

No. 5



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**CITY OF
ANCHORAGE**



ALASKA

File -
HB 517

February 7, 1972

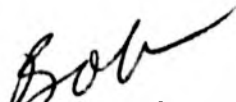
POST OFFICE BOX 400
ANCHORAGE, ALASKA
99501

The Honorable William J. Moran
Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99801

Dear Bill:

In accordance with our telephone conversation of this date, I am enclosing the City of Anchorage, Municipal Division of the District Court, budget for 1972. Also enclosed is an extract of the Fines and Forfeitures section of the budget.

Sincerely yours,


Robert E. Sharp
City Manager

Enclosures: a/s



AIRMAIL IS FASTER

CITY OF ANCHORAGE

DEPARTMENT Municipal Division of District Court	ACCOUNT TITLE Administrative	ACCOUNT NUMBER 1005.00	SUMMARY	A	PAGE C84
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ACCOUNT SUMMARY

EXPENDITURE CLASSIFICATION	1968 ACTUAL	1969 ACTUAL	1970 ACTUAL	1971 REVISED BUDGET	1972		
					REQUEST	RECOMMEND	APPROVED
Personal Services	91,581	68,881	83,000	131,075	180,854	155,250	155,250
Contractual	27,406	11,479	9,062	17,688	17,360	17,780	17,780
Supplies	2,429	2,779	2,259	2,753	3,250	3,000	3,000
Other Costs	3,650						
Capital Outlay		549	1,029	47	24,200	700	700
	125,066	83,688	95,350	151,563	225,664	176,730	176,730
Less Interfund Charges							
Total	125,066	83,688	95,350	151,563	225,664	176,730	176,730

DEPARTMENT	DIVISION	ACCOUNT TITLE	ACCOUNT NUMBER	WORK PROGRAM
Mun. Div. Dist. Court	COURT	Administration	1005.00	

Problem

Lack of space to conduct Arraignments, & Jury and Court Trials. Failure to provide timely trials will result in dismissals. RE: Criminal Rule 45, as amended by Alaska State Supreme Court Order No. 131 Section (b). Trials presently being set into 6th month after defendant is arraigned. 639 Trials pending as of August 25th, 1971. Rental Cost to City for extra court room from Sept. 28 thru July 31 - 6,607.20.

Goal-1

- (A) Implement efficient procedures to accomodate increased load resulting from requirement of Jury trials plus normal increase in number of cases filed.
- (B) Departments current program will not contribute to timely trials without wholesale dismissal of cases.
- (C) Greatly needed is additional court room space and assignment of another full time Judge or Magistrate.

Objective

- (A) Existing facilities will have to be divided creating a second court room - this can be accomplished at an approximate cost of \$23,500.00.
- (B) One court room will conduct Jury Trials, one court room will conduct Non-Jury trials five days per week beginning at 8:00AM each day. Scheduling of trials for each court will govern time of day court will close. Arraignments will be held in the late afternoon and early evenings.
- (C) Provide court space & additional court personnel (if necessary) to handle in timely & efficient manner the business of Municipal Division of District Court within one facility or area.

Progress Evaluation

- (A) Case flow in timely manner; elimination of confusion in procedure; elimination of unreasonable continuances of cases. Results would be reflected in less backlog in number of cases & show increase in revenue as well as timely dispensation of justice.
- (B) Cases scheduled from April 2 thru August 4, 1971 - 1426. Cases actually held - 206. Cases Dismissed - 368. Cases granted continuances - 305. Changes of Pleas, Bail Forfeitures and Bench Warrants - 558.
- (C) Cases that could have been tried during period April 2 thru Aug. 4 (Providing adequate space and personnel available) - 673.

CITY OF ANCHORAGE

DEPARTMENT Municipal Division of District Court		ACCOUNT TITLE Administrative	ACCOUNT NUMBER 1005.00	DETAIL	B	PAGE C86
CODE NO.	EXPENDITURE CLASSIFICATION	1970 ACTUAL	1971 REVISED BUDGET	1972		
				REQUEST	RECOMMEND	APPROVED
	<u>PERSONAL SERVICES</u>					
8110	Salaries	59,020	89,389	114,632	107,860	107,860
8120	Overtime	2,340	2,330	2,000	2,000	2,000
8140	Liability & Workman's Comp. Ins. -	876	1,384	1,373	1,870	1,870
8141	Retirement Plans	1,330	1,550	2,876	1,860	1,860
8142	Life Insurance	40	60	80	80	80
8143	Medical Insurance	302	2,125	2,110	2,110	2,110
8144	Social Security (FICA)	2,645	4,527	5,983	5,570	5,570
8180	Contracted Labor (Judges)	16,447	29,710	51,800	33,900	33,900
	Total	83,000	131,075	180,854	155,250	155,250
	<u>CONTRACTUAL</u>					
8211	Duplicating	558	548	650	650	650
8221	Telephone, Switchboard	2,220	2,300	2,400	2,400	2,400
8235	Tuition Refunds	108		-0-	-0-	-0-
8241	Interfund Charges				1,640	1,640
8252	Other Vehicles or Equip. Rented	1,741	600	630	630	630
8253	Private Vehicle			300	300	300
8254	Space Rental - City Buildings	3,151	11,280	12,980	11,810	11,810
8261	Repairs & Maintenance-City Forces	522			150	150
8262	Other Repairs & Maintenance		2,610		-0-	-0-
8270	Travel	666			-0-	-0-
8271	Dues & Subscriptions	96	350	400	200	200
	Total	9,062	17,688	17,360	17,780	17,780
	<u>SUPPLIES</u>					
8303	Office Supplies & Postage	2,259	2,753	3,250	3,000	3,000
	<u>CAPITAL</u>					
8602	Additional Court Room			23,500	-0-	-0-
8605	Machinery & Equipment	1,029	47	700	700	700
	Total	1,029	47	24,200	700	700
	Total Operating Budget	95,350	151,563	225,664	176,730	176,730

DEPARTMENT Municipal Division of District Court		ACCOUNT TITLE Administrative		ACCOUNT NUMBER 1005.00		PERSONNEL		C	PAGE C87
CLASSIFICATION	RANGE	SALARY RATE	EMPLOYEES CURRENT *BUDGET	1972					
				* REQUEST	* RECOMMEND	* APPROVED			
Department Adm. Assist II	25	994-1209	1	1	13,176	1	13,176	1	13,704
Accounting Clerk II	15	671-817	2	2	18,074	2	18,074	2	18,796
Jury Trial Clerk	13	620-755	2	2	16,352	2	16,352	2	17,006
Non-Jury Trial Clerk	13	620-755	1	1	7,622	1	7,622	1	7,926
Arraignment Clerk	13	620-755	2	2	15,474	2	15,474	2	16,092
In-Court Bailiff	19	787-956	2	2	19,590	2	19,590	2	20,374
Arraignment Clerk (PT)	13	620-755	1 1/2	2	14,996	1 1/2	11,247	1 1/2	11,696
In-Court Bailiff (PT)	19	787-956	3/4	1	9,348	3/4	7,011	3/4	7,292
			12 1/4	13	114,632	12 1/4	108,546	12 1/4	112,886
<u>New Position</u>									
Vacation Replacement (Bailiff)	19	787-956			1,510		1,510		1,570
Less 2% Vacancy Rate							(2,201)		(2,245)
TOTAL			12 1/4	13	116,142	12 1/4	107,855	12 1/4	112,211
* This column used for number of employees in each class.									
COMMENTARY									

DEPARTMENT MUNICIPAL DIVISION OF DISTRICT COURT	ACCOUNT TITLE ADMINISTRATION	ACCOUNT NUMBER 1005.00	COMMENTARY	D	PAGE C88
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	<u>Department Request</u>	<u>Manager Recommends</u>	<u>Council Approved</u>
8110 - Salaries-In court Bailiff as vacation replacement for existing positions	1,510	1,510	1,510
8180 - Contracted Labor - One additional Judge or Magistrate required to conduct additional court sessions, thus providing more time for trials	51,800	33,900	33,900
8242 - Inter-Fund Charges Courier Microfilm-Records		410 <u>1,230</u> 1,640	410 <u>1,230</u> 1,640
8253 - Bailiff use of private automobile to transport jurors, and in some instances prisoners. Clerk use of private automobile carrying on business of Municipal cases in State Court Building.	300	300	300
8602 - Partition existing facilities to provide two court rooms. Present facility operating at full capacity requiring rental being paid for court space.	23,500	-0-	-0-
8605 - Typewriter for added personnel.	700	700	700

GENERAL FUND		REVENUE DETAIL					PAGE
		1970	1971	1972			B1
ACC'T. NO.	CLASSIFICATION	ACTUAL	REVISED BUDGET	REQUEST	RECOMMEND	APPROVED	
	I. TAXES						
.7001	Real Property	3,942,073	4,585,815	5,540,940	5,362,200	5,362,200	
.7002	Personal Property	1,127,982	1,257,550	1,406,620	1,361,250	1,361,250	
.7010	PILOT - Off-Street Parking	39,090	79,173	79,170	77,940	77,940	
.7015	PILOT - Anchorage Telephone Utility	355,030	365,105	527,000	412,420	412,420	
.7016	PILOT - Municipal Light & Power	234,520	241,120	345,380	380,970	380,970	
.7017	PILOT - Water Utility	254,760	265,731	299,500	299,500	299,500	
.7018	PILOT - Port of Anchorage	21,648	25,360	25,410	25,410	25,410	
.7025	Franchise Tax - Anchorage Natural Gas	100,671	105,868	111,330	112,000	112,000	
.7026	Co-Op Taxes - Chugach Electric	17,073	33,955	40,000	40,000	40,000	
.7030	Voluntary PILOT - ASHA	8,884	10,000	10,000	10,000	10,000	
.7035	Penalties & Interest on Delinquent Taxes	72,969	60,000	70,000	70,000	70,000	
	Subtotal	6,174,700	7,029,677	8,455,350	8,151,690	8,151,690	
	II. LICENSES AND PERMITS						
.7100	Building & Trade Licenses	12,234	15,450	15,000	15,000	15,000	
.7101	Building Permits	234,460	210,000	290,280	290,000	290,000	
.7102	Taxi Zone & Terminal Fees	6,155	6,000	6,400	6,500	6,500	
.7103	Other Business Licenses	17,089	20,000	20,000	20,000	20,000	
.7110	Street Use Permits	2,220	2,000	5,420	5,500	5,500	
.7120	Chauffers' Licenses	4,393	3,810	4,800	5,000	5,000	
.7121	Licenses on Amusement Devices	8,783	6,000	6,500	6,500	6,500	
.7122	Liquor Handlers' Permits	3,361	3,400	4,000	4,000	4,000	
	Subtotal	288,695	266,660	352,400	352,500	352,500	
	III. FINES AND FORFEITURES						
.7200	Parking Violations	252,869	300,000	360,000	360,000	360,000	
.7201	Court Fines & Forfeitures	390,531	409,000	390,000	390,000	390,000	
.7202	Failure to Appear Warrants	48,682	60,000	60,000	60,000	60,000	
.7210	Library Book Fines	10,546	10,500	12,000	12,000	12,000	
.7212	Impound & Storage of Aircraft	236	200	250	250	250	
	Penalty & Interest-Spec. Assmt.	11,939	-0-	-0-			
	Subtotal	714,803	779,700	822,250	822,250	822,250	

RECOMMENDATIONS ADOPTED BY THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS AT ITS SEPTEMBER 11, 1970 and JANUARY 22, 1971 MEETINGS DEALING WITH STATE-LOCAL RELATIONS IN THE CRIMINAL JUSTICE SYSTEM

A. COURTS

Recommendation 1. Organization and Administration

The Commission recommends that each State establish a simplified and unified court system, consisting of a supreme court, an intermediate court of appeals if necessary, a general trial court and special subdivisions of the general trial court performing the duties of courts of limited jurisdiction. The Commission also recommends that the States abolish justice of the peace courts, or overhaul them by placing them under State supervision, direction and administration; by compensating justices by salary rather than by fees; and by requiring them to be licensed to practice law in the State or pass an appropriate qualifying examination. The Commission further recommends that all courts be subject to administrative supervision and direction by the supreme court or the chief justice; to uniform rules of practice and procedure promulgated by the supreme court subject to change by the legislature; and to the flexible assignment by the supreme court or chief justice of judges from court to court within and between levels.

Recommendation 2. State Court Administrative Office

The Commission recommends that all States provide an administrative office of the State courts, headed by a professional administrator, to assist in the administrative supervision and direction of the State court system.

Recommendation 3. Trial Court Administrative Offices

The Commission recommends that States authorize and encourage establishment of administrative offices for the general trial courts of large urban areas. The Commission further recommends that such offices be headed by professional administrators and be under the general supervision of the State court administrator where one exists.

Recommendation 4. Methods of Selecting Judges--The "Merit Plan"

The Commission recommends that State and local governments, where needed, adopt the "Merit Plan" of selecting judges, whereby commissions consisting of representatives of the bar, the judiciary, and the public screen and nominate qualified candidates for appointment by the chief executive. The Commission further recommends that judges so appointed be required to submit themselves to voter approval or disapproval at an election at the end of each term.

Recommendations

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Recommendation 5. Judicial Discipline and Removal: The California-Type Commission on Judicial Qualifications.

The Commission recommends that, where lacking, States establish machinery for the discipline and removal of incapacitated or unfit judges, patterned after California's Commission on Judicial Qualifications.

Recommendation 6. Judicial Qualifications

The Commission recommends that States require all judges to be licensed to practice law in the State.

Recommendation 7. Mandatory Retirement

The Commission recommends that, where lacking, State laws require mandatory retirement of State and local judges upon reaching age seventy.

Recommendation 8. Full-Time Judges

The Commission recommends that States require all judges to devote full-time to their judicial duties.

Recommendation 9. State-Local Sharing of Court Financing: Full State Assumption of Costs

The Commission recommends that States assume full responsibility for financing State and local courts.

Recommendation 10. Improved Federal-State Court Relations

The Commission urges State and Federal district judges, judicial officers and Bar Associations to initiate and support the development of State-Federal Judicial Councils composed of chief judges of State and appropriate Federal district courts to cooperatively explore problems of joint concern, including procedures for review of past conviction petitions.

B. PROSECUTION

Recommendation 11. Increased State Responsibility for Prosecution

The Commission recommends that States strengthen State responsibility for prosecution by enhancing the attorney general's authority to oversee the work of local prosecutors; by establishing a State council of prosecutors composed of all local district attorneys and under the leadership of the attorney general; and by giving the attorney general the power to consult with and advise local prosecutors in matters relating to the duties of their office; and when, in his judgement, the interest of the people of the State requires it, to attend the trial of any party accused of a crime and assist in the prosecution and intervene in any investigation, criminal action, or proceedings instituted by prosecuting attorneys in certain specified instances. The Commission further recommends that States empower the supreme court to remove a prosecuting attorney pursuant to prescribed procedures and safeguards.

Recommendation 12. Consolidation of Local Prosecution Functions in Certain Areas

To achieve more efficient use of manpower and a higher level of prosecution, the Commission recommends that States, where necessary, centralize the local prosecution function in a single office, responsible for all criminal prosecutions.

Recommendation 13. Prosecutorial Districts and the Part-Time Prosecutor

The Commission recommends that States require prosecuting attorneys to be full-time officials and that their jurisdictions be redrawn so that each is large enough to require the full-time attention of such an official and to provide the financial resources to support his office.

Recommendation 14. Financing Prosecution

The Commission recommends that States pay at least 50 percent of the costs of local prosecuting attorneys' offices.

Recommendation 15. Flexible Grand Jury Procedures

The Commission recommends that, where necessary, States enact legislation authorizing prosecutors to bring indictments through either grand jury or information procedures. The Commission further recommends that prosecutors utilize grand juries primarily in cases of alleged official corruption or extraordinary public concern. When used, grand juries should be empaneled on a frequent enough basis to prevent unnecessary court delay. The Commission stresses that nothing in this recommendation is intended to modify the traditional investigative powers of grand juries.

C. DEFENSE COUNSEL FOR THE INDIGENT

Recommendation 16. State-Local Responsibility for Providing Defense Counsel for the Indigent--Direct Administration by the State

The Commission recommends that each State establish and finance a statewide system for defense of the indigent, making either a public defender or coordinated assigned counsel service readily available to every area of the State.

D. POLICE

Recommendation 17. Provision of Basic Police Services (Patrol and Preliminary Investigation) in all Metropolitan Localities

The Commission recommends that all local governments in metropolitan areas assure the provision of full-time patrol and preliminary investigative services to their residents. Metropolitan localities should provide these services either directly, or through intergovernmental cooperation with States, counties, or other local governments, or some combination thereof. The Commission also recommends that overlying county governments should be empowered to assume the police function in any metropolitan locality which fails to provide patrol and preliminary investigative services, charging the cost of such assumed police service to the affected local government. The Commission further recommends that in cases where the county does not assume these police services, State legislation should mandate the consolidation of police services in metropolitan jurisdictions which do not provide basic police services directly or through interlocal agreements.*

*Governor Reagan dissented.

Recommendations

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Recommendation 18. Provision of Supportive (Staff and Auxiliary) Police Services in Metropolitan Areas

The Commission recommends that counties be empowered and encouraged to perform specialized, supportive (staff and auxiliary) police services for constituent localities in single county metropolitan areas. These services should include communications, records, crime laboratory, and other related functions. The Commission further recommends that in multicounty or interstate metropolitan areas, States authorize and encourage appropriate areawide instrumentalities such as regional criminal justice planning agencies, councils of government, or multifunctional, multicounty agencies to perform these supportive police services.

Recommendation 19. Special Police Task Forces in Multicounty Metropolitan Areas

The Commission recommends that States authorize or encourage the creation of specialized police task forces, under State or interlocal direction, to operate throughout multicounty and interstate metropolitan areas in order to deal with extralocal and organized crime. The Commission further recommends that under the interlocal option, any areawide agency performing two or more operating functions be given responsibility for the task force; if no such areawide agency exists, the force should be established by interlocal agreement among the participating local governments.

Recommendation 20. Extraterritorial Police Powers

The Commission recommends that, where necessary, States enact legislation and enter into interstate compacts giving localities carefully circumscribed extraterritorial police powers relating to "close pursuit" of felonious criminal offenders and to geographically extended powers of criminal arrest. The Commission further recommends that States clarify governmental responsibility for liability insurance for police officers engaged in lawful extraterritorial police activity.

Recommendation 21. Financing County Police Services in Unincorporated Portions of Urban Areas.

The Commission recommends that where counties provide police services to unincorporated portions of metropolitan areas, States should require the costs of such services to be borne entirely by such unincorporated areas.

Recommendations

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Recommendation 25. Independent County Police Forces and Modernized Sheriffs' Departments

The Commission recommends that States give metropolitan counties the option of assigning basic responsibility for county-wide police services to an "independent" county police force under the control of the county chief executive or county board of commissioners. The Commission further recommends that States enact legislation which requires county law enforcement agency personnel to be compensated solely on a salary basis, covered by civil service tenure provisions, and provided with adequate retirement benefits. Where counties choose not to exercise the option of creating an independent county police force, States should authorize the assignment of responsibility for countywide police service to the sheriff's department, the reassignment of the sheriffs' court and jail* duties to appropriate court and correctional agencies, and the enactment of legislation which removes tenure limitations on the sheriff's office.

*The term "jail" refers to a short-term correctional institution other than a local holding facility.

Recommendation 26: Abolition of the Office of Constable

The Commission recommends that States abolish the office of constable and transfer its duties to appropriate lower court systems.

Recommendation 27. Abolition of the Coroner's Office

The Commission recommends that States abolish the office of coroner. The Commission also recommends that States enact legislation requiring that the medical functions of the coroner be exercised by an appointed local medical examiner and the judicial functions of the coroner position be exercised by the local prosecuting attorney. The Commission further recommends that such legislation should stipulate that official records regarding certification of death be a matter of public record, and a grand jury or specified number of citizens, by petition, may call for an inquest.

Recommendation 28. Improving Police Selection, Training, and Education.

The Commission recommends that, where needed, States create Councils on Police Standards, composed of appropriate State, local and public members, to develop and recommend minimum standards for police selection and basic training. The Commission further recommends that States enact legislation promulgating mandatory minimum standards in these areas and assigning the administration of these standards to such Councils. States should meet 100 percent of the cost of local training programs meeting mandatory State standards. The Commission further recommends that States encourage private and public institutions of higher education to offer appropriate programs for police training and that local governments establish incentive pay plans or other fiscal aids designed to help local policemen in furthering their professional training by participating in such programs.

Recommendation 29. State Criminal Code Revision.

The Commission recommends that State legislatures revise their criminal code to better define the scope of discretionary police activities. More specifically, State criminal codes should stipulate the bounds of legitimate police activity in the exercise of arrest powers, search procedures, and interrogation practices. The Commission further recommends that, where lacking, States enact comprehensive governmental tort liability statutes to protect State and local police employees from tort actions arising out of legitimate use of discretionary police powers.

Recommendation 30. Modifying Personnel Practices.

The Commission recommends modification of State laws which restrict local chief executives from appointing local police chiefs from the ranks of any qualified applicants and which restrict local police chiefs from appointing division heads and assistants reporting directly to them. The Commission further recommends that where necessary States modify veterans' preference and other State civil service regulations which serve to limit unduly or otherwise restrict the selection, appointment, and promotion of qualified local policemen.

E. CORRECTIONS

Recommendation 31. Reordering Priorities

The Commission concludes that since corrections is the step-child of the criminal justice system, it is essential that greater public attention, funds, and policy focus be directed to this field and that basic reforms be undertaken. The Commission recommends, as a matter of general public policy, that State and local officials give a high priority to upgrading correctional institutions and rehabilitation services in order to help reduce crime rates.

Recommendation 32. Strengthening Community-Based Treatment

The Commission concludes that adequately financed, staffed, and supervised community-based treatment programs including probation, work release, youth service bureaus, half-way houses, parole, and aftercare--can be more effective than institutional custody in rehabilitating most offenders and in facilitating their readjustment to society.

Recommendation 33. Refocusing State-Local Correctional Responsibilities

The Commission concludes that while State governments have an overriding responsibility to ensure the provision of certain correctional services on a statewide basis, including responsibility for assignment and transfer of convicted prisoners, other correctional activities can be more appropriately handled by local governments. Hence--

The Commission recommends that the States assume full financial, administrative, and operational responsibility for juvenile and long-term adult correctional institutions, parole, juvenile aftercare, and adult probation. The Commission further recommends that local governments retain operational and a share of the fiscal responsibility for short-term adult institutions and jails, adult and juvenile detention, and misdemeanor and juvenile probation, and that the States establish and monitor minimum standards of service, furnish planning and technical assistance, and provide a reasonable share of the costs of such activities.*

*Governor Hearnes dissented.

Recommendations

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Recommendation 34: Consolidating State Administrative Responsibilities

The Commission recommends that the State's responsibility for correctional activities, excluding the adjudicatory functions of granting paroles or pardons, be vested in one State department or agency directly accountable to the Governor.

Recommendation 35: Upgrading the Detention Function

To ease the critical problem of comingling untried persons with convicted offenders, and to expedite the trial of such persons, the Commission recommends that States and local governments jointly plan and develop adequate adult and juvenile detention services and facilities which relate to the processes of the court system.

Recommendation 36: Programs and Facilities for Work Release

The Commission recommends that State and local governments enact legislation, where necessary, authorizing work-release programs and establishing administrative and fiscal procedures to enable the State correctional agency to utilize approved regional or community institutions and jails for the placement of those prisoners who might benefit from such programs.

Recommendation 37: Expanding Vocational Training

The Commission concludes that the educational and vocational programs of most State and local institutions have failed to equip adequately offenders with the skills and experience necessary for successful reintegration into society, and that this, in turn, has contributed to the high rate of recidivism.

The Commission, therefore, recommends that State and local governments initiate or revamp their academic and vocational training offerings for inmates of juvenile and adult institutions.

Recommendation 38: Promoting Regional Correctional Facilities

The Commission recommends that States authorize and encourage local governments through financial incentives and

technical assistance to contract with larger local units for the custody of their prisoners, or enter into agreements with other local units for the joint establishment and operation of regional jails and local institutions to handle such offenders.

Recommendation 39: Management of Short-Term Penal Institutions

The Commission recommends that short-term penal institutions be administered by appropriately trained correctional personnel.

Recommendation 40: Quantity and Quality of Personnel

The Commission concludes that many State and local correctional agencies have insufficient and inadequate professional staff due to low pay, long hours, a custodial rather than rehabilitative orientation, lack of exposure to research and development advances, and other impediments to job satisfaction. Hence --

The Commission recommends that State and appropriate local governments improve recruitment, compensation, training, and promotion practices to attract sufficient numbers of high quality personnel to the corrections system. The Commission further recommends that States establish minimum qualifications standards for correctional personnel.

Recommendation 41: Use of Paraprofessional and Volunteer Aides

The Commission recommends that, where necessary, State and local legislative bodies, personnel agencies and/or correctional agencies take action to create new personnel classification positions so that paraprofessionals and other qualified workers, including ex-offenders other than former police officers, can be used in correctional programs. The Commission further recommends that States and localities make available training and educational opportunities to such personnel to enable them to meet appropriate standards.

F. THE PUBLIC'S ROLE IN LAW ENFORCEMENT

Recommendation 42: Police-Community Relations

The Commission concludes that a workable partnership between police and community residents is necessary to effectively prevent crime. Hence,

The Commission recommends that local governments substantially increase their efforts to involve citizens in the law enforcement and criminal justice process through the establishment of police-community relations machinery and programs.

G. INTERFUNCTIONAL COOPERATION

Recommendation 43: Establishment of Local Criminal Justice Coordinating Councils

The Commission recommends that local criminal justice coordinating councils under the leadership of local chief executives be established in jurisdictions having substantial administrative responsibility for at least two of the major components of the criminal justice system. The Commission further recommends that LEAA require regional criminal justice planning agencies to coordinate their work with these local councils where they exist.

Recommendation 44: Improving Interfunctional Linkages in the State-Local Criminal Justice System

The Commission recommends that State and regional criminal justice planning agencies and local criminal justice coordinating councils take primary responsibility for improving interfunctional cooperation in the State-local criminal justice system. These agencies should encourage, among other things, the development of such coordinating mechanisms as seminars on sentencing practices for judicial and correctional personnel, police legal advisors, and a comprehensive criminal justice data system. They should also encourage the coordinating efforts of the existing professional law enforcement organizations. The Commission further recommends that State legislatures establish a joint standing committee or take other appropriate means to provide for continuing study and review of the progress in achieving a better coordinated State-local criminal justice system.

THE COUNCIL OF STATE GOVERNMENTS

HB-563

WASHINGTON OFFICE (202) 737-9717

1735 DeSALES STREET, N.W. • WASHINGTON, D.C. 20036



April 16, 1971

INFORMATION LETTER

CRIMINAL LAW REVISION: FEDERAL AND STATE EFFORTS

Latest Developments:

State efforts in criminal law codification will be the subject of hearings before the Senate Judiciary Subcommittee on Criminal Laws and Procedures in late May. State experiences in criminal law revision will be discussed at additional hearings in June.

The Congress is beginning a major effort, expected to last for two or three years, to reform and codify the Federal criminal laws. According to the Senate Subcommittee Counsel, State experiences in code revision will benefit the federal effort. The Congress wants to learn from State government drafting techniques, substantive law provisions, and code organization and style. Operating experience under new codes adopted by States will guide the federal law reform program.

Background:

Congressional action in federal criminal law reform comes in response to the final report of the National Commission on Reform of Federal Criminal Laws filed January 7, 1971. The National Commission was created by Congress in 1966 by Public Law 89-801. Commission Chairman, appointed by President Johnson, is former Governor Edmund G. Brown, of California. Vice-Chairman is Congressman Richard H. Poff, of Virginia.

The Department of Justice, acting upon the direction of President Nixon, is developing a criminal code revision which will become the Administration's version for submission to the Congress. A special legal task force has been formed within the Department to draft the code. It is monitored by a four-man policy committee composed of high Department officials.

The National Commission was careful to present the Congress with a basic working draft upon which legislative decisions could still be made. The Draft is a complete reform of the present Title 18, the criminal law section of the U. S. Code. It brings together all federal felonies, some of which are presently outside Title 18; it codifies common defenses, which are now left to common law court decisions; and establishes standard principles of criminal liability. The Draft Code restructures the system for imposing sentences. The Commission, with certain strong dissent from a minority of its members, recommended the abolition of capital punishment.

Federal-State Jurisdictional Issues:

Major provisions of the Draft Code substantially increase federal criminal jurisdiction at the expense of State jurisdiction. Section 201(b) of the Code allows the federal government to prosecute for normally state offenses wherever there is a related federal criminal code violation. This would permit federal prosecution for all crimes of violence such as murder, arson, assault in any instance where there is a related federal code offense, no matter how minor. This so-called "piggyback" provision significantly curbs state responsibility for the punishment of crimes of violence.

The basic issues of cooperative federalism are not considered at all in the Draft Code. The practical problems of federal-state relations are further complicated by the Code's jurisdictional provisions concerning federal enclaves. Over the last century and a half, the movement of the law has been toward increased assimilation of the rights of enclave residents to the

rights of state residents. This reached the point where, in the case of Evans v. Cornman (90 S. Ct. 1752 (1970)), the Supreme Court ruled that residents of federal enclaves may vote in state elections. The Code, however, makes federal criminal law specifically applicable to enclaves, and reduces the Assimilative Crimes Act to its narrowest possible dimensions. The effect of these provisions is to make enclaves practical sanctuaries from state laws, thus undermining the state's enforcement of its criminal laws in surrounding areas. In 1956 the two volume "Report of the Interdepartmental Committee to Study Problems of Jurisdiction Relating to Federal Enclaves", the most comprehensive study of the problem, recommended the almost complete retrocession of exclusive jurisdiction over federal enclaves to state governments.

The Draft Code further extends federal criminal jurisdiction to cases involving offenses affecting federal public servants engaged in performance of their official duties, whether or not the offense is specifically directed by the offender against the federal official qua federal official. Similar provisions in the Draft Code provide for federal prosecution of property crimes directed against property being manufactured, constructed or stored for the United States whether or not the criminal was aware that the property was so situated. Federal jurisdiction over crimes involving the most minimal affect upon interstate commerce, such as using a telephone, is extended. The Draft Code extends federal jurisdiction to cases where either offenders or victims use interstate travel, even though the travel itself may not be directly related to the substance of the crime.

Finally, plenary federal jurisdiction is asserted in the general statement in Section 201 of the Brown Commission Code. The language states, "When no base is specified for an offense, federal jurisdiction exists if the offense is committed anywhere within the United States, or within the special maritime and territorial jurisdiction of the United States."

State Criminal Law Revision Efforts:

State criminal law revision efforts and experience will be used by the Congress to guide its own federal criminal law reforms.

The following states have enacted new criminal codes: Connecticut (1971); Georgia (1969); Illinois (1962); Kansas (1970); Louisiana (1942); Minnesota (1963); New Mexico (1963); New York (1967); and Wisconsin (1956).

The following states have completed drafts of new criminal codes which are now before their legislatures: Alaska, Colorado, Delaware, Hawaii, Idaho, Maryland, Michigan, Montana, New Hampshire, Oregon, Pennsylvania, and Texas.

Code revision efforts are now underway in: California, Kentucky, Massachusetts, New Jersey, Ohio, Rhode Island, Missouri, and preliminary work has begun in Alabama, Nebraska, and North Carolina. The legislatures in Arizona and North Dakota have just recently authorized efforts to draft criminal code revisions.

Staff Contact: James A. R. Johnson

THE COUNCIL OF STATE GOVERNMENTS

HD-563

WASHINGTON OFFICE _____ (202) 737-9717

_____ 1735 DeSALES STREET, N.W., WASHINGTON, D.C. 20036



March 18, 1971

INFORMATION LETTER

SPECIAL REVENUE SHARING FOR LAW ENFORCEMENT

Latest Developments

President Nixon sent to Congress his special revenue sharing message on Law Enforcement--the first of six such messages to cover the broad areas of law enforcement, rural development, urban development, education, manpower and transportation.

The President proposes to amend the present Omnibus Crime Control and Safe Streets Act, administered by the Law Enforcement Assistance Administration, by granting to States substantially more flexibility in the use of funds, and relieving States of much administrative burden.

Background

The major elements proposed in the President's message are:

--Funds would be allocated to the States on a population formula, from an initial authorization request of \$425 million. An additional \$75 million would be granted from the LEAA discretionary fund, as now authorized in existing law.

--The requirement for a state criminal justice plan would remain in the basic Act, but the approval of the state plan by the LEAA would no longer be necessary prior to the allocation of the special revenue sharing funds to the States. The plan would be filed with the LEAA for its use as a post-audit tool. The plan would continue to have to be approved by the Governor and the state criminal justice agency supervisory board.

--The requirement for matching funds, to be furnished by recipients of grants, would be eliminated. Federal funds would be used for 100 percent of project costs.

--The present requirement that grantees maintain the existing level of their own direct expenditures, and that federal funds not be used to supplant state or local funding, is eliminated. The "maintenance of effort" requirement will no longer be a condition for receiving a grant.

--LEAA would still be authorized to provide technical assistance and counseling to the States in the preparation of their statewide plans.

--Minorities' protection from discrimination under Title VI of the Civil Rights Act of 1964 would apply to the law enforcement revenue sharing program. The present act exempts States and localities from the Title VI provisions.

--The new proposals preserve the flexible pass-through formula (contained in the 1970 amendments) requiring States to make available to localities a portion of the shared revenue equal to the ratio of state-local expenditures for all criminal justice activities.

--Additional fiscal control requirements would be placed on the States. More detailed post-audit reports will be required.

--The 1970 amendments to the basic Act providing for Part E-Corrections funding will be continued in the present form.

--The 25 percent "buy-in" requirement, adopted in the 1970 amendments, whereby States will be required in fiscal year 1973 to furnish 25 percent of a sub-grantees matching funds would be eliminated.

--LEAA programs for law enforcement research, academic assistance and statistics and technical assistance will remain as they are.

Initial reaction from state officials has been favorable. Some have expressed concern that elimination of all matching and maintenance of effort requirements may result in a net loss of federal, state and local funds coming into the criminal justice system; and that localities, no longer having to put up their match for grants, might become careless with the "free" money.

Copies of the message and legislation will be sent upon request.

Staff Contact: James A. R. Johnson
Special Assistant

71-I-10

THE COUNCIL OF STATE GOVERNMENTS

HB-563

WASHINGTON OFFICE _____ (202) 737-9717

_____ 1735 DeSALES STREET, N.W. • WASHINGTON, D.C. 20036



April 8, 1971

SPECIAL LETTER

JUVENILE DELINQUENCY LEGISLATION

Latest Developments

Congress is moving on pending juvenile delinquency legislation. The June 30, 1971 expiration of the Juvenile Delinquency Prevention and Control Act has prompted the General Subcommittee on Education of the House Education and Labor Committee, chaired by Rep. Roman Pucinski (Ill) and the Senate Judiciary's Subcommittee on Juvenile Delinquency, chaired by Sen. Birch Bayh (Ind) to begin hearings on pending legislation. Both subcommittees have heard Administration witnesses. Hearings will continue into May.

The Administration's proposal is not yet in bill form. Developed by HEW's Youth Development and Delinquency Prevention Administration, under Robert Gemignani, the proposal calls for a "national strategy" to develop model systems for preventing delinquency in inner city, suburb, rural setting, and the college campus. Final Administration approval has not been given to the HEW bill due to objections from the Justice Department.

Background

The Juvenile Delinquency Prevention and Control Act of 1968 (P.L. 90-445) was designed to be a companion program to block grant Omnibus Crime Control and Safe Streets Act. It provides for grants to States and cities for planning and action programs to prevent, control, and rehabilitate juvenile delinquents. Complex language of the Act prevented States from receiving action funds if they opted to do comprehensive planning. States seeking funds to coordinate juvenile delinquency projects with Omnibus Crime Control programs were frustrated by restrictive guidelines and bureaucratic mismanagement of program. Underfunding of Act (FY 69: \$5 million; FY 70: \$10 million; FY 71: \$15 million) in spite of authorizations of \$25 million, \$50 million and \$75 million, respectively, indicate low priority of program in HEW.

Alternative Proposals to be Considered:

I. The Administration requests \$10 million to develop a "national strategy" to test new approaches, techniques and model systems, seeking new knowledge about delinquent behavior, and transferring such findings into programs being funded by federal grant programs. Model systems for prevention and rehabilitation will be established for inner cities, suburbs, rural areas, and college campuses. The goals of HEW proposal are coordination of federal programs relating directly to delinquency, and promotion of joint funding. At present eight federal departments are involved directly in programs for delinquent youths. An additional eight agencies conduct a total of 75 programs for youth generally. Five HEW task forces will plan model delinquency-prevention projects; gather data; recommend projects for funding; assist applicants in program development; formulate evaluation systems; provide program consultation; and disseminate results.

II. Rep. Tom Railsback (Ill) and 50 other House members propose, in H.R. 45, creation of the "Institute for Continuing Studies of Juvenile Justice." The Institute will collect data on the treatment and control of juvenile offenders; serve as an information bank; and function as a graduate training center. No specific funds are authorized.

III. Rep. Claude Pepper (Fla), chairman of the House Select Committee on Crime, plans to introduce the "Juvenile Research Institute and Training Center Act." The bill would create a Coordinating Committee for Juvenile Justice composed of heads of federal agencies dealing with juvenile programs: Office of Education, Children's Bureau, Youth Development and Delinquency Prevention Administration, National Institute of Mental Health (all HEW); Law Enforcement Assistance Administration, Bureau of Prisons (Justice); Office of Manpower Training, U. S. Employment Service (Labor); Model Cities Program (HUD); and Legal Services Division (OEO). The committee would evaluate federal programs dealing with juveniles and recommend improvements. The Institute would collect information on juvenile justice; provide technical assistance to State, localities, and private agencies, training for professionals, and grants for action programs. The authorization request is \$8 million over 3 years.

IV. Rep. Roman Pucinski (Ill), Chairman of the General Subcommittee on Education of House Education and Labor Committee has introduced H.R. 6247 to extend the present Juvenile Delinquency Prevention and Control Act for five years, and increase the funding authorization.

V. The National Governors' Conference policy position, adopted in August, 1970, recommends transfer of planning and action program section (Title I) of the 1968 Juvenile Delinquency Act to Law Enforcement Assistance Administration. State dissatisfaction with HEW, and their satisfaction with the block grant mechanism administered by LEAA prompted this decision. During debate on policy position, many Governors expressed view that there must be a dual effort toward solving the juvenile problem. Improvements in juvenile justice system and law enforcement are essential; but there must also be efforts to divert youth from the justice system by preventive and youth development programs. Several Governors emphasized need for a comprehensive approach to problems of youth offenders. They pointed out that delinquent youths should not be set apart from government's total youth development effort. This approach is frustrated by multiplication of youth aid programs among diverse federal agencies. Governors have urged a "block grant for youth."

To date, approximately \$38 million in LEAA block grant funds have gone for prevention and control of juvenile delinquency in FY 69 and 70 while the Youth Development Administration allocated a mere \$13,713,000. In FY 1971, LEAA state plans call for over \$60 million for delinquency prevention and control while the YDDPA (HEW) will be granting \$14 million.

Action Needed

Hearings in both Senate and House will continue. State officials wishing to testify should contact this office, or the Chairman of the Senate Subcommittee on Juvenile Delinquency, or Chairman of the House General Subcommittee on Education. Views on proposed federal legislation are requested by this office. Copies of specific bills will be sent upon request.

Staff Contact: James A. R. Johnson, Special Assistant

HB-563



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No. 12

ECONOMIC DEVELOPMENT—FIELD HEARINGS TO EXAMINE THE PROPER DIRECTION AND FORM OF AN EFFECTIVE PROGRAM

Mr. MONTROYA. Mr. President, I rise to apprise the Senate of field hearings which will be held during the course of the next few weeks with respect to Appalachia and the other regional commissions.

The concept of creative federalism enunciated by Lyndon Johnson early in his Presidency, and the statement of awareness that we must "help State and local governments develop greater capacity to plan and manage their own affairs" which was contained in the state of the Union address by President Nixon, are both clear characterizations of the direction that government must take. If we start from the premise that the responsibility of government is to serve the people, then I believe it is our duty to achieve the best level of understanding of the kinds of public services that the people of the United States need to maintain proper growth and development.

The lasting effect of the great depression of the 1930's was not the catastrophic economic losses suffered, as terrible as they were, rather, it was the loss of the initiative and ability to render services to the public suffered by local and State governments. We now fully appreciate the result of the continuous movement of power to the National Government.

In and of itself, this centralization was not bad. It enabled us to frame the recovery from the depression, to mobilize for and conduct our national defense during World War II and to make the changeover from a wartime economy to an economy directed toward peaceful pursuits. The centralization of power served its purpose and like all other political responses, it has run its course.

We are now faced with a new set of imperatives, a new set of needs, a new set of national directions. In order to carry them forward we must decentralize government activities and the responsibilities for decisionmaking. This is not to say that there is no longer a need for a strong, active, and concerned Federal Government. What it means is that along with that kind of Federal Government, we must reestablish strong, active, and committed State and local governments. We have all been engaged in politics—the art of government—long enough to realize that there is no single

answer, that the art of government is the art of change without violent upset. We must be in a position to evaluate and re-evaluate what will work and under what circumstances it will work best.

The President, in his state of the Union message, put great emphasis on revenue sharing. Whether his recommendations will be enacted and whether they will work are questions which we will consider during the 92d Congress. But revenue sharing alone is not the answer. Our experiences over the past 25 years with a series of different approaches to long-term unemployment problems, short-term economic responses, natural catastrophe mechanisms, and the need for intelligent, well-reasoned assessments of priorities has given us a fund of experience and knowledge on which to draw.

As a result of President Johnson's concept of creative federalism, the Congress in 1965 enacted the Appalachian Regional Development Act and the Public Works and Economic Development Act. These programs, which have been in operation for 6 years, provide us with an excellent base from which to examine and recommend legislation in response to the broad range of the problems of the decade of the 1970's.

As we at the Federal level have been working with the programs to which I have referred, a number of States have developed responses of their own. During the months of February, March, and April, we shall inquire in depth as to how these programs have worked, what has been learned from them and how the lessons can be used to shape a new program of State-Federal action to achieve the goal of economic prosperity in a framework of healthy social, cultural, and environmental development.

In the literature of political science and economics, and in the recommendations of Government agencies are a number of worthy proposals. At this time we are not in a position to choose a particular approach to pursue. What the Subcommittee on Economic Development intends to do during these next 3 months is examine many of those ideas in a general framework. We are looking to the creation of legislation to establish a national economic development program, a public works and public facilities investment plan to determine how priorities for public works should be established, to create an inventory of what is needed, and to equip State and local

governments to assume the major role in these determinations.

We will concern ourselves with such questions as what constitutes proper development, how to determine the development goals and objectives of State and local governments, and how the Federal Government should be structured to assist the State and local governments in meeting these responsibilities.

As I have said, there are many suggestions. There have been many experiments, the most notable of which are the Appalachian regional development program and the approaches of the Public Works and Economic Development Act.

On February 8, 9, and 10, the Subcommittee on Economic Development will consider S. 575, a bill to extend and revise the Appalachian Act introduced by Senator RANDOLPH, the chairman of the Committee on Public Works, and Senator JOHN SHERMAN COOPER, the ranking minority member. Through these hearings, we will determine what has worked and why it has worked.

As Senator RANDOLPH said in his introductory remarks in this Chamber on February 3:

I am proud that the Appalachian Development Program has been a leader and an innovator in the areas of government organization and revenue sharing. The Committee on Public Works recognizes the significance of the bold new steps that have been taken in Appalachia, and we are studying the Appalachian program as a possible pattern for economic development and other programs elsewhere.

I concur in his observation and agree with his further statement:

Based on what we have learned in the past six years and what we expect to learn this year, I am sure that the Appalachian program will be modified and refined. We will, however, want to preserve the momentum and the spirit of cooperation and Federal-State partnership generated under the Appalachian program.

Senator RANDOLPH and Senator COOPER have done much to bring to the attention of the Senate, the Congress, and the Nation, the need for this Appalachian program and the important purposes which it serves. Following these hearings, the subcommittee will begin a series of field hearings which will take us to Raleigh, N.C., February 18, 19, and 20; Memphis, Tenn., March 5 and 6; Los Angeles, Calif., April 1, 2, and 3; Albuquerque and Santa Fe, N. Mex., April 5 and 6; Seattle, Wash., April 14 and 15; Anchorage and Fairbanks, Alaska, April 16, 17, and 18. The sites of these hearings

were chosen because in each place we expect to examine a different aspect of the major problems associated with economic development.

Raleigh, N.C., because of the knowledge and experience of the Governors, other members of State governments, local officials, and private citizens in that area of the South in working with the Appalachian program and the regional economic development program under title V of the Public Works and Economic Development Act.

Memphis, Tenn., because of the strong desire of the leaders of the States of the Midsouth to create a regional economic development program and because of the depth of experience with economic development districts established under title III of the Public Works and Economic Development Act which has been gained in that area.

We will hold hearings in Los Angeles to examine in some detail the long-term development problems of a major metropolitan area which has large minority populations not benefiting from the general prosperity of the area. The current technological unemployment in Los Angeles also should provide us with some interesting testimony.

In New Mexico we can concentrate on the alternatives of the regional commission and State development approach. We will be able to examine the issue with Governors, other State officials, and private individuals who have been working within the regional concept for the last 5 years. During these hearings we can also discuss the specific needs of Indians for separate treatment in order to help them defeat their long-term depression situation.

In Seattle, we will be able to discuss with the Governors of the Northwest their great concern for a regional development commission and to look into the question of pervasive unemployment which that general area has experienced.

In Alaska, we will be able to take full advantage of the knowledge gained by that State in its efforts to achieve economic revitalization following the disastrous earthquake in 1964. In Alaska we will be able to test the one-State approach as compared with the multistate approach.

It is our intention wherever we go to also raise the question of how best to describe the form of the Federal response to those situations where plant closings, loss of vital natural resources, and elimination of Government facilities create economic catastrophes. In this regard, I will join with Senator RANDOLPH and other Members of the Senate in the introduction of a bill to revitalize the accelerated public works program. We shall use this legislation which will be introduced next week as a vehicle for discussion on how best to do this job.

All of the witnesses will be asked to testify on the following outline of questions. We hope that they will respond to as many of the areas as they believe their experience and professional capability allow them.

First. What are the objectives of economic development?

In terms of these goals, what specifically has been the impact of the following on the economic development of your area:

Titles I, II, III, and IV of the Public Works and Development Act as administered by the Economic Development Administration: Its impact on immediate economic development and its impact on continuing economic development.

The regional commissions as created by title V of the Public Works and Economic Development Act.

Any other private, local, State, or Federal programs and agencies which you believe have the task of fostering economic development.

Would you comment on the following proposed local-State-Federal structure for implementing these economic development goals or, if you have other suggestions, please present them to the committee:

Should the entire State be divided into multicounty development areas, and if so—

Who would authorize and designate the districts: The State, Federal legislation, the local communities or some combination of these?

What criteria would be used to delineate these districts?

Should these districts be limited to areas of economic distress or would they be organized around areas of potential economic growth—for example, growth centers?

Would these districts focus in non-metropolitan areas or should they include metropolitan areas?

What would be the authority and responsibilities of the districts?

What would be the relation of these districts to the State? To Federal agencies? To local governmental authorities? To other multicounty districts which might already operate in the area?

Should the State establish a State-level economic development agency within the office of the Governor? If so—

What responsibilities and authority should this agency need to be effective?

What would be the relation of the agency to local governmental units and locally initiated plans and projects? Local development districts?

What would be the relation of this State-level agency to other State line agencies?

What would be the relation of this State agency to Federal Departments?

Would such an agency and a State development plan be a prerequisite to further Federal assistance?

Should the Federal Government be organized on a multistate regional basis or should we proceed on a State-by-State basis?

What would be the advantage of multistate regional commissions, such as the Appalachia Regional Commission and the title V commissions?

What criteria would be used to designate these regional groupings?

What responsibilities and authority should these regional commissions have to be effective?

Would the commissions include the entire State or only that area meeting the designation criteria? Why?

Should the regional commissions be represented at the Federal level as part of the Department of Commerce or within the executive offices by a Federal coordinator for economic development for example? What would be the role of the Federal side of the regional commission?

What would be the advantage of proceeding on a State-by-State basis?

Would the States be represented at the Federal level through a line agency or within the executive office by a Federal coordinator for economic development for example?

What would be the function of the Federal coordinator?

What would be the relation of the Federal coordinator to local development districts? The States? To other Federal Departments?

Should there be a regional counterpart in the Federal administrative regions to assist the Federal coordinator and the States?

What would be the relation of the private sector to such a structure?

What programs and devices do you recommend to accomplish these goals of economic development? For example, the use of supplemental grants and development corporations.

Second. What should be the role of the Federal and State governments in short-term economic readjustments in rural and urban areas which suffer abrupt and severe unemployment and loss of income due to setbacks in economic activity?

What programs and devices would be necessary to carry out such assistance?

What structure could best accomplish this assistance effort? For example, the use of a Federal coordinating field committee.

Following these hearings and an examination of the record, we shall draft legislation. We shall then hold hearings in Washington, D.C., with a wide range of witnesses who can give us their critical comments and their best suggestions on how to develop a workable procedure to achieve our goals.

Preparation for this program evaluation has been proceeding for some weeks. Members of the subcommittee have indicated their intense interest in the subject. I look to their support and participation in this undertaking. I know that we can develop a good bill in the tradition of the Committee on Public Works. I look forward to working with Senator HOWARD BAKER, the ranking minority member of the subcommittee, and all of his colleagues together with my Democratic colleagues. In this spirit of cooperation, we can approach this large and difficult task with reasonable hope for success to the benefit of the people of this country.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K — STATE CAPITOL
JUNEAU 99801

HB-563
WILLIAM A. EGAN, GOVERNOR

April 24, 1972 .

The Honorable William J. Moran
Chairman
House Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99801

Dear Chairman Moran:

I am sending you a proposed draft to substitute for House Bill 563 submitted by the Governor to insure security and privacy of criminal justice information systems. I am also sending you a copy of my letter to the Senate Judiciary Committee on Senate Bill 387 which is identical to House Bill 753 referred to your committee.

The proposed substitute would specifically require the application of the Administrative Procedure Act in relation to the adoption of regulations pursuant to this proposed chapter. Although such a specific reference may not be necessary for the purposes of the Administrative Procedure Act, the reference makes it absolutely clear that it does apply.

Sec. 12.62.020 of the proposed bill has been altered so that the commission is required to adopt regulations concerning the collection and storage of information. Therefore, information may not be placed in such systems, or if already there, it may not remain in such systems, unless the commission specifically permits it by regulation. In addition, a long list of information is specifically excluded from the systems by the provisions of subsection (b) of this section. These exclusions include, among others, professional license information, revenue and taxation information, information relating to state welfare programs, and state personnel information.

The provisions relating to confidential information have been eliminated, and an individual may see all information referring to himself in a criminal justice information system.

The provisions relating to interstate systems for House Bill 753 have been incorporated into this proposed bill.

The Honorable William J. Moran

-2-

April 24, 1972

Also, most of the more detailed provisions relating to the right of individual access, inspection, and challenge from House Bill 753 have been incorporated into this proposed bill.

The reference to "potential criminal offenders" in the definition of "criminal justice information" has been removed.

Finally, the effective date for this proposed bill would be October 1, 1972 to allow the Governor's Commission on the Administration of Justice time to establish the needed regulations.

Very truly yours,


JOHN E. HAVELOCK
ATTORNEY GENERAL

cc: The Honorable William A. Egan
Governor

JEH:gb

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

WILLIAM A. EGAN, GOVERNOR

POUCH K — STATE CAPITOL
JUNEAU 99801

April 10, 1972

The Honorable Robert H. Ziegler
Chairman
Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska

Re: SB 387

Dear Chairman Ziegler:

In reviewing SB 387, "An Act protecting the constitutional right of privacy of those individuals concerning whom records are maintained by governmental agencies," several possible problems have come to our attention. I believe your committee should be made aware of these problems.

I. PROBLEMS RELATED TO THE SECTION ON INDIVIDUAL RECORDS.

1. The proposed new section AS 09.25.125, which would set up a regulating scheme governing the collection and exchange of information collected by all state government agencies, would regulate these activities far beyond the needs for protecting the privacy of the individual or the security of the information. The notice provisions would, in many cases, create an unnecessary administrative burden on agencies presently collecting needed information. The requirement of permission or notice, when information is disclosed, would create a like unnecessary administrative burden in many situations; in other situations it would inhibit or prevent legitimate exchange or disclosure of information by government agencies.

2. The term "record" as used in Section 09.25.125 is never defined. Consequently, under a very broad definition of this term it is possible that any employees of a state agency would have to meet the permission and notice provisions of this section whenever he released any kind of information about another individual. This could possibly prevent public officials of the state from making all kinds of public statements and would thus lead to an extremely undesirable result.

3. In Section 09.25.125(d)(1) the time period "reasonably necessary" is possibly too vague and might lead to unnecessary litigation.

4. It is not clear what Section 09.25.125(d)(2) really means.

5. It would be inappropriate in Section 09.25.125 (e) to require the governor to report on records and/or investigatory files which might be maintained by the legislative and judicial branches of government.

II. PROBLEMS RELATED TO THE SECTIONS ON CRIMINAL JUSTICE INFORMATION SYSTEMS.

1. Definition of Criminal Justice Information System. Nowhere in Secs. 12.62.010 through 12.62.120 is the term "criminal justice information system" defined. Without knowing just what these Sections purport to regulate, it is impossible to discuss intelligently what effects these proposed Sections will or will not have on the collections and dissemination of information by criminal justice agencies within the state.

Section 12.62.030 states that only "criminal record information" may be collected and stored in criminal justice information systems. The Section goes on to give a list of examples of the kinds of information which may be put in the system and then it states, "[t]his information is restricted to that recorded as the result of the initiation of criminal proceedings or of consequent proceedings related to the criminal proceedings." This language evidently serves to define "criminal record information," the only kind of information which may be stored in criminal justice information systems. Without a definition of just what a criminal justice information system is, however, it is not exactly clear what this Section does.

If a "criminal justice information system" comprises all the information collected by a criminal justice agency, then it would prevent the compilation of investigative reports by any police or other agency. Further, it would prevent the Department of Public Safety from compiling its file of drivers licenses, fishing licenses and so forth.

If "criminal justice information system" means any data bank compiled by a criminal justice agency so that information from it can be recovered by an electronic computer it will preclude the inclusion in one system or the establishment of separate systems for drivers license information, fishing license information and so forth. Further, it would prohibit the establishment of a computer management information system by any of these agencies.

For the purposes of this bill, one further possible interpretation of "criminal justice information system" would simply be to allow the criminal justice agencies themselves to designate that portion of their total records which comprise their "criminal justice information system". They would then be required to keep this information in a separate manual or electronic file, but this portion of the act would not regulate the collection, dissemination, and storage of other information if it were kept separately from the so-called "criminal justice information system."

Without some definition of "criminal justice information system," it is impossible for us to tell what the legal effect of this bill would be.

2. Restriction on the Scope of Criminal Justice Information Systems. Even though the exact extent of the regulation of records collected by criminal justice agencies which would be imposed by this bill is completely unclear, it is quite clear that only information recorded as the result of the initiation of criminal proceedings can be collected and stored in criminal justice information systems, whatever they may be. If the bill were interpreted to allow the Department of Public Safety to continue to keep a drivers license file and a fishing license file, under the provisions of 12.62.030, these files could not be combined with so-called criminal offender record information and included in the criminal justice information system. Likewise, a management information system could not be included in a criminal justice information system.

It is true that putting too much information in one file system poses a potential threat to privacy and freedom even if all the information collected is a matter of public record. Likewise, it is, of course, more efficient not to have to maintain too many separate filing systems. Privacy and freedom should not be sacrificed at the expense of efficiency. However, in this instance we do not see how the inclusion of this information poses a threat to privacy and freedom. The added expense of having to maintain two or three separate electronic filing systems is unjustified.

I would like to emphasize, however, that the basic notion that adequate safeguards be established to keep information out of any electronic file system used by criminal justice agencies which would pose a threat to privacy and freedom is sound. However, the restrictions imposed by this bill go beyond what is needed for adequate protection, and they impose unneeded inefficiencies.

The restrictions to which we are objecting here are imposed both by Section 12.62.020 and Section 12.62.090.

3. Provision Relating to Legislative Review of Regulations. Section 12.62.020 provides that regulations adopted pursuant to this proposed chapter between now and the first day of the next legislature will be in effect until March 15, 1973. If they have not been acted upon by the legislature by that date, "the regulations are of no effect." Regulations adopted after the first day of the next legislature are apparently of no effect until they have been acted upon by the legislature.

First, these proposed provisions for legislative review could possibly leave us with a totally unregulated system if no action is taken by March 15, 1973. The provision would not suspend the operation of criminal justice information systems on March 15, 1973; it would simply suspend the regulation of them.

Second, the provision is somewhat unclear as to when regulations adopted after the first day of the next legislature would take effect. Since they are subject to "approval, rejection, or amendment," I presume they would not take effect until the legislature acted upon them. This would leave the commission almost no flexibility in regulating criminal justice information systems. While this might possibly prevent changes in regulations which would pose a threat to privacy in the eyes of the legislature, it would also prevent the commission from taking immediate action where protection might be needed.

Third, this Section does not follow the procedure set out in Section 44.62.320 which is the usual method of legislative review of administrative regulation. We believe that the procedure set out in Section 44.62.320 is the procedure which should be established here for possible legislative action on administrative regulations adopted pursuant to this chapter.

4. Warrant Provisions of Section 12.62.030(f). This Section provides that information can be retrieved from the system by asking certain kinds of questions of the system only after a warrant has first been obtained from a judicial officer. The judicial officer must determine that

probable cause has been shown that (1) access is imperative for purposes of the criminal justice agency's investigational or other responsibilities, and (2) the information sought to be obtained is not reasonably available from any other source or through any other method.

Generally, the standard of "probable cause" is not applied to these particular kinds of findings. Certainly there are some "probable cause" findings which might well be required before such a warrant were issued, but I do not believe this standard makes very much sense when it is applied to the two required

findings set out in this section. I realize that this provision of the bill was taken directly from the bill prepared for the Project SEARCH (System for Electronic Analysis and Retrieval of Criminal Histories) Committee on Security and Privacy; however, I still believe it is an incorrect use of this standard.

5. Dedication Requirements of Section 12.62.070(a).

This requires that all components of the system be dedicated to the criminal justice information system and that no components be used for any other purpose. This is unnecessary because adequate and equivalent safeguards can be provided without requiring the total dedication.

6. Purging Provisions of Section 12.62.090. Although it is evident that the legislature may wish to require the purging of information relating to an individual from the system where there has been no conviction, there are two matters relating to this section which I hope will be carefully considered. First, no purging is required of information for persons who have one or more convictions; the purging requirement applies only to persons with no record at all. Second, it is not clear whether or not a purging is required if a person is convicted of some different or lesser charge and not on the basis of the original charge filed.

7. Penalties. The criminal penalties section would impose a penalty on anyone who communicates or seeks to communicate criminal offender record information except in accordance with the provisions of this proposed chapter. In the legislative findings and purpose section it is stated that the purposes of the chapter are, among others, to control and coordinate criminal offender record keeping within the state. The chapter purports to do this by regulating the flow of "criminal offender record information," a term which is never exactly defined, in and through "criminal justice information systems," a term which is not defined at all. Does this mean that the only way "criminal offender record information" can be communicated is via "criminal justice information systems"? Without some better definitions it is impossible to know. Further, it would seem highly undesirable to impose a severe criminal penalty for the wrongful handling of this information when the information to which this penalty applies is nowhere carefully defined.

The problems outlined in this letter are not exhaustive of those we have found in the bill. I would like to once again suggest that House Bill 563 represents a much more well thought out approach to the problems which this bill seeks to address.

Very truly yours,

JOHN E. HAVELOCK
ATTORNEY GENERAL



**UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D.C. 20530**

HB-563

IN REPLY PLEASE REFER TO

SPECIAL CONDITIONS

Grantee (Name of SPA): Criminal Justice Planning Agency (Alaska)

Grant Number: 71A-202

In addition to the General Conditions and Conditions Applicable to Fiscal Administration to which this grant is subject, it is also conditioned upon and subject to compliance with the following special condition(s):

1. Approval of this plan does not constitute approval of planned fund allocation required for major cities and counties nor of action fund levels for areas of high crime incidence and high law enforcement activity. The statutory amendment to P.L. 90-351 set out in § 203(c) and 303 require determination by the Law Enforcement Assistance Administration in respect to these new requirements. Such determinations will be made upon submission of a Plan Supplement Document which is to be submitted by May 1, 1971. In addition, Section 301(c) of the amendments set forth new minimum State matching contribution ratios of 25% State funds to 75% Federal except for Part C - Construction programs which remain at a ratio of 50% State to 50% Federal. Matching contribution may be made at the amended level.

2. In respect to action program No. 4B of the 1971 State plan entitled Development of Criminal Justice Information System, and relevant Multi-year programs, the grantee agrees to: (a) insure that adequate provisions are made for system security, the protection of individual privacy and the insurance of the integrity and accuracy of data collection and; (b) in view of the commitment of funds to this program, will coordinate development of the program with any compatible multi-State effort to secure the benefits of exchange of data and use of standard reporting formats and definitions, to enhance the benefits and potential of its information system facilities and needed interface with National Criminal Justice Information Systems.

3. Within 30 days of receipt of grant award, grantee shall provide a complete discussion of the needs and problems of its two largest cities, Anchorage and Fairbanks, consistent with the requirements of the SPA Guide, page 48.

4. Within 60 days of receipt of grant award, grantee will submit to LEAA a schedule of implementation of the program funded for \$45,900 in 1970, and which is intended to serve as the basis for 1971's organized crime program. The schedule should contain a time sequence in quarterly phases, and an approximate range of personnel, equipment, supplies or services to be acquired.

Special Condition
Criminal Justice Planning Agency (Alaska)
Page 2

5. The level of funding for programs related to civil disorders, organized crime and juvenile delinquency, coupled with modest program support in the prior fiscal years (1969 and 1970) raises questions concerning responsiveness to the statutory requirement that plans and programs be comprehensive in scope and provide for the improvement and coordination of all aspects of law enforcement. Accordingly, plan approval is based upon the understanding that the State will (i) allocate a reasonable portion of future block grant funds for such programs out of fiscal year 1972 action funds to be made available on the basis of this approved 1971 plan and (ii) structure the multi-year component of the next submission (due December 31, 1971) to reflect a continuing reasonable allocation to these program areas, consistent with a proper analysis of the State's needs, problems and priorities.
6. In its fiscal year 1972 and future State plan submissions, the grantee will provide a detailed analysis of the State's potential in regard to the area of riots and civil disorders.
7. Special Conditions numbers 1, 2, 3 and 4 attached to Alaska's 1971 planning grant application were concerned with the SPA staff and board composition. Until these Special Conditions have been satisfied 1971 action funds will not be released to Alaska for funding of action programs contained in this 1971 plan.
8. No funds provided under this grant may be used to pay for the establishment or operation of any agency or center unless that agency or center is established in the executive branch of the government, is under the direct supervision of the Governor and performs only those functions directly related to the development and implementation of the approved State Comprehensive Plan.

HB-563

L. Parker

MINUTES

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE

April 25, 1972

The sixth meeting of the Governor's Commission on the Administration of Justice was called to order by Vice Chairman John Huber on April 25, 1972 at 2 p.m. in the Governor's Conference Room, Capitol Building, Juneau, Alaska.

Commission members in attendance were:

John Havelock, Attorney General, Dept. of Law, Chairman
John Huber, State Representative, Fairbanks, Vice Chairman
John Rader, State Senator, Anchorage
Thomas Strickland, Anchorage Police Department, retired
Wallis Droz, City Manager, Fairbanks
George Charles, Bethel
Frederick P. McGinnis, Commissioner, Health & Social Services
Herbert D. Soll, Public Defender Agency, Anchorage
George Boney, Chief Justice, Alaska Supreme Court
Pat Wellington, Deputy Commissioner, Dept. of Public Safety
Gordon E. Evans, Attorney, Juneau

Also attending were:

Lt. Brad Moerlins, Planner, Anchorage Police Department
Off. Jerry Prater, Planner, Fairbanks Police Department
Charles Smith, Planner, Juneau, Dept. of Public Safety
Paula Easley, Conference Secretary
Will Condon, Dept. of Law

Criminal Justice Planning Agency staff present were:

Lauris S. Parker, Executive Director
Dennis W. Lund, Corrections Specialist
Terry P. Hanson, Law Enforcement Specialist

Mr. Parker introduced others in attendance: Florence Campbell of the Dept. of Public Safety, Messrs. Broad, Crobell and Coffey of Arther Young & Company and government interns Charles Dickie, Jr., Jim Moore, Joan Hendrie and Cathy See. Gordon E. Evans, newly appointed member to the Commission, was also introduced.

APPROVAL OF MINUTES

Mr. Huber turned the chair to Mr. Havelock who asked if all members had received and read the Minutes of the February 24 meeting and if there were corrections or additions. As there were none, Mr. Droz MOVED that the Minutes be approved, and they were adopted as written.

ACTION

Mr. Boney then MOVED that the Alaska Justice Information System application be approved and that AJIS not be implemented until adequate security be provided, either by legislative action or by administrative approval of this body. The motion carried.

ACTION

Following passage of the motion, Mr. Wellington reminded members that the Commission could withhold funds until the security provisions were in effect. Mr. Parker added that federal funds were disbursed on a monthly drawdown basis for all projects, and that if a subgrantee failed to abide by any special provisions or restrictions to a grant award, the funds could be cancelled.

Discussion and several motions made and withdrawn referred to the desirability of a legislative statement of policy with regard to the security, information limitations and access to the system. Result of the discussion was agreement that award of the AJIS grant, subject to strict security provisions imposed by the Commission, the Committee on Security and Privacy and the Department of Public Safety, would keep administrative authority within the scope of these bodies rather than with the 60-member legislature. Mr. Moerlins reminded the Commission that the special conditions made a part of grant awards in effect became law with regard to administration of grant funds, and Mr. Parker added that all grants were administered by the planning agency in strict accordance with the Commission's directives.

DEPARTMENT OF LAW INTERN PROJECT REQUEST

The application, being considered prior to the first Commission funding session due to the time element, requested federal funds of \$5,962 to cover salaries and employee benefits of three legal interns for a two and a half month period this summer. Mr. Wellington MOVED for approval of the project, and motion carried. ACTION

APPLICATION FOR DISTRICT ATTORNEY SEMINAR

Mr. Parker said the seminar was planned for May 23 and 24, 1972 and requested \$3,705 from the CjPA training fund. Since funds were not available from that source, \$2,400 could be transferred from 1971 excess funds from Department of Law projects if the Commission wished. Mr. Boney MOVED for approval of the project for the amount of available funds and that the money be transferred from the Department of Law's closed projects. The motion carried.

ACTION

Summary Of Proposed Recodification Of Federal Credit Union Act

HB-611

As Approved by The CUNA International Executive Committee
On Recommendation of the Legal and Legislative Committee

I. Corporate Powers And Activities

SUBJECT	PRESENT PROVISION	PROPOSAL	COMMENTS
Purpose of Credit Union	The Act (Sec. 1752) defines a "Federal Credit Union" as a cooperative association organized in accordance with the provisions of the Act for the purpose of promoting thrift among its members and creating a source of credit for provident or productive purposes.	To incorporate the definition of a credit union of CUNA Model Credit Union Act (Sec. 1): "A credit union is a cooperative non-profit association incorporated in accordance with the provisions of this Act for the purpose of encouraging thrift among its members, creating a source of credit at a fair and reasonable rate of interest, and providing an opportunity for its members to use and control their own money in order to improve their economic and social condition."	This is a broader definition of a credit union in keeping with changes in the economy and the present and future needs of the people.
Organization Certificates	The Act (Sec. 1753) provides that any seven or more natural persons who desire to form a federal credit union shall subscribe before some officer competent to administer oaths an organization certificate in duplicate which shall specifically set forth certain information.	To allow the Organization Certificate to be signed before a witness or the signatures to be acknowledged by some official competent to acknowledge.	To simplify the procedures for organizing a federal credit union by making it more convenient for the persons signing the Organization Certificate to have their signatures authenticated.
Borrowing Power of Credit Union	The Act (Sec. 1757-8(10)) empowers credit union to borrow, in accordance with such rules and regulations as may be prescribed by the Director of Bureau, from any source, in any aggregate amount not exceeding 50% of its paid-in and unimpaired capital and surplus.	That all language be removed from the Act (or regulations) that imposes borrowing limitations on the credit union	To better enable credit unions to meet the financial needs of members.
Discounting of Notes	The Act (Sec. 1757 (10)) authorizes federal credit unions to discount eligible paper with Federal Intermediate Credit Banks.	That the provisions limiting discounting of paper to Federal Intermediate Credit Bank be deleted from the law and an unrestricted discounting privilege be substituted.	To provide essential flexibility to credit union operations. Restricting discounting to Federal Intermediate Credit Banks is too narrow a privilege, according to Bureau.
Purchase of Assets	The Act (Sec. 1766) gives the Director of the Bureau authority to prescribe rules and regulations concerning merger, consolidation, and dissolution of federal credit unions. Federal Credit Union Rules and Regulations, August 1989, Par. 308, sets forth merger procedures.	To authorize a credit union to sell all or any part of its assets to another credit union or to purchase all or any part of the assets of another credit union; and to further provide that the purchasing credit union may assume any or all of the liabilities of the selling credit union or of the members whether or not they are members of the purchasing credit union; and requiring that the agreement between the selling and purchasing credit unions must be approved by the Administrator	To facilitate the timely dissolution of a credit union, while conserving its assets and protecting the interests of members.
Liquidation Procedures	The Act (Sec. 1766) gives the Director of Bureau authority to prescribe rules and regulations concerning merger, consolidation, and dissolution of credit unions, and specifies certain policies and responsibilities in connection with voluntary and involuntary liquidation. Federal Credit Union Rules and Regulations, August 1989, (part 310) establishes the policy for liquidation of credit unions.	To incorporate the provisions on liquidation found in the CUNA Model Credit Union Act (Sec. 33(b) (c)), which requires approval of dissolution by majority of members at meeting or in writing, and notification of supervisory department of intent to liquidate. Further prescribes suspension procedure to be followed by department, providing for hearing before issuance of involuntary liquidation notice and appointment of liquidating agent, and right of credit union to request stay of execution by appealing to courts.	To provide a more systematic procedure on dissolution, setting forth rights and responsibilities of all parties thereto.
Donations by Credit Unions	The Act is silent, and the Bureau has ruled donations are not within incidental powers if credit union does not anticipate an immediate, direct and current pecuniary gain or donation does not forward credit union's purpose.	That the board of directors be permitted to authorize donations by the credit union to community, charitable and civic organizations.	To permit credit unions to be better integrated in civic and community affairs.
Incidental Powers	The Act (Sec. 1757) states Federal Credit Union shall have power "to exercise such incidental powers as shall be necessary or requisite to enable it to carry out effectively the business for which it is incorporated."	To authorize a federal credit union to exercise such incidental powers as shall be necessary or requisite to enable it to carry out efficiently the business for which it is organized, including such incidental powers as are generally granted to corporations.	Federal credit unions should be considered as any other corporation with respect to inherent powers.
Overseas Checking Accounts	The Act is silent.	To authorize federal credit unions operating overseas branches to open checking accounts in foreign banks which are correspondents for U. S. banks.	Authority is presently lacking for federal credit unions with overseas branches to open checking accounts in foreign banks, according to the Bureau. This would be particularly helpful to military credit unions.

SUBJECT	PRESENT PROVISION	PROPOSAL	COMMENTS
Membership Officers	The Act (Sec. 1781b) provides for the appointment of only one membership officer.	To permit the appointment of more than one membership officer at the option of the board of directors.	Some credit unions believe they could operate more efficiently with two or more membership officers.
Credit Committee — Appointment of	The Act (1761c) requires a credit committee of not less than three members be elected at the annual meeting.	That the board of directors be empowered to appoint the credit committee, with the option that the committee may be eliminated entirely and its responsibilities to approve or disapprove loans assigned to a loan officer(s).	Would assure essential flexibility. In some credit unions the credit committee is neither practical nor efficient.
Approval of Loans by	The Act (Sec. 1761c) states that no loan shall be made unless it is approved by a majority of the entire committee and by all members of the committee who are present at a meeting at which the application is considered.	That approval of loans by the credit committee be by a simple majority vote.	Present approval requirement is cumbersome and difficult to fulfill in some credit unions.
Loan Officers — Appointment of	The Act (Sec. 1761c) states: The credit committee may, by majority vote of its members, appoint one or more loan officers.	To authorize the board of directors to appoint loan officer(s) and prescribe rules under which they may perform.	To be consistent with proposed optional appointment of the credit committee.
Reports by	The Act (Sec. 1761c) states: Each loan officer shall furnish to the credit committee a record of each transaction approved or not approved by him within seven days of the date of the filing of the application or request.	To repeal the requirement that loan officers must report to the credit committee at least every seven days. Frequency of reports to be governed by rules of the directors.	Frequency of reports by loan officers should be governed by situation in individual credit union.
Insurance for Officials	The Act (Sec. 1761a) provides compensation of officials as indicated above. The Bureau has ruled that a credit union can obtain group accident insurance to protect directors and committeemen while on official business. With this exception they may not purchase accident, health, life, or other insurance for officials because to do so would constitute compensation.	To exclude a credit union's purchase of life, accident, and health insurance for its officers, directors and committeemen from being deemed compensation within the meaning of the Act.	Allowing insurance to be provided officially on a full time basis would preclude injustice to survivors because of difficulty in interpreting "on credit union business."

IV. Savings And Deposits

Shares, Par Value	The Act (Sec. 1753) states: The par value of shares shall be \$5 each.	To give the board of directors authority to establish the par value of shares in \$5 multiples, not less than \$5, and not more than \$25.	To oblige small shareholders to adopt thrift habits consistent with current financial conditions and allow board to deal with small, inactive accounts.
Checking Accounts	The Act is silent.	To authorize credit unions to establish for members checking accounts, with reserves for such accounts to be set by the Administrator with the consent of the National Credit Union Board.	To permit a fuller range of service to members.
Deposit Accounts— Establishment of	The Act is silent.	To permit credit unions to operate deposit accounts, limited to members and treated as capital. These accounts to be subject to conditions established by the board of directors.	Would provide fuller range of service to members.
Interest Rate On	Present Act makes no provision for deposits.	That legislation be drawn to allow variable interest rates on deposits.	A variable rate of return will enable unions to provide different types of deposit accounts.
Variable Dividend Rates	The Act (Sec. 1763) states that dividends shall be paid on all paid up shares outstanding at the end of the dividend period.	To authorize variable dividend rates on shares.	To allow flexibility in classification of shares, consistent with a flexible deposit program.
Dividend Frequency	The Act (Sec. 1763) authorizes the board of directors to declare a dividend annually, semi-annually, or quarterly, as the bylaws may provide.	That the frequency for payment of dividends be removed from the Act so as to be completely at the discretion of the board of directors.	To allow credit unions to pay dividends according to custom of other institutions in its locality, and to give members greater flexibility.
Multiple Party Accounts	The Act (Sec. 1759) states: Shares may be issued in joint tenancy with right of survivorship with any persons designated by the credit union member.	To add a new multiple party account provision enabling credit unions to offer members (1) a multiple party share account with survivorship; (2) a share-deposit account of trustee for beneficiary; (3) a multiple party share-deposit account without survivorship; (4) a multiple party share-deposit account which includes one or more non-member parties.	Permits persons who have no will or who wish to avoid probate to enjoy the advantages of an account during their lifetime and to name one or more beneficiaries to receive money in account after their death. Also a member with other parties to his account need not lose control of his money since he can restrict withdrawals.

V. Loans

Interest Rates — Incidental Charges	The Act provides (Sec. 1757)(5) rates of interest not exceeding 1 percentum per month on unpaid balances, inclusive of all charges incidental to making the loan.	To remove from the Act the requirement that the interest rate be inclusive of all charges incidental to making the loan.	It is economically unsound for the credit union to make certain types of loans, such as real estate, and pay the incidental costs.
Maximum	As above.	That the interest rate shall not exceed 1% per month, unless otherwise approved by the Administrator.	A higher return on loans may be necessary, due to increased costs of operation and acquisition of capital. If credit union is to maintain full-range of services to members.
Interest Refunds — Frequency of, Rate of	The Act (Sec. 1761b)(14)) empowers board of directors, subject to Bureau regulations, to authorize an interest refund to members of record at the close of business on the last day of any dividend period in proportion to the interest paid by them during the dividend period.	To permit the interest refund period to be other than the dividend period and to provide for variable interest refund rates.	To offer greater flexibility as to period for which interest refund is paid and to permit selectivity with respect to loans which will receive refund.

VII. Investments

SUBJECT	PRESENT PROVISION	PROPOSAL	COMMENTS
Investment in Other Credit Unions	The Act (Sec. 1757(8)(G)) provides that a federal credit union shall have the power to invest its funds in shares or deposits of any central credit union in which such investments are specifically authorized by the board of directors of the federal credit union making the investment.	To authorize credit unions to deposit or purchase shares in other credit unions without limitations - further that anything in the Act in conflict with this proposal be eliminated.	Provide greater liquidity within the credit union movement and to allow credit unions to invest fully in other credit unions.
Loans to Other Credit Unions	The Act (Sec. 1757(8)) provides that loans may be made up to 25% of the unimpaired capital and surplus of the lending credit union.	To delete from the Act the limitation that loans to other credit unions in the aggregate may not exceed 25% of the lending credit union's paid-in and unimpaired capital and surplus.	Provide greater liquidity within the credit union movement.
Investment in Service Corporations	The Act (Sec. 1757(8)) provides for investment in government securities, in insured financial institutions, and in central credit unions.	In addition to existing privileges, to permit funds not used in loans to members to be invested in capital shares, obligations, or preferred stock issues of any agency or association organized either as a stock company, mutual association or membership corporation, provided the membership or stockholdings, in the case may be, of such agency or association are confined or restricted to credit unions or organizations of credit unions and provided the purposes for which such agency or association is organized are designed to service or otherwise assist credit union operations.	To provide necessary financing for organization furnishing essential services to credit unions and/or credit union members, such as a data processing facility, mutual fund etc.
Investment in Cooperative Societies	The Act is silent	To empower federal credit unions to invest in cooperative societies, as provided in the CUNA Model Credit Union Act: "Funds not used in loans to members may be invested in shares of a cooperative society organized under local or national cooperative laws in the total amount not exceeding 10% of the shares, deposits, and surplus of the credit union." (Sec. 23(4))	To allow investment in mutual self-help organizations which may be of benefit to credit union members.
Loans to Credit Union Associations	The Act is silent Bylaws (Art. XII) - Loans may be made only to members (Individuals) or to a member other than a natural person in amounts not in excess of shareholdings in the credit union extending the loan.	To authorize credit unions to make loans, in aggregate not exceeding 1 percent of the capital of the credit union to any credit union association of which the credit union is a member. Such loans may be made on secured or unsecured basis with interest and with such maturity deeds and conditions as the board of directors shall authorize.	To strengthen the ability of credit union associations to finance programs and activities of benefit to credit unions and their members.
Investment in Corporate Securities	The Act (Sec. 1757) does not include authority for investment in corporate securities.	To authorize credit unions to invest up to 5% of their shares in any corporate stock or bond which appears on a list approved by the Administrator annually or quarterly. The Administrator should prepare and maintain a list of not less than 30 corporations.	To permit diversification of credit unions investment portfolio similar to practice of other financial institutions, with necessary supervisory safeguards.

VIII. Reserves And Liquidity

Reserves	The Act (Sec. 1782) provides for transfer of 20% of net earnings to regular reserves until 10% of total shares attained.	That the regular reserve be based on risk assets and that the formula for transfer to the reserve be at the rate of 10% of gross income until such time as the reserve fund reaches 5% of risk assets; that it then be decreased to 7% of gross income until such time as the reserve fund reaches 6% of risk assets and then be decreased to 5% of gross income until the reserve fund attains a maximum of 7% of risk assets. Subsequent transfers required only to maintain 7% maximum.	Reserves should be related to basic risk assets such as loans outstanding, according to independent studies by the Bureau of Federal Credit Unions and CUNA International. A transfer to reserves based on gross income would accelerate reserve accumulation in high-expense credit unions which often have greater need for reserves. A declining formula for transfer to reserves would give relief to the older and better established credit unions with ample reserves already accumulated.
Central Bank System for Credit Unions	The Act is silent	That the staff report on a Central Bank System for credit unions be forwarded to the CUNA Districts without recommendation, but with a memorandum setting forth the pros and cons of the proposals.	The Recodification Committee did not have sufficient time before the CUNA District Meetings to fully and adequately evaluate the tentative proposal on a Central Bank System.
Authority for Federal Centrals	The Act is silent.	To authorize federal centrals to operate with the same powers as are accorded state-chartered central credit unions.	No special authority exists in the Act for the operation of federal central credit unions, according to the Bureau. It would strengthen the dual chartering system if federal centrals were empowered to operate in the same way that state-chartered centrals operate.

HB 648

...nted to be more concerned about the
Army's interests than those of their
...nts. I'm writing to PLAYBOY in the
...pe that you've heard about these law-
...s and will be able to tell me how to
...ntact them.

(Name withheld by request)

APO San Francisco, California
You're probably referring to the Law-
... Military Defense Committee, a
...p that was formed in the summer of
... and since that time has helped over
... Servicemen with everything from
... applications for discharge to general
... courts-martial for fragging. The commit-
... received a grant from the Playboy
... Foundation in 1971. You can contact
... at their office at 203 Tu Do Street,
... Room 11, Saigon, South Vietnam, or in
... U. S. at their headquarters at Langdell
... Hall, Cambridge, Massachusetts 02138.

PERMANENT CRIMINAL RECORDS

A bill to expunge certain criminal records has failed to pass the Maryland assembly by a relatively narrow margin. Its detractors claimed that it would allow those with a criminal past to lie to prospective employers. The short answer to this is that employers should not be asking such questions in the first place. Proper employment information would still be available from previous employers or other references and such information is far more pertinent than data pertaining to an arrest or a chance encounter with the law.

In cases of arrests that are made solely on the initiative of individual police officers, where no grand-jury indictment or preliminary hearing has produced a dispassionate determination of probable guilt, all records of the arrest should be destroyed immediately upon the acquittal of the defendant or upon the failure of evidence against him. In other cases, the records should be expunged completely after an appropriate passage of time. Permanent records of this sort handicap people for the rest of their lives.

I, for one, hope the Maryland bill will be reintroduced before a more enlightened assembly and that this time it will be enacted.

Frank Matthews
Bladensburg, Maryland

THE COST OF ONE ARREST

The following excerpts from a Washington Post editorial have my complete endorsement:

Judge Gerhard A. Gesell struck a blow for humanism as well as for simple justice when he ruled recently that the FBI must put an end to its indiscriminate dissemination of individual arrest records. These may still be made available to agencies of the Federal Government and for genuine law-enforcement

purposes outside the Federal Government. But the past practice of letting banks, private employers and others have easy access to them must be discontinued, the judge said, in the interest of fairness and decency. Careless use of these records, he said, "may easily inhibit freedom to speak, to work and to move about in this land." . . .

If a man is arrested and subsequently adjudged wholly innocent of the offense for which the arrest was made, surely his record ought to be as free from blemish as if he had never been accused at all. We wish that such information could be wholly expunged from the record. And even when his past guilt or innocence has been left unresolved, it would be preferable to let him have the benefit of the doubt. Oblivion has its virtues no less than recollection. We share Judge Gesell's humane feeling that, with the development of computerization, there is "a pressing need to preserve and redefine aspects of the right of privacy to insure the basic freedoms guaranteed by this democracy."

There is much more reform needed in this area. I have seen my son's one indiscretion of high school days rise up repeatedly and destroy social and employment opportunities, nullifying years of expensive higher education. When a person hasn't committed any new offense, why shouldn't his arrest record be destroyed entirely after a certain period of time?

(Name withheld by request)
Washington, D. C.

LET THE VICTIMS SPEAK

I recently saw some 1970 issues of PLAYBOY and was very stirred by the debate about electro-convulsive therapy in several instalments of *The Playboy Forum*. Having been through this torture myself, I agree with the ex-patients who denounced it and I completely distrust the psychiatrists who defended it; however, I am glad that you published both sides. In almost all official investigations, the victim is never allowed to talk. No ordinary woman was allowed to say anything during the Senate hearings on the oral contraceptive and when one tried to speak, she was ruled out of order: the only female testimony came from female M. D.'s, who spoke for their profession—the profession that was being investigated. Similarly, the poor never get a chance to comment on poverty programs and educational conferences do not invite dropouts to come and explain why they found the schools intolerable. And, of course, any inquiry into our mental hospitals develops into psychiatrists investigating psychiatrists and state officials checking other state

officials; what the patients have to irrelevant and immaterial.

The only way to learn the truth : any social problem is to let the vic speak in reply to their exploiters.

(Name withheld by request)
Los Angeles, California

LAW VS. DISORDER

Thanks to PLAYBOY's openly favor the legalization of everything from : juana to homosexuality, and thanks to a Supreme Court that has compl undermined our system of criminal tice by making it impossible for p to conduct an effective investigation murderers of a six-year-old girl are roaming the streets of our town. Or the alleged killers, a boy of 16, has s almost his entire life committing sexual offense after another but has er been confined for more than per tory psychological care. Why? Bec our Alabama courts are afraid of cism by the liberal press, such as *New York Times*, and because pe like Hugh Hefner are constantly scr ing about the rights of the accused.

What about the rights of the vic As the father of a five-year-old gi am incensed that child murderers allowed total freedom of action while local police and the FBI stand by, h lessly muttering about circumstat evidence. As a concerned citizen and ther, I have attempted to arouse townspeople to unilateral action, bu no avail. Lawlessness, through its h maiden humanitarianism, has gained strong a foothold—even in the D South, America's last bastion of dece and order.

Incidentally, as one who holds degree in statistics. I have done some search on the supposed fairness of y magazine, and it may interest you to ki that over the past eight years, a full percent of all the letters you have p lished espouse your point of view, se percent are marginal and only 11 perc are unquestionably opposed to the v ous tenets of *The Playboy Philosophy*.

Charles A. Kar
Fayette, Alabar

You accuse PLAYBOY, *The New York Times*, the Supreme Court and any else who has ever expressed concern due process of law of fomenting spirit of lawlessness and disorder; th in the next breath, you state that y have advocated what you term unilate action to deal with a boy who is alle to be a killer on the basis of evidence t is considered circumstantial by both local police and the FBI. You jurt suggest that the absence of more subst tial evidence is the fault of a libe Supreme Court that has made it "imp sible for police to conduct an effect investigation," igne,ing the fact t effective investigating is exactly what

ROBISON, MCCASKEY, STRACHAN & HOGE

ATTORNEYS AT LAW

921 SIXTH AVENUE WEST
ANCHORAGE, ALASKA 99501

PAUL F. ROBISON
KENNETH MCCASKEY
JOHN R. STRACHAN
ANDREW E. HOGE

WILLIAM G. RICHARDS
MARVIN S. FRANKEL
PETER A. LEKISCH
LEROY BARKER

HB-787
TELEPHONE
AREA CODE 907
~~278-7431~~
278-7431

March 6, 1972


Representative William J. Moran
Pouch V, State Capitol
Juneau, Alaska 99801

Dear Bill:

This is a followup to my letter of February 29th regarding the proposed Bill to protect underground utilities. Upon reviewing my file, I was concerned that I might have sent you an incomplete draft of the Bill. Enclosed please find the final draft of the proposed Bill. I would appreciate it if you would insure that the Bill that is introduced includes "natural gas" under the list of definitions under the subsection "Utility operator". Also, the Bill should include a second section which makes the Act effective immediately upon its passage and approval.

Paul Robison is in Juneau this week and can assist you if you have any questions regarding the legislation. In addition, I would appreciate it if you could telephone me later this week and advise me whether you anticipate this Bill can be passed during this session of the Legislature.

Very truly yours,



Leroy J. Barker

ENC.

LJB:u

ROBISON, McCASKEY, STRACHAN & HOGE

ATTORNEYS AT LAW
921 SIXTH AVENUE WEST
ANCHORAGE, ALASKA 99501

HB-787

PAUL F. ROBISON
KENNETH McCASKEY
JOHN R. STRACHAN
ANDREW E. HOGE

WILLIAM G. RICHARDS
MARVIN S. FRANKEL
PETER A. LEKISCH
LEROY BARKER

TELEPHONE
AREA CODE 907
272-8446
279-7431

February 16, 1972

Representative William J. Moran
Pouch V State Capitol
JUNEAU, Alaska 99801

Dear Bill:

Paul suggested that I forward the enclosed copy of a proposed statute which we anticipate asking you to submit to the legislature next week.

We had a meeting this week of representatives of all the underground utilities here in the Anchorage area. The proposed ordinance was presented for comment and consideration. As soon as the utilities involved have had an opportunity to review the statute and make appropriate comment, we will be submitting it to you with a request that it be introduced in the legislature with the hope that it will be passed this year.

Yours very truly,

ROBISON, McCASKEY, STRACHAN
& HOGE


LEROY J. BARKER

LJB/lmm

PROPOSED STATUTE

Section 1. Purpose.

The purpose of this Act is to protect workmen and others in the immediate vicinity from death or injury which may result from the destruction of, or damage to, underground utility lines. It is also the purpose of this Act to provide for the well being of the community by preventing the interruption of essential services resulting from the destruction of, or damage to, underground utility lines.

Section 2. Strict Liability for Damage to Underground Utilities

by Excavation. (a) Any person, who while excavating, damages any underground utility line is liable, without regard to negligence, for three times the actual damages to the utility operator of the utility line, unless the person has requested a locate by the utility operator and the locate has not been provided by the utility operator within four normal business hours after it received the request, or where the locate by the utility operator is inaccurate and that inaccuracy is the proximate cause of the damage.

(b) In addition to the damages provided for above, a person who damages any underground line is liable, without regard to negligence, for a civil penalty in the sum of \$500.00 for each incident. The sums so recovered are payable to the State of Alaska unless the utility operator is a Borough established under Title Seven or a Municipal Corporation as established under Title Twenty-nine. In the latter event the civil penalties shall be payable to the utility operator.

(c) Any action brought under section (a) may include a claim for the civil penalty even though the party bringing the action is not a Borough or a Municipal Corporation.

Section 3. Actions to be brought in two years.

No actions may be brought under any of the provisions of this Act unless commenced within two years after the date the damage to the line occurs.

Section 4. Remedies not exclusive.

Remedies provided for under this Act are not exclusive and utility operators shall retain any remedies otherwise allowed by statute or common law.

Section 5. Definitions.

As used in this Act

"excavate" means the movement or removal of earth or blasting, and includes augering, back-filling, digging, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, and tunnelling;

"person" includes a corporation, company, partnership, firm, association, organization, business trust, society, a Borough established under Title Seven, a Municipal Corporation as established under Title Twenty-nine, and a natural person;

"utility line" means any conduit or related facilities, including pipe or cable by which a utility operator furnishes service; and

"utility operator" means a person who furnishes any of the following services by means of a utility line:

- (1) petroleum product,
- (2) electricity,
- (3) sewer,
- (4) communications, or
- (5) water.

HB-787

Chugach

ELECTRIC ASSOCIATION, INC.

GAMBELL AT EIGHTH • P. O. BOX 3518 • PHONE 272-4441

Anchorage, Alaska 99501
PLEASE REPLY VIA AIRMAIL

February 29, 1972

Mr. William J. Moran
Pouch V
State Capitol
Juneau, Alaska 99801

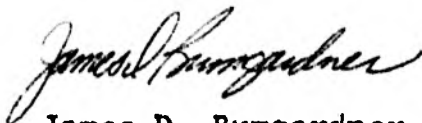
Dear Mr. Moran:

In the past month several meetings were held by representatives of the various utilities in the Anchorage area to discuss a possible solution to "dig-ins" of buried facilities. During the course of these meetings, the possible use of legislation as a means of control was discussed.

As a result of these meetings, a proposed legislative bill was formulated and set to paper by the Anchorage City Attorney. I understand that there will be a letter forthcoming requesting that you introduce such bill. A copy of the aforementioned is enclosed for your review and comments.

In addition to the bill, an "Agreement" among the various utilities was also discussed. Enclosed is a copy of this proposed agreement. Your timely comments on this would also be appreciated.

Very truly yours,



James D. Bumgardner
Manager of Engineering Services

Enclosures

ANCHORAGE
CITY ATTORNEY
BOX 400
ANCHORAGE, ALASKA
272-6522 EXT. 325

AGREEMENT

THIS AGREEMENT, made and entered into by and between the CITY OF ANCHORAGE, a municipal corporation, the GREATER ANCHORAGE AREA BOROUGH, a municipal corporation, CHUGACH ELECTRIC ASSOCIATION, CENTRAL ALASKA UTILITIES, INC., and ALASKA INTERSTATE, d/b/a ANCHORAGE NATURAL GAS:

WHEREAS the parties to this contract experience a common hardship as a result of destruction of facilities by construction contractors; and

WHEREAS the interruption of service as a result of facility damage creates hazardous conditions, causes public inconvenience and requires the utilities to employ crews on repair work that could otherwise be utilized for installations or other work designed to provide benefits to residents requiring service, and,

WHEREAS it appears that the primary causes for the damage to facilities is economic in that money is saved by tearing out buried facilities rather than waiting for a locate service or utilizing small equipment to expose the facilities; and,

WHEREAS the parties contemplate a reciprocal agreement providing for withholding of contract payments sufficient to cover all costs of facility damages to another utility will provide an incentive to request locate service and to avoid damage,

NOW, THEREFORE, in consideration of the mutual covenants, stipulations and agreements herein contained, the parties agree as follows:

1. Each party to this agreement will include, in each and

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CITY ATTORNEY
BOX 400
ANCHORAGE, ALASKA
272-5522 EXT. 325

every contract calling for the construction or installation of utility facilities or other excavation the following clause:

Upon receipt of written notification from any of the public utilities listed in this paragraph that Contractor has caused damage to any facility, equipment or installation of that utility and that Contractor failed to request a locate service at least four (4) business hours prior to the damage, or if the locate service was properly requested, that the damage was not proximately caused by an error in the locate service,

*

_____ will withhold from forthcoming contract payments, including advances, an amount sufficient to cover the damage. The amount sufficient to cover the damage shall be designated by the utility providing notification of damage and shall include the total cost of repair, including overhead and a minimum of three hundred dollars (\$300) to cover costs and attorney's fees. The public utilities that may provide notice of utility damage under this paragraph are:

Anchorage Natural Gas
Anchorage Telephone Utility
Anchorage Water Utility
Central Alaska Utilities
Chugach Electric Association
Greater Anchorage Area Borough Sewer Utility
Municipal Light and Power Utility

Upon receipt of a release of claim by the notifying utility or the judgment of a court having jurisdiction establishing that Contractor is liable for a lesser amount or is not liable for the damage, * _____

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72-8822 EXT. 325

will release the excess funds to Contractor. Funds withheld pursuant to this provision shall not bear interest.

Upon receipt of satisfactory evidence establishing that the utility giving notice of damage failed to commence an action against the Contractor in a court of competent jurisdiction within ninety (90) days after discovery of the damage, * _____

_____ shall release the funds withheld pursuant to this provision.

2. The parties agree that a utility giving notice of damage and requesting that funds be withheld under this agreement will indemnify, hold and save the withholding utility or utilities harmless from liability of any nature or kind, including costs and expenses, for or on account of any suits or damages resulting from withholding funds pursuant to this contract.
3. This contract shall remain in full force and effect for a period of one (1) year from the date of execution. Any party may terminate his rights and liabilities under this agreement by serving notice on all other parties, at least ten (10) days prior to the effective date of termination. Termination by a party shall not extinguish any accrued liability.
4. Notices under this agreement shall be addressed to the utility manager, or, in the case of the City of Anchorage, Department of Public Works, to the Director of Public Works, at the appropriate business address.

IN WITNESS WHEREOF, the parties have executed this

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ANCHORAGE, ALASKA
272-5522 EXT. 329

agreement as set forth below.

CITY OF ANCHORAGE, ALASKA

By: _____
Robert E. Sharp, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

DIRECTOR OF PUBLIC WORKS

Manager, ANCHORAGE TELEPHONE UTILITY

Manager, MUNICIPAL LIGHT & POWER

Manager, ANCHORAGE WATER UTILITY

Manager, ANCHORAGE NATURAL GAS

Manager, CENTRAL ALASKA UTILITIES

Manager, CHUGACH ELECTRIC ASSOCIATION

Manager, GREATER ANCHORAGE AREA
BOROUGH SEWER UTILITY

* Insert the name of the party to this agreement who is
contracting for construction, installation or excavation.

A BILL

For an Act entitled: "An Act relating to liability for damage to underground utilities."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.60 is amended by adding new sections to read:

ARTICLE VII. DAMAGE TO UNDERGROUND FACILITIES OF A UTILITY

Sec. 18.60.700 PURPOSE. This Act is intended to protect workmen and others from death or injury which may result from damage to underground utility facilities, and to provide for the safety and well being of the general public by deterring the interruption of essential services resulting from damage to the facilities.

Sec. 18.60.710 STRICT LIABILITY FOR DAMAGE TO UNDERGROUND UTILITIES. (a) A person who, while excavating, damages an underground utility facility is liable to the utility operator for three times the actual damages unless the person has requested the utility operator to locate its facilities in a designated area and the locate has not been provided as pursuant to secs. 710-750 of this chapter or the locate provided is inaccurate and that inaccuracy is the proximate cause of the damage. Damages provided by

this section shall be awarded without regard to negligence.

(b) A utility operator shall, within four regular business hours after receipt of a request for locate service, commence to locate the utilities in the designated area and shall complete the service within a reasonable time. If the request for locate service encompasses excavation work in an area which will require more than one day to complete, the person requesting the locate shall provide the utility with a schedule of the excavating work for which location service is to be provided.

Sec. 18.60.720 CIVIL PENALTY A person who damages an underground facility under conditions creating liability for treble damages under sec. 710 of this chapter shall, in addition, be liable to the State of Alaska for a civil penalty in the sum of \$500 for each incident. An action for the civil penalty may be commenced by the Attorney General, or the penalty may be awarded to the State in an action commenced under sec. 710, even though the State is unrepresented in the proceeding.

Sec. 18.60.730 ACTIONS TO BE BROUGHT IN TWO YEARS No action may be brought under secs. 710 or 720 of this chapter unless commenced within two years after the date of damage to the utility facility.

Sec. 18.60.740 REMEDIES NOT EXCLUSIVE. The provisions of secs. 710-750 of this chapter shall not be construed as abolishing or diminishing any other claim or remedy otherwise available to a utility operator, except that an award of treble damages under sec. 710 shall extinguish a claim for damages based on negligence.

Sec. 18.60.750 DEFINITIONS As used in secs. 700-750 of this chapter

(1) "excavate" means the movement or removal of earth and includes, but is not limited to, blasting, augering, back-filling, digging, ditching, drilling, staking, grading, plowing-in, pulling-in, ripping, scraping, trenching, and tunnelling;

(2) "inaccurate" means a locate that is not within 24 inches horizontally, or, when required, 12 inches vertically, of the centerline of the facility provided by the utility;

(3) "locate" means a field marking on the surface by paint, dye, stakes or any other marking clearly visible at the time of placement which designates the horizontal course or location of a utility facility. When pipes, cables or tiles are being located, the locate shall signify the centerline of the pipe or tile and the utility shall specify the dimensions of the facility. When the excavation is for the

purpose of street or highway improvement that requires a change in grade in excess of 12 inches, the locate shall include a designation of the vertical depth of the facility, which may be shown by plans, expose^{ure} of facilities, or other suitable means.

(4) "person" means a corporation, company, partnership, firm, association, organization, business trust, society, borough, municipal corporation or natural person;

(5) "utility operator" means a person who furnishes any of the following services to a customer or customers by means of a conduit, pipe, tile, wire, cable or line:

- (a) petroleum products
- (b) electricity
- (c) sewer
- (d) communications
- (e) water

NAMES OF PEOPLE ATTENDING MEETING OF FEBRUARY 14, 1972

Jim Cellars	-	Borough attorney's office
John Brown	-	Central Alaska Utilities
John Bjornson	-	Central Alaska Utilities
Dick Brink	-	Central Alaska Utilities
Dick McBride	-	Anchorage Telephone Utility
Luke Bergman	-	Anchorage Natural Gas Company
Dave Skitt	-	Anchorage Water Utility
Ed Fisher	-	R. W. Retherford (APUC)
S. W. Smith	-	Anchorage Water Utility
I. W. Mitchell	-	A. P. U. C.
J. R. Hendershot	-	A. P. U. C.
Dale Teel	-	Anchorage Natural Gas
Paul Robison	-	Attorney (ANGC)
Jerry J. Jost	-	Chugach Electric Association
Leroy Barker	-	Attorney (ANGC)
Bob Phillips	-	G.A.A.B. R.O.W.
Frankland Smith	-	M L & P
Robert J. Mahoney	-	City Attorney's office
Paul Singleton	-	G.A. A.B.



HH
(1912-22)

One-House Legislature Advocated by Unruh

By **JESS UNRUH**

National Municipal League

Carl H. Pforzheimer Building

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

Reprinted from NATIONAL CIVIC REVIEW, May 1911

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One-House Legislature Advocated by Unruh

by Jess Unruh*

THE heavy double doors are locked and barred. A burly sergeant-at-arms gently, but with authority, refuses entrance to everyone. Even senators and assemblymen cannot pass. Occasionally the doors will be opened by the sergeant and through the cigar smoke a quick look will reveal six men. Shirtsleeved, ties loosened, they reflect the same harmless goodwill you can see four nights a week in any of a dozen rooms in the Senator Hotel when a poker or blackjack game is in progress.

But there is nothing harmless about the meeting going on behind the barred doors. And the stakes are far higher than the crisp hundred dollar bills that change hands between lobbyist and legislator in friendly poker games.

Before the six men come out of the walnut-panelled room they will have passed judgment on life and death matters for many of California's 20 million residents and will have spent nearly 7 billion tax dollars collected from the citizenry.

There are no rules—except those decided on by the conferees. No reporter is inside the room to report the proceedings. There is no requirement that the report on their deliberations be rendered by a certain time. And there will in all likelihood be very little time for other legislators or the public to do more than skim the document which will finally be produced.

All of the work laboriously put into a budget bill for nine months by thousands of civil servants, administrators and legislators means absolutely nothing if it does not meet the approval of the six tribunes in that room.

This is a free conference of the California legislature. Scary, you say? Should be changed and cleaned up? The press ought to be allowed in? Perhaps. But, before condemning the six legislators and the institutions they represent, let's take another look.

The three senators and three assemblymen who will spend over a billion dollars each are doing what comes naturally in today's legislature. They are reconciling the differences between the decisions made in each of the two houses. It is a process which has been going on for decades in 49 states and will continue as long as the two-house or bicameral legislature exists.

State legislatures under the bicameral system are costly and inefficient

* Jess Unruh is former speaker of the California Assembly.

anachronisms which thwart the popular will, cater to private interests, and hobble responsible decision making, until they are no longer responsive to the needs of the people they are supposed to serve.

This lack of accountability to the people is not a problem unique to our state legislatures, but is permeating every level of our government. We see it at work in our monolithic bureaucratic agencies which have almost become governments unto themselves; we see it in our costly and iniquitous system of justice; we see it in the wasted education of our youth. And we feel it in the growing hostility and frustration of a large number of our citizens. Indeed, it may be that this frustration is the only thing that will "bring us together."

If we look at the militant student protesting the Vietnam war or irrelevance in his classroom, and at the middle-income suburbanite venting his ire on local school bond requests, we see they have at least one thing in common: They are both enraged at the inability of government to deal effectively with what they see as the principal problems that confront them.

In response to these growing complaints, some attempts are being made at governmental reform. President Nixon and others are now talking seriously about reforming the federal executive and bringing the states into parity with the federal government through revenue sharing and block grants.

I predict that their efforts will have little effect on improving the quality and responsiveness of state government unless state institutions themselves are drastically revised. And basic to that restructuring is the overhauling of that institution which will have to pass upon the revision of every other state agency—the state legislature.

The most far-reaching reform, the most drastic step we could take toward making our state governments more responsive, more honest, more efficient and more economical is the introduction of the unicameral or one-house legislature.

No matter how much we concern ourselves with upgrading the legislative process, we will fail unless unicameralism is made central to the present efforts to reform and modernize state legislatures. I believe in increased salaries, better facilities and professional staff. But they are not enough. These reforms in themselves only make a more efficient horse and buggy. The bicameral legislature still remains almost hopelessly outmoded, only perpetuated by tradition and special interests.

Even the original rationale for the two-house legislature, to guarantee some representation of people as well as of property, has been removed by recent Supreme Court decisions guaranteeing equal representation. Under the one man, one vote rulings first enunciated in *Baker v. Carr*, representa-

tion of people has finally become paramount over the representation of geographic areas.

I suggest that, from now on, honest, accurate reapportionment will invariably make the houses carbon copies of each other insofar as their constituent makeups are concerned. The degree to which the houses actually do differ will become a measure by which reapportionment has been unfair or dishonest.

If efficiency and representativeness stand to gain under unicameralism, the special interest groups which now dominate our bicameral legislative process stand to lose a great deal.

Consider just one special interest—the liquor industry. In California the wholesale liquor distributors have succeeded in building into our laws protective measures such as state-guaranteed collection of accounts from retailers. To kill any reform legislation dealing with the liquor industry and preserve this economic sanctuary, all the liquor lobbyists have to do is woo and win a majority of *one* committee in *either* house of the state legislature. This may mean only three men. Elimination of bicameralism would increase the possibility of repealing this grossly unfair legislation.

Almost every state has its privileged industries or groups which thrive under the protection that unwieldy, unresponsive legislatures afford them. The power of these groups over the government should be curbed, but cannot be as long as the many obstacles to reform are compounded by a bicameral legislature. It is clear that basic reform cannot happen in state legislatures which were designed to afford maximum protection to those who need it least.

If the clandestine "poker game" of the free conference and the "legislative black jack" of special interests now witnessed under our bicameral system do not offer reason enough to consider unicameralism, let us look at the problems from a point of reference we can all understand—in terms of money and economy.

Today there is a renewed interest in making legislatures equal partners in the governmental process. And, as we have indicated, there is probably no more important step to be taken in making our federal system work better. To upgrade legislatures is, however, an expensive proposition. For many years legislative budgets have been neglected. Most legislatures are still woefully underpaid, understaffed and lacking in such basic necessities as office space, clerical help and even telephone allowance. Some legislatures will have to build expensive new buildings to house a significantly enlarged staff. Taxpayers are not likely to look with favor on the drastic increases in spending that will be necessary to achieve these reforms under the present, inefficient bicameral system.

But most legislatures, particularly those in the larger states, could give themselves the tools necessary for proper decision making *without* significant budgetary increase by eliminating one house. Not only would this greatly decrease the number of legislators, offices, telephones and secretaries that must be paid for directly, it would also permit a reduction in staff and spending by those public and private agencies which must deal with the legislature.

To illustrate, let's use again the annual state budget and follow its tortuous course through the California legislature, a body universally conceded to be the best in the nation. The budget is introduced in the same form in *both* houses. It is then sent to the finance committee of each house. There it consumes most of the time of 25 to 30 percent of the members of each house for from four to five months, sometimes more. It also consumes the bulk of the time of the highest-paid Assembly and Senate staff employees.

But, this is only the visible and expected part of the iceberg. It also draws the major part of the staff time of the top people in the governor's Department of Finance—scurrying back and forth between the Assembly Ways and Means Committee and the Senate Finance Committee. Each executive department whose budget is being scrutinized also sends representatives to these two committees and their many subcommittees. Lobbyists and interested citizens' groups also have to cover both houses. All of these people will be paid either directly by the taxpayers or indirectly by the tax write-off.

But all this is really shadowboxing because, as we have seen, the budget is finally written by three senators and three assemblymen in a free conference committee, and the product of their labors and decisions may bear little relationship to the budget passed by either house.

The days (sometimes weeks) of labor that these six members contribute again require the attendance of top staff people of the Legislative Analyst's office and the Department of Finance.

It is just as bad with other legislation. A school finance bill must be sent first to the education committee of the house in which it was introduced, then to its finance committee, then to the floor and then, if the bill passes, the whole maddening process is repeated again in the other house. This requires representatives of executive agencies, legislative staff and affected interests to appear at every repetitive step of the way. And, again, the final bill may well be written in a so-called free conference committee of six members to resolve the disputes between the houses, or to do *whatever else* comes into their minds.

Or there can be yet another level of committee operation in this mess—the joint committee, which is almost beyond anyone's control and often costs much more than it's worth in productive output. The joint committee has

the added advantage—to everyone but the people—of allowing legislators to avoid politically difficult problems by banishing them to the limbo of a powerless joint committee. The need for these committees would be *totally eliminated* if there were a one-house legislature.

In those states, such as California, which have already done much to modernize their procedures and abilities, unicameralism should bring no less than a 40 percent reduction in the costs of the legislature and of those groups which must work directly with it. In California, about \$20 million could be saved annually. The savings would be far more, if you consider future capital construction costs connected with increased staffing and legislative upgrading under the bicameral system.

But I do not suggest merely a penny-pinching approach to federalism. What I am really concerned with is responsible decision-making power at the state level. Two-house legislatures neutralize the force of the legislature in state government. Governors can, and do, arrange alignments of one house against the other over pieces of legislation and programs. This kind of whipsaw technique can ensure the defeat of legislation even though it may be supported by the majority of legislators. Also, most of the more vicious logrolling and logjamming in the legislative process comes about between the two houses.

The California State Senate Finance Committee for years has had a practice of holding all Assembly bills until the last few days of the session to keep a bargaining lever over members of the lower house. Without that excuse, the chairman of a one-house finance committee would be hard put to hold all appropriation measures until the last 10 days.

In my opinion, the committee system provides opportunity enough for governors and special interest groups to exert pressure on legislatures. When one house is pitted against the other, a serious power vacuum is created—a vacuum that outsiders are all too eager to fill. With only one house, however, the legislature would more nearly match the unified structure of the executive branch and, therefore, be a more worthy competitor.

When a smart governor plays one house against the other the public can rarely identify where the responsibility for defeat of legislation lies. The public can rarely detect the real culprit.

Let me say parenthetically that the press might do a much better and more thorough job covering the legislative process, and pinpointing responsibility, if there were, for example, only one-third as many committees functioning.

Specifically, what legislators desperately need today is visibility. Visibility promotes competence in, and attracts talent to, the legislative arena. It is also the best deterrent to corruption.

What the public needs is to be able to fix responsibility. I do not believe that we can expect the public to support state government until it can be seen who is responsible for what is happening or not happening in state government.

But consider the citizen's problem. He currently has a representative or an assemblyman and a state senator. They may well be in direct disagreement about a measure the voter is interested in. Whose word does he take as to what has happened to his interests? And who is really "representing" his point of view? Under bicameralism the assemblyman can say, "Well, we passed that bill but the Senate defeated it," or vice versa. Under unicameralism, responsibility to one's constituency cannot be so lightly evaded.

Unicameralism may also offer the best hope for our tripartite system to survive as a democratic form of government. If state legislatures are to play a significant role in twentieth-century American government, such basic kinds of reforms must be implemented, and within the very near future. If this does not occur, I doubt rather seriously that legislatures or state governments in general will be an effective instrument of the people's will. The states (and certainly state legislatures) will simply be bypassed in favor of a federal government which is no more responsive.

But, single-house legislatures will only happen if people understand how wasteful and unresponsive the two-house legislature has become.

When your legislature is in session take a close look at its operations. How much time is spent on interhouse squabbles that should be spent on policy deliberations? Are committees in one house passing out bad bills so that the other house will have to take the heat for killing them? Is the Senate stalling bills from the other house as leverage to get its own bills through? Are they creating unwieldy joint committees in an attempt to get around the problems of two houses and begetting Frankenstein's monsters as a result?

Ask yourself these questions about your legislature. Is there interhouse bill highjacking and name calling? Who speaks with authority on questions involving major legislation? Where would testimony on such legislation get the fairest hearing? Can you identify *exactly* who killed the legislation you felt to be important? Are the lobbyists playing off one house against the other so that legislation on which both houses basically agree goes down the tubes? Is the governor doing the same?

By now you can ask the rest of the questions yourself. The answers should leave you with a clearer understanding of why a lot of people in this nation have concluded that the system cannot produce answers anymore. These people are proposing solutions of their own: burn the whole country down and start over; abolish the states; drop out.

If the states are the critical link in the federal system, state government should have solutions too. If the federal system is worth saving, people at the state level are going to have to give it a lot of help. In every state constitution I have ever seen the legislative article precedes the executive. I take this to mean that the drafters believed in the importance of a strong and responsive legislature. If the constitution has to be amended to make the legislature unicameral, then the people will have to carry the ball. Few politicians can be expected to abolish their own jobs.

We are constantly told, today, that government should be more business-like in its conduct. Legislatures can be likened in the governmental structure to boards of directors in a corporate structure. No business has two boards of directors with equal power; under such a structure there could be no direct accountability to the stockholders. We should be able to expect at least as good an organization from the public corporations which spend \$70 billion of our money every year. It's time we got down to business with one board of directors for our state governments.

Or we could abolish it all and let the six men in the free conference committee run the whole thing. That would at least be more efficient—and more honest—than what we have today.

One-House Legislature

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HIGHEST SCORE SHEET	<i>Richard C. Spencer</i>	8

Editorial Comment

The Better Way

IT IS typically "American" to make and run things better and better—with the possible single exception of the state legislature.

The state legislature is something at which to scoff. There is no less respected institution, more's the pity.

In industry, science, business and other fields of human endeavor the traditional way of doing things is not sacrosanct. The mere fact that a method is old usually makes it suspect.

It is time, and long past time, for some of the leadership that has won progress in other fields to take a hard look at state legislatures and do something about them. Our lawmaking bodies should be of a kind that will deserve respect and will attract public-spirited men and women to their service.

The evidence is overwhelming that a one-house legislature is better than the traditional two-house body.¹ The weaknesses and worse of the bicameral system are common knowledge and have been so for as long as anyone can remember. It was away back in 1915, for example, that a joint legislative committee in Nebraska commented in its report:

¹ See pages 2 and 8.

"1. Representative government by the people should be direct and responsible. One body can more directly represent the public will of a democratic people than two or more.

"2. Cities all over the civilized world having a larger population and more diverse interests than Nebraska are governed by one body and the tendency is to make that body smaller with more direct responsibility upon each member than hitherto.

"3. The arguments for a two-house legislature may be summarized under three heads:

"a. The need of proper representation for different orders or classes of citizens in respect to wealth, education or social position. The answer to this is that the spirit of American institutions is to abolish class distinctions in government and to diffuse education and wealth letting social position take care of itself.

"b. Another argument is that two houses are required in order that they may be a check upon each other and prevent the enactment of unwise legislation. In practice it has been found that the so-called 'check' between the two houses results in trades and absence of the real responsibility

(Continued on page 12)

One House for 20 Years

Nebraska's extensive experience with nonpartisan unicameral legislature indicates it's here to stay.

By JACK W. RODGERS*

NEBRASKA has completed two decades of experience with its nonpartisan unicameral legislature, an experience which includes ten regular and six special sessions. The eleventh regular session convened January 1, 1957, adjourning in June. During these twenty years nonpartisan unicameral law-making has been put to a severe test. The legislature has faced knotty problems growing out of economic recession, war, postwar adjustments and drought. It has been asked to expand services and cut taxes, oftentimes simultaneously. This is the stuff out of which the new system could have been shown to be inadequate.

What is the situation? Has the nonpartisan unicameral legislature met these challenges head-on? Has it passed "hasty and ill-considered" legislation? Are the people satisfied that it has done a commendable job? Have any attempts been made to return to the former partisan bicameral legislature?

The events of the past twenty years would appear to justify the following summary statement: The people of the state have accepted the formulation of public policy by a

nonpartisan one-house legislature. While there is some opinion in favor of a return to a partisan legislature, there is little feeling that the state should revert to bicameralism. Many people, however, including members of the legislature, would like to see certain changes made within the framework of the basic system now in use.

Vigorous opponents¹ to the adoption of the 1934 constitutional amendment providing for the nonpartisan unicameral legislature called the proposal "dangerous" and "un-American." The press was almost unanimously opposed to it. Yet, since its adoption, the legislature has not been a principal issue of contention in state affairs and attempts to alter it to fit the earlier pattern have not only failed but have met with little or no popular enthusiasm.

Those who have served in the unicameral legislature, including a number who had also served in the former bicameral legislature, have been among its stoutest supporters. For example, only two bills have been introduced since 1937 proposing constitutional amendments to make the unicameral legislature partisan, one in 1951 and one in 1957. Both bills were killed in committee and aroused little discussion. No

* Dr. Rodgers is director of research of the Nebraska Legislative Council and assistant professor of political science at the University of Nebraska. He is a member of the Committee of State Officials on Suggested State Legislation of the Council of State Governments.

¹ Organized principally into a nonpartisan group known as the Representative Government Defense Association.

bills have been introduced proposing amendments to return to bicameralism. Also, when a petition campaign was inaugurated in 1953 to re-establish a partisan bicameral legislature, members and former members almost to the man came to the defense of the existing system.

Since 1941 eight bills have been introduced containing five proposals to increase the term of office to four years, eight proposals to raise the salaries of the members, three to provide for annual sessions and two to enlarge the size of the single chamber. The only one to get on the ballot was a 1949 proposal to permit the legislature to fix its own salary, to extend the term to four years and to allow annual sessions to be provided by law. It was soundly defeated at the 1950 general election.

No Stand by Parties

What has been the attitude of the political parties in Nebraska toward the legislature? Surprisingly enough, especially in view of the nonpartisan feature, neither political party took a stand on the impending referendum in its 1934 platform. In its 1952, 1954 and 1956 state platforms the Republican party urged that members be elected on a partisan ballot but nothing was said about re-establishing bicameralism. The Democratic party has mentioned neither issue in any of its platforms since 1934, although its 1956 platform contained a reference to the need for "organized political responsibility" in state government. This platform also stated, however, that "the Democratic party of Nebraska

recognizes in our unicameral legislature a bold and striking reform that has provided simplicity and economy in our legislative structure."

It is against this background that we turn briefly to the 1953-54 movement to return to bicameralism and partisan elections. Immediately after the adjournment of the 1953 session the state chairmen of the two parties announced formation of a bipartisan committee to sponsor a movement to re-create a partisan legislature and to consider the desirability of going back to a bicameral body. Petitions were to be circulated to put the proposition on the ballot at the 1954 general election.

The committee, in announcing its plans, said there was widespread dissatisfaction with the 1953 session, primarily because of its length, cost, number of bills introduced, total appropriations made and the number of lobbyists registered.² It is interesting to note that similar charges made against the 1933 session of the old bicameral legislature were part of the argument supporting adoption of the unicameral system.

An immediate rebuttal was issued by a number of persons, including several state legislators. Labeling the committee's charges as "unfair" and "ill-considered," they voiced their enthusiastic satisfaction with the present system. The announcement did serve to arouse considerable comment over the state and many persons registered approval of enlarging the present chamber. A lesser number argued for a return to partisan elections but few expressed

² Omaha World-Herald, June 19, 1953.

any interest in reestablishing bicameralism.

The bipartisan committee moved ahead slowly with its plans but finally announced it would circulate petitions to place a constitutional amendment on the 1954 ballot for establishment of a partisan bicameral legislature. By the time the petitions were ready for circulation, however, the group had only eight months in which to get 59,572 signatures so distributed as to include 5 per cent of the electors in each of two-fifths of the counties.

The Republican State Central Committee gave its "wholehearted endorsement" to the proposal but, when the campaign for signatures began to lag, reversed its action and said it would favor a petition campaign to reestablish partisanship only. The Democratic State Central Committee never came out with a definite endorsement. The bipartisan committee then decided to back this more limited proposal and again submitted petitions. This campaign fared no better. It was difficult to get people to carry the petitions, few signatures were gotten and the movement soon collapsed.

Several conclusions were obvious: First, there was no "widespread dissatisfaction" with the unicameral system itself, no popular demand for its change. The committee mistook criticism of the legislature's actions or inactions for criticism of the basic structure itself. The proponents of the petition campaign were also unable to pinpoint any particular governmental problems and show that they were the direct result of the

unicameral legislature or nonpartisan elections. It was furthermore apparent that few persons outside the four Republican and four Democratic leaders who made up the committee, including other party officials and leaders, were actually behind the movement. There was no other impetus.

In May 1956, it was announced that another petition campaign would be launched, this time under the auspices of several state labor organizations. The plan was to seek to increase the size of the unicameral legislature to 85 and to raise the pay of its members. The issue was to be placed on the ballot at the 1956 election. It was reported that the sponsors felt their interests would be better represented in a larger, better salaried legislature. Nothing further was heard of this movement, however.

Procedural Changes

For several sessions feeling had been growing among many members that certain procedural changes would help cut the length of sessions and give more time for adequate discussion of the more important bills. The 1955 legislature passed a resolution directing a committee of the Legislative Council to make a study of the legislative process with these goals in mind. As a result of this study³ several recommendations for rule changes were made to the 1957 legislature.

Included were recommendations to speed up the hearing process,

³ Nebraska Legislative Council, *Report of the Committee on Legislative Processes*, September 1956.

change the Committee on Order and Arrangement into a true steering committee, provide a method whereby the budget bill could be given a thorough airing on the floor, purchase recording machines to reproduce committee testimony and general file debate, screen resolutions calling for Legislative Council studies and bring about a realignment of the standing committees.

The 1957 legislature proceeded immediately to adopt three of these proposed rule changes. First, it adopted the proposed committee realignment which added one new committee and reduced the size of the other committees. The result was one additional committee to hear bills, five additional committee meetings each week and the fact that no longer would the membership of the agriculture, education and public works committees have to be the same.

The study committee's recommendation that standing committees begin their hearings at 1:30 in the afternoon rather than 2:00 was also adopted, thus giving more time to hear bills and to hold the important executive sessions. These rule changes were recognition of the fact that much of the lost motion in the legislative machinery occurred at the committee stage. Since all bills are given public hearings with five days notice it is necessary to speed the process as much as possible and to budget hearing time carefully.

Concrete results are already in evidence. The legislature does not begin all-day sessions until the hearing process has been largely

completed, and this year these sessions began on May 3, nearly a month earlier than in 1955. This gave the legislature more time to discuss more bills more fully on the floor than formerly.

The third rule change adopted was to provide that resolutions calling for Legislative Council studies be referred to the executive board of the council for a report prior to being acted upon by the legislature. The result of this change has been to reduce materially the number of studies assigned for report by the Legislative Council.

Summary

We return briefly to the original conclusion that the people of Nebraska have accepted completely the nonpartisan one-house legislature. The abortive attempts to alter it by petition, the favor with which it is viewed by those who have served in it, and the lack of popular criticism of the system itself all bear out this statement.

Perhaps part of this approval is based solely on a passive acceptance of prevailing political institutions, but there are other and more positive reasons.

The basic purpose of a legislative body is to reflect the prevailing political, social and economic views of the people it represents. If it does this, and if its machinery and processes are constituted in such a way as to allow these resultant decisions to be expeditiously enacted into law, then it makes little difference whether the members are called Republicans and Democrats or senators from districts 1 and 43. The Ne-

braska legislature has performed this function, even though early opponents were concerned lest the lack of party responsibility and a second chamber to check impulsive actions would lead to a distortion of public opinion.

For example, the people have long insisted on a narrow tax base and limited government spending. In 1937 and 1938 the state was advertised in *Time* magazine as "America's White Spot," undarkened with income, sales or other "extra" taxes.⁴ The Nebraska Federation of County Taxpayers Leagues said that the outstanding accomplishment of the first session of the unicameral legislature was the fact that no bills were introduced providing for major new forms of taxation except the one to levy a cigarette tax which was defeated.⁵

Low Tax Burden

Succeeding sessions of the unicameral legislature have continued to reflect this conservatism in tax matters. While a cigarette tax was imposed in 1947 and a severance tax in 1955, repeated attempts to enact sales and income taxes have met with failure. Two such bills were defeated by the 1957 session. Today Nebraska is the only state in the Union which continues to rely on the general property tax for an appre-

ciable percentage of its state revenue (about 30 per cent in 1956), and it has the lowest per capita state tax burden of all the states save one and no long-term debt.

Yet the legislature has provided those services over the years which a majority of the people have demanded. It has supported an excellent State University, has carried on an accelerated highway program and has maintained since 1935 a fairly liberal public assistance program, the latter in response to a population whose percentage of persons over 65 is greater than the national average.

The legislature since 1937 has also mirrored the disapproval of the largely rural population of a compulsory school redistricting law and the state now has more school districts than any other state. It has consistently refused to accede, furthermore, to the persistent urging of educational groups for a program of state aid to schools, believing that the greater number of people would object to the wider tax base which such a program would require.

The people of the state, in addition, favor the openness with which the legislative process is conducted. Hundreds come to Lincoln each session to attend the public hearings held on all bills and to watch proceedings in the chamber. It is an easy matter, moreover, to locate the status of any bill at any one time and to follow its course. And the people know who is responsible in cases where actions are taken of which they disapprove.

And there are checks within this unicameral system. It has already

⁴ By the Associated Industries of Nebraska. See *Time*, December 27, 1937, and June 14, 1938. This group also published a colorful 31-page brochure entitled *America's White Spot* (1938), and distributed it widely.

⁵ Nebraska Federation of County Taxpayers Leagues, *Legislative Report of the First Session of the Nebraska Unicameral Legislature*, Fullerton, Nebraska, 1937, page 1.

been seen that public opinion itself is an important one.⁶ The governor's veto is available but the restricted use of this check buttresses the conclusion that the legislature keeps closely attuned to public opinion. The initiative and referendum are available and have been used to correct what the people believe are errors of commission or omission on the part of the legislature.⁷

Close observers today feel there are three changes which should be given careful consideration in the near future. An enlargement of the present

chamber (under the present constitutional provision it could be increased from 43 to 50) would not only widen its representativeness but would also relieve part of the heavy committee burden now shouldered by each member. The legislators' salaries (\$872 per year) need to be raised too, and districts should be redrawn to reflect the population shifts which have occurred since the 1930 census (the basis for the original and present apportionment).

It is certain, however, that the unicameral principle is here to stay in Nebraska. As one who was long associated with the legislature put it, "the unicameral legislature has not fulfilled either the most optimistic hopes of its friends or the most pessimistic fears of its opponents. On the whole, however, it has given a good account of itself."⁸

⁶ For example, a leading veteran senator was defeated for reelection in 1956 largely because he took a view on redistricting and educational problems not shared by a majority of his rural constituents.

⁷ The 1949 action of the legislature in increasing the gas tax was reversed by a referendum in 1950. Also, because recent legislatures had refused to levy a ton-mile tax on heavy trucks, groups in favor of such a tax placed such a law before the people by initiative petition in 1956. It was voted down by the electorate.

⁸ Roger V. Shumate, "The Nebraska Unicameral Legislature," *The Western Political Quarterly*, September 1952, page 512.

Highest Score Sheet

Unicameral system lacks old abuses of railroading, last minute peak load, buck passing, trickery, patronage.

By RICHARD C. SPENCER*

ONE occasionally hears whispers that the Nebraska unicameral legislature is not all that it should be and that many Nebraskans are dissatisfied with it. Of course, no political structure is all that it should be, but the whispers seem to have originated outside Nebraska for the benefit of non-Nebraskans. It might be well to take a look at the score sheet of the Nebraska legislature compared with that of other states, especially now that the legislature has completed its eleventh regular session, 1937-1957.

Although the picture is not far different from that reported in this REVIEW in February 1950,¹ the fact is that the "unicameral"—"unicam," as Nebraskans familiarly designate it—has come to be something of a show piece for visitors from other states and from foreign, particularly Latin American, countries. Several features distinguish it from other American state legislatures, features that no one who has carefully observed or studied it can possibly deny.

* Dr. Spencer, professor of political science at Coe College, formerly visiting professor at the University of Nebraska, is a student of lawmaking institutions at home and abroad. He was a member of the American Political Science Association's Committee on American Legislatures, whose report, *American State Legislatures*, was published in 1954.

¹ See "Nebraska Idea 15 Years Old," by Richard C. Spencer, page 83; see also "One House for 20 Years," by Jack W. Rodgers, page 2, this reprint.

The legislature obviously grapples with the vital problems of the day and does so rather promptly—though it may not deal with them as some people would like. The peak of the load in number of bills passed or rejected continues to come just after the middle of the session.

No irresponsible introduction of bills takes place late in the session through blind compliance with requests for unanimous consent. In 1955, for instance, only 25 bills were introduced after the twentieth day deadline. Six were requested by the governor and nineteen were committee bills. Railroading a late-introduced bill through has been tried and failed. This alone should put most state legislatures to shame. Proportionately, a larger number of bills per member are introduced but there is no rush at the end of the session. The simple and direct procedures are devised for, and do produce, full deliberation, including repetition of steps for review when necessary. Bills are better drafted to begin with than in most states and they end up in better technical form when passed because of the regular procedures for technical review. There is little chance for and little resort to trickery or surprise actions. The procedure is too simple and direct for that.

All bills are considered in some way and the full legislature takes complete responsibility for the dis-

position of every bill, either to pass it or to postpone it indefinitely, without leaving it to the mercy of a committee or burying it on the calendar. If a standing committee holds a bill too long, a discharge rule that actually works is occasionally used to bring it to the floor.

There is no sifting committee to draw its mesh too tight nor any other procedural device of selection that can be exploited to prevent the representative body as a whole from debating a measure. A bill is taken up in its order of report out of committee, as listed on the daily "Work Sheet," or—a fairly recent development—it is lifted from its regular order by grant of unanimous consent. This latter practice seems somewhat untidy—perhaps could be used for surprise purposes—but it does not endanger the prospects of consideration of other measures on the calendar. It merely makes an exception to the regular order.

Suggest Steering Committee

A procedural study group has suggested the creation of a so-called "sifting" (also called "steering") committee to coordinate reference of bills to committee and their return, hearings schedules and debate calendar sequences. There is no suggestion, however, that this committee, if created, would be in position to act as executioner of unwanted measures. The whole legislature does its own sifting—sometimes awkwardly but effectively. As a result sessions have grown somewhat longer, that of 1957 being the longest, 115 days; but it disposed of 615 bills, passing 404 of them.

Bills get more complete considera-

tion by the whole legislature in Nebraska than elsewhere. Nearly all committee work was done by April first in the 1957 session. That was scarcely after the middle of the session and the full legislature began holding afternoon (but no night) sittings as well as the regular morning sittings to consider the bills that committees had already reported and which were waiting their turn on the calendar.

Minor changes in procedure, primarily with a view to shortening the session, were considered in 1955 and 1957 but of those recommended by the Legislative Council's study committee only one was adopted. It increased from eleven to twelve the number of bill-policy committees in order to spread the work of bill consideration by cutting down on the size of most other committees. One proposal, to have departmental bills introduced by committees only, was apparently inadequately presented and therefore misunderstood. It was rejected, some members thinking it would limit their right to introduce bills of their own that might affect departments, but one observer felt that if the matter were presented again it would be adopted. It could reduce the total number of bills introduced by individual members and save some sessional time by consolidating the bill demands of various departments.

The unicameral continues to operate without any end-of-session confusion, uncertainty or rush. The end is clearly predicted fully a week in advance, with only a few bills left for disposal in the last few days. Only one bill is passed on the last day—the budget bill. Thus the gov-

ernor is not overloaded and is not, as often happens in other states, the target of dissatisfied lobbyists who hope to take advantage of his discomfort to influence him, perhaps through his executive assistants, to veto a measure they oppose. This puts the governor's legislative work out in the open. For most bills the governor may wish to veto the legislature is still in session to reconsider them.

Simply because work is done so much in the open no devious lobby influence is effective, although lobbies are there in full force and resort to some practices, like offering free meals, that raise eyebrows. The newspapers and consequently the public can follow the operations of the unicam without difficulty. There is only one relatively small body of legislators to be watched.

Members themselves may not easily abuse their offices because they can be easily watched both from within the membership and from without. In most state legislatures members have to ignore or tolerate questionable practices on the part of some of their colleagues because it is hard for them to do anything about it. Not so in Nebraska. One Nebraska legislator apparently attempted to use his position in an unseemly manner in 1955 but his fellow legislators got suspicious. In a legislature of only one house members cannot dodge responsibility for their fellows. Unethical conduct by one, if condoned, reflects on all others. An investigation of "improper practices" was ordered and a forthright report was adopted almost unanimously. The offending member was, in full session, roundly

"censured, reprimanded and condemned for improper and unethical conduct." It was a good lesson for all members and, no doubt, for the pressure interests that may have been involved.

There is no sessional legislative patronage available to individual members in the usual American pattern. Instead, the approximately 60 sessional employees are appointed by the full-time, year-in-and-year-out clerk of the legislature, himself a former senator under the earlier bicameral setup. He accepts applications transmitted by members, without the members having to favor some and disappoint others, and merely appoints those of proper qualifications.

Legislative Council's Duties

One outstanding feature is that the Legislative Council and its permanent research staff are trusted with serious investigations and difficult tasks—probably much more so than is possible in a bicameral legislature. It is trusted to do the interim work of investigation, research and bill recommendation that in many state legislatures is parcelled out in a hit-and-miss fashion among various specially appointed interim committees. Since all members of the small Nebraska legislature are now members of the Legislative Council and may be asked to serve on council committees for particular assignments as arranged by its executive committee, there is little reason for members being suspicious of the council's reports and recommendations. This permits all members of the legislature, potentially, to be active throughout the biennium but in a

well coordinated and responsible manner. The permanent research director of the council and his staff serve on all the projects.

There are no conference committees as in other legislatures to iron out the differences, serious or petty, in bills already passed by two houses. This source of obscure, irresponsible and sometimes corrupt legislative action is entirely lacking, of course, merely because there is only one house. Likewise, one house or its committees cannot wait to see what the other house and its committees will do with particular bills or parts of a "program" before taking some action itself. In the one house, it does no good to wait and thus congest the calendar. There is no "passing the buck." This is the principal reason that the unicameral legislature can complete all its work without a rush at the end of the session. It is just that simple.

Reapportionment Question

Nebraska got an equitable reapportionment for representation when the unicameral districts were laid out. Although out of line now, the disproportion between the larger cities and "out-state" is not as yet serious enough to be disturbing. No provision was made in the constitution to assure prompt and fair reapportionment. Left in the hands of the legislature itself, the job may not be done because of the strength of the over-represented "out-state" sections, unless, of course, citizens resort to a constitutional amendment by initiative petition for this purpose.

The adoption and continuance of the unicameral legislature has little

or nothing to do with political views or loyalties, liberal or conservative, Democratic or Republican. The people of Nebraska are essentially conservative. Their legislature is essentially conservative. Some unicameral legislators have been identified as "status quo" members who get their principal support outside the legislature from the railroad lobby, some of the Omaha interests and the economy-minded tax groups. Others have been labelled "progressive" and are aligned with such matters as educational and welfare improvement. Others are not definitely tagged, but the "status quo" group generally is comfortably in the saddle. In this respect they are about like Americans in general, so why should they try to upset an effective unicameralism to which they have become accustomed?

Dependence is placed on the property tax. Income and sales taxes have been avoided. Appropriations have not been high, although the 1957 session, as something of an exception and only after long debate and some reversals in decisions, found it necessary to recognize the rise in the cost of state government and appropriated amounts reaching a new high, especially for the University of Nebraska. Thus far, the legislators have not been able to get the voters to increase legislative salaries, which under present constitutional limits are admittedly very low—\$872 a year.

Nebraskans are interested in their legislature. They vote for its members in approximately the same numbers that they vote for members of Congress—in both primary and gen-

eral election. They write "letters to the editor" about it, usually exhibiting more feeling of personal contact with the legislature than comparable letters in other states, but the comments or complaints deal with the same subjects as elsewhere. Some are satisfied and some dissatisfied with legislative results.

Some, including a few of the legislators themselves, feel that the legislature may be somewhat small to handle committee work adequately or to be adequately representative—that it should be enlarged. Some think, and this includes the partisan governors, that there would be more "leadership" if the election were on a partisan basis, the implication being that a governor belonging to the dominant party in the legislature could crack the whip on behalf of an executive or partisan "program." Others seriously doubt this. At present the election of members is on a nonpartisan basis in both the primary and general election, and most members seem to be content with this. In fact, they have not infrequently elected to important legislative posts those in whom they had personal confidence, regardless of known party affiliation.

In the 1957 session, proposals to change the size and nonpartisan character of the legislature were rejected and the only constitutional amendment proposed by the legislature that would affect themselves, to be submitted to the people in 1958, is to double legislative salaries.

EDITORIAL COMMENT

(Continued from page 1)

which should be felt by representatives of the people. Nothing is more common than for one house to pass a bill and the members who voted for it to urge the other house to defeat it, or for a little group of members in one house to hold up legislation from the other house until they extort from it what they demand.

"c. The third point urged for two houses is in order to prevent hasty legislation by requiring more time and machinery for the enactment of a law, thus securing deliberation and reflection. Deliberation and reflection do not now mark the work of a two-house legislature, which passes most of its acts in the last ten days of the session. A smaller body with a more direct responsibility upon each member arising therefrom will tend to greater deliberation and reflection than the present system."

These serious indictments are at least as valid today as they were 40 years ago. Nebraska's experience, as well as the experience of the many cities that abandoned bicameralism long ago, have brought in the verdict.

Contrast the indifference and lethargy of other states with the attitude of industry. The assembly line was little more than an experiment before everyone saw its soundness—and acted. And no one has to go around preaching the virtues of automation or of the self-service supermarket.

Don't we care what happens to our legislatures?

NATIONAL MUNICIPAL LEAGUE

47 East 68th Street, New York 21

THE UNICAMERAL LEGISLATURE

Institutions of representative government should not be regarded as ends in themselves, but simply as means through which social and economic objectives can be achieved. An efficient legislative structure for state government is important so that lawmakers will have the fullest opportunity to know and be responsible to the public will.

Bicameralism is a characteristic feature of American government found in the organization of both Congress and the legislatures of every state except Nebraska. However, it has not been the only structure employed in American legislatures. Pennsylvania, Georgia, and Vermont had experience with unicameralism in their early history. Nebraska has had a unicameral state legislature since 1937. Great Britain's legislative body, from which our tradition stems, is bicameral in name only. The House of Commons has assumed all important legislative and political functions from the House of Lords, and is essentially a unicameral system. At one time some 40 per cent of the nation's cities had bicameral legislative bodies, but bicameralism has practically disappeared at the municipal level.

Although the traditional bicameral legislature remains in all but one state, the two houses generally have the same jurisdiction, the same authority, and the same requirements to perform identical functions. Further, state government is undergoing major change today. *Reynolds v. Sims* and other recent U.S. Supreme Court decisions have established the general rule that a state must make "an honest and good faith effort to construct districts for both houses of its legislature as nearly of equal population as is practicable." Differing bases of apportionment alone are a less valid rationale for a bicameral system.

It is therefore important to re-examine the efficiency and effectiveness of unicameralism as compared to bicameralism, and to weigh the relative merits and disadvantages of each.

Spotlight on Nebraska

The story of the pioneering efforts of Senator George W. Norris and others to convince Nebraskans to adopt a one house legislature began in 1913. A legislative committee was appointed to study ways and means by which the state government could be made to function more effectively. It recommended the unicameral system. A long and arduous campaign began, ending victoriously in November of 1934.

At that time, a citizens' petition had secured a statewide vote on the constitutional amendment to merge Nebraska's 33-member Senate and 101-member House into a single legislative body. The amendment carried by a large majority, and the unicameral legislature has been in operation in Nebraska ever since.

Legislative Structure

Nebraska has a one-house legislative body composed of not less than 30 nor more than 50 members (currently 50), elected from single-member districts on a nonpartisan ballot (which is not essential to the system). Legislators meet in unlimited biennial sessions, for which they are presently paid \$4,800. Legislative terms have recently been extended from two to four years, with half the members elected every two years. The governor continues to present a budget, exercise the veto power, and make certain appointments subject to legislative confirmation. The presiding officer of the assembly is the lieutenant-governor, and the chief clerk is a full-time officer. A legislative council, to which all legislators belong, functions between and during sessions to maintain research and reference services, as well as to formulate legislative programs.

One of the objectives of the unicameral amendment was an effective committee system. There are at present 18 standing committees, 13 on subject matter and 5 on administration and rules. Membership and chairmen of the committees are chosen by a 13-member Committee on Committees.

Rules of Procedure

Introduction of bills by individual members is limited to the first 20 legislative days. After the 20-day limit, a standing committee may introduce bills upon a majority vote of its members and upon the vote of three fifths of the elected members of the legislature. Bills may also be introduced after the 20-day limit upon recommendation of the Governor.

There are public hearings on almost all major bills. Any citizen may appear to state his position for or against a measure. Notice of date and time of committee meetings is published in the legislative journal 5 days in advance of hearings.

En route to passage after receiving committee approval, a bill makes at least three appearances on the floor—first to undergo debate and amendments, a second time for technical refinements and unanimous consent amendments, and third, final reading aloud and final vote. All bills must be published after refinement and when received by the legislature must lie on the members' desk for one legislative day before the final vote.

Unicameralism a Success in Nebraska

There has been no serious attempt in Nebraska to return to bicameralism since 1934, although there are recurrent movements to change from non-partisanship to the party system. A survey of 68 present and former senators by the University of Nebraska's School of Journalism in 1961 turned up only four who wanted to return to the two-house system.

Nebraska's Gov. Frank B. Morrison has said in an interview with the *New York Times* that two houses are unnecessary. "There is no longer any reason for any state to retain the duplications of a bicameral system when a unicameral system serves the same purpose less expensively." The legislators in Nebraska generally agree that the unicameral system has benefited the state. Those interviewed by the *Times* indicated that lawmakers were much more responsive to the wishes of their constituents under the unicameral system than under the old two-house establishment. Vice-Chancellor of the University of Nebraska, Dr. A. C. Breckenridge, says that the unicameral system has "become a source of considerable pride for many Nebraskans. Although it is by no means a perfect institution, it is a workable and responsible device for representative government."

The unicameral legislature also is advocated by the National Municipal League in its Model Constitution and the system is supported in Nebraska by the Nebraska League of Women Voters.

Why Only in Nebraska?

With many western nations and almost all major cities in the U.S. governed by unicameral systems, why is Nebraska the only state with a unicameral legislature? One reason given is the innate conservatism in America where government is concerned; another is that legislators are naturally reluctant to vote themselves out of office. Three other factors were at work in Nebraska when the unicameral system was adopted: (1) long outstanding leadership for unicameralism in the state; (2) initiative provisions available in the constitution; and (3) disenchantment with the bicameral legislature and its handling of depression issues.

In Support of Bicameralism

The adherents of bicameralism give a number of reasons for its retention. A study of apportionment by a group of political scientists, "One Man, One Vote," said: "Bicameralism may also serve to further the very objective of representing the people equitably in a legislature. In any districting, geographic features are bound to cause some inequities of population among districts. When there are two houses, an area that is somewhat underrepresented in one may be given a compensating advantage in the other and minor inequities in apportionment thus be balanced off." The Supreme Court said that different constituencies could be represented in two houses under a population standard; one house could have single-member districts while the other could have at least some multi-member districts. Differences in personnel, constituency, and outlook due to different terms and other factors all are justifications for bicameralism.

Efficiency and Consideration of Bills

Supporters of bicameralism insist one of its greatest advantages is that hasty or ill-considered legislation, passed by one house, can be killed on sober examination by the other. The following statistical analysis of the action of one house upon the bills from the other in Missouri challenges this argument.

Missouri General Assembly	
Bills introduced and Their Disposition	
72nd General Assembly, Reg. Session 1963	
Introduced	1,154
Passed House of Origin..549	47.6%
Failed in House of Origin..605	52.4%
Action in Second House	549
Passed without	
Amendment	200 36.5%
Passed with Amendments. 87	15.7%
Failed to Pass	262 47.8%
Bills Sent to Conference	22

The house of origin in Missouri failed to pass approximately half the bills introduced, which means that a large fraction of the legislation proposed in either house is never even considered by the second chamber. When bills do get to the second house, a far greater percentage of those finally passed are not amended, seeming to disprove the theory that one house acts as a check upon the other.

Unicameral advocates assert that the real checks and balances are the governor's veto, a court review, and the fact that a bad bill can be repealed by referendum or at the next legislative session. Checks and balances should be exercised between the three branches of government.

A summary of the above provides an interesting parallel with those of Nebraska's unicameral legislature during the same year.

	1963
Bills intro. Mo. Legislature.....	1,154
Bills passed Mo. Legislature	287 25%
Bills intro. Neb. unicameral Leg.....	815
Bills passed Neb. unicameral Leg.....	546 67%

For purposes of comparison, the last year of Nebraska's bicameral legislature is enlightening: of 1,956 bills introduced in 1935, 192 or 18% were passed. Certainly in a one-house legislature the total number of bills introduced is greatly reduced and the percentage of bills passed is greatly increased. In Nebraska, reports on bills can be requested 20 days after a bill has been sent to committee. The unicameral legislature has not experienced the bunching up of bills at the end of the session which so often characterizes the last 48 hours of many legislative sessions (caused in part by bills being approved by one house and held by the other until the last possible moment.)

Responsibility and Visibility

In a single house, supporters say, each legislator would feel greater personal responsibility for careful consideration of all bills to be voted upon, knowing that responsibility for presenting bad legislation could not lightly be delegated to a second body. Responsibility is more easily pinpointed in a unicameral system. With bicameralism, one house can stop, or seriously impede, good measures that are favored by a majority of the people. Some authorities feel that the biggest problem of state legislatures has been the failure to take any action at all rather than the laws actually passed.

It is claimed that two houses provide protection against corruption and undue influence by lobbies, yet Nebraska's simple organization and small membership provide high "visibility" for legislation. Certainly the elimination of the conference committee, which Senator Norris termed a third house, removes one point of undue influence. Nebraska State Senator R. D. Marvel says: "There's now no way for us to pass the buck. I can't say to a constituent, 'Okay, I'll introduce this for you,' and then run to the other house and say, 'Boys, kill this.' The lobbyist, too, doesn't dare talk out of both sides of his mouth. We're working in a goldfish bowl." The definite legislative procedures required in Nebraska make it easier for the voter to understand the process and to know where and when his voice would be most effectively heard.

Economy

A unicameral legislature would undoubtedly be more economical. While improved rules of procedure could be followed under bicameralism, duplication of effort still would be involved in getting legislation passed by two houses. The total cost of Nebraska's first unicameral session in 1937, with 226 bills passed, was \$140,000. The last bicameral session in 1935, with 192 bills passed, cost \$203,000. Experts, however, are inclined to discount the importance of this argument. The single house should cost less, they say; but legislative costs are so small a part of total state budget that this is not a significant argument. Of more importance is the fact that the unicameral system would reduce the number of legislative members, making it possible to pay the legislators a more reasonable sum without increasing the amount spent on salaries.

Quality of Legislation

Certainly the rules of procedure have been an outstanding feature of Nebraska's unicameral system. Many of these same improvements could be made within a bicameral system, however. To adequately evaluate the quality of government in any state, one must look at the kind of legislation which is passed, rather than the techniques used to pass it. Some authorities have noted that in a state as concerned with economy as Nebraska, the legislation passed has not kept pace with progress in other states. For example, Nebraska has no merit rating system for state employees, something the League of Women Voters has long supported in Missouri. Critics also have pointed to Nebraska's tax problems as an area in which bicameral legislatures seem to have done a better job. Yet, if the reason for lack of progress is failure of the legislature to act, having two houses instead of one would have made the situation even worse. Unicameralism, as a tool, does not guarantee good government, but it does eliminate some of the obstacles that plague bicameralism. Nebraska's problems and constituency are different from those of a more urban state, and comparisons of the quality of legislation are exceedingly difficult to make.

How Could Missouri Change to Unicameralism?

The legislature could offer a unicameral amendment to the voters, or citizens could circulate initiative petitions asking that such an amendment be put on the ballot at the next general election.

The change would take effect thirty days following approval by a majority of the voters.

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UNICAMERAL LEGISLATURES

The Birth of Legislatures

Legislatures are a comparatively modern branch of government, while executive and judicial agencies can be found in the most ancient societies. The legislature as such originated in England in the late Middle Ages when the king under pressure of his vassals called representatives to gather and consult on the governing of the kingdom. From the beginning, the delegates were called as representatives of separate and distinct classes of society, known as estates. In the Model Parliament of 1295 there were five estates, but soon these were consolidated into two, the nobility and clergy in one body, and the common people in the other, and the tradition grew for them to sit apart so that each would have at least a veto power over the other. This explains the origin of the House of Commons representing the lower classes and the House of Lords representing the aristocracy.

Colonial Legislatures

This pattern was followed to some extent in the Colonial American legislatures where the upper house in most cases served as a council to the royal governor, and represented the king, while the lower house was chosen by the electorate of the colony. In some cases the upper house was elected by the lower, but property requirements were higher in the upper house. Upon gaining independence most of the states retained this basic form while three states (Pennsylvania, Vermont, Georgia) at first tried unicameral legislatures.

"In the American colonies, the rise of the second house came about due to a conflict of interests within the colony or between the proprietor and the colonists.² The governor's council, which was to become the upper house of the legislature in the great majority of colonies, was a small body of from three to twelve men, appointed by the proprietors to act in advisory capacity to the governor; the lower house was a concession to the colonists, just as the house of commons grew up as a concession to the non-noble class of England. That the two groups early came to sit apart was due to questions of expediency, and the same motive which led the proprietors or the colonists to demand a separate house under one set of conditions led them to wish a joint meeting as a single house under other conditions.

"In Maryland, the first legislature summoned by Lord Baltimore, that of 1637, and its immediate successors, consisted of the lieutenant general or governor and the secretary of the province, the members of the council, gentlemen summoned by special writ of the proprietor, and the burgesses elected by each hundred. Those summoned by special writ were quite naturally looked upon as representing the interests of the proprietor rather than of the colonists. So long as the governor could summon an indefinite number of gentlemen to sit and vote with the elected burgesses, he could easily control the legislature. The burgesses, therefore, feeling that they were the only true representatives of the people, and impotent to cope with the forces of the governor,

¹ E. C. Buehler, Unicameral Legislatures, (New York: Noble and Noble, 1937), pp. 141-160.

² Harrison Boyd Summers, Unicameralism in Practice (Vol. 11, No. 5 of The Reference Shelf, 11 vols.; New York: H. W. Wilson, 1937), pp. 181-187.

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Legislature

early demanded the right to sit and vote apart and to have a veto on the acts of others. Although refused at the time, their request was granted eight years later, and from 1650 on the two groups continued to sit apart and act as coordinate bodies.

"The people of New Jersey were no less insistent in their struggle for a single house. The 'Concessions' of 1664, issued upon the separation of the new colony from New York, provided for the appointment of a council of six to twelve by the governor, who was the appointee of the proprietors, and the election of twelve deputies by the freemen. It would seem that the Concessions contemplated that these two groups should sit as one body and decide all questions by majority vote. But when the first session met in 1668 there were ten deputies and only seven councillors present. It being evident to the representatives of the proprietors that such a scheme would destroy all effective control over the conduct of affairs by them, they immediately withdrew and insisted upon their right to sit and vote apart. The deputies, wishing a single house, were so insistent in their demands that the governor ignored the Concessions, dismissed the deputies, and ruled without an elective assembly until 1675. The deputies elected in 1675 and succeeding years were no less insistent than had been their predecessors in their demands for a single house, and in 1681 the governor again dismissed them and ruled with the advice of the appointed council alone. In 1702, when the colony became a royal province, the bicameral system was restored, the upper house or council being appointed by the king, and the lower house elected by the freemen of East and West Jersey. This status continued until the revolution.

"In 1680, when New Hampshire was separated from Massachusetts by royal decree and made a separate province, the crown appointed a president and a council of nine who were to govern with the aid of an elective general assembly. To make the veto of the smaller council effective, it was provided that the two groups should sit and vote apart. That there was no intention of making the elective group the equal of the council was early shown when, in 1682, due to the stubborn attitude of the assembly in insisting upon its rights, it was dissolved, to meet only once during the next ten years. In the interim the president ruled with the council alone. In 1692 the assembly was restored as a coordinate body, and in this form the two houses continued down to the revolution.

"New York was ruled by a governor and council until 1683, when an elective assembly was granted, to sit as an independent house. With the ascension of the proprietor to the throne as James II, one of his first acts was to abolish this assembly, leaving the governor and council again supreme. William III revived the assembly in its old form in 1691, and it was continued down to the revolution. North Carolina was granted elected representatives as early as 1665, the 'Concessions' of that year providing for the election of twelve deputies to sit with a smaller number of councillors, as a single body. The disadvantage in which this placed the proprietors soon becoming evident, the plan was changed to require the consent of a majority of the councillors, as well as a majority of the entire body, for the passage of all laws. The two groups continued to sit together, the representatives of the proprietors having a veto, until 1691, when a new form of government provided for an upper house of the local nobility and a lower house of elected delegates. From this date the two houses continued to sit as separate bodies. In South Carolina the two houses seem to have sat apart from the first.

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"The early legislative history of Pennsylvania and Delaware is quite different. William Penn was notably the most liberal of all the proprietors, and when he provided for a legislature for Pennsylvania in 1682, he did not retain a check in the form of an appointive upper house. He did, however, provide for two houses, both elective, the smaller of which was to propose laws, the larger only to consent to or reject the bills of the other. This ingenious scheme soon broke down, however, the lower house gaining the right to originate bills, which power was definitely recognized by the charter of 1696. The distinction between the houses being broken down, they simply becoming coordinate legislative bodies, representing the same interests, a single house was substituted by the charter of 1701, and the life of the two houses as coordinate branches was thus limited to five years. Two years later Delaware was given its own legislature, also a single house, and in this form the two governments continued down to 1776.

"The first colonial assembly ever to meet in the new world was that of Virginia, elected in 1619 at the call of Governor Yeardley. Up to this time the colony had been under the direction of a governor and a council of six, all appointed by the London Company. The twenty-two burgesses met with the governor and council in one body and enacted laws for the colony. Although the session lasted but six days, it marks the beginning of representative government in America. Five years later, when the crown revoked the charter, the House of Burgesses was allowed to continue, the councillors, now the appointees of the crown, continuing to sit as members of this body. In 1680, however, the council was made an independent house, to increase the control of the crown over colonial affairs. The two houses continued down to the revolution.

"Massachusetts was the first colony to develop a two-house legislature. The charter of 1629 provided for a governor, deputy-governor, and eighteen assistants, all appointed by the members of the company. They were to meet four times a year with the freemen of the colony, who retained the legislative authority. With the growth of the colony such general meetings proved impracticable, and the lawmaking was left to the governor and the assistants. Although the assistants were now elected by the whole body of the freemen, the towns felt themselves to be without adequate representation, and in 1632 secured the right to send two deputies each to sit with the governor and assistants. Although the two groups sat together as one body, the closer connection of the assistants with the executive, together with the difference in their modes of election, tended to make them think of themselves as constituting two different groups, and not two years had passed before the assistants successfully asserted their right to a veto on acts of the General Court, even though they secured a majority vote of the two groups combined. However, they continued to sit together, either group having a negative upon the other until 1644, when a sharp controversy brought the two groups into conflict and forced the issue of separation.

"The two self-governing offshoots of Massachusetts, Connecticut and Rhode Island, may well be considered together, as their lines of development are very similar to each other and to that of Massachusetts. As in the latter state, a small number of 'magistrates' were elected at large, and a larger number of 'deputies' were chosen by the towns. The two groups met together as one house, but as the amount of business increased, the smaller group was made

a sort of standing committee to care for all matters that might arise while the deputies were not in session. This placed the deputies at a distinct disadvantage and led to their demanding and receiving permission in Rhode Island to withdraw for discussion among themselves and to agree upon a common attitude, so that they might meet the magistrates on a more even footing. The next step was a desire for complete separation, which came in 1696 in Rhode Island, and two years later in Connecticut. Only under such a plan could the more transient body of deputies retain their independence and equality of action in competition with the more experienced and more active magistrates.

"Thus the eighteenth century opened with all but two of the American colonies having legislatures composed of two coordinate branches, with an appointive council exercising a certain degree of supervision over the assembly. The only new colony of the next century, Georgia, in keeping with the policy of the proprietors and of the crown, was also provided with a bicameral legislature, so that the revolution found the American colonies with much the same scheme of legislative organization as had existed for the greater part of a century. Now that the time had come for the colonists to decide how to govern themselves, only those living in Pennsylvania and Delaware had had personal experience with the working of a single-house legislature.

"The revolution produced no break in the orderly growth of legislative institutions. No alteration had taken place in the minds of the people relative to those institutions under which they had lived for the better part of a century, and no radical changes were contemplated in them. The constitutions adopted in the period following the opening of hostilities simply followed the lines of development already established. In the organization of the legislatures of the new revolutionary states, the chief problem facing the constitution makers had to do with the upper house. The lower house, which always had been the most, and generally the only, republican branch of the colonial legislature, required no attention other than a definition of its function and powers. The upper house, however, demanded reconstruction, since the colonial council was aristocratic and monarchical in character. The colonists had grown accustomed, in the council, to a legislative body smaller in size and more permanent in nature than was the lower house, renewed as vacancies occurred rather than annually or semi-annually, and frankly composed of and representing the interests of the wealthier members of the electorate. Advanced though the colonists were for their day and age, they still retained much of the British antipathy to and fear of the uncontrolled rule of the masses. The council, being the agency with which they were acquainted, was the logical one to continue as a check upon the more democratic lower house.

"Of the eleven states to reorganize their colonial governments during the period of hostilities through the adoption of a written constitution, all but two, Pennsylvania and Georgia, provided for an elective second or upper house. Of the remaining nine, seven frankly made the upper house a weapon of special privilege represented by wealth. In Maryland, New Jersey, North Carolina, South Carolina and New Hampshire, membership was restricted to the wealthier members of society through higher property qualifications than were required for membership in the lower house. New York and North Carolina provided for the election of members of the upper chamber by the more wealthy electors. And Massachusetts and New Hampshire provided that members of the upper house should be apportioned in accordance with the 'proportion of public taxes' paid by the districts. Only Virginia and Delaware had the same property qualifications for both the members and the electors of the upper and lower houses.

Legislature Since Colonial Days

Under the Articles of Confederation the United States functioned with a unicameral congress, but in the framing of the Constitution the authors provided for two houses primarily as a check upon the much greater power of the new federal union. The bicameral provision was part of the Great Compromise which provided for representation to be by states in one house and by population in the other to satisfy both the large and small states. The bicameral feature itself was not specifically debated at any length.

After Vermont abolished its unicameral legislature in 1836 (being the last of the three to do so) all the states had bicameral systems for nearly a century. The tendency was nearly universal to have the lower house more representative of the people while the upper house continued to represent land and wealth, often by having higher property requirements for its electors. In the early twentieth century there was a widespread movement to promote unicameral legislatures. This sprang from a general dissatisfaction with corrupt and minority-dominated bodies, and was closely related to the Progressive Movement and the drive for the initiative and referendum. Proposals were made in a number of states, often by the governor, but were always defeated. The following table gives examples of defeated unicameral proposals:³

<u>Year</u>	<u>State</u>	<u>Where defeated or died</u>
1915	Alabama	Legislature
1915	Arizona	Initiative
1918	Arkansas	Constitutional Convention
1913	California	Legislature
1917	California	Legislature
1918	California	Legislature
1923	California	Legislature
1925	California	Legislature
1914	Colorado	Initiative
1914	Minnesota	Legislature
1915	New York	Constitutional Convention
1912	Ohio	Constitutional Convention
1914	Oklahoma	Referendum
1912	Oregon	Referendum
1914	Oregon	Initiative
1917	South Dakota	Legislature
1927	South Dakota	Legislature
1915	Washington	Legislature
1917	Washington	Legislature

The movement lasted until 1935 when Nebraska adopted its unicameral amendment, largely under the leadership of George W. Norris, the famous Progressive Republican Senator from Nebraska. The Nebraska plan seems to have been popular and successful, at least to the extent that it has not been changed, but it has not led to any other state's adopting it.

³ Ibid., pp. 197 - 200.

Representative legislatures had their greatest period of development during the 19th century and are now common throughout the civilized world.

About three-fifths of the contemporary national legislatures are bicameral in form, including those of the major states. Legislatures are unicameral in Austria, Finland, New Zealand, Portugal and Spain, in the new states of Israel and Indonesia, and in most of the Soviet satellite states. National and state legislatures in the United States alone have preserved the balance between the two chambers. The U.S. Senate is unique among national upper chambers for its considerable ascendancy over the House of Representatives through longer term and possession of distinctive powers to confirm presidential appointments and to approve ratification of treaties, while possessing powers coordinate with the House of Representatives in other important respects. Elsewhere, notably in the British House of Lords since 1911 and to a lesser extent in the French Council of the Republic since 1946, upper chambers have quite generally been reduced to the role of delay, advice, and amendment of the actions of the popular second chamber.⁴

Canada is a particular case in regard to unicameral legislatures. The national Parliament is made up of the Queen's representative as Governor General, and two houses, the Senate and the House of Commons. The Provincial legislatures, with the exception of Quebec are unicameral, consisting of a Lieutenant Governor presiding and an elected Legislative Assembly. (Quebec retains a nominal second chamber, the Legislative Council.) Lieutenant Governors have the power to refuse assent to bills passed by the assembly. Canadian legislatures may delegate legislative power to other bodies, but such power is derivative rather than residual, and may be revoked at any time.⁵ In Australia all states except Queensland have bicameral legislatures, and the federal legislature is bicameral.

Essentially the tendency has been to copy the British pattern of bicameral legislatures in most of the English speaking world, and in larger nations, especially federal unions, while unicameral legislatures have arisen in smaller more homogeneous states and nations. Thus we find bicamerals in Switzerland, Australia, France, Spain, Mexico, Sweden, United States, Canada, and most American and Australian states and the bilingual province of Quebec in Canada; while we find unicamerals in Costa Rica, Finland, Haiti, Luxembourg, Norway, Panama, the majority of Canadian provinces, a single homogeneous American state, and one of the smaller Australian states. It should also be pointed out that American cities and towns are nearly universally governed by unicameral councils, though many of them earlier experimented with a bicameral form.

⁴ Encyclopedia Americana, 1964, Vol. XVII, "Legislature", p. 226.

⁵ Encyclopedia Canadiana, 1963, Vol. 6, "Legislation", pp. 114-116.

The Unicameral System

The rest of this study will attempt to explore the arguments that are advanced to support the adoption of a unicameral system, and the changing trend of justification for bicameral systems. The emphasis will be on the unicameral arguments, it being assumed that the reader is well acquainted with the functioning of the two-house system.

Arguments in favor of the unicameral system have tended to center around the issues of speed, economy, and popular will. One of the earliest advocates of the unicameral legislature was Jeremy Bentham, the 18th century political philosopher whose main theory was that of "utilitarianism", which proclaimed that government should seek the "greatest good for the greatest number". In achieving this he felt that any legislature would have to be based on universal suffrage and equal representation, essentially the "one man-one vote" concept. Therefore a second house was at best superfluous, usually obstructive, and potentially dangerous. He had no respect for bicameralism as a British tradition, pointing out that imitating governments rejected the monarchy but retained the House of Lords feeling they had no quarrel with it. Bentham saw only useless delay in consideration of legislation by a second house, suggesting that the indignation of voters is a better check on rash action. In a bicameral system a clear majority representing the will of the people in one house could be defeated by one or two votes in the other house. Any delay or clash of authority could only help to make lawmaking obscure and complex, an anathema to Bentham's idea of keeping the legislative process as close to the people as possible.⁶ If one accepts Bentham's basic premise of pure majority rule, it is easy to concede his arguments in favor of unicameral legislatures. However, Bentham's premise is not in line with the tradition in United States governmental history of protection for minority and other interests.

An argument advanced long before the Supreme Court directed that both houses be apportioned on a strictly population basis was that the two houses had become so much alike in their representation that a separation was superfluous. This involves the whole issue of delay, obstruction and corruption. A bicameral legislature must consider everything twice (four times counting committees) thus doubling both time and expense. There is always the possibility that the two houses will pass the same bill for quite different reasons, not knowing the deliberations of the other. Or, vice-versa, they may pass essentially the same legislation, but in slightly different form, leading to delay in compromising the two versions. Or one house may assume that the other house has considered a bill adequately since it passed it, while in fact the bill gets proper consideration in neither house. On the other hand, two considerations can be strictly repetitious or may reflect purely the mutual jealousy between houses in seeking the attention of the people. Actually legislatures have virtually ceased to be deliberative bodies in the face of the great amounts of work they must now accomplish in one session. This is especially noticeable in the closing days of a session when bills must be rushed

⁶ Buehler, op. cit., pp. 127 - 140.

through in great numbers, with most of the rules suspended, and with no deliberation by the entire house at all. Advocates of the one-house system maintain that it would simplify the procedure and make it possible to have adequate discussion of all measures once.⁷

It is argued that a two-chamber legislature is more easily dominated by pressure groups because influence is needed with only a minority of one house in order to at least obstruct action. This was a key argument of Senator Norris who pushed the Nebraska unicameral. He saw danger especially in the conference committee system where two or three members from each house can have life or death power over a piece of legislation and can become a sort of superlegislature. Senator Norris's case against the two house system was built principally on his fear of evils and difficulties in the conference committee. He felt that the committee had far too much power in relation to its publicity.⁸

Advocates of the unicameral legislature make frequent reference to the tendency of a bicameral legislature to try to shift blame and responsibility from one house to the other. Since every bill must be considered in two places, it is relatively easy through parliamentary maneuver to create confusion as to who was really responsible for the passage or defeat of a particular bill. Or, if a bill is proposed which most members do not favor, but whose author is a member against whom they do not wish to vote, the bill may well be passed in the originating house with the silent hope that it will be killed in the other house. This method is the source of much unworkable law. The method is the fate of a great deal of personal legislation or measures which were promised to constituents with tongue in cheek. Proponents of the one house system contend that it will make the record of the legislator much clearer to the public and make it more difficult for a member to introduce legislation which he doesn't really want. Responsibility would be made clear to the voter and thus would rest more heavily upon the legislator individually.⁹

Unicameral legislatures, it is argued, are faster in passing needed legislation and more economical in their work since double consideration is eliminated. The absence of duplication of effort in committees and rivalry between the two houses would improve both speed and economy. In a bicameral system lack of unified leadership can create further problems of delay or obstruction, especially if the two houses are controlled by opposite parties or if one house allies itself with the governor, against the other. Often there can be delay simply because the two houses become jealous of each other's prerogatives and seek to obstruct for the sake of obstruction. Sometimes a conflict between the two houses over one major question will halt all action on necessary legislation until it must all be passed in great haste during the last days of the session. In a two party system the division of the legislature into two houses effectively creates four segments of legislators with conflicting loyalties, any one segment of which can usually delay the popular will from becoming law.

⁷Austin F. McDonald, American State Government and Administration, (New York: Thomas Y. Crowell Company, 1948), pp. 161-165.

⁸Buehler, op. cit., pp. 45 - 64.

⁹Robert S. Babcock, State and Local Government and Politics, (New York: Random House, 1957), pp. 162-163.

Thus the idea of a second chamber as a check on the governmental process has become instead merely a block to progress.

Another criticism of the bicameral legislature has been that its complexity and unwieldy organization make it difficult for the average citizen to appear before its committees or present their views in other ways. On the other hand the professional lobbyist or pressure group has a distinct advantage in working with this obscure system.¹⁰

The trend in the 20th century has definitely been in the direction of making legislatures more directly responsible to popular will. The Supreme Court decision requiring apportionment on the basis of population in both houses of a state legislature is probably the largest single step in this trend. The Encyclopedia Americana tracing and commenting on the trend points out the changing justification that has been used for the principle of bicameralism:

Representation of various social classes or estates almost accidentally furnished the basis for bicameralism in England and in some other countries. Upper chambers are commonly constituted by birth, appointment, indirect election, or from a restricted electorate, while lower chambers almost universally rest upon a broader base of direct popular election. With the extension of suffrage and the development of popular political parties, power has followed the vote and progressive democratization of older societies has found expression in the ascendancy of their popularly elected second chambers. Much of the historic basis of bicameralism has been destroyed.

In federated states a different reason of continuing validity sustains bicameralism. As in the U.S. Congress with its equal representation of states (geographic representation) in the Senate and representation according to state population in the House of Representatives, bicameralism permits expression of different principles of representation and the possibility of harmonizing the conflicts of interest expressed through such representation. The justly famous "Connecticut Compromise" which projected the federal Congress onto these lines during the Constitutional Convention of 1787, allowed the Convention to proceed with other essential matters to forge the greatest of federated states. The bicameral Canadian Parliament has accommodated geographic, nationality, and population principles of representation in a federal framework. Australia has solved representation problems similar to those in the United States by means of a bicameral parliament.

* * * *

Since both houses in American state legislatures have come to be elected by the same broad electorate organized into slightly different territorial groupings (commonly the county for the upper houses and population districts for lower houses), justification for bicameralism has shifted to emphasize on the

¹⁰ Buehler, op. cit., pp. 45 - 64.

value of preserving a balance between rural and urban interests and on the desirability of dual consideration and debate. Critics on the other hand, point to dangers in the diffusion of responsibility between the two houses, duplication of time effort, and cost, and liability to obstruction by minority interests. It is suggested that the double hurdle of bicameralism may block desirable as well as undesirable legislation, and it is noted that with few exceptions municipal councils are unicameral in the United States.

Bicameralism in the United States has helped to create and to perpetuate a rural gerrymander (over-representation of rural population) in many state legislatures, and the House of Representatives, and of the less populous states in the Senate. Legislatures establish electoral districts both for state legislative bodies and for the state delegations to the national House of Representatives, and, with the election to the state senate frequently based on county district, they have been reluctant in many states to adjust representative districts to the progressive urbanization of American life. This has brought on acute problems of taxation and financing public services in several states with large metropolitan centers. This rural-urban political conflict is largely, but by no means entirely, independent of partisan political alignment.¹¹

A further argument in favor of the unicameral legislature involves the recent trend toward more technical and specialized legislation. Legislatures in the past have often been accused of allowing carelessly drawn and faulty legislation to pass without careful scrutiny. As state legislation becomes more complex and more involved with areas where professional competence is needed in drawing up bills, it becomes more of a luxury to subject detailed bills to the whims and vagaries of two mutually jealous and suspicious bodies.

The U. S. Congress as has been pointed out above was made bicameral as part of the federal system in which the component states were to be sovereign and therefore were entitled to representation as states in one house of the legislature. This principle does not necessarily hold true for state legislatures since states are not federated systems and the counties or other districts are not sovereign entities, but merely administrative subdivisions of the state government. On the other hand bicameralism has been defended by pointing out the unique historical role of the United States Senate in checking the role of the executive branch, or at least keeping a watchful eye on it. One other historical fact that ought to be noted is that constitutional conventions, which have been the means of setting up governments in the American tradition, have always been unicameral bodies, no need apparently having been seen to establish differing kinds of representation for these sessions.

As has been pointed out, Nebraska is the only state in the union which presently has a unicameral legislature. The Constitutional amendment which created the unicameral body for that state is presented as an appendix

¹¹ Americana, loc. cit.

to this report. In addition to the amendment, some 125 changes in statute were required. Nebraska is not without its reapportionment troubles also. A constitutional amendment giving twenty per cent weight to area in apportioning the legislature was approved by the voters on November 6, 1962, and implemented by the legislature in May, 1963. A Federal District Court suit to bar submission of the amendment and to compel reapportionment on the basis of population alone had been denied, but a second suit challenging the weighted voting is pending.

Text of Nebraska's Unicameral Amendment¹²

Sec. 1. Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves, however, the power to propose laws, and amendments to the constitution, and to enact or reject the same at the polls, independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act item, section or part of any act passed by the Legislature. All authority vested by the constitution or laws of the state in the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives, joint sessions of the Senate and House of Representatives, Senator, or member of the House of Representatives, shall in so far as said provisions are applicable, apply to and mean said legislature of one chamber hereby created and the members thereof. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Whenever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof, or the members of either body or both bodies, it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for.

Sec. 5. At the regular session of the Legislature held in the year nineteen hundred and thirty-five the Legislature shall by law determine the number of members to be elected and divide the state into Legislative Districts. In the creation of such Districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct Legislative Districts, as nearly equal in population as may be and composed of contiguous and compact territory. After the creation of such districts, beginning in nineteen hundred and thirty-six and every two years thereafter, one member of the Legislature shall be elected from each such district. The basis of apportionment shall be population excluding aliens, as shown by the next preceding federal census. In like manner, when necessary to a correction of inequalities in the population of such districts, the state may be redistricted from time to time, but no oftener than once in ten years.

Sec. 6. The Legislature shall consist of not more than fifty members and not less than thirty members. The sessions of the Legislature shall be biennial except as otherwise provided by this constitution or as may be otherwise provided by law.

¹² Summers, op. cit., pp. 43 - 46.

Sec. 7. Members of the Legislature shall be elected for a term of two years beginning at noon on the first Tuesday in January in the year next ensuing the general the general election at which they were elected. Each member shall be nominated and elected in nonpartisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization. The aggregate salaries of all the members shall be \$37,500 per annum, divided equally among the members and payable in such manner and at such times as shall be provided by law. In addition to his salary, each member shall receive an amount equal to his actual expense in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than said salary and expenses, and employes of the Legislature shall receive no compensation other than their salary or per diem.

Sec. 10. The Legislature shall meet in regular session at 12:00 o'clock (noon) on the first Tuesday in January in the year next ensuing the election of the members thereof. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all the members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

Sec. 11. The Legislature shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the Committees of the Whole, shall be open, unless when the business shall be such as ought to be kept secret.

Sec. 14. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. No such vote upon the final passage of any bill shall be taken, however, until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section or sections as amended and the section or sections so amended shall be repealed. The Lieutenant Governor, or the Speaker if acting as presiding officer, shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature.

tendency in modern constitutional government, the decline of the legislative assembly.¹

In choosing between a bicameral or a unicameral system, there needs to be a recognition of the underlying purpose of the legislature and an explicit decision on the worth of legislative impediments to implementation of majority wishes, in terms both of the value of that which is gained and the value of that which is lost.

ORIGIN OF BICAMERALISM

Bicameralism is not the outcome of deliberate choice, but is rather an accident of English history and the influence of the English example on other nations.² The system is rooted in the stratified social order of the later Middle Ages.³ The various social classes then existing formed different estates. When necessary, each class met as a separate "estate" in a "states general." In England the various estates came to sit in two houses. In France there were three estates, which last met in 1789. Four estates met in Sweden until 1866.⁴

Though it was an accident of English history that there were two chambers in the legislature rather than three or four, it was not an accident that there were two chambers rather than one. Similarly, it was no accident that a bicameral system developed in Maryland. The first assemblies in Maryland had but a single house. This house, it was charged, was under the control of the governor through his power to summon the attendance of individual citizens in the assembly on a selective basis and to use proxies held by

himself and the secretary of the colony.⁵ In order to prevent this subjection, the burgesses elected by the freemen requested in 1642 that they be allowed to meet in a separate house. Although this request was refused then, a bicameral legislature was adopted in 1650.⁶ Thereafter, Maryland had a bicameral legislature, except for a brief reversion to unicameralism during the period of Puritan ascendancy from 1654 to 1657.⁷ Bicameralism thus came to Maryland as a means of increasing the responsiveness of the legislature to the electorate and not as a check on popular wishes.

ARGUMENTS FOR RETENTION OF THE BICAMERAL SYSTEM

The forces leading to the creation of the bicameral system are not the same as the forces leading to its retention. Retention of the bicameral system has been urged on the following grounds:

1. The upper house provides a protection for the propertied classes.

With the abolition of property requirements for voting, particularly for voting for the upper house, this justification lost its compelling force. Moreover, Federal and State constitutional protections for property have proved adequate in the view of most observers. The argument is no longer made today.

2. Two houses permit representation of different interests in the two chambers.

With the lower house based on population, the upper house can be constituted on another basis, such as representation of area. This argument has not been viable since 1964 when the

Supreme Court held that both houses of State legislatures must be apportioned on the basis of population.⁸

3. The second chamber provides a check on "popular passions."

In the words of Justice Story, a second chamber "forms a great check upon undue, hasty, and oppressive legislation."⁹

4. A second chamber can give an independent and thorough review to the need for and character of proposed legislation and so detect and avoid unnecessary or faultily drafted legislation.
5. A bicameral system permits the defeat of undesirable but popular legislation where outright opposition to the legislation would be politically dangerous.
6. A bicameral legislature prevents unity in the legislature and so precludes the success of any legislative attempts to invade the powers of the executive or judicial branches or the powers of the people.
7. A bicameral system prevents corruption of the legislature.

Corruption of a single chamber might succeed, but it would be much more difficult to corrupt both houses at the same time.

8. The bicameral system is the traditional system in the United States and is familiar to the voters.

The foregoing arguments are assumed by the proponents of bicameralism to be self-apparent. Research studies documenting these claims are not available.

In addition to these direct arguments for a bicameral system, the proponents of bicameralism attack certain features of the unicameral system. Generally, these attacks take the form of an

assertion that the unicameral system lacks some desirable features found in the bicameral system, in particular, checks on popular passions and an independent review. The specific features of the unicameral system are not attacked as undesirable in themselves.

ARGUMENTS FOR THE UNICAMERAL SYSTEM

The case for unicameralism rests on three grounds: (1) an assertion that there is no justification for the present bicameral system, (2) a positive plea for the merits of unicameralism, and (3) a refutation of the asserted deficiencies of unicameralism.

The Attack on Bicameralism

As noted earlier, justification for a second chamber is no longer claimed on the grounds that the upper chamber protects the propertied classes or permits the representation of different interests in the society. It should be noted in passing, though, that historically these were the two fundamental justifications advanced for the bicameral system. With their fall, the justification of bicameralism has had to fall back to secondary arguments which the unicameralists claim to be untenable.

The claim that bicameralism provides a check on "popular passions" and on hastily drawn legislation is vigorously attacked by unicameralists. One aspect of the attack involves basic differences in the judgment of the proper role of the legislature. Thus the unicameralists assert that a check on legislative action, purely for the sake of blocking action disliked by the minority, is undemocratic and one of the prime causes for the widely recognized decline of legislative power vis-a-vis the executive.

Further, state the unicameralists, the claimed need for a review is a tacit recognition of the inherently faulty nature of the bicameral system with its confusion of responsibilities that permits legislators to escape public accountability for their actions. If the legislature were properly structured, there would be little need for a review of its work. On the practical side, the unicameralists assert that the so-called popular passions can dominate both chambers, as in some legislatures during the McCarthy era. In this view, the protection of the rights of unpopular groups lies basically in an educated citizenry and in the overall structure of the constitutional system. Furthermore, the branch of government that has raised its voice against popular views in defense of minorities has not been the legislature but the courts. Simply put, there is no data supporting the claim that the second chamber acts as a constructive check on the first.¹⁰ Conversely, American experience has shown that in normal times the legislature is not inclined to ride roughshod over the rights of the well-to-do. Instead, the inclination is to avoid action on important issues¹¹ and not to be influenced by popular passions.

The unicameralists similarly dispute the view that the second chamber acts as an independent body of review to correct faultily drafted legislation. The objections to the claim fall into three major categories.

First, there is an assertion that, in fact, an independent review is often not given by the second chamber.¹² For example, bills are often received by the second chamber so late in the session that it is physically impossible to give them a thorough

consideration. Often times bills are hastily passed by the first house on the assumption that they will be carefully examined by the second chamber, an assumption that is sometimes poorly founded. With respect to noncontroversial bills, in particular, it is claimed that the second chamber seldom gives careful consideration, and that such consideration is often not given by the first chamber either.¹³

The second category of objections is that such checking or review that has been done has not been demonstrated to be of merit. The value of a check is not measured by its extent, but by its wisdom. In the case of Vermont, where a careful study was made of this point, not one of the "checked" bills could be classed as dangerous or seriously unwise.¹⁴ Similarly, the National Municipal League states that there is no data to support the claim that a bicameral system results in better policies or more carefully drawn laws.¹⁵

The third category of objections claims that there is little need for a technical review. The argument for a second chamber review antedated the rise of the Legislative Council, of executive sponsored legislation, and of professional bill-drafting services. Important present day legislation has been carefully considered and drafted before introduction into the legislature, so that passage by one house in itself constitutes an independent review. A second chamber, with no special knowledge of the problems or technical competence in drafting legislation, has nothing further to contribute.

Proponents of unicameralism give short shrift to the claim that bicameralism permits the killing of undesirable but popular legislation. In the view of the unicameralists, this is but a tacit concession that bicameralism confuses responsibility and permits legislators to hide from the consequences of their actions, or, in blunt language, that bicameralism permits deception of the electorate. In the unicameralist view, if the legislation is popular but undesirable, the legislators have a duty to educate the electorate to an understanding of the reasons why the legislation is undesirable.

The claim that bicameralism prevents undue aggrandizement of legislative power is similarly rejected by unicameralists. Unicameralists point out the claim traces back to the days of the founding of the American constitutional system when democracy was suspect and it was anticipated that the legislature would be the dominant branch of government. History has proved the fear of legislative usurpation to be misplaced; today the need is to strengthen the legislature, not to weaken it. Further, the best check on the legislature is clearly focused public accountability.

The unicameralists also dispute the claim that bicameralism prevents corruption of the legislature. In the past, unicameralists point out, simultaneous corruption of both houses of state legislatures has actually occurred. Today, protection of vested interests requires primarily the blocking of legislation rather than the passage of new legislation. Bicameralism presents more points at which legislation can be stopped, and with less fear of

popular understanding of what has happened, than does unicameralism. In this view, corruption is a greater danger under bicameralism.

Finally, unicameralists reject the validity of the argument that bicameralism is desirable since it is traditional and understood by the voters. A traditional form of government does not mean it is good. When Lord Bryce wrote the American Commonwealth after visiting the United States in the 1880s, he commented that the government of the cities, then almost all bicameral, was the one conspicuous failure of the United States. The dramatic improvement of city governments since then can be traced directly to the abandonment of the traditional bicameral system in favor of
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unicameralism.

Voters are in intimate contact with city governments and have a good understanding of unicameralism. Voters also have some knowledge of corporate structure with its strong parallels to unicameralism. Further, it is widely known that Nebraska has experimented successfully with unicameralism. Under these circumstances, it is no longer possible to pass unicameralism off as something strange and untried to be rejected in favor of the "traditional" bicameral government.

Not only do the unicameralists dispute the merits of every claim made for bicameralism, they claim that bicameralism has a number of positive disadvantages.

First among the disadvantages is the conference committee. This committee, it is claimed, often functions as a secret "third" chamber unaccountable to the electorate. Further, compromise measures as reported out by the conference committee must be

accepted or rejected by each house in toto without opportunity for amendment. Since the work of the conference committee is carried out in secret and sometimes hastily, unicameralists claim the conference committee is not only undesirable but a negation of the claim that bicameralism assures a check to prevent faultily drawn legislation. A student of the conference committee as it functioned in Nebraska before the adoption of unicameralism in 1934 reported that over 25% of all measures that were amended by the second chamber passed through conference. This same student of the Nebraska experience also found that almost 70% of all bills considered by the conference committee were referred to that committee during the last twenty days of the legislative session and that almost 50%¹⁷ of such bills were referred during the last ten days of the session.

A second claimed disadvantage of bicameralism is the rivalry sometimes engendered between the two houses. Documented examples of this at the state level are not readily available, but a recent episode in the United States Congress illustrates the danger. In the case at point, appropriations to the executive departments suffered an extensive delay because the chairmen of the House and Senate appropriation committees could not agree, among other points, on where the conference committee, appointed to compromise the¹⁸ differences between the two chambers, was to sit.

A third claimed objection to bicameralism is that it obscures responsibility and prevents accountability to the electorate. The claim here is that a measure can be passed in the two houses in slightly different form with agreement being deliberately not reached in conference so that the measure is defeated although

everyone is on record as being in favor, that a measure may pass one house as the best that could be obtained from the second house, rather than on its merits, or on the grounds that the choice was between a version worked out in conference or nothing. In all of these cases, it is impossible for the average voter to know who was responsible for the final action and should be held to account.

The Merits of Unicameralism

Although unicameralists dispute the merits of every claim made for bicameralism and advance some positive arguments against bicameralism, their advocacy of unicameralism rests primarily upon positive advantages they see in the latter system. These claims may be summarized as follows:

CLAIM 1. Unicameralism is more efficient than bicameralism.

The basic claim here is that each bill needs to be considered by only one house, eliminating a wasteful duplicative consideration. This results in more expeditious introduction and consideration of legislation and the elimination of the common end-of-session legislative log-jam. Thus in the 1949 Nebraska legislative session, only seventeen bills were introduced after the first twenty legislative days, and a number of these were recommended by the governor or were substitute or consolidated bills introduced by committees rather than by individual legislators. In this session, one-half of the bills acted on by the legislature had been handled by the mid-point of the session. Three-fourths of those acted on had been handled by the two-thirds point of the session. In the last two weeks, only 44 bills were acted on. Of these 44, eight were

considered in the last week, and only one of these eight on the last
day.²⁰ In the 1961 session, 25 bills remained to be disposed of
in the last two weeks and only six on the last day.²¹

CLAIM 2. Unicameralism results in legislators of higher quality
and greater prestige.

Usually this claim is made in general terms.²² However, a
study in 1944 showed that over 50% of Nebraska's unicameral legis-
lators had had some college work or had attended an institution of
higher learning.²³ Most had held public office or were influential
members of civic or state social and economic organizations. In
1950 it was reported that two-thirds of the legislators had had
previous legislative experience.²⁴

On the other hand, a careful student of the subject believes
it is unresolved whether unicameralism improved the moral and
intellectual caliber of the Nebraska legislators.²⁵

CLAIM 3. Unicameralism results in a more representative
legislature.

Under the bicameral system in Nebraska, 52% of the legislators²⁶
had only a single occupation while 48% had two or more occupations.
Under unicameralism, only 31% had a single occupation while 69%
had two or more. Multiple occupations are claimed to bring a greater
awareness of the problems and ramifications involved in legislation
and so to make the legislator more responsive to constituent needs.
Conversely, the change to unicameralism in Nebraska did not disturb
the ratio of farmers, business, and professional men elected to
the legislature. Thus the cross-section of the community remained

the same so that reduction in the number of representatives had no
adverse effect.²⁷

CLAIM 4. Unicameralism results in a positive improvement in
the quality of enacted legislation.

Fewer statutes enacted under Nebraska's unicameral legislature
were declared unconstitutional, as compared to its bicameral
statutes, and fewer statutes were found to have "bugs" or "jokers."²⁸
Some of the credit must go to the simultaneous institution of a
legislative council with the unicameral legislature, but proponents
claim the unicameral legislature deserves part of the credit.
Several reasons are advanced. As will be noted below, unicameralism
results in the introduction of fewer bills. This means that each
bill that is introduced can be given more time. Secondly, the
increased efficiency of the unicameral legislature eliminates the
hasty consideration often given to bills under a bicameral system.
Thirdly, the unicameral legislature bears full accountability for
the quality of the bills passed and this responsibility cannot be
blurred by shared responsibility with a second chamber. Fourthly,
bills often pass one house of a bicameral legislature in the
expectation of defeat in the second chamber.²⁹ Such expectations
are not always realized. Under unicameralism this type of mis-
calculation is eliminated.

CLAIM 5. Unicameralism results in higher standards for the
introduction of bills.

Under unicameralism, a Nebraska legislator pointed out, he
could no longer introduce a bill at the request of a constituent
and then ask the other house to kill it.³⁰ The result of

unicameralism in Nebraska was a spectacular 43% reduction in the number of bills introduced.³¹ Concomitantly, the percentage of introduced bills that were enacted rose from less than 20% under bicameralism to over 50% under unicameralism.³²

CLAIM 6. Unicameralism brings lobbyists out into the open where their activities are subject to public scrutiny.

The claim here is that the direct and open procedures of the unicameral legislature, and the searching publicity that unicameralism permits, soon expose any member who is prone to succumb to lobby influence.³³ It is not uncommon for a Nebraska legislator to denounce a lobbyist by name on the floor of the house and to give a statement of what the lobbyist has been doing.³⁴

The attainment of common policy between the two chambers of a bicameral system is greatly assisted--far more than is commonly realized--by pressures put on by lobbyists.³⁵ Unicameralism prevents this, and also prevents lobbyists opposing legislation from secretly maneuvering to get the two houses to adopt different versions of the bill so that it might be killed altogether or to give the lobbyists a chance to secretly influence conference action and the writing of the conference report.

Although unicameralism reduces the number of opportunities for lobby influence, and makes attempted influence more likely to receive public scrutiny, some observers do not believe the claim that unicameralism reduces the influence of the lobby to be positively proved.

CLAIM 7. Unicameralism pinpoints responsibility for legislative actions.

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Under unicameralism responsibility is clearly focused. There is no opportunity to pass bills for the other house to kill, to alter or kill legislation in the secrecy of the conference committee, or to claim that there is no use to consider certain legislation on the grounds it would meet sure death in the other chamber. Without the complexities of bicameral procedures, it is easier for the public to keep track of the progress of legislation. The interaction of these two factors results in pinpointed responsibility for legislative actions.

CLAIM 8. Unicameral legislatures are more economical.

The Vermont unicameral legislature was less expensive than the bicameral legislature both in total expenditures and in per capita expenditures.³⁷ In Nebraska's case, the switch to unicameralism reduced legislative expenses by almost 25%. A legislative council was introduced at the time of the switch to unicameralism. If the expenses of the council are excluded from the costs of operating the unicameral legislature, the savings amount to over 27%.³⁸ The reasons for this are obvious. A unicameral legislature, as compared to a bicameral legislature, can be expected to have fewer salaried members, a smaller legislative staff, reduced travel allowances, smaller printing expenditures, and so on.

OTHER CLAIMS. Unicameralism results in improved public understanding of legislative activities, the development of legislative leadership is facilitated, and a closer relationship between the legislature and the governor is permitted.

The first of these claims is implicit in many of the claims discussed above. The simplicity and openness of the unicameral system permits easy news coverage and searching publicity. Increased public understanding is an inevitable result. The development of legislative leadership is facilitated through its concentration in one chamber. This same concentration of leadership simplifies the working relationship between the governor and the legislature.

Rebuttal of Objections to Unicameralism

Unicameralists reject the criticism levied by the bicameralists. The one major objection to unicameralism is the fact that a review by the second chamber is eliminated. As noted before, unicameralists counter with an attack on the general worth of the review given by bicameral systems, point out the lessened need for a second legislative review with the growth of legislative councils, professional bill drafting services, and executive leadership, and claim the experience of Nebraska has proved in fact that there is no need for review. Should it still be felt, however, that a second legislative review is needed, the unicameralists point out that this can be secured under their system.

One method of securing a review is to require that certain categories of legislation be passed by two different sessions before becoming effective. The second passage may even be required to come after an intervening election. Because of the delays involved in this approach, it is feasible only with respect to fundamental issues where the need for a wide and lasting consensus

is of vital importance. Another approach, feasible for ordinary measures, is for the legislature to choose, when it first convenes, a portion of its membership to sit in a separate revising chamber.

This is now done in the unicameralist Scandinavian countries. ³⁹

All major questions and all conflicts between the two houses are handled by a majority vote of the two houses in a common session.

In short, the second chamber can suggest revisions but has no power to enforce them over the wishes of the elected legislature.

This, it will be recognized, is in effect the British system where the House of Lords can suggest revisions but no longer has power to prevent the passage of legislation. This method of securing a

review of the work of the elected legislature bears a noticeable resemblance to the "Virginia Plan" advanced in the Constitutional Convention of 1787. That plan, favored by James Madison among

others, provided for a lower house elected by the people, with an upper house chosen by the lower house. ⁴⁰ Since the upper house

would be chosen by the lower house, even though the choice was from nominations submitted by the various State legislatures, the upper house under the Virginia Plan could not be expected to prevail in a conflict between the two.

CONCLUDING REMARK

The foregoing summary of the arguments advanced for and against bicameralism and unicameralism tips heavily in favor of unicameralism. This is a reflection of the fact that people who write on the subject--political scientists and other persons with academic backgrounds in the main--heavily favor unicameralism. The most

that is said against unicameralism by persons within this group is that a clear superiority over bicameralism may not have been factually proved. Persons holding this reservation appear to be in the minority within the group. There is some comment that analyses to date are not conclusive on the grounds that a modernized, up-dated bicameralism has not been tried. The difficulties with this observation are that it may be easier to secure a wholesale revision of the legislature itself than to induce an existing legislature to reform its procedures, and that the suggested bicameral improvements--such as joint committee hearings and possibly joint committees--actually are partial moves towards unicameralism, for the real work of legislatures is done in committees and not on the floor of the houses.⁴¹ In view of this, the unicameralists ask why reform should stop with half-way measures.

Practicing politicians favor bicameralism. Even here the unicameralists suggest that this may be due not to the merits of the case but to a fear of the personal political consequences of the transition to unicameralism, for among Nebraska legislators who have had experience with both systems--and who thus survived the transition--there is an overwhelming preference for unicameralism. A survey in 1961 of 68 present and former Nebraska legislators showed that only four wanted a return to bicameralism.⁴² Earlier one legislator who had served four years in the Nebraska lower house and two years in the Nebraska Senate under bicameralism, and who had voted against unicameralism, stated that unicameralism

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was a decided improvement over the previous bicameral system.
This legislator, C. Petrus Peterson, had also served as Speaker
of the unicameral assembly, so he was intimately acquainted with
the practical workings of both systems.

FOOTNOTES

1. Shepard, W. J., "Legislative Assemblies," 9 Encyclopaedia of the Social Sciences 361 (1933).
2. Shull, Charles W., American Experience with Unicameral Legislatures 1 (1937).
3. Shepard, W. J., "Bicameral System," 2 Encyclopaedia of the Social Sciences 533 (1933).
4. Id. at 534.
5. Michener, John H., "The History of Legislative Apportionment in Maryland," 25 Md. L. Rev. 2 (Winter, 1965).
6. Id. at 5.
7. Ibid.
8. Reynolds v. Sims, 377 U.S. 533 (1964); Maryland Committee v. Tawes, 377 U.S. 656 (1964).
9. Story, Joseph, Commentaries on the Constitution of the United States § 550 (5th ed., Little, Brown & Co., 1891, vol. 1, p. 409).
10. National Municipal League, Model State Constitution (6th ed.) 43 (1963).
11. American Political Science Association, American State Legislatures 54 (1954).
12. Id. at 52.
13. Ibid.
14. Shull, op. cit. supra note 2, at 11.
15. National Municipal League, loc. cit. supra note 10.
16. Shepard, "Bicameral System," op. cit. supra note 3, at 535.

17. Burdette, Franklin L., "Conference Committees in the Nebraska Legislature," 30 American Political Science Review 1114 (1936), and "The Conference Committee Ogre," Unicameral Legislatures (Ed. by Bower Aly, 1937) 117, as cited by Bruce R. Trimble, The Structure of the Legislature 14 (1943).
18. 1962. See C. P. Trussell, "Money Bill Impasse in Congress Broken," New York Times July 19, 1962, p. 1, col. 2.
19. Spencer, Richard C., "Nebraska Idea 15 Years Old," 39 National Municipal Review 85 (February, 1950).
20. Id. at 86.
21. Spencer, Richard C., "Nebraska 'Unicam' Operates Smoothly," 50 National Civic Review 425 (September, 1961).
22. Carter, Edward F., "The Unicameral Legislative System," 21 Fla. L. J. 112 (May, 1947); National Municipal League, loc. cit. supra note 10.
23. Senning, John P., "Unicameralism Passes Test," 33 National Municipal Review 61 (February, 1944).
24. Spencer, op. cit. supra note 19, at 84.
25. Shumate, Roger V., "The Nebraska Unicameral Legislature," 5 Western Political Quarterly 508 (September, 1952).
26. Senning, loc. cit. supra note 23.
27. Ibid.
28. Shumate, loc. cit. supra note 25.
29. Trimble, op. cit. supra note 17, at 8.
30. State Senator Richard D. Marvel as cited by Donald Janson, "The House Nebraska Built," 229 Harper's 124 (November, 1964).

31. Shumate, loc. cit. supra note 25.
32. Id. at 509.
33. Senning, op. cit. supra note 23, at 64, 65.
34. Ibid.
35. Hagan, Charles B., "The Bicameral Principle in State Legislatures," 11 J. Pub. L. 321 (1962).
36. National Municipal League, loc. cit. supra note 10.
37. Shull, op. cit. supra note 2, at 12.
38. Aylsworth, L. E., "Nebraska's Unicameral Legislature Saves Money for Taxpayers," 27 National Municipal Review 492 (October, 1938).
39. McDaniel, Gerald R., "No One Misses the Landsting, But--," 49 American Scandinavian Review 268 (September, 1961).
40. Thornton, H. V., Legislative Organization and Procedures (Bicameralism v. Unicameralism) (Constitutional Study No. 8 for the Constitutional Survey Committee of the Oklahoma State Legislative Council) 4 (1948).
41. Shepard, op. cit. supra note 1, at 359.
42. Hanson, Odell, "The One-House Legislature," Baltimore Sun December 13, 1964, sec. D, p. 3.
43. Carter, op. cit. supra note 22, at 113.

In this article, a member of the Nebraska Legislature takes an incisive look at his State's unicameral legislative body, the only one-house Legislature in the United States. Senator Richard D. Marvel, who has served in the Legislature since 1951, finds that the people of Nebraska, the geography of the area, its economics and other sociological factors have played an important role in the development of the Nebraska unicameral. A second and concluding article by Senator Marvel will appear in a subsequent issue of State Government.

A Member Looks At

The Nebraska Unicameral

by Richard D. Marvel

ONE OF THE BASIC functions of a legislative body is to make decisions for the society which it represents. "The task of government is not to express an imaginary popular world, but to effect adjustments among the various special worlds and purposes which at any given time are pressing for realization."¹

One cannot adequately understand pressure politics in Nebraska and the decisions that result without an analysis of the people of the State as well as the legislative institution which they have developed. The history of Nebraska, the structural processes of the Legislature, and the personal, informal influences which affect each State Senator must be described in trying to point out possible influences on the final product—legislative decisions.

PHYSICAL FACTORS

Nebraska is geographically classified as being part of the Great Plains area, with three

distinguishing characteristics: "a comparatively level surface of great extent; a treeless land and unforested area; and a region where the rainfall is insufficient for the ordinary intensive agriculture common to the lands of the humid climate."² Eastern Nebraska, however, does not fall into the Great Plains area and contains not only entirely different topographical characteristics than the land west, but also is in an entirely separate rainfall area. "The state is indeed in the transitional area and for that reason, perhaps, its problems are more complicated."³ Thus, the geography of the State may be responsible for many of the differences in attitude between the eastern and the western Senators.

Major rivers also play a role in both unifying and dividing Nebraskans. Every mile of the Platte River "is bound to history and politics."⁴ It provided a pathway for settlers, de-

¹Walter Prescott Webb, *The Great Plains* (New York: Grosset and Dunlap, 1931), p. 3.

²James C. Olson, *History of Nebraska* (Lincoln: University of Nebraska Press, 1935), p. 6.

³Wendy Rogers, "Water Treasure," *Depth Report No. 3* (Lincoln: School of Journalism, University of Nebraska, March 15, 1961) p. 9.

⁴V. O. Key, Jr., *Politics, Parties, and Pressure Groups*, 3rd ed. (New York: Thomas Y. Crowell Company, 1952), p. 10, quoting John Dickinson, "Democratic Dogma," *American Political Science Review*, XXV (1930), 291-292.

lined the major route for the railroads, became a political dividing line, and during the 1940s and 1950s the river became the center of bitter water diversion battles in the Nebraska Legislature.

DEMOGRAPHIC FACTORS

Nebraska has a built-in urban-rural population schism, for Douglas (Omaha) and Lancaster (Lincoln) counties—both located in the eastern one-third of the State, only sixty miles apart—contain over 35 per cent of the State's 1.5 million population and have enjoyed the major population increase in recent years. Observers predict that within a few years Omaha and Lincoln will have over 50 per cent of the population and will, thus, be entitled to a majority of the representation in the State's unicameral Legislature.

Probably of more significance for the future is the ratio of school age residents to total population. In 1964, Nebraska ranked thirty-eighth in this category, with school age population as 25.6 per cent of the total. In the same year, Nebraska ranked fourth in the Nation in its population of those over sixty-five years of age—a percentage of 11.6.⁵ Immigrants have played an important part in the development of the State. The typical immigrants were poor people—thrifty, conservative, religious, and pragmatic. The Germans led the influx with more than 200,000 of the 538,218 foreign population in 1910. Large numbers of Scandinavians and Czechs populated the State as well as lesser numbers of Central and Southern Europeans, Dutch, French, and English. While the Yankee settlers tended to be more progressive and interested in innovation than were many other groups, "immigrant pioneers influenced the state's politics, its fiscal viewpoint, and its morals." Negroes, predominately located in the metropolitan areas, today number only 2.1 per cent of the population, and the other main disadvantaged minority group, the Indians, account for less than 0.5 per cent of the population.

⁵*Ranking of the States, 1965*, Research Division of the National Education Association, February, 1965, pp. 11-12.

ECONOMIC FACTORS

Founded on an agricultural basis, Nebraska today remains primarily an agricultural State. The State's economy stood sixth in agricultural products in 1967. The farming industry is a \$1.73 billion annual business in Nebraska. There are 6.4 million head of cattle worth \$1 billion. Nebraska has over twice as many people employed in agriculture as in manufacturing.⁶ Present Nebraska industry is largely centered in the metropolitan areas of Omaha and Lincoln. Douglas County (Omaha) has 38 per cent of the manufacturing industries and 45 per cent of those employed in manufacturing.⁷ The agricultural emphasis is even more apparent in light of the fact that over 40 per cent of the manufacturing employees process food and other related products.⁸

The interdependence of agriculture and manufacturing is not a coincidence, and Nebraska farmers have historically had a business-oriented view. The latter view triumphed over the Populist view which refused to accept price control based on production limits.⁹

With recent legislative enactments, many of Nebraska's pillars of fiscal conservatism have fallen. No longer can the State "boast" of no broadened tax base, no state aid to schools, and the lowest per capita state tax in the Nation. Frugality is understandable considering the environment of the Great Plains. In Nebraska, the environment imposes variability and stresses the importance of a materialistic, conservative orientation to life. Uncertainty encourages the citizen to buy, plan, and operate cautiously with an emphasis on practical living. As one western Nebraska mayor commented: "The depression years are still looking over our shoulders."¹⁰

⁶N. D. Searcy and A. R. Longwell, *Nebraska Atlas* (Kearney, Nebraska: Nebraska Atlas Publishing Company, 1964), p. 77.

⁷*Ibid.*

⁸*Ibid.*

⁹James A. Stone, "Agrarian Ideology and the Farm Problem in Nebraska State Politics with Special Reference to Northeast Nebraska 1920-1933" (unpublished Ph.D. dissertation, University of Nebraska, 1960), p. 172.

¹⁰Frederick C. Welso, Mayor of Rushville, Nebraska, personal interview, July 18, 1964.

Political squabbling dating from the first legislative session between the North and South Platters set a pattern for political behavior which remains even today. Railroads made their presence felt in the early history of Nebraska and have played a significant role in the State's economic and political development. It has been said that the two most important factors in Nebraska's settlement were the construction of the railroads and a liberal land policy.¹¹ Towns vied for railroads and the competition encouraged feelings of localism and community spirit. A pioneer wrote in 1868: "One part of Nebraska belongs to the speculator, one part to the state, one part to the schools, and one part to the Union Pacific."¹² The political influence of the railroads is still felt in Nebraska, for the railroads continue to be important to the State's economy.

The home of *agricultural innovation*, the Great Plains region has also been "a land of *political innovation*, expressing itself in such vagaries as populism, agrarian crusades, and farm relief."¹³ Nebraska has been an active, and at times the dominant participant in these various movements. Yet, the agrarian political behavior was unlike other segments of the population, "In short, the farmer reacts to economic pressure with political protest; yet the response has an explosive quality—great force without duration—which is unique."¹⁴ Perhaps it is not too far-fetched to trace the individualism and the nonpartisanship of early agricultural political revolts to the signs of weakness in the Nebraska political parties by the mid-1930s, and ultimately to the establishment of a nonpartisan State Legislature.

It might be expected that a lack of commitment to a political philosophy would lead to significant variation in Nebraska's national political preference. However, this does not seem to have been the case. Dr. Jasper Shannon shows that "Nebraskans generally prefer a Re-

publican liberal or progressive to a Democratic one,"¹⁵ selecting Republicans in eighteen of twenty-four presidential elections.¹⁶

The environment and conditions of settlement contributed to strong feelings of *localism* and opposition to centralization. The necessity of the settler to look within himself in the midst of isolation and desolation caused localism to become the only understandable way of life. Localism is still strong today and finds expression in strong opposition to state involvement in educational matters.

THE LEGISLATOR—A BLEND

From this brief survey, one might be led to hypothesize that the Nebraska legislator is probably a highly individualistic, conservative, Republican, rurally oriented with a pro-business and anti-labor outlook, cautious with regard to spending, and a staunch advocate of local control. Yet, this picture would fail to account for the liberal innovations which have been a part of Nebraska history—the Populist-Progressive reforms, a complete public power complex, the somewhat radical design of the state capitol, and a one-house, nonpartisan Legislature. This blend of conservatism and liberalism may find its origin in the environment of the Great Plains which "challenges human intelligence in regard to every aspect of life—technological, economical, political, social, even philosophical."¹⁷ This dichotomy has been evident throughout Nebraska history. Whatever the reason, it is evident that "there seems to be a contradiction in everything the Nebraskan thinks and does. He is secure, yet insecure; he is conservative, yet radical; he believes in both private ownership and public ownership. In his shifting moods and attitudes, the Nebraskan is like most of the great Midlands."¹⁸ Thus, a more valid hypothesis would

¹¹Jasper Shannon, "Conservative Nebraska: Fact or Fiction?" (unpublished, undated paper), p. 1.

¹²Ibid., p. 15.

¹³Karl F. Kraenzel, Watson Thomson, and Glen H. Craig, *The Northern Plains in a World of Change* (Toronto: Gregory-Cartwright Ltd., October, 1919), p. 175.

¹⁴James Morrison, "Nebraska and its People: Paradoxes and Truisms of a High Plains Society," *Studies in Nebraska Journalism, Pamphlet No. 8* (Lincoln: School of Journalism, University of Nebraska), p. 5.

¹⁵Olson, *History of Nebraska*, pp. 161-164.

¹⁶Jane Tenhulzen, "A Foreign Frontier," *Depth Report No. 3* (Lincoln: School of Journalism, University of Nebraska, 1961), p. 23.

¹⁷Webb, *Great Plains*, p. 514.

¹⁸Angus Campbell, et al., *The American Voter* (New York: John Wiley & Sons, Inc., 1960), p. 403.

seem to be that when an overall perspective of the legislative voting pattern is achieved, the Nebraska legislator will prove to be not of extremes, but of moderation, a blend of conservative and progressive strains.

DEVELOPMENT OF THE UNICAMERAL

The development of Nebraska's nonpartisan, unicameral Legislature was the result of the State's political, social, and economic history. Even though a unique set of circumstances led to the birth at that particular moment in 1934, the thinking of the people as it evolved made the enactment of the system possible.

A number of events and individuals kept the unicameral idea before the people awaiting the right moment. During the Progressive period of the early 1910s, J. N. Norton came to the Nebraska House and eventually became majority leader and speaker pro tem. Norton was interested in the unicameral idea and pushed for it during his legislative career. The issue lost in the Constitutional Convention of 1920 by only one vote. In the same year, a model state constitution recommended by the National Municipal League advocated the adoption of a unicameral State Legislature. In this same period, Senator George Norris was actively supporting the unicameral ideas in speeches and articles. Dr. John P. Senning, head of the Political Science Department at the University of Nebraska and member of the survey committee for the constitutional drafting committee of 1919 to 1921, saw the unicameral "as the next logical step for the improvement of the structure of the legislature."¹⁹ The proponents believed the unicameral would be more representative of a legislative body, more open to public scrutiny, and more readily accountable to the electorate. Senator Norris saw partisanship and the conference committee as the two main roadblocks which tended to separate the public from its state representative.²⁰

¹⁹John P. Senning, *The One House Legislature* (New York: McGraw-Hill Book Company, 1937), p. 3.

²⁰George W. Norris, "The Model Legislature," address given in Lincoln, Nebraska, February 22, 1934, reprint from *Congressional Record*, February 27, 1934 (Washington, D.C.: U.S. Government Printing Office), pp. 3276-3280.

It was through Norris's efforts that the nonpartisan feature was part of the proposal put before the people in the election of 1934.

The year 1934 was economically poor for Nebraska. Agriculturally, the State had experienced hard times as early as the 1920s when the parity index began to take an unfavorable turn. Thus, the economic argument of the lesser cost of the unicameral no doubt had relevance for many people. Also, there were two other key constitutional amendments slated for consideration in 1934—a parimutuel proposition authorizing horse racing and repeal of prohibition. Advocates of these amendments, fearful that a "no" vote on one issue might jeopardize all, urged their supporters to vote "yes" on all three propositions. All three carried—repeal of prohibition by 328,074 to 218,107, parimutuel by 251,111 to 187,455, and the unicameral 286,086 to 193,152.²¹

Many credit one personality or organization for the success of the unicameral campaign. One author perhaps has summed it up best: "We may have to be content with the belief that the combination of forces and circumstances of the election produced the unpredicted. Certainly it was a decision that dismayed and perplexed many political experts."²² Perhaps it is appropriate to say that originally Norton's promotion kept the unicameral ideal alive; that Norris' political astuteness judged the "Nebraska mind" ready to accept the proposition in 1934; and that Senning's educational background added the third element—political theory—to the triumvirate.

FORMAL STRUCTURE OF THE UNICAMERAL

The unicameral structure represents the innovative, yet conservative, spirit of the Nebraska pioneers. The basic goals of the unicameral, as propounded by its supporters and translated into the organization and rules of the Legislature, can be summed up as follows: (1) direct communication between the public

²¹Senning, *One House Legislature*, pp. 60-61.

²²Adam Carlyle Breckenridge, *One House For Two: Nebraska's Unicameral Legislature* (Washington, D.C.: Public Affairs Press, 1957), p. 5.

and the legislative body, (2) visibility, i.e., playing the legislative game in the open, (3) adequate and full deliberation, (4) mobilization of power, (5) maximization of leadership potential, (6) representation of every major segment of the State's population, (7) protection of minority rights, (8) and the sum total of all of the previous goals—democratic representation.

Access and Visibility

The legislative operation and structure provides an excellent opportunity for the interested citizen to obtain access to the conflict and to observe the development of the battle plans. Visitors are separated physically from the Senators only by a rope strung across the rear of the chamber. Only forty-nine actors are involved and it is relatively simple to discern the key leaders in order to make direct contact with them. Perhaps the most important access point to both organized and unorganized groups is the committee hearing. Almost all bills are given a public airing to which any interested citizen is invited. Printed notice must be given five days before a hearing is held.

The Legislative procedure insures "openness" at all stages. A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has acted upon the particular measure²³ and the chairman must be accountable for the reasoning behind each decision. Any committee member who disagrees with the decision of his standing committee can rise on the floor to explain his opposition.²⁴

Floor debate and voting procedure add another dimension to the visibility aspect. An electronic voting machine permits an observer to see at a glance how any Senator has voted. The vote on final reading is recorded in the daily Legislative Journal, but at any time while the bill is being processed a member can request a machine vote and can ask that this vote be made part of the record.²⁵

Informed Deliberation

Public hearing is the first step a bill takes after introduction. After the open committee session, where all can testify, the committee goes into secret or executive session to take action on the bill. When a bill is released by a committee, it will be considered by the entire Legislature after being placed on general file, the first of five procedural steps, followed by enrollment and review for review, select file, enrollment and review for engrossment, and final reading. The first full-scale debate of any bill occurs during the time that bill is on general file.

The select file provides an additional deliberative step largely unknown in other legislative bodies. It provides an additional opportunity for debate and examination of the measure. "Procedure on Select File was really action in another committee of the whole."²⁶

The two enrollment stages provide for technical correction of the bill and the addition of amendments. A full-time attorney is hired to assure legal correctness.

The last file is final reading. All Senators are required to be on the floor, and no visitors are permitted to contact the Senators.²⁷ As the entire bill is being read, the Senators, free from interruptions, have a final opportunity to study each bill.

The rules which govern movement of the bill across each of the five files provide that: (1) five legislative days must have passed since the bill was initially referred to enrollment and review, (2) it must have passed two legislative days on the board after its reference to the final reading file, and (3) a final printed form of the bill must have been upon the desks of the members for at least one legislative day.²⁸

The unicameral's founders obviously felt that the deliberative process could not be left to chance. The original steps, largely intact, are still providing the necessary checks against hasty or ill-informed legislation.

²³Nebraska, *Rules of the Nebraska Legislature* (1965), Rule 6, sec. 8. Cited hereafter as Nebraska Rules.

²⁴Ibid., Rule 6, sec. 10.

²⁵Ibid., Rule 9, sec. 4.

²⁶Lane W. Lancaster, "Nebraska's New Legislature," XXII, *Minnesota Law Review* (December, 1957), 69.

²⁷Nebraska Rules, Rule 4, sec. 7.

²⁸Ibid., Rule 12, sec. 11.

Mobilization of Power

The unicameral structure provides a flexible framework for the use of political power. Flexibility in this instance refers to three major areas—method of selection of legislative leaders, development of leadership by specialization, and the presence of voting blocs which shift with specific issues. Neither seniority, partisanship, nor gubernatorial influence have been of major significance in the power struggle in Nebraska's unicameral structure.

The election of legislative leaders—the speaker, chairman of the committee on committees, and the chairman and vice chairman of the legislative council—is by secret ballot, not by party alignment.²⁹ The speaker presides during the absence of the Lieutenant Governor,³⁰ but his real power is based upon his membership in the reference committee³¹ and the legislative council executive board. The speakership, often conferred on one of the senior members, has been more a position of honor than power in Nebraska.

The chairman of the committee on committees is a strategic position. This committee chooses the chairman and members of each standing committee. Though geographical distribution, nonpartisanship, and a blend of freshman and experienced Senators is sought, politics is a vital aspect of committee assignments. Both opponents and proponents of a broadened tax base in the past have attempted to put their friends on the revenue committee. Spending agencies of state government, in like manner, are always happy when their supporters find a position on the budget committee.

A person can rise to committee chairman in as few as two terms. Often geographic location or spending philosophies are the basis for selection. Peculiar to the unicameral is the fact that committee chairmen usually retain their positions for no more than two consecutive sessions. The chairman and vice chairman of the five-member legislative council executive

board can be very influential. This board, which also includes the speaker and chairman of the committee on committees, heads the main research unit available to the Legislature and directs interim studies.

Bills are assigned to various standing committees by the reference committee—the speaker, chairman of committee on committees, and the Lieutenant Governor. Obviously, referral to an unfriendly committee can greatly lessen a bill's chances for survival.

While partisan machinery might make voting blocs more rigid, Nebraska's nonpartisanship finds that opponents on one issue may be proponents on another. In other words, issues tend to take the place of party alliances in Nebraska's legislative voting patterns.

Leadership

The legislative climate includes an opportunity for advancement which is not based on seniority. Nonpartisanship permits legislators to wield a considerable amount of individual authority and influence through identification with specific subjects. Ideally, the Nebraska unicameral structure provides the laboratory for the individual who desires to use his talents to full capacity to experiment with the problems of state government. The product of legislation in the American democracy must include the ingredients from the many elements of the society being served. To meet the diverse needs and demands requires the leadership traits of courage, patience, and understanding. The author believes these traits have been encouraged to a greater degree under a nonpartisan, one-house legislative structure.

Majority and Minority Rule

Minority groups in our framework must be allowed to speak, but not so loudly or forcefully as to thwart the majority. A Nebraska citizen can be heard on any issue through individual effort or by uniting with a group which shares his view.

A potent majority, properly organized, is provided adequate means of expression within the unicameral system. Neither party, seniority customs, nor a second house stands in the way

²⁹Ibid., Rule 3, sec. 1.

³⁰Ibid., Rule 2, sec. 1.

³¹Ibid., Rule 14, sec. 1.

of the majority. Lobbying by minority groups behind closed doors is reduced by a visible, accessible, legislative system operated by a small, easily identifiable membership.

Democratic Representation

The sum of all the elements discussed previously should lead to representative government producing moderate decisions. A legislative structure must afford the opportunity for the cooperative use of all its elements to meet the challenges facing modern representative democracy. The nonpartisan unicameral structure provides the mechanism to meet the demands of the first seven points. The seven goals, together, can attain maximum coordination through the nonpartisan, unicameral structure and thus produce the eighth goal—moderation through democratic, representative government.

INFORMAL INFLUENCES ON DECISION MAKING

Each individual elected to the unicameral brings with him predetermined philosophies and prejudices which collide with the informal rules of the group. His "role concept"—how he relates to each individual, to society, and to the world—influences his behavior in the role of a legislator. This "role concept" can be said to be composed of three elements: (1) the personal background and relationships a legislator brings with him to the Legislature, (2) the outside pressures of constituents, groups, parties, and agencies of state government, (3) the "rules of the game" governing the roles and actions of the members of the legislative group itself.³²

The Legislator in Perspective

As was the pattern in the majority of the States, the Nebraska Legislature has had to wrestle with the reapportionment problem. Originally set up on an equitable distribution of population, urban growth in the 1950-60 decade resulted in an imbalance. The 1962 general election results not only indicated the

population disparity between rural and urban legislative districts, but also revealed the appreciable difference within the metropolitan areas of both Omaha and Lincoln.

Urban-sponsored reapportionment acts were killed in the 1959 and 1961 sessions. A compromise establishing a population-area formula was passed by the Legislature as a constitutional amendment in 1961 and was approved by the voters. The 1963 Legislature implemented the measure, allowing a 20 per cent weight for area. A three-member federal court, however, voided the act, but approved a 1965 reapportionment act following a population discrepancy of almost 20 per cent.³³ Thus, one obstacle to possible majority rule in the Nebraska unicameral has been overcome.

As may be expected, farming-ranching has been the dominant occupation represented in the unicameral. Lawyers, traditionally well represented in legislative bodies, have steadily declined in the unicameral and business-oriented occupations seem to have taken their place. Few blue-collar workers have served in the Nebraska Legislature. The average age of Nebraska legislators has remained fairly constant over the years. The early sessions had the youngest personnel—47.0 years of age in 1941. The average age rose gradually to 54.2 in the 1947 session, and has remained around 54 years. Of all the legislators serving between 1936 and 1962, more than 67 per cent of those elected served more than one term, and more than 37 per cent served more than two terms. About one-third served but one term in the unicameral.

Of 125 uncontested races in the elections held between 1936 and 1962 (20.7 per cent of the total races), 114, or 91.2 per cent, involved incumbents. The "staying power" of Nebraska Senators seems to be very high. Once elected, if he so desires, an individual has greater than an 80 per cent chance of being reelected. Of 416 incumbents running in the years 1936-1962, 341, or 81.5 per cent, were successful. If one discards those defeated by former legis-

³²John C. Wahlke, Heinz Eulau, William Buchanan, and LeRoy C. Ferguson, *The Legislative System* (New York: John Wiley & Sons, Inc., 1962), pp. 141-169.

³³*League of Nebraska Municipalities v. Frank Marsh and others*, 232 F. Supp. 411 (U.S. District Court, 1964), and *League of Nebraska Municipalities v. Frank Marsh and others*, 232 F. Supp. 27 (U.S. District Court, 1966).

lators, the result is 341 out of 395 successful, or 86.3 per cent.³⁴

The turnover ratio in the unicameral has been generally below 40 per cent, and in the last few years seems to be near the national average which was 34 per cent in both houses in 1963.

More influential in the selection of candidates than state-wide pressure groups are the local organizations which feel that the incumbent legislator is not properly representing their interests. This situation will usually result in a meeting of the major groups and a subsequent attempt to draft a new legislative candidate.

Election to a legislative office in Nebraska does not offer a fertile ground for advancement to a higher state office, since very few individuals have moved from the Legislature to other state offices. Since 1951, the author's first legislative term, only one unicameral member has been elected to a higher office.

The pay for senators is \$4,800 a year (the unicameral meets biennially, except for special sessions).³⁵ Fringe benefits given senators are minimal. They are not provided offices and must conduct their affairs from the desks on the floor of the unicameral. Senators can call upon the legislative council, composed of a staff of six people, two of whom are available to individual legislators for research during the session and the interim. In the 1967 session, law students from the University of Nebraska were utilized by the legislative council on a part-time basis to aid in research. Another service is provided in the form of a bill-drafter's office. Here, a legal staff drafts each bill introduced in the Legislature. In 1962, the office of a legislative fiscal analyst was added to the staff of the legislative council. Responsible to the committee on budget and appropriations,

³⁴Compiled from *Nebraska Blue Book*, 1936-1962, inclusive.

³⁵Article III, sec. 7 of the Nebraska Constitution provides that a Senator shall receive "not more than two hundred dollars per month" for his term of office. At the time of the adoption of this amendment in 1960, there were some charges that the wording of the amendment masked the intent of raising legislative salaries which previously had been around \$870 per year. Section 7 amended in 1968 read: "not to exceed four hundred dollars per month during the term of his office."

the fiscal staff has provided invaluable assistance to the implementation of program budgeting for the State.

The Legislator as Representative

Perhaps one of the greatest influences upon the representative as he functions in the legislative arena is potential constituency pressure. Elected on a nonpartisan basis, a Nebraska legislator is committed to support specific groups or issues, rather than to support a party platform.³⁶ The influence of constituency pressure will depend upon the position of the Senator within his own district. Some believe that the increase in senatorial terms from two to four years, adopted in 1964, will relieve some of the constituency pressure. This will permit a legislator to build a better record and to accept leadership in more sensitive areas with less fear of immediate repercussions.

THE NEBRASKA UNICAMERAL— CONCLUDING OBSERVATIONS

To be an active and accepted organ, a Legislature must reflect the basic thought of a majority of the State's opinion-makers. It must derive sustenance from the lifeblood of the environment of the State it serves. The Nebraska system fulfills those qualifications, for it is a creature, or a creation, of the history, the wishes, the thoughts of the citizens it serves.

The legislative structure derives its basic traits from the people, works with these same people in making state policy decisions and, in turn, has its own impact upon the people once the decisions are implemented. The input to the Legislature from the State and its people is received, remolded, and returned to the people in the form of legislative or decisional output.

The Legislature is considered to be an active and influential part of the social process of the State. Likewise, each of the elements exerting major impact upon the decisions of the unicameral is to be considered a segment

³⁶In the 1959 session, the author, on constitutionality grounds, voted against an Associated Industries of Nebraska-sponsored bill on secondary boycotts. Subsequently, he was forced to attend a special meeting of his business constituents to explain his stand.

of the same social system. Thus, the environment exerts an influence on the legislative body directly, and also through the formal and informal structures of the legislative system. Likewise, the formal and informal act upon each other, as well as upon the environment and upon the Legislature itself. Finally, the unicameral system, receiving the total impact of these three important pressures, by its final decisions, or output, completes the circle by exerting its own influence back upon the environment and the people of the State it serves.

The decisions of the Legislature, reflecting the people's main characteristics and beliefs, produce moderate answers or conclusions to the major problems. Such flexibility is present within the unicameral legislative structure. The pressure groups, too, are products of the

social system and must operate within the same basic framework of a formal structure and an informal process as the legislators being pressured. Both elements, the pressured and those exerting the pressure, are influenced by the same basic elements of the State's social system.

The unicameral structure provides the governmental tools that the people of Nebraska need to confront present challenges. The system is streamlined to eliminate obstacles which stand between the people and their goals of democratic representation. The worth of the unicameral has not always been fully understood, appreciated, or utilized. This is no reason to discount its value or underestimate its contribution in meeting the current need to upgrade and strengthen state government in the latter decades of the twentieth century.



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INTRODUCTION

UNICAMERALISM: WISCONSIN LEGISLATIVE HISTORY

Nebraska is the only state in the United States that currently has a unicameral (that is, one-house) legislature. It has been in existence since 1937 with no apparent attempts to change the structure. Three other states (Pennsylvania, Georgia and Vermont), however, began with a unicameral legislature and later abandoned it.

Although the unicameral legislature is not very popular in the United States, many foreign countries have adopted it. For example, when Quebec abolished its two-house parliament in 1969, the last of Canada's 10 provinces became unicameral. The governing bodies of most municipalities and counties in the United States are also unicameral in nature.

The history of unicameral proposals in Wisconsin began with 2 proposed constitutional amendments introduced in 1915. After a lapse of 12 years, there was at least one such proposal introduced in every regular biennial session from 1927 to 1937. In 1935, 5 separate joint resolutions were introduced relating to adopting a unicameral legislature. Two of these proposals (1935 Assembly Joint Resolutions 10 and 95) were passed by the Assembly. These are the only 2 such measures which have ever received passage by at least one house. 1935 AJR 95 was not a proposed constitutional amendment, but rather, a proposed referendum relating to the establishing a unicameral legislature.

Not until very recently has there been any revived interest in unicameralism since the 1930's. Four proposals have been introduced in the last 3 sessions of the Wisconsin Legislature to provide for a unicameral legislature. Unicameralism has been given considerable attention since 1964 in many other states beside Wisconsin. The recent upsurge of interest is at least partially due to the United States Supreme Court's 1964 ruling in Reynolds v. Sims (377 U.S. 533; 84 S. Ct. 1362), which held that both houses of state legislatures must be apportioned according to population. In Wisconsin, of course, both houses have always been apportioned "according to the number of inhabitants". Since representation for both houses of state legislature now has to be based on population, some commentators have suggested that there might be no further need for 2 houses.

CONSTITUTIONAL PROVISIONS RELATING TO THE LEGISLATURE

The current provisions of the Wisconsin Constitution governing the number and size of the houses comprising the Wisconsin Legislature are found in Article IV. They read as follows:

Section 1. The legislative power shall be vested in a senate and assembly.

Prepared by Gary Hatchke, Research Analyst

Legislative
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Section 2. The number of the members of the assembly shall never be less than 54 nor more than 100. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

If Wisconsin were to adopt a unicameral legislature, additional sections of constitution would have to be amended. Those sections which would also be affected are:

- Article IV, Section 3. Apportionment.
- Section 4. Assemblymen, how chosen.
- Section 5. Senators, how chosen.
- Section 7. Organization of legislature; quorum; compulsory attendance.
- Section 8. Rules; contempt; expulsion.
- Section 9. Officers.
- Section 10. Journals; open doors; adjournments.
- Section 17. Style of laws; bills.
- Section 19. Origin of bills.
- Section 20. Yeas and nays.
- Section 26. Extra compensation; salary change.
- Article V, Section 8. Lieutenant Governor president of senate....
- Section 10. Governor to approve or veto bills; proceedings on veto.
- Article VI, Section 2. Secretary of State duties relating to the legislature.
- Article VII, Section 1. Impeachment proceedings.
- Section 13. Removal of judges.
- Article VIII, Section 6. Public debt for extraordinary expense; taxation.
- Section 8. Vote on fiscal bills; quorum.
- Article XI, Section 4. Legislature prohibited from incorporating banks.
- Article XII, Section 1. Constitutional amendments.
- Section 2. Constitutional conventions.
- Article XIII, Section 6. Legislative officers.

WISCONSIN LEGISLATION PROPOSING A UNICAMERAL LEGISLATURE

No proposed constitutional amendments relating to the establishment of a unicameral legislature have ever achieved passage through both houses of the Wisconsin Legislature, so as to be eligible for "2nd consideration" review 2 years later in preparation for their submission to the voters of Wisconsin. Therefore, all the proposals listed in the following table constitute "1st consideration" constitutional amendment proposals.

A. Proposed Constitutional Amendments Providing for a Unicameral Legislature*

LRB-MB-70-5

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1915	SJR 20	G. Weissleder	Legislature	3 mbrs. from each congress. district	Staggered 4-year terms	Correspond with congress. districts	
1915	AJR 33	W. L. Mortenson	Legislative Commission	1 mbr. from each congress. dist. & 2 from state at large	4 years	Congress. dist., plus 2 from the state at large	One of the 2 at large mbrs. receiving highest no. of votes - pres., other vice-pres.
1927	AJR 17	Wm. Coleman	Legislature	133 Members	Staggered 4-year terms	Single dists. of convenient contiguous territory	
1929	AJR 131	Robert Caldwell	Legislature	Number of mbrs. equal to the no. of U.S. Rep.s from Wisconsin	Staggered 4-year terms	Correspond with congress. districts	
1931	AJR 48	Philip Wenz	Legislature	133 Members	4-year terms	Single districts	
1933	AJR 26	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single dists. of convenient contiguous territory	Sessional salary of \$1200
1935	AJR 10	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
	A.An. 1 (Adopted)	B. M. Vaughan		Not less than 90 nor more than 100 members			

*In measures proposing a staggered 4-year term, most proposals provided for half of the Legislature being elected for 2 years in the initial election under the new unicameral legislature, and subsequently for 4-year terms.

Proposed Constitutional Amendments Providing for a Unicameral Legislature -- Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1935	AJR 11	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single member districts	Legislature would meet once each mo. until all business completed. Annual salary of \$4,000
	A.Sub.Am.1 as amended by A.Amdt. 1 and 2 (Adopted)			Not less than 90 nor more than 100			Legislature would meet once every 2 years
1935	AJR 70	Mary Kryzak	Legislature	Not less than one mbr. from each county nor more than 100 members	4-year terms	No dist. would embrace more than one county.	
1937	AJR 11	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
1965	AJR 107	Barbee, Iverson, Lipscomb & Schnus	Legislature	Not less than 43 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$10,000. Annual sessions
1967	SJR 26	J. Lourigan	Legislature	Not more than 45 members	Staggered 4-year terms	Single dists. of compact contiguous territory	
1967	AJR 37	Barbee, Lipscomb, Anderson, Kessler & O'Malley, co-sponsored by Lourigan	Legislature	Between 33 and 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions.

LRB-MB-70-5

Proposed Constitutional Amendments Providing for a Unicameral Legislature -- Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1969	AJR 18	Barbee, Lipscomb & Sanasarian	Legislature	Not less than 33 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions

B. Proposed Referenda Relating to Establishment of a Unicameral Legislature

Year	Joint Resolution	Author	Referendum Question
1935	AJR 95 A.Sub.1	G. Weissleder	This proposal would submit to the voters a referendum consisting of the following 5 questions and comprising 7 parts: (1) "Do you favor a one-house legislature?"; (2) (a) "Do you favor a legislative membership of not less than 30 nor more than 50 members?"; (or) (b) "Do you favor a legislative membership of not less than 30 nor more than 100 members?"; (3) "Do you favor the legislature sitting as a body to hear all arguments for and against all matters coming before it?"; (4) "Do you favor having the legislature meet once each month and remain in session until its business is completed?"; (5) (a) "Do you favor a 4-year term for the members of the legislature?"; (or) (b) "Do you favor a 2-year term for the members of the legislature?". The measure was adopted by the Assembly by a vote of 48 to 32. The Senate, however, nonconcurred in it by a 23 to 7 vote.
1935	AJR 171	E. W. Blomquist & A. F. Polt	This proposal would have submitted one question to the voters: "Do you favor a one-house legislature? Yes _____ No _____"
1955	AJR 91	Louis C. Romell	This proposal would have provided an advisory referendum consisting of 2 questions: (1) "Do you favor an amendment to the state constitution to provide for a unicameral legislature of 100 members, one-half to be elected every 2 years for terms of 4 years?" or (2) "Do you favor an amendment to the state constitution to provide that the legislative branch shall consist of 2 houses similar to the legislative branch of the federal government?"

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The House Nebraska Built

by Donald Janson

Its simple plan for making state government cheaper and more efficient has worked out remarkably well and may soon be copied elsewhere.

Though Vermonters may dispute the title, Nebraska is probably the thriftiest state in the union. For example, the state's bonded debt is limited to \$100,000 and Nebraska stays well under that. It has no sales tax or state income tax because so many Nebraskans feel the revenue would open the door to unnecessary spending.

If you are aware of this penny-pinching tradition it is a shock when you drive the arrow-straight road from Omaha to Lincoln to find a veritable architectural extravaganza looming up out of the surrounding plains.

This spectacular skyscraper is the State Capitol. It cost about ten million dollars and took ten years to build, being paid for by a special property tax which yielded a million dollars a year. "An innocent traveler from the East who thinks that Nebraska is a stick-in-the-mud state

will get some surprises," John Gunther wrote in *Inside U.S.A.*, after his first glimpse of this startling building.

The surprises, however, are not merely architectural. Recent visitors are viewing with even more interest what goes on inside the Capitol. For this is the headquarters of the only one-chamber state legislature in the nation, an innovation which may, in the years ahead, be widely copied in other states. If this comes to pass, the full potential of a remarkable institution may be discovered—for Nebraskans, though generally pleased with their brainchild, have tended, in characteristic fashion, to maintain it on a starvation diet.

Senator George W. Norris—Nebraska's great innovator—was the chief architect of the "unicameral," as it is generally known. At the time it was created it seemed of no more than local significance to the rest of the country.

Now, thirty years later, it has become an object of national interest as a result of the Supreme Court's reapportionment decision on June 15. Despite the delaying tactics of the 88th Congress, district lines will inevitably be redrawn and state legislatures are headed for a shake-up. Economy-minded citizens are pondering the possibility of shaking one house out of existence in the process. If this should happen, millions of tax dollars will be saved. More importantly, legislatures might be largely cleansed of the corruption and inefficiency that blight state governments across the country.

If nothing else, experience in Lincoln has proved that one house is cheaper than two. Specifically, the taxpayers' bill for the first unicameral that met in 1937 was approximately half that of the preceding chamber session. And when one body must do the work of two, there is little time to waste on the glut of meaningless bills commonly tossed in the hopper at the start of state legislative sessions. The number introduced was cut in half in the unicameral. Conspicuously absent are the hundreds of nuisance and special-interest bills annually proposed in one house on the assumption that they will be killed in the other.

"There's now no way for us to pass the buck," says State Senator Richard D. Marvel, who has served in the unicameral for ten years. "I can't say to a constituent, 'Okay, I'll introduce this for you,' and then run to the other house and say, 'Boys, kill this.' The lobbyist, too, doesn't dare talk out of both sides of his mouth and offer bribes. We are working in a goldfish bowl."

With only one house, there are, of course, none

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of those conference committees whose secret sessions have long been a convenient locale for lobbyists' less savory maneuvers. In Nebraska's unicameral, all committees are required to hold public hearings, to announce them far enough in advance so that all interested citizens can attend, and to conduct their deliberations in plain view of the electorats.

Senator Norris was particularly eager to eliminate the powerful conference committee, which he saw as the graveyard for much beneficial legislation as well as the focal point of lobbying manipulations. Traditionalists claim to fear that getting rid of one house would do violence to the governmental system of checks and balances, but Norris' response to that was curt: "After the legislative session comes to an end and we balance the books, we generally find that the politicians get the checks and the special interests get the balance."

Buck-passing, logrolling, and undercover pressure in matters of taxation, schools, utilities, public power, and transportation had long plagued Nebraska. These were the chief targets of Senator Norris' campaign for a unicameral legislature. But his arguments on these points had little impact for a decade. In the end it was a sure-fire Nebraska issue—economy—that proved his trump card.

This came about in the blistering summer of 1934, when temperatures steadily soared over the hundred-degree mark and only fourteen inches of rain—the least the state had ever had—fell all year on parched cornfields. In the third consecutive year of drought, hot prairie winds turned the plains into a dust bowl and the corn crop withered to a pitiful three bushels an acre, compared with the accustomed twenty-four. This agricultural calamity multiplied the miseries of the great depression, which had already swept the state with foreclosures, frozen credit, bankruptcies, and unemployment.

With his familiar black string tie hanging limp from his wilting collar, Norris stumped the state from Omaha to the western sandhills that searing summer pleading the cause of a one-house

state legislature. He wore out two sets of automobile tires, crisscrossing the state. He had the aid of a small band of reform-minded allies. One of the most persuasive of these was former Congressman John N. "Nate" Norton (whose daughter, Mrs. Evelyn Lincoln, later became President Kennedy's secretary). "Save time, talk, and money," he urged.

Arrayed against the Norris-Norton forces was a formidable coalition of the state's power structure—major farm and professional organizations, railroads, utilities, and the press. Newspapers "forgot" to report Norris' speaking engagements; handbills posted to announce them were torn down.

"If I offered the Lord's Prayer as an amendment they would fight it," Norris said of his foes on election eve.

But in the end, Norris' dynamism and the appeal to frugality won out. Advocates of the unicameral were helped, too, by the fact that two popular proposals—one advocating repeal of prohibition, the other authorizing pari-mutuel betting—were also on the ballot. All three propositions were approved, the unicameral by a vote of 286,086 to 193,152.

The returns shocked Nebraska's newspapers and politicians. Most stunned of all were 90 of the state's 133 legislators who had been voted out of their jobs. The surviving 43 decided to call themselves senators and went to work as a single-chamber legislature in 1937. Norris skipped an opening of Congress to be there. "I congratulate you on being members of the first unicameral legislature," he told the new senators their first day. "Every professional lobbyist, every professional politician, and every representative of greed and monopoly is hoping and praying that your work will be a failure."

Lobbyists in the Open

Today the unicameral system is firmly entrenched in the state. Nebraskans deny that the money saved is the only reason. They claim that legislators have been made more responsive to the will of the electorate. Probably this is true. But in a tightfisted state, the result is not necessarily progressive.

For example, last year the revenue committee held public hearings on a bill to establish a state income tax. The American Farm Bureau Federation, the Farmers Union, and the Grange sent representatives to oppose it. So did the state teachers' association. Appearing in support was

Donald Janson, working from Kansas City, covers the Midwest for the "New York Times." Among the events he has reported during nine years with the "Times," were the sinking of the "Andrea Doria" and the month in Dallas after the Assassination. He has a master's degree from Minnesota and was a Nieman Fellow at Harvard; he has also worked for the St. Louis "Post-Dispatch" and the Milwaukee "Journal."

by Donald Janson

an Omaha taxpayers' group called the Nebraska State Improvement Association. Most witnesses opposed the bill and in the floor debate that followed it was killed.

Last year, similarly, the budget committee held public hearings for two weeks on a special appropriation for the state's university. Its backers, calling themselves Friends of the University, included prominent farmers and industrialists eager to see increased funds devoted to agricultural research. The owner of a television station and a former mayor of Lincoln favored increased university funds for other purposes. The principal officers of the university and its department heads explained their budget requirements to the committee. Individual taxpayers, however, spoke against parts of the proposal, as did representatives of more than 130 Omaha doctors who opposed a full-time faculty in an augmented medical school. Their testimony prevailed and a proposed \$35 million program to improve medical-school facilities was drastically altered.

This was, of course, a victory for a special-interest group. In other states the AMA and the practicing doctors who have also been part-time teachers in medical schools have fought against salaried full-time faculties, although medical educators generally believe the trend is the inevitable consequence of the increased specialization and scientific intricacy of modern medicine.

The doctors' victory in Nebraska, however, was openly arrived at after public debate. This is a very different process from the backstairs operations of the lobbyists for the Union Pacific Railroad, the Burlington Railroad, the utilities and liquor interests in the old two-house legislature whose deliberations seldom saw the light of day.

Senator Norris hoped that the limelight shed on the unicameral legislature would attract more capable men to it. He assumed that they would be better paid for their work, since they were fewer in number. Nebraskans, however, don't believe in pampering their public servants. So for years, legislators' annual salaries remained at \$872. Recently they were increased to \$2,400, which is still not nearly enough to live on. (In other states legislators' pay ranges from New Hampshire's \$200 per biennium to New York's \$10,000 a year.) Inevitably the legislators' energies must be divided. Senator Marvel, for example, sold his insurance-and-loan business to serve in the legislature. But he will soon be back at a second job, teaching political science at the Municipal University of Omaha.

There are a number of competent, dedicated

men in the Nebraska legislature, but there is a notable dearth of lawyers, and the overall caliber is not too different from that of the men I have watched in other state legislatures.

Unquestionably, however, they work harder and more effectively than in many states. For example, the senators assigned to appropriations serve on no other committees. They delve deeply into the specifics of all money measures and when a budget is finally passed there is no question that the legislators know, in detail, just what they are doing.

Between sessions, the legislature—which meets every two years—functions as a “legislative council” which works continually on the state's perennial problems. This valuable service would be considerably more effective if Nebraskans were less parsimonious. The council—along with the legislature generally—is short on research and clerical staff. No senator has a secretary or administrative assistant of his own—he must rely on a meager secretarial pool. Though the council studies and prepares some eight hundred bills on three hundred subjects for each session, its research staff consists only of a director, one assistant, and two secretaries. The budget committee has only two fiscal assistants. Some of these gaps could be filled by university graduate students serving as legislative interns. However, in 1961 Nebraska turned down a foundation grant offered for such a program because it required the state to match the foundation funds in part.

To cite such shortcomings is not to belittle the advantages of the unicameral system. The pattern of an agriculturally oriented state, which is in many respects unusually frugal, would not be duplicated in more urban, ethnically mixed, and liberal states. And those who have worked with the unicameral in Nebraska—from the Governor down—attest to its practicality, efficiency, and responsiveness.

“Ours is the best government on earth and the envy of a lot of people in other states,” says Senator Leroy Bahensky. This may be hyperbole. But one cannot dispute him when he adds, “It isn't easy to acquire.”

Not Ordained in Heaven

Probably the major roadblock for other states wishing to imitate Nebraska is tradition—the feeling that two houses were ordained by the Founding Fathers. Actually, the idea was borrowed from England. In the early days of the

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union, some states permitted only the wealthy to vote for members of the upper chamber.

In Maryland, for example, a net worth of at least a thousand pounds was required. Like the House of Lords, the upper chamber was intended to provide the propertied class with a check against impetuous action by the lower house representing the mass of freemen.

At one time some 40 per cent of the nation's cities also had bicameral legislative bodies. Only two now survive—in small New England towns. Britain, as a practical matter, long ago evolved a unicameral system, when the House of Lords was shorn of most of its power.

Apart from tradition, the odds against adoption of a unicameral are considerable. Though legislatures in all states but New Hampshire and Delaware may propose constitutional amendments, they are not inclined to propose eliminating half their membership. Nor is the idea likely to be popular with the politicians who dominate the constitutional conventions which could initiate such a change in all states.

The best prospects are in the dozen states, besides Nebraska, which permit the people themselves to initiate reform by petition leading to popular referendum. These states are Arizona, Arkansas, California, Colorado, Massachusetts, Michigan, Missouri, Nevada, North Dakota, Ohio, Oklahoma, and Oregon. There have been a few attempts, both before and since 1934, to eliminate one house. None has yet succeeded.

However, a major justification for two houses has been wiped out by the Supreme Court's decision that both houses must be apportioned on the basis of population alone, eliminating area as a consideration. "It doesn't make any sense," said W. Dale Hess, Democratic floor leader of the Maryland House of Delegates, after the ruling was handed down, "to have two houses, both based on equal population, since they'd only be duplicating each other."

While there are dissenters, the decided feeling from most quarters in Nebraska today is that Hess is absolutely right and so were Norton and Norris and the Nebraska voters of 1934.

Nebraska's Unicameral Legislature

Saves Money for Taxpayers

By L. E. AYLSWORTH
University of Nebraska

Claims of its advocates that adoption of a one-house body would result in a marked reduction in legislative costs fully substantiated by figures now available.

SEVERAL incomplete, very inaccurate or biased statements regarding the cost of Nebraska's unicameral legislature have been published and are being circulated. A statement of the actual facts that is complete, accurate, and impartial appears to be needed and worth while, in order that interested citizens the country over may be rightly informed. The following presentation, based on a thorough examination of the record of legislative expenditures in the office of the state auditor, attempts to achieve this result.

The constitution of Nebraska contains the unusual provision that "the auditor shall within sixty days after the adjournment of each session of the legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item and to whom and for what paid." This statement gives all legislative expenditures until three to six weeks after the regular session ends. It has always included the total salary of members for their entire term unless a special session was held later. But it has never included all the expenditures of a legislature during its term. These continue for over a year and a half until the next legislature meets. Such expenditures have included in the past the preparation and publication of the permanent senate and house journals and the ses-

sion laws, also the custodial care of the chambers and other rooms devoted to legislative purposes. Under the unicameral system they now also include the salaries of the members, expenses of the office of the permanent clerk, and of the legislative council for the rest of the term. These post-session expenditures, therefore, have to be taken into account in order to arrive at a complete and accurate statement.

Legislative costs in Nebraska under the bicameral system, while usually greater than necessary, have been moderate compared with those of many other states, and never flagrantly excessive. Nevertheless, unicameral advocates urged that the adoption of a smaller one-house legislature would result in a marked reduction in legislative costs even though the salary of members was more than doubled. A careful examination and comparison of the records show that they fully substantiate this claim.

Nebraska's first unicameral legislature, despite statements to the contrary,¹ both appropriated and expended much less for legislative purposes than any of its bicameral predecessors for over a decade. The average appropriation of the last five bicameral legislatures was \$220,793.63 for regular sessions only, and \$240,893.63 if the three

¹"The total cost of the unicameral session . . . was \$237,581.96, an increase in round numbers of \$32,000 over the cost of the . . . most expensive bicameral session in the history of the state." See G. E. Price, *Unicameralism in Practice, The Nebraska Legislative System*, p. 173. H. W. Wilson & Co., New York, 1937. This glaring misstatement is due mainly to three errors: the counting of the annual \$37,500 salary three times instead of two; the inclusion of a vetoed appropriation of \$10,700; and the figuring of appropriations as actual expenditures.

	Appropriations for Unicameral Legislature	Unexpended Balances	
		Sept 1, 1938	Dec. 31, 1938
Incidentals (by legislature 1935)	\$2,000.00	None	None
Salary, members	75,000.00	\$8,600.26	\$0.26
Employees, supplies, etc.	77,143.60	6,052.53	4,500.00
Printing Journal, Session Laws	10,000.00	5,936.08	5,936.08
Salary of permanent clerk	7,200.00	3,000.00	1,800.00
Legislative council	15,000.00	10,562.67	8,000.00
TOTAL	\$186,343.60	\$34,151.64	\$20,236.34

special sessions are included. The average expenditure was \$194,479.94 for regular sessions, and \$211,733.46 for both regular and special sessions.

The total appropriations by the unicameral body for legislative expenses with their unexpended balances are shown by the tabulation above.

The \$4,500 and \$8,000 balances on December 31, 1938, (the end of the

term of the present legislature) are conservative estimates. At the present rate of expenditure they are likely to be somewhat larger. The other three balances are definite and sure.

The following detailed comparison of the expenditures of Nebraska's last bicameral and first unicameral legislatures brings out clearly the lessened cost of the latter not only for salaries but also for other expenses:

COMPARATIVE COSTS OF 1935 AND 1937 LEGISLATURES*

	Bicameral Legislature, 1935-36			Unicameral Legislature, 1937-38
	Regular Session to Dec. 31, 1936	Special Session to Dec. 31, 1936	Total for Both Sessions	Regular Session to June 30, 1937
Salaries:				
Members	\$106,660.00	\$13,300.00	\$119,960.00	\$37,499.87
Officers	11,142.00	2,135.50	13,277.50	4,510.50
Employees	34,338.89	5,125.40	39,464.29	26,867.06
Supplies	7,828.88	1,701.46	9,530.34	3,612.11
Printing	26,106.12	2,954.72	29,060.84	15,267.13
Telephone and Telegraph	692.24	268.23	960.47	388.19
Postage	7,287.40	1,221.63	8,509.03	6,300.00
Travel expenses:				
Mileage	3,698.40	3,679.50	7,377.90	565.11
Special	1,034.85	170.48	1,205.33	189.36
Expert assistance:				
Legislative reference bureau	4,000.00	—	4,000.00	4,000.00
Legislative counsel	1,180.00	340.00	1,520.00	4,697.05
Special legal, auditing, stenographic, and medical	1,317.65	176.90	1,494.55	—
Journals:				
Preparation	2,950.00	572.00	3,522.00	—
Printing	5,470.70	1,074.73	6,545.43	1,477.12
Session laws:				
Preparation	856.50	437.00	1,293.50	—
Printing	4,482.26	2,102.92	6,585.18	2,586.80
TOTAL	\$219,045.89	\$35,460.51	\$254,506.40	\$107,959.30

*In this comparison the salary of the lieutenant-governor is eliminated for all three

sessions because the attorney-general holds that he is an executive officer whose salary is not a legislative expense.

TOTAL UNICAMERAL EXPENSES TO JUNE 30, 1937 (FORWARD)		\$107,959.30
<i>Unicameral Expenditures from July 1, 1937 to September 1, 1938</i>		
Salaries of 43 members—three-quarters, 1938		\$28,899.87
Clerk's office		
Salary of clerk	\$4,200.00	
Salary of secretary	1,830.00	
Custodial service	2,112.40	
Renovating legislative chambers	1,231.90	
Other expenses	1,521.26	
		<u>10,895.56</u>
Legislative Council		
Expenses, members	\$963.89	
Assistants payroll	2,798.22	
Other expenses	675.22	
		<u>4,437.33</u>
		44,232.76
<i>Expenditures from September 1, 1938, to December 31, 1938</i>		
Salaries of 43 members		\$8,600.00 ^a
Clerk's Office		
Salary of clerk	\$1,200.00 ^a	
Secretary, custodial service, and supplies	1,532.53 ^b	
		<u>2,732.53</u>
Legislative Council		<u>2,562.67^b</u>
		13,915.20
TOTAL UNICAMERAL EXPENDITURES FOR BIENNIUM		\$166,107.26

^aDefinite^bEstimate

Inspection of this comparison shows that the total cost of the unicameral legislature for the biennium, including the expense of both the permanent clerk's office and the legislative council, will be only \$166,107.26 as against \$219,045.89 for the regular bicameral session—a reduction of \$52,938.63 or 24.17 per cent. If the expense of the legislative council be excluded for two reasons: first, that it is a new institution not provided for by the bicameral legislature; and second, that its function is to gather and prepare material for the use of the next legislature, the saving jumps to \$59,938.63 or 27.36 per cent.

These comparisons are all on the basis of one regular session for the biennium. But, what about the comparative cost of unicameral and bicameral in case a special session is found necessary? In 1930 the total cost of a special session of eleven days was \$23,861.06, and the next year for another of equal length, \$26,746.05.

The special session of twenty-four days in 1935 cost a total of \$35,460.51. A little thought will show that the additional cost of a special session under the unicameral set-up will be much less than this. There will be no extra expense for the salaries of the members and the permanent clerk. The extra mileage expense will be only one-sixth of what it was formerly. Other expenses will also be less. Hence a special two- to four-weeks session of the unicameral can be held at an extra cost of \$10,000 or less. This would make a total of only \$176,107.26 for a regular and a special unicameral session as compared with \$254,506.40, the cost of the two sessions of the last bicameral legislature—a saving of \$78,399.14 or 30.8 per cent.

The chief saving as predicted is in the salaries of members and officers. There is a saving in the expense for employees but not so much as expected. The amount of work and correspondence devolving upon the forty-three

members was probably as great as that upon the 133 members of any bicameral session. Hence more secretarial assistance was needed. Then, too, committees were supplied with secretaries as never before, to promote the keeping of better records of their proceedings. This expense for assistance was well worth while. In the future, doubtless more care will be exercised to assure the selection of somewhat fewer and, in some instances, more highly qualified employees. There is a striking drop in mileage and special transportation. The expenditure for the latter of only \$188.36 is phenomenally low. There was certainly nothing even suggestive of legislative junketing in the record of the unicameral body. In fact for this small expense to the taxpayers all or a part of the committee on appropriations, without prior notice, visited and inspected all the state institutions, some twenty-five in number, without a single exception, a record hitherto unequalled.

Another very noteworthy decrease in cost is that for the preparation and printing of the permanent legislative journal and the session laws. The last bicameral legislature spent \$4,815.50 for preparing, and \$13,330.63 for printing, its permanent journals and session laws, a total of \$18,146.13. The cost of printing the unicameral journal and session laws was only \$4,063.92. The preparation for printing was done by the permanent clerk and staff. The difference, \$12,082.21, is more than enough to pay all the extra expense of the permanent clerk's office for the entire biennium.

The unicameral expenditure for postage while less than formerly is probably too high. The body persisted in continuing the very questionable practice of a flat postage allowance per day for all members. This was elevated from thirty-five cents to one dollar, or \$98.00 to each member for the ses-

sion. No doubt some members actually spent this, or even more, for official purposes. But in many instances this allowance was to a large extent an unjustifiable personal perquisite. This fixed daily allowance should be abolished and the postmaster authorized to record and stamp all official mail presented by any member.

For only one aspect of legislation did the unicameral legislature appropriate and spend more than any bicameral legislature, namely, expert assistance and counsel. Some \$8,700 was spent during the session for such aid, or \$3,500.00 more than by the last regular bicameral session. Impressed by the number of important acts passed by the last two legislatures that had been stricken down by the state supreme court as unconstitutional, the unicameral legislature broke new ground by spending \$4,700 for a special group of three legislative counsellors to pass on the constitutionality of bills as to which there was any doubt. A similar increased recognition of the need of planning, research, and competent assistance in order to secure proper and effective legislation and records was shown by the establishment of the permanent clerkship and the legislative council with special appropriations of \$22,200 for their expenses.

A final observation seems pertinent. The \$50,000 to \$75,000 reduction in legislative costs by the first unicameral legislature, compared with the last bicameral, will doubtless appear small to many in these days of huge governmental expenditures, and more so in some other states than in Nebraska. But it is the percentage of reduction, not the amount, that is of vital importance. A like reduction in legislative costs in Illinois would equal from \$300,000 to \$400,000 each biennium, and in Pennsylvania from \$500,000 to \$600,000.

News in Review

City, State and Nation

H. M. Olmsted, Editor

Nebraska 'Unicam' Operates Smoothly

Handles 737 Bills
With No Final Rush

NEBRASKA'S unicameral legislature this year, as in the past, had a performance quite in contrast to that of other state legislatures, particularly that of New York, described as "The Rites of Spring in Albany," by Mel Elfin in *The Reporter* of April 27 this year.¹

The bill load of the Nebraska 1961 session, almost the same as that of 1959, was heavier in relation to the size of the legislature, i.e. to the number of members to share the burden, than in prior years—737 bills or an average of 17 per member (Iowa and Illinois figures this year were 8 and 11). The session was the longest by a week in the unicam's history, adjourning just before noon on Saturday, July 8, the 126th legislative day. This was the only Saturday sitting of the session. On Friday the legislature rejected proposals to suspend rules or cut procedural corners in order to finish in a hurry, held a morning and an afternoon sitting that day with a two-and-a-half hour recess at noon, but had no sitting at night.

Despite the heavy bill load per member, and contrary to the usual practice of bicameral legislatures, the bulk of the work did not pile up for last-minute action. Two weeks before adjournment Lincoln and Omaha newspapers reported that all but 25 of the bills had already been disposed of definitely, either by passage or rejection in some manner. The remaining days could be devoted to deliberations on the comprehensive

budget bill for the ensuing biennium, on a few other highly controversial measures demanding full debate, and on the various proposals and instructions for investigations to be undertaken by the Legislative Council and its professional staff during the 18-month interim. Inasmuch as every member serves on that council, each may participate in committee hearings and deliberations at various times during the biennium under the general scheduling of its executive board. In this sense the legislature is never really inactive.

The unicameral continues to bear all the distinctive marks of a conservative midwest assembly. It still adheres to the property tax and has fended off attempts to impose general sales and income levies. During this session it outlawed the Communist party and lacked only one vote of ordering an investigation of school books as to their degree of "Americanism." It holds the purse strings tightly and had the University of Nebraska and other state institutions and agencies unusually on edge as it dealt with the budget. In the face of charges of gross gerrymandering, it reduced the state's congressional districts by one, but failed to touch its own legislative districts.

One thing was clear this session: the unicam's operations are sufficiently in the open, and its decisions or prospective decisions clear enough, so that a give-and-take occurs between legislature and public. For instance, what may have been a legislative policy mistake made during the session was corrected before the session was over as the result of repercussions through press publicity and pressure groups. It happened that a bill was passed about midsession requiring colored photos on drivers' licenses and centralising control of is-

¹ See also the Review, May 1961, page 254.

suance. Some alleged mishandling of contract-letting to implement the act only added fuel to the earlier controversy. The wisdom of the law was challenged with the upshot that an emergency bill was introduced and passed to repeal it.

The general appropriation bill was likewise before the legislators and public in time for public and administrative reaction. All could view and assess the proposals as a comprehensive program. The result was that some of the Appropriations Committee's cuts were modified before final action, although the totals were less than administrative recommendations by far and less than those for the previous biennium. The fact that the governor was not of the same political party as the majority of the "nonpartisan" legislators probably did not help.

The committee's bill, however, called for a new approach to budgeting and appropriations and had all agencies uneasy. One editorial emphasized that the attempt of the appropriations chairman to effect a functional basis for dealing with finances was likely to be of lasting benefit to the state. Considerable attention attached to the creation of a post of legislative fiscal analyst within the staff of the Legislative Council as an aid to both council studies and committee operations.

Praise came to the legislature for abolishing the Board of Control of state institutions and the substitution of departments and advisory boards, whose professional heads would be named by and responsible to the governor.

A slight reversion to the traditional American partisan pattern came about when the lieutenant governor, acting while the governor was absent at the Governors' Conference, appointed a recognized partisan, one whom the governor would not have appointed, to fill a vacancy in the nonpartisan legislature. This points up the fact that some

Nebraskans continue to complain that the legislature flounders without leadership in the absence of partisan elections, even though leadership of a sort has certainly developed in the mechanism of the Appropriations Committee.

Different from other states, but usual in Nebraska, nearly all bills passed were in the governor's hands early enough for a vetoed bill to be returned for reconsideration while the legislature was still in session. Only six bills were left to be dealt with finally on the morning of that last day, between eight o'clock and noon, and the budget bill utilized most of this time because it was read, taking an hour and 27 minutes. Unusual for Nebraska, but causing more comment than alarm, was the enactment of the appropriation bill more than a week after its fiscal biennium had begun.

RICHARD C. SPENCER

Coe College
Cedar Rapids, Iowa

Unicameralism Passes Test

Nebraska's one-house legislature, after extended trial, has shown itself a sound instrument in the solution of the state's problems; fears of critics prove unfounded.

By JOHN P. SENNING
University of Nebraska

ALTHOUGH the United States is engaged in an unprecedented world war and the end is not yet in sight, the thoughts of the people are turning to postwar planning. Near the close of World War I interest in state government was focused on budgetary reform and administrative reorganization; today it is centered upon the state legislature.

Many reputable citizens are pointing to the ineptitude of legislatures in their handling of the depression issues as an omen of their inability to cope with the many serious questions of social and economic policy that will plague them in postwar days. They feel that the mechanism of legislative procedure must be reconstituted so that the lawmaking process will be adaptable to the nature and solution of those problems.

The nature and extent of that reform, whether it will follow the course of merely rejuvenating the bicameral setup or the example of Nebraska in adopting a unicameral structure, is unpredictable. Each plan has its staunch supporters and opponents. Unicameralism is a live issue in the Missouri constitutional convention now in session. The reasons advanced in opposition follow the traditional pattern of thought familiar to Nebraskans.

It is ten years ago this month that the campaign for a unicameral legislature was begun in Nebraska

with the drafting of a constitutional amendment by a citizens committee.¹ Again and again the question is asked as to why this amendment was successful at the polls. The reasons have been published too often to require repetition here, except for one very important factor—Nebraska had kept the idea of a one-house assembly alive and before the people since 1913. No matter how fiercely the fire of a campaign for governmental reform burns, there must be a backlog of education and information if the fire is to arouse the people to affirmative action.

Since the questions raised in opposition to the unicameral principle in Missouri and elsewhere are identical with those which were the center of debate in Nebraska, it may be appropriate to turn to actual experience of the operation of a unicameral assembly, through four sessions and one special session, and to see to what extent the prophets of gloom and pessimism failed in their predictions. The skeptic answers each of these questions with an emphatic "No." Is it possible for a small single-chamber assembly to be representative of the people? To be an effective deliberative body? To be

¹See "Nebraska Considers a One-House Legislature," by Lane W. Lancaster, NATIONAL MUNICIPAL REVIEW, July 1934, p. 373; also "Nebraska Adopts Single-Chambered Legislature," *op. cit.*, December 1934, p. 695.

a protection against hasty and ill-considered legislation? To be able to cope successfully with powerful pressure groups? Such an attitude reveals a misconception and a traditional view imposed upon the idea of a modernized legislature functioning in the present-day industrial and social environment.

In Nebraska the substitution of a nonpartisan, single-chamber assembly of 43 members for a partisan, bicameral body of 100 representatives and 33 senators reduced the total number of representatives without disturbing to any appreciable extent the ratio of farmers, business, or professional men and lawyers elected. Consequently the cross section of interest represented in the small assembly and in the bicameral body, subject to certain fluctuation, is the same. Multiplying men of the same occupational interest will not improve the representative character of the legislature.

Improved Personnel

Pursuing the subject of personnel we discover distinct gains in what may be termed a higher type of legislator. Considerably over 50 per cent of the unicameral legislators have either completed a college course or have attended an institution of higher learning one or more years. Furthermore a study of their place in the community shows that most of them have held public office or are influential members of civic and state social and economic organizations. They have therefore acquired a knowledge of the problems that are before the people and that are likely to need legislation for solution.

The most appealing argument used against representation in a small unicameral legislature was that, since Nebraska is predominantly agricultural in economic interest, the percentage of farmers elected would be too small for equable agricultural representation. One apparent fact was overlooked on the part of those who feared inequitable representation—that because of modern transportation, methods of production and distribution and industrialization of farming, urban and rural economic interests have become so intertwined that the differences of an earlier day have virtually disappeared.

A second fact emerged from an extended study of the occupations of the men elected to the one-house assembly and, for comparison, of the men who had served in the lower house of the bicameral legislature from 1921 to 1935. Of the bicameral representatives approximately 48 per cent were identified with two or more occupations while 52 per cent followed a single occupation. Of the unicameralists who served from 1937 to 1943 inclusive, approximately 69 per cent are identified with two or more occupational interests while 31 per cent have only a single occupational interest. Mr. Farmer, for example, also specializes in live-stock raising, serves on a board of directors of a farmers coöperative or of a rural telephone company or a local bank, and at the same time is identified with the associations representing those interests. Likewise Mr. Merchant, Mr. Lawyer, or Mr. Professional Man has a similar breadth of interests.

While the legislators do not lay

claim to being experts, but just plain ordinary men, nevertheless by reason of their catholicity of interests, their wealth of experience, coupled with their demonstration of good judgment and common sense in their labors session after session, it follows that this small body of legislators is actually more representative of the state's interest than a body twice its size or one of a hundred members.

Representatives of this quality are aware of their responsibility as the custodians of the great power vested in the single-chamber assembly. They gave evidence of that attitude during the first session in setting up the procedural framework within which the process of legislation has been carried on. The rules have been kept simple. A conscious effort was made to implement and supplement the safeguards set up in the constitution to prevent hasty and ill-considered legislation. Nor did the legislators rest on their oars after the rules of procedure were adopted. At each successive session alterations to facilitate work or to increase responsibility have been incorporated in the rules. This constant urge for improvement is in striking contrast to the old type of legislature in which rules were used for manipulation instead of for safeguarding the process of legislation.

The system of mandatory public hearings on all bills, inaugurated by the unicameral legislature, has steadily grown in importance. No legislator may serve on more than two of the eleven standing committees which deal with substantive legislation. Conflict of committee attendance is avoided by a carefully pre-

pared schedule of time and place of meetings. This schedule, published in leaflet form and widely distributed, becomes a highly important source of information as each committee announces what bills will be heard at each session. The latter notice must be published five days prior to the session at which the hearing is had and a like notice is issued if a second hearing on the same bill should be necessary.

No Secret Sessions

The public announcements of committee hearings and the full press reports of the discussions at the hearings have created a renewed interest in the legislature by the people of the state. Increasing citizen participation in the hearings from session to session has brought the legislature close to the people. Hearings are also a great aid to the committee in determining the attitude of the public toward the legislative proposals under consideration. The press reports hearings almost, if not quite, as fully as it does the deliberations on the floor of the House. Contrary to the practice in at least some bicameral legislatures, there are no secret executive sessions of committees. The public is excluded from executive sessions but the press is present. In addition to its recommendation to the legislature as to disposition of a measure, the committee presents a statement giving reasons for its decision. This is mimeographed and placed on the desk of every member.

After a bill has been reported favorably by the committee to the parent body, it receives two thor-

ough considerations by the legislature itself. The first, General File, is the more exhaustive of the two. It is here that the bill is amended and each section approved or disapproved. It is also at this stage that the greatest casualty of legislative proposals occurs, except, of course, in the standing committee.

Legislative Procedure

Because a bill is so thoroughly discussed on General File, the debate unchecked, the clash of opinions often sharp and sometimes lobbying tactics exposed, there is captious criticism that the legislature is too slow. It is recommended, chiefly by lobbyists, that there be two or three leaders who would dictate to the rest of the House how to vote.

An interval of not less than three days must intervene between the first or General File consideration and the second or Select File consideration. Unless the measure is indefinitely postponed on General File it is sent to the Committee on Enrollment and Review for a thorough overhauling by the committee's legal expert for incorporation of amendments, attaining clarity of expression, and technical arrangement. All changes recommended by this committee are acted upon by the House. Following the second consideration on Select File, the Committee on Enrollment and Review prepares the bill for third reading and final passage. After the bill is printed in final form it must, by rule, lay on the members' desks for two legislative days before the final vote.

The full and open discussions, spacing of time between files, care-

<i>Nebraska Unicameral Legislature</i>				
<i>Disposition of Bills</i>				
	1937	1939	1941	1943
Bills Introduced	521	523	515	446
<i>Committee Action</i>				
Recommended to				
General File	312	306	298	301
Indefinitely Postponed	205	124	177	136
Omnibus Motion	56	93	31	9
Withdrawn	8	0	9	0
<i>House Action</i>				
General File	312	306	298	301
Passed	239	155	209	250
Indefinitely Postponed	54	34	12	30
Omnibus Motion	19	117	75	21
Select File	239	155	209	250
Passed	235	148	204	249
Indefinitely Postponed	2	7	5	1
Omnibus Motion	2	0	0	0
Third Reading File	235	148	204	249
Passed	230	144	202	247
Defeated	5	4	2	2
Vetoed by Governor	16	6	7	7
Became Law	214	138	196	241

ful examination for errors after each consideration, machine and record votes, laying over of bills for additional information, all make for a satisfactory product. Moreover the orderly progress of work throughout the session prevents the piling up of a large number of bills to be disposed of during the closing days—another safeguard against hasty legislation. Not only does this make for a satisfactory product but also the governor is not confronted by a large number of bills for his approval or veto after the legislature adjourns. After adjournment in 1937 the governor had in hand 26 measures, 24 in 1939, eleven in 1941 and seven in 1943.

The relation of the governor to the unicameral legislature has been watched with interest especially since opponents of the unicameral plan predicted that the governor would exercise complete domination

over the small legislative body. As a matter of fact the nonpartisan legislature and the chief executive have worked together more as two coordinate departments than did the governor and legislature under the bicameral system. A closer relationship exists at present between the governor and the assembly since the governor acts as liaison officer between the federal government and the legislature in transmitting the interpretation of federal laws, rules, and regulations relating to federal-state legislation, to committees and to the House. He has been able to iron out differences much more effectively than if the legislature dealt directly with the federal agencies.

Both governors who have been in office since the inception of the unicameral body have objected strenuously to the constitutional prohibition that prevents the chief executive from vetoing items in the appropriations bill which have been raised above the figures set in the executive budget, after the bill has been passed by a three-fifths vote. This objection is not directed at the unicameral legislature but rather at a decision of the State Supreme Court in 1929, which said that veto of such items would constitute a second veto. In 1943 Governor Dwight Griswold asked the legislature to pass and submit to the people a constitutional amendment which would give the governor the constitutional power to veto items raised above the executive budget but the proposal did not get out of committee.

The veto power has never been exercised to any great extent in Nebraska and the same is true under

the unicameral plan—see table above. Furthermore there are frequent conferences between members of the legislature and the governor and understandings are effected while a proposal in which the governor is interested is under consideration. The position of influence which the one-house legislature has attained makes it stand on the same footing and coordinate with the executive department. Thereby the governor and the legislature act as a check upon each other.

What of the Lobby?

Is the one-house assembly able to cope with the lobby? Opponents of the unicameral legislature warned that the lobby would throw the legislature into confusion and assume control. They pictured the lobby as a few powerful special interest groups working under cover and attempting to corrupt the membership. Modern pressure groups are made up of a vast number of citizens whose manifold interests cover all the major fields of legislation. But the old-fashioned lobbyist is still on the scene using the objectionable tactics with which his name is associated. The unicameral legislature gives the representatives of pressure groups opportunity to be heard at the public hearings where they perform a distinct function in expressing public opinion and in furnishing factual information.

A few persistent lobbyists pester the legislature in their insistence on attaining their objectives. The very nature of the one-house legislature, however, is a check upon their activities. The direct and open procedure soon exposes any member who

is prone to succumb to lobby influence. It is not uncommon for a legislator on the floor of the House to call a lobbyist by name and to state in what underhanded practices he is engaged.

Each session has seen one outstanding struggle where powerful lobbies were pitted against each other—in 1937 the allotment of one cent of the gasoline tax for relief in 1939 and 1943 bills which brought private and public electric power forces into conflict, and in 1941 the regulation of small loan companies. The one-house legislature is much more successful in combatting lobbying influence than was the bicameral assembly, because its small membership is unhampered by party control, and because of the open procedure, the searching publicity, and the neutralizing influence of opposing pressure groups upon each other.

Why has the Nebraska unicameral legislature increased in popularity during the seven years of its operation and why are the requests for a return to the bicameral system few and far between?² The product of legislation has been satisfactory and shows the result of exhaustive con-

sideration and matured judgment. The process of deliberation is orderly and effective, conducted by a group of men who are representative of all interests in the state. The resistance to the lobby has inspired the confidence of thinking citizens in their lawmaking body. The development of research facilities through the legislative council assures accurate information to the legislature. The quarterly meetings of the council, held in different parts of the state where public hearings are conducted, induce citizen participation and lead the people to think of the legislature not as a discontinuous body but as a constantly functioning department of the state.

What of the future? There is a disposition on the part of members of the legislature to be alert for improvements in deliberation. Planning for and research upon important issues will be increased in scope. Forward-looking legislators are talking about a staggered four-year term to replace the present biennial term, of quarterly sessions to take the place of the long biennial session, and of salaries equal to those of judiciary and executive state officers.

The modernized structure of the Nebraska legislature is not a solution of legislative problems but only an instrument in their solution. It is a human instrument and as such cannot claim no infallibility but it is a step toward coordination of the process of lawmaking with the social and economic life of the people of the state.

²See also "Nebraska's Nonpartisan Unicameral Legislature," by L. E. Aylsworth, NATIONAL MUNICIPAL REVIEW, February 1937, p. 77; "Nebraska's Unicameral Legislature Saves Money for Taxpayers," *op. cit.* October 1938, p. 490; "One House, Two Sessions," by John P. Senring, December 1939, p. 843; and "Nebraska's One-House Legislature—After Six Years," by Harry T. Dobbins, September 1941, p. 511.

Nebraska's One-House Legislature — After Six Years

"Having observed the old way and the new, I unequivocally say that the new way is immeasurably the better."

By HARRY T. DOBBINS
Nebraska State Journal

THE Nebraska unicameral legislature recently finished its third regular session. The unicameral body was created by a constitutional amendment, adopted in 1935, which substituted a one-house legislature of from thirty to fifty members for a law-making body composed of a house of one hundred members and a senate of thirty-three members. Using the authority given by the amendment the last bicameral legislature fixed the membership at forty-three, a figure which came closest to securing equal district representation.

Members of the bicameral were paid \$800 a biennium for their services. As the constitutional amendment limits to \$75,000 the amount that can be paid in salaries to members for a biennium, the number of members—which may be changed by law at any session within the limits fixed—determines the individual salary. Under the present setup this salary is \$1,744 for the two-year period, with no additional pay for extra sessions.

Representation is based upon population. This gives the counties of Douglas and Lancaster, in which are located respectively the cities of Omaha and Lincoln, a total of ten members. With one exception all the

other districts are made up of from two to ten counties. The speaker now in office, R. M. Howard, represents the ten-county district.

Committee work is divided among ten groups composed of from five to eleven members each. In addition there is a committee on enrollment and review, whose duties are confined to seeing that pending legislation is properly arranged, that the phraseology is correct, and that it is properly correlated to existing statutes; a committee on committees, which selects the membership of the standing committees; and a committee on rules.

As with all pioneering efforts, various criticisms of the unicameral legislature have developed since its adoption in 1937.

Those heard most frequently are that members are elected on a non-partisan ballot and that the membership is too small, that election on a party ticket enables the people to fix responsibility whereas nonpartisan election confers upon a small group the task of operating without any mandate solely on the basis of individual judgment.

It is quite true that a number of the members possess a yearning and a desire to have somebody else tell them what to do, and thus relieve

them of the burden of personal responsibility for their acts, or a desire to get organized backing. It is the old cry that the unicameral cannot furnish leadership of its own and that there should be party responsibility. But suppose the party declines responsibility. It has been doing that for years.

The proof lies in the examination of the platforms adopted last year preceding the election of members of the legislature. The Republican party, on state issues, declared for amendment of the primary law; so did the Democrats. The Republicans condemned the Democratic state administration for the extravagance with which it was charged; the Democrats commended the same administration for the rigid economy it had practiced; the Republicans declared for local administration of relief and public assistance and for a fair distribution of state highway funds, while the Democrats declared for limited civil service without stating a limit, for a minimum hour and wage law for women, and for adequate salaries for teachers without saying what is an adequate salary.

Issues Not Political

What sad befuddlement would have overwhelmed the members had they been elected as Republicans or Democrats when they faced the big controversial issues of the session: licensing of osteopaths to do operative surgery, a small loans law, gasoline tax refund for farmers, an unfair trades practices act, none of which was contained in the party platforms. Furthermore, could even the tyro in

politics conjure up a party convention which would declare itself against teachers' retirement, against strict regulation of small loan companies, for or against tax refunds to farmers, or for an act designed to fix and freeze prices? The answer is that there are few state issues to divide along party lines.

In my view the unicameral system, which requires a candidate for the legislature to get out on his own power and contact the people whom he asks to represent, enables him to get a better knowledge of what his constituents think and want; and his constituents will be much more content with him if he faithfully and intelligently represents them, than with a man who, when questioned about his stand on a pending measure, proudly points to his party's platform and says: "There's where I stand; blame it, not me."

This party responsibility idea is a fetish, originally devised as a whip to hold party legislators in line and used and usable as a false front behind which timid-minded legislators may hide. Party platforms are written by party leaders and dictated by the head of the ticket. They contain what he and they regard as vote-catching pledges and promises and, as will be seen by the references just made to those adopted last year, they present no real issues. I have seen spokesmen whose duty it is to act as bellwether or shepherd for a governor who has an eye on a senate seat. I have seen party leaders acting as lobbyists standing in the wings and directing action by messenger service or by calling members to their

it afforded a check against hasty and ill-formed legislation. In practice it greatly encouraged log-rolling and bill-trading. While trading is not absent from the unicameral, it possesses checks equally if not more effective than those of the bicameral body. As it is operated the members have three chances at a bill, in committee of the whole, on special file, and on third reading. If a measure passes the committee of the whole, it goes to a special committee which has in its employ a lawyer selected for his ability to detect constitutional imperfections. This special committee often rewrites a bill so as to more effectively declare its purpose, inserting amendments adopted on the floor in their proper places. The bill is then reported to special file, which is the equivalent of the committee of the whole, from which the bill proceeds to third reading. Only two bills of the many that passed the gauntlet were killed on third reading, a common place of fatality under the old system. All of these processes are leisurely gone through, and a law remodeled to suit the majority is the final result.

It is urged as a reason for a larger membership that too much work is imposed on the committees, which usually consist of eleven members. The cure for this is the introduction of fewer bills, or smaller committees.

In sharp contrast to bicameral practices, no bill can be considered in committee until five days' notice has been publicly given. Full hearings in public are given to all who wish to be heard upon any measure. In executive session reporters are ad-

mitted and no restrictions are placed upon what they may print.

The average number of bills introduced at the three unicameral sessions has been a little over five hundred. In bicameral days it was in excess of a thousand.

Order Out of Chaos

Twice as much time is devoted to consideration of legislation as was possible under bicameral operation. The observer is impressed, when he watches the unicameral in action, with the orderliness which has been substituted for the chaos and haste of the old days, with the seriousness which the members show in weighing the pros and cons of a proposed measure, and with the care taken to avert mistakes.

Between sessions a legislative council of fifteen members holds periodical meetings. It employs a corps of research workers, who gather all possible data on matters of taxation and other questions likely to be raised in succeeding sessions for the guidance of the membership of the future.

The unicameral legislature is the newspaper man's paradise. As a legislative reporter his mission is to keep the public informed as to the nature, purpose, and progress of legislation. The unicameral simplifies this task. Everything is open and above board. There are no secret meetings from which he is barred, and every facility is afforded for keeping track of the work of the lawmakers. Having observed the old way and the new, I unequivocally say that the new way is immeasurably the better.

side. This is alien leadership, not leadership within the body of law-makers.

The notion that there can be no leadership in the unicameral legislature itself is without basis of fact. Each session of the unicameral has brought a gradual rise in the average ability and intelligence of members. The pay of \$1,744 for the two-year term, for sessions averaging five months, makes it possible to secure the services of men of character and ability who can spare that time away from their private affairs, enables the members to be independent of the lobby which is always ready to dine and wine, and permits a member to devote necessary time to legislation.

Leadership Evident

It is self-evident that no legislature could turn out 202 laws without leadership. It is quite true that the independence which is the possession of unicameral legislators breeds a distrust of efforts of any member or members to assume leadership, and a general inclination to beat down the ears of one who seeks to assume that role. Yet leadership is slowly but surely emerging, leadership of a definite kind, based upon powers of logic and persuasion combined with a knowledge of facts and intelligence able to point out the results of proposed action.

Two years ago an effort was made to increase the number of members to eighty-six, double the present membership. It failed. No attempt has been made to renew the movement.

One argument in support of a

larger membership is that with the present limitation all interests and areas are not represented.

Anyone with a critical knowledge of the operations of the bicameral system is aware that the best work was done by the small senate, while the house of one hundred members was unwieldy and added to the chaos of conflict that surrounded attempted legislation.

It is urged that the smaller number makes it possible for the lobby to operate with greater success, that with only forty-three members to concentrate upon, the pressure is increased. Lobbying takes two forms—that by representatives of vested interests whose status is menaced at each legislative session and who stay from beginning to end, and the pressure groups, such as teachers, firemen, members of the professions, bankers and merchants, who come and go as the tide of legislation flows. Much might be said upon the question. It is undeniable that the lobbyists prevent much bad legislation, and also some good legislation. The fact that almost to a man they oppose the unicameral system is significant. With only one house there are, of course, no conference committees, and it was the conference committee, meeting in secret, that was the lobbyist's most effective weapon. Through it disagreements between the two houses could be utilized to kill off legislation. It was in the closing days of the bicameral that most of the important measures hung in the balance, and the conference committee was often their burying ground.

The theory of the bicameral is that

Nebraska Idea 15 Years Old

One-house legislature no longer considered experimental; people well satisfied with result of their pioneer move.

By RICHARD C. SPENCER*

NEBRASKA'S experience with the unicameral legislature is now beyond the experimental stage. The one-house system is well established and it is possible to make a fairly accurate appraisal of its features. Seven regular biennial and three special sessions have been held. Some suggestions for minor changes will go on the ballot in the 1950 general election, but they do not call for any return to the two-house system.

Probably every session of any legislature pleases some people who are affected by its enactments or by its inaction while it displeases others by some of those same measures. Nebraska is not an exception in this respect but, regardless of expressions of disappointment at some of the bills that become law, one does not hear now, certainly not from important political sources, any demand for reversion to two houses.

The constitutional amendment of 1934 provided merely for the abolition of the two-house legislature and the substitution of a relatively small house of from 30 to 50 members. The size was fixed within these limits in 1935 by the last bicameral legisla-

*Dr. Spencer is professor of political science at Coe College, Cedar Rapids, Iowa. He has taught political science at Western Reserve University and has been visiting professor at the Universities of Cincinnati, Nebraska and elsewhere. From 1942 to 1947 he was a government organization specialist with the Government's Division of the U. S. Bureau of the Census.

ture in providing for 43 districts, a member to be elected from each, for the term beginning in 1937.

The biennial sessions were unchanged and so also were the relations of the governor to the legislature by way of budget proposals, veto power and the confirmation of gubernatorial appointments. The lieutenant governor's duties as presiding officer were transferred from the old Senate to the new body.

By statute the office of the clerk of the legislature was made permanent and a legislative council with research and reference staff was established to assist the legislature. These offices have been a distinct aid and the fact that they need serve only a single house prevents confusion and waste of effort on their part.

The early accounts of the first two or three sessions of the new legislature seemed to some skeptics to be somewhat generous in praise of the new system but, in general, longer experience has proved the skeptics wrong. Some former political opponents who at first viewed the device with alarm or scorn soon became adjusted to the new idea, or even began to view it with approval or at least with some degree of optimism. A lieutenant governor who presided over the new legislature is numbered among the converts.

The 43 districts were rather equitably arranged on the basis of the population census of 1930 and, ac-

According to the 1940 census, no great change occurred to alter the picture seriously. But a further growth of the metropolitan communities could upset Nebraska's representation just as it has done in some other states. Any attempt to rearrange single-member districts, of course, could result in a gerrymander. The principal safeguard against such a contingency is that these legislators are elected on a nonpartisan basis. This nonpartisan, or "non-political," feature has been subject to some attack from partisans, at least during the earlier years, but no present proposals for change heed this criticism.

Election records show that voters are fully aware of their legislature and are interested in their representatives. Although legislative nominees do not have a prominent place on the ballot, about four-fifths of those voters appearing at general elections vote for legislative candidates. And between 80 and 90 per cent of those voting at primary elections vote for legislative candidates even though they are not on partisan sections of the ballot.

More than that, candidates elected are usually persons who have already won some local distinction, by long service on school boards or in city or county offices. A number have been presidents of their local chambers of commerce. Two-thirds or more of those elected each session have had previous experience in the legislature, some of them for a number of terms, so that Nebraska laws are not made by green legislators. Thus far there have always been a few members who had served in the former bicameral legislature.

Until now, at least, no member seems to have his district sewed up through local machine politics. Seldom are candidates without opponents, at least in the primary, and in some districts considerable rivalry develops.

Factors of Success

Internally, the factors that have contributed to the success of the unicameral legislature may be listed as: (1) knowledge of what goes 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.

The preliminary examining or drafting of bills is real and not perfunctory. The rules requiring introduction of bills early in the session can be and are applied. Committees report bills only after each has a public hearing announced in the journals five days in advance and the report thereon adopted in a committee meeting held at a scheduled hour and a committee record made. A successful exposure of an attempted evasion of this rule late in the 1949 session indicates that rules on committee procedure are enforced. Newspaper reporters may attend executive sessions of committees.

The legislature itself has an adequate opportunity to debate each bill. Technical safeguards are provided so that there seems to be little opportunity to railroad a bill through, as so frequently happens in bicameral legislatures.

After the first general debate on a bill it is given a thorough review for technical accuracy, even rewritten if necessary. Then after a second consideration it is engrossed and reprinted by the same technical committee, and its draftsman, that had previously reviewed it.

Only then does it go on the calendar for final reading and passage. A bill may not be read finally for passage until at least five legislative days after having been submitted for review and two days after placement on final reading file and at least one legislative day after final printed copies have reached members' desks.

There are only eleven bill-considering committees, so that they do not get in each other's way. Their chairmen, as members of the committee on order and arrangement, prepare the daily calendar after the close of the period for free introduction of bills and thus can help coordinate committee action with the debate schedule of the house itself.

A further coordination of effort apparently is achieved through the influence of the budget committee whose chairmanship is recognized as one of the, if not the, most powerful positions in the legislature. The general appropriation bill, introduced early, comes to the floor for extended debate and amendment

during the last two or three weeks of the session when the most difficult bills are in their final stages, and it is likely to be the last bill passed.

Fewer Bills, More Laws

All these things have had their effect on the total operation of the legislature. On an average the number of bills introduced in a session is about half that under the former bicameral system. The number of laws passed, however, is somewhat larger than in the bicameral legislature, but are felt by all concerned to be in better form technically and less subject to misinterpretation or to questioning as to constitutionality. As elsewhere, the number of laws needed is on the increase, also as elsewhere, most of them are corrective or amendatory of laws already on the books rather than of new substance. Regular sessions have increased in length somewhat, but this increase is less than 14 per cent, or by an average of about twelve legislative days.

The time-table of the session is rather striking. The deadline for the introduction of bills is enforced. Only seventeen bills in 1949 were introduced after the lapse of the first twenty legislative days, and a number of these were either recommended by the governor or were substitute or consolidated bills presented by committees rather than by members. The size of the job could thus be estimated early in the session.

In the 1947 session about three-fourths of the bills ultimately reported out of committee were so reported by the time the session was barely half over. Similarly, in 1949,

something better than half the bills either to be passed or defeated in the session had already been disposed of when the session was half over, and about three-fourths of them were disposed of when the session was two-thirds of the way along. In general, only the difficult bills were left until late.

In striking contrast to the usual closing days of bicameral sessions, the last two weeks of the session saw only eight bills killed and 36 passed. The figures for the last week were two killed and six passed, and the only bill passed on the last day was the general appropriation bill. The number of bills on the governor's desk at the close of the session, therefore, is amazingly small compared with that usual in other states. Ordinarily the number is well under twenty.

The people of Nebraska have been well satisfied with their single-house legislature, at least until toward the close of the recent session, and they have enjoyed the distinction their state has in being unique in this particular.

There are now proposals for minor constitutional change in the system but no suggestion of returning to bicameralism.

One of the measures to go to the voters in 1950 was passed in the 1949 session. It would amend the constitution to provide for four-year terms, half the members to be elec-

ted every two years, and for fixing the legislative salary by statute—instead of the rather low maximum now embedded in the constitution. It would also permit annual sessions and, if annual, the session in even-numbered years limited to budgetary appropriations and confirmation of appointments.

An initiative petition is in circulation calling for a vote on increasing the legislative membership to somewhere between 75 and 85, and raising the salary. The thought of Nebraskans is thus upon alteration of details without changing the essential features of unicameralism.

Smooth Operation

The 1949 legislature may or may not have made some grievous errors. But in spite of charges of lack of leadership on policy and that in vote trading it was a "fraternity of tolerance," its program did not bog down or end up in the wild confusion common to most bicameral systems. This smooth operation seems to have been characteristic of all sessions of the unicameral system. Sly tricks may be attempted, but the work is so open that they are almost sure to be caught.

Perhaps one of the greatest assets of the Nebraska system is that operations, including those of lobbyists and members alike, are out in the open where newspapers may report them and keep the people of the state currently informed.

UNICAMERALISM VS. BICAMERALISM

A Study-Discussion Guide

League of Women Voters of Nebraska

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Nebraska is unique among the fifty states with its truly unicameral form of legislature. Although many foreign countries and most United States cities employ the one-house legislative body, Nebraska has the only state unicameral assembly since Vermont changed to a bicameral form in 1836.

In recent years other states have been watching the operation of our unicameral legislature as they have considered state constitutional revision. It would, therefore, seem very appropriate for us to take a careful look at the relative merits and shortcomings of unicameralism and bicameralism.

The History of Bicameralism and Unicameralism in America

Most of the American colonies started their legislative bodies in a unicameral form. Elected representatives sat with the governor and his appointed council in order to consider the enactment of laws, the levying of taxes and the transaction of state business. It was not long, however, before the executive division, the governor and his council, began to meet separately in order to be able to exercise an executive veto, and also because the elected representatives objected to the presence of members of the executive branch. By the end of the colonial period, all the colonies, except Pennsylvania and Delaware, were using the two-house arrangement.

When the colonies became states and wrote their first constitutions, all the states, with the exception of Georgia, Pennsylvania, and Vermont, provided for a bicameral legislature. The Governors' Councils became elected upper houses, and thereby lost their executive and judicial powers. They were designed primarily to protect the rights and privileges of the larger property holders. To this end, there were higher property qualifications for both voters and members. It was felt by many that the lower house, representing the population in general, would tend to be more radical, and might encroach on the rights of the propertied.

The upper house was also designed to give advice to the lower house when needed and to defeat ill-considered measures passed by the democratic lower house. Many felt that the concentration of power in a single house would lead that body to become exceedingly ambitious. These factors, and a tendency towards imitation, led all new states admitted into the Union to adopt bicameral legislatures.

However, three states, Georgia, Pennsylvania and Vermont, retained the unicameral form. Each of these maintained a council of censors that in many respects closely resembled a second house. This council had three functions: to act as the watchdog over governmental operations, to make recommendations for change, and to call for a constitutional convention when it seemed necessary. In 1789, Pennsylvania, and in 1790, Georgia, abandoned their original constitutions and in the new ones provided for two-house legislatures. Georgia was apparently influenced by the pattern of the federal Congress, and Pennsylvania seemed dissatisfied with both her council of censors and the executive council and thus abolished them. Vermont maintained her unicameral legislature from 1777 to 1836. Until the last year of the unicameral legislature, it seemed to be highly regarded by the people of the state. In 1835 at the election of a governor no candidate received a majority of the popular vote. In attempting to elect the governor, therefore, the legislature became involved in a deadlock

that resulted in a recommendation by the council of censors to abandon the only unicameral assembly in the country and adopt a bicameral legislature, which passed by a very close popular vote. For the next hundred years there was no unicameral state legislature in the United States.

Bicameral legislatures saw some change during this time, the most significant being the spread of universal manhood suffrage. This stripped the upper houses of their property qualifications and their duty in protecting the rights of property owners. In many states, however, this did not cause an equalization of representation in both houses. The lower house continued to be elected on the basis of population, while in most instances, the election districts for representatives to the upper house were based not only on population but also area. This tended to protect the then extremely important rural economy from the more progressive interests of the urban areas. As the urban areas have increased in size and relative importance, this has posed an increasing problem.

The Development of the Unicameral Legislature in Nebraska

As with all the other states that entered the Union after the Revolution, Nebraska's first constitution provided for a two-house legislature. This was maintained until 1934, in which year the people of Nebraska by a vote of 286,086 to 193,152, following a hotly contested campaign, established a unicameral legislature. It seemed strange to many observers that Nebraska, an extremely conservative farm state in the grips of a serious depression, would adopt such a dramatic change from the traditional form of state government and establish the only unicameral legislature in the United States. It has remained thus for over twenty-five years in spite of rather overwhelming agreement by political scientists that, no matter what its problems, Nebraska's unicameral legislature has proved itself to be a successful experiment.

In 1934, the idea of a unicameral assembly was not new to Nebraska. It had been proposed here, as in many other states, for many years. John N. Horton was its first strong advocate. He campaigned for this cause as early as 1913. In 1915, a joint legislative committee recommended that the people vote on a one-house form. This bill did not pass the legislature, and similar bills failed in 1917, 1919, 1920, 1923, 1925, and 1933. At the Constitutional Convention in 1919-1920 the proposal for discussion of a one-house legislature failed by only one vote, that vote being the presiding officer's vote to break a tie. Why after all these failures did it finally become a reality in 1934?

Although it remains somewhat of an enigma to those who know Nebraska, political observers have suggested several reasons for the establishment of the unicameral legislature. Possibly the most important reason was the vigorous personality and prestige of its strongest advocate, George W. Norris. It is upon his insistence that non-partisanship was established as a characteristic of the one-house body. He selected a propitious time for his campaign. A two-headed dragon was attacking Nebraska. The Midwest, along with the rest of the country, was in the depths of depression. As if this weren't enough to make times difficult for Nebraska's citizens, the early thirties also brought serious drought. Even the conserva-

tive, frugal people of Nebraska found living in these circumstances extremely difficult. Costs of state government had been a burden to some due to the building of the State Capitol, which had been constructed on a pay-as-you-go basis over a period of ten years. Therefore, the fact that a single, small legislature would cut governmental costs may have had its effect on the vote.

Another reason advocated as possible explanation was the fact that there were two other highly popular amendments offered at the same election—local option on prohibition, and legalized pari-mutual betting. The first won by a 110,000 majority, and the second by 64,000. The unicameral amendment was approved by a majority of 93,000. Possibly the popularity of these other issues helped to

carry the unicameral amendment with them.

Nebraska's unicameral legislature has had twenty-five years to prove its effectiveness. There have been no major changes in the original provisions. The unicameral amendment provided for a one-house legislature, with all the privileges and responsibilities of the preceding two-house body. The 1935 legislature was to determine the legislative districts, using the 1930 census as their population guide. There were to be not more than 50, nor less than 30 members of the legislature. These members were to be elected on a non-partisan basis for a two-year term. The aggregate salaries of the legislators was not to exceed \$37,500 per annum. In addition to his salary, each member would receive his actual traveling expenses for one direct round trip between his home and Lincoln for each legislative session, regular or special. The Lieutenant Governor would be the presiding officer, voting only to break a tie. A majority of the legislature would constitute a quorum. The legislature would determine its own rules, qualifications for membership, and be the judge of elections. It would choose its own officers, including a speaker to preside in the absence of the Lieutenant Governor. A two-thirds vote would be necessary for the expulsion of any member, and such member might be expelled only once for the same offense.

The legislature would also publish a journal in which, if requested, roll call votes would be recorded. Legislative sessions would be open to the public unless there was some special reason for secrecy. There were also provisions for the passage of bills stated in the amendment.

Most of the early opponents to the change have been converted or stilled in the face of the success of the unicameral legislature. Today, no one of any prominence suggests that Nebraska return to a two-house legislature, although there are many proposals for changes, with which the sponsor hopes to make the one-house body work more effectively.

Steps in the Passage of a Bill

Unicameral

1. The bill is introduced and read by title on the floor.
2. It is then referred to the standing committee for consideration and public hearing.
3. The standing committee reports the bill and refers it to General File.
4. General File provides reading, consideration, general debate and amendment by the Legislature, then the bill is referred to the Enrollment and Review (E & R) Committee.
5. The bill is reported back by the E & R committee and referred to Select File.
6. The Select File provides a second consideration and then the bill is referred to E & R for engrossment.
7. The bill is reported back by the E & R committee and referred to the Final Reading File.
8. On final reading, the bill has its third consideration and passed or killed.
9. The bill is sent to the Governor for his signature.
10. If the Governor vetoes the bill, he sends it back to the Legislature to allow them to override the veto.

(This is the procedure for bill passage used by the Nebraska Legislature.)

Bicameral

1. The bill is introduced and read for the first time on the floor of the house of origin.
2. It is then referred to a standing committee.
3. After committee investigation, the bill is reported from committee.
4. The bill is then discussed in committee of the whole amended, killed or advanced without change.
5. The bill passed, third time, in the house of origin.
6. The bill is then sent to the second house.
7. It is then referred to the proper committee.
8. The second house committee refers the bill back to the main body after the usual consideration.
9. The bill then may be amended and passed.
10. If the amended bill is not accepted by the House, a Conference Committee is appointed to reach an agreement between the two versions of the bill.
11. When the Conference Committee reports a bill to the respective Houses, it is either accepted or rejected by the two groups without amendment of the conference committee report.
12. If the bill is rejected by either House, it is sent back to a new Conference Committee for further consideration.

13. If the bill is accepted by both Houses, it is sent to the Governor for his signature.
14. If the Governor does not approve of the bill, he may veto the measure and return it to the Legislature, usually giving his reasons for the veto.

Two lists of arguments often advanced in discussions of the form of state lawmaking bodies are presented below. One list argues in favor of a unicameral form and the other argues in favor of a bicameral legislature. Some of the arguments are used for both sides. Some are more valid arguments than others. Generalizations are often made. Consider each argument as it is presented in an attempt to determine the important issue or issues underlying each point. Following the summary of arguments for the two legislative forms, some discussion questions are presented.

Arguments in Favor of a Unicameral Form of State Legislature

1. There is no reason for people to vote for representatives in two separate houses.
 - A. Originally, class differences dictated the need for two chambers. Now, these qualifications have disappeared and the same people vote for the members of both houses.
2. The Unicameral form simplifies bill passage.
 - A. The unicameral form with only one chamber and a limited number of legislators, simplifies bill passage because fewer steps are required. Therefore, it is less likely for the bill to become confused or altered. Having fewer steps also means that a bill can be passed more quickly and efficiently without the necessity of limiting debate.
 - B. The large bodies, of the lower houses particularly, in the bicameral form, make many complicated rules and procedures necessary. Passing a bill requires many involved steps and constant watchfulness, in order to follow the bill's progress. The complexity causes many delays and aids in the passage of poor legislation. Delayed bills often fail to receive consideration until the last minute clean-up rush.
3. Better legislation would result from a unicameral legislature.
 - A. In the unicameral assembly, the process through which a bill must pass is more direct and a bill is more readily available for scrutiny by the legislators themselves and by the public. The well-regulated, easily defined process of bill passage would eliminate to a major extent the pile up of bills at the end of the session, because a bill is not so easily buried.

- B. The bicameral form often causes hasty and ill-considered legislation. Two considerations do not necessarily mean double consideration. The first house may pass a bill quickly expecting that the second house will give it more careful study. Then the second house may assume that the first house gave the bill adequate consideration and automatically pass the bill. In practice, the majority of bills passed by one house are passed without change by the other. The number of poor bills that are passed indicates how poorly the check of the second house works in practice. Studies have indicated that the governor is a better check on the passage of bad bills. Many bills, passed by bicameral legislatures, might not be passed if legislators felt final responsibility for their actions.
- C. The end of session rush in the bicameral legislature often results in poor legislation. In the beginning of a legislative session, much of the time is spent in organization. Several studies of bicameral legislatures have shown that between 50% to 90% of the bills are passed in the final two weeks. In most legislatures, a majority of bill passage occurs under suspension of the rules. Often bills are advanced, past the second reading and debate, to the final reading. This rush results in lack of consideration, poor wording and ill-advised amending.
4. A unicameral legislature places upon the members more responsibility for their actions.
- A. Public attention can focus more easily upon the well-defined narrow procedure of the unicameral body, rather than being lost in the multitude of committees in the two-house legislature. George Norris has stated, "Responsibility always makes a person more deliberate, more logical and more careful. The same individual would be a much better legislator in a one-house legislature, where every official act must be performed before the eyes of the public, than in a two-house legislature, where all kinds of opportunities are offered to shift his responsibility, to share it with others, or to conceal his official acts from the public gaze."*
- B. In a bicameral legislature, most legislators do not feel full and ultimate responsibility for their actions. Politicians can introduce popular, but objectionable, legislation by having similar bills introduced and passed in both houses, and having each one killed in the second house. Thus the legislator can placate public opinion and be on record in favor of a popular bill, while having no bill become law.
- C. In the bicameral body, it is difficult for the average voter to follow a bill and assign responsibility for it. Intricate legislative machinery often conceals a politician's trail. A bill is easily lost to the public eye by rapid passage for minor amendment between committees of the two houses.

*Norris, George W.; "One-House Legislature," Annals of the American Academy, September, 1955, p. 57.

This rapid passage also enables political buck passing.

5. The Conference Committee is an inherent evil necessary for the operation of the bicameral assembly.
 - A. In the unicameral legislature, the conference committee can be eliminated, because it is only needed when two independent groups cannot agree and compromise is indicated.
 - B. The conference committee in the bicameral is made up of members appointed by the presiding officers of both houses. Its purpose is to reconcile differences between the two houses. The report from this committee cannot be amended by either house, so it either must be accepted in its entirety by both houses or the bill fails. In seeking compromise, the conference committee often changes or amends the original purpose of the bills. Conference committee meetings are often held in secret, without rollcall, and no records are kept. Because a majority of the conferees from each house must agree to the compromise, it is possible for a minority to block passage of the committee provisions. This creates an increased opportunity for making political trades.
6. Lobbyists are less effective in the unicameral body.
 - A. In a unicameral legislature there is less opportunity for objectionable lobbying. Because its procedure is apt to be more intelligible, there is less opportunity for manipulation by lobbyists, and a greater sense of responsibility by the legislators toward their constituents.
 - B. In the two-house legislature, a lobbyist has many opportunities for intervention. Not only can he approach and attempt to control legislators in both houses and, thereby, sometimes succeed in one where he has failed in the other, but he also has an excellent opportunity to influence the conference committee. With these several sources, the lobbyist has more opportunity to cover his tracks and make his intervention less obvious. Because the legislator feels less direct responsibility, he is more apt to bow to the pressure of the lobbyist.
7. Special advantages of the unicameral legislature.
 - A. It is easier to achieve cooperation between the Executive and Legislative branches of government. Their relationship is more direct, because there is only one organization of the legislature with which the Governor has to deal. It is easier for him to exert legislative leadership, resulting in a more unified and planned legislative program.
 - B. The unicameral form may be more economical than the bicameral form with fewer salaries and related expenses to be paid. There is apt to be much less waste in the unicameral assembly with its simplified organization.
 - C. The responsibility offered to the legislators as well as the opportunity to pay higher salaries is apt to attract

better qualified individuals.

- D. The unicameral form has been advocated by the scholars of the National Municipal League since 1920, when they drafted their Model State Constitution.

Arguments in Favor of a Bicameral Form of State Legislature

1. The unicameral body is often in reality bicameral in nature.
 - A. Most states of countries that operate under a unicameral legislature have what is in effect a second house by using appointive councils as a check on the action of the single house.
2. The bicameral form insures more equal representation to all interests within the state.
 - A. All the people within a state should be represented, not merely a majority. Now, instead of the two houses of the bicameral representing property holders and non-property holders, they generally represent urban and rural interests. Representation in one house does not do this as effectively. Besides rural and urban interests receiving their due consideration, other special interests and classes can be represented, thereby counterbalancing the popular element and making for more sound legislation.
 - B. The unicameral form does not represent the whole state as well as the bicameral. The small number of legislators will not represent the smaller communities and interests. It would tend to represent only the majorities. A single chamber will be apt to give unequal representation to cities. Apportionment becomes more of a problem in the unicameral because of the small number of representatives.
3. The Bicameral provides for more careful consideration of legislation.
 - A. Double consideration of all issues is provided. The procedure for bill passage is more deliberate.
 - B. The bicameral form affords a sound check upon unwise legislation. It eliminates the feeling on the part of the individuals and the body that they have only themselves to consult and satisfy. Usually, each house takes pleasure in detecting carelessness on the part of the other. If legislation is good, it is usually passed by both houses. If it is not good, it is fortunate that there is another body to oppose or correct it. The delay inherent in a more complicated system often works to benefit the legislature by preventing much bad legislation from getting through.
 - C. "If the second house does its duty, no harm is done. If it fails to do its duty, there is nothing to show that it would not likewise have failed if it had been a single chamber."*

*Luce, Robert, Legislative Assemblies, Houghton Mifflin Co., New York, 1924, p. 40.

- D. The one-house system provides for no real check. Because only one action is necessary, bills can often be quickly passed under sway of emotion. The Governor's check is often inconsequential because it can easily be set aside by a not poor legislation. The single body is well aware of its potential power.
4. Many of the charges of shifting responsibility are exaggerated and ill-founded.
- A. The joint-committee system in many states (Massachusetts, Vermont, Main, Connecticut, and Wisconsin) has had the effect of assigning responsibility.
- B. Any legislator who seemed to be continually failing to accept responsibility would not be re-elected.
- C. There is no reason to suspect that where similar bills were offered in each house and defeated in the other, the legislators were merely trying to shift responsibility and were not looking seriously at a situation.
- D. Opportunities for shifting responsibility are available in the unicameral. Delay and killing of bills can be shifted to the committees to which bills are referred. Responsibility can be shifted by trade-outs to members whose constituencies are disinterested in the bill. If all members are shifted to those not up for re-election. Responsibility can also be shifted to the Governor.
5. The Conference Committee is subjected to many checks and is not the evil often claimed.
- A. Both houses must vote on the bills referred back from the committee. Either house may demand action on any bill in committee. Each house has the right to send back any bill for further consideration. In many states, there are constitutional checks on the conference committee, prohibiting them from changing the intent of the bill.
- B. If the joint-committee system is used, there is often no disagreement and, therefore, no need for the conference committee. Secrecy can easily be removed by providing for open meetings and publication of the proceedings. Antilobbying legislation can eliminate the influence of lobbyists on the conference committee.
6. Objectionable lobbying is not the major problem in the bicameral legislature that it is often assumed to be.
- A. A large unwieldy legislature is also unwieldy for a lobbyist. There are more opportunities for lobbying to fail, more gaps that have to be filled. Two houses are more difficult to manage than one.

- B. Regulatory measures can easily be passed that would control any lobbying problem that may exist.
 - C. The one-house legislature can easily be controlled by lobbyists or special interests. Although it may be easier for a lobbyist to thwart legislation in a two-house legislature, he can much more easily promote desired legislation where he has to control only one house.
7. Although the bicameral state legislatures in existence today are not perfect, it would be easier and more satisfactory to correct the flaws in them, than to radically change the form of the legislature.
- A. Procedures for bill passage can be more clearly defined and greatly simplified, eliminating delays, unwieldiness and the end of season rush. One example of a simplification is the adoption of the joint-committee system.
 - B. Legislation controlling procedures of the conference committee and of lobbying could easily be provided.
 - C. The adoption of bill drafting services, legislative reference bureaus, and revision committees would facilitate the passage of more accurate, intelligible, clearly worded bills.

Questions for Discussion

1. What are the central issues dividing the proponents of bicameralism and unicameralism?
2. For each of the issues identified as central, an exploration of the following questions should contribute to a better understanding.
 - a. What is the nature of this issue and why is it important?
 - b. Which form of legislature seems best suited to a satisfactory resolution of this issue?
3. After carefully considering the characteristics of both forms, do you in general prefer a one-house or a two-house state legislature?
4. In your view are there any important differences between the desirability and effectiveness of the theoretical unicameral form, and the way in which it operates in practice in Nebraska?

Bibliography

Books

Breckenridge, Adam Carlyle. One House for Two. Public Affairs Press, Washington, D.C., 1957

Rousse, Thomas A., Bicameralism vs. Unicameralism. Thomas Nelson and Sons, New York, 1937

Senning, John P., The One House Legislature, McGraw-Hill,
New York, 1937

Zeller, Belle, American State Legislatures, Thomas Y.
Crowell Co., New York, 1954 (pages 47-60, 240-225)

Pamphlets

Constitution of the State of Nebraska, 1961,
Article III

Nebraska State Government, League of Women Voters of
Nebraska, Lincoln, Nebraska, 1962 (pages 15-17)

Unicameral Legislature, Depth Report No. 1, University
of Nebraska, School of Journalism, Lincoln, Nebraska, 1961

Unicameralism: 'It Would Work Anywhere'



Beetle

... One House Legislature Will Be 1967 Topic

Most ideas for state legislative reform are mild compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question—that of unicameralism—came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the first of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

There's a saying that if you build a better mousetrap, the world will beat a path to your door.

Well, Nebraskans thought they built a better mousetrap when they became the first state to establish a unicameral (one house) legislature back in 1837, but the world failed to respond.

They gave high schoolers a national debate topic and political scientists a few paragraphs in their texts, but that was about it.

Today, though, thanks to the one-man-one-vote mandate, things are perking up.

A lot of people around the country are saying: "If both houses have to be based on population, why have two?"

"If this doctrine stands, the inevitable outcome will be unicameral legislatures in all our states," Cecil H. Underwood, a former West Virginia governor, told this year's national legislative conference in Portland, Ore.

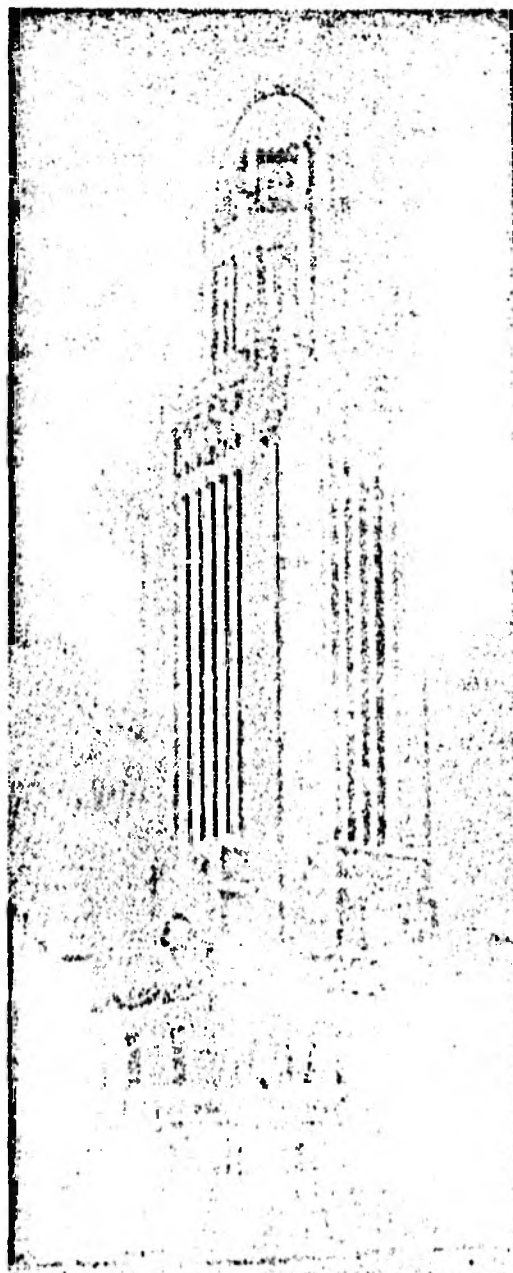
This prediction may be extreme, but the presence in Nebraska's tower-dominated Capitol of one left-over legislative chamber now used mostly for hearings, bid openings, and civil service tests is getting to be more than just a curiosity for passing tourists.

It's the abandoned one that's significant. The one that's in use looks perfectly normal.

INVITATION "sales trips" to tell "the Nebraska story" are mounting. Governor Frank B. Morrison has appeared before the Texas legislature and the New Jersey bar; Lt. Gov. Philip C. Sorenson has told Rhode Island constitutional convention delegates that there's nothing about a unicameral's value that's peculiar to Nebraska; legislative clerk Hugo F. Srb (he says his name reads like a radio station) has spoken similarly in Kentucky and California.

Mail inquiries are pyramiding. A Tennessee constitutional delegate writes in. So do curious legislators from other states: Connecticut, Pennsylvania, Ohio, Iowa, North Dakota, Alaska. And even citizens, eyeing reforms: a physician from Idaho, a chamber of commerce secretary from the state of Washington, an ex-Nebraska newspaperman now in Colorado.

Long eyeing Nebraska with satisfaction has



NEBRASKA'S CAPITOL

been the National Municipal League. It has seen one city after another abandon bicameral councils until they now linger only in a couple of places in New England. As far back as 1918, the league wrote unicameralism into its model state constitution. When visitors from other lands pause in Lincoln, they often find Nebraska somewhat less than startling. Most of the Canadian provinces, as well as some countries in Europe, Latin America and Africa get by with one house.

Much of the current interest in unicameralism eddies around the office of clerk Srb. His earliest Nebraska memories go back to a day when he came home from the first grade

sobbing to his Czech parents that "Everyone spoke English."

A TEACHER and attorney, he was a senator in the old two-house legislature and became the first and only clerk of the unicameral. Closer to the scene than anyone else living, he is enthusiastically and voluntarily pro-one house.

"With one house you fix responsibility. A legislator can't go home and say: 'We passed it, but something went wrong in the other house.' It's a lot easier for voters to keep track of one senator than one senator and three representatives."

Mr. Srb's enthusiasm is typical.

"The people of Nebraska are just about as likely to vote out unicameralism as the people of Colorado are to vote out Pike's Peak," one Nebraska editor wrote.

Among 30 Nebraskans sampled at random in Lincoln, only two—a barber and a draftsman—thought the state should have two houses. They felt vaguely it might lead to a better legislation. A 1961 survey of 68 present and former legislators turned up only four who favored the bicameral.

Governor Morrison, playing it safe, says that if unicameralism were put up to the voters, they'd go for it 75 per cent.

"Twenty-five per cent of the people are against anything you propose," he said, explaining the figure.

"I DON'T SEE why we need two legislatures any more than a bank needs two presidents, the United States needs two presidents or a city needs two school superintendents. There are a lot of vestigial things around—things like an appendix—and a bicameral legislature is one of them."

"The Nebraska Legislature has given a good account of itself," summarizes political scientist Adam C. Breckneridge, vice chancellor of the University of Nebraska. "I think other states could use one house—especially the more homogenous ones. I don't know but that it would work well anywhere."

"State government in order to survive has to be an equal co-partner with the federal government," believes Senator Richard D. Marvel, Hastings. "You can achieve this only by streamlining the structure and unicameralism is the one way to do it."

Even the newspapermen "on the scene"—and no group is more wary—are "cold."

"It's a reporter's dream," exclaimed one. "With a single house it's so much easier to track down legislation and find out its status."

Another newspaperman, now in California, said: "Come to think of it, I've worked in five different states and only in Nebraska did the legislature seem to command a lot of respect."

(Next: The start of it all).

Unicameralism: Where Nobody Can Hide



Beetle

Non-Partisanship Is Included in the Package

Most ideas for state legislative reform are mild when compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question—that of unicameralism—came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the second of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

Almost any knowledgeable American probably knows that Nebraska has a unicameral (one-house) legislature.

But it's a "hep" one indeed who also knows that it's non-partisan.

Yet historically the two are inseparable.

They were sold in Nebraska in a package in the searing summer of 1934. The top "salesman" was Senator George W. Norris, a "New Deal Republican," famous for the TVA, the REA and a black string tie. By November, he'd worn out two sets of auto tires stumping the state.

"Unicameralism" got the headlines, but "non-partisanship" was equally dear to the senator's heart. He had himself refused to take "party orders." He looked on the political pros as "Dealers in jobs who sold them over the political pie counter as a merchant sells calico."

Thus the two concepts were linked in the constitutional amendment that did the trick—an amendment which Nebraskans first got on the ballot by petition and then adopted 288,088 to 193,152.

The electorate was in a "yes" mood the same day they ended prohibition and OK'd parimutuels. As for unicameralism, it wasn't a bolt from the blue for Nebraskans. Spurred on by political scientists and others, they had been talking about it for 19 years. In 1934, plagued by depression, drought, and ten-cents-a-bushel corn, they were also looking for economy.

IN THE UNICAMERAL, they got it. The amendment provided for from 30 to 50 legislators in one house as against 133 in two. The enabling statute settled on 43—a number but

recently upped to 49. It took 22 years before the unicameral's budget climbed back to what the bicameral was costing.

The unicameral has also legislated with an eye to the state's dollar—some think more than it should. State aid is skimpy. In 1963 Nebraska collected less per capita in state taxes than any other state. It is also debt-free—but perhaps only because the Constitution still insists on it.

As he pressed his campaign from urban Omaha to the western ranges, Senator Norris made it clear that the idea of a two-house legislature emerged in England and elsewhere when the aristocracy gave recognition to the common people. He saw no excuse for two houses in a democracy. He branded bicameralism as a device to throw sand in the eyes of the voters, so they couldn't follow legislation and find out what went on. He didn't really "buy" two houses even for Congress, but there he felt stymied by states rights and the U. S. Constitution.

He affirmed one house would end legislation by conference committee. Here he felt lobbyists got in their licks behind closed doors. And while he doesn't seem to have conceived as even possible a bicameral state like New York without conference committees, one feels sure he would have felt that this state's mysterious methods of ending disagreements were skullduggery compounded.

"Instead of one house being a check upon the other, the double-barreled system is a shield for corruption," he charged, "concealing the record of unworthy representatives and making it impossible for a critical public to know just what the record is."

HE ALSO FAVORED fewer and better paid legislators—an idea that just now seems to be ripening 30 years later.

A lot of Senator Norris's dreams for what he predicted would be a "business-like legislative operation" have been fulfilled.

Nebraska's Senate is an easy-to-understand, simple-to-follow, goldfish-bowl operation.

The senate (technically the house was abandoned because the title "senator" sounds more impressive) elects a speaker, other officers, a committee on committees, and through this 14 working committees. It's the smallest number of legislative committees in any house in any state. The organization voting is carried on by secret ballot.

If a legislator introduces a bill, he has to prepare a statement telling what he expects to accomplish. The bill and the statement go to the appropriate committee. It calls a hearing. This is public. Anyone who wants to attend, appears. What they say—and what the legislators say—get summarized in a public record.

To act, a committee goes into executive session. To this, though, the press is invited. Technically the reporters can only report the result (bill out, 5-2; bill killed, 7-0, etc.); Actually if a reporter hears anything he wants to write, he can ask the legislator for it afterwards—on the record. Usually he gets it. In any case, the committee chairman is mandated to put on each senator's desk a public memo explaining the committee's action and its reasons.

ON THE FLOOR, a member can get a roll call on any bill or motion, simply by asking. And a lot ask. A voting machine quickly obliges with a tally. Everything said in the chamber gets on a public record—one that's indexed yet. No bill can get through to the governor in less than a week.

Doggedly and methodically, the legislature holds sessions mornings, 9 to 12, and committee meetings in the afternoon, 1:30 to 5. These go on from Monday through Friday until the job is done. The hours may be extended in the afternoon if a lot of people want to be heard. Otherwise they seldom change. If a dozen bills are voted on in any one day, it's a lot. The usual number is half-a-dozen.

This summer, a seven-and-a-half month biennial session droned to a calm ending at 3:10 p.m. on August 17. That last day legislators acted on seven bills, no log jams.

So Senator Norris got the kind of legislature he wanted: a business-like place where no one can hide.

He also got a house with no "majority leader" and no "minority leader"; a house whose members may belong to a party but don't run on any party ticket.

This system is as rare as unicameralism—perhaps rarer. Even Minnesota legislators who don't run on a party ticket choose up sides after they're elected.

And in Nebraska, unlike unicameralism, non-partisanship is hotly controversial.

(Next: The Second Half of the Package.)

Unicameralism: Protection Against Lobbyists



Beetle

Nebraska's Legislature Is No Clay Pigeon

Most ideas for state legislative reform are mild when compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question—that of unicameralism—came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the third of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

Any state that wants to adopt a unicameral legislature has to face the fact that the country's only state-level model—Nebraska's—has an added feature: Non-partisanship.

Thus, in evaluating the success there of the one-house system, it's necessary to figure out how much of it is due to unicameralism and how much to non-partisanship. On this, even Nebraskans don't agree.

A few—though they seem to be a small minority—think that unicameralism will only work well in a non-partisan situation. They argue that if you had one house linked with a governor of the same party, he'd have too much power.

Others—perhaps most—believe that while non-partisanship and unicameralism don't have to go together, it makes for a nice marriage.

Still others—again a large number—feel that while unicameralism works well, "partisanship" would make it work better.

"In a non-partisan legislature, matters will be discussed and decided regardless of the wishes or interests of the party bosses," predicted the late Senator George W. Norris, the free-wheeling Nebraskan who "sold" the two-part package.

Then, as now, a lot of the party "pros" oppose non-partisanship.

REPUBLICAN WOMEN, with considerable rank-and-file help from both parties in 1963 circulated a petition to amend the Constitution to require that legislators run on a party ticket.

Needed to put the question on the ballot were 46,459 signers. They were 150 signers short. "And, at the end they were paying 15 cents a signature," a newspaperman observes. It was freely predicted the voters would have rejected it anyway.

A similar move to get the legislature itself to put the amendment on the ballot failed miserably. Only eight legislators favored it.

"Nebraskans are about evenly divided on the non-partisan issue," says Governor Frank B. Morrison. "But I think over the long run at the state level, non-partisanship works better. You see a lot of backwash from national politics confusing state issues around the country."

He acknowledged that as governor he might be able to get his own program across better if he had a legislature of his own party. "But that might be good or bad," he added. "The long range effect of a non-partisan legislature acting on a governor's policy is likely to be beneficial."

Hugo Srb, the legislature's clerk who was a senator in the old bi-cameral legislature, thinks those who favor partisanship just haven't seen it in operation. "That's the sad part of it," he says. He still recalls an eye-opening day 30 years ago when he was pressured into voting for an incompetent "because the party wanted it."

"WHAT HAPPENS when a crisis erupts—be it in Washington or anywhere?" he asks. "There's an instant appeal to drop politics and deal with it on a non-partisan basis."

Richard D. Marvel, Hastings senator and a political science professor, sees both sides but leans toward non-partisanship.

"I'm responsible directly to the people and not to any political leader," he says. "I can't blame anything on a majority or minority leader, either."

For a Nebraska politician's argument that "non-partisanship had led to a house full of Mexican generals all going off on their own the senator had a forthright answer.

"Leadership evolves here on a subject matter basis," he says. "We tend to specialize."

It's better to have a dozen leaders than one in the areas of public power, budget, taxes, education, health, you don't find one man call all the shots—and that's good."

"One of the problems," he acknowledges, "that we probably pass more bills than we should simply because under our system it's sometimes hard to rally opposition."

Also favoring non-partisanship is Mrs. Fe Hubbard Orme, a housewife and school teacher turned senator. "I'm sure if I had a major leader, I wouldn't do half as much as I do now," she says.

"He would be calling the boys in and telling them what to do. From what I've heard of other legislatures, there's a lot of goofing off."

SENATOR NORRIS SAW in "non-partisanship" and "unicameralism" a double protection against lobbyists. And while Nebraska's legislature seems to be no "clay pigeon" for pressure groups it's not easy to decide which element in the two-part package affords the most protection.

"I've made it a point to talk with quite a few lobbyists through the years," says Earl E. Hershberger, a pharmacy owner at Lincoln's "Comusker Hotel." His job gives him a ring side seat. "The first three or four years the lobbyists thought it was going to be a snap, but it hasn't worked out that way. The lobbyist tell me they have to work harder here than anywhere; that they just can't get a majority leader on their side; that they have to talk with all the legislators individually."

One thing is sure. Nebraska's motto is: "The salvation of the state is watchfulness in the citizen"—and unicameralism makes it easier for him to watch.

(Next: But would it work in New York?)

Unicameralism: Could It Work Here?



Beetle

One-House Proposals Were Killed in 1915, 1938

Most ideas for state legislative reform are mild when compared with a proposal that two houses be cut back to one. So far the only "buyer" has been Nebraska. Yet the question -- that of unicameralism--came up at New York State Constitutional Conventions in 1915 and 1938. It most certainly will be discussed as the 1967 convention approaches. Here's the last of four articles discussing Nebraska's experiences and the relevancy of the idea to New York.

By DAVID H. BEETLE
Gannett News Service

"It would be unfortunate if a constitutional convention were held in New York and consideration were not given to a proposition which, in recent times, has commanded the attention and thought of nearly all profound students of political science."

The quote refers to a one-house state legislature. It sounds like a nice, fresh quote newly minted for the approaching New York State Constitutional Convention.

Actually, it goes back a couple of constitutional conventions ago to the appearance in 1915 of a Long Island senator before a legislative procedures committee.

The idea of unicameralism is as persistent as Harold Stassen. The reasons for it change little, but the objections shift.

In 1915 it was argued that unicameralism "was a radical step" and that New York should not be the first. At the 1938 Constitutional Convention, it was contended that while the Nebraska experiment seemed to be working out okay, it was really too new to tell. And now in 1965, it's affirmed that while unicameralism works fine in a place like Nebraska you wouldn't want it in a big complex place like New York.

NEBRASKANS, for the record, note that complexity is relative. With a corn belt in the east, range country in the west, and 350,000-people's worth of urban sprawl around Omaha, they have their problems too. A run-down of their 1966 legislative program looks suspiciously like New York's--arts council, abolition of capital punishment, cigaret tax increase, park bonds, urban renewal, fair housing, auto junk yards, State U. tuition and so on.

The 1915 convention actually got three unicameral proposals calling respectively for



MR. SAMUELS



MR. KIRVIN

single houses of 60, 100, and 168. All died in committee, but not until after three members of the legislative procedures committee from Owasco, Whitehall and New York, staged a floor fight. They argued that one house was more efficient and economic. That two houses existed only because of "the plaster cast of tradition."

They dredged back in history to discover that Benjamin Franklin had said that setting up a two-house legislature was like hitching a horse to each end of a cart and letting them pull in opposite directions.

Unicameral proponents also showed up at a committee hearing.

"How long would a bank, a railroad or a factory escape bankruptcy if it were managed by two boards of directors with equal powers and a chairman with extensive veto powers?" asked William E. Verplanck, Fishkill.

"With two houses and two sets of new committees, bills are shunted back and forth so many times that when one finally becomes law it is often impossible to tell who is responsible for it, or if a good bill is defeated it is almost impossible to tell who is responsible for its defeat," complained the Long Island senator, William McKinney.

"AMONG CITIES the first tendency was to correct evils by imposing further checks and balances," reminded the merchants association of New York. "The cure was worse than the disease. It was not until pressure for improvement was turned toward simplification of municipal government that real progress was made". A key point, it observed, was elimination of dual city-level legislative bodies.

The 1938 Constitutional Convention received--

and killed in committee--two unicameral proposals. One was fathered by Court of Appeals Judge Harlan W. Rippey at the request of Democratic-lawyer John A. Milliver, a fellow Rochesterian who once ran for the State Senate. The other bore the name of Charles Poletti, later governor. He introduced it for the Citizens Union.

Staffers for a Poletti-headed committee doing pre-conference research listed the pros and cons of unicameralism. These tended to balance off except a couple of "cons" no longer held. One was that the Nebraska experiment was too new; the other that two houses permit representation of both people and area.

As the 1967 convention approaches, most of the cast will be different but a lot of the lines will be the same.

Governor Poletti today isn't necessarily for one house but believes it is something the convention should study.

ARDENT UNICAMERAL backers are the National Municipal League's Alfred Willoughby and the Citizens Union's George Hallett.

Even a few political activists are speaking up.

On the heels of the one-man-one-vote mandate, former GOP speaker Joseph Carlino said unicameralism would be worth looking into.

John F. Kirvin, a Schenectady Democratic assemblyman who won reelection by a narrow margin in a GOP-carved district, favors one house of 100 or 150. Today he sees "no checks and balances" if the same party controls both houses and only "wastefulness, friction and political folly" if it doesn't. He acknowledges two houses mean more patronage but doesn't think that's good.

Outspoken for unicameralism is Howard J. Samuels, a Canandagua business man and Democrat, who eyes the governorship.

Interestingly, while talk about borrowing Nebraska's "unicameralism" persists there is little mention of borrowing the other part of the late Senator George Norris's package--"non-partisanship."

Back in the 1915 convention an Albion delegate asked: "Are the people educated up to unicameralism?"

"Why not anticipate their demand?" shot back a New Yorker.

And that seems to be the way things stand 50 years later. It could simply be a good idea waiting for another George Norris to come along.

Nebraska Strong for Unicameral

Thirty Years' Experience Disproves Arguments Advanced Against It

Richard D. James
In *The Wall Street Journal*

LINCOLN, Nebr.

One attraction sure to catch the eye of anyone approaching Nebraska's second largest city is the state Capitol, a towering white Indiana limestone edifice dominating the Nebraska plains for miles. Completed in 1932, it was acclaimed one of the nation's architectural showpieces.

It is probably more noteworthy these days, however, as the home of the nation's only one-house state legislature,

The Mirror

of

Public Opinion

which has been thrust into the national spotlight recently by revival of an issue that once appeared virtually dead — unicameralism.

The historic "one man, one vote" U.S. Supreme Court decision, under which states now are busily recarving legislative districts to conform solely to population, raises the question of whether or not two legislative houses are necessary, if both are apportioned on the same basis. To find out how unicameralism works, it is necessary to turn to Nebraska, the only state with a single chamber since Vermont adopted bicameralism in 1838.

Though the idea of substituting one house for two, largely dormant since Nebraska adopted it in 1934, is not given much chance of making substantial headway in other states any time soon, some are discussing the possibility again.

Nebraska officials were asked by Kentucky to testify before an assembly revising the Kentucky Constitution. A former Rhode Island Governor spent three days in Lincoln studying the system and a unicameral bill is pending before the Illinois legislature. In nearly every state the concept is getting consideration.

Nebraskans are quick to champion unicameralism. Using comparisons of the state's final bicameral legislature in 1935 with the first unicameral body in 1937, they claim the one-house system is more economical and more efficient.

The last bicameral session cost \$202,593, or nearly double the \$103,443 for the first unicameral session. The number of legislators was cut to 43 (currently 49) from 133, the number of standing committees to 18 from 61 and the number of bills introduced to 581

from 1056. Yet the first unicameral lawmakers passed 214 laws in 98 days; their bicameral counterparts, meeting 12 days longer, counted 22 fewer bills.

The one-house system, Nebraskans say, firmly fixes responsibility for good legislation or poor. "There's no way to pass the buck to the other house," says state Senator Richard D. Marvel. "The responsibility is right here."

But the most important advantage, some think, is eliminating the small but potent conference committee which resolves differences when bills passed in both houses vary in content. The process, some contend, grants to a few men great power in determining the ultimate shape of legislation. Moreover, "the committee is a lobbyists' paradise" since only two or three Senators usually need to be swayed, says state Senator Stanley A. Matzke.

Interestingly, from its inception, Ne-

terest, the people can repeal it through a referendum."

Mindful of this criticism, Nebraska carefully provided the opportunity for ample deliberation. Contrary to practice in some states, in Nebraska it's mandatory that all bills—some 900 in the current session—receive public hearings and that hearing dates be published at least five days in advance.

In addition, Nebraska's Constitution now prohibits passing any bill in less than a week. "In the old bicameral," recalls state Senator Peter H. Clauson, who served in the body, "it was possible by unanimous consent to introduce a bill in the morning and have it become law by evening. The public didn't have a chance to object."

Another important check was added, too. Before a bill becomes law it must pass three separate votes of the full Senate, the first following a complete

reading and general debate on the Senate floor and the second not less than three days later. If it passes these hurdles, two more days must intervene before it is put to the final vote. A defeat at any stage kills the measure.

Other safeguards were created, too. The press is permitted to attend executive committee sessions, the theory being it keeps the legislative process more open. While reporters can relate the essence of a discussion, however, they must not report individual votes or statements. Executive sessions in bicameral

days were closed to all outsiders as in most legislatures today.

As yet it's too early to tell whether unicameralism will gain more than the threshold it presently has. The Supreme Court decision, while raising some doubts regarding the need for two houses, didn't suggest there is no point in having two bodies even if both are based on population. Nonetheless, Nebraska's experiences with a unicameral system suggest some obvious advantages which in a time of rising governmental cost and complexity may deserve consideration.



—Renault in *Frontier*

One Man, One Vote, One House

braska's unicameral body was apportioned on the basis of population. But voters in 1962 approved a constitutional amendment giving 20 per cent weight to area and the 1963 legislature reapportioned itself on that basis, adding six seats. Now, in light of the "one man, one vote" principle, it is reapportioning anew, using population once again as the sole standard.

The arguments thrown up to block unicameralism in those days are still those generally cited today. A second house is needed as a check on the first, opponents say. But Gov. Frank B. Morrison answers:

"On the basis of logic, I see no reason for two houses. The checks and balances come in other ways. The Governor has the veto; the law can be challenged in the courts; and finally, if the legislation isn't in the public in-

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The Argument Goes On.

A One-House Legislature?

By JOHN M. GREENE

ALBANY—Fifty years ago, former Sen. William McKinney of Northport tried to convince the delegates to the Constitutional Convention that New York State should shelve its bicameral legislature with its two branches and install a unicameral (one house) legislature in its place.

"It would be unfortunate," said the senator, "if a constitutional convention were held in New York and consideration were not given to a proposition which, in recent times, has commanded the attention and thought of nearly all profound students of political science.

"With two houses and two sets of committees," McKinney told the delegates, "bills are shunted back and forth so many times that when one finally becomes law it is often impossible to tell who is responsible for it or, if a good bill is defeated, it is almost impossible to tell who is responsible for its defeat."

THE 1915 CONVENTION got three unicameral proposals calling for one house of 60, 100 and 168 members respectively. All three died after a hectic floor fight during which proponents quoted Benjamin Franklin as saying that setting up a two-house legislature was like hitching a horse to each end of a cart and letting them pull in opposite directions.

Two unicameral proposals were submitted to the 1938 convention, one of which bore the name of Charles Polletti, who later served briefly as governor of the state. He introduced the proposal for the Citizens Union.

George Halleck of the CU is still convinced a unicameral legislature should come into being. So is Alfred Willoughby of the National Municipal League. But Polletti now only goes so far to say it is something the 1967 convention should study.



John Greene

So does former Assembly Speaker Joseph F. Carlino of Long Beach, who hopes to be a delegate to the convention. Howard J. Samuels of Canandaigua, who has gubernatorial ambitions, is also a unicameral booster.

Dr. Belle Zeller, a Brooklyn College professor and author of "American State Legislatures," said: "I don't go along with the idea that unicameralism is just a good idea for Nebraska because it's small." She said she'd like to see a few big states try it.

Dr. Zeller was asked if she feared lest an ambitious governor with a legislative majority from his own party might not put one house in his pocket. She replied, "That's not a serious objection. A governor usually has two pockets and he can put one in each."

A Democratic assemblyman from Schenectady, John F. Kirwin, favors one house of 100 or 150 members. He sees "no checks or balances" if the same party controls both houses and only "wastefulness, friction and political folly" if it doesn't.

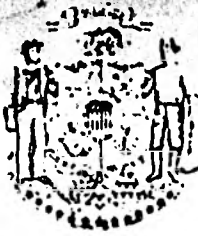
IN 1915, IT WAS argued that unicameralism was a "radical step" and that New York should not be the first to take it. Twenty-three years later, the contention was that, while Nebraska seemed to be making it work, it really was too new to tell for sure.

Now, in 1965, the feeling seems to be that while unicameralism does work fine in a place like Nebraska it just wouldn't in a big complex state like New York.

Nebraskans have an answer to that. "Complexity," they say, "is relative." They have their problems with their corn belt to the east, their range country in the west and 350,000 peoples worth of urban sprawl around Omaha.

But take a look at its 1966 legislative program—arts council, abolition of capital punishment, cigaret tax increase, park bonds, urban renewal, fair housing, auto junkyards and state university tuition.

Sound familiar?



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UNICAMERALISM: WISCONSIN LEGISLATIVE HISTORY

INTRODUCTION

Nebraska is the only state in the United States that currently has a unicameral (that is, one-house) legislature. It has been in existence since 1937 with no apparent attempts to change the structure. Three other states (Pennsylvania, Georgia and Vermont), however, began with a unicameral legislature and later abandoned it.

Although the unicameral legislature is not very popular in the United States, many foreign countries have adopted it. For example, when Quebec abolished its two-house parliament in 1969, the last of Canada's 10 provinces became unicameral. The governing bodies of most municipalities and counties in the United States are also unicameral in nature.

The history of unicameral proposals in Wisconsin began with 2 proposed constitutional amendments introduced in 1915. After a lapse of 12 years, there was at least one such proposal introduced in every regular biennial session from 1927 to 1937. In 1935, 5 separate joint resolutions were introduced relating to adopting a unicameral legislature. Two of these proposals (1935 Assembly Joint Resolutions 10 and 95) were passed by the Assembly. These are the only 2 such measures which have ever received passage by at least one house. 1935 AJR 95 was not a proposed constitutional amendment, but rather, a proposed referendum relating to the establishing a unicameral legislature.

Not until very recently has there been any revived interest in unicameralism since the 1930's. Four proposals have been introduced in the last 3 sessions of the Wisconsin Legislature to provide for a unicameral legislature. Unicameralism has been given considerable attention since 1964 in many other states beside Wisconsin. The recent upsurge of interest is at least partially due to the United States Supreme Court's 1964 ruling in Reynolds v. Sims (377 U.S. 533; 84 S. Ct. 1362), which held that both houses of state legislatures must be apportioned according to population. In Wisconsin, of course, both houses have always been apportioned "according to the number of inhabitants". Since representation for both houses of state legislature now has to be based on population, some commentators have suggested that there might be no further need for 2 houses.

CONSTITUTIONAL PROVISIONS RELATING TO THE LEGISLATURE

The current provisions of the Wisconsin Constitution governing the number and size of the houses comprising the Wisconsin Legislature are found in Article IV. They read as follows:

Section 1. The legislative power shall be vested in a senate and assembly.

Section 2. The number of the members of the assembly shall never be less than 54 nor more than 100. The senate shall consist of a number not more than one-third nor less than one-fourth of the number of the members of the assembly.

If Wisconsin were to adopt a unicameral legislature, additional sections of constitution would have to be amended. Those sections which would also be affected are:

- Article IV, Section 3. Apportionment.
- Section 4. Assemblymen, how chosen.
- Section 5. Senators, how chosen.
- Section 7. Organization of legislature; quorum; compulsory attendance.
- Section 8. Rules; contempt; expulsion.
- Section 9. Officers.
- Section 10. Journals; open doors; adjournments.
- Section 17. Style of laws; bills.
- Section 19. Origin of bills.
- Section 20. Yeas and nays.
- Section 26. Extra compensation; salary change.
- Article V, Section 8. Lieutenant Governor president of senate....
- Section 10. Governor to approve or veto bills; proceedings on veto.
- Article VI, Section 2. Secretary of State duties relating to the legislature.
- Article VII, Section 1. Impeachment proceedings.
- Section 13. Removal of judges.
- Article VIII, Section 6. Public debt for extraordinary expense; taxation.
- Section 8. Vote on fiscal bills; quorum.
- Article XI, Section 4. Legislature prohibited from incorporating banks.
- Article XII, Section 1. Constitutional amendments.
- Section 2. Constitutional conventions.
- Article XIII, Section 6. Legislative officers.

WISCONSIN LEGISLATION PROPOSING A UNICAMERAL LEGISLATURE

No proposed constitutional amendments relating to the establishment of a unicameral legislature have ever achieved passage through both houses of the Wisconsin Legislature, so as to be eligible for "2nd consideration" review 2 years later in preparation for their submission to the voters of Wisconsin. Therefore, all the proposals listed in the following table constitute "1st consideration" constitutional amendment proposals.

A. Proposed Constitutional Amendments Providing for a Unicameral Legislature*

LRB-WB-70-5

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1915	SJR 20	G. Weissleder	Legislature	3 mbrs. from each congress. district	Staggered 4-year terms	Correspond with congress. districts	
1915	AJR 33	H. L. Mortenson	Legislative Commission	1 mbr. from each congress. dist. & 2 from state at large	4 years	Congress. dist., plus 2 from the state at large	One of the 2 at large mbrs. receiving highest no. of votes - pres., other vice-pres.
1927	AJR 17	Wm. Coleman	Legislature	133 Members	Staggered 4-year terms	Single dists. of convenient contiguous territory	
1929	AJR 151	Robert Caldwell	Legislature	Number of mbrs. equal to the no. of U.S. Rep.s from Wisconsin	Staggered 4-year terms	Correspond with congress. districts	
1931	AJR 48	Philip Wenz	Legislature	133 Members	4-year terms	Single districts	
1935	AJR 26	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single dists. of convenient contiguous territory	Sessional salary of \$1200
1955	AJR 10	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
	A.A. 1 (Adopted)	B. M. Vaughan		Not less than 90 nor more than 100 members			

*In measures proposing a staggered 4-year term, most proposals provided for half of the Legislature being elected for 2 years in the initial election under the new unicameral legislature, and subsequently for 4-year terms.

Proposed Constitutional Amendments Providing for a Unicameral Legislature - Con't

LRB-70-5

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1935	AJR 11	G. Weissleder	Legislature	Not more than 3 mbrs. from each congress. district	Staggered 4-year terms	Single member districts	Legislature would meet once each mo. until all business completed. Annual salary of \$4,000
	A.Sub.Am.1 as amended by A.Amdt. 1 and 2 (Adopted)			Not less than 90 nor more than 100			Legislature would meet once every 2 years
1935	AJR 70	Mary Kryzak	Legislature	Not less than one mbr. from each county nor more than 100 members	4-year terms	No dist. would embrace more than one county	
1937	AJR 11	M. H. Hall	Legislature	Not less than 30 nor more than 50 members	2 years	Single member districts	
1965	AJR 107	Barbee, Iverson, Lipscomb & Schaus	Legislature	Not less than 43 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$10,000. Annual sessions
1967	SJR 26	J. Lourigan	Legislature	Not more than 45 members	Staggered 4-year terms	Single dists. of compact contiguous territory	
1967	AJR 37	Barbee, Lipscomb, Anderson, Kessler & O'Malley, co-sponsored by Lourigan	Legislature	Between 33 and 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions.

Proposed Constitutional Amendments Providing for a Unicameral Legislature -- Con't

Year	Joint Resolution	Author	Name of Body	Size of Body	Length of Term	Type of District	Misc. Provisions
1969	AJR 18	Barbee, Lipscomb & Sanasarian	Legislature	Not less than 33 nor more than 75 members	Staggered 4-year terms	Single member districts	Annual salary of \$12,000. Annual sessions

B. Proposed Referenda Relating to Establishment of a Unicameral Legislature

Year	Joint Resolution	Author	Referendum Question
1935	AJR 95 A.Sub.1	G. Weissleder	This proposal would submit to the voters a referendum consisting of the following 5 questions and comprising 7 parts: (1) "Do you favor a one-house legislature?"; (2) (a) "Do you favor a legislative membership of not less than 30 nor more than 50 members?"; (or) (b) "Do you favor a legislative membership of not less than 30 nor more than 100 members?"; (3) "Do you favor the legislature sitting as a body to hear all arguments for and against all matters coming before it?"; (4) "Do you favor having the legislature meet once each month and remain in session until its business is completed?"; (5) (a) "Do you favor a 4-year term for the members of the legislature?"; (or) (b) "Do you favor a 2-year term for the members of the legislature?". The measure was adopted by the Assembly by a vote of 48 to 32. The Senate, however, nonconcurrent in it by a 23 to 7 vote.
1935	AJR 171	E. W. Blomquist & A. F. Polt	This proposal would have submitted one question to the voters: "Do you favor a one-house legislature? Yes _____ No _____"
1955	AJR 91	Louis C. Romell	This proposal would have provided an advisory referendum consisting of 2 questions: (1) "Do you favor an amendment to the state constitution to provide for a unicameral legislature of 100 members, one-half to be elected every 2 years for terms of 4 years?" or (2) "Do you favor an amendment to the state constitution to provide that the legislative branch shall consist of 2 houses similar to the legislative branch of the federal government?"

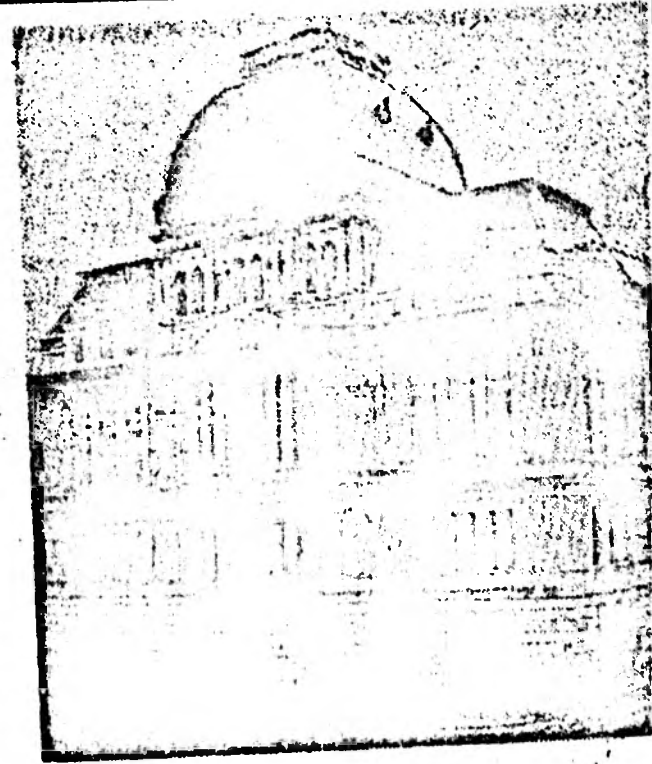
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- 5 -



One Branch or Two?

Two levels of government:
At left the State House
and at right, Providence
City Hall.



The Cities Chose One

By JOSEPH A. KELLY

Joseph A. Kelly watches city government from his post as manager of the Journal-Bulletin's bureau in Pawtucket.

light U.S. cities with great populations and bigger gets than the state of de Island are governed by ameral city councils.

re number of councilmen hese one-body local legis- res ranges from nine in roit and Houston to 50 in ago.

os Angeles, with two and all times the population of de Island, has 15 council- a. Philadelphia has 17.

century ago nearly all ge cities had bicameral ncils, usually a board of ritten and a common coun-

They were on the wane 1850, almost extinct in G.

Only Two Left

of the 3,000 municipalities the U.S. today, there are ameral councils in only 2—Everett, Mass. and Wa- ville, Maine.

Providence abandoned its ameral council in favor of unicameral council in 1940. Pawtucket, Woonsocket, New- rt and Central Falls did the me than they adopted me rde charters in 1952.

Much more significant than e change of the bicameral uncl to the almost unani- ous agreement that the uni- meral council had produced tter local government in hode Island and throughout e country.

Former Governor Dennis J. Roberts, a leader of the fight the Constitutional Conven- on for a unicameral state gislature, said the one-body uncl in Providence brought rramendous improvement in ty government.

Pawtucket, Woonsocket and entral Falls are said to have njoyed their best government 1 years since they adopted ew charters with unicameral ouncils.

In these and other cities round the country the small- r unicameral councils have sually handled municipal usiness more expeditiously. here has been a better nderstanding by the public d controversial issues simply ecause they have been de- ated by fewer city council- n.

There has been better scrui- ny of the councils by the otors simply because there ave fewer councilmen to ead. Pawtucket, for ex- ple, decreased its council- nen from 21 to nine, Woon- socket from 20 to seven, Bos- ton from 73 to nine.

Decline of Bosses

The unicameral council con- tributed much to the decline of political bossism in the cities. Conditions in the old bi- cameral councils with their many committees (the Boston council once had 42 commit- tees) were so complex that it almost required a political boss to straighten them out.

The small one-body council focused more attention on the individual councilman and, generally, he acted accord- ingly. In almost every city it produced a higher caliber of candidate for the unicameral council. As a result, there was less dual office holding, fewer political shenanigans, more tending strictly to busi- ness.

Mr. Roberts believes the General Assembly and the city council are comparable, and that a unicameral legisla- ture could bring the same im- provements in state govern- ment that it has brought to the cities.

"The function of a city council is much like that of the General Assembly, even though it does not have the same inherent power," Mr. Roberts said.

The city council is a legis- lative body, he continued. It appropriates money and adopts ordinances regulating the public safety, health and other affairs of the city in much the same way as the General Assembly enacts laws.

Providence

Mr. Roberts, who served on the commission that framed the Providence charter in 1940 and then became the first mayor under the charter, as- sessed that the old bicam- eral council never functioned in its proper sphere. He re- called that committees of the board of aldermen and com- mon council tied up business for months and on one occasion the appointment of a police commissioner was held up for more than two years.

"The unicameral council functioned as a legislative body should function from the outset. It was a tremendous improvement," Mr. Roberts said.

The former governor re- called that the only objections to the switch to a unicam- eral Providence council in 1940 came from the political structure, both Democrats and Republicans.

"They said the unicameral council would be the death knell of the Democratic party in Providence, that it would deprive the people of their rights, and the Democrats would never win another elec-

In prac' e, it turned out that the Democratic party was stronger than ever under the unicameral council. The former governor point- ed out that the Democrats received bigger pluralities than ever; they never lost the mayoralty again and there have never been more than four Republicans in the council.

In 1952, there was no con- troversy as the bicameral councils were abolished in Pawtucket, Woonsocket, Cen- tral Falls and Newport. Even councilmen who were losing their jobs failed to pro- test.

Forgotten Issue

The campaign for a new Pawtucket charter was fought bitterly by the professional politicians but no men- tion was ever made of the shift to the one-body council. It was just taken for granted that the bicameral coun- cil was long outmoded.

Hundreds of thousands of words were spoken at charter commission hearings on the manager plan vs. the mayor- council, partisan vs. nonparti- san elections and a merit sys- tem for city employes but no- body suggested that the old board of aldermen and com- mon council should be re- tained.

Kevin K. Coleman, former mayor of Woonsocket, has no recollection of any demand that the bicameral council be retained in that city.

"What is important was the change for the better in Woonsocket after the switch to the seven-mem- ber unicameral council elected at large," Mr. Coleman said. "It proved quickly to be the more efficient way of leg- islating city business."

Authorities on government for nearly 75 years have held that the bicameral legisla- ture at the city level created more problems than it solved and caused more evils than it prevented.

The first city governments established two houses of their municipal legislatures in imitation of Congress and in the belief they provided a necessary system of checks and balances.

Norfolk, Va., had a bi- cameral council in 1788, Phil- adelphia in 1793, Baltimore in 1797, Pittsburgh in 1816 and Boston in 1822. By 1840 the bicameral council had become general in the larger cities.

Fear of the Mob

Richard S. Childs, chair- man of the executive com- mittee of the National Mu- nicipal League and a leading

authority on municipal gov- ernment for 60 years, ex- plains the early trend to bi- cameral city councils this way:

"In the making of charters of those days there was a great fear of headlong demo- cratic action and mob rule. This led to innumerable de- vices to encumber the activi- ties of government in an ef- fort to insure elongated con- sideration of every measure.

"One of these devices was the establishment of two houses of the municipal leg- islation on the theory that if one house passes a bad bill, the other will block it.

"It was and is just as true to say that if one house passes a good bill, the other house will block it. The latter practice has been familiar for a century to all proposers of innovation and reform."

Boston had enough of its 78-member bicameral council by 1896, and Samuel B. Capen, president of the Boston Mu- nicipal League, told the Na- tional Municipal League at its annual meeting that year of the successful campaign for a unicameral council.

More Money

A city government does not need two boards of direc- tors any more than a cor- poration or a railroad, Mr. Capen said. The second body in a unicameral legislature "often increases and rarely diminishes public spending," he said.

In order to bring the two bodies into harmony and ob- tain the required number of votes, Mr. Capen said, it often was necessary to appropriate large sums for projects in the districts of various members "for their selfish and personal interests, not because of pub- lic necessities."

He said the single branch legislature helps to define re- sponsibility, making it easier for the voters to see who is responsible for legislation and where the blame rests when things go wrong.

W. B. Munro of Harvard University wrote in his "Gov- ernment of American Cities" in 1912 that "quite as many opportunities for evil arise from a council's versatility in impeding business as from its power to rush things through with unseemly haste."

"If a single chamber can malign pressure be too easily stamped into a vote which is not in the interest of the citizens, it is just as sure that a double chamber lends to every blackmailing political influence an undue advantage in blocking the path of measures which are in the city's interest," Mr. Munro said.

"The history of American city councils furnishes quite many examples of malfeasance in one direction as the other," he added.

Delay and Friction

Mr. Munro said the bicameral legislative system "encourages profitless delay and needless friction; it precludes the city from pursuing the prompt and businesslike methods of private organizations and it is out of harmony with the arrangements which exist in the best governed cities of other countries."

Howard L. MacBain of Columbia University said in 1916 in a paper on the evolution of the types of city government, "The introduction of the two chambered council was a disastrous step in the direction of cumbersomeness of organization."

Numerous authorities on government also have noted that no city which abolished the bicameral council has

ever shown any desire to restore it.

Mr. Childs told a charter group in Pawtucket in 1951 that their city had the rather dubious distinction of being one of only a dozen cities in the country with a bicameral city council.

"We hope," he said, smiling, "that one of your Rhode Island cities will keep its bicameral council forever as a museum piece to show posterity what sort of complicated, ramshackle contraption once passed for city government."

The following year Pawtucket, Central Falls, Woonsocket and Newport passed up this opportunity for immortality, just as Providence had done in 1940.

Waterville

The field has since been reduced to two and two years ago the people of one, Waterville, Maine, had a chance to adopt a modern charter. They voted nearly two to one to keep the bicameral form.

The Waterville Sentinel favored the proposed charter with its unicameral council and it told its readers, "We can't be right unless everybody else in the country is wrong."

What if we are the only ones? It makes us distinctive."

Supporters of the bicameral setup argued that doing away with the common council would eliminate a good school for people who go on to be aldermen, which is sometimes how it works.

Two recent governors of Maine came from Waterville, Edmund S. Muskie and the late Clinton A. Clauson. Ironically, neither of them served in the common council or board of aldermen.

Robert Drake, managing editor of the Sentinel, said the bicameral council was not the big issue in the charter campaign. He said the people voted down the new charter because it would have taken city jobs out of politics and provided an executive secretary to the mayor. The present charter could be described as a "very weak mayor" type of charter, he said.

Everett

In Everett, Mass. the people lost an opportunity to vote out the only other bicameral council a few years ago when the then Governor Endicott Peabody vetoed a bill that would have put the question on the ballot. Everett has seven aldermen and 18 councilmen.

Philip J. Crowley, who retired last month after 16 years as mayor, said some people called the governor and "got him shook up." He said the Governor "mistook the voice of a few for the voice of many."

"Why the opposition to the change?" Mr. Crowley was asked.

"Only that some people would lose their jobs. An alderman gets \$1,800 a year and a councilman gets \$1,200," he said.

Mr. Crowley said he was elected mayor eight consecutive times and he managed to get his program through the two branches of the council. Yet, he is not in favor of a bicameral council.

"The bicameral council is outmoded. Things die in one branch, never get to the other. It's hard to pinpoint responsibility. Twenty five council names are too many for anybody to remember," he said.

"There's no argument for the bicameral council. It's just that there have been no scandals. The government is pretty good. So, there is no hue and cry for a change."

Is the successful experience of the cities with unicameral government relevant to this issue as it now faces the states? In short, could a unicameral state legislature become as successful as the one-house city council which today is the accepted way of operat-

ing the legislative branch of municipal government?

For Bicameral

The advocates of bicameralism are generally political leaders who have served in the legislatures, or are now serving, and they say no. They cite these points:

—A one-branch house destroys the traditional checks and balances exemplified by the division in Congress between the Senate and the House of Representatives.

—It is much easier in a one-branch body for one man or a small clique to exercise control.

Those who advocate unicameralism, on the other hand, are numerous authorities on government and political figures who have served in the executive branch. They cite these points:

—The big budgets and big problems of education, urban renewal and civil rights are just as serious and just as difficult on a city level as on the state level, and the unicameral councils of the cities have been able to cope with them in a fashion that, if not perfect, is at least no worse than the usual fashion in which the states have coped with them. New York City has more serious problems, certainly, than the state of New York, and Chicago has more than the state of Illinois. Both cities operate with unicameral councils. None of the several thousand cities which have adopted unicameral government have ever returned to the two-house system, nor has Nebraska, thus far the only unicameral state.

—The need in government today is for responsible, effective action—not the interminable delays that often impede business in bicameral legislatures. The two-house Massachusetts legislature, for example, has debated for more than a year and so far has failed to resolve the question of providing a greater state tax base. Several years ago Michigan had a financial crisis because the two branches failed to agree on a tax program. Such indecision would be impossible in a unicameral legislature: a decision one way or the other would have to be made.

—While it is possible that a clique can control a one-branch legislature, the responsibility is obvious to the voters. It cannot be hidden among large numbers of legislators. Having fewer choices to make at election time, the voters can exercise greater discretion and discrimination. As a matter of fact there have been many examples of cliques controlling two-branch legislatures.

—The additional check and balance afforded by a second house is more attractive in theory than in practice. Such balance, if it exists at all, is often purchased at an expensive price in confusion, delay, frustration and inefficiency, all of which are rapidly becoming intolerable in the face of the enormous problems facing government at all levels. In actual fact, there are sufficient checks and balances between the three main branches—judicial, executive, and legislative—precisely as the architects of the federal Constitution laid them down.

The architects of the federal Constitution devised the two-branch legislature to deal with the problem of the "sovereign" states. Within these states there are no sovereign subdivisions, just as there are none within cities.

As Alfred Willoughby, executive director of the National Municipal League, expressed it: It is no more logical to have two branches of the state legislature than it is to have two governors.

THE NEED FOR UNICAMERALISM

William J. D. Boyd

State legislatures are probably the most abused governmental institutions in this country. They are misunderstood and they are distrusted. The legislative 'image' is low indeed and only part of this is of their own doing. Most of it is due to the shackles placed upon legislatures by the many "thou shalt not's" of our state constitutions and by the organisational structure of the legislature itself.

Legislatures generally are underpaid, understaffed, ill housed, bound up in procedural antiquities and burdened with entirely too much local government legislation. In one way or another, New York's legislature is encumbered by all these factors, some to a much lesser degree than others. Some of the ills are not dependent upon constitutional reform. On the whole, New York's legislature has been one of the very best. Its public image is lower than it deserves. But the legislature could be dramatically upgraded and its image vastly improved with virtually no change at all in legislative personnel.

Distrust of the legislature is deeply aired in public ignorance of who their legislators are. Immediately after last year's elections, Elmo Roper and Associates polled the inhabitants of New York City, Buffalo, and Onondaga County to find out how much they could remember about the candidates they had just voted for. Only eight per cent of the people in New York City could properly identify one of the candidates (they weren't even asked to name the winner) in either the Senate or Assembly. Only fifteen per cent in Buffalo were right, and a rousing twenty per cent were correct in Onondaga. This is how much the citizens of the Empire State know about the men and women representing them in Albany. No wonder the public views the legislature with suspicion.

At the same time, a Gallup Poll showed that forty-six per cent of the people knew their Congressman, and seventy per cent could identify their mayor.

What New York needs is a dramatic restructuring of its state government. Very serious consideration should be given to the adoption of a single-house legislature. As long as citizens are confronted with an interminably long ballot and are unable to understand or follow the progress of legislation through the two houses, they will never know their legislator nor have much basic trust of the legislature. Present the people of this state with a streamlined ballot — the governor and a legislator — and within ten years a profound change will have taken place in the level of knowledge and interest that the public displays toward state government. Others will doubtless address you on the subject of shortening the statewide ballot; I should like to stick to the subject of the unicameral, or single-house, legislature.

Recently the New York Times stated that, because a large number of delegates to the convention are legislators, unicameralism has little chance of being adopted. It would indeed be unfortunate if the very people who would benefit most were to be the most adamant opponents of unicameralism.

The suggestion that the state shift to a single-house system is interpreted by some legislators as a personal criticism of the job they have been doing. It is no such thing. New York has had one of the best legislative records in the nation and most people acknowledge it. That still does not change the fact that it has been far from perfect and that the public still doesn't know what is going on or who is who. The organizational structure of the legislature is at fault and not the individual legislators. Rather than attacking them, a proposal for unicameralism is meant as an aid to the very people who feel abused by the suggestion.

The single-house concept is not radical, nor is it un-American.

Americans were the first people in modern times to utilize it. Vermont, Pennsylvania and Georgia all had single-house legislatures when every nation in Europe was ruled either by an autocratic monarch or utilized some form of a two-, three-, or four-house system. A majority of American cities had two-house legislatures but have since shifted to the one-house set-up so completely that today only two small towns in New England use bicameralism. Why did city governments change? Because they needed a full-time, action-oriented governing body.

Who ever heard of a bicameral county legislature?

Nebraska has been admirably served by its one-house state legislature, but unfortunately has combined it with other undesirable features that have hurt its value. Often when unicameralism is discussed, the conversation shifts to the comparative merits of legislation passed by the Nebraska and New York legislatures. This is a totally erroneous basis upon which to discuss the issue. The issue is: does the unicameral system perform well in Nebraska in comparison with the old bicameral system in Nebraska? The answer is an emphatic 'yes'. At no time has repeal of unicameralism been proposed in that state. This, and this alone, is what is important when the Nebraska unicameral set-up is discussed.

Great Britain and all the Scandinavian nations have, in actual practice, a one-house system, since the upper chambers are virtually powerless. Both Japan and New Zealand have single-house legislatures and every province in Canada except Quebec also uses unicameralism. It is one of those ironies that, although we started the first major experimentation with unicameralism and were to adopt it for all city and county government in this country, we have been far slower than other nations to see its practical value for our states.

Actually, 'irony' has little to do with it. There are very practical reasons why we have retained bicameralism at the state level and why we want to

it in the first place. American usage of bicameralism began in the newly independent states. Rather than the states' copying the federal government, as is often claimed, the reverse is true. Just as the British system of bicameralism had its roots in class distinction, so, too, the original purpose in this country was to place a check on the "masses." The newly created assemblies of the states were the most egalitarian parliamentary institutions in the world, even if the right to vote was often circumscribed by property-holding requirements, and was always restricted to free males.

The primitive conditions of communications led some states to bicameralism as a means of diffusing representation on a geographic basis. Most, however, had different qualifications for voting for members of the two houses, invariably based on greater wealth for the second house.

A vitally important reason for creating a differently constituted upper house to place a check on the more popularly elected chamber was that few of the states gave their governors the right to veto legislation. The unpleasant memories of colonial governors caused all thirteen original states to create weak chief executives. It was, therefore, to a second legislative chamber that the power to check the popular will was given. Those states which had single-house legislatures changed to bicameralism in order to place such a check on "the people."

It was several decades before the strict property qualifications disappeared. By then tradition and universal acceptance of bicameralism were strong factors in its retention. Equally persuasive, however, was the fact that it had become an important element in the emerging rural-versus-urban controversy. State after state (including New York) changed its apportionment formula so as to perpetuate rural dominance in at least one house. Those states which had single-house legislatures changed to bicameralism so as to introduce area factors in one house, and after 1890 most states entering the Union based one house on area,

the other on population. Recent court actions have now invalidated that purpose for bicameralism.

Some would still argue, however, that bicameralism provides a means of achieving fine shadings of difference in the type of representation in the two houses, even though both must be based essentially on population. ~~There are~~

~~There are suggestions for lengthening the term of senators to four years, for deliberately creating Senate and Assembly districts unrelated to one another, and for placing citizens who live in an oversized Assembly district in an underrepresented Senate district.~~

~~Longer terms have some definite advantages but the claim of 'continuity' is a tenuous assertion in this state where the turnover in both chambers — even with reapportionment — is relatively small.~~

As for making the two sets of districts unrelated to one another, New York has long tried to keep a three-to-one ratio between the two houses, and the desire to place three Assembly districts in one Senate district is very strong. [¶] To try to balance out under- or over-representation in the two chambers is a practical impossibility, as anyone who has worked on the redistricting task in this state can testify.

New York has had dozens of legislators shift from the Assembly to the Senate with no discernible change in their voting patterns. In a highly competitive two-party state like New York, the position of the leadership of the Democratic or Republican party is much more important to a legislator than whether he is in the Assembly or the Senate.

The 'different shades of representation' argument has a very nice sound to it, but in the realm of practical politics it has little applicability to New York State.

Today the main argument for bicameralism at the state level is to create one house to act as a brake against impetuous action by the other. It is upon the validity of this that the fundamental value of bicameralism must be judged.

If an act is unconstitutional or damaging to the fundamental rights of any individual or group, there is the ultimate check of judicial review. An even more important factor is the governor's veto power. Any legislative measure that is hasty or ill-advised can be stopped by a governor and it requires a two-thirds majority to override his action.

The old argument that one house is needed to kill the precipitous action of the other is indeed faulty in a state like New York where the governor possesses strong veto powers and a wide range of other powers that aid him in seeing to it that his vetoes are upheld. This state's governors have regularly vetoed twenty-five per cent of the bills, and it has gone as high as thirty-five per cent. No governor's veto has been overridden in more than thirty years. This points up two fallacies in the one-house-checks-the-other thesis. First of all, the 'second' house seems to be letting a lot of legislation by it that our governors have considered questionable. And, secondly, the governors have done a pretty good job of stopping it. If the item veto is extended to non-appropriation items, this gubernatorial check in the 'checks and balances' system will be even greater.

Unicameralism would force legislators to assume fully the responsibilities of the office to which they were elected. Any legislator can tell you of the time — and money — wasted on legislation everyone knows is trivial, which is deliberately introduced with the full knowledge that it will never become law.

A single house would stop such negative aspects of the present system as the buck-passing between the houses that keeps the public confused as to where responsibility lies. It would also stop the highly questionable practice of passing a vast amount of legislation in the last forty-eight hours of a session, when each house hastily passes large numbers of bills previously enacted by the other chamber.

Closely allied with the one-house-checks-the-other theme is the idea that two houses provide time for due deliberation of all measures. Is this actually true? What about the end-of-the-session rush in all bicameral state houses? In Nebraska — again comparing it in purely institutional terms, not in terms of the type of legislation or economy that exist in that state — the unicameral legislature enacts almost exactly the same number of bills each session as did the old bicameral set-up. But less than half as many bills are introduced. Nebraska, incidentally, generally enacts only about one-fourth as much legislation as this state, which is supposed to have a system where deliberation and delay prevail. The unicameral system is a blessing to the legislator, who actually gets much more time to deal with each separate piece of legislation.

Under bicameralism, when the two houses pass different versions of the same bill, it is necessary to refer the measure to a conference committee which works out the differences, and whose recommendations are invariably accepted as the final law. Since there is no public testimony given before conference committees and their deliberations are rarely, if ever, open to the public, the end product is frequently enveloped in a cloud of suspicion. Political scientists and other students of the legislative process have long singled out the conference committee as a priority item for reform.

The relative obscurity of the state legislature is the most damning argument against bicameralism. Unicameralism, on the other hand, offers a means

of concentrating the voter's attention upon his state legislator. Greater public awareness heightens the importance of a legislative career.

A single house would further strengthen the legislature as an institution of state government by eliminating one set of checks and balances. Checks and balances are best exercised AMONG the three branches of government, not WITHIN just one of them. Would it be logical to elect two governors, the second to stop administrative action initiated by the first, or to veto bills the other had signed? Should there be two state courts of appeal, one to nullify the rulings of the other? Little-known state legislators are hardly in a position to challenge a popular and powerful governor. (And they would be challenging him on major issues, not the trivial nonsense a second house is now supposed to check.)

A single house would help correct the present imbalance. The role of leading individuals within the legislature would be enhanced; with only one majority leader, one chairman of the education committee, one head of the committee on labor and industry, these men and their positions would come under closer public scrutiny. A poor performance would be punished more easily and a good performance could be rewarded with greater influence or higher office. Men would become known as experts in their own fields and their voices would carry greater weight whenever a legislative-executive dispute arose over a policy issue.

Restoring the balance between the legislative and executive branches could do much to restore public faith and interest in state government. This, in turn, could help to halt the so-called trend to 'big government in Washington'. Single-house legislatures would be closer to and more respected by the public, while at the same time strengthening and streamlining the legislative function.

Better pay, better staffing, and better facilities could be provided for one house than can be done for two. A large bicameral legislature will

never be able to find it politically feasible to spend the money on itself that is necessary in this day and age. A reasonable sized single house, whose members are known to their constituents, will be able to equip, pay and staff itself as a twentieth-century legislative institution should.

It is interesting that Joseph Carlino, former speaker of the New York Assembly, and Jesse Unruh, current speaker of the California Assembly, have both advocated the adoption of a single-house legislature.

Both gentlemen frequently have been on record in opposition to a governor of their own party. They have come to realize that if the legislature is to continue to play a real role in our society it must be strengthened. State government itself needs strengthening. Strong governors, and streamlined reorganized court systems, are not viewed as radical or dangerous anymore. They are, in fact, 'quite the thing' these days. The poor legislature, however, has taken a back seat. If New York really wants to improve its government, it had better think about all three branches, and give unicameralism real consideration.

These then are the arguments for unicameralism: economy, efficiency, a heightened importance to a legislative career, and a strengthening of the legislative institution. All of these are important and desirable but they are insignificant in comparison to the one all-pervasive reason why we should have a one-house legislature — its impact on public awareness.

If one person in a hundred in New York has the vaguest idea of how the legislature actually works and what his particular legislative representatives are doing, it is a miracle. One can present all the beautiful arguments in the world about the need to preserve 'checks and balances', about the 'good record' of past New York legislatures and the need for a 'modest amount' of institutional delay. The fact remains that public attention is shifting more and more to the federal government while, at the same time, awareness of local government

activities remains relatively high. But state government, other than the office of governor, is becoming an ever greater enigma. People DO NOT KNOW their legislators and they DO NOT KNOW what the legislature is doing. It is worse today than it was sixty years ago.

No level of government can remain healthy or dynamic when the public simply does not know and does not care — and that is exactly the situation we have today. The ONLY way that the public has any chance to learn about their legislator and to follow the activities of the legislature is for us to strip away much of the junk in our current constitution and to replace it with a streamlined fundamental document, one of the main features of which would be a single-house legislature.

Feb. 1967

WJDB

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Copy letter to
Bill Boyd



Mr. Cooper -
Mr. Willoughby
M. B. L.

HAROLD S. ROBERTS
DIRECTOR, INDUSTRIAL RELATIONS CENTER

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COLLEGE OF BUSINESS ADMINISTRATION
UNIVERSITY OF HAWAII
2500 CAMPUS ROAD
HONOLULU, HAWAII 96822 TELEPHONE 918-332

POLITICAL THICKETS AND UNICAMERALISM*

by

Harold S. Roberts

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POLITICAL THICKETS AND UNICAMERALISM*

A simple statement on representative government by Chief Justice Warren in the famous reapportionment cases handed down on June 15, 1964 has been hailed as one of the most revolutionary actions of the United States Supreme Court. So revolutionary, in fact, that some state legislatures have suggested legislation to set aside the Supreme Court decision. Other individuals have suggested the impeachment of members of the Court and of the Chief Justice.

The revolutionary statement written by Chief Justice Warren said in part, "representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his state's legislative bodies." Such a statement might have been deeply revolutionary in the period immediately following the American Revolution, but it doesn't sound that way in the mid nineteen sixties. During the 18th century we espoused representative government, yet it was not an accepted practice that "every citizen" had an inalienable right to full and effective participation in the political processes of his state's legislative bodies. This was available only to those individuals who had qualified as free citizens because of property rights and other qualifications which we in the 20th century hold to be discriminatory. Some of the reasons why Chief Justice Warren's mild statement is regarded as revolutionary in the 20th century are:

(1) The Supreme Court has entered into an area which before had been considered strictly political and one in which the legislators did not expect the courts to step in. (Their political prerogative would not be touched by the court.)

(2) The Supreme Court decision appeared to support the elimination of the ancient tradition of the bicameral legislature by holding that both houses of state legislatures would have to be apportioned substantially on the basis of population. Although the Court went out of its way to support bicameralism, its action requiring both houses of the legislature to be apportioned on population removed the major underpinning for the bicameral legislature.

Chief Justice Warren said in his opinion, "Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in state government requires, therefore, that each citizen has an equally effective voice in the election of members of his state legislature. Modern and viable state government needs, and the Constitution demands, no less."

* Speech before the Unitarian Church of Honolulu, May 30, 1965.

The Court then went on to say, "Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a State could elect a majority of that State's legislators. To conclude differently, and to sanction minority control of state legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result.... Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the Equal Protection Clause guarantees the opportunity for equal participation by all voters in the election of state legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment.... We are admonished not to restrict the powers of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us."

It might be well to note in passing that the Supreme Court did see some of the implications of its decision but hoped that it would be possible on the ground of the logic of its argument to work out acceptable procedures in each of the states so that the existing bicameral legislatures would be retained. The Court in a statement which is not very persuasive argues for the retention of bicameralism. Its argument is presented following its reasons for the use of population standards in both houses: "We hold (the Court said) that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State."

The reasoning set out by the Court seems to be clear enough. The Court said, "The right of a citizen to equal representation and to have his vote weighted equally with those of all other citizens in the election of members of one house of a bicameral state legislature would amount to little if States could effectively submerge the equal-population principle in the apportionment of seats in the other house. If such a scheme were permissible, an individual citizen's ability to exercise an effective voice in the only instrument of state government directly representative of the people might be almost as effectively thwarted as if neither house were apportioned on a population basis. Deadlock between the two bodies might result in compromise and concession on some issues. But in all too many cases the more probable result would be frustration of the majority will through minority veto in the house not apportioned on a population basis, stemming directly from the failure to accord adequate overall legislative representation to all of the State's citizens on a nondiscriminatory basis. In summary, we can perceive no constitutional difference, with respect to the geographical distribution of state legislative representation, between the two houses of a bicameral state legislature."

As I indicated the Court wanted to make it quite clear that its actions were not to be construed as demolishing the bicameral legislatures. It said immediately following its holding that both houses must be apportioned substantially on the basis of population -- "We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two state legislative bodies is required to be the same -- population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no difference in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multi-member districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many States, utilized to engender differing complexions and collective attitudes in the two bodies of a state legislature, although both are apportioned substantially on a population basis."

The New York Times in its editorial "The Court and the States" on June 21, 1964 had a very pungent observation on the court's apology for bicameralism. It said, "The strictness of the population yardstick will cause wonder whether there is purpose any longer in having a bicameral state legislature...Chief Justice Warren sought to offset such arguments in the Alabama Case. He maintained that two houses would insure mature and deliberate consideration of measures and prevent precipitate action. With different size constituencies and different length terms, differing collective attitudes would develop, he forecast, even though both bodies were apportioned substantially on a population basis. This (said the New York Times) sounds more like a prescription for political featherbedding than a justification for bicameralism."

Locally the Honolulu Star-Bulletin in its editorial on July 16 had the following to say on unicameralism: "The unicameral system saves time and money, it helps to keep the people's business out in the open, it discourages piling up of legislation for last minute wheeling-and-dealing, it pinpoints responsibility, and it does all this without the loss of essential checks and balances. But it could sideline some legislators, reduce patronage and make the role of the political manipulator more difficult."

The focus on unicameralism has been a long time in coming and I would venture to suggest that the Supreme Court decisions in the reapportionment case will do more for a reexamination of the basic structure of state legislatures in the United States than any single action of our courts.

My own interest in government structure goes back some 25 years to my study of political science. This was not very extensive and perhaps my practical experience in the federal and state government has provided a deeper and better understanding of the functioning of government. However, my introduction to political science, or in those days the study of American government, included a study of the then widely used textbook by Professor Frederic Ogg of the University of Wisconsin and Norman Ray of the University of California.

This voluminous tome as well as some of the general readings on the structure and function of American legislatures left me with two distinct impressions: (1) That there was very little good to be said for American state legislatures during the last 100 years -- their inefficiency, their personal benefits from positions of power and influence (if not outright corruption), the devious machinations of the legislative process, the buck-passing etc., was such that no political scientist would say a good word for them. (2) That the single chamber' (unicameral) legislature if given the opportunity might go a long way to make the legislative process more responsive to the needs of people.

The original attitude of trust of the legislatures as against the executive which followed the colonial period shifted quite drastically, and the detailed provisions of many state constitutions adopted during the second half of the 19th and early 20th century placed very stringent limitations on legislatures. This according to Professors Ogg and Ray reflected the growing distrust of the legislatures. They said in part, "The main explanation of our lengthy constitutions is...the widespread distrust of state legislatures growing out of the abuses of legislative power, accompanied by much corruption which marked the middle portion of the past century."

There have been recent observations on state legislatures which are equally damaging and critical, and suggest the need for wholesale revision. This of course is not a reflection on our State Legislature. The Hawaii Legislature compares very favorably with those of other States.

1950 During the campaigning for the Constitutional Convention, I debated the issue of unicameralism with then Senator William Heen primarily to get some community discussion on the relative value of bicameralism and unicameralism. I had no great conviction then that a unicameral legislature was necessarily the answer to the major problems of American legislative bodies, nor was I even convinced at that time that the unicameral legislature would be given serious consideration at the 1950 Constitutional Convention. It wasn't.

One of the helpful side-effects of the recent Supreme Court decisions relates to the removal of one of the major underpinnings of bicameralism -- namely that the establishment of two houses of a state legislature will assure different community interests and thereby complement one another and provide a better spectrum or cross section of the community. This basic argument has been eliminated with the Supreme Court requirement that both houses of a state legislature must be apportioned essentially on the basis of population and that any other criteria would be of a relatively

minor significance. Since this is the case, there seems to be relatively little argument for the retention of a bicameral legislature.

I know of no serious authority on American government who has argued for a bicameral system. They will, of course, in their textbooks present the usual arguments for the bicameral system, such as the argument that it provides better checks and balances; that it represents more diverse community groups; that it may represent varying geographic areas, or that the members of one house may have longer terms of office or may require older individuals in the Senate than in the House. I know of no book on American government which supports bicameralism, and I don't know of a single book which does not speak highly of the unicameral system. It may well be that this is because we in the United States have not had any serious experience of abuse under the unicameral since the unicameral exists in only one state of the union. There were a number of states during the colonial period that had a unicameral legislative body.

All of the arguments of logic and common sense suggest that the unicameral is a highly preferable approach to the legislative process. First and most important it is designed to achieve greater responsibility within the legislature. The importance of this responsibility becomes apparent when one examines the operation of a legislature. It is extremely difficult even for those who follow the legislative processes quite closely to know where the prime responsibility for action or inaction rests.

It is possible through understandings, deals and other devices to have one house adopt legislation with the understanding that it would be killed in the other house. This buck-passing is typical in most American states. It is frequently impossible to know where and to whom responsible citizens may turn to determine why legislation did not pass or why certain legislation did pass.

In addition to the two houses of the legislature, Senator George Norris, the person most responsible for unicameralism in Nebraska, argued that most legislatures in addition have a third house whose operation is even more devious and harmful to the public. This is the operation of the conference committee where the leadership in the two houses turn over the responsibility for working out a final proposal to a select group of both houses. This is reported back and invariably adopted by both houses. There is usually insufficient time at the end of the session or insufficient understanding of the bills, and since agreement had been reached by the leadership and by the conference committee, approval is almost invariably the result. In most cases, however, relatively few individuals are aware of what goes into the final bill and very few members of the public have any idea of what goes on in the conference committees which are generally held in executive session.

In addition there is a tremendous duplication of time and effort in myriad committees in both houses with voluminous and unnecessary bills which are generally used for the purpose of giving the impression to the voter that some legislator favors legislation desired by his constituent, even though it is often well understood that the bill will never get out of committee and will be "filed" in an appropriate dusty corner.

Ogg and Ray sum up the bicameral structure as follows: "Each chamber is, in short, a mere duplication of the other; neither is more conservative or radical than the other, and each is subject to the same influences. Thus it has come about that the state employs two substantially identical organs to perform the same functions." On the question of unicameralism they have this to say: "The advantages of the unicameral system are unmistakable. In the first place, it enables public attention to focus promptly upon the narrow and well-defined area, and therefore permits a real scrutiny of legislative proceedings while laws are being made, a thing which is practically impossible in the case of our present large two-house legislatures with their multitude of committees. In the second place, when there is but one chamber, responsibility cannot be bandied back and forth between two houses, members of one house working with members of the other to defeat legislation, and putting it beyond the power of the public to fix the responsibility....Agreements of this kind...are facilitated by the existence of a dual committee system in the great majority of states, each house having its full set of committees. This duplication furnishes abundant opportunities for shifty deals between two sets of committees, and two sets of political leaders, which still further serve to cloud issues and dissipate responsibility. The disappearance of the dual committee system (including the peculiarly irresponsible and autocratic conference committees), which would, of course, follow the abandonment of the bicameral system, would greatly simplify the legislative process and eliminate much of the delay which nowadays blocks good as well as bad measures....Deadlocks and friction which almost constantly arise between the two houses would cease when two houses no longer existed; and the cost of supporting the legislature might be reduced."

The question of course may well be raised -- why haven't Americans done something about this situation. A partial answer appears to be that the comfort of well-worn shoes are preferred to new ones which might pinch in unexpected places. Ancient shibboleths and customs have to be retained. What is, must be because it has existed for a long period of time even if it has outlived its usefulness or historic role.

It is of course possible to develop ways to make the bicameral structure work more efficiently through joint committees, joint hearings, the operation of the committee of the whole, or joint meetings of both houses. In the minds of many, the bicameral structure has outlived its usefulness. This is particularly true since the decision in Reynolds v. Sims. As a tool of government it is regarded by many as a clumsy and inefficient tool, especially in an automated, efficiency-minded, and forward looking society such as ours. No sensible businessman would ever run his business with a system of double committees and double effort and without the ability to pinpoint responsibility for action or for inaction.

(As I have noted, the Supreme Court after undermining the prime supports for the bicameral legislature argues rather lamely for the values of bicameralism. We tend to agree with the New York Times that the argument is nothing more than approval of "a prescription for political featherbedding.")

There is no question that there are a number of valuable features of bicameralism. None of these features need to be eliminated in any reorganization of the legislature. All of the qualities which are useful in bicameralism, such as the age of members of the senate, can also be included into a unicameral system. It is possible for the states to develop a single body which has members representing certain districts who might be elected on a two-year basis, whose minimum age might be 25 or 30, and another group elected from larger districts somewhat similar to the senate, to be elected with a minimum age of 30 or 35. It is also possible to have these individuals elected from differing size geographic units. It is also possible to build into the unicameral system whatever safeguards are necessary to avoid precipitate action. The so-called checks and balances strongly emphasized by those seeking the retention of the bicameral system become meaningless, where in spite of the bicameral system and the check and balances hasty legislation is passed during the closing hours of the session. In many situations the legislation has not even been read let alone understood by those voting for it.

It is possible to build into a unicameral as well as a bicameral system, a procedure for insuring that legislation before it is adopted for final action by the legislature be required to sit on the desk for at least three days. Also on the table should be a copy of the report of the committee setting out the reasons in support of and against the adoption. It is also desirable to require that each bill be read in its entirety to the assembled members of the legislature before a final vote is taken on the bill. It is also possible to see to it that public hearings are held before committees on all bills. The public should have the opportunity to examine the records and files of the committee as well as the votes of the members. Requirements can be written into the rules of the legislature or even through statute or the constitution if it becomes necessary, so that the public will be protected from precipitate action. On the matter of checks and balances, there is still the major check, the public vote during elections. There is also the balance or check of the executive office, which has the responsibility to review and to veto poor legislation. There is also the opportunity of the courts to review legislation which is of a questionable constitutional nature.

It is my belief that the unicameral system, particularly since the reapportionment decisions of the Supreme Court, is a fruitful area for study of our representative form of government. It holds within it the opportunity to revitalize the legislatures of our states. It should be noted that many of our city governments which have budgets and responsibilities in excess of those of the states, as for example in New York City, are unicameral in their operation. Some of the Canadian provinces have gone unicameral as have the Swiss cantons, Norway. It might be noted that State Constitutional Conventions including our own Constitutional Convention of 1950 was a unicameral body. There has been no claim of hasty or precipitate action, even though there was no executive to veto our action. There was, of course, and there always should be the veto power of the people in the adoption of our basic philosophy and structure in the State constitution.

I do not want to leave the impression that any structure, even a unicameral, would resolve the basic problems of government. Structures

are useful insofar as they help achieve the functions and goals of a community of people. It takes devoted and competent people to use the structure to achieve optimum results. A poor structure, however, is an added impediment toward efficient, effective and viable representative government.

It is the hope of many that in the months ahead, prior to our actual convening of a constitutional convention, the people of this community will discuss at length those features which will help bring about responsive and responsible state government. Careful and considerate study should be given to the unicameral legislature as one of the possible avenues for achieving that result.

We have not discussed the possible substantial savings of money which might come about as a result of having a single rather than a bicameral legislature. Substantial savings may be achieved, if the size of the legislature is not increased. The costs attributable to government, however, ought not to be the primary consideration. Providing effective representation should cost more. We ought to be willing to pay more for the kind of government which would be responsive to our needs; the kind that would attract the best people of our community to devote their full time, talents and energy to the administration of government. We believe this will require full-time paid salaries for legislators commensurate with those of other professions. The job should not be a part-time job taken out of a busy work schedule. The individuals should be paid on a full-time basis just as members of the U. S. Congress. Our representatives should be able to devote their full time to the needs of the State. The size of the body might well be reduced in a unicameral legislature.

Until we make a more careful review of the structure of our state governments, and insist on changes we want, we will not get the kind of government which all of us believe we should have and to which we are hopefully entitled. Let us work together to achieve more effective participation in our state government.

SELECTED BIBLIOGRAPHY

Aly, Bower (ed). Unicameral Legislatures. Columbia, Mo., Lucas Bros., 1937.

American Assembly, The. State Legislatures in American Politics. Alexander Heard. Englewood Cliffs: Prentice-Hall, 1966.

"The Better Way." Editorial comment, National Municipal Review, Nov. 1957.

✓ Boyd, William J.D. Changing Patterns of Apportionment. Ch. 7, "One Man, One Vote, One House?", pp. 37-42. New York: National Municipal League, Sept. 1965.

_____. "The Need for Unicameralism." (mimeo.) Feb. 1967.

D'Alemberte, Talbot and Charles G. Fishburne, Jr. "Why a Second House?" 55 National Municipal Review 431-7 (1966).

Graves, W. Brooke. "Is Unicameralism the Answer to Existing Legislative Deficiencies?" 11 Kansas City Law Review 50-58 (1942).

Katskey, David L. and Demitrios M. Moschos. "Unicameralism and Bicameralism: History and Tradition." 45 Boston University Law Review 250-70 (1965).

Johnson, Alvin W. The Unicameral Legislature. Minneapolis: The University of Minnesota Press, 1933.

National Municipal League. Model State Constitution. 6th ed. New York: National Municipal League, 1963. See pp. 4-9, 41-65.

Norris, George W. "Nebraska's One House Legislative System." Congressional Record, Feb. 7, 1935.

Pollack, James K. "Considering All Angles." 55 National Civil Review 374-379 (1966).

Rodgers, Jack W. "One House for 70 Years." National Municipal Review, Nov. 1957.

Snider, Clyde F. American State and Local Government. 2d ed. New York: Appleton-Century-Crofts, 1965. pp. 160-165.

Spencer, Richard C. "Highest Score Sheet." National Municipal Review, Nov. 1957.

Senning, John P. "Unicameralism Passes Test." 33 National Municipal Review 30-50 (1944).

Trimble, Bruce R. and Norman L. Stamps. The Structure of the Legislature: Bicameralism v. Unicameralism. For the Missouri Constitutional Convention, 1941.

Willoughby, W.F. Principles of Legislative Organization and Administration. Wash., D.C., The Brookings Institution, 1934. pp. 213-262.

ARTICLE IN FAVOR OF A UNICAMERAL LEGISLATURE

BY: WALTER J. BILDER

The division of legislative bodies in this country into two parts had its historical origin in a form of social structure which was composed of two social classes, namely: an aristocracy and the common people, an upper class and a lower class. The prototype for two-house legislatures was the English Parliament. The respective names of the two houses of the English Parliament, namely: the House of Lords and the House of Commons, are historic monuments to the two-class society to which the bicameral form of legislature owes its origin.

In the course of many centuries the governmental power of the House of Lords diminished to the vanishing point so that today all legislative power in the government of Great Britain is possessed by the House of Commons, and the House of Lords has become virtually a governmental vestige. Thus today England, the historical parent of our own bicameral legislative system, has a unicameral legislature.

During the 17th century, the American colonial legislatures almost without exception were unicameral in form. In their unicameral form the colonial legislatures consisted of the colonial Governor and his Council and a group of deputies elected by the people. In New Jersey the frame of government

drawn up by the proprietors in 1665 vested the legislative power in an Assembly comprised of the Governor, six to twelve Councilors and twelve Deputies elected by the people. However, the people of the colonies came to recognize that the Governor and his Council really were the spokesmen of the royal or proprietary rulers and that only the Deputies were the agents of the people. This idea that the members of the single Assembly represented two distinct and different social orders led gradually to the division of the legislature into two houses, meeting and voting separately; and by 1763 all of the colonies except Pennsylvania and Delaware had bicameral legislatures.

The Declaration of Independence in 1776 necessitated the establishment of state governments and between 1776 and 1781 eleven of the thirteen colonies framed new constitutions. Nine of these state constitutions provided for bicameral legislatures and two of them, namely, Pennsylvania and Georgia, adopted constitutions providing for a single legislative chamber. It is notable that Pennsylvania had a unicameral legislature from 1701 to 1776 and retained this unicameral form of legislature after it became a state until the year 1789.

by New Jersey in 1776 required that a member of the upper branch of the legislature should be a freeholder of the county and be worth at least 1,000 pounds, while a member of the lower branch was only required to be worth 500 pounds.

With reference to this difference between the qualifications which the voters were required to have in respect of the upper house of the state legislatures and the lower house/ ^{respectively} a noted historian says: "the barriers to universal manhood suffrage in the early American states served as a defense for property rights, and in most of the states the Senate afforded special representation to wealth. The representation of mere man was left to the lower house . . . this was a conscious purpose in the formation of the second chamber."

When the federal Convention met in Philadelphia in 1787 and drew up a Constitution providing for a bicameral federal legislature, the delegates were naturally under the influence of the example of the bicameral system which existed in most of the states from which they came. But the real cause of the provision for a bicameral Congress was the deadlock between the small states and the large states, the former demanding that there should be a single chamber in which all of the states would have equal voting strength (known as the

The adoption of the bicameral form of legislature by most of the colonies after they became independent states was attributable to the fact that, although there was no aristocracy in the colonies, there were well recognized social distinctions based on wealth instead of on birth. Accordingly, the upper house of the bicameral legislature in the independent states was regarded as a convenient device for the special representation of the wealthy and propertied class. What secured this special representation was the fact that there were two general types of political restrictions on the right to vote or the right to hold office. These restrictions were based on the ownership of property or the amount of income, and the amount of property or income which a person was required to have in order to be qualified to vote for the election of members of the upper house of the legislature or to hold office in the upper house was much greater than the amount of property or income which was required with reference to the lower house. In this connection it is notable that Thomas Jefferson objected to Virginia's maintaining the same qualification for the electors of both houses of the legislature in that state on the ground that if both houses represented the same electorate, one of the houses would be superfluous and should be dispensed with. The Constitution adopted

New Jersey plan) and the large states demanding a two-house Congress with membership in both houses to be based on proportionate representation (known as the Virginia plan.) This deadlock was broken by the Connecticut Compromise under which the states were to have equal representation in the Senate and proportional representation in the House of Representatives. This arrangement was copied in the states like New Jersey, where representation in the state Senate was afforded to geographical units as such.

In another very important respect the example of the federal Constitution was followed by the states, namely: the assignment of special powers and functions to the upper house not shared by the lower house. In the case of the federal Constitution this governmental differentiation between the Senate and the House of Representatives was dictated by the fact that the federal Constitution-makers actually feared the possession of too much governmental power by the people. To quote a noted historian, the delegates to the Constitutional Convention "were almost without exception members of the upper, propertied classes. They were alarmed by such signs of incipient democracy as Shay's Rebellion . . . in Massachusetts. To them democracy was synonymous with confusion and licentiousness."

In the same vein Alexander Hamilton said: "All communities divide themselves into the few and the many. The first are the rich and well born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct, permanent share in the government. They will check the unsteadiness of the second, and as they cannot receive any advantage by a change, they therefore will ever maintain good government."

In line with this view, the federal Constitution originally was framed to provide for the election of the Senate by the state legislatures so that the Senate would not be subject to popular control and therefore would be a bulwark of the propertied classes against the propertyless masses. This view was expressed by Edmund Randolph, one of the delegates, in the following words: "The object of the second branch is to control the democratic branch of the national legislature." It is thus plainly evident that in adopting the bicameral form of legislature, the states were endorsing an idea that an upper house of the legislature was needed in order to

afford special protection to the interests of the relatively small wealthy portion of the electorate against legislation adverse to their interests by the lower house which represented the mass of the electorate who were without wealth.

In considering the question of whether the proposed new Constitution of New Jersey shall provide for a bicameral legislature or a unicameral legislature, it is of transcendent and critical importance to realize that if a bicameral form of legislature is adopted, the people of New Jersey will not be following an example furnished either by New Jersey's present Constitution or the Constitution of 1844 which preceded it. For, under those Constitutions representation in the upper house of the legislature is based, not upon proportional representation, but on geographical divisions of the state treated as political units. Thus in the year 1938, eight of the state's counties containing four-fifths of the population of the state had eight Senators, while thirteen counties containing one-fifth of the population of the state, had thirteen Senators. The situation today is comparable to what it was in 1938.

However, if the proposed new Constitution of this state provides for a bicameral legislature, both houses of the

legislature must be based upon proportional representation. This means that a bicameral system under the proposed new Constitution would be something totally novel and untried in the history of this or any other state. Therefore it would lack totally the powerful support which any form of social action always derives from historical precedent or past experience. A bicameral system in which both houses are based upon proportional representation would be a political innovation. It follows from this important fact that all of the usual arguments advanced to justify a bicameral system would be wholly inapplicable. The incontrovertible fact is that a bicameral legislature in the proposed new Constitution of New Jersey would produce a sheer duplication in the legislative portion of the structure of our state government.

Chief among the traditional arguments advanced to justify a bicameral legislature is the claim that an upper house is needed to check the legislative power of the lower house. Obviously, such an argument is inapplicable to a bicameral legislative system in which both houses are based on proportional representation. For, if so applied, the argument would amount to saying that the people of the state need to elect two sets of legislative representatives so that each

set can act as a check on the other. Such an argument is self-evidently absurd. Indeed, if each of two sets of legislative representatives were really to perform the function of checking the action of the other, the resulting situation could only be aptly described by Benjamin Franklin's statement in which he likened a two-house legislature to a wagon with a horse hitched to each end pulling in the opposite direction.

I have said that if the people of New Jersey now adopt a Constitution which provides for a bicameral legislation they will not be following any historical political precedent but will be making an unheard-of political innovation. Yet, in another sense, the provision of a bicameral form of legislature in the proposed new Constitution will not be the breaking of new political ground but will be the continuing occupation of very old political ground, - ground which is utterly unsuitable for and incompatible with a democratic society. For, the bicameral form of legislature originated in a two-class society, one in which there was an upper social class and a lower social class; the bicameral system has always derived its claimed justification from the alleged need for protecting the interests of the upper class

from injury by the legislative action of the lower class; and the inclusion of the bicameral system in the proposed new Constitution of this state will serve to perpetuate a socially-invidious and ^{virtually} ~~solely~~-obstructive political anachronism.

In conclusion, I would like to call attention to the all-important fact that this Constitutional Convention affords to the people of this state a golden opportunity to do away with one of the most harmful and anti-democratic features of the state's present governmental structure, namely: the power of each member of the Senate virtually to control appointments to office in his county which are within the appointive power of the state's Executive to make. Not the least of the salutary results of a unicameral legislature in this state will be the abolishment of this dictatorial anomaly in our democratic form of state government.

HCR-9
(1972)

the
western
interstate
commission
for
higher
education



annual
report
1971

WICHE

the
western
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for
higher
education

**annual
report**
1971



WICHE

A REPORT TO THE GOVERNORS,
THE LEGISLATORS, AND THE PEOPLE
OF THE 13 WESTERN STATES.

WESTERN INTERSTATE COMMISSION
FOR HIGHER EDUCATION.

P.O. DRAWER P,
BOULDER, COLORADO 80302,

JANUARY, 1972

WICHE is a public agency through which the people of the West work together across state lines to expand and improve education beyond the high school.



HISTORY:

- was created to administer the Western Regional Education Compact, which has been adopted by the legislatures of all the 13 western states;
- was formally established in 1951, after ratification of the compact by five state legislatures; program activities began in 1953.

ORGANIZATION:

- is composed of 39 commissioners, three from each state, appointed by their governors; they serve without pay;
- is served by a small professional staff, supplemented by consultants, councils, and committees.

PURPOSE:

- seeks to increase educational opportunities for western youth;
- assists colleges and universities to improve both their academic programs and their institutional management;
- aids in expanding the supply of specialized manpower in the West;
- helps colleges and universities appraise and respond to changing educational and social needs of the region;
- informs the public about the needs of higher education.

PROGRAM AND PHILOSOPHY:

- serves as a fact-finding agency and a clearinghouse of information about higher education and makes basic studies of educational needs and resources in the West;
- acts as a catalyst in helping the member states work out programs of mutual advantage by gathering information, analyzing problems, and suggesting solutions;
- serves the states and institutions as an administrative and fiscal agent for carrying out interstate arrangements for educational services;
- has no authority or control over the member states or individual educational institutions; it works by building consensus based on joint deliberation and the recognition of relevant facts and arguments.

FINANCES:

- is financed in part by appropriations from the member states of \$15,000 annually; the states also contribute \$7,500 each to participate in a regional program in mental health, mental retardation, special education, corrections, rehabilitation, and the helping services;
- receives grants and contracts for special projects from private foundations and public agencies; for each dollar provided by the states during Fiscal Year 1972, WICHE will expend more than \$17 from non-state sources; in the past 16 years, grant and contract commitments have exceeded \$25 million.





a message from the director

Twenty years ago, in 1951, the Governors of five Western states signed legislation establishing the Western Regional Education Compact. By 1953, three other states joined; the first executive director was appointed; and program activity began. By 1959, all 13 eligible states had joined.

To date, the 13 western states have invested \$3,053,000 in WICHE's operation.

Question: What have the states received in return?

Answer: The "seed money" provided by the western states has made them beneficiaries of a host of significant regional programs. These programs have been mounted by WICHE and largely funded by private and public agencies, with grants totalling \$25 million. Over the years, the ratio of state dollars to grant dollars has been nearly eight to one. And this current year, the ratio is \$17 of grant support to \$1 of state support. In other words, just for the dollar-for-dollar value, WICHE has proved to be a good investment for the western states.

This year's annual report can only highlight a few of WICHE's significant contributions. But as in years past, WICHE has continued its efforts to increase and improve educational opportunity for the people of the West, and to assist the colleges and universities to improve both their academic programs and their institutional management.

For example, the Student Exchange Programs, WICHE's oldest programs, have been expanded once again. New fields of professional education have been included which are not offered by sending states. This year, the number of exchange students rose to an all time high of 790. These students come from 11 states and attend 42 different professional schools. Since 1953, WICHE has served as the educational broker on behalf of the sending states and the receiving schools. In total, this accounts for 7,747 student years.

Currently, WICHE's 45 separately budgeted programs are organized under three divisions: General Regional Programs, Mental Health and Related Areas, and the National Center for Higher Education Management Systems at WICHE. The activities of each of these divisions are briefly outlined in the body of this report.

Fee Increase

At WICHE's annual meeting last August, the Commissioners voted to request the state legislatures to raise the WICHE yearly appropriation from its present \$15,000 per state to \$28,000. It will be ten years (1963) since WICHE last made such a request. The increase was carefully considered by the Commission, whose members agreed that this modest increase (an average of 6.4% per year) is needed to offset inflation and to provide for the increased costs of on-going programs.

These additional dollars will strengthen WICHE:

- by providing seed money for developing new programs to meet emerging, crucial higher education needs;
- by providing dollars for important grants which do not provide 100% funding;
- by providing a better balance between "hard" state dollars and "soft" grant dollars, to insure WICHE's continued viability;
- and by insuring the continuation of the biennial Legislative Work Conference.

But most important, it will reaffirm the West's commitment to WICHE and to the regional approach for solving selected problems in higher education.

The Commissioners and staff feel confident that WICHE has proved that it can grow with the times, and respond to contemporary needs. Over the years, WICHE has effectively identified higher education problems in the West and contributed significantly to their solution. This has been demonstrated by the increasing support of granting agencies, which have spotted WICHE as a doer in higher education.

Thus after ten years of accomplishment, the Commissioners did not hesitate to request an adjustment of the WICHE appropriation from the states. They felt confident that WICHE had proved its ability to pay the highest of dividends for the states' investment.

We seek the support of all those who think likewise.

Robert H. Kroepsch
Executive Director

commissioners

As of January, 1972

The WICHE Commission is composed of 39 dedicated men and women, who serve without pay as the board of directors for the organization. They are the decision makers, the providers of ideas, and the takers of the western pulse in higher education.



1971—1972

Chairman

Francis A. Barrett, M.D., Wyoming

Vice-Chairman

Dr. Roy E. Lieuallen, Oregon

Each western state is represented by three commissioners, appointed to four-year terms by the governor. One commissioner from each state must be actively involved in higher education. The other two are drawn from such wide-ranging fields as state government, medicine, law, business, and other areas.

ALASKA

*Mrs. Delio Pruhs, Fairbanks

John S. Hellenthal, Attorney, Anchorage

Dr. William R. Wood, President, University of Alaska

ARIZONA

*Dr. Richard A. Harvill, President Emeritus, University of Arizona

W.O. (Fred) Craft, Jr., Assistant U.S. Attorney, Phoenix

Dermont W. Melick, M.D., Coordinator, Arizona Regional Medical Program, College of Medicine, University of Arizona

CALIFORNIA

*Dr. Rita R. Campbell, Senior Fellow, Hoover Institution, Stanford University

Dr. Glenn S. Dumke, Chancellor, California State College and University System, Los Angeles

Dr. W. Ballantine Henley, President of the Board of Trustees, United Church of Religious Science, Los Angeles

COLORADO

*Dr. Kathryn M. Smith, Dean, School of Nursing, University of Colorado Medical Center

Dr. William E. Morgan, President Emeritus, Colorado State University

C. Gale Sellens, President, Lakeside National Bank, Wheatridge

HAWAII

*Dr. Frederick P. Haehnlen, Jr., Professor of Educational Psychology, University of Hawaii

John B. Connell, Life Underwriter, Insurance Company; Communications Coordinator, Model Cities Program, Kailua

George Goto, M.D., Honolulu



IDAHO

*Martha D. Jones, M.D., Boise

Dr. John B. Barnes, President, Boise State College

Dr. William E. Davis, President, Idaho State University



MONTANA

*Warren D. Bowman, M.D., Billings

Edward W. Nelson, Executive Secretary, The Montana University System, Helena

Herman C. Ross, D.V.M., Kalispell



NEVADA

*Dr. Juanita Grace White, State Assemblyman, Boulder City

Fred M. Anderson, M.D., Regent, University of Nevada

Dr. Thomas T. Tucker, Chairman, Department of School Administration and Supervision, College of Education, University of Nevada



NEW MEXICO

*Carter Kirk, Land Developer, Dering

Dr. Forral Heady, President, University of New Mexico

Clory B. Tafoya, Principal, Valencia Elementary School, Los Lunas



OREGON

*Mrs. Edna Scales, Portland

Dr. Roy E. Lieuallen, Chancellor, Oregon State System of Higher Education, Eugene

Lynn W. Newbry, State Senator, Ashland





UTAH

- *Richard J. Maughan, Member, State Board of Higher Education; Attorney, Salt Lake City
- Dr. G. Homer Durham, Commissioner, State Board of Higher Education, Salt Lake City
- Mrs. Dorothy K. Watkiss, Member, University of Utah Institutional Council



WASHINGTON

- *Gordon Sandison, State Senator; Insurance Broker, Port Angeles
- James Furman, Executive Coordinator, Council on Higher Education, Olympia
- Dr. Glenn Terrell, President, Washington State University



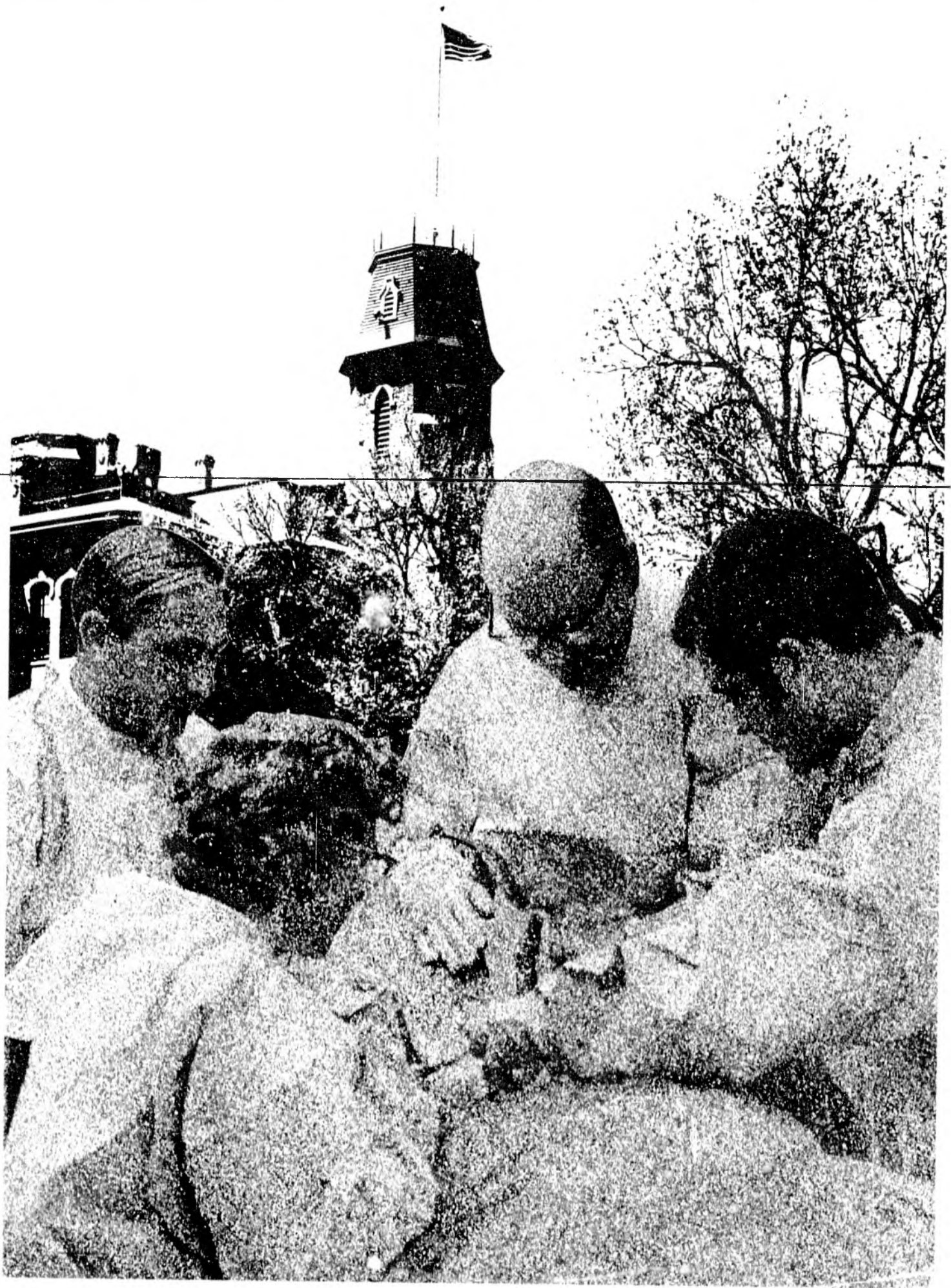
WYOMING

- *Richard R. Jones, State Senator, Cody
- Francis A. Barrett, M.D., Cheyenne
- Dr. William D. Carlson, President, University of Wyoming

*Members, Executive Committee

chairmen of WICHE

1951-53	Dr. O. Meredith Wilson	Dean, University College, University of Utah
1953-54	Dr. Tom L. Popejoy	President, University of New Mexico
1954-55	Dr. G. D. Humphrey	President, University of Wyoming
1955-56	Frank L. McPhail, M.D.	Physician, Great Falls, Montana
1956-57	Ward Darley, M.D.	President, University of Colorado
1957-58	Frank J. Van Dyke	Attorney, Medford, Oregon
1958-59	Dr. Fred D. Fagg, Jr.	President Emeritus, University of Southern California
1959-60	Dr. Richard A. Harvill	President, University of Arizona
1960-61	Alfred M. Popma, M.D.	Physician, Boise, Idaho
1961-62	Dr. C. Clement French	President, Washington State University
1962-63	Dr. Charles J. Armstrong	President, University of Nevada
1963-64	Dermont W. Melick, M.D.	Physician, Phoenix, Arizona
1964-65	Dr. Willard Wilson	Secretary, University of Hawaii
1965-66	Mrs. Thomas Scales	Collector of Customs, Portland, Oregon
1966-67	Dr. William R. Wood	President, University of Alaska
1967-68	Gordon Sandison	State Senator, Port Angeles, Washington
1968-69	Dr. Merle E. Allen	Director, Coordinating Council of Higher Education, Utah
1969-70	John G. Mackie	Assistant Professor, Colorado Mountain College; Attorney, Carbondale
1970-71	Dr. Rita R. Campbell	Senior Fellow, Hoover Institution, Stanford University, California
1971-72	Francis A. Barrett, M.D.	Physician, Cheyenne, Wyoming





division of general regional programs

From the surgical table to the campus, WICHE's Division of General Regional Programs carries forth projects and programs which strike to the core of many western needs in higher education.

In this division, higher education is viewed from the broadest possible perspective. Programs are developed to meet both on-campus and of-campus needs.

Dr. Kevin Bunnell



Mrs. Patricia Locke (at right), director, WICHE's Ethnic Programs in Higher Education, outlines program plans for increasing access to higher education for Blacks, Chicanos, Asians, and Indians.

In recent years, health has been a major concern in the West. Therefore, this division, responding to the need, has concentrated on health education. One example is the \$1 million-a-year Mountain States Regional Medical Program covering the states of Idaho, Montana, Nevada, and Wyoming. Other examples include seven separate programs in nursing education. And there is the Student Exchange Program, which now offers interstate educational opportunities in eight health fields.

The Division of General Regional Programs has responded to other educational needs, as well. Programs have been mounted to improve and expand education's offerings for ethnic minorities, to train library personnel, to give college students a taste of real life with internship experiences, and to boost educational opportunities for community college students.

Division Director Kevin Bunnell describes the General Regional Programs as flexible. They are ready to meet new, and even unpredicted, needs in higher education. Of course as a regional agency, WICHE concentrates on interstate and interinstitutional programming.

According to Dr. Bunnell, program development is the heart of this division. The sole mission of the Special Higher Education Programs (SHEP) unit is to take the western pulse and create new and needed programs. Other division programs also concentrate on project development.

The products of this creativity have been many and varied. But perhaps most impressive have been the Mountain States Regional Medical Program and the SHEP-created National Center for Higher Education Management Systems, now a separate WICHE division with national importance.

division of general regional programs



Jack Arbolino, executive director, College-Level Examination Program, College Entrance Examination Board, speaks at a WICHE conference on Credit by Examination.

These Wyoming physicians carefully examine the subject during a surgical refresher course conducted by the Mountain States Regional Medical Program.



STUDENT EXCHANGE PROGRAMS

To share the educational resources of the West by providing opportunities for professional education when the specialty is not offered within the boundaries of the sending state through a system of student exchanges implemented at cooperating schools. Student exchange models may or may not involve interstate exchange of money.



Above. The topic was teaching innovations for nursing educators. Prof. Crysta Lange (top, right) of Delta (Mich.) College, coaches this nurse in simulation gameplaying. Chalk in hand, James Kent, Denver-based urban expert, explains community development.

Right. AA-degree nursing faculty pick up mental health concepts. Mrs. Joyce Reising (left), nursing instructor, Loma Linda U., jots notes during on-the-ward training. Miss Sandra Garfield (right), educational coordinator, Resthaven Psychiatric Hospital, explains the basics of psychodrama.



SPECIAL HIGHER EDUCATION PROGRAMS

To identify pertinent problems confronting general higher education in the West; to explore alternative solutions to these problems in cooperation with the West's colleges and universities; to begin preliminary program development designed to meet identified needs of the region; and to operate on a continuing basis a small number of higher education programs which provide necessary services to the people of the West.

MOUNTAIN STATES COMMUNITY COLLEGE CONSORTIUM

To enhance educational opportunities for students in community colleges in the four-state area of Idaho, Montana, Utah, and Wyoming. This will be achieved through interstate and interinstitutional cooperation and programming geared to the resolution of common problems that participating institutions share as small, geographically isolated, "developing institutions."

ETHNIC PROGRAMS IN HIGHER EDUCATION

To expand minority group access to higher education and to improve the relevance of educational experiences for these students and their communities.

WESTERN COUNCIL ON HIGHER EDUCATION FOR NURSING

To increase educational opportunities for students in nursing by developing programs in nursing education, based on sound educational principles to identify and organize ways of coping with general nursing problems; and to improve care of patients by disseminating this knowledge throughout the western region.

CONTINUING EDUCATION PROGRAM FOR NURSES

To improve the leadership skills of nurses in teaching, supervision, and administrative positions through a series of short conferences aimed toward improving patient care provided for agencies and institutions employing the participant nurses.

NURSING RESEARCH CONFERENCES PROGRAM

Through an annual conference on nursing research, to share research findings, to receive and give stimulation for further research, and to facilitate the application of findings to patient care. Faculty are stimulated to use results of research in planning nursing school curricula.

REGIONAL PROGRAM FOR NURSING RESEARCH AND DEVELOPMENT

To provide a three-year program of consultation and work clinics directed toward increasing skills of nurses who are undertaking research, particularly in the area of patient care and care delivery, and then assisting these nurses to develop research projects. The goal of the program is to increase the number and quality of nursing research projects in the West.

IMPROVEMENT OF NURSING CURRICULA

To improve and revise curricula in western schools of nursing through integration of selected core concepts of nursing into associate degree, baccalaureate, and graduate programs; to provide information on and stimulate the use of additional innovations in the teaching-learning process.

CONTINUING EDUCATION PROGRAM FOR PSYCHIATRIC NURSES

To assist faculty in associate degree nursing programs to increase their content and skills in psychiatric mental health concepts throughout the nursing curriculum; and to increase the use of psychiatric mental health concepts by nurses in any health care setting.



Resources Development Intern Barbara Greebe trained Lakewood (Colo.) policemen in videotaping techniques last summer.

NURSE FACULTY DEVELOPMENT TO MEET MINORITY GROUP NEEDS

To increase the numbers of minority group students who are recruited and complete nursing programs and to modify existing programs of nursing to include content which will increase the potential of their graduates to provide services relevant to the health needs of minority group communities. The project proposes to achieve these aims through a three-year regional faculty development program.

CONTINUING EDUCATION PROGRAM FOR LIBRARY PERSONNEL

To demonstrate and evaluate the effectiveness of a variety of continuing education methods, materials, and programs in preparing library personnel in all types of libraries and to effect positive change in the delivery of library services.



The soft whirring of 16 mm. cameras backgrounded the 13th annual College and University Self-Study Institute on "The Public Challenge and the Campus Response." Speakers included Dr. Warren Martin, of the Center for Research and Development in Higher Education, Berkeley; and Dr. John Silber, president, Boston U.



MOUNTAIN STATES REGIONAL MEDICAL PROGRAMS

To develop programs in response to major needs in the four states of Idaho, Montana, Nevada, and Wyoming for continuing education for health personnel and for facilities which will strengthen the capacity of physicians and other health professionals to treat heart disease, cancer, stroke, and related diseases.

Operational Programs

1. Core Operation
2. Coronary Care Training—Montana
3. Cancer Education and Treatment Center (Mountain States Tumor Institute)
4. Continuation Education for Health Professionals in Montana
5. Rocky Mountain Tumor Registry
6. Continuing Nursing Education—Nevada
7. Continuing Education in Inhalation Therapy for Physicians, Therapists, and Nurses
8. Consulting Team Approach to Continuing Education for Health Service Personnel in Rural Communities in Nevada
9. Continuing Nursing Education—Idaho
10. Coronary Care Training—Southwest Idaho
11. Continuation Education for Nursing—Wyoming
12. Continuation Education for Nursing—Montana

RESOURCES DEVELOPMENT INTERNSHIP PROGRAM

To promote the productive interchange of ideas between the academic community, including students, and the participants in community organizations throughout the West, especially by means of the process of service-learning, by building bridges between educational institutions and community organizations, and by developing new and innovative supplementary projects.





division of mental health and related areas

It's a leap of lifetimes and of life styles—from the bloody past and grey frustration of the streets in Watts, here symbolized by Watts Towers, to the bright, sun-filled promises of this young artist for whom the behavioral sciences offer up their best.

Such is the range encompassed by WICHE's Division of Mental Health and Related Areas. Eight separate programs cover the span from "street training" in such poverty pockets as Watts, California; to special on-campus programs for students, faculty, and administrators; to continuing education efforts for the full range of mental health professionals.

Designed to meet a variety of western needs, WICHE's health programs are diverse and specialized.



Robert L. Stubblefield, M.D.

But when Division Director Robert Stubblefield, M.D., discusses programming, he talks in terms of *integration* and *interdependence*.

For Dr. Stubblefield, integration means more than mental health programs working together. It means closely relating division programs with programs in health and education. It means a broad perspective of mental health issues and needs—a perspective that is sociological and biological, as well as psychological. In other words, the idea is to create a united front for the common good.

The Division of Mental Health and Related Areas was created in 1956 at the request of the Western Regional Conference of the Council of State Governments. The creation of the division and its advisory board, the Western Council on Mental Health Training and Research, was based on a two-year survey of the needs of the western region.

As for future objectives, Dr. Stubblefield has charted divisional emphases in the areas of •drugs and drug abuse education, •teacher training in early childhood education, and •continuing professional education in the two fields of program evaluation and geriatrics. He also noted an interest in developing programming dealing with Indians and other ethnic groups. These programs would examine family and cultural strengths and develop a core of mental health manpower.

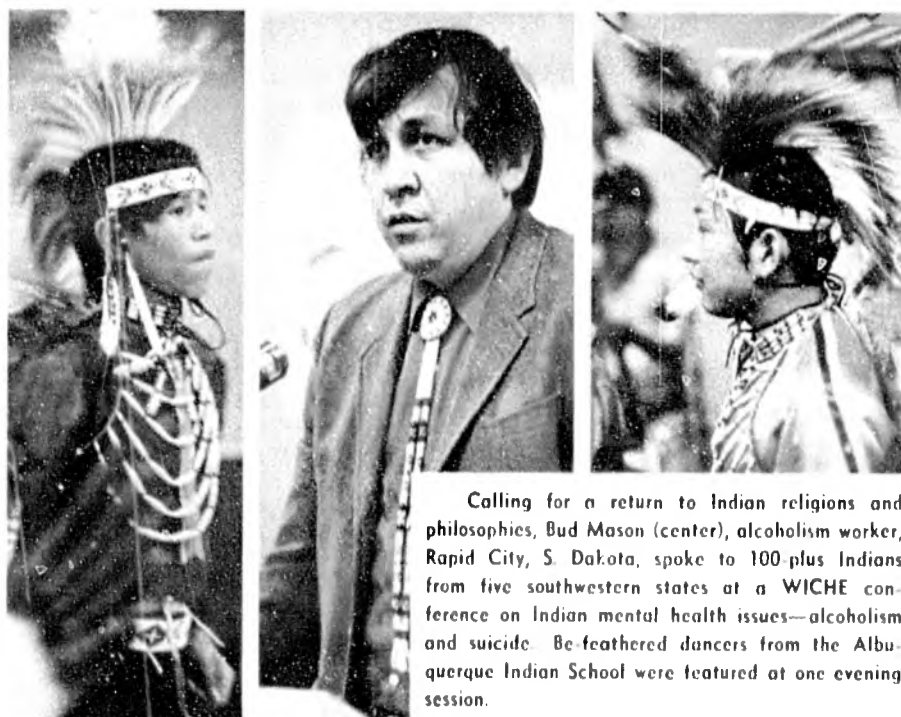


Raymond Feldman, M.D.,
former director, WICHE
Mental Health Division,
retired in September, 1971.

division of mental health and related areas



A founding father of mental health worker training, Dr. John True, of Johns Hopkins Hospital, was a principal speaker at a four-state WICHE conference on community college mental health worker programs.



Calling for a return to Indian religions and philosophies, Bud Mason (center), alcoholism worker, Rapid City, S. Dakota, spoke to 100 plus Indians from five southwestern states at a WICHE conference on Indian mental health issues—alcoholism and suicide. Be feathered dancers from the Albuquerque Indian School were featured at one evening session.



Mrs. Menola Upshaw laughs heartily at a quip, while discussing new styles of training programs for regular teachers in the area of special education at a WICHE conference. Mrs. Upshaw is supervisor, Special Education Division, Denver Public Schools.



T. George Harris, editor, *Psychology Today*, sparked life into a breakfast discussion on education for master's level psychologists at a conference in San Diego, co-sponsored by WICHE and the American Psychological Association.

CONTINUING PSYCHIATRIC EDUCATION FOR PHYSICIANS PROGRAM

To increase the supply of psychiatrist-teachers for nonpsychiatric physicians of the West, in areas remote from training institutions; to provide demonstration study opportunities for physicians practicing in these areas and to stimulate the development of ongoing training programs for them; and to provide liaison for the western region in this field.

WESTERN CONFERENCE ON THE USES OF MENTAL HEALTH DATA

To develop methods of training mental health statisticians, to develop new methods for effective collection and utilization of mental health data, and to develop a vehicle for communication and collaborative research among interested professionals in this field.

COMMUNITY COLLEGE MENTAL HEALTH WORKER PROGRAM

To develop community college educational programs in mental health in order to meet the manpower needs for service delivery in rural areas and to emphasize, particularly, the recruitment and training of Spanish-American and Indian students from rural areas.



First angry words, then a nervous rapprochement as Chicanos from six states met in a continuing education conference on "Implementing Organizational Change in the West." Participants included (l. to r.) Bernardo Lujan, of Denver; Eloy Apodaca, director, Chicano Institute, Seattle, Washington; Dr. Juan Ramos, special assistant to Director, National Institute of Mental Health; and Miss Julia Soto, of Tucson, Arizona.



SPECIAL EDUCATION FOR GENERAL EDUCATORS

To improve the understanding and capability of general educators—especially those already working in regular classrooms, in the inner city, and in geographically remote areas—in teaching exceptional children, by providing assistance to institutions and agencies in the 13 western states as they plan special training programs and special education programs for the delivery of services.

IMPROVING MENTAL HEALTH SERVICES ON WESTERN CAMPUSES

To assist four-year colleges and universities in the 13 western states to improve the organization and delivery of mental health related services throughout their campus communities.



MENTAL HEALTH CONTINUING EDUCATION

To help develop a collaborative field of continuing education for mental health personnel in the West, a field linked by mutual planning among leaders in university programs and treatment agencies and characterized, eventually, by a variety of flexibly designed, short, intensive courses for members of the core professions in both urban and rural settings.



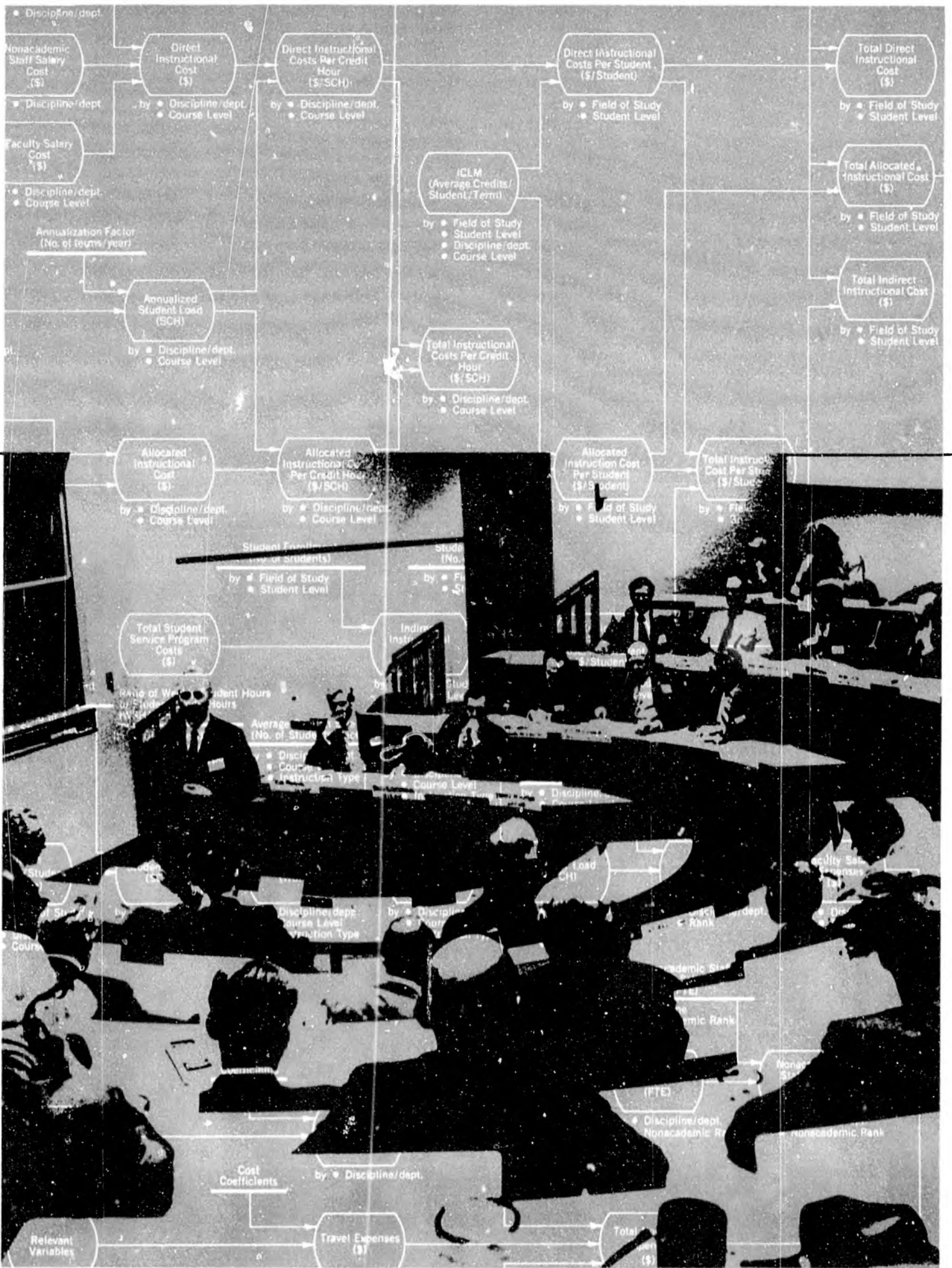
Staffers from California Youth Authority institutions tested their grit and learned first-hand about ghetto life during four days of "street training" in Watts, California last spring. Ghetto-bred trainers were used for the sessions. They included 15-year-old Kenny Carter (left), brother of Black Panther "Bunchy" Carter, who was shot down by a rival group of black militants; and Volly Bastine (above, left), teacher, Drew Junior High School. Above, right: On the street, this white CYA trainee finds himself alone and very lonely.

DEANS AND FACULTY OF SCHOOLS OF SOCIAL WORK PROGRAM

To involve the deans of the graduate schools of social work in the western states in a program of continuing education which provides for their own professional development and enables them to share in the development of opportunities for continuation of their faculties; and to provide support for a regional workshop program for graduate school faculty.

CORRECTIONS PROGRAM

To provide in-service training for juvenile and adult correctional personnel in eleven of the thirteen western states under two separately funded projects—Regional Institute for Corrections, Administrative Study; and Nationwide Educational Programs for Institutionalized Children.



national center for higher education management systems at WICHE

The National Center for Higher Education Management Systems (NCHEMS) means people working together to solve some of the tough problems in higher education—principally management problems.

This WICHE Division has three broad goals: (1) the improvement of institutional management, (2) the improvement of statewide coordination of higher education, and (3) the improvement of decision-making processes on the highest national levels.

The process for achieving these goals is to design, develop, and facilitate the implementation of systems for planning and management which can be used at all levels of higher education.

Basically, the NCHEMS systems are tools—management tools. And when they are put to work, they help the decision maker in higher education to do a better job. The tools help the administrator gather the perti-

Dr. Ben Lawrence



Dr. Robert Huff, director, NCHEMS Training and Implementation Unit is shown here with a slide from one of the unit's instructional presentations.

nent raw data and translate these isolated facts into useful information. All of this means the quick identification of more and clearer options for education's managers, who then should make better decisions.

A central part of decision making and NCHEMS work is *accountability*, that catchword that asks: Do the benefits of higher education justify the costs?

NCHEMS Director Ben Lawrence notes that legislators, parents, and the public in general want to know what they are getting for the tax dollar. Educators, too, are concerned with accountability and other budget questions. They must balance tight money against rising costs, increased enrollments, and new program demands. NCHEMS is busy developing the tools to help answer those questions raised by this growing demand for accountability.

Even with all the talk of accountability, systems, and computer-age technology—the key in NCHEMS is people. These people are in all 50 states and at 725 institutions who use these management tools and are affected by them. For this reason, NCHEMS staff involves them at every level of program construction and implementation, seeking their advice and asking their consultation.

In other words, the principal designers and constructors of NCHEMS programs are the people affected by them. They include college and university faculty and administrators, students, members of governing boards and coordinating councils, legislators, and others.

As indicated by its title, this WICHE Division has been designated as a "national center" by the U.S. Office of Education, which is funding NCHEMS at \$1 million yearly. Before the name change this year, NCHEMS was known as the Division of Planning and Management Systems.

NCHEMS is composed of 23 separate programs, which are generally divided into three units. The units are Development and Applications, Research, and Training and Implementation.



national center for higher education management systems at WICHE

MANPOWER ACCOUNTING MANUAL

To provide standard categories for classifying and reporting employee activities typically associated with jobs and positions in colleges and universities.

DATA ELEMENT DICTIONARY

To establish uniform sets of definitions for the data to be used in the Center's program. Uniform data elements are the foundation for the development of compatible data bases in the participating institutions.

PROGRAM CLASSIFICATION STRUCTURE

To design a taxonomy of higher education programs that will serve as the framework for comparable data exchange and reporting, assist in program budgeting, and serve as the framework for the development of generalized analytical models.

STUDENT FLOW MODELS

To develop analytical models that will predict student enrollment and simulate student progression through postsecondary education at both the institution and state system level.

FACULTY ACTIVITY ANALYSIS

To develop standard procedures for analyzing faculty activities and to design techniques that may be used to assist in compatible exchange of the data.

RESOURCE REQUIREMENTS PREDICTION MODEL

To develop simulation models to project resource requirements to aid institutional decision makers in the allocation of higher education resources.

INFORMATION EXCHANGE PROCEDURES

To define conventions regarding the manner in which institutional data may be aggregated and arrayed for interinstitutional comparison.

COST FINDING PRINCIPLES

To develop costing methodologies that will permit cost analysis of the various activities in higher education.

HIGHER EDUCATION FINANCE MANUALS

To describe procedures for translating institutional financial data into program structures designed to meet the particular needs of decision makers at the institutional, state, and national levels.

FACILITIES INVENTORY AND CLASSIFICATION MANUAL

To revise the federal *Higher Education Facilities Classification and Inventory Procedures Manual*.

NATIONAL SEMINAR ON HIGH- ER EDUCATION MANAGEMENT

To conduct a national seminar for the purpose of identifying issues fundamental to developing and implementing comprehensive state planning and management systems.

WICHE's 7th biennial Legislative Work Conference keyed on NCHEMS management systems during three days of sessions on "Legislative Decision Making in Higher Education: How To Get the Facts." Speakers included Rep. Genie Chance (right), of Alaska; keynote speaker John Keller (below, left), consultant, Hawaii Department of Budget and Finance; and Sen. Harold Giss (below, right), of Arizona.





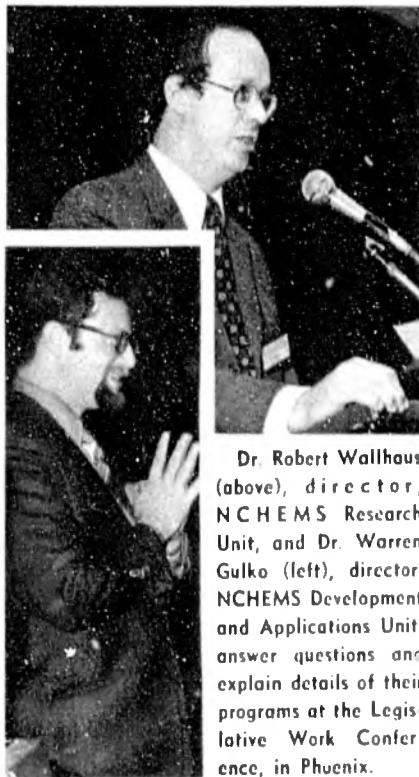
Seventy educational leaders, government officials, and state legislators examined the issues and design of statewide planning for postsecondary education at the 3rd national invitational seminar co-sponsored by NCHEMS. Among the participants were at left, Dr. Lyman Glenny, associate director, Center for Research and Development in Higher Education, Berkeley; and above, Sen. Lynn Newbry (left), of Oregon with Dr. Roy Licuallen, chancellor, Oregon State System of Higher Education.

GENERAL TRAINING

To promote the adoption and implementation of new higher education management tools and techniques.

TRAINING MATERIALS AND TECHNIQUES

To develop a variety of training materials and techniques for use in providing instructional experiences that will ensure that the new management tools being developed under the Center's aegis will be fully understood by the higher education community.



Dr. Robert Wallhaus (above), director, NCHEMS Research Unit, and Dr. Warren Gulko (left), director, NCHEMS Development and Applications Unit, answer questions and explain details of their programs at the Legislative Work Conference, in Phoenix.

TRAINING NETWORK

To meet the training needs of institutions and agencies throughout the country on the development and implementation of management technologies.

CENTER PRODUCT WORKSHOPS

To develop and conduct the Center product workshops to include details of specific Center products.

VISITING PROFESSIONALS TRAINING PROGRAM

To provide an opportunity for institutional or agency representatives to obtain a full understanding and working knowledge of NCHEMS developmental work and to contribute in a meaningful fashion to some specific aspect of the Center's developmental work.

A STUDY OF FEDERAL FINANCING PLANS FOR HIGHER EDUCATION

Phase I: To evaluate and make recommendations for implementation relative to a specific federal general assistance plan for higher education. Phase II: To investigate systematically the financial needs of higher education and to develop and analyze alternative federal financing plans with the objective of making recommendations for implementing a plan or set of plans that best addresses the identified financial needs of higher education

STATEWIDE PLANNING SYSTEMS

To conceptualize statewide planning systems that will result in design specifications for such additional programs as analysis of manpower trends, statewide planning and resource allocation models, and information systems for statewide planning.

STUDENT FLOW

To advance the state-of-the-art in student flow analysis by generalizing such concepts as student cohorts, transitions, state-of-the-system, and transition events to encompass a wide range of decision viewpoints of various decision makers. To investigate the stability and predictability of student flow in institutions in statewide systems.

RESOURCE UTILIZATION ANALYSIS

To develop techniques which will aid institutions in more efficient utilization of the resources available to them. This project is primarily directed to such operational or logistical functions of institutions as inventory management, work scheduling, space utilization, and course scheduling.

OUTPUTS OF HIGHER EDUCATION

To improve planning, evaluation, and decision making in higher education by developing quantitative measures and qualitative understandings of the outputs of education programs.

RESOURCE ALLOCATION AND PLANNING MODELS

To develop long-range improvements in the use and predictive capabilities of resource allocation and planning models. To develop techniques that facilitate the study of the resource implications of institutional output experiments and development of methodologies for studying feasible planning of alternatives.

the WICHE student exchange

	MEDICINE														TOTAL	DENTISTRY							TOTAL	VETERINARY MEDICINE				TOTAL								
	LL	STAN	ARIZ	UCLA	UCSF	UCSD	UCD	UCIRV	COLO	HAW	NEV	NM	ORE	USC		UTAH	WASH	NC	LL	UCLA	UCSF	ORE		UOP	USC	WASH	CSU		UCL	WSU						
ALASKA	1		1		1				2			2	4				5	1					2													
ARIZONA	3	3			1	1			5				1	6	3					7	8	3	11	8	16	2							19	1	10	30
COLORADG																			1	1	1	9	1	1	7											
HAWAII			1	6	1		1		3					1	1	17			1	2	1	3		2	2						1		2		3	
IDAHO	1	1	2			1			2			1	22		18	10			1	1	1	18	4		13					13		19		32		
MONTANA	2	2			1				18			1	11		4	11			1			9		4						22		34		56		
NEVADA	2	1	1	3	1		1		5			6	7		4				3	3	2	10	10	6	2				7	1	7		15			
NEW MEXICO																			1	1		2	3	2					24		7		31			
OREGON																													12	1	26		39			
UTAH																		1		1	4	1		3					11	1	4		16			
WYOMING	1	4							13			3	4	2	5	5						3		4					23		3		26			
TOTAL	10	12	4	9	5	2	2	48			13	49	9	35	48	1	247	16	16	9	69	27	27	39	203	132	4	112	249							

RECEIPT OF SUPPORT FEES BY INSTITUTION

Institutions		Support Received	State Total	Institutions		Support Received	State Total
ARIZONA			\$ 12,000	CALIFORNIA Continued			
ARIZ	University of Arizona Medicine	\$ 12,900		CSLB	California State College at Long Beach Physical Therapy	1,200	
CALIFORNIA			\$412,335	UCOPT	University of California, Berkeley Optometry	1,200	
LL	Loma Linda University Medicine Dentistry Physical Therapy Occupational Therapy	\$ 74,134		LAOPT	Los Angeles College of Optometry Optometry	8,400	
STAN	Stanford University Medicine	36,000		UCIRV	University of California, Irvine Medicine	-	
UCD	University of California, Davis Medicine Veterinary Medicine	13,200		JOSE	San Jose State College Occupational Therapy	-	
UCLA	University of California, Los Angeles Medicine Dentistry	65,400		COLORADO			\$401,700
UCSD	University of California, San Diego Medicine	6,000		COLO	University of Colorado Medicine Physical Therapy	\$153,700	
UCSF	University of California, San Francisco Medicine Dentistry Physical Therapy	41,000		CSU	Colorado State University Veterinary Medicine Occupational Therapy	248,000	
USC	University of Southern California Medicine Dentistry Physical Therapy Occupational Therapy	97,267		RANGE	Rangel College Dental Hygiene	-	
UOP	University of the Pacific Dentistry	64,800		HAWAII			
CHILD	Childrens Hospital of Los Angeles Physical Therapy	7,734		HAW	University of Hawaii Medicine	-	
				IDAHO			\$ 7,000
				ISU	Idaho State University Dental Hygiene	\$ 7,000	

summary of cash receipts and disbursements for the year ended june 30, 1971

Source of Income:	CASH BALANCE, JULY 1, 1970	342,117
	CASH RECEIPTS, 1970-71	
	Appropriations from Member States	195,000
	Student Exchange Support Fees from States	1,633,303 ¹
	State Mental Health Contributions	90,000
	Grants and Contracts	4,423,360
	Institute and Seminar Fees	28,666
	Interest	46,553
	Sale of Publications and Other Training Materials	34,409
	Miscellaneous	8,058
	TOTAL CASH AVAILABLE FOR USE	6,459,349
		6,801,466

Cash Disbursements by Program or Activity:	WICHE ADMINISTRATIVE AND BASIC OPERATION FUNDS	560,065 ²
	PROGRAM FUNDS:³	
	Student Exchange Coordination	14,439
	Student Exchange Support Payments to Schools	1,629,603 ¹
	Special Higher Education Programs	60,598
	Institutional Research Conference	21,986
	Continuing Education for Library Personnel	40,343
	Administrative Development for Department Chairmen	10,397
	Higher Education Programming for Satellite Communication	3,415
	Rocky Mountain Community College Consortium	788
	Nursing Council Program	50,169
	Leadership Continuing Education Program for Nurses	247,048
	Improvement of Nursing Curricula	105,821
	Nursing Measuring Instruments Program	685
	Nursing Research Conferences	22,692
	Continuing Education for Psychiatric Nurses	65,035
	Nursing Faculty Development for Minority Group Needs	11,178
	Regional Medical Program	1,740,046
	Resources Development Internships	118,537
	Planning and Management Systems Programs	918,596
	Psychiatric Education for Physicians Program	42,802
	Regional Institute for Corrections, Administrative Study	63,156
	Regional Training for Teachers of the Confined Delinquent	33,918
	Special Education and Rehabilitation Program	72,205
	Mental Health Continuation Education Program	82,279
	Undergraduate Helping Services Program	30,552
	Improving Mental Health Services on Western Campuses	61,213
	Mental Health Data Conference	77,569
	Mental Health Manpower Office	59,319
	Social Work Graduate Deans and Faculties Program	29,942
	Community College Mental Health Worker Program	43,640
	Refunds to Grantors	423
	CASH BALANCE, JUNE 30, 1971	583,007⁴

(1) The difference between these two amounts reflects amounts carried over to the next year.

(2) This includes expenses of the executive director's office, associate directors' offices (that portion allocated for administration and program development), administrative services office publications unit, public information unit, personnel office, and meetings of the Commission and the Mental Health Council.

(3) Direct cost expenditures only are shown for program funds. Indirect costs are charged internally to programs, but they are not included in program expenditures above because they are reflected in the WICHE administrative and basic operation expenditures.

(4) This balance represents primarily advance payments on grants in addition to a contingency balance of \$247,854 and an operating reserve of \$15,000, both of which have been authorized by the Commission.

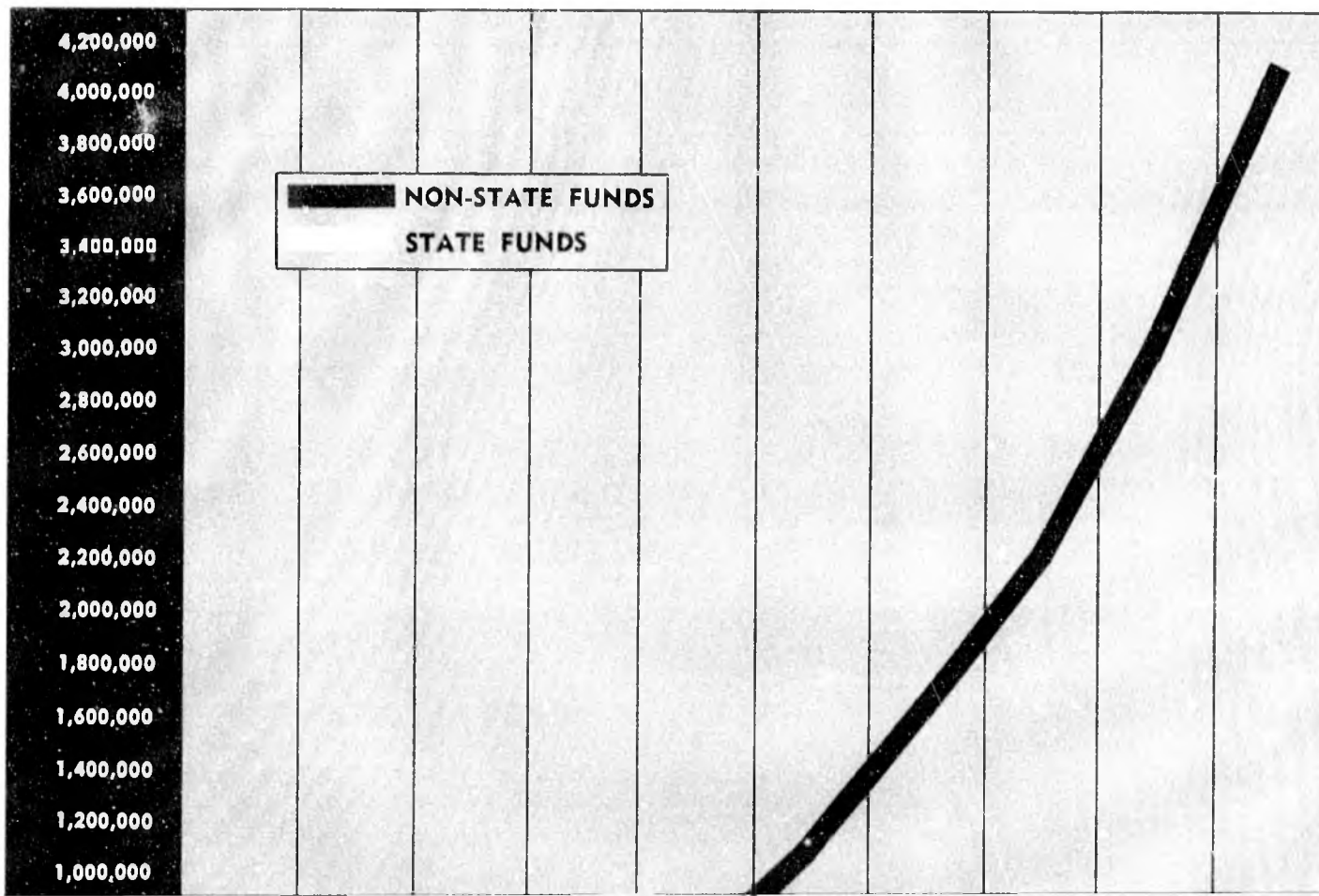
In accordance with the provisions of the Western Regional Education Compact, the Commission provides for an annual independent audit of its books. On July 13, 1971, the firm of Haskins and Sells, certified public accountants, completed this audit for the year ended June 30, 1971. A copy of their report has been sent to the Governor of each state. Single copies are available on request.

John C. Staley,
Administrative
Services Officer



10 Year Comparison of State and Non-State Funds, 1961-62, 1970-71

	YEAR	STATE FUNDS	NON-STATE FUNDS
STATE FUNDS: State appropriations, distributed in accordance with the year due. Does not include state funds paid to professional schools under the Student Exchange Program.	61-62	130,000	364,111
	62-63	130,000	492,095
	63-64	195,000	582,278
	64-65	195,000	598,546
	65-66	202,500	683,668
	66-67	217,500	1,156,366
	67-68	255,000	1,618,063
	68-69	270,000	2,230,661
	69-70	285,000	3,134,973
	70-71	285,000	4,134,390
NON-STATE FUNDS: Funds expended for special regional projects from grants from private foundations and public agencies outside the region.			



publications

WICHE publications are available free, except where noted, while the supply lasts, from the Publications Unit, WICHE, P.O. Drawer P, Boulder, Co. 80302. Publications noted as out of print are obtainable through interlibrary loans from any of the depository libraries listed. A complete list of available publications is available from the WICHE Publications Unit.

I. GENERAL

WICHE ANNUAL REPORT 1970. A brief description of WICHE activities during 1970. (Out of Print.)

WICHE REPORTS ON HIGHER EDUCATION. A newsletter containing information about WICHE programs and articles of general interest on higher education. Copies of the last four issues are usually available.

THIS IS WICHE. A leaflet describing WICHE's activities and goals.

LEGISLATIVE DECISION MAKING IN HIGHER EDUCATION: HOW TO GET THE FACTS. The program for WICHE's Legislative Work Conference on Higher Education. (The proceedings of this conference will be available in March 1972.)

THE INSIDE . . . WICHE's bi-monthly internal house organ.

II. REGIONAL PROGRAMS —GENERAL

COMMUNICATING NURSING RESEARCH: METHODOLOGICAL ISSUES IN RESEARCH. Marjorie V. Batey, editor.

ABOUT WCHEN. A revised edition of a pamphlet describing the history, organization, and programs of the Western Council on Higher Education for Nursing.

A DESCRIPTIVE APPROACH TO A COMMUNITY. A 60-minute videotape of a presentation by Dr. James Kent of the Foundation for Urban and Neighborhood Develop-

ment during the summer sessions of the WICHE Nursing Curriculum Improvement Project. Available on either 1/2" Sony or 1" Ampex. Rental charge \$5.00.

GUIDELINES FOR DEVELOPING CONTINUING EDUCATION PROGRAMS IN NURSING IN THE WEST. Prepared by the Western Council on Higher Education for Nursing.

COMMUNICATING NURSING RESEARCH: IS THE GAP BEING BRIDGED? Marjorie V. Batey, editor.

YOUR STATE CAN HELP YOU SECURE YOUR EDUCATION IN MEDICINE, DENTISTRY, DENTAL HYGIENE, OCCUPATIONAL THERAPY, OPTOMETRY, PHYSICAL THERAPY, VETERINARY MEDICINE. The informational brochure of WICHE's Student Exchange Program.

THE PUBLIC CHALLENGE AND THE CAMPUS RESPONSE. The announcement of the 13th Annual College and University Self-Study Institute. (The proceedings of this institute will be available in February 1972 at \$3.50 per copy.)

THE MINORITY STUDENT ON THE CAMPUS: EXPECTATIONS AND POSSIBILITIES. Robert A. Altman and Patricia O. Snyder, editors. \$3.50.

FRESHMAN AND TRANSFER VACANCIES IN WESTERN COLLEGES AND UNIVERSITIES — FALL, 1971. The report of a WICHE survey.

CREDIT BY EXAMINATION. Robert A. Altman, Carolyn M. Byerly, and J. Quentin Jones, editors.

MINERAL ENGINEERING STUDENT EXCHANGE PROGRAM. A folder describing this WICHE program and listing the participating states and cooperating institutions.

WICHE RESOURCES DEVELOPMENT INTERNSHIP PROGRAM. A folder describing this WICHE program.

RESOURCES DEVELOPMENT INTERNS' REPORTS. Each intern submits a report of the recommendations or results of his project. These reports, a partial list of which follows, are published in limited quantity and are distributed to selected agencies and interested individuals.

A METHODOLOGY FOR EVALUATING THE CALIFORNIA STATE LIBRARY SERVICE TO INDUSTRY, by Ellery Sorokin.

LAND USE CLASSIFICATION PROJECT, by Kent Mollohan.

SURVEY OF LAND USE TOOLS AND IMPLEMENTATION, by Craig Kirkwood.

MOBILE AND MODULAR HOME REGULATIONS, by Kathy Adams.

FUNDING FOR AIRPORT DEVELOPMENT, by Erick Sowell.

THE PUEBLO RESERVOIR AND PUEBLO WEST, by Gary Schilling.

EMPLOYER TRAINING NEEDS AND THE DENVER CONCENTRATED EMPLOYMENT PROGRAM, by Martha Daly.

LAKEWOOD STREET RIGHT-OF-WAY REPORT, by N. Fraser Lambert.

INTERN PROGRAM PUBLIC RELATIONS, by Jennie Bourne.

INTERNSHIPS IN DRUG EDUCATION: A FEASIBILITY STUDY, by Lee Cheaney.

HOUSING REHABILITATION, by Daniel Cook.

LOCAL GOVERNMENT MODERNIZATION, by Robert Bellandi.

A SKILL CENTER FOR THE RENO/SPARKS AREA, by George Cotton.

STATE OF NEW MEXICO ECONOMIC DEVELOPMENT PROFILE, by Ralph Rounds.

BERNALILLO'S WATER AND SEWER SYSTEMS, by Keith Wegan.

CITY-COUNTY CONSOLIDATION, by Bruce Haider.

REVENUE ESTIMATING OF OREGON'S PERSONAL AND CORPORATE INCOME TAX, by Robert Lund.

TRANSPORTATION NEEDS IN CHEYENNE'S MODEL NEIGHBORHOODS, by Kathryn Krieger.

SOIL DATA FOR LAND-USE PLANNING, by Rex Burns.

MOUNTAIN GROWTH AND DEVELOPMENT—JEFFERSON COUNTY, by Elizabeth Losinski.

MONTANA COMMUNITY BETTERMENT CONTEST, by Randy Swartout.

A SURVEY OF RETAIL BUYING HABITS, by Howard Heinicke.

ALBUQUERQUE GOALS PROGRAM, by Robert M. Jones.

AQUACULTURAL POSSIBILITIES IN KEAUKAHA, by Frances Liu.

INFORMATIONAL NEEDS OF SMALL BUSINESSMEN IN THE CENTRAL BUSINESS DISTRICT OF HILO, HAWAII, by Lloyd Matsunami.

DENVER CONCENTRATED EMPLOYMENT PROGRAM SERVICE DELIVERY SYSTEM, by Daniel Kagan.

OREGON'S INTERNATIONAL TRADE, 1970, by William Beebe.

PUEBLO PLANS FOR THE FUTURE, by Dana Heuchemét.

NEW INDUSTRY AND CLARK COUNTY, by Jerald Powell.

COUNCILS OF GOVERNMENTS: WHICH WAY THE FUTURE?, by Bruce Haider.

PROPOSED TRAMWAY ANALYSIS FOR THE PORT OF CASCADE LOCKS, by Wilbur Conder, Larry McCullum, and Merton Michelson.

HEALTH SCIENCES INFORMATION NETWORK. A folder prepared for the WICHE Mountain States Regional Medical Program, Wyoming.

WYOMING HEALTH PROFILE, UPDATED SUPPLEMENT. WICHE Mountain States Regional Medical Program, Wyoming.

CASSETTES FOR CARDIAC CARE. A folder prepared for the Coronary Care Training Program of the WICHE Mountain States Regional Medical Program, Montana.

ECG FUNDAMENTALS FOR THE DIAGNOSIS OF ARRHYTHMIAS. The announcement of two courses offered by the Coronary Care Training Program of the WICHE Mountain States Regional Medical Program, Montana.

CORONARY CARE TRAINING FOR PHYSICIANS—PHASE II. The announcement of two training courses offered by the Coronary Care Training Program of the WICHE Mountain States Regional Medical Program, Montana.

ECG MONITORING FOR THE ANESTHESIOLOGIST. The announcement of a three-day symposium offered by the Coronary Care Training Program of the Mountain States Regional Medical Program, Montana.

CORONARY CARE SKI WEEKEND. The announcement of a course offered by the Coronary Care Training Program of the WICHE Mountain States Regional Medical Program, Montana.

III. REGIONAL PROGRAMS—MENTAL HEALTH AND RELATED AREAS

IMPROVING MENTAL HEALTH SERVICES ON WESTERN CAMPUSES: SALARY DATA FOR CAMPUS MENTAL HEALTH PROFESSIONALS IN THE WEST, MONOGRAPH NO. 1. James H. Banning and Lu Anne Aulepp.

IMPROVING MENTAL HEALTH SERVICES ON WESTERN CAMPUSES: STAFFING PATTERNS OF CAMPUS MENTAL HEALTH FACILITIES IN THE WEST, MONOGRAPH NO. 2. James H. Banning and Lu Anne Aulepp.

IMPROVING MENTAL HEALTH SERVICES ON WESTERN CAMPUSES: PROGRAM ACTIVITIES AND STUDENT UTILIZATION OF CAMPUS MENTAL HEALTH FACILITIES IN THE WEST, MONOGRAPH NO. 3. James H. Banning and Lu Anne Aulepp.

CAMPUS COMMUNITY MENTAL HEALTH SERVICES. Lu Anne Aulepp, editor. A newsletter printed monthly during the academic year.

COMMUNITY COLLEGE MENTAL HEALTH WORKER PROGRAM. A folder describing this WICHE program.

SPECIAL EDUCATION FOR GENERAL EDUCATORS. A folder describing the objectives and methods of this WICHE program.

SUMMER WORK-STUDY PROGRAM IN MENTAL HEALTH AND RELATED AREAS. A folder describing the program and listing participating schools.

WESTERN GRADUATE PROGRAMS IN CLINICAL PSYCHOLOGY. The results of a survey performed by WICHE's Mental Health Manpower Office.

MENTAL HEALTH MANPOWER IN THE WEST. A general overview of mental health manpower characteristics presented by WICHE's Mental Health Manpower Office.

HAWAII MENTAL HEALTH MANPOWER STUDY 1970. John J. Blaylock. Published by WICHE's Mental Health Manpower Office.

COLORADO MENTAL HEALTH MANPOWER: AN EMPIRICAL STUDY. Robert B. Abelson. Published by WICHE's Mental Health Manpower Office.

COLORADO MENTAL RETARDATION MANPOWER: SURVEY OF THE DEPARTMENT OF INSTITUTIONS 1970. Robert J. Stephens, et al. Published by WICHE's Mental Health Manpower Office.

publications continued

WESTERN GRADUATE PROGRAMS IN SOCIAL WORK. The results of a survey performed by WICHE's Mental Health Manpower Office.

INTERDISCIPLINARY PROGRAMMING FOR INFANTS WITH KNOWN OR SUSPECTED CEREBRAL DYSFUNCTION, edited by Gene Hensley and Virginia W. Patterson. \$1.00.

MENTAL RETARDATION MANPOWER IN THE WEST. A brief description of selected characteristics of 5,143 people working in state facilities for the mentally retarded in nine western states. Prepared by WICHE's Mental Health Manpower Office.

SELECTIVE MANPOWER DIMENSIONS IN THE CALIFORNIA DEPARTMENT OF MENTAL HYGIENE: A PRELIMINARY SURVEY. Marshall Fels. Published by WICHE's Mental Health Manpower Office.

A SURVEY AND STUDY 1969-1970. A survey and study of Idaho Mental Health workers performed jointly by the Idaho Division of Mental Health and WICHE's Mental Health Manpower Office.

MASTER'S DEGREE PSYCHOLOGISTS. The report of a conference co-sponsored by WICHE and the American Psychological Association.

ACCOUNTING GUIDELINES FOR MENTAL HEALTH CENTERS AND RELATED FACILITIES. Prepared by David L. Salsbery, CPA, and edited by Paul M. McCullough.

ELEVENTH ANNUAL TRAINING INSTITUTE FOR PSYCHIATRIST-TEACHERS OF PRACTICING PHYSICIANS 1971: INNOVATIVE STRATEGIES FOR CONTINUING

EDUCATION AND THE PHYSICIAN'S EMOTIONAL WELL-BEING. Raymond Feldman, editor.

UNDERGRADUATE EDUCATION FOR REHABILITATION AND OTHER HELPING SERVICES. The final report of this WICHE program that operated from 1965 through June 1971. (Limited distribution.)

CORRECTIONS PROGRAM: A REGIONAL APPROACH TO TRAINING. A folder describing this WICHE program and its two projects.

REGIONAL INSTITUTE FOR CORRECTIONS, ADMINISTRATIVE STUDY. A folder describing the methods and objectives of a regional approach to management training in the justice system.

REGIONAL INSTITUTE FOR CORRECTIONS, ADMINISTRATIVE STUDY. A management training design and program guide. Bruce J. Martin, editor.

NATIONWIDE EDUCATION PROGRAMS IN CORRECTIONS. A folder describing the methods and objectives of this Corrections Program project.

PERSPECTIVES ON SOCIAL WORK EDUCATION IN THE 1970s. A report of a program in continuing education for deans and faculties of Graduate Schools of Social Work. Charles W. McCann, editor. (Limited distribution.)

IV. NATIONAL CENTER FOR HIGHER EDUCATION MANAGEMENT SYSTEMS

Most of the publications of this WICHE division are available on a fiscal year annual subscription. The publications marked with a single asterisk below are part of the 1970-

71 subscription; those marked with a double asterisk are a part of the 1971-72 subscription. Single subscription, \$15. Five subscriptions all mailed to the same address, \$30. Ten subscriptions all mailed to the same address, \$40. All publications listed below are available without subscription at the prices noted.

*INVENTORY OF EDUCATIONAL OUTCOMES AND ACTIVITIES, PRELIMINARY FIELD REVIEW EDITION, TECHNICAL REPORT 15. Robert A. Huff. \$1.00.

THE RESOURCE REQUIREMENTS PREDICTION MODEL 1 (RRPM-1): AN OVERVIEW, TECHNICAL REPORT 16. Warren W. Gulko. (Out of Print.) (See Technical Reports 19-23 below.)

**NCHEMS Newsletter. A newsletter reporting technical and professional news about this WICHE division.

*HIGHER EDUCATION FACILITIES PLANNING AND MANAGEMENT MANUALS, TECHNICAL REPORTS 17-1 THROUGH 17-7. Harold L. Dahnke, et al. Manual 1, An Overview. Manual 2, Classroom and Class Laboratory Facilities. Manual 3, Office and Research Facilities. Manual 4, Academic Support Facilities. Manual 5, General Support Facilities. Manual 6, Program Planning and Analysis: The Basis for Institutional and Statewide Facilities Planning. Manual 7, Reference Guide. Sold as a set only. \$7.50.

**HIGHER EDUCATION FACULTY AND STAFF ASSIGNMENT CLASSIFICATION MANUAL, PRELIMINARY DRAFT, TECHNICAL REPORT 18. W. John Minter. (Out of print.) The final edition of this publication under the title A MANUAL FOR MANPOWER ACCOUNTING IN HIGHER EDUCATION will be published and distributed by the National Center for

Educational Statistics, U.S. Office of Education, in 1972.

****HIGHER EDUCATION MANAGEMENT.** A periodical designed to discuss issues related to higher education management.

DATA COMPARABILITY IN HIGHER EDUCATION. Ben Lawrence, et al. (Limited distribution.)

****A RESOURCE REQUIREMENTS PREDICTION MODEL (RRPM-1): AN INTRODUCTION TO THE MODEL, TECHNICAL REPORT 19.** Warren W. Gulko and K. M. Hussain. \$5.00 (See note under TECHNICAL REPORT 23.)

A RESOURCE REQUIREMENTS PREDICTION MODEL (RRPM-1): GUIDE FOR THE PROJECT MANAGER, TECHNICAL REPORT 20. K. M. Hussain. \$5.00.

A RESOURCE REQUIREMENTS PREDICTION MODEL (RRPM-1): REPORT ON THE PILOT STUDIES, TECHNICAL REPORT 21. K. M. Hussain and James S. Martin, editors. \$5.00.

A RESOURCE REQUIREMENTS PREDICTION MODEL (RRPM-1): INPUT SPECIFICATIONS, TECHNICAL REPORT 23. Michael J. Haight, et al. \$5.00.

NOTE: RRPM-1 Packet 1 consists of two copies each of the four publications listed immediately above. The cost of Packet 1 is \$30.00. When ordering please specify RRPM-1 Packet 1.

RRPM-1 Packet 2 consists of A RESOURCE REQUIREMENTS PREDICTION MODEL (RRPM-1): PROGRAMMER'S MANUAL, TECHNICAL REPORT 22, and a tape of RRPM-1 computer programs. The version of RRPM-1 released in December 1971 (RRPM-1.3) was the general model which was designed for large universities. Other specialized versions will become available as follows: Community College (RRPM-1.4), January 30,

1972. Four-year Public College (RRPM-1.5), March 1, 1972. Private College (RRPM-1.6), June 1, 1972. To order, please write or call for special RRPM-1 Packet 2 order blank covering complete tape specifications. \$150.00.

****FACULTY ACTIVITY ANALYSIS: OVERVIEW AND MAJOR ISSUES, TECHNICAL REPORT 24.** Leonard C. Romney. \$1.00.

****STUDENT FLOW MODELS: A REVIEW AND CONCEPTUALIZATION, PRELIMINARY FIELD REVIEW EDITION, TECHNICAL REPORT 25.** C. C. Lovell, \$1.00.

STATEWIDE PLANNING FOR POSTSECONDARY EDUCATION: ISSUES AND DESIGN. Lyman A. Glenny and George B. Weathersby, editors. \$3.50.

****COST FINDING PRINCIPLES AND PROCEDURES: PRELIMINARY FIELD REVIEW EDITION: TECHNICAL REPORT 26.** Gordon Ziemer, et al. \$2.00.

A RESOURCE ALLOCATION AND PLANNING MODEL FOR HIGHER EDUCATION. Robert A. Wallhaus. (Limited distribution.)

PROGRAM CLASSIFICATION STRUCTURE, PRELIMINARY DRAFT. Warren W. Gulko. (Limited distribution.)

GENERAL INSTITUTIONAL ASSISTANCE: A SCHEME THAT DEPENDS ON THE EDUCATIONAL EFFORTS OF THE STATES AND THE ATTENDANCE CHOICE OF STUDENTS. Wayne Kirschling and Rudy Postweiler. (Limited distribution.)

A SYNOPSIS OF A TECHNICAL PAPER ENTITLED GENERAL INSTITUTIONAL ASSISTANCE: A SCHEME THAT DEPENDS ON THE EDUCATIONAL EFFORTS OF THE STATES AND THE ATTENDANCE CHOICE OF STUDENTS. Wayne Kirschling and Rudy Postweiler. (Limited distribution.)

WICHE DEPOSITORY LIBRARIES

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College, Alaska 99701

Gifts and Exchanges
University of Arizona Library
Tucson, Arizona 85721

Documents General Library
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University of California
Los Angeles, California 90024

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Norlin Library
University of Colorado
Boulder, Colorado 80302

University of Hawaii Library
2550 The Mall
Honolulu, Hawaii 96822

University of Idaho Library
Moscow, Idaho 83843

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Reno, Nevada 89501

Government Publications Division
University of New Mexico Library
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Documents and Serial Section
Teachers College Library
525 West 120th Street
New York, New York 10027

University of Oregon Library
Attn: Acquisitions Librarian
Eugene, Oregon 97403

Serials Order Department
University of Utah Library
Salt Lake City, Utah 84112

General Reference Section
University of Washington Library
Seattle, Washington 98105

University of Wyoming Library
Laramie, Wyoming 82070

The WICHE staff is a unique cadre of highly trained individuals. These men and women are recognized experts in such fields as medicine, psychiatry, higher education management, nursing, and others. Furthermore, each has that special touch and technique, so necessary for the guidance of group action—an indispensable quality for interstate cooperation.

The 96 professional WICHE staffers are located in the central office in Boulder, Colorado, and in the five offices of the Regional Medical Program in Idaho, Montana, Nevada, and Wyoming.

These men and women are the implementors of WICHE programming.

In addition to the professional staff, special note should be taken of the dedicated and very able members of the WICHE supporting staff. They are the secretaries, clerks, typists, mailroom personnel, and others, who also lend their talents to improve interstate cooperation in the West.

WICHE: staff

As of January, 1972

ADMINISTRATION

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Jean Davis, Administrative Assistant to the Executive Director
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Lawnie D. Gold, Manager of Printing and Duplicating
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Jon R. Bunnell, B.S., Staff Assistant, Nursing Programs
Carolyn M. Byerly, B.S., Staff Assistant, Special Higher Education Programs
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AND RELATED AREAS**

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Leonard M. Baca, M.A., Staff Associate, Special Education for the General Educator Program

James H. Banning, Ph.D., Director, Improving Mental Health Services on Western Campuses

Bernard L. Bloom, Ph.D., Consultant, Mental Health Programs

Stanley W. Boucher, M.S.W., Director, Mental Health Continuing Education Programs

James A. Bradshaw, Ed.D., Director, Special Education for the General Educator Program

Frank Dell'Apa, Ed.D., Director, Corrections Program

Bruce J. Martin, B.A., Project Director, Regional Institute for Corrections, Administrative Study

Richard Martinez, M.S.W., Director, Community College Mental Health Worker Program

Charles W. McCann, D.S.W., Consultant, Deans and Faculty of Schools of Social Work

Paul M. McCullough, Ph.D., Director, Western Conference on the Uses of Mental Health Data Program

Julia M. O'Rourke, Staff Assistant, Corrections Program

Paul H. Ries, M.P.H., Project Director, Nationwide Education Programs in Corrections

Alfred L. Tate, B.S., Staff Associate, Nationwide Education Programs in Corrections



Bob L. Brown
Personnel Director

**NATIONAL CENTER FOR
HIGHER EDUCATION MANAGE-
MENT SYSTEMS at WICHE**

Ben Lawrence, Ph.D., Associate Director, WICHE, and Director, National Center for Higher Education Management Systems at WICHE

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Michael J. Haight, M.A., Staff Associate, Training and Implementation Program

Vaughn E. Huckfeldt, M.S., Staff Associate, Ford Research Unit

Robert A. Huff, Ph.D., Director, Training and Implementation Program

Richard S. Johnson, M.S., Staff Associate, Development and Applications Program

Dennis P. Jones, M.S., Assistant Program Director, Development and Applications Program

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Charles W. Manning, Ph.D., Staff Associate, Training and Implementation Program

James S. Martin, B.A., Staff Associate, Development and Applications Program

Sid S. Micek, M.A., Research Associate, Ford Research Unit

W. John Minter, Ph.D., Staff Associate, Policy Planning and Program Development

Kathleen Neward, B.S., Staff Assistant, Training and Implementation Program

Laszlo A. Pook, M.S., Graduate Associate, Development and Applications Program

Leonard C. Romney, M.A., Staff Associate, Development and Applications Program

Karyn E. Smith, B.A., Staff Assistant

James R. Topping, Ph.D., Staff Associate, Development and Applications Program

Robert A. Wallhaus, Ph.D., Director, Ford Research Unit

Paul Wing, M.S., Staff Associate, Ford Research Unit

Michael E. Young, B.S., Staff Associate, Training and Implementation Program

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Hugh Collett, M.D., Coordinator for Continuing Education for the Health Professionals

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Virginia E. Black, B.S., Staff Associate

Donald L. Erickson, M.P.H., Staff Associate

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Gerald Diettert, M.D., Consultant

James E. Gouaux, M.D., Consultant

Lillian LaCroix, B.S., Staff Associate

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Philip R. Akre, M.D., Consultant

John A. Bowers, M.D., Consultant

INHALATION THERAPY PROJECT—Las Vegas, Nevada
Richard Browning, M.D., Consultant

Bonnie Perry, R.N., Consultant

public and private granting agencies

In the past 16 years, WICHE has received grant and contract commitments totaling more than \$24 million from public and private granting agencies for the support of a wide variety of regional programs which have contributed to the development of the 13 western states. Most of these agencies have made two or more grants to WICHE, thus underscoring a growing national interest in regional cooperation. In the last analysis, the people of the West are the ones who benefit from the investment of this risk capital, and on their behalf WICHE expresses appreciation to the organizations and agencies listed below.

Carnegie Corporation of New York
The Commonwealth Fund, New York
The Danforth Foundation, St. Louis, Mo.
Easter Seal Research Foundation, Chicago
ESSO Education Foundation, New York
Max C. Fleischmann Foundation, Reno, Nev.
The Ford Foundation, New York
The Grant Foundation, Inc., New York
National Science Foundation, Washington, D.C.
Jessie Smith Noyes Foundation, Inc., New York
United Cerebral Palsy Research and Educational
Foundation, Inc., New York
W. K. Kellogg Foundation, Battle Creek, Mich.
U.S. Department of Commerce
Economic Development Administration
U.S. Department of Justice

Office of Law Enforcement Assistance
U.S. Department of Health, Education
and Welfare
Office of Education
Office of Juvenile Delinquency and Youth
Development
Public Health Service
Division of Chronic Diseases
Division of Community Health
Division of Nursing
Division of Regional Medical Programs
National Institute for Child Health and
Human Development
National Institutes of Health
National Institute of Mental Health
Rehabilitation Services Administration

councils, committees, advisory groups

Each year, the annual report has listed the names of those westerners who have contributed to WICHE's cooperative efforts. Last year, 14 pages were devoted to this purpose.

In 1971, more westerners than ever were involved in WICHE's programming. But in the interest of economy—and with deep regret—this feature has been omitted from this publication.

We hope that the professional growth that has resulted from this involvement—together with the personal satisfaction of working with colleagues across state lines—will suffice in lieu of public recognition and acknowledgment.

Without the contributions of these hundreds of westerners who give of their time, energy and wisdom, there would be no WICHE. To them, the people of the West, owe a huge debt of gratitude.

WICHE NEWS

File: HCR

WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION

P.O. DRAWER P., BOULDER, COLORADO 80302
PHONE (303) 449-3333

volgenau

ANYTIME RELEASE

Twenty-four Alaska students are now attending professional schools in other western states under a special low-tuition plan coordinated by the Western Interstate Commission for Higher Education (WICHE), according to Mrs. Donald Pruhs, of Fairbanks, one of the state's three WICHE commissioners.

The 24 students are pursuing professional studies in medicine, dentistry, occupational therapy, and optometry.

"Under the exchange program," said Mrs. Pruhs, "these western professional schools contract through WICHE to admit qualified students from states which have no professional schools in these fields.

"As a sending state, Alaska certifies that the student is an eligible resident. When he is accepted by a state university, he pays only the in-state tuition--the same rate paid by residents of that state. At private institutions, the student receives a substantial reduction in tuition fees. The state of Alaska then reimburses the school for the remainder of the educational expenses."

(Editors: See list of students by hometown, p. 2)

(more)

This year, 790 young westerners are pursuing their professional education as WICHE exchange students, which involves a transfer of more than \$1.7 million among the 13 western states.

"The program benefits everyone involved--the students, the states, and the schools," stated Mrs. Pruhs.

"The student only pays in-state tuition," she said. "The states without certain professional schools are able to provide training for future doctors, dentists, veterinarians, and other professionals. And the schools get direct payments, which help cover the actual cost of educating an out-of-state student."

Mrs. Pruhs is Alaska's representative on the WICHE executive committee. Alaska's other commissioners are John S. Hellenthal, attorney, Anchorage; and Dr. William R. Wood, president, University of Alaska.

The Western Interstate Commission for Higher Education, which administers the Exchange Program, is a public agency supported by the 13 western states. Its primary responsibility is to help the states improve their higher education programs through regional cooperation.

Alaska Exchange Students

Optometry

Anchorage: Tom Roselius, Pacific University.

3. Fairbanks: Dennis A. Swarner, Pacific University.

Ketchikan: Michael P. Johansen, Pacific University.

(more)

Medicine

Aleknagik: Ernest L. Ford, Loma Linda University.

17
Anchorage: Robert W. Baird, Jr., University of Washington; Ronald C. Dobson, University of New Mexico; Alex Kutas, University of Oregon; John C. Mues, University of Washington; William H. Ragle, University of Colorado; Robert D. Wimmer, University of Arizona; and Wandal W. Winn, University of New Mexico.

Auke Bay: Joanne Wallington, University of California, San Francisco.

College: C. Dukeminier, University of Colorado.

Edgecumbe: Susan J. Salo, University of Washington.

Fairbanks: Robert W. Bundtzen, University of Washington; David R. Grube, University of Oregon; Kenneth C. Haycraft, University of Oregon; and Craig S. Schmidt, University of Oregon.

Juneau: Patrick Maloney, University of Washington.

Petersburg: Floyd Strand, University of North Carolina.

Dentistry

2
Anchorage: Brian L. Daniel, University of Washington; and William R.

Sedwick, University of Washington.

Occupational Therapy

1
Anchorage: Betty Kenny, Colorado State University.

the
Western
Interstate
Commission
for
Higher
Education

**this
is
WICHE**



WHAT IS WICHE?

WICHE, the Western Interstate Commission for Higher Education, is a nonprofit agency created by the 13 western states. This Commission administers the Western Regional Education Compact, which is an agreement among the states to work cooperatively to improve educational programs and facilities. WICHE was formally established in 1951; program activity began in 1953.

GOVERNING BOARD Each state is represented on the governing board by three commissioners, appointed by the governor. These 39 men and women, who serve without pay, come from a broad variety of professions, including education, state government, medicine, law, business, and others.

FINANCES. Each member state appropriates \$15,000 a year to finance WICHE's general activities. The western states also contribute an additional \$7,500 to support WICHE's programming in mental health, mental retardation, education of the handicapped, and corrections. The majority of WICHE's 45 individual programs and projects are supported by foundation and public agency funds. For fiscal year 1971-72, these grant and contract funds provide approximately 17 dollars for each dollar given by the states.

WICHE's GOALS. ●*Improve the quality of education beyond the high school* ●Expand educational opportunities, including those in continuing education ●*Coordinate and expand interstate and inter-institutional cooperative programs* ●Help institutions of higher education improve both academic administration and institutional management ●*Assist the education community in appraising and responding to the changing needs of the West* ●Raise the public level of understanding of the role of higher education.

PROGRAM AND PHILOSOPHY. ●WICHE serves as a fact-finding agency and a clearinghouse of information about higher education. It also makes basic studies of educational needs and resources. ●*WICHE acts as a catalyst to help member states work out educational programs of mutual advantage.* ●WICHE serves western states and institutions as an administrative and fiscal agent for carrying out interstate arrangements for educational services. ●*WICHE works by building consensus; it has no control over the member states or individual institutions.*



THIS IS WICHE

CURRENT PROGRAMS AND PURPOSES

GENERAL

1. LEGISLATIVE WORK CONFERENCE

To strengthen understanding and communication among western legislators, public officials, and educators; to provide a forum for the discussion of critical problems in the 13 western states; and to gain insights which will assist the Commission and its staff in developing programs for interstate cooperation.

DIVISION OF GENERAL REGIONAL PROGRAMS

2. STUDENT EXCHANGE PROGRAMS

To share the educational resources of the West by providing opportunities for professional education when the specialty is not offered within the boundaries of the sending state through a system of student exchanges implemented at cooperating schools. Student exchange models may or may not involve interstate exchange of money.

3. SPECIAL HIGHER EDUCATION PROGRAMS

To identify pertinent problems confronting general higher education in the West; to explore alternative solutions to these problems in cooperation with the West's colleges and universities; to begin preliminary program development designed to meet identified needs of the region; and to operate on a continuing basis a small number of higher education programs which provide necessary services to the people of the West.

4. MOUNTAIN STATES COMMUNITY COLLEGE CONSORTIUM

To enhance educational opportunities for students in community colleges in the four-state area of Idaho, Montana, Utah, and Wyoming. This will be achieved through interstate and interinstitutional cooperation and programming geared to the resolution of common problems that participating institutions share as small, geographically isolated, "developing institutions."

5. ETHNIC PROGRAMS IN HIGHER EDUCATION

To expand minority group access to higher education and to improve the relevance of educational experiences for these students and their communities.

6. WESTERN COUNCIL ON HIGHER EDUCATION FOR NURSING

To increase educational opportunities for students in nursing by developing programs in nursing education, based on sound educational principles; to identify and organize ways of coping with general nursing problems; and to improve care of patients by disseminating this knowledge throughout the western region.

7. CONTINUING EDUCATION PROGRAM FOR NURSES

To improve the leadership skills of nurses in teaching, supervision, and administrative positions through a series of short conferences aimed toward improving patient care provided by agencies and institutions employing the participant nurses.

8. NURSING RESEARCH CONFERENCES PROGRAM

Through an annual conference on nursing research, to share research findings, to receive and give stimulation for further research, and to facilitate the application of findings to patient care. Faculty are stimulated to use results of research in planning nursing school curricula.

9. REGIONAL PROGRAM FOR NURSING RESEARCH AND DEVELOPMENT

To provide a three-year program of consultation and work clinics directed toward increasing skills of nurses who are undertaking research, particularly in the area of patient care and care delivery, and then assisting these nurses to develop research projects. The goal of the program is to increase the number and quality of nursing research projects in the West.

10. IMPROVEMENT OF NURSING CURRICULA

To improve and revise curricula in western schools of nursing through integration of selected core concepts of nursing into associate degree, baccalaureate, and graduate programs; to provide information on and stimulate the use of additional innovations in the teaching-learning process.



11. CONTINUING EDUCATION PROGRAM FOR PSYCHIATRIC NURSES

To assist faculty in associate degree nursing programs to increase their content and skills in psychiatric mental health nursing; to increase the use of psychiatric mental health concepts throughout the nursing curriculum; and to increase the use of psychiatric mental health concepts by nurses in any health care setting.

12. NURSE FACULTY DEVELOPMENT TO MEET MINORITY GROUP NEEDS

To increase the numbers of minority group students who are recruited and complete nursing programs and to modify existing programs of nursing to include content which will increase the potential of their graduates to provide services relevant to the health needs of minority group communities. The project proposes to achieve these aims through a three-year regional faculty development program.

13. CONTINUING EDUCATION PROGRAM FOR LIBRARY PERSONNEL

To demonstrate and evaluate the effectiveness of a variety of continuing education methods, materials, and programs in preparing library personnel in all types of libraries and to effect positive change in the delivery of library services.

14. MOUNTAIN STATES REGIONAL MEDICAL PROGRAMS

To develop programs in response to major needs in the four states of Idaho, Montana, Nevada, and Wyoming for continuing education for health personnel and for facilities which will strengthen the capacity of physicians and other health professionals to treat heart disease, cancer, stroke, and related diseases.

Operational Programs

1. Core Operation
2. Coronary Care Training—Montana
3. Cancer Education and Treatment Center (Mountain States Tumor Institute)
4. Continuation Education for Health Professionals in Montana
5. Rocky Mountain Tumor Registry
6. Continuing Nursing Education—Nevada
7. Continuing Education in Inhalation Therapy for Physicians, Therapists, and Nurses
8. Consulting Team Approach to Continuing Education for Health Service Personnel in Rural Communities in Nevada
9. Continuing Nursing Education—Idaho
10. Coronary Care Training—Southwest Idaho
11. Continuation Education for Nursing—Wyoming
12. Continuation Education for Nursing—Montana

15. RESOURCES DEVELOPMENT INTERNSHIP PROGRAM

To promote the productive interchange of ideas between the academic community, including students,

and the participants in community organizations throughout the West, especially by means of the process of service-learning, by building bridges between educational institutions and community organizations, and by developing new and innovative supplementary projects.

DIVISION OF MENTAL HEALTH AND RELATED AREAS

16. CONTINUING PSYCHIATRIC EDUCATION FOR PHYSICIANS PROGRAM

To increase the supply of psychiatrist-teachers for nonpsychiatric physicians of the West, in areas remote from training institutions; to provide demonstration study opportunities for physicians practicing in these areas and to stimulate the development of ongoing training programs for them; and to provide liaison for the western region in this field.

17. WESTERN CONFERENCE ON THE USES OF MENTAL HEALTH DATA

To develop methods of training mental health statisticians, to develop new methods for effective collection and utilization of mental health data, and to develop a vehicle for communication and collaborative research among interested professionals in this field.

18. COMMUNITY COLLEGE MENTAL HEALTH WORKER PROGRAM

To develop community college educational programs in mental health in order to meet the manpower needs for service delivery in rural areas and to emphasize, particularly, the recruitment and training of Spanish-American and Indian students from rural areas.

19. SPECIAL EDUCATION FOR GENERAL EDU- CATORS

To improve the understanding and capability of general educators—especially those already working in regular classrooms, in the inner city, and in geographically remote areas—in teaching exceptional children, by providing assistance to institutions and agencies in the 13 western states as they plan special training programs and special education programs for the delivery of services.

20. IMPROVING MENTAL HEALTH SERVICES ON WESTERN CAMPUSES

To assist four-year colleges and universities in the 13 western states to improve the organization and delivery of mental health related services throughout their campus communities.

21. MENTAL HEALTH CONTINUING EDU- CATION

To help develop a collaborative field of continuing education for mental health personnel in the West, a field linked by mutual planning among leaders in university programs and treatment agencies and

characterized, eventually, by a variety of flexibly designed, short, intensive courses for members of the core professions in both urban and rural settings.

22. DEANS AND FACULTY OF SCHOOLS OF SOCIAL WORK PROGRAM

To involve the deans of the graduate schools of social work in the western states in a program of continuing education which provides for their own professional development and enables them to share in the development of opportunities for continuation of their faculties; and to provide support for a regional workshop program for graduate school faculty.

23. CORRECTIONS PROGRAM

To provide in-service training for juvenile and adult correctional personnel in eleven of the thirteen western states under two separately funded projects—Regional Institute for Corrections, Administrative Study; and Nationwide Educational Programs for Institutionalized Children.

NATIONAL CENTER FOR HIGHER EDUCATION MANAGEMENT SYSTEMS at WICHE

24. PERSONNEL CLASSIFICATION MANUAL

To provide standard categories for classifying and reporting employee activities typically associated with jobs and positions in colleges and universities.

25. DATA ELEMENT DICTIONARY

To establish uniform sets of definitions for the data to be used in the Center's program. Uniform data elements are the foundation for the development of compatible data bases in the participating institutions.

26. PROGRAM CLASSIFICATION STRUCTURE

To design a taxonomy of higher education programs that will serve as the framework for comparable data exchange and reporting, assist in program budgeting, and serve as the framework for the development of generalized analytical models.

27. STUDENT FLOW MODEL

To develop analytical models that will predict student enrollment and simulate student progression through postsecondary education at both the institution and state system level.

28. FACULTY ACTIVITY ANALYSIS

To develop standard procedures for analyzing faculty activities and to design techniques that may be used to assist in compatible exchange of the data.

29. RESOURCE REQUIREMENT PREDICTION MODEL

To develop simulation models to project resource requirements to aid institutional decision makers in the allocation of higher education resources.

30. **INFORMATION EXCHANGE PROCEDURES**
To define conventions regarding the manner in which institutional data may be aggregated and arrayed for interinstitutional comparison.
31. **COST FINDING PRINCIPLES**
To develop costing methodologies that will permit cost analysis of the various activities in higher education.
32. **HIGHER EDUCATION FINANCE MANUALS**
To describe procedures for translating institutional financial data into program structures designed to meet the particular needs of decision makers at the institutional, state, and national levels.
33. **FACILITIES INVENTORY AND CLASSIFICATION MANUAL**
To revise the federal *Higher Education Facilities Classification and Inventory Procedures Manual*.
34. **NATIONAL SEMINAR ON HIGHER EDUCATION MANAGEMENT**
To conduct a national seminar for the purpose of identifying issues fundamental to developing and implementing comprehensive state planning and management systems.
35. **GENERAL TRAINING**
To promote the adoption and implementation of new higher education management tools and techniques.
36. **TRAINING MATERIALS AND TECHNIQUES**
To develop a variety of training materials and techniques for use in providing instructional experiences that will ensure that the new management tools being developed under the Center's aegis will be fully understood by the higher education community.
37. **TRAINING NETWORK**
To meet the training needs of institutions and agencies throughout the country on the development and implementation of management technologies.
38. **CENTER PRODUCT WORKSHOPS**
To develop and conduct the Center product workshops to include details of specific Center products.
39. **VISITING PROFESSIONALS TRAINING PROGRAM**
To provide an opportunity for institutional or agency representatives to obtain a full understanding and working knowledge of NCHEMS develop-



mental work and to contribute in a meaningful fashion to some specific aspect of the Center's developmental work.

40. A STUDY OF FEDERAL FINANCING PLANS FOR HIGHER EDUCATION

Phase I: To evaluate and make recommendations for implementation relative to a specific federal general assistance plan for higher education. Phase II: To investigate systematically the financial needs of higher education and to develop and analyze alternative federal financing plans with the objective of making recommendations for implementing a plan or set of plans that best addresses the identified financial needs of higher education.

41. STATEWIDE PLANNING SYSTEMS

To conceptualize statewide planning systems that will result in design specifications for such additional programs as analysis of manpower trends, statewide planning and resource allocation models, and information systems for statewide planning.

42. STUDENT FLOW

To advance the state-of-the-art in student flow analysis by generalizing such concepts as student cohorts, transitions, state-of-the-system, and transition events to encompass a wide range of decision viewpoints of various decision makers. To investigate the stability and predictability of student flow in institutions in statewide systems.

43. RESOURCE UTILIZATION ANALYSIS

To develop techniques which will aid institutions in more efficient utilization of the resources available to them. This project is primarily directed to such operational or logistical functions of institutions as inventory management, work scheduling, space utilization, and course scheduling.

44. OUTPUTS OF HIGHER EDUCATION

To improve planning, evaluation, and decision making in higher education by developing quantitative measures and qualitative understandings of the outputs of education programs.

45. RESOURCE ALLOCATION AND PLANNING MODELS

To develop long-range improvements in the use and predictive capabilities of resource allocation and planning models. To develop techniques that facilitate the study of the resource implications of institutional output experiments and development of methodologies for studying feasible planning of alternatives.



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Herman C. Ross, D.V.M., Kalispell

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Dr. Ben Lawrence, Associate Director, WICHE, and Director, National Center for Higher Education Management Systems

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John C. Staley, Administrative Services Officer

Bob L. Brown, Director of Personnel

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LuAnne Aulepp, Staff Associate, Improving Mental Health Services on Western Campuses

Leonard M. Baca, Staff Associate, Special Education for the General Educator

Dr. James Banning, Program Director, Improving Mental Health Services on Western Campuses

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W. John Minter, Staff Associate, National Center for Higher Education Management Systems

Donald E. Morrow, Accounting/Auditing Specialist, Administrative Services Office

Kathleen Neward, Staff Assistant, National Center for Higher Education Management Systems

Julia O'Rourke, Staff Assistant, Corrections Program

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Mrs. Virginia Patterson, Program Director, Student Exchange Programs

Paul H. Ries, Consultant, Nationwide Educational Pro-

grams for Institutionalized Children (NEPIC), Corrections Program

Leonard Romney, Staff Associate, National Center for Higher Education Management Systems

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Mrs. Juereta Smith, Program/Project Director, Nursing Curriculum Improvement Project

Mrs. Karyn Smith, Staff Assistant, National Center for Higher Education Management Systems

Al Tate, Staff Associate, Nationwide Educational Programs for Institutionalized Children (NEPIC), Corrections Program

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Gordon Ziemer, Staff Associate, National Center for Higher Education Management Systems

Mountain States Regional Medical Program

Regional Office, Boise, Idaho

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Dr. C. Edgar Smith, Staff Associate

Mrs. Helen Thomson, Information Specialist

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Mrs. Wilma Fredericksen, Information Specialist

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Donald L. Erickson, Staff Associate

Claude O. Grizzle, M.D., Subregional Director

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Mrs. Lillian LaCroix, Staff Associate

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Richard D. Weber, M.D., Consultant

Nevada Coronary Care Training Program, Las Vegas

Philip R. Akre, M.D., Consultant

John A. Bowers, M.D., Consultant

Shirley Wakefield, Consultant

Idaho Inhalation Therapy Project, Caldwell, Idaho

Charles E. Reed, M.D., Consultant

Nevada Inhalation Therapy Project, Las Vegas

Richard Browning, M.D., Consultant

Bonnie Perry, Consultant

SELECTED WICHE PUBLICATIONS

The following publications and a complete list of all available WICHE publications are available free, except where noted, from Publications Unit, WICHE, P.O. Drawer P, Boulder, Colorado 80302

WICHE REPORTS ON HIGHER EDUCATION. A quarterly newsletter concerning WICHE program activities and allied subjects.

YOUR STATE CAN HELP YOU SECURE YOUR EDUCATION IN MEDICINE, DENTISTRY, DENTAL HYGIENE, OCCUPATIONAL THERAPY, OPTOMETRY, PHYSICAL THERAPY, VETERINARY MEDICINE. An informational brochure describing WICHE's Student Exchange Programs.

THE MINORITY STUDENT ON THE CAMPUS. R.A. Altman and P.O. Snyder, eds. \$3.50.

THE PUBLIC CHALLENGE AND THE CAMPUS RESPONSE. R.A. Altman and C.M. Byerly, eds. \$3.50. (Available Dec. 1, 1971)

CREDIT BY EXAMINATION. R.A. Altman and J.Q. Jones, eds. Proceedings from workshops cosponsored by WICHE and The College Entrance Examination Board.

COMMUNICATING NURSING RESEARCH: IS THE GAP BEING BRIDGED? M.V. Batey, ed.

ABOUT WCHEN. A brochure describing the goals, objectives, and methods of the Western Council on Higher Education for Nursing.

ELEVENTH ANNUAL TRAINING INSTITUTE FOR PSYCHIATRIST-TEACHERS OF PRACTICING PHYSICIANS 1971: INNOVATIVE STRATEGIES FOR CONTINUING EDUCATION: CONTINUING EDUCATION AND THE PHYSICIAN'S EMOTIONAL WELL-BEING. R.A. Feldman, ed.

ACCOUNTING GUIDELINES FOR MENTAL HEALTH CENTERS AND RELATED FACILITIES. Prepared by D.L. Salsbery in collaboration with the Cost Systems Task Force, Western Conference on the Uses of Mental Health Data. P.A. McCullough, ed.

HIGHER EDUCATION MANAGEMENT. A periodical designed to discuss issues related to the National Center for Higher Education Management Systems at WICHE.

STUDENT FLOW MODELS: A REVIEW AND CONCEPTUALIZATION. C.C. Lovell, \$1.00

VALUE CHANGE AND POWER CONFLICT IN HIGHER EDUCATION. W.J. Minter and P.O. Snyder, eds.

INTERDISCIPLINARY PROGRAMMING FOR INFANTS WITH KNOWN OR SUSPECTED CEREBRAL DYSFUNCTION. G. Hensley and V.W. Patterson, eds. \$1.00.

WHAT IS WICHE? Continued

DIVISIONS. WICHE is composed of three major divisions, which constitute the organizational framework for 45 separate programs and projects.

THE DIVISION OF GENERAL REGIONAL PROGRAMS. This division currently sponsors 14 programs, covering a wide range of activities in higher education. They include a student exchange program for western students in the health sciences, a four-state Regional Medical Program, a program development unit, continuing education and research projects in nursing, a program to increase access of ethnic-minorities to higher education and to improve educational relevance for these students, on-the-job internships for college students, and a continuing education program for library personnel.

THE DIVISION OF MENTAL HEALTH AND RELATED AREAS. This division, which now has eight programs, was formed in 1956 at the request of the Western Regional Conference of the Council of State Governments. Programs in this division include continuing education for mental health professionals and for physicians in the field of psychiatry; the development of mental health worker programs in community colleges; improving mental health services on western campuses; and continuing education for deans and faculties of social work schools, for correctional personnel, and for general educators in the area of special education for the handicapped.

NATIONAL CENTER FOR HIGHER EDUCATION MANAGEMENT SYSTEMS at WICHE. This division, established in 1969, has 23 separate programs and represents a national effort in higher education. NCHEMS aims to improve higher education management through the design, development, and implementation of planning and management systems at institutional, state, and national levels.

The WICHE states are:

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

WESTERN INTERSTATE COMMISSION
FOR HIGHER EDUCATION

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File: HCR #9

In recent years, the number of applicants to law school has risen much more rapidly than has the capacity of law schools to handle them.¹ It has become harder for all but the best qualified to get into particular law schools or, indeed, to get into law schools generally. In the fall of 1970, an American Bar Association survey showed that the country's law schools were essentially filled to capacity, with fewer than 1,000 first-year places unfilled because qualified students had not applied, and that there were no spaces at all at more than 90 percent of the law schools. Furthermore, the number of applications for fall 1971 admission rose at least 30 percent in law school capacity.

The increase, which is far in excess of projections based on student populations, is frustrating to both the applicants and the law schools. Up to a point, many schools welcome the chance to be more selective and get a more highly qualified student body, but by now an increasing number of schools are troubled by the number of fully qualified applicants they must turn down. This is especially true in light of the opinion, widespread among legal educators and bar leaders, that the need of American society for people trained in the law is far from satisfied. Leaders of law schools and the bar are giving increased attention to the problem, but any long-range solution will come too late to help the 1972 or 1973 law school applicant.

¹Twelve new law schools have been approved by the ABA since 1955, bringing the total to 140. First year students have increased from 8,700 to 17,000 during the same time period -- Digest of Educational Statistics, 1970.

Prelaw Handbook -- Association of American Law Schools and the Law School Admission Test Council.

January 27, 1972
2600 Northern Lights Boulevard
Anchorage, Alaska 99503

Gentlemen:

The purpose of this contact with you is to bring to your attention the plight of Alaskan students attempting to enter law school.

For varied reasons, law study has become extremely popular in the last two years. With an increasing number of applications, entrance requirements have stiffened significantly, especially for non-residents applying to state universities. Alaskan students fall into this category. The enclosed proposal includes what I consider to be the detrimental effects of this residency discrimination.

In the next few weeks I plan to outline three possible alternatives for remedial action. This factual presentation deals with unilateral action on your part. A second remedy will be sought through the logical vehicle, the Western Interstate Commission for Higher Education (WICHE; as Title 14, Chap. 40, Article 7) despite past opposition. A third alternative will examine the possibilities of legislative action including the feasibility of Alaska purchasing law school seats from Northwest schools.

Will you please consider this proposal and the forthcoming information with an eye towards development of a strong position on behalf of your profession.

Thank you for your attention.

Sincerely,



Martin D. Wells

2600 Northern Lights

279-6005

A PROPOSAL

to the

ALASKA BAR ASSOCIATION

INASMUCH as it is the responsibility of the Citizenry of the State of Alaska to care for its offspring by offering the total amount of education as is possible, and

WHEREAS: Alaska does not have a law school at its state university, and

WHEREAS: 42 of 50 states offer preferential treatment to their state resident law candidates, and

WHEREAS: In the last two years, law school applications have increased 300% in many institutions, and

WHEREAS: Repercussions from this situation may include:

- A. Alaskans being forced to study in schools far from the Northwest region, thus jeopardizing valuable contacts that are of prime importance during law school and upon returning to the state to practice law;
- B. Alaskans being forced to borrow heavily to attend Outside private universities to the detriment and/or exclusion of other loan candidates;
- C. Alaskans being forced to enter little-known, obscure schools, or four-year night schools to the possible detriment of their early careers;
- D. The Alaska Bar's becoming inundated with attorneys from other states moving here to the possible detriment of the state due to their Outside orientation and perspective, and

WHEREAS: No reciprocal residency provisions now exist, as they have previously, that would alleviate the financial and proximity problems,

THEREFORE it is hereby proposed that the Alaska Bar Association take the following action:

- A. IMMEDIATELY convey the interest of the Alaska Bar Association in its resident law school candidates by:

1. Sending letters to all law schools in the nation, with emphasis on the Northwest schools, urging them to accept qualified Alaskans in place of those non-resident applicants who have residency advantages in their home states,
 2. Making this letter available to Alaskan students to include in their application material,
 3. Properly publicizing this effort so its effectiveness will be maximized.
- B. IMMEDIATELY seek the cooperation of the law schools in the Northwest in effecting an agreement allowing Alaskans to apply:
1. As in-state residents, or
 2. On non-resident qualifications paying in-state tuition, or
 3. On resident qualifications, paying out-of-state tuition,
- in return for which the University of Alaska would allow students from those states to pursue graduate studies in Alaska under the same conditions.
- C. ULTIMATELY urge the funding and establishment of a law school and legal center for the State of Alaska.

Submitted by

Martin D. Wells

- I. INASMUCH as it is the responsibility of the Citizenry of the State of Alaska to care for its offspring by offering the total amount of education as is possible, and
- II. WHEREAS: Alaska does not have a law school at its state university, and
- III. WHEREAS: 42 of 50 states offer preferential treatment to their state resident law candidates, and

In Colorado:

Based on the qualifications of all students granted regular admission to the Fall, 1971, entering class, it is not anticipated that applicants whose grade point averages or law School Admission Test scores are significantly below the following will be granted admission for the Fall, 1972. (Depending on the number of applications received and completed, higher qualifications may be required.)²

Resident		Non-Resident	
GPA	LSAT	GPA	LSAT
2.90	575	3.1	615

In Montana:

Enrollment pressures are such that we can no longer accept applications for the University of Montana Law School from individuals who are not residents of Montana.³

In Idaho:

The requirements for admission of resident students are somewhat lower than for non-residents wishing admission. We anticipate that residents will need around a 2.6 grade point average and a 560 LSAT score approximately, while non-resident applicants would need around a 3.00 grade point average and at least a 600 LSAT. It should be kept in mind, however, that these are only estimates at this time. Out of last year's entering freshman class there were 35 non-residents and 81 Idaho residents accepted.⁴

² Supplement to University of Colorado Bulletin, Vol LXXI, No. 29, June 20, 1971, G.S. No. 1553.

³ John McCabe, Assistant Dean, University of Montana

⁴ Albert R. Menard, Jr., Dean, University of Idaho

III. Continued --

. In Oregon:

In reply to your letter of December 30, 1971, we do not normally favor residents over non-residents for purposes of admission decisions. This policy is reflected in our tuition structure, where residents and non-residents pay the same amount. I should mention, however, that in cases where several applicants present the same prelegal credentials, our Committee on Admissions usually grants the admission to the resident of Oregon. But the majority of the decisions are not made on the basis of residency, but on prelegal record and other factors our Committee feels are important. ⁴

In Maryland:

In the admission decision preference is certainly given to those who are residents of Maryland. In fact, we expect that only about 15% of the 175 students who will be admitted into the class beginning in September, 1972, will be classified as non-residents. Preference is also shown to residents in regard to the award of certain categories of financial aid.⁵

LSAT Score	Percent Below	156,094 Tested 1966-69
750	99.6	
725	99	
700	97	Non-residents generally required 600
675	95	
650	91	
625	86	Residents generally required 550
600	79	
575	71	
550	62	Assuming a normal distribution across the curve, this means 21% qualify as non-resident while the top 38% can qualify as residents.
525	52	
500	42	
475	33	
450	25	
425	18	
400	13	
375	8	
350	5	
325	4	
300	2	
275	1	
250	0.8	

⁴ Becky Anderson, Admissions Secretary, University of Oregon

⁵ James Forsythe, Assistant to the Dean, University of Maryland

IV. WHEREAS: In the last two years, law school applications have increased 300% in many institutions, and

University of Oregon:

The number of applicants and the size of our entering class for the last three years has been: 1969: 655 applicants, 156 registered students; 1970: 656 applicants, 151 registered students; and 1971: 1905 applicants, 140 registered students. We have presently received more applications for the fall of 1972 than the level we were at at this time last year. Thus, it would appear admission competition will remain at least as high, and probably exceed, the competition level of last year. ⁶

<u>School</u>	<u>Applied/Accepted in 1971</u> ⁷
Boston Univ.	6,000/325
Catholic Univ.	2,000/189
Dickinson	1,300/140
Duke	2,000/140
Florida State	1,500/150
George Washington	4,000/400
Harvard	6,300/525
Stanford	3,800/155
U.C. Berkeley	5,500/275
U.C. Davis	1,367/157
Oregon	1,905/140
U. Pennsylvania	3,000/200

V. WHEREAS: Repercussions from this situation may include:

- A. Alaskans being forced to study in schools far from the Northwest region, thus jeopardizing valuable contacts that are of prime importance during law school and upon returning to the state to practice law;

⁶ Becky Anderson, Admissions Secretary, University of Oregon

⁷ Prelaw Handbook -- Association of American Law Schools and the Law School Admission Test Council.

V. Continued --

B. Alaskan being forced to borrow heavily to attend Outside private universities to the detriment and/or exclusion of other loan candidates;

Estimated Tuition and Fees by Type and Control of Institution, 1971-72 ⁸

	All Institutions	Universities	Other 4-yr. Insitutions	2 year Institutions
Public	383	527	394	174
Private	1,830	2,161	1,754	1,351

Tuition Charge/year. Source: Prelaw Handbook

(P) Private (S) State	School	Resident	Non-Resident
P	Albany	\$2,000	\$2,000
P	Boston Univ.	2,200	2,200
P	William & Mary	660	1,600
S	Indiana	800	1,800
S	Ohio State	735	1,855
P	Stanford	2,805	2,805
S	Alabama	610	1,120
S	Arizona	420	1,310
S	U.C. Berkeley	700	2,200
S	U.C.L.A.	666	1,866
S	Colorado	553	1,821
P	Univ. Denver	2,400	2,400
S	Michigan	900	2,300
S	Washington	555	1,641

⁸ U.S. Department of H.E.W., Office of Education, publication "Higher Education Basic Student Charges"

V. Continued --

- C. Alaskans being forced to enter little-known obscure schools, or four-year night schools to the possible detriment of their early careers;
- D. The Alaska Bar's becoming inundated with attorneys from other states moving here to the possible detriment of the state due to their Outside orientation and perspective, and

of the last 60 bar candidates, only 12 could claim residency of more than one year.
Source: ABA Ales.

VI. WHEREAS: No reciprocal residency provisions now exist, as they have previously, that would alleviate the financial and proximity problems,

Tuition and residency reciprocity existed with several northwest states during territorial days. These "gentlemen's agreements" have long since lapsed for lack of authority.

VII. THEREFORE it is hereby proposed that the Alaska Bar Association take the following action:

- A. IMMEDIATELY convey the interest of the Alaska Bar Association in its resident law school candidates by:
 - 1. Sending letters to all schools in the nation, with emphasis on the Northwest schools, urging them to accept qualified Alaskans in place of those non-resident applicants who have residency advantages in their home states,
 - 2. Making this letter available to Alaskan students to include in their application material,
 - 3. Properly publicizing this effort so its effectiveness will be maximized.
- B. IMMEDIATELY seek the cooperation of the law schools in the Northwest in effecting an agreement allowing Alaskans to apply:
 - 1. As in-state residents, or
 - 2. On non-resident qualifications paying in-state tuition, or

VII. Continued --

3. On resident qualifications paying out-of-state tuition,

in return for which the University of Alaska would allow students from those states to pursue graduate studies in Alaska under the same conditions.

- C. ULTIMATELY urge the funding and establishment of a law school and legal center for the State of Alaska.

HCR-49

THE ALASKA COURT SYSTEM

PROPOSED THREE-YEAR COURT FACILITIES BUILDING

PROGRAM FOR THE STATE OF ALASKA

FISCAL YEARS

1972-73

1973-74

1974-75

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ALASKA COURT SYSTEM

PRESENT AND PROJECTED COURT FACILITIES PROGRAM

Status of Current Facilities Construction:

Major facilities financed and under planning and construction:

Anchorage
Ketchikan
Juneau

Fairbanks Court Space Requirements:

We have not included the city of Fairbanks within our court facilities program request due to the study and planning made by SUA, Inc. The SUA report indicates the urgency of the Court System for space both immediately and through 1985.

The report states that the existing building is not optimally designed for use as a court building, and every consideration should be given to providing a new court facility.

Recent legislation (Senate Bill No. 153) and opinions relating to the place of trial; and changing Rule 18, Rules of Criminal Procedure, now require that the superior court be brought to the bush areas as stated in AS 22.10.030, Sec. 3. It is the intent of this act to make the administration of justice more accessible to the people of rural areas of the state; it is the legislative intent that AS 22.10.140, providing for the temporary assignment of superior court judges anywhere in the state, be fully implemented. AS 22.10.030, Sec. 2 further states that in Sec. 1 of this act, AS 22.10.030(D) has the effect of changing Rule 18, Rules of Criminal Procedure, by requiring criminal prosecutions to be had not only in the judicial district in which the crime or offense was committed, but in the election district within that judicial district at a location convenient to the parties and witnesses.

The Alaska Court System in determining its capabilities of following legislative intent must submit a large three-year

PRESENT AND PROJECTED COURT FACILITIES PROGRAM

capital improvements program in regard to both physical court facilities and upgrading of court libraries sufficient to take care of minimal superior court needs in the various election districts.

BUSH FACILITIES PROPOSAL

Major court facilities that each provide for Superior, District, and Magistrate Courts should be allocated a minimum of 12,00 square feet per building and are located as follows:

<u>Location</u>	<u>Judicial District</u>			<u>Election District</u>	
	<u>Pro- posed</u>	<u>Pre- sent</u>	<u>Poss. Prop.</u>	<u>Will Be</u>	<u>Was</u>
	FY 72/73				
Bethel	5	4	3	16	14
Barrow		2		21	17
Kotzebue		2		22	17
Sitka		1		4	3
	FY 73/74				
Kenai		3		12	10
Palmer		3		10	7
Seward		3		11	9
Wrangell		1		3	2

MAJOR COURT FACILITIES

Space should be considered for ancillary court agencies as follows:

1. District Attorney and Staff	600 sq. ft.
2. Public Defender	600
3. Parole - Probation	800
4. Alaska Legal Services (OEO Funded)	<u>300</u>
	2,300

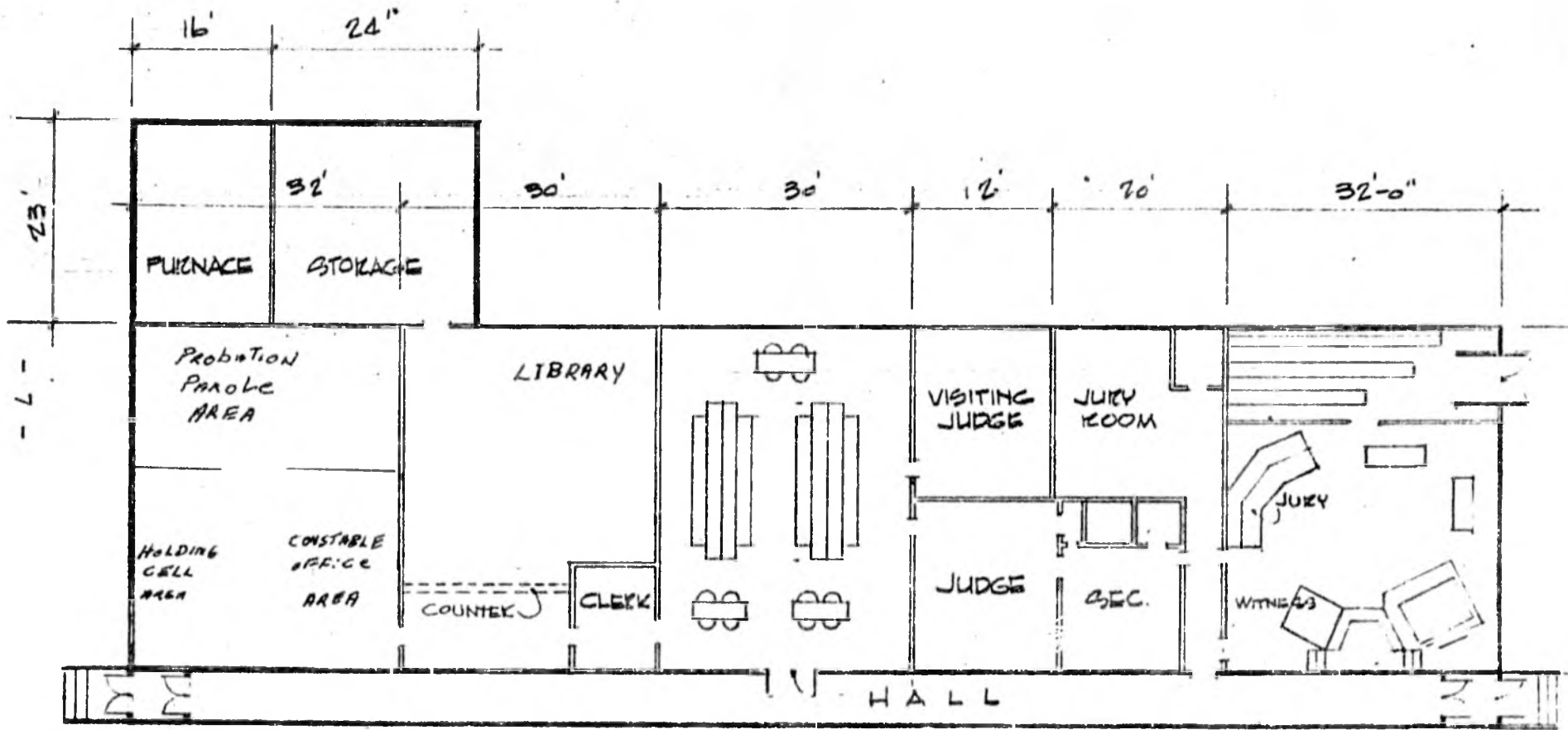
Court request does not include space requirements for mechanical, electrical, telephone, and janitorial needs as this will vary by facility and it is assumed that court space will most probably be joined to other State Building needs and be accomplished in overall planning.

BUSH FACILITIES PROPOSAL

To enable the Court System to hold Superior Court trials in every election district, it is essential that a plan for a building of 5,800 square feet be provided with a construction schedule as follows:

<u>Location</u>	<u>Judicial District</u>			<u>Election District</u>	
	<u>Pro- posed</u>	<u>Pre- sent</u>	<u>Poss. Prop.</u>	<u>Will Be</u>	<u>Was</u>
FY 72/73					
Cold Bay		3		14	12
Dillingham		3		15	13
Tanana		4		18	15
Saint Marys	5	2	3	24	19
FY 73/74					
Delta Junction (Big Delta)		4		19	6
Glenallen		3		8	6
Haines		2		6	5
Homer		3		12	10
McGrath	5	4	3	17	15
Valdez		3		8	6
FY 74/75					
Cordova		3		7	6
Old Harbor (K.I.)		3		13	11
Petersburg		1		3	2
Tok		4		19	16
Yakutat		1		6	5

Suggested Floor Plan for 5,800 square foot Bush Justice Facilities



SCALE: 1/16" =

BUSH FACILITIES PROPOSAL

FY 72/73

The Alaska Court System, in conjunction with the State Police and Village Police Programs for up-grading services and minor bush facilities, propose the following three-year program for new facilities of approximately 3,800 square feet per building:

<u>Location</u>	<u>Judicial District</u>			<u>Election District</u>	
	<u>Pro- posed</u>	<u>Pre- sent</u>	<u>Poss. Prop.</u>	<u>Will Be</u>	<u>Was</u>
Angoon		1		4	3
Craig		1		1	1
Pelican		1		6	5
Skagway		1		6	5
Buckland		2		22	17
Gambell		2		23	18
Point Hope		2		22	18
Teller		2		23	17
Unalakleet		2		23	19
Wainwright		2		21	17
Girdwood		3		10	8
Naknek		3		15	13
Port Lions (Afognak Island)		3		13	11
Unalaska		3		14	12
Eagle		4		20	16
Fort Yukon		4		17	16
Galena		4		18	15
Nenana		4		18	15
Aniak	5	4	3	17	15
Emmonak	5	2	3	24	19
Hooper Bay	5	2	3	24	19
Mekoryuk (Nunivak Island)	5	4	3	16	14
Mountair Village	5	2	3	24	19
Quinhagak	5	4	3	16	14
Tununak	5	4	3	16	14

BUSH FACILITIES PROPOSAL

FY 73/74

The Alaska Court System, in conjunction with the State Police and Village Police Programs for up-grading services and minor bush facilities, propose the following three-year program for new facilities of approximately 3,800 square feet per building:

<u>Location</u>	<u>Judicial District</u>			<u>Election District</u>	
	<u>Pro- posed</u>	<u>Pre- sent</u>	<u>Poss. Prop.</u>	<u>Will Be</u>	<u>Was</u>
Hoonah		1		6	5
Kake		1		3	2
Elim		2			
Kiana		2		22	17
Noatak		2		22	17
Noorvik		2		22	17
Savoonga		2		23	18
Selawik		2		22	17
Wales		2		23	18
Manokotak		3		15	13
Sand Point		3		14	12
St. Paul Island		3		14	12
Seldovia		3		12	10
Talkeetna		3		9	7
Togiak		3		15	13
Whittier		3		10	9
Arctic Village		4		21	16
Bettles		4		18	15
Cantwell		4		18	15
Nulato		4		18	15
Ruby		4		18	15
Chevak	5	2	3	24	19
Holy Cross	5	2	3	16	14
Nunapitchuk	5	4	3	19	14
Tuluksak	5	4	3	16	14

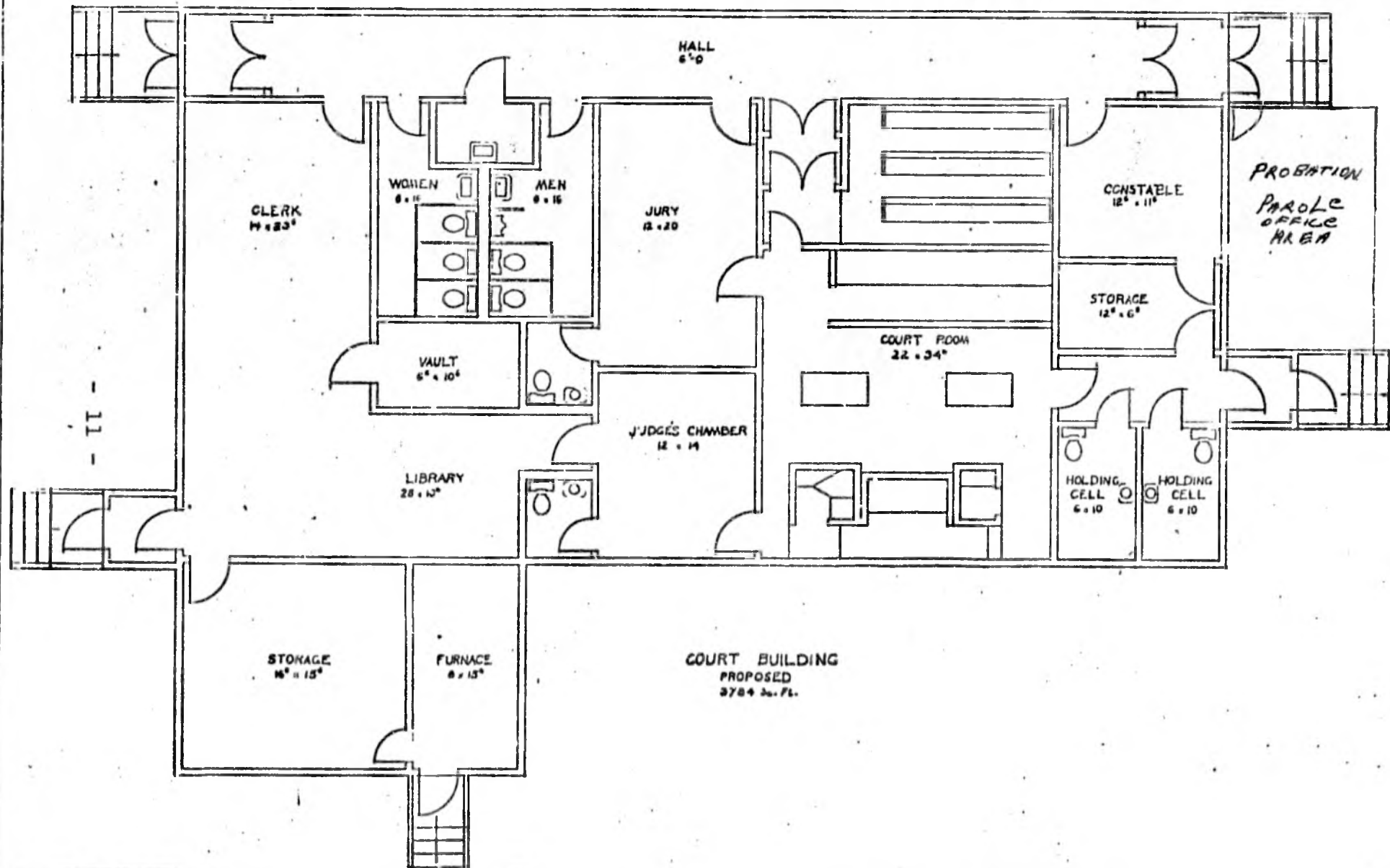
BUSH FACILITIES PROPOSAL

FY 74/75

The Alaska Court System, in conjunction with the State Police and Village Police Programs for up-grading services and minor bush facilities, propose the following three-year program for new facilities of approximately 3,800 square feet per building:

<u>Location</u>	<u>Judicial District</u>			<u>Election District</u>	
	<u>Pro- posed</u>	<u>Pre- sent</u>	<u>Poss. Prop.</u>	<u>Will Be</u>	<u>Was</u>
Ambler		2		22	17
Deering		2		23	17
Kivalina		2		22	17
Koyuk		2		23	18
Saint Michael		2		23	18
Shaktoolik		2		23	18
Shungnak		2		23	18
Egegik		3		15	13
Koliganek		3		15	13
Larsen Bay (K.I.)		3		13	11
Tyonek		3		12	10
Allakaketc (Alatna)		4		18	15
Barter Island (Kaktovik)		4		16	18
Beaver		4		20	16
Stevens Village		4		21	16
Akiak	5	4	3	16	14
Akiachak	5	4	3	16	14
Alakanuk	5	2	3	24	19
Eek	5	4	3	16	14
Kipnuk	5	4	3	16	14
Kwethluk	5	4	3	16	14
Napakiaak	5	4	3	16	14
Tooksook Bay	5	4	3	16	14

Suggested Floor Plan for 3,800 square foot Bush Justice Facilities



NOMENCLATURE

The population information was extracted from the 1970 U. S. Census Second Count reports, "Summary of Race and Housing for Places within Alaska," "Housing Totals for Places in Alaska" and "Preliminary 1970 Census Counts of American Indians and Alaska Natives." The form of government and borough in which the community is located is also indicated. There are 10 organized boroughs in Alaska, and the rest of the state is classified as "unorganized borough," with governmental responsibility vested in the state legislature. Local governments are classified as one of five types of cities under Alaska law and also "traditional villages," IRA rule, which are cities of the first class with charters adopted by local referendum, and the four classes specified by state enabling legislation. The first, second, third and fourth class cities are all incorporated under Alaska law, with rights and powers as prescribed, while the "traditional villages" are not incorporated. They are governed by tribal councils chosen by the villages with the authority granted by the villagers themselves. IRA villages are those incorporated under the federal Indian Reorganization Act, but not under state law. They have substantially the same status as traditional villages, but are somewhat more formalized. One last classification used in this report is "unincorporated," which denotes a community with no functioning government at all. In many cases the borough in which they are located provides government services as needed, or the population may be so small as to make local organization unnecessary.

The power section is admittedly not complete. Alaska Village Electric Cooperative (AVEC) has energized 33 villages and will serve 11 more this year. But information is sketchy on other electric utility service in the remote areas. There are privately operated generators, or village-owned facilities and service by tie-line from the urban utilities. And, of course, many places still have no power at all.

In the transportation facilities section an attempt is made to give a picture of each community's situation. Those on the highway system are identified, as these communities are different in many ways from the remote communities. The "roads" item shows local road mileage where known, or the fact that the village has a local road system. It can be assumed that most local roads are unpaved.

NOMENCLATURE

More communities are served by airport than by highway. The airports are very important to the life and economy of these places, and airstrip characteristics are given in some detail. The code meanings related to airstrips are as follows:

D - dirt or turf runway	H - hard-surface runway
G - gravel runway	S - seaplane landing area available

The runway designation is followed by a number indicating the length in hundreds of feet, and this is followed by the letter "L" if the strip is lighted. For example, H50L would mean a lighted hard-surfaced runway 5,000 feet long. If the airport has fuel available for aircraft, this is shown by "F". Scheduled airline service is shown by "AC" followed by a number indicating the number of days per week, and "J" indicating jet fuel is available. If "I" is shown, it means the field has navigation facilities and is equipped for instrument approach.

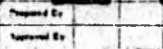
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Major court facilities that each provide for Superior, District,
 and Magistrate courts should be allocated a minimum of 12,000
 square feet per building and are located as follows:

FY 72/73

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)		
LOCATION	HOUSE ELECTION DISTRICT	POPULATION 1970	% NATIVE POPULATION	FORM OF GOVERN- MENT	JUDGE: SUPERIOR, DISTRICT OR MAGISTRATE	VILLAGE OR CITY POLICE	ST. TROOPER/ ST. AID Village Police	TRANSPORTATION ROAD + WATER	AIRPORT BY TYPE	ELECTRIC POWER	SCHOOL BY TYPE + GRADES	Military	Public LIBRARY/ JAIL	COMMUNIT- Y CENTERS
1 STEA	4(6)	3370	25	Rural	S, D, M	CITY	AST	LOCAL RDS	ASPH, F, AC, J	City	SHER BOD	NONE	City Jail	PROJ TEL, HAW
5(6) BERNAL	16 (M)	2416	77	Urban	D, M	CITY	AST-2	LOCAL RDS	J, S, F, AC	City, D6	STR, K-12	USAF, US	" "	PROJ TEL
2 KOTZEBUR	22 (19)	1696	79	"	"	CITY	AST	LCL RDS	ASPH, F, AC, J	City	BIA K-12	USAF	" "	" "
2 BARROW	21 (17)	2104	90	"	"	CITY	AST	LCL RDS	ASPH, F, AC, J	City	BIA K-9	USAF	" "	" "
FY 73/74														
1 WENDELL	3 (2)	2029	21	Home Rural	D, M	CITY	AST	LOCAL RDS	ASPH, F, AC, J	City	City, K-12	NONE	City Jail	PROJ TEL, HAW
3 SEWARD	11 (9)	1582	14	"	"	CITY	NONE	LCL RDS	ASPH, F, AC, J	City	STR, K-12	NONE	" "	" "
3 PALMER	10 (7)	1140	3	"	"	CITY	AST	LCL RDS	ASPH, F, AC, J	MUA	MSB K-12	NONE	" "	" "
3 KENAI	12 (10)	3533	5	"	"	CITY	AST	LCL RDS	ASPH, F, AC, J	KP Power	KP K-12	USAF	" "	" "
5 = proposed 5th Judicial District (4) = present Judicial District 3 = possible proposed extension of 3rd Judicial District														
** Will = proposed 24 House Election District as per State Constitution Was () = Old House Election District														

14



To enable the Court System to hold Superior Court trials in every election district, it is essential that a plan for a building of 5,800 square feet be provided with a construction schedule as follows:

Judicial District	Location	Elect Dist	Population 1970	% Native Population	Form of Government	Judge Superior District (Highway)	City or Village Police	AST of St. Pol. V. No. Police	Transportation Rds/Water	Airport By Type	Electric Power	School By Type & Grades	Military	Library	Community Centers
FY 72/73 W.H. W.															
3	Colo Bay	14 (3)	256	15	NO FORMAL	M	CITY	NONE	DOCK	450, F, ACI	GEN	STR 1-8	USAF	NONE	NONE
3	Dillingham	15 (12)	914	64	2ND CLASS	M	CITY	1ST	DOCK	650, F, ACI	"	STR K-12	NG	CITY	"
4	Tanner	18 (15)	120	17	1ST CLASS	M	NONE	1ST	DOCK	600, F, ACI	GEN	STR 1-12	NONE	"	"
3	St Marys	24 (19)	389	91	2ND CLASS	M	NONE	5th	DOCK	650, F, ACI, 2	AVL/OG	STR K-12	NONE	NONE	R/W
FY 73/74															
3	Valdez	8 (6)	1005	15	Home Rule	M	CITY	1ST	DOCK	600, F, ACI	CITY	CITY K-12	NONE	CITY	R/W
3	Homer	12 (10)	1083	5	1ST CLASS	M	CITY	1ST	DOCK	600, F, ACI	CITY (GR)	K-12	NONE	CITY	R/W
3	Haines	6 (5)	463	24	1ST CLASS	M	CITY	1ST	DOCK	600, F, ACI	CITY	H.B. K-12	USA	NONE	R/W
3	St. George	17 (15)	299	39	1ST CLASS	M	NONE	1ST	DOCK	600, F, ACI	GEN	STR 1-12	USAF	NONE	R/W
3	Beaufort	8 (6)	363	11	NO FORMAL	M	NONE	1ST	DOCK	600, F, ACI	GEN	STR K-12	NONE	NONE	R/W
4	Delta Junction	19 (6)	703	1	4th CLASS	M	?	1ST	DOCK	600, F, ACI	GEN	CITY K-12	USA	NONE	R/W
FY 74/75															
1	Yakutat	6 (3)	190	82	2ND CLASS	M	CITY	NONE	DOCK	600, F, ACI	CITY	CITY K-12	NONE	5-7	R/W
3	Cordova	7 (6)	1164	16	Home Rule	M	CITY	1ST	DOCK	600, F, ACI	CITY	CITY K-12	NONE	L/S	R/W
3	Old Harbor	13 (11)	290	93	4th CLASS	Prop M	CITY	NONE	DOCK	600, F, ACI	MISC/DF	K-12	NONE	L	R/W
1	Petersburg	5 (2)	2042	15	Home Rule	M	CITY	1ST	DOCK	600, F, ACI	CITY	CITY K-12	NONE	NONE	R/W
4	Tok	19 (16)	214	12	NO FORMAL	M	NONE	1ST	DOCK	600, F, ACI	PR	STR K-12	NONE	NONE	R/W

** Fish & Game Protection Officer
 5 = proposed 5th Judicial District
 (2) (4) = present Judicial District
 3 = possible proposed extension of 3rd Judicial District

The Alaska Court System in conjunction with the State Police and Village Police

Programs for upgrading services and minor bush facilities propose the following 3-year program for new facilities of approximately 3,784 sq ft per building.

FY 73/74

Judicial District	LOCATION	Elect Dist	Dist	Population 1970	% Native Population	Form of Government	Judicial District	City or Village	ST Trans/ST PNO	TRANSPORTATION Rds/WRA	AIRPORT By Type	ELECTRIC Power	SCHOOL By Type	MILITARY	LIBRARY/JAIL	COMMUNITY
1 1	Hoonah	6 (5)		948	92	1st Class	M	City	AST	FERRY LCL RDS	F ACB 628, 550	City	City, K-12	USNA	LIB	R/I
2 1	Kake	3 (2)		448	91	1st "	M	City	NONE	LCL Rds	550 F	City	City, K-12	USNA	NONE	R/I
3 2	SAN	()		174	97	4th Class	TBP-M	Village	NONE	NONE	DIB ACS	AVEC/DG	BIA K-8	NG	LIB	R
4 2	Kiana	22 (19)		278	97	4th "	M	NONE	SPUR	DOCK	640 ACS	"	BIA K-8	NONE	NONE	R
5 2	Noatak	22 (19)		283	98	IRA Village	TBP-M	Village	NONE	BARRE	624 ACS	"	STR 1-8	"	"	R
6 2	Norvik	22 (19)		462	97	4th Class	M	"	"	DOCK	618 ACS	"	STR 1-8	"	"	R
9 2	Sitka	23 (18)		364	97	4th "	PROP M	NONE	SPUR	NONE	640 ACS	"	BIA K-8	"	"	R
8 2	Seward	22 (17)		429	98	4th "	M	"	"	DOCK	DIB ACS	"	STR 1-8	"	"	R
9 2	Walrus	23 (18)		131	92	4th "	M	Village	NONE	"	DIB, ACS	LCL Gen	" 1-8	"	"	R
10 3	Manokotak	15 (13)		214	96	4th Class	TBP-M	Village	NONE	NONE	626	AVEC/DG	STR 1-8	NONE	NONE	R
11 3	Sand Point	14 (12)		360	74	4th "	M	NONE	AST	LCL Rds	630 F, 124	LCL Gen	STR 1-8	"	LIB	R/I
12 3	St Paul Island	14 (12)		450	95	1st "	M	City	AST	DOCK	652 F	City	STR K-8	"	JAIL	R
13 3	Seldovia	12 (10)		437	32	1st "	PROP M	City	NONE	LCL Rds	620 F	PRICOP	KPB 8-12	"	"	R/I
14 3	Talkeetna	9 (7)		188	5	No formal	TBP-M	NONE	"	LCL Rds	640 F	"	GEN MSB 1-12	"	NONE	R/I
15 3	Togiak	15 (13)		383	98	4th Class	TBP-M	Village	"	NONE	630 ACS	AVEC/DG	STR 1-8	"	"	R/I
16 3	Whittier	10 (9)		130	4	"	PROP M	City	"	LCL Rds	NONE	City	STR 1-8	"	"	R/I
17 4	Arctic Village	21 (16)		85	97	Trend	TBP-M	NONE	NONE	NONE	6-45 ACS	PRIGEN	STR K-7	NG	NONE	R/I
18 4	Bettles	18 (15)		100	75	Unknown	AUTH M	NONE	"	LCL Rds	550 ACS	PRIGEN	STR 1-8	NONE	"	R/I
19 4	Cantwell	18 (15)		62	69	2nd "	M	"	AST-2	NONE	626 F	LCL Gen	STR	"	"	R/I
20 4	Nulato	18 (15)		308	97	4th Class	PROP M	"	NONE	DOCK	624 F, ACS	AVEC/DG	STR 1-10	"	"	R/I
21 4	Ruby	18 (15)		145	92	Trend	TBP-M	"	"	BARRE	626 ACS	PRIGEN	STR 1-8	"	"	R/I
22 5 (2)	Chevak	24 (19)		387	97	4th Class	TBP-M	Village	NONE	DOCK	DIB, ACS	AVEC/DG	BIA K-8	NG	NONE	R
23 5 (2)	Holy Cross	16 (14)		199	97	"	"	"	"	"	622 F, ACS	"	STR 1-8	NONE	NONE	R/I
24 5 (2)	Nunapituk	19 (14)		200	95	"	"	"	"	NONE	620 ACS	LCL Gen	BIA K-8	"	"	R
25 5 (2)	Tulksak	16 (14)		195	99	"	"	"	"	"	D25 ACS	"	" K-8	"	"	R

- * 5 = proposed 5th Judicial District
- (1) = present Judicial District
- 3 = possible proposed extension of 3rd Judicial District
- ** TBP-M = to be proposed Magistrate post

The Alaska Court System in conjunction with the State Police and Village Police Programs for upgrading services and minor bush facilities propose the following 3-year program for new facilities of approximately 3,784 sq ft per building.

FY 74/75

Judicial District	Location	Elector Dist	Population 1970	% Native Population	Form of Government	Superior District Magistrate Post	City or Village	St. Trooper/Police	Transportation	Airport	Electric Power	School By Type	Military	Library	Comments
		Will Was										By Type	GRADES		
1 2	AMBLER	22(17)	169	94	TRADL	TBP-M	Village	NONE	BARGE	017 AC2	LCL GEN	STR 1-8	NONE	NONE	R
2 2	DEERING	23(17)	85	98	4 th class	" "	"	"	"	523 AC2	PRI "	STR 1-8	NG	"	R
3 2	SHUNG-NAK	23(18)	165	99	" "	" "	"	"	BARGE	614 AC2	AVC/DK	" 1-8	NONE	"	R/T
4 2	KIVALINA	22(17)	188	97	4 th class	TBP-M	NONE	NONE	BARGE	020 AC2	AVC/DK	STR 1-8	NONE	NONE	R
5 2	KAYUK	23(18)	127	100	" "	" "	"	SPUP	NONE	620 AC2	" "	" 1-8	"	"	R
6 2	ST MICHAEL	23(18)	809	92	" "	" "	Village	NONE	DOCK	DOOF AC3	" "	BIAK-8	"	"	R
7 2	SHAKTOOLIK	23(18)	151	95	" "	" "	"	"	NONE	627 AC2	" "	" K-8	"	"	R
8 3	EGEBIK	15(13)	148	50	TRADL	TBP-M	NONE	NONE	DOCK	619 AC3	PRI GEN	STR 1-8	NONE	NONE	R
9 3	KOLIGANEK	15(13)	142	94	" "	" "	"	"	BARGE	622 AC5	" "	" "	"	"	R
10 3	LARSEN BAY (K1)	13(11)	109	82	" "	" "	"	"	DOCK	510 AC3	" "	K1B K-8	"	"	R
11 3	TYOUEK	12(16)	232	95	IRA Village	" "	"	"	LCL &	635 AC	" "	KPB K-8	"	"	R/T
12 4	ALLAKAK ETIC (ALATNA) (K2)	15(12)	124	97	TRADL	TBP-M	NONE	NONE	NONE	630 AC3	PRI GEN	STR 1-8	NONE	NONE	R/T
13 4	BEAVER	20(16)	101	86	" "	" "	"	"	BARGE	637 AC1	" "	BIAK-8	NONE	"	R
14 4	BARTER ISLAND (LAKTOUK)	16(10)	123	88	" "	" "	"	"	"	648 AC2	" "	" K-8	USAF/118	"	R/T
15 4	STEVENS VILLAGE	21(16)	74	97	IRA Village	" "	"	"	"	022 AC3	" "	STR 1-8	NONE	"	R
16 5(4)3	AKIAK	16(14)	171	99	4 th class	TBP-M	Village	NONE	NONE	022 AC	PRI GEN	BIA K-8	NG	NONE	R
17 5(4)3	AKIASHAK	16(14)	312	96	IRA Vil.	" "	"	"	"	019 AC	" "	" K-8	NONE	"	R
18 5(4)3	ALAKANUK	24(19)	265	93	4 th cl.	" "	"	"	"	015 AC3	" "	BIA K-8	NG	"	R
19 5(4)3	EBK	16(14)	186	90	" "	" "	NONE	SPUP	DOCK	550 AC2	AVC/DK	BIA K-8	NONE	"	R
20 5(4)3	NAPAKIAK	16(14)	270	98	" "	" "	"	"	NONE	510 AC5	PR GEN	" "	"	"	R
21 5(4)3	KIPNUK	16(14)	325	98	TRADL	" "	"	"	DOCK	530 AC2	" "	" "	"	"	R
22 5(4)3	KWOTHLUK	16(14)	408	96	IRA Vil	" "	Village	NONE	BARGE	618 AC2	LCL GEN	" K-8	NG	"	R
23 5(4)3	TOOKSOOK BAY	16(14)	257	95	TRADL	" "	VILLAGE	NONE	NONE	600 AC2	AVC/DK	" K-8	NONE	"	R

5 = proposed 5th Judicial District
 (1) = present Judicial District
 3 = possible proposed extension of 3rd Judicial District

** TBP-M = to be proposed Magistrate Post

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1972/73

Bethel:

Located in the Fourth Judicial District - court presided over by District Court Judge, Nora Guinn.

Current Space - ASHA - The court has 1,654 sq. ft. of space in the Bethel State Building shared with other state agencies.

Deficiencies of present space:

1. Courtroom too small - inadequate jury area;
2. No space for a judge's office or secretarial or in-court deputy work area;
3. No private room for conference purposes;
4. No vault or storage areas;
5. Inadequate clerical work area and the general public must wait in the open hall;
6. Unsatisfactory reference library both as to content and space provision;
7. No jury or witness assembly areas;
8. No provision for a reading section;
9. No space provided for ancillary court agencies.

Barrow:

Located in the Second Judicial District - court presided over by full-time Magistrate, Sadie Neakok.

Current Space - Up until January 25, 1972 Magistrate Neakok held court and operated from her home. As of January 25 we have rented 324 sq. ft. of office space in the post office building.

Projected Space Programs - The Court System joined in the planning for an ASHA combined state facility. Funds were appropriated for construction last year. All development was held in abeyance subject to possible inclusion of state agencies along with the City of Barrow in a federally funded airport facility, the Barrow Terminal Corporation.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1972/73

Deficiencies of present space:

1. No courtroom or jury space;
2. Inadequate court facilities for clerical work area and no space for recording functions;
3. Unsatisfactory reference library both as to content and space provision;
4. No space for ancillary court agencies.

Kotzebue:

Located in the Second Judicial District - court presided over by Magistrate, Fletcher Gregg.

Current Space - Court is presently being held at the magistrate's home. By March 15, 1972 we will have two small offices comprising 360 sq. ft. total, located in the police building, for Magistrate Gregg.

Projected Space Program - The Court System joined in the planning for an ASHA combined state facility. Funds were appropriated by the legislature last year. However, this space is not adequate under present and future court needs.

Deficiencies of present space:

1. No courtroom or jury space;
2. Inadequate court facilities for clerical work area and no space for recording functions;
3. Unsatisfactory reference library both as to content and space provision;
4. No space for ancillary court agencies.

Sitka:

Located in the First Judicial District. Court System judicial officers:

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1972/73

1. Superior Court Judge, Victor Carlson;
2. District Court Judge, Roger DuBrock;
3. Magistrate, Ernest W. Hillman.

Current Space - Court facilities are comprised of 4,686 sq. ft. leased from C & R Builders, other state agencies have space in this building.

Deficiencies of present space:

1. No superior courtroom or jury space;
2. Inadequate space for superior court support staff and all related court functions;
3. No vault or storage areas;
4. District court has insufficient space for the recording section;
5. Unsatisfactory reference library;
6. Need improved jury and witness assembly areas;
7. More space is required for ancillary court agencies;
8. Additional rest rooms and mechanical facilities are desperately needed;
9. Present parking space unsatisfactory.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1973/74

Kenai:

Located in the Third Judicial District. Court System judicial officers:

1. Superior Court Judge, James Hansen;
2. Magistrate, Jess Nicholas, Jr.

Current Space - Court facilities are comprised of 3,310 sq. ft. leased from Reliable Builders.

Deficiencies of present space:

1. Additional courtroom (hearing room) and jury space required;
2. Inadequate space for superior court support staff and related court functions;
3. No vault or storage areas;
4. Magistrate court has insufficient clerical working area as well as a need for recording space;
5. Need additional jury and witness assembly areas;
6. Require a prisoner holding facility;
7. Unsatisfactory reference library both as to content and space;
8. More space required for ancillary court agencies;
9. Additional parking space required.

Palmer:

Located in the Third Judicial District. Court presided over by Magistrate, Dorothy B. Saxton.

Current Space - Court facilities are comprised of 900 sq. ft. leased from the American Legion in Palmer.

Deficiencies of present space:

1. Additional courtroom and jury space is required;
2. Inadequate vault and storage areas;
3. Magistrate court has insufficient clerical working area as well as a need for recording space.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1973/74

4. Need jury and witness assembly areas;
5. No prisoner holding facility;
6. Unsatisfactory reference library both as to content and space;
7. No space for ancillary court agencies;
8. Parking space required.

Seward:

Located in the Third Judicial District. Court presided over by Magistrate, Genevieve Schaefermeyer.

Current Space - Court facilities are comprised of 833 sq. ft. of space in the Seward State Court Building and City Hall. Other state agencies have 5,139 sq. ft. of space.

Deficiencies of present space:

1. Additional courtroom and jury space is required;
2. Inadequate vault and storage areas;
3. Magistrate court has insufficient clerical working area as well as a need for recording space;
4. Need jury and witness assembly areas;
5. No prisoner holding facility;
6. Unsatisfactory reference library both as to content and space;
7. No space for ancillary court agencies;
8. Parking space required.

Wrangell:

Located in the First Judicial District. Court System judicial officers:

1. District Court Judge, Harris Bullerwell;
2. Magistrate, Joel Wing.

MAJOR COURT FACILITIES

PRESENT SPACE AND PRESENT DEFICIENCIES

FY 1973/74

Current Space - Court facilities are comprised of 511 sq. ft. of space leased from GSA. This space is located in the Post Office Building in Wrangell.

Deficiencies of present space:

1. Inadequate space for superior courtroom use and has no jury facilities;
2. Inadequate vault and storage areas;
3. Magistrate court has insufficient clerical working area as well as a need for recording space;
4. Need jury and witness assembly areas;
5. No prisoner holding facility;
6. Unsatisfactory reference library both as to content and space;
7. No space for ancillary court agencies;
8. Parking space required.

BUSH FACILITIES PROPOSAL

12,000 sq. ft. buildings, each providing for Superior, District, and Magistrate Courts. Estimated cost per building by location and year.

FY 72/73

Bethel: Anchorage cost $62.98 + 20\% + 6\% + 6\% = \84.92 sq. ft.*
2 floors $12,000 \times 84.92 = \$ 1,019,040$
foundation $6,000 \times 42.46 = \underline{254,760}$
Total $\$ 1,273,800$

Barrow: Anchorage cost $62.98 + 50\% + 6\% + 6\% = \106.15 sq. ft.*
2 floors $12,000 \times 106.15 = \$ 1,273,800$
foundation $6,000 \times 53.08 = \underline{318,480}$
Total $\$ 1,592,280$

Kotzebue: Anchorage cost $62.98 + 30\% + 6\% + 6\% = \92.09 sq. ft.*
2 floors $12,000 \times 92.09 = \$ 1,105,080$
foundation $6,000 \times 46.05 = \underline{276,300}$
Total $\$ 1,381,380$

Sitka: Juneau cost $65.02 + 6\% + 6\% = \$73.06$ sq. ft.*
2 floors $12,000 \times 73.06 = \$ 876,720$
foundation $6,000 \times 36.53 = \underline{219,180}$
Total $\$ 1,095,900$

FY 73/74

Kenai: Anchorage cost $62.98 + 5\% + 6\% + 6\% + 6\% = \78.77 sq.ft.*
2 floors $12,000 \times 78.77 = \$ 945,240$
foundation $6,000 \times 39.39 = \underline{236,340}$
Total $\$ 1,181,580$

Palmer: Anchorage cost $62.98 + 6\% + 6\% + 6\% = \75.02 sq. ft.*
2 floors $12,000 \times 75.02 = \$ 900,240$
foundation $6,000 \times 37.51 = \underline{225,060}$
Total $\$ 1,125,300$

* This figure was arrived at from the SUA, Inc., Volumes 1 and 2, Analysis of Facilities Requirements, State of Alaska.

BUSH FACILITIES PROPOSAL

Seward: Anchorage cost $62.98 + 5\% + 6\% + 6\% + 6\% = \78.77 sq. ft.*
2 floors 12,000 x 78.77 = \$ 945,240
foundation 6,000 x 39.39 = 236,340
Total \$ 1,181,580

Wrangell: Juneau cost $65.02 + 6\% + 6\% + 6\% = \77.44 sq. ft.*
2 floors 12,000 x 77.44 = \$ 929,280
foundation 6,000 x 38.72 = 232,320
Total \$ 1,161,600

Grand Total per 8 buildings \$ 9,993,420

* This figure was arrived at from the SUA, Inc., Volumes 1 and 2, Analysis of Facilities Requirements, State of Alaska.

BUSH FACILITIES PROPOSAL

5,800 sq. ft. buildings enabling Superior Court trials in every election district. Estimated cost per building by location and year.

FY 72/73

Cold Bay:	\$55.00 per sq. ft.* x 5,800 = \$	319,000
Dillingham:	\$55.00 per sq. ft.* x 5,800 = \$	319,000
Tanana:	\$55.00 per sq. ft.* x 5,800 = \$	319,000
Saint Marys:	\$55.00 per sq. ft.* x 5,800 = \$	<u>319,000</u>
	Total per FY 72/73	\$ 1,276,000

FY 73/74

Delta Junction: (Big Delta)	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Glenallen:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Haines:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Homer:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
McGrath:	\$60.00 per sq. ft.* x 5,800 = \$	348,000
Valdez:	\$60.00 per sq. ft.* x 5,800 = \$	<u>348,000</u>
	Total per FY 73/74	\$ 2,088,000

FY 74/75

Cordova:	\$65.00 per sq. ft.* x 5,800 = \$	377,000
Old Harbor: (K.I.)	\$65.00 per sq. ft.* x 5,800 = \$	377,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

Petersburg:	\$65.00 per sq. ft.* x 5,800 = \$	377,000
Tok:	\$65.00 per sq. ft.* x 5,800 = \$	377,000
Yakutat:	\$65.00 per sq. ft.* x 5,800 = \$	<u>377,000</u>
	Total per FY 74/75	\$ 1,885,000
	Grand Total per 15 buildings	<u>\$ 5,249,000</u>

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings up-grading minor bush facilities. Estimated cost per building by location and year.

FY 72/73

Angoon:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Craig:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Pelican:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Skagway:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Buckland:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Gambell:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Point Hope:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Teller:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Unalakleet:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Wainwright:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Girdwood:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Naknek:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Port Lions: (Afognak Island)	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Unalaska:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Eagle	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Fort Yukon:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Galena:	\$55.00 per sq. ft.* x 3,800 = \$	209,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings for FY 72/73 continued

Nenana:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Aniak:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Emmonak:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Hooper Bay:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Mekoryuk: (Nunivak Island)	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Mountain Village:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Quinhagak:	\$55.00 per sq. ft.* x 3,800 = \$	209,000
Tununak:	\$55.00 per sq. ft.* x 3,800 = \$	<u>209,000</u>
	Total per FY 72/73	\$ 5,225,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings up-grading minor bush facilities. Estimated cost per building by location and year.

FY 73/74

Hoonah:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Kake:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Elim:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Kiana:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Noatak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Noorvik:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Savoonga:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Selawik:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Wales:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Manokotak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Sand Point:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
St. Paul Island:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Seldovia:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Talkeetna:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Togiak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Whittier:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Arctic Village:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Bettles:	\$60.00 per sq. ft.* x 3,800 = \$	228,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings for FY 73/74 continued

Cantwell:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Nulato:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Ruby:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Chevak:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Holy Cross:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Nunapitchuk:	\$60.00 per sq. ft.* x 3,800 = \$	228,000
Tuluksak:	\$60.00 per sq. ft.* x 3,800 = \$	<u>228,000</u>
	Total per FY 73/74	\$ 5,700,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings up-grading minor bush facilities. Estimated cost per building by location and year.

FY 74/75

Ambler:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Deering:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kivalina:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kovuk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Saint Michael:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Shaktoolik:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Shungnak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Egegik:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Koliqanek:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Larsen Bay: (K.I.)	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Tyonek:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Allakaketc: (Alatna)	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Barter Island: (Kaktovik)	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Beaver:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Stevens Village:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Akiak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

3,800 sq. ft. buildings for FY 74/75 continued

Akiachak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Alakanuk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Bek:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kipnuk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Kwethluk:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Napakiak:	\$65.00 per sq. ft.* x 3,800 = \$	247,000
Tooksook Bay:	\$65.00 per sq. ft.* x 3,800 = \$	<u>247,000</u>
	Total per FY 74/75	\$ 5,681,000

Grand Total per 73 buildings \$16,606,000

* Division of Buildings, Alaska State Housing Authority - five year bid experience of these two state agencies with buildings in these areas is the estimated cost per sq. ft. as shown.

BUSH FACILITIES PROPOSAL

Total for 8 12,000 sq. ft. buildings	\$ 9,993,420
Total for 15 5,800 sq. ft. buildings	5,249,000
Total for 73 3,800 sq. ft. buildings	<u>16,606,000</u>
GRAND TOTAL for 3 year building project	\$ 31,848,420

NO ATTEMPT HAS BEEN MADE TO DETERMINE COSTS OF PROVIDING WATER FOR ANY FACILITIES UNDER THIS REQUEST NOR ANY ACCOUNTING FOR WASTE DISPOSAL. IT IS OUR UNDERSTANDING THAT THE STATE AND FEDERAL GOVERNMENTS HAVE SPECIFIC RESPONSIBILITIES UNDER SEVERE TIME SCHEDULES AS DESIGNATED IN THE WATER QUALITY ACT.