

NORTH TEXAS STATE UNIVERSITY

ORAL HISTORY COLLECTION

NUMBER

274

Interview with

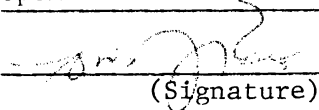
Representative James J. Kaster

June 23, 1975

Place of Interview: Austin, Texas

Interviewer: Dr. Ronald E. Marcello

Terms of Use: Open

Approved: 
(Signature)

Date: Dec. 11, 1975

COPYRIGHT © 1975 THE BOARD OF REGENTS OF NORTH TEXAS STATE
UNIVERSITY IN THE CITY OF DENTON

All rights reserved. No part of this work may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopying and recording or by any information storage or retrieval system, without permission in writing from the Coordinator of the Oral History Collection or the University Archivist, North Texas State University, Denton, Texas 76203.

Oral History Collection
Representative James Kaster

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Austin, Texas

Date: June 23, 1975

Dr. Marcello: This is Ron Marcello interviewing Representative Jim Kaster for the North Texas State University Oral History Collection. The interview is taking place on June 23, 1975, in Austin, Texas. I'm interviewing Representative Kaster in order to get his reminiscences and experiences and impressions while he was a member of the Sixty-fourth Texas Legislature.

Mr. Kaster, to begin this interview, and incidently this is the third time around for us, how has your thinking evolved with regard to state politics and the workings of state government in general, that is, from the first time that we interviewed until now? How has your attitude and your thinking changed?

Rep. Kaster: I don't know. I guess the worst person in the world to ask how their attitude changes is the person that's involved. I think the changes, whatever they are, are so slow--just like evolution--and all of a sudden maybe you should look back. I'm still tremendously enthused about being in the Legislature. I'm like a little kid. If I had my choice of doing anything in the world, I'd

probably still be doing just this. I enjoy it thoroughly; I've never lost my enthusiasm. I've still maintained 100 per cent attendance and a 100 per cent voting record. I did it the first time just because I ran on the platform saying that I didn't want to miss, but now it's to the point I really don't want to miss. I would hate to be somewhere else while the legislative process was taking force.

I don't know if that's any change. It's probably no advancement either, because I'm still enthusiastic over it, and I enjoy it and I enjoy everything about it--the good and the bad and everything. It's a continual challenge. It's dynamic. It's exciting. It's just a great thing to be a part of.

Marcello: You haven't become disillusioned then.

Kaster: Absolutely not! Probably just the opposite--I've become more enthused everytime I'm down here. I know enough now of the rules and how to work with the leadership to accomplish a goal, and I've probably learned now how to work with people. You know who the people are you can trust, and you don't have a lot of wasted effort . . . you can get very productive. And then just being part of the process is just fascinating.

Marcello: You mentioned awhile ago that you are now quite familiar with the rules. I would assume that this is perhaps one

of the greatest challenges that faces any freshman legislator, whether he be a representative or a senator.

Kaster: Yes. The first time I was here, I read over the rules. When reading over them, it just doesn't sink in. You can read them, but until you actually use them in a day-to-day context--knowing how the rules can protect you, how you can use the rules to get a point over . . . and then you find that most people don't really know the rules, and if you study them a little bit, they are very helpful and it becomes fascinating. So consequently, during the session, I have the rules right here by my desk, and anytime anything comes up that's a little out of the usual, I grab the rules to see how they're applying. They're very complex, but they're logical and I guess it's a way of thinking that's logical to facilitate the legislative process. So they are difficult to learn.

Marcello: Now this Sixty-fourth Legislature, which just recently adjourned, was . . . I suppose that we could call it a veteran Legislature. There weren't too many freshmen in this past one.

Kaster: Yes, compared to the last legislative session where we had seventy-five new ones, this time I think we had only thirty new ones. There was a very small turnover,

so consequently it was very productive. At the start many people were saying that we would not do this and would not do that. Being veterans, I think, they assumed that we would be under the control of the lobby. Even though most of it took place right at the last, I think the major legislation that was passed was very productive. It was one of the very productive sessions. It was productive in different areas as in the Sixty-third was in the area of reform. This one moved into other areas and was extremely productive. The utilities commission . . . I don't know how many years they've been trying for a utilities commission. The strip mining bill which is now signed . . . and you go on and on and on . . . the school finance reform. There is a lot of major legislation that was passed. I think that gets back to it being a veteran Legislature with people knowing a little bit on how to do these things.

Marcello: In other words, you weren't delayed for any inordinate amount of time because of lack of knowledge of the rules. I would assume that when you first came that you had to ask all sorts of questions concerning rules and what have you.

Kaster: Well, absolutely. Then the first time I was here . . . and I think that most freshman legislators pass very few bills. I think I had two bills passed the first session.

Marcello: Local bills, I'm sure.

Kaster: Oh, yes. Then the next time I had thirteen bills and this time eight bills. So you learn how to work it. Then the first time you are in the process of learning. You just can't work till you know how it works day-to-day. I say you can read the rules, but until you actually participate in it, you don't really understand them. It takes about a session to just understand the rules and the legislative process. You are exactly right. We weren't delayed. We started exactly right off working hard.

Marcello: Let's get down to some more specifics about the Legislature then. You had a new speaker this time, Representative Billy Clayton. Had you been an original supporter or backer of him, or had you been supporting Fred Head or Carl Parker in their abortive attempts during the constitutional convention?

Kaster: No, I started off backing Carl Parker. Billy Clayton is a conservative, and I felt that for my area he might be too conservative. He'd done things that I didn't think would be that well-received in my district. However, I came around to Billy Clayton. I was probably the eightieth vote to go to him. He's been surprisingly good, so I've already signed on to go with him again because I think he . . . again, we've talked about this

legislation that was passed. That doesn't happen by accident. It passes because of leadership.

Now there are some things I don't approve of, just like I suppose any two people in the legislative process don't approve of 100 per cent of what anybody else does. His choice of some of his committee chairmanships had something to be desired. He appointed some arch-conservatives that stifled legislation in some areas. Finally, when the pressure was generated they finally let it out of committee, but I think that a little more progressive committee chairman might have expedited it.

Marcello: Could you elaborate on this? Who were those arch-conservatives that he appointed, and what sort of legislation did they delay or water down or prevent from being passed?

Kaster: I'd say that E. L. Short, who is chairman of Intergovernmental Relations, was an arch-conservative, and as a consequence all land use bills or any type of county planning or ability was just buried in that committee. For instance, I had land use planning bills, one bill of which had passed early in the Sixty-third Session. I was just reintroducing it. It passed in the House and was killed in the Senate, so I reintroduced it in January and asked for a hearing and didn't

get a hearing on it until the very last part of April when he heard all the proponents of the bill, and a week later he heard the opponents and then sent it to the subcommittee. Well, that, of course, killed the bill. I knew what was happening.

The other one would be Tom Uher in State Affairs, which had more bills referred to it probably than any others and less bills reported out than any others. Now he was an arch-conservative and would pass out what he felt was appropriate. Finally, he had to let out the utility bill. He didn't want to let that out, but finally the pressure got generated--this is in my opinion--got generated so much that he had to let it out, and as a consequence John Wilson then was working on it and was able to get it out. There were several just ultra-conservatives on that.

Now you go to the other hand where you have an extreme lib, which is Eddie Bernice Johnson, as head of the Labor Committee. You had bills coming out that were pro-labor that would be immediately voted down on the floor. So you went from one extreme to the other, instead of having a predominance of moderates on the committees.

Marcello: You mentioned that you had not been an original backer of Clayton's. Did this in any way affect your committee assignments?

Kaster: No, I think that I got with Clayton early enough that it didn't. It might have knocked me out of a committee chairmanship, but I really didn't want a committee chairmanship. I had been a chairman of a committee in the Sixty-third Session, and I found out that all that can get you is a lot of hard work. It lets you pass some legislation being a committee chairman, and I think that is the only advantage of it. The rest of it is just a lot of hard work. I really wanted to get back on the Appropriations Committee, and Clayton put me on the Appropriations Committee. And as a consequence, that was what I wanted, and that is what I got, so I was completely satisfied.

Marcello: Did he reduce the number of committee assignments that each representative had during the Sixty-fourth Legislature? He was going to reduce the size of committees, I think.

Kaster: Yes, he reduced the size, and he appointed more committees. He had three or four more committees. He split Education into two--the Higher Education and Public Education. And there were a couple of other changes like that. There were just a few more committees, but it was basically two committees, and maybe some might have had three, but nobody had more than three, and I think that was the same thing in the Sixty-third. I think the greatest change that took place was the

appropriate process where he put the substantive committees sitting in with the Appropriations Committee.

Marcello: He did this in particular with the Education Committee, did he not?

Kaster: Yes. All of them have that, and they got to go over and make recommendations, after listening to the testimony of the Appropriations Committee, of what they felt should be in the appropriations bill. They took the Legislative Budget Board's guide, and they worked off that. Now the Appropriations Committee then to increase those would have had to vote two-thirds to increase it, and we could reduce it by simple majority. It took longer, then, through the committee process by this way. But whereas two years ago when the appropriations bill came to the floor, we debated it the better part of two weeks and almost three weeks. This time on the floor I think it was three days or something, so it cut that out considerably because people then knew what was in the bill. The rest of the House, by having served on it, had a better handle on it.

Now the abuses took place in that, and I refer to the Higher Education Committee and Fred Head, who started playing games with it. It becomes involved that Fred Head had a man who ran his speakership campaign, the ill-fated one, by the name of Jim McWilliams. He went to the University of Texas--Frank Erwin--and reminded them that it was going to take a two-thirds

vote of the Appropriations Committee to increase anything that they would recommend, and if he wanted a good recommendation--if he would hire Jim McWilliams to work for the university--he would see that he would get a good appropriation.

Well, some of us found out about it, and so I called Governor Shivers to find out about it. I thought that that was not the proper procedure and that it was an abuse of power. Governor Shivers had not heard about it. He said that he would let me know and that he would call me back in about a half-hour. Later, he said that was right, and he had been hired for \$36,000. But Governor Shivers said, "I'm taking immediate steps to terminate him." And he was terminated. In fact, the announcement came out that he had decided that he could not do the job because he had pressing business elsewhere.

Well, then as a consequence the Higher Education Committee, which Fred Head dominated, came back and had a reduction of about \$19,000,000 for the University of Texas and the same amount for Texas A&M, trying to get back at them in a vindictive sort of way. Well, there were enough of us on the Appropriations Committee--and this was the only committee that we did this way--that when they came back we immediately voted to discount it. And we had more than the two-thirds to discount it. Then we wrote the Higher Education Committee.

So that was the only abuse that I had seen of that process.

Marcello: Generally speaking, do you think it was a good idea, then, for the other substantive committees to sit in with the Appropriations Committee when hearings concerned their particular area?

Kaster: Yes, and I think that then they appreciated the work of the Appropriations Committee because most of them said, "I thought I wanted on the Appropriations Committee, but I guarantee you I don't." They saw the long hours that are put in. I think as far as educating the rest of the House, it was very beneficial, and they did become a little more knowledgeable in their particular area that was involved. They couldn't see how it fit in the whole, but they did know that one area, and so on the floor they knew that the other people have looked at the other areas, and so we have had just a lot less questions asked on the floor, and it took up a lot less time, and it went very smoothly on the floor.

Marcello: Just a few moments ago you mentioned Representative Uher and the State Affairs Committee. Is it not true that the State Affairs Committee is usually considered the "Speaker's Committee?"

Kaster: Well, yes, it's . . . you get all bills not referred anywhere else. They can just refer them . . . it's just like a miscellaneous committee or potpourri of

everything that comes along. If it doesn't go anywhere else, it goes to State Affairs. The speaker, of course, has the power to refer bills. He has the power to name committee chairmen, and he exercises great control. You know, he can appear fair on the floor if he's of a mind. He refers bills to committees of his choice or stifles it or has them passed out.

Marcello: At the same time, is it not true that the committee chairmen during this session probably made more use of the subcommittees than did the Sixty-third Legislature of Price Daniel?

Kaster: Well, I don't know that they made more use of it. They could make a different use of it, such as to kill a bill.

Marcello: This is what I was referring to.

Kaster: Yes, that's right.

Marcello: Was it not true that in the Sixty-third Legislature that when a bill was referred to a committee, it was generally shot right out to the floor in most cases so that the membership would be able to deliberate it and discuss it?

Kaster: Yes, that's right, and they held it up enough to . . . again, if you're trying to . . . when you have a limited session with an X number of days, if you can delay hearings of bills, they all get jammed at the end. And we had a monumental jam as we always do, and these guys

had been around long enough to know how to work it. So they could ostensibly be reporting your bill out, but they reported it out so late that it was never going to get to the floor, or if it gets past the House it's not going to get to the Senate.

The best way to pass bills is to get them out early--let the House consider it and let the Senate consider it. Now the longer you delay, the harder it is. Now at the last, even though they were delayed, we got them out. Again, that is the utilities bill which was passed right at the last and the school finance bill right at the last. But these were major bills, controversial, things we had not done before. Perhaps it took that long because when you are going into new areas, there are lots of questions raised, and you get to reach a consensus of the membership which is representative of the people of Texas. It has to be acceptable to the majority. In most bills it probably does take a long time.

Marcello: Now would it be safe to say for the most part very little attention or effort was given to reform legislation during this Sixty-fourth Session of the Legislature? In other words, most of that, I think had been passed during the Daniel tenure as speaker of the House, and this time maybe you just had some leftovers that had to be dealt with.

Kaster: That's exactly right. There was no big push for reform legislation and I don't know what else there is to reform. Through Speaker Daniel we had had a very comprehensive reform measure. In fact, I daresay that we had more "reform legislation" on the books than any other state does up to this time, and more than the federal government has. There were a couple of changes made in it. One of the problems is that we had a new penal code, and we had various reform legislation that was in conflict with the penal code. Now there were a couple of attempts to bring them into harmony, and I think we did that. Some said, "Well, you are backing off of reform," and I don't think that we really did. I think we just made it in consonance with the penal code, and that was the only reform of legislation we even touched. That was only a couple of bills. The rest of it was left alone. There were changes in the voting procedures, but that wasn't in the area to which we were addressing reform legislation.

Marcello: If you had to pick three areas that were given top priority by the Legislature during this past session, what three areas do you think should have and perhaps did receive top priority?

Kaster: Well, school finance, I believe everybody agreed, was the top item. Secondly, I don't know if it was going in, but I think it was going out, and that is constitutional revision, which was an uncompleted job that we finished.

Then it would be very difficult for the third item-- whether to say utilities regulation, which I assume would be the third, and then maybe closely behind would be the strip mining. Those are the three items. I guess--utilities, constitutional revision, and school finance.

Marcello: I'm glad you agree with me. Those are the three things which I thought received top priority, also (laughter). Okay, before we get into those areas, there is something else I think we need to talk about at this stage. Going into that legislative session, there was a significant surplus in the state treasury. How did this affect the thinking and the activities of those state legislators when they arrived in Austin for that session? This was an estimate, of course, made by the Legislative Budget Board.

Kaster: That's right. I think it quickly became dissipated as we started passing emergency legislation, but the emergency legislation came from the governor. There was an emergency pay raise for state employees and an emergency pay raise for junior colleges, for teachers, for retired teachers--things that we needed to address. Very quickly we had spent about a third of it, and then it became very evident that we are not going to have this massive surplus, and we increased spending. Now the

Legislative Budget Board had very high recommendations on spending, and we didn't go very much over it, in fact, in the final bill. But we did spend what was left of the money. But the emergency measures took up the bulk of it very quickly, and they were passed very easily so that this syndrome of having a surplus, well, where we'll help the teachers and we'll help the state employees . . . nobody objected to it because we knew the money was there, and those passed rather quickly and rather easily.

Marcello: I would assume that inflation perhaps ate some of that surplus, too--inflation in the sense that certain state bills had to be paid rather than utility bills or whatever they were.

Kaster: The utility bills . . . oh, we had passed several massive bills. One, utilities for the institutions of higher learning, that must have been three or four million dollars higher because it was impossible three or four years ago to accurately predict the rapid rise of utility costs. In fact, we put a contingency fund in the utility bills. The utility bills are a significant item. There were things like this that ate up the surplus.

Marcello: In speaking of that surplus, Mr. Bullock continually comes to mind. From everything I've read, I would assume that he played a rather active and an influential role perhaps in this session of the Legislature.

Kaster: Well, he started out being very helpful, and then he became very obstructionist. For instance, his assessment of the new constitution, I think, is totally wrong. And I think he lost a lot of credibility. He said that the new constitution, if it is adopted, is going to cost \$11,000,000,000. Well, that is based on hypothesis and conjecture and full implementation of every provision in the new constitution. However, \$11,000,000,000 could be spent under the old constitution, so it doesn't necessarily mean that it is going to cost one dime more. I question how much it is costing us to operate under the old constitution. Then he said that the appropriations bill should be reported out in twenty days and that we should only pass a one-year appropriations bill. And yet his budget that he requested to the Appropriations Committee was about double that of the previous year, so his idea of fiscal restraint does not begin with his office. It begins with other people and his ideas. I think he lost entire credibility. One, his idea on the cost of the new constitution came out approximately one hour before we had a ceremony signing the new constitution to present to the people to vote on. So I became very disillusioned with him.

We gave him every single thing that he wanted in his office of comptroller, and he made a good case that Calvert had let the office go down. Yet, I read in the paper yesterday about the lavish remodelling jobs that are going on in his offices with carpets and nice new desks and these type of things, and I question how much of it is necessary and just how much of it is making a nice little empire over there. Now he had indicated to us that with the increase in appropriations he is going to get us \$100,000,000 more in new taxes . . . or not new taxes but taxes that had not been collected. Well, I've got that written down. I predict that it's a Bullock statement that will not be in basis of fact. I think he will really have to stretch it to get the \$100,000,000. If he does, fine; and I'll be proved wrong. But I've gotten a jaundiced view of Mr. Bullock, and I think that Mr. Bullock is running for governor and creating statements and headlines in any manner he knows how to keep his name before the public.

Marcello: Let's talk, then, about some of the issues and major problems that came before that State Legislature. Let's talk about constitutional revision first of all, since I think it was one of those three major areas that was decided upon rather quickly. Okay, we had a constitutional convention, and there was a stalemate. A

constitution did not come forth from that convention. Some people said--and I think this is the view of Lieutenant Governor Hobby at least in the beginning-- that there should be another constitutional convention made up of citizen delegates. Speaker Clayton, on the other hand, felt that a new constitutional convention was not needed and that the Legislature could do something about it during this particular session. Just exactly how did you feel about that?

Kaster: I felt very strongly that the people who had bought and paid for the new constitution through the constitutional convention should have the opportunity at least to make judgement on it. They had spent something like \$4,000,000, and they had the right in my opinion to accept or reject it. Now I think that Hobby's view was based on the fact that the Senate during the constitutional convention did not pass it by the necessary two-thirds vote in the convention where it failed by two votes. The House had the two-thirds (100-49), and the Senate didn't have the two-thirds. So I think Hobby thought that the Senate would not pass it. I think he felt it was hopeless to try to get the new constitution out, so he thought then that . . . he recognized that we did need a new constitution, and he felt that this was the only way.

Now Clayton, I think, was more optimistic. As it turned out, the reason that it passed so quickly and rather easily is that all these politicians that voted against it found out that the public was very unhappy that they had not had the opportunity to look at the new constitution and to pass judgement on it, and enough so that it passed rather easily when we finally got down to it. I think it passed the Senate in one day and two days through the House without much dissent, and I think that was a result of public opinion being pressured on these people. The public was saying, "Look, we paid for it. We don't care what you think about it. We want to see it."

So there was four or five in the Senate that voted against it all the way, and they had voted against it all the way in the constitutional convention. We had about the same number in the House. I think the most apt statement was that these people would not vote for the constitution if Jesus came down and wrote the new constitution with his finger in stone. They would still vote against it. I contend that some of them had so many deals under the old constitution that they didn't want to change anything, and that was why they were opposed to it. And they are the ones that had Bullock come up with his figure of \$11,000,000,000.

They are still trying to defeat it. But I think that the people are a little smarter than that and can see through demagoguery, and the legislators felt the pressure, and so it passed rather easily.

Marcello: Speaking for yourself, what sort of feedback did you receive when you went home after that abortive constitutional convention?

Kaster: Well, I went home and I made speeches, and I named names of these obstructionists, and I was very bitter and disappointed because I was very proud of the new constitution. I had served on the style and drafting committee, and we went over every bit of it word-for-word, and I was very proud of it. It made sense; it was shorter; it would fill our needs here in Texas. I was very bitterly disappointed that two people couldn't change their minds to let the people have a vote on it because at the time that it failed I felt very strongly that the issue was not whether I as an individual legislator liked it or disliked it. The issue was should the people have the right to vote on something they had paid for.

So I went home, and I received a very good response, very strong response, through these speeches that I made when I was bitterly assailing these people who had voted against it. I suggested that they contact people they know and have them contact these people and let them

tell them why they didn't want the people to vote on it. I think that this probably went on across the state. There was a very strong editorial reaction against the failure to pass it. It was the only state in the union that had a constitutional convention that failed to pass out a constitution, and that was a horrible black mark.

I was very unhappy, and so when this passed my enthusiasm came back. Now when I finally go home, I intend to work for passage in the new constitution. I think it is a good document.

Marcello: I gather that when it passed through the Legislature during this past session that right-to-work was not mentioned at all.

Kaster: That's right. It was not in there. That was the stumbling block, and it was an issue probably that should not have been in there in the constitution at that time. People have very strong positions on it and would not compromise. Anything coming before the legislative process is subject to compromise. We've got right-to-work. We're going to have it whether it's in the new constitution or not because it's on the statutes. If Congress changes it, it wouldn't make any difference if it's in the constitution or not because federal law has precedent over anything in the state constitution. So it was a very emotional issue and very divisive, and so in the House it wasn't even offered.

I strongly favor right-to-work, but I strongly favor a new constitution more than I do right-to-work because it is on the books, and that is not going to be changed. So the new constitution, to me, overrides all those controversial issues. As a consequence, we did not have any of those side issues there, and I think that is one of the reasons that it passed.

Marcello: Let's go on to another major topic, and this really is a major topic. This is the whole business of school financing which occupied a tremendous amount of time during that session. Just very briefly give me some of the background here. Why was school finance reform necessary?

Kaster: Well, it gets back to the Rodriguez decision where the federal court stated that it was an inequitable system. I don't think anybody disagreed that it was not equitable. You had poor districts taxing at a high rate and generating tremendous money. And so consequently education was a function of the wealthy. Well, I think everybody recognized that. The Supreme Court later refused to intervene and said that it is a state matter to finance it. But they made it clear that we should start addressing ourselves to it. So we started and trying to be equitable in it, I think, was the gist of it or why we felt we had to do it.

Marcello: Now it was a rather controversial issue, I think. When those first several bills were offered, the amount of

money was going to be spent for school financing was way over what the Legislative Budget Board said was available for education. Why was it that these bills were so high, the amount of money was so high, as compared to what the Legislative Budget Board said was available? Also, Briscoe said that there would be no new taxes.

Kaster: That's right. The entire thing started revolving around rather quickly into a beginning teacher's salary in the public schools at \$10,000 dollars. The Texas State Teachers Association started out asking for \$8,000, but there was a group in San Antonio that became very militant and said that they wanted \$12,000. So the TSTA people met again, and they decided that it was going to be \$10,000 and that they would not compromise on it.

Now this \$10,000 demand gets into the inner-workings of TSTA in my opinion. The new executive director was a man by the name of Callie Smith. He was hired on a split vote by only a one-vote margin. So he had to prove himself worthy of the job. Secondly, they were involved in the unification issue between the Texas State Teachers Association and the National Education Association. Their referendum had been defeated 2-1 the year before, and now then they were trying to get back into it because if they

failed to unify by September of this year, then the NEA would seek another affiliation. TSTA thought that they would lose influence, so they were involved in that. That gets back to the \$10,000 salary.

Now Callie Smith, if he could get the \$10,000 salary, then it would make Callie Smith look very good. If it failed then he could say if they would have been affiliated with the NEA, they would have had the clout to get the \$10,000. So he couldn't lost. And so they started pumping up teachers, and I think it was a false impression. There was absolutely no way on God's earth that we could afford the \$10,000 salary because the \$10,000 salary would have required in new taxes over and above right now \$1,700,000,000. The governor then, as you correctly mentioned, said that we are not going to have any new taxes, and he had the power to veto, so you would become very quickly at an impasse. But TSTA had their troops rallied, and they eventually had a rally here at the university stadium with 35,000. They were dealing with only the \$10,000 salary. They were talking about education, but their idea of education was a \$10,000 salary. Through their massive public relations work, they put tremendous pressure on the Legislature.

Marcello: This is a pretty potent lobby. You know, when we speak of lobbies, we usually think of business lobbies, but TSTA is a fairly potent lobby, is it not?

Kaster: In my opinion they are the strongest lobby in Texas. Now weekly from El Paso we had two teachers down here during the entire session, and at various other times various groups would come down, and they were lobbying very strongly. There were teachers all over the place. The TSTA must have twenty-five lobbyists that are over here every day. They are the most powerful lobby here, and the teachers have become very militant and very vocal. They have various meetings. They had a rally in El Paso where 4,000 of them got together for the \$10,000 salary.

Well, I resisted that because I knew it was . . . the easy thing would have been to demagogue it and say, "Yes, "I am going to work for your \$10,000 salary," knowing very well that it would never pass because the governor made it very clear . . . and the teachers, if they had learned one thing, they learned that you cannot pressure Governor Briscoe. He's independently wealthy; he's up there for four years; and he's not going to be pressured by anybody. And when he says he is going to veto something, he is going to veto it. So I felt that he would go for the \$8,000 salary, and that is what I preferred to work for.

Well, when the bill hit the floor finally, after all this combination . . . because you are talking about . . . equilization funds were increased; transportation was increased to take care of the inflationary pressures. But it still got down to the \$10,000 salary. Well, when the bill hit the floor finally . . . after all these hearings and all these combinations and it finally came to the floor; there was an amendment for this \$10,000 salary. I voted against it.

Then there was one for \$9,000, and I voted against that. That one carried and that was going to cost about \$1,000,000,000 right there. Well, immediately after I started getting calls. We had phones at our desks. We could get outside calls this year. I hadn't hardly gotten through voting, and I'm getting a long distance call from El Paso wondering why I am against the teachers. These are teachers. Somebody is calling to tell me I'm voting against it.

Well, as it turned out before the day was over, those who were opposed to paying this high salary started "loading the boat" which is a parliamentary maneuver, and we put duty-free lunches in, and we started putting this, that, and the other in. By the end of the day we had the thing back up to about \$2,500,000,000.

Marcello: And the whole purpose was simply to kill the bill.

Kaster: Right. Because all of a sudden the teachers there, you know, when they passed the first thing out, the \$9,000,

they stood and clapped and they were all happy. But by the end of the day even they realized what had happened to them.

Marcello: This brings up an interesting point now. Surely, most of the legislators who voted for these high teacher salaries knew that Briscoe was going to veto that bill, and do you feel that all along they simply voted for that bill, those higher salaries, simply to get their name on the record, knowing full well that these other things were going to be tacked on and it was going to be defeated anyhow?

Kaster: That is exactly right. That's a political vote, a 100 per cent political vote, because . . . and then they were saying, "I'm for the teachers, I'm for the teachers," and, you see, those who had voted for it weren't getting calls from the teachers. Then it was very subtle the way these guys loaded the boat down. They put things . . . it was putting them in the position that they couldn't vote against it. These are things teachers had wanted in the past, like duty-free lunches and . . . oh, I forget just various items that were added on that they couldn't vote against. Once they had made that political decision to vote for the teachers, then they just loaded it down. In my opinion it was strictly a political vote.

Marcello: Then when it comes to a final vote, they can vote against it because they can say that the overall bill is too high.

Kaster: Well, what happened then is that we put up a substitute, I think, the next day. The teachers . . . it was very surprising. I had a group of teachers here from El Paso down here watching this, and they came to my office then at the end of the day and . . . the four others from El Paso had been voting for all this stuff, and I'm sitting there voting against it. And all of a sudden they realize that I was really their friend, and these other people had been duping them. And so they came to my office, and we had a "knock-down-drag-out" discussion, but when we got through with our talk, they realized suddenly that I was really and truly for them.

I was trying to get something that the governor would sign because two years ago, at the very last hour of the session, there had been a school finance bill that had been watered down, and it failed on a tie vote. So there was absolutely nothing that had been given to the teachers, and I contended that if we didn't come up with something realistic, they were not going to get a raise this time. They were still going to be at a \$6,600 starting salary, and I felt that \$8,000 was certainly better than that. I had teachers calling me up and saying that they would just as soon have nothing instead of the \$8,000, but I know that the majority wanted an increase. A \$1,400 increase was nothing to sneeze at,

plus increasing maintenance for the school. So when we realized that, then all of a sudden they realized that we were allies then, and I helped them and we got the bill through for the \$8,000, which I assumed that he would sign. And sure enough, he signed that with hardly even looking at it.

Marcello: Who was carrying the TSTA-sponsored bill?

Kaster: Well, it started out with DeWitt Hale. He had the full "loaded boat" that was going to cost \$1,700,000,000, and he was making all kinds of nice talks for the children of Texas. That's always the proper procedure. It's not for the teachers; it's for the children of Texas. But the taxpayer has to pay for all these things, and I felt that it wasn't fair to have a . . . I thought it had been the height of irresponsibility to spend a billion dollar surplus and then levy the largest tax bill ever levied in the state. I thought that was totally irresponsible when you have a great deal of unemployment, when you have recession, pay for all our grand schemes, and I thought it was not the time to levy a tax bill, and I felt that we could do it within our means.

I think that \$635,000,000 for public education is certainly addressing ourselves to the problem, and I thought, too, that we were going about it in a proper manner. It is an evolutionary change, not a revolutionary change. It's moving in the area of equity in our

distribution of funds. Nobody thinks that this is a permanent solution. But if we turn the corner . . . and I think that we are heading in the right direction. It might take two more sessions to get to the right point where we really answer the Rodriguez case and to where an education is going to be given to every child. I think that is one very important plus for the new constitution. In the new constitution we have a provision that says that every child in Texas will be given an equal education opportunity. I think that we should do that, and that will be a new direction. I think this bill puts us in that direction, and so I think it's a good bill.

Marcello: I think there were a great many people who were disillusioned by the fact that more emphasis seemed to be going toward increased teacher salaries than there was towards complying with the Rodriguez decision.

Kaster: Well, the teachers salaries were raised, but the teachers had a point, too. Here garbage collectors were making more than teachers, and skilled labor was making more than teachers, and yet they're in there with a commodity that's pretty precious, meaning children. Of that bill that we passed . . . in fact, the teachers . . . I was surprised how many of them were interested in the maintenance and operation money, particularly in my area where

we have a poor district, and this money is really going to help them get along. And they were just as concerned, the real professionals, as far as these other areas as they were the teachers salaries. Now you get a group of them that could care less about the rest of it, and they wanted the teachers salaries. In fact, some wag once said that all they wanted was a \$10,000 salary and no students (chuckle). But that was a minority. I think that most of them were truly interested in the whole package. As I say, they were happy with the \$8,000 because we addressed these other areas. And if we had gone to the \$10,000 we would not have addressed anything.

Marcello: I think that you do get three major areas in that school finance bill. You get the beginnings of compliance with the Rodriguez case; you get the higher teachers salaries; and then, also, you get this increased funding for maintenance and operation, which is a very important item.

Kaster: That was very important. And then we have an equalization fund. And then, also, we have \$5,000,000 set up to study getting away from the economic index, which is a method for just distributing state aid, and going to full market values.

Marcello: You might explain a little bit about that.

Kaster: Well, the economic index takes market value and it takes the jobs and the number of people employed, and it's very

complex. Each job or each industry has a certain weight, and these things are weighted. It worked good in 1949, but it is very inequitable now. So what we are trying to go to is 100 per cent market value as a method of distributing money to try to get more equity. But that is difficult to do, and it takes some studying in who determines what is market value. So the study is being made now over the next two years. We'll have a good basis, then, on how to distribute the aid equitably. As long as it is fair and equitable . . . I think that is what we are trying to get to, and it is a very difficult and complex problem on how to get to that point. Well, I think it does take studying in that one area, and so this bill does provide for that.

Plus, this equilization money will immediately give money to schools like the Edgewood Independent School District in San Antonio, which was the basis of the Rodriguez case. There will be additional money to pull them up to a level higher than they are through their taxing ability. Again, that money is distributed based on the effort that the local taxpayer is making. For instance, Edgewood had it at about three times higher than the north part of San Antonio, so they will be getting the money because

even with their three times higher tax rate they weren't raising the money. But this equalization fund will be given to them to help them. Like I say, it's moving in the direction that I think that we need to move into.

Marcello: Well, now you have the TSTA-sponsored bill; you had the bill sponsored by Representative Kubiak; and then you had the governor's bill.

Kaster: Right.

Marcello: Now I don't think there is too much we can say about the Kubiak bill, perhaps, except that it called for . . . well, the TSTA bill called for the highest teacher salaries. The Kubiak bill called for salaries not quite as high. And then there was the governor's bill which called for the least amount of money.

Kaster: Well, the governor went on an entirely different approach. The Kubiak bill and the TSTA bill were similar. Theirs was a program approach.

Marcello: It was simply a matter of money between the TSTA bill and the Kubiak bill.

Kaster: That's right. They were talking about the student-teacher ratio, student aides--all the goodies. The TSTA bill had the whole thing loaded down to where it would have cost over two billion dollars, and Kubiak's was a version of that. And then the

governor went on an entirely different approach--the weighted pupil approach. His costs were based on what it costs to teach the pupil. Now I think that there was a lot of . . . since it was an unknown, it hadn't . . .

Marcello: I don't think too many people understood what that weighted pupil approach was.

Kaster: That's right. That is the reason why it did not pass. Now again, in this provision in the new bill, they are going to see what would have happened . . . they're going to select twelve districts and see what would have happened to those districts if they had been on a weighted pupil approach statistically. Then in two years we'll have an idea. Because when you start dealing it from the students' point of view, I think that's probably a good approach because that's what people are concerned about instead of the program approach. For instance, the weighted pupil approach said that it costs, I think, a weight of one dollar to teach English, sitting in a class. It costs more for special education; it costs more for shop; it costs more for physics. They had different weights depending on the costs involved, and so the money would have been distributed to the schools depending on how many students you have in each one. Well, there was a lot of unknown areas saying that

there could be abuse, that they could load up special education students to get more money. Originally, there wasn't a teachers salary in there, and the teachers demanded that being in there. And so there was a lot of unknowns, but it's a new approach, and it might be the approach we end up taking. I don't know. I think that in two years we'll know.

Marcello: Of all the bills, would you say that the governor's bill was perhaps the most realistic?

Kaster: It's hard to say because again they were so intertwined. I wasn't on the Education Committee, and there were people who favored it. It's a good approach in putting the base on a cost of educating the student and not worrying about teachers or anything else. But what is its cost on the students? Indirectly then, you get to the teachers. And I think that it is a good approach, and it will be interesting in two years to see what kind of basis we have then. I think we will have more . . . this program was devised by Doctor Ralph Hooker and was really just devised almost after the session began, so there were still too many unknowns in the program. It's a novel approach, one that I think will bear watching.

Marcello: What sort of a role did Governor Briscoe and his aides play in the passage of this school finance reform bill?

Kaster: I think that they played a significant role because again they kept stressing that the governor was going to veto it if it required new taxes. So just by the threat of the veto--knowing that the bill would get to the governor's office at the end of the session and that he would have a chance to veto it after the session was over and the Legislature wouldn't even have a chance to consider overriding a veto--forced the Legislature to keep it within the guidelines that he set. So as it worked through . . . we passed it through the House, and we had about \$700,000,000. Well, the Senate took it and reworked the bill and brought it down into the guidelines. They originally sent it back with the idea that it would go to conference, but then the leadership or the committee worked with them, and they recalled the bill and made it conform then to what was going to be acceptable to both houses and to the governor. The governor was playing a very significant role through his aides in this. And then they came out . . . and then the Senate reported the bill out, and we just concurred in their amendments to the House bill. But again, the governor played a significant role in there--a very significant role.

Marcello: When you first entered the Legislature, Preston Smith was governor.

Kaster: Right.

Marcello: One of the complaints about Smith was that you never knew where he stood on a particular issue. I would assume that perhaps the same thing was not true with Governor Briscoe.

Kaster: Not on this issue. On some issues the governor maintains a low posture, and you don't know where he stands. But on this one you knew very well where he stood. And on certain other bills he made it very clear where he stood on it, and he used his leadership. I think he exercises his leadership in a different way than what you think a normal, dynamic leader does. He takes a position, and it is not a flash and it's not charismatic like John Connally. But he has a position, and he makes it stick. When he says no taxes, the easy thing to do is to vote for taxes. I believe that every year Preston Smith was governor they had new taxes every year. Well, now we've gone four years with no new taxes. I think that is a service to the people-- living within our means. We have to have natural growth based on the economy, the number of people, the sales taxes, the severance taxes. We've had a record budget, but again we could have increased the heck out of it if we would have had a governor that was under the influence of, say, the TSTA. We would have had a

heck of a tax bill. So his leadership is a different type of leadership.

He's not, as I say, a charismatic leader, but he is a good, strong, hard-headed businessman, and he makes it stick. I think the Legislature understands that, so as a consequence of just his threats . . . I think when he says something, the Legislature knows that he means it, so if you want a bill passed you adjust it. As a consequence, I think he only vetoed seventeen bills this whole session. That's tremendous. Again, that shows his leadership ability and he didn't veto any major items. It was minor stuff. He line-item vetoed some things out of the appropriations bill, which all of them do. But that's good leadership, and a lot of people fail to see that as leadership, and they think that he is slow, phlegmatic, dull. But I disagree. I think it is a different kind, and I think that he recognizes it. Look at the results of his leadership. I think that you have to recognize that he is a very strong leader, just very quiet.

Marcello: So in wrapping up our discussion of the school finance reform bill then, I think that you said at the beginning of our discussion that perhaps the bill didn't go all the way toward implementing or complying with that Rodriguez decision, but the step has been made, and

you are predicting that over a period of years full compliance will eventually be reached with that Rodriguez case.

Kaster: Yes. I don't think that you could take . . . I think that it would be very difficult to abandon twenty-five years of the way we were doing things and just completely change it in one sessions. I think the important thing was to go in that direction which we had not been for the past twenty-five years. It would have worked fine, but the inequities developed, so we did turn the corner, and I predict that in the next one or two more sessions that we'll be into a fully equitable situation. I think that the one now is much more equitable than the old way, but I think that we'll move into that.

Marcello: Let's leave school finance reform and go to that third issue which both you and I agreed was one of the top three of the session, and this, of course, involves the establishment or the formation of a utilities commission. Let me ask you a general question first of all, and I want a personal opinion here. How much of a need did you feel existed toward the establishment of a public utilities commission in the State of Texas?

Kaster: I felt that there was a large need. Now I represent part of the City of El Paso plus four rural counties.

Now El Paso, I don't think, needed it. They are perfectly capable of regulating their own. The smaller towns--now I have four counties--the small towns are not capable of it. They do not have the expertise.

Where it came very close to me and where it was demonstrated to me as there was a need for it was in the City of Van Horn, Texas. Continental Telephone came to the city council, and they requested a wage increase. The city council told them, "Your service stinks, and when you improve your service we'll consider granting you a rate increase, but on your level of service you don't rate anything," and denied the increase. Continental Telephone then unilaterally raised the rates, and said, "The heck with the city council." Continental raised the rates and pulled service people out of Van Horn so that they had worse service and higher rates, and they found a loophole in the law where they were able to do this. Well, the people of Van Horn then had the choice of no telephone service or paying the higher rates. The new utilities commission . . . one of the provisions is--now this is one of the reasons why I was in favor of--that there was a place where they could go to demand good service

and where the utilities will be forced to give good service. We are not talking about Van Horn now. We're talking about their whole system which will be forced to give good service. Now realistically, I don't think that it is going to lower anybody's rates at all, but I do think that the rates will be fair. They will have to be justified, and the people will then know whether we can have it. Secondly, you had the scandals with the Southwestern Bell Telephone, so the Legislature was in a position, then, that if you voted against utilities regulation, you were voting in favor of the scandals of Southwestern Bell. The Coastal States in this particular area had raised their rates dramatically in heating fuels, in electricity, to where the people were under a tremendous burden and were having brownouts and reduced power. I think that it demanded that we have a utilities commission--to have at least a place to go to, to have the people with expertise to look at these rates to see if they were fair. So I was very much in favor of it.

Now I had gotten a lot of pressure from El Paso--the utilities--that they didn't need one, that they could do it. But then again, maybe El

Paso could, but I knew that the rural counties could not. So basing it on a whole, I was strongly in favor of a utilities commission.

Marcello: How do you explain the fact that every other state in the union had a utilities commission except Texas?

Kaster: That was something I couldn't answer. I didn't think that forty-nine of them were wrong and we were right. Nobody that I know of was moving in our direction. We were the last one to move in the direction of control because you are dealing with big companies. I say El Paso could regulate their own, but I question how much they could regulate their own. We at least ought to be able to get some expertise in there.

It was revealed very quickly in our hearings that the telephone companies or the other utilities companies kept a couple of sets of books. They kept one to show to the cities when they wanted a rate increase; they had another one for taxes; they had another one for stockholders. Some of them had three sets of books. And it got down to a fair rate of return based on their investment. Well, what was their investment? Was it original costs? Well, they didn't feel that it was original costs. It was replacement costs. The telephone pole had been there twenty years maybe on their books, one set of their books. It was down to zero. To the city council they were showing

that fifty dollars is what it would cost to replace it, and it might last another twenty years. So they were playing games with the books, and when you have a thing as complex as a telephone company, nobody in the city, at least in El Paso, has the expertise to know whether they are getting jockeyed around or not. So the utilities commission will be able to look at these, and they do set telephone rates across the entire state. And that was a necessity because you cannot start excluding parts of the system of the telephone company with any kind of rate base. They take the system as a whole because every other phone is connected to every other phone, and you cannot just exclude it to come up with a fair rate of return.

Again, just before the end of the session came a request for a rate increase by the Bell System on long distance calls in Texas that John Hill fought. So all these led to the conclusion that we did need . . . it came very obvious that we needed it.

Marcello: That was almost frightening when one of the attorneys for Bell made the offhand comment that theoretically Bell could charge any amount they wanted for intrastate long distance calls.

Kaster: I think that they were charging what the traffic would bear. I imagine that it was very profitable for them,

and as it was indicated in the testimony, Southwestern Bell is one of the most profitable telephone companies in the whole United States. That's right. It was very frightening. And since I had seen what Continental phone had done to Van Horn, I knew dadgummed well that they could do it, and to heck with the people. I guess if you don't like it you don't have to use a telephone, but in our society you are lost without a telephone. And so it was frightening.

Marcello: How much lobby pressure did the utilities companies exert during the session in trying to either water down or defeat altogether the establishment of a public utilities commission?

Kaster: I think that they were lobbying very hard to defeat it preferably, or to water it down. Fortunately, John Wilson from LaGrange, who is extremely smart . . . and I think that he did more work on it than anyone else.

Marcello: He actually wrote the bill, didn't he?

Kaster: Yes, he did and he is extremely able. He resisted the pressure. I think the bill we came up with . . . if the governor appoints--now that will be interesting to see who he appoints--if he appoints good consumer-oriented people, we are going to have a good commission. Now that is the weak link in it. I probably would have preferred to see the people elected, but there were probably

reasons why they couldn't. Maybe that shouldn't be because the lobby could get their people and spend a lot of money and get them elected, and then you are off to a bad point of view. So that was debatable. I don't know. It can be a good commission if the governor appoints good people. But the lobby people are working, and I got calls from El Paso.

Marcello: What sort of calls do you get? Or what sort of pressures could they or did they exert?

Kaster: Well, the El Paso Electric Company had four people registered here as lobbyists against the utilities commission, and they gave us all this stuff of how fair they are to the people and that they do not want government regulation. Yet, they want a monopoly in my opinion, and they want to do what they want to do without any restriction or restraint. The telephone people--we in El Paso are under Mountain Bell--came down here and met with the El Paso delegation. Their concern, if they had a utilities commission, was that they wanted the entire telephone system included, and they pointed out that you couldn't exclude part of it. Mountain Bell is in New Mexico, Arizona, Colorado, Wyoming, and they have utilities commissions in all of them, so they are familiar with dealing with a utilities commission.

And they were not opposed to it as much as the electric company. The electric company was the one that was opposed to it. Yet, in El Paso they had raised the rates something like 27 per cent, and people were really getting stuck out there on their rates, and it was controversial. Well, I'm not going to sit there and listen to the electric company when people are the ones suffering from it. Their rates may be justified, but I did not know if they were justified. Nobody else in El Paso knew if they were justified. They had complex hearings, and it developed that nobody knew . . . again, you go on what's the basis for the return on their investment, and that is the whole key to it. Is it original costs, replacement costs, or combinations?

The bill that we passed is a combination of the two, and that is probably as much as we could do. Personally, I would just as soon see it at original costs. And each time that they change it, that changes the cost. Apparently, under the selling of bonds--and I can understand all that--and attracting capital to keep expanding, I can appreciate the problems that they run into. So I think that our bill is fair.

Marcello: Now we have been talking about this utilities commission, and we have mentioned mainly the telephone

companies and occasionally we have mentioned the electric companies. Did you prefer to see all the utilities companies come under this public utilities commission or just the telephone companies? You know, a lot of legislators wanted only the telephone company to be under the public utilities commission.

Kaster: No, I wanted them all. I wanted all the public utilities that are monopolies to come under it because a monopoly is an antithesis to the free enterprise system. If you grant a monopoly for whatever reason you do, then the people should have some form of control over it. We do have these monopolies for very good reasons. I don't see how you could have a competing telephone company. That would be incompatible with the telephone communications. Same with the electric system. I don't know what you would do with two electric companies in a town with two parallel lines, which would be free enterprise. So you do have to have regulation. Otherwise, a monopoly can charge what it wants. Again, as you pointed out, the phone company says, "We'll charge whatever we want." The electric company could in effect say the same thing, and again, the gas company could in effect say the same thing, unless there is some type of control. That is where I think the commission does have this type of control. Now there are some cities that think they have the expertise, and I'm not going to

argue with them. If they want to regulate their electric rates, that's fine.

Marcello: They do have the power to do so under the bill that was passed.

Kaster: They do. They can opt out of it. They can't get out of the telephone part, but they can get out of the others. Well, I don't think that you are going to see too many cities getting out from that because I think it would be better to have the state do it, such as set the gas rate.

Again, it is a very difficult situation in time because we are running out of our fossil fuels and we're changing into a nuclear energy, and these are all expensive, or coal. Energy, whether it's electricity or gas or whatever it is, is going to remain high. I don't think that anybody will deny that. No one that I know in the Legislature thinks that it is going to reduce the rate; however, we'll be absolutely sure that they will be justified, and I think we will be sure there that it will be a fair rate to the company and to the public, and maybe they won't be skyrocketing upwards like they have been. So I think that it is going to do good, and I don't think too many cities are going to opt out of it. Mayor Hofeinz of Houston came up here and

said that they don't have the expertise to regulate their rates, and they want to stay in with the state. Well, if Houston can't do it, I don't know why anybody else thinks that they can do it.

Marcello: I thought it was kind of interesting, at least at the beginning of the session, that Lieutenant Governor Hobby said that he was in favor of some sort of a public utilities commission, but on the other hand both Briscoe and Speaker Clayton said that they were against or opposed to the formation of such a commission. How did Clayton's opposition to the formation of such a commission affect the deliberations and procedures in the House?

Kaster: Well, that slowed them down. There was no question about that because again it was referred to his committee chairman, and he probably said to sit on it. Again, public pressure mounted. You had these astronomical rises and you had these scandals that created this pressure. Again, this showed that the deliberative body or political body is receptive to public pressure, and I think it was the public pressure that finally kept mounting and kept mounting so that they had to get it out. They couldn't kill it in committee. Clayton came from a rural area, Springlake. I've been to Springlake. There may be

a hundred people there, if that many. So they are probably not concerned up in that whole panhandle area with the regulation of these utilities. They probably have a lot of co-ops up there, and so that is not the problem that these other people are facing. I don't know why he was opposed to it. Maybe he was just opposed to another governmental agency for all I know. It is going to be expensive. Maybe he didn't think that they were going to be able to do anything. I don't know what his opposition was, but I do know that it held up. If it hadn't been for John Wilson continually bird-dogging it . . . because the thing was only passed in the last several days of the session, and for a time it looked like it would not pass. But again, I think that public pressure and Hobby then working on the Senate just to pass it out . . . I think he played a part, a very significant part, in passing it out, even though Briscoe was opposed. But then Briscoe couldn't veto it because of the public pressure. Again, the public pressure was so intense on this that they had to pass it.

Marcello: I thought that it was also kind of interesting, however, that in selecting the House conferees Clayton did go so far as to appoint several members of that conference that had voted against that bill.

Kaster: Exactly right! And again, this gets back to the important role John Wilson played because if it hadn't been for John Wilson, somebody else would have said, "Well, we've been had and it's no use in having a meeting when we are not going to even have one." But he worked with them, and he was very complimentary toward them, and he had his other bill that he substituted for in the conference that they had to go for that was reasonable, and he made the point that it was reasonable, and he got the senators to go along, and then finally the House members had to go along to get it out of conference. Wilson was very effective, and I think he's the man responsible for the utilities bill. Otherwise, the way that committee was stacked with conferees it was three to two--three opposed, two for. And Wilson was able to get . . . I don't know if all five signed it or not, but a majority signed it and it got out of conference then. But at that time it was very easy to just not meet, to forget it then, because there was about three or four days left in the session. He kept doggedly after it, and he got the thing out.

Marcello: That takes care of our three major issues. Let's talk a little about the Appropriations Committee

since this is the committee that obviously took up a tremendous bulk of your time at this particular session. Again, at least you had a framework within which to work. The governor had indicated that there would be no new taxes. Obviously, this particular stance on the part of the governor had to affect the manner in which that appropriations bill was hammered out.

Kaster: That's correct. We looked at everything very hard. We looked at it in the light of no new taxes. As I remember, our final . . . after months of deliberations . . . and it did take a long, long time. It was long and involved. Our final recommendation to the House was something like a \$100,000,000 or \$125,000,000 less than the Legislative Budget Board had recommended. Now we shifted around inside the bill, increasing some items over the LBB, reducing others. But the net effect . . . and I think that is what you have to look at because I think it is in the prerogative of the Appropriations Committee to try to decide what areas where the Legislative Budget Board felt different should have an increase or a decrease. And then the House could make the final say on it. Well, the House made very few changes over our recommendations. Again, the substantive committee was in there, and we finally looked at the whole thing, and our net recommendation was less than the Legislative Budget Board's.

Marcello: You had a new chairman of the Appropriations Committee this time. It had previously been Neil Caldwell. I don't know if we even have to get on the record why Neil Caldwell wasn't reappointed. I think it was a philosophical difference, if nothing else.

Kaster: Well, Caldwell worked for Carl Parker and was one of the thirty that voted for Carl Parker, thirty or forty, even though Clayton had it. Under the political game in town, it would have been inconceivable that he would have been appointed chairman of the Appropriations Committee when he worked for the opposition. Bill Presnal did work for Clayton, and he was a very good chairman. He was very fair. I think that the only disappointment that came about in the conference committee was in the way that they tried to put . . . through a concurrent resolution you can make changes in the appropriations bill. Through our joint rules the only way you can do this is to add an item or change an item that has not been in the bill. In this one they tried to put these riders for all these institutions of higher learning to get around the Coordinating Board, and that created a great deal of unhappiness.

Marcello: I think you are referring specifically to school construction in particular.

Kaster: That is exactly correct. There were 616 construction projects by riders that neither house had voted on that suddenly appeared in the conference committee report. The House rebelled and they rejected the first concurrent resolution. They turned it down flat. There were items in there that neither one had seen, and that is getting back to the old way of doing things. So it came back and we wanted all those construction projects taken out. And then in the final conference committee report they were back in, and the House had indicated very strongly that they did not want those in there. And I remember at the back microphone when Ray Hutchison asked Bill Presnal how he had voted on it. He voted against that House's wishes. I think he lost a lot of respect by that as being the chairman of it. He should have voted what the House indicated. However, Bill Presnal works for A&M in one of their departments over there. It's not exactly affiliated . . . it's affiliated with it, but it is privately endowed, so he can work for A&M. Naturally, they had some construction projects.

But the way that he ran the committee, I was very pleased. He was very fair. Everyone got to ask all the questions that they wanted. He was there the whole time. Neil Caldwell was there and he was not stifled. He

asked all the questions he wanted to ask. That's a good refreshing thing to be on. I had served on Appropriations once before when Bill Fink was chairman, and he was the first chairman after Heatly, who had run it in a dictatorial manner. You couldn't ask any questions, as I understand, when he was chairman. They had the free-wheeling conference committees, and they just did this routinely, and they wrote the bill with ten members.

So Presnal was very fair, and everyone got to ask all the questions they wanted, and I think we are completely satisfied with the final results. Naturally, I don't agree with everything that was in there, and no two people would from different parts of the state. It was a good bill.

Marcello: Let's talk about some of the personal legislation that you were able to get passed this session and which you think is important and ought to be part of the record. What particular bill would you like to mention with regard to what you passed, let's say, for El Paso?

Kaster: Well, I passed . . . most of my legislation deals with my district, and I have very little major legislation. I passed one that was major legislation, I suppose. It's called the Small Business Assistance

Act, and it's to go out and help small businesses learn how to bid on state contracts. Now the state has a great many contracts, but most small businesses don't know how you go about bidding on them. States that have these have found out that it has lowered the costs to the state because the more bids you get . . . you find out that the small businesses sometimes will have it real close, and then that is savings to the state. So I passed that.

I passed some bills dealing with . . . well, another one is to allow the general land office to trade land. A lot of the state-owned land west of the Pecos is scattered in a checkerboard fashion, and so by trading it around they can block up the state-owned land into manageable leases. They can make parks out of it. They can get it along the Rio Grande or anywhere else and create parks without any additional costs to the state. This happened when the railroads were being built, and they gave alternate sections of land, and that is where the checkerboard came about. So I passed that.

I passed a bill for El Paso to let them hire a manager to promote tourism and industry to the previous bill that I had passed. Oh, I don't know. There is just eight bills, and I don't think any of them will go down in history as anything important, probably (chuckle).

Marcello: Well, I think we have covered most of the major pieces of legislation that came out of that Sixty-fourth Legislature. Is there anything else that you think we need to get in the record before we close the interview?

Kaster: Well, not that I know of, other than . . . again, I want to emphasize that it was a very productive session even though the final production took place right up to the last hour or so of the session. It was very productive, and again it has to get back to leadership. Now the leadership . . . even though they may be responding to public pressure, I think that it's good. It shows that they will respond to public pressure. Because if you had a dogmatic person to just negate public pressure, that would be bad, and I think that indicates good strong leadership both by the governor, and the lieutenant governor, and the speaker. I was pleased, as I said before, to be a part of it. I thoroughly enjoyed it, and I'll stay here just as long as the people will have me here (laughter).