

**HAWAII
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**Article III:
The Legislature
(Volume I)**

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Article III THE LEGISLATURE

LEGISLATIVE POWER

Section 1. The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

SENATE; COMPOSITION

Section 2. The senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment the senatorial districts and the number of senators to be elected from each shall be as set forth in the Schedule. [Am Const Con 1968 and election Nov 5, 1968]

HOUSE OF REPRESENTATIVES; COMPOSITION

Section 3. The house of representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

REAPPORTIONMENT REAPPORTIONMENT YEARS

Section 4. The year 1973 and every eighth year thereafter shall be reapportionment years.

REAPPORTIONMENT COMMISSION

A legislative reapportionment commission shall be constituted on or before March 1 of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall designate one of their number for each house and the two so designated shall each select two members of the commission. The eight members so selected shall, promptly after selection, be certified by the selecting authorities to the chief election officer and shall within thirty days thereafter select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairman of the commission.

Each of the four officials designated above as selecting authorities for the eight members of the commission shall, at the time of the commission selections, also select one person from each basic island unit to an apportionment advisory council for that island unit. The councils shall remain in existence during the life of the commission and each shall serve in an advisory capacity to the commission for matters affecting its island unit.

A vacancy in the commission or a council shall be filled by the initial selecting authority within fifteen days after the vacancy occurs. Commission and council positions and vacancies not filled within the times specified shall be filled promptly thereafter by the supreme court.

The commission shall act by majority vote of its membership and shall establish its own procedures except as may be provided by law.

Not more than one hundred twenty days from the date on which its members are certified the commission shall file with the chief election officer a reapportionment plan, which shall become law after publication as provided by law. Members of the commission shall hold office until the reapportionment plan becomes effective or until such time as may be provided by law.

No member of the reapportionment commission or an apportionment advisory council shall be eligible to become a candidate for election to either house of the legislature in either of the first two elections under any such reapportionment plan.

Commission and apportionment advisory council members shall be compensated and reimbursed for their necessary expenses as provided by law.

The chief election officer shall be secretary of the commission without vote and, under the direction of the commission, shall furnish all necessary technical services. The legislature shall appropriate funds to enable the commission to carry out its duties.

CHIEF ELECTION OFFICER

The legislature shall provide for a chief election officer of the State, whose responsibilities shall be as prescribed by law and shall include the supervision of state elections, the maximization of registration of eligible voters throughout the State and the maintenance of data concerning registered voters, elections, apportionment and districting.

APPORTIONMENT AMONG BASIC ISLAND UNITS

The commission shall allocate the total number of members of each house being reapportioned among the four basic island units, namely (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, on the basis of the number of voters registered in the last preceding general election in each of the basic island units and computed by the method known as the method of equal proportions, except that no basic island unit shall receive less than one member in each house.

MINIMUM REPRESENTATION FOR BASIC ISLAND UNITS

The representation of any basic island unit initially allocated less than a minimum of two senators and three representatives shall be augmented by allocating thereto the number of senators or representatives necessary to attain such

minimums which number, notwithstanding the provisions of Sections 2 and 3 of this article shall be added to the membership of the appropriate body until the next reapportionment. The senators or representatives of any basic island unit so augmented shall exercise a fractional vote wherein the numerator is the number initially allocated and the denominator is the minimum above specified.

APPORTIONMENT WITHIN BASIC ISLAND UNITS

Upon the determination of the total number of members of each house to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of registered voters per member in each district is as nearly equal to the average for the basic island unit as practicable.

In effecting such redistricting, the commission shall be guided by the following criteria:

1. No district shall extend beyond the boundaries of any basic island unit.
2. No district shall be so drawn as to unduly favor a person or political faction.
3. Except in the case of districts encompassing more than one island, districts shall be contiguous.
4. Insofar as practicable, districts shall be compact.
5. Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and when practicable shall coincide with census tract boundaries.
6. Where practicable, representative districts shall be wholly included within senatorial districts.
7. Not more than four members shall be elected from any district.
8. Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

MANDAMUS AND JUDICIAL REVIEW

Original jurisdiction is vested in the supreme court of the State to be exercised on the petition of any registered voter whereby it may compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or it may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days of the date specified for any duty or within forty-five days after the filing of a reapportionment plan. [Am Const Con 1968 and election Nov 5, 1968]

ELECTION OF MEMBERS; TERM

Section 5. The members of the legislature shall be elected at general elections. The term of office of members of the house of representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the senate shall be four years beginning with their election and ending on the day of the second general election after their election.

VACANCIES

Section 6. Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

QUALIFICATIONS OF MEMBERS

Section 7. No person shall be eligible to serve as a member of the senate unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the senatorial district from which he seeks to be elected. No person shall be eligible to serve as a member of the house of representatives unless he shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the representative district from which he seeks to be elected. [Am Const Con 1968 and election Nov 5, 1968]

PRIVILEGES OF MEMBERS

Section 8. No member of the legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of his legislative functions; and members of the legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

DISQUALIFICATIONS OF MEMBERS

Section 9. No member of the legislature shall hold any other public office under the State, nor shall he, during the term for which he is elected or appointed, be elected or appointed to any public office or employment which shall have been created, or the emoluments whereof shall have been increased, by legislative act during such term. The term "public office", for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The legislature may prescribe further disqualifications.

SALARY; ALLOWANCES; COMMISSION ON LEGISLATIVE SALARY

Section 10. The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature that enacted the same.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve. [Am Const Con 1968 and election Nov 5, 1968]

SESSIONS

Section 11. The legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. The governor may convene both houses or the senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor.

Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session.

All sessions shall be held in the capital of the State. In case the capital shall be unsafe, the governor may direct that any session be held at some other place. [Am Const Con 1968 and election Nov 5, 1968]

ADJOURNMENT

Section 12. Neither house shall adjourn during any session of the legislature for more than three days, or sine die, without the consent of the other.

ORGANIZATION; DISCIPLINE; RULES; PROCEDURE

Section 13. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

QUORUM; COMPULSORY ATTENDANCE

Section 14. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

BILLS; ENACTMENT

Section 15. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be. "Be it enacted by the legislature of the State of Hawaii."

PASSAGE OF BILLS

Section 16. No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least twenty-four hours.

Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated. [Am Const Con 1968 and election Nov 5, 1968]

APPROVAL OR VETO

Section 17. Every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become law. If the governor does not approve such bill, he may return it, with his specific objections to the legislature. Except for items appropriated to be expended by the judicial and legislative branches, he may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The governor shall have ten days to consider bills presented to him ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed nor returned by the governor within that time, it shall become law in like manner as if he had signed it.

RECONSIDERATION AFTER ADJOURNMENT

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

In computing the number of days designated in this section, the following days shall be excluded: Saturdays, Sundays, holidays, and any days in which the legislature is in recess prior to its adjournment as provided in Section 11. [Am Const Con 1968 and election Nov 5, 1968; am L 1974, SB No 1943-74 and election Nov 5, 1974]

PROCEDURES UPON VETO

Section 18. Upon the receipt of a veto message from the governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

PUNISHMENT OF NONMEMBERS

Section 19. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against him, and have opportunity to present evidence and be heard in his own defense.

IMPEACHMENT

Section 20. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence

of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Chapter 1

LEGISLATIVE AUTHORITY

PART I. TYPICAL CONSTITUTIONAL RESTRICTIONS

State legislative authority is residual; legislatures possess all powers not denied by the national constitution nor denied by the individual state constitutions. Most state constitutions contain numerous restrictions on legislative authority. Limitations are inserted not only in the legislative article but are also scattered throughout the constitution. This is not the case in Hawaii. For example, the Hawaii Bill of Rights is largely confined to a listing of traditional inalienable rights. In other states the bill of rights may, for instance, prohibit lotteries (Georgia) or regulate proceedings in eminent domain (Colorado). In contrast to Hawaii, many states provide for several elective offices in addition to legislators, the governor, and the lieutenant governor. Constitutionally describing the duties and powers of such additional officers necessarily constricts legislative discretion. The only additional elected state offices in Hawaii are those of school board members. Those states which include constitutional provisions for statutory initiative and referendum limit placing full responsibility for legislation upon the legislature by permitting direct citizen participation in the law-making process. The widespread practice of inserting statutory law in the constitution is virtually nonexistent in Hawaii. Finally, the doctrine of implied limitations, which holds that a legislature is limited to powers specifically enumerated in the state constitution, is not applicable in Hawaii.¹

The enumeration in this constitution of specified powers shall not be construed as limitations upon the power of the State to provide for the general welfare of the people.

Local and Special Legislation Restrictions

One common limit on legislative power--prohibition of local and special legislation--developed as a result of the confusion and corruption which spread through state legislatures during the nineteenth century. Unrestrained by

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constitutional limitations, legislatures enacted not only statutes of general application but also many special acts applicable to individual persons or places. Thus, there were an abundance of special acts granting divorces, changing names, creating or regulating particular cities, and the like. Such a system inevitably opened the door to favoritism at the hands of the legislature, and caused legislators to devote to special legislation a great deal of time which might otherwise have been used for the consideration of matters of statewide concern. In consequence, most of the states have now inserted in their constitutions restrictions upon the enactment of special laws. Such restrictions are of 2 general types, either or both of which may be found in a particular state. One type prohibits special legislation in all cases where a general law can be made applicable. Since such provisions have usually been interpreted as vesting in the legislature itself final determination as to when a general law can be made to apply, limitations of this type have been for the most part ineffective. The second type of restriction lists specifically certain subjects upon which special legislation is forbidden. For example, the New Jersey Constitution sets forth 14 subjects and the Colorado Constitution lists 23 subjects about which the legislature may not pass any private, special, or local laws.²

The Hawaii Constitution prohibits special legislation in 2 areas: (1) conferring power to political subdivisions, and (2) with the exception of transfers, legislative power over the lands owned by or under the control of the State and its political subdivisions.³ For a further discussion on special legislation and counties, see Hawaii Constitutional Convention Studies 1978, Article VII: Local Government.

Some observers consider an outright prohibition of special legislation neither feasible nor desirable. As one author states:⁴

The ban on local legislation is designed to prevent the legislature from intruding on local problems. However, a statewide problem usually does not affect all parts of the state uniformly, and the state has the right to make reasonable classifications.... The problem of special legislation is similar. It is impossible to conceive of a law that has universal impact and affects everyone or everything in the same way. By enacting laws, the legislature can

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hardly avoid excluding some category of people or objects. In enforcing this prohibition, the courts must decide if the legislature has made a reasonable classification. Differences of opinion are bound to exist in such situations and the ultimate decision must rest with some judgment as to the soundness of the legislature's action.

However, since an unrestricted authority to enact special legislation carries with it the potential for abuse in the form of preferential or discriminatory legislation directed at particular individuals, corporations, or localities, a majority of the states have tried to limit the power of the legislature to pass such legislation. Constitutional limitations on special or local legislation are found in most states except some in New England and the South.⁵

Where such restrictions on special legislation have been imposed, the major problem has been in determining when a general law is applicable and who is to resolve; finally, whether or not such a general act is or can be made applicable.⁶ In the absence of specific constitutional directions, the courts have divided on the issue as to which branch of government is to make the determination. Some have held that the matter, at least initially, must be resolved by the legislature; others consider the issue to be a judicial question. The Model State Constitution taking the position that "a meaningful policing of the limitations on special legislation should be left to the courts", expressly provides that determining the applicability of a general act rests with the judiciary:⁷

The legislature shall pass no special or local act when a general act is or can be made applicable, and whether a general act is or can be made applicable shall be a matter for judicial determination.

Constitutional Restrictions on Fiscal Authority

An effective legislature requires an effective legislative fiscal process. The range of legislative fiscal duties and performance is not uniform, but generally they include: (1) budgeting, (2) revenue review and enactments, (3) cost input of proposed legislation, (4) longer-range financial planning, and (5) post-enactment review for legal compliance, actual performance, and intent.

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Constitutional restrictions on legislative fiscal authority vary from minimal to extensive. Nationally, constitutional restrictions do not seem to be a serious problem although a few legislatures are definitely circumscribed. State constitutions frequently have some archaic provisions or what can be considered minor restrictions such as procedural specifics and requiring multiple bills for appropriations to different funds but they are not generally considered a major problem by the legislators concerned.⁸ The major restrictions concern debt and tax limitations, balanced budget requirements, prohibitions on supplementary or special funding bills passing before the budget, initiative and referendum provisions, requirement of extraordinary majorities to enact appropriations, limitations on the legislative power to modify the executive budget, forced reliance on executive revenue estimates, and use of dedicated funds.

The fiscal authority of the Hawaii legislature is largely free of the common constitutional restrictive provisions affecting other states, such as establishing maximum tax rates, specifying uniformity (one effect of which is to prohibit graduated income and other taxes), earmarking revenue sources for special funds and requiring approval to borrow by popular referendum. For further discussion, see Hawaii Constitutional Convention Studies 1978, Article VI: Taxation and Finance.

Fiscal authority is restricted by the use of special funds because ordinarily the legislature may not allocate such funds for purposes other than those specifically designated in the creation of the special funds. The problem of dedicating special funds may be substantial. For example, one state estimated that in excess of 75 per cent of its total budget is earmarked and 35 states estimated that between 25 per cent to 75 per cent of the total are earmarked.⁹ The Model State Constitution contains few restrictions on legislative authority and is a reasonable initial basis of comparison for those who are considering a review of constitutional provisions.

Earmarking is a device which dedicates revenue from a specific tax to finance particular government functions. Earmarking, as a feature of state revenue systems, has been defended on the following grounds:¹⁰

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- (1) It requires those who receive the benefits of a governmental service to pay for it.
- (2) It assures a minimum level of expenditures for a desired governmental function.
- (3) It contributes stability to the state's financial system.
- (4) It assures continuity for specific projects.
- (5) It induces the public to support new or increased taxes.

The device has been criticized on the following grounds:

- (1) It hampers effective budgetary control.
- (2) It leads to a miscalculation of funds, giving excess revenues to some functions while others are undersupported.
- (3) It makes for inflexibility of the revenue structure, and reduces the legislature's ability to respond to changing conditions.
- (4) It tends to retain provisions after the need for which they were established has passed.
- (5) It infringes on the policy-making powers of the executive and legislative branches, because it removes a portion of government activities from periodic review and control.

Hawaii has no earmarking specified by the Constitution, but the legislature has dedicated certain taxes through statutory provisions. Earmarked tax revenues in Hawaii center on the state highway fund, supported by the fuel tax, and the state airport fund, which derives part of its revenues from the aviation fuel tax.

The National Municipal League finds that earmarking creates such an "intolerable fiscal situation wherein a 'built-in' imbalance exists between actual public expenditures and genuine public need", that the practice is explicitly prohibited in the Model State Constitution:¹¹

The appropriation for each department, office or agency of the state, for which appropriation is made, shall be a specific sum of money and no appropriation shall allocate to any object the proceeds of any

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particular tax or fund or a part or percentage thereof, except when required by the federal government for participation in federal programs.

At least one state, Alaska, contains a constitutional provision prohibiting the earmarking of special funds:¹²

The proceeds of any state tax or license shall not be dedicated to any special purpose, except when required by the federal government for state participation in federal programs.

The principal provision restricting legislative fiscal authority in Hawaii is that providing for debt limitations:¹³

Bonds may be issued by the State when authorized by a two-thirds vote of the members to which each house of the legislature is entitled, provided that such bonds at the time of authorization would not cause the total of state indebtedness to exceed a sum equal to three and one-half times the average of the general fund revenues of the State in the three fiscal years immediately preceding the session of the legislature authorizing such issuance....

During the 1968 Constitutional Convention, the committee on taxation and finance stated its reasons for establishing this constitutional provision:¹⁴

...the Committee wants it to be clearly understood that a constitutional debt ceiling is not a substitute for good debt policy and effective debt management. It is merely a statement of the upper legal limit under which appropriate borrowing policies may be formulated. The maintenance of a sound financial posture of the State and of the counties requires that policy-makers give due consideration to a proper balance of cash and bond financing in implementing the capital improvement program and that, in the future as in the past, an "administrative" debt ceiling safely below the constitutional debt ceiling be established.

Most states provide constitutional restrictions on legislative authority to incur debt. For example, Montana's Constitution provides that:¹⁵

No state debt shall be created unless authorized by a two-thirds vote of the members of each house of the legislature or a majority of the electors voting thereon. No state debt shall be created to cover

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deficits incurred because appropriations exceeded anticipated revenue.

In every state having some constitutional restriction, there are exceptions to the limitations imposed. These include borrowing to redeem a debt outstanding at the time of constitutional adoption, to cover a casual deficit, to erect public buildings for the use of the state, and to suppress an insurrection. Hawaii, as do most states, excepts debt limitations to repel invasion, defend the State in war, and meet emergencies caused by disaster or acts of God. Borrowing is also excepted under revenue bond statutes where the only security for such borrowing is the revenue from the sponsored enterprise, and where the debt is to be paid from special assessments. A jurisdiction may have any combination of 2 or more exceptions, and any given set of exceptions may be coupled with a definite monetary maximum.

PART II. LEGISLATIVE-EXECUTIVE RELATIONS

Impeachment

A method by which the legislature may remove executive or judicial officers is that of impeachment. Since the impeachment procedure is essentially judicial in nature, the power of impeachment is considered as a judicial power of the legislature. The impeachment process provided in most states involves 2 distinct steps: (1) the preferring of charges by the lower house of the legislature (the step which, strictly speaking constitutes impeachment), and (2) the subsequent trial of those charges by the senate sitting as an impeachment court.

In New York the judges of the court of appeals (the highest state court) sit with the members of the senate as a court of impeachment. In Nebraska impeachment charges are preferred by the unicameral legislature and tried before the state supreme court. Impeachments in Missouri are tried before the supreme court, except in the cases of the governor and supreme court judges, those being tried before a commission of jurists elected by the senate. In

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Alaska, impeachment is by the senate and trial by the house of representatives with a justice of the supreme court presiding.

Impeachment as a method of removal is available to the legislature in almost every state. The constitution of Oregon forbids removal by impeachment but provides that incompetency, corruption, malfeasance, or delinquency in office may be tried in the same manner as criminal offenses and that the judgment in such cases may include dismissal from office.¹⁶ Usually the grounds upon which impeachment charges may be based are prescribed by constitutional provision, though in a few states they are not so stipulated. The grounds most frequently specified are crime, and corruption or malfeasance in office.

The Hawaii Constitution specifically grants the senate power to try impeachments only in cases involving the governor and lieutenant governor; the procedure for trying other appointive officers shall be provided by law.¹⁷ The Model State Constitution enables the legislature to "provide by law procedures for the trial and removal from office, after conviction, of officers so impeached".¹⁸ The National Municipal League feels that "[r]emoving the trial of impeachment from the legislature itself...may free the trial stage of the proceedings of their heavily partisan character."¹⁹

When the governor and lieutenant governor are on trial, the chief justice of the supreme court is the presiding officer in many states including Hawaii. The Hawaii provision states:²⁰

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments,.... When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside.

South Dakota's Constitution states:²¹

When the governor or lieutenant governor is on trial the presiding judge of the supreme court shall preside.

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Alaska provides that a supreme court justice designated by the court shall preside at the trial.²² With various exceptions concerning who is being tried, the chief justice presides in almost all states where trial is by the senate. The presiding officer for impeachment trials involving appointed officials is determined by law in Hawaii.²³

Most of the states which list the grounds for impeachment take all or part of the language from the United States Constitution: "impeachment for and conviction of, treason, bribery, or other high crimes and misdemeanors".²⁴ Other states such as Indiana and West Virginia include incompetence or incapacity as grounds for impeachment. Indiana's Constitution states:²⁵

All state officers shall, for crime, incapacity, or negligence, be liable to be removed from office....

While West Virginia's Constitution states:²⁶

Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality....

No state is specific on what constitutes an impeachable offense.²⁷ The Hawaii Constitution provides that such officials "may be removed from office upon conviction of impeachment for such causes as may be provided by law".²⁸

While other states designate officials liable for impeachment by general terms such as "civil officers",²⁹ and "the governor and other state officers",³⁰ the Hawaii Constitution provides "[t]he governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required..." may be liable for impeachment.³¹

Several authorities feel that the power of impeachment does not serve as an important means by which the legislature is able to oversee the executive because it is an extreme measure reserved for extraordinary situations rather than ordinary use. In the entire history of the United States, only 9 governors have been impeached; 5 were southern governors impeached during Reconstruction for purely political reasons and the other 4 were impeached in

the early part of this century.³² Other students of government, however, consider impeachment a useful device to have available particularly for those instances where public officials may be so powerful as to effectively block court action against themselves.

Veto

Legislative authority is affected by the power of the governor's veto. Most students of government feel that the check and balance theory of government requires a strong veto power by the governor. Two steps in the veto procedure are of importance to legislative power--the legislative vote required to overturn a veto, and the ability of the legislature to reconvene after adjournment to reconsider measures vetoed at the end of the session. The opposite situation develops when the governor's veto is absolute. This happens when the governor vetoes measures after the legislature is unable to reconvene to consider the vetoed measures.

Hawaii stands with 38 other states in requiring two-thirds approval by all members to which each house is entitled to override the governor's veto.³³ Five states require only a majority of elected or present members to override a veto.³⁴ Under such conditions the governor's veto acts more as an advisory statement. Alaska provides the governor with an almost absolute veto in matters pertaining to appropriations by requiring three-fourths vote of approval by all elected members.

In addition to the proportion of legislators necessary to override the governor's veto, the ability of the legislature to meet for reconsideration of vetoed bills or items affects legislative authority. In those states where the legislature does not have the power to reconvene itself, the governor's veto after adjournment becomes absolute. In 30 states, only the governor may call the legislature into special session (see Appendix A). However, in California, Hawaii, Louisiana, Missouri, and New Jersey the governor's veto after adjournment is not absolute because the legislature may reconvene itself in special session for the specific purpose of reconsidering bills or items vetoed by the governor. The Hawaii Constitution provides:³⁵

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The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to him less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that he plans to return such bill with his objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if he shall sign it within ten days after presentation.

Ostensibly, Hawaii does not permit the governor a pocket veto, whereby a bill dies if the governor does not sign it within a given number of days. If the governor proclaims an objection pursuant to Article III, section 17, however, and the legislature fails to convene, the bill does not become law. Also, it appears that the pocket veto may be exercised when a bill is amended in the special session to meet the governor's objections and the governor fails to sign it within 10 days after presentation.

Sessions

All state constitutions permit the governor to call the legislature into special session. Many persons contend that the legislature should also have this power. Under the separation of powers and the check and balance doctrines, all 3 branches of government should be equal and independent so they are capable of checking one another. If the legislature cannot call itself into session and must rely solely upon the governor, it may be argued that the legislature is not equal to or independent of the other 2 branches of state government.

John Burns, writing for the Citizens' Conference of State Legislatures, the body which evaluated the state legislature and ranked Hawaii seventh in terms of quality, said:³⁶

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The legislature should also have the power to call itself into special session by a decision of the presiding officers, or by a majority decision of its members. Both of these alternatives should, in fact, be open to it. The legislature should also be able, by the vote of a simple majority, to expand its agenda during any special session called by the governor.

He cited an experience of the Missouri legislature as an example of the need for such a provision. In 1969, a bill which granted greater freedom to local governments was approved by the necessary house and senate committees and had passed the house but not the senate before the legislature was forced to adjourn. The bill was sorely needed by the cities of Missouri and had received no opposition in either house. That Spring the governor called a special session but refused to include the bill in the agenda; thus, a badly needed bill which had no opposition had to wait 18 months before being passed.³⁷

One authority states that "the call for special sessions should be authorized by the governor or by petition of a majority of the legislators".³⁸ The Model State Constitution provides that the legislature "may be convened at other times by the governor or, at the written request of a majority of the members, by the presiding officer of the legislature".³⁹

Before 1968, the Hawaii legislature could not exercise full authority in scheduling its workload, because only the governor could extend a session for not more than 30 days.⁴⁰

In 1968, the Hawaii Constitutional Convention after deliberating on the issue of whether the legislature should be permitted to call for a special session, amended the Hawaii Constitution to state:⁴¹

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the legislature in special session. The governor may convene both houses or the senate alone in special session.

Standing Committee Report No. 46, submitted by the convention's committee on legislative power and functions, from which this amendment was recommended states in part:⁴²

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Your Committee also recognizes the need for strengthening the legislative branch vis-a-vis the executive branch. To this end your Committee recommends that the legislature be granted the power to extend any session for fifteen days by a two-thirds vote of each house of the legislature and, commensurately, that the governor's power to extend for thirty days be adjusted to fifteen days, it being the intent of your Committee that the aggregate number of days that a session may be extended by the governor and/or the legislature is fifteen days. Thus the governor cannot, for example, extend a session an additional fifteen days after the legislature had extended it for fifteen days. The legislature is also granted the power to convene itself into special session by a two-thirds vote of each house of the legislature. Presently only the governor has the power to extend any legislative session, and the legislature may convene itself only at or before noon on the forty-fifth day in special session without call, for the sole purpose of acting on any bill returned by the governor.

Provision for convening the senate alone is made so that gubernatorial appointments or removals may be acted upon. In 30 other states, only the governor is permitted to call the legislature into special session (see Appendix A). The effect of such provisions is to pass the legislative authority to determine when problems require immediate legislative remedy from the legislature to the executive. In 11 states, upon petition of two-thirds or three-fifths of the legislative members, the governor must call a special session. In New Jersey, upon petition of a majority of the members of both houses the governor must call a special session; in Maine, upon majority of each party; and in Maryland, upon petition by majority of the members. In 7 states, the legislature may convene itself without petitioning the governor (see Appendix A).

In all states the governor may designate matters which the legislature may consider. In 17 states only the governor may determine the business to be considered in special session. In 4 states the legislature may determine the subject matter only if it calls itself into session (see Appendix A). The Hawaii Constitution is silent on the issue of legislative determination of subject matter. In practice, the legislature does include items of its concern in the business transacted during the special session. It appears then that in Hawaii the legislature and the executive share the legislative authority to determine what matters are in need of immediate legislative attention.

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Today, Georgia appears to be the only state where the governor may determine the length of session. If the governor calls a special session, the limit is 70 days, but if the legislature petitions the governor to call a special session, the limit is 30 days.

Vacancies

Filling legislative vacancies by gubernatorial appointment appears to some scholars "to be contrary to the principle of separation of power".⁴³ Charles W. Schull, state constitutional authority, states that:⁴⁴

There should be a clear-cut provision requiring the certification of a special election to fill vacancies--a counterpart of the British by-election--except perhaps for a vacancy occurring subsequent to the November date at which a successor legislature has been selected. In no instance ought the power of calling the by-election be left to the discretion of the governor.

The Model State Constitution does not appear to be as greatly concerned with the separation of powers in its provision for filling legislative vacancies. The Model's clause states that "[w]hen a vacancy occurs in the legislature it shall be filled as provided by law."⁴⁵ In commenting on the provision the National Municipal League is of the opinion that:⁴⁶

As a general rule, when a legislator's term has more than a year to run, it should be filled by election. When a vacancy has to be filled for less than a year, appointment of a successor by the governor from among members of the same party is satisfactory.

The Hawaii constitutional provision states that:⁴⁷

Any vacancy in the legislature shall be filled for the unexpired term in such manner as may be prescribed by law, or, if no provision be made by law, by appointment by the governor for the unexpired term.

Constitutionally, the governor is given the power to fill legislative vacancies but may exercise the power only upon default by the legislature. By statute, the

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governor fills legislative vacancies with appointees of the same political office except where a senate vacancy occurs not less than 10 days prior to the next succeeding general election, and the term of which does not end at the next succeeding general election.⁴⁸ The Alaska provision is almost identical with that of Hawaii. Ten states provide for gubernatorial appointment to fill legislative vacancies.⁴⁹ For example, North Dakota's Constitution states:⁵⁰

When any office shall from any cause become vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill such vacancy by appointment.

In other states, vacancies are filled as provided by statute. Elections are required for filling vacancies in 21 states.⁵¹ Typical of such provisions is that of New Jersey:⁵²

Any vacancy in the legislature occasioned by death, resignation or otherwise shall be filled by election for the unexpired term only, as may be provided by law. Each house shall direct a writ of election to fill any vacancy in its membership; but if the vacancy shall occur during a recess of the legislature, the writ may be issued by the Governor, as may be provided by law.

Three states, Nevada, New Mexico, and Washington, require the legislative vacancies be filled by the county commissioners of the county where the vacancy occurred.

The Governor as Policy-Maker

The governor is not only the chief executive of the state, but, in a very real sense, the chief legislator as well. Certain powers and duties in connection with the legislative process are conferred upon the governor by constitutional provisions; and, quite aside from such provisions, a governor of strong personality, through personal and political leadership, will inevitably exert a profound influence upon the course of legislative action. As the elected representative of the people of the entire state, the governor is coming to be looked to more and more for leadership in legislative matters as well as in the

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execution of the law. Chief among the constitutional powers of the governor with respect to legislation are those of (1) recommending, by "message", measures for legislative consideration; (2) calling special legislative sessions and, in some states, determining what measures may be considered in such sessions; and (3) checking legislative action through exercise of the veto.

One report finds that the legislature has lost the initiative in policy-making because committees, the vital source of legislative action, (1) cannot produce swiftly and surely the kinds of information needed to initiate policy and consequently are better geared to review and reshape it, and (2) because each committee is constricted by the specialty it serves, the legislature finds it difficult to weigh one general priority against another.⁵³

Executive Oversight

Equally important to the legislature's role as policy-maker is its function to oversee the implementation of its policy. The oversight function consists of a variety of activities such as reports by administrative agencies, investigations, fiscal procedures, review of budgets and administrative rules, and approval of appointments and removals. Oversight activities can serve 3 purposes from the point of view of the legislative branch.⁵⁴

- (1) Oversight provides mechanisms by means of which the legislature can test and attempt to secure compliance with legislative policy.
- (2) Oversight affords an opportunity for the legislature to evaluate and assess legislative policy, indicating areas where there are differences between expected and actual performance.
- (3) Oversight activities permit the development of relationships between legislators and administrators so that there can be reciprocal and sustaining support for public policy.

Most legislatures do not effectively exercise oversight of the administration, largely because of constitutional restrictions on length and frequency of sessions, high legislator turnover, and poor staffing.⁵⁵

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A growing interest among legislators in the exercise of legislative review over the administrative rule-making process is exemplified by the creation of legislative review committees in several states during the last few years and by proposals of some such review process in numerous other state legislatures.

Presently, at least 22 states provide for some form of legislative review of administrative rule-making.⁵⁶ Fourteen of the 22 states have more than advisory powers and can cause an agency rule to be promulgated, approved, amended, modified, or annulled.⁵⁷ Only 2 states require formal legislative approval prior to agency implementation of rules and in these cases prior approval is limited to selected rules.

The authority to review administrative rules may be placed in the regular standing committees of a legislature or given to a joint committee specifically for the purpose. The Alaska legislature in 1975 created an administrative regulation review committee as a permanent interim committee of the legislature composed of 3 members each from house and senate. In Iowa, a combination of special and standing committees is used with initial review by a special committee which refers any questionable rule to the relevant standing committee for further consideration and comment.

A second variable is the extent to which the review power is exercised. In Idaho, all rules authorized or promulgated by any state agency are to be submitted to the legislature in regular session for reference to the appropriate standing committees. In some cases committees have the power to suspend proposed rules. In Michigan, suspension becomes effective for a limited period of time unless sustained by the legislature. In Maryland, the legislative power is only that of making comments or "legislative observations" on proposed rules and recommending changes to agencies.

In Hawaii, there is as yet no legislative review of administrative rules but checks on the rule-making powers of state agencies have been statutorily provided by (1) requiring gubernatorial approval of the adoption, amendment, or repeal of rules; and (2) establishing procedures for obtaining a judicial declaration as to the validity of an agency rule.⁵⁸

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Legislative review of administrative rules and regulations has frequently been questioned as a violation of the separation of powers concept. In several states, bills providing for legislative review of rules have been vetoed by the governor. In Hawaii, during the eighth legislative session, 1975-76, the legislature passed H.B. No. 513, H.D. 1, requiring the office of the legislative reference bureau to maintain a compilation of all rules of state and county agencies, to determine if rules or amendments of the state agencies' rules violated the substantive law under which they were adopted, and to report to the legislature thereon. Senate Committee Report No. 660-76 stated in part:

Your Committee finds that nationally there is a move among state legislatures to gain legislative oversight concerning executive rule making based upon laws enacted by legislatures. In many instances the legislature enacts a general statute and expects the specifics to be filled in by the executive branch. In filling in these specifics, the substance of the statute passed by the legislature may be contravened. This is true in Hawaii as it is in many other states in the nation. If the executive branch adopts rules contrary to statute, it usurps the policy-making function of the legislature; however, if the legislature is not informed of such usurpation, remedial action cannot be taken.

On June 9, 1976, Governor Ariyoshi vetoed H.B. No. 513-76. In his veto message, the governor stated:⁵⁹

The additional filing of all state and county rules with the Legislative Reference Bureau does not seem to fill any particular need, other than to facilitate the review of such rules by the Legislative Reference Bureau to determine whether such rules are in violation of the enabling statutes. However, the review of rules to determine legality will only duplicate the work of the Attorney General. Moreover, any difference of opinion between the Attorney General and the Legislative Reference Bureau would only create an undesirable situation without offering any real solution. Therefore, it would be more desirable to have those directly affected by rules raise such issues through appropriate administrative and judicial proceedings. This latter method of having rules reviewed would expedite the resolution of any question and provide for finality of interpretation which would not be obtained in any review by the Legislative Reference Bureau. In this connection, it is noted that if a rule is beyond the scope of the enabling statute, the rule is of no legal effect. If the rule is invalid and of no legal effect, then obviously there can be no usurpation of the policy-making function of the Legislature.

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Legislatures are asserting a legitimate legislative role in reviewing administrative regulations. However, a number of questions occur. Among them are:⁶⁰

- (1) What is the most advantageous legislative procedure for reviewing administrative rules?
- (2) To what extent should review be exercised?
- (3) Does the legislature have the authority to suspend or veto proposed rules, or is its proper role limited to making comments or recommendations on proposed rules?
- (4) What staff resources are necessary to effectively review administrative rules?
- (5) What constitutional restraints exist on legislative review of administrative regulations?

The merits of utilizing legislative review as a method for checking the rule-making powers of administrative agencies are subject to debate. The following arguments are commonly raised in support or opposition to the process.

Arguments Supporting

- (1) Legislative review provides for greater administrative responsibility to the legislature.
- (2) Legislative review permits agencies to call upon the legislature to assume a direct responsibility in settling difficult problems of policy.
- (3) Legislative review is especially desirable where the legislature has set only broad standards, leaving the substance of the policy-making function to the administrators.
- (4) The rule-making process is a sub-legislative process having as much effect upon the citizens as the passage of statutes. As the representative repository of the legislative function, state legislatures should control the sub-legislative processes of state administrative agencies.
- (5) Legislative review provides more current supervision of the uses of legislative authority delegated to agencies than the more traditional methods of oversight such as reporting by executive agencies, budget review, and legislative

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investigation because these methods tend to be retrospective in nature.

Arguments Opposing

- (1) If legislatures are unable to expend time in developing the details of legislation in the first instance, then it is unrealistic to expect them to have sufficient time to review agency rules.
- (2) Rule-making authority is granted to administrative agencies in part to gain the services of experts. If the legislature nullifies a rule determined to be needed by experts, it frustrates one of the basic purposes for giving the rule-making function to the agency.
- (3) Legislative review slows down the administrative process, particularly when the legislature must pass affirmatively on rules for them to be effective.
- (4) Legislative review, especially when carried out by committees, may tend to reduce the supervisory capacity of the governor and to some extent of the legislature as a whole.

Constitutional considerations involved with legislative review of administrative rules are complex and focus on:⁶¹

- (1) Does legislative review of administrative rules constitute a breach of the separation of powers?
- (2) May the legislature void rules by concurrent or joint resolution?
- (3) May the legislature delegate a joint committee the power to suspend or void rules?

At this time there are no definite answers to these questions in those states without a constitutional provision in point.

Legislative review of rules is part of the larger question of legislative control of the executive. To approach the constitutional question as purely one of separation of powers to be solved by a precise demarcation of legitimate legislative and administrative spheres is fruitless. They can never be totally separate and distinct. Either extreme of keeping the legislature out entirely or

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involving it intimately with the administrative process violates the doctrine of checks and balances (fully as important as powers) and does not promote the public welfare.⁶²

A provision granting great formal powers to a review body is likely to come under unnecessary constitutional attack--a system of fewer formal powers can be as effective. Effectiveness depends more upon legislative interest and adequate staff than upon questionable formal powers to negate or modify rules. Some type of legislative review of rule-making is healthy; legislative interference over specific agency decisions is not. It is particularly dangerous for the legislature or, for that matter any agency, to affect specific decisions by manipulating broad rules which may be generally sound.⁶³

This question of separation of powers has been put before attorneys general in several states. Typically, they have taken a restrictive view of legislative powers in this area--an expected stance, given their executive orientation. But this is not always the case. In a 1958 report the attorney general of Michigan stated that agency rule-making is a legislative or quasi-legislative function and, therefore, there was no question of a violation of the separation of powers in a legislative review of administrative rules.⁶⁴

The separation of powers question usually comes down to this: Can a legislature amend, modify, suspend, or annul agency rules by resolution or must changes be accomplished through legislation? The governor is denied a role when a resolution is employed. This carries the separation of powers question one step further: Does legislative action on agency rules have to be by a bill which in turn must be signed by the governor?⁶⁵

Attorneys general in several states have written opinions on this critical question. The Michigan attorney general's position is indicative of most other attorneys general: "...since according to the state constitution, 'all legislation by the legislature shall be by bill,' a concurrent resolution could not be used to suspend or revoke rules."⁶⁶ The Tennessee attorney general noted that there were "few, if any, controlling principles of law" to guide him on the issue. He found that legislative review of rules "is not a violation of the doctrine of

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separation of powers, but that it is an unlawful delegation of legislative power". Thus, he concluded, the general assembly could not delegate the power and repeal had to be by bill, not by resolution.⁶⁷

Others argue that to consider legislative disapproval as a law-making function is a perverted construction of the separation-of-powers doctrine. If this concept were consistently applied, it would not only invalidate legislative disapproval of rules but would also destroy the rule-making powers of agencies, because in this case the agencies would have to be considered as having the power to make law, which would be an unconstitutional delegation of legislative authority. Legislative approval is merely one of the contingencies specified in the enabling statute upon which the agency exercise of rule-making power is to take effect. A resolution is a proper instrument in such a situation.⁶⁸

The chances of constitutional challenge vary considerably with the powers granted to the review body. Allowing a committee or a committee chairperson to abolish or modify rules is likely to bring constitutional challenge. But effective review does not depend on a committee having such powers. The Florida legislature, through its joint administrative procedures committee with a staff of 6 attorneys does a thorough job of scrutiny, yet it does not have the power to nullify a rule nor to prevent an agency's rule from being adopted. The ultimate formal sanction in Florida is a committee's legislative notice of disapproval printed with the rule. Informal means of showing legislative disapproval are, of course, open to the legislature and its committees. Florida has found that these powers have been sufficient to accomplish the intent of the act.⁶⁹

In 1963, Michigan adopted a new constitution with a provision for joint committee suspension of administrative rules:⁷⁰

The Legislature may by concurrent resolution empower a joint committee of the Legislature, acting between sessions, to suspend any rule or regulation promulgated by an administrative agency subsequent to the adjournment of the last preceding regular legislative session. Such suspension shall continue no longer than the end of the next regular legislative session.

Item Veto

The executive's budget-making authority provides a broad base for the exercise of executive influence in the legislative process. Thus, the veto becomes a defensive weapon for the governor. Yet it also should be seen as one of the most powerful tools a governor can use to influence legislative behavior. Forty-three states provide for item veto on appropriation bills, even though the extent of its use varies tremendously (see Appendix B). Hawaii's Constitution states:⁷¹

Except for items appropriated to be expended by the judicial and legislative branches, [the governor] may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but he shall veto other bills, if at all, only as a whole.

The Model State Constitution provides for an item veto, with power to strike or reduce items in appropriation bills. The section states:⁷²

The governor may strike out or reduce items in appropriation bills passed by the legislature and the procedure in such cases shall be the same as in case of the disapproval of an entire bill by the governor.

A more complete discussion on the executive's budgetary powers and the item veto is contained in Hawaii Constitutional Convention Studies 1978, Article VI: Taxation and Finance.

Legislative Information Systems

In recent years with the enlarged scope of governmental services, the rising costs of government, and the ascendancy of the executive branch, many students and practitioners of state legislative activities have become concerned that legislatures are attempting to operate with inadequate information and without knowing the alternatives available to them.⁷³

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Methods and techniques which previously satisfied the needs of legislatures have turned to the use of computers for help. Possibilities of adapting electronic data processes (EDP) and equipment to aid the legislatures began to attract widespread attention in the early and mid-1960's. By 1975, all but 2 or 3 legislatures were making some use of EDP.⁷⁴ A majority use such processes to retrieve needed statutes and data affecting final and budgetary matters, or to give instant information on the status of bills. Other widespread uses of computer processes include bill drafting, payrolls, and even in redrawing legislative district lines for reapportionment purposes.

In Hawaii, the office of the legislative reference bureau is given statutory responsibility "[t]o control and maintain the operations of any legislative data processing program..."⁷⁵ Presently, an EDP system is used only in bill status reporting in the legislature and for statutory revision and recodification (see Appendix C).

With the advent of computerized information in state government the potential for abuse arises--the focus being primarily on 2 areas, personal privacy and data security. Personal privacy, in the context of record keeping, implies the right of an individual to exercise some control over collected personal information about the individual. Data security involves technological safeguards to restrict the access of information to authorized individuals, and to physically protect all parts of the computer system from any form of hazard that might endanger its integrity or reliability.

A number of states have enacted privacy legislation and many statutes and regulations are in effect concerning record keeping practices. In 1974, Congress enacted the Privacy Act. Among its many purposes, the Privacy Act of 1974 was to:⁷⁶

...(1) promote accountability, responsibility, legislative oversight, and open government with respect to the use of computer technology in the personal information systems and data banks...(2) to promote observance of valued principles of fairness and individual privacy by those who develop, operate, and administer other major institutional and organizational data banks of government and society.

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The guidelines prescribed in the Privacy Act of 1974 must be considered if any constitutional provision is to be proposed regarding information services in state government.

Sunset Law

Legislators and other state officials, faced with mounting criticism over rising government costs, are looking into the possibility of limiting the lifespan of executive agencies through sunset laws. Sunset laws dissolve any executive agency which cannot justify its existence every few years to legislators.

Sunset laws have become a response, in part, to the proliferation of executive agencies--an increasingly powerful "fourth branch" of government at all levels--and their tendency to escape oversight by elected officials in the legislature and executive branch of government.⁷⁷

Sunset laws are designed to increase the accountability of executive agencies to public policy, and especially to the legislature and to the public. They provide a method of terminating executive agencies and programs:⁷⁸

- (1) Which have acquired a "permanent" status without regard for the condition that originally gave rise to their establishment.
- (2) Whose membership is often beyond the effective control of elected officials, and efforts to force their modernization, or even to review their performance and impact have typically proven to be difficult at best.
- (3) Which have acquired a combination of autonomy and authority inconsistent with democratic principles as well as a capacity for self-perpetuation, with principles of accountability.

Sunset laws are a policy management tool to counter the "rush to regulation" in state government. The expressed purposes of such laws are to:⁷⁹

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- (1) Establish a continuing appraisal process designed to make executive agencies accountable to the legislature and the public.
- (2) Implement a system to reform ineffective government regulation or to terminate agencies that no longer serve a useful public purpose.

By imposing upon the legislature a specific and periodic obligation to monitor, review, and evaluate executive agencies, their programs, and the purpose for which each of them exist and continue, a sunset law requires the legislature to exercise its responsibility for overseeing the executive agencies system. Specifically, a sunset law requires the legislature to take affirmative action to recreate or otherwise sustain a government agency. Lacking that "vote of confidence", the agency is terminated and obligated to cease its activities.

With the adoption of sunset legislation by Alabama, Colorado, Florida, and Louisiana in 1976, at least 18 states have passed sunset bills. Although all of these laws mandate automatic termination of executive agencies at certain intervals, they vary in approach and specific provisions. One major difference in the laws concerns their scope or coverage. Six of the laws affect virtually all state agencies. Twelve states apply sunset primarily to regulatory agencies. The Indiana and South Dakota laws are more limited than the others and were created as pilot projects to test the feasibility of including more agencies at a later date. The Alaska and Washington laws list some agencies to be terminated but also give joint legislative committees authority to schedule other agencies for termination.⁸⁰

In 1977, Hawaii enacted a sunset law which provides for the review and subsequent termination, modification, or renewal of regulatory boards and commissions, by a joint legislative review committee.⁸¹

PART III. PUNISHMENT OF NONMEMBERS

At least 29 states have constitutional provisions giving the legislature power to punish nonmembers for certain offenses such as disrespectful, disorderly, and contemptuous behavior.⁸² Five states, Colorado, Florida, Hawaii, Missouri, and New Mexico, include fines or imprisonment as methods of punishment. The remaining states stipulate only imprisonment. The length of imprisonment ranges from 24 hours to the final adjournment of the session. The Hawaii Constitution specifies the length of imprisonment as not exceeding thirty days.⁸³ The Model State Constitution does not include provisions on punishment of nonmembers.

PART IV. FEDERAL HAWAIIAN HOMES COMMISSION ACT OF 1920

In the Act admitting Hawaii to the Union, Congress placed an unusual restriction on the legislative powers of the State. The Act provides that those sections of the Hawaiian Homes Commission Act which relate to its administration can be amended in the state constitution or by statute, but that other sections, including those dealing with funds, cannot be amended without the consent of the United States.⁸⁴ One report states that "in the light of the determination of previous similar, but different, restrictions, the provision may be legally vulnerable".⁸⁵ For a further discussion, see Hawaii Constitutional Convention Studies 1978, Article XI: Hawaiian Home Lands.

Chapter 2 LEGISLATIVE STRUCTURE

PART I. BICAMERAL OR UNICAMERAL

A central issue concerning legislative structure is whether the legislature should be composed of one or 2 chambers. Many believe that the choice will greatly affect how the legislature performs its duties. It is also argued that the legislature should represent the people and enact the will of the majority with due regard for the state's minorities. In considering the arguments for and against bicameralism and unicameralism the question which should be answered is: "Which system will enable the legislature to best accomplish its work?"

The widespread adoption of bicameralism in the field of American state government is to be explained in large part upon historical grounds. Historically, the colonial legislatures were unicameral. Disputes between those elected to the colonial legislatures and those appointed thereto by the colonial governor led to 2 houses to separate the groups, the first being the Massachusetts Bay Colony. The Articles of Confederation only established one house, but the United States Constitution established 2 houses and stimulated the change to bicameralism in the states. Moreover, the establishment of a bicameral Congress by the United States Constitution was a strong influence in bringing about the incorporation of the bicameral plan in state constitutions framed thereafter. It was apparently assumed that, since a legislative body of 2 chambers seemed feasible for the federal government, similar organization of the legislative branch was desirable also in the respective states.

It is difficult to determine from the historical record whether or not such changes in legislative structure can be attributed to unique local problems or to any real consensus on the legislative merits of one system over the other. The 1964 United States Supreme Court apportionment decision, however, introduced a new argument concerning the concept of unicameralism. In Reynolds v. Sims, the Court said:¹

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The weight of a citizens vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.

The representation in one house based on population, and in the other, based on geographical area, was a tradition of the bicameral legislative body. Today, the United States Senate continues to use representations based on geographical area, 2 senators being elected from each state.² Unicameralists argued that under the "one-man one-vote" ruling, each chamber of the legislature must be apportioned on the basis of population; thus, the usefulness of the bicameral system as a design for representing geographical areas is refuted.

The Nebraska Experience

The history of the implementation of unicameralism at the state level with any degree of success centers on Nebraska. It is generally agreed that for Nebraska, unicameralism has worked well. However, the same can be said of other states which have a bicameral system. There were a number of factors that influenced Nebraskans, in 1934, to choose a unicameral legislature. There is less agreement on how unique these factors might be to Nebraska alone. These factors include:³

- (1) The influence of U.S. Senator George Norris, a long time advocate of nonpartisan unicameralism;
- (2) A population imbalance in Nebraska during the 1930's resulting in the underrepresentation of the western agricultural counties to the eastern urbanized Nebraska counties, providing strong case for reapportionment;
- (3) The desire to contain or eliminate lobbies, particularly railroad and cattle interests; and
- (4) A high level of frustration of the population as a result of the great depression.

As William Riley explains, the economic depression of the 1930's made the people turn to government for relief; but when the government failed to render

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adequate assistance, many people in Nebraska became disposed to alter the existing system. Further, in the election of 1932, large numbers of persons without legislative experience were elected. A long drawn out session and contentious spirit of its members led to popular disfavor.⁴

All these factors are considered unique in Nebraska's situation. The role played by George Norris along with the general dissatisfaction of the populace with the government's response to the depression, and the performance of the immediately previous legislative session, may have made unicameralism possible in Nebraska.

In 1971, the Citizens Conference of State Legislatures report relating to the effectiveness of state legislatures, ranked Nebraska ninth and Hawaii seventh among legislatures which met the report's criteria of effectiveness.⁵

Other Governmental Bodies

Except for Nebraska there exists no other unicameral body at the state level. At the municipal level, city councils are seen as a unicameral body, and in many cities they play a major role in budget making, enactment of ordinances and resolutions, and, some have performed confirmatory powers.

Another form of government which has not received as much attention as the bicameral or unicameral legislature is the parliamentary form.

Parliamentary government, or cabinet government, consolidates both the executive and legislative functions into one governing body which selects an executive head (governor) from its own ranks to serve at its pleasure.

The executive head governs only so long as that individual has the support of the parliament (legislature). The executive chooses the heads of government departments from the majority political party of the parliament. They hold ministerial (department) office only as long as they have majority support in an elected house. A defeat for the executive through an adverse

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legislative vote, on an important issue, indicates a lack of confidence requiring the executive either to resign or to attempt, by means of a general election, to secure a new majority in the parliament.

Persons in favor of the parliamentary form of government believe that stalemates between an executive of one party and a legislature of another, as occurs with the American system of separated powers, is impossible in the parliamentary system. Further, this form of government prevents "passing the buck" between branches of government.

Those against the parliamentary form of government point out that instability of executive authority results in numerous expensive elections. They also feel that it is foreign to the traditional form of government in the United States and the familiar separation of powers structure. Further, it increases the possibility of a dominating political machine.

Unicameralism vs. Bicameralism in Hawaii

Unicameralism and bicameralism have been considered before in Hawaii. In 1967, a Citizen's Committee to Advise the Senate on Legislative Process was appointed to determine how the legislative process in Hawaii could be improved. At the 1968 Constitutional Convention, the issue was again discussed both at the committee level by the Committee on Legislative Powers and Functions and at the Committee of the Whole level which involved lengthy floor debate by the delegates of the convention.

1967. The report of the 1967 Citizens Committee noted:⁶

Before presenting our best judgments about how the legislative process may be improved, we feel it necessary to state some of our basic assumptions about the legislatifiable functions. Among these are the enactment of laws, oversight of the administration in implementing the laws, and the education of the constituency. To perform these functions, legislators are not only obligated to represent the interests of their constituencies which are often in conflict with each other, but they are also required to help reconcile these conflicting group interests and arrive at solutions whether or not they are found in their own constituencies.

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Given these assumptions, the committee recommended that bicameralism be retained in Hawaii's state legislature. The committee noted that although the U.S. Supreme Court required all legislatures to be apportioned based on population and not area,⁷ it did not render the bicameral system meaningless:⁸

...Bicameralism may be retained to assure deliberation, to prevent hasty action, to provide for differing composition and complexion in two houses, to enable representation of differing sized constituencies in two houses, and to balance off major inequalities in representation of certain areas in the other house.

Although the committee recommended that the bicameral legislative structure be retained, it also recommended certain modifications in view of prevailing criticisms:⁹

Criticisms of the bicameral system may be generally classified into two major categories: (1) those pertaining to visibility, accountability and opportunities for public participation in the legislative process; and (2) those contributing to the cumbersomeness and expense of legislative operations. The Committee believes that these problems are capable of being resolved within the bicameral system.

Many of the 1967 recommendations for modification along these criteria have been met by current legislative practices (see Appendix D).

1968. The 1968 Hawaii Constitutional Convention spent much time deliberating on the issue of a one- or two-house legislature. Standing Committee Report No. 46, submitted by the Convention's Committee on Legislative Powers and Functions, in which the retention of bicameralism was recommended states in part:

From the testimony presented by witnesses and upon deliberations had on this matter, your Committee is not convinced that unicameralism is a more effective legislative structure than bicameralism under conditions prevailing in Hawaii at this particular period of Hawaii's history.¹⁰

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* * *

Your Committee was neither unmindful of Nebraska's apparent success with unicameralism nor deterred from it because no other state has adopted it. It was felt that Nebraska's setting and problems were unlike Hawaii's and that unicameralism or bicameralism is appropriate only as the context demands one or the other. Either system might be desirable at a particular period of a state's political development. The choice is a judgment decision premised on the criterion of how best to achieve effective representation in a particular state at a particular time. It is by this standard, by the conditions now existing in Hawaii, and by the appraisal of unicameralism and bicameralism as aforesaid that your Committee has concluded to retain bicameralism.¹¹

A floor debate on unicameralism and bicameralism took place at the Hawaii Constitutional Convention on August 10, 1968. It consisted primarily of a listing of the claimed strengths and weaknesses of the 2 systems. The main strengths of unicameralism were seen as:

- (1) A simplistic legislative structure;
- (2) Decreased costs because of fewer legislators and support services;
- (3) Increased legislative visibility and accountability; and
- (4) A decrease in the power of political parties.

Bicameralist arguments centered on its providing:

- (1) Better representation;
- (2) Greater difficulty for interest groups or individuals to control 2 houses;
- (3) Greater opportunities for intense scrutiny of legislation prior to enactment; and
- (4) A much better record than Nebraska's 40 years of unicameralism since it has successfully operated in Hawaii for over 70 years.

Advocates of both systems agreed that the quality of legislation and the effectiveness of the state legislature is dependent upon the type of people the legislature is able to attract.

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From this brief discussion of bicameralism and unicameralism, it appears that (1) to discuss unicameralism Nebraska must be used as the state operational example; and that (2) it may not be so much a question of unicameralism vs. bicameralism, but rather, a question of what is to be achieved through the legislative process and if it is legislative structure alone which would best accomplish these ends.

In assessing the legislative structures of Nebraska and Hawaii, the following points should be noted:¹²

- (1) Most of the technical prerequisites which make the Nebraska legislature an open and accountable one are established by rule or statute rather than by the Constitution. True, the Nebraska Constitution does set up the basic requirements that the legislature have but one house, that there be a limited number of legislators, and the proceedings be of public record, but the Constitution is also vague enough so as to be circumvented. For instance, while meetings of the legislature are constitutionally mandated to be open, they can be closed if legislators deem that discussion must be of a secretive nature.
- (2) Consideration should be given as to the latitude that would be given to the legislature in determining the openness and accountability of its procedures. Given the political realities in Hawaii, prudence and thoughtful deliberation should be the order of the day in pressing for a change in the legislative structure for Hawaii.
- (3) There is no guarantee that the single house structure would reduce Hawaii's legislative costs. To the contrary, due to apportionment problems Hawaii could end up with as many if not more legislators than it presently has. Staffing for a Hawaii unicameral legislature could well approximate the number presently employed for its bicameral system.
- (4) Evaluation of Nebraska's unicameral legislature and the Hawaii bicameral system should be made in light of the demographic and governmental responsibility difference between the 2 states. Hawaii's population has been characterized as being highly urban while Nebraska's is comparatively rural. Hawaii's governmental system is highly centralized with most of the governmental services being the state's jurisdiction. The bulk of Hawaii's taxes accrue to the state (i.e., income, general excise, etc.) while the municipal governments are allowed the revenues of only one major tax--the real property tax. Nebraska, on the other hand, follows the pattern of

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most other state governments, leaving several of the major governmental responsibilities such as education and welfare to be administered by local jurisdictions. Thoughtful deliberation should be given to these socio-economic differences and how well they can be handled by a unicameral system like Nebraska's.

Discussion of Legislative Structure and Legislative Deliberation

In carrying out its deliberative function the legislature must identify the major issues of state affairs, sort out the conflicting claims presented by constituents, interest groups, and executive agencies and arrive at a set of decisions for the state. The quality of the deliberative process is thought by many observers to be significantly influenced by utilizing either the bicameral or unicameral legislative structure. The following discussion includes those arguments raised for a one- or two-house structure as they affect the deliberative function of the legislature. The many arguments raised for a one- or two-house legislature have focused mainly on (1) checks and balances in deliberative legislative functions; (2) effective representation; (3) visibility and access to legislative operations; and (4) cost and efficiency.

Checks and Balances in Deliberative Legislative Functions. Legislation must be carefully conceived, technically sound, and insulated from the temporary pressures of popular passions and impulses. Traditionally, this goal has been sought by building a system of checks and balances into the legislative process.

Proponents of unicameralism claim:

- (1) The Nebraska experience has demonstrated that procedural safeguards can be devised in the single-house structure to assure careful deliberation and ample time for debate before the vote is taken.
- (2) In the bicameral structure many bills passed in one house are received in the second house so late in the session that it is impossible to give them more than perfunctory consideration. Furthermore, bills are often passed without careful consideration in one house on the assumption that the second house will give more intensive review and this expectation is not always realized.

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- (3) The National Municipal League has said that there are no data to support the claim that the second house is a constructive check against hasty action.¹³
- (4) Establishing a second chamber to serve as a check is superfluous and redundant in a governmental system which includes checks in the executive veto, judicial review, and the vote of the electorate at the polls.

Bicameralists assert:

- (1) A two-house legislature with a duplicate committee system assures that careful deliberation will be given to legislation.
- (2) The problems presented by the end-of-session rush for adequate consideration may be exaggerated. A report on the California legislature stated that "in the 1965 session the Senate passed 53 per cent and the Assembly 65 per cent of their total output in the last 10 days of the session.... There is little substantial evidence, however, that the legislation passed during this period received less careful consideration (or that less information about bill contents was available) than that approved earlier."¹⁴ Moreover, in Hawaii, final dates for action on legislation are established no later than 7 days after the opening of the legislative session.¹⁵ These dates require legislators to consider legislation before bill deadlines and reduces the number of bills which may be considered at the end of session.
- (3) In the bicameral system, the people are guaranteed an opportunity to organize and oppose legislation during the period before enactment by the second house.
- (4) In Hawaii, the infrequent exercise of the governor's veto may be an indication that few bills are so inadequately reviewed that they are passed in a poorly developed, technically deficient form (see Appendix E).

Effective Representation. The issues considered and the decisions reached in the deliberative process must be representative of the interests and desires of the people.

Unicameralists argue that:

- (1) The utility of the bicameral system as a device for representing geographical areas has been negated by the U.S. Supreme Court apportionment decisions. The Court said in Reynolds v. Sims,¹⁶ "the weight of a citizen's vote

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cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies".

- (2) Since each chamber of the legislature must be apportioned on the basis of population a second chamber is no longer needed to assure adequate representation and would be superfluous for this purpose.
- (3) Through different districting schemes, a single-house structure can achieve diversity in representation.

Bicameralists contend:

- (1) Although the Reynolds v. Sims case is often used as unicameralism's strongest argument, the same decision equally contains the strongest argument used by bicameral proponents where the U.S. Supreme Court explicitly rejected the suggestion that it was making bicameralism obsolete:¹⁷

We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two state legislative bodies is required to be the same--population. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of the districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house.

- (2) Furthermore, in Burns v. Richardson, the Court demonstrated a positive concern with the voting strengths of interests as well as that of individuals:¹⁸

...Where the requirements of Reynolds v. Sims are met, apportionment schemes including multi-member districts will constitute an invidious

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discrimination only if it can be shown that "designedly or otherwise, a multi-member constituency apportionment scheme, under the circumstances of a particular case, would operate to cancel out the voting strength of racial or political elements of the voting population." (Emphasis added)

- (3) In any districting, geographical features are bound to cause some inequities in population among districts. Where there are 2 houses, an area that is somewhat underrepresented in one house may be given a compensating advantage in the other. Not only can bicameralism establish a more complete scheme of representation, it also permits a state to add a variety of dimensions to its representative system. In all states the lower house is larger than the upper, and by size and number, its members represent smaller constituencies.
- (4) A bicameral legislature also provides a safety valve for constituents who may feel that one of their representatives is not responsive to their point of view. In a bicameral structure, public access to the legislative process is actually increased because constituents have access to 2 different sets of representatives to whom they may present their views.

Visibility and Access to Legislative Operations. Visibility and access to governmental operations are usually discussed in the same context as responsiveness and accountability and, in fact, are actually methods by which the larger goals of responsiveness and accountability are sought.

Unicameralists claim:

- (1) A single house is more responsible to the voter because the legislative structure, being simpler, is more visible to the voter and more easily understood.
- (2) The unicameral structure facilitates the work of the press in keeping the voter informed.
- (3) In a single house legislature interest groups seeking legislative action or inaction need to win the support of a fewer number of legislative leaders and committee members.
- (4) Since legislative power is centered in one house, responsibility can be fixed and the practice of "buck passing" eliminated.

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- (5) By reducing the number of representatives the unicameral structure makes each individual legislator more visible and accountable to constituents. It may also permit the selection of higher caliber individuals and the payment of higher more attractive salaries with little or no increase in legislative costs.
- (6) The simplified structure of the unicameral legislature reduces the influence of lobbyists by reducing the number of points at which a lobbyist can seek to block action on a bill. Belle Zeller in her book, American State Legislatures, states:¹⁹

Observers of the Nebraska unicameral legislature agree that the lobby is still present and still powerful: some believe, however, that it is forced to work more in the open, and that the members whom it controls find greater difficulty in escaping responsibility. Certainly in eliminating the need for conference committees the unicameral legislature has removed one focal point of undue influence or corruption.

Bicameralists argue:

- (1) Since the bicameral system has been the traditional legislative form, its operations are familiar to and understood by the people, thereby permitting the electorate to exercise greater control.
- (2) Procedural rules rather than legislative structure are more important in making the legislative process visible and comprehensible to the people.
- (3) The practice of passing legislation in one house with the intent that it be killed in the second house may derive from important political requirements. Thus, in a unicameral structure such legislation may continue to be introduced and result in actual enactment or increased exercise of the executive veto. On this matter it may be significant that in the last year of Nebraska's bicameral legislature, 1935, 18 per cent of the bills introduced were passed; in 1974 the unicameral legislature passed 57 per cent of the bills introduced.
- (4) The unicameral legislature is more susceptible to control by a powerful leader or special interest group. The bicameral legislature with its numerous committees is much less likely to be significantly influenced by a single person, political faction, or lobby interest. Although the Nebraska unicameral legislature has operated well in a mechanical sense, William Riley argues that, in controlling lobbyists, Nebraska's unicameralism has not proved to be a cure-all:²⁰

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One argument for the adoption of a nonpartisan unicameral was that the influence of lobbyists and pressure groups would be diminished. This hope has not been realized. Nebraska is acknowledged to possess a strong pressure system made up of a few dominant interest groups. The lobbyists direct their attention to the key people in the unicameral upon any particular issue, and they tend to be eminently successful....

- (5) The size of the legislature and districting methods used may be as significant as structural arrangements in achieving legislator responsibility and responsiveness to the voter. As the delegates to the 1968 Constitutional Convention in Hawaii pointed out:²¹

...responsiveness of legislators to constituents is not primarily dependent upon the legislative structure. The claim that bicameralism creates a setting for buck-passing and makes the legislator less visible and accountable to the voters ignores the matter of the quality of the legislator.

Cost and Efficiency of Legislative Operations. In view of the rising cost of government and recent fiscal problems confronting municipalities across the nation, the unicameralist's argument of cost and efficiency has gained attractiveness due to the following points:

- (1) The procedural delays and duplication of the dual committee system are eliminated and the rivalry between the 2 houses, often resulting in deadlocks, are removed.
- (2) With leadership concentrated on one house, legislative business is conducted in a more orderly fashion and effective working relations between the executive branch and the legislature can be achieved.
- (3) No business, or organization in any field, whatever its size, or however complex its problems, would consider utilizing 2 boards of directors.
- (4) With a single house fewer bills will be introduced thus reducing the size of the legislative workload. In 1975-76, Hawaii's bicameral legislature introduced 6,526 bills,²² while Nebraska's unicameral legislature introduced 1,018 bills.²³
- (5) A single house alleviates the end of session log-jam because there is no second house to alter a bill and thus require additional action by the first house, nor to hold a bill until

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the last possible moment to improve chances for passage in the second house.

Bicameralists argue that efficiency is dependent upon factors other than structural form:

- (1) Such devices as a legislative council or legislative reference bureau, bill drafting services, electronic equipment, committee systems, and other mechanisms of internal control can produce efficient legislative operations.
- (2) The expense and inefficiency of the committee system can be corrected by the establishment of joint committees with parallel functions in each house and a joint rules committee for coordinated management of the legislature.
- (3) The functions which the legislature must perform are categorically different from those of a private organization; and therefore, a comparison between the operating procedures of the 2 may not be a meaningful inquiry.
- (4) Whether or not fewer bills are introduced in a unicameral system will depend on size of the membership, on any internal controls on number of bills introduced, on whether or not such bills carry a life of more than one legislative session, and perhaps most of all, whether or not there is a direct correlation between number of bills and quality of legislation.
- (5) Efficiency in procedures is only one of the values sought in the legislative process and can be maximized only as others are diminished. As the Committee on Legislative Powers and Functions in the 1968 Constitutional Convention reported:²⁴

Neither meaningful comparisons nor empirical evidence on cost savings and efficiency have been demonstrated to your Committee as would compel it to abandon the existing bicameral system.

Experience. Further support for the unicameral system is found in its successful operating experience and in the testimony of leading authorities in the field of state government:

- (1) The Nebraska unicameral legislature has functioned satisfactorily for more than 40 years with sustained approval by the people of that state. All the provincial legislatures of Canada with the exception of Quebec are unicameral. American cities and towns are nearly universally governed by unicameral councils.

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- (2) The National Municipal League, finding most of the claimed virtues of unicameralism to have been realized in the Nebraska experience, recommends the unicameral structure in the Model State Constitution.²⁵
- (3) The Committee for Economic Development recommends that states give consideration to unicameralism.²⁶
- (4) The American Assembly suggests "Adoption of a unicameral legislature may prove fruitful in some states. A small unicameral legislature may be especially appropriate in states where the cost of legislative operations is burdensome."²⁷

Bicameralism, too, has found considerable support both in experience and assessments made by scholars.

- (1) Except for brief periods during and shortly after the American Revolution, bicameralism has been the enduring legislative structure for the states. None of the states has followed Nebraska in adopting the unicameral experiment even though all bicameral legislatures have been compelled to reconsider their legislative structure in conforming to the U.S. Supreme Court decisions on apportionment.
- (2) Professor Malcolm E. Jewell, from the University of Kentucky said:²⁸

The Nebraska experiment is of limited value as an example for other states because Nebraska is a state with a small population that has largely escaped the problems of metropolitan growth and ethnic diversity that are familiar to the more industrial states. Legislative politics in Nebraska are low-pressure, nonpartisan, and orderly; but this is not primarily a consequence of unicameralism. It is difficult to envisage how unicameralism would work if it were transplanted to California, Florida, or New York; it might have a different effect in each state.

- (3) There is some opinion that altering the bicameral structure is not the important issue in dealing with the problems of the legislature. John V. Connorton has said:²⁹

Unicameralism is really not the question with which we should be concerned. Unicameralism is simply a structural change in the existing framework of government, and however appealing it may seem because of its simplicity, it will not insure that the legislature's problems will be solved.

PART II. OTHER STRUCTURAL CONSIDERATIONS

Size

Determination of what the proper size of the legislature should be has not been solved in a satisfactory manner. There seems to be no pattern in the size of legislative assemblies, except that the senate always is smaller than the lower house. As a general guiding principle, it has been suggested that a legislature's membership should be large enough so that the major interest groups within the state may be represented, yet not so large as to be unwieldy in its action.³⁰ State legislatures, like the United States Congress, have tended to increase in size because it was much easier in periodic reapportionment to add members than to reduce an area's representation. A legislative body that is too large usually finds it difficult to function without strict discipline, or an extremely centralized operation, either of which defeats the purpose of a large membership--to be accurately representative of the varying views and interests of all the people.³¹

The National Municipal League and other authorities favor small legislative houses because they are better able to meet the modern needs for greater efficiency, deliberation, and responsiveness. Advocates claim that with fewer legislators, membership becomes more important, each member's responsibility is increased, the raising of salaries is less difficult, and the tendency to leave important decisions to irresponsible committees is reduced. Others feel that debate and deliberation are impossible in a large house and compromise is said to be more difficult because it is harder to deal with a large body of people than it would with a smaller one.

Advocates of larger houses point out that the small house can be inefficient and nondeliberative because it lacks sufficient personnel to adequately perform committee work. Larger houses can better represent a broad range of interests throughout the state. However, it is not only the number of seats, but also the distribution of the seats which enables a legislature to be representative. With a large legislature a large number of people can acquaint themselves with the legislative process and in turn, diffuse

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this knowledge among an even larger number of people. Because of its large size, legislation moves more slowly; thus, there is less chance for hasty change.

There are several ways a state constitution can determine what the size of the legislature should be. Some states, like Connecticut and Virginia, constitutionally set maximum and minimum limits for their legislatures. For example, Connecticut sets a range of 30 to 50 members for its senate and 125 to 225 for its house; Virginia sets limits of 33 to 40 for its senate and 90 to 100 for its house.³²

Some authorities, including the National Municipal League, contend that including maximum and minimum limits in the constitution ensures against the dangers cited for both very large and very small chambers. Also, by providing only maximum and minimum figures, greater flexibility in districting the state would be gained. The Model State Constitution states that "[t]he number of members shall be prescribed by law but shall not be less than _____ nor exceed _____."³³ This technique has the advantage of allowing the apportionment agency some flexibility in achieving a narrow percentage population variance between districts. Some states like Hawaii,³⁴ California,³⁵ and Alaska³⁶ set a specific number for the legislative membership in their constitutions. The other alternative used by many states like Nevada,³⁷ Montana,³⁸ and New Jersey,³⁹ is to leave the matter of size to the legislature or the apportioning agency.

The necessity of establishing a minimum number of seats presents serious difficulty because of the effect upon the incumbents in the district concerned. There has been a slight tendency to decrease rather than add to the number of seats. Between 1966 and 1976, 14 states increased their upper houses by an average of 5.2 seats, while 5 states decreased their seats by a total of 29. In 8 states, the lower houses were enlarged on the average by 6.5 seats each, while 17 states diminished their number by about 22.8 seats on the average. In addition, Connecticut and Vermont, having among the largest lower houses, reduced their membership by 143 and 96, respectively. Under the Organic Act, the Hawaii legislature consisted of 30 members in the house of representatives and 15 members in the senate. The constitution increased the size of the house of representatives by 21 to a total of 51 members and the senate by 10 to a total

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of 25 members.⁴⁰ Hawaii now has a ratio of one senator to 2 representatives and a total membership of 76.

Presently, there is a significant variation in the size of state legislatures. The largest senates are in Minnesota (67) and New York (60); the smallest in Alaska and Nevada (20) and Delaware (21). The largest lower houses are in New Hampshire (400), Massachusetts (240), and Pennsylvania (203); the smallest is in Alaska and Nevada (40) and Delaware (41). The median is 100 for lower houses and between 38 and 39 for senates. There have been some major reductions in size in the past decade, notably in Connecticut, Ohio, and Vermont. These have been offset to some extent by increases elsewhere, as in New Jersey. Overall, the total membership of state legislatures has declined about 4 per cent from 7,865 who served in the mid-1960's (see Appendix F).

Sessions

The state legislature is the only branch of state government limited by the state constitution in the way it can schedule its business. But the trend moves toward fewer and fewer restrictions. There are several reasons for reducing restrictions on sessions:⁴¹

- (1) Social and economic problems at the state level demand faster legislative action.
- (2) Demands for action on social and economic problems show no signs of decreasing.
- (3) It is extraordinarily difficult in those states restricted to meeting only once every 2 years for the legislature to predict revenues and expenditures for a 2-year period.

There are 2 interrelated issues crucial to the discussion of legislative sessions: their frequency and their duration. The issue of frequency centers around the debate between advocates of annual and biennial sessions. The issue of duration revolves around the question of whether a constitution should place limits on the length of legislative sessions.

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Presently, 42 states meet annually in regular session. Of that total, 36 are required by their constitutions to meet annually, while in 6 others the legislatures were invoking flexible constitutional powers granted them to reconvene at intervals during the 1974-75 biennium (see Appendix G). During the 1974-75 biennium, Alabama and Maine voters approved of annual sessions. New Hampshire voters defeated such a proposal as did Texas voters in rejecting a new constitution; and in Montana the voters approved a return from annual to biennial sessions.

Presently, Hawaii's Constitution provides that the legislature shall be a continuous body for 2-year periods beginning when newly elected house members take office. The legislature meets once a year in regular session for not more than 60 legislative days. The legislature may also be convened in special session by the governor or at the request of two-thirds of the legislators. The governor may also convene both houses or the senate alone in special session.⁴²

Before the 1968 Constitutional Convention, Hawaii's Constitution provided for a general session in odd-numbered years and budget sessions in even-numbered years.⁴³ The alternating budget session was established to deal with fiscal matters and to meet the need for more frequent financial planning. Appropriation bills often necessitated the call for a special session or were the key log in the end-of-session "log jam" in regular biennial sessions. Many authorities felt that the budget session should be eliminated in favor of unrestricted annual sessions. The line between fiscal and nonfiscal matters is difficult to draw and consequently, much time is wasted in budget sessions debating what is fiscal and what is not.

At the 1968 Hawaii Constitutional Convention, the Committee on Legislative Powers and Functions recommended a change to annual sessions. The committee report stated in part that:⁴⁴

Your Committee is of the opinion that the State of Hawaii has arrived at that point in its social, economic, and political development, where the need for annual general sessions now exists. The action of other states indicates a trend toward eliminating

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alternating budget sessions. Since 1964, three states (Maryland, California and Kansas) have dropped restrictions limiting alternating sessions to fiscal matters, bringing the total number of states with annual general legislative sessions to fourteen...the spirit of the Constitution requiring a measure to be urgent for budget session consideration has been honored more in the breach than in the observance simply by marshalling sufficient votes to label any measure "urgent." Further, your Committee feels that the growth of the State is reflected in the growing volume of general problems presented to the legislature, and these deserve legislative attention annually rather than biennially.

Advocates of biennial sessions argue that:

- (1) Persons in favor of biennial sessions feel the quality of legislators may be better because some of the state's best citizens, who may be too busy to meet the time demands of legislative service each year, might be willing to give time every 2 years. The biennial system, it is said, allows legislators time to meet with the voting public.
- (2) In addition, the time between biennial sessions allows better performance of between-session studies and other interim work.

Advocates of annual session argue that:

- (1) Many believe that the balance of power of the governor and the legislature may be threatened, because the legislature would not be a continuous body and it would be more dependent on the executive branch of government. Annual sessions tend to overcome this imbalance.
- (2) Annual sessions allow the budgeting and legislative process to be more responsible to react to changes because of inflation, population shifts, the expansion of government functions, and unforeseen emergencies, which can occur every year.

The Model State Constitution also contains a continuous body provision:⁴⁵

The legislature shall be a continuous body during the term for which its members are elected. It shall meet in regular sessions as provided by law. It may be convened at other times by the governor or, at the written request of a majority of the members, by the presiding officers of both houses.

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Presently, 16 states,⁴⁶ including Hawaii, have provisions expressly permitting unfinished legislation of the first session of the biennium to be automatically carried over with the same status in the legislative process to the opening of the second regular session of the biennium. The Hawaii Constitution provides:⁴⁷

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

Although the major issue in the frequency of legislative session is biennial versus annual sessions, several other alternatives have been tried, including unlimited biennial session,⁴⁸ alternating budget sessions,⁴⁹ and split sessions. Most states that have tried these other forms have rejected them in favor of annual sessions.

The major session alternative which must be discussed is the split session. California first established the split session. With the problem of log jamming and resulting hasty legislation, California initiated reforms to improve the quality of legislation by providing more frequent sessions. The result was that sessions remained biennial; the split session merely divided the session into 3 parts.

Under this plan the legislature meets for a specified number of days, recesses for a prescribed period, then meets again to conclude its deliberations. During the initial session, bills are introduced and referred to committees. The recess period permits members to consider the merits of the various measures, secure information concerning them, and determine the wishes of their constituents. The final session is devoted to discussion and enactment of measures introduced in the initial period, the introduction of additional bills being permitted only with the consent of an extraordinary majority of members.

In theory, the split session seemed promising. However, California had a long, but apparently unhappy, experience with the split session. During the

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recess people were not able to make good use of the recess. The enormous number and complexity of the bills, the orderless and diverse desires of the electorate, and the short length (30 days) of the recess defeated its purposes.⁵⁰

The provision which allowed each legislator to introduce 2 bills in the second session if approved by two-thirds of the appropriate house also weakened the California split session. By custom the legislature automatically allowed every member to introduce what the member wished. Confusion at the end of the session continued because the biennial restriction accentuated the need for legislation and because legislators procrastinated on important bills.⁵¹ As one authority stated:⁵²

Although designed to correct, at least in part, some of the worst features of the legislative practices that prevailed, the operation of the plan has obviously not accomplished that result. It is often difficult to detect in the record of the practice of any of the ideas that formed the theory.

It appears that only 6 states make constitutional provisions for split sessions--Alabama, Florida, Georgia, New Hampshire, North Dakota, and Tennessee.

Duration

Although the original state constitutions generally allowed unlimited sessions, presently only 14 annual session⁵³ and 4 biennial session⁵⁴ states do not now include constitutional restrictions on the length of regular sessions. Moreover, of these states, 2 annual session and 4 biennial session states provide indirect restrictions on the length in that the legislator's pay ceases after a given number of days although the session may continue.⁵⁵ Constitutionally restricted regular sessions are typically 60 days in length, although the number of days ranges from 30 in Alabama, to approximately 195 days in Missouri.⁵⁶

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Nine states permit extension of the regular sessions: in Hawaii, the legislature upon petition of two-thirds membership for not more than 15 days; in Arkansas, a two-thirds vote by both houses; in West Virginia, a two-thirds vote by both houses and the session must be extended by the governor until the general appropriation bill is passed; in Florida, the length of the session may be extended by 20 days, by three-fifths vote in both houses; and in Virginia; the session may be extended up to 30 days by two-thirds vote of each house.

In 35 states there are no limitations on the length of special session, in 24 of those states only the governor may call the special session. As of 1976, 36 state legislatures meet annually while 14 meet biennially. The Hawaii Constitution provides for annual regular sessions for not more than 60 legislative days and may be convened in special session by the governor or at the request of two-thirds of the legislators.⁵⁷

Proponents for removing constitutional limitations on the duration of the legislative session contend that:

- (1) Limitations encourage militant minorities to resort to delaying tactics to thwart the will of the majority.
- (2) Hasty and inadequate consideration is given "must" bills that pile up at the end of the session.
- (3) A premium is placed upon the legislator's knowledge of parliamentary strategy and not on the substance of the legislator's arguments.
- (4) Insufficient consideration is given to overall issues of state policy and economic growth.
- (5) The governor can exercise an absolute veto over much legislation because it is received after or just prior to adjournment.
- (6) Limitations result in the delegation by default of much legislative policy-making authority to the state executive and the federal government.

Those who advocate the retention of constitutional limitations on session length argue:

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- (1) Unlimited sessions would produce more legislation and extend government activities into new areas of daily life.
- (2) Unlimited sessions would invariably lead to increased salaries for the legislators.
- (3) Restricted sessions support the doctrine that, "that government which governs least governs best".
- (4) Limited sessions ensure that policy decisions will be made and not simply postponed.
- (5) Limited sessions allow attention to be focused on legislative policy-making by the media, interest groups, and citizens which is more difficult to sustain over long periods of time.

Local and Special Legislation

Much legislative time is spent in the enactment of local and private bills. In some states such bills constitute a third or a half of the legislative output.⁵⁸ Some have argued that these bills have received more attention than those having statewide importance. Professor Byron R. Abernathy reports that legislation by special act can reduce the quality of the deliberative process in the following ways: (1) the very volume of private and local legislation prevents not only its own proper consideration, but also deprives legislators of adequate opportunity for attention to the public business of the state as a whole; (2) special and local legislation is not given the careful and objective consideration in the process of its enactment; rather it tends to be passed on the basis of logrolling, or legislative courtesy, in which members of the legislature approve the special and local projects of every other member so as to assure support for their own proposals; and (3) the practice of legislative courtesy can enable legislators to exercise undue authority over matters pertaining to their districts.⁵⁹

Since a great deal of special legislation is concerned with matters involving local government units, Professor Alexander Heard recommends that general, optional, or home rule provisions be made so that the legislature may devote its attention to formulating major public policy.⁶⁰ Many states, including Hawaii, have constitutional provisions for city and/or county home rule. Since

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the 1968 Constitutional Convention, all 4 political subdivisions in Hawaii have acquired home rule charters. In addition, most states have sought to protect local governments from the abuses of special legislation by prohibiting such legislation when a general law is applicable (see chapter 1). The Hawaii Constitution expressly requires that powers be conferred on political subdivisions by general law.⁶¹

Constitutional prohibitions designed to prevent the enactment of special legislation have not been entirely effective.⁶² Evasion has occurred in part from a lack of desire to break with old traditions and in part to provide needed legislation. Situations do arise which properly call for legislative action affecting a particular locality. For example, in Hawaii the local laws enacted prior to statehood remain effective.⁶³ However, should the needs of a county require the amendment or repeal of a pre-statehood special act, the task is made difficult for the attorney general has ruled that a law specifically repealing a statute pertaining to a single county is void as a special law.⁶⁴ Furthermore, it is not unreasonable to expect unique conditions to exist in communities as different as Honolulu and Kauai requiring individual treatment by the legislature.

To avoid the rigidities imposed by constitutional restrictions on the enactment of special legislation, "reasonable" classification has become a basic and recognized legislative device.⁶⁵ Utilization of classification for legislation affecting political subdivisions has been upheld in Hawaii.⁶⁶ The attorney general has said:⁶⁷

...if the Legislature finds with reasonable grounds therefor, that there are substantial and rational differences in the situation or condition existing in the different counties which bear a direct and reasonable relation to the objects and purposes of a particular legislation, and accordingly by a proper classification (be it population or otherwise but not by specific reference to any particular political subdivision) makes such legislation applicable only to the City and County of Honolulu or to the neighbor island counties, we are of the opinion that such legislation would not be violative of the general law provision in the Constitution.

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For a further discussion of the general/special law problem concerning counties, see Hawaii Constitutional Convention Studies 1978, Article VII: Local Government.

PART III. CONTINUITY

Many observers feel that the legislature's problem with lack of time is closely related to the lack of continuity from session to session. Much of the legislative progress made during a general session is lost in the intervening budget session or nonlegislative year in the biennial states, committee investigations are not completed, and in the high turnover of legislators, experience is lost. As previously discussed, altering the length and frequency of sessions could fulfill needs for time as well as continuity. Other proposals for increasing continuity are (1) lengthening terms of office, (2) establishing legislative councils, and (3) providing for interim committees.

Terms

Professor Charles S. Hyneman, in an exhaustive study of tenure and turnover, stated that "It is my own assumption that a state legislature will not function effectively unless its members have acquired several sessions of experience in lawmaking."⁶⁸ In another report, many legislators agreed that it takes one term to become acquainted with the legislative process.⁶⁹ Rapid turnover in the membership of state legislatures has concerned many observers. Factors sometimes cited as leading to that turnover are the frequency of elections and the necessity of devoting significant amounts of time to campaigning, along with other considerations such as low compensation, frequency of reapportionments, and lack of staff with which to perform effectively. During the 1963-71 period--which were years of unprecedented reapportionments--the overall rate of turnover at each election for all 50 states was 30.4 per cent of senates and 36.1 per cent for lower houses. The corresponding figure in the same period was 10 per cent for the U.S. Senate and 15 per cent for the U.S. House of Representatives.⁷⁰ For the 1974 elections, rather similar results were

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recorded. The median turnover figure for state senates was 27 per cent and for lower houses it was 33 per cent (see Appendix H). In Hawaii, 43 per cent were new members in the lower houses and 36 per cent in the upper house. Proponents for increasing a 2-year term to 4 years point out that this would automatically enable all legislators to serve in at least 2 general sessions. However, it is also noted that greater experience in some cases might lead to "more refined means of bargaining and dealing for personally desired ends".⁷¹

Advocates of longer terms also contend that 2-year terms make the legislator's tenure precarious and thus compel the legislator to focus attention on campaign problems rather than legislative problems. In addition, longer terms would reduce the frequency with which the legislator must expend large sums of money on campaign costs.

The principal argument against longer terms is that the voice of the people should be heard through frequent elections. However, some authorities feel that elections are no longer so crucial because public opinion is registered much faster today through improved communication facilities.⁷² Other proponents of shorter terms point out that although legislators may be aware of the opinions of their constituents, with longer terms they may put off taking action until election time approaches.

A compromise alternative would be to stagger the terms thus allowing longer terms of office while retaining frequent elections. Before the 1968 Constitutional Convention, the terms of senators were staggered and in each election year, approximately one-half of the senate seats were up for election. Under the present constitution, members of the house of representatives are elected for a 2-year term while those of the senate are all elected for a 4-year term without being staggered.

Advocates opposing staggered terms believe that if all members serve for the same period it will allow committee chairpersons to become more knowledgeable about their subject matter and, without the election pressures every 2 years like their house counterparts, senators can provide a more deliberate approach to examining legislation. Furthermore, the voters of the

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state are able to assess the work of the entire legislature every 4 years and have an opportunity to elect an entirely new legislature or to reelect some members while electing a large number of new members both in the house and the senate simultaneously.⁷³

Proponents in favor of the staggered term concept argue that staggered terms allow the voter to assess the performance of the senate every 2 years, although not all of the senate is up for election every 2 years. They also point out that without staggered terms the house is forced to be the only legislative chamber accountable for legislation enacted by the senate in off-election years. Further, staggering senate terms would mean that it would be impossible to have a completely inexperienced legislature.

The length of legislative terms and, accordingly, the frequency with which members must run for reelection, has remained unchanged for lower house members for the past quarter of a century. Four states--Alabama, Louisiana, Maryland, and Mississippi--provide 4-year terms; the remainder have 2-year terms. Over the same period, a trend toward 4-year senate terms has continued with Michigan, Nebraska, Ohio, and Tennessee joining the 34 states which previously provided 4-year senate terms. Twelve states now have 2-year senate terms. To facilitate early reelections after each census and reapportionment, 3 of the 4-year term states--Illinois, Montana, and New Jersey--provide for 2, 4-year terms and one 2-year term each decade (see Appendix I). Nebraska, which has a unicameral legislature, has 4-year terms for all its members.

The Model State Constitution provides 2-year terms for members in the unicameral legislature and for the bicameral alternative, 2-year terms for representatives and 6-year terms for senators.⁷⁴

Whether the election of legislators should be held in national election years or not has been the subject of much debate. Those favoring holding state elections simultaneously with national elections contend that off-year elections would put a heavy financial burden on political parties because they would then be obliged to continually campaign. Also, national elections produce the largest turnout and thus ensure the widest popular determination of candidates. Those

opposing national year elections argue that only in off years would state issues receive adequate attention by the electorate.

Technical Assistance

State legislators are not, and should not be, a group of legislative experts.⁷⁵ Yet, the process of legislation at certain points requires the use of scientific and legal knowledge and skill; and, in order to provide the members of the legislature with appropriate expert assistance, most states have established some form of technical assistance (see Appendix J). In Hawaii, the principal agencies are the office of the legislative reference bureau and the office of the auditor. There are also research staffs for the majority and minority parties in each house.

Office of the Legislative Reference Bureau. A basic necessity of all legislatures is information. There are many sources for this information and many levels of complexity are required. Legislatures began supplying themselves with staff resources to provide information with the creation of legislative reference bureaus or councils. Legislative reference bureaus are usually charged with 2 principal functions: (1) providing a library of statute law and materials relating to legislative problems, and assisting legislators in its use; and (2) drafting bills for introduction into the respective houses. Bill drafting becomes a very important function since it is a task which the average legislator is quite unprepared to perform personally.

Research staffs can be located within a joint nonpartisan agency such as the reference bureau. It can be organized on a nonpartisan basis for each individual chamber. It can be organized on a partisan basis to serve each party either through the top chamber leadership or through a more formally organized caucus. However, the trend in recent years is to increase the research and staff capacity of the standing substantive committees of the legislature.⁷⁶

The Hawaii legislative reference bureau was created in 1943 and in 1972 its functions were transferred from the University of Hawaii to a newly created office of the legislative reference bureau under the legislature.

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The director of the bureau is appointed by a majority vote of both houses of the legislature in joint session for a term of 6 years. By a two-thirds vote of the members, the legislature may remove or suspend the director for neglect of duty, misconduct, or disability.⁷⁷

Although there is no constitutional provision for the office of the legislative reference bureau, the Hawaii Revised Statutes establishes duties which are to be performed:⁷⁸

- (1) To provide a comprehensive research and reference service on legislative problems for the legislature;
- (2) To conduct impartial research, including legal research, as may be necessary for the enactment of substantive legislation, upon request by the legislature, legislative committee, or legislator, or on its own initiative;
- (3) To disseminate its research findings to the legislature on all research projects undertaken upon the request of the legislature or legislative committees;
- (4) To secure reports of various officers and boards of the state and as far as may be of the states and of the other territories of the United States and such other material, periodicals, or books as will furnish the fullest information practicable upon all matters pertaining to current or proposed legislative problems;
- (5) To secure information for the legislature, legislative committees, and legislators by cooperating with the legislative reference services in the states and with the legislative service conference maintained by the council of state governments;
- (6) To maintain a reference library for use by the legislature and legislative service agencies. Subject to the priorities established by the director, reference materials may be made available to the various departments and agencies of the state and the general public;
- (7) To draft or aid in drafting bills, resolutions, memorials, and amendments thereto, including committee reports, for the legislature, legislative committees, and legislators when requested;
- (8) To control and maintain the operations of any legislative data processing program as may be established;

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- (9) To serve, upon request, in an advisory capacity to the legislature and its committees on all matters within its competencies and responsibilities;
- (10) To assist upon request, legislative service agencies on matters within its competency; and
- (11) To perform the function of statute revision and publication of session laws, supplements, and replacement volumes.

Office of the Auditor. Legislative review of the state budget is the major instrument for oversight of the executive branch.⁷⁹ It is found, however, that "legislative committees and staffs, because of their small numbers and limited time, can engage in only the most cursory review of the executive budget, which is enacted without much opportunity for review and often without significant change; there is also little oversight following statutory enactment."⁸⁰

There are 3 main services which permit state legislatures to be better informed and blunt the limitations on time imposed by restricted sessions:

- (1) Budget review--the process of examining proposed expenditures in order to make appropriations for the immediate future.
- (2) Fiscal analysis--process of obtaining and examining longterm data in order to develop and maintain a sound fiscal program.
- (3) Post-audit--the process of reviewing the state's financial transactions for conformity with law and legislative policy.

All legislatures now have some staff capability of reviewing state fiscal and audit actions. Forty-four states have some type of legislative audit capacity (see Appendix J). The trend continues to emphasize management or program, and performance of evaluation audits, rather than strict financial or compliance audits.⁸¹ The number of legislatures emphasizing this type of financial oversight has grown to approximately 14. All 50 legislatures provide themselves with the staff capacity to review and analyze budget and fiscal actions of their states.

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The Hawaii Constitution provides for an auditor directly responsible to the legislature:⁸²

The legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of all transactions and of all accounts kept by or for all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report his findings and recommendations to the governor and to the legislature at such times as shall be prescribed by law. He shall also make such additional reports and conduct such other investigations as may be directed by the legislature.

In Hawaii, the auditor's office in addition to the post audit also provides a review and analysis of the budget. The auditor's office is intended to serve as an instrument through which the legislature can more effectively review the administration of public programs. Neither the executive nor the legislature has authority to dictate the nature, scope, method, or outcome of the post-audit examinations.

Legislative councils and interim committees. Legislative councils and interim committees are devices to give continuity to the research activities of the legislature. Every state has established legislative councils or similar agencies, such as legislative reference bureaus (see Appendix J). In addition to bureau services, Hawaii does allow for professional staff services to the legislature:⁸³

Each house of the legislature may by appropriate rules provide for permanent professional staffing for each respective house. Persons appointed shall perform and observe such duties and responsibilities as may be assigned to them, and they may be called to assist in the development and formulation of policy. Persons appointed by each respective house may, if so determined, serve as staff to committees during the interim and during regular sessions. They shall be appointed and removed and compensated as provided for in the rules of the respective house....

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The Model State Constitution omits provision for a legislative council. The National Municipal League comments that:⁸⁴

Omission of the legislative council from the Model merely marks recognition of the fact that the battle for legislative councils has largely been won, that legislative councils may--and do--function well under authority of legislation or legislative rules and may function even better given the flexibility of legislative rather than constitutional authorization. Finally, the omission signifies recognition that the creation and operation of legislative councils is essentially a matter of legislative procedure which, particularly in the case of a continuous legislature, ought to be left to the legislature itself.

Establishment by the legislature of special interim committees, empowered to investigate particular problems between sessions and report to a subsequent session is another means of providing greater opportunity for informed deliberation and continuity. Advantages of the interim committee system have been listed as:⁸⁵

- (1) Where there are a number of interim committees at work, more legislators are offered an opportunity to participate in program planning.
- (2) Feelings of jealousy toward members of legislative councils are less apt to develop.
- (3) Individual members of interim committees are usually very interested in the subject matter to be studied because they are generally appointed due to their interest and ability in the area of concern.

Some of the weaknesses of the interim committee system have been cited as:⁸⁶

- (1) Such a system does not ensure a planned or comprehensive approach to subjects needing legislative attention.
- (2) Each interim committee starts from scratch (de novo) and thus much time is wasted in getting organized and setting up a plan of action.
- (3) The interim committee lacks experienced staff because capable people cannot readily be brought in on short notice to serve for a limited period of time.

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- (4) Legislative councils have commonly proved to be more objective in their approach and more successful in getting legislatures to adopt their recommendation.

The constitutionality of interim committees, according to one report, "has been questioned only when they have been created by one house alone, or when they have been created by joint or concurrent resolutions rather than by statute. Even when established by resolution, most courts uphold interim committees as long as both houses have consented to their creation."⁸⁷ Another authority states that "[t]he general but not universal judicial view at present is that a legislative body becomes functus officio upon sine die adjournment, as a consequence of which no part of the body, such as a committee is competent to go on with its business."⁸⁸ Therefore, "it should be made clear in the constitutional framework of a particular state that a legislative house is competent to have standing committees continue their work in the interim between sessions".⁸⁹

In Hawaii, procedures for establishing interim committees have been provided by statute.⁹⁰ The constitutionality of the procedures has been upheld by the attorney general:⁹¹

There is nothing in the Constitution of the State of Hawaii or in the Statehood Enabling Act restricting the powers of the Legislature as spelled out in Part I, Chapter 2, Revised Laws of Hawaii 1955.

In some states the legislature's standing committees and subcommittees simply continue to exist as interim committees after the legislature has adjourned. Several large states, including New York and California, which can afford research staff for each committee, use this system of interim committees. In other states, interim committees are created by the legislature to investigate particular problems or new developments during the interim. Because they are not as permanent as a council or bureau, they lack the council's continuous, planned approach to solving legislative problems, and they find it difficult to hire experienced staff to perform research. In Hawaii, standing committees may act as interim committees when so appointed or a special interim committee may be formed. Such committees are provided research staff by the appropriate house.

Chapter 3 LEGISLATIVE PROCEDURE

It is essential that the legislative process be governed by rules ensuring stability, order, and predictability. Bills must be considered in a public and orderly fashion; majority will must prevail and yet safeguards must be imposed against arbitrary action. Although the need for rules is clearly recognized, the extent to which such rules should be fixed in the state constitution rather than being left for the legislature to establish and modify as the need arises, continues to be a subject for debate by both legislators and students of government. Constitutional limitations on legislative procedure are found in 3 principal areas: (1) the form of enactments, (2) the general process of legislation, and (3) the functioning of committees.

The Form of Enactments

Single Subject. The constitutions of 41 states, including Hawaii, provide that each bill must be confined to a single subject.¹ The basis for this limitation has been the desire to avoid the abuses of logrolling, the attachment of special interest riders to bills to which they are not germane, and to avoid rendering a piece of legislation incomprehensible by coupling unrelated matter. Several states make exceptions to the single-subject rule. At least 13 states² make exceptions for bills pertaining to appropriations; 11 states³ exclude bills for codifying laws. The Hawaii provision states only that "Each law shall embrace but one subject, . . ." ⁴

While most authorities are in agreement with the purposes of the single-subject rule, they are of the opinion that "The great quantity of legislation produced by this requirement and the obstacle it has presented in some places against the codification of state laws or the enactment of comprehensive codes makes the inclusion of this provision highly questionable."⁵ Other criticisms are that it provides greater opportunity for the exercise of the governor's veto and a fertile ground for litigation. With respect to the latter, the Model State

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Constitution has included a unique provision stating that legislative compliance with the one-subject rule is not subject to judicial review. The Model State Constitution states:⁶

The legislature shall enact no law except by bill and every bill except bills for appropriations and bills for the codification, revision or rearrangement of existing laws shall be confined to one subject. All appropriation bills shall be limited to the subject of appropriations. Legislative compliance with the requirements of this section is a constitutional responsibility not subject to judicial review.

Another example of the single-subject provision with exceptions is that of Wyoming:⁷

No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject....

Title-Subject Rule. The title-subject rule provides that only the subject expressed in the title can be contained in the act. The purpose of the rule is to enable legislators to rely on the titles of acts, inform the public of the general nature of the legislation concerned, and to correct other abuses mentioned in the single-subject rule discussion. Although the purpose may be desirable, many authorities find that the dangers of invalidating sound legislation on such a technicality are sufficient to warrant constitutional exclusion. Jefferson B. Fordham observes that "The title requirement has little point; its practical significance in giving notice to legislators and others is very limited. There is no parallel provision in the federal constitution; yet people manage to find out what congressional bills are about."⁸ For the above considerations the Model State Constitution omits the title-subject provision. However, at least 41 states contain such a provision, including Hawaii.⁹ The Hawaii provision states:¹⁰

...Each law shall embrace but one subject, which shall be expressed in its title....

During the 1968 Constitutional Convention, the committee on legislative powers and functions reviewed and retained this provision.¹¹ Later, the attorney general elaborated on this section by stating that its purpose was:¹²

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...[F]irst, to prevent hodge-podge or "log-rolling" legislation; second, to prevent surprise or fraud upon the legislature by means of provisions in the bills of which the titles gave no intimation, and which might therefore be overlooked and carelessly and unintentionally adopted; and third, to fairly apprise the people...of the subjects of legislation that are being considered, in order that they may have opportunity of being heard thereon,...if they shall so desire.

Amendment-by-Reference Rule. Amendment-by-reference is a procedure which seeks to alter previous legislation simply by the insertion or deletion of particular words or phrases without re-enacting and publishing the original bill. The purpose of provisions invalidating the procedure is to ensure full deliberation on the content of the measure, and full disclosure of purpose for the benefit of legislators, judges, and the public.

The most direct impact of this provision comes at the bill drafting stage of the legislative process. Usually a number of companion bills are drafted amending other acts to preclude the possibility of the main bill being declared void as an amendment by reference. This results in an increase in the number of bills introduced in each session. Thirty states have a requirement against such bills in their constitutions,¹³ although there is no such provision in the U.S. Constitution, the Model State Constitution, or in Hawaii. For example, the Michigan Constitution provides:¹⁴

No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Again, many students of government feel that the problems of litigation outweigh the benefits of giving such a rule constitutional status. One authority in recommending the deletion of all 3 rules regarding the form of enactments, states that:¹⁵

The risk may then be too great that sound, substantive laws may be upset by purely formal findings, especially since these rules could probably serve their purposes as statutes or as legislative rules.

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Legislation in Hawaii is introduced in bill form, usually containing a broad title and then setting forth the law to be amended. Prior to 1970, amendments to existing law were made by simply referring to the word or words being amended and the reader of a bill had to look up the law itself and determine the extent and effect of the amendment. In 1970, the house of representatives adopted a resolution requiring the use of what is called the Ramseyer format of bill drafting which was also adopted later in the senate.¹⁶ The requirement as presently set forth in the House Rules states in part:¹⁷

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and any new matter added to the section or subsection shall be underscored.

In setting forth the amendment and the appropriate part of the law being amended, the reader is less likely to be misled or unable to understand the effect of the amendment.

The Process of Legislation

Bill Limitations. In 4 states, a limitation is placed on the number of bills which can be introduced in the legislature by legislative rule.¹⁸ Alaska restricts each legislator to sponsorship of only 10 bills per session, but co-sponsored bills do not count to this total. Connecticut has rules which provide that bills are to be prepared in prose, summarized form rather than as fully drafted bills, and these proposals are reduced to bill form only after favorable consideration by committee. Indiana places a 45-bill limit on each member of the house after they convene in January of odd-numbered years and a 5-bill limit during even-numbered years. There is apparently no limitation on bills filed before January and no limitation in the senate, although at one time there was some restriction on senators as well. Nebraska, a state with a unicameral legislature, provides that a legislator may not sponsor or co-sponsor more than 10 bills per session, but the effect of this rule is offset by the fact that there is no such restriction on bills from committees.

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The 3 possible means of limiting the number of bills are: constitutional amendment, statutes, or by legislative rule. There are advantages and disadvantages to each method. The most effective and binding procedure would be the constitutional amendment, but it may be inflexible in application. Statutes would bind the present enacting legislature, but there is some question as to whether a legislature can bind a future legislature. All the states surveyed have imposed the limitation on bill limitation by legislative rule, and this may be the best method. A rule is easy to pass, but it is also easy to change.

In 1973-74, Hawaii ranked among the top 12 states in the number of bills introduced each session, along with such large states as Massachusetts and New York (see Appendix K). In Hawaii's 1973 session, 3,433 bills were introduced, while 220 bills (12 vetoed) were passed. In Hawaii's 1974 session, 1,894 bills were introduced, and 256 bills (13 vetoed) were passed. In 1975, 3,723 bills were introduced, with 199 bills (7 vetoed) passing. In 1976, 2,753 bills were introduced and 242 bills (9 vetoed) passed. In 1977, 3,318 bills were introduced and 248 bills (15 vetoed) were passed. In a span of 5 years Hawaii's legislature has passed nearly 8 per cent of all bills introduced.¹⁹

Presently, Hawaii provides no limitation on the number of bills to be introduced in the legislature.

The following arguments are commonly raised in support or opposition to the limitation of bill introduction:

Arguments in Support

- (1) Fiscal considerations; paperwork, and the printing and distribution of a large number of bills place a drain on the state's fiscal resources.
- (2) Limitation of bills would discourage duplicate bills on the same subject, and thus also discourage duplication and wasted time, energy, and effort.
- (3) Limitation of bills would increase the role of each individual legislator and of the minority party, because the majority party members could always pass legislation in any number.

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But, if the majority members had used up or set their quota for something else; and, if a minority party member had a good piece of legislation to introduce, it might enhance chances of passage.

- (4) A reduction in the number of bills prepared for introduction would result in an increase of the quality of those bills which are introduced because legislators and staff workers can then focus on fewer bills, and this in turn would lead to better laws.

Arguments in Opposition

- (1) Limitation would be a restriction of the freedom of expression of the legislator and of constituents of the legislator. There does not appear to be a problem on the constitutional level with the proposed limitation, but limiting a legislator to a certain number of bills appears to shut off the legislator's ideas, especially if a member of the minority party, once the legislator has reached the limitation and wishes to introduce other legislation.
- (2) Restrictions on bill introduction is a limitation on the legislative process and on the citizen's right of representation in the legislature. This is particularly true of bills introduced by request where the voice of the citizen may be directly involved, and thereby cutting off a major avenue available for citizen participation.
- (3) Greater hardship may be imposed on the members of the minority party than on those of the majority party. The ideas of the minority party would be restricted pro rata to the number of members they have, rather than by the number of ideas they may advocate; and even though they may have as many ideas as the majority party, they can only put forward the amount as limited.
- (4) Limitation may prevent necessary and vital legislation should every legislator desiring such legislation use up the quota, and if exceptions were made for emergencies, such exceptions may open a floodgate of bills contrary to the intent of the restriction.

Readings. It is important that a deliberative legislature be "fully informed of the nature of each matter which is brought before it for its consideration and disposal".²⁰ The reading of bills is one means by which proper deliberation can be accomplished. This provision has roots in a historical setting of little public or press knowledge of legislative affairs and

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fears that the public as well as legislators might be misled by proposed legislation if it were not read in full.²¹ Today, the provision is justified as a means to prevent undue haste in enactment. However, in some states, this provision has become a time-consuming process where legislatures are forced to suspend rules so that important legislation is passed. In some instances where the constitution does not provide for the suspension of rules regarding readings, failure to read as required will cause an act to be invalid.²²

The Model State Constitution prevents the hasty enactment of legislation by requiring that the printed bill be on the legislators' desks for 3 days before final legislative action can be taken.²³

During the 1968 Hawaii Constitutional Convention, a 24-hour rule was added for the passage of bills. The purpose of this rule was to:²⁴

...assure members of the legislature an opportunity to take informed action on the final contents of proposed legislation. This is accomplished by requiring the printing and availability of each bill in the "form to be passed" to the members of a house and a twenty-four hour delay between such printing and availability before final reading in each house.... The twenty-four hour rule not only aids the legislator but also gives the public additional time and opportunity to inform itself of bills facing imminent passage.

The Hawaii Constitution now provides that "No bill shall become law unless it shall pass three readings in each house on separate days...[and] have been made available to the members of that house for at least twenty-four hours."²⁵ At least 42 other states require bills to be read 3 times, and 43 states require readings on separate days. In 16 states, readings on separate days may be suspended by two-thirds vote (see Appendix L). In 26 states, at least one reading in full is required by the constitution.²⁶

Journal. The journal, the basic official record of legislative action, is usually printed from day to day so that legislators and the public may be kept currently informed. The absence of such a record prevents a full opportunity for public knowledge of legislative proceedings and consequently lessens legislative accountability. The lack of records also removes a source for later

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administrative and judicial interpretation of legislative intent or the purpose and meaning of statutes. One report finds that:²⁷

...legislators clearly go to great lengths to establish explicitly and precisely the conditions under which the legislature will be regarded as having enacted a statute. They have not, however, given any such formal and extended consideration to the conditions under which the legislature will be regarded as having an intention, except perhaps the intention to enact the statute itself and to use the words appearing in the statute.

If records were available:²⁸

Courts and administrators could establish much greater regularity in their use of preparatory materials and of "presumptions" concerning legislative intent--a regularity sufficient to enable trained persons to predict with reasonable accuracy what the outcomes of these uses would be in specific cases. Furthermore, legislatures could control the issuing of preparatory materials with a view to their use in just such ways by judges and administrators.

Floor proceedings are available in a daily journal in 39 states. Two states, Pennsylvania and New Jersey, publish their journals at irregular intervals, and 9 states, plus the Tennessee senate, publish only at the end of each session. Illinois is the only state whose daily journal contains a verbatim transcript of the previous day's proceedings (see Appendix M).

The constitutions of 39 states require on final passage of a bill the entry of the "yeas" and "nays" on the journal.²⁹ In Hawaii the vote on third reading, or final passage, is recorded. The Hawaii Constitution provides that a journal be kept without specifying its content with the exception that votes on final passage must be entered and the votes of the members on other questions need only be entered in the journal upon request of one-fifth of the members present.³⁰ It appears that most state constitutions are specific only when they require that votes on final passage be entered in the journal and generally state that a record of the proceedings shall be kept. Even the Model State Constitution provides simply that "The legislature shall keep a journal of its proceedings which shall be published from day to day."³¹

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During the 1968 Constitutional Convention, the committee on legislative powers and functions after review was satisfied that no change was required with regard to the legislative journal.

In Hawaii each house of the legislature keeps an official record of its proceedings.³² The journals are statements prepared by the clerks and their staffs of all actions taken by their respective bodies. An accumulation of daily statements comprise the journal. The journal does not attempt to give a verbatim account of the debate conducted by the members of the particular body, but rather a concise account of the business transacted.³³

Voting. In all modern legislative bodies, decisions are made during the policy-making process and legitimated by means of the vote. The legislative act of casting a vote is never taken lightly, particularly when major legislation is at stake. A vote on a major measure is rarely made easy for the legislator, as one author reports:³⁴

Again and again a legislator will sympathize with a measure, will desire what its title purposes to give, and yet be compelled to vote against it because he knows it is improperly drawn or because he thinks it will not accomplish its ostensible purpose or because it will also accomplish some other purpose of more harm than enough to offset the good.

In 33 states, including Hawaii, a roll call vote is required for final passage of all bills.³⁵ The remainder of the states require a roll call vote for final passage upon the request of a relatively small number of members. Many students of government find the oral roll call vote requirement an anachronistic, time-consuming practice. In 63 of the 99 state legislative chambers, however, the roll call procedure is now quite expeditious because electronic roll call machines have been installed (see Appendix L).³⁶ Advocates of the roll call procedure maintain that it places the legislator "on record" and thus exposes the legislator's voting behavior more fully to the public and to political interest groups.

Several states have adopted short-cut techniques in calling the roll on noncontroversial bills. One technique, the consent or uncontested bill

have passed. In at least 9 of those states, such a procedure is based upon chamber rules or custom (see Appendix L). The Model State Constitution provides that "No bill shall become law unless...the majority of all members have assented to it."⁴³

Advocates of the unicameral legislature point out that voting procedures are simpler with such a structure. Time is not spent in duplicating the voting process in a second chamber, nor must additional time be consumed in conference committee and a second round of voting when one chamber fails to concur on a measure. Supporters of the bicameral legislature state that the several steps in the voting process ensure a carefully considered decision on a particular bill.

During the 1968 Constitutional Convention, the committee on legislative powers and functions, after review, was satisfied that no change was required with regard to what constituted a majority of members for final passage of bills.

Committee Procedure

Although its importance varies from state to state, committee procedure is one of the overall significant steps in the legislative process. It is in committee that a bill is considered in detail by a relatively small group of legislators who tend to acquire some degree of expertness in the subject matter with which that committee deals; and, it is before the committees that interested citizens and groups are normally afforded an opportunity to present their views relative to pending legislation.⁴⁴ In most state legislatures, committee procedures are left almost exclusively to legislative rules. In Hawaii, committee procedures are established by rules of both houses of the legislature. Some experts believe that since committees form the hard core of legislative organization and are of paramount importance in the law-making process, there should be some provision for legislative committees in the state constitution.⁴⁵ Of principal concern has been the committee's ability to thwart the will of the majority by refusing to report out a bill; to inadequately prepare and publicize committee hearings; and the failure of the committee to record its proceedings and the votes cast by its members.

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calendar, is used in 35 states, including Hawaii (see Appendix L).³⁷ State uncontested bill calendars are generally variations of the congressional consent calendar. Measures on the consent calendar are passed by unanimous consent and without debate, unless objection is raised.

Advocates of the consent calendar point out that a majority of the bills which pass in most state legislatures pass without recorded opposition.³⁸ Removal of such measures to a consent calendar not only decongest the regular calendar so that priority bills may be moved more quickly, but also reduce the time spent in the formal consideration of and action upon virtually unopposed measures.

The Model State Constitution does not provide for a roll call vote but stipulates that "The yeas and nays on final passage shall be entered in the journal"³⁹ and also that "The legislature shall prescribe the methods of voting on legislative matters but a record vote, with the yeas and nays entered in the journal, shall be taken on any question on the demand of one-fifth of the members present."⁴⁰ Such provisions permit the use of consent calendars or other means for quickly dealing with uncontested measures.

In Hawaii, voting by unanimous consent is an expedient method of voting, similar to a voice vote. On the question before the body, the presiding officer asks if there is any objection and, none being voiced, announces that the motion passes by unanimous consent. Unanimous consent is frequently used when a great number of measures to which no opposition is voiced have to be passed.⁴¹

The Hawaii Constitution requires a constitutional majority--a majority of all members elected to a chamber--for final passage of bills.⁴² At least 30 other states make similar provisions. Some authorities oppose the constitutional majority requirement because it is such a large majority that a legislator may cast a negative vote simply by being absent and thus avoid going on record as opposing a particular measure. Opponents of the constitutional majority generally favor provisions similar to the congressional practice of passing bills receiving a majority vote with a quorum present. Approximately 12 states provide that bills receiving a majority of the votes of those present and voting

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Discharge Procedures. It is usual for committees to kill a substantial portion of the measures received by failing to report them back to the chamber, this is called "pigeonholing". Reasons for pigeonholing legislation varies from subject matter being frivolous to unwise, or for political reasons. Sometimes in a legislative chamber carefully selected committees are established solely for the purpose of killing nearly every measure referred to it. In other legislatures powerful policy committees determine the fate of most bills. In California, policy committees on the average kill about three-fourths of all unsuccessful legislation.⁴⁶ The power of a committee to kill bills through pigeonholing is weakest in those states where committees are required to report out all bills. In at least 2 of these states, Colorado and New Hampshire, the rule is evaded by waiting until the last day of the session to report on certain bills. In 40 other states, no provision is made for mandatory reporting on all bills by committee (see Appendix N). Because of the large workload imposed upon most committees, some states do not require committees to report on all bills, but rather to provide a workable rule whereby a committee can be relieved of further consideration of a bill. Reasons for this may be due to the bill sponsor's desire to expedite passage either because the sponsor expects little opposition or because the bill's urgency warrants quick action.⁴⁷ Discharge procedures are included in the rules of most states.⁴⁸ At least 3 states--Hawaii, Kentucky, and Missouri--contain constitutional provisions enabling a certain fraction of the chamber membership to force a committee to report out a bill. The Hawaii provision states:⁴⁹

Twenty days after a bill has been referred to a committee in either house, the same may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

According to several authorities discharge procedures are rarely used; legislatures have developed traditional practices respecting the judgment and authority of committees and in some states the same majority party or group whose votes are necessary to make a successful discharge motion also has firm control over at least the most important committees.⁵⁰ In 1977, the Hawaii senate successfully used discharge procedures concerning a bill to restore the death penalty in Hawaii in one of the rare occasions where a house was able to force a committee to report out a bill.⁵¹

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Public Hearings. The primary objective of hearings is to give legislative committee members information and views pertaining to the bill under consideration and to enable them to make their recommendations with such knowledge and argument as are available to such hearings.⁵²

Committees may hold hearings on bills referred to them for the purpose of obtaining the points of view of interested persons. This means that an opportunity is given to interested parties to come to the committee and present arguments for or against a given measure. In some states, the time and place of the hearing are arranged by approaching the chairperson and making a request for such a hearing; in others, a time and place are fixed automatically, without a request. In the former states, when hearings are arranged on request, only those making the request or specially invited know of the hearing, and the general public is seldom informed.⁵³ However, in some states committees appear to discourage persons and groups from appearing at hearings by failing to publicize the time and place of such hearings, by avoiding the holding of hearings so regularly that interested citizens are led to believe that they do not have any chance to testify, and by scheduling hearings with little notice in order to accommodate those individuals speaking for a preferred point of view.

Open hearings are the rule of all but 2 legislative bodies, and in 49 states advance notice of hearings is required (see Appendix O). In Hawaii, both houses of the legislature have similar rules which provide that meetings shall be public⁵⁴ and notice of all hearings be publicly posted or announced on the floor during the session day at least 2 legislative days prior to such meeting.⁵⁵

The National Municipal League considers the lack of publicity on committee hearings one of the 2 major faults in the committee system and therefore includes the following provision in the Model State Constitution:⁵⁶

Adequate public notice of all committee hearings, with a clear statement of all subjects to be considered at each hearing, shall be published in advance.

Committee Records. True openness in state legislatures requires that clear and complete records be kept so that legislative decisions can be evaluated

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and legislators can be made to feel the weight of public scrutiny when laws are enacted.⁵⁷

Committees in most legislatures keep only a record of actions, showing motions, vote tallies, and bill recommendations. Recordings are made of all meetings in only 5 states, but in 13 other states, some meetings, usually public hearings, are recorded. Verbatim transcripts are also produced in 7 states for the most important meetings and hearings.⁵⁸

In some states, committee reports deal with a number of bills--often with little or no relation to each other--recommending that they all be passed, or that they all be rejected. Legislators must either approve or reject the entire package. Such a procedure can deprive a legislator of informed decision making.⁵⁹

Hawaii's legislature requires a committee report on bills which are recommended for passage. The committee report may contain a history of the legislation to which it relates; the findings of the committee, a report of hearing, a record of decisions to include or exclude provisions, and an explanation of the resulting bill. A majority of the members of the committee is required to sign the report before the bill can reach the floor, and a copy is provided to each member of the house and is available to the public.⁶⁰ According to a critical study of state legislatures, Hawaii's committee reports "could serve as a model for all legislatures".⁶¹

Little information is available on constitutional provisions for committee record-keeping. The Michigan provision reads:⁶²

On all actions on bills and resolutions in each committee, names and votes of members shall be recorded. Such vote shall be available for public inspection.

Committee Investigations. Unlike the legislature's powers of an executive or judicial nature, which are conferred by express constitutional provision, the investigatory power is not expressly conferred but inheres in the legislature as a necessary means of enabling that body to make law and perform its other functions in a proper manner.⁶³

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The main thrust of legislative investigations are: to secure information needed for the enactment of legislation, to inquire into the management of administrative agencies, to inform the public, and to examine the qualifications of members of the legislature. Committee investigation, in addition to procuring information which aids the legislature directly in its own work, often serves a useful purpose in focusing public attention upon conditions requiring remedial action.⁶⁴ Some states, such as Alaska and Michigan, have provided constitutional provisions guaranting that legislative hearings are justly and fairly conducted. Alaska provides:⁶⁵

The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be infringed.

Michigan provides:⁶⁶

...The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Other Considerations

The shortage of session time is an important obstacle in the deliberations of the legislature, particularly in those states where most of the important controversial legislation is referred to only a few committees, thus compounding the shortage of time.

The high rate of turnover not only for members but also for committee chairpersons and the lack of importance attached to the seniority system contribute to the failure of committees to develop expertise in the subject matter under their consideration.

The obstacles in time and efficiency offered by the committee system in the bicameral legislature have been used to substantiate the arguments of proponents for the unicameral legislature. It is contended that the dual committee system wastes time in considering identical bills or bills directly opposing each other. Such bills would readily be weeded out if sent to only one

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committee. Further, time, effort, and expense for legislators, staff, and witnesses are consumed in the duplication of hearings on the same measure. Another criticism is the use of the conference committee where all meetings are conducted in secrecy, no witnesses may appear and each chamber must accept the report as a whole. Opponents feel the procedures of the conference committee are arbitrary and its secrecy renders it vulnerable to the machinations of interest groups.

Proponents of the bicameral legislature point out that most of the waste attributed to the dual committee structure could be simply removed by the establishment of joint committees and that the extent of lobby influence at the conference stage is unknown.⁶⁷ E. E. Schattschneider presents a more academic argument for bicameralism.⁶⁸ He contends that the American political system is dynamic because it is in constant strife. Thus, conflict itself becomes a powerful instrument of government and all governments are of necessity concerned with its management. One method is to affect the scope of conflict. Schattschneider says that the intervention of Harry in a conflict between Tom and Dick will change the nature of the conflict no matter what Harry does. Consequently, "Governmental procedures which lend themselves to delay and structural complexities which postpone decisions tend to socialize conflict by providing occasions for the kind of agitation that is likely to increase the scope of conflict...."⁶⁹ Therefore, the dual procedures and delays of the committee system in the bicameral legislature may operate to contain the wilder impacts of social forces.

Rules of procedure, according to some students of government, should be left to the determination of the legislative chambers as is done with the United States Congress.⁷⁰ Others think that the legislative body should be subject to a minimum of essential procedural requirements by the constitution.⁷¹ The principal arguments for severely restricting or excluding procedural requirements from the constitution are that it is inconsistent to vest the legislative power of the state in a body but then deny it the ability to prescribe its daily work, and that it is difficult to enforce procedural requirements. Courts usually will not look beyond the legislative journal for proof of procedural violations.⁷² The practical effect is that the legislature may suspend

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constitutional mandates at will simply by failing to record procedural shortcomings.

Ernst Freund, a widely recognized authority on state legislatures, suggested that:⁷³

The sound policy of constitution-making is to impose procedural requirements only under the following conditions: (1) that they serve an object of vital importance; (2) that they can be complied with without unduly impeding business; (3) that they are not susceptible of evasion by purely formal compliance or by false journal entries; (4) that they do not raise difficult questions of construction; (5) that the fact of compliance or non-compliance can be readily ascertained by an inspection of the journal.

Chapter 4 THE LEGISLATORS

Qualifications

There are 3 principal qualifications required for membership in the state legislature: United States citizenship, age, and residency. Qualifications are imposed in order to achieve a particular composition in the legislature. The effectiveness of the provisions are uncertain. Professor John C. Wahlke reports:¹

It may safely be said that formal prerequisites for the office of state legislator no longer influence significantly the character of legislative membership.

* * *

...Far more influential is the play of social, psychological, economic, and political factors. It follows that to recruit different kinds of people into our legislatures would require more than formal changes in constitutions or statutes.

Regardless of the effects of constitutionally prescribed qualifications it is well documented that legislators are among the most educated occupational groups in the United States.² For example, 83 per cent of the lawmakers in recent sessions of Hawaii's legislature had attended or have graduated from college.³

Age. All state constitutions incorporate certain qualifications which must be met before a candidate may become a member of the state legislature. Age requirements are either explicitly stated in the constitution or implied by demanding that a legislator be a duly qualified elector. Where there are specific age qualifications, many states do not have the same for members of both houses (see Appendix P). Age requirements for service in the legislatures have not changed materially in recent years, although in recognition of the reduced age of legal majority, both Hawaii and Louisiana have reduced to 18 years the minimum age requirement to serve. In the majority of lower houses, the

minimum is 21 years; in the majority of senates, it is 25 years. Six states stipulate 30 as the minimum age for service in the senate.⁴

Residence. Constitutional requirements in the area of residence often involve varying durations for residence in the state and in the district to be represented, with state residence requirements being much longer. In Hawaii, both senators and representatives must be residents for three years in order to be eligible for legislative membership.⁵ District requirements in Hawaii are indirect; the Constitution prescribes that legislators be qualified voters in the districts they represent.⁶

Compensation

A major question concerning legislative compensation is whether the amount of compensation should be fixed by the constitution. For many years the actual level of legislative compensation in a majority of states was fixed in the state constitution or by statutory action within prescribed limits set by the constitution. But because the cost of living and the value of the dollar fluctuate, the common answer to the question now is that salaries and allowances should be left to statute rather than to the constitution. The writers of the Model State Constitution commented that:⁷

The exact amount of the salary to be paid legislators or, for that matter, any other official has no place in a constitution. Salaries must frequently be adjusted to changing conditions. Freezing such details in the constitution hampers rational action and forces amendment otherwise avoidable.

This means that legislators are in a unique situation of setting their own salaries. However, in 14 states, including Hawaii, constitutions provide that increases in salaries cannot go into effect during the term for which the enacting legislators sit.⁸ Hawaii's Constitution reads:⁹

The members of the legislature shall receive allowances reasonably related to expenses and a salary, as prescribed by law. Any change in salary shall not apply to the legislature that enacted the same.

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Presently, in 9 states legislative compensation is fixed in the constitution, although in some of these states benefits and expenses may be raised.¹⁰ Constitutions in 6 states provide for setting of compensation by commissions and the legislature and/or referendum.¹¹ Legislative compensation is set by law in the remaining 45 states, with compensation commissions operating in 23 of these.¹²

Another question in this area is whether constitutional provisions against a legislature increasing its own salaries also apply to expenses? Although Hawaii's Constitution explicitly covers salaries, there is no similar provision concerning expenses. Therefore, legislators can legally raise the amount they receive for expenses and make the change effective immediately. Other states besides Hawaii have adopted similar provisions which provide for increases in legislator's expenses. For example, Illinois' Constitution states:¹³

A member shall receive a salary and allowance as provided by law, but changes in the salary of a member shall not take effect during the term for which he has been elected.

On the other hand, North Carolina forbids both salaries and expenses from being increased, saying that such increases can become effective "at the beginning of the next regular session of the general assembly following the session at which it was enacted".¹⁴

In 1968, the Hawaii Constitution was amended prohibiting any change in salary from applying to the legislature that enacted the change. Unlike the 1950 Constitution, it did not include allowances within its provisions. In its committee report the committee on legislative powers and functions stated:¹⁵

With the term "allowances" restricted to relate to reasonable expenses, it was believed that the legislature should have flexibility to, and could fairly, effect changes in allowances to apply immediately to reflect current needs and expenses. Accordingly, an amendment was made to allow any changes in allowances to apply to the legislature which enacted the same.

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In 1971, the commission on legislative salary determined that such payments as legislative allowances and per diem compensation could be considered factors affecting legislative salary but not subjects in themselves within the jurisdiction of the commission.¹⁶

In 1975, the commission on legislative salary agreed that it is precluded from making any recommendation on a legislative salary plan other than the legislator's fixed annual compensation.¹⁷ This decision was based on the commission's request for an opinion from the attorney general's office as to whether the term "salary plan" as used in the Constitution, includes in addition to the \$12,000 annual salary "other payments and benefits, direct or indirect, made to legislators whether by way of compensation, allowance, reimbursement or retirement system benefits".¹⁸ The attorney general's answer was "negative"¹⁹ The attorney general went on to state that:²⁰

The term salary plan...only contemplated the annual fixed compensation for legislator's services with possible periodic increases in such compensation but did not contemplate the inclusion of other payment or benefits.

The next constitutional issue is the method used in compensating legislators. The basic compensation of legislators is computed in one of 2 ways: per diem (a daily rate) or an annual (lump sum) salary. Presently, 35 states use an annual salary base, while Arkansas used both salary and per diem.²¹ Hawaii's Constitution provides that unless the legislature enacts laws changing a member's salary, each legislator shall be paid \$12,000 each year.²² In recognition of the increasing amount of time which legislators must devote to public business, the long-term trend has been toward the annual salary. In general, it appears that the legislators on the daily plan are paid less than those on an annual salary. Furthermore, it appears that annual salary states provide higher compensation to their legislators.²³

Another issue is whether the legislature or a compensation commission should set legislative salaries. During the 1968 Constitutional Convention, the Constitution was amended to provide for a commission on legislative salary:²⁴

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There shall be a commission on legislative salary, which shall be appointed by the governor on or before June 1, 1971, and every four years after the first commission is appointed. Within sixty days after its appointment, the commission shall submit to the legislature recommendations for a salary plan for members of the legislature, and then dissolve.

The purpose of the commission was to remove any burden of self-interest on the part of the legislature. Many people questioned the wisdom of allowing legislators to set their own salaries because of the possibility of abuse. With this consideration in mind, the committee on legislative powers and functions reported:²⁵

Legislators, like other public servants, are no less deserving of periodic review and adjustments in their salaries. The commission, by its recommendations, will remove any onus of self-interest on the part of the legislature.

An increasing number of states are adopting special compensation commissions to deal with the problems of legislator salaries. Since 1965, 21 permanent commissions have been established, although 3--Illinois, Pennsylvania, and Wisconsin--have since been terminated.²⁶ Compensation commissions regularly review legislator's compensation and set or recommend salary and/or expense levels to the legislature. A strong correlation between salary level and the existence of a compensation commission in a given state has emerged. The average biennial compensation in states using compensation commissions is \$23,098. The average compensation in all other states is \$18,145.²⁷

The 18 compensation commissions vary in degree of authority (see Appendix Q). In 13 states, the commissions' recommendations are advisory only and the legislature retains the authority to set compensation. In Maryland and West Virginia, the legislature may accept or decrease--but not increase--the rates recommended by the commission. Also, recommendations can be overruled by a two-thirds vote of the legislature. In Arizona, the commission submits recommendations to the electorate at the ensuing general election. The Oklahoma commission has the authority to set compensation rates.

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In 1971, the Hawaii commission on legislative salary, recommended a compensation plan for legislators which provided an annual salary increase based on the number of years of legislative service.²⁸ In 1975, the commission recommended that a salary plan be an annual salary of \$17,000 for each member of the legislature.²⁹ Although numerous bills were introduced in the legislature regarding increases in compensation for legislators, following the 1971 commission's recommendations, none were enacted into law. In the course of the 1975 commission's work, certain observations were made:³⁰

- (1) The commission has functioned under the constraints of a constitutionally imposed narrow jurisdiction. The limitation, stated in the attorney general's letter opinion, precluding the commission from considering the entire legislative compensation plan prevents a logical, systematic, comprehensive approach to setting the salary plan.
- (2) The constitutional schedule for appointment of a commission every 4 years beginning from 1971 makes it unlikely that the recommendations of any commission will ever be implemented, for they are timed to be received by a legislature in the session immediately before a general election. Under these circumstances, legislators, particularly those considering running for re-election, are going to be reluctant to vote for a salary increase, whatever the merits of an increase. Moreover, the political realities of the system mean that the burden of a final decision may unfairly rest with the legislature.
- (3) The per diem device for paying expenses of legislators who are on legislative business away from their home island may bear no realistic relationship to out-of-pocket expenses reasonably expected to be incurred. Consideration should be given to paying such expenses on a vouchered expense-incurred basis.

Finally, the level of salary underlies all the issues mentioned and must be discussed.

Traditionally, state legislators have been among the lowest paid public officials in government. Some authorities believe legislative salaries are inadequate to attract competent people and that they are too low for many people to afford to serve. One authority states:³¹

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In all but a handful of today's legislatures, salaries and other compensation remain at nineteenth century levels. Legislative service, as a result, is closed to all but a tiny fraction of our people. Legislative salaries and other compensation should be high enough to enable a broad cross section of the citizenry--circumstances--to consider legislative service.

Other authorities believe that legislators deserve an executive salary since they are elected by the people of the state.³² The committee for economic development has stated that legislators should be paid at the rate of \$25,000 a year in larger states, and at least \$15,000 in other states.³³

The average biennial compensation of legislators grew by 275 per cent between 1960 and 1975 from \$5,297 to \$19,887.³⁴ Across the nation legislative salaries vary greatly. Lawmakers in New York are paid \$23,500 a year, in California \$21,000, and in Illinois \$20,000. By contrast, New Hampshire, North Dakota, and Rhode Island annually pay their legislators \$100, \$150, and \$300, respectively. Lawmakers' annual salaries exceed \$10,000 in only 12 states, and in 25, the pay is \$5,000 or less (see Appendix R).

Many of the gains have occurred in states where legislators have already been paid well. In 1973, for example, the nation's highest legislative salaries were in California, Illinois, Michigan, New York, Ohio, and Pennsylvania. Of those, all but Pennsylvania granted increases during the following session. Nationwide, of the dozen salary increases since 1973, all but 2 occurred in states where lawmakers were already earning above the national average.³⁵

In addition, the cost of living has risen during recent years almost as rapidly as compensation, and the amount of time legislators must devote to their elected duties has increased by more than one-third since 1964.³⁶ After adjusting the 1964 average biennial compensation for the 98 per cent increase in the cost of living and the 34 per cent increase in time spent in legislative sessions, the increase in legislators' compensation between 1964 and 1975 is shown to be not quite 10 per cent.³⁷

Establishing compensation rates for legislators has become a complex and controversial matter. This problem is also compounded by the fact that most

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legislators must adjust their own salaries. As job responsibilities and time demands increase as well as the cost of living, legislators feel that they deserve more money. At the same time, taxpayers often are critical of pay increases for legislators. Such was the case in 1975, when the Hawaii legislature bowed to public pressure and killed an earlier decision to give legislators a \$9,000 a year pay hike.³⁸ During times when the economy is not running at its best, legislators run the risk of voting themselves out of a job when they approve their own pay raises.

These complexities are reflected, generally, by 3 prevailing points of view:³⁹

- (1) One holds that it should not cost legislators money to hold office. Therefore, salaries should be proportionate with earnings they normally would receive in their chosen professions or occupations.
- (2) A second theory is that a legislator's pay should be proportionate with the importance of the office. Those who hold this view believe state legislators play a critical role in government and therefore should receive compensation that reflects their contribution to society.
- (3) The third viewpoint, the one which prevails in most states, is that legislators do not need to be compensated fully for their services. The "citizen legislator", according to this theory, will understand constituents' problems better if the legislator, like those served, holds a job and worries about paying bills.

Expense Allowances

In addition to their annual salary, each legislator receives an allowance for personal expenses while attending any session of the legislature (see Appendix S). Each legislator receives an annual allowance of \$1,500 to cover incidental expenses connected with legislative duties.⁴⁰ Outer island legislators receive an additional allowance of \$20 a day to cover lodging and incidental expenses, excluding travel expenses. The \$20 a day allowance is paid for each day, from the first to the last day of session, including Saturdays, Sundays, holidays, and days in recess pursuant to a concurrent resolution, except when

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the legislature is recessed for more than 3 days pursuant to a concurrent resolution or for days of unexcused absence.⁴¹

During a legislative session legislators receive an allowance for expenses while traveling on official business within the state. Oahu legislators traveling to the outer islands overnight or longer while on official business authorized by the presiding officer of their respective houses receive an allowance of \$30 a day to cover board, lodging, and incidental expenses, excluding travel expenses. Outer island legislators required to remain away from the island of their legal residence overnight or longer while on official legislative business during a session, when authorized by the respective presiding officer, receive an allowance of \$20 a day for personal expenses, excluding travel expenses. This allowance is in addition to the \$20 a day amount outer island legislators receive, except that it is not paid for attendance at a session of the legislature on Oahu.⁴²

Legislators, in addition, receive an allowance for expenses while on official legislative business during periods of recess for more than 3 days pursuant to a concurrent resolution or for any interim official legislative business. When authorized by the presiding officer of their respective house, legislators receive an allowance of \$10 a day for personal expenses while on the island of legal residence during this period. Legislators who during these periods are on official legislative business within the state but away from their island of legal residence, when authorized by the respective presiding officer, receive an allowance of \$30 a day for personal expenses when required to stay overnight or longer.⁴³

While on official legislative business out of the State authorized by their respective presiding officer, legislators receive an allowance of \$45 a day for personal expenses, excluding travel expenses. For outer island legislators, this is in addition to the \$20 a day allowance if traveling during the legislative session.⁴⁴

Travel expenses connected with official legislative business are allowed with the approval of the presiding officer of the respective house.⁴⁵

The senate and the house of representatives each have a contingency fund for their expenses. Money in the contingency fund is used to cover the expenses of social occasions hosted by each house as a whole and other social occasions as authorized by the presiding officer of the respective house.⁴⁶

Retirement Benefits

A legislator may opt to become a member of the employees' retirement system of the State of Hawaii and upon retirement receive benefits jointly financed by the legislator's contributions and the State. Members of the legislature first became eligible for membership on July 1, 1951. All service performed as a legislator since July 1, 1951 (plus prior service recognized under rules of the trustees of the system), may be included in computing the term of membership in the system. No member may receive any pension or retirement allowance from any other retirement system supported wholly or in part by the State or any county, except as provided by Title II of the Federal Social Security Act.⁴⁷

Legislators may retire after 10 years of service.⁴⁸ A legislator's retirement allowance is computed at a 3-1/2 per cent rate for each year as a legislator and at a 2 per cent rate a year for other state government service. There is no minimum credited service requirement for the application of the 3-1/2 per cent rate.⁴⁹

Part-Time Citizen Legislator or Full-Time Professional Legislator

The growing necessity for state legislators to devote more time at the state capitol and to acquire greater knowledge in order to fulfill their lawmaking duties conflicts with the concept of the legislators as nonprofessional, part-time citizen-representatives. As sessions are lengthened, salaries increased, and interim study committees established, the legislator becomes a specialized professional who has the time, experience, and resources to make a career of state legislation much like a United States senator or representative.

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Some students of government feel the role of part-time citizen-legislator should be preserved. One author states:⁵⁰

A part-time legislature retains the concept of the citizen-legislator. In a representative democracy, legislative delegates should be participating members of the community they represent rather than specialists in the field of government. Greater representativeness justifies the risk of less efficient and even less competent legislative performance. In those states going full-time such as California, Michigan, and Illinois, the base of citizen participation is narrower, there being more attorneys and other professionals.

Others believe it is better to call a "full-time" legislator a professional legislator because:⁵¹

His time and service will vary with the size and complexity of state government. A professional legislator does not imply service in a legislative body on a year-round basis. Knowledgeable observers of the legislative process recognize that year-round legislative sessions are neither wise nor necessary. The professional legislator is able to play an active role in state government while the legislative body is not in session. Since his legislative position will be his primary livelihood, he will be expected to respond more diligently to constituent inquiries and pressures. Communications with the electorate should increase correspondingly. Interim legislative work will increase as the legislator becomes more available.

Those who think the conditions of our society demand full-time professional legislators contend that the unicameral legislature is better suited for attracting and developing such competent, professional personnel. Since such lawmakers would operate more responsibly the needs for the checks and balances of the bicameral legislature would no longer be necessary.⁵² If the part-time, citizen-legislator lacking skill and of uncertain reliability is retained then the checks of the bicameral legislature may continue to be needed.⁵³

Conflict of Interest

Conflict of interest is the term applied to that area of governmental ethics where conflict between an official's independent public decisions and a private gain--a gain not shared by the general community--might occur.⁵⁴ State legislators find themselves confronted with perhaps more potential conflicts between their public and private interest than any other public official. This is so because of the part-time nature of a legislator's job and the low salaries they receive, which forces them to find employment elsewhere in the private sector.

The problem has 2 main aspects: First, a legislator has to live. The legislator's legislative salary is rarely enough to live on--to support the legislator and family, and to take care of legislative expenses. The legislator must, therefore, earn income in some other profession or job--for example, as a lawyer, banker, or real estate agent. Moreover, to earn a decent income the legislator must devote most of the legislator's time to the outside job or profession.

Secondly, since many legislatures are inadequately staffed, they must make the most of the expertise and experience of their members. So the judiciary committee is composed of lawyers or others in related fields, the education committee of teachers, the finance committee of real estate agents and bankers, and so on. It can be said in defense of this practice that it puts people on committees where they can best bring their knowledge and experience to bear. But it also puts them on committees in which they will constantly be forced to make judgments on issues which affect them personally and professionally, and upon which they can hardly make impartial or objective judgments. Thus, legislators are liable to numerous and substantial conflicts of interest. In addition to actual conflicts, there is the question of public confidence in government, which might have the appearance of self-serving, regardless of interest.

Some of the major areas of conflict of interest are:⁵⁵

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- (1) The Assistance to Private Parties. The legislator who acts for an outside interest in certain dealings with the government.
- (2) Self-Dealings. The legislator who acts on behalf of the government in a business transaction with an entity in which there is a personal economic stake.
- (3) Augmentation of Income by Private Parties. The legislator who receives compensation from a private source for government work.
- (4) Post-Employment Restrictions. The former legislator who acts in a representative capacity in certain transactions with the government during a specified period after termination of government service.

Most conflict of interest situations that legislators face occupy a gray area between overt graft and reasonable private activity open to ordinary citizens. Further, in fulfilling the representative function, there is the recurring question of what is proper in representing constituents. Government and private life are not neatly separable. It is a difficult problem to deal with because government regulation of daily life is pervasive, giving rise to a multitude of real or potential situations.⁵⁶

Presently, 37 of the 42 states having major ethics legislation apply the law to legislators.⁵⁷ Among those states exempting legislators are Delaware, Michigan, Missouri, Pennsylvania, and Rhode Island. The last 3 states have executive orders establishing ethical standards which do not apply to the legislative branch. Ten states have legislative ethics committees with jurisdiction over legislators.⁵⁸ The jurisdiction of the Connecticut joint legislative ethics committee extends not only to legislators and legislative employees but also to members and employees of the executive branch and to employees of the judicial branch.

Some states such as California, Florida, Louisiana, and Michigan specifically provide constitutional provisions requiring enactment of legislation prohibiting conflict between public duty and private interest of members of the legislature. For example, California's Constitution states:⁵⁹

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...The legislature shall enact laws to prohibit members of the legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities;...

Other state constitutions make provisions for regulating legislator's behavior and do recognize particular conflict of interest. Hawaii's provision states:⁶⁰

Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension of such member....

Three other conflict of interest provisions found in some state constitutions, but not in Hawaii, are: involvement in state contracts, acting as counsel in suits against the state, and disclosure of personal interest in matters before the legislature. Michigan's provision states:⁶¹

No member of the legislature nor any state officer shall be interested directly or indirectly in any contract with the state or any political subdivision thereof which shall cause a substantial conflict of interest. The legislature shall further implement this provision by appropriate legislation.

Oregon offers an example of constitutional prohibition of legislators acting as counsel in suits against the state:⁶²

No state officers, or members of the Legislative Assembly, shall directly or indirectly receive a fee, or be engaged as counsel, agent or Attorney in the prosecution of any claim against this State.

The Oklahoma Constitution exhibits a typical provision calling for disclosure of personal interest:⁶³

A member of the Legislature, who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

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Although conflict of interest provisions are not found within Hawaii's Constitution, they are specifically provided for statutorily. The statute specifically states that:⁶⁴

No legislator or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which he has participated or will participate as a legislator or employee, nor shall he assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the legislature or agency or which he is an employee or legislator.

In regards to disclosures of personal interest "every legislator shall...file disclosure of financial interests, relationships or transactions, including the nature and extent of such interest, relationship or transaction, which may be affected by a state agency...."⁶⁵ Legislators, however, are not subject to those ethics code provisions, applicable to employees, which prohibit taking action directly affecting one's interests or acquiring interests which may become involved in action one takes as a state employee.

The identification of conflict situations and the drafting of conflict of interest legislation pose serious problems. Broad provisions may invade the privacy of honest officials, while provisions which are too specific may absolve unethical conduct not particularly unidentified in the legislation. The aim, of course, is to hit the mean between breadth and specificity.⁶⁶ An examination by the National Association of Attorneys General stated:⁶⁷

State conflict of interest laws indicates that many states could benefit by at least bringing all of their existing fragmentary conflicts legislation under the framework of a central comprehensive act. Such codification would be beneficial, whether or not it results in repetition of provisions more appropriately catalogued in specialized sections of state codes. The net practical effect of creating a unified conflicts statute would be to establish a clear, comprehensive ethical reference guide.

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Hawaii's Constitution states that:⁶⁸

The legislature and each political subdivision shall adopt a code of ethics, which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of boards, commissions, and other bodies.

There are 3 major avenues of promulgating conflict of interest laws: by rule (joint or single house), by statute, and by constitution. The latter usually does not contain detailed operating procedures and therefore is more of a precautionary measure rather than an effective law. Some states use all 3 methods, most combine at least 2. In Hawaii, provisions of conflict of interest can be found at all 3 levels. In both house and senate rules of procedure, provisions of disclosure are contained. For example, the House Rules state:⁶⁹

The Speaker may excuse a member who has a monetary interest in the question, or whose right to a seat in the House will be affected by the question, or whose official conduct is involved in the question. If a member thinks he or she may have such a personal interest in the question, the member shall rise and disclose the interest to the Speaker. The Speaker then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

In the Hawaii Revised Statutes, standards of conduct and ethics are prescribed, the purposes of which are to:⁷⁰

...(1) prescribe standards of conduct of elected officers and public employees of the State as mandated by the people of the State of Hawaii in the Hawaii Constitution, Article XIV, Section 5; (2) educate the citizenry with respect to ethics in government; and (3) establish an ethics commission which will render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved.

Hawaii's Constitution in addition to regulating behavior of legislators also prohibits dual office holding.

Prohibition of dual office holding is found in 44 states.⁷¹ It has been considered important enough to be included in many state constitutions. These

dual office prohibitions are extensive but not all-inclusive; for example, federal and state dual offices may be prohibited, but state and local government positions may not be. Hawaii Constitution states that "[n]o member of the legislature shall hold any other public office under the State.... The legislature may prescribe further disqualifications."⁷² The term "public office" does not include notaries public, reserve police officers, or offices of emergency organization for civil defense or disaster relief. A legislator may be disqualified for such other circumstances as may be prescribed by the legislature.⁷³ Connecticut and Michigan forbid their legislators to accept any state appointive offices during their terms.⁷⁴ Alaska forbids legislators during their term and for one year afterwards to be appointed, nominated, or elected to any office created or increased during their term. The Alaska provision also provides, however, that legislators may run for governor or secretary of state, and may accept employment with or election to a constitutional convention.⁷⁵ The Illinois Constitution, as does Hawaii's, states that the legislators cannot be appointed to any office created or the emoluments of which have been increased during their term.⁷⁶ Virginia simply prohibits the legislature from electing one of its members to an office.⁷⁷ States such as Florida have no dual office holding provisions at all. For further discussion of ethics, see Hawaii Constitutional Convention Studies 1978, Article XIV: General and Miscellaneous Provisions.

Lobby Regulation

There is probably no aspect of legislative life more difficult to deal with than the intricate relationship between legislators and the representatives of private interest groups, or lobbyists.⁷⁸ Thus, the principal aim of lobby regulation, whether by constitutional provision or statutory law, is to correct the abuses of pressure group influence while preserving the right of various social and economic interests to be represented. As John Burns in his study of state legislatures states:⁷⁹

The independence of the legislature and public confidence in its processes require the regulation of special interest advocates. Lobbyists should be required to register with an agency of the legislature, and should be required to disclose who employs them, on

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behalf of what objectives, how much they are paid, and how much they spend and on whom. This information should be available to the press and the public. There should be specific and automatic penalties for failure to comply with these requirements.

In an effort to bring lobbying into the open and to curb wrongful practices, all states have enacted laws or adopted rules regulating lobbyists and their activities. By 1975, Hawaii and Utah were the last 2 states to enact lobbyist regulations. Most of these constitutional or statutory provisions impose one or more of 3 types of provisions:

- (1) Requiring the lobbyist or employer, or both, to register with some state agency;
- (2) Requiring the lobbyist or employer, or both, to file at the close of each session verified accounts of their expenditures for legislative purposes; and
- (3) Prohibiting the employment of lobbyists under agreements which make their compensation contingent upon the success of their efforts.

Provisions against lobbying or corrupt solicitation appear in the constitutions of 23 states.⁸⁰ The Alabama Constitution states:⁸¹

No state or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward, or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

The Alaska Constitution says simply, "[t]he Legislature shall regulate lobbying."⁸²

The California provision is more a prohibition against corrupt solicitation and intimidation rather than lobbying specifically:⁸³

A person who seeks to influence the vote or action of a member of the Legislature in his legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony.

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The primary reason given for including such provisions in a constitution is that the legislature may be too influenced by lobbyists to legislate effectively for lobby controls. The argument against inclusion is that such provisions can act as heavy-handed restriction, severely crippling a valuable element of democratic representation. Hawaii provides:⁸⁴

...a law wherein lobbyists are required to register, to file timely disclosure reports and to otherwise account for contributions made to them and expenditures made by them in the course of seeking to influence the outcome of legislative or administrative action. The intent...to make lobbyists accountable for their actions to insure against the exercise of undue or improper influence.

Most state statutes regulating lobbying are aimed at increasing the visibility of groups by disclosing the identity of the lobbyist and gathering information about their activities. Presently 45 states, including Hawaii, regulate lobbyist by statute and another 5 by the rules of one or both houses. Thirty-four states, including Hawaii, require some form of expense statement or statement of lobbyist compensation, or both. Arrangements between the lobbyist and the lobbyist's employer which involve compensation contingent upon the passage or defeat of legislation are prohibited in 34, including Hawaii. Thirty-four states provide that a violation of a lobbying statute results in a misdemeanor; only 5 provide that it is a felony. In Hawaii, a person who fails to file or wilfully files false statements shall be guilty of a petty misdemeanor.

FOOTNOTES

Chapter 1

1. *Hawaii Const.* art. XIV, sec. 14.
2. *New Jersey Const.* art. IV, sec. 7(1) and (9); and *Colorado Const.* art. V, sec. 25.
3. *Hawaii Const.* art. VII, sec. 1 and art. X, sec. 4.
4. Victoria Ranney (ed.), *Con-Con Issues for the Illinois Constitutional Convention* (Chicago: University of Illinois Press, 1970), p. 106.
5. William J. Keefe and Morris S. Ogui, *American Legislative Process* (Englewood Cliffs, N.J.: Prentice-Hall, Inc. 1973), p. 38.
6. National Municipal League, *Model State Constitution* (6th ed.; New York: 1968), p. 56; hereinafter cited as *Model State Constitution*.
7. *Ibid.*, p. 55.
8. Council of State Governments, *State Legislative Appropriations Process* (Lexington, Ky.: 1975), p. 15; hereinafter cited as *Legislative Appropriations Process*.
9. *Legislative Appropriations Process*, p. 16.
10. Tax Foundation, *Earmarked State Taxes*, Research Publication No. 2 (New York: 1965), pp. 24-28.
11. *Model State Constitution*, p. 93.
12. *Alaska Const.* art. IX, sec. 7.
13. *Hawaii Const.* art. VI, sec. 3.
14. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 52, p. 221.
15. *Montana Const.* art. VIII, sec. 8.
16. *Oregon Const.* art. VII, sec. 6.
17. *Hawaii Const.* art. III, sec. 20.
18. *Model State Constitution*, Art. IV, sec. 4.18.
19. *Ibid.*, p. 63.
20. *Hawaii Const.* art. III, sec. 20.
21. *South Dakota Const.* art. V, sec. 2.
22. *Alaska Const.* art. II, sec. 20.
23. *Hawaii Const.* art. III, sec. 20.
24. *U.S. Const.* art. II, sec. 4.
25. *Indiana Const.* art. 6, sec. 8.
26. *West Virginia Const.* art. IV, sec. 9.
27. *Model State Constitution*, p. 64.
28. *Hawaii Const.* art. III, sec. 20.
29. *Pennsylvania Const.* art. VI, sec. 6.
30. *North Dakota Const.* art. XIV, sec. 196.
31. *Hawaii Const.* art. III, sec. 20.
32. *Model State Constitution*, p. 65.
33. Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming.
34. Arkansas, Indiana, Kentucky, Tennessee, and West Virginia.
35. *Hawaii Const.* art. III, sec. 17.
36. Citizens Conference on State Legislatures, *The Sometime Governments: A Critical Study of the 50 American Legislatures* (New York: Bantam Books, 1973), p. 122.
37. *Ibid.*, p. 123.
38. Belle Zeller (ed.), *American State Legislatures Report of the Committee on American Legislatures*, American Political Science Association (New York: Thomas Y. Crowell, 1954), p. 103.
39. *Model State Constitution*, Art. IV, sec. 4.08.
40. *Hawaii Const.* art. III, sec. 11 (1950).
41. *Hawaii Const.* art. III, sec. 11.
42. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 215.
43. Zeller, p. 65.
44. Charles W. Schull, "The Legislative Article," *Major Problems in State Constitutional Revision*, ed. W. Brooke Graves (Chicago: Public Administration Service, 1960), p. 207.
45. *Model State Constitution*, Art. IV, sec. 4.06.
46. *Ibid.*, p. 49.
47. *Hawaii Const.* art. III, sec. 6.
48. *Hawaii Rev. Stat.*, sec. 17-3.
49. Arizona, Illinois, Indiana, Kentucky, Maryland, Nebraska, North Dakota, Rhode Island, Virginia, and West Virginia.
50. *North Dakota Const.* art. III, sec. 78.
51. Arkansas, California, Colorado, Delaware, Georgia, Iowa, Louisiana, Maine, Minnesota, Mississippi, Montana, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin.

52. *New Jersey Const.* art. IV, sec. 4(1).
53. Keefe and Ogul, p. 495.
54. Malcolm E. Jewell and Samuel C. Patterson, *The Legislative Process in the United States* (New York: Random House, 1966), p. 485.
55. *Ibid.*
56. Senate Research Service Task Force on Critical Problems, *Administrative Rules...What is the Legislature's Rule?* (Albany, N.Y.: 1976), p. 7; hereinafter cited as *Service Task Force*.
57. *Ibid.*
58. *Hawaii Rev. Stat.*, sec. 91-14.
59. Hawaii, Governor's Veto Message, Statement of Objections to House Bill No. 513-76, June 9, 1976.
60. "Legislative Review of Administrative Regulations" (Legislative Improvement and Modernization Committee, National Conference of State Legislatures, June 11, 1977), p. 3. (Mimeographed).
61. *Service Task Force*, p. 16.
62. *Ibid.*
63. *Ibid.*, pp. 16-17.
64. *Ibid.*, p. 17.
65. *Ibid.*
66. *Ibid.*
67. *Ibid.*
68. *Ibid.*
69. *Ibid.*, p. 18.
70. *Michigan Const.* art. IV, sec. 37.
71. *Hawaii Const.* art. III, sec. 17.
72. *Model State Constitution*, Art. IV, sec. 4.16.
73. John A. Worthley (ed.), *Comparative Legislative Information Systems* (Washington: National Science Foundation, 1976), p. 1.
74. *Book of the States, 1976-77*, p. 38.
75. *Hawaii Rev. Stat.*, sec. 236-3(8).
76. U. S., *Code Congressional and Administrative News*, 93rd Cong., 2nd Sess., 1974, p. 6916.
77. Federation of Rocky Mountain States, *The Nation's First "Sunset Law": Automatic Termination of Regulatory Agencies*, June 1976, p. 1.
78. *Ibid.*
79. *Ibid.*
80. National Conference of State Legislatures, *State Legislative Report: Sunset Update*, pp. 1-2.
81. 1977 Haw. Sess. Laws, Act 70.
82. Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Washington, West Virginia, and Wyoming.
83. *Hawaii Const.* art. III, sec. 19.
84. Paul C. Bartholomew and Robert Kamins, "The Hawaiian Constitution: A Structure for Good Government," *American Bar Association Journal*, November, 1959, p. 1222.
85. *Ibid.*

Chapter 2

1. *Reynolds v. Sims*, 377 U.S. 567 (1964).
2. *U.S. Const.*, amend. XVII.
3. Charles W. Schull, *The Unicameral Legislature*, Citizen's Research Council of Michigan, No. 706, February 1960, p. 3.
4. William Riley, "Nonpartisan Unicameral Benefits, Defects Re-Examined," 52 *Neb. L. Rev.* 382 (1972).
5. Citizens Conference on State Legislatures, *State Legislatures: An Evaluation of Their Effectiveness* (New York: 1971), p. 234.
6. Hawaii, Citizens Committee to Advise the Senate on Legislative Process, *Report of the Citizens Advisory Committee on Legislative Process* (Honolulu: 1967), p. 1.
7. 377 U.S. 567 (1964).
8. Hawaii, Citizens Committee to Advise the Senate on Legislative Process, p. 4.
9. *Ibid.*
10. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 212.
11. *Ibid.*, p. 213.
12. Tax Foundation of Hawaii, *One House or Two? The Unicameral-Bicameral Question* (Honolulu: 1975), pp. 11-12.
13. National Municipal League, *Model State Constitution* (6th ed.; New York: 1968), p. 43; hereinafter cited as *Model State Constitution*.
14. Winston W. Crouch, "Two California Models of State Government," *Modernizing State Government: The New York Constitutional Convention of 1967*, *Proceedings of the Academy of Political Science*, 28(3) (January, 1967), p. 57.
15. Hawaii, *Rules of the Senate* (January 22, 1975), Part I, Rule 3, sec. 15; and *Rules of the House of Representatives* (1977-1978), Part II, Rule 2.1, sec. 17.
16. 377 U.S. 567 (1964).
17. *Ibid.*, at 576-577.

18. *Burns v. Richardson*, 384 U.S. 73, 88 (1966).
19. Belle Zeller (ed.), *American State Legislatures*, Report of the Committee on American Legislatures, American Political Science Association (New York: Thomas Y. Crowell, 1954), p. 55.
20. Riley, pp. 400-401.
21. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 212.
22. Legislative Reference Bureau, *Digest and Index of Laws Enacted*, for 1975 and 1976, Eighth State Legislature (Honolulu, Hawaii).
23. *Nebraska Blue Book, 1976-77* (Lincoln, Neb.: Nebraska Legislative Council, 1976), p. 342.
24. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 212.
25. *Model State Constitution*, p. 43.
26. Committee for Economic Development, Research and Policy Committee, *Modernizing State Government*, A Statement on National Policy (New York: 1967), p. 38.
27. American Assembly, *State Legislatures in American Politics*, Report of the Twenty-Ninth American Assembly (New York: 1966), p. 6.
28. Malcolm E. Jewell, "The Political Setting," *State Legislatures in American Politics*, ed. Alexander Heard for American Assembly (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 88.
29. John W. Connorton, "Comments," *Modernizing State Government: The New York Constitutional Convention of 1907*, p. 48.
30. Clyde F. Snider (ed.), *American State and Local Government* (New York: Appleton-Century-Crofts, 1965), p. 186.
31. Citizens Conference on State Legislatures, *Report on an Evaluation of the 50 State Legislatures* (Kansas City: 1970), p. 66.
32. *Connecticut Const.* art. III, secs. 2 and 3; and *Virginia Const.* art. IV, secs. 3 and 4.
33. *Model State Constitution*, Art. IV, sec. 4.02.
34. *Hawaii Const.* art. III, secs. 2 and 3.
35. *California Const.* art. IV, sec. 6.
36. *Alaska Const.* art. II, sec. 1.
37. *Nevada Const.* art. IV, sec. 5.
38. *Montana Const.* art. V, sec. 2.
39. *New Jersey Const.* art. IV, sec. 3(C), (E), and (F).
40. *Hawaii Const.* art. III, secs. 2 and 3.
41. Citizens Conference on State Legislatures, *Legislatures Meet More Often as State Problems Grow*, Research Memorandum 17, December 1973.
42. *Hawaii Const.* art. III, sec. 11.
43. *Hawaii Const.* art. III, sec. 11 (1950).
44. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 215.
45. *Model State Constitution*, Art. IV, sec. 4.08.
46. Delaware, Georgia, Hawaii, Illinois, Iowa, Kansas, Michigan, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Virginia, and Wisconsin.
47. *Hawaii Const.* art. III, sec. 16.
48. Unlimited biennial session is a device used by the United States Congress and by several state legislatures. Each congress or legislature spans a biennium (2-year period) with the first session recessing rather than adjourning sine die (*U.S. Const.* art. I, sec. 5). The unlimited biennial session is said to have the advantage in that bills introduced in the first session are carried over into the second without the need for reintroduction; in other words, there is continuity over the biennium.

The legislatures of Illinois, Ohio, Vermont, and Wisconsin have used the unlimited biennial sessions. By having their 2 houses agree to recess, these states were able to attain an effect similar to annual sessions. In 1970, Illinois and Wisconsin adopted constitutional provisions providing for annual unlimited sessions.
49. Alternating budget sessions provide for annual sessions with either the even- or odd-year sessions limited to discussion of fiscal matters. Legislatures undertook this reform in the belief that it was too difficult to develop budgets for a 2-year period, and that appropriation bills were the biggest contributor to the logjams of legislation that developed at the end of every regular session. The alternating budget session remedies some legislative problems, but it creates others because it limits the legislature's flexibility to meet future problems. When a constitution limits the sessions to the discussion of certain subjects, the legislature spends some of its time debating what should and should not be discussed, and the courts become involved in deciding which laws should or should not have been discussed and passed. This happened in Maryland where the idea of budget sessions originated.

After Maryland created budget sessions, they became fashionable and several states adopted them. Similarly, when Maryland repealed its budget sessions, other states followed its lead, and the national trend was to repeal them. Maryland 1964, California 1966, Kansas 1966, Delaware 1968, West Virginia 1970, and Hawaii 1968, all have dropped the budget limitations from their second sessions. Today, rather than limit subject matter, studies suggest the incorporation of a series of deadlines into the legislative rules to prevent the "inevitable logjam" at the end of the session.
50. Thomas S. Barclay, "The Split Session of the California Legislature," *Calif. L. Rev.* (1931), pp. 42-58.

51. Montana Constitutional Convention Commission, "The Legislature," *Montana Constitutional Convention Studies*, No. 12 (Montana: 1971), pp. 65-66.
52. Barclay, p. 57.
53. Alaska, Arizona, Colorado, Illinois, Iowa, Maine, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, South Carolina, and Wisconsin.
54. California, North Carolina, Oregon, and Vermont.
55. Idaho, Nevada, New Hampshire, Rhode Island, Tennessee, and Vermont.
56. *Book of the States, 1876-77* (Lexington, Ky.: Council of State Governments), p. 58.
57. *Hawaii Const.* art. III, sec. 11.
58. W. Brooke Graves, *American Intergovernmental Relations* (New York: Charles Scribner's Sons, Inc., 1964), p. 706.
59. Byron R. Abernethy, *Constitutional Limitations on the Legislatures*, Governmental Research Series 20 (Lawrence: University of Kansas, Governmental Research Center, 1959), p. 47.
60. Alexander Heard, "Reform: Limits and Opportunities," *State Legislatures in American Politics*, ed. Alexander Heard for American Assembly (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 161.
61. *Hawaii Const.* art. VII, sec. 1.
62. Abernethy, p. 48.
63. Att'y Gen. Ops. No. 63-22 (April 5, 1963).
64. Att'y Gen. Ops. No. 62-11 (March 5, 1962).
65. Steven H. Steinglass, "County Home Rule in New York State," *Essays on the New York Constitution*, from the Seminar in Problems in Revising the New York Constitution, School of Law, Columbia University (South Hackensack, N.J.: Fred B. Rothman, 1966), p. VII-16.
66. Att'y Gen. Ops. No. 65-9 (April 1, 1965).
67. *Ibid.*, p. 10.
68. Charles S. Hyneman, "Tenure and Turnover of Legislative Personnel," *Annals of the American Academy of Political and Social Science*, 195 (January, 1938), pp. 21-31.
69. Zeller, p. 70.
70. *Book of the States, 1876-77*, pp. 32-33.
71. John C. Wahlke, "Organization and Procedure," *State Legislatures in American Politics*, ed. Alexander Heard for American Assembly (Englewood Cliffs, N.J.: Prentice-Hall, 1966), p. 131.
72. Bruce C. Hafen, "The Legislative Branch in Utah," *Utah L. Rev.*, 1966(2) (September), p. 437.
73. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. II, pp. 283-290.
74. *Model State Constitution*, Art. IV, sec. 4.03.
75. Snider, p. 235.
76. *Book of the States, 1876-77*, p. 39.
77. *Hawaii Rev. Stat.*, sec. 23G-1.
78. *Hawaii Rev. Stat.*, sec. 23G-3.
79. Malcolm E. Jewell and Samuel C. Patterson, *The Legislative Process in the United States* (New York: Random House, 1966), p. 520.
80. *Ibid.*
81. *Book of the States, 1876-77*, pp. 39-40.
82. *Hawaii Const.* art. VI, sec. 7.
83. *Hawaii Rev. Stat.*, sec. 22-4.
84. *Model State Constitution*, p. 54.
85. Zeller, p. 139.
86. *Ibid.*, pp. 128 and 138.
87. Hafen, p. 445.
88. Jefferson B. Fordham, *The State Legislative Institution* (Philadelphia: University of Pennsylvania Press, 1954), p. 71.
89. *Ibid.*
90. *Hawaii Rev. Stat.*, secs. 21-1 and 21-3.
91. Att'y Gen. Ops. No. 63-12 (March 5, 1963), at p. 4.

Chapter 3

1. Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.
2. Alabama, Alaska, Colorado, Delaware, Louisiana, Missouri, Montana, New Mexico, Oklahoma, Pennsylvania, Texas, Utah, and Wyoming.
3. Alabama, Alaska, Indiana, Louisiana, Montana, New Mexico, Oklahoma, Pennsylvania, Texas, Utah, and Wyoming.
4. *Hawaii Const.* art III, sec. 15.
5. Public Administration Service, "The Legislative Department," *Constitutional Studies*, prepared on behalf of the Alaska Statehood Committee for the Alaska Constitutional Convention, Vol. 2, Part V (Juneau, Alaska: 1955), p. 28.
6. National Municipal League, *Model State Constitution* (6th ed.; New York: 1968), Art. IV, sec. 4.14; hereinafter cited as *Model State Constitution*.

7. *Wyoming Const.* art. III, sec. 24.
8. Jefferson B. Fordham, *The State Legislative Institution* (Philadelphia: University of Pennsylvania Press, 1959), p. 55.
9. Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.
10. *Hawaii Const.* art. III, sec. 15.
11. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 215.
12. Att'y. Gen. Ops. No. 74-8 at p. 2 (March 15, 1974).
13. Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Washington, West Virginia, and Wyoming.
14. *Michigan Const.* art. IV, sec. 25.
15. Bruce C. Hafen, "The Legislative Branch in Utah," 2 *Utah L. Rev.* 452 (1966).
16. House Resolution 38, Fifth Legislature, 1970, State of Hawaii. Now found in Hawaii, *Rules of the Senate of the Eighth and Ninth Legislatures of the State of Hawaii*, Rule 42; and *Rules of the House of Representatives, State of Hawaii, the Ninth State Legislature*, Rule 32.2.
17. Hawaii, *Rules of the House of Representatives, State of Hawaii, the Ninth State Legislature*, Rule 30.2.
18. "Bill Introduction: Should It Be Restricted," *State Legislatures*, July/August 1976, p. 9.
19. *1973 Digest and Index of Laws Enacted* (Honolulu: Legislative Reference Bureau), p. 1; see also, *1974, 1975, 1976, and 1977 Digest and Index of Laws Enacted*.
20. Armand B. Coigne, *Statute Making* (2d. ed.; Chicago: Commerce Clearing House, 1965), p. 173.
21. Illinois Constitutional Research Group, *Con-Con: Issues for the Illinois Constitutional Convention* (University of Illinois: 1970), pp. 112-113.
22. Coigne, p. 177; Public Administration Service, "The Legislative Department," *Constitutional Studies*, Vol. 2, Part V, p. 30; Fordham, p. 55.
23. *Model State Constitution*, Art. IV, sec. 4.15.
24. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, Standing Committee Report No. 46, p. 216.
25. *Hawaii Const.* art. III, sec. 16.
26. Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia.
27. Gerald C. MacCallum, Jr., "Legislative Intent," 75 *Yale L. J.* 776 (1966).
28. *Ibid.*, p. 785.
29. Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.
30. *Hawaii Const.* art. III, secs. 13 and 14.
31. *Model State Constitution*, Art. IV, sec. 4.12.
32. Hawaii, *Rules of the House of Representatives, State of Hawaii, the Ninth State Legislature*, Rule 5.2; and *Rules of the Senate of the Eighth and Ninth Legislatures of the State of Hawaii*, January 22, 1975, Rule 6(2).
33. Richard P. Kahle, Jr., *Hawaii Legislators' Handbook*, Legislative Reference Bureau (6th ed.; Honolulu: 1977), p. 53.
34. Robert Luce, *Legislative Procedure* (Boston: Houghton Mifflin Company, 1972), p. 361. As quoted in William J. Keefe and Morris S. Ogul, *The American Legislative Process: Congress and the States* (3rd ed.; Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1973), pp. 274-275.
35. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, and Wyoming. (*Hawaii Const.* art. III, sec. 14).
36. ~~Senate~~--Alaska, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Rhode Island, Tennessee, and Virginia. ~~House~~--Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.
37. The following states used consent calendar: Arizona, Arkansas, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico,

- New York, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.
38. "Scheduling Legislative Workloads" (Illinois Legislative Council, Publication No. 108, May, 1952), p. iii. (Mimeographed).
 39. *Model State Constitution*, Art. IV, sec. 4.15.
 40. *Ibid.*, Art. IV, sec. 4.12.
 41. Kahle, p. 44.
 42. *Hawaii Const.* art. III, sec. 14.
 43. *Model State Constitution*, Art. IV, sec. 4.15.
 44. Clyde F. Snider, *American State and Local Government* (New York: Meredith, 1965), p. 226.
 45. Albert L. Sturm, *Major Constitutional Issues in West Virginia*, Publication No. 31 (Morgantown, W. Va.: West Virginia University, Bureau for Government Research, 1961), p. 56.
 46. Joel M. Fisher, Charles M. Price, and Charles G. Bell, *The Legislative Process in California* (Washington: American Political Science Association, 1973), p. 47.
 47. Samuel K. Gove, Richard W. Carlson, and Richard J. Carlson, *The Illinois Legislature: Structure and Process* (Chicago: University of Illinois Press, 1976), pp. 86-87.
 48. Malcolm E. Jewell and Samuel C. Patterson, *The Legislative Process in the United States* (New York: Random House, 1966), p. 260.
 49. *Hawaii Const.* art. III, sec. 13.
 50. Jewell and Patterson, p. 260; see also, Keefe and Ogul, pp. 247-248.
 51. *Honolulu Advertiser*, March 12, 1977, p. A-1.
 52. Coigne, p. 197.
 53. *Ibid.*, p. 196.
 54. Hawaii, *Rules of the House of Representatives, State of Hawaii, the Ninth State Legislature*, Rule 11.9(1), and *Rules of the Senate of the Eighth and Ninth Legislatures of the State of Hawaii*, January 22, 1975, Rule 20.
 55. *Ibid.*, House Rule 48.3 and Senate Rule 20.
 56. *Model State Constitution*, Art. IV, sec. 4.13.
 57. Citizens Conference on State Legislatures, *Legislative Openness: A Special Report on Press and Public Access to Information and Activities in State Legislatures* (Kansas City: 1974), p. 105.
 58. *Ibid.*, p. 113.
 59. Citizens Conference on State Legislatures, *The Sometime Governments; A Critical Study of the 50 American Legislatures* (Kansas City: 1973), p. 200.
 60. See Hawaii, *Rules of the House*, Rule 11.10, and *Rules of the Senate*, Rules 21 and 22.
 61. Citizens Conference on State Legislatures, *The Sometime Governments*, p. 200.
 62. *Michigan Const.* art. IV, sec. 17.
 63. Snider, p. 216.
 64. *Ibid.*, p. 117.
 65. *Alaska Const.* art. I, sec. 7.
 66. *Michigan Const.* art. I, sec. 17.
 67. Keefe and Ogul, pp. 168-170.
 68. E. E. Schattschneider, "Intensity, Visibility, Direction and Scope," *American Political Science Review*, 51(4) (December, 1957), pp. 933-942.
 69. *Ibid.*, p. 941.
 70. Charles W. Schull, "The Legislative Article," *Major Problems in State Constitutional Revision*, ed. W. Brooke Graves (Chicago: Public Administration Service, 1960), p. 209.
 71. Jefferson B. Fordham, "An Effective Legislature," *National Civic Review*, 55(3) (March, 1966), p. 139.
 72. Hafen, pp. 454-455.
 73. Ernst Freund, *Standards of American Legislation* (Chicago: University of Chicago Press, 1917), p. 154.

Chapter 4

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2. Malcolm E. Jewell and Samuel C. Patterson, *The Legislative Process in the United States* (New York: Random House, 1966), p. 113.
3. Chamber of Commerce of Hawaii, *Who's Who In Government, State of Hawaii 1977-1978*.
4. *Book of the States, 1978-77* (Lexington, Ky.: Council of State Governments, 1976), p. 32.
5. *Hawaii Const.* art. III, sec. 7.
6. *Ibid.*
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8. Carolyn Kenton, "Legislative Pay Raised in 16 States in 1977," *State Government News*, March 1977, pp. 2-3.
9. *Hawaii Const.* art. III, sec. 10.
10. Kenton, p. 3.
11. *Ibid.*
12. *Ibid.*
13. *Illinois Const.* art. IV, sec. 11.
14. *North Carolina Const.* art. II, sec. 16.

15. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. II, Standing Committee Report No. 46, p. 214.
16. Hawaii, *Report of the 1971 Commission on Legislative Salary*, July 31, 1971, p. 1.
17. Hawaii, *Report of the 1975 Commission on Legislative Salary*, July 29, 1975, p. 4.
18. Letter from Department of the Attorney General to Patricia Putman, Chairperson, 1975 Commission on Legislative Salary, July 16, 1975, p. 1.
19. *Ibid.*
20. *Report of the 1975 Commission on Legislative Salary*, p. 4.
21. *Book of the States, 1976-77*, p. 36.
22. *Hawaii Const.* art. XVI, sec. 7.
23. William J. Keefe and Morris S. Ogul, *The American Legislative Process* (3rd ed.; Englewood Cliffs, N. J.: Prentice-Hall, 1973), pp. 130-131.
24. *Hawaii Const.* art III, sec. 10.
25. Hawaii, Constitutional Convention, 1968, *Proceedings*, Vol. I, p. 214.
26. Jane Van Sant, *How Much Are State Legislators Paid?* (Englewood, Colo.: Citizens Conference on State Legislatures, 1975), p. 10.
27. *Ibid.*, p. 6.
28. *Report of the 1971 Commission on Legislative Salary*, p. 4.
29. *Report of the 1978 Commission on Legislative Salary*, p. 7.
30. *Ibid.*, p. 3.
31. Conference of State Legislatures, *The Sometime Governments* (New York: Bantam Books, 1973), p. 138.
32. Donald G. Herzberg and Jess Unruh, *Essays on the State Legislative Process* (New York: Holt, Rinehart and Winston, 1971), p. 12.
33. *Ibid.*
34. Van Sant, p. 1.
35. Cari D. Tubbesing, "Legislative Salaries: The Debate Continues," *State Legislatures*, Nov./Dec. 1975, pp. 18-19.
36. Van Sant, p. 1.
37. *Ibid.*
38. *Honolulu Star-Bulletin*, March 1, 1975.
39. Van Sant, p. 1.
40. *Hawaii Rev. Stat.*, sec. 24-1.
41. *Hawaii Rev. Stat.*, sec. 24-2.
42. *Hawaii Rev. Stat.*, sec. 24-3.
43. *Hawaii Rev. Stat.*, sec. 24-4.
44. *Hawaii Rev. Stat.*, sec. 24-5.
45. *Hawaii Rev. Stat.*, sec. 24-6.
46. *Hawaii Rev. Stat.*, sec. 24-7.
47. *Hawaii Rev. Stat.*, secs. 88-42 and 88-52.
48. *Hawaii Rev. Stat.*, sec. 88-73.
49. *Hawaii Rev. Stat.*, sec. 88-74.
50. Toby Moffitt, *Nobody's Business: The Political Intruders Guide to Everyone's State Legislature* (Connecticut: The Chatham Press, Inc., 1973), p. 116.
51. Charles C. Howe, "The Professional Legislator," *State Government*, Summer, 1974, pp. 131-132.
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60. *Hawaii Const.* art. III, sec. 13.
61. *Michigan Const.* art. IV, sec. 10.
62. *Oregon Const.* art. XV, sec. 7.
63. *Oklahoma Const.* art. V, sec. 24.
64. *Hawaii Rev. Stat.*, sec. 84-14(d).
65. *Hawaii Rev. Stat.*, sec. 84-17(b).
66. *Ethics*, p. 2.
67. The National Association of Attorneys General, "Legislative Approaches to Campaign Finance," open meetings and conflict of interest (Raleigh, N.C.: 1974), p. 55.
68. *Hawaii Const.* art. XIV, sec. 5.
69. Hawaii, *Rules of the House of Representatives, the Ninth Legislature, Rule 49.5; Rules of the Senate of the Eighth and Ninth Legislatures, Rule 70(2)*.
70. *Hawaii Rev. Stat.*, sec. 84-1.
71. *Conflict-of-Interest*, p. 2.

72. *Hawaii Const.* art. III, sec. 9.
73. Richard. F. Kahle, Jr., *Hawaii Legislators' Handbook*, Legislative Reference Bureau (6th ed.; Honolulu: 1977), p. 12.
74. *Michigan Const.* art. IV, sec. 9; *Connecticut Const.* art. III, sec. 11.
75. *Alaska Const.* art. II, sec. 5.
76. *Illinois Const.* art. IV, sec. 2E; *Hawaii Const.* art. III, sec. 9.
77. *Virginia Const.* art. IV, sec. 5.
78. Citizens Conference on State Legislatures, *The Sometime Governments*, p. 127.
79. *Ibid.*, p. 167.
80. Alabama, Alaska, Arkansas, California, Colorado, Delaware, Illinois, Kentucky, Maryland, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Washington, West Virginia, and Wyoming.
81. *Alabama Const.* art. IV, sec. 101.
82. *Alaska Const.* art. II, sec. 12.
83. *California Const.* art. IV, sec. 15.
84. Conference Committee Report No. 35 on House Bill 127, Eighth Legislature, 1975, State of Hawaii.

Appendix A

LEGISLATIVE SESSIONS--LEGAL PROVISIONS

State or other jurisdiction	Regular sessions				Special sessions		
	Year	Legislature convenes*		Limitation on length of session	Legislature may call†	Legislature may determine subject	Limitation on length of session
		Month	Day				
Alabama	Annual	Mar.	Last Tues.(a,b)	30 L in 105 C	No	2/3 vote each house	12 L in 30 C
Alaska	Annual	Jan.	2nd Mon.(c)	None	2/3 vote of membership	Yes(e)	30 C
Arizona	Annual	Jan.	2nd Mon.	None	Petition 2/3 members, each house	Yes(e)	None
Arkansas	Odd(f)	Jan.	2nd Mon.	60 C(f)	No	(g)	None(g)
California	Even(h)	Dec.	1st Mon.	None	No	No	None
Colorado	Annual(i)	Jan.	Wed. after 1st Tues.	None	Vote 2/3 members, each house	Yes(e)	None
Connecticut	Annual(i)	Odd—Jan. Even—Feb.	Wed. after 1st Mon. Wed. after 1st Mon.	(j) (j)	No	No	None
Delaware	Annual(d)	Jan.	2nd Tues.	June 30	Jt. call, presiding officers, both houses	Yes	None
Florida	Annual	Apr.	Tues. after 1st Mon.(b)	60 C(f)	Jt. call, presiding officers, both houses	Yes	20 C(f)
Georgia	Annual(d)	Jan.	2nd Mon.(b)	Odd 45 L Even 40 L	Petition 2/3 members, each house	Yes(e)	(k)
Hawaii	Annual(d)	Jan.	3rd Wed.	60 L(f)	Petition 2/3 members, each house	Yes	30 L(f)
Idaho	Annual	Jan.	Mon. after 1st day	60 C(f)	No	No	20 C
Illinois	Annual(d)	Jan.	2nd Wed.	None	Jt. call, presiding officers, both houses	Yes	None
Indiana	Annual	Jan.	2nd Mon.(b)	Odd 61 L or Apr. 30 Even 30 L or Mar. 15	No	Yes	30 L in 40 C
Iowa	Annual(d)	Jan.	2nd Mon.	None	Petition 2/3 members, each house	Yes	None
Kansas	Annual(d)	Jan.	2nd Mon.	Odd none Even 90 C(f)	Petition 2/3 members, each house	Yes	None
Kentucky	Even	Jan.	Tues. after 1st Mon.	60 L	No	No	None
Louisiana	Annual	May(m)	2nd Mon.(m)	60 L in 85 C	Petition majority, each house	Yes(e)	30 C
Maine	Annual(l)	Jan.	1st Wed. after 1st Tues.	None	Majority of each party	Yes(e)	None
Maryland	Annual	Jan.	2nd Wed.	90 C(f)	Petition majority, each house	Yes	30 C
Massachusetts	Annual	Jan.	1st Wed.	None	Yes	Yes	None
Michigan	Annual(d)	Jan.	2nd Wed.	None	No	No	None
Minnesota	Odd(n)	Jan.	Tues. after 1st Mon.	120 L	No	Yes	None
Mississippi	Annual	Jan.	Tues. after 1st Mon.	(f,n)	No	No	None
Missouri	Annual	Jan.	Wed. after 1st Mon.	Odd June 30 Even May 15	No	No	60 C
Montana	Odd	Jan.	1st Mon.	90 L	Petition majority, each house	Yes	None
Nebraska	Annual(d)	Jan.	1st Wed. after 1st Mon.	Odd 90 L(f) Even 60 L(f)	Petition 2/3 members	Yes	None
Nevada	Odd	Jan.	3rd Mon.	60 C(l)	No	No	20 C(l)
New Hampshire	Odd	Jan.	1st Wed. after 1st Tues.(b)	(l)	Yes	Yes	None(l)
New Jersey	Annual(d)	Jan.	2nd Tues.	None	Petition majority, each house	Yes	None
New Mexico	Annual(i)	Jan.	3rd Tues.	Odd 60 C Even 30 C	Petition 2/3 members, each house	Yes(e)	30 C
New York	Annual(d)	Jan.	Wed. after 1st Mon.	None	Petition 2/3 members, each house	Yes(e)	None
North Carolina	Odd(n)	Jan.	Wed. after 2nd Mon.	None	Petition 2/3 members, each house	Yes	None
North Dakota	Odd	Jan.	Tues. after 1st Mon.(b)	60 L	No	Yes	None
Ohio	Annual	Jan.	1st Mon.(p)	None	Jt. call, presiding officers, both houses	Yes	None
Oklahoma	Annual(d)	Jan.	Tues. after 1st Mon.	90 L	No	No	None
Oregon	Odd	Jan.	2nd Mon.	None	No	Yes	None
Pennsylvania	Annual(d)	Jan.	1st Tues.	None	Petition majority, each house	No(s)	None
Rhode Island	Annual(d)	Jan.	1st Tues.	60 L(l)	No	No	None
South Carolina	Annual(d)	Jan.	2nd Tues.	None	No	Yes	None
South Dakota	Annual	Jan.	Odd—Tues. after 3rd Mon. Even—Tues. after 1st Mon.	45 L 30 L	No	No	None
Tennessee	Odd(n)	Jan.	1st Tues.(b)	90 L(l)	Petition 2/3 members, each house	Yes	30(l)
Texas	Odd	Jan.	2nd Tues.	140 C	No	No	30 C
Utah	Annual(l)	Jan.	2nd Mon.	Odd 60 C Even 30 C	No	No	30 C
Vermont	Odd(n)	Jan.	Wed. after 1st Mon.	None(l)	No	Yes	None
Virginia	Annual(d)	Jan.	2nd Wed.	Odd 30 C(f) Even 60 C(f)	Petition 2/3 members, each house	Yes	None
Washington	Odd	Jan.	2nd Mon.	60 C	No	Yes	None
West Virginia	Annual	Jan.	2nd Wed.(q)	60 C(f,r)	Petition 2/3 members, each house	No(s)	None
Wisconsin	Annual(d)	Jan.	1st Tues. after Jan. 8(t)	None	No(n)	No	None
Wyoming	Annual(i)	Feb.	Odd—2nd Tues. Even—2nd Tues.	40 L 20 L	No	Yes	None
American Samoa	Annual	Jan. July	2nd Mon. 2nd Mon.	30 L 30 L	No	No	None
Guam	Annual(d)	Jan.	2nd Mon.	None	No	No	None
Puerto Rico	Annual(d)	Jan.	2nd Mon.	Apr. 30(f)	No	No	20
TTPI	Annual(d)	Jan.	2nd Mon.	30 C	No	No	None
Virgin Islands	Annual(d)	Jan.	2nd Mon.	75 L	No	No	None

Abbreviations: L—Legislative days; C—Calendar days.

* All States elect new Legislatures in November of even-numbered years except Kentucky, Louisiana, Mississippi, New Jersey, and Virginia. Alabama, Louisiana, Maryland, and Mississippi elect all legislators at the same time to four-year terms (see table on "General Elections in 1976 and 1977," page 220).

† The following States provide for a special session to only consider bills vetoed after adjournment *sine die*: Connecticut, Hawaii, Louisiana, Missouri (even years only), and Washington.

(a) During the quadrennial election year, sessions convene on the 3rd Tues. in Jan.
(b) Legislative meets in organizational session, Alabama: second Tuesday in January after quadrennial election; Florida: 14th day following each general election; Georgia: second Monday in January for no longer than 12 days, reconvenes second Monday in February; Indiana: third Tuesday after first Monday in November for not less than 10 days after New Hampshire: first Wednesday of December, even-numbered years; North Dakota: December following general election, to reconvene at a time prescribed by law, but no later than January 8; Tennessee: first Tuesday in January for no more than 15 C days to organize and introduce bills, reconvenes on fourth Tuesday in February.
(c) Except in the January immediately following the quadrennial general election, the first regular session will convene on the third Monday in January.
(d) The Legislature meets in two annual sessions, each adjourning *sine die*. Bills carry over from first to second session.
(e) Only if Legislature convenes itself. Special sessions called by the Legislature are unlimited in scope in Arizona, Georgia, Maine, and New Mexico.
(f) Session may be extended for an indefinite period of time by vote of members in both houses. Arkansas: 2/3 vote (this extension can permit the Legislature to meet in even years); Florida: 2/3 vote; Hawaii: petition of 2/3 membership for not more than 15 days; Kansas: 2/3 vote elected members; Maryland: 2/3 vote for 30 additional days; Mississippi: 2/3 vote of those present may extend for 30 C days, no limit on extensions; Nebraska: 2/3 vote; Virginia: 2/3 vote for up to 30 days; West Virginia: 2/3 vote; Puerto Rico: joint resolution.
(g) After the Legislature has disposed of the subject(s) in the Governor's call, it may by a 2/3 vote of members of both houses take up subject(s) of its own choosing in a session of up to 15 days.
(h) Regular sessions commence on the first Monday in December of each even-numbered

year (following the general election) and continue until November 30 of the next even-numbered year. It may convene from time to time, and may be recalled into regular session.

(i) Second session of Legislature is basically limited to budget and fiscal matters. Maine: In addition, legislation in the Governor's call, study committee legislation, and initiated measures. New Mexico: Legislature may consider bills vetoed by the Governor at the preceding session.
(j) Odd years: not later than first Wednesday after first Monday in June; even years: no later than first Wednesday after first Monday in May.
(k) Limited to 70 days if called by Governor and 30 days if called as petition of Legislature, except for impeachment proceedings.
(l) Indirect restrictions only since legislators' pay, per diem, or daily allowance stops, but session may continue. Nevada: no limit on allowances; New Hampshire: constitutional limit on expenses of 90 days or July 1, whichever occurs first, 15 days salary and expenses for special sessions; Tennessee: constitutional limit on per diem and travel allowance only, excluding organizational session.
(m) Effective 1977 the 3rd Monday in April.
(n) The Legislature may and in practice has divided the session to meet in even years also.
(o) The first session of a new Legislature, every other even year at the beginning of the gubernatorial term, is limited to 125 C days; other years 90 C days.
(p) First Monday in January on the day after if the first Monday falls on a legal holiday.
(q) Following each gubernatorial election, the Legislature reconvenes on the second Wednesday of January to organize, but recesses until the second Wednesday in February for the start of the 60-day session.
(r) Governor must extend until the general appropriation is passed.
(s) No, if called by the Governor alone; questionable if called as a result of petition of members.
(t) The Legislature by joint resolution establishes the calendar dates of session activity for the remainder of the biennium at the beginning of the odd-numbered year. These dates may be subject to change.
(u) Only the Governor may call a special session; however, an extraordinary session may be called by petition of a majority of each house or by a majority of the members of the Committee on Organization in each house.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 58-59.

Appendix B

LEGISLATIVE PROCEDURE: EXECUTIVE ACTION

State or other jurisdiction	Days after which bill becomes law (before adjournment) unless vetoed*	Fail of bill after adjournment		Legislature may recall bill before Governor acts	Governor may return bill before action	Item veto on appropriation bills		Votes required in House and Senate to pass bills or items over veto(s)
		Days after which bill becomes law unless vetoed*	Days after which bill dies unless signed*			Amount	Other	
Alabama	6	..	10	*	*	*	*	Majority elected
Alaska	15	20	..	*	..	*(b)	..	Three-fourths elected
Arizona	5	10	..	*	..	*	..	Two-thirds elected
Arkansas	5	20(c)	..	*	..	*	..	Majority elected
California	12(c)	(d)	..	..	*	*(b)	..	Two-thirds elected
Colorado	10(c)	30(c)	..	*	..	*	*	Two-thirds elected
Connecticut	5(c,f)	15(c,d)	..	*	..	*	..	Two-thirds elected
Delaware	10	..	30(c)	*(g)	..	*	..	Three-fifths elected
Florida	7(c)	15(c)	..	*	..	*	*	Two-thirds present
Georgia (h)	5	30(f)	..	*	..	*	..	Two-thirds elected
Hawaii (h)	10(e)	45(c,i)	(e,j)	..	..	*(b)	..	Two-thirds elected
Idaho	5	10	..	..	..	*	..	Two-thirds present
Illinois	60(f)	90(k)	..	..	*(l)	*	..	Three-fifths elected
Indiana	7	7	..	*	..	*	..	Majority elected
Iowa	5	(m)	..	*	..	*	*	Two-thirds elected
Kansas	10	10	..	*	..	*	..	Two-thirds elected
Kentucky	10	10	..	*	..	*	..	Majority elected
Louisiana (h)	10(c,f)	20(c,f)	..	..	..	*	..	Two-thirds elected
Maine	5	(n)	..	*	..	*	..	Two-thirds present
Maryland (h)	4	30	..	..	*	*(a)	*	Three-fifths elected
Massachusetts	10(e)	..	10(f)	*	*(j)	*(b)	*	Two-thirds present
Michigan	14(c,f)	..	14(c,f)	*	..	*	*	Two-thirds elected
Minnesota	3	..	14	*	..	*	..	and serving
Mississippi	5	15(o)	..	..	..	*	*	Two-thirds elected
Missouri	(q)	(r)	..	..	..	*(b)	..	Two-thirds elected
Montana	5	25(c)	..	*	*	*	*	Two-thirds present
Nebraska	5	5	..	*	*	*(a)	..	Three-fifths elected
Nevada	5	10	..	*	*	*	..	Two-thirds elected
New Hampshire	5	..	5(i)	*	..	*	..	Two-thirds present
New Jersey	10(f)	..	(u)	..	..	*(b)	..	Two-thirds elected
New Mexico	3	..	20(v)	*	..	*	..	Two-thirds present
New York	10(f)	..	30(c)	*	..	*	..	Two-thirds elected
North Carolina	(w)	(w)	(w)	..	..	(w)	..	..
North Dakota	5(c)	13(c)	..	*	*	*	*	Two-thirds elected
Ohio	10	10	..	*	*	*	..	Three-fifths elected
Oklahoma	5	..	15	*	..	*	..	Two-thirds elected(x)
Oregon	5	20	..	*	*	*	..	Two-thirds present
Pennsylvania	10(c)	30(c)	..	*	..	*(b)	..	Two-thirds elected
Rhode Island	6	10(c)	..	..	..	..	..	Three-fifths present
South Carolina	3	(n)	..	*	..	*	*	Two-thirds present
South Dakota	5	15	..	*	*	*	*	Two-thirds elected
Tennessee	5	10	..	..	..	*(b)	..	Majority elected
Texas	10	20	..	*	..	*	..	Two-thirds present
Utah	5	10	..	*	..	*	..	Two-thirds elected
Vermont	5	..	(y)	*	..	..	..	Two-thirds present
Virginia	7(c)	..	30(e)	..	*	*	*	Two-thirds present(z)
Washington	5	10	..	..	*	*	*	Two-thirds present
West Virginia	5	15(aa)	..	..	..	*	*	Majority elected(ab)
Wisconsin	6(f)	..	6(f)	*	..	*	*	Two-thirds present
Wyoming	3	15(cc)	..	*	..	*	..	Two-thirds elected
American Samoa	10	..	30	*	..	*	..	Two-thirds elected(ad)
Guam	10	..	30	..	..	*	..	14 members
Puerto Rico	10	10	30(e)	..	..	*	*	Two-thirds elected
TTYI	10	30	..	..	..	*	*	Three-fourths elected
Virgin Islands	10(f)	..	30(c,f)	..	*	*	*	Two-thirds elected

*Sundays excluded.
 (a) Bill returned to house of origin with objections.
 (b) The Governor can also reduce items in appropriations measures.
 (c) Sundays included; Pennsylvania, if the last day falls on Sunday Governor has following Monday in which to act.
 (d) Regular sessions: The last day which either house may pass a bill except statutes calling elections, statutes providing for tax levies or appropriations for usual current expenses of the state, and agency statutes, is August 31 of even numbered years. All other bills given to the Governor during the 12 days prior to August 31 of that year become law unless vetoed by September 30. Special sessions: 12 days.
 (e) Except Sundays and legal holidays; Hawaii: except Saturdays, Sundays, holidays, and any days in which the Legislature is in recess prior to its adjournment.
 (f) After receipt by Governor.
 (g) Only by originating house.
 (h) Constitution withholds right to veto constitutional amendments.
 (i) Vetoed bills shall be returned to the presiding officer of the house in which they originated within 15 days from date of adjournment. Such bills may be considered at any time within the first 10 days of the next regular session for the purpose of overriding the veto.
 (j) If bill is presented to Governor less than 10 days before adjournment and he indicates he will return it with objections, Legislature can convene on 45th day after adjournment to consider the objections. If, however, Legislature fails to convene, bill does not become law.
 (k) From passage of a recess or adjournment prevents the return of the vetoed bill, the bill and the Governor's objections shall be filed with the Secretary of State within 60 calendar days of receipt by Governor. The Secretary of State shall return the bill and the objections to the originating house promptly upon the next meeting of the same Legislature.
 (l) Ambulatory veto.
 (m) Bills forwarded to Governor during the last three days of the session must be deposited by Governor with Secretary of State within 30 days after the adjournment of the General Assembly. Governor must give his approval or his objections if disapproved.
 (n) Bill passed in one session becomes law if not returned within three days after the next meeting in Maine, and within two days after reopening of the next session in South Carolina.
 (o) Maryland: right of item veto on supplementary appropriation bills and capital construction bill, only. The general appropriation bill may not be vetoed.

(p) Governor is required to return bill to Legislature with his objections within three days after beginning of the next session.
 (q) If Governor does not return bill in 15 days, a joint resolution is necessary for bill to become law.
 (r) When the Legislature adjourns, or recesses for a period of 30 days or more, the Governor may return within 15 days any bill or resolution to the office of the Secretary of State with his approval or reasons for disapproval. A bill vetoed in odd years shall be returned for consideration with the Legislature reconvenes the following year. In even years Legislature to reconvene first Wednesday following first Monday in September for not more than 10 days to consider vetoed bills.
 (s) Items vetoed in any appropriations bills may be restored by 2/3 vote of entire bill. No appropriations can be made in excess of the recommendations contained in the Governor's budget unless by a 2/3 vote. The excess approved by the 2/3 vote is subject to veto by the Governor.
 (t) If house of origin is in temporary adjournment on 10th day, Sundays excepted, after presentation to Governor, bill becomes law on day house of origin reconvenes unless returned by Governor on that day. Governor may return bills vetoed, suggesting amendments, and bills may be passed in amended form, subject to approval by Governor in amended form within 10 days after presentation to him.
 (u) Bill not signed by Governor do not become law if the 45th day after adjournment since the bill was passed after the legislative year.
 (v) Vetoed bills of odd-year session are subject to override at the following even-year session.
 (w) No veto; bill becomes law 30 days after adjournment of session unless otherwise expressly directed.
 (x) In case of an emergency measure.
 (y) If adjournment occurs within three days after passage of a bill and Governor refuses to sign it, the bill does not become law.
 (z) Including majority elected.
 (aa) Five days for appropriations bills.
 (ab) Budget bill and supplementary appropriation bill require 2/3 elected.
 (ac) Bill becomes law if not filed with objections with the Secretary of State within 15 days after adjournment.
 (ad) Requires approval by Secretary of the Interior.

Source: Book of the States, 1976-?? (Lexington, Ky.: Council of State Governments, 1976), pp. 70-71.

Appendix C

LEGISLATIVE APPLICATIONS OF ELECTRONIC DATA PROCESSING*

State or other jurisdiction	Statutory retrieval	Bill typing	Bill drafting	Bill status reporting	Computerized photo composition	Fiscal/Budgetary information	Statutory revision and reclassification	Reapportionment/Redistricting	Payroll	Mailing lists	Case law search & retrieval
Alabama.....	☆	..	..	★	..	★	★	★	★	..	..
Alaska.....	☆	☆	☆	★	★	★(a)	☆	..	★	..	..
Arizona.....	..	..	..	..	★	★(a)	..	★	★	..	..
Arkansas.....	..	..	..	..	..	..	..	..	..	..	..
California.....	★	★	☆	☆	★	..	☆	★	★(b)	★	☆
Colorado.....	★	★	★	★	★	..	★	..	..	★	..
Connecticut.....	★	★	★	★	..	..	★	..	..	..	..
Delaware.....	..	..	..	..	..	★(c)	..	★(c)	..	..	..
Florida.....	★	★	★	★	★(c)	★	★	★(c)	★(a)	★	..
Georgia.....	★	★	★	★	☆	★(a)	★	★(a)	★	★	..
Hawaii.....	..	..	..	★	..	..	★	..	..	..	..
Idaho.....	★	★	★	★	★	★	..	★	..	..	..
Illinois.....	★	★	★	★	★	★	..	★	★	..	..
Indiana.....	★	★	★	★	★	★	★	★	..	..	..
Iowa.....	★	★	★	★	★	★	★	..	★	★	..
Kansas.....	★	★	★	★	☆	★(d)	★	..	★	..	..
Kentucky.....	★	★	★	★	☆	..	..	..	★	..	..
Louisiana.....	..	..	..	★	..	★(a)	..	★	★	★	..
Maine.....	★(c)	..	..	★	..	★(a)	..	★	..	..	..
Maryland.....	★	★	★	★	★	★	★	..	★	..	..
Massachusetts.....	★	★	★	★	★	★(a)	..	..	★	..	..
Michigan.....	★	☆	..	★	★	★(a)	..	..	★	..	..
Minnesota.....	★	★	★	★	★	★(a)	★	..	..	..	..
Mississippi.....	★	★	..	★	..	★(a)	★	★	..	..	..
Missouri.....	★(c)	..	..	★	..	..	..	..	★	..	..
Montana.....	★	★	★	★(e)	★	..	★	..	★(a)	..	..
Nebraska.....	★	★	★	..	★	..	..	..	..	..	★
Nevada.....	★(c)	..	..	..	..	..	..	★	..	..	..
New Hampshire.....	★	..	..	★	..	★	..	★	..	..	..
New Jersey.....	★	..	..	..	..	..	..	★	..	..	..
New Mexico.....	..	..	..	..	..	..	..	..	..	..	..
New York.....	★	..	★	..	★	..	..	★	..	★	..
North Carolina.....	★(c)	..	..	★	★	..	..	..	★	..	..
North Dakota.....	★	..	☆	★	..	★	..	..	..	★	..
Ohio.....	★	★	★	★	..	★	..	..	★	..	★
Oklahoma.....	★	★	★	★	★	..	..	★	..	..	..
Oregon.....	☆	★	★	★	★	..	★	★	★(a)	★(a)	..
Pennsylvania (f).....	★	..	★	★	★	★	★	..	★	★	..
Rhode Island.....	..	..	..	..	..	★(a)	..	..	..	..	..
South Carolina.....	☆	★	☆	★	☆	★(a)	☆	★(a)	★	★	☆
South Dakota.....	★	..	☆	★	☆	★(a)	..	..	★	..	..
Tennessee.....	☆	..	..	★	☆	★(a)	..	..	★(a)	..	..
Texas.....	★	★	★(g)	★	★	★	★	..	..	..	..
Utah.....	★	..	..	★	★	★	★	..	..	..	..
Vermont.....	..	..	..	..	..	..	..	..	★	..	..
Virginia.....	★	★	★	★	★	★	☆	..	..	..	..
Washington.....	★	★	★	★	★	★	★	★	★(a)	★(a)	★
West Virginia.....	★	★	★	★	★	..	..	★	..	..	..
Wisconsin.....	★	★	★	☆	★	★(a)	★	..	★	..	..
Wyoming.....	★	★	★	★	★	★	★	..	★	★	..
American Samoa.....	..	..	..	..	..	..	..	..	..	..	..
Guam.....	..	..	..	..	..	..	..	..	..	..	..

*This table is an updated version of the table published in *State Use of Electronic Data Processing* (Lexington, Ky.: The Council of State Governments, 1974).

★ Actual; ☆ Planned.

(a) Information is provided by other departments of state government.

(b) Assembly only.

(c) No in-house system.

(d) Fiscal and revenue only.

(e) Daily status sheets are prepared using EDP. Instant status reporting will be available in 1977.

(f) Can word search bills and statutes.

(g) Expected to be operational by June 1976.

(h) ★House accounting system; ☆House personnel records

Source: Book of the States, 1976-77 (Lexington, Ky.: Council of State Governments, 1976), p. 74.

Appendix D

REPORT OF THE CITIZENS ADVISORY COMMITTEE ON LEGISLATIVE PROCESS

The committee recommended the following proposals for increasing the visibility, accountability, and public participation in the legislative process.

Recommendation 1

Inadequate notice of committee hearings can be remedied by rules requiring the time, place, and subject of all hearings to be publicized at least 72 hours in advance.

Provisions. Both House and Senate rules provide for meetings, including decision-making sessions, of standing committees shall be public, such notice of which shall be publicly posted at least two legislative days prior to such meetings provided that the notice may be waived with the approval of the Speaker/President upon good cause shown.¹

Recommendation 2

Opportunities for interested parties to testify on matters before the legislature can be increased by providing that no bill may pass third reading without a hearing.

Provisions. House rules provide that no bill other than a congratulatory resolution shall be reported out of a standing committee unless it shall have received a public hearing in the House. The Senate has no such provision.²

Recommendation 3

The problems raised by the closed nature of the conference committee can be eliminated by limiting its function solely to the reconciliation of difference between the houses and by requiring open sessions and a roll call vote of committee members on matters of substance.

Provisions. Both House and Senate rules provide that conference committees shall consist of not less than three members each unless otherwise ordered by the House/Senate, and shall be appointed by the Speaker/President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred. Conference committees

¹Hawaii, Rules of the House of Representatives, 1977-78, Rule 11.9, and Rules of the Senate, January 22, 1975, Rule 20.

²House Rule 11.9.

shall be conducted as agreed upon by the members of the conference committee and that conference committee meetings and decision-making sessions shall be public.³

Recommendation 4

Both legislators and the public can be better informed on legislative business by stipulating that no legislation may be given final reading in either house until the text and any conference committee amendments have been printed and made available to all legislators of that house and members of the public who may request copies from the appropriate legislative office.

Provisions. Hawaii's Constitution (Art. III, sec. 16) states:

No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least twenty-four hours.

Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

³House Rules 14.1 and 14.4, and Senate Rules 12, 20, and 21.

Appendix E

RECORD OF MEASURES INTRODUCED, ENACTED AND VETOED HAWAII LEGISLATURE 1901-1977

SESSION	MEASURES INTRODUCED						ENACTMENTS			VETOES			
	Bills		Joint		Total Bills Both Houses	Total Joint Resolutions Both Houses	GRAND TOTAL	Total Acts	Total Joint Resolutions	GRAND TOTAL	Regular	Pocket	Over- ridden
	House	Senate	House	Senate									
1901	126	127	6	8	253	14	267	22	0	22	3 ^b	0 ^c	1
1901 (extra)	4	3	1	0	7	1	8	5	0	5	0	0 ^c	0
1902 (special) ^e	0	0	0	0	0	0	0	0	0	0	0	0 ^c	0
1903	199	192	10	8	391	18	409	88	6	94	7	0 ^c	1
1903 (extra)	10	14	4	0	24	4	28	18	0	18	1 ^f	0 ^b	0 ^c
1904 (special)	6	18	4	2	24	6	30	14	2	16	1 ^f	12 ^b	0
1905	225	144	13	6	369	119	388	103	7	110	14	14	5
1905 (extra)	9	2	10	1	11	11	22	8	0	8	0	0 ^c	0
1907	244	117	4	2	361	6	367	141	2	143	26	14	12
1909	235	153	14	3	388	17	405	152	7	159	9	18	1
1909 (special)	1	6	1	1	7	2	9	2	0	2	0	0 ^c	0
1911	272	138	8	1	410	9	419	169	2	171	5	6	2
1913	315	151	5	1	466	6	472	170	1	171	6	10	0
1915	345	153	5	1	498	6	504	226	3	229	3	4	0
1917	457	150	8	6	607	14	621	241	3	244	3	10	1
1918 (special)	28	36	0	0	64	0	64	28	0	28	0	1 ^a	0
1919	394	222	4	0	616	4	620	242	0	242	0	10	0
1920 (special)	27	35	0	0	62	0	62	39	0	30	0	0	0
1921	440	132	2	1	572	3	575	250	1	251	2	2	0
1923	436	172	3	0	608	3	611	266	2	268	3	4	2
1925	496	308	10	2	804	12	816	280	1	281	5	7	1
1927	465	276	16	15	741	31	772	278	9	287	3	10	1
1929	412	221	6	7	633	13	646	258	6	264	4	15 ^d	4
1931	458	257	27	13	715	40	755	298	13	311	12	0 ^d	10
1932 (1st Spec.)	63	63	1	1	126	2	128	19	0	19	0	0	0
1932 (2nd Spec.)	62	47	1	0	109	1	110	76	1	77	3	0	0
1933	427	271	22	10	698	32	730	212	6	218	4	5	0
1933 (special)	123	89	8	6	212	14	226	48	2	50	2	2	0
1935	435	247	47	14	682	61	743	217	16	233	0	23	0
1937	552	423	60	17	975	77	1052	247	13	260	4	38	1
1939	539	449	32	26	988	58	1046	264	7	271	3	43	0
1941	562	560	48	27	1122	75	1197	334	23	357	4	87	0
1941 (special)	56	71	8	8	127	16	143	98	7	105	7	2	4
1943	348	288	9	17	636	26	662	230	12	242	2	28	0
1945	737	384	31	13	1121	44	1165	277	13	290	3	23	2
1947	969	535	60	31	1504	91	1595	248	25	273	1	24	0
1949	1202	718	76	48	1920	124	2044	401	30	431	3	44	0
1949 (special)	134	70	9	10	204	19	223	67	6	73	0	10	0
1950 (special)	10	18	1	3	28	4	32	6	1	7	0	0	0
1951	1139	581	65	65	1720	130	1850	326	37	363	2	13	0
1953	1191	730	125	107	1921	232	2153	282	58	340	5	33	0
1954 (special)	4	7	2	6	11	8	19	2	1	3	0	0	0
1955	1380	943	196	137	2323	333	2656	277	57	334	9	61	1
1956 (special)	2	2	0	0	4	0	4	2	0	2	0	0	0
1957	1245	966	110	92	2211	202	2413	322	49	371	9	30	1
1957 (special)	2	2	0	0	4	0	4	2	0	2	0	0	1
1959	1749	1463	134	108	3212	242	3454	279	27	306	0	24	0
1959 (1st Spec.) ^g	180	107	0 ^h	0 ^h	287	0 ^h	287	30	0 ^h	30	1	0 ^k	0
1959 (2nd Spec.)	1	0	0 ^h	0 ^h	1	0 ^h	1	1	0 ^h	1	0	0 ^k	0
1960 (budget) ⁱ	656	251	0 ^h	0 ^h	907	0 ^h	907	26 ^j	0 ^h	26	2	0 ^k	0
1960 (special)	21	14	0 ^h	0 ^h	35	0 ^h	35	12	0 ^h	12	0	0 ^k	0
1961	1489	1132	0 ^h	0 ^h	2621	0 ^h	2621	195	0 ^h	195	4	0 ^k	0
1962 (budget)	725	114	0 ^h	0 ^h	839	0 ^h	839	32	0 ^h	32	0	0 ^k	0
1963	1451	1225	0 ^h	0 ^h	2676	0 ^h	2676	207	0 ^h	207	3	0 ^k	0
1964 (budget)	588	365	0 ^h	0 ^h	953	0 ^h	953	64	0 ^h	64	3	0 ^k	0
1964 (special)	9	34	0 ^h	0 ^h	43	0 ^h	43	1	0 ^h	1	0	0 ^k	0
1965	1370	1072	0 ^h	0 ^h	2442	0 ^h	2442	281	0 ^h	281	9	0 ^k	0
1966 (budget)	548	356	0 ^h	0 ^h	904	0 ^h	904	50	0 ^h	50	0	0 ^k	0
1967	1014	1148	0 ^h	0 ^h	2162	0 ^h	2162	307	0 ^h	307	17	0 ^k	0
1968 (budget)	502	460	0 ^h	0 ^h	962	0 ^h	962	75	0 ^h	75	4	0 ^k	0
1969	1259	1129	0 ^h	0 ^h	2388	0 ^h	2388	281	0 ^h	281	10	0 ^k	0
1970 ^l	903	873	0 ^h	0 ^h	1776	0 ^h	1776	214 ^m	0 ^h	214	7 ^m	0 ^k	0
1971	1635	1315	0 ^h	0 ^h	2950	0 ^h	2950	215 ^m	0 ^h	215 ^m	10	0 ^k	0
1972	985	791	0 ^h	0 ^h	1776	0 ^h	1776	205 ^m	0 ^h	205 ^m	12	0 ^k	0
1973	2043	1390	0 ^h	0 ^h	3433	0 ^h	3433	220	0 ^h	220	12	0 ^k	0
1974	1054	840	0 ^h	0 ^h	1894	0 ^h	1894	255 ^m	0 ^h	255 ^m	14	0 ^k	0
1974 (special)	--	--	--	--	--	--	--	1 ⁿ	--	1 ⁿ	--	--	--
1975	1990	1733	0 ^h	0 ^h	3723	0 ^h	3723	199	0 ^h	199	7	0 ^k	0
1976	1468	1285	0 ^h	0 ^h	2753	0 ^h	2753	242 ^m	0 ^h	242 ^m	9	0 ^k	0
1977	1765	1532	0 ^h	0 ^h	3297	0 ^h	3297	212	0 ^h	212	15	0 ^k	0
1977 (special)	16	5	0 ^h	0 ^h	21	0 ^h	21	21	0 ^h	21	0	0 ^k	0

*Unless otherwise indicated all figures appearing in this report are based upon the official Journals of the House and Senate or on the collections of vetoed bills which can be examined at the State Archives. (a) Figure based on unbound materials filed with volumes of pocket vetoes in State Archives. (b) From the *Annual Reports of the Department of the Interior, 1919, Vol. II, p. 543, Washington, Gov. Print. Off.*; hereafter referred to as *Interior Report*. (c) There are no collections of pocket vetoes available for these years. (d) The record for pocket vetoes after 1929 is based upon previous publications of the Legislative Reference Bureau. (e) The special Senate session of 1902 was called by Governor Dole "to consider matters raised by the misconduct of executive officers." (f) From *Interior Report, Ibid.* (g) First state legislature. (h) Prohibited by section 15, Article III, Constitution of the State of Hawaii. (i) Budget sessions in even-numbered years. (j) Of which 15 were urgency measures. (k) No pocket veto under State Constitution. (l) Budget sessions were eliminated in the revised Constitution; since 1969 the Legislature has met in annual regular sessions. (m) Includes carried-over bills from the previous (odd-numbered year) session. (n) Special Session of 1974 met to consider a bill vetoed by the Governor and to amend the measure to meet the objections of the Governor.

Source: Richard F. Kahle, Jr., *Hawaii Legislators' Handbook, Legislative Reference Bureau (6th ed.; Honolulu: 1977), p. 92.*

Appendix F

APPORTIONMENT OF LEGISLATURES

Senate

State or other jurisdiction	Year of most recent apportionment	Present apportionment by agency	Number of seats	Number of multi-member districts	Number of seats in multi-member districts	Percent deviation in actual v. average population per seat		Average population per seat (a)
						Least	Greatest	
Alabama	1972	FC	35	1	1	0.67	0.72	98,406
Alaska	1974	SC	16	3	3	14.0	8.4	15,118
Arizona	1972(b)	B	30	0	1	0.4	0.4	59,083
Arkansas	1971	B	35	0	1	2.0	1.49	54,923
California	1973	SC	40	0	1	1.92	1.02	499,322
Colorado	1972	L	35	0	1	2.48	0.87	63,152
Connecticut	1971	L(c)	35	0	1	1.4	0.9	82,122
Delaware	1971	L	21	0	1	1.4	0.9	26,100
Florida	1972	L(c)	40	19	14	0.62	0.53	169,273
Georgia	1972	L	56	0	1	2.3	2.0	81,955
Hawaii	1973	B	25	8	7	16.2	13.8	13,513(d)
Idaho	1974	L	35	0	1	5.45	5.03	160,371
Illinois	1973	L(c)	59	0	1	0.9	0.9	493,872
Indiana	1972	L(c)	58	0	1	0.0	0.0	166,767
Iowa	1972	SC	50	0	1	0.0	0.0	56,597
Kansas	1972	FC	40	0	1	2.56	2.02	56,231
Kentucky	1972	L	38	0	1	3.07	3.02	84,791
Louisiana	1972	FC, L	39	0	1	5.6	8.8	93,415
Maine	1972	L(c)	33	0	1	1.52	1.54	80,111
Maryland	1973	G, L	47	0	1	3.3	4.7	83,455
Massachusetts	1973	L	40	0	1	3.53	3.67	138,493(e)
Michigan	1972	L	38	0	1	0.0	0.0	233,753
Minnesota	1972	L	67	0	1	1.88	1.83	84,791
Mississippi	1975	FC	52	39	12	3.35	4.0	56,870
Missouri	1971	B	34	0	1	1.42	0.82	42,090
Montana	1974	B	50	0	1	6.33	6.15	137,571
New Hampshire	1971	L	49	0	1	1.4	1.1	13,888
New Jersey	1973	L	24	0	1	7.7	9.6	30,280
New Mexico	1972	L, SC	42	0	1	4.85	4.88	24,900
New York	1971	L	60	0	1	0.30	0.69	304,021
North Carolina	1973	L	50	0	1	3.16	3.1	191,641
North Dakota	1971	FC	33	0	1	3.16	3.1	12,355
Ohio	1971	B	33	0	1	1.05	0.95	322,788
Oklahoma	1971	L(c)	48	0	1	0.5	0.5	53,317
Oregon	1971	L(c)	30	0	1	1.2	0.7	99,715
Pennsylvania	1971	B	50	0	1	1.29	0.03	217,806
Rhode Island	1974	L	40	0	1	1.1	1.1	191,641
South Carolina	1972	L	46	19	13	3.18	6.75	56,316
South Dakota	1971	L(c)	35	28	3	2.4	3.3	19,635
Tennessee	1973	L	33	0	1	7.1	7.4	118,914
Texas	1971	L(c)	31	0	1	2.3	2.2	361,185
Utah	1972	L	29	0	1	4.64	6.38	56,527
Vermont	1973	L(c)	30	13	11	8.17	8.48	114,824
Virginia	1971	FC	40	38	1	5.2	4.5	116,212
Washington	1972	L	49	0	1	0.91	0.7	68,428(f)
West Virginia	1964(g)	L	34	17	2	34.5	31.0	54,718
Wisconsin	1972	L	33	0	1	0.71	0.55	133,877
Wyoming	1971	L	30	16	9	27.9	21.6	11,080
Virgin Islands	1972	L	15	3	2	N.A.	N.A.	4,461

Abbreviations: B—Board of Commissioners; FC—Federal Court; SC—State Court; G—Governor; L—Legislature; S—Secretary of State; N.A.—Not available.
 (a) Average number of registered voters per seat.
 (b) Population figures in most instances are based on the 1970 Census. Population figures in some instances are based on the time of last legislative apportionment.
 (c) Based on 1971 special State Decennial Census of state citizens.
 (d) Based on civilian or nonstudent population.
 (e) Further consideration anticipated in 1976.
 (f) Based on 1976 election.
 (g) Further consideration anticipated in 1976.

House

State or other jurisdiction	Year of most recent apportionment	Present apportionment by agency	Number of seats	Number of multi-member districts	Number of seats in multi-member districts	Percent deviation in actual v. average population per seat		Average population per seat (a)
						Least	Greatest	
Alabama	1972	FC	105	105	0	1.08	1.15	32,802
Alaska	1974	SC	40	22	10	14.0	15.0	7,559
Arizona	1972(b)	B	30	30	2	0.4	0.4	29,541
Arkansas	1971	B	100	84	10	6.3	3.1	19,233
California	1973	SC	80	80	0	1.94	1.90	249,661
Colorado	1972	L	65	65	0	0.97	1.09	35,993
Connecticut	1971	L(c)	141	141	0	2.6	1.9	13,961
Delaware	1971	L	41	0	1	1.4	1.0	11,961
Florida	1972	L(c)	120	45	24	0.2	0.1	56,591
Georgia	1974	L	180	180	4	4.87	4.79	25,502
Hawaii	1973	B	51	27	22	8.2	21.0	6,624(d)
Idaho	1971	L	70	35	35	5.45	5.03	10,186
Illinois	1973	L(c)	177	79	59	0.8	0.6	62,791
Indiana	1972	L(c)	100	75	25	0.0	0.0	62,791
Iowa	1972	SC	100	100	0	0.0	0.0	26,253
Kansas	1973	L	125	125	0	6.5	4.8	18,223
Kentucky	1972	L	100	100	0	3.1	3.9	32,193
Louisiana	1972	FC, L	105	105	0	4.6	4.6	34,997
Maine	1974	L(c)	131	119	11	5.0(e)	5.0(e)	6,581
Maryland	1973	G, L	141	47	47	3.3	4.7	27,818
Massachusetts	1973	L	240	240	0	9.94	9.06(f)	23,332(g)
Michigan	1972	L	110	110	0	0.0	0.0	80,751
Minnesota	1972	L	134	134	0	1.99	1.97	28,404
Mississippi	1975	FC	122	84	27	1.06	0.93	18,171
Missouri	1971	B	163	163	0	1.2	1.3	28,696
Montana	1974	B	100	100	0	7.83	7.65	6,944
New Hampshire	1971	L	40	40	0	10.9	12.1	12,218
New Jersey	1973	B, SC	109	109	11	25.3	19.3	89,639
New Mexico	1972	L, SC	70	70	0	4.92	4.95	14,514
New York	1971	L	150	150	0	1.8	1.6	121,603
North Carolina	1973	L	100	45	30	3.16	3.1	44,170
North Dakota	1971	FC	100	40	40	3.16	3.1	41,170
Ohio	1971	B	99	99	0	1.05	0.95	107,506
Oklahoma	1971	L(c)	101	101	0	1.0	1.2	25,338
Oregon	1971	L(c)	60	60	0	1.33	0.88	34,856
Pennsylvania	1971	B	203	203	0	2.98	0.94	58,115
Rhode Island	1974	L	100	100	0	17.0	0.9	6,900
South Carolina	1974	L	124	124	0	4.98	4.37	20,819
South Dakota	1971	L(c)	70	28	28	2.4	3.3	9,518
Tennessee	1973	L	99	99	0	2.0	1.6	39,638
Texas	1975	L	150	150	0	5.8	4.7	74,645
Utah	1972	L	75	75	0	6.72	5.95	14,124
Vermont	1972	L	150	72	39	10.58	9.36	1,820(d)
Virginia	1974	L	100	52	28	9.6	6.8	46,485
Washington	1972	FC	98	49	49	0.91	0.7	34,218(h)
West Virginia	1973	L	100	36	25	8.17	8.01	17,442
Wisconsin	1972	L	99	99	0	0.96	0.83	44,626
Wyoming	1971	L	62	23	12	41.16	45.47	5,362
Virgin Islands	1972	L	15	3	2	N.A.	N.A.	4,461

Abbreviations: B—Board of Commissioners; FC—Federal Court; SC—State Court; G—Governor; L—Legislature; S—Secretary of State; N.A.—Not available.
 (a) Average number of registered voters per seat.
 (b) Population figures in most instances are based on the 1970 Census. Population figures in some instances are based on the time of last legislative apportionment.
 (c) Based on 1971 special State Decennial Census of state citizens.
 (d) Based on civilian or nonstudent population.
 (e) Further consideration anticipated in 1976.
 (f) Based on 1976 election.
 (g) Further consideration anticipated in 1976.
 (h) Based on 1976 election.

Appendix G

LEGISLATIVE SESSIONS--LEGAL PROVISIONS

State or other jurisdiction	Year	Regular sessions			Special sessions		
		Legislature convenes		Limitation on length of session	Legislature may call?	Legislature may determine subject?	Limitation on length of session
		Month	Day				
Alabama	Annual	Mar.	Last Tues. (a,b)	30 L. in 195 C	No	2/3 vote each house	12 L. in 30 C
Alaska	Annual	Jan.	2nd Mon. (a)	None	3/4 vote of membership	Yes(e)	30 C
Arizona	Annual	Jan.	2nd Mon.	None	Petition 1/4 members, each house	Yes(e)	None
Arkansas	Odd	Jan.	2nd Mon.	60 C(1)	No	No	None (g)
California	Even	Dec.	1st Mon.	None	No	No	None
Colorado	Annual (1)	Jan.	Wed. after 1st Tues.	None	Vote 3/4 members, each house	Yes(e)	None
Connecticut	Annual (1)	Oct.-Jan.	Wed. after 1st Mon.	(1)	No	No	None
Delaware	Annual (1)	Jan.-Feb.	Wed. after 1st Mon.	(1)	It. call, presiding officers, both houses	Yes	None
Florida	Annual	Apr.	Tues. after 1st Mon. (b)	60 C(1)	It. call, presiding officers, both houses	Yes	20 C(1)
Georgia	Annual (1)	Jan.	2nd Mon. (b)	30 L. in 60 C	Petition 1/4 members, each house	Yes(e)	(k)
Hawaii	Annual (1)	Jan.	3rd Wed.	60 C(1)	Petition 1/4 members, each house	Yes	30 L. (1)
Idaho	Annual	Jan.	Mon. after 1st day	60 C(1)	No	No	20 C
Illinois	Annual (1)	Jan.	2nd Wed.	None	It. call, presiding officers, both houses	Yes	None
Indiana	Annual	Jan.	2nd Mon. (b)	60 C(1)	No	Yes	30 L. in 40 C
Iowa	Annual (1)	Jan.	2nd Mon.	None	Petition 1/4 members, each house	Yes	None
Kansas	Annual (1)	Jan.	2nd Mon.	Odd none	Petition 1/4 members, each house	Yes	None
Kentucky	Even	Jan.	Tues. after 1st Mon.	60 L	No	No	None
Louisiana	Annual	May (m)	2nd Mon. (a)	60 L. in 85 C	Petition majority, each house	Yes(e)	30 C
Maine	Annual (1)	Jan.	1st Wed. after 1st Tues.	None	Majority of each party	Yes	None
Maryland	Annual	Jan.	2nd Tues.	60 C(1)	Petition majority, each house	Yes	30 C
Massachusetts	Annual	Jan.	1st Wed.	None	Yes	Yes	None
Michigan	Annual (1)	Jan.	2nd Wed.	None	No	No	None
Minnesota	Odd (1)	Jan.	Tues. after 1st Mon.	120 L	No	Yes	None
Mississippi	Annual	Jan.	Tues. after 1st Mon.	(1)	No	No	None
Missouri	Annual	Jan.	Wed. after 1st Mon.	Odd June 30	No	No	60 C
Montana	Odd	Jan.	1st Mon.	60 L	Petition majority, each house	Yes	None
Nebraska	Annual (1)	Jan.	1st Wed. after 1st Mon.	60 L (1)	Petition 1/4 members	Yes	None
Nevada	Odd	Jan.	3rd Mon.	Even 60 L(1)	No	No	20 C(1)
New Hampshire	Odd	Jan.	1st Wed. after 1st Tues. (1)	(1)	Yes	Yes	None (1)
New Jersey	Annual (1)	Jan.	2nd Tues.	None	Petition majority, each house	Yes	None
New Mexico	Annual (1)	Jan.	3rd Tues.	Odd 60 C	Petition 1/4 members, each house	Yes(e)	30 C
New York	Annual (1)	Jan.	Wed. after 1st Mon.	None	Petition 1/4 members, each house	Yes(e)	None
North Carolina	Odd (1)	Jan.	Wed. after 2nd Mon.	None	Petition 1/4 members, each house	Yes	None
North Dakota	Odd	Jan.	Tues. after 1st Mon. (b)	60 L	No	Yes	None
Ohio	Annual	Jan.	1st Mon. (a)	None	No	Yes	None
Oklahoma	Annual (1)	Jan.	Tues. after 1st Mon.	60 L	It. call, presiding officers, both houses	No	None
Oregon	Odd	Jan.	2nd Mon.	None	No	Yes	None
Pennsylvania	Annual (1)	Jan.	1st Tues.	None	Petition majority, each house	No	None
Rhode Island	Annual (1)	Jan.	1st Tues.	60 L(1)	No	No	None
South Carolina	Annual (1)	Jan.	2nd Tues.	None	No	Yes	None
South Dakota	Annual	Jan.	Odd-Tues. after 3rd Mon.	45 L	No	No	None
Tennessee	Odd (1)	Jan.	Even-Tues. after 1st Mon.	30 L	Petition 1/4 members, each house	Yes	40(1)
Texas	Odd	Jan.	1st Tues. (1)	60 C(1)	No	No	30 C
Utah	Annual (1)	Jan.	2nd Tues.	60 C	No	No	30 C
Vermont	Odd (1)	Jan.	Wed. after 1st Mon.	Even 60 C	No	Yes	None
Virginia	Annual (1)	Jan.	2nd Wed.	Odd 30 C(1)	Petition 1/4 members, each house	Yes	None
Washington	Odd	Jan.	2nd Mon.	60 C	No	Yes	None
West Virginia	Annual	Jan.	2nd Wed. (a)	60 C(1)	Petition 1/4 members, each house	No(a)	None
Wisconsin	Annual (1)	Jan.	1st Tues. after 1st Mon. (b)	None	None	No	None
Wyoming	Annual (1)	Feb.	Even-2nd Tues.	40 L	No	Yes	None
American Samoa	Annual	Jan.	2nd Mon.	30 L	No	No	None
Guam	Annual (1)	Jan.	2nd Mon.	30 L	No	No	None
Virgin Islands	Annual (1)	Jan.	2nd Mon.	Apr. 30(1)	No	No	20
Virgin Islands	Annual (1)	Jan.	2nd Mon.	15 L	No	No	None

Abbreviations: L—Legislative days; C—Calendar days.

(1) All States elect new Legislatures in November of even-numbered years except Kentucky, Louisiana, Maryland, New Jersey, and Virginia. Alabama, Louisiana, Maryland, and Mississippi elect all legislators at the same time in four-year terms (see table on "General Elections" in 1976 and 1977, page 231).

(2) The following States provide for a special session to only consider bills passed after adjournment: Ala. (Commercial, Hawaii, Louisiana, Missouri) (even years only), and Washington.

(3) During the quadrennial election year, sessions convene on the 3rd Tues. in Jan.

(4) Legislative year in organizational sessions: Arizona, second Tuesday in January after quadrennial election; Florida, 14th day following each general election; Georgia, second Monday in January for no longer than 15 days, adjourns second Monday in February; Indiana, third Tuesday after first Monday in November for one day only; New Hampshire, first Wednesday in December, even-numbered years; North Dakota, December following general election, to adjourn at a time prescribed by law, but not later than January 8; Tennessee, first Tuesday in January for no more than 15 C days to organize and introduce bills, recesses on fourth Tuesday in February.

(5) Except in the January immediately following the quadrennial general election, the first regular session will convene on the third Monday in January.

(6) The Legislature meets in two annual sessions, each adjourning sine die. Bills carry over from first to second session.

(7) Only if Legislature convenes itself. Special sessions called by the Legislature are mentioned in notes for Arizona, Georgia, Maine, and New Mexico.

(8) Sessions may be extended for an indefinite period of time by vote of members in both houses. Arkansas: 1/2 vote (this extension can prevent the Legislature to meet in even years); Florida: 1/2 vote; Hawaii: petition of 1/4 membership for not more than 15 days; Kansas: 1/2 vote (except when extended for 30 C days, no limit on extension); Nebraska: 1/2 vote; Virginia: 1/2 vote for up to 30 days; West Virginia: 1/2 vote; Puerto Rico: joint resolution.

(9) After the Legislature has disposed of the subject(s) in the Governor's call, it may by a 1/2 vote of members of both houses take up subject(s) of its own choosing in a session of up to 15 days.

(10) Regular sessions commence on the first Monday in December of each even-numbered year (following the general election) and continue until November 30 of the next even-numbered year. It may adjourn from time to time, and may be recalled for regular session.

(11) Second session of Legislature is hereby dissolved in halves and adjourns sine die. In addition, Legislature in the Governor's call, study continuing legislation, and initiated measures. The Michigan Legislature may consider bills referred by the Governor at the preceding session.

(12) Odd years: not later than first Wednesday after first Monday in June; even years: not later than first Wednesday after first Monday in May.

(13) Limited to 75 days if called by Governor and 60 days if called at petition of Legislature, except for organizational proceedings.

(14) Indirect representation only since Legislature only, no direct, or daily allowance stipend, but session may continue. Nevada: no limit on adjournment. New Hampshire: constitutional limit no extension of 90 days on July 1, whichever occurs first, 15 days salary, and expenses for special sessions. Tennessee: constitutional limit on per diem and travel allowance only, excluding organizational sessions.

(15) Effective 1977 the 2nd Monday in April.

(16) The Legislature may meet in practice two divided by session to meet in each year also.

(17) The first session of a new Legislature, every other even year at the beginning of the biennial term, is limited to 120 C days, other years 60 C days.

(18) First Monday in January or the day after if the first Monday falls on a legal holiday.

(19) Following each gubernatorial election, the Legislature convenes on the second Wednesday of January to organize, but recesses until the second Wednesday in February for the start of the 60-day session.

(20) Governor may extend until the general appropriation is passed.

(21) No, if called by the Governor alone, questionable if called as a result of petition of members.

(22) The Legislature by joint resolution establishes the calendar dates of session activity for the remainder of the biennium at the beginning of the odd-numbered year. These dates may be subject to change.

(23) Only the Governor may call a special session; however, an extraordinary session may be called by petition of a majority of each house or by a majority of the members of the Committee on Organization in each house.

Source: Book of the States, 1976-77 (Lexington, Ky.: Council of State Governments, 1976), pp. 56-57.

Appendix H

MEMBERSHIP TURNOVER IN THE LEGISLATURES--1974*

State or other jurisdiction	SENATE			HOUSE		
	Total number of members	Number of membership changes	Percentage of total number of members(a)	Total number of members	Number of membership changes	Percentage of total number of members(a)
Alabama.....	35	24	69	105	77	73
Alaska.....	20(b)	9	45	40	23	58
Arizona.....	30	15	50	60	18	30
Arkansas.....	35(b)	3	9	100	16	16
California.....	40(b)	11	28	80	28	35
Colorado.....	35(b)	12	34	65	29	45
Connecticut.....	36	19	53	151	77	51
Delaware.....	21(b)	3	14	41	13	32
Florida.....	40(b)	11	28	120	44	37
Georgia.....	56	20	36	180	68	38
Hawaii.....	25	9	36	51	22	43
Idaho.....	35	8	23	70	22	31
Illinois.....	59(b)	8	14	177	43	24
Indiana.....	50(b)	8	16	100	36	36
Iowa.....	50(b)	9	18	100	30	30
Kansas.....	40	No election	...	125	38	30
Kentucky.....	38(b)	13	34	100	37	37
Louisiana.....	39	No election	...	105	No election	...
Maine.....	33	15	45	151	74	49
Maryland.....	47	19	40	141	63	45
Massachusetts.....	40	6	15	240	63	26
Michigan.....	38	16	42	110	32	29
Minnesota.....	67	No election	...	134	55	41
Mississippi.....	52	No election	...	122	No election	...
Missouri.....	34(b)	7	21	163	33	20
Montana.....	50	33	66	100	58	58
Nebraska.....	49(b)	12	24	Unicameral	...	...
Nevada.....	20(b)	5	25	40	17	43
New Hampshire.....	24	5	21	400	171	43
New Jersey.....	40	23	58	80	44	55
New Mexico.....	42(b)	3	7	70	18	26
New York.....	60	10	17	150	43	29
North Carolina.....	50	25	50	120	51	43
North Dakota.....	51(b)	9	18	102	33	32
Ohio.....	33(b)	9	27	99	19	19
Oklahoma.....	48(b)	10	21	101	32	32
Oregon.....	30(b)	10	33	60	20	33
Pennsylvania.....	50(b)	8	16	203	45	22
Rhode Island.....	50	24	48	100	28	28
South Carolina.....	46	No election	...	124	54	44
South Dakota.....	35	13	37	70	23	33
Tennessee.....	33(b)	5	15	99	28	28
Texas.....	31(b)	4	13	150	33	22
Utah.....	29(b)	3	10	75	22	29
Vermont.....	30	10	33	150	54	36
Virginia.....	40	No election	...	100	21	21
Washington.....	49(b)	15	31	98	10	10
West Virginia.....	34(b)	4	12	100	57	57
Wisconsin.....	33(b)	6	18	99	25	25
Wyoming.....	30(b)	8	27	62	24	39
Guam.....	21	8	38	Unicameral	...	...
Puerto Rico.....	29	No election	...	54	No election	...

*Source: National Conference of State Legislatures. Data is for the 1974 elections except for Kentucky, Mississippi, New Jersey, and Virginia (1973).

membership of the Legislatures. In the *Book of the States, 1974-75*, turnover percentages were based on the number of persons up for election in the Legislatures.

(a) This table reflects percentage of turnovers based on total

(b) Entire Senate membership not up for election.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), p. 45.

Appendix I

THE LEGISLATORS Numbers, Terms, and Party Affiliations As of late 1975

State or other jurisdiction	Senate					House					House and Senate totals
	Democ- rats	Repub- licans	Vacancies	Total	Term	Democ- rats	Repub- licans	Vacancies	Total	Term	
Alabama.....	35	0	...	35	4	105	0	...	105	4	140
Alaska.....	13	7	...	20	4	30	9	...	40(a)	2	60
Arizona.....	18	12	...	30	2	27	33	...	60	2	90
Arkansas.....	34	1	...	35	4	98	2	...	100	2	135
California.....	25	15	...	40	4	55	25	...	80	2	120
Colorado.....	16	19	...	35	4	39	26	...	65	2	100
Connecticut....	29	7	...	36	2	118	33	...	151	2	187
Delaware.....	13	8	...	21	4	25	16	...	41	2	62
Florida.....	27	12	...	40(a)	4	86	34	...	120	2	160
Georgia.....	51	5	...	56	2	155	24	1	180	2	236
Hawaii.....	18	7	...	25	4	35	16	...	51	2	76
Idaho.....	13	22	...	35	2	27	43	...	70	2	105
Illinois.....	34	25	...	59	(b)	101	76	...	177	2	236
Indiana.....	23	27	...	50	4	56	44	...	100	2	150
Iowa.....	26	24	...	50	4	61	39	...	100	2	150
Kansas.....	14	26	...	40	4	53	72	...	125	2	165
Kentucky.....	30	8	...	38	4	78	22	...	100	2	138
Louisiana.....	38	1	...	39	4	101	4	...	105	4	144
Maine.....	14	19	...	33	2	91	59	...	151(a)	2	184
Maryland.....	39	8	...	47	4	126	15	...	141	4	188
Massachusetts..	33	7	...	40	2	190	45	2	240(a)	2	280
Michigan.....	24	14	...	38	4	66	44	...	110	2	148
Minnesota.....	38	28	...	67(a)	4	103	31	...	134	2	201
Mississippi.....	50	2	...	52	4	119	3	...	122	4	174
Missouri.....	23	11	...	34	4	114	49	...	163	2	197
Montana.....	30	20	...	50	4(c)	67	33	...	100	2	150
Nebraska.....	Nonpartisan election			49	4	Unicameral Legislature			...	...	49
Nevada.....	17	3	...	20	4	31	9	...	40	2	60
New Hampshire..	12	12	...	24	2	167	233	...	400	2	424
New Jersey.....	29	10	...	40(a)	4(d)	49	31	...	80	2	120
New Mexico.....	29	13	...	42	4	51	19	...	70	2	112
New York.....	26	34	...	60	2	88	62	...	150	2	210
North Carolina..	49	1	...	50	2	111	9	...	120	2	170
North Dakota...	17	34	...	51	4	40	62	...	102	2	153
Ohio.....	21	12	...	33	4	59	40	...	99	2	132
Oklahoma.....	39	9	...	48	4	76	25	...	101	2	149
Oregon.....	22	7	...	30(a)	4	38	22	...	60	2	90
Pennsylvania...	29	20	1	50	4	114	89	...	203	2	253
Rhode Island...	46	4	...	50	2	83	17	...	100	2	150
South Carolina..	44	2	...	46	4	107	17	...	124	2	170
South Dakota...	19	16	...	35	2	33	37	...	70	2	105
Tennessee.....	20	12	...	33(a)	4	63	35	...	99(a)	2	132
Texas.....	28	3	...	31	4	134	16	...	150	2	181
Utah.....	15	14	...	29	4	40	35	...	75	2	104
Vermont.....	12	18	...	30	2	65	75	...	150(a)	2	180
Virginia.....	35	5	...	40	4	78	17	...	100(a)	2	140
Washington.....	30	19	...	49	4	62	36	...	98	2	147
West Virginia...	26	8	...	34	4	86	14	...	100	2	134
Wisconsin.....	19	14	...	33	4	63	36	...	99	2	132
Wyoming.....	15	15	...	30	4	29	32	...	62(a)	2	92
All States.....	1,307	620	1	1,982	...	3,793	1,765	3	5,583	...	7,565
American Samoa	Nonpartisan election			18	4	Nonpartisan election			21	2	39
Guam.....	9	12	...	21	2	Unicameral Legislature			...	...	21
Puerto Rico.....	20(e)	8(f)	...	29(a)	4	38(e)	13(f)	...	54(a)	4	83(g)
Virgin Islands...	9	1	...	15(a)	2	Unicameral Legislature			...	...	15

(a) The following members in current Legislatures are not Democrats or Republicans: Alaska 1; Florida 1; Maine 1; Massachusetts 1; Minnesota 1; New Jersey 1; Oregon 1; Tennessee, Senate 1, House 1; Vermont 10; Virginia 5; Wyoming 1; All States: Senate 5, House 22. Puerto Rico, Senate 1, House 3; Virgin Islands 5.

(b) All Senators ran for election in 1972 and all will run every 10 years thereafter. Senate districts are divided into thirds. One group elects Senators for terms of 4 years, 4 years, and 2 years; the second group for terms of 4 years, 2 years, and 4 years; the third group for terms of 2 years, 4 years, and 4 years.

(c) Lots were drawn in 1974 for Senators serving 2-year or

4-year terms. Senators drawing 2-year terms run for a full 4-year term next election. Procedure is to be followed after each reapportionment.

(d) Senate terms beginning in January of second year following the U.S. decennial census are for 2 years only.

(e) Popular Democrat Party.

(f) New Progressive Party.

(g) The constitution provides for selection of additional members from the minority party after a general election in which it elects fewer than 9 members in the Senate and 17 members in the House. Total house and senate composition can reach a maximum of 104 members.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), p. 44.

Appendix J

OFFICES PROVIDING PRINCIPAL LEGISLATIVE STAFF SERVICES*

State or other jurisdiction and staff office or organizational entity	Legis- lative refer- ence library facilities	Bill draft- ing	Statute & code revision	Legis- lative incent	Bill & law summary	Legal counsel- ing	Adminis- trative manage- ment	Fiscal review & analysis	Post audit	Re- search &/or policy analysis	Com- mit- tee staffing	Legis- lative elec- tronic data pro- cessing	Public in- forma- tion
Alabama													
Legislative Council	★	★	★	★	★	★	★	..
Legislative Reference Service	★	★	★	★	★	★	★	..
Alabama Law Institute	★	★
Legislative Committee on Public Accounts	★	★
Dept. of Examiners of Public Accounts
Joint Fiscal Committee	★
Legislative Fiscal Office
Alaska													
Legislative Council	★	★	★	★	★	★	★	★	★	★	★
Legislative Affairs Agency	★	★	★	★	★	★	★	★	★	★	★
Legislative Budget & Audit Committee
Div. of Legislative Audit
Div. of Legislative Finance
Arizona													
Legislative Council	★	★	★	..	★	★	★
Joint Legislative Budget Committee	★	★	★	★	★	★	★	..	★
Auditor General
Library, Archive & Public Records Div., Dept. of Admin.	★	★
Senate Research Staff	★	★	..	★	★	★	★	★	★	★	★	..	★
House Research Staff	★	★	..	★	★	★	★	★	★	★	★	..	★
Arkansas													
Legislative Council	★	★	★	★	..	★	..	★	★
Bureau of Legislative Research	★	★	★	★	..	★	..	★	★
Legislative Joint Auditing Committee
Div. of Legislative Audit
California													
Legislative Council Bureau	..	★	★	..	★	★	★	..	★	..
Administrative-Legislative Service, State Library	★
Law Revision Commission	★
Joint Legislative Budget Committee
Office of Legislative Analyst	★	★	★
Joint Legislative Audit Committee
Office of Auditor General
Joint Rules Committee
Chief Administrative Officer
Senate Rules Committee
Senate Office of Research
Assembly Rules Committee
Assembly Office of Research	★
Colorado													
Legislative Council	★	★	★	★
Committee on Legal Services
Office of Revisor of Statutes	★	★
Legislative Drafting Office	..	★	..	★	★
Joint Budget Committee
Legislative Audit Committee
Connecticut													
Joint Committee on Legislative Mgt.	★	★	..
Office of Fiscal Analysis	★	★
Office of Legislative Research	★	★	★	★
Office of Legislative Program Review & Investigations
Legislative Commissioners' Office
Legislative Legal Services	★	★	★	★	..	★	★	★	★	★
Auditors of Public Accounts
Legislative Reference Unit, State Library	★
Delaware													
Legislative Council	★	★	★	★	★	★	..	★	★	..	★
Florida													
Joint Legislative Mgt. Committee	★	..	★	★	★	★
Joint Legislative Auditing Committee
Office of Auditor General
Joint Administrative Procedures Committee	★
Law Revision Agency	★	★
Senate President's Office	★	★
Senate Legislative Services & Information Office	★	★	★	★
House Bill Drafting Services	..	★	★
Georgia													
Legislative Services Committee
Office of Legislative Counsel	★	★	★	..	★	★	★	★	★	..
Legislative Fiscal Office
Legislative Budget Analyst
Dept. of Audits & Accounts
State Library	★
Senate Research Staff
Hawaii													
Office of Legislative Reference Bureau	★	★	..	★	★	★	★	..	★
Office of Revisor of Statutes	★
Office of Legislative Auditor	..	★	..	★	★
Senate Chamber & Majority Staff	★	★	★	★	★	★	★	★	★	★	★	..	★
Senate Minority Research	★	★	★	★	★	★	★	★	★	★	★	..	★
House Chamber & Majority Staff	★	★	★	★	★	★	★	★	★	★	★	..	★
House Minority Staff	★	★	★	★	★	★	★	★	★	★	★	..	★
Idaho													
Legislative Council	★	★	★	★	★	★
Joint Finance-Appropriations Committee
Legislative Auditor
Legislative Fiscal Officer
Illinois													
Legislative Audit Committee
Office of Auditor General
Economic & Fiscal Commission
Legislative Council	★
Legislative Reference Bureau	★	★	★	..	★
State Library	★
Legislative Information System
Commission on Intergovernmental Cooperation
Senate Chamber & Majority Staff
Senate Minority Staff
House Chamber and Majority Staff
House Minority Staff
Indiana													
Legislative Council
Research Division	★	★	★	..	★	★	..	★	★	★	★	★	..
Commission on State Tax & Financing Policy

State or other jurisdiction and staff office or organizational entity	Legislative reference library facilities	Bill drafting	Statute & code revision	Legislative intent	Bill & law summary	Legal counseling	Administrative management	Fiscal review & analysis	Post audit	Research &/or policy analysis	Committee staffing	Legislative electronic data processing	Public information
Iowa													
Legislative Council													
Legislative Service Bureau	☆	★	★	★	★	★	★	..
Legislative Fiscal Bureau	★
State Law Library	★
Office of Code Editor, Supreme Court	★
Kansas													
Legislative Coordinating Council													
Div. of Legislative Administrative Services	★	★
Legislative Research Dept.	★	★	..	★	★
Legislative Council	★
Revisor of Statutes	..	★	★
Legislative Post Audit Committee	★	★
Legislative Reference, State Library	★	★
Kentucky													
Legislative Research Commission	★	★	★	★	★	★	★	★	★	★	★	★	★
Louisiana													
Legislative Council	★	★	☆	..	★	☆	..	☆	☆	..	★	..	★
Office of Legislative Auditor	★	★
Legislative Controller's Office	★	★
Legislative Budget Committee
Legislative Fiscal Office
Joint Legislative Committee on Environmental Quality	★	★
State Law Institute	★	★	★	..	★	★
Commission on Intergovernmental Relations	☆	☆	★
Maine													
Legislative Council	★
Legislative Research Office	..	★	★	..	★	★
Legislative Information Office
Legislative Finance Office
Office of Legislative Assistants
Law & Legislative Reference Library	★	☆
Dept. of Audit	★
Maryland													
Legislative Council
Dept. of Legislative Reference	★	★	★	..	★
Dept. of Fiscal Services	★	★
Massachusetts													
Legislative Service Bureau
Joint Committee Staff	..	★	..	★	★	..	★	★	★	..	★
Office of Legislative Data Processing
Science Resource Network
Legislative Bulletin	☆
Legislative Research Council
Legislative Research Bureau	☆
Legislative Reference Div., State Library	★
Joint Committee on Post Audit & Oversight
Legislative Post Audit & Oversight Bureau	..	☆	☆	★	☆
Senate Chamber Staff	..	★	★	..	★	★	★	★	..	☆	★	★	★
House Chamber Staff	..	★	★	★	★	★	..	☆	★	★	★
Michigan													
Legislative Council
Legislative Service Bureau	★	★
Law Revision Commission
Joint Committee on Administrative Rules	..	★	☆
Office of Auditor General
Consumer Council
Legislative Retirement
Legislature of Mich., Washington Office
Senate Chamber Staff
Senate Fiscal Agency
House Chamber Staff
House Fiscal Agency
House Bill Analysis Div.
Minnesota													
Joint Coordinating Committee
Office of Legislative Research
Revisor of Statutes	..	★	★
Legislative Reference Library	★	☆
Legislative Audit Commission	★
Senate Office of the Secretary	★	★
Senate Research
Senate Majority Research
Senate Minority Research
House Chamber Staff
House Research Div.
House Majority Leadership & Caucus Staff
House Minority Leadership & Caucus Staff
Mississippi													
State Law Library
Legislative Reference Bureau	★	☆
Revisor of Statutes, Dept. of Justice	★
Commission of Budget & Accounting
Joint Legis. Cmte. on Performance Eval. & Expen. Review
State Central Data Processing Authority
Senate Chamber Staff
Senate Legislative Services Office
House Chamber Staff
House Management Committee
Missouri													
Committee on Legislative Research	★	★	★	..	★	★
Committee on State Fiscal Affairs
State Library	★
Senate Chamber Staff
House Chamber Staff	★	★	★	☆	★	★
Montana													
Legislative Council	★	★	★	..	☆	☆
Legislative Audit Committee
Office of Legislative Auditor
Legislative Consumer Council	★	★
Legislative Finance Committee
Office of Legislative Fiscal Analyst
Environmental Quality Council	★	★	☆	★	★	☆	☆	☆	☆	☆	☆	☆	☆

State or other jurisdiction and staff office or organizational entity	Legisla- tive refer- ence library facilities	Bill draft- ing	Statute & code revision	Legis- lative intent	Bill & law summary	Legal counsel- ing	Adminis- trative manage- ment	Fiscal review & analysis	Post audit	Re- search &/or policy analysis	Com- mit- tee staffing	Legis- lative elec- tronic data pro- cessing	Public in- forma- tion
Nebraska													
Legislative Council	*	*	*	*
Research Division	*	*	*	*
Fiscal Analyst	*	*
Revisor of Statutes	..	*	*	*	*	*	*	*
Clerk of the Legislature	*	*	..	*
Nevada													
Legislative Commission
Legislative Counsel Bureau	*	*	*	*	*	*	*	*	*	*	*	..	*
New Hampshire													
Office of Legislative Services	*	*	*	*	*	*	*	*	*	..
Fiscal Committee of the General Court	*	*	*	*	*
State Library	*	*	*
New Jersey													
Law Revision & Legis. Services Commission
Office of Fiscal Affairs	*	*	*	*	*	*	*	*	*	*
Office of Fiscal Affairs	*	*	*	*	*	..	*
Bureau of Law & Legis. Reference, State Library	*	*
Senate Majority Party Policy Staff	*
Senate Minority Party Policy Staff	*
House Majority Party Policy Staff	*
House Minority Party Policy Staff	*
New Mexico													
Legislative Council
Legislative Council Service	*	*	*	..	*	*	*	*
Legislative Finance Committee	..	*	..	*	*	*	..	*	*
New York													
Law Revision Commission	*	*
Legislative Bill Drafting Commission	..	*	*
Legislative Library	*
Legislative Commission on Expenditure Review	*	*
State Library
Legislative Reference Library	*
Legislative Research Service	*
Senate Leadership Staff	*	*
Senate Finance Committee	*	*
Senate Office of Communications	*
Senate Office of Research & Analysis	*	*
Senate Task Force on Critical Problems	*
Senate Office of Introduction & Revision	*	*
Senate Standing Committee	*	..	*
Assembly Leadership Staff	*	*	..	*
Assembly Program & Committee Staff	*	*
Assembly Minority Committee Staff	*	*
Assembly Scientific Staff	*	*
Assembly Office of Research & Analysis	*	*
Assembly Communications	*	..	*
Assembly Committee Staff	*
Assembly Ways & Means	*	*
North Carolina													
Legislative Services Commission
Legislative Services Office	*	*	*	*	*	..	*	*
General Research & Information	*	*	*	*	*
Legislative Library	*	*
Fiscal Research Div.	*	*	*	*
Legislative Research Commission
Div. of Legislative Drafting, Dept. of Justice	*	*	*	*
General Statute Commission, Dept. of Justice	*	*	*	*
University of North Carolina
State Library	*
North Dakota													
Legislative Council	*	*	*	*	*	*	*	*	..	*	*	*	*
Ohio													
Legislative Reference Bureau	*	*
Legislative Service Commission	*	*	*	..	*	*	*	*	..
Legislative Budget Committee	*	*
Senate Chamber Staff	*	*	*	*	..	*
House Chamber Staff	*	*	*	*	..	*
Oklahoma													
Legislative Council	..	*	*	*	*	*	..	*	*	*	*	*	..
Legislative Reference Div., Dept. of Libraries	*	*	*
Oregon													
Legislative Administration Committee	*	*	*	*	*	*
Legislative Counsel Committee	..	*	*	..	*	*
Joint Committee on Ways & Means	*
Joint Committee on Revenue	..	*	*
Joint Committee on Trade & Econ. Development	..	*	*
Joint Committee on Land Use	..	*	*
Pennsylvania													
Legislative Reference Bureau	*	*	*	*	*
Joint State Government Commission	*	*
Legislative Budget & Finance Committee	*	..	*
Legislative Data Processing Committee	*
Jt. Legis. Air & Water Pollut. Control & Conserv. Cmte.	*	*	*	*
Senate Chamber Staff	*	*	*	*	*	*	*	*	*	*	*	*	*
House Chamber Staff	*	*	*	*	*	*	*	*	*	*	*	*	*
Rhode Island													
Legislative Council	*	*	*	*	*	..	*	..
Law Revision, Dept. of State	*	*	*	..	*	*	*
State Library, Dept. of State	*	*	*
Joint Committee on Legislative Affairs	*	*	*	..	*	..	*
South Carolina													
Legislative Council	*	*	..	*	*	*	*	*
Committee on Statutory Laws	*
Legislative Audit Council	*
Senate Chamber Staff	*	*	*	*
Senate Standing Committee Staff	*	*	*	*	*	*
House Chamber Staff	*	*	*	*	*	*
House Office of Research & Personnel	*	*	*	*	*	*	..	*
South Dakota													
Legislative Research Council	*	*	*	*	*	*
Dept. of Legislative Audit	*
Senate Chamber Staff	*	*	*	*	*	..	*
House Chamber Staff	*	*	*	*	*	..	*

State or other jurisdiction and staff office or organizational entity	Legislative reference library facilities	Bill drafting	Statute & code revision	Legislative intent	Bill & law summary	Legal counseling	Administrative management	Fiscal review & analysis	Post audit	Research &/or policy analysis	Committee staffing	Legislative electronic data processing	Public information
Tennessee													
Legislative Council Committee	*	*	..	*	*	*	*	*	*	*
Fiscal Review Committee	*	*	*	*	..	*
State Library & Archives	*
Code Commission	*
Comptroller of the Treasury	*	*	*	..	*	*	*	*	*	..	*
Texas													
Legislative Council	..	*	*	..	*	*	*	*	*	..
Legislative Reference Library	*	*	*
Legislative Audit Committee	*	*
Legislative Budget Board	..	*	..	*	*	*	..	*	*	*
Senate Chamber & Committee Staff	*	*	*	*	*	*
Office of Research	*	*	*	*	*
House Chamber & Committee Staff	*	*	*	*	*	*	*	..	*
Utah													
Legislative Management Committee	*	*	*	..	*	*	*	*	*	*	*	..	*
Vermont													
Legislative Council	*	*	..	*	*	*	*	*	*	*	*
Statutory Revision Commission	..	*	*	*
Joint Fiscal Committee	*	*
Virginia													
Advisory Legislative Council	*
Code Commission	*
Committee on Rules
Div. of Legislative Services	*	*	*	..	*	*	*	*	*	*
Joint Legislative Audit & Review Commission	*	*	*	*
Auditor of Public Accounts	*	*
Senate Chamber & Committee Staff	*	*	*	*	*	..	*
House Chamber & Committee Staff	*	*	*	*	*	..	*
Washington													
Statute Law Committee	..	*	*	*	..
Legislative Budget Committee	*
Senate Chamber & Committee Staff	*	*	*	*	*	*	*	*	..	*
Senate Research Center	*	*	*	*	*	*	*	*
House Chamber & Committee Staff	*	*	*	*	*	*	*	*	..	*
House Office of Program Research	*	*	*	*	*	*	*	*	*	*	..
West Virginia													
Joint Committee on Government & Finance	*	*	*	*
Office of Legislative Services	..	*	*	..	*	*	*	*	*	*
Legislative Auditor	*	*	*	*	*	*
Legislative Reference Library	*	*	*
Wisconsin													
Legislative Council	*	..	*	*	*	*
Joint Committee on Legislative Organization
Legislative Reference Bureau	*	*	*	*	*	*	*	..
Revisor of Statutes Bureau	*	*	*
Legislative Audit Bureau	*	*	*
Legislative Fiscal Bureau	*	*	*	*	*
Interstate Cooperation Commission	*	*
Senate Democratic Caucus	*	*	*	*	*	..	*
Senate Republican Caucus	*	*	*	*	*	..	*
Assembly Democratic Caucus	*	*	*	*	*	*	*	*	..	*
Assembly Republican Caucus	*	*	*	*	..	*	..	*	*	..	*
Wyoming													
Legislative Management Council
Legislative Service Office	..	*	*	..	*	*	*	*	*	*
Documents & Legislative Reference, State Library	*	*
American Samoa													
Legislative Reference Bureau	*	*	*	*	*	*	*	*	*	*	*	..	*
Guam													
Legislative Counsel	*	*	*	*	*	*	..	*	..	*	*	..	*
Office of Administrative Director	*	*	*	*	*
Puerto Rico													
Finance & Taxation Committee	..	*	*	*	*	..	*	*	..	*	*
Fiscal Services Div.	..	*	*	*	*	..	*	*	..	*	*
Puerto Rico													
Office of Legislative Services	*	*	*	*	*	*	*	*	..	*	*
Joint Legislative Committee on Reports from Controller
Office of Controller	..	*	*
Commission for the Codification of Laws	*

*This table supersedes the table "Permanent Legislative Service Agencies" carried in previous editions of *The Book of the States*. Organizations with major independent status are listed with offices subordinate to them indicated. A function is shown as being performed if an office performs any aspect of this function.

*—Primary responsibility.
☆—Secondary responsibility.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 76-83

Appendix K

1973 AND 1974 SESSIONS, INTRODUCTIONS AND ENACTMENTS

State or other jurisdiction	Duration of session*	Regular Sessions					Extra Sessions							
		Introductions		Enactments		Measures vetoed	Length of session†	Introductions		Enactments		Measures vetoed	Length of session†	
		Bills	Resolutions‡	Bills	Resolutions‡			Bills	Resolutions‡					
Alabama	May 1-Sept. 13, 1973	3,236	409(a)	1,061	238(a)	6	36L	May 2-May 17, 1973	8	16	1	8	0	10L
Alaska	Jan. 8-Apr. 7, 1973	683	227	91	60	3	90C	Oct. 17-Nov. 12, 1973	25	2	8	1	0	27C
Arizona	Jan. 21-Apr. 26, 1974	716	256	147	93	4	96C	June 17-June 20, 1974	17	2	9	1	0	4C
Arkansas	Jan. 8-May 9, 1973	753	34(b)	184	2(b)	1	122C	Oct. 22, 1973-Feb. 19, 1974	68	4	3	0	0	121C
California	Jan. 14-May 10, 1974	672	30(b)	205	3(b)	2	117C	June 6-June 6, 1974	6	0	3	0	0	1C
Colorado	Jan. 8-Apr. 24, 1973	1,649	322	894	N.A.	28(c)	108C	June 24-July 12, 1974	403	55	161	N.A.	44(c)	20C
Connecticut	Jan. 14-Jan. 14, 1974	7,022	1,086	2,761(d)	560	370	(e)	Aug. 1-Aug. 1, 1974	0	1	1	1	5	1L
Delaware	Jan. 8, 1973-Nov. 30, 1974	1,062	109	456(d)	28	0	119L	Dec. 4-Dec. 4, 1973	0	2	0	2	0	1L
Florida	Jan. 3-June 29, 1973	317	110	113	33	0	84L	Sept. 25-Oct. 2, 1974	20	9	1	3	0	4L
Georgia	Jan. 2-May 22, 1974	6,901	182	819	127	6	95L	None	...	...	...	...	...	...
Hawaii	Jan. 3-June 1, 1973	1,295	64	467	42	20	63L	June 12-June 12, 1973(f)	...	...	...	...	...	1L
Idaho	Jan. 9-June 30, 1973	930	49	218	22	6	54L	July 16-July 16, 1973(g)	6	1	1	1	1	1L
Illinois	Jan. 8-June 30, 1974	812	47	344	17	0	56L	June 17-June 17, 1974(g)	20	0	19	0	1	1L
Indiana	Apr. 3-June 6, 1973	3,390	154	661	35	13	65C	July 1-July 12, 1973	15	6	9	1	2	3L
Iowa	Apr. 2-May 31, 1974	3,192	168	626	42	17	60C	Nov. 16-Dec. 27, 1973	56	0	17	1	1	4L
Kansas	Jan. 8-Mar. 16, 1973	1,662	131	755	74	45	45L	Aug. 29-Aug. 30, 1974	8	0	2	0	0	1L
Kentucky	Jan. 14-Feb. 26, 1974	1,171	172	625	102	52	40L	Jan. 29-Jan. 30, 1974	26	3	0	0	0	2C
Louisiana	Jan. 17-Apr. 12, 1973	3,433	1,043	220	430	12	61L	Nov. 19-Nov. 19, 1974	8	0	3	0	0	1C
Maine	Jan. 16-Apr. 12, 1974	1,894	984	256	315	13	60L	None	...	...	...	...	...	...
Maryland	Jan. 8-Mar. 13, 1973	598	103	348	66	6	65C	June 18-June 19, 1974	1	2	1	2	0	2L
Massachusetts	Jan. 14-Mar. 30, 1974	637	128	325	56	5	76C	None	...	...	...	...	...	...
Michigan	Jan. 10-Jul. 2, 1973	3,315	N.A.	952(d)	N.A.	160	112L	Oct. 15, 1973-July 12, 1974	36	0	0	0	0	(h)
Minnesota	Oct. 15-Dec. 1, 1973	1,285	N.A.	345(d)	N.A.	47	59L	Oct. 22-Dec. 1, 1973	3	0	0	0	0	(h)
Mississippi	Jan. 9-Jul. 12, 1974	2,262	152	333	5	8	60L	Oct. 22-Dec. 1, 1973	96	0	38	0	1	(h)
Missouri	Jan. 7-Dec. 5, 1974	697	108	157	2	7	30L	Oct. 30-Dec. 1, 1973	8	0	3	0	0	(h)
Montana	Jan. 7-Jan. 8, 1975	1,426	38	310	5	1	114L	Nov. 8-Dec. 1, 1973	13	0	6	0	2	(h)
Nebraska	Jan. 8-Apr. 19, 1973	1,226	199	386	20	18	60L	None	...	...	...	...	...	...
Nevada	Jan. 7-Feb. 15, 1974	697	108	157	2	7	30L	None	...	...	...	...	...	...
New Hampshire	Jan. 8-June 24, 1973	1,426	38	310	5	1	114L	None	...	...	...	...	...	...
New Jersey	Jan. 14-May 4, 1974	912	11	281	2	2	74L	None	...	...	...	...	...	...
New Mexico	Jan. 9-Apr. 26, 1973	1,198	129	409(d)	N.A.	17	68L	None	...	...	...	...	...	...
New York	Jan. 8-Apr. 3, 1974	904	116	452(d)	N.A.	8	(e)	None	...	...	...	...	...	...
North Carolina	Jan. 8-Mar. 22, 1974	1,226	199	386	20	18	60L	None	...	...	...	...	...	...
North Dakota	May 13-July 11, 1974	2,504	483	723	248	10	60C	None	...	...	...	...	...	...
Ohio	Apr. 21-July 14, 1975	2,283	532	824	338	14	60L	None	...	...	...	...	...	...
Oklahoma	Jan. 3-July 4, 1973	1,799	43	860	2	2	107L	None	...	...	...	...	...	...
Oregon	Jan. 10-Apr. 9, 1973	2,880	191	891	65	43	90C	None	...	...	...	...	...	...
Pennsylvania	Jan. 9-Apr. 8, 1974	2,890	188	890	75	48	90C	None	...	...	...	...	...	...
Rhode Island	Jan. 3-Nov. 30, 1973	9,952	N.A.	1,233(d)	161	52	(e)	None	...	...	...	...	...	...
South Carolina	Jan. 2-Aug. 2, 1974	8,536	N.A.	859(d)	90	49	(e)	None	...	...	...	...	...	...
South Dakota	Jan. 10-Dec. 28, 1973	2,603	50	208	0	5	(e)	None	...	...	...	...	...	...
Tennessee	Jan. 9-Dec. 31, 1974	1,227	20	387	0	4	(e)	None	...	...	...	...	...	...
Texas	Jan. 2-May 21, 1973	7,617	N.A.	1,366	10	3	116L	None	...	...	...	...	...	...
Utah	Jan. 15-Mar. 29, 1974	2,655	498	701(d)	180	16	90C	None	...	...	...	...	...	...
Vermont	Jan. 8-Apr. 7, 1974	2,438	347	689	202	17	90C	None	...	...	...	...	...	...
Virginia	Jan. 3-June 30, 1973	1,202	71	223	0	14	178C	None	...	...	...	...	...	...
Washington	Jan. 9-May 15, 1974	1,250	46	134	2	18	126C	None	...	...	...	...	...	...
West Virginia	Jan. 1-Mar. 10, 1973	1,881	167	533(d)	52	9	60L	None	...	...	...	...	...	...
Wisconsin	Jan. 7-Mar. 16, 1974	1,736	163	416	47	3	60L	None	...	...	...	...	...	...
Wyoming	Jan. 2-June 1, 1973	589	N.A.	365(d)	N.A.	7	90L	None	...	...	...	...	...	...
	Jan. 1-Apr. 11, 1974	470	N.A.	268(d)	N.A.	13	60L	None	...	...	...	...	...	...
	Jan. 15-Apr. 26, 1973	1,622	220	810	128	1	102C	None	...	...	...	...	...	...
	Jan. 3-June 30, 1973	1,322	105	557(d)	40	27	(e)	None	...	...	...	...	...	...
	Jan. 9, 1973-Jan. 8, 1974(f)	1,073	202	386(d)	47	85	(e)	None	...	...	...	...	...	...
	Jan. 8, 1974-Jan. 14, 1975	3,922	550	197	34	7	(e)	None	...	...	...	...	...	...
	Jan. 14, 1975-Jan. 12, 1976	1,189	146	307	36	32	(e)	None	...	...	...	...	...	...
	Jan. 16-Mar. 17, 1973	1,135	73	404	12	36	60C	None	...	...	...	...	...	...
	Jan. 15-Feb. 14, 1974	301	30	92	5	0	30C	None	...	...	...	...	...	...
	Jan. 3-May 27, 1973	14,781	184	1,045	72	288	114C	None	...	...	...	...	...	...
	Jan. 9-May 7, 1974	8,221	156	1,074	77	260	104C	None	...	...	...	...	...	...
	Jan. 10-May 24, 1973	2,317	N.A.	826	117	0	97L	None	...	...	...	...	...	...
	Jan. 16-Apr. 13, 1974	1,384	N.A.	656	59	0	64L	None	...	...	...	...	...	...
	Jan. 2-Mar. 16, 1973	960	171	516(d)	86	10	54L	None	...	...	...	...	...	...
	Jan. 1, 1973-Dec. 10, 1974	2,070	110	403	16	1	(e)	None	...	...	...	...	...	...
	Jan. 2-May 17, 1973	849	365	279	299	1	79L	None	...	...	...	...	...	...
	Jan. 8-May 17, 1974	696	373	313	315	9	76L	None	...	...	...	...	...	...
	Jan. 8-July 6, 1973	2,303	175	841(d)	59	16	180C	None	...	...	...	...	...	...
	Jan. 24-Jan. 24, 1974	135	18	72	7	1	15C	None	...	...	...	...	...	...
	Feb. 11-Feb. 24, 1974	...	...	...	...	...	...	None	...	...	...	...	...	...
	Jan. 2, 1973-Jan. 1, 1974(k)	3,092	252	211	65	4	(e)	None	...	...	...	...	...	...
	Jan. 1-Nov. 30, 1974	1,629	118	447(d)	2	52	(e)	None	...	...	...	...	...	...
	Jan. 2-May 5, 1973	2,496	N.A.	384	269	18	65L	None	...	...	...	...	...	...
	Jan. 1-May 29, 1974	1,710	N.A.	400	366	39	69L	None	...	...	...	...	...	...
	Jan. 9-July 6, 1973	1,494	N.A.	825	N.A.	6	(e)	None	...	...	...	...	...	...
	Jan. 8-Aug. 22, 1974	1,105	N.A.	663	N.A.	0	(e)	None	...	...	...	...	...	...
	Jan. 16-Mar. 16, 1973	649	5	354	0	1	45L	None	...	...	...	...	...	...
	Jan. 8-Feb. 15, 1974	654	8	378	1	5	50L	None	...	...	...	...	...	...
	Jan. 2-Jan. 11, 1973	...	...	...	...	...	8C(m)	None	...	...	...	...	...	...
	Feb. 27-May 4, 1973	2,589	479	570	N.A.	19	41L	None	...	...	...	...	...	...
	Jan. 8-July 6, 1974	2,383	447	626(d)	N.A.	21	47L	None	...	...	...	...	...	...
	Jan. 9-May 28, 1973	2,726	462	688	213	29	140C	None	...	...	...	...	...	...
	Jan. 8-Mar. 8, 1973	592	89	213	25	2	60C	None	...	...	...	...	...	...
	Jan. 14-Feb. 2, 1974	100	31	41	18	1	20C	None	...	...	...	...	...	...
	Jan. 3-Apr. 14, 1973	470	76	127	50	0	61L	None	...	...	...	...	...	...
	Jan. 2-Apr. 4, 1974	386	49	149	31	0	56L	None	...	...	...	...	...	...

State or other jurisdiction	Duration of session*	Regular Sessions						Extra Sessions						
		Introductions		Enactments		Measures vetoed	Length of session†	Introductions		Enactments		Measures vetoed	Length of session†	
		Bills	Resolutions‡	Bills	Resolutions‡			Bills	Resolutions‡					
Virginia	Jan. 9-Mar. 9, 1974 Jan. 8-Feb. 22, 1975	1,570 1,206	294 254	686 652	1 165	26 23	(e)	None	...	...	...	...	...
Washington	Jan. 8-Mar. 8, 1973	2,931	226	631(d)	2	93	60C	Mar. 9-Apr. 15, 1973 Sept. 8-Sept. 15, 1973 Jan. 14-Feb. 13, 1974 Apr. 15-Apr. 24, 1974	(i) (i) (i) (i)	(i) (i) (i) (i)	(i) (i) (i) (i)	(i) (i) (i) (i)	37C 8C 41C	
West Virginia	Feb. 14-Apr. 17, 1973 Jan. 9-Mar. 13, 1974	1,423 1,315	158 144	146(d) 152(d)	36 30	25 19	64C 64C	May 22-June 8, 1973 June 26-June 28, 1973 July 9-July 13, 1973 Apr. 29-May 24, 1973 June 11-July 3, 1974 July 29-July 30, 1974 Nov. 12-Nov. 13, 1974	170 140 130	36 17 40	37 3 18	13(d) 6 5	5 26C 23C	
Wisconsin	Jan. 1-Feb. 15, 1973 Mar. 13-July 26, 1973 Oct. 2-Oct. 26, 1973 Jan. 29-Mar. 29, 1974 Nov. 19-Nov. 20, 1974	2,501	403	341	N.A.	13	150L	Dec. 17-Dec. 21, 1973 Apr. 29-June 13, 1974 Nov. 19-Nov. 20, 1974	3 12 2	8 5 0	2 6 1	N.A. N.A. 0	0 0 0	5L (e) (e)
Wyoming	Jan. 9-Feb. 24, 1973 Jan. 22-Feb. 11, 1974	650 87	N.A. N.A.	251 23	N.A. N.A.	0 0	40C 20C	None	...	...	...	...	...
American Samoa	Jan. 8-Feb. 17, 1973 July 9-Sept. 8, 1973 Jan. 14-Mar. 1, 1974 July 8-Sept. 6, 1974	94 104 114 109	29 40 70 67	16 19 6 10	N.A. N.A. N.A. N.A.	14 5 11 6	30L 30L 30L 30L	Mar. 5-Mar. 15, 1973 Apr. 3-Apr. 5, 1973 Sept. 10-Sept. 19, 1973 Oct. 19-Oct. 19, 1973 June 3-June 11, 1974 Sept. 23-Sept. 27, 1974 Oct. 31-Oct. 31, 1974	6 3 1 0 1 0 0	1 0 1 0 1 0 1	2 3 0 0 0 0 0	1 0 0 0 0 0 0	11L 3L 10L 1L 9L 5L 1L	
Guam	Jan. 9-Dec. 20, 1973 Jan. 14, 1974-Jan. 12, 1975	1,004	351	229(d)	47	62	132L	None	...	...	...	...	...
Virgin Islands	Jan. 8-Nov. 29, 1973 Jan. 8, 1974-Jan. 3, 1975	503 359	45 56	103 147	39 39	14 29	63L 63L	Aug. 14-Aug. 29, 1973 Sept. 11-Oct. 9, 1973	43	1	36	1	0	17L

N.A. - Not available.
* Actual adjournment dates are listed regardless of constitutional limitations. Legal provisions governing legislative sessions, regular and special, are reflected in the table "Legislative Sessions—Legal Provisions."
† C—Calendar days; L—legislative days.
‡ Legislatures in these States begin new Legislatures in even-numbered years. These figures reflect this calendar. Louisiana and Mississippi have 4-year Legislatures.
§ Substantive measures only. Excludes honorary or commemorative measures.
(a) Includes honorary and commemorative measures.
(b) Proposed constitutional amendments only.
(c) Includes 5 bills in regular session and 26 bills in special session vetoed because they were the same as or for the same purpose as bills signed.
(d) Includes measures passed over the Governor's veto. California 1; Colorado 1; Illinois 5; Kansas 5; Massachusetts 12; Mississippi 9; Montana 1; Nebraska 5, 7; New Hampshire 1; New Jersey 28; North Dakota 3; Oregon 1; Pennsylvania 2; Tennessee 13; Washington 7; West Virginia 2, 3 and Ex. S. 2; Guam 19.

(e) California: A 239L, S 254L; Kansas: H 50L, S 49L; Massachusetts: 1973—H 179L, S 180L, 1974—H 116L, S 112L; Michigan: 1973—H 125L, S 127L, 1974—H 121L, S 116L; New Hampshire: H 78L, S 80L; New Jersey: 1973—A 25L, S 25L, 1974—A 43L, S 39L, 1975—A 84L, S 81L; Ohio: H 174L, S 167L; ES—H 17L, S 16L; Pennsylvania: 1973—H 98L, S 82L, 1974—H 38L, S 70L; South Carolina: 1973—H 104L, S 103L, 1974—H 123L, S 126L, ES—H 25L, S 26L; Virginia: 1974—H 44L, S 43L, 1975—H 39L, S 40L; Wisconsin: 1974 1st Special Session A 71L, S 17L; 2nd Special Session A 1L, S 2L.
(i) Session to fill President's or Ten. vacancy.
(j) "Trailer session" or special veto session.
(k) Run concurrently with regular session.
(l) Montana: Data for first regular session and first extra session combined. Washington: Data for regular and all extra sessions combined.
(m) This information was not available for publication in the 1974-75 edition of *The Book of the States*.
(n) House adjournment date. Senate adjourned December 31, 1973.
(o) Ceremonial bicentennial meeting of Legislature on site of original Legislature.
(p) Organizational session. Not included in legislative day limitation.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 60-62.

Appendix L

LEGISLATIVE PROCEDURE: HOUSE AND SENATE ACTION

State or other jurisdiction	Requirements for reading bills		Formal floor debate is after reading number	Use of consent calendars (a)	Recorded vote on final passage				Tabulation of recorded vote		Minimum members required to pass bill; majority of those (b)
	Number	On separate days			Recorded vote required on all bills		Required on request of members		Senate	House	
					Senate	House	Senate	House			
Alabama	3	Yes	2	...	Yes	Yes	...	...	M	E	Present
Alaska	3	Yes(c)	2	...	Yes	Yes	...	...	E	E	Membership
Arizona	3	Yes	(e)	H	Yes	Yes	...	...	M	E	Elected
Arkansas	3	Yes(d)	3	B	Yes	Yes	...	...	M	E	Elected
California	3	Yes(d)	3	B	Yes	Yes	...	...	M	E	Membership
Colorado	3	(f)	(e)	...	Yes	Yes	...	...	M	E	Elected
Connecticut	3	(g)	2	B	No(h)	No(h)	3/36	31/131	E	E	Present & voting (l)
Delaware	2	Yes	2	H	Yes	Yes	...	...	M	M	Elected
Florida	3	Yes(d)	2	B	Yes	Yes	...	...	E	E	Present
Georgia	3	Yes	3	...	No(h)	No(h)	5	1/5	E	E	Elected
Hawaii	3	Yes	3	B	Yes	Yes	...	...	M	M	Membership
Idaho	3	Yes(d)	3	...	Yes	Yes	...	...	M	M	Present
Illinois	3	Yes	3(j)	B	Yes	Yes	...	...	E	E	Elected
Indiana	3	Yes(d)	3	...	Yes	Yes(k)	...	...	E	E	Elected
Iowa	2	Yes	2	B	Yes	Yes	...	...	E	E	Elected
Kansas	2	Yes(d)	(e)	B	Yes	Yes	...	...	M	E	Elected
Kentucky	3	Yes(l)	3	B	Yes	Yes	...	...	M	E	Majority voting which includes 2/3 elected
Louisiana	3	Yes	3	H	Yes	Yes	...	...	E	E	Elected
Maine	2	Yes(d)	2	H	No	No	1/5	1/5	M	E	Present & voting
Maryland	3	Yes(d)	2	S	Yes	Yes	...	...	E	E	Elected
Massachusetts	3	Yes(m)	2	(n)	No(l)	No(l)	1/5	30	M	E	Present & voting (l)
Michigan	3	(f)	(o)	H	Yes	Yes	...	...	M	E	Elected & serving
Minnesota	3	Yes(d)	2	B	Yes	Yes	...	...	E	E	Elected
Mississippi	3	Yes(d)	3	...	Yes	Yes	...	...	M	E	Present & voting (l)
Missouri	3	Yes	(p)	H	Yes	Yes	...	...	M	E	Elected
Montana	3	Yes	2	...	Yes	Yes	...	...	E	E	Present & voting
Nebraska	2	Yes	1	...	Yes	Unicameral	...	...	E	E	Elected
Nevada	3	Yes(d)	3	(q)	Yes	Yes	...	...	E	E	Elected
New Hampshire	3	(f)	2	B	No	No	...	...	E	E	(r)
New Jersey	3	Yes(a)	3	B	Yes	Yes	...	...	E	E	Elected
New Mexico	3	(t)	3	B	Yes	Yes	...	...	M(u)	M(u)	Present
New York	3	(v)	(w)	B	No	No	5	1	M(u)	M(u)	Elected
North Carolina	3	Yes(d)	2,3	...	No	No	1/5	1/5	E	M	Present & voting (l)
North Dakota	2	Yes	2	B	Yes	Yes	...	...	E	E	Elected
Ohio	3	Yes(c)	(e)	...	Yes	Yes	...	...	M	E	Elected
Oklahoma	3	Yes	3	...	Yes	Yes	...	...	E	E	Elected
Oregon	3	Yes(d)	3	B	Yes	Yes	...	...	M	E	Elected
Pennsylvania	3	Yes	2	B	Yes	Yes	...	...	M	E	Elected
Rhode Island	2	Yes(y)	2	...	No	No	1/5	1/5	E	E	Present & voting (l)
South Carolina	3	Yes	2	H	No	No	5	10	M	E	Present & voting (l)
South Dakota	2	Yes	2	B	Yes	Yes	...	...	M	E	Elected
Tennessee	3	Yes	3	B	Yes	Yes	...	...	E	E	Membership
Texas	3	Yes(z)	2	B	No	No	3	3	M	E	Present & voting (l)
Utah	3	Yes(d)	(aa)	S	Yes	Yes	...	...	M	E	Elected
Vermont	3	Yes(ab)	2	...	No(l)	No(l)	1	5	M	M	Present & voting (l)
Virginia	3	Yes(ac)	3	S	Yes	Yes	...	...	E	E	Majority voting which includes 2/3 elected
Washington	3	Yes(d)	2,3(j)	B	Yes	Yes	...	...	M	E	Elected
West Virginia	3	Yes(z)	3	...	Yes	No	...	1/10	M	E	Present & voting (ad)
Wisconsin	3	(ae)	2	B	No(l)	No(l)	1/6	1/6	M	E	Present & voting (l)
Wyoming	3	Yes(d)	(e)	B	Yes	Yes	...	...	M	M	Elected
American Samoa	3	Yes	2	...	Yes	Yes	...	...	M	M	Membership
Guam	3(af)	Yes	2(ag)	S	Yes	Unicameral	...	...	M	E	Majority (x)
Puerto Rico	3	No	N.A.	...	Yes	Yes	...	...	M	M	Elected

Key:

- H—Lower House
- S—Senate
- B—Both chambers
- M—Manually
- E—Electronic vote tabulator
- N.A.—Not available.
- (a) "Consent calendar" means any special calendar for consideration of routine or noncontroversial bills, usually by a shortened debating or parliamentary procedure.
- (b) Special constitutional provisions requiring special majorities for passage of emergency legislation, appropriation or revenue measures not included.
- (c) Except by N vote, Alaska: Second and third readings on same day.
- (d) Except by 2/3 vote.
- (e) During Committee of the Whole.
- (f) Second and third readings on separate days. New Hampshire: First and second readings are by title upon introduction and before referral to committee. Bill remains on second reading until acted on by House or Senate.
- (g) Bills or joint resolutions originating with a committee may receive second reading the same day.
- (h) Roll call is not required, but is usually taken.
- (i) Not based on constitutional requirement.
- (j) Amendments to bills must be submitted at second reading.
- (k) Except concurrence in Senate amendments.
- (l) Except by majority vote.
- (m) If rules are suspended, all readings may be on separate days.
- (n) Usually once a week the regular daily calendar is used as a consent calendar.
- (o) Senate: during Committee of the Whole; House: 2.
- (p) After committee report and formal printing.

(q) A proposed constitutional amendment to allow use of consent calendar will go to the voters in November 1976.

(r) House: a majority of the members is a quorum for doing business, but when less than 1/3 members are present, the assent of 1/3 of those members present is necessary to render acts and proceedings valid. Senate: not less than 13 Senators shall make a quorum for doing business; the assent of 10 is necessary to render acts and proceedings valid.

(s) First and second readings may be on same day and second and third readings may be on same day upon roll call vote of 3/4 of members.

(t) Limited to two readings on the same day.

(u) By show of hands.

(v) Assembly: second and third readings on same day by unanimous consent or special provision of Rules Committee; Senate: first and second readings are upon introduction before referral to committee.

(w) Assembly: 3; Senate: during the Committee of the Whole.

(x) Number of votes required depends in most cases on the lapse of time from introduction (1st reading to 2nd). The longer the time, the fewer number of votes required.

(y) Except by unanimous consent.

(z) Except by 4/5 vote.

(aa) House: 1; Senate: 2 and 3.

(ab) If bill is advanced at second reading, it may be read third time on the same day.

(ac) Dispensed with for a bill to codify the laws and by a 4/5 vote.

(ad) A majority of elected members is needed to repass a bill amended by the other house.

(ae) Senate: no two readings on the same day. Assembly: second and third readings on separate days.

(af) Bills are occasionally passed with two readings and rarely with one.

(ag) Budget legislation in Committee of the Whole.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 68-69.

Appendix M

FLOOR RECORD KEEPING

	RECORDINGS	TRANSCRIPTS	MINUTES	RECORD OF ACTION
ALABAMA				0 ²
ALASKA			0	
ARIZONA				0 ¹
ARKANSAS				0
CALIFORNIA				0
COLORADO	0			0
CONNECTICUT	0	0		0
DELAWARE	0			0 ²
FLORIDA	0			0
GEORGIA				0
HAWAII				0
IDAHO				0
ILLINOIS	0	0		
INDIANA				0
IOWA				0
KANSAS				0
KENTUCKY				0
LOUISIANA				0
MAINE	0	0 ²		0
MARYLAND			0 ¹	
MASSACHUSETTS				0
MICHIGAN	0			0
MINNESOTA	0			0
MISSISSIPPI	0	0		0 ¹
MISSOURI				0
MONTANA				0
NEBRASKA	0	0		0
NEVADA				0
NEW HAMPSHIRE	0	(S)0		0
NEW JERSEY				0 ³
NEW MEXICO				0
NEW YORK	0	0		0
NORTH CAROLINA				0
NORTH DAKOTA				0
OHIO				0
OKLAHOMA				0
OREGON	0	0		0 ¹
PENNSYLVANIA	0	0 ³	(S)0 ³	
RHODE ISLAND				0
SOUTH CAROLINA	0			0
SOUTH DAKOTA				0
TENNESSEE	0			(S)0 ¹
TEXAS	0	0		0
UTAH	0			0
VERMONT				0
VIRGINIA				0 ¹
WASHINGTON	0			0 ¹
WEST VIRGINIA	0			0
WISCONSIN				0
WYOMING				0

KEY:

0 = Always, usually
 0 = Sometimes
 S = Senate only
 H = House only

NOTE:

Records of action are daily unless noted.
 1 = Published annually
 2 = Published biennially
 3 = Published intermittently

Source: Citizens Conference on State Legislatures, Legislative Openness: A Special Report on Press and Public Access to Information and Activities of State Legislatures (Kansas City: 1974), p. 114.

Appendix N

LEGISLATIVE PROCEDURE: BILL INTRODUCTION AND REFERENCE

State or other jurisdiction	Pre-session bill filing		Bills referred to committee by		Bill referral restricted by rule		Bill carryover
	1st session	2nd session	House	Senate	House	Senate	
Alabama.....	B	B(a)	Spkr.	Pres.	...	...	No
Alaska.....	B	B	Spkr.	Pres.	★	★	Yes
Arizona.....	B	B	Spkr.	Pres.	...	...	No
Arkansas.....	B	...	Spkr.	Rules Cmte.	★	★	...
California.....	(b)	(b)	Spkr.	Rules Cmte.	...	★	Yea(b)
Colorado.....	B	B	Spkr.	Pres.	...	...	No
Connecticut.....	B	B	Spkr.	Pres. Pro Tem	★	★	No
Delaware.....	B	B	Spkr.	Pres. Pro Tem	...	...	Yes
Florida.....	B	B	Spkr.	Pres.	(c)	...	H—(d); S—No
Georgia.....	No	No	Spkr.	Pres.	...	...	Yes
Hawaii.....	No	No	Spkr.	Pres.	★	★	Yes
Idaho.....	S	S	Spkr.	Pres.	...	...	No
Illinois.....	B	B	Cmte. on Asgn.	Cmte. on Asgn.	...	...	Yes(e)
Indiana.....	B	B	Spkr.	Pres. Pro Tem	...	...	No
Iowa.....	B	B	Spkr.	(f)	...	★	Yes
Kansas.....	B	B	Spkr.	Pres.	★	★	Yes
Kentucky.....	B	...	Cmte. on Cmtes.	Cmte. on Cmtes.	★	★	...
Louisiana.....	B	B	Spkr.	Pres.	★	★	No
Maine.....	B	...	Jt. Cmte. on Ref. of	Bills(g)	...	...	No
Maryland.....	B	B	Spkr.	Pres.	(h)	(h)	No
Massachusetts...	B	B	Clerk(g)	Clerk(g)	★	★	No
Michigan.....	N.A.	N.A.	Spkr.	Pres.(g)	N.A.	N.A.	Yes
Minnesota.....	No	B	Spkr.	Pres.	(i)	(i)	Yes
Mississippi.....	B	B	Spkr.	Pres.	...	...	No
Missouri.....	B	B	Spkr.	Pres. Pro Tem	★	★	No
Montana.....	B	...	Spkr.	Pres.	...	...	...
Nebraska.....	S	S	...	Ref. Cmte.	...	★	Yes
Nevada.....	B	...	Introducer	Introducer	...	...	...
New Hampshire.....	B	...	Spkr.	Pres.	★	★	...
New Jersey.....	B	No	Spkr.	Pres.	...	...	Yes
New Mexico.....	No	No	Spkr.	Presid. Offr.(j)	(c)	(c)	No
New York.....	B	B	Spkr.	Maj. Ldr.	...	...	Yes
North Carolina...	S	S	Spkr.	Pres.	(c)	(c)	Yes
North Dakota...	B	...	Spkr.	Pres.	★	★	...
Ohio.....	B	B	Ref. Cmte.	Rules Cmte.	...	...	Yes
Oklahoma.....	B	B	Spkr.	Pres. Pro Tem	...	...	Yes
Oregon.....	B	...	Spkr.	Pres.	...	...	...
Pennsylvania.....	B	B	Spkr.	Pres.	...	...	Yes
Rhode Island.....	No	No	Spkr.	Pres.	...	...	Yes
South Carolina...	B	B	Spkr.	Presid. Offr.	★	★	Yes
South Dakota...	B	B	Spkr.	Pres.	...	...	No
Tennessee.....	B	B	Spkr.	Spkr.	...	★	Yes
Texas.....	B	...	Spkr.	Pres.	★	...	...
Utah.....	B	B	Spkr.	Pres.	...	...	No
Vermont.....	B	B	Spkr.	Pres.	★	★	Yes
Virginia.....	B	B	Spkr.	Clerk	★	★	Yes
Washington.....	B	B	Spkr.	Pres.	...	...	Yes
West Virginia...	B	B	Spkr.	Pres.	★	...	No
Wisconsin.....	B	B	Presid. Offr.	Presid. Offr.	...	...	Yes
Wyoming.....	B	No	Spkr.	Pres.	...	...	No
American Samoa	B	B	Spkr.	Pres.	★	★	Yes
Guam.....	S	S	...	Rules Cmte.	...	★	Yes
Puerto Rico.....	B	B	Pres.	Pres.	★	★	Yes

Symbols:

- B—Both chambers
- S—Senate
- H—House
- N. A.—Not available.
- (a) Alabama has a four-year Legislature which meets biennially.
- (b) California has a continuous Legislature. Bills may be introduced at any time during the biennium. A legislative schedule is established for committee action however.
- (c) Except appropriations and/or taxation committees.
- (d) Bills are given first reading again in 2nd session. They are referred to the same committees or to the calendar at the Speaker's discretion.

- (e) Limited to emergency bills, appropriations bills, those placed on interim study calendar, by motion.
- (f) Majority leader, President Pro Tem, 2 assistant majority leaders.
- (g) Subject to approval or disapproval; Maine by membership of either house; Massachusetts by presiding officer; Michigan by Senate membership.
- (h) No, except for local bills in House and local bills and bills creating judgeships in Senate.
- (i) No, except for bills on government structure which go to Governmental Operations Committees and bills appropriating funds which go to Finance Committees.
- (j) At request of sponsoring senator.

LEGISLATIVE PROCEDURE: TIME LIMITATIONS ON BILL INTRODUCTION

<i>State or other jurisdiction</i>	<i>Time limit on introduction of legislation</i>	<i>Exceptions granted to time limits on bill introduction</i>
Alabama.....	30th L day.	House: $\frac{2}{3}$ vote of quorum present and voting. Senate: unanimous vote.
Alaska.....	2nd session only: 35th C day.	$\frac{2}{3}$ vote of membership. Standing committees. Governor's legislation introduced through Rules Committee.
Arizona.....	1st session: 36th day. 2nd session: 29th day. Special session: 10th day.	$\frac{2}{3}$ vote of quorum. Permission of Rules Committee.
Arkansas.....	Appropriations bills, 50th day; other bills, 55th day.	$\frac{2}{3}$ vote of membership.
California.....	None, except legislative schedule established for committee action.	.....
Colorado.....	1st session: 60th L day. 2nd session: 30th L day.	Committee on Delayed Bills. Appropriations Bills.
Connecticut.....	Fixed by General Assembly when adopting rules for the biennium.	Appropriations bills. Bills at request of Governor for emergency or necessity. Emergency legislation designated by presiding officers. Legislative revision and omnibus validation acts.
Delaware.....	House: fixed at beginning of session. Senate: none.	Majority vote.
Florida.....	House: 2nd Friday after 1st Tuesday for general bills and joint resolutions; 7th Friday after 1st Tuesday for local bills. Senate: 18th L day.	$\frac{2}{3}$ vote. Recommendation of Rules Committee.
Georgia.....	30th C day.	$\frac{2}{3}$ vote.
Hawaii.....	Deadlines are established during the course of the session.	$\frac{2}{3}$ vote.
Idaho.....	House: 25th day for individual members; 45th day for committees except for Appropriations, State Affairs, Revenue and Taxation, and Ways and Means. Senate: 15th day for individual members; 30th day for committees except for Finance and State Affairs Committees.	Speaker may designate any committee to serve as a privileged committee either temporarily or for the remainder of the session.
Illinois.....	Odd years: April 12. Even years: all bills shall be referred to Rules Committee.	$\frac{2}{3}$ vote. Odd years: all bills exempted by Rules Committee. Even years: committee bills, revenue and appropriations bills.
Indiana.....	House: odd year, 21st session day; even year, 3rd session day. Senate: odd year, 12th session day; even year, 4th session day.	House: $\frac{2}{3}$ vote. Senate: consent of Rules and Legislative Procedure Committee.
Iowa.....	House: odd year, 61st C day; even year, 15th C day. Senate: odd year, Friday of 7th week; even year, Friday of 2nd week.	Majority vote of membership, unless written request for drafting the bill was submitted before deadline. Committee bills.
Kansas.....	Odd year: 36th C day for individuals; 45th C day for committees. Even year: 14th C day for individuals; 30th C day for committees.	Majority vote. Committees on Ways and Means. Senate Committee on Organization, Calendar and Rules. House Committee on Federal and State Affairs. Authorized select committees.
Kentucky.....	No introductions during final 10 days.	Majority vote of elected members.
Louisiana.....	15th C day.	$\frac{2}{3}$ vote of elected members.
Maine.....	4th Friday after convening for drafting requests to Legislative Research, final form to be introduced no later than the 6th Tuesday following.	Approval of a majority of the members of the Joint Committee on Reference of Bills. Committee bills. Bills to facilitate legislative business.
Maryland.....	No introductions during last 35 days. Appropriations bills, 3rd Wednesday of January or, for new Governors, 10 days after convening of General Assembly.	$\frac{2}{3}$ vote.
Massachusetts....	1st Wednesday of December.	$\frac{2}{3}$ vote. Committee bills. Request of Governor
Michigan.....	None.	.....
Minnesota.....	None.	.....
Mississippi.....	90-day session: 16th day. 125-day session: 51st day.	$\frac{2}{3}$ present and voting. Revenue, local and private bills.
Missouri.....	Odd year: 60th L day. Even year: 30th L day.	Majority of elected members. Request of Governor. Appropriations bills.
Montana.....	18th day regular bills. 25th day revenue bills.	$\frac{2}{3}$ vote. Appropriations bills.
Nebraska.....	10 L days.	$\frac{2}{3}$ vote. Request of Governor. With approval of majority of members of a committee and $\frac{2}{3}$ elected members of Legislature.
Nevada.....	Bill drafting request only. House: 40th C day. Senate: none.	House: $\frac{2}{3}$ present. Committee bills.
New Hampshire....	Must be received for drafting by the 4th Thursday of April.	$\frac{2}{3}$ vote of membership.

<i>State or other jurisdiction</i>	<i>Time limit on introduction of legislation</i>	<i>Exceptions granted to time limits on bill introduction</i>
New Jersey.....	None.	.....
New Mexico.....	30th L day, 1st session only. Appropriations bill, 50th L day.	Odd year only, at request of Governor.
New York.....	1st Tuesday in March for unlimited introduction. Each member may introduce up to 10 bills until the last Tuesday in March.	Unanimous vote except for Fridays unless submitted by Governor, Committee on Rules or other chamber Committee on Rules. Consent of presiding officer. By message from other chamber. Members elected at special elections after 1st Tuesday in March.
North Carolina....	House: none. Senate: state agency bills by March 15 in 1st annual session.	$\frac{3}{4}$ vote.
North Dakota.....	Bills: 15th L day. Resolutions: 18th L day.	$\frac{3}{4}$ vote. Approval of Committee on Delayed Bills.
Ohio.....	House: after March 15 of the second regular session, a resolution to end introduction of bills may be passed by a majority vote. Senate: none.	House: majority vote.
Oklahoma.....	House: 1st session, 19th L day; 2nd session, 10th L day. Senate: 1st session, none; 2nd session, February 1.	$\frac{3}{4}$ vote. Revenue and appropriations bills.
Oregon.....	House: 29th C day. Senate: 36th C day.	Approval of Rules Committee, Joint Committee on Ways and Means, Speaker of House.
Pennsylvania.....	None.	.....
Rhode Island.....	50th L day.	House: unanimous vote. Senate: $\frac{3}{4}$ members present. Individual local and private bills.
South Carolina...	House: May 1 or if received from Senate prior to May 15. Senate: none.	House: majority vote. General or deficiency appropriations act.
South Dakota.....	45-day session: 20th day. 30-day session: 8th day. All committee bills 1 day later.	$\frac{3}{4}$ vote. General appropriations act.
Tennessee.....	House: general bills, 20th L day. Senate: general bills, 15th L day. Resolutions, 30th L day.	$\frac{3}{4}$ vote. Unanimous consent of Committee on Delayed Bills.
Texas.....	60 C days.	$\frac{3}{4}$ vote. Local bills. Emergency appropriations. Emergency matters by Governor.
Utah.....	House: 30th day. Senate: 35th day.	Majority vote.
Vermont.....	House: odd year, 5 weeks except proposals delivered to the Legislative Drafting Division by that time, then 12 weeks; even year, by agreement of Rules Committee may be prefiled by September 1 of odd year for next year. Senate: odd year, 53rd C day; even year, must be filed with the Legislative Drafting Division 25 days before session begins.	$\frac{3}{4}$ vote. Consent of Rules Committee, Appropriations and revenue bills. House only: committee bills introduced within 10 days after 1st Tuesday in March.
Virginia.....	Deadlines are set during the session. Municipal charter bills, 10-day limit.	Unanimous vote.
Washington.....	40th day for individual members, none for committee bills.	$\frac{3}{4}$ vote of elected members.
West Virginia....	House: 50th C day. Senate: 40th C day.	House: $\frac{3}{4}$ vote of all members of each house present and voting (permission of both houses must be granted by concurrent resolution setting out title of bill). Senate: $\frac{3}{4}$ vote of Senate members present and voting.
Wisconsin.....	None.	.....
Wyoming.....	Odd year: 18th L day. Even year: 8th L day.	Unanimous vote of elected members.
American Samoa...	10th L day.	$\frac{3}{4}$ vote. At request of Governor.
Guam.....	None.	.....
Puerto Rico.....	60th day.	Majority vote. Senate only: committee bills by Senate President.

Source: *Book of the States, 1976-77 (Lexington, Ky.: Council of State Governments, 1976), pp. 65-67.*

Appendix O

LEGISLATIVE PROCEDURE: STANDING COMMITTEE ACTION

State or other jurisdiction	Uniform rules of committee procedure			Public access to committee meetings required				Recorded roll call on vote to report bill to floor	
	House	Senate	Joint	Open to public		Advance notice (in days)		House	Senate
				House	Senate	House	Senate		
Alabama	Yes	No	...	Yes	Yes	....	....	Nv	Al
Alaska	No	No	...	Yes	Yes	....	....	Sm	Sm
Arizona	Yes	No	...	Yes	Yes	(a)	5	Nv	Nv
Arkansas	Yes	Yes	Yes	Yes	Yes	2	2	Al	Al
California	Yes	Yes	...	Yes	Yes	4	4	Al	Al
Colorado	Yes	Yes	...	Yes	Yes	2	2	Al	Al
Connecticut	Yes	Yes	Yes	(b)	(b)	....	....	Al	Al
Delaware	Yes	Yes	No	Yes	Yes	....	....	Nv	Nv
Florida	Yes	Yes	...	Yes	Yes	2(c)	10	Al	Al
Georgia	No	No	...	Yes	Yes	....	....	Nv	Nv
Hawaii	Yes	Yes	...	Yes	Yes	2	2	Al	Al
Idaho	Yes	Yes	...	Yes	Yes	....	....	Us	Us
Illinois	Yes	Yes	...	Yes	Yes	6.5	6	Al	Al
Indiana	No	No	...	Yes	Yes	1	3	Al	Al
Iowa	Yes	Yes	...	Yes	Yes	....	....	Al	Al
Kansas	Yes	Yes	...	Yes	Yes	(d)	....	Sm	Sm
Kentucky	No	No	...	Yes	Yes	3	3	Al	Al
Louisiana	Yes	Yes	...	Yes	Yes	5	5	Al	Sm
Maine	No	No	Yes	Yes	Yes	(d)	(d)	Sm	Sm
Maryland	Yes	Yes	...	Yes	Yes	(d)	(d)	Al	Al
Massachusetts	Yes	Yes	Yes	Yes	Yes	(e)	(e)	Nv	Nv
Michigan	Yes	No	...	Yes	Yes	....	....	Al	Al
Minnesota	Yes	Yes	Yes	Yes	Yes	3	3	Nv	Nv
Mississippi	No	No	No	Yes	Yes	....	....	Sm	Sm
Missouri	Yes	Yes	...	Yes	Yes	1	1	Al	Al
Montana	No	No	...	Yes	Yes	(f)	(f)	Al	Al
Nebraska	U	Yes	...	U	Yes	U	5-7	U	Al
Nevada	Yes	Yes	...	Yes	Yes	2	....	Sm	Al
New Hampshire	Yes	No	...	Yes	Yes	3	3	Al	Al
New Jersey	Yes	Yes	...	Yes	Yes	....	....	Al	Al
New Mexico	No	No	...	Yes	Yes	....	....	Al	Al
New York	Yes	Yes	...	Yes	Yes	7	7	Sm	Sm
North Carolina	No	No	No	Yes	Yes	(d)	(d)	Nv	Nv
North Dakota	No	No	...	Yes	Yes	....	....	Sm	Sm
Ohio	Yes	Yes	...	Yes	Yes	(d)	....	Al	Al
Oklahoma	Yes	Yes	...	No	No	....	....	Sm	Sm
Oregon	Yes	Yes	...	Yes	Yes	1	1	Al	Al
Pennsylvania	No	No	...	Yes	Yes	3	3	Al	Al
Rhode Island	Yes	Yes	Yes	Yes	Yes	....	....	Al	Al
South Carolina	Yes	Yes	...	Yes	Yes	....	....	Nv	Nv
South Dakota	Yes	Yes	...	No	Yes	2	2	Al	Al
Tennessee	Yes	Yes	...	Yes	Yes	(g)	(g)	Sm	Al
Texas	Yes	No	...	Yes	Yes	1	1	Al	Sm
Utah	Yes	Yes	Yes	Yes	Yes	....	....	Sm	Al
Vermont	Yes	Yes	Yes	Yes	Yes	....	....	Sm	Sm
Virginia	Yes	Yes	...	Yes(h)	Yes	(d)	(d)	Al	Al
Washington	Yes	Yes	...	Yes	Yes	5	5	Sm	Sm
West Virginia	No	No	...	Yes	Yes	....	....	Sm	Sm
Wisconsin	Yes	Yes	No	Yes	Yes	7	7	Al	Al
Wyoming	No	No	No	No(c)	No(c)	....	....	Sm	Sm
American Samoa	No	No	No	Yes	Yes	N.A.	N.A.	Nv	Nv
Guam	U	Yes	...	U	Yes	....	N.A.	U	Nv
Puerto Rico	Yes	Yes	...	Yes	Yes	N.A.	N.A.	Nv	Nv

Symbols:

U—Unicameral
 Sm—Sometimes
 Al—Always
 Nv—Never
 Us—Usually
 N.A.—Not available.
 (a) Rules: Thursday of previous week; Statute: 24 hours.
 (b) By practice, committee meetings are open to public; however, it is at the chairman's discretion to conduct meetings in executive session.

(c) During session, 2 days notice for first 45 days, 2 hours thereafter.
 (d) No specified time. Kansas: "due notice" is required by House rules. Maine: usually 7 days notice given. Maryland: "from time to time," usually 7 days. North Carolina: usually about 2 days. Ohio: "due notice" usually 7 days. Virginia: notice is published in the daily calendar.
 (e) Special bills only.
 (f) There is an informal agreement to give 3 days notice.
 (g) Committees meet on a fixed schedule during sessions. Five days notice required during interim.
 (h) Committee meetings are open only for final vote on bill.

Source: Book of the States, 1976-77 (Lexington, Ky.: Council of State Governments, 1976), p. 64.

Appendix P

CONSTITUTIONAL QUALIFICATIONS FOR ELECTION TO STATE OFFICE

State or other jurisdiction	Governor and Lieutenant Governor				Legislature					
	Age	U.S. citizen (years)	State citizen/resident (years)	Other	Age		State resident (years)		District resident, House & Senate (years)	Other
					House	Senate	House	Senate		
Alabama	30	10	7(a)	...	21	25	3	3	1	...
Alaska	30	7	(b)	...	21	25	3	3	1	(b)
Arizona	25	10	5(a)	...	25	25	3	3	1	(c)
Arkansas	30	(d)	7	...	21	25	2	2	1	(c)
California	(b)	5	5	(b)	(b)	(b)	3	3	1	(b, c)
Colorado	30	(d)	2	...	25	25	...	...	...	...
Connecticut	30	...	...	(b)	21	21	...	...	1	(c)
Delaware	30	12	6	...	24	27	3	3	1	(b)
Florida	30	...	7	(b)	21	21	2	2	1	(c)
Georgia (f)	30	15	6(a)	...	21	25	2	4	1	(c)
Hawaii	30	...	5	(b)	Age of Majority (g)		3	3	...	(b)
Idaho	30	(d)	2	...	(b)	(b)	...	...	...	(b, c)
Illinois	25	(d)	3	...	21	21	...	...	1	(c)
Indiana	30	5	5	...	21	25	2	2	1	(c)
Iowa	30	(d)	2	...	21	25	1	1	00 da.	(c)
Kansas (h)	...	...	...	...	...	...	...	...	...	...
Kentucky	30	...	6(i)	...	24	30	...	...	(e)	(b)
Louisiana	25	5	5	...	18	30	2	6	1	(a)
Maine	30	15	5	(j)	21	18	2	2	1	(b)
Maryland	30	...	5	(b)	21	25	1	1	3 mo.	(a)
Massachusetts	...	...	7	...	...	...	...	...	(k)	(c)
Michigan	30	...	(b)	...	...	...	...	5	...	(e)
Minnesota	25	(d)	...	(b)	21	21	...	...	(e)	(b, i)
Mississippi	30	20	5	...	(b)	(b)	1	1	6 mo.	(b)
Missouri	30	15	10	...	21	25	4	4	2	(b)
Montana	25	(d)	2	...	24	30	2	3	1	(b)
Nebraska	30	(d)	5	...	...	...	1	1	6 mo. (m)	(b)
Nevada	25	...	5(i)	...	U	21	U	U	1	(b)
New Hampshire	30	...	2	(b)	(n)	(n)	(n)	(n)	...	(b)
New Jersey	30	20	7	...	...	30	2	7	(e)	(b)
New Mexico	30	(d)	5	...	21	30	2(a)	4(a)	1	(b)
New York	30	(d)	5	...	21	25	...	...	(e)	...
North Carolina	30	5	2	...	...	...	5	5	1	(c)
North Dakota	30	(d)	5	(b)	...	...	...	...	1	(b)
Ohio (h)	(b)	...	...	(b, p)	21	25	2	2	(e)	(b, p)
Oklahoma	31	(d)	...	(b)	21	25	...	...	1	(b, i)
Oregon	30	(d)	3	...	21	25	...	...	(e)	(b, i)
Pennsylvania	30	(d)	7	...	21	21	...	...	1	(c)
Rhode Island	(b)	1 mo.	1 mo.	(b, d)	(b)	25	4(a)	4(a)	1	...
South Carolina	30	5	5(i)	...	21	(b)	1 mo.	1 mo.	1 mo.	(b, q)
South Dakota	...	(d)	2	...	...	...	...	...	...	...
Tennessee (r)	30	(d)	7(a)	...	25	25	2	2	...	(b, c, q)
Texas	30	(d)	5	...	21	30	3	3	1	(c)
Utah (s)	30	...	5(t)	(b)	21	26	2	5	1	(b, c)
Vermont	...	...	4	...	25	(b)	3	3	6 mo.	(b, c)
Virginia	30	(d)	5	...	...	30	2	...	(e)	...
Washington	(b)	(d)	5	(b)	21	21	...	...	(e)	...
West Virginia	30	...	5(a)	(a, b)	(b)	(b)	...	...	...	(b, c)
Wisconsin	(b)	(d)	...	(b)	(a, b)	25	5(a)	5(a)	1	(b, o)
Wyoming	30	(d)	5	(b)	(b)	25	1	1	...	(b)
American Samoa	(t)	...	...	...	25	30	(u)	(u)	(e)	(c, v)
Guam	30	(d)	5	...	U	25	U	5	...	(c, v)
Virgin Islands	30	5	...	(b)	...	21	...	3	3	(b, c)

* Some States may have established statutory qualifications.
† The State does not provide for office of Lieutenant Governor.
U—Unicameral Legislature.
(a) Citizen of the State.
(b) Must be a qualified voter. Maryland: 5 years; Michigan: Governor 4 years; Oklahoma: 10 years; Virginia: 5 years.
(c) U.S. citizen. Maine: 5 Years.
(d) Number of years not specified.
(e) Reside in district, no time limit. Massachusetts: House 1 year; Vermont: House 1 year; American Samoa: House 1 year.
(f) State constitution provides for a Lieutenant Governor who shall be elected at the same time, for the same term, and in the same manner as the Governor, but no qualifications are prescribed.
(g) The age of majority in Hawaii is 18.
(h) Kansas and Ohio have no constitutional qualifications for the Office of Governor; however, they provide that no member of Congress or other person holding a state or federal office shall be Governor.
(i) Resident and citizen.
(j) Governor must be resident of the State during the term for which he is elected.

(k) If the district had been established for at least 6 months, residency is 6 months. If the district was established for less than 6 months, residency is length of establishment of district.
(l) No person convicted of a felony for breach of public trust within preceding 20 years or convicted for subversion shall be eligible.
(m) Shall be a resident of the county if it contains one or more districts or of the district if it contains all or parts of more than one county.
(n) By statute an age 21 minimum has been established for membership in the Legislature and 1 year state residency.
(o) A conflict exists between two articles of the constitution specifying age for house members. Depending on interpretation, minimum age is 21 or age of qualified voter (18).
(p) No person convicted of embezzlement of public funds shall hold any office.
(q) No bribery convictions. South Dakota, West Virginia: No bribery, perjury, or infamous crimes.
(r) Office of Lieutenant Governor was created by statute. He is chosen by members of the Senate of which he is a member and the office bears the title of Speaker. The Speaker must reside one year immediately preceding his election in the county or district he represents.
(s) By statute the Secretary of State holds the office of Lieutenant Governor ex officio.
(t) Live in American Samoa for 5 years and bona fide resident 1 year.
(v) Senator must be a registered voter.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 214-215.

Appendix Q

STATE COMPENSATION COMMISSIONS

State or other jurisdiction	Commission	Number of members	Jurisdiction		Recommendation submitted to	Authority of recommendations
			Salaries	Benefits and/or expenses		
Alabama	...	...	...	...	...	...
Alaska	...	...	...	...	...	...
Arizona	Commission on Salaries for Elected Officers	5	EO, L, J	...	L—referendum; EO, J—Gov.	Advisory only
Arkansas	...	...	...	...	...	...
California	...	...	...	...	...	...
Colorado	Colorado State Officials' Compensation Commission	9	EO, AO, L, J	EO, AO, L, J	Sen. Pres., House Spkr., Gov., Chief Justice	Advisory only
Connecticut	Compensation Commission for Elected State Officials and Judges	11	EO, L, J	EO, L, J	Legislature	Advisory only
Delaware	...	...	...	...	...	...
Florida	State Officers Compensation Commission	9	EO, L, J	EO, L, J	Legislature	Advisory only
Georgia	State Commission on Compensation	12	EO, AO, L, J	...	Gov., Lt. Gov., House Spkr., House Clerk, Senate Secy., Leg. Counsel, Chief Justice of S.C. and Ct. of Appeals	May be accepted or rejected only
Hawaii	Commission on Legislative Salary	10	L	...	Legislature	Advisory only
Idaho	Legislative Compensation Commission	6	L	L	Legislature	Effective unless rejected (a)
Illinois	Commission on Compensation of State and Local Governmental Officials	5	EO, AO, J	...	Legislature, Governor	Advisory only
	Advisory Committee on Compensation of General Assembly Members	7	L	...	Legislature (first session)	Advisory only
Indiana	...	...	...	...	...	...
Iowa	Commission on Compensation Expenses and Salaries for Elected State Officials	15	EO, L, J	EO, L, J	Legislature	Advisory only
Kansas	...	...	...	...	...	...
Kentucky	...	...	...	...	...	...
Louisiana	Compensation Review Commission	9	EO, AO, L, J	EO, AO, L, J	Legislature, Governor	Advisory only
Maine	...	...	...	...	...	...
Maryland	General Assembly Compensation Commission	9	L	L	Legislature	May be reduced, accepted, or rejected; no action constitutes acceptance
Massachusetts	Advisory Board on Legislative & Constitutional Officers' Compensation	7	EO, L	EO, L	Legislature	Advisory only
Michigan	State Officers Compensation Commission	7	EO(b), L, J(c)	EO(b), L(d), J(c)	Legislature	May be rejected by $\frac{2}{3}$ vote of members in each house
Minnesota	...	...	...	...	...	...
Mississippi	...	...	...	...	...	...
Missouri	...	...	...	...	...	...
Montana	Montana Salary Commission	8	EO, L, J	EO, L, J	Legislature	Advisory only
Nebraska	...	...	...	...	...	...
Nevada	...	...	...	...	...	...
New Hampshire	...	...	...	...	...	...
New Jersey	...	...	...	...	...	...
New Mexico	...	...	...	...	...	...
New York	State Commission on Legislative and Judicial Salaries	9	L, J	L, J	Governor	Advisory only
North Carolina	Advisory Budget Commission	12	AO	...	Legislature	May be accepted or rejected only; no action constitutes acceptance
North Dakota	Legislative Compensation Commission	5	...	L	Legislature	May be reduced, accepted, or rejected
Ohio	...	...	...	...	...	...
Oklahoma	Board on Legislative Compensation	11	L	...	Legislature	Recommendation is final and binding
Oregon	...	...	...	...	...	...
Pennsylvania	...	...	...	...	...	...
Rhode Island	...	...	...	...	...	...
South Carolina	...	...	...	...	...	...
South Dakota	Commission on Salaries for Elective State Officials	5	EO, L, J	...	Legislature, Governor	Advisory only
Tennessee	...	...	...	...	...	...
Texas	...	...	...	...	...	...
Utah	Utah Executive Compensation Commission	5	EO, AO, J	EO, J	Legislature, Board of Examiners	Advisory only
Vermont	Legislative Pay Board	5	L	L	Legislature	Advisory only
Virginia	...	...	...	...	...	...
Washington	...	...	...	...	...	...
West Virginia	Citizens Legislative Compensation Commission	7	L	L	Legislature	May be reduced, accepted, or rejected
Wisconsin	Personnel Board/Director, Bureau of Personnel	...	(e)	...	Jt. Cmte. on Employment Relations (f)	(f)
Wyoming	...	...	...	...	...	...
American Samoa	...	...	...	...	...	...
Guam	Executive, Judicial and Legislative Compensation Commission	9	EO, AO, L, J	EO, AO, L, J	Legislature	Advisory only
Virgin Islands	...	...	...	...	...	...

EO—Elected Officials.
AO—Administrative Officials.
L—Legislators.
J—Judges.

(a) An Attorney General opinion advised that the "effective unless rejected" provision violated the constitutional requirements for reading bills on 3 separate days before they could become law. Commission is not operative.

(b) Governor and Lt. Governor only.

(c) Judges of Supreme Court only.

(d) Expenses only.

(e) All state officials—elected, appointed, and employees under classified service—are grouped for salary purposes. The state officials compensation plan consists of 10 executive salary ranges.

(f) Joint Committee on Employment Relations may modify report submitted to it. Governor may disapprove modifications within 10 calendar days. The Joint Committee may override Governor by $\frac{2}{3}$ vote.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 56-57.

State or other jurisdiction	TRAVEL ALLOWANCE			EXPENSE ALLOWANCE				
	During session (Regular & special)			Living expenses per day				
	Per mile	Round trips home to Capitol	Between sessions, per mile	During session (Regular & special)		Between sessions		Other
				Vouchered	Not vouchered	Vouchered	Not vouchered	
North Dakota	10¢	seven	15¢	...	\$60/7 day wk.	\$16 lodging, up to \$10 food	...	\$1,800 biennially for expense allowance (unvouchered)
Ohio	15¢	weekly	...	...	...	...	...	...
Oklahoma	12¢	weekly	12¢	...	...	...	...	Telephone credit card up to \$480/yr.; 3,000 8¢ stamps
Oregon	...	...	14¢ cmte. business only	...	\$35/7 day wk.(b)	\$35/cmte. meeting(h)	...	\$175/mo. interim expenses (unvouchered); interim telephone expense up to \$60/mo. for legislators living 75 mi. or more from Capitol, less than 75 mi., \$40
Pennsylvania	12¢	weekly	15¢	...	...	...	\$44 non-legislative days, in or outside Capitol	\$5,000 annual for expenses (vouchered)
Rhode Island	8¢	unlimited	...	...	...	...	...	...
South Carolina	14¢	weekly	14¢	\$25	...	\$25	...	\$200/session for postage
South Dakota	5¢	one	14¢	...	\$25	\$20	...	...
Tennessee	15¢(i)	weekly	15¢(i)	...	\$50/90 L(i)	...	\$50/90 L(i)	\$127(i)/mo. for telephone, secretary, and other assistance (unvouchered)
Texas	16¢ cars, 21¢ airplanes	weekly	House only: 1¢ cars, 21¢ airplanes	...	\$30/L day	Senate(d)	House \$30	Senate: all necessary office expenses except \$5,500/mo. in session and \$3,900/mo. interim limit on staff salaries (vouchered); House: \$4,000/mo. in session, \$3,000/mo. interim office expenses
Utah	14¢	weekly	14¢	...	\$15	(d)	...	...
Vermont	11¢	weekly	11¢	...	\$10 if lives at home; \$30 if housed at capital	(d)	...	...
Virginia	13¢	weekly	13¢	...	\$50	...	\$50	\$4,800 annually for secy. or admin. asst. (vouchered)
Washington	13¢	weekly	13¢	...	\$40	...	\$40	Postage, stationery, \$50/mo., 12 mo./yr. (unvouchered)
West Virginia	15¢(a)	weekly	15¢(a)	\$22/7 day wk. lodging, \$15/7 day wk. meals and misc.(j)	...	\$22 lodging, \$15 meals and misc.	...	...
Wisconsin	11¢ 1st 600 mi.; 7¢ thereafter	weekly	(d)	\$25	...	(d)	...	\$75 Senators, \$25 Representatives monthly interim expense allowance (unvouchered)
Wyoming	10¢	one	10¢(a)	...	\$36/7 day wk.	...	\$36	Stationery, postage, telephone credit cards, miscellaneous supplies
American Samoa	(g)	...	(g)	(g)	...	(g)	...	...
Guam	...	...	(a)	...	\$50	(a)	...	Out-of-state travel \$60/day, 13¢/mi. Postal & telegraphic
Puerto Rico	15¢ per km. and no less than \$10	weekly	15¢	...	\$20 if residence within 50 km. of Capitol; \$25 if residence exceeds 50 km.	...	\$20 if residence within 50 km. of Capitol; \$25 if residence exceeds 50 km.	...
Virgin Islands	(k)	unlimited	(k)	...	...	...	...	...

Abbreviations: L—Legislative days; C—Calendar days.
(a) In lieu of air fare/common carrier.
(b) Each legislator is allowed the use of a car purchased and maintained by the State for use on legislative business. Each legislator is also reimbursed for the actual expense of any public transportation used.
(c) For legislators living outside the Denver metropolitan area only: daily round trip or one weekly round trip and \$10 per diem, vouchered for lodging. Legislators from Denver receive no expense allowance. Effective January 1975: For legislators living outside the Denver metropolitan area only: daily round trip at 12¢ per mile and \$10 per diem vouchered for actual expenses or one weekly round trip at 12¢ per mile and \$20 per diem vouchered for lodging and actual expenses. Legislators from Denver \$10 per diem vouchered for actual expenses and travel. Mileage increase only effective for legislators elected in 1974.
(d) Actual and necessary expenses incurred for attendance at official legislative functions.
(e) May be reimbursed for turnpike tolls.
(f) Each member depending on where he lives receives a per diem allowance for mileage, meals and lodging from \$2 to \$32 per day.
(g) Same as all other government employees. Minnesota travel and lodging reimbursement in addition to per diem.
(h) Effective 1977: Montana \$40; New Hampshire first 45 mi. 30¢/mi., all in excess of 45 mi. 15¢/mi. to maximum of \$40/day; Oregon \$39/day.
(i) Approximately; see fin. (a) Table 7.
(j) In lieu of lodging, member may be reimbursed for daily round trip from his residence and Capitol at 15¢/mi. not to exceed \$22/day.
(k) Use of legislative cars, travel vouchers.

Source: *Book of the States, 1976-77* (Lexington, Ky.: Council of State Governments, 1976), pp. 50-53.