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The Desirability of Change in Colorado's Legislative Organization and Procedure

BY HUBERT D. HENRY*

It is my purpose to state, first, some reasons for making some changes in Colorado's legislative organization and procedure, and then to suggest some of the changes which I feel should be made. Some of the changes can be brought about by amending article V (the legislative department article) of the state constitution; others can be brought about by statute, without amending the constitution; and still others can be brought about by amending the rules of the legislature.

The Failure of the State to Accept Its Responsibility in the Federal System

The failure of the state to accept its responsibility in the federal system has had the attention of many officers and students of government, and has been the subject of several articles in recent years, which state the problem far more ably than I could. Among the most recent articles is the fine one by Professor Leo C. Riethmayer, of Texas Technological College, in *State Government*, March, 1946, p. 91. Professor Riethmayer says:

"The assumption by the national government of powers that have been traditionally reserved to the states is a subject receiving much attention today. Many students of social trends have viewed this shift of power with increasing alarm, but few of them have attempted to determine the causes for the decline of so-called states' rights within the federal system, or to propose an effective remedy.

"The following quotation from a statement by former Governor J. Broughton of North Carolina is typical, however, of the suggestions that are being made by realistic students of the problem: 'Those of us who believe in the fundamental principles of states' rights and local self-government may as well concede frankly that much of the almost terrifying expansion of federal encroachment upon the original domain of the states has come about because state governments failed to meet the challenge of the new day The best answer, indeed the only one, to the alarming and rapid spread of federal en-

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croachment is to give the people a better government through state agencies, Conditions like these cannot be met either by harking back or moaning low'.

" . . . I agree that the way to prevent further centralization of power in the national government is to provide better state governments—governments that are able and willing to cope with present-day social problems." . . .

" . . . And it must be emphasized that if the states do not satisfy the demands of the people, the national government will find ways and means of doing so"

A state legislator, Jarvis Hunt, president of the Massachusetts Senate, in *State Government*, September, 1944, p. 400, says:

"I have been one of those who, both by articles and in public talks, have decried the loss of states' rights and the encroachments of the federal government upon the powers of the state legislatures. It has occurred to me, however, that the state legislatures themselves are somewhat to blame for this loss of power because their failure to operate effectively and co-operatively has led to the interference of the various bureaus connected with the federal government.

"I think the loss of these rights has come about because of two reasons—the prevalent desire of state legislators and legislatures to avoid responsibility whenever possible, that is 'to pass the buck'; and the fact that we have not modernized our procedure to keep pace with the increased tempo of modern times. The first defect can be cured only by having our state governments insist upon their sovereignty and assume the responsibility for those many matters of public policy that we now allow the federal government to control. The second can be cured by a general overhauling and modernizing of our procedural machinery and should be done by the legislatures themselves."

Frank Bane, able director of the Council of State Governments, in *State Government*, March, 1945, p. 48, says:

"Distinguished representatives of the States have repeatedly urged:

"The future of state governments—like the future of the nation, of private business, and of any other institution—will depend less on its constitutional and legal prerogatives than on what it can contribute to the general welfare.

"It is one thing to talk about state rights, but the way to have them is for the States to get in and do their own jobs.

"The best answer, indeed the only one, to the alarming and rapid spread of federal encroachment is to give to the people a better government through state agencies."

Governor Herbert R. O'Connor, of Maryland, in *State Government*, August, 1945, p. 128, says:

"But in order to meet their responsibility it is essential that the states keep their own houses in order. For years, some have had two attitudes. One was to deplore the widening of the federal authority. The other was to

seek, or at least, to rely upon, the widening of the federal authority to accomplish ends to which their self-interests or their social conscience committed them. Various kinds of public improvements that could have been erected by the states have been erected in whole, or in part, by the federal government. And, in return for these gifts, the states have permitted extensions of federal authority into domains that they could have reserved for themselves. Often in social legislation a somewhat similar process has been followed.

"The lesson is plain. The states, if they wish to avoid unnecessary erosion of their functions, must be prepared to do more than deplore federal extensions. They must have the self-respect to support their professions of authority and dignity by assumption of responsibilities."

Thomas L. Stokes, in *State Government*, June, 1944, p. 344, explains the rapid increase of functions of the federal government after the depression in the following words:

"It was natural that the people, once their immediate requirements for food and shelter and clothing had been met, should look to their long-time needs, should think of patching up the system which had broken down—some even wanted to remake it completely—and it was natural that they should look to the federal government. For the states had shown no disposition to keep the economic and social system in repair during the easy days.

"So we had an era of reform. It was long overdue. Therefore it was necessarily, in some respects, hasty and ill-considered. There were leadership and direction and drive from the top in government, but the people were ripe for reform and change and did not ask too many questions about how it was done. The administration in reality was not ahead of the people, but was only acting to realize their long held aspirations and hopes

"This presented the challenge to the states. Luckily, it can be reported, they have awakened to it, through their governors, and are trying to meet it. Luckily, also, it can be said that they (the governors) frankly realize, most of them, that the only way to save the federal-state system is for the states to accept their responsibilities, to take the initiative, and not to content themselves with long and trite speeches about 'states' rights'."

The Failure of the Legislative Branch to Maintain Its Coordinate Position Among the Three Branches of Government

Our government is made up of three coordinate branches. If our republican form of government is to be maintained, these three branches must maintain their coordinate positions. However, the legislatures have not always been of equal confidence and repute with the other branches. Professor O. Douglas Weeks, of the University of Texas, in *State Government*, July, 1943, p. 162, says:

"Few agencies of American government have been held in lower repute than the state legislatures. Our state constitutions, almost without exception,

bear witness to this fact when we consider the straitjackets into which they have forced the lawmaking assemblies, and in so doing, they have but reflected the attitudes of the people. The Revolutionary slogan that government is but a necessary evil came to be applied more or less exclusively to these bodies. Their prestige progressively declined throughout the nineteenth century and well into the twentieth, when the state legislative process was regarded as a 'battle of rival rogues' in which the people were jackasses and the representatives jackals. The supposed general incompetence of state legislators, the archaic and cumbersome structure and organization of the legislative bodies, the expansion of the administrative function of government, and the increasing encroachment of Congressional power upon the state legislative sphere served to presage until not many years ago complete obloquy for the governmental organs which in the original state constitutions had been given the topmost place.

"During the last two decades, however, conditions have arisen which have conspired to alter this dismal prospect. A leading contemporary authority on state government writes that 'In recent years there has been a notable improvement, due to increased popular interest in public affairs, to a greater realization of the importance of the states, to higher standards of political ethics, and in no small measure to active agencies working for the improvement of legislation. As state governments have been reorganized and improved, men of greater ability and better character have been willing to devote their time and energy to legislative work.' This development has been all the more strange when we consider the tremendous increase in the volume of state legislative work and the growing complexity and technical character of the subject matter with which state legislatures have been confronted since the first World War and, particularly, as a result of the New Deal and the more recent demands of the present emergency. However, it may be more nearly accurate to conclude that these very conditions have forced the change and have inspired American ingenuity to improve a phase of government so long neglected. Moreover, it is not altogether wrong to assume that Americans have been impressed by the necessity of preserving and revitalizing their representative bodies, which now, more than ever, are the very earmarks and symbols of beleaguered democracy.

". . . Their legislative product has been definitely improved, due largely to the recent multiplication of 'agencies of knowledge', official and non-official, which have grown up around them and which have aided them in a great variety of ways."

In *State Government*, May, 1943, appears an essay on federalism by Professor William Anderson. The response of president Harold W. Dodds of Princeton University, in *State Government*, June, 1943, p. 143, contains the following statement:

"Unless Congress and the legislatures can organize themselves as effective

legislative and controlling bodies further abdication to executive power is inevitable.

"Centralization of power, political or economic, has always been viewed, and properly so, as a threat to liberty. As government moves farther and father away from the people geographically, and as power becomes more concentrated, both the ability and the desire of the citizens to control it are weakened. Only by making Congress and the legislatures efficient and responsible can the citizen hope to control his government. If a citizen loses his sense of participation in political decisions he becomes the tool rather than the author of government."

Annual Sessions of the Legislature

Of the changes which should be brought about by amending article V of the state constitution, the first one is for annual sessions of the legislature. The general assembly now meets on the first Wednesday of January in each odd numbered year. Biennial sessions of the legislature date back to colonial days and are no longer adequate for the tremendous responsibilities of state legislation in these fast moving times. Compare conditions which existed at the time of the adoption of the Colorado Constitution nearly seventy years ago, in 1876, with the conditions with which we are now faced. The population has increased from 100,000 to 1,200,000. Biennial appropriations of the state legislature have increased from \$200,000 to \$23,000,000. A large rural population has become largely urban population; there has been a great shift from agriculture to industry; in transportation we have moved from the horse and wagon to the automobile and airplane; and the attitude of the government has changed from that of a government which governed as little as possible to a government which has found it necessary to provide many services, such as public assistance, old age pensions, public health services and numerous others. These shifts of the past seventy years have brought about complex social relationships requiring complex laws to regulate these relationships. They have brought about the public utilities commission and the regulation of public utilities; the industrial commission and the regulation of the relationship between employer and employee; workmen's compensation; unemployment compensation; the state welfare department and all kinds of public welfare assistance; the construction, regulation and use of highways. They have also brought about a shift of revenue raising from an ad valorem tax on real property to inheritance taxes, income taxes, sales taxes, motor vehicle taxes, gasoline taxes, and excise taxes of many kinds. Biennial sessions were adequate in those days but not now.

Professor Weeks, in his article in *State Government*, July, 1943, p. 163, says:

"Another development of the past decade has been the emphasis placed upon the need for more frequent legislative sessions and for changes in ses-

sional arrangements. Increased business demanding continuous attention has brought about a marked augmentation of interim legislative activity on the part of officers and agencies of the legislatures and has required the calling of an exceptional number of special sessions. The depression, the requirements of the New Deal program, and the exigencies of defense and war have been responsible. The crest with respect to called sessions was reached in 1936 and 46 were held, but the need for abandonment of biennial sessions and of sessional time limits was demonstrated and is still urgent. The drafters of the *Model State Constitution* (1941) went so far as to recommend quarterly sessions; students of public administration have favored annual sessions for budgetary and other finance purposes; and much discussion of the need for such sessions has taken place in legislative circles."

There are at present five states which have annual sessions of the legislature. One of these, Massachusetts, abandoned annual sessions in 1938 and returned to them in 1944. They did not work out, and Jarvis Hunt, president of the Massachusetts Senate, tells why in *State Government*, September, 1944, p. 403. He says:

"In 1938, the people of Massachusetts determined to amend our constitution to change from annual to biennial sessions of the legislature. The chief reason for the change was the saving in cost to the commonwealth and the fact that the citizens were beginning to resent legislative interference in their private affairs and businesses. It has always been my own belief that much of this resentment against legislative interference was due to the increasing regulation on the part of the federal government and this resentment was taken out on the state legislature. In any event, beginning with the 1939 session, the sessions of the legislature became biennial. To my mind, biennial sessions have not proved the advantage they were believed to be. The state has not been saved any great amount of money. Bureaucratic interference in private affairs and the conduct of business has proved much worse than legislative interference. The government of the state has been removed from the representatives of the people for a longer period of time, the calibre of men running for the legislature has not improved. The number of members returning with legislative experience has greatly decreased. The presiding officers at the beginning of the term find that they have fewer men of experience to take leading positions on important committees. It has often been said that it takes a legislator at least one term to become accustomed to the job of legislating. As the legislature prorogues in June of the first year of the biennial, the legislator finds himself without legislative duties for a year and a half of his term. The temptation for him to become interested in some other field of activity is very great, and the inducement to run for re-election after a year and a half of legislative inactivity is considerably lessened.

"Our government is composed of three co-ordinate branches, the ex-

ecutive, the judicial and legislative. They were designed each to check the other. With one of these branches on vacation for at least one-half the time, the tendency is for the other two branches to gain power at the expense of the third. While the system has shown no serious defects in Massachusetts to date, many situations have arisen where an unscrupulous executive or judiciary could usurp the function of the legislature As long as we follow the principle that we will be governed by laws made by men chosen by us to do the lawmaking and men responsible to us in the matter of making laws, we should see to it that our laws are made by the legislature and by no other body. It is a disputed question, therefore, whether the change to biennial sessions in the commonwealth of Massachusetts resulted in any improvement in legislation or legislative procedure."

Apparently Massachusetts felt biennial sessions were unsatisfactory, because after this article was written Massachusetts abandoned biennial sessions and returned to annual sessions.

New York has found annual sessions somewhat satisfactory. According to *State Government*, September, 1943, p. 196:

"Abbot Low Moffat, until his recent resignation, Chairman of the New York Assembly's Ways and Means Committee, supports the argument for annual legislative sessions in a message re-affirming the role of the legislature as guardian of the people's rights.

"Pointing to the annual budget reduction in his state of about \$40,000,000 between 1939 and 1943, effected by the legislature, Mr. Moffat added: 'I am quite convinced that we would never have been able to accomplish this result had we met only every other year.' Biennial sessions, he said, tend to make large financial allowances for contingencies. If these do not materialize, unnecessary expenditures result."

This question is also discussed by John A. Perkins, of the Department of Government, University of Rochester, in *State Government*, November, 1944, p. 448. Mr. Perkins says:

"Finally, biennial sessions in forty-four states make it difficult to budget accurately, the first fiscal commandment for proper legislative control."

Then after discussing the above statement of Abbot Low Moffat, Mr. Perkins continues:

"Governor Kelly of Michigan recognized that it was farcical to budget state requirements for a two-year period and in 1943 wisely suggested that 'if this Legislature finds it more expedient to provide for one year of the future, instead of the customary two, I shall call you back to a subsequent session.' A special budget session lasting only a fortnight was called in 1944. Superiority of one-year budgeting was proved, and Michigan's legislature in 1945 will again be asked to appropriate for one year. Since thirty-six legislatures met in regular and special sessions in each of the last two years, there may be a general recognition that it is better to reconsider the financial plan

annually. The governors in all states have power to call special sessions and can effectuate this reform with legislative co-operation."

In the past four years Colorado has had five sessions of the legislature—two regular and three special sessions. However, the calls for the special sessions were so limited that not a great deal could be accomplished in any of these special sessions.

Members of the House are elected for two year terms. Shortly after their election they begin to serve in the regular session. It takes one full session for a member to become acquainted with legislative procedure and with the other members of the assembly. Now a member of the House, having gained such experience, must return home and stand for re-election (while forgetting most of what he learned), before he can come back to the legislature and put what little he remembers of his experience to work. If the legislature had annual sessions, every member would be assured one session during which he could put his experience to work before having to stand for re-election. Section 7 of article V should be amended to provide that the general assembly shall meet annually.

Other Amendments to Section 7

Section 7 should also be amended to provide for the meeting of the general assembly on the first Wednesday after the first Tuesday of January instead of on the first Wednesday. This would eliminate meetings on New Year's Day, a legal holiday, and the lapse of thirteen days after convening before inauguration of state officers in such years, when in all other years the lapse is only six days.

To section 7 should also be added to the present provision that the governor may convene the general assembly in special session a provision that a majority of the members of each of the two houses may convene the general assembly in special session. Those who have the primary responsibility for legislation should have this power, in addition to the governor.

Four Year Terms of Office

In order to give greater continuity to the legislative program, as well as to insure experienced legislators in every session, representatives should be given four year terms, as senators now have, instead of the present two, with half of the House elected biennially. This would require an amendment to sections 3 and 5 of article V.

Division of Counties for Purposes of Representation

The practice of electing a large number of representatives at large from a single county, as in Denver where fifteen are elected, prevents the most intelligent selection of representatives by the voters, and a consequent degrading of the office. Section 47 should be amended to permit the division of a county entitled to more than one senator or one representative into districts.

Compensation of Members of the General Assembly

At present the constitution provides that each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services the sum of \$1000 for each biennial period, payable at the rate of \$7 a day during both the regular and special sessions, the remainder, if any, payable on the first day of the last month of each biennial period.

The members of the First General Assembly received \$4 a day, and the compensation of members of subsequent assemblies was to be provided by law, with such sessions limited to forty days. In 1884 an amendment was adopted fixing the compensation at \$7 a day, until otherwise provided by law, and limiting sessions to ninety days. In 1910 the present pay scale of \$1000 a biennium was adopted.

It is obvious that on the basis of the buying power of the dollar, the compensation today is lower than it has been at any time since 1884. It is true that the general assembly could raise the compensation of members of the general assembly subsequently elected, but for many reasons the general assembly is hesitant to do this. I feel that the next legislature should raise the compensation of each member to at least \$1200 a year, payable \$100 on the first day of the first regular session and \$100 on the first day of each month thereafter during his term of office. This would be a stop gap provision, which then should be followed by an amendment to section 6 of article V providing that each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services the sum of \$1200 a year, payable \$100 on the first day of the first regular session and \$100 on the first day of each month thereafter during his term of office.

All members of the general assembly receive the same compensation, and they receive, in addition to salary, traveling expenses. Those members who do not live in Denver or within commuting distance of Denver should be allowed, in addition to their salaries and traveling expenses, \$10 a day during sessions for living expenses.

The work of a member of the legislature is not and should not be confined to the actual time spent in the capital during sessions. In order to be able to act intelligently on proposed legislation it is necessary for members of the legislature to consult with many other persons in and out of the government at times other than during legislative sessions. Committees are at work between sessions, and both in and out of sessions persons interested in legislation and persons wishing some service out of the legislature are bombarding the legislators with letters and literature, personal calls and telephone calls.

Professor Riethmayer, in *State Government*, March, 1946, p. 92, says: "A far more important undesirable result of the compensation system now prevailing for state legislators, coupled with the tremendous number of constitutional restrictions placed on them, is the fact that the most able

men and women seldom become members of state legislatures. Higher salaries alone will not automatically improve the caliber of legislators, but there is reason to believe that if full-time service were required exclusively for the state, with adequate compensation, and many of the constitutional restrictions were removed, more men of ability could be attracted to the lawmaking bodies of the states."

Legislator Employed in the State Government

At present members of the general assembly are excluded from holding other civil office. However, they may be, and sometimes are *employed* in various departments in the executive branch of the state government. With increased compensation and annual sessions, and with the increased attention to legislative duties which would be required of the legislator, it would no longer be practically possible for a legislator to hold a position of employment in the executive branch of the state government. However, section 8 should be amended to provide that no senator or representative shall, during the term for which he was elected, be appointed to any civil office or employment under the state.

A Unicameral Legislature

Nebraska adopted the unicameral nonpartisan legislature in 1934. It seems to have been successful there, and yet has not been tried in other places. Although it is more difficult to get legislation, even proper legislation, thru a bicameral legislature, there seem to be advantages to the bicameral system.

Size of the Legislature

Colorado's legislature is not large in comparison with other state legislatures, only ten of them in the United States being smaller. The reduction in size of our legislature does not seem to have any particular merit.

Filling Vacancies

In case of a vacancy in the general assembly the governor is now required to issue writs of election. Because of the inadequacy of this system, to section 2 should be added a provision that a vacancy in the general assembly shall be filled by the boards of county commissioners of the counties represented by the vacant seat, until the seat is filled by election.

Emergency Clause

The present provision that every act shall take effect ninety days after its passage except in case of emergency, approved by two-thirds of the members, has little effect because most bills contain the emergency clause, regardless of whether or not an emergency exists. Section 19 should be amended to provide that every act of the general assembly shall take effect ninety days after its passage unless the act shall otherwise provide, and that no act shall

take effect less than ninety days after its passage unless two-thirds of all members elected to each house shall approve such taking effect less than ninety days after its passage.

Fifteen Day Limitation on Introducing Bills

The present fifteen day limitation on introducing bills has not had the intended effect, but instead, has caused the introduction of a large number of titles and duplicate bills in each session of the general assembly, causing a great waste of time and effort, and a nearly complete waste of the first fifteen days of any session. It would be far better to allow bills to be introduced as they are prepared. Section 19 should be amended to provide that a bill may be introduced at any time during the session unless limited by action of the general assembly.

A provision should be inserted that no bill can be reported out of committee until five days after it has been printed. This will give every citizen a chance to know what legislation is being considered and make proper recommendation thereon, and would be a far more effective method of controlling legislation not wanted by the voters than is any present fifteen day limitation. An additional possible safeguard would be to provide for a lapse of a certain time between committee action and action on the floor of the house in which the bill originates.

Trust Fund Investments

Section 36 should be amended to provide that the general assembly shall prescribe the classes of investment for trust funds where such classes are not prescribed by the instrument creating the trust, and removing the present unwise limitation that the general assembly cannot authorize the investment of trust funds in the bonds or stocks of private companies, one of the largest and best fields of investment today.

Census

Because the federal government is required by the constitution to make a census every ten years, the state has never made the census required by the state constitution and probably never will. It is really unnecessary. The provision regarding the apportionment of senators and representatives after every census should be retained, even though it is not honored. Section 45 should be amended to eliminate the requirement for a state census.

Legislative Research Staff

Of two agencies which should be created by law and which would be of great assistance to the legislature and greatly improve legislative procedure, one is a general legislative research staff. To this staff should be assigned the responsibility of locating the obsolete statutes, and of making a research for facts on various subjects assigned to it. This staff, headed by a director,

should be selected by and work under the direction of the interim committee, or of a specially created committee of legislators such as the Speaker of the House, the President of the Senate, the chairmen of the Judiciary Committees of the two houses and members of the houses appropriately selected. The director and the staff should be employees of the general assembly and not be under civil service.

One of the notable advances in legislative procedure in recent years is the development of an active interim committee. This committee should be continued and strengthened and given increased facilities such as a research staff. The interim committee as now established in Colorado takes the place of what is known in other states as a legislative council. Professor Riethmayer discusses the work of a legislative council and legislative research staff in *State Government*, March, 1946, p. 92. He says:

"To provide state legislatures with expert assistance is another device whereby newly constituted bodies or even those working under traditional procedures may be better equipped to serve present-day society. There is no question but that the experience and knowledge required to cope with the many complicated and often highly technical problems encountered in managing the affairs of a state are often lacking among the legislators themselves. Since 1933, twelve states (Alabama, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Missouri, Nebraska, Pennsylvania and Virginia) have provided their legislatures with this assistance through the creation of legislative councils with research staffs. The councils are composed of legislators and, in some cases, also of administrative officers. The members of the councils meet from time to time, usually quarterly, between sessions of the legislature and plan the legislative program for the next session. The research staff is an indispensable part of the legislative council. It is employed on a full-time basis and does the technical and detailed work which is demanded by the legislative program mapped out by the council to meet the needs of the state

"No doubt one of the chief contributions of the legislative councils has been to concentrate attention on the most vital measures and to provide factual material for intelligent discussion and debate in the next legislative session, regardless of whether favorable action could be expected in that session. It is also rather significant that legislatures seem more disposed to accept recommendations of the councils as they become more familiar with the work of those agencies.

"Although the legislative council idea is probably in its infancy, most of the councils have annual research staff budgets of from \$11,000 to \$50,000. From these modest beginnings it is possible that a legislative aid of tremendous importance can be developed. There is no reason why all the expert and technical assistance available should not be used by that organ of government responsible for the enactment of state public policy. Certainly such assist-

ance is not used by the legislatures in most states today. So long as our legislatures are made up largely of laymen who are employed on a part-time basis, many of whom have had little or no experience in the complicated techniques of lawmaking, there is all the more need for a fact-finding agency which can objectively analyze the problems to be faced by the state government and thus assist in the solution

"If the states are to maintain or regain their prestige as political units in the trying days ahead, they must increasingly devote their time to the broader responsibilities of policy making, and leave the details of administration in expert and experienced hands. Important decisions on policy are pressing all state legislatures now and it is short-sighted not to equip them with all possible means of assistance."

I do not feel it is necessary to create an entirely new organization to carry on this important work. The Legislative Reference Office was originally created to do this type of work, and is the nucleus around which this research staff could be built. The recreation of the office of director on a full-time basis, the extension of its staff, and placing it under the supervision of the legislature, would provide for a research staff without the creation of a new agency.

A Budgetary Research Staff

The second agency which should be created by law is a budgetary research staff, likewise selected by the interim committee or a special committee of legislators. This staff should make a thorough investigation of the financial needs of each department and institution and report its facts to the appropriations committee at the regular session of the general assembly. If the facts are properly developed, the appropriations committee can study the facts developed, and without a great deal of consultation make up a satisfactory budget upon which the legislature can base its appropriations. This staff should be adequate and composed of competent persons and it should be entirely separate from any activity of the executive department in making financial recommendations to the legislature.

In New York, such a research staff has been found successful, according to John A. Perkins, who says, in *State Government*, November, 1944, p. 447:

"Legislative consideration of the budget could be improved if a permanent staff of trained analysts were employed by the committees to study the budget while in the course of preparation and to submit to the legislature impartial, accurate information as to the fiscal condition of the state. In this respect the Senate Finance Committee and the Ways and Means Committee of the Assembly in New York were long unique and are still exemplary. Together they employ twelve people (secretaries, accountants, researchers, clerks, and stenographers) at a total cost of more than \$48,000. These aides

check figures submitted in the governor's budget, investigate state institutions and departments to enable the committees, which function *all year around*, to form an opinion with respect to budgetary proposals.

"After studying the problem for two years, California's legislature, in 1941, created a Joint Legislative Budget Committee which may meet either during the session or after adjournment. The joint committee was provided with \$40,000 to employ a legislative auditor and such other technical aides as would be necessary 'to ascertain facts and make recommendations concerning the state budget, the revenues and expenditures of the state, its departments, subdivisions, and agencies with a view to reducing the cost of state government and securing greater efficiency and economy.'

"Unfavorable experience with lump sum appropriations and with broad executive discretion over a surplus operating account, plus the breakdown of the executive budgetary preparation, prompted the Utah legislature to create a budget staff agency of its own. In 1943 a Joint Legislative Budget Committee was created with a staff headed by an executive secretary and an auditor who is to be trained in finance and government. Utah offers a lesson to other states."

The New York organization is also approved by John E. Burton, Director of the Budget for New York State, who says, in *State Government*, October, 1943, p. 206:

"A *Research Organization*. This is one tool that has been put to work in the service of the examiners, the Director of the Budget, and the Governor. Budgetary policy in New York State covers a broad field, involving the expenditure of some four hundred million dollars of taxpayers' money. While in terms of federal accounting—and federal semantics—this may be only a 'drop in the bucket', in the Empire State four hundred million dollars is still a lot of money. The Governor is responsible for the wise expenditure of this money; and the Budget Division is his operating agency for the planning, direction, and control of this expenditure. How can the Budget Division perform this function without an adequate research organization to ascertain the actual needs of the state, to scrutinize the way these needs are being met, and to find better ways of meeting them? The operations of the Budget Division afford a wide field for research in problems of public administration.

"We have, for example, ninety thousand inmates in our state institutions of mental health. This is equivalent to six divisions of infantry. And the medical writers all tell us that under the impact of the chaotic conditions of recent years we are going to have increased numbers to care for. Our research group has been making an intensive study of the organization and facilities for caring for these ninety thousand people and of means for im-

proving this care or reducing its cost. We are not waiting till we have greatly increased numbers and then have to do something desperate in an 'emergency'.

"In other words, our research organization is an 'intelligence unit' which is constantly ascertaining facts for the guidance of the examiners in their detailed scrutiny of budget proposals and for the guidance of the Director of the Budget and the Governor in shaping broad budgetary policies. Without such constant factual guidance, it is difficult to see how intelligent budgetary policies could be expected."

There is every reason to believe that such a staff would be of immeasurable help in Colorado.

The Rules of the Legislature

The rules of both the Senate and the House are not as clear as is possible and should be rewritten for clarity. Many of the rules need to be amended in respects which do not directly affect procedure. Both houses should reduce the number of standing committees and there should be identical standing committees in the two houses. These committees could hold joint hearings on bills and then this would save considerably the amount of time devoted to committee hearings on the various bills. In Nebraska there are 28 joint standing committees, which consider the various bills submitted to them. Although it might be impractical in Colorado to have joint committees, certainly the two houses could meet at identical times, and a schedule of all committee meetings could be worked out so that the identical committees of the two houses could always meet together. This would save the necessity of the second house having an extensive hearing on any bill which has passed the other house.

Economy and efficiency could be accomplished by having a single bill room for the two houses, just as there is now a single supply room. The printing clerk, possibly a single clerk for the two houses under the supervision of the two houses, should have discretion to vary the number of copies of any bill to be printed. He could vary the copies to be ordered depending upon the importance of the bill and the likely demand.

Conclusion

Colorado needs some improvement in legislative organization and procedure. Many of the suggestions made here may not be accomplished immediately. However, many of the suggestions are feasible and can be accomplished immediately. We need them, and the earlier they are accomplished, the sooner will our legislative product be improved.