

tl

MEMORANDUM FOR THE CHAIR, COMMITTEE ON LEGISLATIVE BRANCH
AND PUBLIC FINANCE

FROM; Legal Team

SUBJECT: Overview of Issues Before the Committee

Under Rule 24(a), the Committee on Legislative Branch and Public Finance has jurisdiction over the following matters:

1. Legislative Branch (Article II)
2. Taxation and Public Finance (Article X)
3. Gambling (Article XXI)
4. Elections (Article VIII)
5. Eligibility to Vote (Article VII)
6. Schedule on Transitional Matters

Attached to this memorandum are separate analyses or comments regarding each of these articles, summarizing the proposals currently pending before the committee with respect to each and recommending a tentative order in which the issues under each article might be considered by the committee.

This memorandum considers the order in which the articles under this committee's jurisdiction might be taken up. Once the committee agrees on an order and advises the Convention of its intended agenda, the delegates would have an incentive to get any additional proposals to the committee in time to be considered on its schedule (although the official cut-off date is July 10, 1995).

Based on the proposals formally introduced before the Convention and those discussed informally with legal counsel, it appears as though this committee has two very controversial subjects to address: the legislative branch (although some of the issues so far raised are less so) and gambling. The area of tax and public finance raises some important, and probably quite controversial, issues. The remaining articles, dealing with elections and eligibility to vote, have prompted very few proposals and seemingly do not involve the same need for extensive committee discussion or possible committee or public hearings. The Schedule on Transitional Matters should essentially deal with housekeeping matters that should not be controversial.

Other factors could influence the sequence in which the articles are considered. Considering the relatively less controversial matters first gives the committee some opportunity

to work together. Other issues, like gambling, may be influenced by the actions (even preliminary in nature) of other Convention committees. Consideration of the need for expert advice or the desirability of public hearings also may influence the committee's timetable. Taking all these factors into account, the following is one approach that might be considered:

1. The committee might begin with consideration of Article VIII and Article VII. As reflected in the attached memoranda, there are very few proposals directed to these provisions and they appear not to be controversial. It might be useful, therefore, to begin the committee's work with these two topics.

2. Then we suggest that the committee turn to Article II dealing with the legislative branch. There are a few proposals here that are limited in scope and perhaps not too controversial, such as the proposals regarding redistricting (Section 4(b)) and the veto power (Section 7). These might be considered first when this article comes up on the agenda. But, sooner rather than later, the committee needs to turn to the fundamental issues raised by numerous proposals addressed to the size and cost of the legislature. The attached memo on this subject suggests an orderly way to discuss these complicated and controversial questions. The committee will need to determine, at a reasonably early date, what input it wishes from legislative branch officials or experts on some of these questions. This is also an area where the committee may wish to have public hearings.

3. The next subject that might be discussed is Article X dealing with tax and public finance. For the most part, these issues are closely related to the matter of legislative authority that will have been discussed to some extent in evaluating competing approaches to the size and functions of the legislature. Some issues here, such as enabling the legislature to enact property taxes, may well suggest the need for expert input or public hearings.

4. If this sequence is followed, the last substantive area would be gambling. The issues raised to date on this subject are quite straightforward, as set forth in the attached memo regarding this article.

5. Consideration of the Schedule on Transitional Matters would be considered last. There may be provisions of a transitional nature that will be suggested by other committees of the Convention.

comm2