



## League of Women Voters of Minnesota Records

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# FACTS AND ISSUES: THE MINNESOTA LEGISLATURE

## New Dimensions

There is an exciting new dimension in state government today. Governors, legislators, and concerned citizens are working to revitalize state institutions in order to find solutions to problems which seem to be tearing our society apart. It is in this atmosphere that the League of Women Voters of Minnesota adopted a study of the organization of state government.

Our study begins with two basic assumptions: that it is possible and desirable to strengthen the role of the state in our federal system; and to strengthen the state, it is possible and desirable to strengthen the legislature.

There is no need here to explore in detail the changes in federal-state-local relationship which have redefined the concept of federalism. It is becoming apparent that in our complex modern society the federal government cannot comfortably assume the responsibility for governing all facets of American life. Local governments, as creatures of the state, do not have the powers or the proper geographical jurisdictions. The state, therefore, in the absence of any other form or level of government is a necessary institution.

There has been conflict between the executive and the legislative branches as to their roles in state government. Between 1900 and 1962 reformers concentrated the majority of their efforts on strengthening the executive. The Supreme Court decision in *Baker vs. Carr*, calling for re-apportionment, focused attention on state legislatures. Over the nation groups concerned with good government have called for a revamping of legislative institutions. The intent of this paper is not to advocate strengthening the legislature at the expense of the executive. The two must go hand in hand. A legislature armed with the tools of modern government can work towards the same objectives as the governor. As the policy-making and revenue-raising body, the legislature's role is vital.

How does the legislature's organization affect the state's ability to deal with problems? What is the ideal organization of a legislature? How well does Minnesota's legislature measure up to this ideal? Taking into account the political facts of life, what kind of legislature is possible for Minnesota in the foreseeable future?

## The Role of the Legislature

To answer these questions, we must first examine the role of the legislature within state government. Albert J. Abrams, Secretary of the New York State Senate, puts the problem clearly:

"If the legislature were simply a philosophic debating society, we would not need to be concerned about functional reorganization. But power is at stake. Men's liberties are at stake. One's children's future is at stake. It is vital, therefore, that our legislatures be organized to perform their *basic* tasks . . . First, we must rid ourselves of the notion that the sole job of legislators is to 'make laws,' then . . . turn to what their real function is. My own experience suggests their task is to (a) determine the socio-economic need and wants of their own constituents and the larger constituency of the state; (b) allocate funds between public and private sectors of the economy, and within the public sector to determine priority of allocations; (c) consensualize and mediate conflicts between competing forces in our society; (d) provide a forum where frustrations of individuals and groups may find release and be re-channeled, where complaints against bureaucracy may be processed; (e) exercise a continuing check on the administration of policies and programs authorized."

Mr. Abrams argues that reorganization flows logically once these five basic responsibilities are understood.

Obviously the "ideal" legislature is one which recognizes fully these responsibilities and takes the proper steps to carry them out. It is a legislature that is visible, capable, honest, efficient, flexible, fair, dedicated, and wise.

There are some who hold that *all* state legislatures, to varying degrees, are incapable of even beginning to approach this ideal. Frank Tripett, in his book, *The States: United They Fall*, advances the theory that a state legislature is the tool of the business interest within the state. He calls the business interests the state legislature's "true constituency." The legislators, sensing their captive status, relieve their frustration with constant attention to trivia. Knowing that major legislation is tailored to the specifications imposed by the "true constituency," the legislators author and pass innumerable special laws in order

to create the illusion, both for themselves and for their electing constituents, that what they do really matters. Mr. Trippett seems to believe that attempts at reorganization are futile because regardless of what changes are made, the legislature will remain captive to the "true constituency."

At first glance the Minnesota Legislature seems to have many of the characteristics of Trippett's model. Nine hundred twenty-seven bills were passed and sent to the Governor during the 1967 regular session. A large percentage of these bills were special laws dealing with specific problems of individual local government. S.F. 1001, for example, provided an additional license for intoxicating liquor at the Duluth arena-auditorium; H.F. 1564 removed ceilings on salaries of Anoka County. Mr. Trippett would point to the Sunday closing law as an example of the influence of special interests. Studies which attempt to evaluate the quality of state programs generally rate Minnesota high in comparison to other states.

We believe the 1967 Legislature showed itself capable of statesmanship irrespective of special interests. The establishment of the Metropolitan Council is an imaginative experiment in urban government. The school consolidation bill is a major step forward in providing uniform quality education for all students in Minnesota.

Though Mr. Trippett is cynical about the ability of legislatures to improve, sober reflection would seem to soften his harsh judgment. A legislature can be more influenced by special interests when there is faulty organization, cumbersome machinery, and voter inattention. In the past, and some of Mr. Trippett's observations refer to the rather distant past, legislators have not given themselves the tools to analyze state programs and to make informed decisions on the many issues of public policy that confront them. Reorganization and reform, much of which has already occurred in Minnesota, can lead to a legislature which is more responsible and responsive to the electors.

So many interlocking factors contribute to the organization of the legislature that it is useful to attempt a breakdown in order to reduce the discussion to manageable size. Arbitrarily these factors can be divided into two groups: external factors such as the size of the legislature, the length of session, the quality of the legislators, etc.; and internal factors, such as the structure, size, and organization of committees, procedural rules, etc. The first set of factors is generally determined before a given legislature convenes; the second set is determined by each legislature as it organizes itself. This division does not imply that one set is more important than another, or that there is a hard and fast separation between them.

### External Factors

The length and frequency of legislative sessions, the size of the legislature, and the compensation of legislators are all interrelated. Some visualize the "ideal" legislature as a small, well-paid group sitting in continuous session, in

essence, a full-time or "professional" legislature similar to Congress. Others prefer a larger body with limited session and consisting of members who earn a portion of their livelihood from outside activities. This kind of legislature is termed a part-time or "citizen" legislature. Our present Minnesota Legislature, a body of 135 House members and 67 Senators, each paid an annual salary of \$4,800 and meeting every other year for 120 days is the latter type. No legislature in America is completely professional. Some, notably California and New York, are moving in this direction.

### Length and Frequency of Legislative Session

The Minnesota Constitution provides that the legislature shall meet for a term not exceeding 120 legislative days. The beginning of the session is set by statute as the first Tuesday after the first Monday in January. Opinions of Minnesota Attorney Generals have consistently interpreted 120 legislative days to mean 120 consecutive days, exclusive of Sundays, regardless of whether either house is actually in session. In 1967 the Senate met 102 days, and the House 103 days.

The legislature can be called into extra session only by the Governor. In 1967 an extra session was convened on the day following the close of the regular session. It lasted for 8 days. There is no legal limit on the length or subject matter of extra sessions.

Restricted biennial sessions, such as Minnesota's, were adequate for an earlier era when problems were simpler and decision-making was more leisurely. Present-day problems include (1) the difficulties in budgeting accurately for a two-year period; (2) the inability of the state to respond promptly to programs initiated at the federal level; (3) the inability of the legislature to solve complex problems within the restricted five-month period; (4) the difficulty in hiring professional competent staff for short sessions. The question seems to be, not whether to lengthen the session, but how to do it to provide optimal performance.

Six formats for legislative sessions are in brief:

- 1) Biennial, with constitutional limit on length.
- 2) Biennial, no constitutional limit on length. (Legislature sets its own time of adjournment or abides by statutory provision.)
- 3) Annual, with constitutional limit on length and subject matter.
- 4) Annual, unlimited subject matter, constitutional limit on length.
- 5) Annual, no constitutional limit on length or subject matter. (Statutory limit or legislature sets own adjournment.)
- 6) Continuous two-year session with carry-over of unpassed bills from first to second session. Legislature determines recesses.

Across the country a steadily rising clamor is heard for longer sessions and annual sessions. The Final Report

of the Twenty-ninth American Assembly stated: "To develop more responsibility in legislative performance, and more independence, legislatures should be continuing bodies meeting in annual plenary sessions, without limitation of time or subject. Legislatures should be empowered to call themselves into session."

Committees and commissions making recommendations to specific state legislatures tend to be somewhat more cautious. The trend is toward recommendation of annual sessions with constitutional limitations on length. Twenty-one states now have constitutional provisions for annual sessions. Thirteen additional states are recommending annual sessions or have informally gone to annual sessions.

In Minnesota the Citizens League, a Twin Cities' organization concerned with government, polled the legislators elected in 1966 and found of those who responded 69% favored annual sessions, but 56% did not favor serving full time. Senator Gordon Rosenmeier, veteran Conservative, believes that annual sessions would preclude part-time service so that many now serving would be eliminated. Representative Lloyd Duxbury, Conservative Speaker of the House, does not favor annual sessions, saying the only reason for them would be to appropriate money annually. Senator Stanley Holmquist, Conservative Majority Leader, favors annual sessions with a limit of 60 or 90 days. Senator Jerome Hughes, DFL freshman, favors annual sessions with full-time service.

Session quality, of course, is not necessarily proportional to session length. How the allotted time is used is as important as the amount of time permitted. Imaginative use of restricted time can help overcome its inherent deficiencies. Standard procedure among almost all of the 50 states is a legislative session in which committees meet concurrently with general session of each house. Committee hearings, general sessions, and subcommittee meetings are crowded into each day, giving legislators little time for in-depth study and research on bills in which they are interested.

Wisconsin's Legislature has a novel approach to this problem which evolved from the long-standing practice of recessing for the summer months. Though the Wisconsin Constitution limits the legislature to one session during the biennium, an Attorney General's opinion held that the practice of recessing was constitutional. To illustrate how the system works, the 1967 session proceeded as follows: the Wisconsin Legislature convened on January 1st, spending a month in organizing, introducing bills, etc. On February 1st it received the Governor's budget, then promptly recessed for three weeks. During that time the committees met and held hearings on bills. A joint Finance Committee of the Assembly and Senate held hearings on the Governor's budget. The Legislature reconvened before March 1st and stayed in session until July, working on the bills previously introduced. It recessed again for the summer months (with committees continuing to meet) until October, whereupon it was ready to act on the legislation and confirm gubernatorial appointments.

Following the three-week recess for Thanksgiving, the Legislature continued in session until Christmas. The Wisconsin Legislature has the power to call itself into session again in 1968 if the need arises but plans to devote the interim to standing committee work on specific studies and recodification of some chapters of Wisconsin Statutes in preparation for the 1969 session.

The advantages of the Wisconsin plan are flexibility and long and concentrated deliberation on crucial legislation. The recess process permits the part-time legislature (salaries of \$8,000) to assume many of the characteristics of a full-time legislature. Senator Robert P. Knowles, President of the Senate, enthusiastically endorses the result: "This system has worked extremely well in Wisconsin, and I would not change it for the world. I believe the preparation for a legislative session is of equal importance to the session itself. We do far more by way of preparing for a session than does Minnesota, and we depend far more upon public hearings to refine our legislation."

Minnesota Representative Robert Renner, Conservative, suggested that the Wisconsin system produces great political byplay. "You find (1) Democrats vs. Republicans to a greater extent than in Minnesota; (2) House vs. Senate when of different political affiliation; and (3) the Legislature vs. Executive. All potential conflicts are exacerbated."

Could this system be introduced in Minnesota without constitutional change? Although there is a body of opinion that believes the attorney general's interpretation of "legislative" days is in error, the historical precedent goes back to 1869, and it seems unlikely that the legislature would challenge it.

Other legislatures faced with rigid constitutions and the problems of amending them have resorted to a variety of ingenious devices for extending sessions ranging from "covering the clock," as was formerly done in Minnesota, or failing to pass major appropriations bills within the allotted time, thus forcing the governor to call a special session, to a mutual agreement between the governor and the legislature that he will call them into session again at an agreed-upon time. A constitutional amendment seems the most straightforward solution for the long run. The League of Women Voters of Minnesota could support such an amendment on the basis of our present position.

### Legislative Salaries and the Cost of Legislative Operations

A frequent argument against increased legislative sessions is the additional cost that would be involved. In the past legislators have felt there was a great public reluctance to spend money on legislative operations. Salaries have been low, office space crowded or lacking, clerical help limited, and professional staffing woefully inadequate.

In fiscal 1965-1966 the legislative expenditure in Minnesota was \$3,371,000, or 0.18% of the total state ex-

penditures. This means that Minnesota is spending approximately \$15,000 per individual legislator at a per capita cost to the population of less than a dollar. California ranks first in expenditure per legislator (around \$165,000), and New Hampshire ranks last, spending less than \$3,000. In per capita expenditure Alaska is in first place, spending over six dollars. Tennessee is in fifth place with 15¢. Minnesota ranked thirtieth on a per capita basis.

Legislative salaries in Minnesota are set by statute. In addition to an annual salary of \$4,800, legislators receive an expense allowance of \$14 or \$21 per day during the session depending on whether or not they are living at home. There is no per diem for interim work. During the interim legislators are reimbursed for their expenses in coming to St. Paul at 9¢ a mile and given an allowance for meals and actual hotel expense. Nationally, Minnesota ranks twelfth in compensation for the biennium.

The Committee for Economic Development (CED) in Modernizing State Government stated that "most legislators receive wholly inadequate salaries." In one state a legislator quit his job to become a legislative doorkeeper because the salary was higher. The CED report recommended that salaries for legislators should in no case be less than \$15,000, supplemented with suitable expense allowances, and with additional sums paid to key legislative leaders. A Citizens League report, *Strengthening the Minnesota Legislature*, stated that "as a basic principle, the salary of legislators should be large enough so that any citizen of the state, should he choose to run for the legislature, would not jeopardize his economic well-being if elected." The Citizens League report recommended a sizable increase in salary and, as a temporary improvement, a per diem payment of at least \$35 for attending legislative meetings between sessions. Whether or not sessions are lengthened, the increased demands on legislators during the interim would seem to justify higher salaries. There is a great loss to the state when an able individual quits after one term because he feels he cannot afford to serve in the legislature.

As indicated in other sections of this report, there is a need for increased legislative services. It is difficult to put a precise price tag on the cost of increased staffing, the use of modern data processing equipment, and better physical facilities. It is even more difficult to estimate the saving that might accrue to the public from better legislative oversight and improved capacity for decision making.

## Size of the Legislature

In recent years groups studying legislatures have frequently recommended a cut in size. The CED report, for instance, recommends that no legislature should have a total size of more than 100. The CED report states that "fewer members permit more individual participation, improve deliberation, elevate the importance—and hence the

quality—of membership, lead to better compensation, and facilitate stronger staffing."

Those opposing a cut in size point out that a large body is more representative and that with the present emphasis in society on representation of a variety of groups, this would be the wrong time to cut the size of the legislature. Minnesota Senators now represent an average of 51,000 constituents, while House members represent 25,000. Nationally the range is from 9,500 for a Senator in Alaska to 393,000 for a Senator in California. House districts vary from 1,400 in Vermont to 196,400 in California.

Others look at the size of the legislature in terms of workload. A legislature should have enough members to staff committees adequately and to carry out the business of the body. For example, if one desires 12 committees of 8 members and wishes each legislator to serve on 2 committees, the legislature would need 48 members. A dramatic cut in the size of the Minnesota Senate without increasing staff and length of session could make it difficult for Senators to deal effectively with legislation.

Because of the difficulty of evaluating legislative performance, it is impossible to prove that a smaller legislature is more effective than a larger legislature or vice versa. It is obvious that there would be a saving in salaries if the number of legislators was cut. Minnesota now has the largest Senate in the nation with 67 members. Our 135-member House is thirteenth largest. If Minnesota reduced the size of its legislature to a total of 70, it would be able to pay each legislator \$15,000 without any total increase in cost.

However, such a mammoth cut in one step is somewhat unlikely for two reasons: (a) legislators are extremely reluctant to vote themselves out of a job; and (b) a large reduction could significantly alter the balance of power between senior members, out-state, and metropolitan legislators. Though reapportionment has substantially corrected the representative imbalance, seniority is still in the hands of the out-state segment. A large percentage of the leadership would automatically be lost if the legislature's size were drastically cut.

It is perhaps more likely that the conversion process, if and when it occurs, will be a gradual, step-by-step process, with minor adjustments in session length, salaries, and size succeeding each other slowly over a long period of time.

In the massive redrawing of district lines since population apportionment became mandatory in 1962, five states cut their senate's size by one to nine seats, while seventeen states increased their senate's size by one to nineteen members. In the lower houses the pattern has been an increase in twelve states of from three to twenty-four seats, with cuts in seven states of as few as three or as many as 117 members. Many states, including Minnesota, remained the same size. Several bills were introduced in the 1967 Minnesota Legislature calling for a cut in size.

A Senate of thirty-three and a House of ninety-nine were proposed as well as a Senate of fifty and a House of one hundred.

## Composition of the Legislature

One of the most significant factors to be considered in legislative reorganization is the effect changes will have on the makeup of the legislature. Up to now Minnesota has been fortunate to attract a competent group of legislators.

Part-time legislators can come from all types of occupational backgrounds which permit a few months of leave every two years. The table below indicates the breakdown of the legislature by occupational groups for the 1965 session and the 1967 session.

Occupational Group	Per cent of Legislature	
	1965	1967
Attorneys .....	25	27
Small Business .....	25	22
Farming .....	23	21
Real estate, insurance, investments .....	9	7
Professional (including teachers) .....	18	11
Tradesmen, union, business agents, housewives .....	10	6½
Other and unknown .....	—	5½

As would be expected, the legislature's makeup is not typical of the population as a whole. In 1960 less than 13% of the work force nationwide was professional (including attorneys), less than 3% farmers, and 10% business and managerial. It is probable that many citizens who are otherwise qualified are prevented from serving because they cannot leave their jobs for the duration of the session.

Obviously an attorney, a doctor, or a small business man cannot become a full-time legislator without giving up his principal means of livelihood. When an individual must choose between high income and full-time legislative service, he is likely to drop out of this branch of public service. A full-time legislature would be made up of those who are trained specifically for legislative service, use legislative service as an apprenticeship for other elected office, are retired, or are independently wealthy. There seems to be no difference of opinion on this point. But there is considerable disagreement as to whether this change in type of personnel is good or bad for the legislative process. For example, in a part-time legislature a banker gravitates to the banking committee, a union business agent to a labor-management committee, making for a "built-in" lobby. Naturally each looks out for his own economic interests. But at the same time each brings expert opinion to committee discussion. A full-time legislature would eliminate the built-in lobby, but it also excludes the practicing expert.

Senator Rosenmeier does not believe that it would be possible to provide a salary for full-time service at a level which would be sufficient to attract the caliber of men

you get with a citizen legislature. Representative William Frenzel, Conservative, feels that a full-time legislature is inevitable for Minnesota and favors jumping directly to it in another four to ten years. He believes annual part-time sessions would cause the loss of many attorneys and the ascendance of certain special interest groups. Congressman and former state legislator Donald Fraser holds that full-time service would improve the legislature, as legislative service would become more important, and many who are now deterred would then choose to serve.

Another factor important in legislative makeup is the relationship between the number of freshman and veteran legislators. In many states high turn-over, often voluntary, has been a major problem; some states have been forced to use freshman legislators on chair committees. In the average legislature one-third to one-half of the members are newcomers. Minnesota has had a somewhat greater continuity of legislative service.

Year	% of Turn-over	
	in House	in Senate
1959	24	30
1961	18	
1963	38	34
1965	17	
1967	33	36

Reapportionments in both 1963 and 1967 undoubtedly added to the turn-over rate. The bottom third of the legislature turns over continuously; the top third remains for long periods. In 1959 before reapportionment, the nine men who then comprised the Senate Committee on Committees had an average length of service of 17 years. In 1967 the Committee on Committees averaged 18 years in service.

## Length of Term

House members now have two-year terms; senate members have four-year terms. A constitutional provision that senators have staggered terms, that is, half of the body be elected every two years, has never been honored. There is perennial interest among house members to extend their term to four years. The cost and wear and tear of the political campaign and the desirability of giving freshmen at least one session after they have learned the ropes are the principal reasons given for longer terms.

Under the theory of bicameralism, it is considered desirable that the two houses be different. One of the ways to assure difference is to elect members of the houses for different terms. Lengthening terms for house members might then require lengthening terms for senators. Senator Alf Bergerud, Conservative, introduced a bill in the 1967 session which would have provided six-year staggered terms for senators with one-third to be elected every two years. The chief problem with staggered terms relates to the federal requirement that legislatures reapportion every ten years. A new districting plan generally

leads to having two or even three incumbents in some districts, while other districts have none.

### Party Designation

Minnesota and Nebraska are the only two states where legislators run without party designation. Lacking party designation on the ballot, both the Republican and DFL parties use the endorsement system to counteract the invisibility and lack of identification inherent in nonpartisan legislative races. In recent years both parties have played an active role in recruiting able individuals to run for the legislature. The advantages of party endorsement to both the party and the candidate are many. In exchange for caucusing with the "right" group and pledging loyalty to the party, the candidate receives party support in the form of funds, campaign organization, and access to voter preference canvasses and mailing lists.

Both parties as well as the League of Women Voters have endorsed party designation for legislators for many years. Much of the Conservative leadership of both houses has been bitterly opposed. They contend that national party labels are not necessarily pertinent to state issues. They also argue that legislators should not have to be tied in any manner to a party platform. The League of Women Voters believes that the voter has a right to know the party affiliation of a candidate and that party designation would go a long way to improve the responsibility and responsiveness of the legislature.

It is doubtful that working conditions are considered by the candidate who is running for the legislature for the first time. Chances are he is not even aware of them, or at best, vague about them. But they can be important in keeping good men in the legislature once they have won.

No single factor appears to have irritated new legislators as much as the lack of office space. Legislators complain about the lack of privacy which makes it difficult to talk with their constituents and impossible for them to work without interruption.

The 1969 Legislature will have substantially more space. Most of the State Capitol offices have been vacated, and the space is to be converted to hearing rooms and offices. The changes will be a great improvement. Where there have been only three hearing rooms, there will be nine. Where most House members have not had desks other than ones on the floor, each House member will have a desk, file, and small chair next to his desk. But even with these changes, most members of the Legislature will still be sharing offices.

Other states are making major improvements in legislative facilities. Michigan, New Mexico, New York, and Hawaii are constructing completely new buildings to house their legislators. The new legislative building in North Carolina provides individual offices for each of its 172 legislators as well as parking, news and radio-television facilities, a library, and a restaurant.

It is possible that Minnesota too may need a new legislative building to provide additional office space for leg-

islators and an expanded staff. It has also been suggested that additional space in the Capitol could be obtained if the Supreme Court were given quarters elsewhere.

### INTERNAL FACTORS The Caucus

Before the start of each session members in each house divide into the DFL and Conservative caucuses for the purpose of organizing the legislature. In former years the DFL group was known as the Liberal caucus, but the name has been changed to reflect the party orientation of its members. All Republican-endorsed candidates caucus with the Conservative group, but a small group of veteran Conservative legislators in both houses do not acknowledge any ties with the Republican party.

There is no formal recognition of the caucus. The group with the majority in the Senate elects the Senate Pro Tempore. The group with the majority in the House elects the Speaker of the House. It is only by looking at these votes that one can determine membership in the two caucuses. In 1967 there were 45 Conservatives in the Senate and 22 DFL'ers. The House had 93 Conservatives and 42 members of the DFL caucus. Conservatives have always had control of the Senate. The DFL has had periodic control of the House, most recently in the period between 1955 and 1961.

Professor Charles Backstrom, University of Minnesota, in a paper prepared for the Minnesota-Dakota Assembly states: "... the organization of Minnesota's legislature is as rigidly dominated by caucus as any partisan state. The Minnesota legislature is under 100 per cent majority caucus control. All committee chairmen and the bulk of the committee members are members of the majority."

Because there is no formal recognition of the caucus, there is no recognition of the minority *per se* or of minority rights.

Caucus meetings are held periodically during the session by the DFL groups in both houses and by the Conservative caucus in the House. At these meetings legislation is explained and discussed, strategy is determined, and on issues such as the sales tax, caucus positions are determined. In the Senate the Conservative caucus never meets formally after the initial organizational session.

### Committee Organization

In Minnesota committees play a dominant role in shaping legislation. Bills reported favorably out of committee generally pass and pass in much the same form as recommended by the committee. Most states, but not all, place similar reliance on the work of committees.

In the House the Speaker has the sole responsibility for assigning legislators to committees although he consults members for their preferences. House rules provide that the minority may propose committee assignments, but they have not done so. The Speaker in 1967 gave a proportional share of the seats on each committee to members of the minority.

In the Senate an organization consisting of the two senior majority members from each Congressional district makes committee assignments. Senate rules do not mention minority rights. However, in 1967 the assignment of minority members was proportional, and each minority Senator was given at least one committee assignment as suggested by the minority.

There is no assurance that the favorable treatment given the minority in 1967 would continue in another session where the minority had a larger percentage of the body. The Citizens League report proposes that "... it is most important that the minority not only have the right, but should be required to name its own members to committees. The minority then can place its members on the committees where they will be the most effective and be held accountable for the arrangement."

In 1967 the Senate had 18 committees: Agriculture, Civil Administration and Metropolitan Affairs, Commerce, Education, Elections and Reapportionment, Finance, Game and Fish, General Legislation, Judiciary, Labor, Local Government, Public Domain, Public Highways, Public Welfare, Taxes and Tax Laws, Temperance and Liquor Control, plus the Committee on Committees and the Rules Committee. In addition Civil Administration had two formally recognized subcommittees.

The House had 32 committees: Agriculture, Appropriations, Cities of the 1st Class, Cities of 2nd and 3rd Classes, Civil Administration, Claims, Commerce and Business Development, Dairy Products and Livestock, Drainage and Soil Conservation, Education, Elections and Reapportionment, Employees Compensation, Financial Institutions, Forestry and Public Domain, Game and Fish, General Legislation and Veterans Affairs, Government Employee Security, Health and Welfare, Highways, Insurance and Securities, Judiciary, Labor-Management Relations, Law Enforcement and Liquor Control, Metropolitan and Urban Affairs, Motor Vehicles, Municipal Affairs, Public Service and Utilities, Recreation and Water Resources, Taxes, Towns and Counties, University and Colleges, plus the Rules Committee.

Reading the above long list of committees, it is obvious that some committees must be more influential than others. It is possible, if somewhat arbitrary, to single out five committees as having the greatest influence.

The Rules Committees in both houses are powerful because they determine the procedures in the two houses. Membership on Rules is drawn exclusively from the majority caucus. Adopted rules cannot be suspended except by a two-thirds vote. The Rules Committees along with the Committee on Committees in the Senate have substantial influence on the workload of the various committees and the progress of bills through the legislature. Rules Committees consider directly bills affecting the organization of the legislature and may deal with other matters such as memorials to Congress. The House Rules Committee makes the determination of which constitutional amendments will be considered on the floor of the

House. To illustrate the power of Rules Committees, the Speaker of the House of the Colorado Legislature observed that the Colorado Legislature was ready to call a constitutional convention but he had "killed it in Rules" because he felt Colorado was not ready for a convention.

Among the most influential committees are Appropriations in the House and Finance in the Senate. Most policy is determined by money. Legislators may endorse grand sounding policies, pollution control, for example, but not one stream can be cleaned up without an appropriation for the purpose. As all bills bearing appropriations must go through the appropriations committees, the workload of these committees is very heavy. Senate Finance had 400 bills referred to it, and House Appropriations had 285.

The Tax committees have the responsibility for both the amount and the manner in which revenue is raised. They have basic responsibility for the economic well-being of the state and for determining what levels of service will be provided.

The importance of the Judiciary Committees is less readily obvious. The lawyers in the houses generally sit on the Judiciary Committees. Bills affecting major changes in state law are usually referred to Judiciary for evaluation. Since most major bills do propose changes in the basic law of the state, these committees have the power to approve or reject many of the controversial bills. In 1967 the Senate Judiciary had 417 bills referred to it, while House Judiciary had 268.

The Civil Administration Committees consider bills which change the structure of state government. Again many major bills do involve changes in the structure of government. The Senate Civil Administration and Metropolitan Affairs Committee received 395 bills, while House Civil Administration had 227.

The workload of the other various committees varies considerably. Drainage and Soil Conservation in the House had just 13, while the Local Government Committee in the Senate received 626. The number of bills assigned a committee is obviously not a complete measure of the work of that committee. A bill revising insurance laws or establishing a new tax structure requires more deliberation than 30 bills, each of which raise the salaries of local officials. The committees assigned the most bills usually have the most work.

Only 14 states have more committees than Minnesota. Alaska has just 9 in each house. The CED report observed that most legislatures had fragmented responsibility into too many committees. The large number of committees makes staffing difficult. The different committee structure in the two houses makes the progress of bills between the two houses difficult to follow and makes it more difficult for the House and Senate to conduct joint hearings, either during the session or during the interim. The CED report recommends that state legislatures "limit the number and size of their committees, organizing them along broad functional lines, and assigning parallel—



or joint-jurisdictions to them in bicameral bodies." The Citizens League suggested that each house might divide itself into eleven substantive committees. Another possibility is for the legislature to establish committees to correspond with major departments in a reorganized executive branch.

Each legislator other than the floor leaders serves on a minimum of five substantive committees. A number of legislators serve on seven committees with the possible addition of the Rules Committee, and in the Senate they may also serve on the Committee on Committees. Because of the number of committee assignments, legislators find themselves dashing from one committee meeting to another in what one legislator termed a game of musical chairs. Except for some veterans, few legislators admit to being experts in 5 to 7 fields. For the freshmen the task is almost impossible. With the number of different committee hearings, it is difficult to arrange subcommittee meetings which will not provide conflicts for members.

Most legislators indicate that they favor fewer assignments, particularly if the reduction in assignments is coupled with a reduction in the number of committees. This would mean that no legislator could be stuck with one or two minor committees and that committees which consider important legislation would not lose talented legislators. In Wisconsin each legislator serves on just one standing committee, while in North Dakota the maximum is three.

There are some possible problems in reducing the number of committees and the number of assignments. There is the danger that all legislators will become specialists with no one concerned with the over-all picture. It is also possible that a committee of specialists will, over the years, form an alliance with the department head in the administration and special interest groups, ignoring the general public.

From a practical standpoint, men who have been committee chairmen may be unhappy at giving up their chairmanships. Chairmen have provided themselves with better office space and more clerical and professional staff than is given the average legislator. Chairmen in both houses are the members with the longest service.

In the Senate the number of committees has corresponded to the number of Conservative members with a certain amount of seniority. In 1965, for example, there were twenty-one members elected before 1958, and each was given a chairmanship. In 1967 there were seventeen senators elected before 1962, and each of these was named to head a committee. This reduced the number of committees by four.

In 1967 the House increased the number of committees. Reapportionment resulted in a tremendous influx of members from the metropolitan area. The Speaker felt this group should have a greater number of committee chairmen, and the only way it could be done, since most of the seniority was outside the metropolitan area, was to increase the number of committees.

Reducing the number of committees would reduce the number of chairmen from the metropolitan area. It should be pointed out, however, that giving chairmanships to senior members is a tradition, not a law.

In the Senate cross-membership of senior members in the important committees has given dominance to the leadership group. Professor Backstrom observed "no wonder there has been no need for the Senate majority to caucus—they meet each other over almost every bill in virtually every committee several times a week." If multiple membership is reduced, the leadership may need to develop a different mechanism of maintaining control.

### Committee Hearings

Most committees meet for one hour, once or twice a week, in accordance with a schedule adopted early in the session. House rules require that a change in scheduling must be announced one day in advance. Senate rules allow committees to meet any time without prior announcement.

Committee chairmen are responsible for planning the agenda. The chairmen decide which bills will be heard and how much time will be allotted to testimony and deliberation. If a chairman decides not to hear a bill, the bill is for all practical purposes dead.

Announcement of bills to be considered on a given day is made by listing the file numbers of the bills on 3 x 5 cards which are placed on the desks of committee members and posted on bulletin boards in the Capitol. There is no public announcement of matters to be considered unless the issue is of sufficient general interest to be reported in the press. Committee clerks are usually very cooperative in attempting to phone interested people who have requested notice. However, the system breaks down in the closing weeks of the session. Also there is no requirement that committees actually consider the bills that have been scheduled.

The chairman gives the chief author of a bill responsibility for presenting testimony. After the author has presented his case and introduced witnesses, the chairman calls for testimony from the audience. Except in very controversial matters where proponents and opponents are allotted limited time, anyone who wants to make a statement will be recognized.

In the past, committee chairmen have had little professional assistance in planning committee hearings. The limitation of hour segments for hearings means that discussion of relatively simple bills is sometimes drawn out, while deliberation of complex bills may be abbreviated because action must be taken before the end of the hour. When a bill is held over, continuity of discussion is lost. The short time segments and the lack of staff also contribute to committees' looking at various individual bills rather than developing over-all policies.

Records are kept mainly at the discretion of the chairman. The House requires records including the time

and place of the hearing, the attendance, names of people appearing before the committee, and a record of the roll call vote if it is requested. The Senate has no specific rules on committee records. Testimony of witnesses is recorded only if the chairmen desire it.

In summing up the present status of committee hearings, the Citizens League report stated, "Legislators are expected to make major policy decisions on many issues affecting the state in an atmosphere of far too many meetings—with overcrowded unplanned agendas—jammed into too short a period of time, too little background information, and not enough staff support . . . certain procedures . . . in the organization and conduct of committee hearings sometimes raise questions as to whether all proposals before the legislature received fair treatment."

There are a variety of proposals for improving procedures in committee hearings. The time for each hearing could be extended, permitting half-day or all-day discussions. This would mean that the committee could consider a number of related bills in the same hearing. An interested citizen would be able to testify or follow discussion on several bills without making repeated trips to the Capitol.

Bills need not be considered, except in emergencies, without public announcement well in advance. The Rules of the legislature could require that each committee chairman insert a schedule of bills to be heard by his committee in the House or Senate Journal one week before the hearing. The newspaper could be encouraged to publish committee schedules for the week in the Sunday paper. With adequate notice lobbyists and department heads could prepare testimony in writing, adding to the public record on legislative proposals, and increasing legislative and public understanding of the merits and demerits of legislative proposals.

Legislative rules could guarantee each bill introduced in the legislature would be given a hearing, provided it was introduced early in the session. This would enable the legislature to provide a forum where citizens could express their opinions on public matters. It would discourage legislators from introducing bills which they did not intend to pursue.

Verbatim records of all committee hearings could be kept. The legislature might consider recording each hearing, keeping the tapes available for replay. Or, the proceedings of each committee could be transcribed and placed on micro-film. A filing system could be developed with cross references so the legislator or citizen would be able to make use of the records.

Other states do follow some of these procedures. In North Dakota, for example, the House requires that committee chairmen announce committee schedules a week in advance, publishing the list in the House Journal. North Dakota divides its committees into three groupings—A, B, and C. Two days are assigned to the A committee

for business, two days are assigned to B committees, and one day is assigned to C committees.

### Legislative Staff

The need for additional staffing has been emphasized by all groups studying state legislatures. Legislatures need economists, business experts, budget analysts, sociologists, scientists, and others working full time for the legislature, hired as consultants, or recruited on an honorary basis.

Particularly crucial is the availability of professional staff for the standing committees. In Minnesota now only two regular committees, Appropriations and Finance, have year-round staffs. In addition, since the end of the 1967 session, the Senate Rules Committee has established the position of Senate Counsel. He works with the Rules Committee and other committees. The House Rules Committee has also hired a research consultant.

During the 1967 session both the House and Senate authorized research assistance for additional major committees. Several of the posts were unfilled because the legislature was unable to find persons willing to accept a position of limited duration.

Three-fourths of the legislators responding to the Citizens League survey stated that all committees should be staffed. Problems relate to finding competent individuals, defining the relationship of the staff to the committee chairmen, and defining the relationship of staff to majority and minority members of the committee.

In at least one committee in 1967 the research clerk found himself working as an administrative aide to the chairman rather than doing research. Some legislators are distrustful of the ability of a professional staff to serve both minority and majority members of a committee. Other legislators express concern that with full-time staff and part-time legislators, the staff would end up running the whole legislature. This criticism is sometimes directed at New York.

A possible solution to these problems is to place all committee staff under the supervision of a joint committee composed of the majority and minority leadership of the two houses. Such a group could develop and supervise a high quality nonpartisan research staff. Another possibility is for the legislature to hire a legislative manager. This individual could be responsible for hiring staff and supervising the business of the legislature using modern office techniques, electronic devices, computers, etc.

With a nonpartisan research staff, there is also need for party-oriented research for the majority and minority caucuses. In 1967 the legislature authorized two party analysts, one for the House and one for the Senate. While much research is of a factual information gathering type, certain issues such as taxes have a party orientation. It is desirable that staff be available to develop alternative solutions on such issues.

A number of legislators have stated that they could be more effective in the legislative process if they were provided with administrative aides to relieve them of routine

chores and help service constituents. California provides administrative aides for all of its legislators. However, with the large size of the Minnesota legislature and the small number of staff now available, this would seem impractical for Minnesota in the immediate future. The legislature might find it advantageous to assign aides to the majority and minority leaders and to certain of the key committee chairmen.

Another possibility is the development of an intern-aide program in cooperation with Minnesota's colleges and universities. Undergraduates might serve individual legislators. Graduate students could do research for committees. Such a program might lead to permanent positions for some of the participants. A major problem for the legislature is attracting competent personnel to serve as staff.

### Work Between Sessions

Legislators have expressed frequent concern with the over-all low productivity of interim activity. Meetings are held, witnesses are heard, reports may be made, but few proposals are drafted into bill form to be acted on in the succeeding session.

Minnesota accomplishes interim study through (1) the Legislative Research Committee, (2) interim commissions, and (3) the standing committees of the House and Senate.

When the Legislative Research Committee was established by the legislature in 1947, it was intended to be the central research body for the legislature. The LRC consists of one Senator and one Representative from each of Minnesota's Congressional districts. It is authorized to have four research analysts in addition to a director.

The LRC has not accomplished its original purpose. It does not furnish staff for the standing committees, nor has it been given major research projects. In recent years it has been primarily concerned with small research projects suggested by individual legislators. It is also authorized to provide spot research for individual legislators during the session, but only a limited number of legislators use its services. A partial explanation for its lack of success may be that the leadership of the two houses has not been actively involved in its management. The total expenditures of the LRC during the 1965-1967 biennium was \$103,000.

A second vehicle for interim activity is the interim commission. Interim commissions are made up of members from both the House and Senate, generally ten to sixteen. Commissions may also have members of the public or governmental officials serving as members or in an *ex officio* capacity.

Minnesota has twelve permanent commissions which continue from year to year. Examples of such commissions are the Claims Commission, the Greck Lakes Commission, and the Permanent Building Commission.

In addition to the permanent commissions, the legisla-

ture appoints commissions to make recommendations to the next legislature in specific areas. In 1967 there were five commissions established: Elementary and Secondary Education, Highways, Administrative Procedures, Medical School, and Lake of the Woods Economic Study. During the 1965-1967 period, commissions spent \$321,000.

The third method of conducting interim activity is through the regular standing committees of the legislature. This practice began in 1963, growing out of a dissatisfaction on the part of the legislature with the accomplishments of interim commissions. Some problems associated with interim commissions are that they are frequently slow to be organized, sometimes few of their members survive the next election, and the House and Senate may not agree on their importance. Standing committees are already organized as the interim begins and generally have greater continuity.

The research program for the standing committees is adopted by the House and Senate Rules Committees. The committees of the two houses generally meet independently and are often looking into different areas. In the period between 1965 and 1967, fourteen Senate committees were activated and spent \$104,000. Twelve House committees spent \$76,000.

In the past the activity of standing committees has varied greatly. Some committees used consultants for research or hired staff on a part-time basis, others had no staff. Some committees worked hard on the areas they had been assigned and came to the session prepared for action. Some committees used their meetings as orientation sessions for members. Other committees did very little. In early 1968 the activity among the various committees is exceptionally high. More committees are holding more meetings than ever before. Several committees are already preparing reports. It appears that this will be an unusually productive interim.

The Citizens League study concluded that the standing committees are at this time the legislature's most effective vehicle for research and interim work. However, it is obvious that work is now fragmented among a number of different groups. There is no over-all plan for research, little setting of priorities, little planning between the two houses. The Minnesota-Dakota Assembly recommended a central legislative planning committee to coordinate the work of interim committees, joint and otherwise.

### The End of the Session Log Jam

On May 22, 1967, the legislature passed and sent to the Governor 205 bills. This is what is meant by an end-of-the-session log jam. Legislators were voting on minor bills and major bills; they were acting on reports from the conference committees which they had not even read, let alone had a chance to study.

It is part of the nature of the political process that major bills will meet obstacles and that key compromises will not be made until the closing days of the session.

However, looking at other states, the jam-up need not be as bad as it now is in Minnesota.

In Minnesota there are no effective deadlines for handling legislation. The Constitution states that no bills are to be introduced after the 90th day of the session without the permission of the Governor. However, the Governor is loath to interfere in the legislative process, and the permission is almost automatic.

A Senate Rules Subcommittee is considering a series of deadlines for the introduction of bills, for completion of committee action, for action by the first house, for reports from conference committees. Other states have noted a marked improvement when they have adopted deadlines. In Illinois, for example, before deadlines were adopted, 57% of the bills were passed during the last two weeks. After deadlines, the number dropped to 23%.

Other changes in legislative procedures could alleviate the log jam. The number of local bills could be reduced. The legislature could grant local communities the power to handle local problems on the local level and insist that they do so. Or, the legislature could make a systematic study of local bills, formulating general policies which could be expressed in general laws. The legislature could establish procedures outside the legislature for handling claims, thus eliminating all claims bills.

### Availability of Information for the Legislator and Non-Legislator

Citizen groups, newsmen, and League of Women Voters' lobbyists can document the need for greater availability of information for the legislator and the general public at almost every step of the legislative process. Legislators and staff alike are usually very cooperative in supplying information when asked, but it takes considerable effort to discover the content of bills and to follow their progress through the legislature.

*Pre-session orientation.* The need for information begins for a new legislator with his election. The new legislator is given little formal orientation by the legislature, nor is he furnished with a manual explaining legislative procedures. The Department of Education conducts tours of state departments. The Reviser of Statutes has a session on bill-drafting.

Legislators in Illinois and Wisconsin strongly advocate pre-session programs conducted by the legislature itself, having found the programs in their states valuable. North Dakota among other states produces an excellent manual.

*Availability of Bills.* Currently when bills are introduced, the Reviser of Statutes makes 10 copies. The legislature buys additional copies when requested for committee members and other legislators at the cost of 4¢ a page from Phillips Legislative Service. The public may also purchase copies at the rate of 25¢ a page, provided it knows about the service.

The legislature prints 500 copies of bills when they are reported out of committee to the floor of the houses. This means that bills which die in committee are never

generally available, and that the public has not had general access to bills during the crucial period they were in committee.

Bills are only printed once, and if amendments are made after the original printing, it is difficult to find out what the form of the bill really is.

The principal reason the legislature has not printed more bills is the cost and the problems of estimating the number that would be needed. During the interim the Rules Committees of the Senate and House have been investigating these problems.

*Explanation of Bills.* Some states use either fiscal notes or bill summaries to make bills more understandable to legislators and the general public. A fiscal note simply estimates how much the bill would cost or how much revenue it would raise if the bill became law. Legislators tend to feel that fiscal notes would be more useful if prepared by legislative staff rather than administrative departments. This will require additional staff. To avoid unnecessary duplication, it would be desirable for the House and Senate to combine their fiscal services.

Summaries provide a brief explanation of each bill. They are particularly useful for bills that refer to amending or deleting a section of Minnesota Statutes. Without a summary a legislator has to look up the particular section of the Statutes to understand the bill. A problem with summaries is that it is sometimes harder to write the summary than it was the bill, and that summaries might be written in a misleading manner.

*Committee Reports.* An earlier section of this paper discusses announcements of committee hearings and committee records. Equally important are committee reports. In Minnesota committee reports simply list the file number and title of the bill, whether it is recommended to pass, and amendments made in committee, if any. In Congress the committee report explains the reasoning behind the bill and includes minority dissent, if any. Congressmen often find the report more helpful than a copy of the bill itself. In the past, few legislative committees would have had the staff to prepare reports.

*Reporting action of the Committee of the Whole.* The Committee of the Whole is simply the entire House or Senate sitting as a committee to debate and amend bills on the floor. In Minnesota there is no record kept of debate or of votes on the amendments in the Committee of the Whole. Records are kept of roll calls on the final vote for passage or defeat of bills.

Proponents of keeping records of action in the Committee of the Whole argue that a legislator may vote for crippling amendments to a bill, yet be recorded as favorable to the bill by his vote on the final passage. They argue the public has a right to know his true feelings. Opponents feel that it is unfair to hold a legislator responsible for every single vote he makes and that recording debate might tend to curtail the very open give-and-take that Minnesota now has.

*Conference Reports.* When the House and Senate

pass a bill in different form, a conference committee is appointed to resolve differences and report back to the two bodies. As discussed in the section on the end of the session log jam, legislators often have to vote on reports they have not seen. A number of legislators feel they would be better able to exercise their responsibilities if it were required that all conference reports be printed and that final action on the report be delayed until the reports could be read and discussed.

## Conclusion

The Minnesota Legislature needs modernization. Legislators themselves are well aware of problems and deficiencies. House and Senate Rules Committees are meeting during the 1967-1969 interim to seek solutions and make recommendations to the 1969 Legislature. It can be seen that problems are interrelated, that no single change will in itself solve many problems.

The problems of the Minnesota Legislature are not unique. We have cited some procedures in other states which might be used to advantage in Minnesota. We have not cited weaknesses of other states. Minnesota compares well with most legislatures. We have not uncovered an adventuresome new approach to legislative reorganization.

We have quoted recommendations from the Citizens League report as the most recent comprehensive study of the Minnesota Legislature. We have quoted from the CED report and the American Assembly. We have quoted individual legislators. All their proposals are similar because problems are similar.

Albert Abrams, Secretary of the New York Legislature, summarized the situation: "It is always open season on lawmakers. And it has always been so . . . Legislative leaders, unlike Delilah who snipped Samson's hair, cannot take some simple steps to under-cut scapegoatism.

They can, however, reduce recurrent attacks by a variety of approaches. They need to dress up, staff up, equip up—in sum, shape up . . . Citizen groups need to rally behind legislatures, for without strong legislatures, our freedom withers, our future shrivels."

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APRIL, 1968

LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 Wabasha

St. Paul, Minnesota 55101





facts and issues:

# Minnesota's Executive Branch

Almost every newspaper and magazine issue bears witness to the fact that our burgeoning population is generating a host of governmental problems of increasing magnitude and complexity. These are straining the ability of government on *any* level to provide necessary services and to mediate successfully between competing interests in our society. The continuing dispute over the terms of NSP's permit to operate its nuclear power plant at Monticello points up the struggle between the demand for greatly expanded electric power and the need for protection from radiation pollution. The attempt to restrict the dumping of taconite tailings into Lake Superior brings to light the opposing forces of competitive iron prices and conservation of the lake's ecology and its dependent commerce. Both examples sharply focus attention on Minnesota's ability to avoid or mitigate crises.

The problems clamoring for resolution now and in the decades ahead are by no means confined to the field of water resources. Among others, needs in education, urbanization, health and welfare, transportation, housing, open spaces all present potential difficulty.

While all levels and branches of government share in

providing for the needs of the people and frequently their roles overlap, the focus here is on the executive branch of Minnesota state government. The *province* of the executive branch is administration of the laws passed by the legislature to meet those needs. *Structure* (i.e. the way in which province is compartmentalized into *functions*) and *organization* (how functions are related to each other) affect the ability of the executive branch to fulfill its purpose. A function can be defined as a group of related services rendered by government, such as conservation of natural resources, licensing, health protection, etc.

In evaluation of our executive branch, several questions should be asked. How well can the present structure of the executive branch respond to conflicts of great magnitude? Is the executive branch structured to meet current and future needs? How successful are other states in organizing their executive branches to respond to changing patterns? Can we generalize from their experiences in evaluating our own? What effect does executive organization have on the impact of federal policies and directives? Do valid guidelines exist with which we can appraise further reorganization proposals?

## minnesota's executive branch: history, organization, structure

At the time Minnesota became a state, the Jacksonian belief that democracy is best served by dilution and dispersal of power was at its peak; if it is good to have one elected official, it is ten times better to have ten elected officials. Minnesota did not escape infection and our many-headed executive structure reflects this.

Scandals, such as a state treasurer guilty of embezzlement, led to further dispersal of power in the 1870's, in the creation

of independent boards and commissions. As the state grew older and problems began to multiply, new services were supplied by setting up new agencies, usually with little regard for coordination with existing services.

As the 1930's approached, dissatisfaction with our jerry-built system grew. Since that time five separate groups have studied Minnesota's government:

- 1) 1937-39 Legislative Investigating Committee
- 2) 1947-49 Constitutional Commission
- 3) 1949-50 Minnesota Efficiency in Government Commission (Little Hoover Commission)
- 4) 1955-58 Minnesota Self-Survey
- 5) 1967-68 Governor's Council on Executive Reorganization (See Chart A)

Legislative action during this same period resulted in the following:

- 1) The 1939 Reorganization Act established the Department of Administration (first such department in any state), a civil service system, quarterly budget controls, and centralized purchasing with competitive bidding.
- 2) The Constitutional Amendment in 1958 extended terms of constitutional officers to four years.
- 3) The 1955 Reorganization Act contained sweeping reorganization proposals. The act was invalidated because of error in engrossment. The political climate then changed and the bill was not re-enacted in the next session.
- 4) Numerous departments underwent internal restructuring, e.g. the 1953 unification of welfare services in Department of Public Welfare; the 1959 separation of Corrections from Public Welfare; the 1967 reorganization of the Conservation Department.
- 5) The Reorganization Act of 1969 created one new department - Public Safety - rearranged some functions among other departments, set the terms of appointed department heads to coincide with the governor's (who appoints all department heads except Education and Health), and gave the governor the power to shift functions, personnel, and appropriations from one department to another. The Act also placed under the State Planning Agency the Interdepartmental Task Force on Transportation, the State Urban Affairs Council, and the Urban Action Center.

It left untouched the structure and functions of innumerable independent<sup>1</sup>, and semi-independent boards and commissions, and avoided major surgery on the existing structure of the executive branch.

In short, no overall reorganization resulted from the various studies. There were some gradual realignments and procedural improvements, but still, in 1969, 105 separate state agencies existed, plus some 190 regional, interstate, and state policy and advisory boards, such as the Metropolitan Council and the Minnesota-Wisconsin Boundary Areas Commission.

## recommendations on executive organization

Even the most casual reading of reports and articles on the organization of executive branches of state government reveals a remarkable consistency among them concerning principles, criteria, and goals. A survey of the literature from the Council of State Governments, the National Governors' Conference, state reorganization commissions (Montana, Wisconsin, Minnesota, etc.), experts in governmental problems (e.g. Dr. G. Theodore Mitau), the National Chamber of Commerce, the Committee for Economic Development, among others, reveals

1. Independent means not a part of, or subject to jurisdiction of, any department.

It is interesting to note how much basic agreement existed among the three citizens' groups, in spite of their political orientation (Little Hoover Commission and Governor's Council were established by Republican governors, the Minnesota Self-Survey by a Democratic governor). For example, all three agreed that:

- 1) Administrative authority and responsibility should be centered in the governor as chief executive, by means of fewer departments organized according to major functions.
- 2) All departments should have a single head, appointed by and responsible to the governor.
- 3) In general, boards and commissions should be advisory, quasi-legislative or quasi-judicial only (not administrative).
- 4) The legislature should have a post-audit function to control expenditures and the governor the pre-audit and accounting functions.
- 5) The ballot should be shortened by reducing the number of elected offices in the executive branch and assigning their functions to various departments. There were minor differences as to which constitutional offices, if any, should be retained.
- 6) A Department of Revenue should replace Department of Taxation, to encompass all major tax administration functions of the state.
- 7) There should be uniformity in nomenclature. However, no attempt was made to develop a nomenclature which would denote size and function.
- 8) There should be uniformity of structure of department.

Most of the differences among the three revolved around the grouping of functions, e.g. licensing, education, agriculture, transportation, and the like. Generally the differences grew out of changing needs. As an example, the Governor's Council was the only group recommending a Department of Transportation to bring together highways, aeronautics, and mass transit. This had not previously been a major concern. The Governor's Council also reflected changing needs in its recommendations for executive-initiated reorganization, planning as a major function, and concern for federal-state relationships.

Chart B shows the present structure of Minnesota's executive branch. It shows only bodies which have statewide jurisdiction.

a standard message. The propositions can be condensed as follows:

- 1) Executive agencies should be responsive to the will of the people and should reflect basic public attitude.
- As the election of multiple executives and the use of independent courts and commissions make it less likely that executive agencies can accurately and promptly reflect the needs of the people, these should be reduced as much as possible.
- 2) Clear lines of authority should be established, starting with the governor at the top and running through the entire organization. Channels of communication should be kept open from top to bottom.

To accomplish this, the chief executive should have a four-year term, have the power to appoint and remove department heads, be

provided with an adequate personal staff, have budgetary control, and be granted the right to reorganize subject to legislative veto. The ballot should be shortened, eliminating election of non-policy making officials. Boards and commissions should be advisory only, except when they perform quasi-legislative or quasi-judicial functions.<sup>2</sup>

- 3) All administrative agencies should be consolidated into a small number of departments (ten to twenty) organized by function. This permits improved coordination, greater efficiency, more effective service, and elimination of costly overlapping and duplication. Generally the departments should be organized with regard to the seven major types of services: social services, education, protection of the rights of labor, promotion and regulation of commerce and industry, regulation and provision of transportation facilities, protection of persons and property, and the conservation and development of natural resources. The major administrative units should be headed by a single individual.

- 4) The expenditure of public funds is so important that a pre-audit function should be included under the executive branch, and a post-audit function should be provided outside the executive branch, for example, as a function of the legislature.

Central to these concepts is the emphasis on improving the relationship between government and people and on strengthening the role of the traditionally and almost universally weak governor to enhance his authority and accountability.

### people: pieces or wholes?

There is a growing realization that governments tend to be strewn with a multitude of highly specialized bureaus with fragmented jurisdictions which "force government to deal with people as pieces of people" as Jarold Kieffer<sup>3</sup> points out. Government then becomes a bureaucratic maze through which only the more resourceful individuals can find their way. As a result, the help dispensed by a given agency may not reach the individuals with the greatest need for its services. Even when a needful person makes contact with the proper agency, the aid he receives may touch only a small portion of his total problem. The clustering of related services under one umbrella function administered by one department is the logical outgrowth of seeing people as wholes instead of pieces.

2. Quasi-legislative powers cover the setting of rules and regulations which are binding on the public. They have the force of law and penalties can be imposed for non-compliance. For example, under Chapter 15 of Minnesota Statutes, the Natural Resources Commissioner has the power to determine the time and length of hunting seasons each year, and the Board of Optometry determines the criteria for licensing optometrists. There are countless examples.

Quasi-judicial powers include the right to hold hearings, take evidence, and issue rulings, such as in Workmen's Compensation disputes between labor and management, which are settled by the Workmen's Compensation Commission. Such decisions are binding unless one side takes the matter to court.

3. Chairman of Oregon's Project 70's Task Force, charged with pinpointing Oregon's problems of the 1970's.

### strengthening the role of the governor

While both federal government and many larger cities have recognized the need for strong executive leadership, state governors are still hobbled with multiple leadership, diffusion of authority, independent and unresponsive agencies - all relics of archaic philosophies and outmoded fears. A governor is called upon to lead in formulating public opinion, to establish major goals using the strength of his personality and his political party, to formulate public policies and to shepherd programs through the legislature. The public believes him to be master of his domain, but generally he lacks the authority, the organization, the staff, and fiscal control necessary to live up to its expectations. He is frequently further hamstrung by not being able to succeed himself and by inadequate compensation. Reorganization proposals generally aim at correcting these deficiencies as part of overall reform.

### executive-initiated reorganization

A relative newcomer to government organization proposals is executive-initiated reorganization. This power is buttressed by the arguments that:

- 1) if a governor is to be held accountable, he should have freedom to organize as he wishes;
  - 2) part-time legislatures cannot react rapidly to reorganization needs;
  - 3) greater flexibility is needed to cope with expansion of traditional services and initiation of new programs.
- The power to initiate reorganization takes many forms. The "pure" form, patterned after the federal provision, allows the governor to reorganize subject to legislative veto, which is the reverse of normal bill-passing procedure. Other forms include a provision for affirmative legislative action, either by resolution approving the governor's proposals or by introduction and passage of his recommendations as regular bills. More rarely, the governor may act without either legislative approval or veto.

However, the meager evidence accumulated thus far seems to suggest that executive-initiated reorganization at this time does not produce sweeping reforms as may have been intended. According to George Warp, Director of Public Affairs in the University of Minnesota Public Administration Department, in his report to Governor Harold LeVander on Article IX of the 1969 Reorganization Act, state provisions for executive-initiated reorganization have not been effective apparently because of "the prevailing legislative suspicion of and resentment toward a procedure that reverses the usual executive and legislative roles."

Whatever the factors involved, states with this provision generally have not been more successful in providing better organization than states without it. Though at this time only minor changes seem to be permitted governors in this manner,

future legislatures may feel more at ease in enlarging this power.

### model executive department structure

A model state executive branch has been formulated by the National Governors' Conference Study Committee on Constitutional Revision and General Government Organization, which is shown in Chart C. The foundation of the plan is a constitutional provision limiting elected officials to governor and lieutenant governor elected jointly midway between presidential elections. Terms would be four years, with no limitation on number of terms a governor could serve.

### standard nomenclature

The committee also has devised a standard nomenclature to reduce confusion and aid the public in understanding governmental structure. The nomenclature is based on the premise that a unit's title should indicate its relationship to the governor, to other units above and below it, and whether it is administrative or advisory, part-time or full-time. For example, a *department* is a principal administrative unit subject to the governor and headed by one person; a *division* is the primary sub-unit of a department.

Note on Chart B that some Minnesota agencies with department status are designated by other names.

### state-federal relations

The framers of the U.S. Constitution clearly intended the federal government to exercise power only in those areas in which the individual states could not, that is, in the areas of interstate and international problems. It is equally clear that today the federal government exercises increasing power in intrastate problems. As states have failed to provide services to their people, the federal government has stepped in to fill the vacuum. Hardly any functions of state government remain

untouched by federal funds. Frequently federal grants bypass state agencies altogether and go directly to local units.

According to Louis Cassels in an article in the November 13, 1969, St. Paul Dispatch, Rep. William Roth, Jr. (R-Delaware), has counted no fewer than 1,315 separate federal loan and aid programs. "There is no central office . . . anywhere . . . which can provide information about all of these programs. In fact, the Budget Bureau cannot even say for sure how many programs there actually are."

Recognizing that confusion and duplication result from this uncoordinated approach, the federal government has started shifting to block grants to states, which in turn dispense the funds to their local units. The trend will probably continue. With this return to emphasis on the states, the organization and structure of their executive branches assume greater importance. Do the states have the kind of organization that can handle these services efficiently and effectively? Are they sufficiently flexible to absorb increased responsibility and to cope with shifting patterns? Most important, are they equipped to resume their positions as equal partners in American federalism?

Oregon's Project 70's Task Force believes that the fragmentation resulting from the mode of federal grant making has been destructive of state-local relationships. In the words of the Task Force Report, "The American federal system is in trouble . . . it is failing at the point of delivery. Too much diffusion, too much red tape, too many bottle necks dissipate programs before they reach the citizen." As a solution the Task Force proposed an Office of Intergovernmental Coordinator under the Executive Department, and urged the establishment of a Washington, D.C. office to facilitate relationships between Oregon and the federal government.

Minnesota's Governor's Council recommended placing a section on planning and intergovernmental relations in the executive office of the governor, plus the formation of an executive-legislative commission on federal-state relations. The model state executive structure (Chart C) sees state-federal relations as a management service directly under the executive office of the governor. Wisconsin's reorganization included a Department of Local Affairs, which will deal with federal-state-local interactions.

## experience of other states

In well over half the states organization of the executive branch has been emphasized recently — from modest consolidation requests in governors' messages to legislatures, through citizens' commission recommendations, to comprehensive structural reforms adopted as constitutional amendments or statutes, or permitted through executive-initiated reorganization.

Sweeping reorganization has been accomplished in the past

six years, for example, by Nevada, Massachusetts, Michigan, Oregon, Colorado, Wisconsin, and Maryland. Reorganization in Massachusetts included a cabinet system of nine secretaries (department heads) reporting to the governor — a startling contrast to its expiring system of 300 agencies, 170 of which reported directly to the governor. Alaska and Hawaii both streamlined their cumbersome territorial executive branches when they became states.

Limited consolidation of services has been proposed or adopted in Kentucky, Florida, New Jersey, North Carolina, New Mexico, Wyoming, Arkansas, and Maine, to mention a few.

Reorganization commissions of various types have been operating in several states, among them, Hawaii, Pennsylvania, Michigan, Ohio, Washington, Wisconsin, Montana, Missouri, Utah, and Iowa. Some are legislative commissions, some are citizen-based, and some combine legislators and citizens.

Several states have given their governors, either by constitutional or statutory authority, the power to initiate reorganization: Massachusetts, Michigan, Alaska, California, Missouri, Rhode Island, South Carolina, and Kentucky (as well as Minnesota). Action is pending in others, such as New York and North Carolina. In two states the power has lapsed, either through expiration of temporary authority (Oregon) or by the provision being declared unconstitutional (New Hampshire). Many variations exist, but most frequently legislative veto within a definite period is required.

### wisconsin

In 1965 a reorganization task force was established, composed of eight legislators and eight citizens. By 1967 the task force developed and agreed upon these basic goals:

Reorganization should: assure responsiveness to popular control, improve communications between citizens and government, and promote economy by improving management and coordination and by eliminating overlapping.

A plan based on these principles was formulated and presented to the legislature in bill form, reviewed with major departments and agencies, finally redrafted and made public. Four public hearings were held around the state after which the proposal was again modified and introduced to the legislature. In spite of tremendous pressure brought to bear on the legislature by affected departments and those served by them (especially in conservation), the bill was passed.

The Act provides for 32 departments (four headed by elected officials, four headed by full-time commissions), seven new, 15 renamed, four left unchanged. It terminates 10 minor agencies, abolishing the programs of three and absorbing those of the other seven into different departments. It establishes uniformity of nomenclature. Secretaries (department heads) and their deputies will be unclassified, other personnel classified (under civil service). The governor does not have the power to continue reorganization on his own. Additional statutes are anticipated to amplify the initial law.

With regard to independent agencies, Section 1 of the Act (Chapter 75, Laws of 1967) says: "However, the complexity

of modern life has required the delegation of substantial rule-making and quasi-judicial authority to administrative regulatory agencies of the state government. Some of these regulatory agencies, engaged primarily in the supervision of private business activities, are intended to be relatively independent from executive control."

### oregon

In July, 1968, Oregon's Governor Tom McCall commissioned the four-member Project 70's Task Force to study and make recommendations on the executive branch. The Task Force, composed of two Democrats and two Republicans, saw its function as estimating "the trend and character of Oregon's development in the 1970's and [moving] on to make the judgments as to what kind of leadership, organization, and priorities will be necessary to respond adequately." The recommendations were directed toward an "organizational system [with] early warning capability to identify and define emerging state problems . . . [emphasizing] problem prevention or early mitigation." Where problems have already developed, the focus would be on judging accurately their status, speed of evolution, direction, and implications.

Task Force proposals were of two types: long term organization needed to grapple with the problems of the 70's and first steps for immediate action in cases where time is needed for public acceptance of long range proposals.

The report was finished in December, 1968, giving the governor and legislature time to act during the 1969 session. Recommendations included:

- (1) removing all elected offices from the ballot except governor and secretary of state, who would run jointly with the governor and succeed him in case of vacancy; (2) creating an office of auditor general (appointed, 10-year term) to function as an arm of the legislature; (3) placing some functions, such as finance, planning, economic development, etc., in the Executive Office of the Governor; (4) placing major functions in departments headed by one person appointed by and serving at the pleasure of the governor; (5) keeping existing policy boards and commissions functionally intact for the time being.

The Governor accepted most of the report without change. Political expediency forced him to reject item (1) above, and with it a department or two whose functions were extraneous if elected officials were retained. The legislature passed the governor's requests, except for executive-initiated reorganization, which was lost in the rush during the last days of the session.

## problems and problem areas

It is gratifying to design a simple, neat and orderly structure, with every function properly pigeon-holed, and no troublesome loose ends left over. Unfortunately, theory does

not necessarily work out in practice. Rarely can an actual structure be pushed, squeezed, or cajoled into an "ideal" mold.

CHART A - RECOMMENDED STRUCTURE - EXECUTIVE BRANCH, GOVERNOR'S COUNCIL ON EXECUTIVE REORGANIZATION

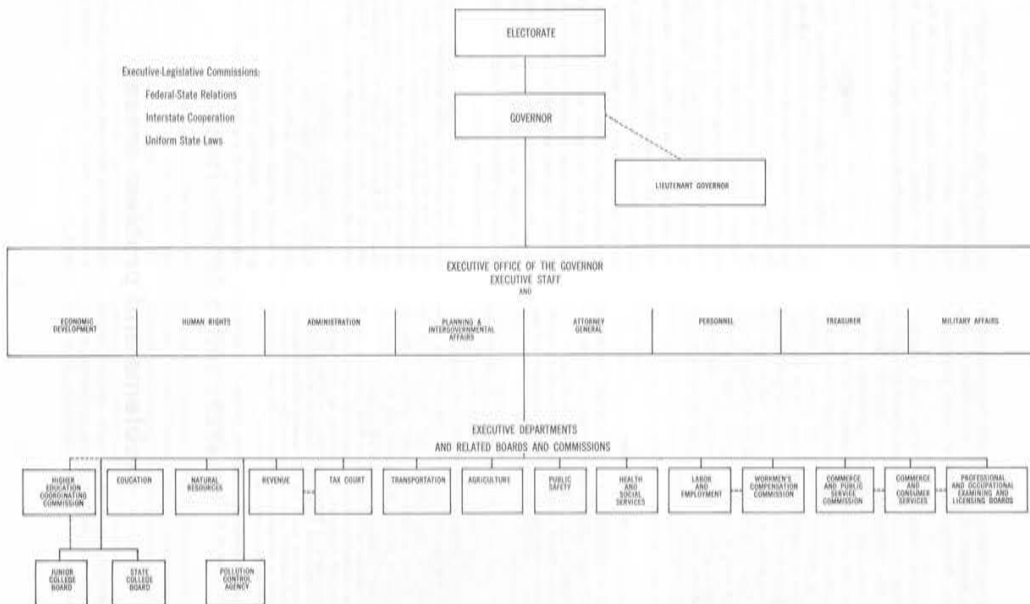


CHART B ORGANIZATION CHART - EXECUTIVE BRANCH STATE OF MINNESOTA

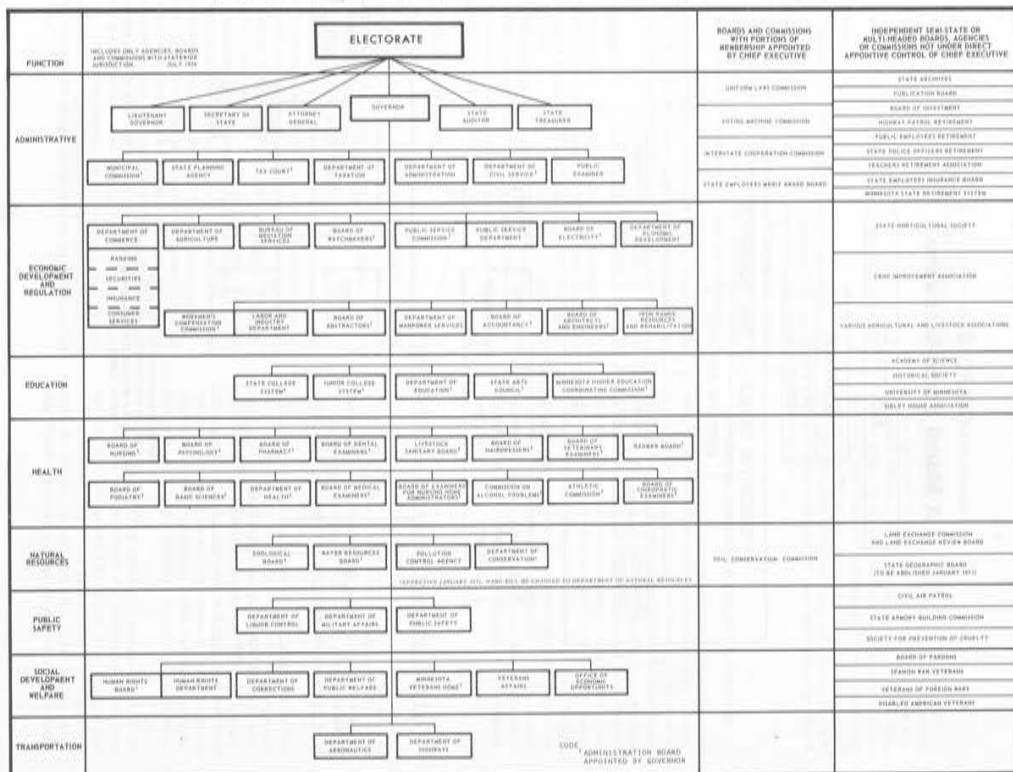
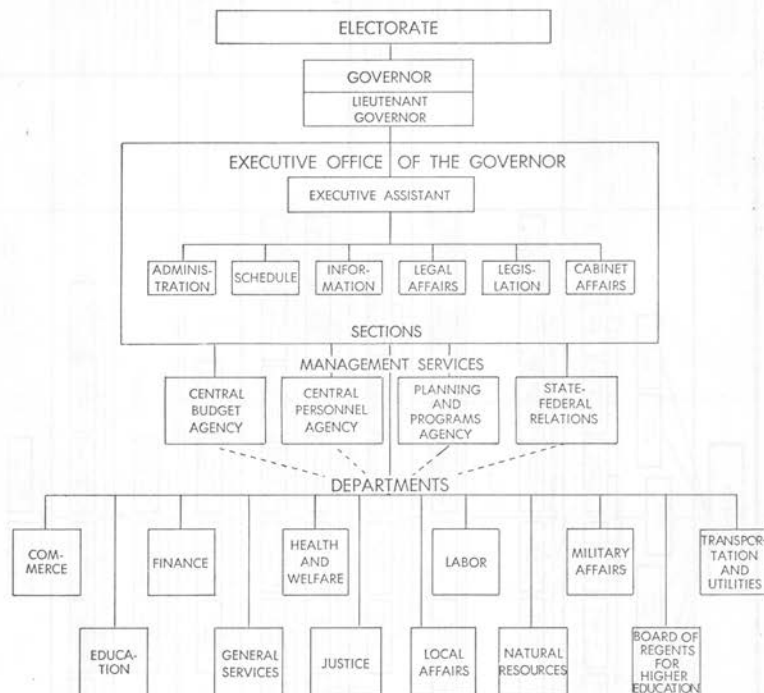


CHART C  
A Model State Executive



From:  
National Governors' Conference  
Study Committee on Constitutional Revision  
and General Government Organization,  
July, 1968.

Perhaps a look at some of the problems inherent in molding an executive organization will provide some perspective on the question.

### what are the practical considerations?

#### voters

Organization of the executive branch of state government is not a subject that generates heated argument. It is neither a glamorous nor a "gut" issue. Everyone wants government to cost less and give better service, but the savings and increased efficiency provided by any particular form of organization are hard to prove. Voters are likely to react negatively, however, if they believe their constitutional rights are threatened. We have not completely buried the fear of centralized power, and a proposal to remove constitutional officers from the ballot might constitute just such a threat. Under these circumstances, public pressure to change things is likely to be minimal.

#### legislators

If legislators are not pressured by their constituents, their motivation to initiate change can be weak unless breakdown in executive services has reached the crisis stage. They probably will not win or lose their next election on this issue. Furthermore, it can be argued that legislators who are in office for many years probably prefer to strengthen legislative power. Reorganization efforts initiated by the legislature might be designed to *weaken* the executive branch.

#### special interest groups

Legislators, however, are under pressure from special interest groups. Some observers question whether the legislative process is more involved in sorting out the priorities of different pressure groups than it is in determining its own priorities and acting upon them.

Special interest groups, especially those regulated or promoted by a specific agency, are likely to be deeply concerned with reorganization. A case in point is the pressure successfully applied by veterans groups to prevent the 1969 Act from including a veterans division in a reorganized health and welfare department.

Specialists in governmental problems recognize that the "input of special interest groups is . . . valuable and certainly is a desirable thing to provide for in a democratic society," as Ray Lappegaard, former Minnesota Commissioner of Administration, avers. "However, too often the special interest group is the only group expressing interest, and this does not always parallel what would be a better arrangement. . . . [for] the general public, either in terms of services being improved or of costs being lessened. One of the most difficult things to accomplish is to get government to stop doing something that no longer needs doing. Special interest groups are no help here."

### executive agencies

It is not unusual for agency heads to fear that the legislature will seek to reduce the power of their own segments of the executive branch. Note the reaction of three constitutional officers a year ago to a proposal to abolish their elective offices. "I do not think there should be a monarchy in Minnesota," said Treasurer Val Bjornson. "We tried to get away from dictatorship in the days of the American Revolution," remarked then Auditor Stafford King, and Secretary of State Joseph Donovan quipped, "If they can't defeat me they'll delete me."

### risks in consolidation of functions

Underlying proposals to consolidate related functions under single departments is the theory that decisions ought not to be made regarding one problem without assessing their effect on other problems. Ted Kolderie, Director of the Citizens League, points out that "probably there are some risks in the new way of approaching decisions — the principal one being that the understanding of the way everything is related to everything else will paralyze our decision-makers, and virtually nothing will ever get done at all." This drawback must be weighed against the consequences of continued fragmentation of action affecting the total community. Obviously "the new decision making arrangement puts a terrific load on the agencies of general government . . . and will complicate life for administrative people."

### quasi-legislative and quasi-judicial powers

Both departments of the executive branch and independent boards and commissions have quasi-legislative and quasi-judicial powers (defined in footnote 2). Such powers are necessary to keep legislative and judicial branches from being overburdened with minute detail.

Danger looms, however, when agencies become lax in their devotion to due process, so that rules and regulations are established without adequate safeguards such as public notification and hearings as prescribed by law. When this happens, citizens can seek relief *after* rules and regulations have been made *only* by taking the expensive route to court. Businesses may have the necessary assets to do this. Individuals rarely do. Can such undesirable conditions be rectified by improved organization?

Any person or group considering reorganization of the executive branch must face the problem of independent agencies with these powers. On one side it can be argued that lack of executive control over such agencies fosters departure from due process. On the other hand, it can also be argued that if such regulatory agencies are answerable to appointees



of the governor, they could be subject to undue political pressure. Since there is no guarantee that executive departments consistently use due process in setting rules and regulations, the question of what to do about independent agencies with these powers, therefore cannot be disposed of easily.

Two methods of curbing abuse of these powers have been

## now back to minnesota

### what are the prospects?

Now that the Governor's Council has reported its recommendations and the legislature has taken limited action on them, what are the prospects for future reorganization? At the Governor's request, George Warp has prepared an analysis of the new executive-initiated reorganization power. His conclusions are:

- 1) that the power is consistent with the separation of powers doctrine set forth in Article III of the Minnesota Constitution, as the Supreme Court has always permitted delegation of legislative functions which are administrative in nature;
- 2) that, except for those constitutionally assigned, functions can be freely transferred between existing departments, up to and including the abolishing of existing departments;
- 3) that the creation of wholly new departments is probably not permitted;
- 4) that other limiting factors exist, including political expediency and organization analysis capability.

There appears to be, therefore, no legal obstacles to the full exercise of executive-initiated reorganization in Minnesota. It is too early to tell to what extent the power will be utilized.

Within the Department of Administration the Organization and Programs Analysis Division has recently been created. Partly funded by a federal grant, it is preparing a catalogue of state programs and operations as a first step toward pinpointing areas of overlapping functions in which improvement would be desirable.

Among legislators there appears to be no plans for major executive reorganization in the 1971 session. In the Senate the talk concerns state-federal relations and perhaps the revamping of a department or two. No action is evident in the House since the chairman of the Governmental Operations Committee resigned from the legislature after the 1969 session. However, it is really too early to make predictions.

### comparison of minnesota's executive organization with the "ideal"

A comparison of our present structure with that proposed as an ideal executive structure reveals that in spite of the Reorganization Act of 1969 we still have a proliferation of independent and semi-independent agencies with overlapping

suggested. One is to establish an office of ombudsman, which would benefit people with specific grievances, but which does nothing to improve the basic organization. The other is to establish a review board to pass on rules and regulations of all agencies. The "Big Brother" aspects of this route could mean that the cure would be worse than the disease.

jurisdictions. We still have elected constitutional officers who are independent of the governor's control. We still have two appointed department heads who need not answer to the governor. We still have no unified and unambiguous nomenclature. We still scatter related functions throughout many departments. These examples by no means exhaust the list.

We do, however, have a cabinet system which should increase the governor's authority and accountability. No longer will he be saddled with department heads appointed by his predecessors or non-performing appointees of his own. We also have the potential for further reorganization through executive initiative. We have made a start in reducing the chaos of federal aid programs through the work of the State Planning Agency and the potential of regional development commissions.

It is difficult to evaluate present operation without concrete examples. Perhaps a capsule view of how a single function is managed under the present executive structure will be helpful in understanding fragmentation. Water resources management was chosen because of its visibility and its importance to the welfare of Minnesota residents, without regard to whether it is typical.

### effect of present structure on water resources management

Minnesota's statewide governmental units dealing with water resources problems are:

*Administrative Agencies*  
Department of Administration  
Department of Agriculture  
Department of Civil Defense  
Department of Conservation (6 bureaus, 5 divisions)  
Department of Economic Development  
Department of Highways  
Iron Range Resources and Rehabilitation Commission  
Livestock Sanitation Board  
Pollution Control Agency  
State Board of Health (5 divisions)  
Soil and Water Conservation Commission

*Policy, Advisory, and Miscellaneous*  
Advisory Commission on Economic Development  
Civil Defense Advisory Council

*Policy, Advisory, and Miscellaneous (Continued)*  
Land Exchange Review Board  
Governor's Environmental Quality Cabinet  
Minnesota Commission on Interstate Cooperation  
Minnesota Land Exchange Commission  
Minnesota Water Resources Board  
State Planning Advisory Committee  
State Planning Agency

In addition, there are numerous sub-state and interstate agencies, such as the Metropolitan Council, Minneapolis-St. Paul Sanitary District, and the Minnesota-Wisconsin Boundary Area Commission, as well as many local and federal units involved in water resources management.

The water resources policies of the state consist of formal legislative declarations, rules and regulations adopted by state and local agencies, and the actions of these agencies. The agencies have considerable latitude in formulating rules and regulations. Little has been done to coordinate the rules and regulations of the various agencies with each other, or to form a unified policy from legislative declarations and agency rules. Bulletin #11 of the Water Resources Research Center, U. of M., states: "Records show many instances where state policy as enunciated by one agency is at odds with another state policy enunciated simultaneously by a second state agency."

In 1955 the legislature created the Water Resources Board with the declared purpose of resolving contradictions and providing a forum where conflicting aspects of the public interest can be presented and considered, inconsistencies resolved, and a state water policy determined. However, agencies are not required to bring problems to the Board. According to William C. Walton of the Water Resources Research Center, the result is that no significant state-wide water policies have been formulated by the Board in the 14 years of its existence.

The 1969 legislature failed to enact that portion of Governor LeVander's "Crystal Waters" program which called for "consolidation of water resource management now distributed among eight water related boards into one major state agency."

There are arguments against the treatment of all facets of water resource management as parts of a single function serviced by one department. John P. Badalich, Executive Director of the Minnesota Pollution Control Agency, testified in October, 1968 before Natural Resources Task Force of the Governor's Council that a proposal<sup>4</sup> to place MPCA under the Natural Resources Department would not be in the best interests of the public. He argued that abolishing the governing board would "remove discussions, appeals and hearings from the public and place [them] in the hands of a single commissioner" and questioned whether the public and industry would be given a fair shake if MPCA was isolated within the vast organization of the Natural Resources Department.<sup>5</sup>

4. by the Public Administration Service; a Chicago consulting firm specializing in government management.

The lack of coordination and control over water resources is illuminated by the Ham Lake incident. Early in 1969 the Metropolitan Airports Commission decided unilaterally that Ham Lake Township would be the site of a second metropolitan airport. MAC is a single-purpose district independent of control by any other body, with the exception that its plans must be approved by the Metropolitan Council before taking effect. In hearings conservation proponents expressed the fear that the necessary drainage of the area would adversely affect Carlos Avery Game Refuge and endanger the ground water level of the whole metropolitan area. However, none of the state agencies concerned with water resources had any legal authority to step in and delay adoption of the plan until further investigation could determine the validity of these fears. The Commissioner of Conservation, Jarle Leirfallom, and his deputy, Robert Herbst, did make public statements about the potential damage, but they had no authority to intervene. (The plan was not approved by the Metropolitan Council. Had it been approved, a permit from the Department of Conservation would have been required.)

The chain-reaction effect of water resources fragmentation is illustrated further by the following example: Diffused surface waters (e.g. marshes) are considered a "public enemy" in Minnesota water resource laws, and as such may be disposed of in any manner that does not damage another's property. Federal and State Agriculture Departments encourage and aid farmers in draining their lands for cultivation.

Wetlands are natural wildlife habitats, which the Conservation Department is seeking to maintain and, if possible, increase. Drainage is obviously at cross purposes with conservation policy.

The reclaimed land also no longer provides necessary drainage basins. Surface run-off goes directly into streams and rivers, causing increased flood damage to construction which has been allowed by state and local agencies to develop in the flood plains. The Army Corps of Engineers then must build dams to prevent flooding.

Reservoirs thus created destroy thousands of acres of scenic and agricultural land up-stream, thus causing further headaches for the Agriculture and Conservation Departments.

Surface run-off also carries nutrients from the soil into the streams, rivers, and lakes, increasing organic pollution and the growth of algae, a problem for PCA and the Health Department.

This is not a hypothetical case. Right now the Corps of Engineers is recommending construction of two dams — one on the Blue Earth River, one on the Minnesota — at a cost of \$125 million, to control floods like the 1965 and 1969 disasters (brought about by indiscriminate drainage) which together caused losses of \$100 million.

5. Oregon's Project 70's Task Force also concluded that pollution control should be a function apart from natural resources management.

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February, 1970  
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# FILE COPY

## LEAGUE OF WOMEN VOTERS OF MINNESOTA

555 WABASHA, ST. PAUL, MINNESOTA 55101

January, 1969

### STATEMENT OF POSITION

Organization of State Government: Evaluation of the structure and procedures of the legislative and executive branches of Minnesota state government.

The LWV of Minnesota supports legislative sessions of adequate length. The legislature should meet annually and should have the power to determine the time of meeting, the length of session, and power to recess if desirable.

A smaller legislature is desirable. Any increase in the size of the present legislature is strongly opposed.

Compensation for legislators should be realistic and should reflect the demands upon them, including adequate compensation for time spent between sessions.

The legislature should improve its procedures for providing information to the legislators and to the general public. Such improvements in procedures might include:

1. Providing advance notice of hearings on bills.
2. Making copies of bills or summaries of bills easily available.
3. Attaching summaries and fiscal notes to bills.
4. Keeping permanent committee records.
5. Providing for a legislative press secretary.

The legislature needs additional clerical staff and full-time, qualified research assistance. An intern program might be used to supplement staff and would be beneficial to students of government.

There should be fewer committees and the committee structure in both houses should be parallel. The minority caucus should have proportional representation on committees and should appoint the minority members to the committees. There should be a limit to the number of committees on which any one legislator serves.



Tips for Use in Discussion of

LEGISLATIVE REORGANIZATION IN MINNESOTA

What is the Problem?

The rapid increase in state legislative responsibilities during the 20th century has imposed heavy burdens on state governments. Faults and defects in legislative organization have been magnified by the pressure of modern conditions. Growth in the functions of public works, welfare, health, and education; the complex interrelationships of federal, state, and local governments; the analysis of huge budgets - all these have been thrust upon state legislatures in a relatively short period of time. It is not surprising, therefore, that adjustments and changes have become necessary in order for the legislature to perform its duties efficiently and effectively under these changing conditions.

In Minnesota as well as other states, the need for reorganization has been felt. As early as 1913, an Efficiency and Economy Commission was initiated by the Governor. Significant changes in the executive department were made by the Reorganization Act of 1939. In 1947 the Constitutional Commission of Minnesota was set up by the legislature, resulting in a detailed and exhaustive report which recommended many changes in the constitution and also recommended that these changes be made by means of a constitutional convention. In 1949, the legislature created the Minnesota Efficiency in Government Commission (The "Little Hoover Commission"), which made recommendations mainly for changes in the executive branch, but also touched briefly on the legislative and judiciary branches. A growing interest in the problems of the legislature has also been shown in recent years by citizen groups, educators, and individual citizens.

In this study, the League becomes acquainted with the present organization of the legislature; attempts to determine how well the legislature fulfills its function of policy-making with its present organization; learns what proposals for improvement have been made; and tries to evaluate these proposals against a set of standards evolved over a period of years by national and state organizations devoted to the study of government.

Areas for Study and Discussion

1. Present organization. Facts relating to the present organization of the Minnesota legislature may be found in the most recent Legislative Manual, "Ninety Days of Lawmaking", in the material we are discussing here, and many other sources. Up to date comparisons of our organization with that of other states may be found in the Book of the States, 1954-55. In reviewing these facts, we may concern ourselves with the size of Senate and House, length and frequency of sessions, purpose and number of standing committees and interim committees, function of the Legislative Research Committee, and with how the members of these committees are chosen. In actual practice, the procedure of the legislature does not always adhere strictly to rules and constitutional provisions. Legislators themselves and on the spot observers such as the League of Women Voters lobbyists are the best sources of information on the actual practices.

In our discussion of the legislature, we may be guided by a series of questions, the answers to which may give us an insight into some of the problems which face the legislature.

Senators and representatives are elected on a non-partisan basis. How then does the legislature divide up politically? Is this division always clear cut? What takes place in the pre-session caucuses of the two main groups, and how do these caucuses

affect committee assignments, the choice of Senate and House leaders, the course of legislation?

Why is the committee stage of a bill of such importance? What may happen to a bill in committee? How can the voice of the public be heard at this stage of legislation?

Knowing the steps through which a bill must pass before becoming law, is it possible to foresee everything that may happen to it along its route through the legislature? What influence may the Speaker of the House bring to bear on committee membership; on the assigning of bills to committee; on the passage or defeat of bills?

What is the constitutional provision on the time limit for the introduction of new bills? Why are so many bills introduced after this time?

2. Relationships within the organization. The state executive is recognized as a leader in the formulation of policy. There is an ever increasing number of bills introduced in the legislature which are sponsored by the executive department. The administration depends upon the funds appropriated by the legislature to carry out the state services for which it is responsible. Clearly there must be a working partnership between the two branches if the public interest is to be served.

How is this cooperation to be attained? Does the non-partisan legislature promote cooperation or does it tend to decrease the feeling of responsibility on the part of the legislators to carry out the program of the governor? Is the Minnesota legislature truly non-partisan?

Could fear on the part of the legislature of a too-powerful executive department be a cause of tension between the two departments? How could this fear be diminished so that the two could work together more harmoniously and effectively? Would it ease the situation if the legislature were to have more clear-cut avenues of oversight of the executive such as a post-auditor responsible to the legislature, and a better research staff of its own for fact-finding, without overstepping the bounds of the separation of powers?

3. Function of legislature. We may define the functions of the state legislatures:  
The right and the responsibility to determine broad policies  
To make appropriations and levy taxes to administer these policies  
To review the effectiveness of these policies and the way they are administered  
To manage its own organization, personnel, and powers

The aim of reorganization might be defined as the assurance that the state government is carrying out for the people the policies laid down by the legislature through their elected representatives. If we accept this definition, then the fixing of responsibility, improvement of the quality of legislation, a more smoothly working organization, the strengthening of popular control, an effective and efficient government in which the people can have confidence - would have the main emphases, with economy as a by-product.

In discussing our reasons for studying reorganization, do any other goals come to mind? Will a definition of our aims help in evaluating suggestions for improvement?

4. Defects. What defects in the organization of the Minnesota legislature have been pointed out by individuals; by commissions set up by the legislature; by the privately financed Minnesota Institute for Governmental Research?

What specific recommendations have been made by the "Little Hoover Commission", and the Constitutional Commission of Minnesota?

How do these proposals compare with the criteria set up by the National Municipal League, the Council of State Governments, and by other groups interested in the betterment of government?



How would the legislature be better able to carry out its functions if these defects were abolished? How would popular control be enhanced and strengthened?

5. Evaluation. In evaluating some of the reorganization proposals which have been advanced, we might ask ourselves:

Would longer and more frequent sessions of the legislature allow legislators to make more thoughtful and considered decisions on increasingly complex legislation?

Would a change in the time limit for introduction of new bills solve the problem of the log-jam at the close of the session, or would other factors also influence this situation?

Would improved legislative staff and research services help committees and individual legislators to make informed decisions independently from the executive department and from pressure groups?

How would reduction in the number of standing committees and in the number of committee assignments for individual legislators promote more effective consideration of bills?

Why is special legislation concerning local communities undesirable?

Does the lack of party designation place the governor in a position where he has to bear the whole responsibility for getting his party platform adopted? Does the non-partisan legislature enable the citizen to fix responsibility for success or failure of important measures?

Why does the state legislature not feel obliged to follow the rule of the United States Congress in providing for proportional minority membership on all the standing committees, including the rules committee?

What avenues of participation in government are open to the citizen? Why is it increasingly important that he does participate as government grows larger and more complex?