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S P O N S O R S T A T E M E N T

I appreciate the committee members hearing HJR 69. HJR 69 urges Congress to grant statehood to the District of Columbia.

Washington D.C., with a population of 607,00, has more people than Alaska, Wyoming or Vermont. But its elected officials have no real power and the city is denied a voting representative in Congress. The Federal Government treats the District as a colony, controlling local policy on issues ranging from sanitation to abortion and undermining the city's ability to raise revenues.

I believe Washingtonians deserve self-government no less than other Americans. Two bills pending in Congress, H.R. 2482 and S.2023, would admit Washington to the union as New Columbia, the 51st state. These bills are worthy of attention and a vote of approval. Even if statehood fails, debate could suggest intermediate solutions.

Washingtonians have suffered long under second-class citizenship. They were first allowed to vote in Presidential elections in 1964. Permission to elect local officials followed slowly: in 1968, the school board; in 1971, a non-voting delegate to the House of Representatives; and in 1973, the mayor and the city council.

The Home Rule Act of 1973, which granted limited self-rule, contained dictatorial restrictions. The city cannot so much as reschedule garbage collection without asking Congress, for permission, which has 30 days in which to disapprove. Nor can the city determine its own budget or set independent policies.

The Federal presence harms the city fiscally. The District is forbidden to tax nonresidents, many of them Federal workers, who comprise about 60 percent of the work force. Federal properties are also exempt from real estate taxes. The city calculates that all taxing restrictions combines cost it $1.9 billion a year in revenues.

Those who oppose statehood often claim that the Constitution forbids creation of a state in the District. That claim is without merit. The Constitution says only that Congress will exercise exclusive legislative control over a seat of Government that does not exceed 10 miles square. A state could be created that would reduce the size of the Federal enclave but not eliminate it.

How can the United States champion democracy abroad while it disenfranchises District citizens who die in wars and pay taxes the same way other Americans do? There is every reason for Congress to convene hearings and then bring the issue to the floor.

Please help me send the message back to President Bush and our Congressional leaders that we want to see H.R. 2482 passed this year.

Thanks.

National Rainbow
Coalition, Inc.

Reverend Jesse L. Jackson
President and Founder

LEGAL ISSUES SURROUNDING D.C. STATEHOOD

Analyses provided by:
Professor Jamin Raskin, Professor of Law, Washington College of Law, American University; and
Professor Peter Raven-Hansen, Professor of Constitutional Law, George Washington Law Center; and
Professor Phillip G. Schrag, Professor of Law and Director of the Center for Applied Legal Studies, Georgetown University Law Center

I. DOES CONGRESS HAVE THE CONSTITUTIONAL AUTHORITY TO REDUCE THE GEOGRAPHIC DIMENSIONS OF THE DISTRICT OF COLUMBIA AND FORM A NEW STATE FROM LAND CURRENTLY WITHIN THE DISTRICT?

Answer: Yes. Congress can reduce the size of the District through its exclusive and plenary legislative powers granted by the District Clause of the Constitution (Article I, section 8, clause 17).

A. District Clause provides to Congress exclusive legislative jurisdiction over the seat of government

1. Congress shall have the power to "exercise exclusive legislation in all cases whatsoever over such District (not exceeding ten Miles square) as may by Cession of Particular States and the Acceptance of Congress, become the Seat of the Government of the United States..."

2. This exclusive authority includes the right to dispose of the land, the right to use the land, and the right to carve out any configuration.

B. The District Clause sets a maximum geographic limit but does not set a minimum size requirement for the District

1. Since the District Clause only mandates that the federal district may not exceed 10 square miles, Congress may constitutionally reduce the size of the District and carve out land for the state of New Columbia.

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2. **Existing Historical Precedent for Reducing the Size of the District**

a. In 1846, Congress invoked its authority to reduce the size of the District when it retroceded back to Virginia the 33 square miles of the county of Alexandria that Virginia had initially ceded to make up the District.

(1) In Phillips v. Payne, 92 U.S. 130 (1876), the Supreme Court upheld the retrocession thirty years later when it refused to entertain a taxpayer's claim that the retrocession was unconstitutional.

(2) The reduction in size of the present seat of the government is consistent with the District Clause and this historical precedent.

b. The Justice Department's contention that Congress' authority over the size and shape of the District ceased at the time the District became the Seat of Government is, thus, inherently flawed.

(1) The 1846 retrocession coupled with the absence of any constitutional language limiting Congress' exclusive power to exercise its authority over the size and shape of the federal district clearly dispels the argument.

(2) **Historical Precedent Further Establishes that the Framers of the Constitution did not consider the Boundaries of the District to be Permanent**

As noted by Professor Raven-Hansen, the First Congress, significantly consisting of many of the Framers of the Constitution, changed the District's southern border to include portions of what are now Anacostia and Alexandria. Act of Mar. 3, 1791, ch.17, 1 Stat.214. As Raven-Hansen comments, "Neither the 'permanen[cy]' of the seat of government nor the District Clause gave pause to the

thirteen original Framers, including James Madison (author of The Federalist No. 43 (defending the District Clause)), who voted for the amendment. This act clearly reflects that the Framers of the Constitution did not consider the District's initial geographic area to be immutable.

3. **Congressional Articulation of its Exclusive Legislative Authority over the Size and Shape of the District**

In commenting on the Congress' authority with respect to the construction of the District Clause in 1846, the House Committee on D.C. stated, "...whether those limits ["ten miles square"] may enlarge or diminish that district, or change the site, upon considerations relating to the seat of government...the limitation upon their power in this respect, is that they shall not hold more than ten square miles for this purpose; and the end is, to attain what is desirable in relation to the seat of government. [House Comm. on D.C 1846, 3-4]

4. **Reading the District Clause in Context with a Subsequent Constitutional Provision further Establishes Congress' Power to Alter the Size and Shape of the District**

Immediately following the District Clause in the same paragraph of the Constitution, the Framers granted to Congress the authority "to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings...." (U.S. Const. art. I, § 8, c. 17).

Congress does not exhaust its authority pursuant to the Forts and Magazines Clause when it uses it to acquire and convey these places. As noted by Professor Raven-Hansen "If it can thus change the form of such federal places, then it has 'like authority' to do the same to the District. This is not the strained analogy of the advocate; it is the Framers' own, expressly written into the Constitution."

II. IS A CONSTITUTIONAL AMENDMENT NECESSARY TO ESTABLISH D.C. STATEHOOD?

Answer: No. All that is required is a simple majority in the House and the Senate and presentment to the president for his signature. Never has the admission of a new state required ratification by other states.

Furthermore, a constitutional amendment is not necessary to permanently establish a new state out of the District of Columbia. The District Clause of the Constitution (Article I., section 8, clause 17) which grants to Congress exclusive legislative authority over the seat of the government enables Congress to create New Columbia out of the District and thereby permanently relinquish the land and the power to legislate over it.

A. Methods of Admission into the Union

1. The Constitution does not require new states to follow any specific procedure for admission. Article IV., section 3, clause 1.

2. All that is required is that the new state

   a. has a "Republican form of government" Article IV, section 4; and

   b. if formed from an already existing state, obtain the consent of the affected state. Article IV, section 3, clause 1 (see issue III. for reasons why Maryland need not consent to the formation of New Columbia)

3. All new states have been admitted through the legislative process (passage in House and Senate by vote of simple majority and then approval by president).

   a. Admission by Enabling ACt - Congress establishes the procedures for the drafting and the ratification of the proposed state constitution.

   b. Admission by Admission Act - Like the District of Columbia, a statehood applicant can draft its own constitution without an enabling act or Congressional instructions.

B. Congressional Requirements

1. the people, through some democratic process, express their desire to become a state (D.C. had a referendum, voted for statehood, and drafted a constitution);

2. the people agree to accept the republican form of government practiced in the United States; and

3. there are sufficient people and economic wealth to support a state.

C. Congressional Legislative Authority over the Seat of Government

1. Pursuant to the District Clause, Congress will continue to possess continuing exclusive legislative authority over the seat of government which will now consist of the National Capital Service Area (as defined in the Home Rule Act).

2. Once New Columbia is admitted to the Union, Congress has no power to expel it or revoke its admission into the Union.

3. By passing an act of admission of New Columbia, Congress does not abrogate its constitutional authority to legislate over the seat of government (the National Service Area).

   a. Rather, Congress permanently relinquishes its power to legislate over the territory of New Columbia which formerly belonged to the District.

   b. By carving out the land of New Columbia from the former District, this land no longer constitutes the seat of government, and, thus, is no longer subject to the District Clause of the Constitution.

4. **Department of Justice Argument that the District Clause bars Congress from Approving Statehood Fails**

a. During the hearings on H.R. 51, Assistant Attorney General Stephen A. Markum argued that once D.C. became the seat of government envisioned by the District Clause, then Congress was no longer in a position to "abrogate its constitutional power to exercise exclusive legislation [over it]".

b. As discussed supra, the exclusive legislative authority granted to Congress by the District Clause includes the power to delegate legislative authority permanently.

(1) As noted by Professor Schrag, the Department's argument would effectively render unconstitutional the 1846 retrocession of Alexandria county to Virginia since Congress arguably did not have the authority to perform this conveyance.

III. IS MARYLAND'S CONSENT REQUIRED BEFORE CONGRESS CAN ADMIT NEW COLUMBIA INTO THE UNION?

Answer: No. Maryland's formal consent is not a constitutional prerequisite to statehood. Maryland's consent is not required because Maryland, in its 1791 cession of land to the federal government, expressed its intent to permanently and unconditionally relinquish its sovereignty over the territory.

A. Constitutional Provision Requiring Consent does not Apply

1. The Admission Clause of the Constitution (Article IV, section 3, clause 1) provides that "no new state shall be formed or erected within the jurisdiction of any other state... without the consent of the legislatures of the states concerned as well as of the Congress."

2. This constitutional limitation applies to the divestiture of the non-federal parts of the District of Columbia only if the divestiture would cause the land to automatically revert back to Maryland, thereby requiring Maryland's consent.

3. The unequivocal language employed by Maryland in its 1791 cession of land for the federal District, coupled with the fact that most state cession statutes expressly provide for the return of the ceded land upon termination of the federal use, implies that the federal divestiture of land creating New Columbia would not cause a reversion to Maryland.

4. Significantly, an implied reversionary interest runs counter to long-established, unequivocal and controlling Maryland law.

B. Language of Maryland Cession Act unequivocally and permanently relinquished Maryland's power over the land

1. The Maryland Cession Act acknowledged the land "to be <u>forever ceded and relinquished</u> to the Congress and Government of the United States [in] <u>full and absolute right and exclusive jurisdiction</u>... pursuant to the tenor and effect ...of the Constitution of the Government of the United States".

2. The language of Maryland's act is diametrically opposed to the terms most states use when ceding land for federal use and providing for reversion of the land upon termination of the federal use ("reverter" or "condition subsequent").

3. Maryland's omission of a reverter provision reflects its intent to permanently relinquish jurisdiction over the ceded land. This is especially true in light of the fact that in 1846, Congress assumed Virginia's consent necessary when it retroceded Alexandria county to Virginia. As the terms of Virginia's cession were identical to those of Maryland's original cession agreement, retrocession of the land did not automatically occur upon the termination of the federal use.

4. The divestiture of the non-federal parts of D.C. by the United States does not necessitate implying a reverter provision into Maryland's original cession act, and,thus, the consent of the State. In fact, Maryland law forbids implying a reversionary interest.

   a. **Long-established, unequivocal, and controlling Maryland law prohibits an implied reverter or condition subsequent**

      (1) The Maryland Courts of Appeals have historically insisted upon the inclusion of specific words in the grant expressly indicating an intent for the grant to be void if the condition is no longer carried out (ie. the ceded lands are no longer being used for the federal purpose).

      (2) Furthermore, Maryland courts do not imply a condition subsequent when the grant includes a statement of the specific purpose of the land.

(3) Thus, according to Professor Raven-Hansen, "the Maryland rule is thus harsh but clear...'[U]nyielding insistence upon language expressly voiding the gift in cases of diversion from the declared use is an established Maryland rule in the construction of written instruments; in the absence of language expressly stating that such a diversion shall effect a forfeiture, the gift is absolute and not conditional (quoting Polster v. Comm'r of Internal Revenue 1960)

b. The Sole Exception to this General Rule which Forbids Implying Condition Subsequents does not Apply to Maryland's Act of Cession

The Supreme Court, in S.R.A. v. Minnesota, 327 U.S. 558 (1946), suggested ,in dictum, that a reversion could be implied in an act of cession in accordance with Article I, section 8, clause 17 (Maryland's original cession stated that it operated "pursuant to the tenor of Article I) when federal use of the land was terminated.

(1) The Court's reasoning, however, renders the result inapplicable in this case. In S.R.A., the Court held the reversion to be necessary so as to avoid the creation of scattered pockets of "no man's land" or land of uncertain jurisdiction.

(2) The creation of New Columbia from lands within the current District will in no way result in lands of uncertain authority. Rather, as noted by Professor Raven-Hansen, the federal jurisdiction will merely surrender to the State's jurisdiction.

IV. CAN A CITY BE A STATE?

Answer: Yes. The geographical size of a proposed state is irrelevant. The District of Columbia meets the three traditional statehood tests imposed by Congress.

A. Historical Criteria upon which Statehood Determinations are made:

1. the people, through some democratic process, express their desire to become a state (D.C. had a referendum);

2. the people agree to accept the republican form of government practiced in the United States; and

3. there are sufficient people and economic wealth to support a state.

V. DOES GRANTING STATEHOOD TO NEW COLUMBIA REQUIRE THE REPEAL OF THE TWENTY-THIRD AMENDMENT TO THE CONSTITUTION WHICH GRANTED DISTRICT RESIDENTS REPRESENTATION IN THE ELECTORAL COLLEGE AND THUS THE RIGHT TO VOTE FOR PRESIDENTIAL CANDIDATES?

Answer: No. The 23rd Amendment will not serve to bar D.C. Statehood. Admission of New Columbia will either serve to impliedly repeal the Amendment or merely render it moot and obsolete. Congress may also adapt the Amendment to the creation of New Columbia.

A. Admission of New Columbia into the Union would render the 23rd Amendment inapplicable to the now non-federal land

1. The 23rd Amendment provides that the residents of the seat of government are to participate in the electoral college.

2. Once admitted to the Union, the lands constituting the State of New Columbia would no longer be a part of the seat of government, thus, the 23rd Amendment would not apply.

B. Purpose and Intent of the 23rd Amendment would be Fulfilled

1. **Intent was to provide Federal District residents with the right to vote for president.**
   As noted by Professor Peter Raven-Hansen, the intent of the 23rd Amendment was to assure that the residents of the "populous 'District constituting the seat of government' participated in the electoral college.

2. **Federal enclave residents will vote in New Columbia.** Once the non-federal parts are carved away from the federal enclave, few people are expected to reside and vote in the seat of government. Nevertheless, New Columbia's Constitution extends the right to vote to the enclave residents. Citizens of all other federal enclaves vote in the elections of their forum states.

3. **To facilitate this, Congress may adapt the 23rd Amendment to the creation of the state of New Columbia.**
   Congress may enact legislation granting federal enclave residents the right to vote in New Columbia just as it did when it provided for Americans overseas to participate in state elections at home.

[Overseas Voting Rights Act, 42 U.S.C. section 1973dd-1 et seq.]

C. Legal Precedent Exists for Rendering Moot a Constitutional Provision

1. Article I, Section 9, limiting the tax imposed on imported slaves to $10, remains on the books. Thus, rendering the 23rd Amendment obsolete yet unrepealed is neither unprecedented nor unconstitutional.

D. The Congressional Act of Admission of New Columbia may serve as an Implied Repeal of the 23rd Amendment.

1. By admitting New Columbia to the Union, Congress grants to the new state all of the rights and privileges of statehood including national suffrage rights.

2. As noted by Professor Raven-Hansen, the Act of Admission may, thereby, act as constitutional enabling legislation and impliedly repeal an inconsistent provision, such as the 23rd Amendment.

a. An example of the dynamics of an implied repeal similarly occurs when the doctrine of sovereign immunity is limited by federal legislation. State's otherwise absolute immunity to unconsented suits for damages in federal court pursuant to the Eleventh Amendment is limited by federal legislation providing for private suits against states that discriminate in employment on the basis of race, color, religion, sex, or national origin.

E. The Repeal of the 23rd Amendment prior to admission of New Columbia would unintentionally negate the national suffrage rights granted to residents of the District of Columbia

1. As noted by Professor Jamin Raskin, a premature repeal of the Amendment would have "an unforeseen but devastating effect on the District of Columbia".

2. If the 23rd Amendment is repealed and New Columbia does not become a state prior to the Presidential election, District residents will be left without the right to vote in the election.

VI. WHAT WILL STATEHOOD MEAN FOR THE DISTRICT OF COLUMBIA?

A. Voting Representation in Congress
Statehood would give us political empowerment - two voting U.S. Senators and a voting Representative.

B. Legislative Autonomy
Presently, legislators of other states legislate for the District of Columbia. Statehood would give us voting federal legislators who represent our interests.

C. Budgetary Autonomy
Even though 87 percent of the District's budget comes from District residents, and only 13 percent from the federal government, Congress and the President control 100% of how we spend it. Statehood would give us self-determination and economic autonomy.

D. Judicial Self-Determination
Unlike all other states, all judges and prosecutors in the District are appointed by the President, who is not accountable to the people of the District. Statehood would give us control over our courts.

E. A Fair Funding Formula
The Washington Post says the District is being cheated out of $1.8 billion because of an unfair federal funding formula. Two voting U.S. Senators would change that and protect other interests as well.

F. Negotiation of Fair and Reciprocal Taxes
The District is losing $1.2 billion because, by law and unlike any other state, it is prohibited from negotiating a fair and reciprocal tax relationship with its neighboring states. Statehood would give us the same right as all other states to enter into such agreements.

National Rainbow
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Reverend Jesse L. Jackson
President and Founder

**TESTIMONY BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON JUDICIARY AND EDUCATION
By Statehood Senator Jesse L. Jackson
Thursday, November 14, 1991**

INTRODUCTION:

Mr. Chairman and distinguished members of the subcommittee on the District of Columbia, Representatives Dymally, Dellums, Stark, Wheat, Holmes Norton, Lowery, Bliley, and Rohrabacher, ladies and gentlemen.

Let me express my thanks to the Chairman, Representative Dymally for inviting me to speak before you today on our case for statehood for the District of Columbia. I would also like to express my gratitude to Representative Eleanor Holmes Norton for introducing the DC Statehood Bill, H.R. 2482, and for her tireless efforts to expand our democracy to include the nearly 650,000 disenfranchised citizens of the District of Columbia. I also give my deepest thanks to the people of Washington, D.C. who have elected me to appear before you today on their behalf and appeal to you to accept our petition for admission to the Union.

Mr. Chairman, for the record, I would like to submit three documents. The first is a letter I sent to Fresident Bush in which I appealed to him to consider the undeniable case for DC Statehood. The second document I would like to introduce into the record is a statehood primer which we prepared for the purpose of educating the public as to the strong case for statehood. It assumes no prior knowledge of the statehood issue or of the District of Columbia's historic or current predicament. This document may serve as a reference manual for yourselves and your staff as it addresses all of the moral, economic, political, historical, legal and constitutional questions raised by H.R. 2482, the bill before us today.

The final submission I would like to make is the report of the Commission on Budget and Financial Priorities of the District of Columbia ("The Rivlin Report"). The Rivlin Commission was convened to study the District's economic status and the relationship between the District and the federal government as it relates to the District's economy. In its report, "Financing the Nation's Capital", the Commission made several recommendations as to how the federal government can restore fairness and justice to the District government and taxpayers.

The existing relationship between the District of Columbia and the federal government violates our national heritage and the very principles upon which our country was founded. Ironically, the residents of the capital of world democracy find themselves in a situation which is patently undemocratic.

For as long as the non-federal parts of the District of Columbia remain under federal control, DC residents, unlike citizens of any other jurisdiction in this nation, must endure undue federal intervention and constraints upon our sovereignty. Congress may, in fact, limit our already limited sovereignty if it so chooses. Only when DC is admitted to the Union as a state will its residents be on an equal footing with all other states, and thus, share the same basic and fundamental rights and privileges with all other American citizens.

The case for DC Statehood can be summarized in ten words. As I will demonstrate today, DC Statehood is: (1) morally right, (2) rationally sound, (3) economically feasible, (4) legally possible and (5) constitutionally permitted. Thus, if our petition to admit the non-federal parts of the District of Columbia to the Union is considered on the merits and the substantive arguments, it cannot be denied.

I. DC STATEHOOD IS MORALLY RIGHT

The American Revolution was declared upon the principle that "taxation without representation is tyranny". DC presently has 639,000 residents. This is nearly as many or more people than six states -- Wyoming (465,000), Alaska (552,000), Vermont (565,000), North Dakota (641,000), Delaware (669,000) and South Dakota (699,000). DC residents pay more taxes than eight states. We have people enough, pay taxes enough, and in times of war bleed and die enough, and yet, we have no federal voting representatives.

DC residents have served their country in every war since the War for Independence. During the Vietnam War, DC had more casualties than ten states, and more killed per capita than 47 states. The District of Columbia had more total reservists in the Persian Gulf than nineteen states (including Puerto Rico), and more per capita than all but four -- Mississippi, Louisiana, Georgia, and West Virginia. We believe these same honorable young men and women should have returned home with the right of self-determination -- the principle for which they ostensibly risked their lives in Kuwait.

At its core, the situation in the District of Columbia, while not exactly parallel, is not unlike the situation in Soweto or in the bantustans of South Africa. In Soweto and the bantustans, they have puppet officials -- a mayor, police and fire chief -- who are extensions of the apartheid government. They administer laws and

funds on behalf of the apartheid government, but they do not possess real power or truly govern. The ANC has always rejected those elections because of the pretense of democracy associated with them.

Unlike South Africa, the people of DC can freely, fairly and legitimately elect the Mayor and the District Council of our choice, appoint our own police and fire chief, and administer funds from Congress. But like South Africa, we have no voice and no vote in Congress when it comes to policy, laws, or budgets. Congress and the President have the final word over all of our laws and budgets. Ours is not a democratic government of, by and for the people. We do not govern or make policy. Congress does. We administer on behalf of the federal government. Our sole federal representative, the Honorable Eleanor Holmes Norton, may not cast our vote on the floor of the House. Thus, we are denied the protections of "checks and balances", a dynamic so central to our form of government. In DC, the amount of protection we receive from this dynamic is limited to the judicial redress we receive <u>after</u> we have been wronged.

In South Africa, the apartheid government is not bound by any policy, law, or budget desired or designed by the people of Soweto or the bantustans. They are at the mercy of Pretoria. Similarly, DC has limited self-rule, which Congress can modify or remove for any or no reason at all, any time it so chooses.

For example, in 1975, Congress attached a rider to a DC appropriations bill (88 Stat. at 826) that prohibited DC residents from using the swimming pool at the local Woodrow Wilson High School after 9:00 p.m. More recently, the Senate, by voice vote, approved the transfer of seven thousand federal jobs from DC to West Virginia and Virginia. Concurrently, President Bush nearly prevented the passage into law of a fair funding formula for the federal payment when the District government attempted to use locally-raised revenues to extend the freedom of choice to low-income women in the District. Presently, a DC initiative aimed at curbing the flow of weapons of destruction is at risk of unjust interference by certain members of Congress. In no other jurisdiction could such unjust federal intervention occur.

Congress may not only regulate or modify such local practices, but it may also, if it so desires, eliminate the entire local government and rule directly. Thus, DC is at the virtual mercy of the will of Congress and the President. Black South Africans cannot vote in Pretoria. Blacks, whites, and browns in DC cannot vote in Washington.

The recent confirmation process of Justice Clarence Thomas to the Supreme Court tragically reflected how the District of Columbia,

which is 67 percent African American, was again left out of the equation. As an elected official representing the interests of the residents of Washington, D.C., I should have had the right to vote, rather than the opportunity to testify on the nomination of then

Judge Thomas. I received 50,000 more votes in DC's statehood delegation elections than Wyoming's Senator Alan Simpson received in his U.S. Senate race. I received only 2,000 votes fewer than Senator Joseph Biden who served as chairman to the forum which would ultimately determine the scope of our constitutional rights for the next generation.

Not only does the District lack control over the appointment of Supreme Court justices, but it is equally precluded from participating in the selection of any member of the judiciary, federal or local. The President appoints judges to the local bench, while the District has no senator to participate in the confirmation of federal judges. In fact, two of President Reagan's fourteen white male Republican appointees to DC's federal courts were rejected by senators of other states. The District had no input whatsoever in this matter.

This problem is further exacerbated by the reality that the United States Senate does not even remotely reflect the multiracial and multicultural composition of our society. In our nation's history, only three African Americans have ever served in the United States Senate -- only one this century, Senator Edward Brooke (R-MA). Presently, the Senate consists of ninety-six white males, two Asian American males, and two white females. DC Statehood will expand the Senate and make it more representative of the nation.

II. DC STATEHOOD IS RATIONALLY SOUND

Historically, Congress has granted statehood to a petitioning entity when three criteria were met: (1) when the people democratically express their desire to become a state; (2) the acceptance of a republican form of government (which, incidentally, is the sole constitutional prerequisite for statehood); and (3) enough people and resources to support a state and their share of federal taxes. We meet all three requirements.

DC residents have expressly complied with the civic and constitutional duties traditionally imposed by Congress in statehood determinations. In November of 1980, District residents, by a 3-2 majority vote, passed a statehood referendum. On May 29, 1982, delegates elected by the District of Columbia approved a "Constitution for the State of New Columbia" (as the new state created from the non-federal parts of the current District will be called). The Constitution and a petition for Statehood was transmitted by the Mayor of Washington, D.C. to the U.S. Congress on September 9, 1983. In November of 1990, DC residents, in the

tradition of Tennessee in 1796 and seven subsequent entities, elected their own statehood delegation to appeal to Congress to accept their petition for admission to the Union as the fifty-first state.

The final requirement of this three-part test involves the following question: Can the District of Columbia's current population and economy adequately support the state of New Columbia? As I will demonstrate today, the response to this question is unequivocally yes.

III. DC STATEHOOD IS ECONOMICALLY FEASIBLE

Can DC residents provide their fair share of federal taxes? Yes. Today, the residents of this populous District pay nearly $1.5 billion annually in federal taxes. This is more total federal taxes than eight states. The per capita tax payment for DC residents is $500 above the national average. As a result, DC pays more taxes per capita than 49 states. Only Alaska pays more. It is quite ironic that this formula exists in the capital of a nation which was founded upon the principle that "taxation without representation is tyranny".

Can DC afford statehood? Yes. President Bush avidly promotes statehood for Puerto Rico. The per capita income in Puerto Rico is $6,000, for the nation is $19,000, and for DC is $24,000. It is estimated that the cost of adding Puerto Rico to the Union on an "equal footing" with all other states (as constitutionally-required) would cost the federal government an additional $17 billion. Though I want to make it very clear that we support Puerto Rico's right to self-determination, our situation is markedly different. Unlike the Puerto Ricans, District residents have affirmatively voted for statehood and do pay federal income taxes.

When President Bush was first questioned as to why he opposed statehood for the non-federal parts of the District of Columbia, he replied that DC was not an economically viable entity. He explained that the federal government subsidized the District. In fact, the exact opposite is true. DC effectively subsidizes both the federal government and surrounding states. The excessive tax payments burdening DC residents reflect this awesome responsibility.

Contrary to popular belief, until 1991, locally-raised revenues constituted 87% of the District government's budget. Equally unknown, yet significant, is the fact that seventy percent of the District's working residents are employed by the private sector, not by the local or federal government.

There is a growing and diverse private economy in the District. In fact, DC leads the nation in earnings in a number of fields: communications, law, finance, business services, insurance, real estate, hotels and lodging. Dr. Andrew Brimmer, an economist and former member of the Federal Reserve Board, concluded that New Columbia, with its predominately service-oriented economy, would be an economically viable entity. In light of the national trend favoring growth in the service industries, DC's service-oriented economy is well-positioned to become even stronger.

Currently, the District's economy is both sufficient and stable enough to sustain the state of New Columbia. DC presently has sufficient population to form a tax base and assure a steady source of revenue. As a state, we would probably gain in population. I would argue, however, that it is the existing relationship between the federal government and the District of Columbia which serves as the principal barrier to achieving DC's clear potential for economic health.

The unique economic relationship existing between the federal government and the District imposes special costs upon the District while restricting DC's capacity to generate revenue.

Approximately fifty percent of the District's real estate is exempt from taxation because it belongs to the federal government, diplomatic missions or other tax-exempt organizations. In addition, while we understand and support the limitation on the height of buildings in the District (restricted to 130 feet), in purely economic terms, it reduces the income we can collect from property taxes. Additionally, half of all sales in the District are made to the federal government or other tax-exempt organizations, producing no revenue to the District government.

Most importantly, the District is prohibited by law from taxing incomes of non-residents at their source, which results in 60 percent of all income earned in the District being exempt from District taxes. The estimated cost to the District is $1.2 billion. No state must endure such restrictions. In fact, people who work in New York, but live in New Jersey, pay taxes where they work (at the source of the income earned) and get a tax adjustment where they live. <u>All states have the same right</u>. Congress has prohibited the District government from negotiating similar reciprocal taxing agreements with Maryland and Virginia. It is estimated that 300,000 non-residents enter the District each day and earn income which is not taxable by the District government. Only 10,000 District residents earn income in the surrounding states.

The federal government also imposed three other major financial obligations on the District including a $378 million accumulated operating deficit, financial responsibility for congressionally-authorized capital improvements to St. Elizabeths Hospital, and liability for unfunded, congressionally-created pension plans. The federal government's "pay-as-you-go" plan for police officers, firefighters, teachers, and judges was inadequate for workers future security. When limited self-rule was granted in 1974, Congress assumed only 25 percent of the costs, while imposing on the District 75 percent of the liability they created. This clearly represented an unfair District/Federal formula. As the Washington Post reported this week, the unfunded liability will be an estimated $9 billion dollars by the year 2005, possibly higher with greater inflation.

This liability poses the most serious threat to the District's future financial stability. In fact, the Rivlin Commission, in its report, recommended that the federal government assist the District government in its efforts to place the District pension plans on a sound funding basis, including the amortization of the unfunded liability.

The District has been exploited economically. Congress has imposed special costs on the District because it is the nation's capital. While restricting the District's ability to raise revenues to meet those costs, Congress has failed, over the years, to provide adequate compensation through a fair federal formula and payment.

The payment is compensation for services rendered to the federal government such as police and fire protection, crowd control during demonstrations, water, electric, public transportation, and sewer systems. The District, of course, provides such essential services despite the federal government's failure to fairly compensate the District; and the congressional prohibition on taxing the income earned in the District by non-residents. This is particularly unjust, since DC residents, without the assistance of these daily urban dwellers, must bear the burden of the upkeep of the District's infrastructure.

The federal payment--a payment partially in lieu of taxes, but primarily for services rendered to the federal government, not a grant, welfare or a special subsidy--has steadily declined as a percentage of the District's budget since Home Rule. It has declined from 25 percent to 13 percent of the District's current $3.9 billion budget. The federal payment was frozen at $430.5 million since 1985. Taxes foregone increased over 50 percent from 1985 to 1990, to $1.8 billion, while the federal payment remained constant.

The House of Representatives recently passed legislation which would, for the first time, establish a funding formula upon which

to base the federal payment. I applaud this committee for its initiative in passing the legislation and your colleagues in the House for finally acknowledging the inequity of arbitrarily-reached payments offered in exchange for tangible services and foregone revenues. Such a formula will certainly help to stabilize the DC government's budget process. The percentage (24 percent), however, may not totally reflect fairness in terms of compensation for services rendered and taxes foregone due to the federal presence.

The Rivlin Commission, the Dixon administration, and Delegate Eleanor Holmes Norton who sponsored the recent House legislation, all supported a 30 percent figure as just compensation for federal payment determinations. Significantly, in 1973, it was a 30 percent formula that President Richard Nixon recommended when DC made the initial transition to limited home rule. Nevertheless, the House legislation mandating a formula-based federal payment is certainly a step in the right direction.

Today, DC essentially functions as a state, albeit with limited resources. If we had access to resources on an equal footing with all other states -- the right to negotiate reciprocal taxing agreements with Maryland and Virginia, as well as a fair funding formula -- DC's economy could only flourish. This, in turn, will not only benefit the residents of the metropolitan area, but it will also render a great service to the eighteen million tourists who flock to the nation's capital each year.

Not only would statehood give the citizens of DC all of the rights and privileges enjoyed by all other Americans, but the creation of New Columbia would virtually allow us to lower our taxes and provide greater services.

IV. DC STATEHOOD IS LEGALLY POSSIBLE

Statehood for the District does not require a constitutional amendment and ratification by the States. It only requires a simply majority vote in the House and Senate and the President's signature. Every other state admission has been accomplished through congressional legislation. DC does not require, and should not be made, an exception. No entity applying for admission to the Union has ever been turned down by Congress. Again, since we meet all of the historic criteria, we should not be the first.

V. DC STATEHOOD IS CONSTITUTIONALLY PERMITTED

As a panel of legal scholars will demonstrate on Monday, November 18 before this subcommittee, nothing in the United States Constitution prohibits the creation of the State of New Columbia out of the non-federal parts of the District. The District of Columbia will remain the federal seat of government as required by

the Constitution. Our legislative proposal, H.R. 2482, will merely allow New Columbia and the federal seat of government to constitutionally coexist and live harmoniously together.

Contrary to the position of statehood opponents, DC Statehood is not barred by the Constitution's "District Clause" or the 23rd Amendment. Traditionally, opponents have also contended that the creation of New Columbia requires both a constitutional amendment and the consent of the State of Maryland. Neither of these assertions are true. In the interests of time, I will briefly discuss each of these issues as they will be addressed at greater length on Monday:

First, the "District Clause" which grants to Congress "exclusive legislative authority" over the federal seat of government (DC), only mandates that the District is not to exceed 100 square miles. Congress may, therefore, dispose of some land in order to create the state of New Columbia, while preserving the federal seat of government. In fact, Congress reduced the original size of the District in 1846 by returning to Virginia the land originally given by them. This enabled Virginia both to maintain its slave trade which they feared was in jeopardy, and to eliminate their politically-disenfranchised status which was no longer tolerable. Of course, the current "federal seat of government" is comprised of land contributed by Maryland.

The constitutionally-required "federal seat of government" would be preserved by maintaining the District of Columbia in the form of a "National Capital Service Area" consisting of all of the key federal buildings and agencies thereby allowing the federal government to conduct its functions in safety and security -- the original purpose of creating the "federal seat." The Constitution, therefore, does not force a choice between "seathood" and "statehood".

Secondly, the 23rd Amendment, which, in 1964, gave DC residents the belated right to vote for the President of the United States does not bar DC Statehood. By allowing those few residents who remain residents of the federal enclave the right to vote in New Columbia's elections (just as residents of NIH vote in Maryland or military base residents vote in the states they are stationed in), the purpose of the Twenty-third Amendment is fulfilled. Congress could enact clarifying legislation granting federal enclave residents the right to vote in New Columbia, just as it did when it provided for Americans overseas to participate in state elections at home. The 23rd Amendment would be rendered moot and merely join other obsolete yet unrepealed provisions of the Constitution such as the one declaring African Americans to be "three-fifths human".

Third, as discussed at length above, statehood may be achieved by straight legislation. Since the original thirteen states, this is

the way all territories have gained their status. A constitutional amendment is wholly unnecessary and unprecedented for statehood admissions.

Finally, it was the nature and actual language of Maryland's original grant of its land to the federal government for creation of the capital which negates the need for Maryland's formal consent. Maryland's consent is not required because Maryland, in its 1791 cession of land to the federal government, expressed its clear intent to "forever cede and relinquish... in full and absolute right and exclusive jurisdiction..." the land to the federal government. If so intended, state law required that Maryland explicitly state that it expected the land to be returned after the federal government finished using it. Maryland stated just the opposite, thus, its clear intent was to permanently and unconditionally relinquish its sovereignty over the territory.

CONCLUSION

At issue here is the blatant lack of democracy in the center of world democracy. As we rejoice in the birth of fledgling (and impoverished) democracies all over the world, we must recognize this blatant inconsistency. If the Baltic States <u>breaking away</u> from the Soviet Union constitutes international news, so must the efforts of the residents of this nation's capital petitioning to <u>break in</u> to the United States be international news. We have been an identifiable, separate, and stable political entity for a longer period of time than the Baltics have been part of the Soviet Union or Kuwait has been a sovereign entity. We are old enough to vote. In our support of the expansion of democracy all over the world, we must likewise work to expand our democracy at home.

We appeal to you to support H.R. 2482 and thus stand for the sound principles such as self-determination, representation and democracy at home as well as abroad. Thus, we urge you to actively support us in our efforts to gain our rightful representation in the cradle and capital of world democracy, Washington, DC.

Thank you again, Mr. Chairman, and distinguished members of the subcommittee for providing me with this opportunity to testify on statehood. I am now open for questions.

The New York Times

MONDAY, NOVEMBER 25, 1991

EDITORIAL

The D.C. Plantation: Freedom Soon?

The effort to grant statehood to Washington, D.C., could well b come a campaign issue in 1992.

A bill that would admit the District to the Union as New Columbia, the 51st state, was introduced in the Senate on Thursday. And hearings on the House version of the bill saw a welcome burst of enthusiasm. Three Democratic Presidential candidates testified in favor of statehood and others sent messages of support.

That's as it should be. The District's treatment is a scandal, albeit one with a long history. The Federal Government runs the city like a plantation, denying it a voting representative in Congress, forbidding it even rudimentary self-rule and limiting severely its ability to raise revenue.

•

President Bush favors keeping the District on its knees. But Gov. Bill Clinton of Arkansas, Gov. Douglas Wilder of Virginia and Senator Tom Harkin of Iowa testified before Congress that the District deserved to become a full partner in the Union. The three were on the mark.

Washingtonians have long been denied rights that the rest of us take for granted. They weren't allowed to vote in Presidential elections until 1964. And it was not until the Home Rule Act of 1973 that they could elect a mayor and city council; both had previously been appointed.

The Home Rule Act left the Federal Government's dictatorial powers intact. Congress can overturn any law the District council passes. A powerful senator can throw some cash to friends by attaching amendments to the city's budget bill. And one meddlesome Congressman can by himself trigger hearings on any law by simply raising an objection to it.

The Federal Government is not above extortion. Mr. Bush recently vetoed the city budget, forcing the District to ban the use of *locally* raised tax revenues to furnish abortions for impoverished women. And Congress used similar blackmail to force repeal of a law that made gun dealers and manufacturers liable for injuries from assault weapons. The citizens have reinstated the measure; gun-lobbying senators may yet thwart it. The District's non-voting representative, Eleanor Holmes Norton, spends much of her time fending off odious infringements like these.

Fiscal restrictions abound. The Federal Government's real estate is exempt from taxation; the city is forbidden to tax the earnings of commuters, most of whom are Federal employees. District officials say these restrictions cause the city to forgo $1.9 billion in revenues per year. Last year the Federal Government paid a paltry $430 million in return. Denied sources of revenue, the city levies some of the highest taxes in the nation.

Those who oppose statehood typically offer weak constitutional arguments against it. It seems fairly clear, however, that Republicans who oppose statehood do so because the District would send two more Democrats to the Senate.

But most Americans understand democracy well. The issue of statehood for the District raises an obvious question: How can we justify championing democracy abroad while inflicting second-class citizenship in the nation's capital? The answer is obvious, too: We can't.

House State Affairs Committee
Representative Gene Kubina, Chair

DATE: March 18, 1992

PLACE: Capital Room 102

SUBJECT OF MEETING:
HJR 69 - Relating to Statehood for Wash. D.C.
*HJR 3 - Relating to Change Terms of Representatives to four Years
HB 348 - Relating to Grp Health & Life Insurance State Employees
SB 146 - Relating to Limited Privileges for Revoked Licenses
SJR 37 -- Relating to Source Tax

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
[illegible]	D.I.A			[illegible]	→	Y	N	HB 348
MIKE MILLER Mike Miller	Self	Juneau		586-3067	—	Y	N	HJR 69
Juanita Hensley	DPS/DMV	Juneau		465-4335		Y	N	SB 146
Jay Dulany	DMV	5700 E Tudor Anch 99507			264-5559	Y	N	SB 146
Rick Mitford	Senator	Capitol Rm 102		4[illegible]8		Y	N	SJR 37
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

HJR

72

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

TO: Members of House State Affairs Committee

FROM: Rep. Max Gruenberg

RE: Sponsor Statement HJR 72

DATE: February 25,1992

I would very much appreciate your support of HJR 72 "Proposing an amendment to the Constitution of the State of Alaska relating to compensation of members of the legislature".

HJR 72 purposes a constitutional amendment, that would establish a Legislative Compensation Board. The board will submit it's recommendations to the first regular session of each legislature, and their recommendations will take effect on the convening of the of the legislature following the next general election unless two thirds of the membership of each house disapproves. If the recommendation of the board is rejected the existing compensation for members continues.

If you have any questions about this bill, please contact Stan Robbins in my office (4968) .

Thank you.

SPONSOR STATEMENT

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 19, 1992 FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 3/23/92

The STATE AFFAIRS Committee considered: HJR 72

HOUSE JOINT RESOLUTION NO. 72 COMPENSATION FOR LEGISLATORS

Proposing an amendment to the Constitution of the State of Alaska relating to compensation of members of the legislature.

RECOMMENDATIONS: [ ] the same title
be replaced with _____ [ ] a new title

[ ] have attached amendments(s)
[ ] do pass
[ ] do not pass
[X] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[X] fiscal impact Div of Elections

[ ] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____

[ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM

CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA **BILL NO. HJR 72**

1992 LEGISLATIVE SESSION

Revision Date: _____

Title: Amendment to the Constitution RE: Compensation of Members of the Legislature.

Sponsor: Representative Gruenberg

Requestor: House State Affairs

Department Affected: Office of the Governor-Elections

BRU: Division of Elections

Component: 11-Primary and General Elections

COMPONENT SERIAL NO. 0 0 2 2

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	[illegible]	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Laura A. Glaiser, Projects Coordinator Phone: 465-4611

Division: Elections Date: 3/19/92

Approved by Commissioner: _____

Agency: Office of the Governor Date: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91
HJR72.FN2

[redacted]

FISCAL NOTE

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL

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(SESSION)

3111 C STREET, SUITE 440
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MEMORANDUM

TO: Members of House State Affairs Committee

FROM: Rep. Max Gruenberg

RE: Sponsor Statement HJR 72

DATE: February 25,1992

I would very much appreciate your support of HJR 72 "Proposing an amendment to the Constitution of the State of Alaska relating to compensation of members of the legislature".

HJR 72 purposes a constitutional amendment, that would establish a Legislative Compensation Board. The board will submit it's recommendations to the first regular session of each legislature, and their recommendations will take effect on the convening of the of the legislature following the next general election unless two thirds of the membership of each house disapproves. If the recommendation of the board is rejected the existing compensation for members continues.

If you have any questions about this bill, please contact Stan Robbins in my office (4968) .

Thank you.

State of Alaska

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MEMORANDUM

TO: Representative Gene [illegible] Mat

FROM: Rep. Max Gruenberg Mat

RE: Scheduling HJR 72

DATE: February 19,1992

I would very much appreciate it if you would schedule HJR 72 " Proposing an amendment to the Constitution of the State of Alaska relating to compensation of members of the legislature", for a hearing as soon as possible..

HJR 72 purposes a constitutional amendment, that would establish a Legislative Compensation Board.

If you have any questions about this bill, please contact Stan Robbins in my office (4968) .

Thank you.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM May 19, 1989

SUBJECT: Legislative pay raises during the current session (Work Order No. 6-1501)

TO: Representative Max Gruenberg

FROM: Richard A. Bradley
Legislative Counsel

You have asked that we provide for you an analysis of the constitutions of the other states insofar as they limit the authority of the legislature to raise the compensation of its members during the current legislative session. The provision you describe is relatively common though it comes in various forms.

Certain points should be made about the following analysis. The material is quoted except for the material in brackets. Any provision regarding the time within which a salary change may take effect is stated unless the constitutional source is silent.

The analysis follows; copies of the entire sections from which the quote is taken are enclosed.

(1) Alabama: [Has a constitutional compensation limitation of] ten dollars per day and ten cents per mile [for travel costs]. Art. IV, sec. 49 as amended by Amendment 39 and 57.

(2) Arizona: The legislature shall never [increase or diminish] the compensation of any public officer . . . during his term of office. Art. IV, sec. 17. It is not clear that it applies to the legislature but no other provision found is on point.

(3) Arkansas: [Constitutionally set salary of $7,500 per annum (President pro tem and Speaker: $10,000). Per diem, expenses, mileage as set by law.] Art. V, sec. 16 as superseded by Amendment 37 and Amendment 56; only the latter is enclosed.

(4) California: Compensation . . . and reimbursement for travel and living expenses . . . shall be prescribed by statute [enacted by] two thirds of the membership of each house. [An] adjustment of the annual compensation . . . may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment . . . . Any adjustment in compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute. Art. IV, sec. 4.

(5) Colorado: [S]alary and expenses . . . are prescribed by law. No general assembly shall fix its own salary. Members . . . shall receive the same mileage rate permitted for travel as other state employees. Art. V, sec. 6.

(6) Connecticut: The salary . . . and the transportation expenses . . . shall be determined by law. Art. III, sec. 17.

(7) Delaware. [M]embers . . . shall receive an annual salary and an annual expense allowance for transportation and other necessary and proper purposes . . . as the General Assembly shall by law provide. Art. II, sec. 15.

(8) Florida: No provision on point was found.

(9) Georgia: The members . . . shall receive such salary as shall be provided by law, provided that no increase in salary shall become effective prior to the end of the term during which such change is made. Art. III, Sec. IV, Para. VI.

(10) Hawaii: [Legislative salary commission sets compensation.] A change in salary shall not apply to the legislature to which the recommendation . . . was submitted. Art. III, sec. 9.

(11) Idaho: [Compensation set by a citizens committee on legislative compensation. Legislature may reject a recommendation; if that occurs, prior rates remain in effect.] Art. III, sec. 23.

(12) Illinois: A member shall receive a salary and allowance as provided by law, but changes . . . shall not take effect during the term for which he has been elected. Art. IV, sec. 11.

(13) Indiana: [C]ompensation [shall] be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. Art. 4, sec. 29.

(14) Iowa: [C]ompensation . . . shall be fixed by law [but doesn't take effect] prior to the convening of the next General Assembly . . . . Art. III, sec. 25.

(15) Kansas: [C]ompensation [shall be] provided by law or . . . determined according to law. Art. 2, sec. 3.

(16) Kentucky: [Apparently set by law:] "Provided, No change shall take effect during the session at which it is made; . . ." Sec. 42.

(17) Louisiana: No provision on point was found.

(18) Maine: [C]ompensation . . . shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. Art. IV, sec. 7.

(19) Maryland: [The state uses a compensation commission.] The General Assembly may reduce or reject, but not increase [its recommendations]. The resolution . . . shall take effect . . . as of the beginning of the term of office of the next General Assembly . . . . Art. III, sec. 15.

(20) Massachusetts: [Does not appear to have law on the subject; art. LXV is not really on point.]

(21) Michigan: [The state uses a compensation commission. The recommendations may be rejected only by a 2/3rds vote. Time of taking effect not specified.] Art. IV, sec. 12.

(22) Minnesota: The compensation . . . shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing house of representatives have been elected. Art IV, sec. 9.

(23) Mississippi: [C]ompensation [shall] be prescribed by law . . . ; but no alteration of such compensation . . . shall take effect during the session at which it is made. Art. IV, sec. 46.

(24) Missouri: [Provided by law.] No law . . . shall become effective until the first day of the regular session . . . next following the session at which the law was enacted. [No appropriation is required; only certification by presiding officers, secretary and clerk. Constitutionally established travel expenses of $1 for each ten miles travelled. Constitutionally established per diem of $10, subject to variance by law, also without appropriation act.] Art. III, sec. 16.

(25) Montana: [Provided by law.] No legislature may fix its own compensation. Art. V, sec. 5.

(26) Nebraska: [Salary set by the constitution; actual travel expenses authorized.] Members . . . shall receive no pay or perquisites other than . . . salary and expenses . . . . Art. III, sec. 7. [May not be] increased or decreased during his term of office [but takes effect at the beginning of the next term of any members elected, even as to members not then reelected.] Art. III, sec. 19.

(27) Nevada: [Compensation shall] be fixed by law . . . but no increase . . . shall take effect during the term for which the members of either house shall have been elected; . . . . Art. 4, sec. 33.

(28) New Hampshire: [Compensation is set constitutionally.] Part II, art. 15.

(29) New Jersey: [Compensation shall] be fixed by law [and members may not receive any] other allowance or emolument, directly or indirectly, for any purpose whatever. Art. IV, Sec. IV, Para. 7. [N]o increase or decrease shall be effective until the legislative year following the general election . . . . Art. IV, Sec. IV, Para. 8.

(30) New Mexico: [Constitutionally established] per diem [of] not more than $75 for each day's attendance during each session, as provided by law, and $.25 for each mile traveled in going to and returning from the seat of government once each session [plus] per diem expenses and mileage for . . . legislative committee [hearings]; and no other compensation, perquisite, or allowance. Art. IV, sec. 10.

(31) New York: Each member . . . shall receive . . .[an] annual salary, to be fixed by law [and] actual traveling expenses . . . . Neither the salary of any member nor any other allowance . . . may be increased or diminished during

. . . the term for which he shall have been elected, nor shall he be paid or receive any other extra compensation. Art. III, sec. 6.

(32) North Carolina: [Compensation and allowances shall be] prescribed by law. An increase in the compensation or allowances of members shall become effective at the beginning of the next regular session of the General Assembly following the session at which it was enacted. Art. II, sec. 16.

(33) North Dakota. No constitutional provision was found.

(34) Ohio: [Members shall receive a] fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office. Art. II, sec. 31.

(35) Oklahoma: Members of the legislature receive such compensation as shall be fixed by the Board on Legislative Compensation. * * * No member of the legislature may serve on the Board. [A review of compensation occurs each two years and takes effect] on the 15th day following the succeeding general election. Art. V, sec. 21.

(36) Oregon: The members . . . shall receive for their services a salary to be established and paid in the same manner as the salaries of other elected state officers and employees. [The provision is silent on the effective date.] Art. IV, sec. 29.

(37) Pennsylvania: The members . . . shall receive such salary and mileage for . . . sessions as shall be fixed by law, and no other compensation whatever, whether for service on a committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase or salary, or mileage, under any law passed during such term. Art. II, sec. 8.

(38) Rhode Island: [Constitutionally established compensation $5 per day ($10 for presiding officers) and mileage of eight cents per mile, presumably each day.] Amendment Art. XI, sec. 1.

(39) South Carolina: [Apparently fixed by law as it provides that when meeting in special session, members receive]

the same compensation as is fixed for the regular session. * * * [No] General Assembly shall have the power to increase the per diem of its own members. Art. III, sec. 19.

(40) South Dakota: [Members receive for their services the salary fixed by law . . . and five cents for every mile of necessary travel . . . The legislature by a two-thirds vote . . . may fix the salary of . . . members of the legislature [and] determine the effective date thereof and may in its discretion decrease or increase the salary of any officer during his term. Art. III, sec. 6, para 1; art. XXXI, sec. 2.

(41) Tennessee: [Constitutionally established] annual salary of $1,800 per year . . . and such other allowance for expenses . . . as may be provided by law. [N]o increase or decrease in the amount . . . shall take effect until the next general election for Representatives to the General Assembly . . . . Art. II, sec. 23.

(42) Texas: [Constitutionally established] salary of $600 per month [and] a per diem of $30 for each day [and] mileage as prescribed by law for employees of the state . . . . Art. III, sec. 24.

(43) Utah: [The legislature shall by law accept, reject, or lower the salary [recommended by a salary commission] but may not, in any event, increase the recommendation. Art. VI, sec. 9.

(44) Vermont: As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention, and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has the right to a reasonable compensation; and whenever an office through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and willfully, take greater fees than the law allows him, it shall forever after disqualify him from holding any office in this State, until he be restored by act of legislation. Sec. 61 [derived from the 1777 Constitution].

(45) Virginia: The members . . . shall receive such salary and allowance as may be prescribed by law, but no increase in salary shall take effect for a given member until after the term for which he was elected. Art. IV, sec. 5.

(46) Washington: Salaries for members of the legislature [and others] shall be fixed by an independent commission . . . . Any change in salary . . . shall become law ninety days thereafter without action of the legislature or governor, but shall become subject to referendum petition filed within the ninety-day period. After the . . . adoption of the law creating the commission, no amendment [that] alters the composition of the commission is valid unless enacted by a . . . two-thirds [vote] of the members. Art. II, sec. 23, as amended by art. XXVIII. Note that it appears that a subsequent amendment has occurred: The compensation of all elective . . . state . . . officers who do not fix their own compensation, . . . may be increased during their terms of office to the end that such officers . . . shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered. Art. XXX.

(47) West Virginia: [Compensation . . . and . . . allowances shall be . . . established . . . by the [salary] commission . . . and thereafter enacted into general law by the Legislature at a regular session . . . . The Legislature may . . . reduce but not increase [the] compensation or expense allowance [recommended by the commission]. [The legislature provides for the effective date of the change.] Art. VI, sec. 33.

(48) Wisconsin: [C]ompensation of any public officer [may not] be increased or diminished during his term of office . . . . Art. IV, sec. 26.

(49) Wyoming: The compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation. Art. 3, sec. 6.

RB:kb
wkk5/054

HJR

74

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 19, 1992 FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 4/29/92

The STATE AFFAIRS Committee considered: HJR 74

SHORT TITLE: OPEN PRIMARY ELECTIONS

HOUSE JOINT RESOLUTION NO. 74 ~~FOREIGN WORKERS AND LONGSHOREMEN~~
(WILL BE CHANGED BY CLERK'S OFFICE)

Proposing an amendment to the Constitution of the State of Alaska relating to open elections.

RECOMMENDATIONS: [,] the same title
be replaced with CSHJR 74(STA) [X] a new title

[ ] have attached amendments(s)
[ ] do pass
[ ] do not pass
[X] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[X] fiscal impact Office of Gov. - Div of Elections [ ] fiscal note(s) _____

[ ] zero fiscal note _____ [ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
				✓	
				✓	
				✓	
				✓	
				—	
				✓	

Eugene A. Kubina
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 74

Revision Date:
Title: Amendment to the Constitution RE: Open Elections

Sponsor: Representative Gruenberg
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: II-Primary and General Elections

COMPONENT SERIAL NO. 0 0 2 2

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Norma Jean Johnson, Administrative Coordinator Phone: 465-4611
Division: Elections Date: 04/28/92

Approved by Commissioner:
Agency: Office of the Governor Date:

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91
HJR74.FN2

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

TO: Representative Gene Kubina
Chair House State Affairs Committee

FROM: Rep. Max Gruenberg

RE: Scheduling of HJR 74

DATE: February 19, 1992

I would very much appreciate it if you would schedule HJR 74 " Proposing an amendment to the Constitution of the State of Alaska relating to open elections", for a hearing as soon as possible.

HJR 74 is a constitutional amendment guaranteeing every a voter the opportunity to an open ballot to vote for any candidate.

If you have any questions about this bill, please contact Stan Robbins in my office (4968).

Thank you

HJR

80

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HJR 80

Revision Date:
Title: Amendment to the Constitution RE: Establishing a Unicameral Legislature
Sponsor: Representative Navarre
Requestor: House State Affairs

Department Affected: Office of the Governor-Elections
BRU: Division of Elections
Component: 11-Primary and General Elections

COMPONENT SERIAL NO. 0 0 2 2

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	2.2*	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2.2*	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2*	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	2.2*	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.) * This figure covers cost of inclusion of information about this issue in the Official Elections Pamphlet as required by AS 15.58, and programming for DataVote counting of votes cast on this measure. However, only 4 measures can be printed on a single ballot card. Should this measure require printing an additional ballot card, the fiscal impact would be: 53.4.

Prepared by: Laura A. Glaisor, Projects Coordinator
Division: Elections
Phone: 465-4611
Date: 3/5/92

Approved by Commissioner:
Agency: Office of the Governor
Date:

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

Rev 10/07/91
HJR80.FN2

ALASKA STATE LEGISLATURE
REPRESENTATIVE MIKE NAVARRE

Co-Chair
House Finance Committee
P.O. Box V
Juneau, Alaska 99811
(907) 465-3779

HJR 80 Fact Sheet

• Most local governments have a unicameral type of government. Therefore the transition to unicameralism would not be difficult for the people of the State of Alaska to accept.

• Nebraska is the only state to have an unicameral legislature. Reports from Nebraska are positive. Nebraskans wonder why other states do not adopt this sensible form of government.

• The Nebraska legislature is nonpartisan, but the executive branch and other elective offices stand for office on a partisan basis.

• Senators , as the Nebraska legislators are called, were intended to be independent actors, and according to reports are very independent.

• The Nebraska legislature has fourteen standing committees. The process of electing the presiding officer and the chairmen of these committees (by secret ballot, with committee members assigned by a committee on committees) appears to differ significantly from the method used in Alaska.

• The Nebraska constitution authorizes a legislative body of up to fifty members. It currently has forty-nine members.

• An unicameral legislature is not new to Alaska. In the 1930's it is was considered by the Alaska Territorial Legislature considered, but tradition won out. In 1976, Alaskans approved a ballot measure requesting the state legislature to proceed with a constitutional amendment for an unicameral legislature. The legislature did nothing.

• Fears from special interests come from all quarters when a progressive change in a process is suggested. Special interests have to reorganize and make themselves again appear to be significant.

• "Checks and balances" will not be altered, in fact, they could be enhanced and their importance moved to the forefront of the legislative process.

• Under an unicameral form of government there would be no need for the duplicate effort of companion measures in the House and Senate. This time saving would create a more efficient system.

• Bartering of bills between the House and Senate would be eliminated.

• Another democractic value that should be enhanced by unicameralism in Alaska is the fact that there would be smaller election districts, therefore more direct access to one's elected representative.

• The unicameral form of government provides Alaskans with a simpler and more understandable system. Why make government more mystical or difficult when it doesn't have to be?

DISTRICT 5
34824 K-Beach Road • Soldotna, Alaska 99669 • (907) 262-7842

ALASKA STATE LEGISLATURE
REPRESENTATIVE MIKE NAVARRE

Co-Chair
House Finance Committee
P.O. Box V
Juneau, Alaska 99811
(907) 465-3779

SPONSOR STATEMENT

March 3, 1992

TO: Representative Gene Kubina, Chairman, State Affairs Committee

FROM: Representative Mike Navarre

SUBJECT: HJR 80, A resolution proposing amendments to the Constitution of the State of Alaska establishing a unicameral legislature.

House Joint Resolution 80 was introduced to allow a vote of the people on establishing a unicameral legislature.

The unicameral legislative body is quite common. Virtually all local governments in the United States have, by design, a unicameral process. When proposed at the state level, however, it's often been met with strong opposition. Nebraska is the only state to have a unicameral legislature. It seems to work well there.

The idea of a unicameral legislature is not new to Alaska. In the 1930's, the late Judge Dimond suggested Alaska's Territorial Legislature be a unicameral body. Later, at the State Constitutional Convention, there were a number of delegates who favored a one-body legislature. The proposal was defeated by some who felt that a single legislative body lacked a certain formality, and that two legislative bodies were needed.

In 1976, Alaskan voters approved a statewide ballot question which requested the legislature to proceed with a constitutional amendment for a unicameral legislature. The legislature did not act on the initiative, and the concept once again faded into obscurity.

I believe a unicameral legislature offers a more efficient process, and will make no appreciable difference in how our current system of "checks and balances" actually functions. For example: More often than not, bills introduced in the House or Senate have a duplicate "companion measure" in the other body. This enables a bill's progress through the second body to be "speeded up," by waiving duplicate committee hearings on substantially identical bills. Essentially, this practice is an "end run" around the bicameral process, and provides a valid argument for a unicameral body.

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A unicameral form of government advances the opportunity for the demystifying of government. John Q. Public will have a simpler and more understandable legislative process, therefore public accountability and awareness is increased.

An important democratic value that unicameralism should enhance in Alaska would be smaller election districts. Alaskans in these smaller districts would have better access to their elected representatives.

In conclusion, I offer that sending HJR 80 to the vote of the people we have nothing to lose and everything to gain. The gain for the State of Alaska is a more streamlined, efficient, and better understood form of government.

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 19, 1992 FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: 3/13/92

The STATE AFFAIRS Committee considered: HJR 80

HOUSE JOINT RESOLUTION NO. 80 ESTABLISH A UNICAMERAL ' EGISLATURE

Proposing amendments to the Constitution of the State of Alaska establishing a unicameral legislature; and pro 'iding for an effective date to the amendment.

RECOMMENDATIONS: [ ] the same title
be replaced with _____ [ ] a new title

[ ] have attached amendments(s)
[ ] do pass
[ ] do not pass
[X] no recommendations
[ ] individual recommendations
[ ] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[X] fiscal impact LAA, Div of Elections [ ] fiscal note(s) _____

[ ] zero fiscal note _____ [ ] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Eugene A Kubina	X			X	
				X	
				—	
				—	
		Mike Miller	X		
			—	—	

Eugene A. Kubina
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO: HJR 80

Revision Date:
Title: Proposing amendments to the Constitution...establishing a unicameral legislature...
Sponsor: Representative Navarre
Requestor: House State Affairs

Department Affected: Legislative Affairs Agency
BRU: All
Component: All

COMPONENT SERIAL NO:

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	[679.3]	[1,358.6]
TRAVEL	0	0	0	0	[241.5]	[241.5]
CONTRACTUAL	0	0	0	0	[146.7]	[146.7]
SUPPLIES	0	0	0	0	[10.0]	[10.0]
EQUIPMENT	0	0	0	0	[10.0]	[10.0]
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS					200.0	0
TOTAL OPERATING	0	0	0	0	[887.5]	[1,766.8]
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND					[887.5]	[1,766.8]
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0	0	0	0	[887.5]	[1,766.8]

POSITIONS:

FULL-TIME	0	0	0	0	30	30
PART-TIME	0	0	0	0	31	31
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact:

ANALYSIS: (Attach a separate page if necessary)

HJR 80 proposes establishing a Unicameral Legislature of fifty members. There would be a transitional Unicameral Legislature of sixty members until the Twentieth Legislative Session when the membership would be 50.

(Continued on Page 2)

Prepared By: Pamela A. Stoops, Director — Phone: 465-3850
Division: Administrative Services — Date: 3/12/92

Approved By: Warren W. Endicott, Executive Director
Agency: Legislative Affairs Agency — Date: 3/12/92

Distribution (by preparer): Leg. Finance, Legislative Sponsor, Requestor, OMB, Gov. , & Impacted Agency(ies).

It is estimated there would be a savings in decreasing the size of the Legislature because of the reduced number of members, consolidation of chief clerk and senate secretary's offices, consolidation of sergeant at arms staff, consolidation of committee records staff, reduced legislative staff, reduced office space, reduced travel, reduced supplies, etc.

The cost involved would be to remodel the Chambers on the second floor of the Capitol and relocate several offices.

PERSONAL SERVICES
It is anticipated the reduction in the number of staff and members will not occur until FY 97.

Ten less legislators (50 not 60) - $353,780.
Twenty less full time staff members - $562,889.
Twenty less perm part time staff members - $231,108.
Four less chief clerk or senate secretary staff members - $103,143.
Five less sergeant at arms staff members - $73,920.
Two less committee records staff members - $33,725.

Personal services costs are estimated using FY 93 personal services costs. Total estimated personal services savings - $1,358,565. FY 97 cost is for 6 months. -1,358.6

TRAVEL
A reduction in travel would occur by having a smaller membership. Travel & moving costs, session per diem, etc. would be reduced.

Estimated savings in travel, per diem and relocation costs - $241,537. -241.5

CONTRACTUAL
A reduction in communications costs for phones, reduction in the number of allowances. anticipated reduction in office space for district offices, etc.

Estimated savings in contractual - $146,666. -146.7

SUPPLIES
A reduction in supplies is anticipated with a smaller membership and a reduced number of staff.

Estimated savings in supplies - $10,000. -10.0

EQUIPMENT
A reduction in equipment is anticipated with a smaller membership and a reduced member of staff.

Estimated savings in equipment - $10,000. -10.0

MISCELLANEOUS
The cost of remodeling the House Chambers to accommodate 50 members instead of 40 members, relocating offices, etc. would be spread between contractual, supplies, personal services, etc.

Estimated remodeling costs - $200,000. 200.0

THE UNICAMERAL'S 50TH ANNIVERSARY
The Nebraska Unicameral Legislature's Golden Anniversary: 1937-87

By Jack Rodgers

(Jack Rodgers served as director of legislative research from 1954-1984, and as a senior research consultant since 1985.)

I. Brief Background to the Establishment of Unicameralism in Nebraska.

Interest in the establishment of unicameralism—which can be equated with disenchantment with bicameralism—began in Nebraska as early as 1913. It was an outgrowth of concern for political reform stimulated by the Progressive Movement. A joint legislative committee in that year made a number of recommendations for improving the operation of the state government to the 1915 Legislature, including a proposal for the creation of a unicameral Legislature. No action was taken on this proposal.

During the 1917 Legislative Session, Rep. J.N. Norton of Osceola, who was to become a longtime advocate of unicameralism and a member of the first unicameral Legislature in 1937, introduced a joint resolution proposing a constitutional amendment to create a one-house Legislature of 60 members. It was reported to the floor, but was ultimately indefinitely postponed when it got caught along with many other bills in a late session legislative traffic jam.

This same Rep. Norton, now a delegate to the 1919-1920 constitutional convention, introduced a proposal providing for a Legislative Assembly of one house consisting of 100 members, but not to exceed 133 members. It was approved by the committee on the floor of the convention with the suggestion that it be submitted to the voters as a separate and alternative proposal. The final vote on this proposition was 43 in favor and 43 opposed. By such a slim margin were the voters denied a chance to vote on unicameralism at the special election held in September 1920.

Three additional attempts were made to change from bicameralism to unicameralism prior to the successful campaign in 1934. First, a campaign to place the issue on the ballot through the initiative petition failed in 1923. Second, a proposal introduced in 1925 by Rep. J.D. Lee of Lynch for a single chamber of not more than 100 members was indefinitely postponed by the judiciary committee. Finally, a measure introduced by Sen. John Boelts of Central City in 1933 to vest the legislative authority of the state "in a Legislature consisting of a House of Representatives only" got as far as final reading. It was defeated by a close vote of 15 in favor, 14 opposed and four not voting.

This brief background indicates that the issue of unicameralism had been a live one in the state for a number of years prior to the adoption of the amendment in 1934 creating the present one-house Legislature. That is, in 1934 it wasn't a novel idea snatched from someone's vivid imagination, but merely the logical outcome of developing circumstances. In any event, the efforts described above from 1919 to 1933 to establish unicameralism showed that the momentum was picking up. The catalyst was to be the general ineffectiveness of and popular dissatisfaction with this same 1933 legislative session which had narrowly defeated the issue.

II. The Role of Sen. George W. Norris.

There was one additional factor that had kept the unicameral issue alive in Nebraska since the early 1920s, and this was the influence of Sen. Norris—former U.S. representative, a leader of the Progressive Republicans, and U.S. senator since 1912. The esteem in which he was held by persons of all political persuasions in the state, and his influence and accomplishments in national affairs, lent great weight to his views. And one of his favorite targets for political reform was the bicameral Legislature. He began to flail away at it with gusto in an article published in the New York Times of Jan. 28, 1923. He continued his indictments of state legislatures (he recognized the impossibility of creating a unicameral Federal Legislature although his views applied to Congress with equal strength) until the successful campaign of 1934.

Therefore, the principal supporting arguments in behalf of unicameralism are based on the criticisms of bicameralism. That is, the advantages, or basic principles, of unicameralism are the absence of the disadvantages of bicameralism. Sen. Norris' attack on the two-house system still remains the basic rationale behind the Nebraska plan.

III. Basic principles, rationale and advantages of unicameralism.

As articulated by Norris, Norton and other supporters of unicameralism, they can be briefly summarized as follows:

(1) The principal criticism of the bicameral Legislature was the conference committee, the joint committee appointed to iron out differences or bring about compromises in bills that passed both chambers but in different form. Such committees met in secret, no record was kept of their proceedings, conference reports were not subject to amendment when returned to the respective houses, and the need to compromise in order to "get something" often resulted in provisions being included not supported by a majority of the legislators. Because such committees do not function under unicameralism, this secret "take all or nothing" procedure is not part of the legislative process. This results in more openness of the procedure—one of the hallmarks of the Nebraska unicameral system.

(2) Unicameralism proponents argue that, far from one house acting as a check upon the other, a traditional defense of the bicameral Legislature, one house too often shifts responsibility to the other house. (In one of his later writings, Sen. Norris penned a colorful rebuttal to this "checks and balances" argument. He said: "In every two-house Legislature, after the close of the session, if we post the checks and balances we shall find that the politicians have the checks and the special interests have the balance.)

Supporters of unicameralism point out that there are ample checks on the one-house Legislature through judicial review, the governor's veto, and the availability of the referendum

The Unicameral's 50th Anniversary

(3) It was believed that there was a natural correlation between a one-house Legislature and numbers—that they would naturally be smaller. This would avoid the frustration of the personal efforts of the individual members found in larger bodies in their cession of many of their individual rights as legislators to the committees, the difficulty in their offering amendments to bills, and the curtailment of their right to debate freely. Thus, again, legislative proceedings in one-house legislatures can be much more open—and it is imperative that the people know, or have an opportunity of knowing, what is going on.

(4) Sen. Norris, and other advocates. were also convinced that corruption would more likely occur under bicameralism because it would be easier for corrupt legislators to cover their tracks. He also stressed the baneful influence of lobbyists resulting from legislatures (two-house) too large, too cumbersome, too secret and too irresponsible.

(Of course, no one would seriously argue that lobbyists do not wield measurable influence in the Nebraska Legislature, but perhaps the difference is that it is more open, more personal, and less likely to be kept under cover than would be the case in the unwieldy two-house bodies.)

(5) On a more recent note, it could be argued that as a result of the "reapportionment revolution" of the 1960s, bicameralism makes less sense than before. The courts have held that both houses of state legislatures must conform to the "one-man, one-vote" standard, thus representing, essentially, the same constituencies. In fact, Sen. Norris and the other early proponents of unicameralism had long before this made the same essential point. They said that because both houses of the state legislatures were elected from the same groups of people and were granted the same legislative authority, which meant that each house did the same work, there was no reason for it to be done twice.

(Of course, Norris also included non-partisanship as an important element in his plan for improved state legislatures. Some feel that unicameralism and non-partisanship are so intertwined that they must go together. I personally view them as separate issues. In other words, based on the claimed intrinsic merits of unicameralism, they would still exist even if the members were chosen on partisan tickets. However, this is a matter of opinion. J.W.R.)

In sum, it would seem that the basic advantage of the one-house system, and thus the basic principle it reflects, is that of openness, flexibility (which certainly turns in part on the rules of procedures adopted), and accessibility to all who wish to approach it.

Source: Nebraska Blue Book, 1986-1987, p. 38-41.
published by Nebraska Legislative Council.

The Nebraska Unicameral After Fifty Years

By Robert Sittig

(Robert Sittig is professor of political science at the University of Nebraska-Lincoln. He has been a staff member there since 1962 and has teaching and research interests in political parties, the legislative process and state government.)

Democracy and legislatures have come to be virtually synonymous in modern societies. The popular election and control of legislative officials is just naturally assumed by democrats of all stripes nowadays. We accept the partial shielding of judicial officials from popular control at all levels of American government, and chief executives are occasionally sheltered from total public accountability by devices such as electoral college selection or legislative removal (impeachment). Not so for legislators. This branch of government has become the hallmark of popular sovereignty, and it is in this light that the Nebraska unicameral legislative experiment, which now has endured for a half-century, will be described, examined and evaluated in the commentary which follows. Political institutions are similar to other human institutions in that they benefit from periodic review and assessment, and in this instance, an evaluation is of particular importance because Nebraska, in 1934, departed from the conventional organizational wisdom practiced in all other states, with its institution of a single legislative chamber system. 1

Some innovations become institutionalized quite quickly (direct primary system of nomination, for example); others fail to meet the tests of time and practicality and slip into gradual disuse (commission form of government for cities, for example). That unicameralism has succeeded so broadly in Nebraska is sufficient reason for this recounting of its origin, structure and operation, as well as a restating of some of the major reform proposals certain observers and evaluators have put forth over the years as they seek to further improve the Nebraska Legislature's effectiveness.

Adoption of the Unicameral Amendment

For the first 75 years of Nebraska's governmental history, the Legislature's organization reflected the traditional pattern. It was constituted as a bicameral body, with the upper house representing geography or area (local governmental units), and the lower house based on population, a broader standard. This approach was then in common use and Nebraska's Legislature was nearly a carbon copy of the Iowa and Illinois legislative systems, since the territorial political leaders relied heavily on these states' documents in the drafting of the 1867 (first) and 1875 (present) constitutions. About 20 years after statehood, the combined effects of economic deprivation among farmers, and the emergence of organized reform groups (especially the Populists), resulted in persistent criticism and occasional attacks on state government here and elsewhere in the West. The attacks centered on the alleged unresponsiveness of state government to the common man's needs, and its overresponsiveness to the claims of the large interests (railroads, bankers, millers, etc.).

These reformers, around the turn of the century, had a long list of remedies for the governmental inadequacies of the day, and they were especially influential in the agrarian plains states. They were able to implement their reforms in some states with speed and ease; examples would include: the direct election of U.S. senators, a ban on use of free railroad passes by public officials (especially legislators), control or ownership of grain transport and terminal facilities, and establishment of state-operated banks. But for our purposes, their legislative structural reforms were of more interest. They were committed, most of all, to a simplification of legislative procedures, and unicameralism gradually came to be an integral part of the reforms they were advocating. Another was democratization of political parties, which were gradually coming to wield increasing control over the nomination and election of officeholders, as well as a bigger voice in the day-to-day conduct of government, especially the Legislature. Political parties, in the view of these progressives, were at a minimum to be opened to public control, and maybe even dismantled or abolished, with the election system then converted to non-partisanship. The politics of many states in this region during these two generations (1880s-1910s) consisted mainly of struggles over the relative power of the "man on the street", vs. that of the organized interests—the corporations or "big business."

In Nebraska, unicameralism was continually being advocated, especially toward the later end of the progressive period. Specific proposals numbered at least seven, and a variety of attempts were made to get the reform implemented. Normally, structural change of governmental institutions requires a constitutional amendment, since it is in these charters that the specific shape of government is mandated. To change the constitution invariably required the proposal to be initiated by the Legislature (by an extraordinary majority), and subsequent ratification by the voters. Given this process, it is not surprising that the existing route of constitutional change was virtually closed to unicameral proponents, since the Legislature itself would have to be willing to sacrifice about half its members, since any one-house legislature would, in effect, replace one of the two houses in a bicameral legislation. Largely for this reason, unicameral proposals repeatedly went down to defeat in the Nebraska bicameral Legislature in the early 1900s. During this same period, especially in Midwestern and Western states where the reform impulse was the strongest, unicameral proposals often were considered, but as in Nebraska, the Legislature was rarely inclined or willing to propose anything this encompassing despite significant public support and clamor for legislative simplification in some form. 2

In response to this legislative recalcitrance on reform matters such as unicameralism, the progressives of the day rose to the occasion. They devised a new system of direct democracy whereby the citizenry also could initiate laws (and perhaps constitutional amendments), and thus water down the Legislature's monopoly over this crucial stage of the

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process. Ultimately, about 15 states adopted this unprecedented solution to the problem of legislative unresponsiveness by authorizing their citizenry to also propose either laws or amendments or both. Nebraska was one of the first states to take this step (1912), and, not surprisingly, unicameral proponents shifted their attention to this new device despite its cumbersomeness in that thousands of petition signatures needed to be collected to trigger the process of taking a proposed law or amendment to all the voters. A significant initiative campaign was launched in Nebraska in 1923, but it failed to produce enough signatures.

Finally, constitutional documents also can be altered in a comprehensive way through a constitutional convention. States tend, periodically, to convene these bodies to assess and evaluate an entire document. Nebraska established such a constitutional convention and the delegates were popularly selected; it deliberated during the years 1919-20. The delegates considered and proposed dozens of structural and policy changes for Nebraska state government including unicameralism. The unicameral proposal was given a much better reception in this arena than it had gotten in the Legislature, but in the end the proposal failed by the narrowest of margins—a single vote. One can appreciate the stamina and persistence of the unicameral proponents, here and elsewhere during this period, but it appears that not enough of the Nebraska public was supportive to influence either the legislators or the convention delegates to propose the measure, or to sign the initiative petitions themselves.

The major change in the unicameral movement in Nebraska during this period was the direct participation of Sen. George Norris. Although seemingly fully occupied with national issues (rural electrification, flood control, etc.) in Washington, Norris began to involve himself with the unicameral proponents in Nebraska and, in the end, single-handedly breathed new life into the largely stalemated effort. Norris had, by this time (late 1920s), firmly established himself with Nebraska voters despite some earlier tussles with his party's (Republican) leaders, and some narrow election wins in earlier House and Senate primary or general elections. His philosophical commitment to unicameralism was of long standing, but he had gradually broadened his concern for unicameralism to include the non-partisanship feature. Although both these reforms had always been parts of the progressive package, they had not been laced together in Nebraska prior to Norris' assumption of a leadership role in the unicameralism drive. Norris had become very disenchanted with what he perceived to be "the evils of partisanship," and he conditioned his involvement in the unicameral effort on the inclusion of non-partisanship. Given the repeated defeats of unicameralism in Nebraska, the proponents reluctantly accepted Norris' condition; they were fearful it would further complicate and thus jeopardize the adoption of either reform.

The particular strategy decided on by the newly forged unicameral-non-partisan advocates in Nebraska started with the petition initiative route to get the proposal listed on the 1934 ballot. There was to be a wide effort to draw the public into the campaign, and this would be headed by Norris himself. The signature-collecting phase of the campaign sought to stimulate public interest and participation, and where it had failed before, this time it succeeded beyond expectations with one and a half times the needed number of signatures being amassed. Conditions for reform in Nebraska were apparently much more favorable in 1934 because of the continuing depression in the farm sector, and the mediocre performance of the inexperienced sitting Legislature, which had been swollen with freshman Democrats in the Roosevelt landslide in 1932. Norris, upon the conclusion of the 1934 congressional session in Washington, returned to Nebraska and for the remainder of the fall campaign he "sold" the proposal while crisscrossing the state in dozens of personal speaking appearances. Norris, according to news reports, made an especially fervent appeal to the Nebraska citizenry, occasionally saying that he would even be willing to give up his Senate seat if that sacrifice somehow would ensure adoption of the unicameral (non-partisan) proposal.

The opposition, although unable to match the popular attention that Norris was generating, attempted to counter the claims of the unicameral proponents. Although Nebraska had never had a deeply rooted political party system, the leadership elements of the two parties argued that the measure, especially its non-partisan feature, was neither necessary nor advisable. When the arduous campaign ended, the voters sided with Norris, and the state had surprisingly committed itself to the replacement of the age-old bicameral partisan Legislature with a single-house non-partisan chamber. Subsequent analysis of the popular vote revealed across-the-board support; the measure passed in over 90 percent of the state's precincts and counties, and the final statewide tally found it prevailing by a 3-2 margin among those who had expressed a preference. Norris, and those who for decades had been urging the adoption of the unicameral approach, were no doubt exuberant given this endorsement by the voters.

Implementation of the Unicameral Principle

Political ideas first need to be sold in the marketplace; then they have to be put into form and shape. Ironically, the shaping task in Nebraska was in the hands of the last bicameral legislative body, which had been elected at the same time that the voters adopted the unicameral proposal. The amendment contained a few organizational mandates (number of seats and bill consideration procedures, for example), and the sitting legislators ultimately divided the state into 43 single-member legislative districts, with each member serving a two-year term. The non-partisan feature required that candidates would be listed on the ballot without reference to party, and it evidently was intended that they govern, after elected, free from the influence of the two major political parties. In the ensuing election scramble in 1936 for the sharply reduced number of legislative seats, nearly 300 primary candidates entered. In the non-partisan system, all candidates run in the primary and the top two in each district are nominated, and they in turn face each other in the general election.

One apparently unanticipated outcome of the first election was the presence in the non-partisan Unicameral of a high ratio (nearly 75 percent) of members who had previous service in the bicameral partisan Legislature. Given the widespread previous opposition by legislators to the various unicameral proposals, partisan or non-partisan, this is an early example of the ability of incumbent officeholders to adjust to markedly changing conditions, or to the inconsistency of the voters who elected to the Unicameral many of those who had been opposed to its creation.

Regardless, the eyes of the nation were on Nebraska in January 1937. Sen. Norris bypassed the opening of the U.S Congress in order to give the charter members of the

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Unicameral an inspirational address on the opportunity they had to expand the horizons of representative government through the innovative device of unicameralism.

To compensate somewhat for the elimination of the second (or checking) chamber, the framers of the amendment included a restraint against hasty bill enactment: Minimal time for a bill to go from introduction to final enactment was set at seven days; and to afford those outside the chamber some specific check on the legislators, the rules require that all bills must have a public hearing. At a more descriptive level, the legislators assumed the title of senator, normally an upper house prerogative; usage has since converted the adjective, unicameral, into a noun, Unicameral, which has been shortened by the media to, "The Unicam." Other matters the amendment left up in the air were those of the internal structure and leadership posts in the new body. In partisan legislatures these questions are handled by the majority/prevailing political party, which uses its unified voting strength in the chamber to control any organizational decisions, as well as the placement of individuals in leadership posts. Thus, there was the need, or opportunity, to substitute in the place of parties some other basis for allocating authority and influence inside the non-partisan Unicameral.

Since most "new" members had served in the previous bicameral partisan Legislature, it would not have been surprising if they persisted in some of their previous practices, but it appears they attempted to implement, to a considerable extent, the non-partisan principle. The election system for officers, for instance, is very open and unstructured. The office most common to legislative institutions and retained in the Unicameral was that of speaker. Probing further into the legislative structure, we find a continuation of the system of relying on permanent standing committees to do a preliminary review of legislative proposals. This reserves for the full Legislature the role of giving final consideration to just those measures that have first cleared the committee system. At the floor stage, bodies of this size (43) require rules to standardize how bills will be considered, if the process is to be fair and orderly. It appears the new members sifted through the previous partisan bicameral practices and adopted some, converted others, and added a few new approaches as they agreed on the method whereby basic state policy would henceforth be officially determined.

Institutional Features

Organization, structure, rules and procedures take us toward understanding the operation of public bodies. And those who are elected must mesh their personal careers with these institutional arrangements, which include: the number of seats in the chamber, the duration (terms, sessions) of legislative service, and the amount of compensation, an important part of the member reward system.

Size—The number of districts/seats a legislature, bicameral or unicameral, should have never has been clearly established. Sen. Norris was convinced that legislative bodies had become swollen in size, thus complicating, if not preventing, citizen accountability. He urged creation of a very small body, perhaps as few as 25. Considering the Nebraska two-house Legislature by 1933 had 133 members, the size eventually agreed to in the amendment (50 maximum, 30 minimum) represented a compromise. The actual number established was 43, and this size remained constant through much of the early years. There was a constitutional provision allowing (but not requiring) the reapportionment of districts in conjunction with each 10-year federal census in order to accommodate internal population shifts; it was apparently patterned after a federal law then in existence. Since reapportionment had proved to be a prickly task for legislative bodies, these provisions tying it to the census count were intended to make the process virtually automatic. Regardless of the constitutional option, the Unicameral did not actually reapportion after the 1940, 1950 or 1960 censuses. Elsewhere in the country, reapportionment quickly was becoming politicized as underrepresented urban advocates were pressing the legislatures (and, more importantly, in the courts) for actual allocation of legislative seats on a population standard alone. This urban-rural dispute in Nebraska ultimately led to a raise in the number of districts, but only after years of struggle, including the adoption of a "compromise" constitutional amendment authorizing as much as a 20 percent area factor in any reapportionment formula. In the end, this compromise also proved unacceptable to the federal courts, since they were moving toward an apportionment system based solely on the population factor.

Once this principle became clearly evident (mid-1960s), the Nebraska Legislature reversed itself and adopted an apportionment law based exclusively on population. Given the population shifts that had occurred in Nebraska since the adoption of the Unicameral, a significant urban boost in seats/representation was in order. In the final plan, the urban increase in seats was accommodated by adding six seats, which brought the total to 49, one less than the constitutional maximum. This allowed the rural areas to retain almost exactly the number of seats they previously held, but their influence was reduced, given the larger number of senators in the body. After the 1970 and 1980 censuses, the Legislature again reallocated districts, but only minor rural to urban shifts were necessary. Currently, the two metropolitan areas have been allocated 21 seats (Omaha 15; Lincoln six) and the remainder of the state has 28 seats. It is, of course, possible that the Legislature could be increased to 50 seats at some time, but it seems unlikely since this option was not exercised either in 1971 or 1981 by the Legislature when it reapportioned. The legislative size question seems pretty much settled and only occasionally has been a factor in the discussions over the years regarding the effectiveness of the Unicameral.

Terms—Legislators serve a four-year term, but this is a rather recent change. The term was two years from 1937 until 1966, when it was increased. A two-year term has long been the practice in lower houses of state legislatures; conversely, four-year terms are the norm in state legislative upper chambers. The increase in term length for Nebraska legislators paralleled closely the boost to four-year terms for Nebraska executive officers (governor, attorney general, etc.). The legislative term increase also allowed for the staggering of terms (half the members are elected each two years), which assures each legislative session will have some mixture of experience and freshness. Some critics oppose this overlapping and argue that each election ought to provide the opportunity to replace every public official. In practice, the lengthening (and staggering) of terms is the trend nowadays.

Sessions—The frequency and duration of legislative sessions is another organizational question that eludes easy answer. At one time, annual legislative sessions were common; but public disenchantment earlier in this century led to the curtailment of session frequency. In 1964 for example,

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31 of the state legislatures met biennially. In Nebraska, biennial sessions were the practice, both before and after the introduction of unicameralism. As state governmental responsibilities surged after WWII, it became a reform goal to re-establish annual sessions, and almost all states (42) now meet each year. Nebraska switched to annual sessions in 1971, but the reform was somewhat muted since a specific day limit (90 days in odd and 60 in even years) was built into the proposal. There also is a provision in the current system that allows the Legislature to extend itself beyond these limits in an emergency.3

The machinery for calling special sessions by the governor, or the Legislature, always has been present, and this device is increasingly being relied on to deal with fast-moving state problems, especially economic declines that cut into state revenues and jeopardize the balanced budget the constitution requires. In fact, duration records were set in 1985 and 1986, when two special sessions each year proved necessary; this contrasts with the period 1971-84, when only five special sessions were called.

Compensation—As session duration expands, the related question of full-time vs. part-time legislative service arises. Most state legislators are not paid a full-time salary; yet, with legislative service increasingly encompassing most of the year, justice alone seems to dictate something closer to a full-time salary. Conversely, if one believes that state legislators should restrict themselves to general policy-making, a task that could be completed in a few months each year, then infrequent and limited duration legislative sessions with commensurate compensation should prevail at the state level. Let us now turn to this specific question of salary for legislative service in Nebraska.

The precise level of legislative salaries in Nebraska has, more or less, become a tug of war between the legislators themselves and the voting public. Nebraska remains one of a few states that specifies a dollar salary ($400 monthly) for legislators in the constitution; thus, any alteration of the figure must first be proposed by the Legislature, and then adopted by the voters. On eight occasions since 1972, the Legislature has proposed an increase, either directly or indirectly, and the voters rejected them all, often by margins which indicate there is no room for compromise. The voters seem to be saying that the current salary is sufficient, or that legislators invest too much time in the venture, or that economic conditions are such that savings should be practiced wherever possible. In the nearly 20 years since the last raise was approved (1968), Nebraska, compared with other states, has slipped to near the bottom of the list. A related but unexpected event occurred in 1984 when the Nebraska Supreme Court approved payment of a daily allowance for living and traveling purposes for legislators during legislative sessions. This alone nearly doubled the total compensation the average legislator receives, yet the salary remains unchanged. Proponents of the per diem allowance arrangement claim that equity requires it, or something similar, whereas opponents criticize it as an evasion of a constitutional ban on payments beyond salary and a modest (one round trip per session) travel reimbursement. The controversy is long standing in Nebraska over what represents an adequate salary for the state's legislators, and the clash of viewpoints seems nearly unresolvable.

The Election Process

The system for nominating and electing Unicameral legislators has remained basically the same over the years. Candidates are required to live in their district, be an eligible voter and file a declaration of candidacy, and pay a fee equivalent to 1 percent of the annual salary of the office they are seeking. The names of contenders are listed on the non-political (non-partisan) portion of the primary ballots—the partisan primary is held at the same time—and the top two contenders are nominated. They then meet in the general election, and on rare occasion are joined by independent petition candidates (identified as such on the ballot) who must collect citizen signatures to qualify for general election ballot status; if elected, the person serves a four-year term, and there is no limit on the number of terms that may be served. In the event of a vacancy (death, resignation, etc.) in the office, the governor is empowered to appoint a replacement who serves until the next general election. The non-partisan feature of the election system is described this way in the constitution: "Each member shall be nominated and elected in a non-partisan manner and without any indication on the ballot that he is affiliated with or endorsed by any political party or organization." Beyond this provision, no other laws elaborate on this unprecedented departure from all other state and national legislative elections. Finally, write-in votes for this (and other offices) are allowed, and occasionally this has resulted in a late-starting candidate being nominated (one occurred in 1984) or elected; always with the restriction that the person be otherwise eligible, and pay, after the fact, an amount equal to the filing fee charged to listed candidates.

Organizing the Chamber

Once the election has determined who the representatives are, legislators assemble and are officially seated. One of the first steps is the designation of chamber officers and leaders. The major officers are the president, the speaker and two other committee chairs. One of the committees is important in the organization of the internal structure of the Legislature (the Committee on Committees), and the other acts on a growing number of matters in behalf of the entire Legislature (Executive Board).

President—The lieutenant governor is the president, or presiding officer, of the Nebraska Legislature; the duties of the office include the recognition of senators during floor debate and serving as parliamentarian. Most states follow this tradition of having the second executive preside in the upper house; some states, however, have the lieutenant governor serve full time in the executive branch, and in a few states the position has been abolished altogether.

In Nebraska, a number of attempts have been made recently to allow the Legislature to select a presiding officer of its own choosing, but the constitutional provision directing the lieutenant governor to serve in that position remains intact despite the change in 1971, which sought to restructure and modernize the office. The overall effect then was mixed, because the voters inexplicably approved having the lieutenant governor teamed with the governor in the general election and assigned full-time executive duties, but they defeated, in the same election, a companion measure eliminating the legislative presiding provision. Recent lieutenant governors have responded to this predicament in different ways; most have presided over the Legislature; one did not, but none has been assigned full-time executive duties by the governors they were elected with.4

Thus, the office is in a transitional period and resolving the question of an executive or legislative role for the lieutenant governor will continue to be debated.

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Speaker—The office of speaker, the top legislative official in most state and national lower houses, suffered somewhat in Nebraska in the transition to unicameralism. Although never evidently as powerful as certain speakers in other states, the Nebraska speaker, prior to 1936, was the leader of the majority political party in the lower chamber. With the adoption of non-partisanship, the single strongest link between this officer and individual legislators was severed. But in recent years, the institutional needs of the body have evidently become greater and the office has been strengthened; it now commands at least medium levels of authority and influence. In a succession of steps the speaker, who is elected by all members, has been given responsibilities for: coordinating the committee system; preparation of the daily agenda setting the order for bills being considered on the floor; and expediting the flow of business in the chamber. 5

Added to these new formal powers is that of presiding in the absence of the lieutenant governor, and, finally, a longtime tradition of non-re-election of top legislative leaders has been breached by two recent occupants of the office. No speaker has an easy task of synchronizing the efforts of nearly 50 unaffiliated senators who tend to pursue individualistic goals, but increasingly it is the speaker's responsibility to achieve this goal, to the extent possible. 6

Legislative Council Executive Board—The board is somewhat of an administrative subcommittee of the entire Legislature and is empowered to act in behalf of the Legislature, especially when the full body is not in session, on a number of matters of a supervisory nature. A specific responsibility includes the administration of a personnel system for all professional and clerical staff, which in recent years has grown to about 300 employees during the session, and somewhat fewer in the period between sessions. The board also assigns the hundreds of bills each session to particular committees and has increasingly taken on substantive policy matters that do not fit neatly into the existing jurisdictional niches in the Legislature; two recent examples were the handling of the impeachment preliminaries involving the attorney general, and a review of the circumstances that led to the failure of a large state-regulated industrial bank. The board consists of two officers (chair and vice chair) elected by all members, and six regionally elected representatives, plus the speaker and chairman of the Appropriations Committee, who serve ex officio.

Committee on Committees—The remaining officer of the full Legislature is the chairperson of the Committee on Committees. This senator also is elected by the entire membership for the session, and the non-re-election custom has been observed by those in this post. The Committee on Committees consists of the chair and 12 regionally elected members and has the task of assigning individual members to particular standing committees. On balance, this committee is not any more influential now than it has been in the past, and it may be that its overall influence has slipped since at one time it make initial recommendations to the full Legislature on those gubernatorial appointees needing legislative approval or consent. This review now is done by the standing committee whose jurisdiction covers the area where the appointee will serve. And, until 1975, the Committee on Committees selected the chairs of the regular standing committees; now this decision is made by the entire body in an election system identical to that used for other legislative officers (speaker, etc.).

Standing Committees—The final organizational step each new Legislature takes is to set up the standing committee system. American legislatures have made a very heavy investment in the committee approach to meet the pressing need for narrowing the number of bills that stream onto the typical chamber floor. In theory, it would seem that every legislative proposal is entitled to a review of its appropriateness by the entire membership of the Legislature; in fact, this is not feasible given the time constraints and the volume of legislative business. The most frequent institutional device used by legislatures to separate the "wheat from the chaff" is the committee system, so a more extensive consideration of this process in the Nebraska Unicameral follows.

In a typical recent session, the Unicameral has commissioned about a dozen standing committees to consider the approximately 500-700 bills that have been introduced or carried over. These committees are delegated jurisdictional authority along functional/policy lines (agriculture, education, welfare, etc.), and those measures dealing within a committee's jurisdiction are assigned to it for preliminary review and disposition. Unicameral committees are similar in size (seven-nine seats), and each member typically serves on two committees, although a few serve on three, and those on Appropriations serve on just that committee given its unusually heavy workload (annual review of some 100 agency and department programs). Members request assignment(s) to particular committees to regional caucuses of the Committee on Committees and, depending on the match between vacancies and requests, individuals are accommodated to the extent possible. Each committee is structured on a regional pattern: Legislative districts are grouped in one of four regions (Omaha, northeast, southeast and west); each region is entitled to two seats on each committee; the member requests from each region need to be synchronized so that the geographical pattern can be maintained. To an extent this substitutes geography for partisanship in the non-partisan Nebraska Legislature, since other legislatures normally use political party ratios in the full chamber as the formula for distributing standing committee seats.

Consideration of Legislative Bills

Committee Consideration— Once the officers are elected and the committees constituted, the Unicameral turns to its prime task—the consideration of proposed laws. Since many bills are prepared ahead of time and are introduced at the onset of the session, the preliminary review of bills by the committees starts almost immediately. In a major concession to the general public, the rules of the Legislature require that all bills receive a public hearing, and that the hearing be preceded by media announcement as to date, time, place, etc. These checks on hastily considered legislation, as well as others, are built into the Unicameral's structure and rules. These restraints take a considerable toll on the time and resources of the members, but apparently it was felt that the sifting process, which occurs naturally in bicameral legislatures, needs to be grafted onto the unicameral process, and the public hearing mandate is a good example of this type of check.

In the early weeks of the session, half of the Legislature's time is devoted to these public hearings. Spokesmen from the executive departments and private interest groups, the bill's legislative sponsor, concerned legislators who do not serve on the committee considering the legislation, as well as individual citizens, are afforded the opportunity to present

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their views—pro or con—on what is being proposed. Once the testimony is completed on the first few bills, the committee goes into closed or executive session to deliberate the advisability of forwarding these proposals to the entire body.

At this stage, the rules allow for media representatives to attend and report on the discussion, viewpoints exchanged and votes that transpired; this is another procedural assurance that legislative business in the Unicameral is not decided by a few legislators in secret session.

During these executive sessions, the most crucial vote in the life of a bill occurs. Any proposal to advance a bill to the floor must attract majority support from the committee members. If a proposal cannot muster this level of support, or results in a tie vote, it remains somewhat suspended between life and death. In recent times, roughly half of all bills referred fail to advance out of committee. This demonstrates the wide influence of these standing committees—and experience shows that it is nearly impossible to reverse a negative (or tie) committee decision, even though the rules explicitly provide, if a member acts promptly, for a reconsideration vote on the floor of any negative committee decision.

Floor Action—With about 10-12 committees reporting favorably on about half of the bills they have considered, one can appreciate the challenge the speaker faces in maintaining an orderly flow of business. Added to this are the numerous procedures the Unicameral's rules impose on floor deliberations, again as a check on hasty action. Some of the checks are assurances for any senator (five minutes speaking time on any measure by any member); to the minority and/or opponents (minimum of seven days must elapse from introduction to final enactment); and, to those outside the Legislature (bills must be available in printed form at least one day before any vote to advance can be taken). When combined, the sheer volume of bills along with the procedural restraints, result in insufficient time for the systematic review of all the legislative business before the Unicameral. A number of attempts have been made, especially in recent years, to remedy this situation; some have proved unworkable (limit each senator to a set number of bill introductions); while others still are undergoing experimentation (allowing senators, committees and the speaker to designate a limited number of "priority" bills earmarked for floor consideration ahead of other committee-approved bills).

Gubernatorial Action and Legislative Veto Overrides—Measures that clear the Legislature in three different floor votes, with at least majority support, then are presented to the governor for signature, rejection (veto) or acquiescence (merely allowing a bill to become law without gubernatorial affirmation). An executive veto is one of the most contentious acts a governor can take as far as the Legislature is concerned; thus, governors tend to wield this power with both caution and skill. Even though the Legislature legally has the last word in that it can override gubernatorial vetoes, the extraordinary majority vote requirement (60 percent) is difficult to achieve, and especially after the governor has singled out a legislative enactment for partial disapproval or full rejection. Fewer than 5 percent of the measures that clear the typical state legislature (and Nebraska is close to typical) are vetoed by the governor, and the legislative overrides occur at rates only slightly higher than this. Again, the politically charged atmosphere in which executive vetoes and legislative overrides occur is often counterproductive; instead these officials compromise in a "give and take" way in Nebraska and other states nowadays.

Popular Action/Reaction—Finally, legislative enactments also can be slowed down, sidetracked and perhaps reversed by the general public. Nebraska is one of about half of the states that allow the citizenry to legally "second guess" the Legislature on the laws enacted. The device is the referendum, one of three direct democracy (recall and initiative are the others) procedures adopted around the turn of the century in response to persistent claims that legislative assemblies were unresponsive, if not corrupt. Reformers at the time urged the adoption of direct tools to bypass any tainted or unresponsive legislatures. Nebraska took this step with passage (by an astonishing 90 percent popular margin) of a constitutional amendment in 1912, and, on occasion since then, disgruntled citizens have collected sufficient numbers of signatures (5 percent of the total vote cast for governor in the preceding general election) to require the law be held to an approval vote of the citizenry. If double that number were to sign, the law is suspended until the popular verdict is rendered. These requirements have been met 14 times over the years, and in eight of the instances the voters rejected the legislative enactment.

Laws in Nebraska and some other states can be both initiated and approved by the citizenry, thus bypassing completely the Legislature, but with 7 percent signature requirements. Here, though, the record in Nebraska is less supportive of the device, because in only one of the 10 times the legislative initiative has been activated have the voters sided with the citizen petitioners. This, then, completes the description of the legislative process as it applies to the non-partisan Nebraska Unicameral. Let us now shift to an evaluation of the Nebraska Legislature's operation; this will be a more challenging task since no universally acceptable system of evaluation has as yet been discovered or agreed to by those who observe and assess governmental performance.

Evaluation and Recent Changes in the Unicameral

The ultimate test of any innovative political reform is whether it can meet the needs and expectations of the individuals and groups that interact with it as they pursue their particular political goals and objectives. The mere survival of Nebraska's Unicameral these past 50 years is a solid indication that the experiment has passed this test. Actually, very few reform proposals are able to make their way through the rigors of legislative enactment, popular approval, and then be capable of being put into successful operation. The Unicameral has clearly achieved a high level of general support and it has done so in a handsome fashion. There is virtually no current opposition to it, in the sense that no critics are seeking to have it replaced with the earlier bicameral arrangement. Instead, support for the Unicameral runs broadly through all elements of the polity: participants, practitioners, observers and the general public. It is surprising that an institutional change of this magnitude could so quickly be absorbed into the political culture of a state. Unicameralism has solidly established itself in Nebraska's political system.

A portion of this broad support for the Nebraska Unicameral can be traced to periodic updating, after review and assessment, of certain of its features; these reviews can be, and are, done either piecemeal in the Legislature, or systematically by groups or individuals outside the Legislature. We will begin with the overall or comprehensive attempts that have been made to update the Unicameral.

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The most systematic assessment of state legislative effectiveness was conducted in the late 1960s by a national citizens group committed to strengthening all state legislatures. For the first time, each of the 50 state legislatures was examined, first hand, on the quality of its structure, procedures and practices. Then the states were ranked on the basis of these tangible indicators of legislative potential. To the evaluators, an effective legislature would be one that was small in size, simple in organization, open to public involvement, independent of executive officials and private group interests, equipped with modern facilities and resources, stable in membership and not unduly fettered with constitutional limits and restraints. When the study results were made public, Nebraska's Legislature was ranked ninth from the top for the entire country. More importantly, nearly all the states ranked higher than Nebraska were highly industrialized and had large populations. The ranking was, and is, a testimonial to the simplicity of structure and organization that unicameralism has brought to the legislative task in Nebraska. Apparently legislative proceedings in many states are conducted under conditions that complicate rather than facilitate public understanding and accountability. The evaluators did not find this to be the case in Nebraska, and much of their satisfaction is traceable to the unicameral system, which cuts down on structural duplication and overlapping, as well as organizational complexity. The high rating did not exempt Nebraska from all criticism, and some recommendations for improvement the citizens group made were similar to those made earlier by in-state reformers and critics.

Probably the most persistent criticism levied by both insiders and outsiders against the Nebraska Legislature is its non-partisan feature—which, again, originally was added to the unicameral proposal to win and keep Sen. Norris' support. The most fervent proponents of a return to partisanship in the election, organization and operation of the Unicameral have been the political party organizational leaders in Nebraska. These leaders receive occasional support from other quarters, including the citizen evaluators referred to above: Proponents are persuaded that parties, on balance, bring a measure of discipline to individual legislators, as well as general guidance to the electorate during political campaigns. As many as 15 attempts, some halfhearted, some concerted, have been made over the years to re-establish partisanship; the last such effort was in 1985. For a time, partisanship was promoted mostly by the majority party in Nebraska—the Republican—but in more recent years some Democratic leaders have assumed a similar position. The easiest way to achieve this goal, an amendment proposed by the Legislature, has been the strategy most often used, but after being spurned so many times by the legislators, party leaders twice have pursued the initiative petition route, but they were unable to collect the thousands of signatures necessary to achieve ballot listing. Although most legislators either are opposed to, or ambivalent about, a return to partisanship, bills on a couple of occasions came close to achieving the necessary level of legislative support (three-fifths) for proposing a constitutional amendment.

Since nearly all recent legislators have been nominal members of the major parties in the state—the number of sitting senators registered non-political (independent) never has been more than two in the years since 1968—and a few are active in party affairs, one must conclude that, although cross-pressured, most legislators are satisfied with or prefer the existing non-partisan feature. The public, for the most part, seems uninvolved with the non-partisan/partisan issue. On the one hand, they too overwhelmingly enroll in one of the parties when they register to vote—only 7 percent opt for the non-political/independent choice—and seemingly agree with their leaders on the advisability of returning to a partisan system. Yet, the petition drives to accomplish this failed to get enough citizen signatures, and a number of widely scattered public opinion polls indicate that only about one quarter (slowly increasing) of the populace favors a return to partisanship in the Legislature. Thus, the importance of, and reaction to, the issue varies considerably among the segments of the political system: Both parties' leaders oppose non-partisanship; the bulk of the public is supportive of it, while the legislators gravitate between these two poles, but are tipped toward the public's position.

Those from outside the state, who out of interest or intrigue study the Unicameral's operation and/or come to observe it in action, seem surprised or perplexed when they learn of the non-partisan feature, and some wrongly assume that unicameralism and non-partisanship are one and the same. This, of course, is not true; Minnesota, for example, had a statutory non-partisan bicameral legislature for about 50 years, but in the early 1970s its legislature switched back to a partisan bicameral arrangement.7

In Nebraska, it seems safe to say that the partisan/non-partisan issue will not recede into the background, if only because the proponents of partisanship periodically rekindle the controversy.

A more general criticism of the Nebraska Legislature is that the body increasingly is unable to handle the workload of the chamber in an effective and efficient manner. And despite the high capability rating the Legislature earlier received, the number and volume of complaints about the Unicameral's inefficiency are at least steady, and probably growing. A simple response to this criticism is that, as society becomes more industrialized, technical and complex, the issues confronting the Legislature also will increase in number and complexity. Still, legislatures, if they are to hold their own with rivals and competitors, must be able to satisfy the public's expectations and retain its support. This need for institutional efficiency falls generally on the members, but more specifically on the legislative leaders, such as the speaker, who have been given the responsibility for directing legislative operations. In the Nebraska Legislature, however, the leaders lack command powers, and must rely, for the most part, on skills of persuasion to keep legislative business running smoothly. In view of all of this, it is not surprising that numerous proposals have been considered for improving the legislative process in the Unicameral, but only a few have proven to be adoptable, and some of the major ones in the adopted category now will be recounted.

Facilities and Staff—One of the most tangible changes that has taken place in the Unicameral has been the acquisition of private office facilities for each senator, and they have given themselves, through the Executive Board, the authority to hire their own office staff.8

Resource support such as this was unnecessary prior to the 1970s, since the members during a two-year cycle were only at the Legislature for six to eight months, and then gone for as much as the next year and a half. With the introduction of annual sessions, and a rapid increase in the use of intersession study committees, senators are now much more likely to be in the Capitol or on call for interim responsibilities

The Nebraska Unicameral After Fifty Years

Senators first were allowed to hire a clerical aide, and more recently, a research aide. Some senators do not avail themselves of their full quota of staff, or they share staffers with other senators, or they reduce the complement once the regular session ends.

From the start, the Unicameral has had a variety of professional research and technical staffs available for such tasks as bill drafting, record maintenance, etc. These staffs are arranged in divisional units and their size has remained relatively the same over the years; these divisional staff have been joined by some newer staff personnel—the ombudsman, who reviews citizen complaints; and the fiscal analyst staff, which is a resource arm for the Appropriations Committee. Between the divisional and individual senator staffs is an intermediate level of staff assigned to the standing committees. Committees only recently have acquired permanent staff; each committee has at least two staffers, (one clerical, one legal), and some of the more active or important committees (Judiciary, for example) have more than this. This expansion of professional staff is adjudged, by reformers and legislators alike, to be necessary if a legislature is to be independently informed, but recent controversy over staff cost vs. value could mean that the future will see a leveling off, or perhaps even a reversal, in the rate of its growth.

Socioeconomic Background of Senators—For some time, the vast majority of Nebraska senators came from either farming/ranching or business/commercial occupations and were middle-aged or older men. In recent times, a steady change in occupational, age and gender characteristics of legislators has been taking place. While teachers and blue-collar workers, for example, are now present in small numbers, they are not yet commonplace in the Nebraska Legislature. Still, there is a much wider variety of occupational backgrounds represented than was the case say a generation ago. Recent sessions typically have had a sprinkling (three to six) of members in their 30s, or even 20s, and this has reduced the average age of senators to just below 50.

And, finally, the number of female senators has grown, but in spurts, not steadily. In the early 1970s, there was but a single woman in the chamber; by 1987 there were nine, and the districts they represent are about equally distributed across the state. No reform group has ever argued that a Legislature must absolutely duplicate the socioeconomic traits present in the political community it represents, but it stands to reason that a body with broad occupational backgrounds and orientations will be better prepared to deal with the challenges and decisions it faces than one that is narrowly composed.

Commitees—A number of improvements and changes in the standing committee structure and process have occurred in recent years in the Unicameral. Given the growing influence of these bodies, it is well that monitoring of their performance has resulted in certain changes to make them more effective. One such step came in 1975, when the system for selecting committee chairs was changed to election on the floor from selection by the Committee on Committees. Whatever the intention of the proponents of this change, and it is somewhat unclear, the practical effect has been to strengthen the committee system because it has led to greater member continuity and higher stability in these bodies. Apparently, prospective committee chairs, in appealing to their colleagues for support under the current election system, need to be able to point to at least minimal previous experience on the committee they seek to lead; and a similar pattern is evident for incumbent committee chairs who increasingly are re-elected, often uncontested. If an opening occurs, it is nearly always someone on the committee who "moves up." In earlier times, carry-over of committee leadership was much less likely to occur since both committee chairs and members moved around, at much higher rates, in the committee system. Now most members stay on their committees for longer periods. This increased stability of committee membership has not resulted in any increase in stability in the entire chamber because turnover in the Unicameral has been and remains high. Typically, 40 percent of the senators are in their first term and only a handful stay more than three terms; a rate of turnover this high is adjudged by evaluators to be excessive.

Another example of increased committee status was the rule change (1975) that further enhances committees by reinforcing their decisions on bills they have rejected; earlier, any 25 members could overrule a committee decision such as this, but now it takes 30 votes. The effect of this change, as evidenced by the fact that committees are overruled only once or twice a session, yet they defeat or hold hundreds of bills each session, has been to assure committees that their assessment of a bill's appropriateness is now more likely to be final.

Lastly, there has been a recent reshuffling of about half the committees in regard to their assigned area of policy jurisdiction. For 30 years, the existing committee structure had gone essentially unchanged, although two committees (Urban Affairs; Constitutional Revision) were added in recent years. In 1986, however, all committee workloads were analyzed and, in the end, one committee was abolished (Constitutional Revision), another was split (Public Works into Transportation and Natural Resources), two others were retitled (Health and Human Services; General Affairs), and most other committees were adjusted in jurisdiction. The Legislature's goal was to even out the committees' workloads as they review the dozens of bills they are assigned each session. Periodic restructuring such as this, although always controversial since it reallocates potential influence within the body, is essential if the legislative task is to be accomplished with efficiency and effectiveness. State programs are ever-changing and these legislative policy-making bodies (committees) must similarly change lest they become irrelevant to citizen needs.

Unicameralism in the Years Ahead

Other States—Given the fact that no other state actually has adopted the unicameral system in the years since its adoption in Nebraska, one ought to be doubtful about the prospects changing for the better. Yet widespread interest, mixed with curiosity, results in numerous inquiries about unicameralism by citizens, civic leaders, and sitting politicians from other states. 9

The closest the reform recently has come to being adopted elsewhere was in Montana, where a constitutional amendment garnered 45 percent approval, and in Alaska where a favorable advisory vote of the populace on the unicameral approach occurred, but when the Legislature subsequently reviewed a tangible proposal the measure became stalemated. Unicameral proponents in California, Michigan, Florida and Hawaii have been more than curious—attempts by civic groups or individual leaders to implement the reform have resulted in amendments being

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considered in the legislature, in constitutional conventions, or as popular initiatives. Not one has, as yet, had enough support to make it to a popular vote. The greatest drawback often is the one that frustrated the original unicameral proponents in Nebraska: The Legislature itself is the prescribed starting place for constitutional amendments; however, legislators are disinclined to approve proposals that would alter substantially the body in which they serve. Unicameralism is much more likely to be pursued, and perhaps adopted, in those 14 states that allow the citizenry to initiate constitutional amendments. Proponents in these states can ignore the Legislature and appeal directly to the populace—a more difficult task to undertake given the petition requirements, but one that should find a more responsive audience—the concerned citizenry.

If the picture seems dim, perhaps bleak, for unicameralism in other states, the reverse if true in Nebraska. One analyst noted that unicameralism here now has tradition—a factor that earlier worked heavily against it—on its side and that this nearly assures it of continued support in the state of its origin. Public attitudes in Nebraska, to the extent they are expressed in opinion polls, support this contention. At the most, about one quarter of Nebraska poll respondents express negative attitudes regarding the Unicameral as an institution. This bodes well for the days ahead and even if one assumes only satisfactory performance on the part of future legislatures, its continuation seems solidly assured. The challenge more likely to face Nebraskans is that the periodic reassessments so necessary to keep political institutions responsive to changing public needs and demands, will not be pursued with the same persistence and vigor that the original unicameral proponents displayed; they maintained the struggle from 1913, the year of their first defeat, until 1934, the year of their stunning victory.

Hopefully, this abbreviated account of the first 50 years of the Nebraska Unicameral's operation can serve as both an admonition and an incentive to reform-minded groups and individuals: Be aware of proposed political innovations, and if they prove sound enough to become implemented, remain open to their need for continued evaluation and possible updating. This attitude in the Nebraska citizenry, past and present, has allowed the Unicameral to move from a novel idea to a widely successful political institution in Nebraska.

End Notes

Vermont retained its unicameral state legislature from statehood (1791) until the 1830s; earlier, three colonies (Delaware, Georgia and Pennsylvania) carried over, for brief periods after independence, their single-house legislatures.

Unicameral measures that were officially proposed to the voters but failed of adoption occurred in Arizona, Oklahoma and Oregon in the early 1900s. In a number of other states the reform was considered but rejected by either the state legislature or state constitutional conventions or both.

The Legislature on one occasion did technically extend itself for a single day in order to facilitate final enactment of some legislation adjudged to have flaws that needed correction.

Nebraska governors have not assigned "their" lieutenant governors full-time executive duties for a number of reasons; an important one is that they are nominated separately in the primaries; this does not ensure compatibility for the "team" that is forged for the general election.

The procedure for electing officers in the Legislature reflects the non-partisan feature. Any member may run; nominations require no second; balloting is secret; a simple majority is required for election; if no one achieves a majority on the first ballot, the one with the fewest votes is eliminated and balloting continues.

Any ruling by a speaker can be overturned by the members; however, the majority required to do this is high (three-fifths). Thus, the speaker has considerable potential to set and maintain the direction of business on the floor.

Apparently there was considerable unofficial partisanship in Minnesota legislative elections and operations during the period of official non-partisanship. The scheme worked to the advantage of the Republicans and once the Democrats were in control of both the legislative and executive branches, they reinstituted a partisan system. See G. Theodore Mitau, Politics in Minnesota, University of Minnesota Press, 1960.

Office staff for individual legislators is no longer a rarity in state legislatures, but it is still uncommon; about 10 states allow all legislators to have personal staff. The leaders—floor, party and committee—in all states have had for some time clerical and/or research staff assistance.

One thing that helps to keep unicameralism on the reform agenda has been its advocacy by a national citizens forum on self-government (National Municipal League). The NML has been steadfast in its support through the years and recommends it in its study guide (Model State Constitution), a document prepared for civic groups, constitutional convention delegates and others interested in improving governmental institutions. Given political realities, the Model also provides for a bicameral "alternative."

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Nebraska's Unicameral

Fifty Years Without a Conference Committee

Nebraska embarked on a legislative experiment in 1937 that has become a tradition there after half a century, but so far no other state has copied it.

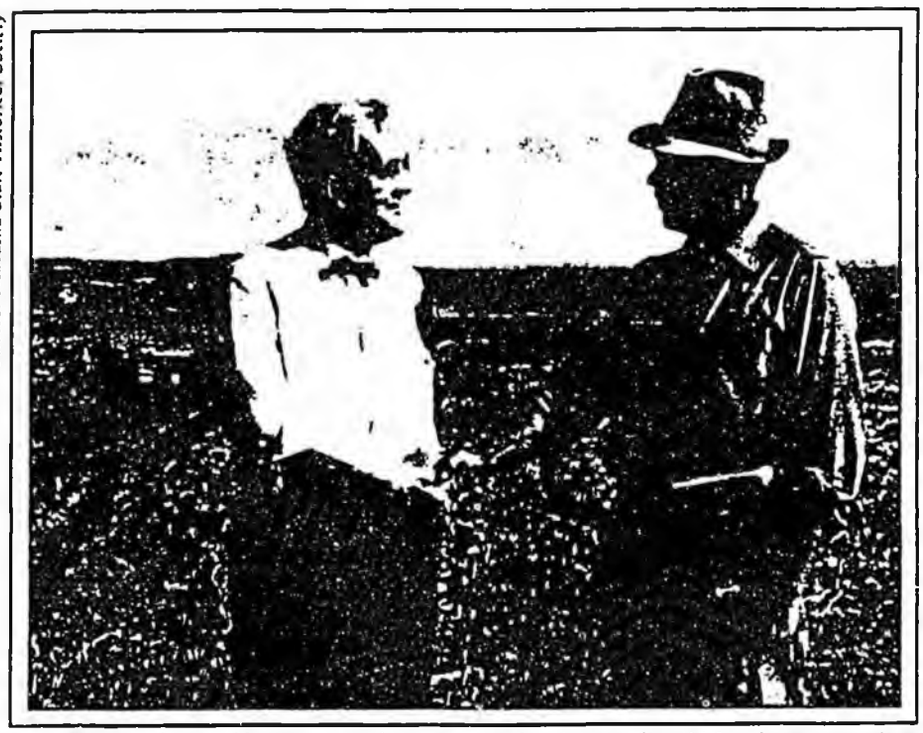
By Pat Wunnicke

Times were tough in Nebraska in 1934, drought and Depression taking their toll, the Legislature doing nothing effective about either. An appealing aspect of one proposal for the November ballot was the promise that a new one-house legislature would be cheaper to operate than two, and might be more effective.

The idea of a unicameral legislature, like the idea of non-partisanship and citizen initiative, grew out of the Progressive movement at the turn of the century, and had been kicking around in Nebraska as well as other states in the Midwest and northern plains for a good many years. In fact, the proposal had been defeated by only one vote in the Nebraska constitutional convention of 1920, after being repeatedly quashed early in the century by legislators perhaps understandably reluctant to sacrifice their own seats.

But now the proposal had the backing of beloved George Norris, longtime U.S. senator and Nebraska hero. First elected to the U.S. House of Representatives in 1902, Norris spent 40 illustrious years in the Congress before he died at 83. The summer and fall of 1934, however, he spent traveling the dusty back roads of Nebraska —"wore out two sets of tires and two windshields," recalled his widow three decades later—speaking at every opportunity on the evils of the bicameral system ("illogical and clumsy"), extolling the virtues of unicameralism and pleading with the voters to support it.

Photos: Nebraska State Historical Society



U.S. Senator George Norris spent the summer of 1934 traveling Nebraska, expounding on the evils of the bicameral system and extolling the virtues of unicameralism.

A one-house legislative body was not unheard of. It had been adopted, in various guises, by almost all cities and counties, and in modified form was (and still is) a feature of Canadian provincial governments. During Revolutionary times, Georgia, Pennsylvania and Vermont experimented with a type of unicameralism, but abandoned it early, Georgia and Pennsylvania before the turn of the 19th century, and Vermont in 1836. For a century thereafter, the two-house state legislature prevailed throughout the United States. (Among the territories, Guam and the Virgin Islands use the unicameral system.)

But years of legislative experience had convinced Norris that the conference committee, inevitable with two bodies, was an unmitigated evil, distorting or even thwarting legislation that had been approved by a majority. In addition, he disapprovingly traced the two-house method of organization back to the English class system that produced the House of Commons and the House of Lords. He said, "...in

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this country we have no such classes and the constitutions of our various states are built upon the idea that there is but one class. If this be true, there is no sense or reason in having the same thing done twice, especially if it is to be done by two bodies of men elected in the same way and having the same jurisdiction."

Norris was ahead of his time. His comments were on firmer ground 30 years later, after the reapportionment decisions did ensure that both bodies of a legislature were "elected in the same way and (have) the same jurisdiction."

The question of one house or two and the merits of each had been discussed at length 150 years before. Madison wrote worriedly (in The Federalist, #38) of the Confederation's "Congress, a single body of men,... the sole depositary of all the federal powers." Salvaging the Constitutional Convention in 1787, the Great Compromise setting up a two-house legislature put to rest the fears of the delegates from the smaller states that their interests would be overlooked by a national legislature dominated by representatives from the large states.

Although low on the list of national priorities, unicameralism is still being debated. At an Eagleton Institute of Politics conference for state legislators in the 1960s, the late Jess Unruh, fabled California politician and sometime speaker of the California Assembly, called unicameralism "the wave of the future," asking rhetorically, "Does any corporation have two boards of directors?" He called the two-house system "a costly and inefficient anachronism" and said, "I do not believe that increased salaries, new facilities and professional staff will be more than temporary palliatives for the ills that it is hoped they will cure. These reforms in themselves only make a more efficient horse and buggy. I take little comfort from the fact that legislatures can be the fastest horse and buggy in the jet age."

Unruh's disciples have kept the discussion going in California, but it has yet to make its way to the ballot box. In recent years, several other states have looked at the unicameral option with more than curiosity: Hawaii and Mississippi have considered it in constitutional conventions, and petition efforts were made but failed to gain enough signatures in Michigan and Montana. Alaska voters, invited by the Legislature in 1976 to cast an "advisory vote" on whether an amendment to the state constitution should be offered future voters, obliged with 58,782 yeas and 55,204 nays, but the following years' sessions ignored the advice.

Minnesota Speaker David Jennings proposed a unicameral setup in 1985 as a way of dealing with conference-committee problems, but the Minnesota Citizens League disagreed. Its report, "Power to the Process," published in September 1985, found "no compelling evidence that the unicameral structure is superior to the two-house model." The report, while admitting that the two-house arrangement requires additional work and extra staff, suggests that it brings the advantages of different ideas and policy approaches to the policymaking process, and introduces "a major check into the legislative process."

However, a report in the University of Minnesota's Humphrey Institute *Future of the State Legislature* series, published in March 1986, takes a more positive view of the unicameral option, although it stops short of explicitly advocating the change.

Robert Sittig, professor of political science at the University of Nebraska (Lincoln), and author of *The Nebraska Unicameral After Fifty Years*, believes that only in the 14 states with the initiative has the system much of a chance. He points out that "the greatest drawback often is the one which frustrated the original unicameral proponents in Nebraska: The legislature itself is the prescribed starting place for constitutional amendments; however, legislators are disinclined to approve proposals which would alter substantially the body in which they serve."

Norris and his cohorts in 1934 used that powerful new tool, the initiative, which had been adopted by Nebraska 22 years before. He and John P. Senning, professor of political science at the University of Nebraska, drafted the language of the initiative that was to amend the state constitution that fall. It would save time, talk and money, they said. (It did save money. The cost of the first unicameral session in 1937 was about half that of the last bicameral in 1935.)

The battle might have been easier if Norris had not insisted that the members of the new body be nominated and elected on a non-partisan ticket. That feature earned the proposal the enthusiastic opposition of both political parties and most of the state's newspapers. Even among ardent supporters of the unicameral idea, feelings were, and still are, mixed about the question of allowing partisan representation. Nevertheless, nearly twice the needed number of voter signatures were collected that summer, and with the issue on the ballot, the proposal was handily approved in November of 1934 by a vote of 286,086 to 193,152.

Senator Jerome Warner, who has served in the Nebraska "Unicam" for 25 years, as speaker and most recently as chair of the Appropriations Committee, says that "non-partisan-

Norris, stumping for a unicameral legislature, thought two houses 'illogical.'

Apprise or Dissent

Unicameralism lives up to promise

By William Barrett

Speaker, Nebraska Legislature

In scrapping the conventional practice of legislative bicameralism 50 years ago, the framers of the Unicameral sought to expand the horizons of democratic government in Nebraska.

Unicameralism, they knew, would eliminate the "conference committee," a device common to two-house legislatures in which a small, select group meets, often in secret, to resolve differences between the two houses.

Unicameralism, they believed, would simplify the legislative process, and make it easier for the media to cover and the populace to understand by reducing the number of hurdles a proposed policy would have to clear. Unicameralism, they envisioned, would help focus more clearly the responsibility for actions and inactions of elected representatives.

Framers of the Unicameral recognized that a legislature in a democratic society is something more than just making laws. It is more than an education policy, tax policy or health policy. Above all, a legislature is a process — a process by which conflict is managed, consensus built and problems peacefully resolved. The framers of the Unicameral sought to house the legisative process in an eminently open and democratic framework.

By nearly all accounts, the Unicameral experiment has been true to its founders' intentions. As a nationwide citizens' study concluded a while back, no other state legislature is more naked to public view, more responsive to the consent of the governed or freer from the influence of political machines than Nebraska's. Every step in the legislative process, from the introduction of bills to their debate and disposal, is open to public participation and scrutiny.

In our system, the Legislature is the ONLY political institution that can, and does, debate matters openly and publicly. This is an obvious but often overlooked and underappreciated point. Pundits tend to scorn the messiness and untidiness of the legislative process. But the messiness and untidiness — and, yes, occasional chaos and disorder — that appear on the surface of the legislative arena are signs of the success, not the failure, of the democratic process.

Characteristic of Nebraska's people, the Unicameral is a lively, independent, immensely democratic institution. That's not the case in a lot of other state legislatures.

To be sure, the Unicameral is not without its shortcomings. But they are largely shortcomings of human nature, not of the democratic process.

Moreover, representative government in Nebraska is a bargain. It costs just $4.23 per person per year. By comparison, the bicameral legislature in Michigan costs $6.18.

Fifty years ago, unicameralism was a daring experiment. Today, it's a time-honed and honored tradition in Nebraska, reflecting the resilient democratic character of our people. In no other way, or in any other place, can citizens make their voices heard and their wishes known in such an open, accessible and peaceful fashion. The surprise, if any, is that the process works as well as it does.

While it's not without its faults, the Unicameral is well worth nurturing and nourishing for another 50 years.

Lincoln Journal Wed. July 29, 1987 p.6

Nebraska Still Alone On 1-House System

By Rick Atkinson
The Washington Post

Lincoln — When the gavel came down Monday to end this year's session of the Nebraska Legislature, lawmakers had pondered the usual sublime-to-ridiculous array of issues facing every state. Here these include school financing, drugs, abortion and whether to honor the founder of the National Liars Hall of Fame in Dannebrog.

Unlike in the 49 other states, in Nebraska the gavel fell only once. For more than half a century, this state has remained proudly and uniquely unicameral — the sole state legislature with only one house.

"There's so very little that's really different among the 50 state governments, but this is something that really is different," said Robert Sittig, a professor of political science at the University of Nebraska. "And people in Nebraska are anywhere from very to wildly supportive of it."

Interest From Others

Delegations from other states regularly troop through Lincoln to study the virtues of unicameralism. California, North Dakota and Montana flirted with the idea in the 1970s; Mississippi, Minnesota and Florida considered it more recently. But all remain resolutely bicameral.

"It's sort of a lost cause," said Dale Olsen, a unicameral enthusiast and chairman of the political science department at the University of Minnesota in Duluth. "It's just not catching on because, if you're a state legislator, switching from a bicameral system can mean voting yourself out of a job."

Nebraska also is unique in that its legislature is non-partisan and relatively small — 49 members, each called "senator." Although all but one senator are registered as Republicans or Democrats, party affiliation counts for virtually nothing within the 400-foot state capitol.

Coalitions congeal and crumble around particular issues such as water development or education reform rather than at the direction of partisan caucuses. The 13 standing-committee chairmanships are selected by secret ballot of the full Legislature; although registered Republicans hold a 29-to-19 edge, Democrats occupy several important chairs.

"It's much easier to accomplish things there," said Rep. Doug Bereuter, R-Neb., who served in the Nebraska Legislature before being elected to Congress in 1978. "You are much more likely, in my opinion, to have your ideas judged on the merits. I still have a very difficult time coping with the rather extraordinary degree of partisanship in the Congress."

On the other hand, Bereuter said, "one of the defects is that there is a lack of leadership structure with which to advance matters of statewide influence. . . . Members tend to be more parochial — representing their little fiefdoms — to an extent greater than in most legislative bodies."

'Third House'

The animating spirit behind the switch to unicameralism in the mid-1930s was Nebraska's great populist Sen. George W. Norris. A maverick Republican, Norris detested the secrecy and lack of accountability in what he called the "third house" found in most bicameral systems: the "conference committee" appointed to resolve differences between House and Senate versions of a bill.

At Norris' urging, Nebraska voters agreed to abolish their bicameral, 133-member legislature and replace it with "the Unicam" that first met in January 1937. Apparently in a reforming mood, the state also approved on the same ballot parimutuel horse racing and sale of beer. Not least among selling points in the Great Depression was a recognition that one house would be cheaper.

To compensate for the missing check-and-balance brake provided by a second house, Nebraska requires three votes on proposed laws and public hearings on most bills. Filibusters also are possible, and the Legislature this year endured a shorter version of the abortion-bill filibuster that recently paralyzed the Maryland Senate.

Non-partisan unicameralism has its critics. Nebraska governors routinely complain of difficulty in finding the kind of political leadership that can cut deals and expedite legislation.

"The Unicameral also is very subject to being influenced by outside interests," Bereuter said. "It's a happy hunting ground for lobbyists. Because you have only one house and only one set of informal leadership, it's noticeably more influenced by lobbying interests than is the Congress."

Higher Pay

For many years, the Legislature here was considered "an end rather than a beginning for political careers," said State Sen. Dennis Baack, 43, a wheat farmer from Kimball.

Very few legislators, such as Bereuter, made the leap to statewide or national offices, in part because the $4,800 annual salary tended to dissuade the young and ambitious from service in the Unicameral. The pay recently was raised to $12,000, which is expected to lure younger candidates.

Dick Herman, editorial-page editor of the Lincoln Journal and a statehouse observer since the early 1960s, said, "The changes that I see include more young members, more ambitious members, a greater reliance on staff, larger staffs, a move toward 'caseworking' instead of public-policy issues. They've become small congressmen. They are far less citizen legislators than they were 15 or 20 years ago. They're much more professionalized, much more attuned to the exploitative potential of television."

Great Compromise

The bicameralism so stubbornly maintained elsewhere in the Union reflects the nearly universal mimicry in state capitals of the Great Compromise that broke the deadlock between large and small states at the Constitutional Convention in 1787.

There, the U.S. Congress was made bicameral, with equal representation in the Senate — thus protecting the interests of smaller states — and proportionate representation in the House, guaranteeing the political clout of large states.

A one-house, popularly elected legislature was considered by many to be potentially radical and unpredictable, and thus a threat to the propertied class.

But in Nebraska, at least, there appears to be widespread concurrence with the political theory recalled not long ago by a lawyer writing in the Mississippi Law Journal. There is no need, he noted, to have "two sets of fools arguing over what to do" when one set can do the job just fine.

Nebraska's great experiment now beginning its 50th year

The experiment is 50 years old.

Nebraska's unicameral legislature launches its golden anniversary year this morning at 10 a.m. when it convenes in an extraordinary regular session at the Capitol.

Special sessions used to be extraordinary — but they're the ones that are more regular now.

Nebraska's grand experiment in government began on Jan. 5, 1937, when the one-house legislature set out on its maiden voyage.

Its father, George Norris, Nebraska's legendary U.S. senator from McCook, was on hand to see his child off. Norris spearheaded the successful effort in 1934 to win citizen approval of an initiative proposal to move to one house.

"Norris on Rostrum as his Lawmaking Dream is Realized," a headline in The Lincoln Star trumpeted.

"The largest crowd ever to greet a new legislative session in Nebraska jammed the former House chamber Tuesday noon, packed the aisles and all available floor space at the rear and sides, as well as the galleries, and thronged behind and around every doorway," the Lincoln Journal reported somewhat breathlessly.

"Long before the big clock marked the historic moment of noon, legislative fans and followers were in their seats. Nothing quite like this reception was ever seen before in a Nebraska Capitol."

IN A brief address, Norris challenged senators to make the new system work.

"Upon you, and your work, will be focused the eyes of all students of government all over the nation.

"Every professional lobbyist, every professional politician and every representative of greed and monopoly is hoping and praying that your work will be a failure."

Norris wasn't exactly a great admirer of the lobby.

He had long argued that the greatest evil of the two-house system was the conference committee where representatives from each house hammered out the final version of legislation behind closed doors. That's an environment, he said, where lobbyists usually have their way.

But two houses are needed to provide checks and balances, critics contended.

Yeah, Norris retorted, "the politicians get the checks and the special interests get the balance."

NORRIS, who won his last term in the Senate as an independent in 1936, was no admirer of party politics either.

Nebraska State Historical Society

Nebraska Unicameral is called into session on Jan. 5, 1937.

Don Walton

"You are members of the first legislature of Nebraska to hold your positions without any partisan political obligation to any machine, to any boss, or to any alleged political leader," he told the brand new non-partisan Unicameral 50 years ago.

"We expect an economical and efficient administration and, above all, an honest administration free from any partisan bias, political prejudice, or improper motives.

"You have an opportunity to render a service to your fellow citizens that no other Legislature has ever had."

Has the Unicameral worked?

To perfection, no.

What instrument that relies on human behavior does?

But, in substance, yes. Certainly in terms of providing the openness that Norris wanted. No other legislature in the land is more naked to public view.

And in a body in which there are only 49 members to track, no legislator can avoid accountability or hide unnoticed in the shadows — as today's new senators will quickly discover.

Although its non-partisan aspect may continue to be the subject of occasional debate, Nebraska's one-house Legislature is alive and well at 50. And clearly destined for a long life.

But it's likely to remain unique, too.

THE UNICAMERAL is like the bearded lady in the sideshow, its longtime clerk, Hugo Srb, used to say. Everyone wants to see her; but nobody wants to take her to lunch.

A look back at those newspapers now 50 years old is instructive.

The headline in the Jan. 7, 1937 edition of the Lincoln Journal essentially may be duplicated in tomorrow's editions.

"No new taxes says Cochran," the bannerline announced.

Kay Orr may deliver the same gubernatorial message when she is inaugurated Thursday.

Fifty years ago, the first Unicameral elected a man from Waverly as its speaker: Charles Warner, its senior member in years of legislative service.

Today his son, Jerry, will be re-elected chairman of the Legislature's Appropriations Committee. He has been speaker, too. And he's the senior member of the Unicameral now.

Times change — but not that much.

And there are threads always connecting us with our past.

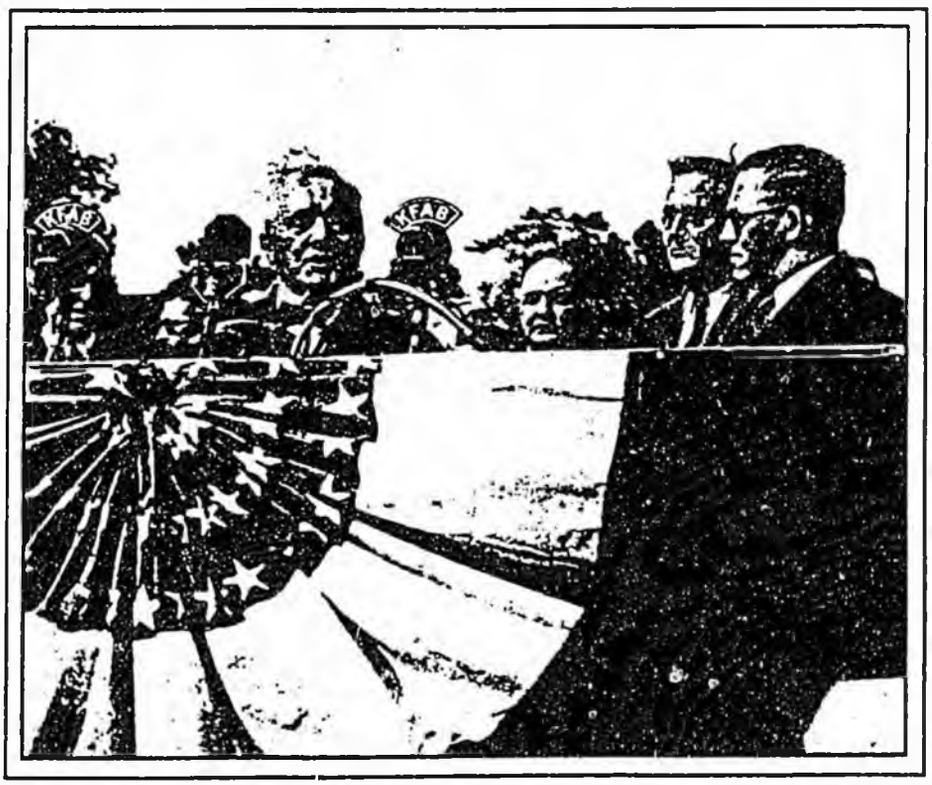
The beloved senator used his influence to persuade thousands of voters.

ship wasn't all that strange" to Nebraskans, who had a long history of support for the idea. A Non-Partisan League was active in the state at the turn of the century, and a number of offices at the local level were stripped of party labels. Historically, says Warner, as in many other states there was "a far stronger geographic division in alignments than partisan division, even when it was a two-house legislature. It was whether you were north or south of the Platte [River]."

Commenting on the fateful 1934 election, Warner notes that there were two other proposals on the ballot with the initiative, one to allow pari-mutuel horse racing and another to repeal Prohibition. "The advertising was to vote yes on all three," says Warner, "and there are those who think that may have been a factor."

But it may have been simply the force of George Norris' personality that got the thing passed 3-2 in the face of powerful opposition. Bob Sittig thinks so. "It *was* George Norris. He deserves nearly all the credit for pushing it over the top, after people had been working on it for 20 years." After it passed, Norris went back to Washington and Professor Senning, soon to be officially named consultant to the Legislature on the unicameral, began drawing redistricting maps. The last bicameral legislature in 1935 looked over, and quarreled over, nearly three dozen different maps before finally passing one on the last night of the session.

The amendment called for between 30 and 50 members, to be designated senators; the 1935 session settled on 43; there are now 49. And it provided that "the aggregate salaries of all the members shall be $37,500 per annum, divided equally among the members..." Considering that sessions



Senator Norris and President Franklin Delano Roosevelt at a campaign stop, 1936.

Norris and his friend, University of Nebraska Professor John P. Senning (above), together drafted the language of the unicameral initiative. Later, Senning was named official consultant to the Legislature on the unicameral. Left, Norris at home in McCook after 1944.

were biennial, and lasted for only about 100 days, that wasn't too bad a wage with bread at a dime a loaf.

The voters of Nebraska thought it was plenty for 23 years. In 1960 they finally approved a raise to $2,400 a year per member. Today it is $4,800 plus per diem, for annual sessions that run 90 days in odd-numbered years, 60 in the even numbered, unless extended by a four-fifths vote of the members. Nebraska is one of the few states whose constitution specifies a salary amount for legislators.

Three-quarters of the members of that first unicameral in 1937 were the same partisans, now under a non-partisan banner, who had previously served in the traditional legislature. Jerome Warner's father, Charles J. Warner, was the first speaker under the new regime that began Jan. 5, 1937. First elected to the statehouse in 1900, the year after he graduated from the University of Nebraska, he spent 26 years, off and on, as a member. "We're a political family," says the younger Warner, who adds that, although an active Republican, he wouldn't change the Nebraska system. He said that the lack of party requirements leaves members free to oppose or support both legislation and people for leadership positions, and he believes that it is an advantage, not a detriment. "Like any other legislator," he confesses, "I suppose I like the system because I'm used to it."

Who does lead in a non-partisan body? With whom does a governor, or a lobbyist, deal? Jerome Warner says it's a "one-on-one" situation. Professor Sittig says, "If there's one thing I'm critical of, it is the rather ill-defined areas of authority that result from non-partisanship. Power seems to drift toward the speaker, and though there has been some strengthening of the standing committees, basically it's a fairly unstructured, collegial sort of operation." Collegial wasn't what Nebraska Governor Roy Cochran called it more than 40 years ago. He said, "There is no formal leadership. It's just like a Mexican army, all generals."

"The lobbyists like it," said Sittig, "and that makes me a little uneasy." He went on to say that the Unicam, as it has come to be called, gets good media coverage, and since fully a third to a half of the first half of the session is devoted to open committee hearings, any citizen who's interested can participate.

Although there are rural-urban and geographic splits without partisanship, "there's a lot less acrimony and animosity," says Dick Hargesheimer, director of the Nebraska Legislative Research Division. "With only 49 members, they get to know each other pretty well." He contends that although lobbyists have fewer people to deal with, without formal political caucuses and with fluid coalitions that change frequently, "it's harder for them to get a handle on it." Interestingly, Minnesota had a non-partisan bicameral legislature up through the late 1960s, but that is another story.

Non-partisanship is only a feature of the Nebraska system, not its essence. Says one-time Wyoming treasurer Shirley Wittler, a Nebraska native and former president of the Lincoln League of Women Voters, "I grew up with the [one-house] system, so it didn't strike me as unusual until I started looking at [other states]. For the citizen, it's much easier to track legislation, and the processes are methodical and unhurried. There are open sessions every morning, and committee hearings in the afternoon, with times and subjects published in advance."

It has also been suggested that access to a single chamber is easier for the unsophisticated lay person, while the sophisticated find it impossible to play the kinds of games between the bodies that is possible in the other 49 states.

But if Nebraska's legislative system, now an established tradition there, is the wave of the future for other states, it's a mighty slow-moving wave.

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that deliberation and reflection do not necessarily characterize the two-house legislature, which completes most of its work in the final days of a session. It concluded that a smaller body would tend to greater deliberation and reflection.

Opponents were not favorably impressed and may have recalled the admonition by John Adams that "a single assembly is liable to all the vices, follies, and frailties of an individual; subject to fits of humor, starts of passion, flights of enthusiasm, partialities or prejudice, and consequently productive of hasty results and absurd judgments."

On January 10, 1917, however, Representative Norton introduced a resolution calling for a constitutional convention to revise the state's constitution. The measure passed the house by a vote of 88 to 12, received the endorsement of the senate by a vote of 29, with four not voting, and the voters approved it at the general election in 1918 by a vote of 121,830 to 44,491. No legislature since that time has taken similar action.

Representative Norton was elected to serve in the convention which met in 1919-1920. On January 16, 1920, he presented a resolution calling for the establishment of a one-house legislature.[7]

Proposal to submit as a separate and alternative proposition to the voters of Nebraska an article relating to the Legislative Department, amended so as to provide for a Legislative Assembly of but one House, to be known as the State Assembly of Nebraska, and to consist of 100 members until otherwise provided by law, but never to consist of less than 100 members nor more than 133 members.

The committee to which the resolution was referred reported on March 11, 1920, in favor of the alternative; but soon thereafter, on March 24, 1920, Norton sought to fix the number precisely. In so doing, he apparently abandoned his earlier desire to authorize a legislature of small size.[8]

Resolved, That it be expressed as the sense of this Convention that we would favor the submission by this Convention of Proposal No. 303, providing for a Legislature to consist of 100 members, as an alternative proposition.

But the convention did not choose to permit the voters to make this choice.[9]

Perhaps because of a very narrow defeat in the convention, advocates of the plan were determined to pursue it. A very influential ally joined in support. He was US Senator George W. Norris of Nebraska.

Norris had served earlier in the US House of Representatives and had been a Senator since 1912. Although he was a

recognized leader of the Progressive Republicans, he was favorably viewed by persons of all political persuasions in Nebraska and his positions on public questions carried great weight.

His most noted pursuit of the unicameral idea was through his article, "A Model State Legislature," which appeared in the *New York Times* of January 28, 1923. In the article he was highly critical of the bicameral system. Since both houses of a legislature must agree completely if legislation is to be adopted, Norris claimed that all too frequently when different versions of a proposed measure were approved in each chamber, the only route to find total agreement in many instances was through a conference committee. Norris argued that the committee was necessary, but often what emerged was a different product than the two houses had expected. Compromises made by a conference committee, he wrote, were usually done in secret; and this was enough to cast doubt on the motives of those who participated. Norris knew about these compromises first-hand since the same procedures were common in the Congress of the United States.

To Norris state legislatures were too big and this made them unwieldy. After all, he argued, the legislature was supposed to be close to the people and if the body was small in size it would be more responsive to the wants and needs of the people. Better people (presumably meaning individuals with higher qualifications) would be elected to a smaller body. His final argument rested on the need to have individuals elected without regard to the political party ballot. Partisan elements were needed nationally, but not in state legislatures. Partisan connections did not belong in the conduct of the state's business.

Two efforts at a constitutional amendment were made prior to the successful campaign of 1934. A proposal was introduced in 1925 by Representative J. D. Lee of Boyd County for a single chamber of not more than 100 members, but it was indefinitely postponed by the judiciary committee of the Legislature. Eight years later, Senator John G. Boelts of Merrick County sought legislative support for a legislature consisting of a "House of Representatives only." It reached final reading, but failed to receive the required majority.[10]

In little more than a decade after his *New York Times* article, Senator Norris was touring the state of Nebraska in support of a unicameral legislature. He gave it his unlimited endorsement. In

the month immediately preceeding the election in 1934 he addressed audiences totaling at least 30,000 people. He also made numerous radio broadcasts in support of it. Since he was highly regarded, even though controversial in some political party circles, he appealed to the voters to accept his judgment that the unicameral legislature was best for their welfare. He gave his substantive arguments, referred to his long experience in the US Congress, and then generally concluded his remarks in this way:[11]

> I know that those who live by politics are opposed to this amendment. . . .[But] I have served you for more than 30 years with no other interest than that of the people of Nebraska and the people of our country. I have always been called the worst demagogue who ever walked down the pike until the things I wanted began to work. Do you think that on my declining years I would desert the cause of the people to which I have given my life? If you have ever believed me, believe me now when I say that I have no other interest in this amendment than to make Nebraska a better place in which to live.

Opponents of the amendment had been successful in turning the plan aside on all prior occasions and they were convinced that the nonpartisan feature would mean its certain defeat. That provision was, of course, most unpalatable to any orthodox party adherent. Party supporters denounced it openly. They claimed that not only would it damage the place of the political party in elections and in the governing system, it would also mean the possible election of less than responsible individuals since they would in reality be responsible to no one. The positive influences of the party would be destroyed or at least severely reduced in the legislative process. Not surprisingly, members of the Legislature then in office believed that their opportunity to be elected to a seat in the single chamber would be in jeopardy. One leading opponent of the proposal was Governor Robert L. Cochran, a Democrat. Agricultural leaders and some minority groups also opposed it, maintaining that the small size of the chamber would mean woefully inadequate representation.[12]

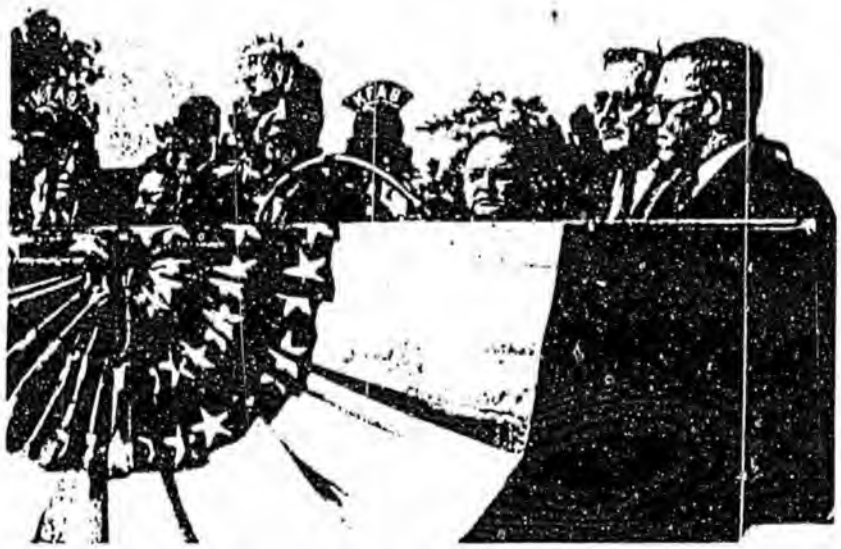
The 1933 session of the Legislature was an important catalyst which favored the adoption of the unicameral amendment. That session left a generally bad impression of the Legislature because of its handling of such issues as the liquor question, tax reform, and appropriations, and a feeling that earlier pronouncements by members that the legislature that year would pass only necessary legislation and adjourn had been violated. There was, however, a large turnover in the membership resulting from the 1932 Democratic landslide. Many candidates had their names placed before the electorate with little expectation of being

elected only to find after election day that they were a senator or a representative. Thus there were many inexperienced members and apparently much time was wasted on matters of little significance. Also, the 1933 Legislature met during a period of acute agricultural distress.

The most influential media at the time were the newspapers. Newspaper editorial positions were generally against the unicameral amendment. They often centered on the absence of the political party identification which, it was claimed, would result in ineffective leadership with special interests getting control of the legislative process. The only significant papers supporting the amendment were the *Lincoln Star* and the *Hastings Tribune*. Strong opposition was voiced by the *Omaha World-Herald*, which had not only the largest circulation of any urban-based newspaper, but also the largest urban circulation. The vote in Lancaster County (Lincoln) was 20,662 for and 13,961 against. In Adams County (Hastings) 5,453 favored the plan with 3,286 opposing. And notwithstanding the opposition by the *World-Herald*, Douglas County (Omaha) approved it by a vote of 42,962 for and 25,102 against. The total vote was 286,086 in favor and 193,152 against, and the proposal was approved in all but nine of the state's 93 counties.[13]

Apparently the voters were favorably impressed by the arguments so frequently espoused by Senator Norris and other spokesmen. It must be remembered that this action took place during the great economic depression and drouth period. Proponents pressed the argument that the one-house legislature would reduce the cost of government. The Legislature would have no more than 50 members compared to the bicameral Legislature with 133. The pay for the members whether as few as 30 or as many as 50 was fixed in the constitution (by the amendment) and regardless of the number the total pay for all would be $37,500 annually. When the number for the first session was set at 43, the pay per member was $872 each year.

The unicameral amendment was not the only constitutional change offered to the voters in November, 1934. Two other propositions were on the ballot. One would authorize pari-mutuel betting and the other would repeal prohibition. These were also approved. There has been speculation since that time that the popularity of the propositions for pari-mutel betting and prohibition repeal helped carry the unicameral proposal. There is little evidence, however, that any of the three



Liberal Republican Senator George W. Norris (with microphone), shown here campaigning for the reelection of President Franklin D. Roosevelt (second from right) in 1936, was an influential supporter of the Unicameral Legislature. At extreme left is Governor Robert L. Cochran.

materially helped the others to victory. For example, of the nine counties disapproving the unicameral amendment, all three propositions were defeated in five of them: Clay, Dundy, Hayes, Keya Paha, and Merrick. Arthur, Banner, Rock, and York Counties opposed repeal of prohibition and the unicameral plan, but approved pari-mutuel betting. Since these counties are scattered throughout the state, there is no apparent explanation for the outcome.

Whether the voters were actually motivated by some deep feelings about the change in the composition of their Legislature or whether it was a result of circumstances of the time will long remain in dispute. Certainly there were thousands of voters influenced by a trusted counselor, Senator Norris. Others in those depression times must have been swayed by the claim of lower governmental costs. Still others must have given their support believing that one legislative chamber would in fact be more responsive to public needs. One house would not have a second house to blame or shift responsibility.

The burden of carrying out the intent of the constitutional amendment for a unicameral legislature fell to the last session of the bicameral legislature in 1935. It was empowered to choose a

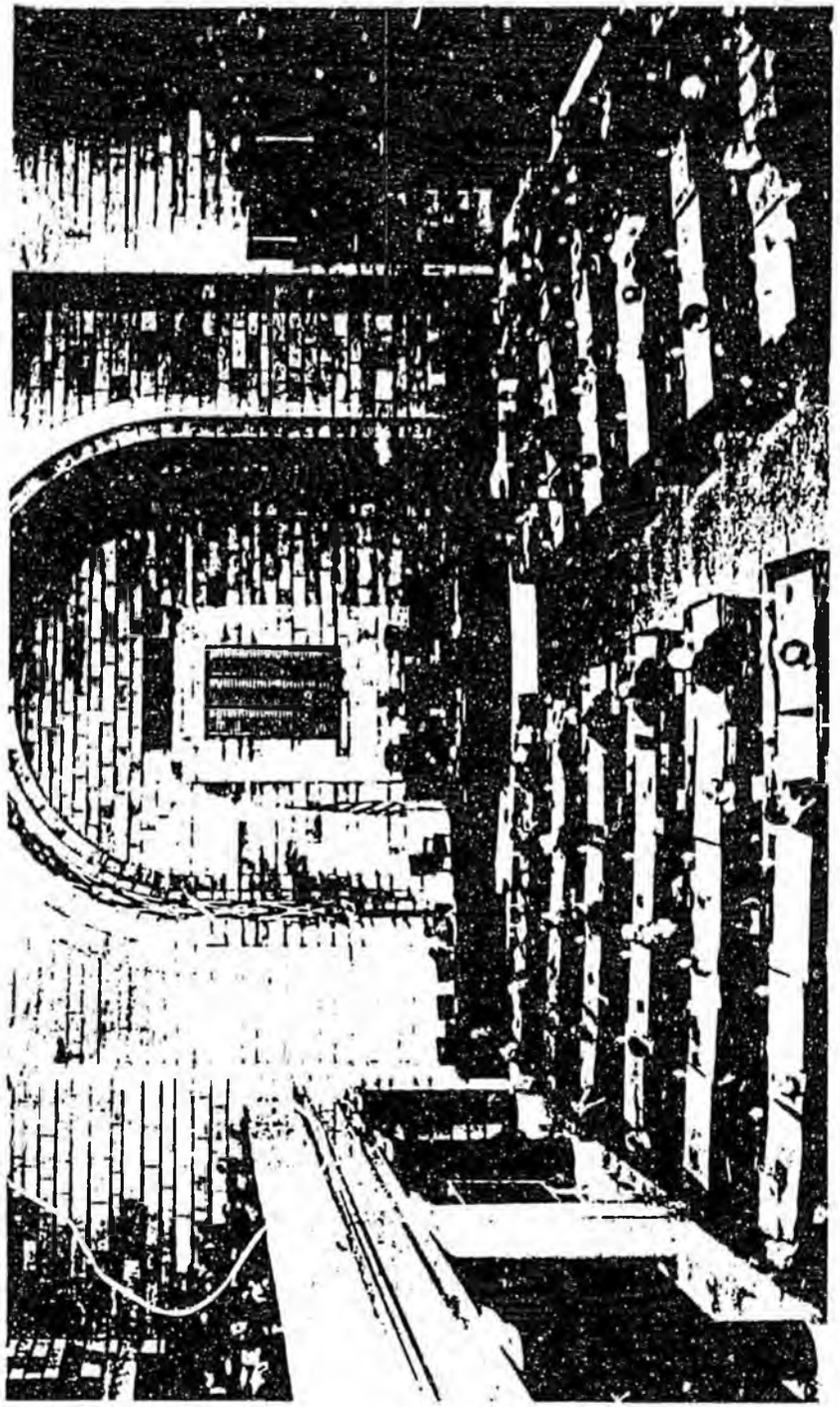
legislature of from 30 to 50 members. And these had to be from single-member districts. Additionally, the districts were to be "as nearly equal in population as may be and composed of contiguous and compact territory." This latter provision was a carryover of a similar requirement for the bicameral legislature, both for the Senate and the House. Another limitation was the prohibition against splitting off a part of a county to form a district unless it was entitled to two or more legislators. Numerous plans were presented during the 1935 session, but those which received the greatest support were prepared under the direction of Professor John P. Senning of the University of Nebraska-Lincoln department of political science. Professor Senning was associated for many years with the unicameral movement. One of his proposals for a membership of 43 was finally accepted and the districts were outlined. During the consideration of the plan to be adopted, it was maintained by its advocates that even though a larger legislature was authorized, the arrangement for 43 members would serve the diverse interests of the state and still provide adequately for the more sparsely populated western regions.

The first session of the unicameral legislature, elected in 1936, met in January, 1937. It went about its organization in the spirit of the change mandated. It introduced some innovations for Nebraska, including a full-time clerk, and established a legislative council with provision for a director of research.[14]

The nonpartisan feature was a bitter pill for party regulars. Republicans had dominated both houses of the legislature from 1919 to 1931. In 1932 when Franklin D. Roosevelt carried this presumably solid Republican state with a vote of 359,082 to 201,177, the people elected 31 Democrats and two Republicans to the state Senate and 80 of the 100 representatives were Democrats. At the same election Charles W. Bryan, a Democrat, was reelected governor.

Four years later in 1936 Roosevelt defeated Alfred M. Landon in the state by 347,454 to 248,731. In the race for governor, Democrat Robert L. Cochran won by 333,412 to 257,267 for his Republican opponent.

In the election for the first nonpartisan legislature the situation was dramatically changed from the 1932 election to the bicameral partisan legislature. Twenty-one legislators with known Republican affiliations were chosen and the remaining 22 were known Democrats. These results were hailed by supporters of the nonpartisan feature as solid proof that nonpartisanship



Nebraska's Unicameral Legislature in session, 1937.

could prevail. The voters, they maintained, were swayed in their choices, not by political party affiliations since the candidates were not so identified on the ballot, but by the issues and the candidates. It should be observed that of the 43 elected, 32 had served previously in the state's legislature, and of them, 19 had served two or more terms prior to the 1937 session.

As the years passed, the critics of the one-house feature were heard less and less frequently. Gradually, it appeared that the unicameral arrangement was not to be undone. It was considered to be an accomplished fact and a way of the state's political life. The younger generations did not recall any other legislative plan.

But two other features were destined for controversy. One was merely a continuation of an earlier debate: the nonpartisan feature. Neither major political party took a stand on the matter in their 1934 platforms. However, beginning with the 1952 Republican Party platform a return to a partisan legislature was advocated. "We favor amendment of the Constitution of Nebraska to provide for members of the Legislature of this state on a partisan basis." In one form or another a similar proposal was included in the party's platforms of 1954, 1956, 1960, and 1962. In 1964 the platform endorsed a petition drive which was underway at the time to place the question of a partisan legislature on the ballot. It urged party support to give the governor "an organized group of Senators of his own party who may aid him in carrying out the programs of the Governor, especially where new or different legislation is required." The platforms for 1968 and 1970 also contained provisions for a partisan legislature.

The 1972 platform, again supporting the partisan feature, advanced the argument that with the legislature operating in annual sessions, "we feel it is even more important that we have a partisan Legislature. Without party responsibility it is impossible for individuals of either party to develop issues in the Legislature and thoroughly discuss viable alternatives. Participation of the citizens of this state can be encouraged only if they have the organization of their efforts by their political party." In 1974, the platform stated that "after four decades of trial, the non-partisan legislature is an ideal which has not proved to be practical in its implementation. A noble experiment, it has proved to impede rather than promote the development of effective government and responsible leadership." The 1976 platform again urged adoption of a partisan legislature.

The Democratic Party platforms almost paralleled the Republican advocacy of a partisan legislature. The 1956 platform stated that although the party "recognizes in our unicameral legislature a bold and striking reform that has provided simplicity and economics in our legislative structure. . . organized political responsibility is needed to give the public an honest picture of our state's condition and the governmental responsibilities of meeting our public problems." Similar support was expressed in the 1960 and 1962 platforms. The 1964 platform contained these words: "For many years our party has advocated change in our constitution to establish greater political responsibility on the part of the Legislature—responsibility to the state as a whole, which is not possible under the present constitutional arrangement." From 1968 through 1976 the party's platforms continued to urge amending the constitution and providing for a partisan legislature. In the 1970 platform the provision also contained these words: ". . .while retaining its unique character as a unicameral body."[15]

Beginning with the second regular session of the legislature in its unicameral form several efforts, all of which failed, were made to restore the partisan feature and provide for the election of members with political party identification on the ballot. In 1939 a proposal reached general file reading in the legislature but was defeated. The next formal attempt in the legislature was in 1951 when the membership upheld a committee's decision to indefinitely postpone any such change. Six years later in 1957 a similar effort failed. In 1963 a measure with comparable features met the same fate as in 1957. Advocates of a partisan proposal were slightly more successful in 1967 in obtaining a favorable committee report, but this met rejection on a floor test. In 1972 a similar effort also went down to defeat. During the 1973 and 1974 sessions similar proposals were rejected.[16] Notwithstanding these defeats, it can be assumed that efforts will be continued for a legislature elected with political party identification.

The Nebraska Constitution provides that the districts from which legislators are elected will be of equal population and of compact and contiguous area. This stipulation prevailed for the bicameral legislature. It was not anticipated, therefore, that there would be an issue over this requirement, although opponents of the unicameral amendment maintained that the agricultural interests and the western regions of the state would suffer in not having adequate representation.

The districting for the first session of the unicameral legislature was arranged by the last bicameral session in 1935 and was based on the 1930 census of population. As in many other states, major population shifts were noted in succeeding counts. By 1950 the population range in the original 43 districts was from 21,579 to a high of 40,998, or perhaps higher for some of the districts in Douglas County (Omaha), since the census did not report legislative districts separately.[17] By 1960 the most populous district had a population of 100,826 and the smallest was reported to be 18,824. This made the ratio between the two ranges about 530 percent, or more than five times the population of the largest over the smallest district. Although the next population gain in the entire state between 1930 and 1960 was less than 33,500 individuals, dramatic internal shifts in population took place, much of it resulting from in-and-out migration. The major gains were in the two most populous areas: Douglas County (Omaha) and environs and Lancaster County (Lincoln). Population was lost in many small town and rural areas.

These population disparities had their impact on the 1961 legislature. Concern was expressed that if new districts were drawn in harmony with the constitutional requirement of equal population, the two metropolitan areas would gain substantially at the expense of the rural regions. The balance of power between the urban and largely eastern elements and the rest of the state would be shifted. This possibility greatly alarmed legislators from the western sections of the state. They maintained that if the trend continued the two metropolitan areas, Omaha and Lincoln, with less than 50 miles separating them would soon have a majority of the membership.

As a result of this prospect, and at the behest of rural and non-farm rural elements, a constitutional amendment was given legislative sanction to provide that in redistricting "primary emphasis shall be placed on population and not less than 20 percent nor more than 30 percent weight shall be given to area." The intent was to permit up to a 30 percent population disparity among districts. County lines were to be followed "whenever practicable" and "other established lines may be followed at the discretion of the legislature."

The amendment was scheduled for popular vote at the November, 1962, election. Meanwhile, growing national interest resulted from the 1962 decision of the US Supreme Court in *Baker* v. *Carr* which held that the US courts had jurisdiction to

hear complaints of voters who alleged they had been denied fair representation in state legislatures.[18] In almost every state voters who considered themselves under-represented initiated suits.

To prevent the placing of the "area" amendment on the November ballot a suit was filed in the Nebraska US District Court on July 20, 1962. This requested ban was denied, but the Court stated that it was "reserving and retaining jursidiction of the case." The voters then proceeded to give their stamp of approval to the amendment by a vote of 218,019 to 175,613.[19]

Only five of the state's 93 counties voted against the proposal. It had been assumed that the two most populous counties, Douglas (Omaha) and Lancaster (Lincoln) would not support it, and although Douglas County defeated it and by a substantial margin, it was approved in Lancaster County. The other four counties voting against it were Cass, Colfax, Platte, and Sarpy.[20] All of these counties are in the eastern part of the state and in the Omaha metropolitan area or adjacent to it.

With voter sanction, the task of redistricting fell to the 1963 session of the Legislature. Several proposals were presented. The approved plan was to increase the size of the legislature from 43 to 49 and to recognize the area concept. As a result population disparities among districts continued. Not surprisingly, the issue of equal numbers was again before the US District Court. But before a decision was given, the US Supreme Court decided *Reynolds* v. *Sims* on June 15, 1964, mandating that legislative districts be based on equal numbers.[21]

On July 17, 1964, the District Court held that the election for the Legislature could follow the 1963 reapportionment act since it was too late to disturb the arrangement. It made it clear, however, that the 1965 legislative session would have to either correct the deficiencies noted by observing the "substantially equal" requirement or "the court will take appropriate action."[22]

In the closing days of the 1965 session the Legislature made changes to more nearly equalize the population in the several districts and the plan was accepted in proceedings before the Nebraska Supreme Court. The largest district had a population of 32,472 and the smallest 26,938.

Further population shifts were reflected in the 1970 census which increased the disparity between the smallest and the largest districts. The 1971 session proceeded to redistrict but retained the same number of districts at 49.

The population changes reflected by the 1950, 1960, and 1970 censuses and other post-census indicators may mean that the 1980 census may give the two metropolitan areas of Omaha and Lincoln a majority of the legislative membership. If the pattern of recent decades continues, this could intensify conflicts between eastern and western elements; and among urban, farm, and rural non-farm groups.

After more than four decades since its establishment, it can be assumed that there is strong public support in Nebraska for the unicameral Legislature. Whether or not the claimed positive benefits accrue from the equal protection requirements commonly known as the "one-man, one-vote" rule, it is unlikely that population disparities of consequence will hereafter prevail among the districts. Conversely, however, it is less clear that the nonpartisan feature will remain. Only the voters can decide, of course, with or without the endorsement of the legislature in the amending process.

Undoubtedly the Nebraska "experiment" was a fresh concept in state government and it remains unique among the 50 states, not only as a unicameral plan, but now also as the only legislature with the nonpartisan feature.[23]

NOTES

1. John P. Senning, "One-House Legislature in Nebraska," *Nebraska Law Bulletin* 13, no. 3 (February, 1935) 341-350. This was written shortly after the passage of the amendment and gives a good summary account of the 1934 campaign. For the current wording see the Nebraska Constitution, Art. II, Secs. 5, 6 and 7 in the *Nebraska Blue Book*, 1974-1975, 58-59.

2. *Ibid.*, Art. III, Secs. 2, 3 and 4, 57-58.

3. Ibid., 103 ff.

4. For further reference see John P. Senning, *The One House Legislature* (New York: McGraw-Hill Book Co., Inc., 1937) Ch. IV. Dr. Senning included a detailed bibliography beginning on page 101.

5. *Ibid.*, Ch. II. It has been proposed by groups in many states since the end of World War II.

6. James C. Olson, *History of Nebraska* (Lincoln, Nebraska: University of Nebraska Press, 1955), 314. The report of the joint committee was published by the Nebraska Legislative Reference Bureau as *Bulletin* no. 4, May 15, 1914, entitled "Reform of Legislative Procedure and Budget in Nebraska." It is available in the Nebraska State Historical Society Collections.

7. Journal of the *Nebraska Constitutional Convention*, 1919-1920, v. I, 382.

8. *Ibid.*, v. II, 2788. Norton served in the first unicameral legislative session in 1937 when the membership was 43. He died in 1960.

9. The vote in the convention was equally divided, the presiding officer having joined the opponents of the proposals. See *Journal*, op. cit., v. II, 2792.

10. *Senate Journal*, 1933, 1048-49.

11. Franklin L. Burdette, "Nebraska, A Business Corporation," *American Mercury* 34 (March 1935), 363.

12. Olson, op. cit. 316 *Depth Report No. 1*, published in 1961 by the School of Journalism, University of Nebraska-Lincoln, is devoted entirely to the Unicameral Legislature. Included are articles on John N. Norton, George W. Norris, and John P. Senning.

13. *Official Report of the Nebraska State Canvassing Board, General Election*, November 6, 1934, 11.

14. Roger V. Shumate, "The Nebraska Unicameral Legislature," *The Western Political Quarterly* 5, no. 3 (September, 1952), 504-512. Dr. Shumate was the first director of research for the Legislative Council and served in that capacity for more than sixteen years until his untimely death. He was concurrently a member of the faculty of the department of political science at the University of Nebraska-Lincoln.

15. Political party platforms are printed in each appropriate issue of the *Nebraska Blue Book*. The 1976 Republican platform also recommended internal legislative rule changes which would permit the organization of the membership along party lines. In 1953-1954 there was a movement to return to bicameralism and a partisan legislature which was advanced by the chairmen of Republican and Democratic parties. They announced the formation of a committee to circulate petitions, but the movement collapsed. For further reference see Jack W. Rodgers, "One House for 20 Years," *National Municipal Review* 46, no. 7 (July, 1957), 339-40.

16. See these legislative bills for each year indicated: 1939, LB 463; 1951, LB 160; 1957, LB 11; 1963, LB 112; 1967, LB 299; 1972, LB 1431; 1973, LB 9; and 1974, LB 649.

17. For comparative data on population for each of the districts for 1930, 1940, and 1950 censuses, see my earlier work *One House For Two. Nebraska's Unicameral Legislature* (Washington, DC: Public Affairs Press, 1957), 55-56.

18. 369 US 183.

19. For the text of the Amendment see the *Nebraska Blue Book*, 1964, 59.

20. See the "Abstract of Votes," *Nebraska Blue Book*, 1962, proposition no. 7, 650.

21. 377 US 533.

22. 232 *F. Supp.* 411 (1964).

23. William Riley, "NonPartisan Unicameral—Benefits, Defects Re-examined," *Nebraska Law Review* 52, no. 3 (1973), 377. Minnesota began requiring partisan elections in 1973.

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INNOVATION IN STATE GOVERNMENT: ORIGIN AND DEVELOPMENT OF THE NEBRASKA NONPARTISAN UNICAMERAL LEGISLATURE

By Adam C. Breckenridge

One of the most obvious features of government in the United States is the separation of powers among the legislative, executive and judicial branches. Among them, the legislative branch represents a paradox in our political arrangement. It is the branch that presumably is the closest to the people—legislators generally represent fewer people and are more accessible to them than either executives or judges, and citizen influence of legislators is generally considered more legitimate. But it is the most continually criticized. Indeed, legislatures come under heavy attack for being inept, unresponsive to the needs of the people, and subject to partisan special interests. And, notwithstanding concerted efforts to do their business in public view, critics abound who are positive that decisions are made elsewhere.

These allegations, true or not, throughout our history have encouraged efforts to reform the legislative process. Occasionally, these endeavors come from the legislature itself; more often, however, they are generated by outside forces. One such reform—perhaps one of the more significant in the recent history of the United States—was the establishment in 1934 of a one-house (unicameral) nonpartisan legislature in Nebraska.[1] The origin and development of this change is important for understanding the one-house legislature, its operation, and its contemporary role.

The Constitution of Nebraska provides that "laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. The power may be invoked by petition wherein the proposed measure shall be set forth at length. . .and if the petition be for the amendment of the Constitution, the petition therefore shall be signed by ten percent of the electors."[2]

Nebraska turned to the "power of the people" in using the initiative petition to amend the Constitution in 1934 to provide for a nonpartisan, one-house legislature. The 1934 amendment, in effect, merely eliminated the larger chamber, the house of representatives. The house at the time had a membership of 100 members and the upper chamber, the senate, was fixed at 33. Although the legislature was to have constitutional authority to determine the size of the one-chamber body, the amendment prescribed that it should not have fewer than 30 nor more than 50 members.

Until 1934 only four initiative petitions to amend the constitution had been presented to the voters. Only one, a 1916 petition to prohibit liquor traffic, was approved. Other attempts—to establish woman suffrage (1914), a state pure food department (1916), and a direct primary system (1924)—were defeated.[3]

The decision by the voters in November, 1934, not only surprised most political observers, but astounded critics of the plan. Not only did the voters endorse a single house for the legislature, they also directed that members be nominated and elected without reference to political party—in short, nonpartisanship.

Creating a one-house legislature was not a sudden or impulsive decision nor did it have its origins in Nebraska. Vermont had a unicameral legislature until 1836; and earlier Pennsylvania had a similar form until 1790. Perhaps only technically did Georgia have one under its short-lived constitution in 1777. No unicameral forms were provided in any other state until Nebraska adopted it in 1934 and except for Nebraska all states have a bicameral legislature today.[4]

During the last quarter of the 19th century and into the early part of the present century, advocates of state governmental reform urged consideration of a unicameral legislature. Interest was evidenced at various times in Alabama, Arizona, California, Colorado, Kansas, Minnesota, New York, Ohio, Oklahoma, Oregon, and South Dakota. Constitutional conventions in New York and Ohio considered it but nothing emerged from them. The voters had an opportunity to declare themselves in Oregon, Oklahoma, and Arizona, but the proposals were all defeated.[5]

In Nebraska the 1913 session of the Legislature created a joint committee to consider legislative reforms. In its report to the 1915 session there was included for possible future action a

University of Nebraska Professor John P. Senning, long associated with the Unicameral movement. Right: Nebraska Governor Robert Leroy Cochran, during whose terms of office [1935-1941] the Unicameral Legislature was inaugurated.

proposal for a legislature of one chamber of no fewer than 33 nor more than 100 members. This recommendation undoubtedly was prompted by the Progressive movement of the time.[6] The 1915 legislature took no action on the proposal.

Nebraska advocates of a unicameral legislature had the strong and continuing leadership of John N. Norton of Osceola as early as the 1913 session. He sponsored the resolution calling for the 1913 joint committee and served as its chairman. The report of the committee presented arguments for a one-house legislature and was used in succeeding years by advocates of the plan.

The report declared that one body can more directly represent the public will than two houses and the desirability of a smaller body was stated to be more representative and responsible. It denied the argument that two houses are required in order to check each other and prevent the enactment of bad legislation. In practice, the report observed, two houses result in trades and an absence of real responsibility. Nothing is more common, it stated, than for one house to pass a bill and have members who voted for it to urge the other house to defeat it, or for a small group in one house to hold up legislation from the other house until they extort from it what they demand. The report also noted

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GEORGE W. NORRIS: THE UNICAMERAL LEGISLATURE AND THE PROGRESSIVE IDEAL

ROBERT F. WESSER

RECENTLY, historians have undertaken a re-evaluation of the decade of the 1920's in America. They have sought to emphasize the period's relationship to the progressive movement, on the one hand, and the New Deal, on the other hand, thus shifting the historical focus of the "Jazz Age" from its bizarre qualities to its continuities with past and future developments. Often cited as illustrating the bridge between early twentieth-century progressivism and New Deal liberalism is the career of Nebraska's renowned United State Senator George W. Norris, and specifically Norris's lonely fight to "save" federal government properties at Muscle Shoals, Alabama, from the outstretched hands of private power companies.[1] Within this context, the Muscle Shoals controversy resolved itself into a debate over public water power policy, conservation, and federal-state relationships, and throughout the decade, served as a haunting reminder of the languishing spirit of progressivism. There

[1] Perhaps the best statement of Norris' role as a representative of the Progressive tradition in the 1920's is Arthur S. Link, *The American Epoch: A History of the United States Since the 1890's* (New York, 1955), Ch. 12, especially pp. 268-272. See also Arthur M. Schlesinger, Jr., *The Age of Roosevelt: The Crisis of the Old Order, 1919-1933* (Boston, 1957), pp. 117-124; William E. Leuchtenberg, *The Perils of Prosperity: 1914-1932* (Chicago, 1958), pp. 130, 138.

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was another phase of Norris' work in these years — his efforts in behalf of establishing a unicameral legislature in Nebraska — which harked back to earlier twentieth-century reformism, its political and governmental ideals.

To the progressive mind, one of the chief wrongs in American life was the growth, in the latter nineteenth century, of the large corporation and the inevitable, if regrettable, consequences of the vast accumulations of capital. Men of wealth could and often did ally themselves with politicians in order to secure for their businesses legislative favors and preferred treatment. The progressive response to this phenomenon was simple and direct, calling for some form of societal control and regulation, particularly of private utilities engaged in the public service, and, simultaneously, for the re-establishment of political responsibility among governmental officials. In various ways, such responsibility was to be restored, each in turn rendering local, state and even federal officeholders more directly accountable to the people whom they presumably served. So there were the direct primary; the initiative, referendum, and recall; the short ballot; the direct election of senators; and others. Also in these years the idea of a unicameral legislature took hold in a number of states, though in no single instance was the change effected during the progressive era.

Senator Norris' own interest in reforming what to him was the "illogical" bicameral system went back well beyond the progressive period — to the 1880's, when as a young lawyer in Beaver City he had several opportunities to run for the Nebraska state legislature. However, the low pay of the lawmaker and the fact that legislative sessions coincided with his busiest legal season — both characteristic weaknesses of the conventional system he later argued — compelled him to refuse nominations.[2] It was not until 1923 that Norris, now with twenty years of Congressional experience behind him, publicly confessed his determination to reform "the machinery of government", as well as the law.[3] Specifically, he mentioned the Nebraska legislature, and even expressed a desire to retire from national politics the next year in order to devote most of his time to the "great fight" that lay ahead. When, indeed, his avid supporters virtually compelled him to seek re-election to the Senate, Norris grieved over his inability, as he put it, "to follow my own inclinations in this matter."[4] Often frustrated and despondent in these conservative years, the sensitive liberal resolved that before he died he would perform one outstanding service for his home state — "the replacement of the unwieldy and inefficient two-chamber Legislature by one compact body."[5]

With Norris the idea of a unicameral legislature became a passion, albeit a latent passion through the 1920's. Too busy with his determined battle to save Muscle Shoals, he scarcely had time for this, his other pet project. Strangely enough, the history of these two significant aspects of his career has striking parallels. In principle, they reflected different features of the progressive ideal. Moreover, just as Norris learned early in the Muscle Shoals imbroglio that the fruition of his dream for the Tennessee River Valley lay in the future, so he came to understand that the realization of his unicameral reform awaited a resurgence of liberalism. In the meantime, he sought to keep his idea alive by writing newspaper and magazine articles emphasizing the advantages of the one-house system over that "anachronism" — the bicameral system.

Norris' first literary endeavor in behalf of his reform, entitled "A Model State Legislature", appeared in 1923 in the *New York Times*.[6] This article contained all of the basic arguments that were used over and over again right

[2] George W. Norris, *Fighting Liberal: The Autobiography of George W. Norris* (New York, 1945), p. 345.

[3] *New York Times*, May 24, 1934.

[4] Norris to Otto Mutz, February 10, 1924, George W. Norris MSS., Library of Congress.

[5] *Newsweek*, IV (November 17, 1934), 10.

[6] January 28, 1923, VIII, 12. For a later discussion, see Norris' "The One-House Legislature," *Annals of the American Academy of Political and Social Science*, CLXXXI (September, 1935), 50-58.