

INTERLUDE: A PLANNING INTERN'S PERCEPTION
OF THE ARIZONA STATE LEGISLATIVE PROCESS

by

Robert D. Baggs, Jr.

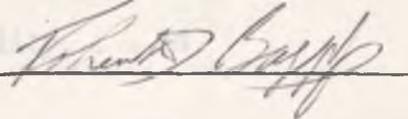
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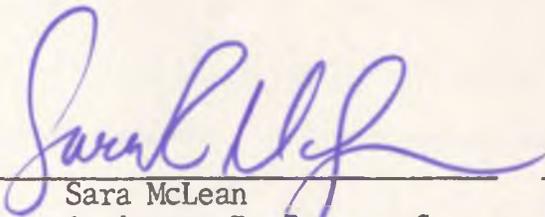
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APPROVAL BY INTERNSHIP REPORT DIRECTOR

This internship report has been approved on the date shown below:



Sara McLean
Assistant Professor of
Geography, Area Development
and Urban Planning

12/16/75

Date

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INTRODUCTION

The purpose of this paper is to present a planner's reactions to the Arizona Legislative Intern Program, relating the legislative process to the planning process. While the two processes involve essentially the same elements of problem statement, inventory of resources, selection of alternatives, implementation, and evaluation, their methods for actually resolving issues are quite apart. Influence on the legislative, or real process are a lack of time, individual ideology, the pressure of agency and lobbyist interests, and an inadequate concept of the public interest in defining legislative problems and solutions. The ideal planning process encompasses all of these worldly concerns by providing thorough research through citizen participation, client advocacy, and an open minded response to logical alternatives. Some of the distance between the two processes may be lessened by legislative initiative, assisted by a thorough understanding of a problem through better research, and active agency representation of the public interest. This, too, sounds ideal, but may be partially achieved through time. Meanwhile, one superficial way of relieving the limitations on the legislature, and attempting to represent issue opposition is through the Arizona State Legislative Intern Program.

Utilizing primarily undergraduate students, the program offers a close view of the legislative process. The intern serves as a research aide to House and Senate Committees and their chairmen.

While a first year graduate student, I served from January 7, 1974 through May 22, 1974. This time period encompassed one week of orientation prior to the 1974 session and one week of post-adjournment duties. I was chosen as a research aide by Senator Scott Alexander (R-Tucson), Chairman of the State, County, and Municipal Affairs Committee (SC&M), and I worked with a permanent Senate staff member, Norris Nordvold. Duties included legislative research, committee testimony, answering constituent mail, and coordinating committee research with House interns. While technically supervised by Norris, the workload demanded an equal division of accountability and responsibility between us in all of these areas throughout the session.

A great deal of my manner of performance of my duties was rooted in previous administrative experience rather than any formal planning education. However, subsequent classwork, abetted by my legislative experience demonstrated that my pre-planning experience was useful for both processes, and served to further my interest in bringing the two together.

The interrelated parts of the earlier stated planning process are linked by citizen participation, advocacy, and feedback. All of these linkages serve for reassessment before, during, and after decision making. Presumably, all steps are given equally thorough consideration throughout analysis. This continuous process is usually depicted in a cyclical manner, and considered as a means of achieving rational, comprehensive planning.

This ideal model was far from a reality in the Arizona Legislature. Where the planning model provides for redefining a problem, the legislature, because of time constraints and politics, usually accepted proposed legislation as the standard, and reacted accordingly. The effect of such an approach of problem definition precludes the rational application of the other four steps. Evaluation then becomes a patching technique rather than a perspective for program revitalization. Coupled with failing to adequately consider alternatives and resources are the legislators' own ideological viewpoints. These viewpoints are frequently not founded in formal knowledge but reflect years of personal and professional experiences. While politicians must win elections, there are many who use only their narrow experience as the criterion for representing the public interest. This gives little chance for outside citizens to present their viewpoints in as successful a manner as many lobbyists present theirs. Lobbying requires a thorough knowledge of issues, but it is a necessarily one-sided point of view for a narrow segment of clients such as bankers, miners, or the liquor industry and does little to promote the comprehensive welfare of the many publics represented by the legislator. Therefore, the planning model and the legislative process must attempt to merge if there is to be substantial gain for the state and its citizens. One simple method of achieving convergence is to provide the lawmakers with a staff which will assist them in defining and analyzing problems from which a range of best alternative choices result. Anyone seeing this idea as the goal of the internship program would be sorely disappointed.

Using a few examples, I will show how the planning process is not a part of lawmaking at the Arizona Legislature, and how the internship program contributes very little to the entire legislative process because of a lack of ideological commitment by the Arizona Legislature.

State Housing Finance Agency

While Arizona's first attempt to provide a State Housing Finance Agency failed in the SC&M Committee, it provided a good example of legislator indifference to an obvious state and national problem. The bill, drafted by a bonding attorney, provided for revenue bond sales as authorized by the housing agency, with proceeds from the sales distributed to banks and lending institutions for housing loans to low and moderate income persons. The agency operated through the secondary mortgage market, purchasing existing mortgages from banks in order to provide cash for new housing loans to certain income groups. The agency board consisted of six gubernatorially appointed members, one from each of the state's planning regions. The board had no staff assistance and no responsibility beyond monitoring the distribution of bond proceeds. The agency was to funnel money through the existing free enterprise lending mechanism into the low income housing market. Yet, there were no provisions that the monies would go beyond new, low risk, suburban subdivisions into the areas of the state needing low income housing. By this time, about thirty states had already legislated a variety of types of housing finance agencies in recognition of the inability of the free market to adequately shelter citizens.

Some of the Committee members were bankers and real estate investors, and the comments during the first hearing centered on matters such as the state's liability in the event of default, and personal conflicts of interest. Amendments were drafted by the sponsors to relieve the procedural problems, as well as adding a provision for low income group representation on the agency board. At another Committee hearing, when the sponsor (and drafter) of the bill would not discuss other amendments because he stated he was unprepared to do so, the bill was assigned to summer study, removed from any legislative activity until the following January. The attitude of the legislators toward the effective implementation of such a simply structured bill, the failure to consider its purpose and place in the state bureaucracy, and the narrow definition of the problem by the drafter, all testify to the perceptions of the public's housing problem.

Given the present salaries and expense accounts of the lawmakers \$6,000-\$11,000 yearly, for a regular session, conflicts of interest with the legislators full time occupations are bound to arise. Using this example of the Housing Finance Agency bill, such conflicts may be eliminated by either not voting on the measure or by amending this measure to allow the state to be the sole distributor of funds. The bill provided an efficient mechanism for allocating funds by using the existing lending framework for distributing bond proceeds. This saved duplication by the state.

However, there was no provision for evaluating program effectiveness in light of specific groups or their needs. As long as money was generated for payment to bondholders, there would be little effective criticism. Failure to consider this lack of representation, plus not designating the bureaucratic location for this board, would lead to a further misuse of resources. Without any sense of agency responsibility and authority, a proper inventory of existing resources was impossible. Whether the agency should be under the governor, or the Department of Economic Security, or the Department of Transportation was quite important for evaluating potential responsibilities. Once initiated, programs have little compunction to remain static. Growth requires a further selection of missions and policy alternatives. The proper place in the bureaucratic structure dictates a perspective on present and future authority and duty. All of this leads to a further search for the correct definition of objectives and goals. The bill was a concept for assisting the housing industry, and the problem as defined by the legislation was not comprehensive. One cannot assume, as the drafter did, that the distribution of revenues through the market system will eventually encompass all groups. The reason for bond investment is a guaranteed return. Such stability is not always possible when the investments are in mortgages for high risk, low income people and areas. If the market does not presently provide for the poor, why should it do so just because of extra, outside investment money? Writing legislation that defines the problem

solely as solvable by the availability of more money justifies the present economic system, but does not come any closer to meeting the needs of low income persons. With nearly thirty other precedents, many already implemented, the author of the bill must have seen that such a simple program would have little effect in the areas needing it most. My conclusion was that this definition by the proposed legislation reflected a perception of what was acceptable to the Arizona Legislature. Using the existing mechanism for channeling funds, a board of six members to protect investment and return, and a basic reliance on the ability of the market to aid people, all provided for a low key, superficial response to the housing problem in Arizona. The subject of housing for low and moderate income classes could be broached without analysis. My research information showed a widespread state recognition of the need for various means of providing housing assistance. This information should have led to discussion of other, perhaps better, methods of implementing an agency. That it did not, and that the proposed legislation was accepted as the beginning and end of debate provided testimony to the lack of legislator perception toward providing public solutions to traditionally perceived personal problems. This 'independence' in thought reflecting a philosophy of self-reliance carried over into the legislative role and consequently thwarted a clear perception of the interests of others less successful in coping with the system. It was a narrow view, and it appears that no amount of

research preparation would sway this ideological outlook. As such, it was easy to understand the drafter's conservative approach. However, if the intern could provide no stimulus, the drafter would not provoke the lawmakers into discussion, and the legislators are constrained by their personal identities, there remains a need to be filled by a credible and powerful force of advocacy. This need may be filled by the state agencies.

Agencies were created to meet public needs. Whether they provide planning and development assistance to communities, or welfare checks to individuals, or build highways, these institutions fulfill a need not met by private, individual efforts. Assuming that agencies have been given goals and objectives and certain legislated limitations to their powers, they may carry out programs and respond to the program results. The planning process here should be sustained by citizen input, but more importantly, by advocacy. Actively soliciting clients' needs can lead to a systematic evaluation of the agency's individual role in government. Further study would logically lead to other agencies' duties and their performance meeting their mandated responsibilities. This evaluation and redefinition can take the form of seeking more specific agency powers or a change in the entire bureaucratic structure for better client assistance. An agency with this concept of advocacy becomes a natural competitor with existing legislative viewpoints. Representing the statewide public interest through a single bureau head

provides a powerful argument against other local, regional or statewide interests. In pursuing the housing problem, an agency would use its information to justify a certain level and variety of program. The knowledge presented before a legislative committee would lead to a discussion of the extent of the problem and the various means for its solution. While the debate may not be completely rational, at least a legitimate set of insights would have been presented, developed, and argued to conclusion by an authority that was legislatively authorized to assume responsibility for the problem. The issue would have been publicly represented by an informed advocate providing arguments demanding analysis and response by the state representatives. The legislator's personal role would be minimized since they would be forced to make 'public' choices rather than 'private' ones. Also, information provided solely by lobbyists would be reinforced or countered by agency argument. Again, the narrow perspectives would be widened to embrace more and more hypotheses. When the decision is made, it would be a well informed one reflecting a multiplicity of interests and alternatives. The practice of 'debating' a proposed piece of legislation leading to a restricted evaluation of resources alternatives would become ineffective as the agency challenged the representative for the allocation of goods and services.

One of the fundamental tenets of the internship program is objectivity, or non-partisanship, in committee research. Based on this tenet, interns are theoretically useful to all legislators in gathering information for bill study. Interns, as part time

staffers, are not supposed to advocate a stand in any of their work done for their committees, unlike their part time legislative masters. Although designated as committee staff, interns frequently rely on the chairman's guidance, essentially becoming the staff to that person. This is especially so when the committee chairman personally selects his intern, as happened to me. I believe this action effectively neutralized my usefulness to the other committee members, especially the three Democrats. A staffer managed in this manner essentially becomes more of a reporter and less of a catalyst with his information. Yet, dividing staff loyalty among so many like-minded committee people dilutes effective research to reflect the same reactive process of the members. A highly motivated intern could present alternatives, but if the previous example of the Housing Agency was any indication of the legislature's commitment to research, little would result from such efforts. Since I presented no analysis, I was largely useless in the planning sense. However, the experience was not wasted, as I learned about government, and this exposure served me well in later classes. Therefore, throughout my work I presented what information I could to the SC&M Committee, and provided this and further committee hearing information to similar staff for the House Committees. The results of such debate and amendments added insight to the legislation. Such was the intent regarding local option zoning legislation.

Local Option Zoning

The existing legislation, by Yuma County referendum, abolished that county's Planning and Zoning Commission. Henceforth, any

zoning would be accomplished by any concerned group of citizen landowners petitioning for a particular zoning classification. If there was no petition, there was no land use regulation. The county was anxious to have the law repealed and to reinstitute the traditional form of county land use control. Two items were of interest to the county planner, and these were communicated to me for committee discussion. One item involved a group that was currently trying to get an area rezoned under the option law. The other item was whether or not the zoning ordinance, newly drafted at the time of the change to local option zoning but never implemented, would become enforceable at the time of repeal, or would a completely new ordinance have to be approved by Yuma County.

Committee discussion brushed off both issues by saying that repeal would not matter much. I did not know if this meant that there would be lawsuits, or if the repeal were unconstitutional since it dealt with an issue resolved by referendum. My research and inquiry prior to this had led me to believe the repeal was valid. After the bill passed the Senate and was assigned to a House Committee, I forwarded all material to that committee's intern. I emphasized the idea of discussing these questions. The other intern refused since he thought it would be advocating a point of view. I had little contact with House interns beyond forwarding our material, and until this point had met no resistance to using our research. Unlike the Senate, the House has no permanent staff, just interns. My only thought was to wonder if this person understood the difference between advocacy and

processing information. Presenting the questions for discussion was not even remotely connected to competing for the allocation of resources. The ideas were presented as legitimate concerns of those who would be affected by the legislation, and involved no commitment by the intern. My heretofore blind faith in the House interns was shaken when I discovered I could not assume that they were performing in the same manner as the Senate staff. This inability to discriminate between advocacy and presenting information was probably due to the influence of this aforementioned independence of mind exhibited by the legislators. Where Senate staff input was accepted, such House input was probably disregarded as those legislators succumbed to some of their ill-informed suppositions about individuals and government. With this legislative attitude, interns could hope for little more than secretarial assignments. Under this norm, the staff has no credibility even as a surrogate citizen in presenting token alternatives. The intern as a resource for Arizona Legislators moves from dubious to nil.

Within the planning process an intern's position would be as a link with citizen input and would also provide some evaluation of previous attempts at similar legislation or the results of existing state law. The intern, even as ideally created here, is still a marginal advocate since the job requirements are objectivity or non-partisan research. Such a nonrepresentative ideal sustains the existing method of legislating. Again, change requires a greater ideological commitment to staff, and a require-

ment that the public agencies be aggressive in their client representation. These concepts must be instituted in order to balance the personal and special interest existing in the legislature. The intern program was instituted so that students might learn about the legislative process. Such a general goal does nothing to illustrate the best conduct of government. Rather, it sustains present roles under the guise of fresh, well-educated input to the legislative process. As a planner, I am disturbed by the lack of systemic response to this form of input. The cycle of input, feedback, alternatives, resources, and evaluation becomes a linear methodology. It has a beginning and achieves an end. The terminus is for further departure, which usually bears no relation to the origins of the problem. Such a process does not evaluate and redefine, rather, it reacts. If planning is to be brought to bear on legislation, there will have to be some way of continuous processing of problems and solutions. Lawmaking, therefore, must be considered fluid and not static. It should be viewed as an opportunity for change, and not as a restriction on comprehensive thinking. The intern program, indeed the entire staff, is only one part in this whole process, but a lack of commitment here effectively undermines the whole approach to making law. Without well informed, accessible legislators, the function of the planning process - rational decision making - will never be close to the actual functioning of the legislative process. It is important that the spontaneity of representative government be

maintained, but it is equally important that all group interests be considered during this creative process of lawmaking.

Constituent Mail - Legislative Responsibility

The planning process challenges the system. It seeks answers through it, and, if not satisfied, may logically demand a new system. Such systemic inquiry can also be found in the task of responding to the constituent mail. Providing full and comprehensive answers to problems requires a well constructed, logical argument. Compiling the information and responding to a letter are not exclusive tasks since each asks the other questions about why and how something is the way it is. Occasionally, this mail involves requests for special legislation to correct a particular situation. Occasionally, these letters are the beginning of some change in law, after personal analysis has apparently exhausted all normal methods of resolution. Therefore, these ideas demand an approach and response based on impacts to existing procedure as well as the actual necessity for change.

Late in the session, I was assigned to research and respond to a letter proposing registered mail notification of all landowners involved in a proposed change in zoning classification. Present procedures do not require that registered letters be sent but consider normal mail notification adequate. The problem is that letters are sent to an owner's last known address and are not necessarily received by the landholders. On the surface, the change would provide total notification, ostensibly insuring a fair hearing. However, further investigation with the Attorney

General's office and the local planning and zoning commission revealed that such an accountability procedure would effectively stop or severely retard all zoning hearings. Finding no other alternatives, I conferred with the Senator who had assigned the task, and he agreed that this response was adequate for reply.

Through this example, instead of just reacting to an idea on its face value, a deliberate response was made to research the proposal, study alternatives, and assess impacts. For once, the legislative procedure of reaction, role playing, and interest groups yielded to some rational study. Further, the responsibility was delegated to a staff member, with the results acceptable to the Senator. While the session was nearly finished and pressing demands on legislator's time did not make the acquiescence to the staff work a complete surprise, one wonders how much of this effort could be made between sessions. Again, the process is one of studying alternatives, defining needs, and possibly redefining problems. The staff cannot be excused because of the legislature's methods. Requiring the staff to respond to proposals in an open-ended manner would not allow ideas to be discarded, but encourage more creative, rational responses on behalf of legislators and constituents. As more alternatives and resources are developed, more questions would be asked of institutions policies and ideologies, toward broadening the public benefit. A systemic evaluation would occur as new inter-relationships were found among the decision makers. This new awareness leads to better programming and coordination.

All of this is by no means a massively organized, closely coordinated movement. It is part of the slow, evolving process of planning through a bureaucracy. The process will be no more successful than its people. However, it can bring decision making to a larger dimension because it provides for legislative accessibility. The politician and the citizen must be on equal terms throughout this lawmaking process. This goal can be assisted by a staff that will seek and provide more than a reaction to proposals, and agencies that will represent the public interest as vigorously as any other lobbyist represents a cause.

CONCLUSIONS AND RECOMMENDATIONS

Throughout this paper I have shown by example where the legislative process has fallen far short of the planning process in its allocation of services and representation of the public interest. Viewed by a planning student, the legislative scheme lacks any rational, comprehensive approach to lawmaking. The legislators' conceptions of how to best serve the public appear to be socially and philosophically removed from reality. However, what is observed, not what is true, dictates the action. Leaving the legislature to the voters, a reorganization of concepts regarding agency and staff responsibilities to those legislators and the agencies is necessary for more efficient government. The planning process will never totally merge with the turbulent, random demands on government, but the process can be brought to bear on its direction. The staff can aid legislators personal judgments by studying and proposing various alternatives and allowing the legislator to make a choice based on this comprehensive selection. As the legislator becomes more aware of the ramifications of various issues, judgments become less personally subjective. This change does not stifle staff input to the legislature. Instead, the knowledge gained gives a better framework for legislative evaluation of interests and ideas.

As regards the internship program, it should be longer, interns should be assigned to specific personnel, and consideration should be given to placing some interns within agencies.

For the State government, there should be year round legislative sessions, a larger staff, agency participation in representing and debating the public interest, and a shift in the present ideological perspective of legislators and bureaucrats from one of narrow personal philosophical roles to a broader public philosophy in the performance of their duties.

My internship proposals dwell on the person contributing to the system rather than his being levelled into systemic obscurity. As superficial participants in the 'pro and con' fact sheet battle in committee hearings, interns become observers or reporters, and not participants in the process. As observers there is no personal duty to challenge what is seen, only the responsibility of describing activity. If a recitation of facts is all that is desired, this is only a further reflection of the entire legislative perspective of the public interest in lawmaking.

A longer program, through the post session summer months, would serve to acquaint students with the previous session's activity, upcoming legislation, and the variety of research techniques and agencies available for thorough study of a problem. At the beginning of the session, following a semester in school, the student would return and be assigned to a specific legislator. Pairing would have to emphasize compatibility of ideas so a loyalty could develop. Having similar views, the advocacy issue may be confronted by insuring a variety of public access to the committees debates.

Assigning interns to an agency serves as important a purpose as assigning students to the legislature. A perspective on administrative policy, which is law, in light of nebulous legislative goals is useful for future planning work in assessing those goals and the people they service. Training in either area, legislative or administrative, serves to force broader personal responsibility on the planning intern for defining and evaluating the public interest served by each institution.

These suggestions for better legislative government demand year round sessions to force legislative response to problems. Allowing a legislature to meet five months of each year dictates the perspective of this state toward representing and assisting its people. It is as much a lack of commitment to the public welfare as the absence of the previously suggested public interest advocates. Problems and solutions cannot be rationally addressed under such time constraints. Deliberation and decision must be continuous, without the interrupted psychological perspective of 'last year's work' (last year's problem definitions) dominating each 'new' session. Accountability of lawmakers for their decisions demands their continued exposure to problems, for both theirs and the public's benefit. This approach can be further enhanced by the mandated representation of clients by their responsible agencies. Not only established clients (in terms of goals), but also needs that are perceived since the origin of the agency. Such an outlook demands that an agency periodically re-evaluate its goals and objectives, and that there be interagency coordination in approaching problems. An open-ended approach is necessary to ensure the successful inclusion of specific groups and locations

throughout the state. The agency has a responsibility to appear before the legislature as the advocate for such scattered public interests. The constant reflection on agency goals and progress will expand the agency and legislator perception of their function in state government from private roles to public roles. It is paramount that this re-evaluation take place. If an agency or legislative body is unable or unwilling to act, it should be replaced through elections and appointments. The system is no better than its people. Planners, recognizing the need for wider representation of interests, but more importantly for a more comprehensive response to problems, are obligated to do more than provide staff support for ill-informed attitudes. If necessary, planners must also run for office or compete to fill agency posts. In this way the ideal and the real can be brought closer together. The method of lawmaking can be enhanced and the spontaneity of legislation can be preserved. It is time for the observer to become the participant.