because of the past situation that has existed in Alaska. Now, I am absolutely certain that we are coming out of this Convention and are going to write into the constitution that comes out of this Convention, an apportionment feature in the constitution that will be accepted by, if not all the delegates, by almost all the delegates in the Convention and will be adopted into the constitution that it will be as fair an apportionment as is humanly possible to come up with at this time. I would like to point out that in Alaska the trouble has been, and I think the trouble that has caused most of these fears and most of the support for the unicameral system has been that we have not even had a bicameral system of legislative apportionment in Alaska. We have had a running-wild system, you might say, both in the makeup of the Territorial Senate and the makeup of the Territorial House. Our citizens here have not had the opportunity to view, so far as their Territorial government is concerned, a bicameral system of legislative bodies in action, and I feel very strongly, personally that at this time it would be unwise to adopt the unicameral form of government. We know that our United States has become the freest, the fairest and the greatest nation on earth under the bicameral system, and I hope that this Convention will continue that form of legislative government.

CHAIRMAN RILEY: Mr. Barr.

BARR: Mr. Chairman, I would ask the Chair to give me a warning about a minute before my time is up, as I don't want to leave a thought or a participle dangling in mid-air. I will submit to you that the ideal system for a legislature is the unicameral or one-house legislature, and that is just exactly what is wrong with it. It is an ideal. It is backed by theorists who have never had any experience in the practical applications of their theories. The unicameral system would work very well if human beings ceased to be human, if every voter got out and voted and every voter was aware of what he was voting for and acquainted with the candidates and if every elected man that was a member of that legislature were a statesman, then it would work, but unfortunately human beings are human. Now, I would like to give you a couple of illustrations of why we should have two houses. You have heard many times that our American system of government is based on checks and balances. It is in our present legislature. There are three forms of government to serve as a check on each other, and we have courts for that purpose -- we even have auditors, examiners and erasers on lead pencils for that reason. Now in the past I have served in the legislature, and I have seen the time I was very thankful we had two houses. I will give you two examples. The first one most of you are acquainted with, so I will not go into details on that. That was the time the House passed a so-called "luxury tax" which in effect really was a sales tax. It was passed by a large majority in the House. They thought it was a good tax and they were

concerned with raising more tax revenues. It was needed, I will grant you that. They were immediately flooded with telegrams and letters from everywhere protesting this tax, but meanwhile it had gone to the Senate and was in the taxation committee in the Senate. I doubt it would have passed the Senate even before the protest came in, but it failed in the Senate, and I have never seen anyone more thankful for two houses than all the members of that House of Representatives. The Senate really got them off the hook. Now, I will reverse the case. In the Senate there was a member who was an experienced legislator and a well-respected lawyer in the Territory. He submitted a bill which was a fairly complicated one, that was designed for a very good purpose, but during the debate in the Senate it was brought out that if one section of that bill was interpreted a certain way it would stop all the placer mining in the Territory, or at least start litigation in that direction. That bill passed the Senate and went to the House, but by this time the author of the bill was greatly concerned. He was afraid he would not be able to go home and face his constituents because it was a mining division that he came from, so he contacted certain members of the House and it was amended in the House to take that possibility out, that there would be any harm done or restriction on placer mining, and that bill is now a law, and the mining fraternity is still in existence and still doing business. That was through an oversight which is a very likely thing in a long and complicated bill, and it was corrected in the House. I have seen many other examples but those are two. We should stick to the system of checks and balances. I want to say that I was just as concerned as Mr. Hinckel here with the lack of representation from the outlying districts. I have been in more outlying districts perhaps than Mr. Hinckel. I have spent all my life in Alaska. I know they would like to be represented. I know there are able men who are willing to represent them. The reason they don't is because they can't be elected. We only have four election districts, the four judicial divisions and each one has a large center of population. But a unicameral or bicameral legislature does not cure that problem at all. The only thing that will cure that is the redistricting for the election and reapportionment. No matter what form of house we have, if the electors in a certain outlying district have a chance to vote for their man, they will get representation. Mr. Rivers here said that this body very well represented the people. I grant you it does, it represents the people a great deal better than the legislature, and why -- because the Territory was redistricted for the election that sent us here. Now Mr. Fischer here has studied this matter from books, but there are a few things he does not seem to realize, even says that everything in a unicameral legislature will be brought out in the open and debated on the floor. He seems to think there will be no committees or at least no committees behind closed doors. That is a system that has been in existence for 170 years in all state legislatures and in the

Congress of the United States. There is a reason for it because they can do their business better. They are not afraid of what you think of them for what they do. They are afraid testimony might come up that will hurt some outsider and I have seen that happen in committee right here. When we were talking about former governors, things were said about former governors that brought up points that we wanted to bring out to clinch an argument. That could not be done in the public. We are operating under a republican form of government. The people delegate their authority to members of the legislature and they trust those members of the legislature to do their business for them and do it the best way possible, which sometimes should not be open to the public. It is said that the State of Nebraska, the one state that has a unicameral legislature which works very well. I am not well acquainted with Nebraska. Very likely it does, but a state more unlike Alaska could not have been pointed out. The geography is different, the terrain is different, the people are different. We have different races up here, different industries, most of the people in Nebraska are farmers or cattle raisers. They are all very conservative and while every Alaskan that I ever met was a distinct individual. Also it was brought up that it works in Canada and Europe. Well, it probably does. Our forefathers came to this country to get away from the European system of government. Don't let us import it to Alaska. Now it was said also that the closer relationship could be had between the governor and a unicameral legislature. I believe that is so, especially if the governor was trying to control them and also perhaps if the governor was of the opposite political faith then the majority of the legislature -- there would be more wrangling, more confusion and less done. A one-house legislature also might be more easily controlled by a special interest group or lobbyists. It would be very difficult to control two houses. Now, when we are granted statehood, we are going to launch our ship of state on her maiden voyage -- an untried ship with an untried crew. What system of navigation shall we use? Shall we try the old tried and true system that has steered 47 states through these past years or shall we try a new system advanced by theorists that has no system of checks and balances and one in which we would not know where we are going? I don't believe that the people of Alaska would want to try that. It is too early in the game when we are starting our state, and we want everything to work and work properly.

CHAIRMAN RILEY: Mr. Peratrovich.

PERATROVICH: Mr. Chairman, what I have to say will be very brief, but I want to get up, as Mrs. Hermann suggested, to be counted. I have expressed my view to quite a number of delegates here upon my arrival. Much to my surprise this has been a primary question in this Convention, and I am glad we gathered here tonight to try to arrive at some conclusions and with that thought in mind I wish to offer my conclusions tonight.

I gather from what has been said here, the primary concern is the true representation of all areas, and I can sympathize with Mr. Hinckel, because I am more or less representing people of this type. However, I made it very plain when I was approached on this topic that I would never obstruct any constructive move. I am here to see that if I can contribute, in my own little way, to draw up a constitution acceptable to the people of the Territory. I might add, friends, that I worked mighty hard for statehood of Alaska and I'm still plugging. My area is limited, but there are voters there too. They are very much concerned, and I think it is only fair that they should have a voice in the state of Alaska, and I am very much encouraged after I listened to two or three speakers here tonight. Perhaps there will be reapportionment. I think that is the solution. My mind has been open on this thing and it is just about made up tonight. If that angle is thrashed out, I am sure they will forget about everything else. We will go back to the two-house system. That is all I have to offer.

CHAIRMAN RILEY: Mr. White.

WHITE: Mr. Chairman, I am on the fence on this proposition, so as not to frustrate the team who are checking off one side or the other, I lean toward bicameralism, but I have the feeling that a much better case can be made by more people for unicameralism than has been made tonight. I have just jotted down a few notes here that I would like to go over at random with a preface that I am not the one to make the case for unicameralism. I don't know enough about it. But in the two examples given by Mr. Barr, as to the legislature, it seems to me, the one in regard to the placer mining bill and the other the luxury tax, it seems to me it could be argued equally well that if there had been a one-house legislature in those two instances it would not have come to pass. I have heard that argued before here by people who were in the legislature at the time and particularly in the case of the luxury tax -- that that was designed to jar something loose from the other house. That makes sense to me. In the other case of a bill slipping through with a mistake in it, I think it might be argued equally well that if you had the one-house legislature, it would tend to make that one house considerably more careful in what it does than would be the case with the two-house legislature. Each member would be well aware his action is final and not subject to revision or review by another house. In that same vein I think it is equally logical to argue that when you give a person, properly qualified, additional responsibilities you generally get a better performance, a better qualified person running for the office or applying for the job. We have heard a good deal on the subject of representation. I don't know how you can get better representation than you would have in a one-house legislature. The point has been brought up that the lower house in a two-house legislature is

generally representative of the people and the upper house, representative of areas. I am not sure that that is too good an argument for maintaining two houses. It seems to me that one of our primary problems in Alaska in the past has been the problem of sectionalism. I wonder if in having a single house we might not tend to reduce that problem, make each member of a one-house in Alaska more conscious of the fact that he represents all of the Territory. In this case I submit that a system of checks and balances could equally well be called a "deadlock system". If one house represents the people and the other house represents areas and you have a irreconcilable problem, you get no where. I am not particularly impressed by the argument either, as to tradition. This will probably startle some of my friends. There is always friction when you suggest a change. There is always resistance to change. I think it has been made amply clear here the reason why there has been resistance to change in this particular matter. I think it is a rare case indeed when a body votes to do away with itself or to radically change its form, and it has been shown to my satisfaction that the death of most of the one-house unicameral bills that have been introduced, can be laid at the door of the Senate, which would be abolished were you to have one house. Also, I think we sometimes make a mistake of viewing a new idea in the context of the old. By that I mean that merely because certain procedures have been followed in the past with a certain system, we should not assume that the same rules, same customs, same reactions to problems, are going to apply in the future in the new system. I think that is a mistake often made. These are just random thoughts. The last one -- I think it would be very proper for us, should we decide to stick with the two-house system, to provide for an automatic referendum at some stated time or stated intervals so the matter could be brought up before the people. I think the reason for that is amply clear again, because once you start out with a two-house system you are never going to change it except by vote of the people. The legislature itself is not going to vote. Conversely, perhaps if we should decide on a one-house system, some of the fears of the people who don't like to experiment could be allayed by a similar provision to submitting the one-house legislature to a referendum after a stated interval of years. Two arguments given by one of the proponents of unicameralism impressed me as possibly worthy of further amplification. If they could do so I would like to have it. One of them was that a one-house legislature tends to reduce the effectiveness of lobbyists. I would like to have that amplified if that is possible. Secondly, that a one-house legislature tends to reduce the log jam of bills that plagues all legislatures at the last minute. I think those are two problems that have been very much before us here in Alaska in the past and if it can be shown that a unicameral legislature would eliminate or substantially reduce those problems, I think we should give it careful attention.

CHAIRMAN RILEY: Mr. Buckalew.

BUCKALEW: Mr. Chairman, I did not intend to address this body tonight, but I feel that I am compelled to speak, probably because we have such an attentive audience is another compelling factor. To begin with, as I recall the campaign of all of the delegates about the general nature of their campaigning was that the constitution should be clear, concise, short, confine itself to fundamentals. I don't recall even one candidate addressing any particular remarks to bicameral and unicameral. I got the impression that we were going to have a bicameral house, and I frankly did not give it much thought until Mr. McNees talked to me several times. My thought is that if we went ahead and adopted a unicameral house, we will be taking the voters of Alaska by surprise. I mean this was a nonparty election and I think we would be more or less slipping the people a gimmick which they did not expect. Then we are going to have the burden, and I don't care how fine this new system is, we are going to have the burden of selling this new idea to the people of Alaska, and I don't think it will do us any good. I think it will put an additional burden on the ratification of the constitution. I want to say a few things about the evils of the two houses. Mr. McNealy said that he was thankful that we had a Senate. I can recall on several occasions that I would have leaped to an opportunity to abolish the Senate during the last session of the legislature. I disagree with Mr. McNealy in that one particular. I think I should for the purpose of the public, clarify this luxury tax, this progressive fish tax and this property tax. Now this is a result of a conflict which developed between the two houses, and that is the most controlling and compelling argument that I see for the unicameral house. It will make it awfully difficult for the lobbyists to get control of the one house. If it was not for the fact that we hadn't put this idea to the people beforehand, I would vote for the unicameral house. The only reason I am not going to vote for it is that I think we are taking the people by surprise. It puts an additional burden on us to sell the constitution. Now, back to this luxury tax, this progressive fish tax and property tax, the idea of the House was to get a progressive fish tax or property tax. We figured we would put the luxury tax through and we were hoping that the Senate rather than tax the individual Alaskan, would tax the traps. I have only been in one session of the legislature, but the thing that shocked me and something I was never aware of was when I was in the halls there in Juneau and I observed a lobbyist by the name of Mr. Gilmore writing amendments on House bills. Right then I said if we could do away with that Senate, I am for it. Now I would be for the unicameral house except I think we are taking the people of Alaska by surprise and it is not fair to the people of Alaska but Mr. McNees certainly convinced me with the lobby argument.

CHAIRMAN RILEY: Mr. Collins.

COLLINS: Mr. Chairman, I have sat here and listened with a great deal of interest to the statements pro and con for the one-house and two-house legislature. Personally, I am in favor of a two-house legislature, and Delegate Barr brought to my attention a happening in favor of the two-house. I had presented a health bill in '45, ten years ago, and in that it had to do with the pollution of the streams of Alaska. It was a health bill, and we passed it, not thinking, not realizing the danger that might happen to the mining industry throughout the Territory of Alaska. After that bill had passed the Senate and went to the House, my attention was drawn to that dangerous provision in that bill, had it passed. I immediately contacted the committee in the House and presented the fact that if they did not amend that bill to protect the mining industry of the Territory of Alaska, 90 percent of all the mines in the Territory of Alaska would be shut down. It gave us that time to reconsider that, brought to our attention. It was inadvertently on the part of the drafters of that bill that it would affect one industry in Alaska. Mr. Barr brought that to my attention. I had forgotten it. Now, the question of one-house or two-house. We have if we pass the one-house proposition and have that in our constitution and present that to the Territory of Alaska for the voters to ratify, we have two hurdles to make. We have got to make that hurdle and then that bill of the constitution is sent on to the Congress of the United States. One state in the United States is practicing the one-house proposition. Each state is given two Senators throughout the states. What will they think of us if we present this constitution to the Congress of the United States? Will we make that hurdle? Can we sell our constitution under those conditions? Those gentlemen in Congress of the United States have been practicing under the proposition of the old tradition of a two-house legislature. Shall we break that strong thread of tradition with admission of our constitution for the coming state of Alaska? I say no, and I am very much in favor of a two-house legislature.

CHAIRMAN RILEY: Mr. Nolan.

NOLAN: Mr. Chairman, I am for the bicameral system. Now you have just heard an argument by Delegate Buckalew that it would probably be easier to control lobbyists under a one-house system. I have served in both houses over quite a few years, and if Mr. Buckalew had been down there a few years ago he would have seen a lobbyist passing notes in the House. Now I have found in my terms in the House and the Senate, that there has never been a time that the lobbyists have been able to control both houses.

CHAIRMAN RILEY: Mr. Stewart.

STEWART: Mr. Chairman, I am in a position to make observation or two or that myself. I have attended nearly every session of the legislature since the first and often. Session after session I have seen measures that were for the benefit of the people as a whole pass through the House with a heavy majority, come up to the Senate, which in the earlier days had eight members, two of those members were employees of one large mining company, one of them their chief attorney. If those two men alone with one other could persuade a fourth person to join them, they would kill any beneficial legislation for the benefit of the whole people by producing a tie. I have seen that happen over and over again. I don't know that the unicameral system is the cure for that. It may be that with better representation from all the districts those things can be controlled, but the history of the past I think demonstrates that something should be done to eliminate that, not control it but eliminate it. It may be that with the representation of the apportionment being provided in a way that will give representation from all districts in a fairer way. It may be also that having more frequent sessions of the legislature so that measures originating at one session cannot be passed on finally but held over between two sessions, and thereby giving a chance for the people to express themselves on what has gone on in the first session. That may help, but anything we can do to eliminate the painful effects of the lobbying I have seen in the legislature ever since I have been here, I am for.

CHAIRMAN RILEY: Mr. Ralph Rivers.

R. RIVERS: Mr. Stewart, did not that situation improve when they enlarged the Senate to 16 members?

STEWART: To a degree.

R. RIVERS: Do you think that if we had a larger Senate so that not such a small group of people could cause a tie, that that would minimize the lobby effect?

STEWART: It might improve it, I wouldn't say that it would eliminate it. I think to eliminate it, some means should be provided whereby the people throughout the Territory, maybe that's possible now with the communications the way they are, let the people know what is going on in those halls, the way we who live in Juneau and attend the legislature observe.

R. RIVERS: I would like to observe, Mr. Chairman, that one of the historic reasons for increasing the Territorial Senate was that that closeknit group of eight men could kill any measure coming up from the House was the reason for increasing the Territorial Senate to 16 members.

CHAIRMAN RILEY: Mr. Johnson.

JOHNSON: Mr. President, it seems to me that Mr. Rivers' observation is a perfectly good answer to Mr. Stewart's objections of the bicameral system on the ground that it is too easily controlled by lobbyists. Certainly with the question of a proper proportionment being once settled by this Convention, then I think we have found the answer that is necessary to give every person in Alaska the proper representation in the legislature. I am unqualifiedly in favor of the bicameral system. I was in the House when in 1945 and '46, when these matters were before us by way of a joint memorial. I recall distinctly that I voted against those projects at that time, and I think the record will substantiate that, and I certainly feel no differently today, or I feel no differently after having listened to all the arguments here tonight. Mr. McNees argues that the unicameral system would still provide us with the so-called checks and balances and he says by way of illustrating that that we would have the supreme court to check us on faulty legislation. However, he did not point out that the supreme court rules, not on wise legislation, but only on illegal legislation. And besides that, every once in awhile the supreme court can make a mistake. In addition, he argues the check of the veto power. I have seen many times the veto power overridden by the legislature, and when it can be overridden by two houses with a two-thirds vote in each house, it certainly stands to reason it could be overridden in one house. So the two checks and balances he talks about do not seem to be sound. He made some reference, or rather comparison, to the one-house system with our courts. Well, everybody has his day in court, he gets a fair hearing, and if he does not like it he has an appeal. That is exactly the same as the Senate. This litigant appeals to the supreme court. The House perhaps has a bill that is not proper and the appeal is taken to the Senate and vice versa, so I don't believe there is any comparison between the unicameral system and the court system. He made reference to the fact that many countries have the unicameral system. He did not mention the name of a single country that I would trade for the United States of America, and he made reference to the fact that this bicameral system was, as he put it, "an illogical procedure" and yet it seems to me that that is not a very tenuous argument because if this bicameral system is such an illogical procedure, then the United States of America acting under that system for 175 or odd years could never have reached its present position of economic, political and military strength. I am unalterably opposed to the unicameral system. I believe that if we are going to keep faith with the people who sent us here to write the constitution that we should write it on the basis that was set out in the federal Constitution so many years ago so wisely by 55 men.

CHAIRMAN RILEY: Mr. McNees?

MCNEES: Mr. Chairman, I don't like to hear myself misquoted as I have two or three times tonight. I am going to pass over

most of them but this latest one I am going to have to take up. I am going to quote directly as I quoted before. I referred very closely to my notes tonight due to the time limitation that was politically pulled on me here, but my quotation, Mr. Johnson, was this: "If the legislature exceeded its constitutional authority in the enactment of any law, it would be set aside by the supreme court." I did not say a supreme court would pass upon the measure of a good bill or a bad bill. I have another point I would like to make if no one else would desire the floor right now.

CHAIRMAN RILEY: You may have the floor, Mr. McNees.

MCNEES: Thank you. Mr. Barrie White asked a question awhile ago about control of the lobbying in a one-house legislature as compared to that in the bicameral legislature. There are six points at which the lobbyist can gain very effective control in the two-house system. First, and I pointed that out rather graphically and spent a little time on it, the conference committee where he may gain control. We know session after session of the legislature where there is the constant battle over who is going to be speaker of the House. Why does that battle take place? It is a jockeying for position, so to speak, and don't think the lobbyists don't have their hands in that. Control of the election of the speaker is an important point. By control of the Senate at large, which Mr. Stewart pointed out here awhile ago, or by control of the House, the larger body and the hardest one to control, or getting down basically, if he can control the speaker of the House or the presiding officer of the Senate he might be in a position as a lobbyist, to name those two members to that conference committee from either the House or the Senate. If he only named those two he would have control of the conference committee. That I think is the important point to make here is that we have a conference committee squeezed in between two houses where everything is out of sight and where you can get at one, two or three men to maintain very, very effective control. If I were to make a rebuttal it would be this -- there is a committee known as the Committee of State Government made up of a very fine list of the top political scientists, statesmen, in our nation today, and those men recognize, as I do, the beauty of the theory of the unicameral system. I too feel the people of Alaska sent us here to represent them. I knew when I took hold of this issue that I was representing a minority group, but I believe that minority group should have a right to be heard. I got a very good hearing tonight and I am very pleased with it. I know that during the course of these many discussions we have had, there have been some of you won over but there have been a lot more of you have modified your thinking. During the course of the last 20 years or better, paralleling the growth or the interest, the information so to speak, of the unicameralistic theory of thought has been a group that I think is to be reckoned with, and that is

your Legislative Council. Today there are 35 states of the 48 that have active legislative councils. Prior to Nebraska switching to the unicameral system in 1937, there was a total of two legislative councils in the nation. Today there are 35. If you could have traced, as I did, over a period of many weeks running into months, the story that I painted to you tonight of the introduction of bills in favor of unicameralism and how they died, you would have seen this parallelism that I would like to draw your attention to tonight, and that is that prior to 1943 now we had 10 legislative councils. Today there are 35. Since the war ended there has been a very, very great increase in it and primarily that increase has been in the interest of more efficient government. The legislative council is a policy-making group. The usual size of the group -- we have to take a median number -- that median number across the nation as a whole is 18. That is hardly a fair number to reckon with because many states make the provision that every member of their legislature is on that legislative council. But the main thinking behind the idea of the legislative council is that here is a board of experts that sits through the year or meets quarterly, at least much more frequently than your biannual sessions of your legislature. There is a great trend of thought here on the present conference floor for an annual session, and I would not be at all surprised to see it come up with an annual session and more easily called special sessions because we must survey our laws constantly. We must introduce new laws constantly. We must revise laws constantly. The general policy of these legislative councils across the nation is that they meet not less than four times a year, some of them meet in continuous sessions. We have here in the Territory a Legislative Council that is very active and very fine, but the point I want to make and stress particularly is the fact that with the growth of the legislative council, we have a greater interest, greater participation judged primarily by the number of bills introduced in the unicameral system. I might say there has been only one state ever to repeal their legislative council. The principal thing that I think stands out in my thinking on this is that in a one-house system you have immediate reflection of how your public is going to react, how they feel, and if we have an annual session of our legislature meet annually instead of biannually as we have in the past, you are going to see that reflected in the voting, and in time it will give you a house that truly represents your people to the very best of their ability. I don't think I would have anything more to say except this -- that if 28 people, which is the number it will take to swing this issue one way or the other, go for a bicameral session, which I probably might weaken my own cause by saying that, I rather think that is the trend that will take place, but if 28 people here in the present Constitutional Convention vote for bicameral legislature, I will be one of the first to go out and try to help sell this constitution to the people of Alaska, will give my full efforts for it just as I would hope and feel sure

that if it went the other way you would do likewise. (Applause)

CHAIRMAN RILEY: Mr. Walsh.

WALSH: Mr. Chairman, I want to compliment my colleague from the Second Division, Mr. McNees, for the very able, earnest, and efficient manner in which he presented his case for unicameralsim. I know that Mr. McNees has put a lot of time and research into that subject. He has studied it. I have talked with him prior to tonight many times, and I have great admiration for the amount of work and the intelligent approach that he has made to present his case here tonight. I think he did an excellent job. I regret, however, that I cannot agree with him for a unicameral legislature. I am not going to bring in the State of Nebraska, or I am not going to take up any time of the members here and go into details. I look to our Federal Constitution, and from there I take my views. It has withstood the test of time. It has gone past 150 years and today it is respected the world over as the greatest form of government known to man. We have, of course, 47 states to counteract the one lone State of Nebraska. That has been gone over by other people. I rise here principally on the statement made by Mrs. Hermann that I think we should stand up and be counted. I want to be counted for bicameralism.

CHAIRMAN RILEY: Mr. Londborg.

LONDBORG: Mr. Chairman, I would like to say a few words at this time. I don't wish to condemn unicameralism as such. In theory it may be good. I have not had a chance to study it through and through. I would like to say that as far as Alaska is concerned, I believe it is just good for the theorists. I had a chance to observe unicameralism to a small degree, having been raised in the State of Nebraska. I had the privilege of seeing it come into effect. I remember in high school we were very much interested in it, and as we noted this morning the interest in this one school grade here in Fairbanks in our Convention, we took a similar interest in our little part of Nebraska and had a chance to see it come into effect and also see it operate. I attended a few sessions sitting in the gallery at Lincoln when I lived there. One argument that we have heard over and over again, not just here but elsewhere, is that it works in Nebraska. I believe it was adopted there to simplify the government and also to give representation. However, they were able to sell it to the Nebraskans or Nebraska adopted it because at that time, in the 1930's, Nebraska was largely a rural population. According to Mr. McNealy who is also from Nebraska, he said that the largest city according to proportion would be about 10 percent of the total population. Now that is not too bad a proportion, city versus rural population, taking your largest city, but now due to the larger farms, many of the farmers moving to the cities, etc., Omaha has grown and the rural areas have declined in

population so that Omaha has about 20 percent of the population. The metropolitan area around there is close to 33 percent. The representation that some people in the outer regions of Nebraska thought they were getting, is slipping away. It is slipping away because the population is moving toward the cities, and I believe now that it is largely impossible for Nebraska to return to the bicameral system because the heavily populated area is not likely to turn back the representation to the rest of Nebraska. So much for the state at this time. I don't think, as has been mentioned, that we can really compare Nebraska and Alaska except they sound similar at the end of the names. We have, as has been mentioned, the larger area, the floating population, many who will not vote, but I believe will be counted in apportionment. They will of course be in the larger areas, giving more representation to the areas -- I don't mean larger areas but the more populated areas -- yet they will not take an active part in voting. Representation in Alaska, I think we find that about 50 percent of our Alaskan people live in just a few of the larger cities and if we go on that basis we are going to have representation by the cities alone, if we go to direct population apportionment. Taking it on the national scales when we become a state, if the United States was on apportionment in the Senate and the House, we would have probably one senator out of 1000 less representation than we now have in our non-voting Delegate Bartlett. Take some of the fairness now and apply it to Alaska. Each division should be entitled to equal representation. That would be playing fair on that standpoint just as we expect the United States of America to play fair with us and give us two full-fledged voting senators. The argument of cost -- it may cost a little less to operate with one house, but if the two houses give us better government I think it is worth it. There was mention of the log jam of bills that seemed to flood in the two-house system at the end of the session. I don't know much about that. I think we will probably have something like that here in our one-house if we keep on, toward the end of the session, but I think one reason that Nebraska gets their bills in early is that their congressmen, I believe they're called, I think are paid $200 for the whole session, stay as long as they like. You can be sure they get their bills in early to get back home again. As far as the lobbyist system, I think the lobbyists would have an open house if they had just one house because they would have all their eggs in one basket and only the one house to worry about. I think the way to get rid of the undue and unfair lobbying is the suggestion that we received from Dr. Gruening yesterday to educate the people of Alaska in our school system and on up to whatever is necessary, that they take more interest in the government, more schools with teachers in the schools as we were privileged to observe this morning, teachers training the youngsters to really get interested in the government of Alaska. Last year in our high school at Unalakleet we requested that all the proposals in the House

and the Senate be sent to us. We did not get a chance to read through them all, but it stimulated some good interest among the students. I think that should be done all over to create an interest among the students so that when they grow up they will take an interest in their government and then the men and women in legislature will vote for the people and not for the lobbyists, because they will know the people are watching them. As far as tradition is concerned, I don't particularly like tradition as such. I like to start out on something new. Yet I will never forget the advice that was given to me once. "Be not the last to leave the old nor the first to try the new." Now it is true that we would not be the first in one sense of the word, as Nebraska now has unicameral legislature but we would be the first state to start with unicameralism in the last 150 years. I don't believe we dare take such a gamble as to put unicameralism into the constitution that we will operate under when we first become a state.

CHAIRMAN RILEY: Is there further comment? Mr. Robertson?

ROBERTSON: Mr. Chairman, I would like to announce I am strongly for bicameralism. I doubt if it is necessary to state so because I have introduced two proposals to this Convention based upon the bicameral system, but I would like to emphasize one thing. Views have been expressed by so many which accord with my own views, but I would like to emphasize the fact that I don't think we should discard the nearly 42 or 43 years of experience in the two-house system in Alaska. We don't want to discard the experience that our government is based on a two-party system and we don't want to risk the chance that Congress will say that those Alaskans are simply trying to experiment in a new kind of legislation. Therefore, I hope this Convention adopts the bicameral system

CHAIRMAN RILEY: Is there further discussion? Mr. Armstrong.

ARMSTRONG: Mr. Riley, I think I can make this very brief. I would want to be counted for the bicameral system because I believe that this constitution will correct any error that has been perpetrated on the people of Alaska under our Territorial form of government. We will have adequate representation, we will provide for an annual meeting where we will not have all these log jams which have cluttered up the halls and wastebaskets of Juneau. I did not come here feeling that I had any mandate to change the form of government under which we are to operate. I believe that we would have a terrific job in the 120 days to educate the public to a change of form. I doubt that we would have the acceptance of the right kind of publicity from press, radio and TV that would be necessary in this type of an endeavor. I am also aware too that we have people from every state in the Union who have come into the family of Alaska. I do not believe that we can at this time afford to confuse them by this type of change, and I would add

this one other word -- that I have been in the halls of the legislature of Juneau, and I can say personally that I have been blessed to see the checks and balances that have been made available there to the people of Alaska. So you know exactly how I stand and how I will vote when this comes out of the committee. I hope we won't tarry many days before this does come for final action.

CHAIRMAN RILEY: Mr. Metcalf?

METCALF: I want to make a few brief remarks along the line Mr. Londborg has made. I am for the bicameral legislature, though I came to this meeting tonight with an open mind. The meeting has been very educational. I certainly sympathize with folks that are in favor of a unicameral legislature. There are abuses there. There certainly are but I believe could be corrected with the system of reapportionment and whereby the people out in the rural areas will have more active interest in government affairs. There is one other angle that has not been mentioned in adjusting this system of checks and balances. If we become a state or after we set up this constitution we would also have the initiative, referendum, amendments and revision clauses plus the recall which will give the common man further checks and balances on his legislature. I mention this because I don't believe it has been mentioned before.

CHAIRMAN RILEY: Mr. Cross.

CROSS: Mr. Chairman, we came here to build a constitution. This constitution has two basic requirements -- one is that it must be workable, the other that it must be acceptable. I believe Alaska could work a constitution with either form of legislature. I doubt very much that we could sell one with any but a two-house legislature. I am for the two-house legislature.

CHAIRMAN RILEY: Mr. Rosswog.

ROSSWOG: Mr. Chairman, I would like to say just a few words. I have not served in the legislature but I have served on city councils and quite a few other boards, and I am in favor of a two-house system. I know at times on these boards we would have been glad to have some other check so that we would not have had to reverse ourselves. There is another thing that I think I am concerned about is the distribution of our representation, but I am sure that this Convention and the committees can work out distribution of representation so the areas are represented.

CHAIRMAN RILEY: Mr. Sundborg.

SUNDBORG: Mr. Chairman, we have heard this evening thus far

from 29 delegates and if my box score is correct, 23 of them have spoken in favor of a bicameral system and only six against. The six who were against, and this bears out something that appeared in the reference work that we had from the technical services which were employed by the Statehood Committee, were all men who had never served in any session of the legislature. By men that are against, I mean men who are for a unicameral system. The 23 who were for included six delegates here who had served in the Alaska Senate, and everyone of those men was in favor of a bicameral system. It included five men who have served in the Alaska House of Representatives, and every such representative who has been heard has been in favor of a bicameral system. We have heard from "the two great Rivers of the North", from Senator Barr, Senator Collins who served in the very first Territorial legislature and in many others, from Senator Nolan who was the President in our most recent Alaska Senate and from our own President, Bill Egan who is held I know in as high respect by every one here as any member among us and probably in higher respect. We owe much to the judgment of these men, and yet I feel that in exploring a problem of this kind that we should look at the problem itself and not necessarily only at those who advocate one course or the other. As for my own views on this subject, I was one, I found out after I got here, of a relatively few who answered a poll from the Associated Press after we were elected and before we had come here to serve, which asked a number of questions including the one, "Do you favor a one or two-house legislature?" I answered very readily that I favored a two-house legislature. The other evening I had the privilege of watching a television show. It was a televised committee meeting of our Committee on the Legislative Branch, and because of that show and the things that were said there I was pretty well convinced by a presentation that was made, particularly by Mr. McNees and also by another member who has not been heard from tonight, but who was very eloquent and persuasive on that occasion, Mrs. Helen Fischer, that a unicameral system had much to recommend it. Tonight, as I think has been the case with most of the delegates here, I have been pretty well won back to the other view that a bicameral system is the thing for us. This argument, if it is an argument, is not over yet. We are still going to hear from a Committee. We are going to debate the Committee's recommendations on the floor. We are going to arrive at some kind of decision and then after that there is still a whole lot more. For example, I think the Committee of which I happen to be Chairman, Style and Drafting, might conceivably drop out the second house as a matter of redundancy in the language. The best purpose served I think by this discussion tonight has not been at helping us to arrive at a decision in this one matter of whether we should have a one-house or two-house legislature. It has been most valuable because it has thrown light on so many other problems which will concern us. There is this great problem of representation, supreme in the minds of so many of our delegates.

This body I believe is the first ever elected in Alaska where we had actual representative districts. I think the result is commendable. We have a fine Constitutional Convention here which I think represents all sections and all elements of the economy and all interests of the people. It is a unicameral body. Let's look for a moment at what kind of a body it would be if on that same election day last September, we had been electing, the people of Alaska had been electing, not a one-house but a two-house body. Let us look at what it would be -- first of all there were 19 members elected from separate representative districts. Those districts did not overlap and they covered the whole Territory. So every area of our great Alaska is represented here. Then in addition to that we elected 36 from larger areas, we elected a number of them from the Territory at large. We elected another number of them from each of the judicial divisions, and the results of those elections if we look at them are as follows: one member came here from each of six small places, Wrangell, Klawock, Haines, Sitka, Unalakleet and Valdez. Three came from Nome, seven came from Juneau, eight came from Fairbanks and twelve came from Anchorage. Just from those at large elected. Now that would be your Senate if this were a two-house body, and if the election had been held on that same day and we were a bicameral Constitutional Convention. The delegates here from Anchorage and Fairbanks alone would control more than one-half of the upper house, and it does not matter how preponderant the sentiment may be in the body that has representatives from all over the Territory, nothing is ever finally passed through a two-house legislature unless it passes both houses. Getting through one house is not getting half-way there, it isn't getting any place. You have to get through both of them or you haven't got a law, you haven't got a bill or an act. So I think we need to give some thought to the matter of representation. It is supremely important and I hope we have another session such as this, with attendance such as this and with as eloquent expressions of opinion from the delegates as we've had tonight on that subject, in a Committee of the Whole. The matter of checks and balances has been mentioned. In my view, there is a need in government for checks and balances among the three coordinate equal bodies of any government. There needs to be checks between the legislative on the one hand and the judicial and the executive on the other, and between those three we do not find any system of checks and balances within any of the coordinate branches except in the legislature. We don't find that we have two courts on an equal level trying the same case and that there will never be a verdict unless the two courts come up with exactly the same decision on any matter. We have one court and when it decides something, that is it. There is a court on another level to which an appeal is possible in some cases, but only one. You don't go to two more and have no verdict unless both of them happen to decide the same thing. If it is good to have two houses of the legislature why is it not good to have two governors? Indeed, if it is good to have

two houses of the legislature why is it not good to have three houses, to make it even more certain that no bad legislation will get through, or four and let's be perfect. I believe that responsibility is the thing and that responsibility will be developed by placing the responsibility upon a number of people, whether that may be a one-house legislature or in a two-house legislature. There would be no five percent luxury tax passed by a one-house Alaska legislature if we had had a unicameral system, at the last session. I am convinced of that. I was close to it and watched what happened. I think that there is no argument either in tradition. The reason we have a two-house legislature in our national government, in our Congress, is because there was need of a compromise. There never would have been a nation, there never would have been a Congress, or Constitution if we had not been able to have one house which would be based upon representation of people and the other that would be based upon areas. We would not have had a nation. Now this matter of lobbyists of which Mr. Stewart spoke so feelingly. I can speak feelingly of that too. It was mentioned here a few minutes ago that one of the members who has had long legislative experience has never seen a lobby control both houses. A lobby doesn't have to control both houses. It has to control only one house, it doesn't even have to control a whole house. When we have a situation such as we have in Alaska at the present time where perhaps the executive is on a different side of the fence from the preponderant feeling of expression in a legislature and something comes up on a measure to override a veto, all that the lobby has had to do and all that the lobby had to do in the last session of our legislature was control just five members and no piece of legislation which the governor opposed could ever get through that legislature, although there were 40 members there, the lobby that could control five members (and believe me they did) can stop it. It was mentioned here too that somebody once saw a lobbyist pass a note to a member of the House. Of course, that happens all the time. It would happen in a one-house legislature. But what is the real meaning of that? In order to control a house, even if the house were only as large as that of our Alaska at present, the lobby would have to control 13 members. If we had a lobby trying to control this body, it would have to control 28 members, vastly more difficult than controlling a little group even if we doubled the size of our present Senate, the lobby would still only have to control 10 members.

CHAIRMAN RILEY: I'm sorry Mr. Sundborg but your time is past. Mr. Buckalew?

BUCKALEW: If there is no further discussion, I move that we report progress.

CHAIRMAN RILEY: Mr. Buckalew has made the motion that the Committee rise and report progress.

HARRIS: Point of order, did the motion come before the house that the visitors would be allowed to speak?

CHAIRMAN RILEY: That was discussed a few minutes ago. We will have two minutes of recess. The Convention is at recess.

RECESS

CHAIRMAN RILEY: The Committee will come to order. Mr. Doogan?

DOOGAN: Mr. Chairman, I think that most of the Committee, all of the Convention delegates who want to be heard have been heard from. I would like to move and ask unanimous consent that if there is anybody in the gallery that wishes to be heard, that they be granted the privilege.

CHAIRMAN RILEY: Without objection it is ordered that anyone in the audience who wishes to comment on the subject under discussion this evening may step forward and do so.

DR. HUGH FATE: I feel that this group should be represented and if others are too timid to do so, I shall pass a few remarks. We have heard the pros and cons of this debate. If I were to judge the debate I would say on the basis of brilliant presentation, the pros resolved that the unicameral system be adopted, would have won. On the basis of solid argument, I feel that the negative side would have won. We have had a classic example of how, if this house were evenly divided, one brilliant speaker might change the whole complexion of the house and a measure be passed, and that would be your unicameral system. It could be, and if that one brilliant speaker, which does not exist here, happened to be under the thumb of a lobbyist you might have a law that you did not want. I want to remark also that if this body thinks that the people of Alaska are not watching you, you are mistaken. We expect you to come up with something good, and we believe you will do so, and the attentiveness of your audience I think proves that point. It might be a good idea to take a straw vote among the audience. That is all, sir.

DOOGAN: Mr. Chairman, may I ask that the people that speak from the audience state their name for the benefit of those people who are not from Fairbanks and where they are from. That was Dr. Hugh Fate.

CHAIRMAN RILEY: Are there others who care to address any remarks?

MR. KOPONNEN: My name is Neil Koponnen. I am a homesteader on Chena Ridge and an electrician by trade, an unsuccesful candidate for the last election and I stuck my neck out on the unicameral issue. Nobody knows me very well. I don't belong to any party, I don't belong to any lodges, I don't have much

money and I didn't have any time to campaign, but 400 people voted for me and I think largely because I stuck my neck out, so I guess that is about what I would be said to represent. I never could see any sense in the taxpayers hiring two bunches of politicians to go off in to opposite ends of a big building and argue the same bloody question and take twice as long to come to an answer and then finally disagree. But as it was pointed out, the control is always in the joint committees and if the lobby controls the joint committees, they control everything. I have heard a number of speeches by a number of people over the years, not necessarily running for this, but running for some other office, especially running for the legislature up here. They rant about the bureaucracy, they rant about executive, about how the government outside is doing something. One of the things that has lead to government by the executive and government by executive decree and judicial decree has been the fact that the legislature is unable to function. It is internally checked, I wouldn't say that there was very much balance to it. There are checks and balances but it's the complete brake on the system, on the legislature itself. It is unable to express itself, it is unable to act when it needs to act. Action has to be taken in a crisis sometimes, like during the depression or during a case of war, it is taken by the executive. To whom do we turn if something is wrong with that? Do we turn to the legislature for a good law? We don't give a damn, if we have enough money we go and hire a lawyer and go to the judges to secure relief. I don't think there is any argument in tradition as has been said or in the fact that the bicameral system has lasted 175 years. If you study history, the bicameral system is a simplification of what went before, when you had a four-part system. The medieval courts, the medieval legislatures were very often split amongst the nobles, the house of lords. You had a house of clergy, well let's have a third house if two houses are so good. I think that always we've tried to simplify our government so the people themselves can better express themselves through it. The government, I think I said, exists to do for us collectively that which we cannot individually do ourselves. If it cannot act, then how can we act in a question which concerns us? I am glad I had some representation here even if it comes from Kodiak and Nome.

CHAIRMAN RILEY: Thank you Mr. Koponnen. Is there other comment? Mr. Barr?

BARR: I would suggest that the public here be informed that their remarks are being taped probably will be broadcast from a radio station. In any case if they are groping for words, they will at least look at a dictionary and use some words that are in the dictionary instead of something that I don't recognize as English.

CHAIRMAN RILEY: Is there further comment from the audience?

Miss Stuart?

ALICE STUART: I am also a defeated candidate. I got 2616 votes at large. I also don't belong to either political party nor do I belong to any civic or fraternal groups. However, I thought we should have a good constitution that should be based on fundamental American principles. One book that I have read that has been of great interest to me is The Federalist. I haven't read it all but parts that I have read, I enjoyed. There is one I would like to refer you all to and that is No. 62, credited to either Hamilton or Madison. In it is refers to ". . . inquiring into the purposes which are to be answered by the senate and in order to ascertain these, it will be necessary to review the inconvenience . . ." You will find that many of these reasons, I think there are five or six of them, will apply equally to the State of Alaska and I think you would all, if you haven't read The Federalist No. 62 will find it of great interest. It is in favor of the two-house system.

CHAIRMAN RILEY: Thank you, Miss Stuart.

CONSTANCE GRIFFITH: I am one of the three that lost in spite of sticking my neck out for unicameral legislature but I don't think in all fairness it is fair to say that was the reason I lost. It seems to me that the three points that have been advanced against unicameral legislature -- the embarrassment of a member of the House or the Senate because something passed that he was sorry he voted on, I would say that in the unicameral legislature, you would take more time and that would save the groping around, the running back and forth and the embarrassment, and that that would perhaps make much better legislation because a bill would not have to be rushed through the other house. In taking more time, then people would have a chance to get their views to the one house and the deliberations would be more gratifying to all concerned. The other two things are ratification and tradition. Now the tradition of our government in having a two-house legislature is because we have states and then the government. We don't have anything comparable to states in a state that needs representation in a separate house, so I don't see that purpose is served and that tradition needs to be so clung to in this particular instance. As far as ratification, I think the people trust you and are willing to go along with anything that you at the Constitutional Convention devise for us to ratify, and I don't think you need to be afraid if you really think this thing through and come out with either unicameral legislature or bicameral legislature, I am pretty sure the people of Alaska are going to get behind you and will ratify anything you do. Thank you very much.

CHAIRMAN RILEY: Thank you, Miss Griffith.

UNIDENTIFIED MAN: It has impressed me tonight how many people have said we must sell the constitution to the people of Alaska, and sell it to Congress, but somehow that smacks of something small to me. Maybe that is wrong, but all the great theories that have come from history have been something new, something different, and they have not always been impractical, because they haven't been done before but quite often the thing that turned out to be the most practical as well as the most inspirational for most people. I think a lot of people came to Alaska because they felt the United States was not completely God's country, that it wasn't perfect, but no country is. Maybe it's strong but strength isn't everything. I love Alaska because I feel that there is so much wrong up here, but there is still so much that can be done and so much future and that we need to have the courage to step forward and that we need not rely and say that we must do everything because it is done in the states and always has been done in the states. That doesn't make it perfect. I know people that have the courage to believe in theories if they feel that the theories are right and good, because I think most of the progress in the United States originally and throughout history has been through people having the courage of their convictions.

CHAIRMAN RILEY: If there are no further comments from the audience, the Chair would entertain a motion to rise.

V. RIVERS: Mr. Chairman, I make a motion and ask unanimous consent that the Committee of the Whole now rise and report progress.

CHAIRMAN RILEY: I might state first that the bus has been called and should be here in a matter of about 15 minutes. Without objection the Committee shall rise and report progress. So ordered.

RECESS

PRESIDENT EGAN: The Convention will come to order. Is there any business to come before us at this time?

RILEY: Mr. President, your Committee of the Whole has met, risen, and reports progress.

PRESIDENT EGAN: Mr. Riley reports that the Committee of the Whole has risen and reports progress. Is there other business to come before the Convention?

HELLENTHAL: Mr. Chairman, I move the meeting be adjourned until 9 o'clock tomorrow morning.

PRESIDENT EGAN: Mr. Hellenthal moves and asks unanimous consent that the Convention stand adjourned until 9 a.m. tomorrow. Is there objection? Hearing no objection it is so ordered.

STATE OF ALASKA
THE LEGISLATURE
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99801

February 6, 1975

M E M O R A N D U M

TO: Representative Terry Gardiner, Chairman
House Judiciary Committee

FROM: Stuart C. Hall
Legislative Counsel

SUBJECT: Proposed constitutional amendments establishing a unicameral legislature: HJR 1 (Bradner, et al) and SJR 1 (Rader, et al)

Article II (Legislature)

The initial section of the measures amending article II replace the existing two-house legislature consisting of a 20-member Senate and 40-member House of Representatives with a 61-member single-house, or unicameral, legislature whose members are designated "senators".

Qualifications for membership are redefined by setting a uniform minimum age of 21 years and by deleting from the second section of article II the 25 years of age requirement presently in force for members of the Senate. (At least one incumbent House member is under 25.) No change is made in the three-year state, one-year election district residence required in the present constitution.

Section 3 in SJR1provides for a uniform staggered four-year term for legislators, 31 of whom would be elected in gubernatorial election years, 30 in presidential election years; HJR 1, however, proposes that 31 be elected in presidential election years, 30 in gubernatorial election years.

Under the proposed section 10, in SJR 1, the governor retains the power to adjourn the legislature where there is disagreement over adjournment. That power is customary in a two-house legislative system; it may not be necessary under a unicameral structure (HJR 1 simply repeals this section), but its retention is thought wise in the event there is substantial disagreement among the membership. Certification to the governor probably would require more than a handfull of members, and there is no reason to believe that a wilful minority could prevent adjournment because an adjournment sine die resolution still requires a majority of the membership's approval.

There is no substantive change in section 12 other than to remove references to a two-house body and replace it with single-house terminology.

In a two-house legislature the second house serves as a kind of "filter" for the legislation emanating from the house of origin. That process is eliminated in a unicameral legislature. Thus, there is a need to build in some other device to ensure that legislation will be enacted in deliberate manner. Section 14(b) provides that final passage of a bill may not occur until five calendar days after its introduction have elapsed and until the bill has appeared on the daily legislative calendar at least one day. An exception is made for urgency bills -- those designed to meet some emergency, such as an Anchorage-type earthquake or a Fairbanks-type flood, that demands immediate legislative action to provide for relief. However, in SJR 1, a three-fourths vote is required to permit action earlier than the five days, and an urgency bill must set forth the facts constituting the necessity for immediate legislative action. That statement plus the bill itself each must be passed by a separate two-thirds vote. No urgency bill may create or abolish an office, modify its salary, term or duties, grant a franchise, special privilege, or create any vested right or interest. In HJR 1, both steps require a two-thirds vote, and an urgency bill may not levy a tax.

Sections 15,16 and 18 are amended solely to remove references to two-house legislative action and replace them with single-house nomenclature.

In the impeachment provisions, section 20, there is one change. Under the existing provisions, impeachment originates in the Senate and the trial is in the House (the reverse of the procedure in the U. S. Congress); impeachment is brought by a two-thirds vote of the senators, with judgment requiring a two-thirds vote in the House following trial by that body. SJR 1 provides for impeachment brought by resolution (rather than on motion) by a majority vote of the legislature, but judgment requires a two-thirds vote, thus ensuring that some greater number of members be persuaded to take so significant a political step that would remove an officeholder. HJR 1, however, provides for a two-thirds vote both for impeachment and judgment (or conviction).

Article VI (Legislative Districting)

The elimination of a two-house legislature in favor of a unicameral system necessitates changes in the procedure for the state's system of legislative districting. Moreover, the Alaska Supreme Court's decision in Egan v. Hammond, 502 P.2d 856 (Alaska, 1972),

has rendered significant language in the existing article VI void because it was declared unconstitutional under the Equal Protection Clause of the 14th Amendment to the U. S. Constitution.

In addition to deleting language in existing article VI (sections 4, 5 and 7) providing for separate, different bases for representation in the Senate and in contrast to the House, made obsolete by earlier court decisions requiring "one man, one vote" as the representation base in both houses of a state legislature (Reynolds v. Sims, 377 U.S. 533 (1964); Wade v. Nolan, 414 P.2d 689 (Alaska, 1966)), this proposal makes a major change in article VI: a shift of the legislative representation base from civilian population to registered voters. The Alaska Supreme Court, in Egan v. Hammond, held that civilian population as the basis for redistricting was unconstitutional because it discriminated against the state's military population on account of its employment. However, the court recognized that many, if not most, of the military personnel stationed in Alaska (about 10 per cent of the state's total population) well might vote elsewhere and their inclusion in the population base for representation in the legislature seriously could distort a districting scheme. Consequently, the court authorized the use of registered voters or a special state census of residents or citizens. Inasmuch as the latter would be both costly (because special arrangements would have to be made with the U. S. Bureau of the Census to count state residents or citizens and the state would be charged for that extra service) and time-consuming and in all likelihood probably would produce about the same results as would registered voter totals, the use of registered voters is recommended, provided that the state's voter registration laws are revised so that the "purge" of registered voters no longer resident in the state or precinct and who have not voted at a primary or general election occurs more frequently than once every four years (as at present) to ensure that the total number of registered voters accurately reflects their proportion to the state's total population.

Use of registered voters for redistricting rather than population as reported in the decennial federal census, was authorized by the U. S. Supreme Court for use in Hawaii where, as in Alaska, there is a substantial concentration of military personnel in proportion to the state's total population and in Vermont where the ratio of students to total population is very high. Thus each legislator would represent, as nearly as possible, an equal number of registered voters.

No substantive change is made in present language requiring that districts be formed of "compact and contiguous territory" and contain "as nearly as practicable, a relatively integrated socio-economic area."

The measure does make one other important substantive change: it prohibits the abrogation of a legislator's four-year term as the result of redistricting. Legislative terms are set in article II, not in article VI. However, the Alaska Supreme Court ruled in Egan v. Hammond that the governor's power to cut short senatorial terms of office was one that was "incidental to his general reapportionment powers." 502 P.2d 856, 874. If the governor is able to shorten a legislator's term every 10 years following redistricting, the value of continuity achieved by the staggered four-year term is all but destroyed. Moreover, as a practical matter the most significant shift in representation occurred following the original "one man, one vote" decisions of the United States and Alaska Supreme Courts. The governor decided to redistrict the state in 1965. He eliminated the regional senatorial districts and departed from the general geographic or area orientation for Senate representation. From 1965 on, normal population growth in Alaska probably will not produce shifts in the population growth pattern so dramatic as to warrant premature termination of a legislator's tenure in office in order to effect a change in political boundaries that will reflect shifts in population (or registered voter) growth patterns. Under the Alaska Supreme Court's concept of gubernatorial redistricting authority, it would be possible for all 61 legislators, under the unicameral proposal, to turn over at one election every decade following redistricting. It is doubtful that that result was intended by the framers of the Alaska Constitution. Despite the court's concern for "unrepresented" areas following redistricting, if legislator terms were not truncated, those areas potentially without representation would be small and then only for temporary periods not exceeding two years. Practically speaking, it is doubtful if any area of the state would go unheard. Such a discrepancy pales in significance alongside the value of some degree of continuity provided by the maintenance of a system of staggered, four-year terms.

In Groh v. Egan, the Court reaffirmed the view it had taken in Egan v. Hammond (502 P.2d at 873-74) that the governor, exercising his general redistricting powers, had the discretionary authority to order mid-term elections, thus abrogating the four-year terms to which four Anchorage senators had been elected in 1972. 526 P.2d 863, 880-81. The Court conceded, however, that had it had the original decision to make, it might have been persuaded by reasons advanced by the California Supreme Court to permit the four Anchorage senators involved to conclude their terms; nevertheless, the Court asserted there was a rational basis for permitting truncation of senatorial terms. Compare Groh v. Egan, loc. cit., with Legislature v. Reinecke, 516 P.2d 6, 11-12 (Cal., 1973). In short, the effect of proposed sec. 1(d) of article VI, in SJR 1 (it appears as sec. 2(b) in HJR 1) is to nullify the Alaska Supreme Court's decision in Egan v. Hammond and Groh v. Egan with respect to gubernatorial power to abrogate senatorial terms at the time of redistricting.

In the revised article VI the governor retains the power to redistrict the legislature, assisted by an advisory board he appoints. There is no substantive change from the existing constitution in sections 2, 3 or 4.

In proposed section 5 some additional modifications are recommended. When the Alaska Constitution was drafted in 1955, the decision of the U. S. Supreme Court in Baker v. Carr, 369 U.S. 186 (1962), still was seven years distant. Thus, the state's "founding fathers" could not have known that judicial review of legislative redistricting would be authorized. To correct that omission, express provision for judicial review of redistricting is included along with the existing authority for a voter to compel gubernatorial performance of redistricting duties or to correct a redistricting error. Importantly, this measure also shifts original jurisdiction in redistricting litigation from the superior court to the supreme court, following the example of Oregon. Ore. Const. art. IV, sec. 6(2)(a), (3)(b). The requirement that proceedings commence in the superior court is time-consuming and unproductive. In these redistricting cases, the facts rarely are in dispute: the population of the state, of a given subdivision, the geographic/topographic configuration of the state, its social and economic characteristics, etc. If "facts" must be developed, a special master can be appointed, as was done with such salutary effect for the first time in the state's history in Egan v. Hammond.

What is at issue is the application of the law to the facts, and that, in any event, is peculiarly an appellate function. Appeals in this type of a dispute are almost inevitable. Thus, in order to telescope drawn-out proceedings that might otherwise result in a decision so close to an election as to make its administration impossible or nearly so, it seems advisable to allow proceedings to be brought before the supreme court at the outset. This seems especially wise when litigation, such as this type of proceeding, involves the co-equal branches of the state government.

Further, the measure repeals article XIV which created the initial election districts. Their boundaries have been recast significantly both in 1965 and in 1972. Consequently, today, they are of little more than historic interest and legally the district descriptions are without force or effect. Thus, the language describing them is superfluous and should be removed from the constitution as obsolete material.

The final section of the resolution, section 5, sets out transitional provisions required to shift from bicameralism to unicameralism:

First, assuming voter approval of a one-house legislature in 1976, those legislators elected at the 1976 general election plus senators holding over from the 1974 election would sit during the initial session of the tenth Alaska Legislature as a two-house body,

but during the second session as a unicameral legislature. During the first session (1977), the legislature would be required to make those preparations enabling it to meet as a unicameral body during the second session (1978), e.g., provide a chamber large enough to accommodate the 61 members en bloc, conduct a study of required rules changes, etc.

Second, the governor would be obliged to convene a redistricting advisory board and redistrict the state to accommodate a 61-member unicameral legislature preparatory to the 1978 elections. At that election, under SJR 1, those 10 members of the Senate elected in 1976 would hold over until the normal expiration of their term in 1980, 30 members would be elected to four-year terms, and 24 others to two-year terms (until 1980, then four-year terms thereafter). (Under HJR 1, at the 1978 election, 31 members would be elected to four-year terms, and 20 others to two-year terms, until 1980, and then 30 members to four-year terms thereafter.) Which legislators would be assigned four-year and which two-year terms would be determined by the governor's redistricting plan on this occasion only.

SCH/lb

cc: Senator John Rader

ARTICLE VI

Legislative Apportionment

Proposed Article VI	Existing Article VI
Sec. 1(a) of both SJR 1 and HJR 1 change the term "election" district to "legislative" district.	Sec. 1
Sec. 1(b) of both SJR 1 and HJR 1 changes the base for redistricting from "civilian" population to registered voters.	Sec. 3
Sec. 1(c) of both SJR 1 and HJR 1	Sec. 6.
Sec. 1(d) of SJR 1 Sec. 2(b) of HJR 1 These provisions prohibit gubernatorial truncation of senatorial terms of office as a result of redistricting.	No comparable provision.
Sec. 2 of SJR 1 Sec. 2(a) of HJR 1	Sec. 3
Sec. 3(a) of both SJR 1 and HJR 1	Sec. 8
Sec. 3(b) of both SJR 1 and HJR 1	Sec. 9
Sec. 4 of both SJR 1 and HJR 1	Sec. 10
Sec. 5 of both SJR 1 and HJR 1 shift original jurisdiction in redistricting litigation from the superior court to the supreme court.	Sec. 11

ARTICLE VI

Legislative Apportionment

	Existing Article VI	Proposed Article VI
Election Districts	SECTION 1. Members of the house of representatives shall be elected by the qualified voters of the respective election districts. Until reapportionment, election districts and the number of representatives to be elected from each district shall be as set forth in Section 1 of Article XIV.	SJR 1 and HJR 1: See Sec. 1(a). The term "election" district is changed to "legislative" district.
Senate Districts	SECTION 2. Members of the senate shall be elected by the qualified voters of the respective senate districts. Senate districts shall be as set forth in Section 2 of Article XIV, subject to changes authorized in this article.	SJR 1 and HJR 1: See Sec. 1(a)
Reapportionment of House	SECTION 3. The governor shall reapportion the house of representatives immediately following the official reporting of each decennial census of the United States. Reapportionment shall be based upon civilian population within each election district as reported by the census.	SJR 1: See Sec. 1(b) and 2. HJR 1: See Sec. 1(b) and 2(a) The base for redistricting is changed from "civilian" population to registered voters.
Method	SECTION 4. Reapportionment shall be by the methods of equal proportions, except that each election district having the major fraction of the quotient obtained by dividing total civilian population by forty shall have one representative.	SJR 1 and HJR 1: No comparable provision; deleted as obsolete. Representation no longer apportioned among fixed geographical units since Reynolds v. Sims and Wade v. Nolan as the original election districts based on the judicial divisions created inherently unequal districts.

Existing Article VI		Proposed Article VI
Combining Districts	SECTION 5. Should the total civilian population within any election district fall below one-half of the quotient, the district shall be attached to an election district within its senate district, and the reapportionment for the new district shall be determined as provided in Section 4 of this article.	SJR 1 and HJR 1: No comparable provision; deleted as obsolete for same reasons stated as to existing sec. 4, above.
Redistricting	SECTION 6. The governor may further redistrict by changing the size and area of election districts, subject to the limitations of this article. Each new district so created shall be formed of contiguous and compact territory containing as nearly as practicable a relatively integrated socio-economic area. Each shall contain a population at least equal to the quotient obtained by dividing the total civilian population by forty. Consideration may be given to local government boundaries. Drainage and other geographic features shall be used in describing boundaries wherever possible.	SJR 1 and HJR 1: See Secs. 1(b) and (c). The first sentence of the existing sec. 6 is unnecessary as the gist of it is in the above cited sections as well as in Sec. 2 and 2(a) of SJR 1 and HJR 1, respectively.
Modification of Senate Districts	SECTION 7. The senate districts, described in Section 2 of Article XIV, may be modified to reflect changes in election districts. A district, although modified, shall retain its total number of senators and its approximate perimeter.	SJR 1 and HJR 1: No comparable provision; deleted as obsolete for same reasons stated as to existing sec. 4, above.
Reapportionment Board	SECTION 8. The governor shall appoint a reapportionment board to act in an advisory capacity to him. It shall consist of five members, none of whom may be public employees or officials. At least one member each shall be appointed from the Southeastern, Southcentral, Central and Northwestern Senate Districts. Appointments shall be made without regards to political affiliation. Board members shall be compensated.	SJR 1 and HJR 1: See Sec. 3(a).

Existing Article VI		Proposed Article VI
Organization	SECTION 9. The board shall elect one of its members chairman and may employ temporary assistants. Concurrence of three members is required for a ruling or determination, but a lesser number may conduct hearings or otherwise act for the board.	SJR 1 and HJR 1: See Sec. 3(b)
Reapportionment Plan and Proclamation	SECTION 10. Within ninety days following the official reporting of each decennial census, the board shall submit to the governor a plan for reapportionment and redistricting as provided in this article. Within ninety days after receipt of the plan, the governor shall issue a proclamation of reapportionment and redistricting. An accompanying statement shall explain any change from the plan of the board. The reapportionment and redistricting shall be effective for the election of members of the legislature until after the official reporting of the next decennial census.	SJR 1 and HJR 1: See Sec. 4
Enforcement	SECTION 11. Any qualified voter may apply to the superior court to compel the governor, by mandamus or otherwise, to perform his reapportionment duties or to correct any error in redistricting or reapportionment. Application to compel the governor to perform his reapportionment duties must be filed within thirty days of the expiration of either of the two ninety-day periods specified in this article. Application to compel correction of any error in redistricting or reapportionment must be filed within thirty days following the proclamation. Original jurisdiction in these matters is hereby vested in the superior court. On appeal, the cause shall be reviewed by the supreme court upon the law and the facts.	SJR 1 and HJR 1: See Sec. 5. Jurisdiction shifted from Superior to Supreme Court.
Existing Article XIV		SJR 1 and HJR 1: Repealed as obsolete.

UNIVERSITY OF ALASKA
FAIRBANKS, ALASKA 99701

February 6, 1975

Mr. Terry Gardiner
Chairman, Judiciary Committee
House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Dear Terry:

Attached is an excerpt from my manuscript on the Alaska constitutional convention dealing with the unicameralism debate. As you will note, my tally indicated that of those who spoke out on the issue, bicameralism was favored by 25 to 2, even though no formal vote was ever taken. The endless arguments in favor of the bicameral system, as reported in the Proceedings, are summarized in the middle paragraph on attached page 87.

Upon returning to Fairbanks, I looked at my files and found a haphazard collection of tidbits dealing with the unicameral issue. Rather than passing these on to you, I suggest you pursue the obtaining of information through the National Municipal League. In case you are not able to locate the address, here it is: Mr. William N. Cassella, Jr., Executive Director, National Municipal League, 47 East 68th Street, New York, New York 10021.

Should you have a hearing on the proposed constitutional amendment to establish a unicameral legislature, I would be glad to testify, timing permitting. While I was very lukewarm on this issue in 1955-56, I am now firmly convinced that Alaska would gain much by switching to a unicameral system, both in terms of legislative operations and a better system of representing the people.

If there is any ready way, I would greatly appreciate being kept informed of developments on this issue.

Best personal regards.

Sincerely,

Victor Fischer, Director
Institute of Social, Economic
and Government Research

VF:jd

Attachment

cc: Mike Bradner
Bill Parker

NATIONAL MUNICIPAL LEAGUE

State Constitutional Convention Studies

Number Nine

ALASKA'S CONSTITUTIONAL CONVENTION

VICTOR FISCHER
Institute of Social, Economic and Government Research
University of Alaska

Published by
University of Alaska Press 1975

lators, length of legislative sessions, salaries, and legislative rules and organization.

Unicameralism versus Bicameralism

From the beginning, the Committee on the Legislative Branch devoted considerable time to discussing the relative merits of the unicameral legislative structure. The PAS report gave little background information, primarily pointing out that:

> Alaska's relatively small population and the economy and simplicity of the unicameral legislature seem to argue in favor of the single house. On the other hand, the apparent satisfaction with the two-house system in the Territorial Legislature makes any departure from tradition difficult.[3]

In addition, a preconvention poll of delegates indicated a widespread acceptance of the existing bicameral structure.[4]

Committee members decided that the first question they must resolve was that of the bicameral-unicameral legislature, since the number of legislative chambers would determine other structural and procedural characteristics. Therefore, they decided to obtain the views of all delegates and, if possible, the public. To accomplish this at an early stage, the committee put the question of the unicameral versus the bicameral legislature to the entire convention.

When the proposal for a full-dress discussion of legislative structure was brought before the convention, delegates were not only ready to debate the issues, but some even wanted specific action to follow the discussion. Much of the preliminary discussion revolved around the procedure to be followed in determining delegates' preferences, particularly whether there should be a poll of delegates at the end of the Committee of the Whole session. Despite the interest and enthusiasm, however, the convention took no action to require a vote or poll on unicameralism.[5] A three-and-one-half-hour night session, to which the public had been invited, proved that no formal expression was necessary.

Debate clearly revealed that a majority of delegates favored unicameralism. Expressions of individual opinions by thirty-one of the fifty-five delegates indicated that only two delegates (Jack Hinckel of Kodiak and John McNees of Nome) firmly favored the unicameral legislature; twenty-five firmly favored bicameralism; and

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[3]PAS, "Legislative Structure and Apportionment," *Constitutional Studies*, p.4.
[4]*Fairbanks Daily News-Miner*, November 7, 1955.
[5]*Alaska Constitutional Convention Proceedings* (Juneau: Alaska Legislative Council, March 1965), pp. 377-390.

four delegates raised points favoring one system or the other without committing themselves to a specific preference.[6] Each of the twelve delegates who had served in the bicameral territorial legislature and who spoke on the issue favored bicameralism.

Delegate McNees made the case for a one-house legislature. He described how the traditional two-house system was an outgrowth of democracy's progress against royal power and argued that members of the two-house system were now elected by the same class of people and were given the same legislative authority, without regard to wealth and property. He pointed out that it was not necessary to have two houses for purposes of checking each other: checks would exist with unicameralism. Laws could be set aside by the court if the legislature exceeded its constitutional authority: the governor could exercise his veto; and the people could, under the referendum provisions, nullify any law passed by the one-house legislature. Under the referendum provisions, McNees listed a series of merits claimed for the unicameral system:

1. A single chamber operates more efficiently than two and is able to more thoroughly consider proposed legislation. By adopting suitable rules of procedure and establishing an effective committee system, it can ensure that every measure is carefully reviewed before it is acted upon, with adequate safeguards to prevent hasty action and thus avoid the serious ills of the closing rush that pertains in many states.

2. The unicameral legislature does away with jealousy, friction, and rivalry between two houses and eliminates the need for conference committees.

3. A single house permits legislative responsibility to be definitely fixed and facilitates the development of essential leadership.

4. The unicameral legislature results in substantial savings through a reduction in the number of members and size of legislative staff.

5. Membership in a single chamber carries greater prestige, dignity, and greater opportunity for public service and hence attracts more distinguished, outstanding, and representative citizens.

6. A single-chamber law-making body reduces the power of special interest groups and lobbyists to defeat needed legislation, and at

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[6]The Committee of the Whole discussion of unicameralism and bicameralism is covered in *Proceedings*, pp. 419-467.

the same time makes it easier for groups of citizens who are interested in pending legislation to openly and aboveboard present their recommendations to the legislature. It facilitates public reporting of legislative activity, thus serving to increase the public confidence in the legislative body.

7. The single house permits closer and more effective relationships between the governor and executive departments and the legislature.

McNees also pointed out that Nebraska was not the only political subdivision with a unicameral legislature: "many nations operate with single legislative bodies," he said. He described the extensive attempts at legislative reform among the states, with a consistent pattern of support of unicameral proposals by population-based houses of representatives and their defeat in area-oriented senates.

Aside from these and other unicameral arguments set forth by McNees and Jack Hinckel, as well as a few equivocal statements by several others, most delegates favored a two-house legislature.

Arguments favoring the bicameral system claimed that it would retain a system that has been proved in most states, preserve an effective system of checks and balances and a more deliberative process, and assure more representation for different groups. Further, proponents voiced fear that Congress (which had to approve the state constitution) would not look with favor upon a unicameral legislature, and they raised the spectre that Alaska voters also might not go along with a change from the traditional system.

Convention President Egan, who favored the prevailing system, argued that Alaskans had not experienced a true bicameral system of legislative apportionment. He stated:

> We have had a running-wild system . . . both in the makeup of the Territorial Senate and the makeup of the Territorial House. Our citizens here have not had the opportunity to view . . . a bicameral system of legislative bodies in action, and I feel very strongly, personally, that at this time it would be unwise to adopt the unicameral form of government.[7]

Others, such as delegate Frank Barr of Fairbanks, referred to the unicameral legislature as an "ideal" system, but dismissed it as not practical or desirable for the future state. Seaborn Buckalew pointed out that delegates had not addressed themselves to a bicameral versus unicameral question during the election and stated:

> . . . if we went ahead and adopted a unicameral house, we will be taking

[7] *Ibid.*, p. 446.

> the voters of Alaska by surprise . . . I think it will put an additional burden on the ratification of the constitution.[8]

Juneau delegates Dora Sweeney and Mildred Hermann advised the convention of previous attempts in the Alaska territorial legislature to bring the unicameral question before popular referendum. On two occasions, first in the 1930's and then in the 1940's, bills or resolutions were introduced providing for a unicameral legislature. Both times the proposals failed, although a memorial to Congress favoring unicameralism was approved by the house in 1945.

The first "great debate" of the convention ended with the floor being opened to the public. Four visitors spoke, two for unicameralism and two for bicameralism.

Given the overwhelming support for a two-house structure among the delegates, the issue was never again seriously raised before the convention. However, in several subsequent debates, accusations were made that vestiges of the unicameral scheme were being incorporated in the constitution. Thus, in the debate on the executive article, there were complaints about the provision for confirmation of gubernatorial appointments by joint session of the legislature, rather than by the senate or by each house separately.[9] The legislative proposal similarly incorporated a unicameral feature in regard to veto considerations. Upon the veto of a bill by the governor, both houses of the legislature would sit as one body to reconsider the passage of the vetoed bill. The entire legislature could then override a veto by a two-thirds vote on regular bills and a three-fourths vote on money bills. (The proposal also provided that any bill vetoed by the governor and not overridden by those required majorities could be submitted to popular referendum by a simple majority of all legislators sitting as one body. Also, the governor was to be authorized to submit to referendum any bill failing passage by the legislature, either in its original form or with any amendments considered by the legislature that he could designate.)

During subsequent floor consideration, joint house-senate action on gubernatorial vetoes became an issue of prime controversy; indeed, it was the chief reason six delegates later gave for voting against final approval of the entire legislative article. Chairman McCutcheon explained the committee's stand:

> . . . From past experience we felt that the authority of the senate should be diluted to a certain extent by requiring that the vetoes of the governor shall be heard in both houses and that it shall require the vote of both houses sitting as one body to override the veto of the governor, the theory

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[8] *Ibid.*, p. 451.

[9] *Ibid.*, pp. 2179-2180.

being that with a small senate it required so few to sustain the governor, that it gave an extremely strong executive arm more power and authority than he should have.[10]

Others, however, argued that such joint action eliminated a basic aspect of checks and balances in democratic government, putting decision making on vetoed bills in the hands of the more populist house of representatives. Thus, Maurice Johnson of Fairbanks stated:

> I have always felt that when the veto message was acted upon by each house separately, as I believe it should be, that it afforded an additional check and balance that very frequently was the only protection that a minority could have in a legislature which was overbalanced, one way or another by one political party or the other.[11]

A similar position was held by Frank Barr, also of Fairbanks:

> I disagree on adopting a unicameral process in acting on a veto when a bill is returned by the governor. We have gone on record here for a bicameral legislature by a large majority, and then we become inconsistent and turn right around and provide for the unicameral process in acting on the veto.[12]

Recent problems in the territorial legislature gave rise to the proposed unicameral approach to vetoes. During the legislative session earlier in 1955, a bill dealing with procedures for appointments requiring legislative confirmation was passed by the house by twenty-one to three and approved in the senate by a two-thirds margin. When the governor vetoed the appointment bill, the house overrode the veto by the same twenty-one to three vote. In the senate, however, the legislation failed to get the necessary two-thirds majority, and the governor's veto was sustained. The issue had been highly charged politically, the legislature then being overwhelmingly Democratic while the governor was a Republican, and the resulting political controversy was reflected in the proposed constitutional provision.

Just before the convention vote on the issue of veto overrides, a delegate inquired:

> How many states have provisions for veto where both houses meet jointly, such as proposals before us?

McCutcheon's response "Nebraska" was met by a peal of laughter from the delegates, who then proceeded to reject on a tie vote the amendment to have each house act separately on vetoed bills.[13] An

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[10] *Ibid.*, pp. 1731-32.
[11] *Ibid.*, p. 3186.
[12] *Ibid.*, p. 3184.
[13] *Ibid.*, p. 1735.

attempt to raise the issue again during third reading was voted down by a more substantial margin.[14]

Impeachment procedures raised once more the question of how the houses of the legislature were to function. The Legislative Committee had recommended that impeachment originate in the senate and trial be conducted by the house of representatives, a reversal of roles in Congress. Motions were made to reverse these roles, to authorize either house to initiate impeachment with trial by the other, and to have the proceedings carried out by a joint session of the legislature. The proposed changes were rejected, in part because many members did not care enough about these procedural aspects to override the committee that had worked on the article for many weeks.

Committee Proposals

With the question of basic legislative structure resolved, the Committee on the Legislative Branch proceeded with its work and in two weeks submitted Committee Proposal No. 5, Legislative Powers and Duties. The proposed article provided for a senate of twenty and house of forty members. Senators were to be at least twenty-five years old, two-year residents of Alaska, and one-year residents of their district. Minimum age of house members was set at twenty-one years, with the same residence requirement. The committee proposed that the legislature convene each year, with no limit on the length of session. Each legislator was to receive an annual salary, with the presiding officers of the two houses authorized to receive an additional amount. Committee chairman Steve McCutcheon of Anchorage explained the salary provisions:

> Most states have not paid legislators respectable salaries and the citizens have often been disappointed when the legislators were not respectable either. The salaries will not automatically produce good legislators: rather they make their selection possible. Poor salaries tend to produce two types of legislators—those who have private means and who are, consequently, likely to be upper class in their attitudes, and those who are on the payroll of an outside interest and who are sent to the legislature to vote as that interest desires.[15]

Provisions were also made for a legislative council and other interim committees, prohibition of local and special acts, adoption of uniform rules, impeachment proceedings, freedom of religion, disclaimer of rights to land of Alaska Natives as required by

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[14] *Ibid.*, p. 3117.

[15] *Fairbanks Daily News-Miner*, 19 December 1955.

February 11, 1975

Victor Fischer, Director
Institute of Social, Economic
and Government Research
University of Alaska
Fairbanks, Alaska 99701

Dear Vic,

Thank you for your letter of February 6 and the information which was attached.

I am writing to inform you of a public hearing on the proposal to form a unicameral legislature which has been scheduled for February 20 in Juneau. Your testimony at this hearing would be most welcome.

If the 20th isn't convenient for you, please let me know when you'll next be in Juneau and I'll schedule a special meeting.

Sincerely,

Terry Gardiner
Representative

HJR 1

February 25, 1975

Victor Fischer, Director
Institute of Social, Economic
and Government Research
University of Alaska
Fairbanks, Ak. 99701

Dear Vic,

Sorry you were not able to testify at our last public hearing. I'm not sure whether we will still have hhe Unicameral resolution in our committee on March 3. If we do, we would certainly like to have you testify.

It seems that more and more opposition towards the concept of a unicameral legislature is coming from the Senate side. It appears doubtful as to whether the resolution would even receive a floor vote in the Senate. In that case those of us who favor the concept would at least like to get it before the entire House and have a full debate on the topic.

Sincerely,

Terry Gardiner
Representative

UNIVERSITY OF ALASKA
FAIRBANKS, ALASKA 99701

February 18, 1975

Representative Terry Gardiner
Chairman, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99801

Dear Terry:

Thanks for the invitation to testify at the February 20 hearing on the proposal for a unicameral legislature. Unfortunately, I cannot be there.

I expect to be in Juneau March 3-5, and could probably make myself available that Monday afternoon or Tuesday morning. I am not sure whether all might not have been quite well said by then. Will leave to you whether a personal appearance might be worthwhile. If there are any specific questions that I could deal with, I would certainly be glad to do that.

Best personal regards.

Sincerely,

Victor Fischer, Director
Institute of Social, Economic
and Government Research

VF:jd

clear that the legislative has all of the balance of the power.

One, I suppose, example, Delegate Mathias, would make it definitely clear that the legislature does have the power to perform investigation into the branch of the judiciary with respect to the matter of impeachment. I think this would clear up for all time the problem of the *Cusack* case. It's a matter that is a basic, fundamental principle that is stated in other constitutions, and we feel that because of the confusion of our Illinois courts, that it should be placed in ours, since we do take out so many sections and we take them out only because of the theory set forth and the basic principle set forth in that line.

PRESIDENT WITWER: Mr. Parkhurst?

MR. PARKHURST: Thank you, Mr. President. We've got another section of the constitution forthcoming that this might affect and might conflict with, and that's the local government article. Mr. President, it seems to me that what we are trying to do basically in the local government article is reverse dear old Dillon's rule which is the idea that the state is the sovereign and that all local governments are merely creatures of the state. In our article, as you know, having read it by now, we try to give some autonomy in the name of home rule to local governmental entities.

Now this sentence that we are talking about that's affected by the Knuppel amendment, it seems to me, would simply restate in the constitution Dillon's rule, because it would simply say that the General Assembly has all the power of the state. That would cancel out effectively in this paragraph what we are going to try to do in the home rule article—in the local government article—and give some of the power to the local governments. So I believe that this would be a very dangerous thing to have in the constitution if you believe in the concept of reversing Dillon's rule; and for that reason, among the others that have been stated here, which primarily boil down to the fact that this doesn't say anything anyway, I think that we should be very careful about this and not put in with the left hand what we are going to try to take out later with the right hand.

PRESIDENT WITWER: Thank you. Any further debate? Mr. Fay?

MR. FAY: I would like to ask Delegate Lewis if it is not true that the problem you refer to raised by the *Cusack* case you handled in the article on impeachment, making it clear that the legislature does have the power to investigate in connection with impeachment.

MR. LEWIS: I am sorry, Delegate Fay. I didn't hear—

MR. FAY: Don't you clear that up in the section on impeachment? The *Cusack* problem?

MR. LEWIS: Yes, we do try to take care of it there.

PRESIDENT WITWER: Thank you. Are you ready now? If you are, would you like to speak in summation, Mr. Lewis, for the committee. If not, Mr. Knuppel?

MR. LEWIS: Mr. President, since I have just spoken, I don't think that I can add anything to what I've said.

PRESIDENT WITWER: Thank you. Mr. Knuppel?

MR. KNUPPEL: I think the debate made it abundantly clear that these words add nothing to our constitution and may be a Pandora's Box with respect to the general government, the bill of rights, the separation of powers clause, and therefore the amendment should be allowed.

As has already been pointed out by Mr. Fay's que[stion] rebuttal to Mr. Lewis, we have taken care of the *Cu[sack]* in another part of the legislative article. This article sa[ys] legislative power," and defines what it is—"legislative [power] is vested"—and then it goes on down, and it seems [to] add something more by saying, "the General Assembl[y] have all power." This would be additional judicial pow[er] develops, I assume—other powers that would normall[y] the executive branch, and so forth—so it creates con[fu]court action. It will promulgate litigation over what it [is] and what the effect of it is, because if it is in there it mus[t] something; but, really, I don't think it is intended t[o] anything, and I would ask the delegates to join with [me] striking it. Thank you.

PRESIDENT WITWER: All right, we are now [on] Knuppel's motion. Those who would favor the adoptio[n] will please say aye. Those opposed, nay. I guess it is car[ried]

Now any further amendments? Any further amendme[nts] section 1? Mr. Knuppel?

MR. KNUPPEL: I have an amendment which pr[o]—and I am joined in it by Robert Canfield, Betty H[o] and William Fogal—which proposes a unicameral legi[s] with not more than 177 members and by striking the [en] section and substituting. Now if this is out of order at thi[s] until there are further amendments in the perfection [of] than substitution, I would be happy to stand aside if there other amendments.

MR. LEWIS: Mr. President, I think it would be en[tirely] appropriate and in order at this time. I think it would [be a] good time to have it.

MR. KNUPPEL: It reads as follows—the clerk will re[ad] it.

PRESIDENT WITWER: Just a minute, please. Is [there] any minority proposal on section 1 of this report?

MR. KNUPPEL: There is a minority proposal.

MR. LEWIS: There is, Mr. President, but solely [on] the number which we would not need to get to, and as [far] the committee is concerned it would waive any further pe[ti]tion until the matter of unicameral, bicameral, and parliam[en]tary form are decided.

PRESIDENT WITWER: Well, the point is, there [is a] minority proposal the thrust of which is adverse to the leg[is]tive establishment?

MR. LEWIS: No.

PRESIDENT WITWER: It is only on number?

MR. LEWIS: It is only on number.

PRESIDENT WITWER: Then it would seem appro[pri]ate at this time to receive this amendment. It is in the nature a substitute, and we will go ahead. Will you read the amend[ment], please?

CLERK: Amend section 1 by striking the entire se[ction] and substituting, in lieu thereof, the following: "Legisl[ative] power is vested in a single-house General Assembly of [not] more than 177 members."

PRESIDENT WITWER: Is it seconded? Mr. Can[field] seconds. Would you like to proceed with it? Mr. Alexan[der] will you kindly take the gavel?

VICE-PRESIDENT ALEXANDER: Delegate Kn[up]pel, will you proceed?

MR. KNUPPEL: Yes. Mr. Chairman and ladies and ...emen of this Convention, this proposal, in my opinion, ...ents one of the threshold questions—one of the truly great ...hold questions—of the Constitutional Convention. The ...tion here is whether you want a two-house General As...bly or a single-body General Assembly.

...er the last 100 years the people of the State of Illinois and ...er the United States have watched the legislative branch ...vernment atrophy in its effectiveness with relation to the ...ial and executive branches of government. We have all ...essed the fact that the Supreme Court of the United States ...other courts have taken onto themselves legislative func...s in the discharge of their duties which rightfully belong to ...state legislatures. This is one of the factors that we have ...e in contact with here in this twentieth century, is the de...e and eclipse of the legislative branch of government as a ...partner in a tripartite form of government.

...ow in reference to the legislative article, comparative in...mation will lead you to the debates of the 1870 Constitu... and I would commend to your reading commencing at ...e—this is not paged, but it is following the unicameralism, ...n two-thirds of the way back in your book. It is an inter...g and a very informative article on the history of bicamer...gislatures as opposed to unicameral legislatures.

...came to this Convention totally dedicated to a bicameral ...slature. I campaigned on this and came to the committee ...porting it. I listened for four months to the testimony that ...brought before the Legislative Committee by the various ...bers of the legislature, ex-members of the legislature and ...eral Assembly, and by professors from all over the United ...es. The longer I listened, I came to the conclusion that ...e were no effective recommendations that would upgrade ...status of our legislative branch of government except—...ept—that of a unicameral body, where a proposition would ...debated once. It would be decided. It would make the legis...re a stronger branch of government in relation to the other ...branches of government. It would make the legislative ...ess more visible.

...We were told that there should be two-body houses for the ...on that bad bills sometimes got through one house. No...y—no legislator—explained how this happened. We were ...by one legislator that he gets a note from somebody else ...n his area that says, "Don't ask me why, but a bad bill got ...ough the house. Kill it in the senate," or vice versa. The ...ple are entitled to more than this. The people are entitled ...n effective legislature in the state of Illinois.

...Now, I submit that just abolishing cumulative voting, ...withstanding all of the newspaper editorials we have been ...ding, will not correct the situation we witnessed here in Il...is this year where twice—where twice the General Assem... has adjourned without effectively dealing with the prob...s of the people of the state of Illinois; and it would not real...ave mattered if those people in those houses had been elect...n the first instance from single-member districts or elected, ...hey are, by cumulative voting, regardless of what the news...ers may have said. The only way that we can abrogate the ...putes which arise between the two houses is to abolish one ...hem.

...Now, I realize that probably there is not enough strength in this Convention to carry a unicameral form of government; but I submit to you that we will take and consider this problem again, either as an amendment to our constitution or in some other manner within the next twenty years, because as the total number of bills introduced into the house and senate increase from 2,000 to 4,000 to 6,000, it seems ridiculous that we should grind these bills through two sets of committees, two houses, and then resolve the differences in a conference committee.

Now many of the witnesses who testified before the Legislative Committee praised the conference committee. One person even said that he liked a bicameral house because of the great effect of the conference committee; and, when asked, he couldn't really explain what the conference committee was. I'll tell you what the conference committee is. It's a unicameral body created out of the two houses to solve the inadequacies of the bicameral system.

Now a single-house legislature would increase the prestige of its members—would make more visible and understandable to the people of our state the legislation which comes before our General Assembly. I have proposed some sixteen or seventeen different improvements that would be created by the adoption of a unicameral body. It would provide for a united rather than a diffused representation of each district in legislative matters. The way it is now, the senators blame the representatives—the bill was killed in the house or vice versa—it was killed in the senate. It would fix responsibility.

Apportionment would be simplified. This is one of the real tragedies, and this is why unicameralism is getting a second look. It used to be that there was a reason for two houses. One represented geography, the other represented people, and there is a reason for it in the federal form of government because each state has two senators, chosen on the basis of geography, and it was formed from thirteen sovereign nations who gave up some of their pow..., and they made a contract, and this is the way they made a contract.

But in a state all power derives from the state, and under the concept of one man-one vote, there is no longer the reason for geographic representation. The reason now is to represent one man, and he doesn't need to be represented in two different houses. I submit that if two houses are better than one, then why not three or four? And if this is true, why not two Constitutional Convention bodies here? Possibly some of the differences we have might be resolved by a second body—have a higher and lower house.

There are cities larger than many states which today operate with city councils composed of a single house. Nowhere in the history of the world has there been bodies where one had the veto power over the other designed to serve exactly the same function. Now in England the House of Lords was elected in a different manner, designed to represent different interests and to act differently. The same was true in Italy and in every other history of the world. But we some way got off on the wrong foot for the one man-one vote concept when we followed the federal system. Now, if we could still elect the senate on a geographic basis, and the House on a one man-one vote concept, there would be some reason for retaining bicameralism.

One house will elimate deadlocks resulting from rivalry

between the houses which we have witnessed this year. It will attract better candidates because of increased prestige and visibility. The buck-passing between the houses will stop, and responsibility will be squarely placed on that one legislative body. The legislators will be less readily corrupted, because public visibility will be focused upon the single chamber. The actual practice has failed to demonstrate that the two-house chamber acts as a check upon unwise legislation because both houses frequently pass bills which are quite similar with only a little bit of difference and the two bills go to the governor for his acceptance or rejection. This happens in a number of cases in each session of the legislature.

Since fewer members would be involved, fewer bills would be introduced. Thus those bills that are introduced would make it possible for legislators to give them more and fuller consideration. It would avoid simultaneous introduction of bills in two separate houses and the vast expense that goes with grinding 4,000 or 5,000 bills through each house.

One house would result in a substantial savings in tax money to the taxpayers. A study done in Michigan pointed out that each member of the General Assembly cost the people of the state an estimated $192,000 per year. Stop and think what 100 unnecessary legislators in our two-house chamber is costing the people of the state of Illinois over the next 10 years. You must consider these things, because we are here to deal with concepts that will go into our constitution to last in perpetuity—we hope.

The space provided for the smaller legislative body would provide office and service area necessary—so vitally necessary. Our General Assembly presently is badly understaffed. It would provide space to give them offices and assistants. It would eliminate competition between the houses for legislative recognition; allow proper use of checks and balances between the legislative, executive, and judicial branches of government. Instead of the two houses acting as checks and balances upon each other, they would act as a proper check and balance on the executive and judicial branches of government. It would avoid duplicative enactments requiring gubernatorial review and veto, and would avoid wasted effort in reconsideration of identical bills and proposals by two houses.

I submit, ladies and gentlemen of this Convention, regardless of whether or not you adopt this proposal, it belongs in the debates of this Convention for the purposes of history, for political researches and otherwise, because I say that the unicameral legislative body is the way of the future. Every province in Canda now had adopted a unicameral system. And I thank you for your time and attention.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Knuppel. Before we proceed, I would like to inform you that we are proud to have with us today Mrs. Kathryn McPherson of Downers Grove, and Mr. and Mrs. Edward Zitka of Hinsdale, Delegates Kinney and Peccarelli inform the Chair. We are glad to have you with us and our other guests as well. We are happy to welcome you to this session of the Sixth Illinois Constitutional Convention. Delegate Canfield, and then Delegate Friedrich.

MR. CANFIELD: Mr. President and members of this Convention, I hope that those of you who are here will think seriously of what Mr. Knuppel said. I think very often, as we find today, that he is very close to the feeling and the understanding of the people of this state. Now I haven't been on the floor for nearly two weeks for anything, and I would like to touch upon this for just a little bit, because I think probably while we may not win, we probably may accomplish a great deal, and I hope you do give us your vote on it.

But I think Mr. Knuppel has hit the core when he has ascertained that the people of this state already have accepted the fact that the legislature is too large, too cumbersome, and too confused; and they want a change. They want a decrease in number. They want a decrease in the kind of confusion that we have just witnessed.

The people of Chicago are properly concerned that they have been neglected by the legislature; but it is so hard to attach responsibility to a two-house body of varying sizes from overlapping and confusing districts, and as a result of this confusion I think that the people of our state are demanding simplification in government, and I think every one of us knows that they were for the reduction of duplication in government.

The duplication which we have in the legislature of this state is purely traditional. As far as I can determine there is no reasonable basis for it. I think Mr. Knuppel hit the thing right square on the head. It would be exactly as sensible to have two Constitutional Conventions in session at the same time. I don't think there is any reasonable distinction between the two. How utterly illogical it would be, how unhappy we would be if we had another body, we'll say three times as large as the one we have here, passing upon what we do after we get through here. We wouldn't be through for years at that rate, but yet that's the procedure that goes through the legislature and that's why you have the consternation on the front pages of our newspapers day after day—saying that the house and the senate agreed, and one day they say the house and the senate disagreed, and the next day they say they have disagreed and finally they all pack up and go home. I have been through the process; I know it. And we are paying for it.

Now, I am sure that this Convention will fail the people of this state if it doesn't do something about the duplication, the confusion, and the oversize of our legislative bodies. We can say that the people are not aware of it, but you can't talk to your constituents any day on the street without knowing whether it is a CTA bus or whatever it is, that we know what the legislature is costing the state, and I would say that 95 per cent of that could be eliminated if you had one sound body that would face up to the problems.

Now the idea of shifting responsibility between the house and the senate has grown to be a very serious thing in this state, probably more serious today than it has ever been before. The idea of having two houses in the legislature is only an attempt to copy the federal system without any rhyme or reason for doing it.

With one man-one vote there is absolutely no reason at all for having two houses of the legislature. It is purely duplication. It is purely running over the same track twice with different groups of people. It is duplication, as I say. If duplication existed at any other level of government—in city government, county government, or state—any other level or any other municipality—we would cut it out so quickly in this Convention that it would make your head swim. But still

tolerate it purely because it is traditional, purely because we've got some people in there who may oppose us if we go to a one-house system.

I long ago learned never to vote for anything because somebody might oppose me one way or the other. The only question is—is the cause good or bad. As soon as you start voting on the public's rights on the side that will give you, you think, the most votes, or the least opposition—you are failing the people who sent you there. And I hope that no one will vote for this simply because they think the people who are involved in the legislature, either as members or associates, will oppose it—because probably they will. But that is going to happen on every issue.

Now, in conclusion, I would say that all the problems that we are having here regarding the General Assembly could well and properly be cured. Our problem of cumulative voting would go out the window if we got down to one solid, sensible house of reasonable size. The legislature in Illinois has always been much larger than most of the other states, and it is truly much larger than comparable states today. What we should do is get down to one house. We wouldn't have to worry about single-member districts, cumulative districts, coterminous districts, overlapping districts—all those problems would be cured by simply facing up to what the people want. They want removal of duplication. They want efficiency. They want responsibility attached to where it should be.

You can go over this thing for weeks and weeks, and the only reason that we have the two-house system in any state is because that state has copied the federal system, which is entirely different, has no relation to state government, and perhaps we would shock the tradition of some people if we change. If we are afraid to move away from the traditional and the past in an area like this, we will have failed the people of this state for the future.

I agree with Mr. Knuppel. I believe he is close to the people. I believe he is giving them what they want, and I hope he wants it too, because I know he is a good student of this problem. And I hope that we can have the courage to look into this thing, not as somebody who is trying to protect a few people in the house or the senate, not on the theory that duplication is good in government, but on the theory that duplication is bad, it's expensive, and it's confusing. And I hope that this body will consider this thing seriously, for I don't think that there is one valid reason for maintaining two cumbersome, large houses of the legislature in this state; and I am convinced that Mr. Knuppel—if he does not win on this today—will win on this in the future. Thank you.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Canfield. Delegate Friedrich?

MR. FRIEDRICH: Mr. President and delegates, the only reason I can think of being for this is, if you are for the 1870 Constitution, this might be one way of getting it, that is, put this section in here.

I was about to suggest that if Delegate Knuppel became Senator Knuppel and served a little while over there, he might think differently about this, until Senator Canfield, who has served time over there, supported it.

I will say this, the theory, I think, on the two-house thing—and this is being a little facetious—but there is a theory, which I agree with most of the time, that anything that slows down the process of legislation is probably good for the people, and certainly the two houses do that.

As for having a second house around here, there are days when I think that might be a good idea, too, but I doubt at this time if we can get that adopted.

I want to talk a little bit about the conference committee, because Delegate Knuppel belittled that process. I had the privilege for four years of appointing the senate members to these conference committees and serving on a number of them, and I can say that that serves a very useful function in the process of legislation in getting together and getting some compromises which we don't seem to be able to get around here. But those conference committees are a very valuable part, and there are times when even they do not agree and a second conference committee is appointed with different members; and they do have to be changed in the second round on matters of reapportionment, for example, which are some of the most difficult things that the legislature has to do. They invariably end up in conference committee, and I have appointed the members and also served on it. I think that is an important argument for the two-house system.

Now, it was said that nothing was ever developed in the committee which indicated that one house killed the bad bills of the other. Well, I can tell you that the senate killed a lot of bad house bills, and even once in a while the house killed a bad senate bill. That's not quite so frequent, but it does happen. I want to tell you one case that happened, and this is what can happen. Representative Norman Shade, who is a good friend of mine, when he first came down to Springfield introduced a very bad bill, in my opinion. It had to do with mechanic's liens. Well, Norm Shade was a fine guy and everybody liked him, and nobody ever said anything about the bill. They stood up and told what a great guy Norm Shade was. The bill came out of the house with a unanimous vote. That's not uncommon for a new member to have that kind of treatment on a bill. It got over to the Senate Committee on Judiciary. It had a short hearing in which Senator Groen told what a great guy Norm Shade was. It got exactly two votes, which is exactly what it should have gotten in the house. That's one of the finest examples I know of a second housing killing a bad bill that came from the first.

I think any of you who observe the legislative process here in Illinois, and in the federal level for that matter, knows it was by design of the writers of the original Constitution that there be two separate houses and for two very good reasons. The first house—the lower house—was supposed to be very responsive to the people. They were kept at two-year terms even at the national level—and I know that congressmen hate to run every two years—they are literally running all the time. As soon as they are elected they almost have to announce their intentions to run again. The same thing is true here. The senate, with a four-year term, has a great deal more stability. If I had a choice, I would have the senate on an area basis, but that's out. But it still has the element of more stability than the house because of the smaller number, the longer terms, and the fewer members that turn over between sessions. I think it would be a tremendous mistake for Illinois to go to a one-house legislature.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Friedrich. Are there others who wish to speak before we ask Delegate Lewis to speak for the committee and then Delegate Knuppel to close the debate?

MR. LEWIS: Mr. Vice-President, I did not intend to speak for the committee, but only to speak.

VICE-PRESIDENT ALEXANDER: Excuse me, then why don't you go ahead? I believe Delegate Kenney wants to speak as well. So Delegate Lewis, you are recognized at this time.

MR. LEWIS: Well, I merely, as chairman of the committee, wanted to applaud the effort made by Delegates Fogal and Canfield, who certainly made very excellent presentations to our committee that were highly impressive and certainly swayed our feelings considerably. I think that the committee felt, on balance, that at this time there was not a sufficient ground swell for a change of this kind, either in the press or in the public, that we could possibly risk the sale of this with the entire package, without a considerable lot more groundwork being made.

We do not discount the possibility that some time in the future the public might determine that this would be the way that they would prefer to go; but as of the present time, we remember the testimony of one of the witnesses who stated that he thought the unicameral system was a system whose future was well behind it. It is one that is a difficult matter to assess because of the lack of experimentation with it in the United States. We did have a witness from the state of Nebraska, Mr. Sorenson, who was the lieutenant-governor of the state of Nebraska who certainly testified as to how it works there, and yet the majority of the committee was unable to relate the experience there to the vastly different state of Illinois. For that reason I do want to express our appreciation to the two delegates who made the proposal originally and to Delegate Knuppel for his rather historical presentation here today. With that I will defer then to the summation by our vice-chairman.

VICE-PRESIDENT ALEXANDER: Thank you, Chairman Lewis. The Chair now recognizes Delegate David Kenney.

MR. KENNEY: Thank you, Mr. Vice-President. As one who favors Mr. Knuppel's amendment, I would like to offer you certain information relating to the number of bills introduced in the General Assembly in recent years, and the effect of the bicameral system upon the effective bill load. Due to the rapidly increasing complexity of social, economic, political, and other affairs of a state so populous and technologically inclined as the state of Illinois, the number of bills introduced in the last decade in the General Assembly has increased very rapidly. I think I can illustrate this quite readily.

In 1945, the number of bills introduced in both houses was approximately 1,500. Twenty years later it had slightly more than doubled to, in 1965, approximately 3,600 bills introduced. Then in the sessions of 1967-68—and the General Assembly met in both of those years—the number of bills introduced was over 5,000. So we had, you see, an increase of about 40 percent from '65 to '67, and in '69—and of course the present General Assembly has not yet adjourned sine die—in '69, the first six months, the number was over 4,200. I am sure there have been a great many more in meetings of the General Assembly since that time. My point is that the number of bills introduced is rising very rapidly, the curve is going up very rapidly.

And let me point out an aspect of bicameralism that is not often given attention. It multiplies the actual number of bills introduced because, of course, in a bicameral system the senate must consider bills approved by the house, and the house must consider bills approved by the senate, in addition to the initial introductions. And thus if we take the year 1965, in the General Assembly of that year, there were 3,590 bills introduced. The effective gross bill load was 6,266 because of this fact that the bills passed in one house then had to be considered by the other. So as the actual number of bills goes sharply upward the effective or gross bill load goes to even higher levels; and I would certainly agree with Mr. Knuppel that if we don't at this time give serious consideration to unicameralism and adopt it, we are going to be forced by gross bill load within the next few years to return to this extremely vital subject. And I certainly urge your support of Mr. Knuppel's amendment. Thank you.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Kenney. Were there others who wish to speak? Delegate Howard?

MRS. HOWARD: I can't add much to what has been said by the other delegates in favor of unicameralism. I do feel that the difficulties that we have in evaluating unicameralism rise from the fact that Nebraska is the only state that does have it. However, I would beg any of you that are interested in good government to closely examine the structure in Nebraska, for I think their experiment there does demonstrate that unicameralism can run with efficiency. It is free from log jams and deadlocks and recurrent crises as we have in our bicameral legislature.

And also if you will do some of the reading of some of the publications on good government, I think you will find in book written by Dr. Snyder, one of the foremost scholars on state and local government, that he strongly recommends and strongly feels that in our modern day a unicameral legislature is a necessity. The National Municipal League in their Model State Constitution does recommend it, and also someone mentioned today about the public perhaps not being ready for this. I would like to call your attention to an editorial which appeared in the *Peoria Journal Star* on October 4 of last year in which they said, "Tradition is probably the greatest and only strength of the two-house system." I personally feel that the time is here to abolish the duplication which we have in a bicameral legislature, but like the other speakers and proponents of unicameralism, I do not expect you to be ready for today.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Howard. The Chair now recognizes Father Lawlor, and then we will ask Vice-Chairman Reum and Delegate Knuppel to conclude the debate.

FATHER LAWLOR: Mr. Vice-President, fellow delegates, I wish somebody would explain to me the reason for two houses when we are using the same basis on which to elect them. They are going to do exactly the same work. It seems like a total duplication to me. The same people are electing the

some individuals and then asking each one to come up with legislation for the common good, and I don't see any real check and balance in this. It just seems to be extra work, extra staff, extra salaries. We need more seats, more accommodations, and they are a burden on each other's back because what one does, the other has to do over again. It doesn't seem reasonable.

I don't think the same reasons are there that we have in the existence of the United States Senate and the House of Representatives. The Senate represents states, the Representatives, people; and I think that the time has come when maybe a single house would best serve our needs, and I am utterly surprised that more of you are not debating this issue because there is a lot of experience here, and those who know the facts, I wish you would somehow bring them out and justify why you want two to do the work that one can do.

VICE-PRESIDENT ALEXANDER: Thank you, Father Lawlor. And now—excuse me—Delegate Helen Kinney?

MRS. H. KINNEY: Even though its time has not come perhaps, there is some merit in considering this proposal. I should simply like to supplement what my friend and seatmate Dr. Kenney has said. There have been occasions in the Criminal Code where in the same section, covering the same subject matter, there has been a house bill number so and so, a senate bill number so and so, both have been adopted, and then to determine what the law actually is, one must compare the bills for inconsistencies and determine from the effective date of both bills which one is controlling. I think there have been very meritorious arguments made for giving this serious consideration. Thank you.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Kinney. And now, Vice-Chairman Reum, will you summarize for the committee?

MRS. REUM: Mr. Vice-President and distinguished delegates, I would like to repeat that Illinois has always had a bicameral legislature and it has been well accepted by the people of the state. I repeat again, it should be given a further opportunity to prove its merits under one man-one vote.

The arguments for a bicameral legislature rest upon these important premises: (1) two houses provide a technical review and tend to minimize careless legislation; (2) a second house provides a check on hasty legislation and on legislation prompted by popular passion.

A two-house system permits "graduation" from the lower house to the upper and thereby aids in developing a group of experienced and capable legislators; fifty percent of the senators are six-termers, and in the house 30 percent are six-termers.

A bicameral legislature is more difficult to corrupt than a unicameral legislature, and with a bicameral system one would expect a larger legislature and the citizens might feel that this would increase the possibility that they would know someone in the legislature. They can always find some member in the house that might agree with their philosophy as against the member in the senate, or vice versa. As one of the members of an important organization in this state testified, they felt that they had two chances to approach legislators, and they felt that this was very significant.

So I would like to also add that the people are guaranteed an opportunity to organize and oppose legislation during the period before enactment by the second house. We have felt that this is so important that we have also included in the constitution that there shall be adequate public notice for committee hearings, so that the public has an opportunity to contact their legislators, and they have the time.

A bicameral system permits the defeat of undesirable but popular legislation where outright opposition to the legislation would be politically dangerous.

I might respond that the majority of the committee has recommended a reduction in the size of the legislature and that this would be a considerable savings of money right off the bat, and would involve saving at least $1,200,000.

I might respond to the fact that Nebraska has a unicameral legislature. I might suggest, ladies and gentlemen, that Nebraska has nonpartisan elections and is a state much smaller than ours—a much simpler society as compared with our complex problems of the rural and with the metropolitan and urban problems that we have.

And finally I would like to quote, with reference to the conference committee, recently in one of the metropolitan newspapers the President of the United States was quoted as saying—was referred to by Mr. William McGaffin of the Washington Bureau who kind of editorialized in this first sentence that

> The President was on solid ground last week when he reminded his television interviewers of the importance of the House-Senate Conference Committee in the United States legislative system. He said that although the public may not think it is very important, it is probably the most important legislative entity that we have in our government.

For these reasons the committee recommends the retention of a bicameral legislature. Thank you.

VICE-PRESIDENT ALEXANDER: Thank you, Vice-Chairman Reum. And now Delegate Knuppel, you have a maximum of five minutes in which to summarize your position.

MR. KNUPPEL: If you will let me know a minute before I finish.

First I'll address myself, ladies and gentlemen of this Convention, to the remarks made in opposition to a unicameral body, and we'll start with the proposition of what a wonderful thing the conference committee is. Somebody said I criticized it. I didn't. I praised it. It is a unicameral body. The conference committee is a unicameral body, and it is the only way. You've got to go to a unicameral body to resolve the differences—the inadequacies which arise by reason of a bicameral house. Now it is suggested, and therefore this is not an argument at all in favor of bicameralism, but rather an argument in favor of unicameralism, because you'd have your conference committee in the single house which then would exist.

Now something was said that this could slow down legislation. This can also be done by rules, by delaying second readings. I say that this is no argument for a bicameral as opposed to a unicameral house. An argument was made that they thought so much of this bicameral system that they were going to post notices of the meetings. I'd suggest that in the confusion which exists in our General Assembly they *have* to post notices, and maybe they'd only have to post half as many if

they had a unicameral house. It is suggested that the senate kills bad bills. I thought that was the function of the governor to veto bad bills. I didn't think that the senate had to do the duties of an already overpowerful executive branch of government in our state.

Also Chairman Lewis spoke apparently in opposition to it, but I will quote and paraphrase what Mr. Lewis said in the committee. He served as a good chairman and took no position in the violent debate and close cross-examination which occurred with respect to every witness who appeared before that committee and advocated bicameralism. At the conclusion of the whole thing Mr. Lewis leaned back in his chair, and I think these are his exact words: "I've not been impressed by the arguments of those who appeared here favoring bicameralism. I nevertheless will support it."

Also the only argument—the only argument of Mrs. Reum, the only argument of any other member on this floor is that it is traditional. Now that is the poorest argument. Farmers planted corn in forty-inch rows so the horses could walk between. And after they stopped using horses, they continued to plant it in forty-inch rows for twenty years because it was traditional; and all of a sudden the modern farmers have discovered that thirty-inch rows are far more productive and most of them are going to thirty-inch rows, and the farmers in this Convention know that. I can see no reason why we should be tied to tradition.

Another thing I would say is, Mrs. Reum suggested, "Let's let it prove itself." If we don't give it a chance to prove itself here or in some other state, how can it prove itself? Where will it prove itself? I ask her, if they don't give it a chance to prove itself any place but Nebraska where it has proved itself eminently well, then how can it prove itself? And I suggest that the comparison of Illinois with Nebraska is unfair to the unicameral system, because Nebraska could function much better under a bicameral system than we do because it is smaller and less complex. The unicameral body is designed to solve problems of a complex society as exists in large cities where they have adopted it.

Now I ask you, please, delegates of this Convention, raise up your eyes unto the future. Give the people of this state the representation which they are entitled to, and as Abraham Lincoln stood only a few feet from where I stand 100 years ago and said that "a house divided within itself cannot long endure," I submit to you that the people of the state of Illinois cannot long endure the inadequacies of a bicameral system in the complex society—the horizons of the nuclear and the atomic age in which we live—and the cost annually of $19,-200,000 that's caused by continuing a bicameral system. I say again, raise up thine eyes and follow and go with me into that area of better government where the legislature has been raised up to a full partnership with the judicial and the executive branches of government. Thank you.

VICE-PRESIDENT ALEXANDER: Thank you, Delegate Knuppel.

MR. KNUPPEL: I want a division, please, on it.

VICE-PRESIDENT ALEXANDER: You want a division? There has been a request for a division on the Knuppel amendment which would strike section 1 and provide, in lieu thereof, "Legislative power is vested in a single-house General Assembly of not more than 177 members."

You have heard the request for the division. Are there four who join the request? There are. Mr. Clerk, will you count the hands? Those who favor the Knuppel amendment will indicate by raising a hand. Will you lower them? Now, those who are opposed will indicate by the same sign. On this question the yeas are eighteen; the nays are sixty-five. The time has not yet come for unicameralism, John. Delegate Knuppel?

MR. KNUPPEL: I want to thank those who voted with me. That's a lot better than the single member who stood here 100 years ago alone. Thank you. (Applause)

VICE-PRESIDENT ALEXANDER: John, as somewhat of a history buff, I would like to ask you more about that Lincoln speech given 100 years ago. According to my calculations, he had been in his grave for five years. (Laughter)

Are there other amendments to Section 1? Delegate David Kenney?

MR. KENNEY: Mr. Vice-President, I have one relating to the number of legislative districts, but I believe by agreement it was to follow Mr. Peccarelli's amendment. Is this not the case, Mr. Lewis?

VICE-PRESIDENT ALEXANDER: The chairman indicates that is the case.

MR. LEWIS: That is correct, and I think we would move on to Tony Peccarelli.

VICE-PRESIDENT ALEXANDER: Before I call on Delegate Peccarelli, I think you would be glad to know that the wife of our good friend and colleague, Delegate Sam Martin, is in the gallery today. She is with a group of women from the Iroquois County Republican Women's Federation and their president, Mrs. Mary Bricker. We are glad to have you with us. (Applause)

Now, Delegate Peccarelli?

MR. PECCARELLI: If the clerk would read the amendment, please.

VICE-PRESIDENT ALEXANDER: Mr. Clerk, will you read the Peccarelli amendment?

CLERK: Amendment to section 1 of the Legislative Committee Proposal No 1.

> Amend Section 1 by striking lines 1 through 6 on page 9 and substituting, in lieu thereof, all the lines on pages 1 through 12 of the dissent to Committee on the Legislative Article's majority report and proposed substitute of entire majority report of the Committee on the Legislative Article submitted by Anthony M. Peccarelli on July 7, 1970, which is incorporated herein by reference and made a part hereof, which proposes a complete revision of the legislative article to provide a modified parliamentary system.

MR. PECCARELLI: Mr. President, I move its adoption.

VICE-PRESIDENT ALEXANDER: You have heard the motion. Is there a second? Seconded by Delegate Peres. Now, Delegate Peccarelli, will you proceed with the explanation?

MR. PECCARELLI: Thank you, Mr. Vice-President, fellow delegates, you do not have all of the language attached to this one page of my proposed amendment before you at the

For a One-House Legislature

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. Shirt-sleeved, 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 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 profes-

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Jess Unruh, "One House Legislature Advocated by Unruh," *National Civic Review*, May, 1971, pp. 253–258, 270. Reprinted by permission of the publisher.

sional 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*, representation of people has finally become paramount over the representation of geographic areas. . . .

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 per cent 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 per cent 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?

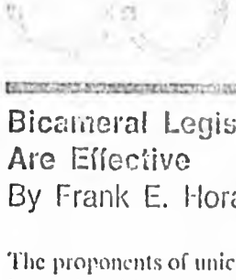
Ask yourself these questions about your legislature. Is there interhouse bill highjacking and name calling? Who speaks with authority on questions involving major legislation? Where would testimony on such legislation get the fairest hearing? Can you identify *exactly* who killed the legislation you 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 businesslike 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.



Bicameral Legislatures Are Effective

By Frank E. Horack, Jr.

The proponents of unicameralism have catalogued its merits with a persuasive marshalling of virtues. They assert that the single bodied legislature:

1. Saves time and expense.
2. Guards against hastily enacted and ill-considered legislation.
3. Eliminates the evils of the committee system and the dictatorship of the conference or steering committee.
4. Reduces total legislative costs and permits increases in legislators' salaries so that more qualified legislators may be procured.
5. Facilitates the non-partisan election of legislators.

The worth of these assertions can be measured only in terms of the function of a legislature in our modern society. The choices involved relate not to the form of a particular system of legislative organization but rather to the capacities of any system to realize the social and economic objectives of democracy.

In brief, society expects of a legislative body:

First. An adequate and accurate representation of the electorate in matters legislative.

Second. A capacity to enact accurate and effective legislation based on reliable research and reflecting practical experience.

Third. A facility for the expeditious enactment into law of the wishes of the community when the desires of the community are crystallized and the community is ready for action.

Fourth. The ability to retard legislative enactments when community policy is not yet crystallized and when inaction is more protective of sound community growth than is premature legislative experimentation.

Frank E. Horack, Jr., "Bicameral Legislatures Are Effective," *State Government*, April, 1941, pp. 79-80, 96. Reprinted by permission of the publisher.

Bicameral assemblies have long been criticized for their "unrepresentative" character. It is true that the historic origins of bicameralism stem from a desire to give preference to propertied and titled classes. It is also true that this basis of representation has been discarded in American legislatures and legislators are selected by all electors without qualifications based upon economic status. The apparent irrational consequences of continuing a bicameral legislature with a unitary basis of representation is the foundation of the unicameralists' argument. But a system of representation founded on area will remain just as arbitrary in a unicameral legislature. And the practicality or desirability of formal interest group representation certainly is not now worthy of consideration.

Economic representation by lobbyists

Furthermore, the failure of the American legislature to secure adequate interest group representation is more apparent than real. Such representation, today, is informally achieved through lobbyists and representatives of farm bureaus, trade associations, labor unions, temperance organizations, and the multitude of interests that have found legislative representation desirable. The informality of this representation is its chief virtue. Within the framework of an orderly two party system, highly specialized interests may make their influences felt. And no matter what the popular superstition may be, legislators and lobbyists know that influence must come from integrity and ability.

With the growing formalization of legislative committee procedure, the lobbyist must work more and more, as the lawyer, in open court, relying on his special knowledge and skill. To be sure he represents his client—but that, indeed, is democracy.

In an ever increasing measure interest group representatives have demonstrated their capacity for these responsibilities. We have, in fact, today, a type of interest group representation which could be no more effectively achieved under the unicameral system.

The proponents of the unicameral system assert that it will attract more qualified men to the legislature. There is little assurance, however, that a change in legislative form will have more than temporary significance in improving the caliber of legislators. Nor indeed is there any certainty that the caliber of legislators should or need be improved. In spite of the over-emphasis on the deficiencies of legislative bodies the competence of legislators compares favorably with that of judicial and administrative officials. It is true that misfits find their way to legislatures as they do to positions of responsibility in other walks of life. But in a legislature these individuals seldom if ever have significant influence in the enactment or rejection of legislative proposals. Legislative leadership, in the main, is on a high level.

Legislative procedure

Even with competent legislative personnel many critics assert that the bicameral procedure prevents fair and expeditious consideration of legislation. This argument is unconvincing. On the one hand unicameralists contend that existing procedure clogs and delays the efficient consideration of legislation and on the other hand they assert that legislation may be rushed through the legislature and enacted without the safeguards of deliberation. Even if true these are not exclusively the consequence of the bicameral system. Procedure must rely on human integrity and judgment.

Criticisms directed at clumsy procedure frequently overlook the cause and justification for such procedure. Without desiring to defend some of the archaic constitutional limitations such as the three-reading rule and certain voting procedures, justification of many deterrents to action may well be defended on the grounds of their deliberative effect. In other words when legislatures are unable to agree on proposals they frequently reflect the uncertainty of the society which they represent and the resulting inaction may best accord with the wishes of the electorate. On the other hand when controversies over policy have been settled in a given community the obstacles to rapid legislative enactment frequently are dissipated. Many informal devices promote this result.

With a single party in control of the legislature, the party caucus provides ready means for agreement on procedure and on enactment. The governor likewise in many instances provides the legislative leadership. He may sponsor specific legislation, submit administration bills, and through his office, insure their adoption. The legislature itself, by joint committees or by the joint meeting of the committees of the two houses, can and often does reduce the time for committee hearings and irons out the minor controversies so that final enactment is a speedy and formal process. Where solid public interest supports a particular legislative program, the bicameral system accomplishes the expedition of unicameral procedure so that *de facto* unicameralism is achieved.

The unicameralist will still respond that although the bicameral system can achieve the efficiency of the unicameral system its legislative product is still unconsidered, unsupported by reliable data, and

poorly drafted. Often these charges are true, but the question remains whether the creation of a unicameral legislature will improve the product. Improvement can be achieved only through adequate legislative research and competent draftsmanship. These requirements are unaffected by the form of legislative organizational structure.

Within the framework of the bicameral system great improvement has already been made. The active and able research organizations maintained by the Kansas and Illinois Legislative Councils and the code revision commissions of several States have made outstanding contributions to the improvement of the content and form of legislation. The continuation of this improvement will depend, however, not so much on the change of legislative form as it will upon the increase in funds and personnel for those legislative agencies which have already demonstrated their capacity in improving the legislative process.

Legislative costs insignificant

Perhaps the reader will feel that if the unicameral and bicameral systems are so similar in operation, that on the ground of expense alone the unicameral method should be adopted. An analysis of state budgets provides the answer. Legislators' salaries or even legislators' salaries plus the legislative perquisites are so small a proportion of the total state budget that an elimination of fifty per cent of the elected representatives would not change the proportion of state expenditures for the legislative department a single percentage point.

Though generally considered a controversy of form the unicameral-bicameral debate involves a fundamental issue of political philosophy. It raises a question of the flexibility of legislative action in terms of legislative responsibility to the electorate.

The streamlining of deliberation is obviously attractive in a world which places high value upon action. It is not accidental that the democratic influences of the early Greek civilization and the democratic movements of the later 18th and 19th centuries paralleled philosophical movements which found importance in idealism rather than in realism, which placed greater value in contemplation than in action. Conversely the pragmatic and realistic schools of the early 20th century consciously abandoned much of the moral and ethical nature of man for pure mechanism or Watsonian psychology.

The challenge of actionism

In the realm of politics, although the forms remain unchanged, innumerable straws in the wind indicate the effect of a machine age on the thinking and acting habits of the people. Even the bitterness of a political campaign has not produced great editorial writers or outstanding commentators; news print moves to larger type and shorter stories, from word to picture, and from printed word to radio voice. The forum fights an uphill battle to regain the position of the town meeting. Men have become accustomed to delegate tasks to others, to institutions, to machines. They want their answers ready made and so a philosophy of action challenges, in the realm of ethics and politics, the philosophy of deliberation. And it challenges a double-bodied legislature as an extravagance and a monstrosity. Indeed, the philosophies of those we consider not quite respectable challenge even the existence of any legislative or deliberative body. Action is the password. *Blitz* is the fashion.

The usefulness of joint legislative committees and the party caucus have already been elaborated as a means of unicameral action within the framework of the bicameral system. Unicameral action is necessarily the result of single leadership. It occurs in the American legislative scene only when there is a general unification of political and social objectives which have insured a political party a dominant position on the political scene. It seems to me that this is the outstanding advantage of a *de facto* unicameralism—it is not a permanent or fixed way of life for the State and its people. When there is uncertainty and doubt, the additional brakes that a second house of a legislature can provide is both necessary and desirable in order that legislative action does not run ahead of popular acceptance. When popular demand has unified on a particular social program so that whatever opposition develops cannot be described in terms of general uncertainty, machinery is then available in the framework of our present bicameral organization to speed the achievement of the objectives without an application of brakes by the second house. This ability to accelerate or brake the speed of government should not be abandoned quickly for a vehicle built on horsepower and without brakes.

To a great many persons a legislature is a rather remote body "passing laws" by means of some formalized procedures about which they have involuntarily read at some time in the past. In the next selection Richard L. Neuberger, late United States Senator from Oregon and a former member of the Oregon state senate, brings a legislature to life for us with his highly readable first-term impressions of legislators, constituents, and the legislative process.

Nebraska now has had its unicameral legislature for thirty years. The following article underlines that it has met the test of time at home. It points also to renewed interest in unicameralism elsewhere, following adoption of the one-man, one-vote standard of legislative apportionment. If the unicameral idea spreads henceforth, the author concludes, Nebraskans will applaud. Dr. Sittig, who gives us the paper, is Assistant Professor of Political Science at the University of Nebraska.

Unicameralism in Nebraska, 1936-1966

by Robert F. Sittig

IT HAS NOW been thirty years since the unicameral legislature in Nebraska was instituted. By the passage of an initiated constitutional amendment, after a spirited campaign led by United States Senator George W. Norris, the voters in the State abolished its two-house legislature.[1]

Thus, Nebraska became the sole State in modern times to adopt the single house arrangement for its state legislature.[2]

UPDATING THE UNICAMERAL

In the years since 1936 the unicameral has periodically adapted itself to meet the changing legislative needs of the State. In the field of reapportionment, the original forty-three seats were never altered until 1963, despite repeated efforts by metropolitan interests. At that time the number was increased to forty-nine and the seats were reallocated. The combined population-area formula used in this reapportionment had earlier been approved by the voters, but it failed to satisfy the constitutional standards which were being enunciated by the United States Supreme Court (*Baker* v. *Carr*, *Reynolds* v. *Sims*) during the years 1962-64. As a result, a second reapportionment was concluded in 1965, substantially on a population basis. This measure then won the approval of the federal district court.

The salaries of the legislators have been raised from $1,744 a biennium three decades ago to $2,400 a year. This puts Nebraska near the middle of the States so far as legislative salaries are concerned.

A recent change in internal procedures has improved the operation of the unicameral. It came after certain legislative members voiced dissatisfaction with the method by which committee assignments were made and committee

[1] The amendment passed with a comfortable margin (286,086-193,152). Interestingly, a strikingly new state capitol with two legislative chambers had just been completed, after a decade of construction. The members of the unicameral now meet in the more spacious chamber which had been designed for the lower house; what had been expected to be the upper chamber is utilized for committee hearings and other public affairs. The members, however, have retained the more prestigious title of "Senator."

[2] For more comprehensive historical surveys consult Adam C. Breckenridge, *One House for Two*, Washington, D.C., Public Affairs Press, 1957; and James C. Olson, *History of Nebraska*, University of Nebraska Press, 1955, Chapter 24.

spread public support for a return to partisan legislative elections. The movement is sparked chiefly by official leaders in the parties. The sitting legislators are, for the most part, unenthusiastic about changing the system. Evidently nonpartisanship carries with it certain advantages, real or imagined, as far as the incumbent legislators are concerned.[7]

The nearest any proposal for reverting to partisan elections has come to being decided by the voters was in 1964, when an initiative drive to have a constitutional amendment placed on the ballot was momentarily successful. However, the Nebraska Supreme Court ruled the proposed amendment off the ballot because of certain irregularities which occurred during the signature collection phase of the petition process. Informed opinion at the time was divided as to the probable outcome of the popular vote, with perhaps most observers predicting defeat for the amendment. The decision of the Court ended the speculation, and no organized effort has since been made to reconsider the question. To summarize, a unicameral system which is nonpartisan evidently is what the people, as well as the legislators, prefer for the Nebraska legislature.

FURTHER SUPPORT

The National Municipal League has been the most influential civic organization to take up the principle of unicameralism and advocate its adoption. The NML has consistently supported the idea in numerous versions of its *Model State Constitution*. In fact, the league may claim a measure of credit for the Nebraska unicameral since its recommendation of the single-house system in the *Model* predates the adoption in Nebraska. Officials of the league give assistance and advice to those seeking information on the subject. The NML reported in 1964 that various influential newspapers—including the *New York Times, Kansas City Star, Milwaukee Sentinel* and *St. Louis Post-Dispatch*—had carried articles or editorials in favor of a single house. The league had received inquiries or noted favorable news articles in more than fifteen States.[8]

In the spring of 1966 the American Assembly, a group of eminent public and private civic leaders who gather periodically to study public affairs and report their findings, suggested that States consider the possibility of adopting the unicameral arrangement. However, the nonpartisan feature of the Nebraska unicameral was not acceptable to the Assembly. These influential community leaders implied that a single-house legislature might now be especially suited for smaller States where legislative operations might be burdensome. And they indicated that recent court decisions had removed one of the historical justifications for bicameral legislatures in any State. Thus they felt that the present was an opportune time for States to weigh the possible benefits of adopting the unicameral system.

Perhaps the unicameral device is more appropriate for smaller States, which may have fewer and less intense divisive elements within their borders. But this is a conjecture, difficult either to disprove or verify. In any event it is worth noting that Guam and the Virgin Islands have unicameral legislatures. Virtually all American cities use the unicameral principle in their city councils. The same is true of most Canadian Provinces. Some of the cities determine public policies for millions of diverse constituents and hundreds of opposing interest groups—which indicates that size alone is not an absolute factor in determining the character of legislative institutions.

In Nebraska, the unicameral enjoys overwhelming support from the public, leading newspapers, interest groups and the State's political leaders.[9] A rehearing on the system in any other interested State undoubtedly would appeal to informed Nebraskans, who find themselves somewhat perplexed because the innovation has not yet spread elsewhere. Perhaps the reapportionment revolution will lead indirectly to a renascence of unicameralism.

[7] In the 1963 session of the unicameral the Senators voted 34 to 8 against proposing a constitutional amendment which would have allowed the people to vote on the question of returning to partisan legislative elections.

[8] *National Civic Review*, LIII (September, 1964), p. 446.

[9] See Jack W. Rodgers, "One House for 20 Years," *Ibid.*, XXXXVI (July, 1957), pp. 338-42.

injudicious to ignore them, since requests have come from sources in more than half of the States for information regarding the operation of the single house.

The inquiring parties receive virtually standard reports from Nebraska political observers and practitioners. Typical replies make it clear that the unicameral has not fully satisfied either its most enthusiastic supporters or its avowed opponents. They indicate, however, that the system has met the test of time and that its future course seems solidly established.[5] In fact, on one recent occasion it took considerable searching to find a Nebraskan willing and able to speak against the system after a constitutional convention in another State requested that equal time be filled by a spokesman opposed to the unicameral.

THE NONPARTISAN UNICAMERAL

A reputed drawback of the Nebraska unicameral is the nonpartisan election of its members. It should be emphasized that although the nonpolitical feature of the system was a part of the original reform, there is no compelling reason why these two features should be considered a single package in other States. Each is independent of the other, and each can stand or fall on its relative merits. It just so happened that the Progressive movement of the early 1900's was strongest in the Plains and Western States. One plank in the platform of the Progressives of that era was nonpartisanship. The distaste of many Progressive reformers of the past for political parties, whether Republican or Democratic, is well known. This dislike became translated into action which weakened party lines throughout the Western States. Results are evident even today in the large amount of ticket-splitting which occurs in general elections. It is also evident in the use of the open primary, which deemphasizes formal party affiliation in the making of party nominations in a number of these States.

Nebraska in this sense is typical of the West; its parties often seem to be for the most part personal gatherings temporarily attached to a particular candidate for a single election. The relative weakness, or flexibility, of the political parties remains as a legacy of the Progressive era in Nebraska. In retrospect, it seems logical that when and where the Progressive movement was especially successful it would apply the principle of nonpartisanship to state as well as local elections.[6] The campaign which culminated in the adoption of the unicameral in Nebraska was closely identified with the Progressive movement, and when the question was put to a vote the nonpartisan feature was included.

The Progressive forces have since lost a good deal of their political influence; they are now chiefly working within the confines of the existing political parties in the Western States. But many of their accomplishments have endured, and Nebraska's nonpartisan unicameral is one of them. However, the unicameral approach and nonpartisanship need not be considered a single innovation. In many States it undoubtedly would be futile to advocate a system which included the nonpartisan election of legislators.

Within Nebraska the nonpartisan aspect of the legislature has been attacked more than the unicameral feature. Most Republican leaders and many Democrats have for some time supported efforts to change the state constitution to eliminate the nonpartisan election of legislators. This, if accomplished, would restore the parties to a formal role in the selection process, as was the case in the State's earlier bicameral system. It would not be accurate to assume, however, that there is wide-

[5] The late Professor Shumate, a longtime advocate of unicameralism, stated that it is now considered to be an accepted part of the political tradition of the State. See Roger Shumate, "The Nebraska Unicameral Legislature," *Western Political Quarterly*, V (September, 1952), pp. 501-12.

[6] Minnesota is the only other State with a nonpartisan legislature. In California, the practice of crossfiling in party primaries, during the time it was allowed, brought a measure of nonpartisanship to its politics. And for a brief span county officials in that State were elected in nonpartisan races. The wide open or "blanket" primary in Washington, which permits voters to participate in both party primaries simultaneously, has had a nonpartisan effect on nominations. These, of course, are all Plains and Western States. For more comprehensive descriptions of their electoral practices, see G. Theodore Mitau, *Politics in Minnesota*, University of Minnesota Press, 1960; Winston W. Crouch, *et al.*, *California Government and Politics*, Prentice-Hall, 1960; and Daniel Ogden and Hugh Bone, *Washington Politics*, New York University Press, 1960.

chairmen selected. The solution that grew out of this largely revolved around giving a greater voice in the selection process to the members from populous Douglas County (Omaha).

In an attempt to bring a greater measure of competence to legislative decision-making, the unicameral now utilizes professional aid and advice in two major policy areas, fiscal matters and higher education; on occasions it has contracted with private experts on a fee basis to do the research involved, and recently it provided its standing budget committee with a permanent professional-clerical staff. These newer services supplement the important activities of the long-established Legislative Council and Statutory Revisor's office. In the regular 1965 session, the members considerably increased the role of the Speaker. In the past this office had been largely honorary; the Lieutenant-Governor is the presiding officer. Henceforth, the Speaker will more than likely function as a floor leader in the unicameral.

These periodic modifications over the years have done much to keep the Nebraska legislature responsive to changing political conditions. Human institutions everywhere require this kind of updating, and the single-house legislative chamber is no exception.

RECENT DEVELOPMENTS ELSEWHERE

Recently, the unicameral system has been receiving renewed interest in a number of States outside Nebraska. This no doubt has been stimulated by the "one-man, one-vote" reapportionment revolution touched off by the federal courts. The new reapportionment standard, which requires that seats in both houses of state legislatures be distributed on a population basis, has eliminated for them the so-called "federal" plan of apportioning one house on a population formula and the other on some combination of population and area. This has had the effect of pushing the unicameral approach up to the forefront as a feasible political institution which States can well consider.

Until this time, only those political reformers who viewed things through rose-colored glasses were confident about the future of unicameralism. In thirty years not a single State had followed the pathway Nebraska had opened.[3] In the last few years, discussion of the unicameral principle has enjoyed a rebirth.

Perhaps the most thorough consideration of the single-house system has come in the States of Rhode Island, Connecticut and New Jersey. Constitutional review conventions in these States have provided arenas for reexamination and possible overhaul of entire political systems. Professional observers from these States and Nebraska exchanged viewpoints and visits. In the end, none adopted unicameralism, although significant support for it existed in all of them. For example, in Rhode Island, Governor John H. Chafee and Former Governor Dennis J. Roberts, (who presided over the convention), along with numerous civic and economic interest groups, were instrumental in having the question considered by the convention delegates. It was ultimately voted down.[4]

ASSESSING THE UNICAMERAL

Nebraska officials, as well as other interested citizens who are associated with or informed about the operation of the unicameral, have received numerous inquiries about it in recent months. The Governor, Lieutenant-Governor and Legislative Clerk have made a number of trips to different States (including Texas, New Jersey and Rhode Island) to explain why they support the system and believe it to be of considerable worth. Their remarks typically include the favorable judgments that the unicameral is open, deliberative, representative, direct and economical. It would be presumptuous to claim that these isolated inquiries and speaking engagements represent "real" movements toward unicameralism. It would also be

[3] Alaska probably came nearer than any other State to adopting the unicameral system. When the "Empire of the North" was drafting it's first constitution, various political advisors suggested adoption of a single-house legislature. This proposal received a favorable hearing in the constitutional convention. Tradition rather than innovation, however, carried the day, and the delegates approved a bicameral body. Some delegates were apprehensive about the reception Congress might give the statehood application if a unicameral system were part of the package. See John Bebout, "Charter for the Last Frontier," *National Civic Review*, XXXXV (April, 1956), pp. 158-63.

[4] "Rhode Island Convention Defeat for Unicameralism," *Ibid.*, LV (May, 1966), pp. 263-4.

Drive for Unicameralism Needs National Support

by Lloyd B. Omdahl*

TEN years ago the United States Supreme Court pulled the last of the rational underpinnings from the bicameral legislative system in its *Reynolds* v. *Sims* edict of one man, one vote. By requiring both houses of state legislatures to use only population as the basis for apportionment, the court deprived advocates of their historical defense of the two-house assembly.

Readily perceiving this, the unicameralists who survived three decades of drought were exuberant. The decision brought new adherents to their cause. Articles appeared in national publications. Prominent newspapers, among them the *St. Louis Post-Dispatch* and the *New York Times*, editorialized in favor of unicameralism.

The *Reynolds* case did more than renew the spirit of unicameralism. It afforded new opportunities for implementation by forcing a number of states to call constitutional conventions to bring state apportionment provisions within Supreme Court guidelines. While some of these conventions were limited to reapportionment, others were not and considered wholesale revision of state constitutions.

Without question, the decade following *Reynolds* appeared to be the golden opportunity for unicameralism. But the decade that opened with glowing optimism closed with another dismal scorecard: no gains made; no victories in sight. It is obviously time for realistic reassessment of the game plan. Why hasn't the unicameral scored new gains? It must be concluded that either the proposal is wanting or the politics of the controversy frustrates adoption.

It is not possible to concede that the unicameral is basically defective in design and therefore not a rational alternative to the two-house system. Extensive research and analysis have demonstrated the viability of the unicameral system. It has worked well in Nebraska. Failure to adopt it cannot be ascribed to lack of merit. The only logical conclusion is that failure emanates from the politics that governs the decision makers who must act to implement unicameralism. We can no longer maintain the pretense that politics is a minor element in securing this reform for state assemblies, and until we come to grips with this fact, no ground will be gained in the next decade either.

It is imperative that unicameralists address this primary fact: adoption of

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the system fails to gain fruition because it challenges the power of state legislators who are the principal initiators of the constitutional revision required to secure its adoption.

Legally, as well as theoretically, legislatures are regarded as the people in session. Consequently, it was probably inevitable that they would be awarded custody of the people's document, the state constitution. As a part of this guardianship, legislatures were given primary responsibility for proposing constitutional amendments for acceptance or rejection by the people. If they perceive no need to amend the constitution they propose no changes. And because legislatures are the only perennially active source of proposals for constitutional amendments in most states they hold a virtual monopoly on revision in those jurisdictions. Without their leave nothing can be done.

Since legislatures are parties to the constitutional issues involving the separation of powers, they are not disinterested representatives of the people on a significant number of issues. Unicameralism is one of those issues. Their guardianship gives them a strategic opportunity for vetoing the unicameral proposal and there is little evidence to suggest that they will achieve any degree of objectivity on that issue.—Their political interests are too crucial.

To substantiate this charge we need only turn to the sordid history of legislative malapportionment that forced federal courts to enter the political thicket in the first place. Before *Reynolds* v. *Sims* most legislative assemblies were responsible for redrawing districts after each decennial census. Defying their own state constitutions in many cases they refused to reapportion. It was only after decades of stubborn legislative resistance that the federal courts reluctantly acted on this historically political question.

Why didn't state legislatures comply with constitutional directives? After considerable analysis, scholars of government agree that, principles of fairness and equality notwithstanding, internal politics simply paralyzed legislative initiative. Alteration of legislative district boundaries to conform to shifting population patterns would have resulted in losses to certain legislators, power blocs and political parties. The politics of such a task was so overwhelming that, even after *Reynolds*, federal courts were required to review reapportionment plans in every state to see that constitutional principles were implemented.

If the politics of legislative reapportionment inhibited action for decades, then how much more serious the politics involved in legislative adoption of a proposed amendment to state constitutions calling for the abolition of one house? In most states a change of this magnitude surpasses that required for redistricting. By virtue of this intense interest, legislative assemblies are inherently hostile to the unicameral proposal. It is more than a mere passive hostility—it is unrelenting aggression sharpened by the instinct for political survival.

With this antagonism prevailing, most states, for all practical purposes, will never be given the opportunity to consider changing their bicameral legislative systems. In states where legislatures control the flow of con-

stitutional amendments to the people, the only alternative is to wait until a convention is called. Unfortunately, such conventions are infrequent because interest is low and procedures difficult. In most states, legislatures must initiate the procedure by placing a convention call on the ballot. Historically, legislatures have not been enthusiastic about calling these uncontrollable bodies as they tend to meddle with legislative prerogatives. As a result they place the call only with the advent of insurmountable problems or great pressure. (In recent years, several state constitutional conventions wisely seized their opportunity to provide for automatic mechanisms for calling future conventions.)

But even after the people have approved a convention call and delegates have been elected victory for unicameralists is not in sight. Legislators and legislative influences often pervade convention proceedings. By and large, legislator-delegates secure strategic committee appointments and spend much of their time defending existing legislative practices. As the proceedings of conventions attest in state after state, proposals to alter the legislative institution ignite the opposition of legislator-delegates. In the Rhode Island convention which ran from 1964 to 1968 legislator-delegates spent long hours working to keep a unicameral proposal from being submitted to the people even though some observers believed it would have been approved in a public referendum. The North Dakota convention did get a unicameral proposal submitted as an alternate proposal only because a large bloc of delegates felt the people should be given the opportunity to decide the issue even though they themselves did not support it. In Montana, state officeholders were prevented from serving in the convention. With the absence of this interest group the Montana convention was able to get the proposition on the ballot as an optional measure. These are exceptions. By and large, convention experiences throughout the country suggest anything but an easy route for unicameralists.

In all fairness it must be observed that legislators are not unanimous in their opposition to the unicameral system. But generally the opposition is unyielding. In order to elude the legislative roadblock 16 states devised the initiative petition procedure for proposing constitutional amendments. Of the alternatives available to unicameralists this appears to hold the most promise. But it has its pitfalls which must be weighed realistically. The difficulties are directly related to a second major point regarding adoption of the unicameral: because it will not result in particular benefit for any interest group there are very few resources available to secure its adoption.

To unicameralists who have been engaged in the verbal wars over the merits and demerits of their legislative proposal, this second obstacle is ironic. Bicameralists attack the unicameral as conducive to high-pressure lobbying, since fewer legislators would be more accessible to interest groups. If this were true, special interest groups would be leading the parade for a one-house legislature, and pouring money and manpower into the campaign for its adoption. But they are not, which should say something for the system.

The openness of the unicameral system is adverse to the machinations of special interests. Simplifying the system and making the legislators more visible would obviously frustrate the inter-house manipulation that has long been a boon for lobbyists. Because interest groups have nothing to gain and everything to lose under unicameralism, they have no interest in underwriting the cost of securing its adoption. This is true for every phase of the effort, whether it is securing legislative or convention approval, obtaining signatures on initiative petitions, or financing a public information campaign.

Where, then, can resources be obtained? While all citizens would benefit from a change to unicameralism, that gain is not significant enough (in their perception) to warrant monetary contributions or volunteer services. This being the case, unicameralism has been forced to rely on a small band of civic-minded citizens for its sustenance. As a consequence, manpower and money have been available in only limited quantities.

This lack of support has starved the movement. Without money to prepare informational material for citizens, legislators or delegates, and without money to pay minimal lobbying expenses at legislative sessions or conventions, unicameralists have been unable to overcome politically motivated resistance with a full explanation of their proposition. Similarly, this lack of resources has prevented the printing and circulation of petitions to secure the thousands of signatures required to circumvent legislatures and conventions. The most recent attempt at initiating the unicameral proposal in California during the spring of 1974 collapsed when resources dried up.

Even if it were possible to get the proposition on the ballot, the resources would not be available to complete the task. Where it was necessary to finance communications with only a hundred people in the legislature or convention, once the measure is on the ballot it becomes necessary to inform hundreds of thousands of voters. The cost of reaching the electorate with sufficient information is nothing short of staggering. While the media are often willing to provide free time or space for opposing viewpoints as a public service, cash is still needed to make the campaign effective. A typical modern mass media campaign requires thousands of dollars for television, radio and newspaper advertising. Public solicitations for this effort usually cost more than they collect.

The unsuccessful attempts to secure adoption of the unicameral system in North Dakota and Montana are indicative of the problems involved. In North Dakota, attempts to obtain funds through mail solicitations failed. At the same time, strong opposition developed against the proposed constitution, requiring unicameral proponents to divert their efforts toward saving the main document. A parallel situation developed in Montana when the courts deprived the pro-constitution forces of their state educational funds. As a consequence the unicameral proposal was defeated in both states. In North Dakota the vote was 107,643 to 64,073; in Montana it was 122,425 to 95,259. Even though decisive, these two 1972 defeats cannot be considered a unicameral Waterloo. In neither state was the unicameral concept

given full exposure to the people so they could render an informed judgment on the basis of a fair comparison of the two legislative systems. In fact, observers in both states were amazed at the amount of support for unicameralism reflected at the polls.

A course of action must be developed to overcome the political resistance of legislative interests and to provide sufficient resources to inform the electorate of the advantages of unicameralism. The opposition of legislators can be overcome through a continuous educational program conducted by permanent organizations at the state level. An educational program will, hopefully, convince some legislators that the unicameral is in fact a substantial improvement over the two-house, buck-passing system. For those legislators who put political considerations ahead of unicameralism, the educational campaign will serve to create an enlightened citizenry that will demand legislative reform. If enough citizens can be rallied to the cause of unicameralism, their presence in legislative constituencies will force legislators to support reform.

With the recent national scandals the public has begun demanding reforms to assure the people that government is responsive and accountable. State and national legislative bodies have been flooded with corrective proposals, such as full disclosure of financial interests, restrictions on conflicts of interest, and open hearings and meetings. The temper of the time offers a unique opportunity for rallying citizen support for a more accountable, responsive legislative system in state governments. If launched in the near future, unicameralism could well become one of the reforms of this era.

To overcome the chronic shortfall of resources a national pooling of talent and money must be organized to support the unicameral drive in states offering the best opportunities for adoption. Experience has fully demonstrated that the resources of unicameralists are too diffused for any one state to mount an effective campaign. A national organization for the unicameral could draw the resources together from supporters in all states to be applied in effective campaigns in selected states. While it is true that such a system would shift resources away from some states, a new victory in one state at this time could result in a major breakthrough for any number of states. Such a gain would make the investment worthwhile as it would surely result in new interest and support.

Heightened citizen interest and support are the currency that will give unicameralism the political muscle it needs to overcome the political resistance that has waylaid it through the decades. Only through the adoption of deliberate steps to solidify this interest and support will unicameralism be translated from vision to reality in state governments.

Those who prefer the now traditional biennial session demur on most of the above points. They hold that the virtues of the annual session have been greatly exaggerated, that its flaws have not been understood. In the first place, there are already enough laws. Annual sessions inevitably will lead to the persistent advocacy of new legislation and to the adoption of meretricious policies; biennial sessions constitute a safeguard against precipitate and unseemly legislative action. Stability of policy is itself a mark of an orderly and effective legislature. Proponents of the biennial system also argue that yearly meetings of the legislature will contribute to legislative harassment of the administration and its agencies; although an annual session may help to put life back into the legislature, it might be expected to diminish administrative efficiency. The biennial system affords legislators more time to renew relations with constituents, to mend political fences, and to campaign for reelection. The interval between sessions also may be put to good advantage by individual legislators and interim study commissions, since there is never sufficient time during a session to study proposed legislation.

There is, finally, the matter of cost. Annual sessions inevitably lead to a spiraling of legislative costs, for the legislators and other assembly personnel are brought together twice as often. Other costs will become inflated, and perhaps legislative salaries will be increased. Moreover, new programs and new appropriations are likely to result; more expensive government is a natural consequence of annual sessions.

Advocates of annual sessions reject the argument of excessive expense in operating the legislature, pointing out that although state expenditures have climbed rapidly in recent decades, the percentage of legislative costs to the total budget is much smaller today than it was in the past. A study of the period 1927–32 revealed that legislative costs came to less than 1 percent of the total budget; follow-up investigations in 1948 and 1963 have shown a decrease in the proportion of funds allocated to legislative operations.[24] Given the magnitude of state government today, this view holds, there is no good reason to hope for economies simply by cutting legislative costs.

Unicameral or Bicameral Legislature?

Familiar and conventional political arrangements, no less than familiar and conventional ideas, have an extraordinary capacity for perpetuating themselves. Such is the case of bicameralism.

COLONIAL EXPERIENCE

The earliest colonial legislatures, developing out of stockholders' meetings, were unicameral in form. Deputies elected by the freemen of the towns and the appointed assistants of the colonial governors sat together in a single house. Conflict between these two groups was doubtless inevitable, leading to plans

[24] Belle Zeller, ed., *American State Legislatures* (New York: Thomas Y. Crowell Company, 1954), p. 93; *The New Jersey Legislature* (New Brunswick, N.J.: Rutgers University, Eagleton Institute of Politics, 1963), pp. 52A–53A.

for the creation of two chambers. First to adopt the bicameral form was the Massachusetts Bay Colony, when, in 1644, "following an acrid dispute between magistrates and Deputies over the case of Goody Sherman and her stray sow, the General Court separated into two co-equal Houses, the House of Assistants and the House of Deputies."[25] Many other colonies followed Massachusetts' lead, though the flight from unicameralism was not complete until the state of Vermont switched to a two-house legislature in 1836. Part of the stimulus to bicameralism in the states had come from the formation of a national legislature of two houses, replacing the single house under the Articles of Confederation.

THE ARGUMENT OVER VIRTUES

It is difficult to account for the acceptance of the bicameral idea today other than to note, as we have earlier, popular reluctance to abandon old moorings. Of the fifty states, only Nebraska, in 1934, has adopted the plan for a one-house legislature. Moreover, save in a few academic and reform circles, the debate over unicameralism vs. bicameralism is no longer very lively. Nevertheless, it may be useful to sketch briefly the principal claims made for each.

Bicameralism, its proponents have argued, "prevents hasty and careless legislation," "serves as a check against popular passions and impulses," "provides protection against corruption and the control of the legislature by special interest lobbies," "permits the use of a different basis of representation in the two houses," and represents "the traditional American form of legislature."[26]

On the whole, the arguments made by bicameralists have not been found convincing.[27] As much as anything, they appear to be rooted in a distrust of the legislature and the representative function. No evidence exists to suggest that bicameral legislatures prevent the passage of hasty and undesirable legislation—the principal claim made for the arrangement. In fact, an extraordinary number of bills move from one house to the other in the final days of the session, when the pressure of time often precludes anything more than superficial examination. Moreover, if the same party controls both houses, and a party matter is involved, the check supposedly given in the second house is unlikely to amount to much. Numerous studies have shown that a majority of the bills that clear one house go through the

[25] Manual for the Massachusetts Constitutional Convention of 1917, p. 7, as quoted in Commonwealth of Massachusetts, *Report of the Special Commission on Legislative System and Procedure,* Senate Report no. 50, January 1, 1943 (Boston: Wright & Potter Printing Co., 1943), p. 94.

[26] Zeller, *op. cit.,* pp. 51–56 *et passim.*

[27] For an article which supports the "braking" function of bicameralism, see Frank E. Horack, Jr., "Bicameral Legislatures Are Effective," *State Government,* XIV (April 1941), 79–80, 96. But also see JeDon A. Emenhiser, "Sober Second Thought in the Utah Legislature: Toward a Theory of Inter-Chamber Relations," (Manuscript, Utah State University, 1965). This study finds slight evidence that the second chamber gives "sober second thought" to bills that have already passed the other house. Rather, what does emerge is that bills which pass both houses often have two things in common: early introduction and overwhelming passage in the initial chamber.

other without amendment, and far more bills are lost in the house of origin than in the second chamber. Finally, it is well to remember that the legislature has numerous other built-in safeguards against hasty and impulsive action—including intricate rules of procedure and an elaborate committee system. And in the background is the governor's veto power.

The other virtues claimed for bicameralism are hardly more impressive. Are lobbyists more powerful in a unicameral than in a bicameral legislature, their "corrupting" influence more pervasive in one house than in two? Although there is no way of proving this point one way or another, we have the argument of one authority, Roger V. Shumate, that lobbyists "will be less influential in a small body in which responsibility of individual members for passing or defeating bills can be more definitely fixed than under a system in which responsibility can be shunted back and forth from one house to the other...."[28] On this score, it should also be recognized that, since lobbyists often seek to block legislation rather than to advance it, bicameralism may afford new opportunities for defeating proposals.

The claim concerning the representative value of bicameralism requires a comment or two. At one time, state senators were chosen on a basis different from that of state representatives, with the upper house designed to represent an elite of property owners, the lower house to represent population. With one house "conservative" and the other "radical," a natural check, one upon another, would be present. In point of fact, it has been a long time since this concept held any significance. Today, senators and representatives are selected in the same way in all states. The qualifications for the state senate may differ from those of the house, and the senate term of office is usually longer than the house term, but the voters in all cases are the same. Moreover, the contention is spurious that any legislator today simply represents a district or area; rather he represents a heterogeneous grouping of voters, some of whom have augmented their power by membership in organized groups (including parties) whose constituencies extend far beyond the local legislative district.

The final assertion in support of bicameralism—that it is "American" and traditional while unicameralism is "foreign" and radical—needs little comment. Its fundamental flaw is that it is simply nonsense, plausible only to those who know nothing of colonial political organization or those who believe the Founding Fathers fashioned a political system without benefit of a glance at British or other European experience and theory.

Much of the literature concerned with legislative structure in the states comes down heavily on the side of unicameralism.[29] A survey of the case

[28] "The Nebraska Unicameral Legislature," *Western Political Quarterly*, V (September 1952), 510.

[29] There are a number of books and articles on the issue of bicameralism vs. unicameralism: C. A. Breckenridge, *One House for Two* (Washington: Public Affairs Press, 1958); Daniel B. Carroll, *The Unicameral Legislature in Vermont* (Burlington: University of Vermont Press, 1933); Mona Fletcher, "Bicameralism as Illustrated by the Nineteenth General Assembly of Ohio," *American Political Science Review*, XXXII (February 1938), 80-85; Jack W. Rodgers, "One House for 20 Years," *National Municipal Review*, XLVI (July 1957), 338-42, 347; John P. Senning, *The One-House Legislature* (New York: McGraw-Hill Book Company, Inc., 1937) and "Unicameralism Passes Test," *National Municipal Review*, XXXIII (July 1944), 60-65; Charles W. Shull, *American Experience with Unicameral Legislatures*

for this arrangement includes the claims that a single chamber "carries greater prestige...and hence attracts more outstanding and representative citizens," "is able to give more thorough consideration to proposed legislation than two chambers," eliminates "the jealousy, friction, and rivalry between the two houses," "facilitates the development of essential leadership...by concentrating such leadership in one place," "permits closer and more effective relations between the governor and the executive departments and the legislature," "reduces the power of special interest groups," "does away with the need for conference committees," "facilitates public reporting of the work of the legislature," reduces the cost of the legislature, and increases the possibility for fixing responsibility for legislative action.[30]

Notwithstanding the attractiveness of these assertions, for the most part their validity must be assumed; the "efficiency" of unicameralism, like the "Americanism" of bicameralism, is a difficult item to gauge. A fairly recent attempt to canvass the experience of the Nebraska legislature, for three decades the unicameral model, arrives at these conclusions: it has led to some saving in salary payments for legislators and in general legislative expense, to lengthened legislative sessions, to the introduction of fewer bills but the enactment of substantially more, to a decrease in the number of special sessions, to a more deliberate mode of procedure, and to an increase in the tenure of legislators. No evidence was found that unicameralism leads to the passage of hasty and ill-considered legislation. Whether legislators in the unicameral scheme are superior in talent, intellect, and moral caliber cannot be proved, nor can it be verified that the quality of legislation enacted by the "unicameral" is better than that enacted under the earlier bicameral legislatures. In sum, the unicameral experiment in Nebraska "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."[31]

Legislative Scheduling: The "Log Jam" in the States

The typical legislature operates at a bewildering pace in the closing days of the session. Few things are more common in the course of legislative affairs, especially in the states, than the last-minute rush to wind up business for another year or another biennium. It is not unusual to find as many as 50 percent of all bills passed during a session receiving final approval in the last week before adjournment.

(Detroit: Bureau of Government Research, 1937); O. Douglas Weeks, *Two Legislative Houses or One?* (Dallas, Texas: Arnold Foundation Studies, 1938); Charles B. Hagan, "The Bicameral Principle in State Legislatures," *Journal of Public Law*, no. 2 (1962), 310–27; Donald Janson, "The House Nebraska Built," *Harper's Magazine*, November 1964, pp. 124–30; Talbot D'Alemberte and Charles C. Fishburne, Jr., "The Unicameral Legislature," *University of Florida Law Review*, XVII (Winter 1964), 355–67; Demitrios M. Moschos and David L. Katsky, "Unicameralism and Bicameralism: History and Tradition," *Boston University Law Review*, XLV (Spring 1965), 250–70.

30 Zeller, *op. cit.*, pp. 57–58.

31 Shumate, "The Nebraska Unicameral Legislature," 504–12.

House Judiciary Committee
January 27, 1975

HJR 1 - Unicameral Legislature

The meeting was called to order at 1:34 by Chairman Gardiner. Members present: Gardiner, Brown, Cotton, Parr, Bradley, and Fink.

Representatives Parker and Bradner, sponsors of HJR 1, gave presentations on the merits of the bill and fielded questions.

Rep. Parker gave a brief history of the bicameral legislature to the time of the "one man, one vote," decision. Since this time state legislators represent the same constituents. He stressed that the unicameral legislature would do away with the free conference committees powers, shorten sessions, and eliminate the unnecessary check within the legislative branch which does not exist in the other two branches of government. In response to a question from Rep. Parr, Rep. Parker explained that although either house can reject the report of a free conference committee, it is rarely done since such committee reports are made in a bunch at the end of the session.

Rep. Fink questioned the time restrictions on passing a bill as contained in HJR 1 as well as the redistricting procedures. He suggested that redistricting be done on the basis of substantial population change instead of every ten years. Perhaps the minimum percentage increase should be stipulated.

Rep. Brown questioned that any of these changes should be made to the Constitution but to the statutes.

Rep. Parker expressed the opinion that rural representatives would be on a more equal footing in a unicameral legislature. He said that the power of committee chairmen would increase due to fewer committees but decrease as a result of loss of "bargaining status." It would force committee members to accept responsibility for their actions. Mr. Fink added that chairman power would depend on the number of referrals given a bill.

Rep. Bradner expressed the following: The situation in Alaska is different from other states due to our streamlined judiciary and powerful executive. A unicameral system would allow the public to fix responsibility, would limit chairmen's power, would eliminate passing the buck to the other house and the guessing game of whether a bill would pass, would be an advantage to rural areas since smaller districts would allow more personal representation, would eliminate personality clique power in the Senate, would lend itself to either single member districts or plurality districts, and would provide stability due to longer terms.

Rep. Brown urged restrictions on the number of days required to pass a bill as a guarantee of civil rights against quick, arbitrary change. Mr. Bradner explained that at present the free conference committee has virtually no restrictions on changing a bill or time constraints. Mr. Brown expressed the hope that there would be some other way of limiting the power of the free conference committee. He suggested that the language "in final form" be added to the bill when stipulating time restrictions. Mr. Bradner explained that at present, bills can be amended on the floor and passed the same day.

The question was raised concerning when reapportionment for such a unicameral body would be done. It was suggested that some time after the expiration of the terms of present legislators but before the construction of the new capitol be considered and stipulated in the bill.

The committee adjourned at 2:40 p.m.

House Judiciary Committee
February 6, 1975

HJR 1 - Unicameral Legislature

Senator John Rader, sponsor of SJR 1, testified that the House and Senate versions are very similar. HJR 1 contains no section on adjournment. He stated that since there is no longer a historical basis for two houses due to the one man, one vote decision, it is merely an "historical accident" that our legislatures have continued to be bicameral. He explained that the bills have been designed so that the transition occurs in 1978, the second session of the 10th Legislature. This would allow for no inexperienced legislators.

Rep. Fink asked if it would perhaps be wise to have the bill go into effect in 1980, after the new capitol building was built. Senator Rader replied that the cost of remodeling the present physical chamber should not be a consideration in voting on the bill. Mr. Fink stated that he was opposed to reapportionment on the basis of registered voters rather than census. Stu Hall of Legislative Affairs stated that although numbers of registered voters have been more accurate than census data, problems still exist.

Senator Rader stated that the body's size - 61 - had been chosen to allow more equal representation to sparcely populated areas.

Rep. Specking brought up the question of the numbers of "displaced" voters as a result of the Pipeline. Senator Rader stated that he was agreeable to either method of apportionment. Rep. Brown mentioned the possibility that this committee amend the bill to allow for apportionment by population.

In response to a question by Rep. Parr, Senator Rader stated that it was better to be able to seperate the accuser in an impeachment case from those who tried the case. However, we haven't used the impeachment procedures effectively in the past and the absence of this seperation of function under the unicameral system isn't a major problem.

Rep. Brown suggested that the bill be amended to assure adequate time for deliberation. An emergency action would require nearly unanimous consent. Mr. Rader reminded the body of the present powers of free conference to pass what is, in fact, sometimes brand new legislation in a matter of minutes. In a unicameral system reports could be amended on the floor.

Mr. Fink asked about the proposed amendment to state that reapportionment would take place every ten years or "whenever a substantial population change occurs." Senator Rader stated that in drafting the bill they tried to change as little as possible of substance. If the bill passed and was approved by the voters, another amendment on reapportionment could be drawn up later.

In response to a question from Rep. Parr, Senator Rader stated that the committee chairman's power would probably be greater under a unicameral system but since there would be more committees, areas of jurisdiction would be more narrow. The whole system would be more open and the number of people with power to stop legislation would be limited. Rep. Specking stated that we need rules changes not a whole new system.

Rep. Gardiner asked the committee how they wanted to handle this piece of legislation. All members present indicated that they wished to pass it out of committee after amended. Rep. Gardiner stated that announcements would be made to the press of a public hearing to be held in about three weeks. In the mean time, amendments would be drawn up and considered.

HB 55 - SB 53

The proposed statement of intent was approved by the committee on a voice vote. Rep. Brown moved and asked unanimous consent that House CS for SB 53 be passed out of committee. There being no objections, the motion passed.

HB 6

Rep. Fink suggested an amendment to change the language to general recklessness or negligence and delete the reference to smoking materials. The committee asked that research be done into the present statutes on negligence. The title too would have to be amended.

House Judiciary Committee
February 20, 1975

HJR 1 Unicameral

The meeting was called to order at 1:40 p.m. by Chairman Gardiner. All members were present.

Senator Terry Miller testified that he had an alternative to the proposed unicameral legislature which he would like to offer to the committee and which he proposes to have drafted. He proposed reapportionment so that House and Senate districts represent different peoples while still in compliance with one man, one vote. He proposed that the Senate be made up of members representing regional socio-economic groups, that they be elected at large and that they fill designated seats. The House would be made up of members from single member districts. If the bicameral system could be further reformed through rules changes, he sees no need to go to a unicameral system.

Senator Joe Orsini endorsed Senator Miller's proposal with the exception of designated seats.

Both senators then answered general committee questions.

House Judiciary Committee
February 28, 1975

The meeting was called to order at 1:40 by Chairman Gardiner. All members were present except Mr. Brown.

HJR 1 Unicameral

Mr. Fink moved in Section 5 that a reapportionment take place in 1979 and that the first unicameral legislature sit in 1981. Mark all the other necessary changes to the section. Amendment 1 passed.

Write in provisions for use of figures updated past 1970 census. Stu Hall will draw up language. Amendment 2 passed.

Mr. Fink moved that reapportionment be done on the basis of population, not registered voters. Make all necessary changes. Amendment 3 passed.

Page 2, line 17 - 29 insert Senate (b) language. Require 3/4 to consider emergency legislation and 2/3 to pass. Amendment 4 passed.

Mr. Gardiner moved that on page 2, line 29 the House language on ability to levy a tax be inserted into the Senate (b) language adopted by Amendment 4. Amendment 5 passed.

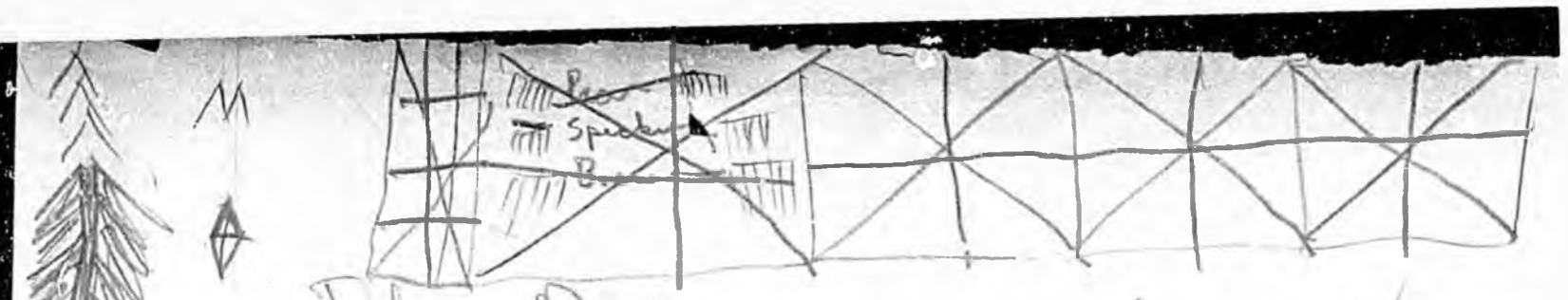
Page 5, lines 5 and 6 There must be a representative from each recognized political party in the state. Amendment 6 passed.

page 3, line 24, Mr. Specking moved that there must be 3/4 vote to convict in impeachment. Amendment 7 passed.

Mr. Cotton moved that it require a majority vote to bring up impeachment. Amendment 8 passed.

Mr. Specking moved that on page 5, line 14: that the redistricting plan of the advisory committee be made public simultaneously with submission. Amendment 9 passed.

Mr. Bradley moved that CS HJR 1 pass out of committee. Mr. Specking objected. On vote, the bill was passed out with a do pass.



John Rader – Unicameral Legis *

leave out SJR 1 section on adjournment
like house version

Reapportionment Article VI – should be revised anyway

effective date of 1980?

Rader – have no strong feeling on registered voters vs census

? does ratio of registered voters vary in different areas of the state
ASK elections office

PAAR – Unicameralism leaves less impediment to impeachment
check Nebraska

Reapportionment every 10 years and when substantial pop change

looks at Mune. requirements for 1 bill readings

Proceedings of Const Materials
letter to Legis. council

Jan 27

U HJR 1 Unicameral Legis.

7 of 13 states were unicameral at time of drawing federal constitution

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Page 4 comparison to existing const. language

to existing statutes

Tom Fink

Stu Hall has already

New section on 3rd reasons for reapportionment - subst. population change

Brown include specifics in statutes not Const.

Bradner Public fix responsibility

1. would therefore limit chairman + leaderships vote

better Rep for rural area - more leg

more effective Rep.

Paar

~~Brown~~

Paar

Bradley

Brown - on 5 day limit

state bill has to mean substantial same substance

Nebraska has holding committee between 2nd + 3rd reading

Fink - because of reapportionment problem

delay till 1980

Problem of cutting Sen. terms

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new capitol construction one chamber of two

41 32
46 41 1970 1979 1978 1980

Coincide with reapportionment

Section 14

79
80

Amend #1 delay 2 years

Amend #2 Mem no. 5 for 1980 reapport.

61/10 Amend #3 voters to population

Amend #4 Senate Sec 14(6)

Amend #5 ,of) levy a Tax.

Amend #6 Each Major party

Amend #7 $\frac{1}{2}$ impeachment $\frac{3}{4}$ conviction

Amend #8 make public plan.

February 5, 1975

Mr. Willaim Lassella
Executive Director
National Municipal League
Carl H. Pforcheimer Bldg.
47 East 68th
New York, New York 10021

Dear Mr. Lassella:

The Alaska State Legislature presently has under consideration a proposal to adopt a unicameral legislative system. Professor Victor Fisher of the University of Alaska has referred me to you as a possible source of information on unicameralism.

I would very much appreciate receiving any information you may have on this subject. Since our legislative session is short, your prompt reply would be appreciated.

Thank you very much.

Sincerely,

Paddy Moriarty
House Judiciary Committee

State of Alaska

OFFICIAL RETURNS

By

Election Precinct

General Election

November 5, 1974

William A. Egan
GOVERNOR

H. A. Boucher
LIEUTENANT GOVERNOR