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LEGISLATIVE REFERENCE BUREAU

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LEGISLATIVE REFERENCE BUREAU  
TERRITORY OF HAWAII

LEGISLATIVE AIDS

Material Prepared for the  
Subcommittee on Legislative Powers and Functions  
of the  
State Constitution Committee  
Hawaii Statehood Commission

April, 1948  
Legislative Reference Bureau  
University of Hawaii

STATE OF HAWAII

JAN 31 2018

LEGISLATIVE REFERENCE BUREAU

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## LEGISLATIVE AIDS

The tasks of a legislative body were defined recently by the Committee on Legislative Processes and Procedures of the Council of State Governments in the following terms: "the determination of broad policies in a clear and decisive way; authorization of organization, personnel, powers and finances adequate to administer its policies; and the review of the effectiveness of those policies and of their administration."<sup>1</sup>

As a result of our social and economic development the tasks of a modern legislative body hinge upon complicated problems. Not only has the amount of legislation increased, but it has also become quite technical in character.

Two of the most important developments of recent years affecting the work of our legislative bodies are: the constant augmentation in the volume of work that they are called upon to perform; and the increasing complexity and technicality of the subjects with which they have to deal. Regarding these bodies, the statement is often heard that they are, figuratively speaking, staggering under the load thrown upon them.... It is with respect to the increasingly technical character of the measures coming before the legislature, however, that the greatest difficulties are encountered.... If the legislature is measurably to meet the demands thrown upon it, these conditions cannot be ignored. In some way, these bodies must take steps for lessening the volume of business they are called upon to perform, and for securing expert aid and advice in the handling of the more technical matters with which they have to do.<sup>2</sup>

The situation of necessity calls for division of work, sound planning, and adequate fact-finding facilities. Some of the machinery is set in motion by the legislators themselves to meet a particular need existing at

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<sup>1</sup>Council of State Governments. "Interim Legislative Study Assignments--1947." p. 1.

<sup>2</sup>Willoughby, W. F. Principles of Legislative Organization and Administration. p. 578.

the time. This may be in the form of regular standing committees, interim committees composed of legislators, or temporary commissions including laymen or representatives of executive departments as well as legislators.

In recent years legislative research and study agencies established on a permanent basis have been developed and existing facilities greatly expanded. These agencies generally take the form of legislative councils or legislative reference bureaus, the latter being more widely adopted.

The terminology used in the creation of these permanent legislative agencies is far from standardized, nor do the names they bear have any necessary relation to their powers and duties. However, services provided by legislative reference bureaus are generally confined to the functions of providing the legislature with a reference library, with factual reporting upon request, and with bill drafting. Generally, too, the reference service is furnished directly to individual members of the legislature at their request, rather than through a special committee appointed to supervise and direct the course of the bureau's research. Unlike the legislative council, there is no direct participation by the legislators in legislative reference work.

The legislative councils, on the other hand, generally furnish the same type of research and bill drafting services, at least to the extent they are not already provided by other legislative agencies, and, in addition, contemplate the periodic meeting of members to make factual and policy determinations and to consider the initiation and guidance of a legislative program. For this purpose, the council is normally composed of a committee of the legislature large enough in size to furnish representation of various parties and interests, and is expected to meet regularly in order to consider legislative problems, hear the introduction of proposals for study, make

requests for study by the research department, and consider the reports made to it by the research department for the preparation of bills and recommendations. The nature of the factual research in the two types of agency is substantially the same--the primary difference, in so far as research is concerned, being that under the council type of organization the research department receives its requests from the council as a committee and reports its studies to it for such action as the council may care to take. In the existing councils where research facilities exist, the tendency is also toward permitting legislative research for individual members of the legislature who are not members of the council. The Illinois Legislative Council, for instance, has adopted the policy of submitting to the research department, for study and report, practically every request to come before it whether originating from a member of the council or from a non-member.

At least twenty-one states today have legislative councils although not all of them bear that exact title. In Pennsylvania, the Joint State Government Commission acts as the legislative council. Comparable agencies have been created in Maine, Minnesota, and North Dakota under the name of Legislative Research Committee; in Missouri, as Committee on Legislative Research; in Indiana, as Legislative Advisory Commission; in Kentucky, as Legislative Research Commission; in Nevada, as Legislative Counsel Bureau; and in Wyoming, as Legislative Interim Committee. Most of the council states also have legislative reference and bill drafting services, and several of them combine all three activities in one agency, this latter arrangement being found in ten states--Alabama, Arkansas, Indiana, Kansas, Maine, Maryland, Missouri, Nebraska, North Dakota, and Utah. In some of these latter states, the director of the reference bureau or of the research department of the legislative council also serves as secretary to the council, thus

creating a close integration of the activities of these two legislative aids.

#### A. Legislative Council

The legislative council has been called "the first major, fundamental improvement in the legislative process in many years."<sup>3</sup> The proposal for the creation of a body of this character found first expression in the Model State Constitution drafted by the Committee on State Governments of the National Municipal League in 1921. A council consisting of the governor and seven members selected by and from the legislature was recommended. This council was to be entrusted with the duty of collecting information "concerning the government and general welfare of the state" and reporting thereon to the legislature with its recommendations. The council could also prepare such legislation and submit it to the legislature in the form of bills or otherwise "as in its opinion the welfare of the state may require." Other powers and duties could be assigned to the council by law.<sup>4</sup>

Since its first adoption by Kansas in 1933, the legislative council idea has been steadily spreading until there are now councils existing in the following twenty-one states and their creation is being considered in a number of other states:

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<sup>3</sup>New York (State). Constitutional Convention Committee. Problems Relating to Legislative Organization and Powers. (Vol. VII). p. 300.

<sup>4</sup>Maryland (State). Planning Commission. "Legislative Councils." pp. 2-3.

<u>State</u>	<u>Name</u>	<u>Year Established</u>
Alabama	Legislative Council	1945
Arkansas	Legislative Council	1947
Connecticut	Legislative Council	1937
Illinois	Legislative Council	1937
Indiana	Legislative Advisory Commission	1945
Kansas	Legislative Council	1933
Kentucky	Legislative Council	1935*
Maine	Legislative Research Committee	1939
Maryland	Legislative Council	1939
Minnesota	Legislative Research Committee	1947
Missouri	Committee on Legislative Research	1943
Nebraska	Legislative Council	1937
Nevada	Legislative Counsel Bureau	1945
North Dakota	Legislative Research Committee	1945
Oklahoma	Legislative Council	1939**
Pennsylvania	Joint State Government Commission	1937
Utah	Legislative Council	1947
Virginia	Advisory Legislative Council	1935
Washington	Legislative Council	1947
Wisconsin	Joint Legislative Council	1947
Wyoming	Legislative Interim Committee	1947

\*A bill to repeal the act creating the Kentucky Legislative Council and to substitute the Kentucky Legislative Research Commission in its place was considered by the 1948 session of the Kentucky General Assembly and signed by the governor on March 2, 1948. The bill creates a seven-man commission composed of the governor, Senate president pro tem, speaker of the House, and the Senate and House majority and minority floor leaders. The governor is ex officio chairman. A biennial appropriation of \$125,000 is provided by the bill.

\*\*Reactivated in 1947.

The Joint Legislative Budget Committee established in California in 1941 has often been included in the list of legislative councils as the act under which the committee functions is broad enough to permit it to perform many of the usual functions of a legislative council. However, the scope of its activities is primarily ascertaining facts and making recommendations "concerning the State Budget, revenues and expenditures of the State, its departments, subdivisions and agencies with a view to reducing the cost of

State Government and securing greater efficiency and economy." It does not seem to be regarded as a legislative council in California, as the California Assembly Committee on Legislative Organization in 1943 called attention to "the need of a permanent legislative research agency in the fact-finding field, responsible to the legislature, and available to the committees and the members. . . ."5

Similar in function to the California Joint Legislative Budget Committee and also included in the list of legislative councils is the Legislative Research Commission created by the 1947 Ohio legislature. However, the commission which is composed of three members each from both houses is primarily an aid to the Ohio legislature in securing and having available information concerning the financial status of the state. It is charged with the assembling of accurate and full information not only concerning the financial condition of the state but, in addition, of the various departments, institutions, universities, colleges or agencies of the state receiving appropriations, and with the reporting the number of employees in the various branches of the state government. A secondary function is the rendering of such other aid and assistance to the legislature as may be required.

The Legislative Counsel Bureau in Nevada, established in 1945, may also be included as a legislative council although its functions, similar to those of legislative councils, are largely carried on by a legislative counsel. Two members from each of both houses of the Nevada legislature comprise the membership of the bureau, serving without compensation except for travel expenses and having the authority of appointing the legislative counsel who

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<sup>5</sup>Council of State Governments. Committee on Legislative Processes and Procedures, Report of the. . . . "Our State Legislatures." p. 12.

performs the necessary services.

The Legislative Council in Arkansas, consisting of seventeen legislators and fourteen citizens, appointed by the governor, was authorized in 1947 but its legislature adjourned without making an appropriation for it. The decision of the Arkansas Supreme Court in the same year against allocation of funds to the council will prevent its operation until the next session of the legislature in that state.<sup>6</sup>

The constitutionality of Washington's legislative council was questioned after it was created by a legislative act in 1947. Article II, Section 13, of the state constitution provides that "no member of the legislature during the term for which he is elected shall be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected," and it was contended that members of the legislature were disqualified from serving on the council as such membership constitutes a civil office. In addition, opponents of the council argued that it was illegal for a legislative council to function on an all-year round basis as Article II, Section 12, of the constitution provides that the state legislature may not be in session longer than sixty consecutive days. The state auditor declined to honor the expense vouchers of the legislative council. However, in October, 1947, the Supreme Court of Washington, in granting a writ of mandamus to compel the auditor to honor the vouchers, ruled that:

The statute...which created the legislative council, does no more than make available new machinery and new methods by which the members of the committee may keep themselves informed upon specific problems, and that statute does not impose upon the members of the council who are members of the legislature, any new office or trust. The additional duties

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<sup>6</sup>Council of State Governments. "Interim Legislative Study Assignments--1947." p. 4.

which are imposed upon the legislative members of the council are no different in purpose and kind from those which they already perform.<sup>7</sup>

Further, it ruled that "by statute a legislative committee may be created and authorized to sit during the interim between sessions for any proper purpose. . . ."<sup>8</sup>

The Oklahoma Legislative Council, although authorized in 1939, was only recently activated in 1947. Rhode Island, in 1939, also enacted a law authorizing a legislative council but it has not been operative. It is interesting to note that Rhode Island is the only state with annual legislative sessions that has set up a legislative council.

Missouri is the only state which has followed the Model State Constitution in giving constitutional status to the legislative council. All the other legislative councils owe their existence to statute. The new Missouri Constitution, adopted in 1945, contains the following provision for the Committee on Legislative Research created by legislative act in 1943:

There shall be a permanent joint committee on legislative research, selected by and from the members of each house as provided by law. The general assembly, by a majority vote of the elected members, may discharge any or all of the members of the committee at any time and select their successors. The committee may employ a staff as provided by law. The committee shall meet when necessary to perform the duties, advisory to the general assembly, assigned to it by law. The members of the committee shall receive no compensation in addition to their salary as members of the general assembly, but may receive their necessary expenses while attending the meetings of the committee.<sup>9</sup>

The Model State Constitution not only provides for the organization of the council but also outlines its powers and duties:

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<sup>7</sup>State ex rel. Hamblen v. Yelle (1947) \_\_\_ Wash. \_\_\_, 185 P.2d 723.

<sup>8</sup>Ibid.

<sup>9</sup>Missouri Constitution. Art. III, Sec. 35.

It shall be the duty of the legislative council to collect information concerning the government and general welfare of the state and to report thereon to the legislature. Measures for proposed legislation may be submitted to it at any time, and shall be considered and reported to the legislature with its recommendations thereon. The legislative council may also recommend such legislation, in the form of bills or otherwise, as in its opinion the welfare of the state may require. Other powers and duties may be assigned to the legislative council by law. The legislature may delegate to the legislative council authority to supplement existing legislation by general orders. No such general orders shall be effective until published as provided by law.<sup>10</sup>

In 1942, the Constitution Revision Commission in New Jersey recommended a legislative council for that state with constitutional status. The Commission supported its recommendation with the following reasoning:

A major cause of legislative confusion has been the lack of opportunity for full and careful consideration of legislative matters. Each member of the Legislature is expected to be familiar with criminal laws, state departmental needs, the tax structure and a host of other intricate and involved questions. Meanwhile, most committees in the Legislature meet neither long nor often. To aid in consideration of legislative affairs, many states have set up legislative councils which devote all their time to the study of proposed legislation, with a full-time research staff assisting.

The council as established in the proposed constitution promises guidance, coordination and planning for the legislative process. Between biennial sessions, the council would investigate important legislative problems which require technical competence. During the session, its program would form a guide for the most efficient use of legislative time. After each session, the council will follow up important new legislation to check upon its practical results in operation.<sup>11</sup>

The proposal was strongly supported in the hearings before the Joint Legisla-

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<sup>10</sup>National Municipal League. "Model State Constitution." 4th ed., 1941, Partial Revision, 1946. Sec. 319.

<sup>11</sup>New Jersey (State). The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention. "The Legislature: The Legislative Council." pp. 6-7.

tive Committee which considered the report of the Revision Commission. However, the revised constitution submitted to the people in 1944 contained no provision for a legislative council. The new constitution which was recently adopted by New Jersey in 1947 also makes no provision for a council.

The Massachusetts Special Commission on Legislative System and Procedure in 1943 "strongly and unequivocally" recommended the institution of a legislative council, assisted by a director of research.<sup>12</sup> The New York State Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures in 1946 recommended "the establishment of a permanent legislative research agency as an integral part of the legislative process." The Committee contemplated an agency primarily for purposes of research, legislative reference, and factual reporting rather than for pre-session planning and recommendation of legislation, which in New York is largely the responsibility of joint legislative committees.<sup>13</sup>

The Brookings Institution has recommended a legislative council for Iowa in its administrative surveys made in 1933; the Cleveland Citizens' League has supported the movement for a legislative council in Ohio; and the Commonwealth Club of California has also proposed that California create a legislative council.

In Michigan, a legislative council of nine members, four senators and five assemblymen, was established in 1933 but abolished in 1939. Some of the reasons advanced for its short life are: the lack of cooperation between the governor and the council; the reduction of appropriation, beginning in 1936;

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<sup>12</sup>Council of State Governments. Committee on Legislative Processes and Procedures, Report of the . . . Op. cit., p. 12.

<sup>13</sup>Loc. cit.

the failure to provide a continuing research agency; the requirement that the council might function only between sessions of the legislature; and a ruling of the attorney general that the legislature could not set up investigating committees to operate between sessions.<sup>14</sup>

Colorado, in 1933, and New Mexico, in 1936, established Committees on Interim Legislative Committees. The purpose of these committees is to remedy the defects in the use of interim committees as fact-finding agencies of the legislature, their function being to coordinate the work and investigations of the various interim committees. In a sense, they represent a hybrid form of legislative council, but they have not been provided with research staffs, and their reports do not have the prestige of a program proposed by a legislative council. The Colorado committee functioned only for the legislative session of 1933.<sup>15</sup>

Long prior to its legislative council created in 1947, Wisconsin had an executive council dating back to 1931, being the first council experiment after the legislative council idea was sponsored by the National Municipal League in 1921. However, that council was an advisory body to the governor as distinguished from the legislative council which is essentially an organ of the legislature. In his message to the legislature in 1931, the governor of Wisconsin recommended the creation of a council for purpose of preparing legislation involving fundamental changes in governmental policies. A council, officially known as the Executive Council, was established and consisted of five senators and five assemblymen who were appointed by the respective houses, and ten citizens appointed by the governor without confirmation. In 1933 the

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<sup>14</sup>Commonwealth Club of California. "The Legislature of California: Its Membership, Procedure, and Work." p. 307.

<sup>15</sup>Commonwealth Club of California. Op. cit., p. 308.

membership was reduced from twenty to twelve, consisting of three senators, three assemblymen, and six lay members. The purpose of having lay members was to draw upon leadership in industry, agriculture, finance, labor and the professions and to associate them responsibly with state problems. Subsequent to the membership change in 1933, the governor recommended replacement of the lay members by the heads of the major state departments, and this change was made.

Meetings of the council were held on call of the governor. Chief of its functions was to advise the governor "in any matter which he may refer to the Council." Other functions were to investigate departments of state government in Wisconsin for the purpose of determining possible consolidation and economies and to make investigations of economic conditions in the state. Originally, the council had the specific function of assigning state office quarters and approving regulations made by the director of purchases but these two functions were abolished in 1935.

The council was granted the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony. No permanent research staff was attached to the council.

This council in Wisconsin differs materially from the so-called legislative council. The primary function of the Wisconsin Executive Council was to advise the governor and not the legislature, and it was not responsible for a legislative program. The council was quite active at its inception, but subsequently had a "checkered career."<sup>16</sup>

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<sup>16</sup>Maryland (State). Planning Commission. Op. cit., pp. 9-11.

## Organization

There is no uniform pattern of organization among the existing legislative councils nor are they all granted identical powers. Each council has been developed to meet the particular needs of its respective states. Fundamentally, they are all designed to present a program to the legislature based upon detailed research and investigation. Such a type of legislative program has been described by Dr. Frederic H. Guild, Director of Research of the Kansas Legislative Council:

The program has not been a positive recommendation of specified solutions, but rather explanation of alternatives, finding as to facts; and as such, it has been adapted to legislative behavior more readily than any conclusions of a few council members could have been. Except in a few instances, even the bills recommended were tentative. The council expected them to be subject to amendment and compromise, and the accompanying factual material was as important as the bill itself. In other words, what the council has usually done has been to present comprehensive analysis (sic) of each situation.<sup>17</sup>

Most of the legislative councils are composed exclusively of legislators with the presiding officer of each house appointing the number to which his branch of the legislature is entitled. Several provide that the legislative presiding officers shall be ex officio council members. Exceptions to the rule of legislative membership are found in Arkansas and Utah. In the former state, provision was made for fourteen private citizens to be appointed by the governor, the latter holding ex officio membership on the council; in the latter state, Utah, three non-legislators are named, one each by the presiding officers of the two houses and the governor, respectively. The Kentucky Legislative Council for a time had a combination of legislative and administrative members, the latter consisting of the governor and five administrators

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<sup>17</sup>Guild, Frederic H. "The Development of the Legislative Council Idea." Annals of American Academy of Political and Social Science. January, 1938. (Vol. 195). p. 145.

designated by him. However, the law was amended so that only legislators served on the council. Recently the 1948 session of the Kentucky General Assembly repealed the act creating the Kentucky Legislative Council and substituted the Kentucky Legislative Research Commission in its place. The membership consists of the governor and six legislators, the former being ex officio chairman of the commission.

There is considerable variation in the size of legislative councils, the smallest being in Kentucky with seven members and the largest being in Arkansas with thirty-four members. The Model State Constitution proposes a council consisting of "not less than seven nor more than fifteen members,"<sup>18</sup> but only a few states have so small a number. Arguments advanced in favor of a small council are that it is less expensive, more easily convened, and likely to be more homogeneous in its opinion. The majority of the states, however, have established larger councils in the belief that a larger council is more representative of the diverse interests in the state and is in a more advantageous position to have its opinions accepted by the legislative body.

Council members are reimbursed for necessary expenses, and several states provide for per diem payments. In a few instances the per diem is expected to cover necessary expenditures, but in most cases, is in addition to reimbursement for expenses. These per diem payments range from \$3.00 in Kansas to \$20.00 in Maryland.

State appropriations for legislative councils vary from \$8,000 in Wyoming to \$200,000 in Pennsylvania for a biennial period. The amount of the appropriation required to maintain a well-serviced legislative council depends upon several factors which differ among the states in which legislative councils

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<sup>18</sup>National Municipal League. Op. cit., Sec. 317.

exist. The trend seems to be towards increasing appropriations when possible, on the theory that money so expended guards against larger, unnecessary expenses in the future due to defects in hastily considered legislation.<sup>19</sup> The most active fact-finding agencies employ experts, generally a research director and several analysts, lawyers, and research and clerical assistants. Whenever necessary, the staff is supplemented by the retention of consultants, specialists, statisticians, and accountants for temporary periods.

The great variation in appropriations for existing legislative councils is well demonstrated by those made for the current biennium (1947-1949):

<u>State</u>	<u>Biennial Appropriation</u> <sup>20</sup>
Alabama	\$ 27,000.00 (one year)
Arkansas	.....
Connecticut	23,925.00
Illinois	63,637.00
Indiana	32,400.00 (one year)
Kansas	56,000.00
Kentucky	125,000.00
Maine	33,983.00
Maryland	40,000.00
Minnesota	25,000.00 (one year)
Missouri	110,000.00 (one year)
Nebraska	38,623.13
Nevada	20,000.00
North Dakota	12,500.00 (one year)
Oklahoma	28,500.00
Pennsylvania	200,000.00
Utah	40,000.00
Virginia	29,880.00
Washington	.....
Wisconsin	60,000.00
Wyoming	8,000.00

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<sup>19</sup>Commonwealth Club of California. Op. cit., p. 312.

<sup>20</sup>Adapted from Council of State Governments, "Interim Legislative Study Assignments--1947", pp. 3-4, and revised. The figures include appropriations for legislative reference and bill drafting activities for those states where these services are combined with the councils.

## Functions

The two most important functions which have either been mandated to legislative councils by statute or which have evolved in response to need are those of collecting information and outlining a legislative program. All of the councils, except those of Arkansas, Minnesota, North Dakota, Virginia, and Washington, have the authority to exercise these two prime functions but, in fact, many councils do not formulate a legislative program. In Minnesota, council activity is limited to fact-finding, and in Virginia, the council has no independent authority to suggest a legislative program but may study, report on, and make recommendations for legislation only on matters which are specifically referred to it by the Virginia legislature or governor.

Although legislative councils sometimes submit recommendations to the legislature in the form of drafted bills, it is generally held that their proper function does not include the formulation of a detailed legislative program.<sup>21</sup> As originally conceived, legislative councils were expected to prepare a program in advance of the legislative session. This appeared to be particularly essential in those states whose legislatures meet biennially and are in session for a limited number of days. Without some agency to give continuity to the legislative process between sessions, it was feared that legislatures would continue to convene without a program and would adjourn in confusion without giving adequate consideration to measures introduced late in the session.

No sooner did the early legislative councils begin to submit recommendation than criticism was raised that legislative powers would be centralized in the members of the council and that the council would develop into a "little

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<sup>21</sup>Council of State Governments. The Book of the States, 1945-46. p. 114.

legislature." In this regard, Dr. Frederic H. Guild, Director of Research of the Kansas Legislative Council, which is typical of other councils charged with the function of formulating a program, has said:

As members of the legislature discovered that there was no centralization of legislative power in the council; that the council was merely another legislative committee whose function was to give preliminary shape to policy formation and to provide adequate factual backgrounds for any points of view; and that all responsibility or power still remained in the hands of the regular standing committees, this critical attitude or fear declined rapidly during the 1937 session.... Its major contribution to the session, which was very great, did not lie in the policies or bills suggested but merely in providing for all members of the legislature a thoroughly digested background on all major problems. The council emerged from that session with the reputation of being a successful, fact-finding preparatory body.

It must be borne in mind that the council has no legislative power whatever. Its recommendations must stand on their merits and council suggestions are approved not because it was the council that made the suggestion, but because the suggestion was obviously based upon adequate fact-finding.<sup>22</sup>

In the last few years, a number of the councils, particularly those in the larger states, have tended to avoid active participation in developing a legislative program and have confined themselves to the preparation of factual reports without recommendations. In Illinois, Missouri, and Nebraska, the fact-finding agencies have the statutory power to recommend legislation but they do not use it. The legislative council in Connecticut, originally vested with broad authority to formulate policy, does not exercise this authority but assists mainly in the preparation of material for presentation to the legislature.

In addition to these two general functions, most of the councils prepare

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<sup>22</sup>New York (State). Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures, Final Report of the . . . p. 144.

research reports on varied subjects and analyze the effects of legislative proposals at the request of legislators or legislative committees. Supplemental functions include examining enacted statutes and constitutional provisions and recommending amendments for legislative consideration, investigating administrative agencies to effect consolidation and economies, evaluating the work of special legislative committees, studying procedures of the legislature, reporting on financial and personnel needs of each department of the state government, and making studies of the budget. Other specific functions assigned to legislative councils are indicative of the particular needs of individual states. The Kansas Legislative Council is empowered to study law enforcement and to make recommendations leading to the reform of local government. Kentucky requires its legislative council periodically to consider reports of the state auditor. Among its duties, the Nebraska Legislative Council studies taxation, the effectiveness of administrative methods, and the merit system as it relates to state and government employees. Over-all research, reference and bill drafting functions come within the scope of the activities of the Missouri council, the Committee on Legislative Research.

Three states, Kentucky, Utah, and Washington, utilize their legislative councils as commissions on interstate cooperation, to formulate proposals for cooperation with other states or participate in the program of the Council of State Governments.

The North Dakota council studies and promotes uniformity of legislation in the United States through cooperation with other states, while the legislative council in Connecticut has, among its other functions, the supervision of the negotiation of interstate compacts.

#### Powers

It is generally agreed that if legislative councils are to perform their

functions in a satisfactory manner, they require certain minimum powers. Perhaps the most important of these is that of appointing an independent staff.

The members of the Kansas Council insist that not only is the Research Department indispensable, but it is the chief thing about the whole council idea. It collects the facts, sifts the pertinent information, weeds out the impossible solutions to the problem, and sharpens the issue to permit a more concentrated consideration of the more promising solutions.

It is in this connection, it is urged, that the Legislative Council may make a very important contribution to one of the most perplexing problems of modern representative government.... The Legislative Council Research Department works directly under council instructions. It studies only those problems the council desires.... Thus the Research Department is in a position to act as a liaison between the council members and the technicians who may be called in for consultation. Under this arrangement "research" comes to mean "immediate practical assistance" in the solution of legislative problems.<sup>23</sup>

All of the legislative councils have this power to appoint research staffs; and, with the exception of Virginia and Pennsylvania, they are also empowered to utilize research facilities of other state departments. It is significant to note that in Michigan, where the legislative council failed, the council was not empowered to appoint a research staff.

Other powers commonly granted to the existing legislative councils include subpoenaing witnesses, compelling the production of books and records, holding hearings, and establishing subcommittees to investigate problems.

The governor is usually given full opportunity to send messages and suggest subjects for study to the council, a provision which appears to offer much promise in preventing antagonism between the council and the chief executive. There is nothing to prevent the governor from presenting his own program to the legislature, independent of the council's recommendations.

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<sup>23</sup>New York (State). Constitutional Convention Committee. Op. cit., p. 307.

One of the important provisions in statutes establishing legislative councils is that which declares when the report and recommendations of the council must be made public. The usual time limit is thirty days prior to the legislative session at which the recommendations are to be submitted. Such a provision assures adequate publicity for the council's program and allows ample time for expression of public opinion and study of its report and recommendations.

Meetings of the legislative councils may be held as often as necessary but frequently a specified time is provided in the statutes, quarterly meetings being common for the existing councils. Generally, the councils select their own chairmen and determine their own rules of procedure. The exceptions are found in Kansas, where the president of the Senate serves as ex officio chairman of the council; in Kentucky, where the governor is ex officio chairman; and in Maryland, where the president of the Senate is the chairman of the council.

#### B. Legislative Reference Service

The idea of providing technical assistance to legislators through legislative reference service had its early development at the beginning of the twentieth century. Legislative reference work has come to be so much an accepted part of governmental machinery that it is no longer the object of praise and attack that it was years ago. "Like all experiments of a public nature, legislative reference work had its roots in small beginnings, but was gradually extended until today a properly conducted service comprises three main functions: reference and research on problems of legislation, bill drafting, and statutory revision."<sup>24</sup>

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<sup>24</sup>Laurent, Eleanore V. "Legislative Reference Work in the United States." p. 1.

Before the actual development of legislative reference bureaus, state libraries had been organized with the avowed purpose of giving service to state officials. The movement for legislative reference was based upon the alleged inadequacy of the old state libraries to meet changing needs. The first experiment to provide legislative reference was undertaken by the New York State Library in 1890 by the appointment of a legislative librarian and the preparation and publication of annual indexes of state legislation to which were added later summaries and topical reviews of legislation. Two years later the Massachusetts legislature first made an annual appropriation of one thousand dollars to the state library "for preparing an index to current events and other such matters contained in the newspapers of the day as may be deemed important by the trustees and the librarian."

Neither of these services, however, attracted widespread attention nor did they embrace very much of what is now known as legislative reference work. But when Wisconsin adopted the reference bureau idea in 1901 it organized its new bureau so thoroughly and with such good results that it has generally been credited with stimulating other states to follow its example. The Wisconsin bureau gave special attention to the collection and classification of current fugitive material relating to subjects of legislation and also issued for some years a series of brief bulletins on pending legislative topics.

During the fifteen years following the establishment of the Wisconsin bureau, legislative reference activities varying in scope were inaugurated in the majority of states. As early as 1904, California established a law and legislative reference section in its state library. Indiana, in 1906, created a similar division which was formally established by a legislative act of 1907.

A chronological survey indicates that by 1907 there was a decided increase in the movement for in that year bureaus were inaugurated on a statutory

basis in seven states, Alabama, Connecticut, Michigan, Nebraska, North Dakota, South Dakota, and Rhode Island. A department was established in Iowa in 1908; and in the years 1909-1910 Massachusetts, Montana, Ohio, Pennsylvania, Texas, and Vermont installed bureaus. In 1913 services were begun in California, Illinois, Kansas, New Hampshire, Oregon, and West Virginia while a year later four more were established in Georgia, New Jersey, South Carolina, and Virginia. Between 1915 and 1917 some form of a legislative reference agency was created in Arizona, Arkansas, Maine, and North Carolina.<sup>25</sup>

In most states legislative reference work was entrusted to the state library but too often adequate appropriations for personnel and maintenance of a continuing research program were lacking. The work has been carried on primarily as an extra duty by the state librarian. Lack of funds and personnel undoubtedly has resulted in the failure of the reference facilities to provide their greatest value to the state. In several states the legislative reference bureau consists mainly of a paper organization found only in the statute books. Facilities exist in the state library system and there is willingness to be of service, but lack of financial and other support keeps these states from deriving the benefits inherent in the legislative reference concept.

#### Organization

There has been wide variation in the methods employed for organizing legislative reference work. On one extreme, independent agencies were established, while on the other, provision was made for the work in connection with some already existing state agency without so much as a specialized unit being formed. Subsequent to their organization, most of the bureaus have undergone

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<sup>25</sup>Laurent, Eleanore V. Op. cit., p. 3.

at least one thorough reorganization, and several of them have experienced more than one overhauling during the course of their existence.

In the majority of cases, legislative reference work first developed within or as a branch of the state library. Especially in states where the functions of factual reference work and bill drafting are separate or where bill drafting is not carried on at all, it is still commonly conducted on that basis. However, where both functions are performed by the bureau, the reference bureau is less frequently found as a subordinate part of the state library. The services in Indiana, Ohio, and Michigan which were first created within the state library were later made independent. Subsequently in Ohio, the division was once again transferred back to the state library, but since 1933 it has resumed its independent status. The most recent example is Arizona which found the service that it had maintained in its state library inadequate and created the Legislative Bureau as a separate division of the Department of Library and Archives. In a number of other states the factual reference service in the state library was not disturbed, but a separate agency under different control was instituted to assume the functions of bill drafting and statutory revision.

At present, in more than half of the states, legislative reference work is being conducted in the state library or state law library. Reference work may also be found lodged under the supervision of the legislature, the governor, or even the attorney general as in Colorado. It was formerly under the Board of University Regents in Nebraska, the legislative council in that state now serving as the legislative reference agency.

Odd as it may appear, in only a few instances has the state legislature been entrusted with the power to supervise the legislative reference service directly except where the function of bill drafting is entrusted to an agency

separate from that engaged in factual reference work. Bill drafting being more closely allied with legislation, the state legislatures have been more insistent upon immediate control of this portion of the work than on other phases of reference work. California, Massachusetts, and New York have organized a separate bill drafting agency under legislative control. In Connecticut, this service was transferred from the direct supervision of the legislature, and Connecticut, together with Rhode Island, now maintain a bill drafting and statutory revision service under executive control.

Where a single agency exists, its supervision has more frequently been vested in the governor than in the legislature. When the Virginia bureau was created in 1914, the governor was given the power to appoint its director with the approval of the Senate, and although the service was transferred to the Department of the Attorney General in 1927, control by the governor was resumed in 1930. The California and Pennsylvania bureaus were under executive control before the present changes were put into effect. Under the state reorganization act of 1933, the governor in Indiana was given the power to appoint the director and staff of the bureau which had been under the control of joint legislative boards through most of its history. In the same year, Ohio reorganized its bureau under a board of three members headed by the governor. Delaware, in 1945, established a bureau composed of the governor, president pro tem of the Senate, and the speaker of the House. Nevertheless, control by the governor or the legislature has not been widely adopted.

Although bill drafting historically began in the attorney general's office, no legislative reference bureaus were organized in connection with this office until 1927 when Colorado created its agency under the supervision of the attorney general. This was designed to partially relieve the staff of the attorney general's office of the bill drafting function. In the same

year, Virginia reorganized its bureau under the Department of Attorney General, but this arrangement was discontinued three years later in favor of executive supervision. North Carolina adopted this form of control in 1933 and transferred its bureau from the supervision of the History Commission, under whose jurisdiction it had been created in 1915, to the attorney general's office. It is now under the supervision of the Department of State.

Judicial control over legislative reference work has been the least popular. Previously in North Dakota the judges were designated to appoint the legislative reference librarian. In that state the duties of the Legislative Reference Bureau, which had been first established under the Library Commission, were transferred to the law librarian in 1919. Since the law librarian was also *ex officio* supreme court reporter, the work was merged into the position, the appointment thus falling upon the court. However, the service was terminated during a general state reorganization. The Legislative Research Committee, North Dakota's legislative council, now provides legislative reference services. More recently in Kansas, the Office of the Revisor of Statutes, which performs practically all of the legislative reference functions in that state exclusive of the legislative council, was created under the control of the supreme court judges. Minnesota considered establishing an agency under this type of control at one time but the bill failed of enactment. In Wisconsin, the revisor of statutes is appointed by the supreme court. Although the Office of the Revisor of Statutes is not connected with the Legislative Reference Library in Wisconsin, they both furnish allied services as the former is mainly concerned with maintaining a system of continuous statutory revision.

### Functions

The essence of legislative reference work is the furnishing of informa-

tion in response to inquiries, primarily from legislators and secondarily from others interested in legislation. It properly includes two main functions: reference, which is largely an extension of library work designed to place at the disposal of members of the state legislature such information as they may require for the performance of their duties, and bill drafting, a technical aid in putting the substance of their proposals into form suitable for introduction and passage by the legislature. The former is a service carried on both during and between legislative sessions and is extended to members of the legislature, state and local officials, and occasionally, private citizens as well; the latter is limited almost exclusively to legislative sessions and is available solely for members of the legislature. Some reference bureaus, however, are limited to one of these activities, while at the other extreme a few bureaus are charged not only with research and bill drafting but also with a considerable number of miscellaneous functions such as cooperation with legislative investigating committees and preparation of research for constitutional conventions. Other functions have developed, some not assigned by law but undertaken by the bureaus in an attempt to extend the usefulness of the service. In recent years statutory revision has been added as a major activity and considered a logical part of the functions of the legislative reference bureaus.

On the information-gathering side, it is the business of a reference bureau to have on hand, properly classified and filed, up-to-date information on all the important subjects with which the legislature must deal. It acts as a sort of clearing house for information regarding the state government. Consequently, it operates as a highly specialized library, differing from an ordinary library in the nature of the material on its shelves. Its collections are made up of laws and bills of various states and countries; signifi-

cant court decisions; reports of legislative committees or commissions, governmental departments, and private organizations; pamphlets, periodicals, and clippings, containing information on a specific subject or a phase of the subject; campaign and similar literature from all political parties; and reference lists and typewritten and other fugitive materials.

A legislative reference bureau does not, as a rule, attempt to evaluate material collected for members of the legislature. It simply secures the requested information, permitting interested legislators to interpret this information in any way they desire. An outstanding exception to this is the Wisconsin bureau which passes upon the significance of facts it has compiled and supplies legislators and legislative committees with briefs and arguments.

Next to supplying information on current legislative subjects, the most common function performed by legislative reference bureaus is keeping a subject index to all bills introduced in their own state legislatures, as well as a complete file of the actual bills. The index is usually comprehensive in that the history and present status of each bill is kept up-to-date. Wisconsin has a detailed index to all bills introduced since 1898, while Georgia's index has been building since 1914. Several of the bureaus have undertaken the task of preparing periodical digests of all bills and resolutions introduced. Others prepare at the close of each legislative session lengthy commentaries on the legislation passed and its relation to existing statutes.

The most important work of some of the reference bureaus has been that of assisting or working in cooperation with special investigating committees of the legislature or conducting the research program for the legislative council. This also entails the preparation of legislation not only during the legislative session but also between sessions. In several states, as in

Alabama, Arkansas, Maryland, Missouri, Nebraska, Utah, and Virginia, the director of the reference bureau or of the research department of the legislative council also serves as secretary to the council, thus creating a close integration of the activities of these two legislative aids.

A function of particular importance at the time when legislative reference bureaus were first established was the publication of pamphlets and bulletins on various governmental problems for the information of the general public. For the most part this service has been discontinued, mainly because of insufficient funds. In recent years practically the only publication of the bureaus, with a few notable exceptions, are those specifically authorized by the legislature, such as a compilation or codification of the laws or material prepared for constitutional conventions.

Other miscellaneous activities have been assigned to the bureau from time to time. The bureaus in six states, Alabama, Arizona, Arkansas, Nebraska, North Carolina, and Wisconsin, are authorized to edit and publish the Blue Books, the yearbook or official register containing information concerning the legislature and the offices, departments, institutions and agencies of the state government. The Pennsylvania bureau publishes the Pennsylvania Register which contains all rules and regulations issued by the administrative agencies of the Commonwealth. In Vermont the reference bureau prepares a biennial "Preliminary Legislative Manual." The State Library in Connecticut which acts as a reference library for state officials has charge of the stenographers' notes taken at legislative committee hearings, indexing and binding them for the use of interested persons. A function normally found assigned to a legislative council is performed by the recently established reference bureau in Delaware, that of "recommending such revision of legislation as may be considered necessary." In addition to the regular activities

of reference work and bill drafting, Indiana's bureau is assigned a variety of miscellaneous functions and directed to keep the House and Senate Plat and arrange the seating of members of the legislature.

Bill drafting, the other main function of legislative reference bureaus, includes the drawing up of bills, resolutions, memorials, and amendments for introduction in the state legislature, and this service is ordinarily restricted to members of the legislature, and state department heads. It aims to meet the more technical difficulties of the legislator. A few expert draftsmen are retained, to whom any legislator may go with a project for a bill which he wishes to introduce. The legislator and the draftsman work out the details of the bill together, and the latter drafts it in form for presentation to the legislature. This procedure eliminates the danger of technical unconstitutionality but does not assure the constitutionality of the substance of the bill. General directions contained in the laws setting up the bill drafting function usually state that the draftsmen in preparing bills shall consider, in addition to form, the constitutionality of the proposal, its consistency with existing law, and its structural relationship with the body of the law. In these states the draftsmen thus need to be experts in constitutional law and in the structure and operations of the government as well as being skilled in the art of clearly expressing ideas.

Most of the states, with such exceptions as Georgia, Idaho, Montana, and West Virginia, have specific provisions for bill drafting service. In some of those states the service is provided by agencies independent of the legislative reference bureau, the research department of the legislative council also performing bill drafting, while in others the attorney general's office or the counsels to the Senate and the House render this service. It seems safe to say that where no specific provisions have been made, the office

LEGISLATIVE REFERENCE BUREAU

of the attorney general is called upon to draft legislation. The relative importance of the bill drafting service varies from state to state.

South Carolina's provision for bill drafting service is somewhat unusual.<sup>26</sup> During legislative sessions the attorney general operates an engrossing department to prepare proposed bills and to write into final form bills which have been passed by the legislature. Usually a dozen stenographers and clerks are appointed by the attorney general to assist in his work. In addition, the attorney general may call upon any state circuit solicitor not otherwise engaged in the time to attend the session to advise and aid in preparation of bills. The expense of the engrossing department is budgeted as part of the expense of the legislature.

Although facilities for bill drafting service may be provided, their use in all states is optional. Thus a combination of several methods of bill drafting may be found in one state. Some legislators draft their own bills, use the official drafting agency, call in private attorneys to serve as draftsmen during legislative sessions, or introduce bills drawn by attorneys retained by various government departments or private interests.

Only a few legislative reference bureaus have assumed the function of statutory revision in addition to the regular functions of reference work and bill drafting. In most states where provision is made for this service, separate agencies have been created which, in some cases, also perform bill drafting as a regular or incidental function. Wide variation among the states is encountered. In Kansas, Maine, Nebraska, and Wisconsin statutory revision is the responsibility of the revisor of statutes while in other

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<sup>26</sup>South Carolina, University of. Bureau of Public Administration. "Aids For State Legislators." p. 37.

states, as Connecticut, New Hampshire, New Jersey, New York, and South Carolina, this function is performed by the attorney general's office or a revision commission. Statutory revision may be assigned to the counsel to the Senate and House, as in Massachusetts.

In New York the Law Revision Commission was the first legislative agency vested with the dual responsibility of "examining the substantive statutory law with a view to scientific revision in the light of modern conditions and of correcting the form of the statutes without affecting the substance of the law."<sup>27</sup> Functions of the New York Commission are as follows: (1) to receive suggestions from judges, public officers, bar associations, the American Law Institute, the National Conference of Commissioners of Uniform State Laws and the public regarding defects and anachronisms in the law of the State; (2) to observe and identify such inconsistencies, ambiguities, and obsolescent sections in the law; (3) to study the problems raised by all data indicating apparent defects in the law and to formulate a correct and complete statement of the existing law; (4) to consider whether statutory changes are desirable and to formulate changes approved by the Commission; (5) to report its proceedings to the Legislature and in addition to submit recommendations proposing specific statutory changes, accompanied by bills embodying such changes.<sup>28</sup>

In some cases, as Alabama and Pennsylvania, the reference bureau prepares codifications of the law. In Indiana, this function is performed by a special commission of the legislature, while in California a Code Commission has been created for this purpose, and the members of the staff of the Legislative Counsel serve as draftsmen for the Commission.

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<sup>27</sup>New York (State). Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures. Op. cit., p. 161.

<sup>28</sup>Loc. cit.

Now regarded as an integral part of state government, the scope of legislative reference service promises to increase and become even more effective with the passage of time. The Council of State Governments has suggested that the following ten specific types of service might well be provided:<sup>29</sup>

1. Carry on comprehensive research and reference service on legislative problems.
2. Summarize and digest information relating to the legislation of various governmental units.
3. Prepare reports on the effects of legislation.
4. Make such investigations into legislative and governmental institutions as will aid the legislature in its studies and deliberations.
5. Maintain a reference room and reference materials.
6. Keep and file copies of all bills, resolutions, et cetera, and maintain a card index on their status, preparing an index and digest if appropriation is made therefor.
7. Assist and cooperate with the legislative council and interim committees or commissions.
8. Cooperate and maintain an exchange reference service with other legislative reference bureaus and corresponding services of other states and with the Interstate Reference Bureau of the Council of State Governments, and with other governmental research agencies.
9. Advise legislative officers or members on any question of parliamentary law or procedure.
10. Carry on bill drafting and statutory revision work.

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<sup>29</sup>Graves, W. Brooke. American State Government. p. 329.

### C. Interim Committees and Commissions

One fruitful means of securing information on legislative problems which is used on occasion in every legislative body is through special legislative investigating committees or commissions, which, as legislative tools, seem firmly entrenched in our governmental system. Under modern conditions, the short period of the legislative session is insufficient for adequate consideration of all problems and the legislative process must be supplemented during the interim between sessions. Standing committees of legislative bodies often unearth data of value in judging of the desirability of pending legislation. However, the more important problems of legislation are often too complicated to be solved during a single legislative session, and state legislatures have resorted to the use of interim committees and commissions to assemble material and continue the study on an assigned topic. In a number of instances these committees or commissions have been used either as a substitute for or as a step towards a legislative council, or in addition to a legislative council.

These investigating groups may be either joint or single house committees. Similarly, they may be composed either of legislators or, in whole or in part, of persons not members of the legislature. Those made up entirely of legislators are normally referred to as committees while those with some or all of their members drawn from outside of the legislative body are called commissions. These special committees or commissions carry on their work primarily when the legislature is not in session and submit their reports to the legislative session following the one which authorized their establishment.

Interim committees operate in most respects just as the standing committees of each house or joint standing committees of both houses. Unlike standing committees, they are created to perform definite tasks between legislative sessions, and when they render their final report on their assignment, they

become "functus officio." One or more interim committees are created at every legislative session in some states, the principal responsibility of such committees being generally to investigate and report, with a view towards the eventual framing of legislation.

In general, interim committees may perform one or more of several distinct functions in connection with the work of legislative bodies and are accorded wide powers for obtaining information. They are created by the adoption of single house or concurrent resolution. Such a resolution traditionally recites the facts and circumstances which, in the judgment of the legislature, makes it necessary to create the committee. It then provides for the number of legislators who will be members of the committee and the manner of their appointment; describes the scope and purpose of the study, inquiry or investigation to be made; enumerates the powers of the committee not only with respect to its organization, the conduct of its procedure, and the employment of its research and clerical assistants, but also with respect to the time, place and manner in which it is to conduct its hearings, the witnesses it may summon, and the testimony and evidence which it may receive; fixes a time by which it is to conclude its study and report to the legislature its findings, conclusions and recommendations; and allocates to the committee from the appropriation for legislative expenses a sum of money which, in the opinion of the legislature, will be reasonably required for the performance of the work delegated to the committee.

In California where interim committees have been used to a considerable extent since 1851, primarily due to the lack of a coordinating agency responsible for obtaining factual information regarding proposed legislation, such as a legislative council, the power of the legislature to create these

committees was never questioned until 1937.<sup>30</sup> The legislative session in that year created ten interim committees, some by single house, others by joint resolution, to investigate certain problems. Among these was an Assembly Committee on Public Morals which was established to study vice and crime problems. This committee, in the course of its investigations, held a hearing at which witnesses refused to answer certain questions. The committee then went to court for the purpose of compelling these witnesses to testify, and the court held that the committee had no power to compel testimony, since it had no lawful existence. This decision was based upon the grounds that the legislature could not, by a single house resolution, create a committee with authority to function after the legislature had adjourned sine die. This decision was appealed to the State Supreme Court where it was affirmed. On a rehearing the court stated that the legislature is not a continuing body but a series of successive bodies, and as a consequence one legislature could not continue its existence after adjournment through the creation of these interim investigating committees. The court, however, pointed out that these interim committees could be established by statute to make investigations and report to the next succeeding legislature.

The constitutionality of interim committees created by resolution of both houses was tested in a companion case. The California Supreme Court affirmed its previous decision, expressly declaring that interim committees could not be created either by single house or by concurrent resolution.

Because of the difficulties which arose through this restriction on the legislature's power to appoint interim committees, a constitutional amendment

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<sup>30</sup>Commonwealth Club of California. Op. cit., p. 279.

was adopted in 1940<sup>31</sup> and the right to create interim committees by resolution was restored once again to the California legislature. The amendment authorized either house of the legislature by resolution to appoint committees to ascertain facts and make recommendations relative to subjects within the scope of the legislative power. The amendment also authorized the creation of joint investigating committees by concurrent resolution. Furthermore, interim committees were empowered by the amendment to act either during a legislative session or after final adjournment.

Accordingly, the joint rules of the 1941 legislative session in California generally prescribed the powers and duties of interim committees as follows: to employ necessary clerical and technical assistants, to subpoena witnesses, to require the production of papers and other documents, and to compel the attendance of witnesses for the purpose of procuring testimony. All officers of the state, including the Legislative Counsel and heads of the various departments, were directed to furnish committees with necessary information and documents.<sup>32</sup>

State investigating bodies are not always composed entirely of members of the legislature. Sometimes the governor, becoming cognizant of the need for legislation on a given topic, on his own responsibility will appoint a commission consisting entirely of citizens who are not members of the legislature to study the problem and report to him. Another type of commission may be composed partly of members of the legislature and partly of non-members, usually experts in the field under investigation, appointed by the governor.

When it is deemed advisable to include laymen in an inquiry or survey,

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<sup>31</sup>Ibid., p. 283.

<sup>32</sup>Loc. cit.

the usual procedure is for the commission to be created by statute rather than by resolution. The law establishing such a commission specifies its composition. Generally, the governor is empowered to appoint individuals from private life and the presiding officers of both houses of the legislature to appoint members of the legislature to the commission. The provisions of the law creating such a commission are virtually identical with those contained in the usual resolution creating an interim committee. In fact, the investigatory powers of both types of investigative bodies are similar.

Like interim committees, these temporary commissions are established to cope with particular crises and problems. In some ways they are better equipped to consider the subjects they are empowered to investigate. Citizens who have achieved prominence in their specialties are frequently appointed as members of commissions, where they work hard and gratuitously and give a great deal of their knowledge and experience in the interest of the state. Experienced department heads and other administrative personnel may also be appointed to commissions.

These temporary commissions are not strictly legislative fact-finding bodies, but rather, are considered to be part of the administrative structure of state government. In New York where temporary commissions have made outstanding studies and blazed new legislative trails, the attorney general gave the following reasons in explaining why the functions of temporary commissions are administrative rather than legislative in character:

All of such commissions are created by statute rather than by joint resolution of the Legislature. In none of them are the members or the employees selected and appointed solely by the Legislature or solely by the members of the Legislature. An examination of the acts establishing the commissions...leads only to the conclusion that each of them functions as a part of the administrative and executive branch of government and not as an agency of the Legislature....

.... True it is that some of the commissions...are concerned with revision and formulation of legislation, but their interest and function are that of the executive in sponsoring improvements in the law revealed by study and experience and not as agents of the legislative body constituting part of the legislative process itself.... The determination of the question rests upon consideration of the place of the agencies involved with respect to the separate branches of government. None of them has been established and provided for in the manner of agencies of the Legislature. Some of them have functions wholly administrative in character and even those concerned with recommending legislation have not been created as adjuncts of the Legislature, only for assistance in its own functions....<sup>33</sup>

There is considerable variation in the subject matter studied by interim committees and commissions, and the actual number established varies from state to state.

A recent study by the Council of State Governments discloses that of the 44 state legislatures that met in regular session in 1947--only the legislatures of Kentucky, Louisiana, Mississippi, and Virginia convene in the even-numbered years--42 created special interim committees and commissions to undertake research.<sup>34</sup> Some of the states, such as Alabama, Kansas, Maine, Maryland, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Pennsylvania, Utah, and Wisconsin, already have legislative councils in operation which will account for the bulk of interim legislative research to be undertaken. Legislative councils in other states will undertake important programs, but they do not appear to have supplanted interim committees and commissions to the same extent as those in the foregoing states.

These committees and commissions are studying particular state problems

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<sup>33</sup>New York (State). Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures. Op. cit., p. 128.

<sup>34</sup>Council of State Governments. "Interim Legislative Study Assignments--1947."

ranging from agriculture and aviation to taxation, veterans, welfare and water resources. The organization and operation of state government appears to be of major concern to most of the states at the present time, as 62 separate studies of this subject in 27 different states are noted.

Currently, 264 special study groups are at work in 33 states, each studying a specific legislative problem while 126 other studies are under the direction of legislative councils. The number of individual groups varies widely from one, each, in Arizona, Colorado, Florida, Maryland, Pennsylvania, and South Dakota, to 14 in Illinois and Oregon, 16 in Michigan, 21 in New York, 34 in Massachusetts, and 51 in California.

States in which competent legislative councils have been established find it unnecessary to make extensive use of interim committees and commissions. The very nature of the legislative councils seems to obviate the necessity for reliance upon ad hoc committees and commissions. In Kansas the 1939 legislature requested the legislative council to investigate specific matters which almost certainly would have called for the creation of an interim committee or commission in states without councils. One of these entitled, "An act authorizing and directing the research department of the Legislative Council to make a study of administrative and revenue collecting agencies. . . ," was almost identical in its purpose with a resolution adopted the same year in Indiana creating a special commission to study the problem.<sup>35</sup> However, there may still be occasionally a need for a study or an investigation independently of even the very best of legislative councils. Illinois has had investigations carried on by interim commissions apparently without any contact

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<sup>35</sup>Sikes, Pressly S. "Special Interim Commissions in the Indiana Legislative Process." American Political Science Review. October, 1942. (Vol. 36, No. 5). p. 914.

with its legislative council.

The usefulness of interim committees and commissions varies greatly from state to state, and even from time to time in the same state. In some states such committees and commissions have been a most valuable source of information which has served as the basis of legislation of far-reaching importance.

#### D. Legislative Counsel

In addition to legislative aids such as the legislative council, legislative reference bureau, and interim committees and commissions, three states, California, Idaho, and Massachusetts, have established offices of the legislative counsel to provide further technical assistance to state legislators. Each stresses the legal nature of the services rendered.

The Legislative Counsel Bureau in California is headed by a legislative counsel who is selected biennially by concurrent resolution of the California legislature without reference to party affiliation. He maintains a staff of attorneys, the number of which fluctuates with the volume of work, with at least 14 serving during a legislative session.

The principal duties of the bureau are: "to assist, upon request, in the preparation, amendments, and consideration of legislative bills; to advise any state officer or agency in the preparation of bills to be submitted to the Legislature; to advise the Legislature as to needed revision of statutes; to present to each session of the Legislature, a statement calling attention to laws repealed by implication or which have been declared unconstitutional but not expressly repealed; to cooperate with electors in the preparation of initiative measures; to prepare the statutes of each session of the Legislature; and to compile a legislative digest and other publications which are used to

furnish the public with summary information on legislative action."<sup>36</sup> These, it will be seen, are similar to some of the services rendered by legislative reference agencies.

During legislative session years, the bureau, in addition to providing bill drafting services and furnishing legal opinion, submits a detailed analysis to the governor, with comments as to form, effect and constitutionality of each bill passed by the legislature. It also checks all bills that are introduced for errors, conflicts with other bills, and legality. At the end of the session it compiles for publication the statutes and the amendments to the California codes and constitution.

In election years, the bureau prepares for the secretary of state a pamphlet setting forth proposed amendments to the California constitution as well as initiative and referendum measures that are to be voted upon. Arguments for and against the various proposals are included, and all of this material is distributed to all voters prior to election time.

The bureau also furnishes legal counsel to committees of the California legislature, both standing and interim. By statute, the legislative counsel is the ex officio secretary of the California Code Commission, the bureau acting as a staff agency of the commission. The legislative counsel also represents the legislature in the courts.

Idaho, in 1947, established an Office of Legislative Counsel, similar in function to the type of legislative aid developed by California. The office is also headed by a legislative counsel who is selected by concurrent resolution during each regular session of the Idaho legislature and without reference to party affiliation but solely by reason of his fitness to perform the

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<sup>36</sup>Commonwealth Club of California. Op. cit., p. 321.

duties of his office.

The law provides that "no person shall be selected as Legislative Counsel of Idaho unless at the time of his selection he is an attorney admitted to practice before the Supreme Court of the State of Idaho, is in good standing, and has practiced his profession in Idaho for at least five years immediately preceding his selection."<sup>37</sup>

Specific duties of the legislative counsel of Idaho as provided by the law are: "Upon request he shall advise any state officer, commissioner or bureau as to the preparation of bills to be submitted to the legislature; and when requested so to do, he shall advise any legislative committee appointed to carry on investigations between sessions of the Legislature in regard to their work. He shall advise the Legislature from time to time as to needed revision of the statutes. He shall present to each session of the Legislature a statement calling attention to laws which have been repealed by implication or which have been declared unconstitutional by the courts but which have not been expressly repealed."<sup>38</sup>

All state officers and agencies are directed to make available to the legislative counsel their records and full information and assistance in any matter of research which requires data within their knowledge or control.

The function of the offices of the Counsel to the Senate and House of Massachusetts legislature is identical with that of California and Idaho, mainly that of serving as agencies for drafting and revising legislative bills. Additionally, the offices are responsible for the continuous consolidation of the Massachusetts laws and may, from time to time, submit to the legislature "such proposed changes and corrections in the general statutes as they deem

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<sup>37</sup>Idaho Session Laws, 1947, Chap. 40, Sec. 2.

<sup>38</sup>Ibid., Sec. 3.

necessary or advisable, including recommendations for the repeal of such statutory provisions as have become obsolete or the reasons for the enactment of which have ceased to exist."<sup>39</sup>

Differing from California and Idaho, the counsels in Massachusetts are appointed by the committee on rules of the Senate and House, respectively, to serve at the pleasure of the committees.

The most recent development of this type of technical aid is the Legislative Research Department created by the Connecticut legislature in 1947 "for the use and information especially of the members of the general assembly, the officers of the several state departments and the public."<sup>40</sup> The department is under the direction of a legislative commissioner, also an attorney at law, who is appointed by the legislature. In addition to providing bill drafting services to the governor and members of the legislature, the commissioner is charged with the collecting and comparing of the laws of the states; the consolidation and codification of Connecticut laws; and, upon request, the collecting of information relating to any matter which may be the subject of proposed legislation, and advising the governor concerning any bill which has been passed by the legislature and has been or is to be presented to him for his approval or disapproval. The commissioner also renders research and advisory services to the Connecticut Legislative Council as may be requested.

Mention might here be made of the Legislative Counsel Bureau in Nevada which was established in 1945 to furnish necessary legislative services to its legislators. Although the bureau is in charge of a legislative counsel

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<sup>39</sup>Annotated Laws of Massachusetts, Vol. I, Chap. 3, Sec. 53.

<sup>40</sup>Public Acts of the State of Connecticut. January Session, 1947. Public Act No. 5.

appointed by two members each from both houses of the Nevada legislature, its functions involve not only bill drafting assistance but also the collection of information concerning the state government and the preparation of a legislative program. In view of the emphasis on factual reporting and program planning, its services are more similar to those of legislative councils in other states.

The three states, California, Idaho, and Massachusetts, which have established offices of the legislative counsel, do not have a permanent legislative fact-finding agency such as a legislative council.

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The establishment of technical services has provided aids which legislatures profitably utilize. However, in final analysis, the value of expert auxiliary assistance depends upon the legislature's readiness to refer to and rely upon it not only in matters of mere technical detail but on questions of fundamental policy.

There is considerable lack of uniformity in the establishment of particular legislative aids. Some states make provision for all of the types previously discussed while some for none at all. Similarly, the responsibility for rendering the various services may be assigned to separate agencies; may be partially combined in one agency, as duties of the usual council and reference bureau; or a single agency may render all of the legislative services. In those states where one or more of the service agencies are non-existent, the need to fill the hiatus caused thereby has tended to result in the legislature occasionally resorting to university faculties, state libraries, and similar agencies for the furnishing of the same type of service.

There appears to be no question but that the development of legislative aids has contributed to the facilitation of the work of legislative bodies and the improvement of the legislative product.

## APPENDIX I

### State-by-State Legislative Council Summary<sup>1</sup>

Alabama. The Alabama Legislative Council and Legislative Reference Service were established by the 1945 Legislature. The council consists of twelve members--four members of the Senate elected by its membership at each regular session, six members of the House elected by the House at each regular session, and the presiding officers of the two legislative branches serving ex officio. Council members receive ten cents per mile for travel to and from meetings, and \$10.00 for meals and lodging each meeting day. The council is required to meet at least once every three months.

The reference service serves as a research, reporting, and bill drafting aid of the council. Its director serves as secretary to the council.

The duties and powers of the council are to supervise the work of the Legislative Reference Service; examine the effects of constitutional provisions and statutes of Alabama and the effectiveness of operation of state and local government in Alabama; prepare recommendations for legislation, in the form of bills or otherwise, which in its opinion the welfare of the state requires, and submit them to the legislature at each regular session; and report at each legislative session the activities and accomplishments of the council and Legislative Reference Service.

Arkansas. The Arkansas Legislative Council and Bureau of Legislative Research were authorized by a legislative act in 1947. Six senators and eleven representatives are chosen to membership by popular vote of the two houses, respectively, and the governor, lieutenant governor, and the speaker of the House of Representatives are ex officio members. In addition, the governor appoints fourteen private citizens, with at least ten of them being named from nominations by "the Arkansas Bar Association, the Arkansas Medical Society, the Arkansas Education Association, the County Judges' Association, the Sheriffs' Association, the Municipal League of Arkansas, the Arkansas Press Association, the most numerous farmers' organizations of the State of Arkansas, and any accredited organization of industrialists or manufacturers, or any organization representing any organized civic or business group." The governor may appoint not more than one from each group's nominees. Council members receive a per diem of \$10.00 when in session.

In connection with the legislative council there was established a Bureau of Legislative Research whose director is secretary of the council and in charge of research. He is also the liaison officer of the legislative and executive branches of government in Arkansas.

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<sup>1</sup>Based on South Carolina, University of. Bureau of Public Administration. "Aids For State Legislators," pp. 12-29, and supplemented with current data.

The council has a variety of duties in addition to those normally assigned. It reports on the financial and personnel needs of each department of state government and makes studies of the budget. It also keeps the legislature advised as to the condition of the state treasury.

Connecticut. The Connecticut Legislative Council consists of two senators of each political party having more than three members of the Senate; one senator of each political party having three members or fewer; four House members of each of the two major parties and one member of any other political party having three or more members in the House; and the president pro tem of the Senate and speaker of the House, serving ex officio. The members are elected by the respective parties and must be elected on the first Wednesday of May in session years, otherwise they are appointed by the president pro tem of the Senate and speaker of the House. Meetings are held quarterly, and members serve without compensation but receive mileage for attendance at meetings.

Major specific powers of the council are to make, or have made under its supervision, all studies and investigations submitted to it by the General Assembly, and to submit its report and recommendations concerning them to the General Assembly; to supervise the work of any special commission created by the General Assembly; to supervise the negotiation of interstate compacts; to appoint advisory committees consisting of members of the General Assembly or others and requisition the services of members of the Assembly, department heads, the legislative reference department, and state employees to accomplish its purpose.

Indicative of the type of work being done by the Connecticut council are recommendations submitted to the 1945 General Assembly on such matters as a pre-session conference of the legislature, primarily to orient new members; improvement of the procedure relating to introduction and passage of bills; the governor's veto power; annual sessions of the legislature; and veterans' affairs.

The legislative reference service and bill drafting agency in Connecticut both cooperate with the Legislative Council but neither is closely allied to it.

Illinois. The Illinois Legislative Council, established in 1937, is composed of ten senators appointed by the president of the Senate with the consent of the executive committee, ten representatives appointed by the speaker of the House, and the presiding officers of the two houses serving ex officio. Members of the council receive no compensation except a travel allowance when attending meetings which are held at least quarterly.

The statute creating the Illinois Legislative Council imposes upon it the duty of collecting information concerning the government and general welfare of the state, of examining the effects of constitutional provisions and previously enacted statutes, and of considering important issues of public policy and questions of state-wide interest. The council is also authorized to prepare a legislative program in the form of bills or otherwise, to be

presented to the General Assembly. On a number of occasions, a newly enacted statute or resolution has assigned additional fact-finding functions to the council. Only during the first biennium after its founding in 1937 did the council attempt to formulate a program in the form of bills, and even these bills were submitted only with a recommendation that they be considered. Since then the council has let the research and its memorandum reports constitute its program, to be implemented as individual members see fit to introduce legislation.

Practically the entire appropriation made to the council is devoted to the operation and maintenance of the Illinois Research Bureau which studies all problems submitted to it by the council. Reports completed by the bureau are presented to the council for consideration. No reports are released except with the approval of the council. Whenever requested to do so, the research staff of the bureau works closely with legislative standing committees. The council also aids interim committees created by statute.

Indiana. The Legislative Advisory Commission, established in 1945, is the legislative council in Indiana. It is one of the smallest of the existing legislative councils, consisting of three senators and three representatives selected by the presiding officer of the respective houses who serve as ex officio members. The senators and representatives are chosen under the provision that not more than two members from each house shall be members of the same party. Meetings are held upon call, and members of the commission receive a per diem of \$10.00 in addition to reimbursement for expenses incurred.

It is the duty of the commission to collect information concerning the government and general welfare of the state, examine the effects of previously enacted statutes and recommend amendments thereto, and to instruct the director of the Indiana Legislative Bureau as to what research and investigation is to be conducted by the bureau. It also has the duty of studying programs designed to improve legislative procedures, to increase the effectiveness of administrative organizations, to eliminate waste and overlapping functions, and to institute economies in state government generally. The commission reports to the General Assembly and may draft tentative bills as it deems advisable for the information of and consideration by the full legislature.

The commission has a supervisory relationship to the Indiana Legislative Bureau which is the counterpart of a research department of a legislative council in other council states. The bureau's duties include research and the securing of information for the legislators, bill drafting, and the preparation of measures for the General Assembly "which will improve the form and wording of and reduce the size of the statutes of this state, and classify, reconcile and codify their provisions."

Kansas. The legislative council in Kansas, created in 1933 as the first of the legislative councils, consists of ten senators and fifteen representatives, appointed by the president of the Senate and speaker of the House of Representatives during each regular session of the legislature. The presiding officers of both houses are ex officio members and serve as chairman and vice-chairman, respectively. Members of the council receive a per diem of \$3.00

in addition to reimbursement for expenses incurred.

In general the duty of the council is to collect information concerning the government and general welfare of the state; to examine the effects of previously enacted laws and recommend amendments thereto; to prepare a legislative program in the form of bills or otherwise, as in its opinion are required, and to present such a program at the next legislative session. The council is to study possible consolidations in state government, elimination of duplicate activities in personnel and equipment and to cooperate with the administration in devising means of enforcing the law and improving the effectiveness of administrative methods.

In addition to the normal powers assigned to legislative councils, the Kansas Legislative Council may require each officer or agency of the state or of a local government to make any needed studies for it.

The council maintains its own research bureau which performs its detailed work and works closely with the Office of Revisor of Statutes and the Kansas State Library in obtaining legislative reference and research materials. The revisor's office is also responsible for bill drafting, and the revisor, in addition, is secretary of the council.

The legislative council idea was proposed in Kansas primarily for the purpose of reducing the quantity and improving the quality of legislation. To date, it appears that although the total number of bills may not have been materially reduced, the preliminary gathering of facts on major issues eliminates the necessity for introducing a great many bills covering all possible solutions of the same subject. The bills are well-drawn and ample time is had to consider all phases of the legislation. There has been a significant reduction in the number of bills introduced during the last three days before the deadline for introduction of bills, and the legislative jam at the close of the session has been reduced, at least as far as major bills are concerned.

Normally, a problem is brought before the council in the form of a "proposal" which is a brief and general statement of the objective sought. There may be an accompanying bill or supporting evidence. Proposals are received from the governor, legislators, and citizens, as well as from members of the council. Usually, these proposals are referred to established subcommittees of the council for study and analysis before they are considered by the council as a whole. When a committee decides to recommend a proposal to the council for consideration, a bill covering the subject is also prepared. The council normally postpones final consideration of detail until shortly before the legislative session.

The council has followed the practice of requiring a two-thirds affirmative vote before recommending legislation on specific problems or submitting drafts of proposed bills, while general reports and research materials without specific recommendations are submitted to the legislature upon a majority vote of council members.

Kentucky. The legislative council in Kentucky, created in 1935 and reorganized in 1948 as the Legislative Research Commission, in addition to

having the customary functions of other councils, is empowered to encourage and arrange conferences with officials of other states, to carry forward the participation of Kentucky as a member of the Council of State Governments, and to formulate proposals for cooperation with other states. In this capacity, it acts as a commission on interstate cooperation.

The Legislative Research Commission has the authority to appoint a director who may employ a staff to carry out the activities of the commission which also include the maintenance of a legislative reference room and working library for members of the legislature.

Membership on the commission consists of the governor, who is ex officio chairman, president pro tem of the Senate, speaker of the House, and the majority and minority floor leaders of the Senate and House. The members receive a per diem of \$15.00 in addition to reimbursement for travel expenses.

Maine. The legislative council in Maine, known as the Legislative Research Committee, was authorized in 1939 and was reorganized by legislative act in 1947. It is made up of three senators and seven representatives appointed by the president of the Senate and the speaker of the House. Council members are paid actual expenses plus a per diem of \$10.00, but they receive no per diem for meetings held while the legislature is in session.

Functions assigned to the Legislative Research Committee are to collect information concerning the government and general welfare of the state; to examine the effects of constitutional provisions and previously enacted statutes and recommend amendments thereto; to study the possibilities for consolidation in state government, for elimination of all unnecessary and duplicated activities, for coordination of departmental activities, and for promotion of efficiency and economy in government; and to assist the legislature in the proper performance of its functions by providing its members with impartial and accurate information concerning legislative problems. Each state department and state official is required to cooperate with the committee, while the governor is invited to inform the committee of his legislative program and of the general policies of the administration.

The committee has the authority to employ a director of research whose major functions are to provide a comprehensive research and reference service on legislative problems; to prepare reports on the political, social, and economic effects of proposed or enacted legislation when directed by the committee or by either house of the legislature; to cooperate with any interim committee or other agency created by the legislature or the governor; to assist any agency appointed to revise any or all of the statutes of the states; to furnish to the legislators the assistance of expert draftsmen of legislative bills; to prepare an index for printing the legislative session laws; to separate public from private and special laws and to prepare cumulative tables showing the effects of subsequent legislation upon the general laws previously enacted; to direct the printing and distribution of the public laws after each legislative session; and to make specific recommendations to the legislature for keeping the state laws continuously revised.

Maryland. The Maryland Legislative Council, established in 1939, consists of twenty members. Representing the Senate are the president, chairman of the finance committee, chairman of the judiciary committee, floor leader of the minority party, and six other senators (one of whom must be of the minority party) appointed by the president subject to Senate approval. Representing the House are the speaker, chairman of the ways and means committee, chairman of the judiciary committee, floor leader of the minority party, and six other House members (one of whom must be of the minority party) appointed by the speaker subject to House approval. To the extent possible, the appointments to the legislative council must be made with a view to representing all sections of the state, and to representing political parties in proportion to their strength. The president of the Senate serves as chairman and the speaker of the House as vice-chairman. Members of the council are paid a per diem of \$20.00 and traveling expenses.

The functions of the Maryland Legislative Council are similar to those customarily assigned to other councils. Recommendations of the council and research reports pertaining thereto must be published at least thirty days prior to any session of the legislature at which such recommendations are to be submitted.

Research and bill drafting for the council are performed by the Department of Legislative Reference, a department originally created for use of the Baltimore city council and city officials but whose duties were extended to include service to the General Assembly and state officials. The director of the department is also research director and secretary of the Legislative Council.

Minnesota. In 1947, Minnesota adopted a form of legislative council on what may be considered an experimental basis in that the legislative act has a four-year limitation. The council, called the Legislative Research Committee, comprises nine members from each house who receive no compensation in addition to their legislative salaries other than reimbursement for actual expenses incurred in connection with their work on the committee.

The committee is directed to appoint a research director and other personnel as may be deemed necessary. The functions of the committee are limited to fact-finding, and it is not authorized to formulate specific legislative proposals. Several legislative problems have been referred to the committee by resolution, including such topics as reassignment of functions to state administrative agencies, uniform state building code, building program for state institutions, and the general tax structure of the state.

Missouri. The Committee on Legislative Research, established in 1943, is the legislative council in Missouri. It consists of ten members appointed from the Senate by the president pro tem and ten members appointed from the House by the speaker. No major party may have more than six members identified with its party appointed from either house. The committee normally meets four times a year but an executive committee, composed of four senators and four representatives and charged with the responsibility of directing the activities of the committee, meets much more frequently. Council members are paid no compensa-

tion other than their salaries as members of the General Assembly. However, they do receive mileage and expenses while attending meetings, except that no member may receive more than \$250 for such expenses during the term of his appointment.

The Missouri law directs the committee to provide a research and reference service on legislative problems. Upon written request it is required to make such investigation into legislative and governmental institutions of the state or other states as would aid the General Assembly; to assist and cooperate with any interim legislative committee or commission created by the General Assembly; and to draft, or aid in drafting, bills, resolutions, memorials and amendments, and render any other service in connection therewith for any member of the General Assembly.

Recognizing that research should be its major function, the committee has established a highly integrated bureau combining research and bill drafting services. The director of the bureau also serves as secretary of the committee. Although the statute creating the committee authorizes recommending of legislative action, the committee has not made recommendations in any of its reports to date but has merely presented factual information with the thought that such information would be a valuable guide to desirable legislation.

Nebraska. The legislative council in Nebraska consists of sixteen legislators chosen by the unicameral legislature. The speaker must be one of its members. Created in 1937, the duties of the council include the collection of information concerning the government and general welfare of the state, the examination of effects of previously enacted statutes and recommendation of amendments thereto, the preparation of a legislative program in the form of bills or otherwise, and the establishment of a bill drafting service. In addition, it studies taxation, the effectiveness of administrative methods, and the merit system as it relates to state and local government employees.

Members of the council receive no compensation but are reimbursed for actual expenses incurred in the performance of their duties. The council is directed to meet as often as may be necessary, and at least twice a year. This is less frequent than the quarterly meetings common to other councils.

Bill drafting and reference service in Nebraska are combined and performed directly under the authority of the legislative council.

<sup>now</sup> Nevada. The Legislative Counsel Bureau in Nevada, established in 1945, is comprised of two members each from both houses of the legislature who serve without compensation except for necessary travel expenses. The bureau has the authority of appointing a legislative counsel who is charged with the collecting of information concerning the state government and its cost, and matters pertaining to the general welfare of the state; the examining of the effects of previously enacted statutes; and the dealing with important issues of public policy and questions of state-wide interests. The legislative counsel is authorized to prepare a legislative program in the form of bills

or otherwise, as in "its" opinion the welfare of the state may require,<sup>2</sup> to be presented to the next session of the legislature, and to establish and maintain in cooperation with the attorney general preceding any legislative session a bill drafting service for the purpose of aiding and assisting members of the legislature in the preparation of bills, resolutions, and similar legislative measures.

The legislative counsel is required to prepare a report on the results of his survey and his recommendations, to be made available to the members of the legislature at least thirty days prior to a legislative session. In addition he is directed to report periodically on the progress made to the legislative members of the bureau.

All other departments and agencies of the Nevada government are directed to make available to the legislative counsel the books, papers, information, and records of a public nature under their control.

The functions of the bureau are similar to those provided for other legislative councils; however, these functions are performed by the head of the bureau, the legislative counsel, who is appointed by the members comprising the bureau.

North Dakota. The Legislative Research Committee in North Dakota was created in 1945. The statute creating it differs slightly from the typical law in that it directs the committee to study and promote uniformity of legislation in the United States through cooperation with other states and with the Commissioners on Uniform State Laws. There were no research facilities available to the members of the North Dakota legislature prior to the establishment of this legislative council. The committee is authorized to select a research director and employ such other persons and obtain the assistance of such research agencies as it may deem necessary.

The committee consists of five senators and six representatives chosen biennially before the close of each regular legislative session. In the House of Representatives, committee members are chosen from a list of nine recommended by each political faction and are divided equally between such factions. In the Senate, members are chosen by the lieutenant governor, three from the majority faction and two from the minority, such members being chosen from a list of seven recommended to him by each faction.

Meetings of the committee are required at least quarterly and on call by the chairman or on a call signed by seven members of the committee. The members receive \$5.00 per day and actual expenses incurred in attending meetings and performing their official duties.

Oklahoma. The 1939 session of the Oklahoma legislature authorized a

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<sup>2</sup>In other states the council as a body is empowered to prepare a legislative program as in its opinion the welfare of the state may require.

legislative council consisting of ten senators and fifteen representatives in addition to the president pro tem of the Senate and the speaker of the House as ex officio members. The regular members from each house were to be appointed by the presiding officers, subject to majority approval by each house. Members were to be chosen in such way as to give representation to each congressional district. The secretary of the Senate was designated secretary of the council, and the council was authorized to call upon the state library to render legislative reference services and employ such assistants as it might deem necessary. Members of the council were to receive \$6.00 per day for actual service in addition to mileage and other necessary expenses.

Duties assigned to the council were to collect information concerning the government and general welfare of the state; to examine the effects of previously enacted statutes and to recommend amendments thereto; to prepare, in the form of bills or otherwise, a legislative program for the state legislature; to investigate the possibilities of reorganizing the state government in the interest of efficiency and economy; to investigate the possibilities of reforming the system of local government; and to cooperate with the administration in devising means for improving the effectiveness of administration. The governor was authorized to keep the council informed of administration policy and to send suggestions and recommendations to the council.

The provisions of this legislative act were activated by the 1947 legislature in Oklahoma. This same legislative session also authorized an appropriation for a special legislative committee to study the problem of financing the public schools even though legislative councils usually remove the necessity of special legislative investigating and research committees.

Pennsylvania. The legislative council in Pennsylvania is known as the Joint State Government Commission, established in 1937 and composed of twelve senators, twelve representatives, the president pro tem of the Senate, and the speaker of the House. The members are appointed by the presiding officers of each house and receive \$10.00 per day for mileage and expenses.

The commission is directed to investigate agencies and officers of the state and local governments, and to study their problems; to prepare reports for the use of the legislative branch of the government, seeking to improve the administrative organization of the state and local governments, to eliminate waste and overlapping functions, and to institute economies; to suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis; to gather budget information for the use of the General Assembly; to make such other investigations and studies and to gather such other information as may be deemed useful to the General Assembly; and from time to time to report its findings and recommendation to the General Assembly, accompanied with such drafts of legislation as it deems necessary for consideration by the General Assembly.

The commission has the power to appoint members of the General Assembly to serve on subcommittees it may create for the purpose of making investigations and studies, and to designate persons, other than members of the General Assembly, to act in advisory capacities.

Utah. The Utah Legislative Council, authorized in 1947, consists of the president of the Senate and four senators appointed by him; the speaker of the House and four representatives appointed by him; and three non-legislators appointed by the governor, president of the Senate, and speaker of the House, respectively. Party representation on the council must be in approximate proportion to party membership in the two houses. Council members receive no compensation but are reimbursed for actual expenses incurred in connection with their work.

The council is authorized to appoint its own secretary who also serves as Director of Reference and Research. The council collects information concerning the government and general welfare of the state; examines the effects of previously enacted statutes and recommend amendments thereto; prepares a legislative program in the form of bills or otherwise; investigates the possibilities of state administrative reorganization; investigates and studies state revenues and expenditures; cooperate with the legislative and judicial departments of the state government in devising means of enforcing the law and improving legislative enactments, administrative methods, and court procedures; performs the duties of the Interstate Cooperation Commission; performs the duties of reference attorney to the legislature; drafts bills for the legislators; and performs all other tasks assigned to it by the legislature.

Virginia. The legislative council in Virginia, one of the smallest in membership, is called the Virginia Advisory Legislative Council. It is comprised of four senators and five representatives, appointed by the presiding officers of each house. Members receive a per diem of \$10.00 and actual traveling and hotel expenses while attending meetings and performing their official duties.

The council has no authority to initiate proposals for legislation. It studies, reports upon, and makes recommendations for legislation only on such subjects as are assigned to it for study by the General Assembly or by the governor.

Research and bill drafting activities in Virginia are closely integrated with the council, the director of the research division serving as secretary of the council.

Washington. The Washington Legislative Council was authorized by legislative act in 1947. Its membership consists of the president pro tem of the Senate and nine senators appointed by him, and the speaker of the House and ten representatives appointed by him. The appointees are subject to confirmation by the two houses, respectively. For the entire membership of the council, the law requires at least one representative from each congressional district within the state, and no one political party may have more than twelve members on the council. Members of the council are paid a per diem of \$15.00 and traveling expenses. The expenses of the council are to be met from the funds appropriated for general legislative expenses or from any special appropriation which may be voted for the legislative council.

The council, in addition to its serving as the Commission on Interstate

Cooperation, is to perform all duties and functions customarily delegated to special interim legislative committees; study the state administrative organization and procedures and recommend such changes as will promote efficiency and economy; examine and report on the condition of all state funds; and appropriations with regard to whether legislative restrictions are being observed and whether revenues are adequate for the expenditure program; and make such other studies and examinations of state government as it may find advisable. The governor and other state officials may send suggestions and recommendations to the council at any time.

Wisconsin. The Joint Legislative Council of Wisconsin was created in 1947 and has a membership of five senators and seven representatives who are appointed in the same manner as are the standing committees of the two houses. Two representatives are appointed from the state at large, while of the remaining five, not more than one may come from the same congressional district. This same restriction applies to the Senate membership on the council. Council members receive no compensation other than their legislative salaries but are reimbursed for expenses actually and necessarily incurred in the performance of their duties.

The council is authorized to appoint to subcommittees legislators who are not members of the council and also private citizens who have special knowledge of specific subjects under consideration.

Major duties assigned to the council are to make such surveys and studies as may be assigned by the legislature; to compile such data and information as may be asked for apart from the major studies; to collect data on all aspects of government and general welfare; to make recommendations for administrative or legislative action; and to serve as a liaison agency between the various levels of government. The law specifically states that the list of duties and functions set forth is not to be considered as a limitation upon the council.

Wyoming. The legislative council in Wyoming, known as the Legislative Interim Committee, was created in 1947 to gather, study, and formulate information concerning long-range legislative programs, including additions to or amendments of existing Wyoming statutes, especially those necessitating clarification on revenue laws, election laws, and such phases of the Wyoming school situation as redistricting, consolidation and more advantageous production or distribution of school revenue.

The committee is composed of five senators and five representatives appointed by the leaders of the two houses. The members receive the same per diem in addition to statutory mileage as is provided for legislative service for each day of actual engagement in committee activities.

## APPENDIX II

### State-by-State Summary of Functions and Services Rendered by Legislative Reference Agencies<sup>1</sup>

Alabama. The Legislative Reference Service in Alabama, created in 1945, was designed to provide a research and investigating service for both the Alabama Legislative Council and other members of the legislature. It serves also as a bill drafting agency. In addition, the service is authorized by law to make its research resources available to any state or federal agency, local government agency, private organization, or any citizen requesting its assistance. In performing these functions, it acts under the supervision and direction of the legislative council.

The Legislative Reference Service was intended to be much more than a service agency. It is authorized to make studies and reports on problems of state and local government on its own initiative. It is also authorized to make recommendations on its own initiative to the legislative council for any legislation it deems desirable. These provisions of the law make the service an organization for initiating legislation based upon research and demonstrated need.

Another provision of the law makes mandatory "a continuous analysis of the scope, effect and methods of federal, state and local government operations in Alabama."

A final responsibility placed upon the Legislative Reference Service by the act creating it is the requirement that it conduct a continuous compilation and codification of the statute law, and that it present this work to the legislature from time to time for adoption as the official Code of Alabama.

Arizona. The Legislative Bureau of the Department of Library and Archives in Arizona conducts an inquiry service for legislators, administrative heads, and private citizens. Assistance in the preparation of bills is available, and bill drafting is done for members of the legislature and state officials. Material of interest to legislators and government officials is also compiled.

Arkansas. The archives of the State History Commission in Arkansas furnishes information to legislators and public officials on subjects of legislative interest and maintains a file of all bills introduced into the legislature.

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<sup>1</sup>Based on Council of State Governments, The Book of the States, Supplement, 1947, pp. 14-108, and supplemented with current data.

The Bureau of Legislative Research in Arkansas was established in 1947 in connection with the legislative council. The director of the bureau serves as secretary of the council. He is in charge of research and also is designated liaison officer of the legislative and executive branches of government. Bill drafting is made the joint duty of the legislative council and the law department of the University of Arkansas. Chief responsibility is placed upon the director of the bureau and the dean of the law school.

California. The Law and Legislative Reference Section of the State Library collects and catalogs material and serves as a research agency.

The Office of the Legislative Counsel of the California Legislature drafts bills and renders opinions to members of the legislature and state officers in connection with proposed or pending legislation. It also indicates any deficiencies in form of measures introduced in the legislature and prepares indexes and digests of bills introduced and enacted. The indexes and chronological tables in the bound volumes of the statutes are prepared by the office. The legislative counsel is the secretary to the California Code Commission and members of his staff prepare the proposed codifications of the California statutory law for the commission.

Colorado. The Legislative Reference Office of the Attorney General's Department in Colorado conducts research on the operation of Colorado statutes and those of other states and keeps progress reports on bills introduced in the legislature. Upon request it advises as to the constitutionality or probable effect of proposed legislation, drafts bills, and conducts research on subjects of probable interest at forthcoming sessions. The office checks all bills for observance of all legislative procedural requirements.

Connecticut. The State Library acts as a reference library for state officials. Laws, journals, department reports, and bills from other states are filed as well as official typewritten copies of stenographers' notes taken at the hearings of legislative committees. A complete series of record cards on each bill gives its history and present status. Special reference lists on important questions are prepared.

The Legislative Research Department, established in 1947 under the direction of a legislative commissioner, performs bill drafting and renders advisory services to the Connecticut Legislative Council, and consolidates and codifies all the statutes and public acts.

Delaware. The Legislative Reference Bureau in Delaware was created in 1945 and is supervised by a committee composed of the governor, president pro tem of the Senate, and the speaker of the House. The bureau engages in bill drafting, in research with respect to the subject matter of proposed legislation, recommends such revision of legislation as may be considered necessary, and functions as a reference bureau for all matters pertaining to legislative subjects.

Florida. The State Library of Florida furnishes reference service to legislators in so far as facilities permit. The service rendered is of reference rather than research, since no provision is made for research, and none of the staff devotes full time to legislative reference work. Bill drafting is done largely by the attorney general's office. The secretary of the state keeps a file of all bills introduced in the legislature. This file is accessible to, and used by, the State Library.

Georgia. The State Library compiles information for the use of legislators and the general public. Research is conducted, and legislation is summarized. A card index, by subject, of all legislative bills of public interest has been building since 1914, and a card catalog is kept of material of interest to legislators.

Idaho. There is no department devoted exclusively to legislative reference service.

Illinois. The Legislative Reference Bureau in Illinois prepares most of the bills introduced in the legislature, conducts research upon legislative subjects, and maintains a legislative reference library. The bureau assists the legislature in all phases of its work. It also publishes a weekly cumulative digest of all bills and resolutions introduced which includes a record of their legislative progress.

Indiana. The duties of the Legislative Bureau in Indiana include the maintenance of a library on legislative and other public questions; maintenance of a file of all bills introduced in the legislature, as well as pertinent bills from other states; the preparation of a periodical digest of legislation, with daily action thereon; the editing and indexing of the acts of the legislature; drafting of legislation; research and the securing of information for the legislators; keeping the House and Senate Plat; and seating the members of the legislature. The bureau works with special commissions of the legislature on codification of laws and the redrafting of the state constitution.

Iowa. The Legislative Reference Bureau of the State Law Library in Iowa conducts an inquiry service for all persons seeking legislative information. It prepares subject indexes of legislative material, as well as digests of bills pending and the statutes of other states. Research is undertaken at the request of legislators. Bill drafting is done upon request, although the attorney general and code editor also assist in the work.

Kansas. The reference department of the Kansas State Library maintains an index of all legislation and keeps a file of all reference materials. During legislative sessions, the library maintains a special index of bills. This record is kept current daily and includes the status of every bill which has been introduced. In addition, there is a cumulative card file showing

similar information on all bills which have been introduced in Kansas since the 1909 session.

Research in the economic, social and governmental aspects of current state problems is done by the research department of the Kansas Legislative Council. In addition to formal research reports, the department has extensive files of research information which has been compiled under direction of the legislative council and its committees.

The Office of the Revisor of Statutes collects information, assists in bill drafting, and supervises statutory revision and compilation. It also participates in the drafting of committee amendments and drafts bills for the legislative council in advance of the legislative sessions.

Kentucky. Two agencies provide legislative reference service in Kentucky. The Department of Library and Archives renders assistance to the legislative council and to the legislators. It aids in finding source material for the drafting of bills, keeps a file of all bills introduced, and prepares a legislative digest. Laws and statutes of other states are made available. Bill drafting is performed by the Statute Revision Commission which also does some research in connection with requests for specific legislation. The commission submits an analysis to the legislature of what effect any proposed bill would have on existing statutes and indicates any deficiencies of form in proposed bills.

Louisiana. There is no formal department officially designated to furnish legislative reference service in Louisiana. The library facilities are very limited since the Law Library is located in New Orleans, where it can serve as a law library for the supreme court, instead of in the capitol at Baton Rouge, but every assistance possible is furnished. The fact that the library has no legal documents except a few session laws makes the work very difficult. No legislative research work is done, but an attempt is made to locate reports and materials from which legislators may find pertinent data. Bill drafting is referred to the attorney general's office.

Maine. Past and pending legislation is indexed and digested for the benefit of legislators and others interested in public questions by the Legislative Reference Bureau of the State Library in Maine. Copies of bills introduced in the legislature are filed and indexed. Studies of legislation in other states are prepared and made available to all interested citizens.

The legislative council in Maine, known as the Legislative Research Committee, conducts research on legislative problems, and its research department provides bill drafting services as well as maintains a continuous system of statutory revision.

Maryland. An inquiry service is maintained for all branches of government by the Department of Legislative Reference in Maryland. A careful index has been kept of each bill introduced into the legislature and of each ordi-

nance introduced into the city council since 1908. The department makes a seasonal digest of bills by subject matter and keeps a comprehensive card index. It drafts a large percentage of bills and ordinances and is custodian of official records, documents, and archives of the City of Baltimore. The attorney general drafts purely administrative measures. The director of the department serves also as the secretary and director of research of the Maryland Legislative Council.

Massachusetts. Research is carried on by the Legislative Reference Division of the State Library. The offices of the Counsel to the House and Counsel to the Senate are agencies for drafting and revising bills and for continuous consolidation of the laws.

Michigan. The Legislative Service Bureau in Michigan conducts legislative research work and bill drafting, and maintains an inquiry service, a compilation of statutes, and numerous other services of similar nature for legislators and government departments.

Minnesota. No formal department has been officially designated to render legislative reference service in Minnesota. Some legislative reference work is performed by the State Library. Bill drafting is done by the legislators themselves, by the attorney general, by members of the law faculty of the university, and by hired attorneys. The Office of Revisor of Statutes is charged with statutory revision.

The Legislative Research Committee, the legislative council in Minnesota, gathers information and provides material to be used by legislators in their work.

Mississippi. There is no official legislative reference department in Mississippi. An extensive legal and general library is maintained in the State Library, and during legislative sessions special attention is given to legislative work. A source bibliography is kept as well as a comprehensive file of current legislative problems. The attorney general's office furnishes bill drafting services.

Missouri. The Committee on Legislative Research, the legislative council in Missouri, is directed by law to provide a research and reference service on legislative problems. It has a technically trained staff to supply members of the legislature research and bill drafting services. It also maintains a legislative library for members of the legislature and the public. The director of the highly integrated bureau also serves as secretary of the Committee on Legislative Research.

Montana. The Legislative Reference Bureau of the State Law Library in Montana performs library service and legislative research for legislators and state officials. A file is kept of all bills introduced, and an index is

prepared at the end of the legislative session. The law clerks for the legislature use the facilities of the library and bureau in their bill drafting. The librarian and reference librarian assist in matters of research and in helping the legislative clerks to secure information needed in their work.

Nebraska. In addition to its research program for the legislature, the Legislative Council in Nebraska maintains a legislative reference library and a bill drafting service, and a file is kept of all bills introduced. The revisor of statutes assists in the drafting of bills. The council also prepares digests of bills for legislative committees upon request.

Nevada. The Law and Legislative Reference Section of the Nevada State Library collects and catalogs material. The Office of the Legislative Counsel makes a general survey of all offices, departments, institutions, and agencies of state government with particular attention to their respective functions, staff, and needs for funds. Duties of the Office of the Legislative Counsel are described more in detail in Appendix I.

New Hampshire. Studies of legislation, digests, and bibliographies of interest to legislators, officials, and others concerned with state government are prepared by the Legislative Service of the State Library in New Hampshire. It also keeps copies of all bills introduced in the legislature and a daily record of the status of each bill throughout the legislative session. Interested persons are notified on request of hearings on specific measures. Bill drafting and revision of statutes are functions of the office of the attorney general.

New Jersey. The legislative reference bureau in New Jersey was established in 1945 within the Law Library of the Division of the State Library, Archives and History of the Department of Education. However, no research is conducted, material being made available to the inquirer. Copies of all bills and amendments are kept, and a corrected record of their status is maintained. At the close of each legislative session a descriptive list of all laws enacted is compiled and printed. Bill drafting service is performed by the Law Revision and Bill Drafting Commission when requested by legislators or state departments.

New Mexico. The New Mexico Legislative Reference Bureau, established by statute in 1937, was abolished by the 1941 session of the legislature.

New York. The Legislative Reference Section of the New York State Library is primarily an agency for research, rendering services to legislators, state officials, and private citizens. The Legislative Bill Drafting Commission of the New York legislature aids in drafting bills, resolutions, and amendments upon specific request. It examines existing laws and reports upon measures necessary to bring the consolidated laws up to date.

North Carolina. The many services performed by the Division of Publications of the Department of State include an inquiry service; publication of an abstract of votes by counties, a list of members of the legislature, a directory of state and county officials, and a court calendar; and the drafting of bills. The division also compiles information for use by the legislature and other officials of the state, counties, and cities; maintains an index of public bills; publishes the biennial North Carolina Manual; and collects and distributes North Carolina departmental publications.

North Dakota. Prior to the establishment of the Legislative Research Committee in 1945, there were no research facilities available to North Dakota legislators. The committee, which serves as the legislative council in North Dakota, employs a research director who is delegated the task of compiling information on any subject a legislator may desire or which the legislature may designate. Bill drafting service is also provided.

Ohio. The chief function of the Legislative Reference Bureau in Ohio is bill drafting. It also prepares briefs on the constitutionality of proposed legislation; compiles several digests of laws each year; maintains an inquiry service and a reference file of bills, including bills obtained through exchange agreement with other states, and a subject index of all bills introduced, with a record of their status. Research is conducted on subjects of interest to legislators. The bureau drafts ninety per cent of all bills and resolutions introduced.

Oklahoma. Shortly before each session of the Oklahoma legislature convenes, every member is asked to indicate the subjects of legislation in which he is interested. Acting in accordance with these replies and later requests, the State Library conducts research, compiles and collects materials, prepares digests, etc., for use of the legislators. Bills are drafted on request. A file of all printed legislative documents is constantly maintained, and the original bills introduced are received by the State Library for permanent filing at the close of each legislative session.

Oregon. The Oregon State Library maintains an index of legislative material. Research is conducted upon request. The Legislative Service and Reference Bureau of the University of Oregon, which is a semi-official bureau directed by heads of five university departments, conducts investigations, makes reports, and drafts bills upon request. The attorney general and his staff draft bills and advise legislators upon the validity of proposed measures. The Supreme Court Library renders research and library service.

Pennsylvania. The Legislative Reference Bureau of Pennsylvania drafts most of the bills introduced in the legislature and for various departments of the Commonwealth and maintains a legislative reference and inquiry service. A file is kept of all bills, classified according to subject, as well as a file of reports of departments, boards, and commissions, and other public documents. The bureau also prepares the indexes for bound volumes of laws

and the chronological tables appearing therein. Topical codification of existing laws are prepared for introduction as directed by the legislature. The Pennsylvania Register which contains all rules and regulations issued by the administrative agencies of the Commonwealth is published by the bureau.

Rhode Island. The Legislative Reference Bureau of the State Library in Rhode Island furnishes a complete legislative reference service. It supplies information on the laws of other states, on legislation enacted in Rhode Island at any time, and maintains ready reference to legislative material. Pending legislation in Rhode Island and several other states is available. Bills are drafted, and factual information supplied on municipal as well as state problems.

South Carolina. There is no separate section of the State Library devoted to legislative reference work, and no appropriation for such service. However, to a limited extent, material is made available to legislators, and a subject file of bills introduced is maintained. The attorney general drafts bills upon request during legislative sessions. The code commissioner makes a continuous revision of the South Carolina Code and indexes the statutes after each legislative session.

South Dakota. No legislative reference service has been established in South Dakota. The State Historical Society is often called upon to furnish information.

Tennessee. There is no official department of the state government which furnishes legislative reference service.

Texas. The Legislative Reference Division of the Texas State Library conducts research upon request. A daily history of bills introduced is kept during legislative sessions and a card catalog containing page references to the daily journals. Bill drafting is done by the attorney general's office. The supreme court gives library service on legal matters, and the secretary of state's office answers general factual inquiries.

Utah. No legislative reference work was available in Utah prior to the establishment of the legislative council in 1947. The secretary of the council serves as director of reference and research. Information, research, and bill drafting services are now provided.

Vermont. The Legislative Reference Bureau of the Vermont State Library collects material of interest to legislators and keeps a complete card index of bills. It conducts inquiries upon request and prepares a biennial "Preliminary Legislative Manual". It assists the legislative draftsmen, and, at the end of each legislative session, edits and publishes a cumulative index of the laws passed and a table of changes made in existing legislation.

Virginia. The Division of Statutory Research and Drafting of the Governor's Office in Virginia prepares indexes, lists, and digests of legislative material. A file is kept of all bills, committee reports, and documents. Research is conducted, bills are drafted, and advice given as to the constitutionality or probable legal effect of proposed legislation, upon request of the governor or of any member of the legislature. The activities of this division are closely integrated with the legislative council in Virginia, the director of the division serving as secretary of the council.

Washington. Both the State Library and the State Law Library in Washington undertake legislative research upon request. A file of bills introduced is kept. Bill drafting services are provided by the attorney general and his staff.

West Virginia. No legislative reference or bill drafting service has been officially organized in West Virginia, and no specific appropriation has been made for the service.

Wisconsin. The Legislative Reference Library in Wisconsin furnishes complete legislative reference service. Its major services are three: factual reference work, bill drafting, and editing the Wisconsin Blue Book (state manual) and the Wisconsin Red Book (state administrative rules and orders). The latter is accomplished in cooperation with the Office of the Revisor of Statutes. The factual reference service consists of locating, compiling, and digesting information on pending or past legislation in response to specific requests. The bill drafting service involves the drafting of bills, resolutions and amendments for introduction in the legislature. The factual reference service is extended to private persons as well as members of the legislature, and to state and local officials. The bill drafting service is extended only to members of the legislature, and upon their written instructions. The Office of the Revisor of Statutes compiles and publishes the Wisconsin statutes.

Wyoming. Before each legislative session, the librarian of the State Library inquires from each legislator the subjects in which he is especially interested. This material is compiled and prepared for reference use. A file is kept of bills and laws from other states. Lawyers are employed by the legislature for bill drafting.

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