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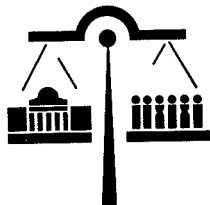
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STATE OF MINNESOTA

**HOW CITIZENS
CAN IMPROVE THE
MINNESOTA
LEGISLATURE**

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HOW CITIZENS CAN IMPROVE THE MINNESOTA LEGISLATURE



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THE STORY OF LEGISLATIVE REFORM IN MINNESOTA

"I don't think they play at all fairly, and they all quarrel so dreadfully one can't hear oneself speak—and they don't seem to have any rules in particular: at least, if there are, nobody attends to them—and you've no idea how confusing it is..." (Alice, Alice's Adventures in Wonderland)

At first glance, state legislatures may seem confusing, to say the least. There is method to the madness, however. Opposing ideas cannot meet in a sterile atmosphere—there will inevitably be noise and motion and complex rules associated with the resolution of conflict and the creation of public policy.

Some of the intricacies and confusion built into the legislative process, however, are not necessary. But there are people—both within and without the legislature—who have a stake in maintaining confusion because it adds to their power.

Voters and taxpayers have a stake in eliminating that confusion.

Two hundred years ago, when our federal system was founded, state legislatures were not so complex. Small gatherings of well-to-do white males decided the best means of preserving order in their society.

Today, our legislatures, like our society, are mazes of differing political, economic and social forces. They are the arenas for discussion and resolution of issues from abortion regulation to maximum truck weights.

Another significant change over the past 200 years—also the result of increasing social complexity—has been the centralization of power in the federal government and the not-so-benign neglect of state governments. As a result, state legislatures, the policymaking branch of government, grew weak and sometimes corrupt.

About 15 years ago, however, that tide began to turn. It became obvious that Congress and the vast federal bureaucracy were too far away, too broadly based and too cumbersome to understand and respond to the myriad problems of widely divergent cities and states. Local units of government proved to be too feeble and fragmented to grapple with urban and environmental ills. The state is the only level of government close enough to understand local problems and distant enough to have perspective in dealing with them.

Consumer protection, insurance, land use, the criminal justice system—these all are primarily state responsibilities. Moreover, the state

acts as an intermediary in the handling of federal funds for everything from health care to highways.

The state legislature is the arena in which the problems of our society are analyzed, debated and resolved. It sets priorities for spending hundreds of millions of tax dollars every year. And the legislature is the primary point of access for the citizen into our governmental decision making process.

The crucial role of state legislatures must be understood and appreciated by those who wish to have an impact on the development of policy or the improvement of the policymaking process.

Certainly the special interest groups understand this role. In self defense, if for no other reason, every citizen should too.

How well or poorly the legislature performs its policymaking function affects every individual, group, organization, enterprise and institution, both public and private. And most legislatures perform less well than might be desired.

There are concerned legislators working for legislative improvement, but they must have public and news media support if their more recalcitrant colleagues are to join them. And that support must be more than just votes.

Legislative reform is not an exciting issue. It involves such undramatic details as strengthening rules on committee jurisdiction and referral of bills, improving calendaring procedures and committee action documentation, and developing professional legislative staffing. These are not priority items in most people's books, but they should be. Without improvement of the process by which laws are made, the legislature's ability to develop laws responsive to public needs will remain limited.

Most people spend about a quarter of their time earning money on which they pay an average tax of 25 percent—which means that they spend one-sixteenth of their time, one waking hour every day, working for the government. Yet most people spend virtually no time overseeing or influencing the spenders of their money—except perhaps 15 minutes in a voting booth every two years.

An individual could spend a great deal of time lobbying in the legislature on the many issues that affect his or her daily life. But this approach, while it may help to get a specific law passed or defeated, will have little if any effect on future laws or on the ways in which the legislature makes them. Instead, citizens can dedicate their efforts toward improving the legislative process, thereby helping to insure that all issues will be more carefully researched, all bills will be more thoroughly reviewed and more rationally voted upon, and all existing

programs will be regularly reviewed and evaluated. Legislation, generally, will be improved as a result.

In the early 1960's, a growing awareness of the importance of state legislatures and concern about the handicaps under which they operated, gave rise to a reform movement. The "one man, one vote" reapportionment decisions beginning in 1962 brought many new faces to legislative chambers, along with a willingness to modernize their practices.

The Citizens Conference on State Legislatures (CCSL) was formed in 1965 as a response to the legislatures' acute need for help. Guided by a 30 member Board of Trustees representing the fields of education, labor, business and civic affairs, the Citizens Conference has been involved in legislative reform efforts in nearly every state.

In 1969, CCSL conducted a 50 state Legislative Evaluation Study (LES) with the assistance of a \$150,000 grant from the Ford Foundation. In its final LES report, CCSL ranked the legislatures on the basis of their performance in five criteria: Functionality—the ability of the legislature to carry out its duties efficiently and effectively; Accountability—the comprehensibility of the legislature and its openness to press and public; Informedness—the capacity of the legislature to gather and use information; Independence—the power of the legislature vis-a-vis the other branches of government and special interest groups; and Representativeness—the ability of individual legislators to represent their constituents.

REFORM IN MINNESOTA: WHERE IT'S BEEN AND WHERE IT'S GOING

The Minnesota Legislature ranked 10th overall, and on the five criteria: Functional 27, Accountable 7, Informed 13, Independent 23, Representative 12. Its strongest characteristic was the openness and accessibility of its processes and activities.

Constitutional session limitations, low salaries and limited supporting services for members (staff, information resources, etc.) accounted for some of its weaknesses.

Fourteen recommendations for improvement were made—covering committee structure, size of the legislature, session pattern, compensation, staff and facilities.

The Program for Legislative Improvement (PLI) was created in 1972 to help implement some of the recommendations from the Legislative Evaluation Study. Funded by a \$1 million Ford Foundation grant made to CCSL and the State Legislative Leaders Foundation, the program

operated through 1973 and 1974 in seven states: Arizona, Colorado, Louisiana, Minnesota, Massachusetts, New Hampshire and Ohio. Staff persons were assigned to bi-partisan legislative committees to coordinate research and analysis leading to recommendations on the structure, organization, and procedures of the legislature.

These recommendations were formalized in an Agenda for Reform, which has served as a work plan for legislative improvement in Minnesota. Reflecting the opinions of the legislators themselves, the Agenda points the way to specific improvements which can be made. The Minnesota Agenda is printed in the fourth chapter of this booklet.

Many of the most important recommendations have been enacted, all with the support of the Joint Coordinating Committee, composed of the leadership of both parties and both houses.

The reform stewardship of the Coordinating Committee is a two-edged sword. While it supports many reform measures, there is no mechanism for promoting changes it opposes.

Minnesota has no citizens organization dedicated solely to legislative reform, able to recommend and push for change from the outside.

The Minnesota Citizens League, however, conducted a study in 1968 which was responsible for significant legislative improvement in the early 1970's, and that highly respected organization is again involved in legislative reform. Its new report on the Legislature should provide an impetus to reform efforts in 1975 and a focal point for citizen action.

During the past two years, several improvements have been accomplished:

- Private offices for each legislator;
- Creation of a central staff agency for professional committee staff;
- Adoption of a uniform salary plan for clerical and secretarial staff in the House and Senate;
- Passage of a comprehensive ethics and campaign finance bill;
- Adoption of open committee meetings, including conference committee and rules committee meetings; and
- Creation of a joint management committee to coordinate and supervise all legislative activity, including staffing, purchasing, interim activities, rules, auditing, public information, utilization of facilities, etc.

Progress has been made, but much remains to be done. None of the issues is exciting, although a few are controversial. Some cost money,

which raises the hackles on many legislators and taxpayers. All, however, are necessary to the development of an efficient, effective and responsive legislature. In the long run, it is far more costly to have a legislature which cannot adequately study and evaluate needs and programs and therefore cannot properly appropriate tax dollars.

One of the problems a citizen activist will encounter when working for legislative reform in Minnesota is also the basis for one of the PLI recommendations: lack of advance public notice of legislative activities. Regular committee meetings are usually advertised one to two days in advance, but subcommittees, which are used extensively in Minnesota, seldom give any advance public notice of their meetings. Therefore citizens may find it difficult or impossible to find and attend important meetings. The PLI recommendation calls for five days advance public notice of all legislative meetings.

One of the reasons that meeting notice has not been improved already is that the Minnesota legislators are concerned that such regulation will restrict their flexibility. The same argument has been used against the recommendation to establish uniform committee procedures. Formal procedures help legislators to understand their rights and responsibilities and clarify ambiguous situations. They also define and limit the authority of committee chairpersons, which is an argument both for and against uniform procedures, depending on who's arguing.

Lack of flexibility has also been used as an argument against establishing deadlines in the bill handling process. Due to the heavy load of bills in the Minnesota Legislature, strict deadlines on bill introductions and on committee action are needed to regulate the flow of bills and prevent end-of-session logjams. Deadline rules can be designed to provide for exceptional circumstances, and flexibility need not be an issue.

Another measure which would help control the bill load is multiple sponsorship of bills. While it would not greatly reduce the total number of bills, it would reduce the number of identical and closely similar bills, thereby making it easier to follow the progress of a bill through the Legislature. A provision for joint House and Senate sponsorship would also simplify the legislative process.

Finally, in order to more firmly establish legislative independence vis-a-vis the Executive Branch, two constitutional amendments are needed.

The Legislature should have the power to recess and reconvene at the end of the second session of the biennium to consider vetoed legis-

lation. The Governor now has pocket veto power and the Legislature has no means of reviewing the vetoes.

Closely related to the veto issue is the Legislature's lack of power to call itself into special session. Without this authority, the Legislature cannot fulfill its role as the lawmaking branch of government. Should an emergency occur during the interim, the Legislature must wait until the Governor calls a special session and sets the agenda.

"... They were running hand in hand, and the Queen went so fast that it was all she could do to keep up with her: and still the Queen kept crying, 'Faster! Faster!' . . . suddenly, just as Alice was getting quite exhausted, they stopped, and she found herself sitting on the ground, breathless and giddy.

. . . Alice looked around her in great surprise. "Why, I do believe we've been under this tree the whole time! Everything's just as it was!"

"Of course it is," said the Queen . . . You see, it takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that."
(Through the Looking Glass)

Clearly, the work of legislative reform has just begun. It will never be completed. Change comes slowly and there are no final solutions. Our institutions must change as society changes.

Few of the issues discussed above are flashy, but a few are controversial. Some cost money, which raises the hackles of many legislators and taxpayers. All, however, are necessary to the development of an efficient, effective, and responsive legislature. In the long run, it is far more costly to have a legislature which cannot adequately study and evaluate needs and programs and therefore cannot properly appropriate tax dollars.

Every improvement in a legislature's ability to function begins a chain reaction which should ultimately result in improvement of a state's laws and administration of programs.

Every citizen has a responsibility to understand and become involved in the political and legislative processes which govern his or her life. This will take time and energy, but the alternative is costly too—millions of tax dollars spent without citizen influence on their directions.

The following chapters provide a guide to assist the Minnesota citizen in working for legislative improvement. They contain suggestions of different approaches to reform, information on potential pitfalls and built-in obstacles, and ideas for citizens working with the news media and for reporters interested in reform.

While citizens must select their own priorities, they should be aware that isolated reforms mean little. Each aspect of the legislative process is linked with all others, and change in one area will cause a need for change in another area. Emphasis may vary, but ultimately the total improvement package is necessary in the development of a legislature capable of fulfilling its role as a policymaking institution.

"Cheshire-Puss, . . . would you tell me, please, which way I ought to go from here?"

"That depends a good deal on where you want to get to," said the Cat.

"I don't much care where—" said Alice.

"Then it doesn't matter which way you go," said the Cat.

"—so long as I get somewhere," Alice added as an explanation.

"Oh, you're sure to do that," said the Cat, "if you only walk long enough." (Alice's Adventures in Wonderland)

WHAT CITIZENS CAN DO FOR REFORM . . . AND SOME OBSTACLES TO AVOID

Lobbying, historically, has been peculiarly associated with business, and the association has been less than flattering. The professional lobbyist has often been portrayed as a sinister force with expensive cigars, a fat waistline and an even fatter bankroll with which to buy and sell politicians while the public be damned. In common mythology, lobbying and corruption have become virtually synonymous with the unsavory side of politics.

Yet the public conception of lobbying is changing—and for good reason. A growing number of citizens who do not represent the business world are becoming lobbyists for a multitude of causes covering every conceivable activity. To the extent that lobbying describes an activity aimed at getting legislators and legislatures to conduct themselves in a certain manner, lobbying is central to citizen action. And this remains the case whether that action takes the form of pressure groups, studies and reports on the legislature, or working in elections.

LOBBYING IN A WORLD OF ONLY SLIGHTLY ORDERED CHAOS

The citizen lobbyist, just like his professional counterpart, must function in a legislative environment that is particularly complex and oftentimes borders on the chaotic.

. . . Alice soon came to the conclusion that it was a very difficult game indeed. The players all played at once, without waiting for turns, quarreling all the while, and fighting for the hedgehogs; and in a very short time the Queen was in a furious passion, and went stamping about, and shouting, "off with his head!" or "Off with her head!" about once in a minute. . . (Alice) did not like the look of things at all, as the game was in such confusion that she never knew whether it was her turn or not. (Alice's Adventures in Wonderland)

Confusing indeed, and the confusion is compounded by a multiplicity of participants and a diversity of institutions and processes. The actors include not only legislators, but executive branch officials, local government personnel, news media people, academics and lobbyists of every stripe. The diverse processes consist of committee structures and operations, staffing, rules and traditions of the legislatures, and statutory and constitutional law. The processes and players are intimately linked, and the interrelationships form a complex mechanism through which public policy is formulated and executed.

Like any complex mechanism, the legislative institution, when viewed without knowledge or understanding of its inner workings, appears to be a "game of great confusion." But equipped with some

knowledge and understanding of how the system works, the citizen can begin to sort out the various pieces.

The legislative scenario is not neat and tidy nor strictly ordered. Debate on an issue by a hundred or so people on the floor of the legislative chamber does not lend itself to neat and tidy appearances. It *will* appear to the casual observer as complete confusion. And it is confusing. But some of the confusion is the natural outgrowth of democratic policymaking at work. Some is unnecessary, uncalled for and should be eliminated.

OBSTACLES TO CITIZEN LOBBYING

For the would-be citizen "lobbyist," constant patience and perseverance are needed to make even minimal gains. Former House Speaker Richard Pettigrew of Florida once remarked that "It takes at least one full term to pass a major reform and at least one additional term to implement it." Mr. Pettigrew's statement might well be expanded to read: "It takes one term to just consider a measure, one to pass the measure, a term to implement it, and succeeding terms to review and evaluate the reform measure." Passage of a reform bill will mean little unless all provisions are implemented and adhered to. And it must be remembered that as the institution changes and reforms are implemented, the changes must be reviewed to assure that they continue to address themselves to the needs of the policymaking institution.

In addition to patience and perseverance, the citizen lobbyist must be aware of how the system works, where the pressure points are, where to look for pitfalls, and where obstacles will appear. In the typical legislature, there generally exist a dozen or more ways to defeat a measure, including delay in assigning a bill to committee, failure of the committee chairman to set a hearing date, vote by committee to kill the bill, failure of the body to reach the bill on the calendar, and failure of passage on any of several readings of the bill. The fact that a bill must travel the same route in both houses and then be signed by the governor makes the passage of a bill a prodigious undertaking.

Some of the obstacles will be obvious; other less so:

At this moment the King, who had been for some time busily writing in his notebook, called out, "Silence!" and read out from his book. "Rule Forty-two. All persons more than a mile high to leave the court." Everybody looked at Alice.

"I am not a mile high," said Alice. "You are," said the King. "Nearly two miles high," added the Queen. "Well, I shan't go, at any rate," said Alice: "Besides, that's not a regular rule: you invented it just now." "It's the oldest rule in the book," said the King. "Then it ought to be Number One," said Alice. (Alice's Adventures in Wonderland)

Perhaps the most important prerequisite for an effective citizen lobbyist is knowledge of the rules and procedures of the legislature. In most state legislatures, in addition to making the parliamentary process unwieldy and floor proceedings haphazard, the rules present one of the most awesome obstacles to opening the system to the citizen. Rules tend to be unindexed, long, ill-defined, subject to countless interpretations, and written in legalese which only scholars of parliamentary procedure might thoroughly understand. Thus, in reading the rules of a state legislative body, the citizen lobbyist may well encounter such rules as the following which purports to explain the procedure by which the House shall refer bills to more than one committee:

In the event the first committee to which such bill or resolution has been referred separately, reports adversely on the bill or resolution, it shall not receive any consideration from any other committee to which such bill or resolution was referred separately, unless the adversely reported bill has been returned to the next committee to which it was referred under Rule 24. When such reference is made separately, the report of the committee last considering the bill or resolution shall be the report considered in the committee of the whole.

A second cluster of factors often impeding effective state legislative activity and hindering citizen action is the operation of the committee system and the accompanying staffing structure. The effectiveness of a legislature depends heavily on the effectiveness of its standing committees. These committees are the most significant instruments for shaping proposed legislation and, conversely, the most important devices for preventing action on legislation. Properly staffed, committees can assess public needs, hammer out policy positions, generate public support, translate substantive recommendations into proposed bills and follow them through the lawmaking process.

Yet too often committees in state legislatures are unable to execute successfully this critical role: members serve on far too many committees; professional staff assistance is scarce or non-existent; limited sessions and the pressure of time make careful consideration of countless pieces of legislation impossible; much major legislation is quietly buried rather than debated openly and publicly before the full body; and decisions are made with little advance notice or public participation.

Not only are many bills which have been introduced simply killed in committee without fanfare or publicity, but just as importantly, when public hearings are held, the hearings are often poorly publicized and seldom is much effort made to gain public participation at such hearings. The result is that legislators, in the absence of independent information from professional staff, are compelled to rely on two

sources of information: experts provided by the special interests who favor or oppose the bill and executive agency experts who often are the principal lobbyists in the governmental system.

These full-time lobbyists have an enormous advantage over the citizen lobbyist. As John Ross in *A Public Citizen's Action Manual* has written of special interest lobbyists:

Because they are known, they are assured greater access to legislators than ordinary constituents without special credentials. And of course, they know what legislation is developing. Often, by the time a piece of legislation begins to be discussed publicly, it has already been shaped to fit the needs of the special-interest group it affects. This is also true of administrative rules and regulations. The average citizen acting individually has little chance of affecting this process. He is lucky if he even knows it is going on. On the other hand, the professional lobbyist is paid to know when new programs are being readied and how to shape their development.

The description is equally valid for officials of the executive branch, for their very livelihood depends on favorable legislative action. The citizen lobbyist, unlike the professional lobbyists of either special interests or the executive branch, is at the mercy of a committee structure which seldom encourages public participation and, indeed, may feel threatened by and contemptuous of such participation.

Obstacles to citizen action and participation in the legislative arena are not confined to the legislative processes or to the impediments posed by professional lobbyists. The media and the academic world can present other kinds of problems.

Obstacles posed by the "4th branch of government," the news media, are most often acts of omission. Swept away by the sensational, the media may fail to focus on those crucial aspects of legislative structure and process which signal the difference between effective policy formation, on the one hand, and virtual paralysis and immobility on the other. While a potential scandal involving a legislator may be highly publicized, committee action to kill a major measure may go unreported. As a result, citizens may find themselves facing their legislator, the press, or an audience, with inadequate information.

Equally important, citizen activists are dependent on the media for coverage of their own activities and concerns. Clearly, the mass media plays a critical role in the degree to which the legislative structure is responsive to the public.

The academic world, too, often poses an obstacle to citizen action by its acts of omission. To be effective in the legislative arena, citizens must be intimately familiar with the legislative process. To a considerable degree, this knowledge should be imparted by the public schools

and universities. Yet all too often, in the pursuit of pure knowledge and theoretical insights, the laborious mechanical details of legislative operations are ignored.

A more concrete problem is the frequent lack of understanding between the legislature and academia. Scholars who are accustomed to organized knowledge and solutions to problems may approach legislative reform simplistically, trying to apply patent medicines where very individualized formulas are needed. And the other side of that coin is that even when academics approach legislative improvement with a realistic understanding of its complexities, they may be rejected by legislators as "pointyheaded intellectuals," incapable of understanding the "real" world.

University professors and graduate students may be valuable resources and allies for citizen lobbyists, but potential problems in the relationship should be recognized.

ALTERNATIVE APPROACHES FOR CITIZEN ACTION

Alice went timidly up to the door, and knocked. "There's no sort of use in knocking," said the Footman, "and that for two reasons. First, because I'm on the same side of the door as you are: secondly, because they're making such a noise inside, no one could possibly hear you."...

"How am I to get in?" asked Alice. . .

"Are you to get in at all?" said the Footman. "That's the first question, you know." (Alice's Adventures in Wonderland)

Despite the formidable obstacles confronting citizen lobbyists in their efforts to effect legislative reform, citizen activists continue in their attempt to be heard above the din. Nonetheless, in most citizen-action enterprises, the central question becomes, "How am I to get in?"

There are, of course, several ways to "get in," ranging from the more basic such as working in elections or launching an initiative campaign, to the more complex mechanism of forging a citizen pressure group. For most citizen activities, participation in the election of a candidate for office represents the principal avenue for making an impact on the legislative process.

Yet the impact made in this manner is often illusory, for election campaigns normally hinge on issues with far more emotional connotations, than, for example, the committee structure of the legislature. In comparison to issues such as education, abortion or the environment, legislative and constitutional reform prove singularly uninteresting.

If the electoral process is to be the route through which structural reform is to take place, candidates must be asked more than merely their stands on education, abortion or the environment. They must be

pressed to explain what they will do to make the legislature a more responsive and responsible decision making body. Then, once the candidate is elected, a "scorecard" should be maintained on a legislator's performance. Unlike the scorecard kept by several national organizations, however, the ledger would not record major policy votes—it would record those votes and actions of the legislator aimed toward the reform of the legislative institution.

By monitoring the performance of legislators and reforming their institutions, the citizens group might succeed in making legislative reform a campaign issue. It is at this point—when legislators are reminded that their election is at stake—that meaningful legislative reform becomes a possibility.

Ultimately it is the legislator who must implement and maintain legislative improvement. Some legislators are elected on a reform platform; others are interested in some reforms because they will allow them to do their job better. But for many, such improvement is far down on their list of priorities, for they may be far more worried about representing their districts, parties, or programs. Yet when continuing in office becomes contingent in part on performance and improving the legislative institution, the latter will rise in the legislator's priority list.

While legislators must ultimately be the source of legislative improvement, citizen activists can assist in giving them the weapon of public support, without which there can be no real improvement. Obviously, institutional improvement is hardly the type of issue to capture the public attention for long periods of time—yet there is far too much at stake not to make the attempt.

As with the electoral process, the devices of "initiative" and "referendum" have often been of little utility in accomplishing either substantial change in legislative operations or in fundamentally altering constitutional provisions affecting the legislature because most of the issues lack public appeal. With some notable and, perhaps, growing exceptions, these "extra-institutional" methods of producing law directly through the people have been used on dramatic issues that have little permanent impact on the political system.

Yet the exceptions are notable. In 1972, for example, the people of Colorado approved a "sunshine" initiative to open up the legislative process and legislative finances. In California, Missouri and Washington, election reform initiatives have been overwhelmingly approved by voters. In Montana and Louisiana, new constitutions have been adopted. In such instances, a combination of citizen effort, news media support, and political leaders favorable to the project produced major structural changes.

Despite the fact that accomplishments resulting from use of initiative and referendum tend to be piecemeal, the image of countless

citizens organizing in a demand for legislative change may serve as a useful prod to convince the legislature to reform itself.

To be effective, however, citizen activists must continue to prod beyond election day. If the structural changes in the legislature are to be permanent and on-going, the same energy which goes into electoral politics and initiative campaigns must be transferred to influencing legislators between elections.

Citizen activists will normally organize themselves into pressure groups which can lobby legislators, attend committee hearings, and publicize legislative activity. Such a group must be well organized and well informed to attract the support of the news media and favorable legislators.

Public education is one of the most important functions of a citizens' pressure group. Public awareness of the importance and the needs of state legislatures is generally low, and must be raised to have a real impact on the legislature.

A public education program could take the form of workshops or seminars. Many colleges and universities are willing to host programs on the legislative process.

The Las Vegas Junior League, for example, followed up a study of their legislature (conducted by the Citizens Conference on State Legislatures) with a series of seminars to air the issues. National experts, local legislators, and representatives of the news media and the university participated in discussion of the legislative process and of the report on the Nevada Legislature. The house was packed for every seminar.

The speaker's bureau is another useful public education tool. State legislators as well as members of the citizens' group can discuss legislative reform issues with clubs, trade unions and various issue oriented groups which may not be aware of the impact of the legislative process on their issues.

Another alternative available to a citizen group is legal action. With a solid membership base and some kind of financial support, the organization may decide to sue the legislature to force compliance with a law or constitutional provision.

In Georgia, for example, a radio station filed suit against the Legislature for failing to comply with a 1972 state openness law. Common Cause filed an amicus curiae brief in support of the case. In May, 1974, a Georgia Superior Court ruled that the law does apply to the Georgia General Assembly.

The main drawback to this approach is that it may alienate legislators, making later reform efforts more difficult.

Another type of citizen's organization is a Citizens Commission on the state legislature, composed of members representing and having influence with those constituencies in the state which are most concerned about or sensitive to legislative improvement. The members of the Commission can present the views of those whom they represent to the entire Commission and provide information to their constituencies on the Commission activities, educating their constituencies to the importance of the legislature and the Commission's work.

How a Citizens Commission is established varies according to the degree of legislative commitment to the goal of the Commission, and to the amount of interest and support which can be generated for an improvement effort from civic groups and leaders throughout the state. A Citizens Commission can be organized through the independent activities of civic leaders in the state without the direct participation of the legislature if, for some reason, legislators do not want to be involved in the effort.

Alternatively, if legislative leaders wish to institute major reforms, or are receptive to demands for an improvement program, the Legislature may pass a bill or resolution to establish the Citizens Commissions. The Legislature may help to set out the Commission's jurisdiction and authority and may also appropriate funds to cover all or a part of the costs of the Commission's operations.

While the latter alternative provides both a greater degree of legitimacy—at least in the eyes of legislators—and some economic security for the Commission's work, there is a possibility that the Commission members, either consciously or unconsciously, may feel obligated to the legislature and be less inclined to recommend actions which are unpopular with legislators.

The Commission's membership, however established, should be bi-partisan and representative of a variety of groups and interests in the state. It should lay the groundwork for the acceptance of its work through a public education program designed to attract the attention of the audiences and constituencies most likely to be concerned about the legislature. These audiences include all of the groups needed to help the Commission: businessmen, civic groups, minorities, political organizations, the academic community, etc. In fact, since all groups are affected by the legislature, they should all participate in some way in the work of the Commission. Even special interest groups, who may not be specifically interested in legislative improvement, have a stake in improving the legislative process and indirectly the legislative output.

Since the Commission would not be a lobbying organization, its work as a group to study the legislature and recommend improvements is completed with publication of its report. However, after publication of its recommendations, the Commission should continue its public

education program to encourage public interest in legislative improvement. This will help establish a climate in which actions to implement the Commissions's report are accepted and supported. If favorably disposed, the news media can be a vital force in publicizing and gaining acceptance for the Commission's recommendations.

Whatever form citizen activism in the area of reforming the legislature may take, the critical factor is that such reform be considered as important, if not more so, than substantive policy issues. To many citizens, problems of taxes, education, social programs, and the like constitute the "real" issues. Structural deficiencies in the legislative institution tend to be intangible, invisible, and somehow unreal—in short, unseen.

"I see nobody on the road," said Alice.

"I only wish I had such eyes," the King remarked in a fretful tone. "To be able to see nobody! And at that distance too! Why, its as much as I can do to see real people, by this light." (Through the Looking Glass)

Part of the "unseeing" no doubt stems from the inability to perceive a relationship between structural inadequacies in the legislature and the failure of the legislature to act decisively and effectively on substantive policy issues. Tremendous amounts of time, energy and resources are spent by citizen activists in compelling an antiquated legislative body to pass individual policy measures. Yet the battle must be fought again and again so long as the structural deficiencies which make passage of the initial measure difficult remain.

As an editorial in the April 25, 1974, Montgomery County (Md.) *Sentinel* observed when commenting upon reforms that would make the legislative task more manageable for the members and more understandable to the public:

Most of them cost nothing. The others represent a fraction of one percent of the current budget and would pay back the citizens many times over in terms of improved budget and program review and more thoughtful legislative deliberation.

Most issues of legislative reform are not exciting and do not easily capture the attention of most citizens. But it must be remembered that for the "topical" issues to receive the full attention that the public demands, the institution of the legislature must be capable of studying the issues and developing policies and programs that fill long range needs as well as immediate ones. The final decision about the quality of each state legislature rests with the citizens of that state.

THE ROLE OF THE NEWS MEDIA IN LEGISLATIVE REFORM

Newspapers, radio and television are vital in many ways to the democratic system of government in the United States. In our system the press—or as it is called these days so that it is sure to include electronic communications, the media—is the public's eyes and ears to the goings-on of government. This is true at the state legislative level to the same extent as it is in Washington and every city hall and county courthouse. The news media is the public's major source of information about the legislature and its activities.

In any program of legislative improvement, the news media has an important role to play. Like the state legislature itself, it has a certain prescribed and assumed responsibility as a watchdog on government. Any effective citizen activity must take into account the power and the interest of the press and should attempt to enlist the press in any program for better legislative government within the state.

In addition, there are certain responsibilities which the press should assume in making local and state government better in every way possible. The press cannot merely sit on the sidelines and criticize the current conduct or activities of a governmental body, but also it must assist by providing constructive criticism with the aim of improving the very system of government itself.

As with many citizens, the press sometimes ignores state government or at least places state government at a lower level of interest and priority than the national government in Washington or the city, county and school board government in its own locality. This neglect has caused some disfunction in the reporting of state governmental affairs. The news media themselves need to take a hard look at their attitudes toward state government and should make an honest assessment as to whether or not there is room for improvement in their own performance in covering legislative activities for the public.

The governments of America are, of course, constitutionally organized in the service of the citizens. The press has a less official status in the service of the American people, but as an institution it exists and has been empowered with certain kinds of rights and responsibilities which make up its charter as the Fourth Estate. At this time in American history, public opinion and public confidence in both government and the press are low. Both institutions have work to do to make themselves better. And the citizenry have a stake in seeing that both institutions do their job to the fullest potential.

There are other similarities between the two institutions: the constituents of state government are the same people who make up the media audience in a state. While citizens, or constituents, or voters, or

whatever they might be called in relationship to the official governmental institutions have a direct relationship with government, they have an indirect relationship with the press. They make up the readers of the newspapers, the viewers of television stations, and the listeners of radio stations. Again there is joined some kind of a relationship between the public reporting of governmental activities and the system of government itself.

Public support of any governmental activity or of any citizen sponsored activity is essential to success. And public support comes with public awareness. Problems and proposed solutions must be made clear with the goal of attracting majority approval. The effort to have the news media involved in any such activity thus resembles a political campaign. Instead of trying to elect a candidate, a citizens group attempting to improve its own state legislature must seek to put across an idea and gain the support of other members of the citizenry.

Members of the legislature are usually quite concerned about their own individual representation in the news media. And they are generally sensitive about the kind of image that is projected by the news media about the legislature.

The linkage between the government and the press has been stressed in recent years by the movement toward new and improved laws governing the openness of the legislature. Extensive and comprehensive coverage by the news media which might have been forbidden before in many states should allow the citizens to be better informed about the operation of their governmental processes.

The Citizens Conference on State Legislatures in its 10 years of work throughout the 50 states, has observed a notable co-relation between the functioning of a state legislature and coverage of that legislature by the state's news media. It appears that the better state legislatures are covered by the better state press corps, resulting in more widespread interest throughout the state by newspapers, television, and radio news reports and commentary. Whether better reporting comes in response to a more open government system, or whether the attention of the news media helps push government to better processes is an untested syllogism. But nevertheless the condition exists.

Beyond the activities of the citizens themselves, if one single force could be applied to improve state government, it would have to be the work of a vigilant and hardworking news media.

There are two roles which the news media play in assisting legislative reform in a state. The first is as a cooperator: citizen groups and individual voters who wish to put legislative improvement on a high priority should attempt to make the press an ally in its campaign. The second is that the press itself can provide a leadership role to better

government by its attentiveness and competence in reporting what is and in commenting on what could be for the betterment of state government.

A campaign for legislative reform must have a "press plan" just as any successful campaign for a political candidate or important measure would have to have such a plan. It is a wise citizens group that makes a special effort to gain the interest and enlist the support of news media personnel—newspaper publishers and broadcast station owners, editors, editorial writers, reporters, and other news professionals—in order to receive adequate coverage of their work toward legislative improvement. They should seek all legitimate news coverage for their citizen reform efforts so that the rest of the public can be made more conscious of their legislature's deficiencies and may be stimulated to join the reform movement. In this attempt to make the press an ally, citizens by no means should assume that the media would be co-opted. The press must remain independent and free to make its own decisions and judgements.

For citizens, working with the news media can be as complicated a process as working with legislators. Half the battle is won when at least some of the members of the press are interested in legislative reform. But since this is not likely to be the case, citizen activists must think about the plan which would most practically and effectively obtain the best news coverage and the most widespread news and editorial support.

"The first thing I've got to do," said Alice to herself, as she wandered about in the wood, "is to grow to my right size, and the second thing is to find my way into that lovely garden. I think that will be the best plan."

It sounded an excellent plan, no doubt, and very neatly and simply arranged; the only difficulty was, that she had not the smallest idea how to set about it... (Alice's Adventures in Wonderland)

WHAT CITIZENS SHOULD DO TO MAKE THE PRESS AN ALLY

1. Citizens should determine the size and geographic location of the audience they want to reach, then catalog all the news organizations serving that audience. Citizens should know the names and telephone numbers of managing editors, city editors, news directors, public affairs directors, wire bureau service managers and other people who are in positions of authority in the news organizations in question. They should know about deadlines for each organization and how each likes to receive information about an upcoming event, either by telephone, letter or both. It is also helpful to be familiar with the particular interests of news organizations. For example, some news organizations

are more interested in cultural affairs while others are concerned about state government. Sometimes the slant that is given to information will enable it to be more readily publishable.

2. Citizen activists should learn the particular peculiarities and various traits of news organizations. The demands of newspapers are different from those of television. Radio in turn covers things uniquely. And the wire services serve all forms of the media. In addition, the influence and different needs of weekly and suburban press should never be forgotten.

3. Within each of these individual news organizations, citizens should learn the various avenues open to them. For example, women leaders of a citizen movement can be featured in the newspaper "people" sections. Radio and television have public affairs programs on which it is fairly easy to get time for presentations to the public.

4. Citizen groups should break down their public information program into specific tasks and assign them to specific people in the group. There should be an overall director of public relations and, depending on the size of the group, there might be people responsible separately for working with daily newspapers, television news, radio news, television and radio public affairs programs, the wire services and weekly and suburban press. Each sub-group would be responsible for directing its efforts to the news organizations involved. The total effort must be coordinated carefully to avoid duplication of effort. All reporters are irritated when contacted by several people about the same event.

5. One or two persons from the citizens group should personally visit the news decision maker—most often, the editor, news editor or news director. The visit should only be a courtesy call lasting no longer than a half hour to explain to the editor or news director what the effort is. These personal meetings are extremely important, for when they are over, the citizen is no longer just a voice over the telephone but a known personality to the news executive.

6. Citizens should use imagination in their public information efforts, and should not expect editors and news directors to do their thinking for them. Also, it is helpful if the information which is to be covered fits into the scheme of things which is demanding the attention of the public on any given day.

7. It is not uncommon to be turned down once or twice by news executives. But citizens will be wise to not be discouraged and to try again. Most often, a negative response from a news organization means that the news demands of that particular day are too heavy, and space and time simply cannot be allotted for the story in which the citizens group is interested. If citizens show understanding for the demands of

the news profession, their next idea is likely to get a better reception from the media.

8. Reporters and editors are professionals and generally do not like to be told that the story which was finally published or broadcast did not appear as it was conceived by the citizens organization. If there was an error or errors of substance, the reporter who wrote the story should be approached first. He or she will almost always admit the error if there was one and see that some type of correction is made. If this fails, the next step is to approach the news editor or news director. Most often, any significant error will eventually be clarified. But citizens should always respect the professional judgments of the editors and newsmen covering an event, even if the result is different than it was originally conceived.

9. Citizens activists should attempt to avoid news conferences and should try to tailor their efforts to individual news organizations. News conferences are designed for people who are so busy that they cannot meet with individual members of the press and situations when huge numbers of newsmen are covering one major event. Legislative reformers are unlikely to find themselves in either of these situations very often.

10. The most respected public information campaigns are those which are persistent and consistent. Citizens will not receive the kind of coverage they want, nor will it be very effective if one shot attempts are made.

11. Public information programs need as much preparation as do recommendations for legislative improvement. Far too often civic leaders either have submitted themselves or have been submitted to the grueling demands of the news industry without adequate preparation. If the spokesperson for a citizens group is not adept at meeting with the press, he or she should rehearse by preparing answers to questions that will most probably be asked.

Any public information effort is only as good as its planning and execution. That planning and execution means hard work and sharp expertise should go into the effort. It just doesn't happen by itself. The press is not some kind of monolith. The idiosyncrasies of this highly individual profession should be learned carefully. If citizens are patient with the fumbler and beginners they will find in some news organizations people willing to teach and explain.

WHAT THE PRESS ITSELF SHOULD DO TO IMPROVE STATE GOVERNMENT

News organizations too often neglect their responsibilities to inform their readers, viewers, and listening audience about the problems as well as the actions of their state legislatures. Unfortunately, coverage often

centers on political personalities and specific, controversial bills up for debate and decision. Too often, correspondents neglect to develop an approach which entails analyzing shortcomings of legislative organizations and procedure.

Correspondents in state capitols are commonly overburdened with assignments. A reporter who covers the legislature may also be expected to cover agencies of the executive branch and the courts. Work is spread too thin. As a result reports are often superficial. The public is poorly informed, and given little basis on which to judge the quality of legislative performance.

News executives should be more aware that legislative practices can be improved and should recognize that change is not possible without their leadership in mobilizing public opinion. This kind of leadership can be exercised in the two most common aspects of journalism—that is, in news coverage and in editorial commentary. Coverage of legislative improvement deserves the attention of news organizations in making an honest representation of the activities going on about the improvement effort.

Better, and more comprehensive, coverage of the actual activities of a state legislature also deserves the attention of news executives even if the state capitol is not in the locale of a media center. Persistent, perceptive coverage of legislative affairs is called for. Too few publishers and broadcast executives are willing to make the required commitment of money and journalistic talent to the effort.

Editorial support, or interpretative stories, or other commentary on reform efforts are also necessary to the success of a campaign for legislative improvement in a state. Again, the history in most states is that press attention has been minimal and editorial commentary has often taken a cynical view of the legislative processes and the importance of the state legislature to the governance of the American people. Newspapers and those broadcast outlets which use editorial and commentary should reassess their ambitions for state government and rethink their own power to help influence public opinion in the name of good government.

When Thomas Jefferson said that if given the choice between having a government without a free press or a free press without a government, he would choose the press without the government, he meant that the press had a high responsibility for the exercise of good government for Americans. The news professions themselves can make that ambition become reality by taking their functions seriously.

AN AGENDA FOR MINNESOTA CITIZENS AND THE LEGISLATURE

The following recommendations were developed by staff members of the Citizens Conference and the State Legislative Leaders Foundation and the field staff associates working on-site with legislative leaders. They are based on information gathered in interviews with legislators, legislative staff, news media representatives, lobbyists, educators and civic leaders.

Those recommendations marked with one check (✓) have been implemented only by one house or in a weaker form than intended by the recommendation. Those marked with two checks (✓✓) have been fully implemented by both houses of the Legislature.

SIZE—TERM OF OFFICE—QUALIFICATION

Reduce membership in House to 100 and in Senate to 50.

Make legislator qualifications similar to voter qualifications.

TIME

SESSION PATTERN

Amend Constitution to remove the mandatory adjournment date in May of each year; adjournment should be determined by the Legislature.

Allow Legislature to determine the number of days it meets in official session.

LEGISLATIVE POWER TO CALL SESSION

Empower Legislature to call itself into session either by a petition of a majority of the members of each house or a call of the presiding officers.

VETO SESSIONS

Amend Constitution to allow Legislature to reconvene at the end of the second session of the biennium to consider vetoed legislation.

PRESESSION ORGANIZATION AND ORIENTATION

- ✓✓ Provide for prefilings of bills by members and referral of bills by the presiding officers between the two sessions.

Constitutionally permit legislators to take office and the Legislature to formally organize shortly after the general election.

- ✓✓ Institute pre-session bill drafting and committee hearings immediately following the November elections.

BILL CARRYOVER

- ✓✓ Carry over bills from the first to the second session of the biennium.

COMMITTEES

STANDING COMMITTEES

- ✓✓ Reduce the number of House and Senate committees.
Establish parallel House and Senate standing committees.
Strive to meet and hold joint committee hearings during the interim.
Reduce the number of committee assignments per member to two, or three at the most.
- ✓✓ Restrict membership of House committees to 19-21 members.
Limit chairmen of major committees to serving on only one other committee, not in a leadership capacity.
Define by rule committee jurisdictions and require that bills be assigned in accordance with these rules.

CONFERENCE COMMITTEES

Empower by rule the appointing authority of each house to appoint the members and the chairman of a conference committee and to dissolve and reconstitute the conference committee after seven calendar days if no agreement is reached, or sooner if within the last two weeks of the session. Include as members the author or chief sponsor of the bill in each house and members who voted with the majority on the bill.

COMMITTEE PROCEDURE

OPENNESS AND NOTICE OF MEETINGS AND TESTIMONY

- ✓✓ Open all House and Senate committees and subcommittee meetings.
Change rules to require five calendar days notice of committee meeting agendas in both houses during the session and two weeks during interim.
Require by rule registered lobbyists to furnish written statements (except interested individuals and small groups not classified as professional lobbyists under registration requirements).

- ✓✓ Open conference committees to the public and require written reports to be on members' desks at least 12 hours before the report comes up for a final vote. Require conferees to report progress, or lack of it, to their respective houses every seven days.

RECORD KEEPING AND REPORTING

- ✓ File all minutes and reports of standing committees, subcommittees, conference committees, select committees, and interim committees and commissions with the legislative reference library.

Attach detailed committee reports, including a summary of debate and a record of all votes, tabular or roll call, to the bill.

- ✓✓ Print roll call votes in standing committees and the Committee of the Whole.

REFERRAL AND ACTION

Require committees to act on all bills.

Amend rules so that a majority of the membership of a committee may place a bill on the committee agenda without concurrence of the chairman.

INTERIM COMMITTEES

- ✓✓ Provide for interim public hearings and committee activities to insure continuity between the first and second sessions of the biennium under the flexible session amendment.

JOINT MANAGEMENT COMMITTEES

- ✓✓ Establish a joint management committee to deal with matters of inter-house coordination of legislation, personnel matters, and procedural elements of the Legislature.

MINORITY RIGHTS

- ✓✓ Insure minority representation on the rules committees.
- ✓✓ Allow minority leadership to select its own committee members.

Require all House and Senate standing committees to have proportionate minority representation.

UNIFORM RULES

Revamp rules relating to committee procedures to include all current practices.

Enumerate in rules the methods of establishing subcommittees and assigning members to them. Require the subcommittee chairmen to be appointed by the chairman of the parent committee and require the subcommittee to report back only to the parent committee.

BILL FLOW

DEADLINES

Consider a deadline system within committees so that all bills referred require action within a specified period of time after referral. After the deadline, a vote of a minority of one-third of the membership of either parent house can uphold the deadline rule.

Establish a deadline for the introduction of bills, coupled with immediate referral of bills to committee.

CALENDARING, BILL READING AND EFFECTIVE DATES

Abolish Senate and House rules allowing bills to be placed on special order by Rules Committee. Instead suspend the rules which require a two-thirds vote of elected members in the house where bills are pending.

Eliminate constitutional requirement that two of the three bill readings should be at length. Read bills by title only.

BILLS

BILL DOCUMENT FORM, PRINTING AND DISTRIBUTION

Develop improved system of bill status reporting (history) available to all members and other interested parties. Provide hard-copy printouts.

Specifically prohibit skeleton bills.

BILL SUMMARIES, FISCAL NOTES AND STATEMENT OF INTENT

Attach a statement of intent to a bill upon introduction.

Attach fiscal notes listing short and long range implications to bills prior to committee hearings.

STAFFING

- ✓ Every member of the Legislature should have a secretary and an administrative assistant, at least during the session.
- ✓✓ Consider a statute creating a Central Staff Agency under the direction and supervision of the Joint Coordinating Committee.
- ✓✓ Resolve differences between the houses on staff salaries. Equal positions should be paid equally.

Consider hiring a full-time intern coordinator.

The federal-state coordinator should receive at least \$20,000/year plus expenses, and work in Washington, D.C.

FACILITIES

SPACE

Support and work with the Capitol Area Approach Commission in the planning and construction of the Capitol Annex.

- ✓ Provide all House members private offices with adjacent space for staff.
 - ✓✓ Expand space for committee and subcommittee meetings.
- Consolidate and centralize House and Senate storage space.

ETHICS

Enact statutory financial disclosure provisions.

Review the statute covering campaign financing receipts and expenditures, and strengthen its penalty provisions.

Amend the statutes to penalize legislators for appearing before a State agency for a fee.

Prohibit members of the Legislature from accepting appointment to another governmental agency, commission or department during their terms of office.

LOBBYISTS

Include in the current lobbyist registration rule a provision requiring lobbyists to disclose (on a monthly basis) all amounts spent in excess of \$25.

COMPENSATION

Review the current salary and expense system and consider increasing legislative salaries to \$15,000 per year. Voucher necessary and allowable expenses incurred.

MEDIA RELATIONS, PUBLIC INFORMATION AND CITIZEN INVOLVEMENT

- ✓ Consider aiding the public with full system of signs, bulletin boards, visual aids, and other graphics in the Capitol.

Create by statute a Citizens Commission to act as a bipartisan ally to study the state legislature and develop proposals for its improvement.

LEGISLATIVE OVERSIGHT AND BUDGET PREPARATION

Consider using a Joint Budget or Joint Appropriations Committee to begin review of the executive budget (agency requests) prior to convening of the legislative session.

OTHER RECOMMENDATIONS

Permit by rule unlimited bill sponsorship. Permit joint House and Senate sponsorship of bills.

Allow the Legislature to pass revenue raising bills with either a Senate File number or a House File number.

- ✓✓ Strengthen parties and party leadership by electing legislators on a partisan basis.

Pass Gateway amendment which would allow a simple majority of the electorate actually voting on a constitutional amendment to pass or defeat it.