to change its plan for industrial and municipal use of the site so that it can be rezoned for residential and commercial purposes. The company is currently negotiating to purchase 9.6 acres of the proposed renewal site which includes some 65 buildings on their original sites or from other parts of the urban renewal area. In addition, Portsmouth Preservation, Inc., has proposed that six properties be removed or relocated for a planned highway access, 17 inappropriate structures be removed, and that more than a dozen architecturally important houses presently slated for demolition be moved to land purchased by the corporation.

If it succeeds in getting the area rezoned, the corporation would purchase the land and buildings for sale to individuals committed to renovation and maintenance of homes, professional offices and shops in keeping with the character of the area.

The preservation plan does not rely on sentimentality to win its point. Spokesmen for Portsmouth Preservation, Inc., predict that private financing and controls for restoration of the exterior facades of the buildings will provide a tax base in the area which will give the city a higher level of income than would be realized from almost any other form of modern construction after demolition. They estimate that, after renovation, the projected market value of the buildings alone will increase 120 percent.

Seattle Center Created to Stop Rumors

In an era when long, hot summers no longer refer solely to the weather, Seattle citizens have come up with a unique way of cooling them down by establishing The Rumor Center. The center's sole purpose is to stop rumors before they spread by providing specific and accurate information.

The center was created in 1968, its concept based on a situation created in the summer of 1967 when it is reported that a Seattle newspaper ran headlines warning of an impending riot and included instructions on self-protection. The headlines sparked a rash of rumors which multiplied to such an extent that, within the next 24-hour period, telephone lines to some public agencies were jammed for hours. In the absence of factual informa-

wielding shovels, rakes and hoes to the beat of a soul band as they cleared away the refuse for the first mini-park. When the lot was cleared, youngsters moved on to clean up other areas of the neighborhood while some workers remained to set up recreation equipment. Within the next four weeks, 50 such parks had sprung up throughout Memphis at no cost to either the city or the federal government.

Although the proliferation of the parks was speedy, it was not haphazard. *Kansas Government Journal* reported that Cleani-Mini Park, Inc., was chartered as a non-profit organization to lease lots for $1 per year and to offer complete protection to property owners through the corporation's purchase of a blanket insurance policy for bodily injury and property damage liability. Each playground was also placed under the city park commission's insurance coverage. As an additional safety measure, a local exterminating crew went in, free of charge, before the areas were cleaned, and will provide this free pest control service on a continuing basis.

Basic play equipment from swings to volleyball nets was purchased for and donated to the newly created parks. Plans are under way to redesign some of the playgrounds to add color and environmental interest through the use of iron pipe and concrete culverts. Tentative plans have been made to sponsor contests next year for cleanliness and maintenance.

The Memphis mini-park program has had other effects apart from the removal of rubbish-filled, vacant lots from many low-income neighborhoods. The areas have also shown improvements initiated by the neighborhood homeowners, such as painted fences, household repairs and the planting of flowers.

Ombudsman Proposed for Seattle Area

The Seattle and King County Municipal League's county government committee recently recommended to the King County board of trustees that the post of ombudsman be established in the county. His primary purpose would be to investigate citizen complaints against local administrative agencies and to provide a means of redress if the complaints are valid. Establishment of such an office was authorized in the home rule county charter adopted in November 1968.

The recommendation, accompanied by a draft of an ordinance, was unanimously approved by the county board with only slight modification. The board recommended that the county council create an office of ombudsman within the office of citizen complaints, and that the city and county study the feasibility of establishing a combined position.

Highlights of the proposed ordinance include establishment of the ombudsman as the director of the office of citizen complaints and definition of his duties, area of jurisdiction, qualifications, powers and salary.

If the ordinance is adopted, the ombudsman will be appointed by a two-thirds vote of the county council to a five-year term and may be removed by a two-thirds vote of the council for neglect of duty, misconduct or inability to function in office due to injury. He must be qualified to analyze problems of administration and public policy and may not run for any county public office within two years after his term as ombudsman. Once in office, the ombudsman will have broad investigative powers to determine the validity of complaints lodged by any citizen against county administrative agencies. According to *Municipal News,* matters appropriate for investigation include administrative acts that might be: contrary to law or regulation; unreasonable, unfair, oppressive or inconsistent with the general course of an administrative agency's functioning; arbitrary in ascertainments of fact; improper in motivation or based on irrelevant considerations; unclear or in-

Researcher's Digest . . . . . *John M. Capozzola, Editor*

Conference Airs Personnel Views

Public Sector Bargaining Seen from All Angles

PUBLIC employees and collective bargaining have engaged in sporadic flirtations with each other for decades. It is no longer a flirtation: It is a marriage. And it will endure. This remark by Jerry Wurf, president of the Association of Federal, State, County and Municipal Employees (AFSCME), quoted in the introduction to *Collective Bargaining in the Public Sector,* edited by David C. Hoeh (Public Affairs Center, Dartmouth College, Hanover, New Hampshire, December 1968, 98 pages, $2.00), was held to characterize the present state of collective bargaining in the public sector.

The monograph contains papers presented at the fifth annual Orvil E. Dryfoos Conference on Public Affairs. The conference was organized to bring together the points of view of public management, personnel administration, public unionism, academic evaluation and current operational experiences.

The overall theme—if there is one—is that the tremendous growth in public employment and the power of public employee unions have added strain and stress as well as a new dynamism to public personnel administration which are inevitably part of our urban crisis. Segments of the nation are impatient, and the vigor and speed of conflicting forces mirrors deep divisions threatening many traditional institutions of local government.

Mr. Hoeh's summary of the proceedings also reflects the inevitable result of such conferences—there are those who contend that there are fundamental differences between the public and private sectors, while others insist that there are essential similarities. It would appear that perhaps too much effort is spent on trying to catalogue differences and similarities. The more realistic issue is whether the differences are substantial enough to warrant continuing the public-private dichotomy which has become such an article of faith that some authorities deny the very existence of collective bargaining in the public sector.

As late as 1967 most important study commissions favored retention of an absolute strike ban, and concluded that the "nature of the service" distinction was doomed to failure as a source of never-ending controversy. Yet Mr. Hoeh's summary now states: "Elements of the solution will be found in classifying services in terms of their relation to public health and safety. Where a service does not involve a high degree of public safety, a strike might be tolerated."

The first of the papers, "Collective Bargaining in the Public Sector" by Neil W. Chamberlain, discusses many of the basic issues. Despite the broad title, Chamberlain confines his analysis mainly to municipal bargaining, where he finds "only confusion or—if one is in a euphemistic mood—experimentation." Rejecting many of the older myths, he urges that collective bargaining not be presented as one more nearly insurmountable problem, but as something which itself can contribute to a better society. In turn, a solution would not be achieved by trying a piecemeal approach. In his words: "A solution to how city employees can be fairly dealt with is not to be found in trying to untie, one by one, all the knots which entangle that issue—the knots of sovereignty and exclusive representation and political restraints and right of strike—but rather by cutting through that

tion, fear and tension gripped the city, according to the Municipal League of Seattle and King County.

The Rumor Center, originally operated on donated funds, is now subsidized primarily by contractual agreement with the city council. Its policies are set by a board of trustees composed of private citizens. The center has a volunteer staff of 25 private citizens and eventually hopes to have at least 30 to 40 more.

During the summer of 1968 the center received 7,000 calls in its four months of operation. This year, however, it is open on a continuing basis seven days a week from 10 A.M. to midnight.

Norfolk C of C Establishes Community Leadership School

In recognition of the fact that a growing community needs active and well-informed leaders, the Norfolk, Virginia, Chamber of Commerce created a Community Leadership School (CLS) modeled on one developed several years ago in Rockford, Illinois.

The purpose of the school is to involve leaders in the field of voluntary community service by exposing them to the needs of the community. This exposure was achieved through a series of 10 weekly classes at which community problems were probed and ways of solving them discussed.

During the classes, "faculty" members recruited from the Norfolk community leadership discussed such topics as planning a new Norfolk, law in the city, the role of city government, and state government and political organization. The program was so effective that, after "graduation," the class reassembled for extra sessions on its own initiative in an attempt to determine by priority the areas of greatest need in the community and how these needs might best be met.

According to the U. S. Chamber of Commerce *Newsletter,* the Norfolk group is making efforts to ensure that its CLS graduates receive offers to get into community service. Thanks to its initial success, another Community Leadership School was planned to begin last month.

FOR ANNUAL SESSIONS

(Continued from page 404)

tions, a state legislature which meets only every two years cannot hope to gain and maintain its rightful place as an equal and independent branch of state government. It has no opportunity to act in an effective, timely manner, nor indeed to act at all until the time for action is passed unless the governor sees fit to call it into special session. Even then, it is the governor, not the legislature, who gets the credit for action, and takes the bows—and makes the legislature suffer by comparison, thus adding to its already alarming subservience to the executive branch.

In short, if we are unwilling to give the legislature a reasonable opportunity to act when action is needed and demanded by the citizens—to give it visibility when the citizens are looking to the state government for some true leadership in matters of public policy—then we must be content to let the legislatures go on being (1) generally controlled by the governors and (2) the big weak link in the whole governmental system.

Warner's primary purpose was to set down the ideas of public management. The sources of the answer are to be found essentially in "issues raised by public officials," experience derived from negotiation, and changes in administrative practices resulting directly from collective bargaining. Within the past few years Warner found a number of developments which awakened management and spurred a crystallization of its views. These included: (1) comprehensive bargaining laws in 12 states and agreements and arrangements in other jurisdictions; (2) the myriad queries public officials directed to the Public Personnel Association, of which he is executive director; (3) the issues raised at seminars and conferences; and (4) the dozen or so official studies conducted between 1961 and 1968.

In general Warner finds that public officials have become traumatized as well as frustrated as public management was repackaged to fit the collective bargaining container. This condition resulted from the threat posed to traditional management concepts and the new, strange environment induced by bargaining. He surveys the impact of bargaining on public administration, raising many penetrating questions. Broad areas of impact include the budget, expenditures, taxes, municipal bonding authority, capital improvements and the subcontracting of government services. Internal organizational arrangements are viewed as a crazy-quilt pattern. Warner ranges over a variety of other problems: strikes, management rights, the scope of bargaining, and discusses the impact on the merit system.

The proceedings concluded with "A Journalistic Overview of Collective Bargaining in the Public Service" by A. H. Raskin of the *New York Times*. He has doubts that the ideal answer is to do everything the same way as in the private sector. He rejected the Condon-Wadlin law mentality as "a law that was all punishment and no peace machinery," and stated that it was not fair to the community to assert that "you can't strike" where the law did not provide an adequate mechanism for fairness and justice. Mr. Raskin believed that the Memphis authorities deserved public excoriation and condemnation for allowing the situation to develop and to continue, and he expounded on the actions of the New York City sanitation union which rejected the use of "by all odds the best mechanism anywhere in the country for assuring industrial democracy to public employees."

Mr. Raskin set forth several fundamentals essential to a sound policy. First, he rejected the notion of a privileged sanctuary wherein officials hide behind a no-strike principle and deny equity to their employees. Second, there should be avenues for full democratic expression by employees, even on matters of public policy. Where the ultimate impasse has been reached despite conventional techniques, he suggested that "third-party recommendations become the right and necessary answer." As a corollary, Mr. Raskin admonishes that unions must be willing to cooperate in order to convert the public service into a better avenue for innovation and progress. Rejecting the notion that jail penalties are the solution, he appears to favor going after the union treasury. He also aligns himself with those who resist the so-called "essentiality test." Finally, the point is made that, "No institutional mechanism is going to work unless both sides want it to work," it being very easy to sabotage the best machinery in the world.

Governors' Staffs Get Scrutiny

Gubernatorial Staffs: Functional and Political Profiles, by Donald B. Sprengel

whole inherited snarl and trying to devise freshly a feasible and functional system of urban labor relations which falls into place alongside other urban programs. For it is clear that our cities are in need of drastic treatment, and the forms the treatment takes are bound to affect their pattern of labor relations."

Arvid Anderson's "Comparison of State, Federal and Local Laws in the Field of Public Employment" offers insights into such issues as strikes, fact finding, arbitration, the scope of bargaining, management rights, union security, the merit system and the operation of the New York City office of collective bargaining.

Anderson found the Memphis and New York City sanitation strikes to be significant—the former demonstrating that collective bargaining could be an instrument in the civil rights struggle and the latter pointing up the use of arbitration as a means of solving negotiation disputes. Anderson contends that labor relations can work effectively even with strike prohibitions, and that the "attitude of the parties toward the collective bargaining process is as important as the laws of procedures involved." Fact finding is viewed as a useful tool and based on the premise that the resolution of public employer-employee disputes is political in nature. He also considers the use of arbitration and notes "signs that the legal corner has been turned on the acceptance of arbitration as a means of resolving contract disputes," but emphasizes that he does not urge its automatic use in all cases. Finally, Anderson argues that collective bargaining should be encouraged and protected by legislation at the state and local levels as a basic tool to redeem and resurrect our cities. If the challenge is not met, the federal government is likely to step into the picture.

Robert H. Hasting's paper, "The Public Employee Union Looks at Collective Bargaining in the Public Sector," discusses what is happening in the public service and what should happen in the public sector, in the view of AFSCME. The backdrop for his discussion was the Memphis strike which evolved into a dispute of national consequence. Mr. Hastings first notes the tremendous growth in public employment, especially at the local level. Next, he describes the "new" public employee who, unsatisfied with mere job security, has become a "more cost-conscious worker who wants a living wage." He examines the civil service system, emphasizing the traditional unilateral determinations of the public employer, and finds in general that "civil service" is not the answer to labor relations in the public service—patronage continues in full bloom, civil service lacks adequate procedures for the resolution of day-to-day work problems and grievances, unilateralism persists, and civil service commissions remain as the "personnel arm of the employer rather than impartial guardians of merit and fitness."

* * *

Mr. Hastings concludes with a listing of "some basic goals that should be incorporated in a good collective bargaining law for public employees." Included are such elements as uniform applicability of the law to state, county and municipal employees; a clear-cut right to organize and join a union of the employee's choice; the creation of an independent third-party labor board; the principle of exclusive representation; a wide scope of bargaining; reduction of the results of bargaining to writing; and decent impasse procedures. In short, Hastings calls for more bilateralism and more bargaining as the basic solution.

The final paper, "What Does Public Management Think About Collective Bargaining in the Public Service?" was presented by Kenneth O. Warner. Recognizing that solid facts about this complicated question are lacking, Mr.

A few of the factors which the report delineated as vital in the consideration of health center planning are:

1. *Status of the center.* Due to the fact that the new type of medical care delivery system is patient-centered, not physician-centered, control of the center by an existing health institution which has a traditional pattern of relationships may make it difficult to introduce necessary changes. The independent status of the Louisville center encouraged the development of citizen support and set the stage for negotiations with hospitals, medical schools, etc., from a position of strength.

2. *Administration of the center.* Management control and data collection procedures should be worked out early in the planning stages. Since this was not done for the Louisville center, they remain inadequate during this period of relatively successful operation.

3. *Agency relations.* It is essential to the welfare of the program and the target populations that effective relationships with community agencies be developed as quickly as possible. However, relationships with these agencies, health and otherwise, involve potential conflicts of interest and have been, therefore, slow to develop.

4. *Relationships with area residents.* Because of their involvement in every phase of the planning and operation of the center, including policy-making, the strength of the center's relations with the residents, rather than the quality and comprehensiveness of care offered, gives the center the leverage with its own staff and with other agencies to implement its program.

The study concludes that the Louisville Health Center has had a constructive impact on the community and its medical system and is likely to be an effective mechanism for delivering services that will measurably improve the health of the target population. The report itself is thorough and well organized. It presents a realistic picture of the medical care program as it actually functions, and can serve as a useful handbook to communities that contemplate establishment of such a center.

J.A.M.

METROPOLITAN AREAS

(Continued from page 425)

governments to adopt the proposed area-wide police mutual aid agreement. The Virginia General Assembly in 1967, Congress in 1968 and the Maryland General Assembly in 1969 enacted legislation authorizing local governments to enter into inter- and intra-state police mutual aid agreements and to secure liability insurance necessary in crossing jurisdictional lines. The "Beltway Bandits" were pointed out as a prime example of lawbreakers who deliberately used different boundaries to confuse and frustrate police. The gang was based in Virginia, burglarized homes in Maryland suburbs, and fenced its illicit booty in the District of Columbia.

Federal Grant Catalog

The United States Office of Economic Opportunity has issued the 1969 *Catalog of Federal Domestic Assistance* (1200 19th Street, N. W., Washington, D. C. 20506), compiled annually for the Executive Office of the President. The OEO was assigned responsibility for publishing a consolidated volume on federal grant programs in 1967, to alleviate the confusion caused by the numerous documents issued by individual agencies.

Water Needs' Study

New York State has created a temporary state commission on the water supply needs of southeastern New York. The commission is directed to make a comprehensive study of the regional long-range water supply needs, develop specific recommendations for meeting the identified needs, and report by December 15, 1970, to the governor, legislature and water resources commission.

(Institute of Public Affairs, University of Iowa, Iowa City 52240, 1969, 68 pages), is a methodological study with emphasis on demographic characteristics and organizational patterns. The intent of the survey was to examine systematically a limited number of characteristics of gubernatorial staffs on a nationwide basis.

The study is devoted largely to analyses of data obtained from questionnaires sent in June 1967 to staffs in 40 states, by permission of the governors (five states declined to participate and five governors failed to respond). Of the 306 staff-members contacted, 226 or 73.9 percent responded, providing a firm statistical basis for the survey.

The questionnaire was geared to explore aspects of the background, behavior and organization of gubernatorial staffs. There were six major categories: demographic, political recruitment, political background, formal organization, informal organization and decisional processes. Since this is a new and relatively untried field of inquiry, the research proceeded on assumptions and conclusions basic to other areas of political methodology.

Interpretation of the data was divided into two parts: demographic characteristics and patterns of staff organizational structure. The former (age, education and occupation, political background, experience in office) remained consistent with the above-average socioeconomic status level of other political elite groups, with the exception that the gubernatorial staffers were far younger. The major finding on staff organization was that it differed between the two major political parties, the Democrats having less hierarchical and structured staffs than the Republicans. Criteria for staff recruitment also differed between governors of the two parties.

The survey posed more questions on the basis of its findings than it answered. Further research is encouraged in many areas, among them motivation to serve on a gubernatorial staff, recruitment impact on organization and the impact of staff attitudinal structures on behavior, organization and goals of the governor's office.

Mr. Sprengel has presented an excellent piece of research material in a relatively new field of political inquiry. Proceeding on a sound methodological basis, he has combined clear presentation of factual data with concise interpretation. The result is a tightly written report on an area of state government that will grow increasingly important as the duties of governors and their staffs continue to proliferate. Understanding the nature, function and organization of gubernatorial staffs will go a long way toward explaining the policy output of the states' executives.

J.A.M.

Health Center's Operation Studied in Louisville

In *A Study of the Development of the Neighborhood Health Center in Louisville, Kentucky* (355 Lexington Avenue, New York 10017, 1969, 114 pages), conducted for the United States Public Health Service, Greenleigh Associates evaluates one phase of the implementation of the new federal concept that health care is a basic right of all citizens. Although it focuses specifically on the Louisville Community Health Center, one of the first to be funded by the Office of Economic Opportunity, the study presents many factors, both good and bad, to which other communities should be alerted in attempting to establish similar centers.

The report describes the events and decisions of each stage in the center's development, the reaction of the many community forces, effectiveness in delivering health services to the target population and the impact of the project on the health service delivery system citywide.

The guerrilla theorists anticipated different consequences for the poor: one group thought it would provide a mechanism for group therapy, that, through direct and personal involvement, poor people would become less alienated and estranged from society. Another set of warriors thought that, through participation, the poor would press the system to expand employment opportunities. A third group viewed the process of participation as essential to legitimizing the poverty program itself, i.e., by developing a poor constituency within the bureaucratic structure, their representation would be institutionalized. Finally, several scholars thought that the poor were entitled to share power along with all the other groups in America, and that, to overcome the handicaps of education, class and occupation—obstacles to participation—they would be in a position of making claims on the system.

But the picture is more mixed than Moynihan leads us to believe. Enough evidence is in for all to see that, while a good many negative aspects have followed the participatory games, they have evoked some important benefits. They have helped to focus attention on the needs and problems of the nation's poor. The drama of confrontations, its very radical format, was perhaps the only way to force the bureaucracies, both private and public, to become concerned with the conditions of the poor. The controversy over the form and content of welfare in part was opened by these participatory acts of the poor. They showed dramatically how inadequate and unfair the system was.

Participation has opened up a pandora's box for old civil service systems: the quality of personnel, bases of recruitment, nature of credentials, type of training, limits of professional discretion and the need for administrative procedures to handle grievances. In other words, while the process involved many cities in painful confrontations, the participation of the poor—no matter the quality of representation—has raised some fundamental questions.

The City

THE ECONOMY OF THE CITIES. By Jane Jacobs. Random House, 201 East 50th Street, New York 10022, 1969. 268 pp.

In these days of over-specialization, over-rationalization and over-indulgence, it is always refreshing to have Jane Jacobs around as a generalist who writes well enough about some tough subjects to keep the reader interested. The theme of this terse volume on the economic sources for the healthy city was introduced in her *Life and Death of Great American Cities*. She believes that, if only man would take the time and patience to watch the development and death of cities, he would learn to either let nature take its course or help it along the path it seems to be taking.

The four keys to successful economic health of cities are: different primary use, mingled together to encourage mixture and varied purposes; small and short blocks to cut up bigness and monotony; structures differing in age, size, type and condition; and high concentrations of people. Her theme always is not to be afraid of variety, density, noise (of a certain tolerable quality) and some disarray. It is particularly from a certain degree of largeness that we get specialization and thus choice of occupation, living style, foods and clothing.

What is quite delightful in this book is the author's use of history. While not having as much detail or insight as Mumford, nevertheless, she does make her point. She makes mincemeat out of Cooley's transportation theory, i.e., that cities were located at crucial waterways or junctions. She lists a whole string of cities which never made it, yet were ideal from the point of view of this theory. In addition, she takes on the dogma of rural primacy, suggesting that much of

Books in Review . . . . . *Jewel Bellush, Editor*

Anti-Poverty Programs

MAXIMUM FEASIBLE MISUNDERSTANDING: *Community Action in the War on Poverty*. By Daniel P. Moynihan. The Free Press, a Division of The Macmillan Company, 866 Third Avenue, New York 10022, 1969. xx, 218 pp. $5.95.

Evaluation of "maximum feasible participation"—the most controversial provision of former President Lyndon B. Johnson's war on poverty—will concern scholars and political practitioners for a long time to come. Daniel P. Moynihan, a member of the Democratic bureaucracy at the time of the policy's formation, claims to have been pushed to the sidelines while its contents were detailed because he believed otherwise. He writes an impassioned book attacking the whole scheme, letting the boys know how much they missed by not including his advice: make jobs, don't play with games of phony participation. While this is a short book, and at times proceeds unevenly, it is an important one for our times. On occasion there is much wisdom, a good deal of thought, and a number of passages which should provoke animated debate.

Essentially, Moynihan feels that the community action program, which he justly claims as the heart of the anti-poverty effort, has produced minimal social change—a far cry from the expectations and promises of its sponsors. It has produced more disasters by igniting intense conflict and exacerbating tensions. His central attack is on the members of the intellectual establishment responsible for formulating the participation nightmare. Dubbing them rather colorfully as the "guerrillas," "OEO radicals" and "antipoverty warriors," he discusses the specific roles of such social science notables as Ohlin, Cloward, Alinsky, Ylvisaker and Goodwin. His second thrust is against the organizations which sponsored the warfare—the Ford Foundation, Mobilization for Youth and the President's Committee on Juvenile Delinquency and Youth Crime.

Many of Moynihan's criticisms of the men and their strategies—attempts to package pieces of programs, inadequate in size and diffuse in content, leaving the life style of the city's poor relatively untouched—are justified. Misguided idealism, he claims, evoked expectations beyond realistic limitations. Hopes for integrating the bureaucratic apparatus for the common end—the elimination of poverty—proved naive. Despite their desire for coordinating services and creating comprehensive goals, political pressures, both within and outside the administrative structure, forced policies into different directions.

The "guerrillas" assumed that, through local community action, order, equity and efficiency would be implanted on a chaotic web of federal governmental programs converging on the American city. Additionally, by perceiving city hall as the enemy of the poor, they fostered unnecessary confrontations between the community on one hand and political and governmental leaders on the other. To Moynihan, the participatory strategy was nothing more than a diversion from the real battle against poverty, which was to get the poor inside the American economy through creating job opportunities.

To an extent, there is a good deal of common sense in these criticisms of participation. The terminology, obviously ambiguous, lent itself to much debate. Who, indeed, were to be considered poor? How best, once we find them, can they be represented in the system to ensure that institutions and structures provide for their needs, demands and interests. Another problem evoked by the participatory rhetoric was the conflict among its proponents as to what they hoped to achieve.

Scranton Nominated

(*Continued from page 397*)

assistant to the U. S. secretary of state during the Eisenhower administration and as a member of the 87th Congress. He was governor of Pennsylvania from 1963 to 1967. Early this year he was appointed by President Nixon as United States ambassador and chairman of the U. S. delegation INTELSAT, and member of the advisory committee of the Arms Control and Disarmament Agency.

Mr. Browne, senior vice president of the Bank of America since 1966, has served in numerous official and civic capacities in the San Francisco Bay Area, including chairmanship of the Advisory Board on Financing, San Francisco Bay Area Rapid Transit District; vice president of the California County Government Education Foundation and president of the San Francisco Chamber of Commerce. He is a former governor and vice president of municipal finance of the Investment Bankers Association of America. In addition to his position as the League's first vice president, he serves as chairman of the Development Committee.

Vernon C. Myers is being nominated to succeed Curtiss E. Frank as second vice president. Mr. Frank has held that position since 1963. In addition to his position as president of *Look*, Mr. Myers is vice president and director of Cowles Communications, Inc. He has served as a member of the All-America Cities Jury since 1952 when *Look* joined the League as co-sponsor of the competition.

Nominated for regional vice presidents with terms ending in 1972 are: Lester L. Bates, Columbia, South Carolina; Searcy Bracewell, Houston; J. J. Davidson, Lafayette, Louisiana; James E. Fitzmorris, New Orleans; Dwight W. Follett, Chicago; Milton H. Graham, Phoenix; David R. Murphy, Denver; Russell W. Peterson, Wilmington, Delaware; Earl Sneed, Oklahoma City; Herbert W. Starick, Dayton; and Richard F. Treadway, Boston.

Nominated for Council membership, also with terms expiring in 1972, are: Robert B. Atwood, Anchorage, Alaska; Theodore M. Berry, Cincinnati; James W. Callison, Des Moines; Alan K. Campbell, Syracuse, New York; Frank E. Curley, New York; John Fischer, Guilford, Connecticut;

Curtiss E. Frank, New York; William T. Gossett, Detroit; William T. Patrick, Detroit; Harvey C. Russell, New York; Frank Sebree, Kansas City, Missouri; Harold S. Shefelman, Seattle; and Gus Tyler, New York.

Henry L. Shattuck of Boston has been renominated as honorary vice president.

Carl H. Pforzheimer, Jr., League treasurer, has been appointed by New York Governor Nelson A. Rockefeller to a nine-member temporary commission to study student unrest on college campuses. Mr. Pforzheimer is also a member of the state board of regents.

Milton H. Graham, mayor of Phoenix and a League regional vice president, has been named as a member of the executive committee of the National League of Cities.

Curtis E. Frank, of New York, League second vice president, was awarded an honorary Doctor of Laws degree by Colgate University on September 25. The citation read in part: "Keen-minded analyst of American business, executive attorney and civic leader, the breadth of your accomplishments is abundantly fulfilling the promise of your Colgate years."

gramming for the 70's, University of North Carolina, Chapel Hill 27514, 1969.

Legislation

DIGEST OF 1969 LAWS AFFECTING TOWNS. Association of Towns, 90 State Street, Albany, New York 12207, 1969. 40 pp.

Legislative Bodies

POWER IN THE SENATE. By Randall B. Ripley. St. Martin's Press, 175 Fifth Avenue, New York 10010, 1969. 246 pp. Tables. $3.50 (paperback).

Lobbying

COOPERATIVE LOBBYING—*The Power of Pressure*. By Donald R. Hall. University of Arizona Press, Tuscon 85721, 1969. 347 pp. Illus. $8.50.

Metropolitan Areas

METROPOLITAN COMMUNITIES: A BIBLIOGRAPHY. *With Special Emphasis Upon Government and Politics; Supplement 1965-1967*. By Barbara Hudson and Robert H. McDonald. Public Administration Service, 1313 East 60th Street, Chicago 60637, 1969. 272 pp. $8.00.

NEW YORK CITY MIGRATION, 1900-1960. By Nathan Kantrowitz. *Social Statistics for Metropolitan New York*, Graduate School of Social Work, New York University, 3 Washington Square North, New York 10003, March 1969. Variously paged. Tables.

Municipal Government

CITY PROBLEMS OF 1969. *The Annual Proceedings of the United States Conference of Mayors*. Edited by Wilbur H. Baldinger. The conference, 1612 K Street, N. W., Washington, D. C. 20006, 1969. 183 pp. $3.00.

GOVERNING THE CITY. *Challenges and Options for New York*. Edited by Robert H. Connery and Demetrios Caraley. Academy of Political Science, Columbia University, 413 Fayerweather Hall, New York 10027, 1969. 230 pp. Tables.

WASHINGTON MUNICIPAL DATA BOOK —1969. Bureau of Governmental Research and Services, University of Washington, Seattle 98105, 1969. 66 pp. Tables. $2.00.

Municipal Incorporation

FACTUAL REPORT ON THE DIAMOND BAR AREA. Chief Administrative Office, County of Los Angeles, 713 Hall of Administration, Los Angeles 90012, July 1969. Maps, tables.

Planning

AN ANNOTATED BIBLIOGRAPHY ON ENVIRONMENTAL PERCEPTION WITH EMPHASIS ON URBAN AREAS. By James D. Harrison. *Exchange Bibliography No. 93*. Council of Planning Librarians, P. O. Box 229, Monticello, Illinois 61856, August 1969. 41 pp. $4.00.

AN ANNOTATED BIBLIOGRAPHY ON THE CHANGING SCOPE OF URBAN PLANNING IN THE U. S. A. By Robert Heifetz. *Exchange Bibliography Number 86*. Council of Planning Librarians, P. O. Box 229, Monticello, Illinois 61856, June 1969. 46 pp. $4.50.

ENVIRONMENTAL REFORM IN THE UNITED STATES: *The Populist-Progressive Era and the New Deal*. By Albert Z. Guttenberg. *Exchange Bibliography Number 85*. Council of Planning Librarians, P. O. Box 229, Monticello, Illinois 61856, May 1969. 15 pp. $1.50.

THE FUTURE OF BERGEN AND PASSAIC COUNTIES. *A Supplement to the Second Regional Plan: A Draft for Discussion*. Regional Plan Association, 230 West 41st Street, New York 10036, 1969. 36 pp. Illus.

THE FUTURE OF ORANGE COUNTY. *A Supplement to The Second Regional Plan: A Draft for Discussion*. Regional Plan Association, 230 West 41st Street, New York 10036, 1969. 22 pp. Illus.

LOCAL PLANNING IN VIRGINIA. *Development, Politics and Prospects*. By S. J. Makielski. Institute of Government, 207 Minor Hall, University of Virginia, Charlottesville 22903, 1969. 109 pp. Tables. $3.00.

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Books in Review

(*Continued from page 450*)

Charlottesville 22903, 1969. 109 pp. Tables. $3.00.

Political Parties and Politics

WINNING'S A LOT MORE FUN. By Stephen C. Shadegg. The Macmillan Company, 866 Third Avenue, New York 10022, 1969. 278 pp. $6.95.

Political Science

THE AMERICAN DEMOCRACY. By C. Peter Magrath, Elmer E. Cornwell, Jr., and Jay S. Goodman. The Macmillan Company, 866 Third Avenue, New York 10022, 1969. 751 pp. Illus.

AMERICAN POLITICS. *A Systems Approach.* By Stephen V. Monsma. Holt, Rinehart and Winston, 383 Madison Avenue, New York 10017, 1969. 399 pp. Illus. $5.95.

POLITICAL INQUIRY. *The Nature and Uses of Survey Research.* By Herbert McClosky. The Macmillan Company, 866 Third Avenue, New York 10022, 1969. 160 pp. Charts, tables. $2.95 (paperback).

STUDYING THE CIVIL COMMUNITY: *A Guide for Mapping Local Political Systems.* By Daniel J. Elazar. Center for the Study of Federalism, Temple University, Philadelphia 19122, 1968. 31 pp.

MEASURES OF POLITICAL ATTITUDES. By John P. Robinson, Jerrold G. Rusk and Kendra B. Head. Survey Research Center, Institute for Social Research, University of Michigan, Ann Arbor 48103, 1969. Charts, tables. 702 pp.

Population

TOWARDS A NATIONAL POLICY ON BALANCED COMMUNITIES. By Orville Freeman. (Reprinted from *Minnesota Law Review.*) David Apter and Associates, 1145 19th Street, N. W., Washington, D. C. 20036, May 1969. 15 pp.

Poverty

BLACK ECONOMIC DEVELOPMENT. Edited by William F. Haddad and G. Douglas Pugh for the American Assembly, Columbia University. Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632, 1969. 176 pp. $4.95 (clothbound). $1.95 (paperback).

POVERTY. *New Interdisciplinary Perspectives.* Edited by Thomas Weaver and Alvin Magid. Chandler Publishing Company, 124 Spear Street, San Francisco 94105, 1969. 221 pp.

Primaries

ENDORSEMENTS IN A CONGRESSIONAL PRIMARY: *Ryan Challenges Boland in Massachusetts' Second District.* By Nathaniel H. Akerman. *Government Research Bulletin,* Bureau of Government Research, University of Massachusetts, Amherst 01002, July 1969. 6 pp.

Public Administration

PUBLIC ADMINISTRATION. By Marshall Edward Dimock and Gladys Ogden Dimock. Holt, Rinehart and Winston, 383 Madison Avenue, New York 10017, 1969. 634 pp. Charts, tables. $9.95.

Public Defenders

THE PUBLIC DEFENDER IN ARIZONA. *A Case Study of State Policy-Making.* By Clifford M. Lytle. University of Arizona Press, P. O. Box 3398 College Station, Tucson 85700, 1969. 48 pp. Charts. $1.50.

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POLICY FORMULATION IN COMPREHENSIVE HEALTH PLANNING. By Marvin Strauss. *Exchange Bibliography No. 95.* Council of Planning Librarians, P. O. Box 229, Monticello, Illinois 61856, August 1969. 6 pp. $1.50.

Public Works

BID DATA ON CURRENT MUNICIPAL PUBLIC WORKS. Edited by M. U. Snoderly. Municipal Technical Advisory Service, University of Tennessee, Knoxville 37916, 1969. 80 pp. Tables.

After the Electoral College?

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Its Functions and Form for Our Time

Written by Frank P. Grad of Columbia University, this is a practical view of what can and cannot be accomplished by constitutional revision and what should or should not go into a state's fundamental document. It is reprinted from the *Virginia Law Review.*

48 pages, $1.00

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

July 23, 1973

Price Daniel, Jr.
P. O. Box 1
Liberty, Texas 77575

Dear Mr. Daniel:

The League of Women Voters of Texas would like very much to participate i in a statewide campaign for the adoption of Amendment 1. Our representative to a non-partisan Statewide Committee is:

Mrs. Thomas Litras
5107 Inverness
Baytown, Tx. 77520

Phone (713) 424 - 7586

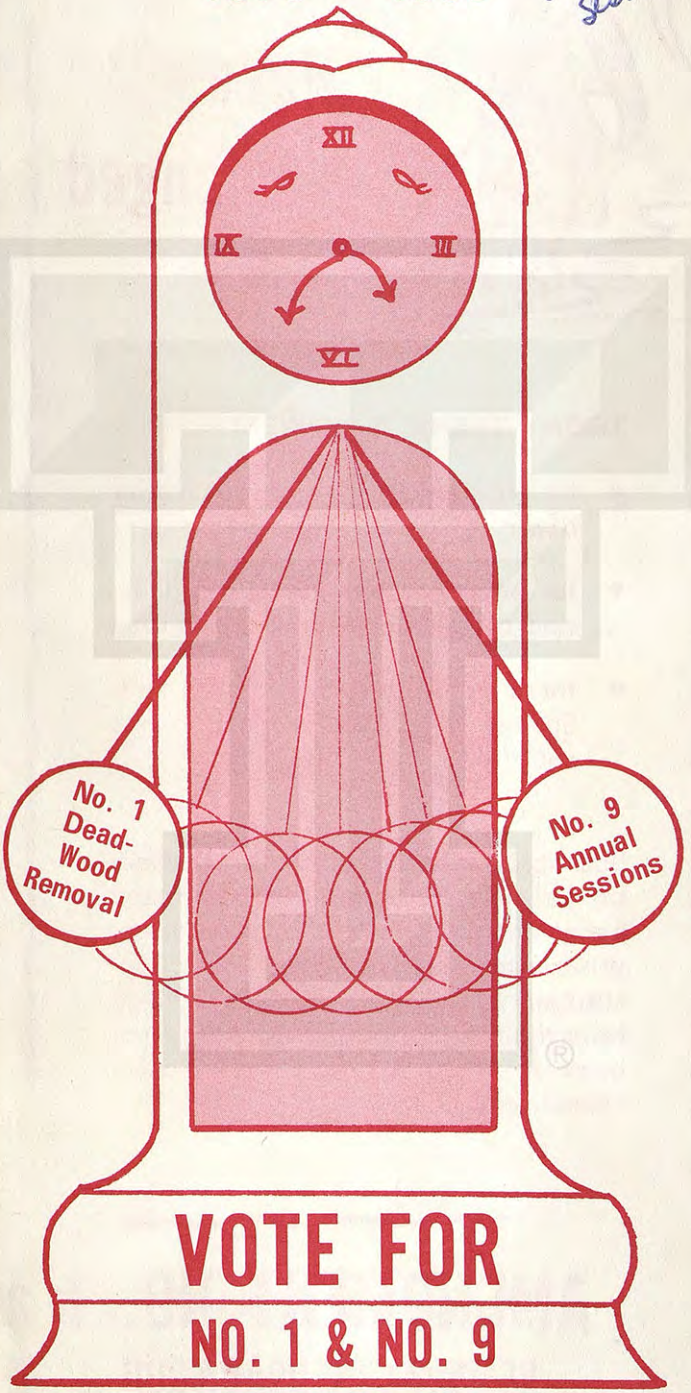
For your information, Mrs. Litras will be out of town the week of July 29 - August 1.

Cordially yours,

Mrs. Darvin M. Winick, President
League of Women Voters of Texas

Too Much Time Has Passed
1876 – 1969

Annual Sessions



VOTE FOR
NO. 1 & NO. 9

AUGUST 5, 1969

Times Have Changed

VOTE FOR

Not Enough Time

TODAY THERE IS NO NEED

- for restrictions against dueling at dawn
- for provisions prohibiting consolidation of railroads with a foreign road
- for a complete Article dealing with Spanish and Mexican land grants and titles

Such provisions are obsolete. Decades of judicial decisions have invalidated many more. Such deadwood comprises over one-third of the Texas Constitution. Now is the time to begin to bring the constitution up to date. Amendment No. 1 is a simple housekeeping amendment.

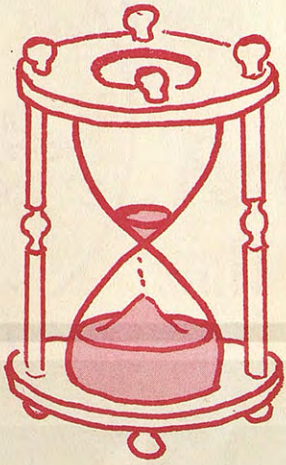
TODAY THERE IS TOO LITTLE TIME

- for deciding how to spend almost $6 billion in one session
- for passing laws that concern ten million people
- for considering 2500 bills and resolutions in a regular session

Minutes tick away all too soon for our part time legislature. Vital legislation often is postponed for two years. Amendment No. 9 adds a 60 day session in even numbered years for budgeting and emergencies. Give the Texas legislature more time.

AMENDMENT NO. 1 — REMOVAL OF DEADWOOD

AMENDMENT NO. 9 — ANNUAL SESSIONS



TIME IS RUNNING OUT

for modernizing state government. Legislators cannot be responsive to the needs of Texans in this changing world while handicapped by an unwieldy constitution and an inadequate amount of time. Your vote is needed on **August 5** for two important amendments. Vote FOR the **first** and **last** amendments.

VOTE FOR

AMENDMENTS

NO. 1 and NO. 9

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

Legislators' pay increase first item on Nov. 6 ballot

Post State Capital Bureau

AUSTIN — A constitutional amendment providing a pay raise for legislators and annual sessions of the Legislature will be the first question on the Nov. 6 special election ballot. There are nine proposed amendments.

Secretary of State Mark White held a public drawing Wednesday to determine the order in which the constitutional amendments will appear on the ballot.

The order for the amendments to appear are:

Amendment 1 — Providing annual regular sessions of the legislature and an annual salary of $15,000 and per diem for members of the Legislature, effective January, 1975.

Amendment 2 — Including within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property and providing that a family homestead not be abandoned except with consent of both spouses.

Amedment 3 — Extending the $3,000 ad valorem tax exemption to the homesteads of unmarried adults who live alone.

Amendment 4 — Establishing certain requirements relative to the enactment of laws creating conservation and reclamation districts.

n on commercial land

ssessed on the
y 19.3 per cent of

showed the property was on the tax rolls at 33.6 per cent of market value.

That compares with an authorized ra-
r cent and the 19.3 per cent
erical property.

of record indicates approximately what the selling price has been."

Reed said the SREA reports do not cover enough commercial sales to do any good.

In his survey of comm

Amendments

Letra

In the Nov. 6, 1973, special amendment election, the people of Texas will have the opportunity to increase the efficiency and responsiveness of the legislature by providing for annual sessions and increasing legislators' salaries.

The League of Women Voters of Texas has long supported adequate compensation for legislators (although we prefer removing the salary amount from the constitution) and sessions of sufficient length and scope to permit efficient handling of the legislative business. This amendment provides for a session of 180 days in the odd-numbered years and a 60-day session limited to fiscal matters in the even-numbered years. The usual provision for the Governor's convening emergency sessions is included.

Deleted from this amendment is the unrealistic 30 and 60 day scheduling of the legislature's business. This has hampered the work of the Legislature in the past and if removed

(more)

COPY

Litra

would free the body to make its own more realistic schedule in response to the demands placed upon it.

Under this amendment, Texas will move to one-year appropriations, rather than the present biennial system.

A committee will be meeting this summer to consider what kind of campaign we want to launch. Be thinking of possibilities in your community for promotion of this amendment, and let your local legislator know we are going to support it.

PROPOSED CONSTITUTIONAL AMENDMENT

To provide for annual sessions of the Legislature and raise the salaries of the legislators.

Passage of this amendment would provide for annual sessions rather than biennial sessions, raise the legislator's salary from $4800 to $15,000, and increase per diem from $12.00 to $18.00

#

COPY

June 7, 1973

To: Kissinger, Anderson, Leabo, SO, Brasher
Re: Annual Sessions/ Salary Amendment
From: Litras

The League of Women Voters of Texas will support the proposed amendment to the Texas Constitution which calls for annual sessions of the Legislature and raises the salary of the legislator to $15,000 per year and the perdiem during sessions to $18. We have long supported under our legislature item adequate compensation for legislators and sessions of sufficient length and scope to permit efficient handling of the legislative business.

This amendment, to be voted on November 6, 1973, provides for a session of 180 days in the odd-numbered years and a 60 day session limited to fiscal matters in the even-numbered years. The usual provision for the Governor's convening emergency sessions is included.

Deleted from this amendment is the unrealistic 30 and 60 day scheduling of the legislatures business. This has hampered the work of the Legislature in the past and if removed would free the body to its own more realistic schedule in response to the demands placed upon it.

Under this amendment, Texas will move to one year appropriations, rather than the present biennial system.

A committee will be meeting this summer to consider what kind of campaign we want to launch. Be thinking of possibilities in your community for promotion of this amendment, and let your local legislator know we are going to support.

H. Post 6-7-73

Post/commentary

A mandate met

The 63rd Legislature has given us some long-needed governmental reforms, rewritten volumes of state law and kept its hands out of our pocketbooks by levying no new taxes. But did it fulfill the mandate given it by the voters in last year's elections to restore public confidence in state government?

Gov. Dolph Briscoe says it did, and he is joined in this assessment by a number of lawmakers. Others, however, confess to a feeling of frustration at not having accomplished more in view of the high expectations at the beginning of the session five months ago.

The most publicized achievement of the 63rd was the passage of legislation setting stricter standards of ethical conduct for state officials, guaranteeing freer access to the meetings of governmental bodies and to public records, tightening accountability for funds used in political campaigns and toughening regulation of lobbyist activities.

The Legislature's most grievous failure was its inability to resolve the state's school financing problems or even to provide additional available funds for public education. Two plans were before the Legislature. One would have provided emergency grants to the poorest school districts in the state. The other would have simply added $44 million to the existing minimum foundation program. Neither bill was perfect. Either was better than nothing. One or the other should have passed.

While reform measures consumed much of the legislative session's time and energy, the lawmakers produced a number of other significant pieces of legislation: A new drug control law with tougher penalties for drug pushers but reducing possession of small amounts of marijuana from a felony to a misdemeanor; a new penal code, the first in 117 years; major revisions in the family code dealing with adoptions, child-support and juvenile delinquents; a new consumer protection law empowering the attorney general and the district attorneys of the state to shield the public from deceptive selling practices.

These are but a few of a long list of new laws which made the 63rd Legislature's regular session one of the most productive in recent history. Some of the measures passed in this session, such as the penal code, were the products of lengthly research and unsuccessful attempts at passage in previous sessions.

The atmosphere in which this Legislature operated must rank in importance with what it did. The session was characterized by more openness and hard work than veteran State Capitol observers remember in any previous session. With few exceptions, individual lawmakers had their say without being throttled by a fast gavel wielded by the presiding officer in either the House or the Senate.

The session had its shortcomings, however. It used the consent calendar, supposedly reserved for local and non-controversial bills, too freely. And it fell into the same trap as previous sessions — fighting a logjam of legislation in its closing days. This last, however, was not a trap entirely of its own making. The constitutional limit of a 140-day session every two years is totally inadequate to handle the state's legislative business, even with the provision for 30-day special sessions to deal with emergencies.

Texas voters can relieve the lawmakers of this handicap by adopting a constitutional amendment Nov. 6 providing for annual legislative sessions. The amendment also contains a pay raise for members of the Legislature — from $4,800 to $15,000 a year. By any reasonable standard, the 63rd earned that $10,200 raise.

Life guard

The image of death sharpens in small, secluded societies. Word that a resident has died echoes from one end of the community to the other. A squirrel or seagull shot down is more than child's play as their corpses rot prominently in the public glare. The carcass of a turtle killed by [illegible] points an accusing finger at the soci[illegible] whole.

On a Texas beach recently, a ga[illegible] a large turtle to death because [illegible] plained, turtles bite people [illegible] sport—short of shotg[illegible] ning these turtles [illegible] the sea.

More [illegible] th[illegible]

T

Nixo[illegible]

By Richard Wilson

By the time, some months congressionally voted cut-off bombing Cambodia could ha[illegible] fect, the question probably wi[illegible]

The fundamental issue rais[illegible] be moot, and this is whether can get a firm grasp on the w[illegible] powers of the President.

President Nixon may veto bodian cut-off, and that would end the matter for the time bein would not define to what ex President can be forced to cons gress before authorizing future action. Beyond that vital question equally large one of the size an[illegible] of the military force which the P[illegible] is to command and how he can u[illegible] an instrument of foreign policy.

The vote on the Cambodian cu[illegible] thus enmeshed in a larger probl[illegible] undoubted historical importance power of the President to wage wa[illegible] to use the pressure and threat of A[illegible]

Scana[illegible]

By Rowland Evans & Robert Novak

BRUSSELS — The dangers facing 24-year-old NATO military alliance be seen in the failure so far of a q[illegible] quest by Gen. Andrew J. Goodpas[illegible] U.S. commander-in-chief for Europe monetary help to keep American tr[illegible] in Europe.

Goodpaster, NATO supreme comm[illegible] er, is asking European member[illegible] NATO for much more help in easing chronic U.S. balance-of-payments de[illegible] more than $2 billion a year of whic[illegible] sults from NATO costs. To avoi[illegible] odium of 300,000 American troops [illegible] rope labelled as mercenaries, th[illegible] seeks no direct budgetary aid bu[illegible] balance-of-payments relief — per[illegible] transferring dollar holdings o[illegible] European governments to programs in place of [illegible]

Such transfers m[illegible] ists in the U.S. stren[illegible]

Houston Post 5/17/73

Gammage confer
—AP Wirephoto

Proposed amendment recalled

Post State Capital Bureau

AUSTIN — The Texas Legislature recalled a proposed constitutional amendment Wednesday, it already had passed so its sponsor, Sen. Bob Gammage, D-Houston, can make a minor correction in it.

The amendment, which is scheduled to be voted on in a Nov. 6 election, would create annual legislative sessions and increase lawmakers' pay from $4,800 to $15,000 a year.

Gammage said he wanted to amend another section of the Texas Constitution that requires the state comptroller to make an official estimate of available revenue every two years before the legislature meets in regular session.

If annual sessions are implemented, the senator said, the estimates will be needed every year.

ending battle

rest in an holds an license." in return, ne machin-

he works ston vend- y, glumly the bill to list of in-

ne House against record ggins, D- rike the om the table his

Rep. Ray Hutchison, R-Dallas, and Paul Ragsdale, D-Dallas, then followed with amendments that would:

- Set up licensing procedures for owner-operated amusement machines.
- Abolish the $3,000 license ceiling on vending operators with more than 300 machines.
- Give persons who lease machines 60 per cent of the proceeds rather than the present 50 per cent.

The bill was tentatively approved 136-3 after the amendments were added.

of 69-69 bill vote

a- o

but candidly admitted he had not pushed his own button. He was originally shown voting against the measure.

The other three "nayes" who did not verify were Reps. Joe Allen, D-Baytown; Buddy Temple, D Vick, R-Ho

The thre were thro Reps. Houston; Arthur; an Snyder.

CONFERENCE COMMITTEE REPORT S.J.R. No. 8

SENATE JOINT RESOLUTION

proposing an amendment to Article III, Sections 5, 24, and 49a, and Article VIII, Section 6, of the Texas Constitution, as amended, to provide for annual regular sessions of the legislature, and to provide an annual salary and per diem for the members of the legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III, Section 5, of the Texas Constitution, be amended to read as follows:

"Section 5. The Legislature shall meet in regular session each year [~~every two years~~] at such time as may be provided by law and at other times when convened by the Governor; provided, however, that the regular session to be held in each odd-numbered year shall meet for a period not to exceed 180 days duration, and that the regular session to be held in each even-numbered year shall meet for a period not to exceed 60 days duration and shall be limited to the consideration of fiscal matters and such emergency matters as may be submitted by the Governor; provided further that the even-numbered-year session may be extended by the Governor for an additional period not to exceed thirty days. [~~When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the legislature, provided that during the succeeding thirty days of the regular session of the legislature the various committees of each House shall hold hearings to consider all~~

Dick Corp Bond Bldg Breweries

M.D. TSTA Walter Richter former Senator — Austin —

~~bills and resolutions and other matters then pending, and such emergency matters as may be submitted by the Governor, provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature, provided, however, either House may otherwise determine its order of business by an affirmative vote of four fifths of its membership.~~]"

Sec. 2. That Article III, Section 24, of the Texas Constitution, be amended to read as follows:

"Section 24. Members of the Legislature shall receive from the Public Treasury an annual salary of not exceeding Fifteen Thousand Dollars ($15,000) [~~Four Thousand, Eight Hundred Dollars ($4,800)~~] per year and a per diem of not exceeding Eighteen Dollars ($18) [~~Twelve Dollars ($12)~~] per day for [~~the first one hundred and twenty (120) days only of~~] each Regular Session and for [~~thirty (30) days of~~] each Special Session of the Legislature. [~~No Regular Session shall be of longer duration than one hundred and forty (140) days.~~]

"In addition to the per diem the Members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed Two Dollars and Fifty Cents ($2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra Session that may be called

within one (1) day after the adjournment of the Regular or Called Session."

Section 3. That Article III, Section 49a, of the Texas Constitution, be amended to read as follows:

"Section 49a. It shall be the duty of the Comptroller of Public Accounts in advance of each Regular Session of the Legislature to prepare and submit to the Governor and to the Legislature upon its convening a statement under oath showing fully the financial condition of the State Treasury at the close of the last fiscal period and an estimate of the probable receipts and disbursements for the then current fiscal year. There shall also be contained in said statement an itemized estimate of the anticipated revenue based on the laws then in effect that will be received by and for the State from all sources showing the fund accounts to be credited during the succeeding ~~biennium~~ year and said statement shall contain such other information as may be required by law. Supplemental statements shall be submitted at any Special Session of the Legislature and at such other times as may be necessary to show probable changes.

"From and after January 1, 1945, save in the case of emergency and imperative public necessity and with a four-fifths vote of the total membership of each House, no appropriation in excess of the cash and anticipated revenue of the funds from which such appropriation is to be made shall be valid. From and after January 1, 1945, no bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses

his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds. When the Comptroller finds an appropriation bill exceeds the estimated revenue he shall endorse such finding thereon and return to the House in which same originated. Such information shall be immediately made known to both the House of Representatives and the Senate and the necessary steps shall be taken to bring such appropriation to within the revenue, either by providing additional revenue or reducing the appropriation."

~~"For the purpose of financing the outstanding obligations of the General Revenue Fund of the State and placing its current accounts on a cash basis the Legislature of the State of Texas is hereby authorized to provide for the issuance, sale, and retirement of serial bonds, equal in principal to the total outstanding, valid, and approved obligation owing by said fund on September 1, 1943, provided such bonds shall not draw interest in excess of two (2) per cent per annum and shall mature within twenty (20) years from date. Added Nov. 3, 1942."~~

Section 4. That Article VIII, Section 6, of the Texas Constitution, be amended to read as follows:

"Sec. 6. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than ~~two~~ <u>one</u> years. [~~, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the sixteenth Legislature.~~]"

Section 5. This amendment takes effect with the convening of the 64th Legislature.

Section 6. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on Tuesday, November 6, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual regular sessions of the legislature; and to provide an annual salary of $15,000 and per diem for the members of the legislature, effective in January, 1975."

MAY 28 '73

Amendment #1

Harriet -
Loved your remarks in the Leg. Newsletter -
Love
JO

S.J.R. No. 8

SENATE JOINT RESOLUTION

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~~as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership.~~]"

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"From and after January 1, 1945, save in the case of emergency and imperative public necessity and with a four-fifths

vote of the total membership of each House, no appropriation in excess of the cash and anticipated revenue of the funds from which such appropriation is to be made shall be valid. From and after January 1, 1945, no bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds. When the Comptroller finds an appropriation bill exceeds the estimated revenue he shall endorse such finding thereon and return to the House in which same originated. Such information shall be immediately made known to both the House of Representatives and the Senate and the necessary steps shall be taken to bring such appropriation to within the revenue, either by providing additional revenue or reducing the appropriation.

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S.J.R. No. 8

W P Hobby
President of the Senate

Price Daniel
Speaker of the House

I hereby certify that S.J.R. No. 8 was adopted by the senate on March 19, 1973, by the following vote: Yeas 31, Nays 0; and that the senate adopted S.C.R. No. 109, requesting the return of S.J.R. No. 8 to the senate for further consideration, on May 16, 1973; and that the senate refused to concur in house amendments and requested appointment of Conference Committee on May 17, 1973; May 18, 1973, house granted request of the senate; May 23, 1973, senate adopted Conference Report by the following vote: Yeas 30, Nays 0.

Charles Schnabel
Secretary of the Senate

I hereby certify that S.J.R. No. 8 was adopted by the house, with amendments, on May 9, 1973, by the following vote: Yeas 103, Nays 34, one present not voting; May 18, 1973, house granted request of the senate for appointment of Conference Committee; May 25, 1973, house adopted Conference Report by the following vote: Yeas 116, Nays 25.

Dorothy Hallmon
Chief Clerk of the House

Approved:

Date

Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE
4:30 PM O'CLOCK
JUN 16 1973
Mark White
Secretary of State

✓

To: Litras, Hunter, Schmidt, Glickman, Conner, S.O.

From: Coker

Re: VOTERS GUIDE Pros and Cons

I have gotten together most of the pros and cons for the VOTERS GUIDE but I would like to have input from each of you on the ones which I have included with this note. Please help me out. Also, tell me if we are supporting or not and who the opposition is. I'ld like to know in case anyone ever inquires.

I will be at home all this week but from the 20th or 21st I'll be in Houston. I'll be staying at 9303 Bintliff, Houston 77036. (Helen and Dot I can easily pick these up from you) Try to get your replies back to me as soon as possible because my deadlines are slipping up on me. I plan to get the copy to Mary S. by the 30th so you can see what I mean.

If you mail your replies to the Houston address better make it in care of Mrs. T.J. Barham. Thanks bunches - Love

[redacted]

Encl.

Amendment 1 - Harriet

Amendment 3,8,9 - Barbara (if you haven't gotten this far in your research, don't worry about answering. You might see if you can get the pros anyway on the water corps. & co-ops.)

Amendment 4 - Dot

Amendment 5 - Betty

Amendment 6 - Helen

Your VOTE FOR AMENDMENT 1

IS A VOTE

FOR *Better* GOVERNMENT

AMENDMENT ONE RAISES LEGISLATIVE PAY TO $8,400 ANNUALLY. HERE IS WHY YOU SHOULD VOTE FOR AMENDMENT ONE:

MORE PAY MEANS MORE INDEPENDENCE FROM SPECIAL INTEREST LOBBYING.

It follows as clearly as day follows night that the less financial pressure a legislator feels, the less likely he is to succumb to the influence of special interests. For this reason, any legislative reform program which does not include a reasonable salary program is almost certain to fail.

PRESSURES FROM OUTSIDE EMPLOYMENT WILL BE REDUCED.

Conflicts of interest are always a matter of concern. However, the less a legislator must rely on outside employment, the more independent he can be in making important legislative decisions.

LEGISLATIVE SERVICE IS A FULL TIME JOB.

A State Senator serves over 360,000 people and a House Member serves more than 74,000 and on any given day—whether the Legislature is in session or not—you can be assured there are from a dozen to several hundred persons who will call on their legislator for information or assistance or to request his participation in conferences, meetings, or official functions. Incidentally, week-end requests are the rule rather than the exception.

Moreover, the increasing complexity in the problems of state government and the demands or standing and interim committees meeting between sessions leaves the legislator little time to devote to a private business or profession. The legislator who must depend on income from a business will, on any given day, be forced to neglect either his legislative responsibilities or his business—or both.

And whereas his salary has been fixed for the past 11 years, the legislator finds himself considering more than twice as many bills—from around 1,500 ten years ago to something like 4,000 during recent sessions.

THE EXTRA COST IS VERY SMALL.

The proposed increase will cost each Texan about 4¢ per year, surely a small amount to pay for what is truly not an expenditure at all but an INVESTMENT.

LOW PAY KEEPS MANY QUALIFIED PERSONS FROM BECOMING CANDIDATES

With increased pay, the number of qualified individuals who would be willing to offer themselves for legislative services would definitely increase. (Try asking a few individuals who you feel would be great legislative timber if they would take the job for $92.31 per week—before taxes—even if they didn't have the expense and agony of trying to get elected every two years.) While $8,400 would probably not be sufficient to sustain most legislators and their families, it would certainly reduce the amount of money they would have to have from other sources.

To put it another way, if you had a million dollar business would you hire $400 a month clerks to make policy and management decisions? Well, the State of Texas is a $3 1/2 billion business, and we apparently expect to get top management talent for $400 per month. Does that really make sense?

HOW TEXAS COMPARES WITH OTHER STATES

STATE	POPULATION	SALARY
California	19,953,134	$19,200
New York	18,190,740	15,000
Pennsylvania	11,793,909	15,600
Texas	11,196,730	4,800
Illinois	11,113,976	17,500
Michigan	8,875,083	17,000
New Jersey	7,168,164	10,000
Florida	6,789,443	12,000
Massachusetts	5,689,170	11,000
Wisconsin	4,417,933	8,900
Maryland	3,922,399	11,000
Oklahoma	2,559,253	9,000
Hawaii	769,913	12,000
Alaska	302,173	9,000

Note: All states of comparable population pay much larger salaries than Texas as do many smaller states.

VOTE FOR AMENDMENT 1

SPONSORED BY THE "ALL FOR ONE" COMMITTEE

What Will This Amendment Do?

Proposed Constitutional Amendment #5 will permit the legislature to:

- raise the pay of Texas Legislators from $4,800 up to $8,400 per year.
- extend the $12 per diem expenses during the regular sessions from 120 days to the full 140 days of the regular session.
- allow 10¢ per mile for one round trip per month to the home district while the legislature is in session rather than the present allowance for only one round trip per session.

* * * * *

The League of Women Voters of Texas, after two years of study of the Texas Legislature, has agreed that adequate compensation for state legislators is a necessary step in improving state government.

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

REASONS To Vote For

1. It will raise the compensation to reflect the responsibility for a $2.5 billion budget and the interests of 10 million Texans.

2. It will help the legislator be more independent of special interest groups who may seek to sway his vote by financial favors.

3. It will encourage more persons from various sectors of Texas life to represent our varied interests.

4. It will help to keep the experienced law-makers, who are needed to solve complex problems of state government.

5. It will relieve legislators of the pressure of having to make a living at another occupation enabling them to spend more time on state business.

To Chris

FACTS ON THIS ISSUE

Serving in the Texas Legislature is a full-time job. Each senator represents about 300,000 voters. Each member of the house represents about 60,000 persons. Serving on study committees, speech-making, correspondence and contacts with constituents can take hours of a legislator's day between sessions.

By January 1967 ten states were paying more than the $8,400 proposed in this amendment. Since then about six more have raised legislative compensation.

The Committee for Economic Development in a 1967 report recommended $15,000 minimum and "at least $25,000 annually" in the larger states. In 1965 Texas was 5th in population and 7th in total state expenditures.

The Citizens Conference on State Legislatures says states should be considering legislative salaries of $20,000 to $30,000 per year.

Vote For

VOTE

FOR

Vote For
Constitutional
Amendment #5
on
November 5th

Post Board
MS6 - Legislature
Harriet Titus

The LWV-T will support the annual sessions salary raise for legislators, raise in per diem Amendment to be voted on November 6, 1973. To the best of our knowledge at this time this amendment provides for a 180 day session for odd years; 60 day session on even years to be limited to fiscal and emergency matters; raises pay to $15,000; raises per diem from $12 to $15.

Our consensus calls for "annual sessions of sufficient length and scope to permit the efficient handling of legislative business" and "adequate compensation for legislators and elimination of salary amounts from the Con-

Stand quiets - flyer pointing out what provisions are - what LWV stand is - putting faith in We are supporting it - but this is what we'd like to see in the Constitution

Send material to Kathy Leato -. as soon as possible -

July Voter - article -

stitution." The state board is not entirely happy about the provisions of the proposed amendment but agree that we need to indicate support in view of consensus while pointing out our concentration on Constitution revision to achieve our aims. Limited money and ~~no~~ volunteer power dictate that our main emphasis must remain with our work on revision.

You will be receiving a support statement on this amendment which will include the above information. No fee fledged push on the amendment is planned, but suggestions will be included for use of

the materials.

~~Wouldn't it be lovely if the word was~~
The July Voter will also contain information

on the amendments the League will support.

Letter SJR 8 - Causey - Brooks - Wallace

S.J.R. 8
Gammage/Brooks/
Wallace

PURPOSE: Annual sessions of legislature; annual salaries for legislators.

January 23	Resolution introduced and referred to Committee on State Affairs.
February 22	Resolution reported out of committee favorably.
March 1	Gammage motion to suspend rules failed by 23y, 8n.(Creighton, Harris, McKinnon, Mengden, Moore, Andujar, Kothmann, Snelson voting no)
March 19	Gammage motion to take up resolution adopted. Gamaage: First session= 180 days, second session= 60 days for fiscal emergency matters. $15,000 salary plus $18 per diem. Aikin: I'm for it. Passage to engrossment by voice vote. Rules suspended by 31y, On Final passage by 31y, On.

Litras

Senate Joint Resolution 8
Gammage, et. al.

SUBJECT: Annual Regular Sessions of the Legislature

PURPOSE: To amend Art. III, Sections 5 and 24 of the Texas Constitution to provide for annual regular sessions of the Legislature of unlimited duration and to provide for an annual salary and per diem for the members.

BACKGROUND AND LEGISLATIVE HISTORY

Constitutional References:
Texas Constitution, Art. III, Sections 5, 24.

ANALYSIS BY SECTION

1 That Article III, Section 5 of the Texas Constitution be amended as follows:

Section 5. The Legislature shall meet in regular session each year at such time as may be provided by law and at other times when convened by the Governor.

2 That Article III, Section 24 of the Texas Constitution be amended as follows:

Section 24. Legislators shall receive an annual salary of $15,000 per year and a per diem of $18 for each day of the regular and special sessions of the Legislature.
Each member shall be entitled to mileage of $2.50 for every 25 miles.

3 This amendment takes effect with the convening of the 64th Legislature.

4 This amendment shall be submitted to a vote on Saturday, May 5, 1973.

pounds of marijuana con[illegible]ated
gram of hashish, a half gram of [illegible]
tablets of LSD and $4500 in cash in

1-24-17

Capital

Amendment proposed

Post State Capital Bureau

AUSTIN — State Sen. Bob Gammage, D-Houston, introduced a proposed Constitutional Amendment Tuesday to authorize annual legislative sessions of unlimited duration and increase Texas legislators' salaries.

The amendment, which Gammage proposes that Texans vote on May 5 if it is approved by the legislature, would increase legislators' annual salaries from $4,800 a year to $15,000 and their per diem allowance while in session from $12 to $18. Per diem, now limited to 120 days during the 140-day regular biennial sessions permitted now, would be paid for each day the lawmakers were in session under the Gammage plan.

Gammage pointed out unlimited annual sessions and a salary of at least $15,000 a year are recommendations of the Citizens Conference on State Legislatures, a national organization working for reform of legislatures.

City attorney nominated

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Sessions measure weighed

AUSTIN (UPI) — A constitutional amendment providing for annual session of the Legislature and setting a $15,000 annual salary for lawmakers was sent to subcommittee Wednesday by the Senate State Affairs Committee.

Sen. Bob Gammage, D-Houston, sponsor of the amendment, said the yearly sessions were necessary "to be able to meet the future needs of the people."

State Affairs Committee Chairman Sen. William T. Moore, D-Bryan, appointed Sens. J. H. Blanchard, D-Lubbock, John Traeger, D-Seguin, and Chet Brooks D-Pasadena, to the subcommittee to further study the amendment.

The committee adopted an amendment by Brooks to set the date for a public vote on the amendment for Nov. 6, 1973.

Gammage presented Dr. Clifton McClesky, professor of government at the University of Texas and author of a textbook on Texas government, and Randall Wood, Texas director of Common Cause, as witnesses in favor of the bill. No one appeared to oppose it.

"I think this measure is probably as important to the future of this body and the future of state government as any you can come up with," McClesky said.

"If this legislature does not begin to deal with the problems that face this state, they're going to be dealt with somewhere else—whether the courts, the federal government, or elsewhere."

McClesky said figures show 35 states have annual legislative sessions, and 16 have no limit on the length of the sessions, which the amendment provides.

"I prefer to see it unlimited for both sessions. I'm troubled by the specific figure included in the amendment because I'm afraid $15,000 might scare off some good candidates for the legislature.

Gammage said the $15,000 figure was arrived at because "we can pay our bills on that amount." Currently legislators draw $4,800 annual salaries.

LAUNDRY
REFRIGERATOR
DISHWASHERS
AIR CONDITIONERS
WEST LOOP FREEWAY

House Joint Resolution 15
Gene Jones, et. al.

SUBJECT: Sessions of the Legislature

PURPOSE: To amend the Texas Constitution, Article III, Sections 5 and 24 to provide for sessions of unlimited duration without separate periods, and provide for an annual salary for the legislators.

BACKGROUND AND LEGISLATIVE HISTORY

Present law: Texas Constitution, Art. III, Sec. 5 and 24. This Act amends Article III to provide for annual sessions of unlimited duration, and to provide an annual salary for legislators.

Bills Introduced in Previous Session Relating to Subject:

HB 1499
Rodriguez
Purpose: To fix salaries of legislators.
Final Action: Referred to committee.

HJR 65
Sibler
Purpose: To provide that either House may adjourn for no more than 14 days without the consent of the other house.
Final Action: Referred to committee.

HJR 84
Patterson
Purpose: To provide for annual legislation session.
Final Action: Referred to committee.

HJR 87
Von Dohlen
Purpose: To provide for annual legislative session.
Final Action: Referred to committee.

ANALYSIS BY SECTION

1 Amend Article III, Section 5 of Texas Constitution to require the legislature to meet in regular session each year at such time as provided by law and at other times when commenced by the Governor.

2 Amend Article III, Section 24 to provide that the Legislature receive an annual salary not exceeding $15,000 per year and a per diem of not exceeding $18 per day for both Regular and Special Sessions.
Legislators are to also be allowed mileage, in going to and returning from Regular Sessions, not to exceed $2.50 for every 25 miles. No mileage for extra session called within 1 day after adjournment of another session.

3 This Amendment takes effect with the convening of the 64th Legislature.

ANALYSIS BY SECTION (cont.)

4 This Amendment shall be submitted to a vote of Texas voters on Saturday, May 5, 1973.

annual sessions

MEMORANDUM FROM:

League of Women Voters of Texas

DICKINSON PLAZA CENTER • DICKINSON, TEXAS 77539

April 15, 1971

To: Litras cc: Sθ, Lancaster, Wagner, Holmes
From: Brasher

As stated in my letter of April 13, S.J.R. 3 - annual sessions, will probably come to the House floor for a vote, according to Jack Blanton, who is carrying it in the House. In our conversation Tuesday night, he mentioned that he planned to amend it, making annual sessions regular sessions of 140 days, with no limitation on bills. This would help eliminate special sessions, and if the business was completed before the 140 days, they could adjourn early. This sounds like a good idea. If such an amendment passes, with the consent of the Senate, there would be no need to pursue the other annual session bills. So let's see what happens. I will merely mention the other bills in an FYI in the Newsletter. There seems to be a good chance for this resolution to pass. Only objections anticipated is that the legislators are very unhappy about not getting a pay raise, and this, of course, could affect how they feel about annual sessions.

Peg, let's keep our eyes and ears open for this action on the House floor. It will probably come up Tuesday or Wednesday, as Blanton said he would be out of town on Thursday.

April 15, 1971

To: Leagues in Dist. 33, Richardson, Garland, Dallas, Irving
From: Chris Brasher, Legislative Chairman

Talked to Jack Blanton Tuesday night in regard to SJR-3, annual sessions. He says he thinks this resolution, which he is carrying in the House for McKool, will come to the House floor for a vote this coming week. If you have not done so, please get all of your members to write other legislators in your district to support this resolution. Mr. Blanton told me that he gets very good cooperation from League members in your area, so let's back him on this now.

Richardson, I do not have interviews on Blanton, Mawn, Atwell, and Coats. Could you send me a brief rundown on these legislators?

cc: SO, Lancaster, Litras

COPY

Lancaster, Brasher
Tejas Wagner
annual sessions

TEXAS LEGISLATIVE SERVICE
5/21/71
Introduced by McAlister
Referred to Committee on
Constitutional Amendments

H.J.R. 94

59--475

A JOINT RESOLUTION

proposing an amendment to Article III, Sections 5 and 24, and Article IV, Section 17, of the Texas Constitution, as amended, to provide for annual regular sessions of the legislature of unlimited duration without separate periods, and to provide an annual salary for the members of the legislature, the lieutenant governor, and the speaker of the House of Representatives.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III, Section 5, of the Texas Constitution, be amended to read as follows:

"Section 5. The Legislature shall meet in regular session each year at such time as may be provided by law and at other times as convened by the Governor."

Sec. 2. That Article III, Section 24, of the Texas Constitution, be amended to read as follows:

"Section 24. Members of the Legislature shall receive from the Public Treasury an annual salary of Eighteen Thousand Dollars ($18,000). The Lieutenant Governor and the Speaker of the House of Representatives shall receive from the Public Treasury an annual salary of Thirty-six Thousand Dollars ($36,000). All Members of the Legislature, the Lieutenant Governor, and the Speaker of the House of Representatives also shall receive from the Public Treasury a per diem of not exceeding Twelve Dollars ($12) per day for the first one hundred twenty (120) days only of each Regular Session and for thirty (30) days of each Special Session of the Legislature.

"In addition to the per diem the Members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed Two Dollars and Fifty Cents ($2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra Session that may be called within one (1) day after the adjournment of the Regular or Called Session."

Sec. 3. That Article IV, Section 17, of the Texas Constitution, be amended to read as follows:

"Section 17. If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services an annual salary of $36,000 and the same mileage and per diem which

shall be allowed to the members of the Senate, and no more; and during the time he administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office."

Sec. 4. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual regular sessions of the Legislature of unlimited duration without separate periods, and to provide an annual salary for the members of the legislature, the lieutenant governor, and the speaker of the House of Representatives."

Annual Sessions

LWV-T
March 28, 1971

To: Brasher, Lancaster, Wagner, SO

From: Litras

Re: Annual Sessions of the Texas Legislature

The LWV-T has a support position under its Legislature consensus which reads, "Annual sessions of sufficient length and scope to permit the efficient handling of legislative business."

HJR 87
HJR 84

both provide for annual sessions. In both bills the odd numbered years would be as follows: 1st 30 days devoted to the introduction of bills and resolutions, emergency appropriations, confirmation of appointments and emergency matters submitted by the Governor; 2nd 30 days, committee hearings on pending matters; 2nd 60 days, action on bills and resolutions pending and emergency items submitted by the Governor.

The even numbered year would be limited to a 60 day session and is limited to legislation on appropriations in both bills. However, HJR 87 stipulates such appropriations may be made for either the next fiscal year or the next biennium, while HJR 84 provides for appropriations for only the next fiscal year. HJR 84 also states that emergency matters submitted by the Governor may be handled in even numbered years.

I know that the LWV-T is at present supporting SJR-3 which provides for annual sessions, but don't have that bill on hand to compare with the above. Our stand on annual sessions is not detailed as to the split in even and odd year functions of the Legislature but of the two bills, I feel HJR-84 would more easily fit our consensus. I think this is a matter for your decision in light of LWV-T support of SJR-3.

SJR 3
Introduced by McKool and Mauzy
Referred to Committee on Constitutional Amendments Reported favorable 2/4/71
Provides for Annual Sessions; Odd number ~~ex~~ years in regular session, 120 days. In even number years not to exceed 60 days for appropriations and emergency matters.

Support

History- Annual sessions

In 1969 a ~~bill~~ joint resolution proposing an amentdment to the constitution to provide for annual legislative sessions. H.J.R. 8 and SJR 11 passed both houses and ~~were~~ was submitted to the public on August 5 and was defeated.

The LWV supports measures to strengthen the ability of the Legisl. to serve the people of Texas. One of our strong support positions calls for annual sessions. The consensus reads:Annual sessions of sufficient length and scope to permit the efficient handling of le legislative business. as a policy-making body making laws that effect the large population of Texas and adopting a billion budget, the Texas Legislature should have sufficient time to efficiently deal with the affairs of this state.
~~A annual sessions would reduce the~~ on interim committees ~~study~~ ~~important~~ issues

Today there is too little time in the Regular Biennial Session for deciding how to spend almost billion dollars.. for passing law that concern 10 million people for considering 2500 bills and resolut ions. Vital legislation often is postponed for two years or

TEXAS LEGISLATIVE SERVICE
2/5/69
Introduced by Solomon, Hinson, et al
Referred to Committee on
Constitutional Amendments

H. J. R. 8

SJR #11

SO
Duckworth support
Martin support
change if possible

A JOINT RESOLUTION

proposing an amendment to Section 5, Article III, Constitution of the State of Texas, as amended, to provide for annual legislative sessions.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 5, Article III, Constitution of the State of Texas, as amended, be amended to read as follows:

"Section 5. The Legislature shall meet in regular session each year at such time as may be provided by law and at other times as convened by the Governor. When convened in odd-numbered years in regular session, the Legislature shall devote the first thirty days to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of such session the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business during this session by an affirmative vote of four-fifths of its membership.

"Regular sessions in even-numbered years, commencing in 1972, shall not exceed sixty days and shall be limited to legislation on the subjects of providing funds for the support of functions and activities of the state government and emergency matters submitted by the Governor in messages to the Legislature. At each regular session, commencing in 1971, appropriations shall be made for the support of functions and activities of the state government for the next fiscal year."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1970, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual legislative sessions."

Can we support this?
Do we prefer unlimited sessions?

Bullis

TEXAS LEGISLATIVE SERVICE

H.J.R.8
AS FINALLY PASSED AND
SENT TO THE GOVERNOR

HOUSE JOINT RESOLUTION

proposing an amendment to Section 5, Article III, Constitution of the State of Texas, as amended, to provide for annual legislative sessions.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 5, Article III, Constitution of the State of Texas, as amended, be amended to read as follows:

"Section 5. The Legislature shall meet in regular session each year at such time as may be provided by law and at other times as convened by the Governor. When convened in odd-numbered years in regular session, the Legislature shall devote the first thirty days to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided that during the succeeding thirty days of such session the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either House may otherwise determine its order of business during this session by an affirmative vote of four-fifths of its membership.

"Regular sessions in even-numbered years, commencing in 1972, shall not exceed sixty days and shall be limited to legislation on the subjects of providing funds for the support of functions and activities of the state government and emergency matters submitted by the Governor in messages to the Legislature. At each regular session, commencing in 1971, appropriations shall be made for the support of functions and activities of the state government for the next fiscal year."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on August 5, 1969, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to provide for annual legislative sessions."

_____ _____

Lieutenant Governor Speaker of the House

I hereby certify that H.J.R. No. 8 was adopted by the House on April 15, 1969, by the following vote: Yeas 101, Nays 42.

_____

Chief Clerk of the House

H.J.R. No. 8

I hereby certify that H.J.R. No. 8 was passed by the Senate on April 15, 1969, by the following vote: Yeas 24, Nays 7.

_____

Secretary of the Senate

APPROVED: _____

Date

_____

Governor

Annual Sessions Idea Gets Test This Month

6-5-68

By ERNEST STROMBERGER
Our Austin Correspondent

AUSTIN—Lost in all the fanfare er the special session's xing, spending and mixed drinks roblems is the fact that the session ill test a significant theory of overnment: Annual legislative sessions.

The session also will test a corollary, which was the 1967 carrot on the stick pointing toward the special session: That annual budgeting allows a tax savings — in this case a tax savings estimated by Gov. John Connally last year at $50 million.

Both the theory and its corollary should have few strong supporters after the session is over.

Such a result is not unexpected, considering that the whole idea was put into action not as a well-reasoned solution to a complicated budgeting problem, but as an expedient retreat from a political hangup.

Since his first days on the job in 1963, Connally has dreamed of giving his office more power over budgetary matters.

Impatience over the inertia of state government bureaucracy has run deep in him, and the frustration has run deepest over his inability to change the legislature's domination over taxing and spending.

Connally diagnosed a key bottleneck in the taking and spending mechanism as the state's tax income forecasts.

It seemed simple to him: The state comptroller's estimate was $100 million too low for the 1963-65 fiscal years, and $60 million too low for the 1965-67 fiscal years, thus requiring unneeded taxes. Why not tighten up this looseness by switching to annual budgeting to allow more accurate income estimates?

Standing as a hurdle in front of that goal was the constitutional provision that the legislature meet every two years, and the long practice of enacting two-year budgets for state agencies.

Connally proposed a constitutional amendment allowing annual sessions, but it was killed in the Senate last year.

The idea, however, was lying around handy when the 1967 legislature deadlocked on the tax issue, balking at Connally's $144 million tax bill.

He grabbed it, asked the legislature to budget for only one year and leave the 1969 year for a special legislative session to deal with in 1968, and predicted "we may be able to save as much as $50 million in new taxes by this method."

The legislature agreed, and the predictions of 1967 now are about to undergo their test.

First, a comparison of the 1967 tax bill proposed by Connally and his 1968 tax bill. Last year, he needed to raise $144 million; this year, $124 million. The $20 million difference is a savings, but not the $50 million Connally predicted.

Second, a comparison of the comptroller's revenue estimates. Last year, the comptroller said he could allow the legislature to spend $400 million during 1969. This year, he said the legislature can spend $340 million during 1969. The $60 million difference is a loss, instead of a gain.

What happened to the $50 million tax savings Connally predicted? It was swallowed up by increased costs.

Connally made a simple error in promising a tax saving this year — he looked at the likelihood of increased income, but he overlooked the possibility of a greater increase in spending.

Connally's distortion from looking only at one side of the picture is seen in the changes in income and cost figures: Income increased the $50 million, with an extra $4 million to spare, that he predicted; but last year's estimate of 1968-69 public school costs was $114 million too low — thus wiping out Connally's $50 million gain and eating up another $60 million.

Aside from the troublesome fiscal aspects of the special session approach, the political aspects are a tremendous burden.

Under the present primary election setup, there is no propitious time to hold a special legislative session. January is the only politics-free month of the year, and it runs into the last-minute pressures of the early February filing deadline. Besides, January is so early in the year the advantage of an up-to-date income estimate is lost.

House Speaker Ben Barnes is an advocate of annual legislative sessions, and may be able to keep the system alive singlehandedly next year, when the legislature must decide whether to return to two-year budgets. But Barnes is not likely to have much support from his colleagues, who would prefer paying attention to their own business at home in even-numbered years instead of spending a month or two in Austin during the political season.

Annual sessions

The View From Here

By Alan Erwin

SUN AUSTIN BUREAU

AUSTIN (Sp) — Members of the Texas Legislature this week have had to consider a multitude of legislation which could drastically affect Texas and Texans.

Among the issues they have listened to, voted on or introduced are abortion, liquor-by-the-drink, ethics, the stock controversy, Lt. William Calley, appointment to various state boards and agencies, a state income tax, permanent voter registration and welfare.

Although action was not taken on all the issues before members, opinions were formed and decisions were made which will eventually affect the outcome of the issues.

All within one week.

Decisions which could affect generations of Texans yet unborn will be decided. A total of 2,400 plus bills will have been acted on within four months.

Considering the time frame, legislators should be congratulated for the fact that they are able to pass legislation at all — or balance the state's books.

House members critical of Speaker Gus Mutscher and others involved in the Sharpstown State Bank-National Bankers Life controversy have made constant reference to the fact that the two bills thought to have been desired by Frank Sharp had such little trouble passing the House and Senate. and Senate.

One of the bills was introduced, approved by committee and passed by the Senate in a little over three hours. Critics have called this "highly suspect."

Those critics need only look back over the past week's activities and try to remember how they voted on every issue they faced to realize that there is little basis for criticism of the two bills' instant successes. It is doubtful that they will remember even the issue, much less their own votes.

They should also remember that few of them voted against the measures and few even questioned the intent of the two bills that would have set up a state agency to insure bank accounts up to $100,000.

Mutscher's critics may be justified in tagging the two bills "special interest legislation." However, they will probably be the first to admit that to read every bill introduced is a humanly impossible task.

However, Texans would not be justified in criticizing their representatives to the Legislature for not considering more carefully the legislation they handle and consider. Texans, in fact, must share a good part of the blame for hurried legislation.

Texas has voted time after time to maintain a "part-time" legislature which meets only four months every two years. And to have part-time legislators whose pay does not even justify travelling to Austin every two years.

For a state the size of Texas with the economic power and potential that Texas has to run its business on a part-time basis is is a gross injustice to the people of Texas.

For members of the legislature to act on important issues facing the state in four months every two years at a salary lower than most of the janitorial staff of the capitol building is a gross underestimation of the value of our state's business.

To be effective and careful, the legislature should be an annual affair with full-time lawmakers running it.

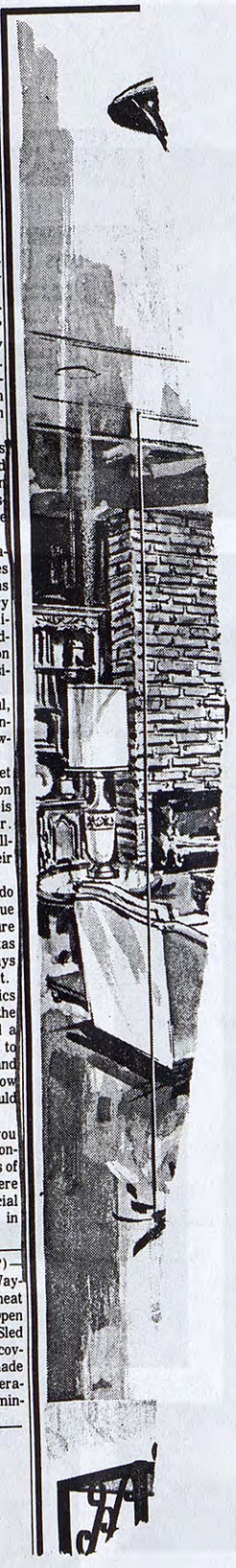
The legislature should meet every year and stay in session until the state's business is transacted for that year. Legislators should be paid full-time salaries to justify their full-time jobs.

Until Texas decides to do that, "bad" bills will continue to sneak past the legislature onto the law books. And Texas will be getting just what it pays for — part-time government.

Hidden deep in the ethics commission proposal on the ballot May 18 you will find a provision for a commission to set the salary of legislators and to make suggestions as to how often the legislature should meet.

Think about it before you vote. Give it a little more consideration than the members of the House and Senate were able to give those two "special interest" measures passed in 1969.

FAIRBANKS, Alaska (AP) — Dr. Roland Lombard of Wayland, Mass., won the first heat Friday of the Men's Open North American Dog Sled Championship Race. He covered the 20-mile course, made somewhat slushy by temperatures in the 30s, in 72.93 minutes.



EVERYTHING UNDER THE SUN PRICED LOWER
GLOBE

FRIDAY, JUNE 27, 1969

Dallas News annual sess.

The Problem in Austin

THE DALLAS NEWS realizes that Gov. Smith, who wanted a 2-year appropriation bill, and the majority of legislators, who wanted only one, can muster their own mathematical arguments.

But Lt. Gov. Ben Barnes is eminently correct in preaching a message of vast, long-range proportions: Our state government needs modernizing, and the place to start is with annual sessions of the Legislature.

The assemblies or legislatures of 40 states now meet every year. As with so many political innovations, Texas lags.

Mr. Farmer, Mr. Businessman, Mrs. Housewife—does it make sense that the State of Texas, which is a $3-billion-a-year business, lets its powerful Legislature meet only once every 24 months?

If General Motors' board of directors meet only once every two years, what kind of business would GM be?

IN TEXAS, instead of having one legislative session of 140 days every two years, why not a 70-day session every year? Or one of only 45 days one year to consider a spending and tax bill, and another of 120 or 140 days the next to consider "general" legislation?

This is the modern trend of thinking in most states, whose legislators long ago learned that they must assemble annually to keep current on problems.

If they don't, how will state governments retain their powers and sovereignty, in the face of a federal octopus which reaches out and fills every vacuum it can find?

The people of Texas will vote in August on annual sessions. If they vote nay, in this newspaper's opinion they will be postponing the inevitable.

The biggest influence on all state governments right now is the federal government. The national Congress is in session nearly all the time, and a week never passes without introduction of bills affecting the states. How can we keep abreast, if our Legislature is not on the job oftener?

IF THE CONGRESS should decide to pass the proposal sharing federal funds with the states, how could Texas participate intelligently and efficiently with its legislators at home 19 of every 24 months?

This is the more significant problem in Austin. Whether we have a 1- or 2-year appropriation measure is of more temporary concern.

Gov. Smith in his vetoes no doubt was sincere, although on occasion he has stated that—as a product of the legislative branch—he respects its decisions.

But vetoes and personality clashes aside, we must look ahead, as Barnes says, to a more effective and fashionable fabric of state government.

Those political forces in Texas who hesitate to change the structure in Austin are inviting change—and dominance—from Washington.

● Annual legislative sessions, rejected by Texas voters last year, are hardly expected to be a campaign issue in 1970, although Sen. Hall, Lt. Gov. Ben Barnes and others are publicly voicing support. Twenty-five legislatures—half of the states—are holding annual sessions this year. Five others are continuing 1969 sessions and three holding special sessions, according to the Council of State Governments.

—RICHARD M. MOREHEAD

DMN annual 2-8-70

Advance in Legislature

3 Amendments Deal With Voting, Annual Sessions

2-9-71

Chronicle Austin Bureau

Austin — Three constiutional amendments to go on the Nov. 7, 1972, general election ballot have advanced in the legislature.

They would:

- Abolish annual voter registration and replace it with a system of reregistration by voting every four years.
- Lower the voting age to 18 in the state as well as federal elections.
- Authorize annual sessions of the legislature.

The 18-year-old vote and annual registration amendments were sent to the House, but the annual sessions amendment must be approved again today because the Senate fell one vote short on a vote to suspend the rules for final consideration.

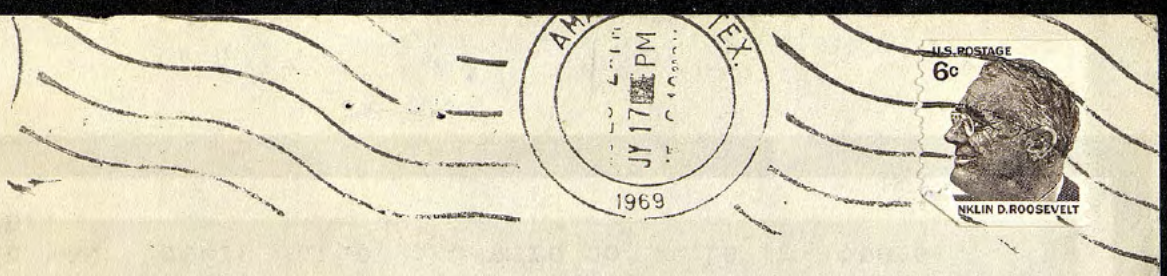
The amendment to abolish annual voter registration would replace the present system which has been ruled unconstitutional by a federal court. It would provide for a system of reregistration by voting.

A voter would continue to be registered for four years after he registered the first time, and automatically would continue to be registered if he voted at least once during the four-year period.

The amendment was approved, 28-3.

The 18-year-old vote amendment, approved 26 to 5, would bring Texas into line with an act passed by Congress last year lowering the voting age in federal elections to 18.

The annual legislative sessions amendment would provide for a 120-day session in odd-numbered years and a 60-day session in even-numbered years to consider only spending, taxing and matters submitted by the governor.



Mrs. Ralph Bubis

[redacted]

Amarillo 7-69

T. Leg. Annual Sessions

THE LEAGUE SUPPORTS AMENDMENTS #1 and #9

in the August 5th Election

You've heard the quotation "The first shall be last, and the last shall be first." On the August 5th ballot BOTH the first and the last are receiving League support because of the study discussion of the past which has led us to strongly support positions in the areas covered in the two amendments.

Elsewhere in this Voter, you will read of our plans for presenting factual pro and con information to the voters on all the amendments.

However, since we do support issues (never candidates!!) another amendment time is upon us in which we will be working diligently in both the Voters Service (nonpartisan) and Program (support) fields.

VOTE FOR AMENDMENTS #1 and #9 and urge all citizens you talk with to do likewise. These are the reasons for urging passage:

#1 - To remove "deadwood" from the Texas Constitution. Today there is no need for such things as restrictions against dueling at dawn....for provisions prohibiting consolidation of railroads with a foreign road....for a complete Article dealing with Spanish and Mexican land grants and titles.

Such provisions are obsolete. Decades of judicial decisions have invalidated many more. Such deadwood comprises over one-third of the Texas Constitution. Now is the time to begin to bring the Constitution up to date. Amendment No. 1 is a simple housekeeping amendment.

#9 - To provide for Annual Sessions of the Legislature. Today there is too little time in the Regular Biennial Session for deciding how to spend almost 6 billion dollars....for passing laws that concern ten million people....for considering 2500 bills and resolutions.

Minutes tick away all too soon for our part time legislature. Vital legislation often is postponed for two years. Amendment No. 9 adds a 60 day session in even numbered years for budgeting and emergencies. Give the Texas Legislature more time!

The League is taking no position for or against the Water Bond Amendment. All Leagues are providing extra information for their membership concerning the Water Plan as we did at the Water Workshop on May 8. Call 355-5581 if you would like more information that you find in your Voters Guide, and were not able to attend the Water meeting.

Annual Sessions

THE NEWS supported the idea of annual sessions of the Texas Legislature when former Gov. John Connally first proposed it. Lt. Gov. Ben Barnes, close friend of Connally, is now the foremost proponent of annual sessions and this newspaper feels he is acting in the best interests of Texas.

BARNES

The Legislature, under an archaic State Constitution drawn up 11 years after the Civil War, now meets for 140 days every other year—and often longer than that, if the governor calls a special session.

The work should be spread out, with closer and more immediate attention given to the "biggest business" in Texas—state government.

Why not convene for 60 days one year and 120 the next? Doesn't that make more sense than meeting 140 or 170 every other year?

What private corporation in Texas could keep abreast of the times if its board of directors got together only every other year? The Dallas school board meets every week, yet its annual budget is only one thirtieth of the state's.

Akin to the matter of annual sessions is a legislative pay raise for the House and Senate, including the presiding Speaker and Lieutenant Governor. The News believes these raises can be better justified, if those receiving them do more for the state; that is, meet more often than every other year and devote more diligent attention to matters at hand.

Bright young men like Lt. Gov. Barnes, who has made a tremendous impact on the state and national scene, deserve more than a ditchdigger's pay; but more important, most of them feel Texas' Legislature should meet every year and give more immediate and more frequent attention to state government.

"Let's stay after the state's business," Barnes said in a recent speech, adding, "then we'll have a better state."

That makes sense.

If you spend and tax for two years in advance, how can you "stay after the state's business"? Or make it a better state?

DMN 7-20-69

Post 2/10/71

Annual Sessions

Yearly sessions approved by Senate

AUSTIN — (AP) — A proposed constitutional amendment requiring the Legislature to meet every year won Senate approval Tuesday and advanced to the House.

The measure cleared on a 21-8 vote, barely getting the two-thirds majority required for constitutional changes.

If finally approved by the House and the voters, the measure would require 60-day legislative sessions in even-numbered years and 120-day sessions in odd-numbered years.

The amendment would be placed before the voters in November 1972.

Lt Gov Ben Barnes and former Gov John Connally both pushed for annual sessions, contending rapidly changing conditions required the Legislature to meet more often than the present biennial sessions.

But voters twice rejected annual sessions, most recently in 1969.

House members passed and sent to the governor a Senate bill changing the name of Pan American College in Edinburg to Pan American University.

Two major proposals that were supposed to come up Tuesday didn't.

In the House, Rep Hilary Doran of Del Rio, forced a delay in action on a measure designed to save some $110 million in new taxes by authorizing tuition-backed bonds to construct buildings at eight new state-financed institutions of higher learning.

Doran pointed out that pertinent sections of the printed bill were not underlined as required by a New House rule. An effort to suspend the rule failed.

Senators adjourned without taking up, as planned, a measure to pay for $34.9 million in emergency welfare spending by diverting money the state normally would pay into the Teacher Retirement Fund.

MEMORANDUM FROM:

League of Women Voters of Texas

1841 BINGLE ROAD • HOUSTON, TEXAS 77055

annual session -

TO: Barbara cc: Martin

I noted that in your pre-board report you said that H.J.R. 8 would reduce the long session of the legislature in odd-numbered years to 120 days. I know that it sounds that way.

The first paragraph of the proposed amendment contains the same provisions as the present Section 5 except for the provision to meet "each year." The limit of 140 days for the regular session is set in Section 24, Mileage and Per Diem, Article III, and that section is not being amended.

I think that I am right on this. I have taken the precaution of having the material for the Voters Guide checked by a professor of Texas Government, ~~as/wrll~~ who is also an ex-state representative with many years of experience in the legislature.

See you at Board.

Gladys

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DMN 5/11/1969 Annual Sessions

Morehead

Annual-Biennial Dispute To Influence Political Lives

By RICHARD M. MOREHEAD
Austin Bureau of The News

AUSTIN — Political fortunes in 1970 and afterward will be influenced by the outcome of the present controversy over whether the Legislature should pass a 1-year or 2-year appropriation bill.

Principals in this drama are:

Gov. Preston Smith, who asserts positively that he will be running for a second term next year.

Lt. Gov. Ben Barnes, whose political alternatives range in about this order: (1) Run for the U.S. Senate seat now held by Ralph Yarborough; (2) run for re-election; (3) run against Smith for governor, and (4) quit politics.

Barnes at Critical Point

Speaker Gus F. Mutscher, whose most likely political course in 1970 is to seek re-election as representative from the Brenham district and as presiding officer in the House. Mutscher's next alternative would appear to be a race for lieutenant governor, if Barnes does not seek another term. Sen. Ralph Hall of Rockwall might also be in this race.

THE 31-YEAR-OLD lieutenant governor stands to gain or lose the most from this situation. If he succeeds in getting approval of a 1-year appropriation and the governor waited until next year to call a special session for second-year appropriations and taxes, Barnes would be in strong position to gain both organized support and campaign contributions for a major political race.

If Barnes' plan fails, and the Governor refuses to go along with the wait-till-next-year program, it could be a rebuff to Barnes, whose political future has been considered bright.

Fortunes of Many

Approval by Texas voters on Aug. 5 of the constitutional amendment for annual legislative sessions would be a boost for Barnes. Defeat of the proposition would support Gov. Smith's view that biennial budgets are better.

The political fortunes of many legislators — and prospective candidates for office — will be influenced by the present spending-taxing controversy.

Dallas representatives are nervous over the situation. Most of them were strong Barnes supporters as Speaker of the House two years ago, and they are committed to follow Speaker Mutscher's leadership for the present. But private expressions indicate the Dallas members would like to get their legislative problems solved and go home until after the 1970 elections.

FOR ONE THING, Republican legislators were quick to denounce speaker Mutscher's switch to the 1-year appropriation plan. Rep. W. R. (Bill) Archer of Houston, first elected as a Democrat but re-elected as a Republican, called the 1-year appropriation of 1967 "tragic." He asserted that it resulted in more, rather than less, spending and taxing than a 2-year budget would have required.

Rep. Jim Earthman, R-Houston, termed 1-year budgeting "fiscal insanity."

The Republicans' barrage is not lost on Dallas Democrats in the Legislature. They expect another rough contest in the county for legislative seats next year.

GOP Optimistic

Without a presidential or major governor's contest to bring out the occasional Democratic voters in November 1970, Republicans are optimistic over chances for winning more seats in the Legislature.

They predict this would be true especially if the Republicans nominate a well known candidate, such as George Bush, in the U.S. Senate race. The Senate contest promises to be the biggest drawing card in the 1970 Texas election.

RANK-AND FILE LEGISLATORS wonder whether they are being "used" in the larger political game. Some also express the feeling that levying a big tax bill in an election year will hardly be more popular than doing it now.

One suggestion making the rounds is to pass an "easy" tax, such as cigarettes, this year and make a broader, bigger levy in 1970 — when the choice would be more taxes on business or enlarging the sales or both.