Information for Authors

Eddie Weeks
The Recording of the Tennessee General Assembly by the Tennessee State Library and Archives: One State’s History of Legislative History

Matt Gehring
Amending the State Constitution in Minnesota: An Overview of the Constitutional Process

D. Adam Crumbliss
The Gergen Proposition: Initiating a Review of State Legislatures to Determine Their Readiness to Lead America in the 21st Century

Professional Journal Index
Journal of the American Society of Legislative Clerks and Secretaries

2012-2013 Committee

Chair: Bernadette McNulty, CA Senate
      Chief Assistant Secretary of the Senate

Vice Chair: Polly Emerson, TX Senate
           Journal Clerk

Vice Chair: Paul C. Smith, NH House
           Assistant Clerk of the House

Members

Tim Anderson (IL)
David Bowman (CA)
Jessica Fagan (CA)
Ruby Johnson (LA)
Hobie Lehman (VA)
Ann Luck (NC)
Al Mathiowetz (MN)
Robert Taylor (OR)
Aldeha Edward-Salvador (FM-Micronesia)
INFORMATION FOR AUTHORS

The editor of the Journal of the American Society of Legislative Clerks and Secretaries welcomes manuscripts which would be of interest to our members and legislative staff, including topics such as parliamentary procedures, management, and technology. Articles must be of a general interest to the overall membership.

Contributions will be accepted for consideration from members of the American Society of Legislative Clerks and Secretaries, members of other National Conference of State Legislatures staff sections, and professionals in related fields.

All articles submitted for consideration will undergo a review process which requires four to six weeks. When the Editorial Board has reviewed a manuscript, the author(s) will be notified of acceptance, rejection or need for revision of work. One issue is printed annually in the fall.

STYLE AND FORMAT

Articles should follow a format consistent with professional work, whether it is in the style of The Chicago Manual of Style, or the Modern Language Association. Articles should be submitted in MS Word, double spaced with normal margins.

All references should be numbered as footnotes in the order in which they are cited within the text. Accuracy of the content and correct citation is expected of the author. Specialized jargon should be avoided as readers will skip material they do not understand. Charts or graphics which may assist readers in better understanding the article’s content are encouraged for inclusion. Authors are encouraged to submit a photograph with their article in .jpg or .gif format.

SUBMISSION OF ARTICLES

Articles should be submitted electronically to the 2014 Chair:

Paul C. Smith
paul.smith@leg.state.nh.us

Inquiries from readers and potential authors are encouraged. You may contact the Chair by telephone at (603) 271-2548 or by email at paul.smith@leg.state.nh.us

Letters to the editor are welcomed and may be published at the conclusion of the journal to provide a forum for discussion.
The Recording of the Tennessee General Assembly by the Tennessee State Library and Archives: One State’s History of Legislative History

By Eddie Weeks, Legislative Librarian
Office of Legal Services, Tennessee General Assembly

Legislative history has been defined as “all the legislative events which occurred in the process of enacting (or defeating) proposed legislation, including all available documentation created during this process.” While judges and attorneys may argue over the usefulness of legislative history, its place in some courts has been well established.

In Tennessee, for example, when a “statute is subject to more than one interpretation, it is ambiguous, and the courts may refer to legislative history in determining its meaning.” Courts in Tennessee may use legislative history in determining the meaning of any such law; as such, the “available documentation” gains great importance.

The question then arises, though, which “available documentation” should be considered by the court? A written statement by the sponsor? A committee report? A fiscal note or summary, which may or may not have been seen by the sponsor of the legislation?

Tennessee courts decided that the answer to this question would be the primary source available: the words of the legislators themselves. The process of how the courts came to use these words, and how the words came to be recorded, is the subject of this paper.

In 1950, a private company, Aubrey Epps Calculating and Office Services, offered its services to record the floor sessions of the General Assembly of Tennessee. Dr. Dan M. Robison, the State Librarian and Archivist, replied to Mr. Epps’ offer with great enthusiasm. In a letter to Mr. Epps dated November 17, 1950, Dr. Robison writes: “Here would be preserved for the present and future generations the most vital records of our most vital branch of government…. Your recording service, if within the means of the State, would fill a great need and, its installation would be a most progressive step.” The Aubrey Epps Company recorded the floor sessions of the 77th (1951) and 78th (1953) General Assemblies.

Tennessee was not the only state experimenting with recording its legislature; a report by the Illinois Legislative Council found seven states were recording some part of the legislative process in 1951; by 1953, this number had doubled to fourteen.

It seems that around this time, though, someone noticed the lack of quality in these first Tennessee recordings. On June 24, 1953, the newly-established Tennessee Legislative Council Committee met and discussed “proposed improvements of the second floor of the Capitol.” Among the suggestions were that the House and Senate Chambers “be

---

1 New England School of Law; http://www.nesl.edu/research/rsguides/web1.htm
2 Tennessee Attorney General, Opinion 06-044 (March 9, 2006); 2006 Tenn. AG LEXIS 44.
“acoustically improved” and that a loud-speaker system be installed, with a microphone at
the desk of each member. The actual improvements were mostly complete by the
convening of the 79th General Assembly in January 1955.

The Tennessee courts, meanwhile, would continue to use other available documentation
to try to find legislative intent behind statutes. In a 1954 opinion, Special Justice Lloyd
Adams declared, “It is the duty of this Court, in the interpretation of statutes, to ascertain
and give effect to the legislative intent.” 3 In an attempt to find this intent, the Justice
studied when and how a section of the Tennessee Code was amended, and even read all
the proposed (and rejected) amendments.

The Courts continued this practice of studying the process of enactment of statutes for
years. As recently as 1973, Justice George McCanless wrote that a judge of a lower court
had “included in his opinion excerpts from the House and Senate Journals… showing the
various steps taken in the enactment…. It appears from the legislative history of this
statute that it was the intent of the general assembly…” 4 The justices were attempting to
find intent, but their only source was, at best, a summation of motions and proposals -- a
secondary showing of actions taken. The text could be read, but words of explanation
were missing.

The Tennessee Legislative Council Committee, for its part, was pleased with the auditory
and other improvements to the Capitol. The LCC also decided that it was time for a state
agency to take over the recording of the legislature.

On January 6, 1955, the Tennessee General Assembly adopted SJR 6, which declared that
it was “important that an official record of the proceedings of the Senate and the House
be made for the protection of its members and the benefit of the students and other
persons interested in the field of history and government…” To that end, “the State
Archivist is hereby authorized and directed to have such proceedings recorded by his
staff, and to be placed in the State Archives not subject to be withdrawn indiscriminately
but to be administered by his staff under certain rules and regulations hereafter to be
provided for…”

With the adoption of 1955 SJR 6, the Tennessee State Library and Archives became
responsible for recording all floor sessions of each house of the General Assembly and
for preserving these recordings for posterity. It is interesting to note that these recordings
were intended for “the benefit of students and other persons interested in the field of
history and government,” with no mention of the use of these recordings by the courts.

This limited view of the usefulness of the recordings was also expressed in a 1954 article
in the American Archivist: “Students of State history are continually confronted with the
paucity of documentary materials on State legislation…. The scholar is not content
merely to know what happened. He wants to know why.” 5

---

3 State v. Lusky, 267 S.W.2d 106 (March 3, 1954).
4 Wilds v. Coggins, 496 S.W.2d 460 (June 4, 1973).
5 American Archivist; vol. XIX No. 1; Jan. 1956, p. 11.
The Tennessee State Library and Archives, meanwhile, forged ahead with its recording program. The first decision to be made was the recording format. The Legislative Council Committee and State Library and Archives did not take this decision lightly; the members of each conducted numerous tests on possible recording devices to determine the usefulness of the various recording formats and machines.

In a memo dated December 13, 1954, the Legislative Council Committee explained its decision to use the Gray Audograph Dual Monitoring Recorder Unit, capable of recording up to 30 minutes at a time on plastic discs. This format remained the standard until the 1970s, when dual cassette recorders replaced the Audographs.

During these years, the State Library and Archives and the Legislative Council Committee experimented with recording other things beyond floor sessions. For example, both the Republican and Democratic National Conventions of 1956 were recorded as they were broadcast over the radio. A Joint Convention on March 8, 1961 was also recorded; this recording remains the single most-often requested tape in the Legislative History Program – the recording of Elvis Presley addressing the members of the General Assembly (and an overflow audience of legislative staff and others).

As indicated by 1955 SJR 6 however, there was an attempt to impose limitations to the use of these recordings. Both houses adopted 1955 HJR 24, “relative to establishing rules for use, release of recordings, General Assembly;” however, prior to the Governor’s signature, the resolution was recalled from the Governor’s desk, and the resolution was never actually signed.

The State Library and Archives continued to follow the procedures outlined in 1955 HJR 24. In a memo to Senator Jared Maddux dated February 8, 1965, Sam Smith, the State Librarian and Archivist, stated that “there has evolved a set of unwritten rules regarding the use and release of sound recordings of the General Assembly made by the State Library and Archives”. Included in these unwritten rules (although written in the memo) are “[p]ersons who desire to listen to recordings, or to make short notes while listening, may do so without obtaining permission” and “persons desiring verbatim transcriptions of recordings, either in writing or on sound records, must obtain permission from the Speaker of the House where the remarks were made.”

The use of these recordings reached the courts in 1975. The Tennessee Supreme Court turned to the State Library and Archives and these recordings for more information on a statute. In a footnote in Watts v. Putnam County, Justice Joe W. Henry wrote: “The author of this opinion has listened with interest to the debate in the House of Representatives through the taped transcription on file in the State Library and Archives. In connection with this amendment, the following comment was made by the House sponsor:….Thus it will be seen that the legislative purpose and intent was...”\(^6\) It should be

---

\(^6\) Watts v. Putnam County, 525 S.W.2d 488 (June 30, 1975).
noted that the debate to which Justice Henry listened occurred ten years prior to this
decision, on March 8, 1965.\(^7\)

The justices of the courts had found a way of hearing actual debate on bills and
amendments. If their desire was truly “to ascertain and give effect to the legislative
intent” behind a law, the Justices now had a way of hearing that intent.

Admittedly, one mention of the use of these tapes in one footnote is not indicative of a
new-found source of intent. However, twice more in 1975 the Jurists of the Tennessee
Supreme Court turned to TSLA for additional information behind a statute. *In City of
Memphis v. Roberts* (decided in September 1975), Justice Henry (no longer in a footnote)
 wrote: “We have examined the tape recordings preserved in the State Library and
Archives. Number S-196 contains the appropriate portions of the legislative debates on
the proposal on 18 May 1967, beginning at 2:35P.M. … We yield to this clear and
unequivocal statement of the purpose of the law.”\(^8\) In *Farris v. Blanton* (October 1975),
Justice Henry wrote: “[i]n an effort to ascertain the legislative intent we have examined
the official records of the legislative proceedings on file in the State Library and
Archives. Based upon that examination there can be no reasonable dissent…”\(^9\)

It should be noted that in *Farris v. Blanton*, Justice Henry was not listening to debate that
was eight to ten years old; rather, he was listening to a discussion that had occurred less
than six months earlier, in May 1975.

In less than three years, the Justices of the Tennessee Supreme Court went from “It
appears...that it was the legislative intent” to “clear and unequivocal” statements
producing “no reasonable dissent” concerning the legislative intent of a statute. These
recordings gave the Justices a clear path to finding legislative intent; the Justices were
now using that intent in forming their opinions.

The Tennessee Attorney General soon took note of the use of these recordings by the
Supreme Court; by 1977, the Attorney General’s office was also using these recordings in
forming opinions. In an opinion to the Honorable Paul C. Scruggs, Assistant Attorney
General Frank Scanlon wrote: “Both Senator Henry and Representative Murphy,
sponsors of Chapter 305 in their respective House, state that the intent of Chapter 305
was…(Confer: Recordings of the Senate, May 7, 1975, on Senate Bill 717…Library and
and Archives tape recording No. H-142.)”\(^10\)

Years later, the Attorney General gave a wonderful description of the use of legislative
history: “The general rule for interpreting statutes is to look at the statute as a whole to
ascertain the legislative purpose and intent. A resort to legislative history is appropriate

\(^7\) 1965 House Journal, page 654.
\(^8\) City of Memphis v. Roberts, 528 S.W.2d 201 (September 29, 1975).
\(^9\) Farris v. Blanton, 528 S.W.2d 549 (October 10, 1975).
\(^10\) Tennessee Attorney General, Opinion 77-423 (December 12, 1977); 1977 Tenn. AG LEXIS 20.
in interpreting statutes if the language of the statute is not clear.”\textsuperscript{11} Judging by the courts’ use of these recordings, it seems that the language is often not clear, at least in any statute reaching the Supreme Court.

The Tennessee State Library and Archives continued its mission of recording the General Assembly and preserving these recordings. The pressed discs of the Audograph machine gave way to cassette tapes in the 1970s, then to digital audio tape in the 1990s. Compact discs emerged as the format of choice in the first decade of the 21\textsuperscript{st} Century.

TSLA improved the usefulness of these recordings through log sheets made at the time of the recording. These log sheets list the bills being debated on each tape or CD, the time of the debate, and where on the tape or CD the debate can be found.

There has been no wholesale conversion of the existing collection of discs, tapes, and DAT; requested items have been converted to the existing medium of choice as they were brought out of storage. As a result, to this day TSLA has some of the original Audograph discs, although their quality may have diminished over the years.

Perhaps the greatest change to the system of recording came in 1984 with the creation of the Legislative Recording Program and the Legislative History Program as distinct entities within the State Library and Archives.

In 2006, the Tennessee General Assembly in Extraordinary Session passed Public Chapter 1, the “Comprehensive Governmental Ethics Reform Act of 2006.” Section 45(a) of this Act referenced the State Library and Archives and its Legislative Recording and Legislative History activities: “It is the intent of the general assembly that this practice shall continue, and the secretary of state shall expand recording operations to fully record the proceedings of the general assembly and its committees and subcommittees.”

Over the years, the staff of the Legislative Recording Program had expanded to record certain committees and some subcommittees, but only at the request of the chair of the committee or subcommittee. This Public Chapter changed that option; everything – every meeting – was now to be recorded and preserved.

The Tennessee State Library and Archives continues to improve its recording abilities and preservation techniques. Today, all floor sessions and all meetings of each house are broadcast on the Internet, but are still recorded for preservation by the State Library and Archives.

From humble beginnings, the Legislative History Program of the Tennessee State Library and Archives has created its own incredible history. The words of the legislators are recorded not only for posterity, but for the use of Tennessee courts in determining the legislative purpose and intent of any law, and therefore the meaning of that law. These recordings, whatever their format, provide, as stated in the American Archivist, “the

\textsuperscript{11} Tennessee Attorney General, Opinion 01-097(June 13, 2001); 2001 Tenn. AG LEXIS 88.
complete record of the legislature, not as interpreted, digested, or reported, but as it actually happened and sounded.”

Where once these recordings were intended only for use by the scholar and the student of history, they now mostly belong to the province of the lawyers, legislators, and judges; but the Tennessee State Library and Archives will continue its charge from 2006 EOS Public Chapter 1 to record all proceedings of the Tennessee General Assembly, and the Tennessee courts will continue to listen.

Tennessee’s history of legislative history is not only interesting, it is continuing.

12 American Archivist; vol. XIX No. 1; Jan. 1956, p. 17.
Amending the State Constitution in Minnesota: An Overview of the Constitutional Process

By Matt Gehring, Legislative Analyst
House Research Department, Minnesota House of Representatives

In Minnesota, the power to amend the state’s constitution rests solely with the people. The constitution structures this power by granting authority to the legislature to propose amendments, but reserves for the people the power to determine whether a proposed amendment should be ratified. The Minnesota Supreme Court has affirmed this principle, or a variation of it, on several occasions.¹

The mechanics and procedures for submitting amendments to the voters have a varied and developed history. Several proposals have been presented to the voters to change the process for amending the constitution. On at least two occasions, the legislature has required formal study of the process by specially appointed commissions charged with a thorough review. Despite these efforts, the constitutional text specifying the procedure for making amendments has remained largely unchanged; a proposed amendment in 1898 increasing the vote threshold necessary for ratification—in effect, making the process more difficult—is the only change that has been ratified by the voters.

This article describes the current standards for proposing and ratifying amendments, and provides a history of legislative efforts to change the process for amending Minnesota’s Constitution.

The Minnesota Constitution Dictates How the Constitution can be Amended

Article IX of the Minnesota Constitution establishes the process for making amendments or wholesale revisions to the constitutional text. It permits amendment by two methods: the legislature may propose individual amendments, which must be presented to the people for a statewide vote at a general election, or the legislature may propose calling a convention for purposes of revising the constitution. A convention proposal must similarly be presented to the people for a statewide vote at a general election. Each of these methods is described in more detail in the sections that follow.

Since statehood, the Minnesota Legislature has approved submission of 216 individual amendment proposals to the people for ratification or rejection. Of these proposals, 120 were approved, 95 were rejected, and one is pending a vote at the 2016 state general election. The method of revision by constitutional convention has never been implemented.

The full text of Article IX reads as follows:

¹ See, e.g., Julius v. Callahan, 65 N.W. 267 (Minn. 1895); State v. Pett, 92 N.W.2d 205 (Minn. 1958); Visina v. Freeman, 89 N.W.2d 635 (Minn. 1958).
ARTICLE IX
AMENDMENTS TO THE CONSTITUTION

Section 1. Amendments; ratification.
A majority of the members elected to each house of the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. If a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

Sec. 2. Constitutional convention.
Two-thirds of the members elected to each house of the legislature may submit to the electors at the next general election the question of calling a convention to revise this constitution. If a majority of all the electors voting at the election vote for a convention, the legislature at its next session, shall provide by law for calling the convention. The convention shall consist of as many delegates as there are members of the house of representatives. Delegates shall be chosen in the same manner as members of the house of representatives and shall meet within three months after their election. Section 5 of Article IV of the constitution does not apply to election to the convention.

Sec. 3. Submission to people of constitution drafted at convention.
A convention called to revise this constitution shall submit any revision to the people for approval or rejection at the next general election held not less than 90 days after submission of the revision. If three-fifths of all the electors voting on the question vote to ratify the revision, it becomes a new constitution of the state of Minnesota.

Individual Amendments Must be Proposed by the Legislature and Submitted to the People
Article IX, section 1, provides two basic steps in the amending process for individual amendments: first, a proposed amendment must be approved by a majority vote of the elected members of each house of the legislature. Under the current makeup of the legislature, a majority is 68 of the 134 members of the House of Representatives, and 34 of the 67 members of the Senate. Second, the proposed amendment—once approved by the legislature—must be submitted to the people for a vote at a general election. To be ratified, a majority of all voters casting ballots at the election must vote in favor of the amendment. In practice, this means that the mathematical effect of a voter submitting a ballot with neither a “yes” or “no” vote marked on the amendment question is the same as if the voter had voted “no” on the amendment.

In addition to providing voting standards for approval both by the legislature and by the electorate, this section of the constitution requires publication of proposed amendments
with the laws passed at the same session of the legislature, and requires that multiple amendments submitted to the electorate at the same election be voted upon separately.

A process for repeal of an amendment that had previously been approved by the legislature and ratified by the voters would be required to follow these same procedures as a repeal would be, in effect, amending existing language out of the constitution.

**The Constitution May Also be Amended Through Constitutional Convention**

In addition to the procedures for adopting individual amendments, the Minnesota Constitution provides for the establishment of a convention for more substantial revisions or replacement of the constitution in its entirety. Article IX, sections 2 and 3—which direct these procedures—have not been implemented since Minnesota’s constitution was originally drafted and ratified in 1858.

Like a proposal offering an individual amendment, the constitutional convention procedure must be initiated by the legislature. A two-thirds vote of each house is required to approve the proposal. If approved, the proposal is submitted to the voters at the next general election;\(^2\) if a majority of all voters voting at the election ratify the proposal, the legislature is required to enact a law formally calling the convention at its next legislative session.

Delegates to the constitutional convention must be selected in the same manner as members of the House of Representatives. In practice, this means the delegates to the convention would be elected by the voters. The number of delegates elected must be equal to the size of the House of Representatives (134) and may include currently seated legislators. The elected delegates would be required to convene within three months of their election.

If a constitutional convention agreed to a revision, the revision must be submitted to the voters at the next general election (held at least 90 days after the revision is submitted). An affirmative vote of three-fifths of all voters voting on the question ratifies the revision as a new constitution for Minnesota.

The constitution does not specify rules for the scope or conduct of the convention, nor does it specify standards for determining whether a convention has agreed on a proposed revision.

**Numerous Proposals Have Been Made to Amend the Amendment Process**

This section describes each of the proposed constitutional amendments that have been submitted to the voters that would change the nature of the amending process in Minnesota. It also describes the work of several commissions that have been formed by the legislature to review the constitution and recommend changes:

---

\(^2\) The requirement that the convention proposal be presented to the voters at the “next” general election is distinct from the requirement for individual amendments, that the proposal be presented at “a” general election.
1897 – Requiring the affirmative vote of a majority of all voters at a general election for ratification. The 1897 legislature approved an amendment proposal increasing the standard for ratification of a constitutional amendment from a simple majority of those voting on the amendment question to the current standard, a majority of all those voting at a general election.\(^3\) The amendment was submitted to the voters at the 1898 general election and, though it would have failed under the vote counting rule it proposed (just over 27 percent of all voters voting at the election voted “yes”), it was ratified under the simple majority standard used at the time of the election and remains in effect today as the only change to individual amendment procedure since statehood.

1913 and 1915 – Providing for voter-initiated amendments to the constitution. In both 1913 and 1915, the legislature approved constitutional amendment proposals to establish procedures for voters to initiate enactment of a law by petition, or to force a referendum on a law enacted by the legislature.\(^4\) Though the procedures were slightly different in both proposals for initiatives proposing statutes, the language allowing for voter-initiated constitutional amendments was identical.

If adopted, both the 1913 and 1915 amendments would have permitted submission of a petition, filed prior to commencement of a legislative session and signed by at least 2 percent of the state’s voters, proposing a constitutional amendment to the legislature. If the legislature failed to submit the proposal to the voters (or proposed an amended form of the amendment), then a second petition signed by 8 percent of the state’s voters would have placed the amendment on the ballot at either a special or general statewide election. The amendment would be ratified if it received the affirmative vote of a majority of all voters voting at the election, or at least four-sevenths of the number of voters voting on the question itself (so long as at least three-sevenths of all voters voted on the question). At both the 1914 and 1916 state general elections, this proposal was rejected by the voters due in large part to lack of participation: in both years, more than 40 percent of voters left the ballot question blank.

1947 – Eliminating the requirement that multiple amendments be submitted as separate questions. In 1947, the legislature approved an amendment proposal to eliminate the requirement that voters be permitted to vote on multiple amendment proposals separately.\(^5\) At the 1948 state general election, voters rejected this proposal; slightly more than 25 percent of all voters at the election voted in favor of the change. At this same election, voters were presented with a proposal to modify the procedure for calling a constitutional convention, described later in this article.

1948 – Constitutional Commission recommendations. In 1947, the legislature enacted a commission to review the constitution and to recommend amendments or

---

\(^3\) Laws of Minn. 1897, ch. 185.
\(^4\) Laws of Minn. 1913, ch. 584; and Laws of Minn. 1915, ch. 385.
\(^5\) Laws of Minn. 1947, ch. 640.
revisions. The Constitutional Commission of Minnesota made its report on October 1, 1948 and included recommendations related to the procedure for proposing and ratifying individual amendments to the constitution.

Related to individual amendments, the 1948 commission report recommended:

1. that the threshold for legislative approval of a proposed amendment be raised from a majority vote to a two-thirds vote and that amendments be submitted by concurrent resolution;

2. that the legislature be authorized to submit amendments to the voters at a special election, rather than limiting ratification votes to general elections only; and

3. for restoration of the original vote standard for ratification of an amendment by the voters, which would lower the requirement from a majority of all voters at the election to a majority of all voters voting on the question.

The commission also made a number of recommendations related to constitutional conventions. The recommendations of the Constitutional Commission did not result in approval of any amendment proposal by the legislature.

**1973 – Minnesota Constitutional Study Commission recommendations.** In 1971, the legislature enacted a law establishing a study commission to review the constitution and make recommendations in preparation for a constitutional convention, or as a basis for making further individual amendments. The commission made its report in February 1973 and included in its recommendations several suggestions for altering the method of proposing certain types of amendments and lowering the vote threshold to make ratification of a proposed amendment easier.

Relative to individual amendments, the 1973 commission report recommended:

1. permitting voters to initiate an amendment relating to the structure of the legislature by a petition, signed by a number of voters within each congressional district at least equal to the number of votes cast for governor in

---

6 Laws of Minn. 1947, ch. 614.
9 Laws of Minn. 1971, ch. 806.
10 The text of these recommendations can be found in Minnesota Constitutional Study Commission, *Final Report* 29-32, 56 (1973).
that district at the most recent gubernatorial election, among other requirements;

(2) lowering the vote threshold for ratification of an amendment, permitting ratification by either 55 percent of voters voting on the question, or a majority of all voters voting at the election; and

(3) permitting the legislature to submit a proposed constitutional amendment at a special election held between 30 and 60 days after legislative approval of the amendment, if at least two-thirds of each house of the legislature agreed to this expedited process.

The commission also made a number of recommendations related to constitutional conventions. The only recommendation of the commission related to individual amendments that resulted in an amendment proposal approved by the legislature was the recommendation to permit ratification if 55 percent of those voting on the question voted in favor of the amendment. As described below, this proposal was not successful.

1974 – Allowing ratification by 55 percent of voters voting on the question. The most recent proposal to appear on the ballot, in 1974, would have established two vote thresholds for ratification: under the proposed language, a constitutional amendment would be ratified by the voters if it received either a majority vote of all electors voting at the election (consistent with the current standard), or if at least 55 percent of the voters voting on the question approved the change. This proposed amendment was rejected at the 1974 state general election, but just barely: it received a 49.28 percent affirmative vote of all voters at the election. Slightly more than 14 percent of voters at that election left the question blank.

Proposals to Change the Constitutional Convention Process. Though the constitutional convention procedure has never been formally invoked in Minnesota’s history, the procedures and requirements for a convention have occasionally been a topic of discussion and formal amendment proposals.

1947 – Permitting the legislature to call a constitutional convention without submitting the proposal to the voters. The 1947 legislature approved a constitutional amendment proposal that would have permitted the legislature to provide by law for the calling of a constitutional convention. The proposed amendment also eliminated the requirement that the question of calling a constitutional convention be submitted to the people for a vote at the next general election. This amendment proposal, which appeared on the ballot simultaneously with a proposal to eliminate the requirement that multiple amendments be submitted to the voters as separate questions, was rejected by the voters; it received an affirmative vote of just over 24 percent of all voters at the 1948 state general election.

11 Laws of Minn. 1974, ch. 457.
1948 – Constitutional commission recommendations. The Constitutional Commission of Minnesota, created in a 1947 law\(^\text{12}\) made its report on October 1, 1948 and included recommendations related to the procedure for calling a constitutional convention.

Relative to conventions, the 1948 commission recommended:\(^\text{13}\)

1. a ballot question to call a constitutional convention be presented to the voters once every 20 years, and at any other time upon the vote of two-thirds of each house of the legislature; and

2. any proposed amendment or revision adopted by a convention be submitted to the voters no sooner than 60 days and no later than six months following adjournment of the convention. The proposed amendment or revision would be ratified by the affirmative vote of a majority of the voters voting on the question.

The recommendations of the constitutional commission did not result in approval of any amendment proposal by the legislature, though the submission of amendments to the voters at the 1952 and 1954 general elections related to voter approval of amendments or revisions adopted by a convention, described below, was likely informed at least in part by the report of the commission.

1951 and 1953 – Requiring a vote of three-fifths of voters voting on the question to ratify a proposed revision adopted by a constitutional convention and permitting legislators to serve as delegates to a convention. Both the 1951 and 1953 legislatures approved a constitutional amendment proposal to add a new section of the constitution requiring any revision adopted by a constitutional convention to be submitted to the people for a vote. The amendment required an affirmative vote of three-fifths of those voters voting on the question of the revision for the revision to be approved as a new constitution for the state. The amendment also added language permitting members of the legislature to serve as delegates to a constitutional convention (by exempting delegates elected to the convention from an existing constitutional prohibition on legislators serving in multiple elected offices).

At the 1952 state general election this amendment proposal was rejected by the voters, receiving an affirmative vote of fewer than 45 percent of all voters voting at the election. At the 1954 state general election, with a slightly modified ballot question (among other things, the new question eliminated a reference to allowing legislators to serve as convention delegates), the proposal was approved with an affirmative vote of just under 55 percent of all voters voting at the election. This adopted language remains in effect in the constitution today.

\(^\text{12}\) Laws of Minn. 1947, ch. 614.
1973 – Minnesota Constitutional Study Commission recommendations. In 1971, the legislature enacted a law establishing a study commission to review the constitution and make recommendations in preparation for a constitutional convention, or as a basis for making further individual amendments.\textsuperscript{14} The commission made its report in February 1973 and included recommendations for altering the constitutional convention process.

Relative to conventions, the 1973 commission report recommended that:\textsuperscript{15}

(1) the legislature be permitted to call a constitutional convention by a majority vote, rather than the existing two-thirds threshold;

(2) the legislature be permitted to present the question of a constitutional convention to voters at a special election, on a two-thirds vote of both bodies of the legislature;

(3) the ratification threshold be modified so that voters could approve the calling of a convention with either 55 percent of those voting on the question, or a majority of those voting at the election; and

(4) a convention be permitted to decide whether its proposed revisions be submitted to the people at a primary, special, or general election held between two and six months after adjournment of the convention.

The recommendations of the Constitutional Study Commission related to convention procedures did not result in approval of any amendment proposal by the legislature.

Process to Amend the Constitution Has Remained Largely Intact

The process to amend Minnesota’s constitution has remained largely the way it was originally drafted in the state constitution. While voters have considered several proposals for changing the process for amending the constitution, they have approved only one for each method of amendment: an 1898 amendment increased the vote threshold necessary for ratification of individual amendments and a 1954 amendment expanded the involvement of voters in ratifying the work of a constitutional convention. The changes that have been ratified, taken in context with those that have not, reflect the careful balance that the state has maintained between the role of the legislature and the role of the people in crafting and caring for Minnesota’s constitution; the original principle—that the power to amend rests solely with the people—has been affirmed with new expectations that the people actually participate actively in the process, while also recognizing the role and importance of the legislature in crafting and vetting constitutional policy proposals before they reach the ballot box.

\textsuperscript{14} Laws of Minn. 1971, ch. 806.
\textsuperscript{15} The text of these recommendations can be found in Minnesota Constitutional Study Commission, \textit{supra} note 10, at 32, 56.
Author’s Note: For more on the process of amending the Minnesota constitution and the history of actual amendments proposed and voted on by Minnesota voters, see the publication “Minnesota Constitutional Amendments: History and Legal Principles,” House Research Department, March 2013, www.house.mn/hrd/.
The Gergen Proposition: Initiating a Review of State Legislatures to Determine Their Readiness to Lead America in the 21st Century

By D. Adam Crumbliss, Chief Clerk & Administrator
Missouri House of Representatives

Introduction
An account of a recent presentation at the 2013 annual meeting of the National Conference of State Legislatures (NCSL) indicates that:

"'Washington, D.C., is broken,' said [David] Gergen, former adviser to four presidents, Harvard professor of public service, and political analyst for CNN. And the likelihood that the federal government will get its act together anytime soon is dim. ‘Americans are depending on state legislators’ to make up for the poor leadership shown in our nation’s capitol, to champion bipartisan cooperation, to keep the country’s governance vibrant, to stand up to the partisan ideological fights that end up hurting everyone (Lays 2013).”

Gergen’s notion lays out an ambitious – if not optimistic – vision for a new governance that heralds a rise of the so-called ‘laboratories of democracy’ as the true leaders of America’s 21st century. If history remains an apt teacher, Missourians will await further action on Gergen’s call, instead surveying the actions of other state legislatures, before making substantial iterative changes to their state legislature.

Missouri has earned its moniker as the ‘Show-Me State’ throughout its tumultuous political history. Known as a political bellwether state for nearly the entire 20th century – having its Electoral College votes go toward the successful Presidential candidate in all elections but 1956 – it is only now that Missouri has arguably shifted toward a more conservative political culture with its electoral votes going to unsuccessful Republican Presidential candidates in 2008 and 2012.

Missouri has also been a state that has traditionally not been the first or the last in the adoption of policy changes that have swept the nation in any focus area. That is to say that throughout the state’s history, Missouri legislators haven’t historically been the trailblazing policy crafters that have earned headlines as being the ‘first in the nation to (select a policy area here)’. Instead, this Midwestern state that local political actors have characterized as being a fertile agricultural land contained between America’s easternmost Western city – Kansas City – and the nation’s westernmost Eastern city – St. Louis – has historically reviewed the impacts of policy decisions in other states prior to their consideration within the Show-Me State.

Despite these local characterizations, it is assured that the home state of such wonderful historical treasures as Harry Truman, Mark Twain and Walt Disney has in recent years experienced a vast change to the legislative landscape; the impacts of these changes arguably point to some important dynamics for consideration when reviewing Mr. Gergen’s vision for state legislatures.
A Polemic Notion of State Legislatures

State legislatures have very few explicit and implicit obligations and duties, among them are:

1. Pass a budget.
2. Maintain the laws.
3. Review and confirm or deny gubernatorial appointments.
4. Represent the will of the people.
5. Provide oversight and balance to the will of the executive and judicial branches.

Historically, Missouri’s General Assembly has met its obligations with varying levels of success. Every year a budget has been passed and new legislation enacted. The Senate has regularly chosen to confirm or deny confirmation of gubernatorial appointees. Its representation of the will of the people is subject to the interpretation and judgment of the citizens that elect each legislator.

It can be argued, however, that Missouri’s General Assembly has been less focused on its obligation to provide oversight and balance to the will of the executive and judicial departments of state government. This is not a criticism of political party, a particular leader, or the individual character of those elected. Nor is it an indictment or damnation of Missouri’s implementation of term limits. Instead, it is a criticism of the body itself as a whole to effectively structure itself and its resources in a manner that institutes a system aimed at long-term strategic focus, planning, and the maintenance of healthy governmental checks and balances.

Missouri’s General Assembly is deemed a ‘part-time’ or ‘citizen’ legislature. Members – and any citizen that has a problem or complaint with or about state government from the middle of May through early January – can attest that the work of a legislator continues well beyond the final gavel of each year’s law-making session.

The scope and breadth of the day-to-day grind of the executive bureaucracy ensures that decisions are made which impact Missourians every day, some of which are never communicated to the legislature. Historically, Missouri’s citizen legislature has tended to make laws that leave wide discretion to the executive branch – and unelected bureaucrats – to make the decisions where ‘the rubber meets the road’.

This is to be expected to a point in a civilized society; those with historical knowledge, education, and expertise are better equipped to make the day-to-day decisions. However, Missouri’s General Assembly rarely organizes itself to tackle in a systemic fashion a review or revisiting of such decisions; a dearth of planned strategic oversight instead has become commonplace. Executive fiat has become the norm in which strategic efforts are made to ask for forgiveness in failings and mistakes rather than asking for legislative permission in advance.

Legislators are busy people with unlimited demands on their time, talents, and resources. Increasingly so, Missouri’s citizen legislators are turning to staff within the General Assembly to inform their decision-making processes. It is to be assumed that Missouri is
not alone in this situation. Indeed, in a high-speed technologically-advanced world, legislators are increasingly turning to others to inform their decision-making processes.

Also, citizen demands for a limited government that lives within its means appear to be growing in Missouri. In the face of these environmental challenges, it is here suggested that Missouri’s General Assembly – and other state legislatures – should initiate a continuous plan for improving the process aimed at rebalancing the fulcrons of state government to ensure the long-term strength of the legislative department of our state governments.

If, as game theorists have suggested, ‘politics is a zero sum game,’ then the substantial rise in executive power witnessed throughout the era of the world wide web must be reviewed, reined in and restored to some modest modicum of legislative authority if Gergen’s vision is to be realized. Realizations of the breadth and scope of executive fiat exercised at the national level in terms of surveillance, eavesdropping and technological warfare seems to dictate an urgency of enhanced oversight by legislative departments of government at all levels.

Each newly-elected state legislature is constantly faced with the choice of reprioritizing its existing resources to meet new demands or to tackle the politically challenging effort of growing its financial and personnel resources. Some legislatures exist within a state political culture that is keen on raising additional tax revenues to meet government needs; Missouri is not among these. The question arises, then, that if state legislatures are to fulfill the ambitious vision of Mr. Gergen – Missouri included – then what action must occur to spark such action?

From time to time, it is the duty of legislators and the staff that serve them to fundamentally question the who, what, where, when and why of the procedural and operational aspects of their state legislature. Indeed, just because a practice is prevalent may be the poorest reason for continuing it.

It is essential that state legislatures thoroughly examine their procedures to complete a systemic review and seek to answer the following questions:

1. Are the balances of power within our state governments properly and sufficiently established as a support mechanism for the long-term needs of a healthy democratic-republic?
2. Are we effectively meeting our obligations?
3. Are we appropriately and efficiently structured?
4. Are there better, more cost-effective means by which the legislature can operate or procedures than are currently in place which should be implemented?
5. What is the long-term/intermediate-term/short-term vision of the legislature as an organization?
6. What are the goals and objectives of the organization and what are the timetables to achieve those goals and objectives?
7. What framework is to be established to ensure an on-going strategic decision-making process for the legislature that will adequately fulfill its obligations?
The answers to each of these fundamental questions should exude into every aspect of a state legislature as an organization in order to maximize the strength and health of the legislative apparatus. It is the legislators themselves – not simply the various staff leaders or employees in their charge – that should establish the answers to the above questions.

To fulfill Mr. Gergen’s notion, the goal for state legislatures ought to include efforts aimed at becoming the leading public sector employer-of-choice among citizens in their states. This goal should be reflected in the productivity, accountability, transparency, customer service, compensation, and willingness to be the standard-bearer of public employers.

It is of significant importance that the vision, goals and objectives of the various state legislatures as institutions of governance be set, prioritized and directed by elected legislators. While the staff is a vital resource for success, the staff itself does a great disservice to those they serve and the taxpayers that pay their salaries if they fail to ask the tough questions, tackle the challenging problems, and push to protect and preserve the institutional authority, jurisdiction, and power of the state legislature.

**Beginning the Review Process**

To initiate an effort aimed at examining the legislative apparatus, the author now establishes a descriptive review of Missouri’s General Assembly that may aid other state legislative bodies to begin such considerations. It is by no means an exhaustive review; it is intended only as a first effort toward provoking a long term discourse as to the point of view espoused by Mr. Gergen.

The initial stages of a successful review must first focus on the scientific approach of classification and distinction. This should be followed by a description of the environmental changes surrounding the organization and then an introspective analysis of dynamics within the organization.

While the next stage of this review would be to conduct a prescriptive course of action, the author stops short of this activity in light of the formation of the House Interim Committee on Legislative Institutional Infrastructure and Process. It is hoped, however, that other states will be able to examine similar dynamics and developments within their legislative apparatus in an effort to participate in a long term discourse regarding Mr. Gergen’s perspective.

The final portion of the review would be to enact the prescriptive course of action and then complete a follow-up review as part of an effort to institute a systemic organizational change effort.

**Demographic Data**

NCSL has endeavored to shed light into the institutional structures of state legislative apparatuses by establishing a color-coded grouping system consisting of Red, White and
Blue. Missouri is one of 22 states that fall into the broadly defined NCSL category of White. Legislatures within NCSL’s White category are usually comprised of the following listed characteristics:

- Spend more than two-thirds of a full time job being legislators.
- Earn a moderate wage that is usually not enough to allow them to make a living without other sources of income.
- Have intermediate sized staff.

Additional demographic characteristics of Missouri’s current legislature demonstrate the following:

- It is the seventh largest overall two-chamber legislature in the United States of America (Reiscman 1).
- Its General Assembly is comprised of the fourth largest House of Representatives in the nation – at 163 Representatives – and the 34th largest Senate in the nation – with 34 Senators (Reiscman 1).
- State Representative districts have an ideal population of 36,742 while Senatorial districts have an ideal population of 176,145 (Missouri Office of Administration).
- State Representatives are elected to two year terms occurring in November of even numbered years while Senators are elected to four year terms in November of even numbered years with one-half of the districts being elected at any given time (Missouri Constitution).
- Currently there are 124 male and 38 female State Representatives (with one vacancy), while there are 29 male and 5 female Senators (Research Division).

**Contemporary Environmental Changes**

**Term Limits**

In 1992, Missouri voters enacted a constitutional system of term limits for state legislators. The established limits prospectively provided that no legislator would be eligible to serve for more than four two-year terms in the House and two four-year terms in the Senate. In effect, lifetime term limits were established with each legislator being eligible to serve not more than eight years in the House or more than eight years in Senate (Valentine 1).

The amendment adopted by voters provided that service occurring before its enactment would not count toward the term limitations; the first full impact of the amendment was evident with the November, 2002 elections. Voters adopted an amendment in 2002 to the enacted term limits provision that would allow the service of those legislators elected in a special election to complete the term of a vacated office to not count toward the lifetime limit if the period of service was for less than one-half of a term (Valentine 1).

Term limits have substantially impacted the level of legislative tenure within the Missouri General Assembly. David Valentine, former Missouri Senate Research Director indicates that:
“Tenure can be viewed as a surrogate for knowledge about state government, the legislative process and the chamber in which members serve. The equivalency is very rough and highly dependent upon the characteristics of individual members. Nonetheless, the fundamental proposition is that a member with five years’ tenure will know more than one with only one year and the same logic applies to differentials across general assemblies (2).”

Mr. Valentine indicates that legislative tenure in the pre-term limited House was approximately 5.4 years prior to full implementation of term limits and has dropped precipitously since. A similar trend has occurred in Missouri’s Senate.

Figure 1.

Figure 2.
Missouri is now one of only fifteen states with some form of legislative term limits currently in effect, and is one of only six states that also fall into NCSL’s White categorization. The other five states are Arizona, Colorado, Louisiana, Nebraska and Oklahoma.

**Shift in Partisan Control of the General Assembly**
Missouri’s General Assembly has experienced a substantial shift in partisan composition in recent history. With the 2000 general elections and subsequent resignations, the Missouri Senate experienced a tie in partisan composition; a special election in 2001 resulted in the first Republican-controlled Missouri Senate since 1948. Prior to the 2000 elections, the smallest majority held in the Democratic-controlled Missouri Senate was two seats in 1999, while the largest party differential occurred in 1959 when Democrats held 18 seats more than Republicans. Upon convening in 2013, Republican Senators represented 24 of 34 Senate districts (70.58%).

The 2002 general election results provided for the first Republican-controlled Missouri House of Representatives since 1954; this also marked the only time that a female has been elected to serve as Speaker of the House. Prior to the 2002 general elections, the smallest majority held in the Democratic-controlled Missouri House of Representatives was ten seats in 2001, while the largest party differential occurred in 1965 when Democrats held 83 more seats than Republicans. Upon convening in 2013, Republican legislators represented 110 of 163 House districts (67.48%).

**Shift in the Legislative Proportion of Missouri State Government**
During the twenty year period of 1990-2010, the Missouri General Assembly has experienced a substantial reduction of finances and personnel as a proportion of total state expenditures and personnel. To be clear, real dollar expenditures within the General Assembly have increased during this twenty-year period, but growth by Executive and Judicial Departments of Missouri government has far outpaced that for the legislature. However, when one considers the growth of Missouri state government during that time, the General Assembly’s proportion of state spending has dropped by half.

<table>
<thead>
<tr>
<th>NCSL Comparison of Legislative Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Missouri</td>
</tr>
<tr>
<td>Ranking of State Legislative Expenditures (1 being highest)</td>
</tr>
<tr>
<td>Percentage of General Government Spending</td>
</tr>
<tr>
<td>Total Legislative Expenditures (in millions)</td>
</tr>
</tbody>
</table>

Table 1.
During this same twenty-year period, the number of personnel within Missouri’s General Assembly remained nearly flat. This contrasts sharply against growth within the Executive and Judicial Departments of Missouri state government.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive</td>
<td>42,983.64</td>
<td>53,837.01</td>
<td>51,952.53</td>
<td>20.87%</td>
</tr>
<tr>
<td>Judiciary (including Public Defender)</td>
<td>2,741.47</td>
<td>3,804.68</td>
<td>3,851.48</td>
<td>40.49%</td>
</tr>
<tr>
<td>State-Wide Elected Officials (incl. Officials)</td>
<td>632.35</td>
<td>843.69</td>
<td>847.9</td>
<td>34.09%</td>
</tr>
<tr>
<td>General Assembly (incl. 197 Members)</td>
<td>650.25</td>
<td>766.75</td>
<td>672.35</td>
<td>3.40%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>47,007.71</td>
<td>59,252.13</td>
<td>57,324.26</td>
<td>21.95%</td>
</tr>
</tbody>
</table>

Table 2.

When all states within NCSL’s White categorization are considered, they demonstrate a ratio average of 3.1 total staff per legislator. Missouri appears to lag significantly behind this average when one considers the 453.25 staff in SFY 1990 and the 475.35 staff in SFY 2010.

Figure 3.

**Internal Dynamics for Review**

New dynamics appear to be developing within the current legislative environment regarding bill and legislative activity. While legislators are introducing more legislation
for consideration, fewer items appear to be making it through to the end of the legislative process and submitted to the Governor for consideration.

A review of the number of total pieces of legislation introduced by State Representatives and Senators suggests a sharp acceleration of legislation under consideration in recent history. While empirical data provides specific causations of this trend is not currently evident, anecdotal evidence suggests much of this trend may be a result of the decrease of legislative tenure in Missouri.

![Missouri's Average Number of Introduced Legislation](image1)

Figure 4.

In converse, however, a review of the number of total pieces of legislation that were truly agreed to and finally passed by Missouri legislators indicate that fewer efforts at drafting and introducing Missouri law are reaching the final steps of the process.

![Average Number of Legislation Truly Agreed To and Finally Passed in Missouri](image2)

Figure 5.

A review of the number of items vetoed by Missouri’s Governor shows a rather steady average.
While this trend of relatively stable vetoes exists, it is important to note that in 2013 Missouri’s Governor established a 50-year high of 29 vetoes of the 164 items that were truly agreed to and finally passed (17.68%).

Another trend that appears to demonstrate growth within the Missouri House of Representatives is the number of committees appointed to address various budgetary and policy areas. While fifty-year historical data was not available, a substantial increase in committees appears evident in recent years.

Another internal dynamic that appears to have developed within the Missouri House is a
substantial increase in the use of procedural motions to end debate. In Missouri, efforts to end floor debate most often occur through the adoption of a motion for previous question. An exponential increase is the use of this procedural maneuver has been experienced.

![Number of Previous Question Motions in the Missouri House](image)

Figure 8.

Prior to the change in partisan control of the Missouri House in 2003, anecdotal evidence indicates that presiding officers would often end debate on an issue by simply recognizing a Representative to renew his or her motion without the adoption of any formal procedural motion. Therefore, the goal of concluding debate was frequently achieved without specific authorization of the body.

**Conclusion**

Based on David Gergen’s speculation that the American citizens are relying on state governments to restore public trust and confidence within our federal system, it puts state governments on notice that they are being watched and established a high expectation. If his assertion is correct, state governments – and particularly legislatures – need to immediately engage in a systemic review of the intended checks and balances to determine whether the fulcrums of power are correctly established and properly working.

While the ‘Show-Me State’ has historically maintained a ‘wait and see approach’ to the establishment of public policy, substantial upheaval in Missouri’s political and governance structures seem to have thrust the state into a conundrum as to whether the legislative institution is properly equipped to maintain an appropriate level of power vis-à-vis the Executive and Judicial Departments of our state government. Therefore, a review of changes in the environment and internal operations of the legislature is now underway. The analysis of historical trend data demonstrated here aims to provide a
starting point from which other state legislatures may initiate a similar review and
determine whether Mr. Gergen’s assertion is correct and, if so, whether it is possible for
state legislatures to meet the vision he sets forth as the new national leaders of our
American republic.
Bibliography


Index of Figures and Tables


Figure 2. Valentine, David. “The Impact and Implication of Term Limits in Missouri.”


Figure 7. Tucker, William. “Committee Count Information.” 1981-2013. *Division of Research, Missouri House of Representatives.*

Figure 8. Miller, Dana. “PQ History as Compiled from the Journals of the Missouri House.” *Office of the Assistant Chief Clerk, Missouri House of Representatives.*
### PROFESSIONAL JOURNAL INDEX
1995 – 2013

#### Administration

<table>
<thead>
<tr>
<th>Season</th>
<th>Year</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall</td>
<td>1997</td>
<td>Boulter, David E.</td>
<td>Strategic Planning and Performance Budgeting: A New Approach to Managing Maine State Government</td>
</tr>
<tr>
<td>Spring</td>
<td>2001</td>
<td>Carey, Patti B.</td>
<td>Understanding the Four Generations in Today's Workplace</td>
</tr>
<tr>
<td>Spring</td>
<td>2006</td>
<td>Hedrick, JoAnn</td>
<td>Passage of Bills and Budgets in the United States System – A Small State’s Perspective</td>
</tr>
<tr>
<td>Spring</td>
<td>2001</td>
<td>Henderson, Dave</td>
<td>Personnel Policies in the Legislative Environment</td>
</tr>
<tr>
<td>Summer</td>
<td>2000</td>
<td>Jones, Janet E.</td>
<td>RFP: A Mission Not Impossible</td>
</tr>
<tr>
<td>Spring</td>
<td>1998</td>
<td>Larson, David</td>
<td>Legislative Oversight of Information Systems</td>
</tr>
<tr>
<td>Fall</td>
<td>2008</td>
<td>Leete and Maser</td>
<td>Helping Legislators Legislate: An Executive Education Program for State Senators</td>
</tr>
<tr>
<td>Fall</td>
<td>1995</td>
<td>Rudnicki, Barbara</td>
<td>Criticism</td>
</tr>
</tbody>
</table>

#### ASLCS

<table>
<thead>
<tr>
<th>Season</th>
<th>Year</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summer</td>
<td>2000</td>
<td>Burdick, Edward A.</td>
<td>A History of ASLCS</td>
</tr>
</tbody>
</table>

#### Case Studies

<table>
<thead>
<tr>
<th>Season</th>
<th>Year</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall</td>
<td>2009</td>
<td>Arp, Don, Jr.</td>
<td>“An institutional ability to evaluate our own programs”: The Concept of Legislative Oversight and the History of Performance Auditing in Nebraska, 1974-2009</td>
</tr>
<tr>
<td>Fall</td>
<td>2003</td>
<td>Bailey, Mathew S.</td>
<td>The Will of the People: Arizona’s Legislative Process</td>
</tr>
<tr>
<td>Summer</td>
<td>2000</td>
<td>Clemens and Schuler</td>
<td>The Ohio Joint Select Committee Process</td>
</tr>
<tr>
<td>Fall</td>
<td>2006</td>
<td>Clemens, Laura</td>
<td>Ohio Case Regarding Open Meetings and Legislative Committees</td>
</tr>
<tr>
<td>Spring</td>
<td>2010</td>
<td>Colvin, Ashley</td>
<td>Public-Private Partnerships: Legislative Oversight of Information and Technology</td>
</tr>
<tr>
<td>Fall</td>
<td>2003</td>
<td>Cosgrove, Thomas J.</td>
<td>First-Term Speakers in a Divided Government</td>
</tr>
<tr>
<td>Fall</td>
<td>2005</td>
<td>Garrett, John</td>
<td>The Balance Between Video Conferencing by the Virginia General Assembly and Requirements of Virginia’s Freedom of Information Act</td>
</tr>
<tr>
<td>Spring</td>
<td>1996</td>
<td>Dwyer, John F.</td>
<td>Iowa Senate's Management of Its Telephone Records Is Upheld by State Supreme Court</td>
</tr>
<tr>
<td>Fall</td>
<td>2003</td>
<td>Gray, LaToya</td>
<td>Virginia's Judicial Selection Process</td>
</tr>
<tr>
<td>Spring</td>
<td>2003</td>
<td>Howe, Jerry</td>
<td>Judicial Selection: An Important Process</td>
</tr>
<tr>
<td>Fall</td>
<td>2002</td>
<td>Jamerson, Bruce F.</td>
<td>Interpreting the Rules: Speaker's Resignation Challenges</td>
</tr>
<tr>
<td>Fall</td>
<td>2007</td>
<td>James, Steven T.</td>
<td>Government by Consensus: Restrictions on Formal Business in the Massachusetts Legislature Inspire Innovative Ways</td>
</tr>
</tbody>
</table>
to Govern

Fall 2003 Morales, Michelle  
*I Will Survive: One Bill’s Journey Through the Arizona Legislature*

Fall 1995 Phelps, John B.  
*Publishing Procedural Rulings in the Florida House of Representatives*

Fall 2006 Phelps, John B.  
*Florida Association of Professional Lobbyists, Inc. et. al. v. Division of Legislative Information Services of the Florida Office of Legislative Services et. al*

Spring 2008 Regan, Patrick  
*The True Force of Guidance Documents in Virginia’s Administrative Agencies*

Spring 2009 Rosenberg, David A.  
*Irony, Insanity, and Chaos*

Fall 2006 Speer, Alfred W.  
*The Establishment Clause & Legislative Session Prayer*

Fall 2001 Tedcastle, Tom  
*High Noon at the Tallahassee Corral*

Spring 1998 Todd, Tom  
*Nebraska’s Unicameral Legislature: A Description and Some Comparisons with Minnesota’s Bicameral Legislature*

Fall 2006 Wattson, Peter S.  
*Judging Qualifications of a Legislator*

**Historic Preservation**

Fall 1995 Mauzy, David B.  
*Restoration of the Texas Capitol*

Fall 2001 Wootton, James E.  
*Preservation and Progress at the Virginia State Capitol*

Spring 2008 Wootton, James E.  
*Restoring Jefferson’s Temple to Democracy*

**International**

Fall 2000 Grove, Russell D.  
*The Role of the Clerk in an Australian State Legislature*

Fall 2010 Grove, Russell D.  
*How Do They Do It? Comparative International Legislative Practices*

Fall 2000 Law, K.S.  
*The Role of the Clerk to the Legislative Council of the Hong Kong Special Administrative Region of the People’s Republic of China*

Spring 2004 MacMinn, E. George  
*The Westminster System – Does It Work in Canada?*

Spring 2006 Phelps, John B.  
*A Consultancy in Iraq*

Fall 2000 Pretorius, Pieter  
*The Role of the Secretary of a South African Provincial Legislature*

Spring 2002 Schneider, Donald J.  
*Emerging Democracies*

**Miscellaneous**

Summer 1999 Arinder, Max K.  
*Planning and Designing Legislatures of the Future*
Fall 2000 Arinder, Max K. Back to the Future: Final Report on Planning and Designing Legislatures of the Future

Fall 2013 Crumbliss, D. Adam The Gergen Proposition: Initiating a Review of State Legislatures to Determine Their Readiness to Lead America in the 21st Century

Winter 2000 Drage, Jennifer Initiative, Referendum, and Recall: The Process

Fall 2005 Hodson, Tim Judging Legislatures

Fall 2010 Maddrea, Scott Tragedy in Richmond

Fall 2006 Miller, Steve Where is the Avant-Garde in Parliamentary Procedure?

Spring 1996 O'Donnell, Patrick J. A Unicameral Legislature

Spring 1998 Pound, William T. The Evolution of Legislative Institutions: An Examination of Recent Developments in State Legislatures and NCSL

Fall 2009 Robert, Charles Book Review of Democracy’s Privileged Few: Legislative Privilege and Democratic Norms in the British and American Constitutions

Fall 2000 Rosenthal, Alan A New Perspective on Representative Democracy: What Legislatures Have to Do

Fall 1995 Snow, Willis P. Democracy as a Decision-Making Process: A Historical Perspective

Spring 2010 Austin, Robert J. Too Much Work, Not Enough Time: A Virginia Case Study in Improving the Legislative Process

Fall 1996 Burdick, Edward A. Committee of the Whole: What Role Does It Play in Today's State Legislatures?

Spring 2003 Clapper, Thomas How State Legislatures Communicate with the Federal Government

Spring 2008 Clemens, Laura Ohio’s Constitutional Showdown

Fall 2006 Clift, Claire J. Reflections on the Impeachment of a State Officer

Fall 2008 Clift, Claire J. Three Minutes

Spring 2004 Dunlap, Matthew My Roommate Has a Mohawk and a Spike Collar: Legislative Procedure in the Age of Term Limits


Spring 2002 Erickson and Barilla Legislative Powers to Amend a State Constitution

Spring 2001 Erickson and Brown Sources of Parliamentary Procedure: A New Precedence for Legislatures

Summer 1999 Erickson, Brenda Remote Voting in Legislatures

Fall 2013 Gehring, Matt Amending the State Constitution in Minnesota: An Overview of the Constitutional Process

Fall 2010 Gieser, Tisha Conducting Special Session Outside of the State Capital

Spring 2004 James, Steven T. The Power of the Executive vs. Legislature – Court Cases and Parliamentary Procedure


Spring 2010  Kintsel, Joel G.  Adoption of Procedural Rules by the Oklahoma House of Representatives: An Examination of the Historical Origins and Practical Methodology Associated with the Constitutional Right of American Legislative Bodies to Adopt Rules of Legislative Procedure

Fall 2002  Maddrea, B. Scott  Committee Restructuring Brings Positive Changes to the Virginia House

Spring 2009  Marchant, Robert J.  Legislative Rules and Operations: In Support of a Principled Legislative Process

Fall 1997  Mayo, Joseph W.  Rules Reform

Spring 2011  McComlossy, Megan  Ethics Commissions: Representing the Public Interest

Spring 2002  Mina, Eli  Rules of Order versus Principles

Spring 2011  Morgan, Jon C.  Cloture: Its Inception and Usage in the Alabama Senate

Fall 2008  Pidgeon, Norman  Removal by Address in Massachusetts and the Action of the Legislature on the Petition for the Removal of Mr. Justice Pierce

Fall 2007  Robert and Armitage  Perjury, Contempt and Privilege –Oh My! Coercive Powers of Parliamentary Committees

Spring 2003  Tucker, Harvey J.  Legislative Logjams Reconsidered

Fall 2005  Tucker, Harvey J.  The Use of Consent Calendars In American State Legislatures

Summer 2000  Vaive, Robert  Comparing the Parliamentary System and the Congressional System

Fall 2001  Whelan, John T.  A New Majority Takes Its Turn At Improving the Process

Staff

Spring 2001  Barish, Larry  LSMI: A Unique Resource for State Legislatures

Fall 2001  Best, Judi  Legislative Internships: A Partnership with Higher Education

Spring 1996  Brown, Douglas G.  The Attorney-Client Relationship and Legislative Lawyers: The State Legislature as Organizational Client

Fall 2002  Gallagher and Aro  Avoiding Employment-Related Liabilities: Ten Tips from the Front Lines

Spring 2011  Galvin, Nicholas  Life Through the Eyes of a Senate Intern

Spring 2003  Geiger, Andrew  Performance Evaluations for Legislative Staff

Spring 1997  Gumm, Jay Paul  Tap Dancing in a Minefield: Legislative Staff and the Press

Fall 1997  Miller, Stephen R.  Lexicon of Reporting Objectives for Legislative Oversight

Winter 2000  Phelps, John B.  Legislative Staff: Toward a New Professional Role

Spring 2004  Phelps, John B.  Notes on the Early History of the Office of Legislative Clerk
<table>
<thead>
<tr>
<th>Season</th>
<th>Year</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winter</td>
<td>2000</td>
<td>Swords, Susan</td>
<td>NCSL's Newest Staff Section: &quot;LINCS&quot; Communications Professionals</td>
</tr>
<tr>
<td>Fall</td>
<td>1996</td>
<td>Turcotte, John</td>
<td>Effective Legislative Presentations</td>
</tr>
<tr>
<td>Fall</td>
<td>2005</td>
<td>VanLandingham, Gary R.</td>
<td>When the Equilibrium Breaks, the Staffing Will Fall – Effects of Changes in Party Control of State Legislatures and Imposition of Term Limits on Legislative Staffing</td>
</tr>
</tbody>
</table>

**Technology**

<table>
<thead>
<tr>
<th>Season</th>
<th>Year</th>
<th>Author</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spring</td>
<td>1996</td>
<td>Behnk, William E.</td>
<td>California Assembly Installs Laptops for Floor Sessions</td>
</tr>
<tr>
<td>Spring</td>
<td>1997</td>
<td>Brown and Ziems</td>
<td>Chamber Automation in the Nebraska Legislature</td>
</tr>
<tr>
<td>Fall</td>
<td>2008</td>
<td>Coggins, Timothy L.</td>
<td>Virginia Law: It's Online, But Should You Use It?</td>
</tr>
<tr>
<td>Spring</td>
<td>2002</td>
<td>Crouch, Sharon</td>
<td>NCSL Technology Projects Working to Help States Share Resources</td>
</tr>
<tr>
<td>Spring</td>
<td>1997</td>
<td>Finch, Jeff</td>
<td>Planning for Chamber Automation</td>
</tr>
<tr>
<td>Summer</td>
<td>1999</td>
<td>Galligan, Mary</td>
<td>Computer Technology in the Redistricting Process</td>
</tr>
<tr>
<td>Summer</td>
<td>1999</td>
<td>Hanson, Linda</td>
<td>Automating the Wisconsin State Assembly</td>
</tr>
<tr>
<td>Fall</td>
<td>1995</td>
<td>Larson, David</td>
<td>Emerging Technology</td>
</tr>
<tr>
<td>Fall</td>
<td>1996</td>
<td>Pearson, Herman (et al)</td>
<td>Reengineering for Legislative Document Management</td>
</tr>
<tr>
<td>Fall</td>
<td>1995</td>
<td>Schneider, Donald J.</td>
<td>Full Automation of the Legislative Process: The Printing Issue</td>
</tr>
<tr>
<td>Spring</td>
<td>2006</td>
<td>Steidel, Sharon Crouch</td>
<td>E-Democracy – How Are Legislatures Doing?</td>
</tr>
<tr>
<td>Fall</td>
<td>2007</td>
<td>Sullenger, D. Wes</td>
<td>Silencing the Blogosphere: A First Amendment Caution to Legislators Considering Using Blogs to Communicate Directly with Constituents</td>
</tr>
<tr>
<td>Fall</td>
<td>2009</td>
<td>Taylor and Miri</td>
<td>The Sweet Path - Your Journey, Your Way: Choices, connections and a guide to the sweet path in governmentportal modernization.</td>
</tr>
<tr>
<td>Fall</td>
<td>1997</td>
<td>Tinkle, Carolyn J.</td>
<td>Chamber Automation Update in the Indiana Senate</td>
</tr>
<tr>
<td>Fall</td>
<td>2009</td>
<td>Weeks, Eddie</td>
<td>Data Rot and Rotten Data: The Twin Demons of Electronic Information Storage</td>
</tr>
<tr>
<td>Fall</td>
<td>2013</td>
<td>Weeks, Eddie</td>
<td>The Recording of the Tennessee General Assembly by the Tennessee State Library and Archives: One State's History of Legislative History</td>
</tr>
</tbody>
</table>