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Kentucky's Legislature Under the Spotlight

By GLADYS M. KAMMERER*

Many students of public administration as well as many practical administrators have long directed attention to the need for reorganization of the executive branch of government at both federal and state levels. A goodly number of students and Congressional leaders have laid down a steady barrage on the need for reorganization of Congress. The fruits of the efforts of the first group have been the Report of the President's Committee on Administrative Management made in 1937, three federal reorganization acts since 1939, and the monumental Hoover Commission reports and studies of 1949.¹ A sizeable number of executive orders have been issued under authority of all these acts. The advocates of Congressional reorganization achieved the Legislative Reorganization Act of 1946 and a few isolated measures of the Senate and House since that time.

The condition of our state legislatures, however, has not excited dramatic or sustained attention in many states, despite critical editorials directed by the press at legislative failures. Yet the state legislature represents the branch of government which is not only closest to the people but the very cornerstone of American democracy. Far broader legislative powers rest in our state governments under Article X of the United States Constitution than are delegated by that instrument to the Congress. The state government through its legislature touches the citizen in each day's activity in dozens of ways through a seamless web of regulations, taxes, fees, licenses, restrictions, guarantees, benefits, and privileges. It is, moreover, a training ground for future Congressmen, governors, U. S. Senators, and even presidents.

Much of the exaltation of the executive branch of government, both in the states and in the nation, has come as a reaction against the behavior of legislative bodies. The disenchantment of the American people with their state legislatures set in a century ago. That disillusionment, which has not abated, has led to a steady accretion of power in the executive. Yet almost the only answer by way of reform of the legislative branch has been a negative one, particularly evi-

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¹ Known more accurately as *Reports to the Congress by the Commission on the Reorganization of the Executive Branch of the Government* (Washington: Government Printing Office, 1949).

denced by constitutional limitations on legislative sessions, prohibitions against special legislation, and in some states by the initiative and referendum. Little study has been concentrated on the anatomy and behavior of legislatures in the legislative process itself. As a consequence, positive proposals have been lacking for reform or reorganization of the legislature to enable it to perform its tasks more efficiently and to handle intelligently the immense burden which a complex industrial civilization imposes upon it.

Kentucky particularly has had no comprehensive study of legislative organization and behavior. The leadership for the sole important steps taken to assure a better legislative product, the first step through a legislative council in 1936 and the second through the creation of the Legislative Research Commission in 1948, came entirely from two governors. These agencies were superimposed upon an existing legislative structure designed for the "horse and buggy" age. Before the Kentucky citizen can comprehend the reasons for editorial criticism of the legislature, if he has never seen that body in action, he must know something about its membership, organization, procedures, and timetable. The purpose of this study is merely to open that area of investigation to provide a factual basis on which to judge the need for reorganization of the General Assembly

Representation in the General Assembly

The first aspect of the legislature to examine is the representative nature of that body. Although apportionment itself is a subject for considerable study and is not within the scope of this paper, it is significant in evaluating the legislative product to know the economic interests represented and the normal rate of turnover in the two houses. The 1948 and 1950 legislatures are examined as typical bodies producing typical legislation. Suffice it to say that Kentucky is not one of those states singled out as "horrible" examples of unfair rural-urban apportionment.

Rural influence predominates in the Kentucky General Assembly as it does in the state. Of the one hundred members of the state House of Representatives in 1948 and 1950, thirty-one came from districts which were more urban than rural in character or were under modern industrial influence. Nine of the thirty-eight senators came from predominantly urban districts. A number of members of both houses, however, live in cities of some size and influence, but their districts are overwhelmingly rural in character, a fact which colors

their attitudes. The seeming discrepancy in the proportion of rural versus urban representation in the Senate is derived from the fact that Senate districts comprise larger areas which in many cases combine a number of counties. Through such combinations the rural population may actually overbalance that of cities within an area. House districts, smaller than those of the Senate, are based upon single cities or parts of cities.

One salient fact with respect to occupational representation is that lawyers in the Kentucky House do not constitute the dominant occupational group. Rather, in the 1948 lower house farmers were the most numerous class, and in 1950 small-town merchants were dominant. Although the number of farmers declined in 1950 from that in 1948, as did that of teachers, small increases occurred among salesmen, contractors, undertakers, and newspaper and radio employees. A few retired persons also appeared as representatives. The occupational classifications of Senators and Representatives in the two sessions are shown in Table 1.

TABLE 1
OCCUPATIONS OF KENTUCKY LEGISLATORS, 1948-1950

Occupations	1948				1950			
	Senate		House		Senate		House	
	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural
Lawyers	6	6	8	9	5	7	5	11
Farmers .....	...	5	1	20	...	4	...	9
Merchants	1	4	4	11	1	3	5	12
Insurance .....	...	2	1	3	...	3	...	4
Banker - Investor .....	...	2	...	...	...	2	...	...
Real Estate .....	...	1	2	1	...	2	1	2
Doctors .....	...	3	...	2	1	3	2	...
Teachers .....	...	2	2	9	...	1 ¹	1	5
Laborers .....	...	...	5	...	...	...	2	1
Craftsmen .....	...	...	...	1	...	...	...	2
Undertakers .....	...	...	...	2	...	...	1	3
Retired .....	...	...	...	...	...	...	1	3
Salesmen .....	...	...	3	...	...	...	5	3
Mfg. & Indust.	1	1	...	...	1	1	...	...
Contractors	1	...	...	2	1	1	...	5
Press & Radio .....	...	3	...	1	...	1	1	3
Social Workers ....	...	...	1	...	...	...	1	...
Ministers .....	...	...	...	1	...	...	1	2
Housewives .....	...	...	...	...	...	1	...	1
Clerical .....	...	...	4	2	...	...	5	1
Students .....	...	...	...	5	...	...	...	2
Total	9	29	31	69	9	29	31	69

¹ Actually a school administrator.

TABLE 2
NUMBER OF EXPERIENCED LEGISLATORS IN KENTUCKY, 1948-1950

Party Affiliation	1948		1950	
	Senate	House	Senate	House
Democrats	16	35	17	41
Republicans	7	5	7	11
Total	23	40	24	52

Turnover is extremely high in the lower house and apparently especially so when a new faction wins control of the majority party, as in 1948. Of necessity when less than half of a legislative body has had any legislative experience, disorder and lack of understanding of procedure prevail. Such lack of experience may or may not play into the hands of a dominant party clique. As a matter of fact, the state Senate, which has normally a markedly lower rate of turnover and far higher proportion of members who have served not only during a previous session but prior terms in office, indulges in relatively little debate and no real rebellions against the leadership. Table 2 shows the total number of experienced legislators who had served at least one prior term in either house in 1948-1950.

The Kentucky legislature is, in effect, a representative body comprising all major occupational interests within the state. True, it does not mirror those interests in exact proportion to their voting strength, but it assuredly reflects with some accuracy the urban-rural cleavage within the state. That some interests may gain a disproportionate political advantage through the continuity of their members in the face of customary high turnover in the lower house, however, follows from the political conditions surrounding election to the legislature and the imbedded custom in some districts of alternating between representation of counties within the district.

Committee Structure in the Legislature

Woodrow Wilson declared in 1885 in his classic study of Congress that once a bill is referred to a committee, "it crosses a parliamentary bridge of sighs to dim dungeons of silence whence it will never return,"³ So it is in any state legislature, including that of Kentucky. Most bills meet the fate of pigeon-holing in committee. Probably the average citizen breathes a sigh of relief that this is so, for most bills may de-

³ Woodrow Wilson, *Congressional Government* (Boston: Houghton, Mifflin & Co., 1885), p. 69.

serve to die. The standing committees, at any rate, have the task of weeding out bills and pushing those they wish to see enacted. The standing committees have often been likened to little legislatures.

1. Number of Committees

In view of the strenuous efforts made by Congress in 1946 in reducing the standing committees to nineteen in the House of Representatives and fifteen in the Senate, the number of committees in the General Assembly takes on special significance. The state House of Representatives has seventy standing committees and the Senate thirty-seven for consideration of legislation. In addition, each house has its own Rules Committee which supersedes all other standing committees to assume control of legislation fifteen days before the end of the session.

The House committees show overlapping and duplication which is calculated to confuse outsiders and legislators alike. House committees are as follows:

Agriculture No. 1	Judicial Council
Agriculture No. 2	Juvenile Courts and Children s Homes
Air Transportation	Kentucky Statutes No. 1
Alcoholic Control No. 1	Kentucky Statutes No. 2
Alcoholic Control No. 2	Labor
Alcoholic Control No. 3	Legislative Research
Appropriations	Library and Historical Records
Banks and Banking	Memorials and Resolutions
Charitable and Penal Institutions	Military Affairs
Cities of the First Class	Mines and Mining
Cities of the Second Class	Motor Transportation No. 1
Cities of the Third Class	Motor Transportation No. 2
Cities of the Fourth Class	National Parks
Cities of the Fifth Class	Natural Resources
Cities of the Sixth Class	Oil and Minerals
Claims	Printing
Codes and Practice	Public Bridges and Ferries
Compensation for Industrial Injuries	Public Ditches
Conservation	Public Health
Constitutional Amendments	Public Utilities No. 1
Courts	Public Utilities No. 2
Criminal Law	Publicity and Tounst Attractions
Education No. 1	Railroads
Education No. 2	Research and Marketing
Enrollment	Revenue and Taxation No. 1
Fish and Game	Revenue and Taxation No. 2
Forestry	Roads and Highways
Insurance, Fire and Marine	Rural Highways No. 1
Insurance, Life and Casualty	Rural Highways No. 2

Social Security
 Soil Conservation and Erosion
 State Fair
 State Parks
 State Property
 State University

Suffrage and Elections
 Teachers Colleges
 Trade and Commerce
 Tuberculosis
 Veterans Legislation
 Ways and Means

Senate Committees are almost as numerous as is membership in the Senate. The Senate Committee on Committees, which is, in effect, a party committee to determine committee assignments, is actually forced to appoint a few Republicans as committee chairmen. Senate committees are as follows:

Agriculture and State Fair
 Appropriations
 Aviation
 Banks and Banking
 Charitable, Penal and Reformatory
 Institutions
 Child Welfare and Social Work
 Classification of Towns and Cities
 Clams
 Compensation for Industrial
 Injuries
 Constitutional Amendments
 Courts and Legal Procedure
 Criminal Law
 Drains and Ditches
 Education
 Elections and Redistricting
 Enrollment
 Executive and Legislative Affairs
 Fish and Game
 Forestry, State and National Parks

Higher Education
 Insurance
 Judiciary and Judicial Council
 Kentucky Statutes No. 1
 Kentucky Statutes No. 2
 Labor and Manufacturing
 Library and Historical Records
 Mines and Mining
 Motor Vehicles, Commerce and
 Common Carriers
 Municipalities
 National and Civil Defense
 Public Health
 Public Utilities
 Regulation of Intoxicating Liquors
 Revenue and Taxation
 Rural Roads and Highways
 Veterans Legislation and Military
 Affairs
 Ways and Means

A brief glance at the foregoing lists indicates many possibilities for consolidation of committees into as few as fifteen parallel committees in each house. Such catch-alls as Kentucky Statutes No. 1 and No. 2 could be eliminated, and jurisdiction of the smaller number clarified. Committee jurisdiction could easily be made to correspond with the major problems of state government. The following fifteen committees are suggested, side by side with the existing structure to be absorbed by each:

Agriculture and State Fair
 ..
 Appropriations
 ..
 Business Regulation

Agriculture No. 1
 Agriculture No. 2
 State Fair
 Research and Marketing
 Appropriations
 Alcoholic Control, Nos. 1, 2,
 and 3, or Regulation of
 Intoxicating Liquors

<p>Business Regulation (Continued)</p>	<p>Banks and Banking Insurance, Fire and Marine, and Insurance, Life and Casualty Trade and Commerce</p>
<p>Education</p>	<p>Education Nos. 1 and 2 Library and Historical Records State University Teachers Colleges</p>
<p>Judiciary, Codes and Practice</p>	<p>Codes and Practice Courts or Courts and Legal Procedure Criminal Law Judicial Council or Judiciary Claims</p>
<p>Highways and Motor Transportation</p>	<p>Motor Transportation Nos. 1 and 2 Roads and Highways Rural Highways Nos. 1 and 2 Public Bridges and Ferries</p>
<p>Labor</p>	<p>Labor or Labor and Manufacturing Compensation for Industrial Injuries</p>
<p>Municipal and Local Government</p>	<p>Cities of the 6 Classes</p>
<p>Public Utilities and Railroads</p>	<p>Public Utilities Nos. 1 and 2 Railroads Air Transportation or Aviation</p>
<p>Natural Resources and Conservation</p>	<p>Conservation Fish and Game Soil Conservation and Erosion Forestry State Parks Publicity and Tourist Attractions Public Ditches or Drains and Ditches Oils and Minerals Natural Resources National Parks Mines and Mining</p>
<p>Revenue and Taxation</p>	<p>Revenue and Taxation Nos. 1 and 2 Ways and Means</p>
<p>Suffrage and Elections</p>	<p>Suffrage and Elections Elections and Redistricting</p>
<p>Military Affairs and Veterans</p>	<p>Military Affairs or National and Civil Defense Veterans Legislation</p>
<p>Welfare</p>	<p>Charitable and Penal Institutions Juvenile Courts and Children's Homes Social Security Public Health and Tuberculosis</p>

Executive and Legislative Affairs

Enrollment
 Printing
 Legislative Research
 Memorials and Resolutions
 Kentucky Statutes Nos. 1 and 2
 Executive and Legislative Affairs

If a reorganization of the present jerry-built committee structure could be designed so easily, the question arises as to why no reform is undertaken. The answer prominent legislators will give frankly, if not publicly. The present excessive number of committees, most of which have limited jurisdiction, leaves broad jurisdiction to one or two leadership-controlled committees in each house, especially Kentucky Statutes No. 1 in the House and Kentucky Statutes No. 2 in Senate. Each member may hold many committee memberships while the leadership remains undisturbed. Diffuse as the structure appears to be, the leadership is well concentrated on the few strategic committees. The average legislator, new at his work as shown above, believes that he will impress his constituents and his colleagues by showing multiple committee assignments on his stationery and in the *Legislative Digest*. To him or to his constituents the significance of the committees is irrelevant. The existence of seventy committees in the House and thirty-seven in the Senate compels appointment of each member to many committees. The average member would resist a change, for he is convinced his constituents would not understand.

2. Committee Assignments

Understanding of the committee problem requires examination of assignments to standing committees. The Speaker makes all appointments to House assignments, but in practice he consults party leaders in making his appointments. He is opportuned by representatives who desire particular berths for reasons of their own or the passage of bills in which their constituents are particularly interested. Various pressure groups and executive departments also submit requests to him to make certain appointments to key committees. He attempts to observe seniority by reassigning legislators to committees on which they have served in previous sessions. Both the Veterans Legislation Committee and the Military Affairs Committee are by custom automatically composed of all representatives who are veterans. The most careful appointments by far are those to the Committee on Kentucky Statutes No. 1 and later the Rules Committee. These two committees function much as the Rules Committee of the United States House of Representatives, namely as traffic directors of major legislation and con-

trollers of House time and program. The majority floor leader serves as chairman of Kentucky Statutes No. 1 and the Speaker himself as chairman of the Rules Committee.

The Committee on Committees of the state Senate exercises the power of appointment to all standing committees in that body Its role and problems are exactly analogous to those of the Speaker in the House so far as committee assignments are concerned. The Committee on Committees is composed of the majority floor leader, who serves as chairman, the Lieutenant Governor, and the President pro tem. The Lieutenant Governor is chairman of the Rules Committee.

Committee members carry an impossible load even in the light of the fact that many committees have few bills before them. Table 3 illustrates the number of assignments to standing committees carried by the memberships of the two houses. Many conscientious members rush from a ten or fifteen minute committee session to another, and some never catch up when their committees meet at the same time. The lack of sufficient quarters in the State Capitol for committee sessions simply compounds the confusion. Committees often meet hurriedly in little knots in the corners of the two chambers before the two bodies convene. Public hearings are the exceptional practice in com-

TABLE 3
NUMBER OF COMMITTEE MEMBERSHIPS HELD BY KENTUCKY
LEGISLATORS, 1948-1950⁴

Individual Assignments	1948		1950	
	Senators	Representatives	Senators	Representatives
15 Committee Memberships .....	....	....	1	....
14 Committee Memberships	1	1	2	....
13 Committee Memberships	3	2	6	....
12 Committee Memberships	9	1	5	....
11 Committee Memberships	4	2	11	5
10 Committee Memberships	12	9	11	14
9 Committee Memberships	4	22	1	22
8 Committee Memberships	5	21	1	20
7 Committee Memberships .....	....	23	....	27
6 Committee Memberships .....	....	7	....	8
5 Committee Memberships .....	....	6	....	1
4 Committee Memberships .....	....	2	....	2
3 Committee Memberships .....	....	2	....	....
2 Committee Memberships .....	....	....	....	1
1 Committee Membership .....	....	1	....	....
None .....	....	1	....	....

⁴ Exclusive of appointment to the Rules Committee or the Senate Committee on Committees.

mittee procedure and must usually be demanded by pressure groups which cannot be ignored or by the press before they are accorded. Committees do not employ any staff to keep minutes or make a record of testimony. The responsibility for coherent organization of testimony at a hearing rests on the citizens who appear, for legislators are far too rushed with their diverse committee work to take such duties in hand.

3. Reference of bills to committees and committee work

A statistical analysis of the number of bills originating in each house referred to the committees of that house for study and consideration clearly reveals the disparities in committee work load. Many committees never receive a bill and can be conceived of as mere window-dressing in the legislative superstructure. Others receive only one or two bills. A few, in contrast, receive the great bulk of proposed legislation. The greatest burden, however, falls on the Rules Committees of the two houses, which receive not only all bills introduced from the forty-sixth day to the end of the session but also catch all bills not given a third reading by that date.

During the 1948 session seventeen House committees received no bills. They were as follows: Agriculture No. 2, Alcoholic Control No. 3, Charitable and Penal Institutions, Enrollment, Forestry, Motor Transportation No. 2, National Parks, Natural Resources, Printing, Public Bridges and Ferries, Publicity and Tourist Attractions, Revenue and Taxation No. 2, Rural Highways No. 2, Soil Conservation and Erosion, State University, Trade and Commerce, and Tuberculosis. Sixteen House committees received only one bill. These committees included Alcoholic Control No. 2, Cities of the Fifth Class, Cities of the Sixth Class, Conservation, Judicial Council, Legislative Research, Library and Historical Records, Oils and Minerals, Public Ditches, Public Utilities No. 2, Research and Marketing, Rural Highways No. 1, Social Security, State Parks, State Property, and Teachers Colleges. On the Senate side six committees received no bills, and to eight merely one bill was referred. In the first group were Drains and Ditches, Enrollment, Fish and Game, Kentucky University and Teachers Colleges, Labor and Manufacturing, and National and Civil Defense. The second group embraced Aviation, Charitable, Penal and Reformatory Institutions, Child Welfare and Social Work, Classification of Town and Cities, Criminal Law, Judiciary and Judicial Council, Library and Historical Records, and Ways and Means.

The 1950 session revealed an even more exaggerated trend in the

direction of isolating certain committees from the legislative process and exposing their superfluity. There were twenty-seven House committees which received no bills. They were Air Transportation, Alcoholic Control No. 3, Banks and Banking, Enrollment, Forestry, Judicial Council, Juvenile Courts and Children's Homes, Legislative Research, Memorials and Resolutions, Military Affairs, Motor Transportation No. 2, National Parks, Natural Resources, Printing, Public Bridges and Ferries, Public Ditches, Public Utilities No. 2, Publicity and Tourist Attractions, Research and Marketing, Revenue and Taxation No. 2, Rural Highways No. 1, Rural Highways No. 2, Social Security, State Property, State University, Teachers Colleges, and Tuberculosis. Only one bill was referred to each of thirteen committees. These committees were Agriculture No. 2, Alcoholic Control No. 2, Charitable and Penal Institutions, Cities of the Sixth Class, Compensation for Industrial Injuries, Conservation, Criminal Law, Insurance, Life and Casualty, Library and Historical Records, Mines and Mining, Oils and Minerals, Railroads, and Trade and Commerce. Eight Senate committees which received no bills were Charitable, Penal and Reformatory Institutions, Compensation for Industrial Injuries, Enrollment, Forestry and National Parks, Library and Historical Records, Mines and Mining, National and Civil Defense, and Ways and Means. The Senate Ways and Means Committee is actually used as a kind of Democratic caucus rather than as a legislative committee. Seven Senate committees received only one bill each. They were Aviation, Child Welfare and Social Work, Criminal Law Elections and Redistricting, Executive and Legislative Affairs, Higher Education, and Labor and Manufacturing.

The concentration of work in the remaining committees of the two houses can be seen in Tables 4 and 5. Analysis of the statistics underscores the fact that the power of life and death over 250 House bills and resolutions of the 656 introduced, or almost 45 percent, rested in 1948 in the hands of four House committees: Kentucky Statutes No. 1, Kentucky Statutes No. 2, Ways and Means, and Rules. In 1950 some of the power was shifted from Ways and Means to Revenue and Taxation No. 1, and Kentucky Statutes No. 2 lost much to Kentucky Statutes No. 1. As a result 258 bills and resolutions of a total of 562 introduced in the 1950 session went to Kentucky Statutes No. 1, Revenue and Taxation No. 1, and Rules. The story is much the same in the Senate. Of a total of 430 bills and resolutions dropped into the hopper, 221 in 1948 were referred to three committees: Kentucky Statutes No. 1, Kentucky Statutes No. 2, and Rules. In 1950, 186 bills and

TABLE 4
HOUSE COMMITTEES TO WHICH WERE REFERRED MORE THAN
ONE BILL, 1948-1950⁵

Name of Committee	Number of Bills Referred 1948	Number of Bills Referred 1950
Agriculture No. 1	5	12
Air Transportation	4	....
Alcoholic Control No. 1	6	4
Appropriations	24	23
Banks and Banking	5	....
Cities of the 1st Class	27	7
Cities of the 2nd Class	13	15
Cities of the 3rd Class	5	5
Cities of the 4th Class	2	10
Cities of the 5th Class .....	....	7
Claims	32	35
Codes and Practice	3	10
Compensation for Industrial Injures	2	....
Constitutional Amendments	7	3
Courts	22	8
Criminal Law	6	....
Education No. 1	18	21
Education No. 2	3	3
Fish and Game	11	3
Insurance, Fire and Marine	3	2
Insurance, Life and Casualty	4	....
Juvenile Courts and Children s Homes	2	....
Kentucky Statutes No. 1	56	124
Kentucky Statutes No. 2	40	22
Labor	3	5
Memorals and Resolutions	3	....
Military Affairs	3	....
Mines and Mining	3	....
Motor Transportation No. 1	12	10
Public Health	4	9
Public Utilities No. 1	4	6
Railroads	5	....
Revenue and Taxation No. 1	8	48
Roads and Highways	9	2
Soil Conservation and Erosion .....	....	2
State Fair	2	2
State Parks .....	....	2
Suffrage and Elections	7	11
Veterans Legislation	7	8
Ways and Means	54	28
Rules ⁶	100	86

⁵ Does not include reference of Senate bills passed by Senate and sent to House.

⁶ Includes only bills specifically referred to the Rules Committee and not those which had been referred to other committees but had not yet received a third reading by the forty-sixth day of the session.

resolutions of a total of 354 were referred to the same committees. The power of the Rules Committee is augmented far beyond the point these figures make, by the fact that all bills which have not received the third reading by the end of the forty-fifth day automatically fall into the hands of the Rules Committee to have their fate decided. In addition, almost all bills passed by one chamber fall into the hands of the Rules Committee of the second house.

The few committees which receive the greatest number of bills are mere "catch-alls" as to jurisdiction. Bills referred to these committees

TABLE 5
SENATE COMMITTEES TO WHICH WERE REFERRED MORE THAN ONE BILL, 1948-1950⁷

Name of Committee	Number of	Number of
	Bills Referred 1948	Bills Referred 1950
Agriculture and State Fair	5	4
Appropriations	12	15
Banks and Banking	4	7
Classification of Towns and Cities .....	....	8
Clams	32	32
Compensation for Industrial Injuries	2	....
Constitutional Amendments	7	6
Courts and Legal Procedure	24	12
Drains and Ditches .....	....	2
Education	5	7
Elections and Redistricting	4	....
Executive and Legislative Affairs	2	....
Fish and Game .....	....	3
Forestry, State and National Parks	5	....
Insurance	6	2
Judiciary and Judicial Council .....	....	4
Kentucky Statutes No. 1	43	23
Kentucky Statutes No. 2	68	61
Mines and Mining	2	....
Motor Vehicles and Common Carriers	14	9
Municipalities	33	12
Public Health	9	4
Public Utilities	4	3
Regulation of Intoxicating Liquors	4	4
Revenue and Taxation	7	11
Roads and Highways	2	2
Veterans Legislation and Military Affairs	2	5
Rules ⁸	110	102

⁷ Does not include reference of House bills passed by House and sent to Senate.

⁸ Includes only bills specifically referred to the Rules Committee and not those which had been referred to other committees but had not yet received a third reading by the forty-sixth day of the session.

run the gamut of state and local government affairs. If a further breakdown were made of reference of bills in the second chamber after they have already passed the house of origin, it would most certainly reveal a more considerable concentration of power in these few committees, especially in the Rules Committees. So few are the bills enacted into law in the first forty-five days of a session, that the Rules Committee of one chamber at least is destined to receive the bulk of bills passed by the other.

A study of the facts with respect to reference of bills merely underscores the need for reorganization of the committee structure of the two houses of the General Assembly. Many committees are less than useless in the legislative process, and others have a utility so marginal as to justify their combination with others into a more rational structure. The present organization merely spells futility for many representatives assigned to superfluous committees and to the constituents of those representatives who are really denied an effective voice in law-making in the state.

The Time-Table of the Legislature

The Constitution limits the General Assembly to a sixty-day biennial session. This limitation colors everything the legislature is and does. Activity becomes feverish in the closing two weeks, as the constitutional limit approaches, and reaches a crescendo of hasty action, pressures from importunate lobbyists, irate citizens, cajoling department heads, politicians, and manipulators. The hope of floor leaders and their cohorts is to "ram" through the "must" bills of the administration in the closing days when opportunity for real debate is strictly limited. It is not uncommon for the floor leaders to call up sets of four bills to be given third reading and a joint vote in single roll calls. The Senate voted on twenty-two resolutions in a single roll call in 1950. The confusion and noise of the last day as it prevails among the ordinary rank and file of the two bodies is indescribable.

The way in which the legislature proceeds in leisurely fashion during the first ten weeks of a session and then pushes a mass of bills out of the legislative log jam in the closing days is shown graphically in Table 6. It goes without saying that many bills have passed one house before the last week. But even if the assumption is made that most bills have passed the preliminary hurdle of getting through one chamber before the final week, the work done in the last five days is staggering. Can any reasonable person call the legislature a deliberative body at that time?

TABLE 6
TIME-TABLE FOR PASSAGE OF BILLS, 1948-1950

Week of Session	Number of Bills Passed 1948	Number of Bills Passed 1950
1st week .....	....	....
2nd week	4	....
3rd week .....	....	2
4th week	1	2
5th week	8	2
6th week	5	2
7th week	7	4
8th week	10	10
9th week	22	17
10th week	22	27
11th week	264	213
Total	343	279

A reasonable individual could not expect that many bills would be ready for action before the ninth or tenth week if hearings were given on major measures or committees gave real study to proposals and tried to reach agreement on amendments. After all, Congress, which meets annually, enacts few measures in the first three months. The task is doubly difficult for the Kentucky legislature meeting as it does biennially and suffering from lack of adequate staff services.

Much legislation is introduced near the end of a session, thereby aggravating the time problem for the legislators. In 1950, 141 House bills, 31 House resolutions, 128 Senate bills, and 29 Senate resolutions were introduced in the last twenty days of the session. In 1948, 152 House bills, 32 House resolutions, 136 Senate bills, and 25 Senate resolutions were introduced in the final third of the session. Many of these could as easily have been readied for introduction during the first thirty days. Bills introduced in the last twenty days can be given only the most perfunctory and cursory examination, caught as they are in the Rules Committee. Some of the load under which the Rules Committees struggle could be shifted to the regular standing committees by rules prohibiting introduction of bills after the first thirty days except by majority vote.

The burden of purely local legislation which must be disposed of in each session is a significant item of the legislative burden. During the 1948 session, 144 bills of the 850 introduced were local in character, and during the 1950 session 86 of the 776 dropped in the hopper were local measures. The Kentucky constitution does not specifically allow

home rule for cities. If it did, many of these local bills would be unnecessary and the legislature would be relieved of much work. It could, therefore, devote more time to proposals affecting state government. The problem of local legislation can be expected to become gradually more acute as the problems of modern industrialization and urbanization grow and ramify and cities must seek all manner of new enabling legislation. Moreover, the log jam in the legislature will grow progressively worse for the same reason.

Who Checks Whom?

Senates and upper houses generally were originally conceived of as bodies of more mature persons, elected less frequently, representing different elements of the population, which would check the impetuosity of lower houses. As demonstrated in Table 1, the same elements of the population are today represented in both houses in Kentucky; both are chosen by the same electorate with only the size of the districts differing. Senators must, however, be at least thirty years of age as against a minimum age of twenty-four for the House, and the former serve for a four-year term in contrast to the two-year term for the House.

The question arises, therefore, as to the extent to which one body checks the other in practice. The Senate either killed or allowed to die 75 House bills and resolutions in 1948 while the House refused to give approval to 33 Senate bills. The tables were turned, however, in 1950, for the House killed 62 Senate bills and resolutions to 29 House bills and resolutions which failed to pass the Senate. In both sessions a few of the bills which died in one chamber after passage in the other were mere duplicates of bills already acted upon favorably in the second body. The more substantial number, however, constituted bills which the Rules Committee of one chamber refused to call up for a third reading for passage. Those who understand the legislative process realize that the killing of a bill in the second chamber may be by prearrangement with some of the leaders in the other chamber. Both sides of the street may be worked politically in this way.

The Governor through the use of the veto, of course, checks both houses. Regardless of the extent to which a legislature may be under "administration" leadership, some bills will always be vetoed by the Governor. In 1948, 21 bills and 28 resolutions were vetoed, and in 1950, 6 bills and 17 resolutions fell under executive disapproval. In a period when the executive commands legislative leadership, the execu-

tive check is obviously of less importance in this state than that of the two houses on each other. It is at least clear that of the two chambers the House may occasionally be a more important check upon the Senate than the upper chamber upon the lower.

Defects and Proposals for Change

Conditioning most of the action that transpires an organization utilized in the Kentucky legislature is the sixty-day limit on sessions. It hangs like the fabled sword of Damocles over the gathering. If power is concentrated, it must be centered in a few during the brief period of meeting to achieve agreement on anything. If the committee structure is diffuse, overlapping and redundant, it must remain so as long as the average legislator has only a large number of meaningless committee memberships to claim as his glory during the short session. If bills are rushed through in batches without debate, especially during the last week, haste and "ramming" are inevitable to meet the deadline. If hearings on major bills are the exception rather than the rule, time is running out often when these bills are introduced; it is impossible either to organize public opinion to demand hearings or for committees to find an interval to hear the public.

If the salient shortcomings in our state's legislative process are to be eliminated, the remedy seems clearly and imperatively indicated: a constitutional amendment to lift the sixty-day sessional limit. No internal reorganization of the General Assembly will be worth the trouble of effecting a change in the rules unless the legislature can get time for real deliberation. Other changes without this one would soon be abandoned by sheer force of pressure to do business. In other words, the frame of reference within which the legislature works must itself be revised by changing the pressures. Most crucial of those pressures is that of time. Moreover, mere substitution of a ninety-day limit for the sixty-day limit would only partially alleviate the present problem without curing the disease.

Twenty-five states today have no constitutional limit on their legislative sessions.⁹ Kentucky therefore, would find itself among the majority of states were it to amend its constitution, as suggested. Not

⁹ Council of State Governments, *Our State Legislatures*, Report of the Committee on Legislative Processes and Procedures, Revised Edition (Chicago: 1948), p. 22. Connecticut, in addition to the twenty-five without limit, meets the first Monday after January 1 annually and must adjourn the first Wednesday after the first Monday in June. A few of the twenty-five limit the number of days for which legislators may be paid.

one of the major industrial or agricultural states of the Union imposes a sixty-day limit on its law-makers.

Should the state constitution be amended to allow an unlimited session, now feasible in the light of the "expense" allowance legislators voted themselves in the 1950 session, revision of the committee structure suggests itself as the next logical point for reform. Unless a drastic reduction in number of committees in both houses is effected, with a regrouping functionally according to broad state problems, both legislators and citizens will remain confused as to who gets which bills, the reasons therefor, and the decisions. An organization along the general pattern of that suggested on pages 7 and 8 with parallel committees in both houses, would leave less discretion in bill reference to presiding officers but would allow the average legislator to play his part democratically in the legislative process. Joint hearings could become more common, and time of both citizens and legislators would be saved. Responsibility for pigeon-holing, adverse reports, or reporting out legislative monstrosities could be more easily nailed down.

Another point of change might well be a limitation in the rules of both houses against introduction of bills at the last moment. Exceptions could be permitted by a majority vote of the total membership. Were the present time limit on the session eradicated, it would seem reasonable to ban introduction of bills at the expiration of sixty days. Such a prohibition would permit adequate time for bill-drafting after the opening of the session as well as for study and deliberative action before adjournment.

Some relief could be afforded in the legislative burden by a constitutional amendment for home rule to cities. Citizens of this state might well ask themselves in all seriousness what justification exists for asking their legislators to decide questions that could be settled more intelligently at the level of local government, rather than through the "pulling and hauling" and log-rolling so common in the state capital. Why should not the question of hours of work for a fireman in second class cities be settled in those cities? Why should the city of Owensboro be forced to seek state legislative action to remove certain positions from civil service coverage or Lexington to change the majority by which a city manager may be removed by its commission? For good or ill, such questions can be fought out more intelligently in the local than in the state arena of politics. Finally, why should representatives from other parts of the state who can have no possible interest in the outcome be asked to divert their attention from state problems, plentiful as they are, to wrangle over local issues?

The Kentucky General Assembly can become a co-equal partner with the executive in the government of this Commonwealth only if the remedies herein proposed are applied. Citizens and press can cry out in vain for the election of a higher caliber of representative. Sending more intelligent, better educated, public-spirited men and women to Frankfort to legislate cannot be accomplished unless the prestige of the legislature is enhanced by allowing it time and simplified machinery for deliberation by the rank and file of the electorate's representatives. Without these fundamental reforms, it will continue to play a minor role *vis a vis* the executive branch, for even the best-intentioned and educated representatives will find themselves sidetracked into futility and frustration under present conditions. Turnover will continue inordinately high and present concentration of power can be more easily perpetuated. Shorn of its potentialities for real effectiveness by a constitutional straight-jacket, the legislature creeps along at present under an archaic superstructure which magnifies its impotence among the supposedly coordinate branches of government. The tragedy of the legislative predicament in Kentucky is that this very situation makes a shambles of democratic government itself.

