

Legislative reorganization in Minnesota.

Minnesota League of Women Voters.
Minneapolis, 1953.

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LEGISLATIVE REORGANIZATION

IN

MINNESOTA

prepared by

League of Women Voters of Minnesota

Room 406, 84 South Tenth Street

Minneapolis 3, Minnesota

November, 1953

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Authorization for League work on Legislative Reorganization is contained in the 1953-1955 state Current Agenda:

"The League of Women Voters of Minnesota will work for the calling of a Constitutional Convention and will make recommendations as to what a new constitution should contain."

This study of the Minnesota legislature is a beginning toward League decision on the contents of a new state constitution. The subject is vast but extremely worthy of a great deal of interest and time.

The fact that legislative reorganization was chosen as an issue to be stressed under constitutional revision is an indication of the awareness of League members of basic problems of the state government. It is also an indication of the realization that the success of League legislative activities hinges on the solving of these basic problems.

In a larger sense, the importance of a strong and well-organized legislature in our present-day democratic state is becoming more and more generally recognized. It is crucial in these times that the divisions of government be equally strong so that the government and the whole country can be strong.

In order to help League members reach a decision on constitutional reforms regarding the legislative branch, it has been necessary to make a very fundamental study of the legislature and to investigate various suggested improvements, not only those which require constitutional change. A large percentage of the changes needed to assure an efficient legislature can be secured by modifying laws or legislative rules and do not depend on constitutional revision. In as many cases as possible, the various suggestions for improvement have been qualified by a statement as to whether or not the improvement would require constitutional change.

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LEGISLATIVE REORGANIZATION IN MINNESOTA

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I. PURPOSE OF THIS STUDY

The study of legislative reorganization is designed to promote consideration of the structure, function, and problems of the Minnesota Legislature, and to enable League members and other citizens to evaluate various suggestions for improvement.

II. PRESENT STRUCTURE OF LEGISLATURE¹

The government of Minnesota is divided into three branches: legislative, judiciary, and executive, all of which operate within the framework of the state constitution, which is subject to amendment by the voters of the state acting on provisions submitted to them by the legislature.

The legislature is composed of the House of Representatives and the Senate. It meets regularly every odd-numbered year, for not more than 90 legislative days, and can be summoned for special sessions only by the governor. Each branch makes its own rules for conduct of members, and legislators are not liable for anything said during discussion on the floor. One senator and one or more representatives are elected in each of the state's 67 legislative districts. The number of members of Senate & House and the number from each district was fixed by statute in 1913, the year of the last reapportionment by the legislature. These numbers will stand until a new apportionment is made.

A. House of Representatives

The House is composed of 131 members, elected for two-year terms. Salary of representatives is \$3000 per term, and \$10 per day during special sessions. It is presided over by a Speaker, elected by representatives from among their own membership. All revenue-raising measures must originate in the House but may be amended in the Senate. The House has the power of judging election returns and the eligibility of members, and the power to determine its own rules of procedure. It may punish its own members for disorderly conduct and expel a member on a 2/3 vote. The House may also initiate impeachment proceedings against any civil officer.

B. Senate

The Senate is composed of 67 members, elected for four-year terms. The salary of Senators is \$6000 per term and \$10 a day for special sessions. It is presided over by the Lt. Governor. The Senate elects a President pro tem from among its membership to serve during the absence of the Lt. Governor. The President pro tem is next in line for succession to the Governor's office if the Governor and Lt. Governor are both unable to serve. Gubernatorial appointments of department heads and members of boards and commissions are subject to Senate confirmation. The Senate has the power to judge election returns and the eligibility of its own members, to determine its own rules of procedure, and to punish its members for disorderly conduct and expel a member with a 2/3 vote. It can also amend bills of revenue which originate in the lower house and must try impeachment cases presented by the House.

1 Sources of material:

"Ninety Days of Lawmaking in Minnesota", Univ. of Minn. Press

"Legislative Manual, 1953"

"Book of the States, 1952-53", The Council of State Governments

Standing committees are set up by each body of the legislature at the beginning of each session. They are set up according to the general classification of the subject matter of the various bills. These committees largely determine the course and final form of proposed legislation that shall be considered by the House and Senate. In the 1953 session of the legislature, the House had 39 standing committees, the Senate had 38. These are listed here as an indication of the nature and scope of the Legislature's responsibility:

HOUSE

Agriculture	Health
Aircraft and Airways	Highways
Appropriations	Insurance
Banking	Judiciary
Civil Administration	Labor
Claims	Markets and Marketing
Commerce, Manufacturing, Retail Trade	Motor Vehicles
Commercial Transportation	Municipal Affairs
Communications	Public Domain
Cooperatives	Public Institutions
Crime Prevention	Reapportionment
Dairy Products and Livestock	Reforestation
Drainage and Soil Conservation	Rules
Education	State and County Fairs
Elections	Taxes
Employees' Compensation	Temperance and Liquor Control
Engrossment and Enrollment	Towns and Counties
Game and Fish	University
General Legislation	Veterans' and Military Affairs
	Welfare

SENATE

Agriculture	Markets and Marketing
Aviation	Military Affairs
Banks and Banking	Motor Vehicles and Motor Tax Laws
Cities of the First Class	Municipal Affairs
Civil Administration	Public Domain
Civil Defense	Public Health
Committee on Committees	Public Highways
Dairy Products and Livestock	Public Institutions and Buildings
Drainage	Public Welfare
Education	Railroads
Elections	Reapportionment
Engrossing and Enrolling	Rules and Legislative Expense
Finance	Soldiers' Welfare & Soldiers' Home
Game and Fish	State and County Fairs
General Legislation	Taxes and Tax Laws
Insurance	Telephone and Telegraph
Judiciary	Towns and Counties
Labor	University
Liquor Control	Workmen's Compensation

D. Legislative Research Committee

This is a joint committee comprised of 18 members of the legislature, with nine House members appointed by the Speaker, and nine Senate members appointed by the majority caucus, one from each congressional district. Members of the committee serve only from one session to the next. The committee meets quarterly at the State Capitol and gives advance consideration to problems expected to confront the next legislature. It acts as a clearing house for current legislative problems by receiving proposals for research studies from the legislature. It disseminates information on these problems to other legislators, the Governor, and the public, by means of committee and research reports. Its functions are limited to fact finding and it is not authorized to formulate specific legislative proposals. The committee was established by the 1947 legislature; its budget for 1953-55 is \$55,000 for each of the two years. There are 8 Legislative Research staff members, not under Civil Service.

E. Legislative Advisory Committee

This is a committee composed of two Senators and two Representatives, namely, the chairman of the Senate Finance Committee, the chairman of the Senate Committee on Taxes and Tax Laws, the chairman of the House Committee on Taxes and the chairman of the House Committee on Appropriations. The State Commissioner of Administration acts as secretary. The Governor presides but is not a member. This committee makes recommendations to the Governor regarding the disposition of the general contingent fund appropriation, War Veteran's Fund, and the Minnesota Metropolitan Airports Fund. (see Little Hoover Recommendation page 14)

F. State Claims Commission

A commission consisting of five non-legislative members, two appointed by the Speaker of the House, two by the Committee on Committees of the Senate and a fifth member chosen by the other four. This is a special instrumentality of the legislature created in 1953 for the purpose of considering and adjudicating claims against the state.

G. Committee on Interstate Cooperation

This is a committee created in 1941 and composed of five House members, five Senate members, and five others not members of the legislature. The members of this committee act as delegates to the Council of State Governments which has its headquarters in Chicago, Illinois. Created to cooperate with like agencies in every state to promote a closer union of state governments of the U. S. and to explore possibilities for achieving greater uniformity in certain legislative matters such as: criminal apprehension, use of boundary waters, taxes on trucks, etc. It acts as a clearing house of information as to actions of state legislatures, such as: progress in mental health, juvenile delinquency, sources of revenue, etc.

H. Interim Committees

Ten interim committees were created by the 1953 legislature to work between sessions to investigate and study problems of a broad nature. This number is more than have ever been provided for before, indicating the increasing volume of business and the need for more extended study than the 90-day session affords.

The present committees are on 1) Highways, 2) Civil Service, 3) Minnesota's Tax Structure, 4) Iron Ore Taxation, 5) Agriculture, 6) Forestry, 7) Tuberculosis, 8) Water Conservation, 9) Indians, and, 10) a committee working on the possibility of a toll free bridge between Duluth, Minnesota and Superior, Wisconsin. The Senate Committee on Committees appoints the Senate members of Interim Committees; the Speaker of the House appoints the House members.

A. Majority and Minority Groups

While members of both houses are elected without party designation on the ballot, each house of the legislature divides roughly into two main groups, which call themselves liberal and conservative. The group having the majority of members (the past several years in Minnesota, this has been the conservative group) proceeds to organize the House and the Senate, and assumes the responsibility of carrying forward a legislative program. Immediately after the November election, the returns are studied by group leaders. The allegiance of re-elected members and new members who have been elected with party endorsement, is fairly definitely known. "Independents", those who have not aligned themselves with either faction, are the ones which each side wishes to line up. Inducements offered by the majority group to these independent bargainers may include appointments to coveted committees or jobs for their political supporters as legislative employees. The minority group does not have as much to offer as inducement, as all committee chairmanships go to the majority, and the minority has no voice in choosing which of its members will be appointed to committees. In recent years the minority group has been organized, but there have been many sessions in which it was not. In some cases, new legislators who begin their career with the minority group may change their allegiance their second or third term.

B. House Organization

Before the convening of the legislature, caucuses are held by the majority and minority factions. Both meetings are open to all members of the groups and are held on the same day and publicized in advance. The minority caucus elects its candidate for Speaker. Subsequently if he is not elected, he becomes the floor leader of the minority group. The caucus makes plans for getting its program through the legislature. It also selects members whom it hopes to have appointed to committees. When the House is finally organized, however, the minority caucus is not allowed to determine which members of its group will be appointed. The minority group can indicate its preference on a questionnaire which is circulated by the Speaker to liberals and conservatives alike. The replies to this questionnaire are not binding on the Speaker, and there is nothing in the House rules which requires him to appoint conservatives and liberals to committees in the same proportion as they bear to each other in the whole house.

The majority caucus makes nominations for Speaker and settles patronage for the approximately 200 legislative employees. Experienced and influential members of the caucus who can muster support for a certain nominee for Speaker are promised important committee chairmanships in return. The Speaker of the House is a powerful person (see page 19). As presiding officer, he determines the order in which persons shall speak on the floor. He names the chairmen and members of the standing committees. Upon convening the election of Speaker is the first order of business in the House, and requires 66 of the 131 votes.

C. Senate Organization

Caucuses are held by the factions well before the opening of the legislative session. As the terms of Senators are 4 years and are not staggered, the important caucuses for this body are held every other session. As in the House, the minority caucus plans its strategy of legislation and decides whom it would like to have on standing committees. Again, however, the number of minority vs. majority members on committees is not in the same proportion as they bear to each other in the whole Senate. Again, also, the minority group does not have the privilege of naming its members to the committees.

The majority caucus meets in private session and, through an organization committee, works out the standing committee assignments (chairmanships and memberships). They also vote on which new members they will take into the majority group. Each candidate is carefully screened for loyalty to the majority viewpoint. The majority caucus also makes nominations for Senate leaders and decides on patronage for employees. These lists are submitted to the entire majority group for approval and when approved, are presented as a resolution on the first day of the Senate session. After the Senate adopts these committee assignments, leaders, and patronage, which requires 34 of the 67 votes, Senate organization is completed. Although the majority group will be responsible for the legislative program during the session, there is actually no discussion in their caucus of a legislative program which is representative of the thinking of the group.

D. Standing Committees

The purpose of the standing committees is to get all bills dealing with one general subject before the same committee so that members of each committee can specialize in that one subject. Some bills could, of course, be assigned to any one of several committees because of the nature of their subject matter (see page 2). The most influential members of the majority group head the important committees, and members seek committee assignments which will enable them to deal with legislation in which their constituents or they themselves have a special interest. Likewise, proponents of a bill seek to have it assigned to a committee whose members are known to be friendly to the measure, and frequently the proponents try to enlist the support of committee leaders long before the bill is introduced. Although the Minnesota legislature is not organized on a party basis, and there is no political party responsibility to back certain issues, the majority leadership controls all important bills.

In committee, a bill may be stalled, or never taken up at all, amended, returned to its authors, or recommended to pass. A committee chairman has great power, for it is he who determines which bills come up for consideration of the committee. He can, short of great pressure from members of the committee, simply not bring up a bill for consideration and thus kill it single-handedly. (It is possible to reverse a committee stand, by 1) the minority members of the committee bringing in a minority report, or 2) by a member on the floor arguing against adoption of the committee report. It is infrequently done, but has happened.) Clearly, then, the committee stage of a bill is the most precarious. It is at this time that public hearings are held on all important measures, at which all persons are entitled to be heard. Authorities on the subject being discussed speak for or against the measure. Lobbyists are most active at this time. It is during the committee stage of a bill, also, that the home districts exert pressure on their legislators serving on the committee to convince them of the sentiment in their district.

In both the House and the Senate, the Rules Committee is an important and powerful committee, in that it directs the legislative procedures. It is composed of one member from each of the 9 congressional districts of the state. The rules, once adopted by the whole body, cannot be changed except by a 2/3 vote of the entire body. The power of this committee lies in the fact that its members are appointed by the majority group and thus are responsive to that group. In practice, there are no members of the minority group on the rules committee.

One of the Senate committees is the Committee on Committees, which does not function until after organization is completed. Its principal function is to recommend the personnel of the several conference committees which may have to be appointed during the session to resolve differences in similar bills passed by both House and Senate. In the House, the Speaker appoints the conference committee members from the House. These are very important committees, as often the fate of a bill may lie in their hands, depending on whether or not their members are favorable towards it. They may even rewrite the bill completely, sometimes creating a situation in the closing hours of a session in which the legislators must decide yes or no on a practically

E. How a Bill Becomes a Law

1. Origin. (by members or committees of the legislature, or the state administration, or lay or professional groups, or a private citizen acting on his own). Preparation and drafting, done with the aid of the Office of Revisor of Statutes, or by privately employed lawyers representing interested citizens.
2. Introduction and "first reading" in either or both houses; simultaneously. Reading is by number, title, and authors. Following introduction, each bill is referred by the presiding officer to a committee.
3. Committee consideration, described earlier, may result in recommendation to the main body that: a) the bill pass as drafted, b) that it pass as amended in committee, c) that it be returned to authors (that is, rejected), or d) that it be passed out without recommendation, or e) that it be indefinitely postponed. Frequently, the committee will take no action on a bill, thus no report need be made.
4. Committee report. When a bill is reported by a committee, it is given what is called its "second reading". Only the number is read. If the committee report is adopted by a majority vote, indicating that the bill is to be considered by the entire House, the bill is printed and assigned to a list of bills to be considered by the House in the order that the bills are reported out of committee.
5. Consideration by the whole body, under either of the following orders of business:
 - a. "General Orders". The body may or may not resolve itself into a Committee of the Whole for more informal discussion of the bill. This is permissible under the rules when it sits as the house proper.
 - b. "Special Orders for a time certain". This device is used to advance a bill ahead of its regular position on General Orders so as to be sure the bill will be given consideration. Special Orders are used when time is running out. (There are frequently as many as 200 bills on General Orders.) A motion for a time certain requires 2 days notice before the motion can be made, and a 2/3 vote for approval. A minority group, if it has more than 1/3 of the membership of the body, can block special orders.
6. Approval by the Committee of the Whole advances the bill to the Calendar (list of bills ready for final action or "third reading"). On third reading, a recorded and final vote is taken on whether or not the bill is to pass. Essentially the same procedure takes place in both houses. If the houses fail to pass the same bill in the exact terms, or if either house refuses to concur in the amendments offered by the other body, the differences must be reconciled if possible by a conference committee.
7. When passed by both houses in identical form, the signature of the presiding officer of each body is attached.
8. Engrossing or printing.
9. Action by the Governor, who may:
 - a. Sign it, making it law.
 - b. Veto it, referring it back to the legislature with objections. It can still be passed over his veto by a 2/3 vote of each house.

c. Let it become law, without his signature (which it does, 3 days after ⁷ he receives it from the legislature).

d. Pocket Veto it by not signing the bill. He can do this only during the last 3 days of the session.

As the end of the session approaches, the congestion of bills increases, especially in the House. Since the constitution requires that no bill may be passed on the day of adjournment, the custom is to "cover the clock" and prolong the day preceding adjournment, if there are bills under consideration whose passage is urgent. The "clock covering" technique provides a maximum of 3 extra days. While the legislature is willing to stop the clock in this fashion, the Governor is sometimes not, and the constitution says that he must sign all bills within three days after adjournment if they are to become law.

IV. NEED FOR REORGANIZATION

A. The Legislative Function ¹

Law-making is usually considered to be the chief function of the state legislature. In addition, the legislature participates with the executive in the appointive power by confirming appointments to office. Also the quasi-judicial function of impeachment is vested in the legislature.

In addition to their major function, legislatures are meant to be broadly investigatory and deliberative with respect to matters of general welfare. Woodrow Wilson once said "It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents." The legislature has the right and the responsibility to determine broad policies; to make appropriations and levy taxes to administer its policies; to manage its organization, personnel, and powers; and finally to review the effectiveness of those policies and the way they are administered.

To carry out these basic functions, the state legislature must be organized along sound lines so as to obtain effective and economical government. The difficult problems of the past three decades have thrust vast new problems upon government generally, increasing the duties of the states, the localities, and the nation. As stated in the report of the Minnesota Efficiency in Government Commission, "The scope of legislation has increased many-fold in recent years . . . Danger lurks where any branch of the government allows itself to become weak and powerless to serve the people properly and adequately . . . There is urgent need for strengthening the legislative branch of Minnesota's state government." A number of improvements have taken place in the executive branch of the state government in recent years, with the result of strengthening its authority and responsibility. However, much of the possible value in this executive reorganization has been lost because the legislative arm has not been correspondingly modernized.

B. Reasons for Existing Conditions

In Minnesota there are several basic economic conditions which have brought about the necessity for modernizing the state government. The most important of these are:

- 1 "Our State Legislatures", Council of State Governments
Minnesota Efficiency in Government Commission Report
- 2 "Reorganizing the State Government of Minnesota", July 1952
Minnesota Institute of Governmental Research, Inc.

1. Expansion of government into a vast service organization. The Reorganization Act of 1939 made a number of improvements in the administration of the state government, the most important of which was the creation of a Department of Administration, with a Commissioner of Administration appointed by the governor with approval of the Senate. This new department replaced a three-member commission of administration and finance. The new department was then divided into divisions of budget, administrative management, purchasing, public properties, and architectural engineering. However, since this reorganization, 48 new activities have been added to the state government and to handle these activities, many new bureaus and departments have been created. Usually each has been given a separate status, regardless of size or importance, and without reference to standard organization principles. The governor cannot coordinate the demands of these independent agencies for funds, many of which are dedicated, as he has little or no control over them. The budget problem is, therefore, shifted to the legislature, giving it the impossible task of balancing the financial requirements of these various agencies.
2. The present high cost of federal, state, and local government is of great concern to all citizens. Minnesota's government is now one of the largest spending operations in the state. From 1941-51 expenditures increased 156%, with only a part of this increase being due to inflationary factors. The 90-day session of the 1955 legislature cost more than a million dollars; the 1943 session cost was approximately \$230,000. Minnesota ranks high among the states in per capita state tax receipts, and further more is using a larger proportion of its income to pay the cost of the state government than its six neighboring states.
3. Population trend. The national average of population increase in the states from 1943-1950 was 14.4%. Minnesota had less than half of this average increase (6.8%) showing an unfavorable population trend. Statistics show that 138,505 persons migrated from the state in that 10-year period. Within the state, the movement was from rural to urban areas, but the migration figures show that many rural people are leaving the state for better industrial opportunities elsewhere. In other words, according to the Minnesota Institute of Governmental Research, Inc. Minnesota's population trend is approaching "stability", meaning: fewer young people to produce income and more people over 65; loss of the investments of money in the education of these young people when they move to other states; a reduction in the use of consumer goods and loss of markets; reduction in employment with greater migration as a result; fewer people to share the tax burden and greater necessity for local governments to call on the state for assistance, adding to the state costs but not relieving the taxpayer. Therefore it is of the greatest importance that waste and inefficiency in the state government be eliminated. It is necessary as a safeguard to industry, to the retention of population, to the expansion of governmental service, and to the social and economic welfare of the state.

Reorganization of the legislature and further reorganization of the executive branch would lay the groundwork in an effort to economize on the state level while still providing the services necessary for good government.

C. Specific Defects in Existing Organization

Often the need for reorganization is mistakenly identified with the need for the saving of time. The desire for speed should not be allowed to affect the quality of

1 Sources of material:

"The Legislative Process, with particular Reference to Minnesota",
by Duncan L. Kennedy, Minn. Law Review June 1946
Dr. Ralph S. Fjelstad, Asst. Prof. of Government, Carleton College
Minnesota Institute of Governmental Research, Bulletin 29, 1952

legislation or the loss of any of the safeguards which protect our citizens and the various minority groups. Some of the worst mistakes our state legislature has made have been due to hasty passage of bills in the closing hours of the session. The task of the legislature is not only to get a bill drafted but to determine the policy upon which it should be based. To do this the legislature must understand the total situation for which a change is being asked, both from the point of view of the group which is asking, and from other groups who may be affected, and further, whether the situation requires any change, in the interest of the general public.

With this broad view of the legislative task and the changing economic and social factors which affect it, certain defects in the organization of the Minnesota legislature have been pointed out by students of government. They are:

1. That we have placed limitations on legislative action by our constitution. Many provisions can be found in the constitution which tend to cut down the ability of the legislature to adapt to present day conditions. An example is the constitutional limitation upon length of sessions rather than allowing the legislature to determine this by law.
2. That there is a need for the establishment of higher standards in the management of the mechanical side of our lawmaking. It is difficult for the many new legislators at each session who are serving their first term to master rules, procedure, framing of legislation, etc. Their inexperience is intensified in the rush of business and insufficient time for consideration during the session. For efficient functioning of the legislature, a bill drafting service which would have control over the forms of all bills could be established. Note that the Minnesota Efficiency in Government Commission recommends a Department of Legislative Services which would perform bill-drafting, legislative research, etc. (See page 14). Some states have set up a short course in legislative procedures since legislators are elected to represent groups in our population and not for their ability in bill-drafting, etc. If the mechanical side of the legislator's work were made more efficient than it is now, his efforts would be relieved and could rightly be devoted to decisions on policy.

This improvement could be made by the legislature itself and would not require constitutional revision.

3. That the time limit of 90 days on a legislative session is not adequate for the legislature to meet its full responsibilities. Within these 90 days, the legislature is expected to pass on a two-year budget plan involving over \$300 million in addition to all other needed state legislation. Twenty-two states have no limit on the length of their sessions, and ten have annual sessions. The Council of State Governments suggests that "restriction on the length of sessions is one of the several factors which today defeats the deliberative character of legislatures in many states. The effect of rigid constitutional restrictions is to increase the so-called legislative 'jam' at the close of sessions in many states. This results in inadequate or no consideration of measures deserving legislative attention. The volume and complexity of legislative business has constantly increased, and constitutional or statutory measures which prevent the legislature from fulfilling its proper function cannot be held to be in the public interest however appropriate the restrictions may have been when originally adopted. Unlike the executive and judicial branches of government, the legislature as a whole does not function on a year-round basis. It is, therefore, doubly important that it be free to fulfill its duties at the times when it is in session".¹

1 "Our State Legislatures", Council of State Governments.

The limitation on length of sessions is contained in the constitution and can only be changed by constitutional revision, which could allow the legislature to determine this by law.

4. That the legislature would be far more responsible if elected under party labels. Only one other legislature, Nebraska, which has an unicameral house, is elected on a non-partisan basis. The Minnesota legislature is already organized into parties in everything but name, and the group in power acts just as though it were the party in power. Party designation would make candidates for re-election take a stand on the issues instead of "running on their record". Dr. Ralph Fjelstad has observed that this "record" is often non-existent due to the many unnecessary committees, some of which meet rarely or not at all, but which are still used as campaign material by the candidates. A legislator or committee can go through an entire session without doing anything, and the public may never be aware of this due to the rapidity of legislation. Although the constitution forbids introduction of bills in the last 20 days of a session without the governor's permission, more than 200 bills were introduced in that period in 1953. Very few of these were passed. Dr. Fjelstad wonders if many of these bills were not introduced by legislators who had no desire that they be passed, but who offered them simply to ease pressure from constituents. The same assumption may be made as with the unnecessary committees - re-election of certain legislators on their "record", rather than serving the needs of the state.

The nonpartisan legislature is a result of a legislative act passed in 1913 and could be changed in the same way.

5. That the legislature has too many standing committees in both houses. The average House member serves on 5 committees, the average Senator on 8. Many committees that rarely meet and have little important legislation to consider could well be consolidated with other committees. Both the number of committees and the number of members on committees could be substantially reduced. The report of the Governmental Research Bureau of South Dakota states, "The existence of a large number of standing committees tends to prevent a thorough understanding and knowledge of legislative problems on the part of committee members, to promote a lack of attendance at committee meetings, and to induce a hasty and unsympathetic consideration of proposed legislation." There appears to be a definite trend to reduce the number of standing committees throughout the country. The average number in Senates in 1931 was 32.3; in 1951, the average number was 28.7.
6. That Minnesota has no joint standing committees (except interim), compared with 27 states which do. The above mentioned South Dakota report recommends a system of joint standing committees, or at least abolishing those which no longer serve a useful purpose and consolidating those which are related in subject matter. In Minnesota, an example of duplication might be cited in the situation of the House Appropriations Committee and the Senate Finance Committee each doing the same work for 90 days across the hall from each other.

Reorganization of the committee system would not require constitutional amendments or new statutes. It could be brought about by a change in the rules of the houses. A change in the rules can only be made by the legislature itself.

7. That Minnesota should have a law requiring the registration of the lobbyists. This registration should list the money spent and reveal to whom any money is paid. The lack of such a law keeps the public from knowing what is going on and makes such questions as "Who runs the legislature?" arise. (See page 17) Lester Velie has pointed out that "lobbying can be a legitimate and necessary part of the lawmaking process. Business interests, labor unions, teachers, veterans - or just plain citizens - have the right to state their cases. Lobbyists' information is useful in shaping laws. By keeping an eye on each other, lobbies can

often sound the alarm against legislation that is harmful to the public. The railroad lobbyist watches what trucking lobbyists are up to. Labor unions keep an eye on manufacturer's associations. The margarine interests battle the dairy-men. That is all to the good. But when the lobbyists start electing members, stacking committees, buying votes with jobs or legal fees, they become an 'invisible government'.¹

A law requiring registration of lobbyists would not require constitutional revision.

8. That the legislature and the committees spend much valuable time on special legislation affecting one community - legislation which the constitution would seem to forbid them to enact. Much of this special legislation is enacted under the guise of general laws but actually is applicable to only one community. The Council of State Governments has made this statement, "Responsibilities of the units of government below the state level have increased greatly within the last quarter of a century. Where states attempt to legislate in detail for their political subdivisions, the calendar of the legislature is congested by a vast number of bills of purely local concern which divert the energy and attention of the legislature from the broader aspects of public policy. It is, therefore, desirable to authorize units of local government to legislate with respect to those affairs which are primarily of local concern."²

The present problem of special legislation could be solved by the legislature simply observing present constitutional prohibitions. A suggestion by Dr. Ralph Fjelstad and the League of Minnesota Municipalities would be to revise the constitution to permit action on special bills providing they cannot go into effect before citizens of the community involved vote on them.

9. That accurate records are not kept of committee meetings although the house rules require that they be. That House and Senate Journals are also inadequate.
10. That the apportionment is not representative. (See "Reapportionment in Minnesota: Democracy Denied", November, 1953, League of Women Voters of Minnesota.)
11. That the work of the individual legislator is too great and his compensation is not great enough. During the session his work consists of attending sessions, working on several committees, considering bills, following up measures he has introduced, counteracting opposition, attending conferences, meeting with representatives of groups interested in legislation and with state officials to get their views, reading and answering mail, entertaining out of town visitors. After the session constituents press him for favors, he must evaluate suggestions for legislation from organizations and individuals, he must attend research conferences on proposed bills, he must accept requests for speeches and attend dinners, often to the detriment of his business. He may be a member of an interim committee, a position of responsibility with no extra compensation. He may be a majority or minority leader, in which case there is the job of preparing the legislative program for the next session and handling problems which arise between sessions.

We expect our legislators to perform these duties, and yet they are compensated only for the 90 days every other year plus a nominal sum for "cost of living" during the session. To quote Richard L. Neuberger, member of the Oregon Senate, "With a few exceptions - New York being particularly notable in this respect -

1. "The Great Unwatched", Readers Digest
2. "Our State Legislatures", report of the Committee on Legislative Processes and Procedures, Council of State Governments

state government is attempting to operate with stone-age tools. Legislators who write state laws and district attorneys who enforce them are, in the main, part-time officials. They can give their responsibility to the state only a lick and a promise. Other sources provide their basic incomes. Where the treasure is there is the heart - and the vote. These men are not free to make the public interest their exclusive concern. They must cater to special interests or they don't eat".¹

The compensation of legislators can be increased or decreased by the legislature itself and does not require constitutional change.

V. SET OF STANDARDS AND BASIC PRINCIPLES OF ORGANIZATION

It is difficult to appraise the merits of a reorganization proposal without first being familiar with a number of criteria or principles of organization and standard procedures which have been generally accepted as sound. The following criteria which are considered to be necessary and are listed here for your consideration have been evolved over the past decade by students of state government.²

1. Fair representative districting with automatic reapportionment.
2. Fair system of nomination and election of the members of the legislature by the people.
3. Party responsibility, partisan ballot.
4. Adequately staffed, completely non-partisan agencies of research, library reference service, and bill-drafting.
5. Legislative employees appointed on basis of merit.
6. Sessions not limited as to time.
7. Committee system organized on functional basis, required to keep journals as public records, and to publish notice of all hearings one week in advance.
8. Effective executive budget system covering all proposed state expenditures, including dedicated funds, federal aids, and debt service. Appropriations should never exceed revenues available and appropriations should be included in one bill.
9. An independent post-audit by an agency or officer appointed by and responsible only to the legislature (See page 14).
10. Terms of legislators longer than is now the case in most states, and staggered.
11. Annual salaries of legislators sufficient to permit competent persons to serve without financial sacrifice, should be provided.
12. Legislative Research Committee composed of a cross-section of legislators.
13. Use of voting machines is proper.
14. The minority group should be allowed to choose a proportional number of standing committee members.
15. Joint Committees organized wherever possible.
16. Period for introduction of new bills limited by rule, not by constitution.

The "Model State Constitution", prepared for the National Municipal League by a committee of distinguished political scientists, headed by W. Brooke Graves, Chief of the Legislative Reference Service of the Library of Congress, goes further by recommending a unicameral legislature, which would be a continuous body. It would meet perhaps quarterly, with the compensation to legislators in no case being less than \$4,000 per year. The legislature would be a small, highly select body with members chosen by proportional representation. The National Municipal League

¹ "The Decay of State Governments", Richard L. Neuberger, Harpers, Oct. 1953

² Sources of material:

Minnesota Institute for Governmental Research, Inc. Bulletin 29
 "Our State Legislatures", Council of State Governments
 "Model State Constitution", National Municipal League

believes that this system would bring about a change in procedure and in the attitude toward legislation on the part of legislators, administrators, and the public. It would enable normal legislative problems to be faced when the need arises, as a regular process, not in periodic spasms or emergency special sessions. An orderly process of distributing the work, the research, and the discussion over the 24 months would provide greater opportunity for ample consideration and far less hasty or ill-considered legislation. However, realizing that the unicameral legislature probably will not be adopted by many states in the near future, it is believed by the National Municipal League that most of the recommendations in the "Model State Constitution" could be adapted to the bicameral system. These have been included above in the set of standards, except for the recommendation for smaller houses if the bicameral system is used. Both House and Senate in most states are too large, (Minnesota has the highest number of Senators of any state, and only 13 states have more Representatives). The lower house could be cut 50% or more in most cases; even upper houses are more than twice as large, on the average, as they would need to be to give both fair representation and the advantage of deliberation in a small, highly select body. Smaller houses tend to bring the following benefits: they make the membership seem more important and thus increase each member's responsibility; they make it easier to increase the pay of legislators; they reduce the tendency to leave important decisions to more or less irresponsible committees; and they enable legislators to act as a truly deliberative assembly.

It is also worthy of note that the "Model State Constitution" sets the election for members of the legislature in the odd numbered years. Richard Neuberger also comments on this, pointing out that this would effectively separate national and state elections. He submits that one of the fundamental reasons for the decline of state government in the U. S. is the fact that state elections are held simultaneously with Presidential and congressional elections, and that voters fail to differentiate between state and national issues when voting for a party. He also deplores the fact of one-party rule in approximately 24 states of the union, stating, "Thus state government finds itself between two strangely contrasting pincers. In half the states the election of the legislature and Governor is dictated almost entirely by national tendencies that are remote from state affairs. And in the other half of the states, there might as well be no election at all. For regardless of corruption, or reaction, or extravagance with the taxpayer's money, the same dominant party within the state just keeps rolling along."

VI. REORGANIZATION PLANS WHICH HAVE BEEN PROPOSED

A. Minnesota Efficiency in Government Commission

Inasmuch as the "Little Hoover Commission" was limited by law to the study of the executive branch of the state government when it was set up by the legislature in 1949, it made very few recommendations concerning the legislative branch. It did make some, however, and this section of the report has been put down verbatim here since so few copies of the report are available to the general public:

Introduction:

The Commission desires to declare its faith in our representative, constitutional form of government. Danger lurks where any branch of the government allows itself to become weak and powerless to serve the people properly and adequately. This group of private citizens has studied in intimate detail the structure and operations of the Executive Branch of the government. This could not be done without a particular awareness of the place of the Legislature in the administration of government. The Commission is loath to suggest further improvements in the Executive Branch without pointing out the need for strengthening the Legislative Branch. Our form of government cannot live unless the three branches of government remain strong and substantially equal in power.

1. Department of Legislative Services

Herein we recommend primarily improvements in the Executive Branch of the State Government. We feel, however, there is urgent need for strengthening the Legislative Branch of Minnesota's State Government. The scope of legislation has increased many-fold in recent years. More than ever before, legislators need competent assistance in bill-drafting and obtaining reference library materials. Legislative committees need trained, year-round staff members. This is especially true in the fields of appropriation and tax legislation.

Recommendation: Establish a Department of Legislative Services on a permanent year-round basis to perform the following functions: Legislative research; bill-drafting; care of the legislative archives; publishing the legislative manual; coding and publishing administrative rules and regulations; responsibility for the legislative reference library; and responsibility for the functions previously exercised by the Secretary of State for elections and canvassing. In addition, this department should be responsible for the functions of the voting machine commission for which there would no longer then be a need.

The Revisor of Statutes, now responsible to the Supreme Court, should be assigned to this new legislative service department. The director of this department should preside at the opening session of the House of Representatives and a member of the Supreme Court should administer the oath of office to the members. The head of this department should be appointed by the legislature.

2. Department of Post-Auditor

That no man should be empowered to audit his own books is axiomatic in private business. It ought to be so in the public business. In Minnesota, the Public Examiner, an appointee of the Governor, post-audits the accounts of the departments of the Executive Branch. Clearly this is wrong.

The function of post-auditing - of reviewing the financial transactions and accounts of the state government - belongs to the legislature. The power which the people have placed in the legislature to appropriate money to the Executive Branch carries with it a responsibility to force accountability by the Governor and his department heads. When the legislature has provided the machinery to fulfill this obligation to the people, it can, with confidence, accord the Governor power and authority commensurate with his responsibility for all administrative operations of the government.

Recommendation: Establish a Department of Post - Auditor in the Legislative Branch in order to bring the post-audit function directly under control of the legislature. The Post - Auditor should be an individual of high qualification in the accounting and auditing field, appointed by the legislature for a long fixed term of office. Sufficient funds should be made available so that post-audits can be made currently and not after a lapse of years.

3. Legislative Emergency Committee

The Legislative Advisory Committee has served a good purpose in distributing the contingent fund, veterans' relief, general relief, and aids of the type which cannot have a definite basis of distribution. However, it was ruled by the Attorney General that the Legislative Emergency Committee as first created in 1939 was unconstitutional in that it was acting in an administrative field. Consequently the name was changed to Legislative Advisory Committee and the legislative members of this committee, under the law, act in an advisory capacity to the Governor.

Recommendation: Establish by constitutional amendment, a Legislative Emergency Committee consisting of the Governor and membership from the House and Senate as now

prevails on the Legislative Advisory Committee. The duties performed by the Executive Council in issuing short term notes, the Allotment Board with respect to allotment of highway funds, and activities of the Land Exchange Commission, should be assigned to the Legislative Advisory Committee.

4. Transfer of Funds

As has been said, the Legislature is obliged to hold the Executive Branch accountable for its expenditures. The Legislature has used rigid appropriations to meet this obligation, and the device has created inefficiency and waste. The practice of appropriating for 1) salaries and 2) supplies and expense has resulted in conditions where employees who must travel in the performance of their duties remain at home, on a salary, because the amounts necessary for supplies and expense are not available.

Recommendation: Empower the Legislative Advisory Committee to transfer funds from one appropriation to another within a department but not between departments. . . .

5. Acting Upon this Commission's Recommendations

The Legislature should empower and direct the Department of Legislative Services to set up a schedule, to be approved by the Legislature, for putting into effect the recommendations of this Commission, and should report to the Legislature at regular intervals, the progress made toward this end.

B. Report of the Constitutional Commission of Minnesota

This commission was created by the 1947 Legislature, and in accordance with its purpose, recommended changes in the constitution which would be in the public interest. Noteworthy constitutional changes which it recommended in the Legislative Department are as follows:

1. It would modify the present 90 day limit on sessions by permitting the legislature to extend the 90 day term by concurrent resolution adopted within 75 days.
2. It would change the present time limit for introduction of new bills by substituting a provision that no bill shall be introduced at a regular session after the 70th day unless consent is given upon an important matter of general interest by concurrent resolution. In practice, the present limitation has become meaningless because for many years the governor has agreed to "request" the introduction of bills of the most trivial nature.
3. The constitution now provides that special sessions may be called only by the governor. The commission would permit the legislature also to provide for calling special sessions.
4. Reapportionment (see League material November 1953).
5. The constitution now provides that although a member of the legislature may resign, he is still disqualified from holding other office during the unexpired portion of his term. The commission recommends that he be disqualified from holding other office only during his continuance in office as legislator.
6. It would permit both houses to introduce revenue measures, instead of only the House, as the constitution now provides.
7. It would make possible the elimination of roll call votes by unanimous consent.
8. The present constitutional requirement that every bill be read on three different

days in each house and twice at length is unworkable in the light of the mass of material considered at every session. The commission recommends that the number and title of every bill should be read when introduced or when received after passage by the other house, and such number and title be published in the journal. No bill should be passed earlier than the third day after introduction or reception from the other house unless 2/3 of the house where it is pending shall so order. This change follows rather closely the present practice in the legislature.

9. It would omit that section of the constitution which prohibits passage of bills on the last day of the session.
10. It recommends that no special law should be enacted when a general law can be made applicable, and that the question whether a general law could be made applicable shall be determined by the judiciary. However, the legislature could repeal any existing special laws.

C. Senate File 1039

The Minnesota Institute of Governmental Research, in its bulletin, "Reorganizing the State Government of Minnesota", July 1952, draws attention to the bill Senate File 1039, submitted to the 1951 legislature. This bill failed to clear the Senate committee, so was not considered on the floor. It did, however, follow quite closely many of the organization recommendations of the Little Hoover Report, and could well serve as a starting point for any redraft of proposed legislation to be submitted to a future session. The Minnesota Institute points up some of the provisions of this bill which would have affected the legislature itself:

1. A section of it would have required the Commissioner of Administration to prepare a single appropriation bill covering all appropriations. This provision would have given Minnesota a 100% budget system by including all expenditures from dedicated funds, and would have provided that any proposed expenditures not included would not be paid. Such a bill would give the public a true picture of all proposed expenditures. Only about half of the actual expenditures for the current biennium were included in the appropriation bills. This appropriation bill would have been submitted to the legislature with the budget, and automatically referred to the appropriations committees of the two houses.
2. A Department of Legislative Services would have been created under the control and supervision of a commissioner appointed by the legislature. This department would provide the staff and administer the expenses for the legislative research committee and all special interim committees. It would also give legislative assistance in bill drafting, library reference service, and keeping records and archives. It would assume the present duties of the Revisor of Statutes, and this office would be abolished. A deputy and all employees of this department would be under civil service. This department would have met the urgent need for more reliable knowledge about proposed legislation.
3. Senate File 1039 also would have created a Department of Post-Audit under the supervision of a public examiner appointed the legislature, not by the governor. This is one of the most important improvements provided for in the entire bill.

If Senate File 1039 had become law, it would have corrected most of the structural organizational defects of Minnesota's state government, in the opinion of the Minnesota Institute.

In addition to recommending most of the provisions in the above bill, the Minnesota Institute has some further recommendations for bringing the Minnesota

legislature up to date:

- a. There are too many standing committees, resulting in conflict and confusion. Twenty would be sufficient, with each member serving on only one, allowing time for specializing in the subject matter.
- b. The Legislative Research Committee should study the operation of the legislative body. This would be highly proper as this committee is the creation of the legislature.
- c. The legislature should review continuously administrative interpretations, rules and procedures, to make certain that they conform with legislative intent; the present activities of the Publications Board should be transferred to a legislative agency.

In 1953, three "Little Hoover" bills passed the legislature.

- 1) Public Welfare, merging two of the state's biggest divisions,
- 2) The setting up of a Department of Employment Security, and
- 3) The creation of a Department of Business Development.

One bill which would have pertained to legislative reorganization concerned post-auditing, and this was never passed out of the committee to which it was referred.

VII. RECENT EVENTS IN OTHER STATES¹

Due to the growing burden of state legislation and the increasing difficulty of handling state finances on a biennial basis, Arizona, Colorado, and Michigan have provided for annual sessions of their legislatures in place of their former biennial systems. These bring to 10 the number of states with annual sessions. Of these 10, 3 limit the even year sessions to the exclusive consideration of the budget, revenue, and tax measures.

Interim committees are being used more and more to study the efficiency of state government and to propose organizational changes, in addition to their use for securing data upon which legislation could be based.

Utah, New Mexico, and Wyoming have recently provided for salary increases for their legislators.

South Carolina has reduced the number of its standing committees from 52 to 36. Also has limited the number of members on each committee and the number of committees each member may serve on.

Maine has changed its time limitation on the introduction of new bills from 30 days before the end of the session to 45 days after the beginning of the session. Colorado has abandoned its requirement that all bills must be introduced by the first 15 days.

Oklahoma has provided for television broadcasts of the legislature in session, two afternoons of each week during session.

In at least a dozen states in their most recent sessions, bills have been introduced to provide more rigid regulation of lobbyists. In 1951, 29 states and Alaska required registration of lobbyists, and 19 states and Alaska also required filing of expense statements. Minnesota is one of only 10 states which do nothing to regulate lobbyists.

1 Book of States, 1952-53 - Council of State Governments

A great deal has been written about Nebraska since that state's decision by constitutional amendment in 1934 to provide for a unicameral, non-partisan legislature, was put into effect. Richard C. Spencer, Prof. of Political Science at Coe College, has pointed out some of the factors which have contributed most to its success:

1) knowledge of what is going on, that is, absence of the uncertainty so common under bicameral systems caused by not knowing what another chamber, its standing committees or committee chairmen or conference committees may do; 2) a bill procedure that is deliberate and democratic; 3) procedure that is clear, understandable, observable, and easily reportable by the newspapers; 4) committee structure that promotes some degree of internal leadership and coordination; 5) a session that is not limited as to duration.

These factors are the result of the original planning under the direction of the late Sen. George W. Norris, a leading advocate of the plan in Nebraska. The small body (43 members) has made manipulation by the party leaders more difficult and more easily visible by the public. Now, however, some people in both parties in Nebraska are making an effort to abolish the unicameral system in favor of a return to the conventional two houses. An editorial of the St. Louis Post Dispatch of Sunday, Sept. 27, 1953, states, "A bipartisan committee intends to seek a referendum on the question at next year's election....Without such a towering figure as Senator Norris to defend the unicameral, the politicians may be able to undo his work. After all, both party organizations and nearly every newspaper in the state fought the proposal in the first place....And yet it would be strange if the people joined in killing a progressive reform which for nearly 20 years has stamped Nebraska as an intelligent innovator in legislative organization. For almost all of those 20 years the nation has been hearing of the benefits which Nebraska reaped from its bold experiment. Little has been heard of any serious disadvantages, and those mentioned now - activity of lobbyists, dissatisfaction with legislative districting, absence of party responsibility - sound more like general complaints against all legislatures than specific criticisms of the unicameral form." There are, of course, differences of opinion on unicameral legislatures. The comment is not all favorable, one of the criticisms being that two houses serve as a check on each other, tending to lessen mistakes of judgment, interpretation, language, etc. Another criticism mentioned is the difficulty of getting adequate and satisfactory representation. The basis of representation becomes even more important with a smaller one-house body.

The past three years have shown unprecedented activity by the legislatures, as well as by administrative leaders, looking to improved organization of state government. During this period agencies in 33 states and 2 territories studied their governmental structures and made proposals for reorganization. 32 of these had statutory authorization from their legislatures. Proposals which these agencies have made have received study from legislative committees in many states, pointing to future changes in the interest of efficiency, economy, and improved public service. Many of these proposals were similar to those recommended for Minnesota by the various agencies and groups mentioned earlier. Some proposals were different, however, and seem worthwhile to mention:

Arizona 1) Limit membership of House to fixed number.
2) Establish 4-year terms for all legislators.

Connecticut 1) Annual sessions without fixed date of adjournment.
2) Senate redistricted after each decennial census by a commission of 3 - Lt. Gov., President pro tem, and Speaker of House. Supreme Court, power of enforcement.

Idaho 1) No legislator should serve on more than 3 committees, one major and two minor.
2) Eliminate duplication by providing for frequent joint meetings of committees of both houses.

1 National Municipal Review, Feb. 1950

- 3) Prevent abuse of filibuster by providing that 2/3 of either house may order dispensing of any bill presented for final consideration.

South
Carolina

Relieve the legislature of the responsibility of handling local legislation. This would require a constitutional amendment providing for the transaction of all purely county business at the county level by the counties themselves instead of at the state level.

Commissions of 9 states (including Minnesota) and two territories in recent years have suggested that either the Auditor, who is elected, be relieved of executive duties of pre-audit and accounting, or that the position of a post-auditor be set up. In Minnesota, the pre-audit is carried out by the Auditor, who is elected, and the post-audit by the Public Examiner, who is appointed. In 1944, the Minnesota House of Representatives Committee on State Administration and Employment criticized the fact that the public examiner was not entirely independent of the executive branch which he is obliged to audit. The Public Examiner is appointed by the governor with senatorial consent for a 6-year term, and "therefore owes a political obligation to the Governor". The committee also asserted that the independent post-audit is a "requisite to provide the legislature with adequate control over the administrative branch and yet interfere in no way with its day to day operations". As stated earlier, a bill to set up such a department failed in the 1953 legislature in Minnesota. However, a constitutional amendment providing for a position of Post-Auditor was adopted in Arizona in 1950.

Speaker of the House. The bulletin of the Bureau of Public Administration of the University of California, "1953 Legislative Problems", states, "The chief power of the Speaker in his exercise of political leadership is the authority to appoint the members of standing committees, and an important strategy of would-be speakers in electioneering for the post is the promise of particular committee assignments in return for support". He may make up the committees with the object of making them responsive to the points of view which he or the other majority leaders favor. "One reason that the selection of committee members assumes such importance lies in the fact that the speaker in a state assembly usually has the power to decide to which of 2 or 3 committees a particular bill shall be referred." Speakers in 42 states have this power, (including Minnesota). As a restraint to abuse of this power (referring bills to committees which the speaker knows to be favorable or unfavorable as the case may be), some states make his decisions subject to appeal and may be changed by a majority vote of the House.

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