

NORTH TEXAS STATE UNIVERSITY  
ORAL HISTORY COLLECTION  
NUMBER  
398

Interview with  
O. H. Harris  
September 7, 1977

Place of Interview: Dallas, Texas  
Interviewer: Dr. Ronald E. Marcello  
Terms of Use: OPEN  
Approved: O.H. Harris  
(Signature)  
Date: Mar. 6, 1978

COPYRIGHT © 1978 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

Senator O.H. Harris

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Dallas, Texas

Date: September 7, 1977

Dr. Marcello: This is Ron Marcello interviewing Senator O.H. Harris for the North Texas State University Oral History Collection. The interview is taking place on December 7, 1977, in Dallas, Texas. I'm interviewing Senator Harris in order to get his reminiscences and experiences and impressions while he was a member of the 65th Texas Legislature.

Senator Harris, to begin this interview, let me ask you a couple general questions first of all. This first series of questions that I'm going to ask you are more or less in response to an article that appeared in Texas Monthly magazine. It was the July, 1977, issue--immediately after the termination of the regular session. Texas Monthly . . . well, let me ask you this first of all. How do you assess Texas Monthly as a political observer?

Senator Harris: (Chuckle) Basically unfair. I've got a couple of reasons to cite that. They weren't unfair across

the board; I agree with some things they said and disagree with some. But factually in one instance they were just dead wrong.

Marcello: What particular instance was that?

Harris: It had to do with the so-called Peveto Bill, property tax reform. They were highly critical of Senator Creighton generally, but specifically about that issue as chairman of that Committee on Economic Development--where the bill was. I'll get into it, if you want to, the full chronological order of events, because I was on that committee. But immediately here, they were critical of him of holding it up too late for a vote, and that's just not true. On Saturday before the session closed on Monday the 31st of May, it came to a vote. Just like any other bill, it takes two-thirds to suspend the rules to bring it up out of the regular order of business. It got sixteen votes--sixteen to fourteen. So when they say it was too late to bring it up for a vote, they just mis-stated the facts.

Marcello: We'll get back and talk about that Peveto Bill later on, because I think that was one of the important activities of the session.

Harris: There's another instance, too. This you can interpret anyway you want to, I suppose, but to me it was pretty patent. They were very laudatory of Senator Sherman,

and rightfully so. Senator Sherman is a good friend of mine and is a very good member of the Senate. He handled the coal slurry bill, and they applauded him for his efforts and how he handled that. They went on to say-- to this effect--that he did "against the great odds of the heavy railroad lobby." Well, by implication, a lobby was fighting it. Well, they don't point out that Houston Light and Power, Exxon, some of the major oil companies (chuckle), and all were supporting it--heavy lobbying. I got lobbied heavy by the proponents of the bill. So they leave the impression there that there was no lobby influence on the prevailing side, but there was heavy lobbying.

Marcello: Evidently the coal slurry bill was another one of those issues that came up before the Committee on Economic Development?

Harris: No, it was handled over in the Natural Resources Committee, which Max was chairman of that committee.

Marcello: Okay, again, one of the facts that legislators had to face when they came to Austin for the 65th Session was the fact that there was a budget surplus. Texas Monthly commented that this became the dominant factor in that 65th Legislature. What are your feelings toward this?

Harris: They're not wrong about that. It was dominant . . . maybe

. . . whatever your choice of words are. But it was an overriding factor that we knew that we were in good shape financially; we knew that there wasn't going to be any tax bill; and we just promptly started spending it just like we did the close to two billion dollars we had the session before this. Then it became the "push comes to shove" on saving how much for the schoolteachers. They all started getting nervous, and (chuckle) everybody got concerned about that. The money was chipping away here and there, and we were not going to have enough left for the schoolteachers. So "push came to shove."

Marcello: I assume it's a pretty good feeling for a legislator to enter a session knowing that he has about three billion dollars to play with.

Harris: That's not necessarily so. You're better off, from the financial conservative viewpoint of how you handle your money prudently, to not have a surplus. If you're going to spend, then you're going to have to raise the taxes to support it. I think you spend more prudently. We spend fairly wildly, and I say "we"--the Legislature.

Marcello: Somewhere down the line, there might be hell to pay. Isn't this true?

Harris: Oh, yes.

Marcello: One of these days, there's not going to be a surplus,

but yet all those on-going programs are still going to be there.

Harris: Exactly, and this is what is hard to get anybody to understand. Many of our members have not been there when there was a tax bill. The early 1970's was the last time we had a tax bill of any consequence. The turnover has been such that only about a quarter or a third of the members have been around when you have to raise taxes, and that's not a lot of fun. It's a difficult program. But you're exactly right.

The surplus was due to two things--oil and gas revenue and the sales tax which was brought on by inflation. Those things put more money in the treasury. The bulk of it, though, is from oil and gas. Particularly in view of Carter's program of conserving the natural resources, which would be put into effect and regulated at the federal level, that's going to cut back on revenue. We're going to be facing--to keep those programs alive--perhaps a tax bill in '79.

Marcello: I've heard it said that, at least to this point, Governor Briscoe has been a very, very lucky governor because of those budget surpluses. In other words, state spending has increased, but budget surpluses have been such that those increases have been covered. Somewhere down the

line, a future governor isn't going to be quite so lucky.

Harris: And it may be even him if he gets really lucky in '79 (chuckle). I don't think he really realizes the fortunate position he has been in and protected for down the line.

Marcello: And, of course, the budget surplus has also helped him-- and the Legislature, I suppose--to go along with his pledge for no new taxes.

Harris: That's right. It's wearing a little thin right now (chuckle).

Marcello: Something else was mentioned in that Texas Monthly article that I'd like you to comment on. It really isn't a controversial statement, but that article seemed to feel that the 65th Legislature represented a watershed in politics. What they are implying is that up until the 65th Legislature, most divisions within the Legislature were liberal-versus-conservative. They seem to feel that in the 65th Legislature, however, people divided into the urban and rural camps on most issues.

Harris: I read the article; it's been a couple of months ago. They did suggest that the urban-rural squabble reared its head more than in recent years. I guess you could probably say that was true, particularly when you look at the public school finance bill, which was close to a billion dollars.



That was probably our single biggest bill, I mean, important concern in the wrestling over and . . . give-and-take. The Peveto Bill was, yes, important and of great magnitude, but it was pretty "cut-and-dry." I mean, you were either for it or against it; there wasn't a lot of give-and-take.

Marcello: In the public school finance bill, which we will go into detail more later on, where did you find the urban-rural differences?

Harris: Well, Senator Mauzy was chairman of the Education Committee, and basically in his bill that he'd introduced and worked on, the fight was . . . he was predominantly protecting the metropolitan areas to the detriment of the rural areas. A lot of people expected me to be on that side, but that's not the case. Because depending on how you work out the formula, you wind up, you know, most any different way you want to (chuckle). Those formulas are awful complex and difficult to work with. But the school districts in the eighth senatorial district are all predominantly suburban. Under the formulas that were worked out, when the rural people benefited, the suburban people benefited almost as well, and less so if you went with the urban school districts. So I caught myself siding with the rural fellows on most occasions. Plus the fact that not just

for the money available for those school districts, but generally philosophically I supported the rural side.

Marcello: How was it that you found yourself siding with the rural legislators?

Harris: Mostly on the basis of philosophy--because of how the money was going to be spent--and the real crux of the argument was equalization-versus-the local funds assignment. Local fund assignment is the philosophy and the portion of the formula that I like. When the rural people benefited better, it was a better structure with that, and I sided with them on that basis. Coupled with the fact that since the urban-oriented plans that were heavy on equalization, the suburban school districts in my senatorial district didn't fare near as well.

Marcello: Another statement in that Texas Monthly article was something to the effect that Lieutenant Governor Hobby was the best presiding officer the Senate ever had. Would you care to comment on that statement?

Harris: Yes, I don't think it's accurate (chuckle). Actually, presiding in the chair and going through the parliamentary procedure and those kinds of things, Governor Hobby handles himself pretty well. He . . . oh, the manner in which he rattles the gavel and that I don't particularly like, but that's of less importance. When it comes to ruling

time, you get a pretty fair shake out of him, and he may take it under advisement right there or on occasion would hold it, but those are really sticky matters. When a point of order is raised or anything of that nature, he'll give you a fair shake. He makes decisions right there, you know. He shows strength.

But the other side of it is that there's things like . . . he gets a little too cute. He does not like filibusters, and he'll do anything in the world to stop one to the extent of what he did to me last session--not this one. The rule is that once the person takes to the floor, he can talk as long as he wants to. Then someone else can pick up and take over. Now once that person is what we call 'put under the rule'--that takes parliamentary maneuver; if you can get enough votes you can put him 'under the rule.' Then when he sits down, that's the end of debate. Well, what they did was take the proponent of the bill and put him 'under the rule' and cut off any anti-debate. They thought I was going to filibuster the Public Utilities Commission Bill, and I wasn't. But they thought that, and they cut me off. Well, he's done that a time or two. It's not in good . . . it ain't fair (chuckle), if you'll pardon the colloquialism. But he will do that; he just doesn't like to debate. He wants to move on and then just push, push, push.

He loses his temper from time to time on the chair. He lost it real good this past session against something "Babe" Schwartz said. "Babe" deserved it in that instance (chuckle), but he chewed him out from the podium. I think he probably should have waited.

No, he's not necessarily the best presiding officer. I generally preferred Barnes' method of handling things. He was pretty heavy-handed, but by the same token, if Barnes was trying to run over you and you could catch him at it, you could make him back down.

Marcello: That Texas Monthly article also seemed to imply that Hobby was very well informed on most issues. Did you find this to be the case?

Harris: Yes. Bill does do his homework. He got in deep on the public school finance. One of the reasons it didn't pass, he got in too deep with one of his aides that gave him some bad information. He took too hard a line, and it cost us . . . that was one of the factors that cost passing the bill in the regular session. I wouldn't blame it all on him by any means, but that was one of the factors.

Let me just say this about Hobby. He likes the power he's got. We've been over this before. The rules passed way back "when" that he wanted more freedom in the Senate, well, he changed it back and got more power for himself--

more than the previous rules. But in any event, he has failed to put anybody from Dallas on the Finance Committee, for example, and things of that sort. In for selection of chairmen and of committee assignments, he's not done some things that I think he should have.

Marcello: Okay, moving on to another statement in that same Texas Monthly article, there was a rather derogatory statement with regard to the Texas Senate. The statement went something like this: "The Senate was under the influence of small lobby groups, like realtors, more than any in memory." How would you react to that statement?

Harris: The lobby groups are always there, and they always will be there, and there's nothing wrong with them. What's wrong with them is the guy that listens to them all the time and does what they tell him to do (chuckle).

Marcello: The observation made by Sam Kinch, one of the capital reporters, was something to the effect that it seemed as though the House tackled most of the major issues coming before the Legislature very quickly and that most of these House-passed bills seemed to stall in the Senate and in some cases weren't addressed to until the closing moments of the session. What are your comments on that?

Harris: I think I remember something that Dave McNeely made in that regard, but I'm sure he probably had reference to the

things that didn't pass in the Senate. Number one on that list is the property tax bill that Representative Peveto and Senator Jones handled in the Senate.

But the Senate traditionally has been a more deliberative body. Things came over and were, you know, moving--some of them--fairly fast. Take, for example, the highway bill. Yes, they tackled that right off the bat and passed it, and we held the thing up for a couple of months in order to work out some kind of arrangement. Hobby wasn't necessarily in favor of it. Yes, they may have slowed down for several reasons, but generally for more deliberation.

The other reason was they just didn't have the votes. Peveto, for example, was over all the time. Do you remember the exchange he got in between Senator Creighton and Governor Hobby that got aired out in the press? He was going to hold up Senate bills on the local calendar over in the House and those kind of "Mickey Mouse" things, I mean, childish. All he had to do--and Grant Jones, the Senator sponsor, could have told him--he didn't have the votes. Hobby, out of some sense of fair play or change of position, I should say (chuckle), asked the bill to come out and be voted on. They just flat didn't have them. The why's and wherefore's, I don't know. I know why I voted against it; I don't know why anybody else did. But

the votes weren't there.

Marcello: Again, one of the first major issues that came before the Legislature and to which the House addressed itself very quickly was that highway construction bill.

Harris: Yes.

Marcello: Evidently, the construction groups and the highway groups and so on had done a lot of work before the session had begun, and they seemed to be ready when you came into session.

Harris: That's right.

Marcello: What do you know about the homework that was done by the highway construction groups and so on?

Harris: Not a lot. I just know they did. I know from talking to my colleagues that they had been talked to before the session, and it was evident. I mean, you didn't have to know much to know (chuckle) that. The way that bill zoomed through, it's been talked about. They did their homework and did it the right way. They did it with the governor, and it paid dividends for them.

But I was contacted by the State Highway Department and went over the long report, the McKinzie report, that you've heard about. But that was about the only contact that was made. Maybe a couple of people called, but I don't recall any.

Marcello: Okay, how did you feel about the idea of tackling that highway appropriations bill prior to the consideration of any other request for spending and so on? In other words, committing that much money in the beginning before other considerations were made.

Harris: Well, I felt like that, without getting into the specifics of the bill or the amount of money . . . I was of the opinion before the session opened that with a three billion dollar surplus--and we knew that late last year that it was going to be in that neighborhood--that a fair amount of it ought to be committed to the Highway Department because of their budget problems. They were in bad shape financially, and they had . . . well, a hard winter, for one thing, for a lot of repairs. But just to finish off the interstate program and a few farm-to-market programs, I felt like they needed to have some money committed, so it didn't bother me at all that that was a priority.

Marcello: What does it mean, in effect, when the governor labels a piece of legislation as "emergency" legislation?

Harris: There's a constitutional provision that you cannot pass a bill that costs money until the appropriations bill has passed or however it's worded--that's not quite right. But when he puts the "emergency" label on it, then that moves that priority up. I said that wrong for the appropriations



bill.

The first sixty days you got to have the four-fifths rule, and it changes that rule of the "emergency" legislation, and it makes it a priority and gives it the status that it doesn't have to have the four-fifths rule suspension of the first sixty days.

Marcello: And Governor Briscoe did this in the case of the highway construction bill.

Harris: Yes, right.

Marcello: Would you care to comment on the use of money from the general revenue fund in order to supplement that highway fund, which, again, is something that Briscoe proposed, was it not?

Harris: Well, that was general revenue money that we appropriated over and above what is constitutionally or statutorially dedicated. That was over and above that for the operation of the Highway Department, so that's where that money came from. If I understand your question correctly, well, yes, that's all right with me.

Marcello: How about the idea of using federal revenue sharing money to supplement that highway fund?

Harris: That comes in the 90-10 program of the interstate program, and they get 90 per cent. It goes just for highway construction. The federal government puts some guidelines,

and I forget just what they are, but it has to do with construction and maintenance.

Marcello: Now as you mentioned earlier, that bill did bog down in the Senate and remained there for some time before it was finally passed. In the interim, I gather that Governor Briscoe was doing all sorts of lobbying with senators, also.

Harris: They held it up in the Finance Committee. Senator Traeger and Senator Creighton and Senator Moore were the three leading advocates on the Finance Committee to get it out; Hobby wanted to hold it. A lot of negotiation went on back and forth and changed up the amount of money and some of the purposes, but it ultimately came on out substantially as the way it was when it started.

Marcello: Were you personally lobbied by Governor Briscoe or any of his aides?

Harris: No, at that time, he was working only on the Finance Committee, and I'm not on it. As it finally came out of the Finance Committee, his people asked me how I felt about it, and I was supporting it. So once I told them, they left me alone. I don't get lobbied very much by anybody.

Marcello: How did other agencies fare as a result of that highway appropriations bill coming out of the Legislature so early in the session?

Harris: Say that again.

Marcello: In other words, were other agencies stripped of needed funds because of the fact that that highway bill came out so soon?

Harris: No, that's not the case. The concern was . . . and I forget the figure, but it was five to six hundred million dollars. The concern primarily was from the schoolteachers; they were doing their share of holding it up, because they knew what they wanted. TSTA had about a \$1,200,000,000 to \$1,500,000,000 bill in order . . . that included the big pay raise and public school finance all lumped into one. They started getting real nervous, and they were lobbying to hold it up as well.

The other state agencies were not in any fear of missing anything, you know. They pretty well knew they were going to get a pay raise, but it was going to be one of those step pay raises--a certain percentage to do with inflation and that sort of thing. So if they were concerned, they really didn't need to be.

Marcello: How much work did Hobby do with regard to that highway construction bill?

Harris: Oh, very much! He lobbied his members on the Finance Committee that he appointed (chuckle). Like I say, I believe there was only three votes to pass the bill out

of committee. The motion was made, and then the substitute motion was to hold it up and send it to the subcommittee, and it went something like about nine to three or something like that (chuckle).

Marcello: I gather that Senator Schwartz was one of the more vocal opponents of that highway construction bill.

Harris: He was. He was the vocal opponent of anything to do with the highway construction, transportation, trucking-- whatever.

Marcello: Why was that?

Harris: I don't know. He grumbles with the Highway Department all the time. In his district going across Saint Louis Pass from Galveston Island into Brazoria County, which is . . . oh, it goes down to Surfside and Freeport--a toll bridge. He's always been against . . . any toll road, he's against; that's his biggest gripe. Then he maintains they've never completed properly the freeway, the Gulf Freeway, that goes up to Houston from Galveston. So he just takes them on from time to time whether they need it or not.

Marcello: Okay, let's move on to another subject and talk about the public school finance bill, which, I would gather, took up tremendous amount of time in the Senate during this past session. Would you estimate how much time, perhaps, you personally devoted to that public school finance bill?

When I say "you," I mean either personally or on the Senate floor or whatever.

Harris: Well, me, personally, a good deal of my time, because I'm on the Education Committee. Consequently, that took a good deal of time. However, they did it in a peculiar way that I didn't think was quite fair--the first go-round. We had a hearing in early March--a night meeting--of the Education Committee and heard five bills. They were sent to subcommittee, and Mauzy appointed the subcommittee of himself and Senator Aiken, who also authored a bill, and Senator Jones, who also authored a bill. But Senator Brooks and Senator Sherman also had a bill, but they were not on the Education Committee. But they were "ex officio" members of that subcommittee, and they held all their meetings back in Hobby's office. That's where they wrote the bill that ultimately failed.

So the debate . . . it got into Conference Committee, and that was back and forth, back and forth, and it went on for two or three weeks. I was not on that Conference Committee, so to that extent, it didn't take up my time. They knew how I felt, and I wasn't about to be on that subcommittee; they wouldn't let me on that (chuckle). But anyway, I concerned myself about it in the form of the amendments working on it, trying to find out what was going

on and who was doing what to who and how it was going to come out. Ultimately, that last night of the session, they had nine of the ten conferees sign the bill, but Mauzy, being the author of it, didn't and held it up, and it died and that was that.

But then we came back into the special session and again participated in committee and subcommittee and were working on it and offering amendments, both in the committee and on the floor.

Marcello: As a result of so much time being devoted to the public school finance bill, how did your other legislative workload fare?

Harris: I had a real good session from the standpoint of passing legislation. I forget the number, but it was somewhere in the neighborhood of thirty bills that I passed out of the Senate. I did not lose a bill on the floor; every one I brought up for debate passed out.

Marcello: We'll talk more about your personal legislation later, but let's continue to concentrate upon the public school finance bill. As a member of the Education Committee, what sort of a public school finance bill did you personally want to see come out of the Legislature?

Harris: I am of the opinion, and this gets right on into . . . you got to discuss, in my judgment, the question of property

tax along with it. A lot of people, myself included, would like to be out of paying their ad valorem tax. Of all your ad valorem taxes that are paid, 80 per cent of it goes to public schools or into the school districts, and they take the biggest bite of the ad valorem tax. Okay, when you start cutting back on that . . . we're committed to public school finance, right? The state's going to pay for public education.

Marcello: Right now the state pays what? Seventy-five per cent?

Harris: Yes. It went up to 75 . . . to 80 percent. I believe it went to 80 per cent this time.

Marcello: Yes, it went to 80 per cent.

Harris: We committed to spend that much money on it. Well, when the state picks it up--you do away with the ad valorem tax or reduce that and the state picks up a bigger and bigger chunk each time--then you're going to wind up destroying the independent school district concept. Because logic dictates . . . we know from history that power is where the money is. If the state's paying out the money, they're going to control the district. That is not a good situation.

So the battle that I fight, wherever I can, is to keep more local control. Now it's politically a real problem to rationalize, because you've got people out there, again,

that say their ad valorem tax is too high. Okay, it may be, but once you give it up, you're going to get some other taxation to support public education. There was a lot of talk about the refinery tax in the last session. Well, that's a "maybe" for down the line. But there's also a lot of talk about an income tax--and by Hobby himself. When we were wrestling with all these formulas, I made some comment to him in a, you know, joking manner. He said, "Yeah, what we ought to do is just chunk it all and pass an income tax and fund education." So that's the kind of thing you're talking about. Okay, now what's your choices? Mine happens to be to keep the ad valorem tax; keep local control, local involvement, local enrichment and fund it as much as you can that way and keep as much away from the state as you can.

Marcello: Okay, why don't you describe what sort of schools are contained in your district, because I think this, perhaps, may be the key to the way you feel. I think for the record we need to know that.

Harris: Oh, yes. It has a lot to do with it. I don't want to skip over that because, yes, the school districts in the eighth senatorial district are more affluent than some of the others are. But they're proportionate taxes . . . I have predominantly suburban . . . Irving Independent School



District; Richardson; the Coppell district, a very wealthy district, proportionate money spent per ADA per child; Highland Park Independent School District; and part of the Dallas Independent School District.

But also those districts collect about 100 per cent of their taxes. We find that in several of these so-called poor districts, their collection rate is down around 80 to 85 per cent. For whatever reason, they're not collecting them, and they want the state to make up the difference. Well, that's not fair to the district that pays 100 per cent, because he's, in effect, picking up the load for somebody else he don't need to be picking it up for. They won't collect theirs and come to the state to get their make-up share. Therein was one of my arguments.

Marcello: Essentially, how much or what percentage of the cost of public school financing would you like to see the state pay? We mentioned it was 75 per cent; it's now gone up to 80 per cent. Some people envisioned it going all the way up to 100 per cent eventually.

Harris: Oh, yes, it eventually will if we keep on this course. But that is not a completely realistic figure. You've got to consider out of the amount of money that it takes to run a school district, traditionally it has been around

45 per cent--this is history--locally, 45 per cent from the state--and these figures are close but not accurate--and the other 10 per cent from various federal programs. Well, that still . . . we're getting out of balance there, and there's the test. We're getting more and more made up at the state level, and the local level's staying constant. We're spending more and more money at the state level, but we're doing it through equalization and those kind of formulas that dole out money from the state. There is what takes us on up in that 80 per cent category. There's two ways of looking at the figures.

Marcello: Now by having the state assume a greater proportionate share of the minimum foundation program, wouldn't this provide more money for enrichment programs for local districts, such as your Highland Park district and so on and so forth? Would this mean more money for them? In other words, let's suppose that the state would assume 90 per cent of the minimum foundation program. Would this, in effect, provide more money for the local districts for enrichment programs?

Harris: Well, that's one way to look at it. It depends on how you get that additional money--if it's through the fund assignment approach or through equalization money. But it's a philosophical question in that if you give them more money,

then you're going to be telling them what to do with it. This is the whole problem. Now if the money is just there . . . much like this last session, we had right at a billion dollars, and we spent almost all of it on public school finance; we left about thirty million on the table, I think. But in any event, there was so much money to go around that everybody was happy. Now that won't always be the case. So you didn't get any disgruntlement. Nobody was hurt, because we had plenty of money.

Marcello: Did you see a lot of politics being played in this public school finance bill? In other words, if the state would assume a greater obligation, that should theoretically mean less ad valorem taxes in the local school districts.

Harris: Yes.

Marcello: It seems to me in a way that'd be a politician's dream.

Harris: Well, it is. It sounds good, and they demagogued that very well. But there was not one thing in the bill--either the Peveto Bill or in the public school finance bill--that could mandate the district to lower ad valorem taxes. They can't do it; it takes a constitutional amendment, and the people have to vote on it. But they passed it off as giving the property taxpayer relief. Well, that was "bull." It didn't anymore do that than the man in the moon. But it sure sounded good when they

were up there speaking.

Marcello: Where do you stand on the whole problem of equalization?

Harris: Oh, I'm opposed to it. Equalization, historically, in whatever you're talking about is that you equalize from the top down and not from the bottom up. You can pour money and money and more money into a school district, and you're not going to make quality education. Money is not directly proportionate to quality education. That's the concept or the underlying tone of the Rodriguez decision. It's the overriding issue of those people who want more money from the state to be used--we've got to equalize and everybody pay equal . . . I mean, spend equally in the district. Well, that does not give you quality education. There's many other factors that make up quality education.

Marcello: Of course, there were all sorts of issues that came up during the discussion of that school finance bill. The whole question of using market value or productive value of agricultural land also occupied the attention of the Legislature. How'd you feel on this?

Harris: I supported that, because we reduced it down to what I thought was a good concept. A school district now will be able to look at their appraising both ways, and they can pick whichever one's best for them. Rural areas will probably pick the productivity value, and urban areas will

take market value. That's not 100 per cent true, because --a little history there--out in the South Plains areas-- cotton farming--they for years past were the advocates of tax based on productivity. Now they're irrigating and producing the hell out of that cotton, and they want to go back to market value, saying they'll get hurt. So they'll be able to take whichever way is best for them.

Marcello: In other words, the final bill gave the local school districts the option of which they wanted to do?

Harris: Right.

Marcello: How'd you feel about the idea of keeping the public school finance bill separate from a teacher pay raise bill?

Harris: Well, I raised that issue two years ago when we had it; we talked about it. I raised it again this time and talked about it on several different occasions. Nolan Estes testified, and he said it would just be horrible to split the two up. It was way less of a problem this time than it was two years ago, because two years ago, if you remember, we passed off a bad bill. Oh, I can't tell you the number of members of the Senate that came back this session and said, "Man, we've got to get rid of that one! That was the worst vote I ever cast!" Or if they were against it, it's the best vote they ever cast (chuckle). But this year it wasn't near that critical, because then

they were passing off a bad concept and the teacher pay raise all in one. That wasn't the case this time. The teachers, through the TSTA lobby, wanted a big pay raise, and we cut them down to something realistic. And we gave them a good pay raise, too. It was the kind that rewards the career-oriented teacher. That's when you get the bigger jump--after so many years and increased degrees. We raised the new teachers but not as near proportionately as what the career-oriented teacher gets. So that portion of the bill was quite good and never became really argumentative, other than at the outset. So that issue wasn't the focal point this time. I raised a question again from time to time, "Why couldn't we keep them separate," but by that time it'd resolved itself, so it wasn't a very good issue.

Marcello: What sort of a lobby effort was mounted by TSTA this time around?

Harris: (Chuckle) Just horrible! I mean, they always do; there's nothing new about that. But they seem to get away with it, because they represent schoolteachers (chuckle). The TSTA has got a lot of problems. They're not representing the average teacher in my opinion, and in the opinion of a lot of people. We got into several philosophical discussions about them and their relationship with the National Association of Teachers or whatever that . . .

Marcello: National Education Association.

Harris: National Education Association. They had some legislation that was getting more and more liberal, more and more oriented that way. A lot of the teachers are falling out with them, and a couple of other groups have formed one very conservative group of schoolteachers. They've made a lot of headway, and they made their voice heard in this last session of the Legislature. People are just getting disenchanted with TSTA, because they're very poorly managed.

Marcello: I did notice during the special session that the gallery seemed to be packed with teachers.

Harris: School was out (chuckle). Oh, yes, they spent a lot of time. They came by the office just regularly--not just teachers' pay raise but agriculture teachers. One of these provisions was going to cut out a big chunk of the "ag" program in the rural areas. Special education was a big issue, and they were there all the time back and forth. The visiting teacher situation and the money for them. Oh, it was just . . . libraries. They came from all sides (chuckle).

Marcello: What role was Senator Mauzy playing in this activity with regard to the public school finance bill? Of course, he was chairman of the Education Committee, and I gather that bill was in the committee for quite awhile.

Harris: It was. See, we heard it in early March, and it didn't come until about two weeks before the session was over-- when we actually came out of subcommittee back to committee to work on amendments. So it sat there for two, two-and-a-half months. So, you know, there wasn't any . . . it was held up; there wasn't any question about that (chuckle).

They worked and worked trying to get something, and we took some shots at it in the committee and did some good. We took out a provision that ultimately wound up in there, but . . . you know, we lost a battle.

He played a very strong role in it, as you can imagine. He had to compromise more than he really cared to, but he just was running out of votes. He could manage obviously to hold it up in the regular session, but in the special session the same issues came back around. He lost many of the things he wanted, but he then did vote for it.

Marcello: Okay, let's move on and talk about another subject that you've mentioned from time to time. In the comments you've made, I assume that you consider it very important, and this is the whole business of property tax reform. We're talking about the Peveto Bill. I'll let you pick up the story on the Peveto Bill, since you were a member of the Committee on Economic Development.

Harris: It came right out of the House quick with a good margin.



Senator Creighton, chairman of that committee, and Senator Moore and Senator McKnight and myself are all on the Economic Development Committee, along with Senator Truan, Parker, and Jones. Jones was handling the bill, and Parker and Truan were for it. So we had them four to three in committee.

Marcello: Now what did you think of the idea of creating a single taxing agency in each county as the Peveto Bill proposed?

Harris: That was the strongest argument for the bill. That was the highlight of Representative Peveto's program. But he who giveth can also taketh away. There was another provision in there that set up a state appraising and assessing board that oversaw that. So the state ultimately would have had the power of appraising and assessing on a state-wide basis. Now that's not to say we don't have a lot of problems with it now in variances within districts, political subdivisions, counties, whatever. But you're not getting rid of that problem; you're just getting a new set of problems when you do it. If you do it at the state level, you're way, in my judgment, in worse shape than you are in the present circumstances. But, yes, if you could do it on a county basis and let each political subdivision attach on to that appraisal, that theoretically is good.

Now the counties are not set up, under our present

constitution or law, to do the appraising because so little of the ad valorem tax is for the county and state. Most of it obviously is for school districts, and next is cities. They could each plug into the appraised rate whatever they want to assess. That concept is good. It would necessitate a complete change.

The way the committee was balanced out, or the committee or commission or however it was set up, the school districts were going to have the heavy hand, because they had to take most of the tax. But the urban school districts were going to have the heaviest hand (chuckle), and the cities would then suffer in representation in that group within the county. But the concept was the best thing he had going for him.

Marcello: What was it that you most objected to in that bill?

Harris: The moving towards a state-oriented appraising and assessing board.

Marcello: Okay, so what happens when that bill reaches the Committee on Economic Development? What does Creighton do with that as chairman?

Harris: Hobby talked to him early in the session about the bill when it came over and asked how we felt about it, and it was four to three against. He said, "Well, I'm going to send it to that committee." He wanted a commitment or an idea at least before he sent the bill to the committee, which he has the

power to do, whichever committee, to hold it up. So we had no problem; we just sat there fat and happy.

Well, Hobby had a change of heart somewhere along the line. What caused him to change his mind, I do not know. But he came to Senator Creighton and said, "I want the bill out," which he came to me and said, "Will you vote to get it out?" "Nope." Moore, the same thing; McKnight, the same thing. So that left him the guy that had to change. He agreed with Hobby that when the bill came out, when they would bring it out of subcommittee . . . the subcommittee, incidentally, was Moore and McKnight and I (chuckle), and Creighton was on it and I think Senator Jones, who'd been author of the bill in the Senate. It was a five-man subcommittee; it was four to one. Well, anyway, when the switch came around and brought the bill out, Creighton agreed to vote it and make it four to three the other way.

But after that agreement was made, some time lapsed--about two weeks, if I'm not mistaken, somewhere in that neighborhood--and that's when the exchange went on between Peveto and Hobby and Creighton. Peveto maintained they lied to him. Well, they didn't lie to him; they told him they were going to get the bill out but at their time and their course. He overreacted in a very childish manner that I mentioned awhile ago. A lot of different things he

said; his feelings were hurt, and he'd been lied to, and this that and the other. Well, now who said what to who, I don't know; I wasn't in that exchange.

My best reading of it was that he didn't get lied to, because the bill did come out of committee on a special meeting. Like, we normally meet on Monday mornings, but near the end of the session, we meet most every morning. The bill came out four to three. I remember the exchange we had and the questions raised of Senator Jones. The votes were there; the room was jam-packed. But that bill came out, and it was about two or three days later that Senator Jones moved to suspend the rules. It was on Saturday before the session closed; that would have been the 29th of May. I told you while ago that it takes two-thirds for any bill. It got treated just like any other bill. It got sixteen votes-- sixteen to fourteen. That's the order of events that took place, and he just did not have the votes, and Peveto refused to face up to the fact that there was some people against his grand scheme.

Marcello: Do you suspect that's going to come back in the 66th Session?

Harris: I suspect so.

Marcello: Okay, let's talk about some other issues that came up during this session. You mentioned the coal slurry pipeline awhile ago. Now that came up before the National Resources Committee,

as you mentioned. How did you feel about the construction of the coal slurry pipeline in Texas?

Harris: Well, the biggest argument against it--and I did oppose the bill--the biggest argument against it was it gave to whomever favored it among these utility companies the right of eminent domain. Their whole concept and their whole lobbying effort was that they were going to mine the coal in northwest Colorado, ship it over to southeast Colorado, and put in a coal slurry pipeline, which is an interesting process that really caught my imagination on how they do it. They reduce chunks of coal down to almost sand, mix with water, and run it through a pipeline under certain pressure and conditions. They had an engineer that worked all this out, and I'm convinced it would work.

That wasn't the argument, though; it was the right of eminent domain. They could have pretty well done it from southeastern Colorado into Texas, except for one thing--they had to cross the railroad tracks (chuckle). The railroads wanted to haul it, and so they weren't about to give them that right, and they had to get power of eminent domain.

But I never figured it would work anyway, because Colorado, contrary to popular belief, has one of the lowest rainfalls of any state in the Union, and last winter they even had less. Southeastern Colorado doesn't have any

water other than depth, and they were going to . . .  
and we just figured it would never work.

Marcello: Evidently, a coal slurry pipeline does consume huge quantities of water.

Harris: Oh, it's an absolute 100 per cent necessity. It cannot exist without huge quantities of water. There isn't any water in southeastern Colorado; there's not much in the whole state. Those people up there were, I'm sure, reluctant to give up their water. But we have seen since . . . and the president of Exxon, I saw in a publication put out by them about a month ago, said that they have abandoned the idea of coal slurry (chuckle). They just can't get the water, and it won't work. Now the system would work, but I mean the whole scheme won't work. So we went to all that trouble of passing the bill, and now they're not going to use it.

Marcello: Now actually, the bill that was passed really didn't sink any state money into the financing of a coal slurry pipeline.

Harris: No. No.

Marcello: It simply had to do with this business of eminent domain.

Harris: Right. It was one industry against another (chuckle); that's what it amounted to.

Marcello: Okay, let's talk a little bit about medical malpractice. I think that was another issue that came up before the Legisla-

ture at this time. It may have been one of the biggest flops in the Legislature.

Harris: Yes, it might be. You'll see what happens to that (chuckle).

Marcello: What are your thoughts or your comments about the whole business concerning medical malpractice?

Harris: Well, I was not on the Jurisprudence Committee this time. Hobby took me off and put me on Education, which was fine. I've always been on the Jurisprudence Committee and I like it, but the management of it has not been good at all since Senator Schwartz took over. It's just not run very well at all. So that didn't bother me that much. But, indeed, that's where the bill had its . . . it really took kind of a funny turn of events (chuckle).

Ray Farabee handled the bill. It got into committee, and he lost all the ground he had made. Schwartz took over the bill and carried it with the understanding that Senator Farabee could offer a series of about fifteen amendments on the floor. It got about halfway through; Schwartz abandoned the bill because Farabee's amendments were going on. He just threw up his hands and said, "I'm carrying a bill I don't like" (chuckle). He got into a lot of arguments when he got crossways with the chair and got chewed out by Hobby on the floor for suggesting that somebody lied. It was printed in the journal. Anyway, there was just an

aside.

Most of Farabee's amendments went on; then it went back to the House, then to conference committee with a lot of give and take on it. It's a mish-mash; you don't know what's going to happen, whether it's good, bad, or indifferent. Both sides were unhappy. The trial lawyers say that the doctors got more than they needed; the doctors say they didn't get enough. Who's telling who what, I don't know. It's just going to have to sit there and work and see how things go.

Marcello: Awhile ago when we were talking about the coal slurry pipeline, you mentioned that this was one special interest versus another special interest. It seems to me that the same thing was prevalent here in the medical malpractice bill, where you have the trial lawyers versus the health care providers, whether they be doctors or whomever.

Harris: That's exactly right. It just reduced itself as far which side you wanted to be on, you see (chuckle); you can look at it that way.

Marcello: Evidently, the medical profession, at least, did a tremendous amount of lobbying for its particular bill prior to the 65th Session and especially during the elections in 1976.

Harris: Yes. It reared its head in the 64th Session. They knew it was coming back, because all we did was pass something to



get us over the hump for the emergency until we could be back in session. They knew it was coming, and they laid in wait for it, and they did their homework.

Marcello: Okay, let's talk about your personal legislation. Awhile ago you mention that you were successful in having thirty bills passed. Of the thirty bills that you passed, which do you see as perhaps being the most important?

Harris: I did get passed this time . . . it passed in the Senate two years ago and died in the House; the chairman of the committee held it in committee. It was the denial of bail for repeat offenders. That did pass and was signed into law--Senate Bill 51. That was number one on my list.

Marcello: What would have been your second most important bill that you feel . . .

Harris: I handled several insurance bills, both at the insistence of the industry and Insurance Commission. I worked with both of them a lot in order to get legislation that would correct several problems that have arisen. One is the inflationary conditions that caused a problem for insurance companies in their investments. Particularly, they were not able to invest in certain oil and gas properties. That's a good investment now, and it liberalized that a bit in order to allow them to get into their investment process. But now the . . . oh, what do you call it, the Guaranty Act

and . . . well, re-insurance . . . and, oh, what's the other word? Anyway, that legislation in the past in the insurance code had built up little by little over years to fit the needs at the time. Then we passed a Guaranty Act in '71, and that put a lot of conflicts in with what was existing law. Over the recent years, those conflicts have come to light. Between the industry and the Insurance Board, they wanted to correct those, and several pieces of legislation go in the direction of correcting that and strengthen it. Now we gave the Insurance Commission some additional powers in order to control and regulate predominantly life insurance companies but to some degree fire and casualty.

Marcello: I recall rather vaguely, and you'll have to refresh my memory on this, that you did catch a certain amount of flak in the Texas Observer for one of your bills having to do with increasing the load for concrete trucks or something of that nature.

Harris: Oh, yes. Yes, that was (chuckle) a bill that Schwartz got on me about that. I never could for the life of me see why. It's not going to damage any highways, as he complained, because concrete trucks are all made alike, and they're designed to carry nine yards of concrete. But the weight limit on them allowed them to carry about seven and a half, I believe. Whatever the figure was, they went about two or

three yards under the load. Well, there's an economic factor. A guy's got to make two trips to get up, if he's got more than that one load--seven and a half yards of concrete, whatever it is; that was one factor. It is an economy measure to that extent, and construction costs are going sky-high.

But more specifically in using the roads, they're not out on state highways, and they're not . . . they're out in new subdivisions, is where they are. They have to get their permission, if it's in the city limits, on certain routes; they're all routed. If it's out in the county in an unregulated area, the county commissioners court can set weight limits on county roads.

So nobody was getting done in. They were going to be regulated at the local level, which they always have been. Your biggest percentage of concrete is bought in a metropolitan area where there's new development going on. But they made a big issue out of how it was going to tear up all the roads. Well, hogwash!

But Schwartz raised hell with it and held it up for about two weeks. I put an amendment in there that gave the cities more power, but they always had the same amount of power anyway.

Marcello: Okay, let's talk a little bit about Governor Briscoe. What

did you observe about Briscoe in this particular session?  
In other words, did you see him improving his image as  
governor? Did you see him doing a better job? How would  
you assess his role in this 65th Legislature?

Harris: He was more active than he had been in the past about his  
program, about legislation, and was around more. But that's  
not to say he was there a lot; it was just more than he had  
been (chuckle) in previous sessions, which wasn't much at  
all. He had a little better image from the standpoint of a  
member of the Senate or of the Legislature, generally; he  
was a little more active and a little more involved than  
he had been. But, no, I think generally he came across  
about the same as he always has.

Marcello: What are his prospects for 1978 as you see them?

Harris: I think he's got a tough race in the primary . . . and  
general election. I think the Republicans have got . . .  
we've got problems, don't misunderstand. We've got money  
problems in getting a candidate out there that's well-  
financed. Briscoe is well-financed, and if Hill beats  
him, he's going to be well-financed. We're short on  
money in that respect, but we'll run a creditable campaign.

For one thing . . . first is the primary; Hill's  
really chomping at him. I think people perceive that  
Briscoe has been around maybe long enough. Hill's got a

real good running chance. He's going to have to get left of center, though, in order to create some issues. Then if he should beat Briscoe, that gives us that option. If Briscoe should prevail in the primary, then we've got the issue that he's been around long enough; he's a do-nothing and what. So we've got some issues whichever way.

But a second reason is that I wouldn't want to be Governor Briscoe, or John Hill for that matter, in November of 1978 defending Jimmy Carter. If things continue as is, that's not going to be an easy task to undertake. Congressional candidates are going to have a hard time; whoever takes on Senator Tower is going to have a hard time defending that position. And you're going to have a low turnout.

Marcello: When you say defending Jimmy Carter, I assume you are referring to his energy proposals and so on and so forth.

Harris: Number one. But just generally. I don't think Texans are real satisfied with the Panama Canal position he's taken for a current issue. The alien issue is not popular in Texas and not popular among the Mexicans in Texas, except among the aliens and they don't vote yet. But these kind of things. Briscoe's going to have to eat a bunch of words about Jimmy Carter. But Hill will have the same or similar problem.

Marcello: I have one last question. What do you think about the idea of rating Texas legislators in terms of the top ten and the bottom ten as appears after every session in the Texas Monthly?

Harris: Oh, I used to take the position I didn't care; it didn't make any difference to me, you know. I visited with one of the guys that wrote the story; he came around to see me before. I apparently was under consideration again (chuckle) . . . the bottom ten.

There's no rebuttal; there's no opportunity for the member to have any say about what it is they perceive him to be. When it happened to me, they didn't come around and talk to me. You know, they just wrote their perception. That kind of irritates you, because I don't want to be perceiving you as something that I don't give you an opportunity to say. "Now here's what I think about you, Ron." You say, "Yeah, you're right," or "Look, big boy, you're dead wrong." But you don't have that opportunity with them.

And then there are the inconsistencies, too, of which I pointed out earlier, but there are some others maybe less flagrant than the ones I mentioned. But in reading about my colleagues, they said things about them that were pretty cheap shots. It really didn't make that much difference as to whether you were a good member of the Senate or not. It

was played up to mean that you weren't.

Let me give you an example. This was after the last 64th Session. D Magazine also gave me low marks. I subsequently met the fellow that wrote the article and got in conversation with him about whatever. He finally said, "How'd you like the article?" I said, "Not worth a damn! What do you think?" (chuckle) We got into it in a friendly basis. We were talking on about this and about that and one thing and another.

We were sitting in a bar, and there was a particularly nice-looking girl sitting at the bar, and there was a guy hustling her, putting all his best moves on and doing zero good. We were laughing about it periodically, because it was humorous. But when the girl got up and left, he made the comment to me, "Now, Ike, see, if I saw you leave with that girl and go out, that wouldn't make any difference at all to me because that doesn't make any determination whether you're a good senator or not." I said, "Well, thank you for that, Jim, but what if it did?" "Um-hmm. Then I'd write about it." Okay, it's what you perceived a good senator to be that ain't necessarily right, and that was my whole argument. That's the way I feel about them.

I think they're not doing a creditable job--the ones I've seen.

Marcello: Well, Senator Harris, that's all the questions I have. I want to thank you once again for having taken time to talk with me. As usual, you've been most candid, and that's, of course, one of the things that we want to get out of these interviews.

Harris: Well, I hope they're helpful. I enjoy it.