



Charles O. Davis
Secretary-Treasurer

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5215 N. Ironwood Rd., Milwaukee, WI 53217

August 22, 1975

Mr. James Berg, Staff Assistant
Office of Territorial Affairs
Department of the Interior
18th and C Streets N.W.
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202/343-4736

Dear Mr. Berg:

Early last week you called here and outlined for me the kind of transitional program your office foresees in the creation of Commonwealth status for the Marianas District. I appreciated having that information from you, along with the possibility that this Foundation might be utilized in the organization of their legislative branch. You indicated that I might send along some additional information about the task we see ourselves performing in this transition.

I am, of course, not completely familiar with the existing legislative branch in the Marianas, but I understand it is a unicameral body, more to be compared with a local government council in the U.S. than with a Commonwealth or State legislature. Nor do I know what the leadership of the Marianas may envision for themselves. Nevertheless, I do have some ideas of the kinds of things we would be prepared to do, upon request and with proper authorization.

First, we would hope to participate in the drafting of the legislative article in any new Constitution. This drafting, language and range of particulars is of critical importance to all organization that follows, since Constitutional mandates and restrictions are always more binding, less susceptible to change than are statutes and rules. Overly restrictive or poorly written Constitutional articles have plagued state government for many years, and in this as in all other areas

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of our work, we would draw heavily upon experience and the mistakes of the past.

In providing research and recommendations for organization of the legislature we would look to establishment of its accountability, representativeness, independence, functionality, and information resources. It ought to be organized in such a way that it is accountable to the people and its own members, is truly representative of the people, is independent of the other branches of government, functions efficiently and effectively, and is able to draw information from a variety of reliable sources, both mechanical and in terms of personnel.

We would be prepared to draft the rules under which the house or houses operate, including joint and committee rules.

We would present plans for the functional organization of the legislature, the number of committees and their size and jurisdiction, the legislative leadership, the service and support agencies, the oversight and audit functions.

We would recommend staffing patterns, with job descriptions, salary schedules, etc.

We would prepare recommendations pertaining to legislative housekeeping, management and administration.

Recommendations would be furnished relating to time control in the legislature, the length of session time, interim organization, the flow of work, etc.

We would prepare and present material dealing with ethics, conflict of interest, lobbyist regulation, standards of conduct, campaign finance, and the openness of the legislative process.

We have been involved in all of these areas to some extent or another in our various demonstration states. Our staff has the expertise and the contact with academic, citizen and inter-governmental groups necessary to provide solid research. We

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have no philosophical product to sell, and as a foundation are not involved with the policy and substantive outcomes of the legislative process. Our interest and experience is in the creation of a structure and an environment that will permit rational, open, free decisions to be made.

We look forward to working with you on this project.

Sincerely,

Charles O. Davis
Secretary-Treasurer

bcc:SLLF staff

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the State Legislative Leaders Foundation



Report to the Ford Foundation on the Program for Legislative Improvement

September, 1975

General

Activity in regard to specific PLI recommendations and agenda items continued in September in Minnesota, New Hampshire and Massachusetts. In Arizona a broadly-based, bipartisan citizens group continues to grow and plan, and PLI has spent considerable time with its leadership. Activities in Louisiana have been dormant, with the resignation of the PLI staff associate there, plus the quadrennial election campaign for all legislative offices. Potential progress in Colorado is forecast by the reconstitution of the Legislative Procedures Committee, made up of the leadership, with three meetings scheduled before the end of the year.

The PLI director visited Baton Rouge and Boston in September, and the entire staff met in Milwaukee for two days. The staff meeting was devoted to plans for year-end reports, and to progress reports on 1976 grants and contracts. The staff will meet again in Milwaukee the week of November 10 to concentrate on report writing.

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OFFICERS: President—HON. HERBERT FINEMAN, Speaker, House of Representatives, Pennsylvania; Vice President—HON. KEVIN B. HARRINGTON, President, The Senate, Massachusetts. DIRECTORS: HON. B. MAHLON BROWN, Majority Leader, The Senate, Nevada; HON. GEORGE PAYNE COSSAR, Chairman, Rules Committee, House of Representatives, Mississippi; HON. FERRY B. DURYEA, JR., Minority Leader, The Assembly, New York; HON. ROBERT VANDER LAAN, Assistant Minority Leader, The Senate, Michigan.

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Federal Assistance Applications were completed for the Inter-governmental Personnel Bureau, U.S. Civil Service Commission, for grant requests for 1976 and 1977 programs in New Hampshire and Maine. These requests now await gubernatorial approval in both states; they are for 50 percent federal funding of PLI-type programs in those states, concentrating on staff resource improvement and management.

Applications for state contracts are also pending in Massachusetts, Nevada and Utah, and will be followed up on in October. These are currently planned as wholly-financed state projects, without matching grants.

Application for a training grant is pending with the Civil Service Commission to support a series of leader seminars and visitation programs in 1976 by SLLF. This program was authorized by the SLLF board in June.

An application has been submitted to the Ford Foundation for a program similar to PLI in 1976 and beyond, in a number of states to be determined, with a shorter agenda and sharper focus of activity, and with 50 percent state matching funds.

SLLF is also engaged in conversations with the U.S. Department of the Interior concerning the proposed establishment of a Commonwealth form of government for the Northern Marianas Islands in the South Pacific. SLLF has proposed providing assistance in the organization of the legislative branch of that government. Action is being withheld pending Congressional approval of the proposed covenant.

State-by-state PLI activity has been highlighted as follows:

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Arizona

The Arizona Legislative Council held its first meeting of the year in September, to discuss interim committee studies. The objective obviously is to do as little as possible, and a total of five studies were approved. No committee work dealing with legislative improvement was scheduled, and neither the House or Senate leadership is inclined to reconstitute the Legislative Improvement Committee with which we formerly worked.

This interim plan, plus about 13 single house studies authorized by the leadership, is a definite regression from the position this legislature was in a few years ago, and points to the deep divisions between the Houses and the political parties.

One of the primary results of this inactivity on the part of the Legislature is the continued development of a citizens' movement which we have closely watched, and with whom we have established contact. A 25-member statewide steering committee of highly-respected individuals is leading this effort, on a bipartisan, broad-based level. At the present time the group is defining the number of reform issues it will become involved with, and how long a period to try to establish themselves.

We have provided research from our agenda, and our PLI staff in Arizona has met with the leaders of this citizens group several times. The PLI director has also met with them, and appeared at some of their meetings in early October. The group intends to push for a more open,

responsive, action-oriented session in 1976 and will carry their dissatisfaction from that session into the 1976 election campaigns, if necessary.

U.S. District Court in Phoenix is expected to rule on October 20 concerning the lawsuit filed by a group of Democrats against the Speaker of the Arizona House, relating to minority rights.

Colorado

The Colorado Legislative Procedures committee, composed of the leadership of both houses and both parties, will meet on October 15, November 5 and November 19. Their primary concern will be with session length, deadlines, time utilization, lobbyist regulation, and the role of the Senate President vis-a-vis the Majority Leader.

PLI staff in Colorado has been asked to prepare and present material on all of these subjects, based on the agenda recommendations we have made in Colorado. The deadline system now in effect is a direct product of our work there, and having now been through a full year of testing is up for review and study.

It is quite possible that these three meetings will produce some action and permit us to leave Colorado with a set of recommendations well on their way to implementation. The partisan climate between the Houses is the biggest deterrent to progress, but both groups at this point appear to want some responsible action.

Louisiana

A report on his ten months in Louisiana by George Whelan, the PLI staff associate there, is included with this report, and reflects some of the problems we have encountered there. We have decided not to try to replace George for the remainder of the year, but will make extra staff trips into Louisiana to continue our work on a few projects.

The staff director will meet with the Senate committee chairman in Baton Rouge in October, and hopefully with the Speaker in October or November to pass along some recommendations.

There is also a budding citizen movement in New Orleans, led by Common Cause, and concerned with some legislative procedures. George Whelan was just making contact with this group before his resignation, and we hope to set up one or two meetings with them where Dick Bird can appear and describe the experience of the citizens group in Arizona.

The Louisiana picture is complicated by it being an election year, with the final run-off election not until December. Every member of both Houses runs for a four-year term the same year in Louisiana, so most other activity comes to a halt during the fall campaign. The Speaker has opposition in his district and therefore is not spending much, if any, time in the Capitol.

The Senate will organize with its own President for the first time next year, and there are several organizational and procedural recommendations we want to make.

Massachusetts

Massachusetts is torn apart by a bitter budget and tax fight that is completely occupying the time of the leaders and staff. It is expected that this struggle will be resolved in October (this is the appropriation for the year starting July 1, 1975!), and there will be time to again work on some PLI recommendations.

The new Speaker, Thomas McGee, has indicated an interest in procedural reforms, and we believe he is sincere in this regard. We have some major proposals in his office regarding committee rules and bill format, and expect to take them up in October.

Senate President Harrington has decided to remain in the legislature, withdrawing his name from consideration for a college presidency, and has thus become the legislature's most powerful leader. He is sympathetic to many of our recommendations, and has much more influence with Speaker McGee than he did with Speaker Bartley. Harrington has volunteered the fact that he would like PLI to remain in Massachusetts next year, to pursue a very few major issues on a very close, "bird dog" basis.

Reform comes hard and slow in Massachusetts, but it is a direct reflection of the leaders' wishes, and we may have some reason for optimism at this time.

Minnesota

When House Majority Leader Irv Anderson was put in charge of an interim committee to study House rules back in July or August it was expected to be a very quiet, routine, limited kind of activity.

But Anderson has taken the role much more seriously than the Speaker intended, and has expanded his committee work into a full-blown investigation of both House and joint rules. PLI staff has had an opportunity to provide considerable research for this committee and we foresee some excellent results.

One of our chief areas of concern has been the lack of rules regarding conference committees, a particularly dangerous area of any legislature's procedures. Charlie Geer in Minnesota has run a nationwide survey on conference committee rules, with some interesting results, and the Anderson committee seems ready to recommend a much more restrictive rule to both Houses. Essentially it would mean restricting conference committees to the differences between the two Houses. At the present time a conference committee can completely rewrite a bill and bring it to the floor under a no-amendment rule.

Geer is also presenting deadline recommendations to this committee, and they are again showing interest. Minnesota's last-minute logjams are classic, yet neither the Speaker nor the President want to take the steps to alleviate the problem. They dislike formal rules, and prefer what they call "flexibility," which means almost anything goes at the last minute.

New Hampshire

Activity in New Hampshire has centered primarily upon the further development of rules of procedure for the Legislative Facilities committee, the committee which has been designated the joint management group for the legislature.

PLI staff developed rules for this committee, and its initial meetings have gone well. It is commencing to oversee the work of the various legislative service agencies and coordinate their work.

The House minority plans to reintroduce lobby regulation legislation during the special session and PLI has been working with them in formulating this proposal.

The New Hampshire Speaker is anxious to have PLI continue in New Hampshire next year and has worked with us on preparation of a request for federal assistance for 50 percent of the necessary funding.

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