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# THE LEGISLATIVE COUNCIL MOVEMENT IN THE UNITED STATES

SIDNEY H. ASCH †

## I. LEGISLATIVE SERVICES IN THE UNITED STATES

THE last fifty years has seen a tremendous increase in the output of statutes by American legislatures. At the same time, the problems submitted to the legislators for resolution have presented social and economic issues of tremendous complexity. These developments have placed an enormous burden on the legislator. For this reason, since the turn of the century, different types of service agencies have been created to help legislators in their work. These agencies have supplied varied services having the general objectives of assisting the legislators in their tasks and in keeping down the costs of legislative enactment.

These legislative service agencies have generally taken the following forms: (1) reference and research assistance on any subject of legislation; (2) drafting of legislation; (3) statutory, code and law revision; (4) advance study of important subjects expected to come before future legislative sessions; (5) development of recommendations for legislative action; (6) continuous review of state revenues and expenditures and pre-session review of the budget; (7) post-audit of state fiscal operations.<sup>1</sup>

The first type of these agencies to be established was the Legislative Reference Library. Such agencies now exist in more than forty states. They provide many valuable services including one or more of the following: collection of data; quick research and advice; preparation of legislative manuals

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<sup>1</sup> COUNCIL OF STATE GOVERNMENTS, BOOK OF THE STATES 117 (1956); Asch, *New York Legislative Session—Resume of 1955 Statutes Enacted and Legislative Procedure*, 1 N.Y.L. FORUM 224 (1955).

and directories, indices and digests and all current and past legislative material; current information regarding the disposition of pending bills and news letters for legislators; help in drafting legislation; and last but not least, statutory revision.

The first integrated agency to furnish almost all of these services for the legislators was in Wisconsin. In 1901, following the creation of a legislative bureau within the state libraries of New York and Massachusetts, Wisconsin set up its model comprehensive reference library.

By 1917 a majority of states had followed the successful lead of the Wisconsin Reference Library and set up their own legislative reference agencies. The legislative service agencies differ from each other in their structure and function, varying from jurisdiction to jurisdiction. Most of them function within a state library. This structure is most usual when the agency does not have the function of bill drafting. Where the important part of the function of the reference agency is bill drafting it is separated from the state library. This is the case in Alabama, Delaware, Florida, Illinois, Indiana, Maryland, Michigan, Ohio, Pennsylvania and Virginia. Since bill drafting and statutory revision are probably the most technical legislative services, more than one-third of the states have created special agencies designed to carry on either or both of these activities. Among such states are California, Colorado, Connecticut, Florida, Kansas, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, Virginia, Washington and Wisconsin. In a number of other jurisdictions these two functions of bill drafting and statutory revision are part of the job of the legislative councils.

Statutory revision and codification, as the term is employed in most jurisdictions today, concerns itself chiefly with the correction of form or substantive revision for the purpose of classification and compilation of statutory law; excision of outmoded or invalid portions of statutes on the books; and to some degree, the reconciliation of conflicts and inconsistencies in the law.

Major changes in the substantive law requiring a reconsideration of social policy is done by legislative service agencies in only a few states at the present time. Chief examples are the New York Law Revision Commission which was set up in 1934; the New Jersey Law Revision and Legislative Service Commission; the General Statutes Commission in North Carolina; the State Law Institute in Louisiana, and the California Law Revision Commission, set up in 1953.

An important change in legislative services which has been taking place for a little more than a decade has been the establishment in a number of states of technical staff facilities under the supervision and responsibility of the legislature to provide a continuing analysis of state revenues and disbursements as well as an evaluation of the budget, in advance of the legislative session. Since the creation of the Joint Legislative Budget Committee in 1941 by California, with a staff headed by a legislative auditor, this has been emulated in more than one-third of the states which have established similar services for continuing fiscal investigation and review of the budget. This fiscal responsibility has been delegated to the Legislative Council, a subcommittee of the Council, or a committee of the Council or a staff serving the Council, in ten jurisdictions. They are: Arizona, Arkansas, Kansas, Maryland, Minnesota, Nebraska, Nevada, New Jersey, Ohio and Oklahoma.

On the other hand, Illinois, Massachusetts, New Hampshire, Texas, Washington and Wyoming have placed authority for this type of fiscal review in separate budget commissions, committees, or agencies created by the legislature for all other purposes. Thus, in spite of the fact that the last mentioned states all have legislative councils or agencies of a similar nature, so far as post-auditing by the legislature is concerned, there also have been significant changes in practice. By the beginning of this year, nineteen jurisdictions, including Alaska and Puerto Rico, had created such agencies; three of them were established in 1955, namely, those in California, Florida and Alaska. Proposed legislation to establish such agencies in West Virginia was vetoed last year. The Connecticut Auditors of Public Accounts was founded in 1702 and the Tennessee Department of Audit was

founded in 1835, demonstrating how well established this type of legislative service is in the United States.

The most important development in the growth of legislative services since the turn of the century has been the widespread acceptance of the idea of the legislative council. Today more than two-thirds of the states have set up agencies of this kind.<sup>2</sup> They appear to be providing more comprehensive and different types of services. Thus, in 1953, the Ohio legislature created an integrated legislative service commission. Similarly, this was done in New Jersey in 1954, with the creation of the Law Revision and Legislative Services Commission and in Kentucky, in 1954, where a number of functions were brought together with the Legislative Service Commission.

The expanded scope of legislative concern and the increased volume of legislative work have given impetus to the movement for legislative councils and interim legislative committees. Experience augurs well for the legislative council movement.

## II. LEGISLATIVE COUNCILS IN THE UNITED STATES

### A. *Development of the Legislative Council Movement*

In 1933 Kansas established the first legislative council in the United States. The services which it pioneered have continued to be outstanding both in the quality of its research

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<sup>2</sup> Legislative councils and council-type agencies: Ala., Legislative Council, 1945; Ariz., Legislative Council, 1953; Ark., Legislative Council, 1947; Colo., Legislative Council, 1953; Conn., Legislative Council, 1937; Fla., Legislative Council, 1949; Ill., Legislative Council, 1937; Ind., Legis. Advisory Comm'n, 1945; Kan., Legislative Council, 1933; Ky., Legis. Research Comm'n, 1936; La., Legislative Council, 1952; Me., Legis. Research Comm'n, 1939; Md., Legislative Council, 1939; Mass., Legis. Research Council, 1954; Minn., Legis. Research Comm'n, 1943; Mo., Comm. on Legis. Research, 1943; Neb., Legislative Council, 1937; Nev., Legislative Comm'n, 1951; N.H., Legislative Council, 1951; N.J., Law Rev. & Legis. Serv. Comm'n, 1954; N.M., Legislative Council, 1951; N.D., Legis. Research Comm'n, 1945; Ohio, Legis. Research Comm'n, 1943; Okla., State Legis. Council, 1939; Pa., Joint St. Gov't Comm'n, 1937; S.C., Legislative Council, 1939; S.D., Legis. Research Council, 1951; Tenn., Legis. Council Comm., 1953; Tex., Legislative Council, 1949; Utah, Legislative Council, 1947; Va., Advisory Legis. Council, 1936; Wash., State Legis. Council, 1947; Wis., Joint Legis. Council, 1947; Wyo., Legis. Interim Comm., 1943; Alaska, Legislative Council, 1953.

and program development. That very same year, a legislative council was established in Michigan. Unfortunately it was abolished in 1939 following a long history of political discord, abuse of privilege and inadequate technical staff for the purpose of research. An advisory legislative council has existed in Virginia since 1935. However, since this council cannot initiate ideas for legislation the Virginia council is much weaker than that in Kansas. However, it does turn out work of high quality, especially in its biennial report. As an advisory agency it only looks into the matters allocated to it for consideration either by the Assembly or by the Governor of the State. Although Kentucky established a legislative council in 1936, the council was terminated in 1948 when a new Legislative Research Commission embodying the authority of the council was set up.

In 1937 there were established legislative councils in Connecticut, Illinois, Nebraska and Pennsylvania. These are all well established councils. There was for a time a question as to the stability of the Pennsylvania legislative council since it depended upon renewal from session to session until 1943, when as the Joint State Government Commission, it became a permanent agency. In a similar way the Illinois Legislative Council was initially only given temporary status, but its original tenure of four years has been merged into permanency. As a matter of practical policy, in order to guaranty its permanency, it has avoided recommending specific legislative programs. This is in spite of the fact that it is authorized to prepare legislative programs. Nebraska follows the same practical policy although it, too, has the authority to prepare a legislative program.

Maryland and Oklahoma created their legislative councils in 1939. However, the Oklahoma agency did not function until 1947. Rhode Island created the legislative council in 1939 but it ceased functioning after minority members refused to participate. Maine established its Legislative Research Committee in 1940. And a decade after the creation of the first legislative council in the United States, Missouri became the eleventh jurisdiction to do so by creating a Committee on Legislative Research. Although it is called a committee it has the essential authority to carry on work of a

legislative council. In 1945 Missouri took the step by providing for a legislative council under its new constitution. Therefore, Missouri has the only council which is authorized directly by constitutional provision.

In 1945 legislative councils were brought into being in Alabama, Indiana, Nevada and North Dakota. In 1947 the legislative council movement continued by the creation of five new councils and the activation of the Oklahoma council. Included among these was the Arkansas Legislative Council which was created in 1947, but which did not receive the financial support of the state until 1949. Also, in the same year, the Legislative Research Committee of Minnesota, the Joint Legislative Council of Wisconsin and the Legislative Councils of Utah and Washington were established. At the same time Wyoming strengthened its Legislative Interim Committee by empowering it to prepare material relating to long-range legislative problems. Although this agency was not permitted to make specific recommendations at the time, in 1953 the legislature changed the law under which it operates so that it is instructed to make recommendations at each session of the legislature. Legislative councils were created in Florida, South Carolina, Texas and Ohio in 1949. Although the Ohio agency was called the Ohio Program Commission it carried out many of the functions of a traditional legislative council. New Hampshire, New Mexico and South Dakota established legislative councils in 1951. Louisiana established its council in 1952 and Arizona, Colorado, Montana and Tennessee established their councils in 1953.

### B. *The Legislative Council's Structure*

In most jurisdictions where the legislative council exists it has an extremely broad scope of activity. While it does not do away with the interim legislative committees it certainly cuts down on the need for the creation of such committees. Where there are interim committees operating in an area allocated to the legislative council it, of course, has been necessary for the legislative council to work with the interim committee in such a way as to minimize conflict. Experience has shown that generally the legislative councils have been

more objective in their approach and more influential in the obtaining of acceptance of their proposals by the legislature than have been interim committees. Since the interim committee is by its nature restricted to a limited problem or series of problems, and its duration is temporary, it cannot give the same kind of comprehensive consideration to the problems presented to it as can the legislative council which is permanent and more general in its responsibility. The Kansas Legislative Council has a membership of twenty-seven as compared with the smallest council, that of Nevada, with a membership of four. Three states followed the practice of including all the members of the legislature in the council. These states are Oklahoma, Nebraska and South Dakota. Most legislative councils have about fifteen members, generally selected by the presiding officers of the legislative houses. Generally, membership is predicated to some extent on the idea of party representation and the minority party receives minority representation. Where membership is not made by the presiding officers of the legislature, the legislature itself generally makes the selection.

There appears to be a correlation between the size of the appropriation to the legislative council and its effectiveness. The councils which have the reputation of being the most effective have the most substantial sums appropriated for their use. For the two-year period 1951-53 appropriations ranged from the low of \$5,000, for the New Hampshire council, to the high of \$300,000, for the Pennsylvania Legislative Council. The legislature in Louisiana appropriated \$60,000 a year for the period 1953-54. The new Arizona council received a biennial appropriation of \$100,000 for its operation beginning in July 1953.

Most councils have regular meeting dates and in addition, will convene when problems require meeting. Most states have meeting dates every quarter. The Maryland council meets twice a month and at times has two-day sessions. It should be borne in mind that many councils break down the subject matter of the problems with which they are dealing and allocate them to subcommittees. In some states the legislators may be added to the subcommittees in addition to the council members. In Pennsylvania, lay members of the



public may be added to serve in an advisory capacity. By adding legislators, the pressure on the subcommittee is relieved and the practice affords greater legislative participation in the council work. In a few jurisdictions the major portion of the work of the legislative council is effected through subcommittee work.

The assignments given legislative councils appear to vary considerably. Some have a broad statutory delegation of responsibility, others have a very limited scope. Furthermore, some legislative councils restrict their own function to less than that which they are authorized by law. All legislative councils do basic research and data compilation in aid of legislation. All have an auxiliary research agency subject to direction and control. As a matter of fact, some councils are restricted or have voluntarily restricted themselves to the sole function of research.

Some give the legislature only objective factual reports on the problems with which they concern themselves. A majority of the councils, in contrast, have the responsibility and do prepare specific bills or recommendations, or both. In some jurisdictions the councils limit their recommendations to a few important topics while in other states the legislative council undertakes to submit an all-comprehensive legislative program. The trend appears to be against having the council make recommendations. Thus, the Minnesota Legislative Research Committee and the council in Kentucky do not make recommendations or draft proposed legislation. What they do is to pull together the facts and submit them for the legislators to draw the conclusions which they feel the facts warrant. It is to be noted that the experience in Pennsylvania is that such timidity reduces the effectiveness of the council. There, it was discovered that when the Joint State Government Commission failed to make recommendations no action was forthcoming. The commission did not seem to have much weight. At the present time it follows the practice of making recommendations and submitting proposed bills with them. The Pennsylvania legislature goes along with over eighty per cent of the recommendations made by the commission and similarly in Kansas seventy-two per cent of the commission's recommendations are followed by the legislature. In Kansas

the legislature has disregarded the council's recommendation only once in the council's history, since 1933. And in the Nevada legislature the major portion of the legislation considered is based upon the recommendations of the council.

In a few jurisdictions the legislative councils have been given the subpoena power. Thus, while Kentucky, Maryland and Oklahoma have not used the subpoena power they have it by statute. In Kansas the subpoena power which the council enjoys has been invoked only once. And similarly, in Wisconsin one of the committees of the legislative council resorted to its subpoena power in 1951. It follows, therefore, that the subpoena power does not appear to be a condition precedent to effective legislative council work.

One basic problem which legislative councils must have resolved is the source of the proposals which they consider. It is fairly patent that any member of the legislature should be permitted to propose items for consideration by the council. However, to what extent should proposals be accepted from outside, from state executive officers, administrative agencies, private groups or individuals? In Minnesota the Legislative Research Committee makes it mandatory that all proposals of legislation from administrative agencies be received and approved by the committee. This has been the successful practice in North Dakota. In Oklahoma the Legislative Council had 200 citizen groups which appeared before the council in 1952 and an overwhelming majority of all of the council's proposals came from such private groups and individuals. In other jurisdictions, practices with respect to the sources of proposals vary considerably. It might be noted that when Arkansas created its council in 1947 it insured the participation of citizens in providing membership on the council for representatives of private groups such as bar associations, farm groups and others. In 1949 this provision was repealed apparently because it did not work too well.

### C. *The Legislative Council's Staff*

It is quite clear that the success of a legislative council must hinge upon the effectiveness of its staff work. The most significant contribution that the legislative council has con-

tributed to effective legislative action has been the inclusion of a research staff. There is considerable variation from jurisdiction to jurisdiction in such matters as clerical, technical, and professional help. In some jurisdictions the legislative councils have comprehensive and well-organized legislative reference bureaus and bill drafting agencies as well as other facilities for the collection of data, for research and for expert technical assistance. These agencies have been articulated with the research division of the legislative council. In order to more effectively coordinate these services and to provide for action a majority of the legislative councils utilize a research director who, at the same time, serves as executive secretary of the council. This director and his staff members are utilized to give expert assistance to the council and to its component subcommittees, to the various standing committees and to the legislators under the control of the council and its executive committee. Ideally, the legislative council can decide the projects to be carried on, and the research director then can assign such projects to an appropriate staff member or agency. This director should have the responsibility for all projects commenced and for the preparation of the recommendations, bills or other reports.

In some jurisdictions the qualifications for directorship of legislative councils have been provided by law. Dr. Belle Zeller has suggested as follows: "It seems obvious that he should be a man with graduate training, preferably in government, other social sciences, or public administration, and should have knowledge of the law. He should be competent to direct research in the legislative field and should be able to deal amicably with legislators, public officials, and the general public. Above all, he should be thoroughly objective on public problems and issues and should not be selected for political reasons. Much of the success of a legislative council depends upon the proper selection of such a director."<sup>3</sup>

The director's staff need not be tremendously large. It is important, however, that he have a number of available and competent full-time assistants. Actually a research staff for the legislature is not required to do tremendously original

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<sup>3</sup> ZELLER, AMERICAN STATE LEGISLATURES 133 (1954).

work. Its job is to collect and evaluate the data already furnished by administrative and private agencies. The research requirements can be met by the utilization of a few experts of broad background and experience in research. They should complement each other by being well grounded in the social sciences and in such fields as public administration, government and finance. Of course their work should be supported by a small clerical and research staff. This staff, as well as the director, should be assured of reasonable tenure and income.

It is a good idea for council members, as well as the director and his staff, to participate in research. The role of the council members should not just be restricted to the important function of communicating to the council the needs and wishes of the public and communicating to the public and the legislature the significance of the work of the council.<sup>4</sup> There is no more effective way for a council member to learn the component elements of the problem with which he is concerned than by actual participation in the research. The reading of a report prepared by someone else on the research staff can give the council member only a fraction of the benefit which he can derive if he participates all along the line. Of course, it must be recognized that this participation must be restricted because of time limitations imposed on the legislator by his other duties.

While the work of the staff for the most part relates to projects which have been proposed by the council, or which are being carried out under the supervision of the council, the staff performs another valuable function. That is, in giving to members of the legislature quick action in running down matters which require immediate research. A successful way to handle this is shown by the practice in many states. There, the legislative councils do not operate as such during the sessions of the legislature. The staff then becomes free to do research work for standing committees or individuals. Thus, in Kansas the Legislative Council informs each stand-

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<sup>4</sup> For a penetrating analysis of the role of the legislator in our complex world of specialization, see Lasky, *The Limitation of the Expert*, Harpers, Dec. 1930, p. 101.

ing committee of the legislature at the inception of each session what council reports are ready for each committee. In this way there is co-ordination of the efforts of the council and the legislative committees. The work of members of the staff concerned with appropriations is of special significance. It is particularly important because the entire fiscal management of state affairs is complex. The change in gubernatorial offices coupled with a change in the office of budget director, inadequate or poor staffing by budget departments, political differences and conflict between the governor's office and the legislature, and the lack of apparatus for post-audit by the legislature, all make the need for staff work imperative. While the need for assistance to the legislators dealing with appropriations is obvious, it is questionable whether or not the solution would be to get a more efficient administrative system rather than use the staff members of the legislative council for this purpose.

### III. LEGISLATIVE COUNCIL MOVEMENT IN NEW YORK

In New York, there is no legislative council. The Legislative Reference Library which is within the State Library affords reference library facilities to legislators. The Legislative Bill Drafting Commission provides bill drafting for legislators and spot research and counselling for legislators. The Law Revision Commission carries on statutory revision and recommends substantive legislative programs. In spite of the fact that these different services exist there is a real need for permanent legislative research facilities within the framework of a legislative council.

During the 1956 session of the legislature a record number of bills totaling 7,400 were introduced. Some 1,288 bills had passed both houses when the legislature adjourned on March 23rd. Governor Harriman signed 197 bills before adjournment and vetoed ten. This left 1,091 bills for the Governor to act upon within thirty days. In toto, the Governor signed 951 and vetoed 337. This session showed the same crawling start and frantic conclusion which marked previous sessions. While myriads of bills were being introduced during the first two months, little of anything else was going on.

Some of these bills were bills which had been introduced before. Some of these bills were identical with those introduced by other legislators. A few relatively unimportant matters were taken care of and the budget bills enacted. Then, at one fell swoop the legislature went to work with an incredible speed which forestalled deliberate consideration. The most significant legislation was enacted in the last two weeks.<sup>5</sup> It reflected a need for the pre-session preparation and assistance during the session that a legislative council can furnish.

Since 1938 there have been proposals for a Legislative Council in New York. The New York State Constitutional Convention Committee discussed the need for such a legislative service. In the volume of its Report containing "Problems Relating to Legislative Organization and Powers" it said as follows:

The Legislature is charged with the important duty of determining State policy. That duty cannot be shifted to other shoulders. But if we are to hold the legislators responsible for developing a sound program of legislation, we must make sure that the material on which such a program must rest is presented to the law-makers in proper form. At present the members of the State Legislature are confronted with a huge mass of unorganized material. To develop a logical program of legislation under such conditions is very difficult.

The successful Legislative Councils are composed of the leaders of the Legislature. The council is thus an agency through which the legislators themselves may develop a program of their own in advance of the rush of the legislative session. The Governor's message may bring to the attention of the Legislature matters which the executive feels are important, but there is always the suspicion that his proposals are tinged with partisanship. What is even more serious, there is never a chance for an agency of the Legislature to study them in advance of the session. Likewise, the various administrative departments render valuable assistance in the preparation of bills relating to their departments, but this service also comes from outside the Legislature and is therefore accepted with some misgivings. The principles of representative government require that the Legislature be responsible for the policies of the State. It can hardly be expected

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<sup>5</sup> Asch, *supra* note 1.

to assume that responsibility if it must depend on an outside department for its program. . . .

The seasonal character of legislative work also affects the employees of the Legislature. Research consultants in the Legislative Reference Bureau, technicians in the Bill Drafting Commission, secretaries and clerks are rushed at top speed for the first third of the year, only to be left with mere routine for the other eight months. The Legislative Council can spread legislative research over the entire twelve months, thus enabling the employees engaged in this work to give more efficient service. There is a similar advantage in coordinating the work of the interim commissions. The staffs of these commissions at the present time are always temporary and frequently casual. It is difficult to secure competent research technicians on this basis, and once secured, the State fails to take advantage of the experience which it gives them. There is little doubt that the full time staff of the Legislative Council could give the interim commissions and the State superior research service at less cost.<sup>6</sup>

Nothing came directly from this report. However, in 1938 Senator Desmond and Assemblyman Parsons introduced a bill providing for a Legislative Council. In 1939 the same bill was re-introduced. In 1940 Senator Desmond introduced a bill embodying a somewhat slightly changed idea, but in 1941 he re-introduced the original proposal for the Legislative Council.

In 1946, the final report of the New York State Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures, considered the whole problem of legislative research facilities in New York State. It very carefully documented the need for a central legislative research agency.<sup>7</sup> However, it rejected the idea of a legislative council on the theory that "It is not sufficiently recognized that many of the advantages of pre-session planning claimed for legislative councils are achieved by legislative leaders in New York through informal conferences and by virtue of their ex-officio membership on joint legislative committees and temporary commissions. Once the gap in research facilities is filled, there will be no dearth of pre-session planning

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<sup>6</sup> 7 REP. N.Y. CONSTITUTIONAL CONVENTION COMM. 300, 301-02 (1938).

<sup>7</sup> 1946 LEG. DOC. No. 31 151.

on the part of the members.”<sup>8</sup> And it recommended that the Legislative Reference Section of the State Library be expanded to take on additional research responsibilities.<sup>9</sup> No substantial improvement resulted from this recommendation. In 1946, and during each succeeding session through the last current session, the Legislative Council bill has been introduced.<sup>10</sup>

### CONCLUSION

Contrary to the recommendation of the 1946 Report of the New York State Joint Legislative Committee on Legislative Methods, referred to above, established legislative councils have proven to be extremely valuable to state legislators. They have resulted in better legislation and in up-

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<sup>8</sup> *Id.* at 153.

<sup>9</sup> The recommendations were that the projected agencies have the following functions:

(1) Upon the request of legislators or legislative standing and special committees, to prepare factual, objective reports without recommendations on important issues of public policy and on questions of State-wide interest.

(2) Upon the request of legislators or standing committees, to analyze and appraise objectively legislative proposals pending before either house, or any data or memoranda submitted in support of or in opposition to these proposals, without, however, making recommendations as to legislative action.

(3) To collect systematically data and information concerning the government and general welfare of the State.

(4) Upon request of a member or committee of the Legislature, to make impartial reports on any problem or question arising from the operation or administration of the laws or Constitution of the State.

(5) Upon request, to assist standing and special committees in acquiring and analyzing data, preparing reports and summarizing public hearings.

(6) To receive, classify, file and preserve for future use the published and unpublished research materials of joint legislative committees and temporary commissions.

(7) Upon request, to assist the clerk of each house or any other legislative officer in the preparation of manuals, reports, directories and other legislative publications.

(8) To abstract and analyze for legislators the reports of State departments and other administrative agencies.

(9) At the request of the Temporary President of the Senate and the Speaker of the Assembly to cooperate with administrative agencies in gathering and evaluating data as a basis for legislation. 1946 LEG. DOC. NO. 31 151.

<sup>10</sup> A. No. 420, Int. 420, Assemblyman Asch. The Bill adds a new Art. 4-B to the legislative law creating a legislative council of seven Senators and seven Assemblymen to collect information in Government and general welfare of the State and to prepare a legislative program for the regular session of the legislature.



lifting the entire level of legislative performance. These legislative councils in their capacity of fact-finding and recommendation agencies have provided the legislators with excellent and substantial programs through their pre-session activities. The Legislative Council, with an experienced and skilled research staff, is invaluable to the legislative body in giving it objective information. And a legislative program around which the legislative session may be intelligently moulded, frees the legislative body so that the members may carry out their responsibility of deliberation without being handicapped by lack of information in advance.

Legislative Councils have served to keep legislators abreast of ideas in other jurisdictions and ideas percolating in their own states. They supply the legislators themselves with the kind of information which legislators need to inform themselves. They furnish the information which legislators can carry back to the people in their respective districts. In view of the fact that membership on Legislative Councils comes from both houses and both parties, the council serves to develop a real comprehension of the important problems facing the legislators of the state. It gives the members an opportunity to digest in advance of each session the problems they are likely to meet. It is a means by which many problems which might otherwise cause conflict between the two houses of the legislature, or between the representatives of the two major parties, can be resolved. Furthermore, the Legislative Council office serves to provide real leadership so far as legislation is concerned. It creates a continuity in the legislative process which is sometimes lacking, a continuity which is not partisan, and, therefore, not suspect. It provides a liaison between legislative and executive, a liaison which is always important, but even more important when one party controls the executive and the other controls the legislative branch.

Finally, where there is a carefully prepared researched recommendation and bill, the number of changes, amendments, redrafts of proposed legislation can be kept down considerably.