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## The Louisiana Legislature

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# THE LOUISIANA LEGISLATURE

*Robert A. Ainsworth\**

Legislative bodies are the very foundation of our democracy. Upon the success or failure of their efforts to function efficiently and effectively depends in large measure the well-being and prosperity of our people and, indeed, the fate of our republican form of government.

In recent years there has been a trend toward reorganizing and strengthening the state legislatures in order that they may more effectively play their proper role in our trinity of government which envisages a system of checks and balances. If one branch of our government allows itself to become subservient to one of the other two branches in the trinity, then checks and balances become a myth and republican government faces disintegration, for in the final analysis the only real and effective check on the executive branch and the tendency toward bureaucracy in government is the legislature.

The need for strengthening the legislative branch of Louisiana's government was recognized at the 1952 session of the Legislature. It was then realized that without a competent professional staff to furnish legal, research, and clerical assistance, and unless existing cumbersome legislative procedure and session requirements were overhauled, it was virtually impossible for an individual legislator to give that careful and deliberate consideration required for true independence of thought and action to the many varied and complex matters presented to the Legislature.

The first problem — that of professional and clerical assistance — was met through the creation of the Legislative Council in 1952.<sup>1</sup> The work of the Council is discussed elsewhere in this symposium,<sup>2</sup> but in brief it may be said that the Council has improved the legislative product through its bill-drafting service, the preparation of brief digests of bills to acquaint over-worked legislators with the basic provisions of bills they would otherwise have to read in full, and the furnishing of legal and research

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1. La. Acts 1952, No. 51, p. 135, now LA. R.S. 24:401-409 (Supp. 1954).

2. See Asseff, *The Louisiana Legislative Council*, 16 LOUISIANA LAW REVIEW 701 (1956).

assistance to legislators and legislative committees to provide them with the basic facts from which they can decide a proper course of action. The Legislative Council thus joins the previously established Louisiana State Law Institute,<sup>3</sup> a research and law revision agency also discussed in this symposium,<sup>4</sup> in providing the Louisiana Legislature with much of the technical background and assistance so necessary to enable that body to determine properly what is best for the state.

In an attempt to strengthen the Legislature further and to solve the other problem — that of overhauling the legislative procedure and laws governing legislative sessions — the Louisiana Legislature at the same 1952 session directed<sup>5</sup> the Legislative Council to prepare a comprehensive and exhaustive study of the legislative process in Louisiana and report its findings and recommendations to the 1954 Legislature. Under instructions from the Legislative Council the Council staff prepared a comprehensive and objective study of the situation and in 1953 published the results of its work in a booklet entitled *The Legislative Process in Louisiana*.<sup>6</sup> On the basis of this study the Legislative Process Committee of the Legislative Council held numerous meetings and state-wide hearings and made many recommendations for improvement to the Legislative Council and through it to the Legislature. The result was that in 1954 the Legislature made many changes, the most important of which were the adoption of annual sessions,<sup>7</sup> reduction in the number of Senate committees from twenty-nine to fifteen<sup>8</sup> and in House committees from thirty-seven to sixteen,<sup>9</sup> provision for an orientation conference for new legislators,<sup>10</sup> permitting pre-session filing of bills,<sup>11</sup> and authorization of joint hearings by committees.<sup>12</sup>

Although all of these changes have improved and strengthened the Legislature, it is the purpose of this article to discuss

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3. Created by La. Acts 1938, No. 166, p. 429. See LA. R.S. 24:201-256 (1950).

4. See Smith, *The Role of the Louisiana Law Institute in Law Improvement and Reform*, 16 LOUISIANA LAW REVIEW ... (1956).

5. LA. S. CON. RES. 15, 16th Reg. Sess. (1952); LA. S. RES. 15, 16th Reg. Sess. (1952); LA. H. RES. 11, 16th Reg. Sess. (1952).

6. LOUISIANA LEGISLATIVE COUNCIL, *THE LEGISLATIVE PROCESS IN LOUISIANA*, Research Study No. 1 (1953), hereinafter cited *The Legislative Process in Louisiana*.

7. LA. CONST. art. VII, § 8, *as amended*, La. Acts 1954, No. 762, p. 761.

8. LA. S. RES. 4, 17th Reg. Sess. (1954).

9. LA. H. RES. 25, 17th Reg. Sess. (1954).

10. La. Acts 1954, No. 625, p. 1137, now LA. R.S. 24:34 (Supp. 1954).

11. LA. S. CON. RES. 3, 17th Reg. Sess. (1954).

12. LA. S. CON. RES. 2, 17th Reg. Sess. (1954).

only one, the reduction in the number of committees and the importance of the committee system in state legislatures.

The committee system is perhaps the most fundamental part of the legislative process on all levels of government. Without committees it would be extremely difficult, if not impossible, for any deliberative body as large as a legislature to operate efficiently and effectively. It is in the committee that a bill receives its closest consideration and it is here that the general public is given an opportunity to discuss and evaluate its merits. Again, it is in the committee that the fate of a bill generally is finally determined, for only occasionally does a bill pass without a favorable committee report.

Prior to the 1954 reorganization of the Louisiana Legislature, the Senate had 29 standing committees<sup>13</sup> and the House of Representatives 37.<sup>14</sup> This large number of standing committees necessarily included many minor committees which resulted in two major evils. First, while committees were numerous, in practice most of the work load fell on a few overburdened groups and the others had relatively little to do. For example, in 1952 four Senate committees handled 61.4% of the bills assigned<sup>15</sup> when 16 other committees considered only 6%.<sup>16</sup> In the House of Repre-

13. They were as follows: (1) Aeronautics, (2) Affairs of the City of New Orleans, (3) Agriculture, Drainage, and Levees, (4) Auditing and Supervising the Expense of the Senate, (5) Capital and Labor, (6) Conservation of Natural Resources, (7) Education, (8) Elections, Qualifications, Registration, and Constitutions, (9) Enrollment, (10) Federal Relations, (11) Finance, (12) Fish, Game, and Wild Life, (13) Health, Quarantine, and Charitable Institutions, (14) Insurance, Commerce, and Industry, (15) Joint Judiciary, (16) Judiciary "A", (17) Judiciary "B", (18) Libraries, (19) Militia and Military Affairs, (20) Organization, (21) Parks, Public Buildings, and Internal Improvements, (22) Parochial and Municipal Affairs, (23) Penitentiary, (24) Pensions, (25) Printing, (26) Public Roads and Highways, (27) Railroads and Transportation, (28) Rules, (29) State Banks and Banking.

14. They were as follows: (1) Aeronautics, (2) Affairs of the City of New Orleans, (3) Agriculture, (4) Appropriation, (5) Banks and Banking, (6) Charitable Institutions and Public Welfare, (7) Claims, (8) Conservation, (9) Contingent Expense, (10) Corporations, (11) Public Education, (12) Elections and Qualifications, (13) Enrollment, (14) Forestry, (15) Game, Fish and Oysters, (16) Judiciary, Section "A", (17) Judiciary, Section "B", (18) Judiciary, Section "C", (19) Joint Judiciary, (20) Labor and Capital, (21) Liquidation of Debt, City of New Orleans, (22) Militia and Pension, (23) Municipal Corporations, (24) New Basin Canal and Shell Road, (25) Organization, (26) Parochial Affairs, (27) Penitentiary, (28) Printing, (29) Public Health and Quarantine, (30) Public Roads and Highways, (31) Public Works, Lands and Levees, (32) Railroads, (33) Registration and Election Laws, (34) Rules, (35) State Indebtedness, Bonded and Otherwise, (36) Veterans' Affairs, (37) Ways and Means.

15. Those committees were Finance, Judiciary "A", Judiciary "B", and Parochial and Municipal Affairs. Source: *The Louisiana Legislative Process in Louisiana*, at 63.

16. *Ibid.*

sentatives five overburdened committees were referred 67.6% of all House bills,<sup>17</sup> while only 4% of the total were assigned to 21 other committees.<sup>18</sup> Second, much overlapping of membership was necessitated by the large number of committees. In 1952 each senator served on at least six standing committees<sup>19</sup> and the average representative on four or five.<sup>20</sup> This often made it difficult, if not impossible, to secure a quorum at meetings and tended to diversify the legislator's activities to the extent that he often did not function effectively in any of his committee assignments.

The Report of the Committee on American Legislatures of the American Political Science Association<sup>21</sup> lists seven essential features of a sound committee system for state legislatures:

"1. A substantial reduction of the number of standing committees, and the assignment to each committee of a broad area or related areas of legislation,

"2. The utilization of joint committees by the two houses of the legislature where practicable, in order that committee work may be effectively coordinated, the consideration of pending legislation expedited, and the wasted effort and expense of duplicate hearings on the same legislation avoided.

"3. The reduction of the number of committee assignments of members of the legislature, so that each member can give the necessary attention to the work of the committee to which he is assigned. The ideal, it would appear, has been achieved by the United States House of Representatives, which limits each member to one committee assignment, although the smaller size of most state senates might necessitate each senator serving on a minimum of two committees,

"4. The appointment of committee chairmen who can provide able leadership, and the assignment of members to committees with due regard to their special qualifications. Attention should be given also to making each committee representative of

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17. Those committees were Appropriations, Judiciary "A", Judiciary "B", Judiciary "C", and Public Roads and Highways. Source: *Ibid.*

18. *Ibid.*

19. *Id.* at 55.

20. *Ibid.*

21. AMERICAN POLITICAL SCIENCE ASSOCIATION, AMERICAN STATE LEGISLATURES, REPORT OF THE COMMITTEE ON AMERICAN LEGISLATURES 97-98 (1954).

the public interest and of the political complexion of the legislative house to which it is attached,

"5. The establishment of rules that provide for advance notice of hearings and adequate committee records and require prompt consideration of measures referred to committees, thus avoiding the last minute rush. Of special importance is the establishment of an effective and workable discharge rule through which the legislative body may prevent the arbitrary pigeonholing of bills by a committee,

"6. The utilization of a permanent legislative council or a limited number of interim committees to investigate the most important subjects of legislation and to propose suitable legislation in advance of sessions, and

"7. Adequate and competent committee staffs to assemble data needed by each committee, to aid in the preparation of bills, reports, and the scheduling of hearings, and otherwise to assist the committees in their work."

To what extent does the present committee system in Louisiana meet these requirements? Although the ideal situation does not exist in Louisiana, the Legislature has taken important steps to meet most of the essential features set forth above.

In the 1954 session of the Legislature the number of standing committees was reduced to fifteen in the Senate<sup>22</sup> and sixteen in the House of Representatives.<sup>23</sup> The reorganizational plans adopted were the product of careful research and analysis of the work load of each existing committee in an attempt to provide a

22. See note 8 *supra*. The new Senate committees and the old committees which were combined to make them are as follows: (1) Agriculture, including (a) Agriculture, Drainage, and Levees; (2) Affairs of the City of New Orleans; (3) Affairs of the Senate, including (a) Auditing and Supervising the Expenses of the Senate, (b) Enrollment, (c) Organization, (d) Printing, (e) Rules; (4) Banking, including (a) Banks and Banking; (5) Commerce and Insurance, including (a) Insurance, Commerce, and Industries; (6) Conservation and Wildlife, including (a) Conservation of Natural Resources, (b) Fish, Game, and Wildlife; (7) Education, including (a) Libraries; (8) Finance; (9) Health, Welfare, and Institutions, including (a) Health, Quarantine, and Charitable Institutions, (b) Pensions, (c) Penitentiary, (d) Federal Relations; (10) Industrial Relations, including (a) Capital and Labor; (11) Judiciary "A", including, (a) Elections; (12) Judiciary "B"; (13) Local and Municipal Affairs, including (a) Municipal and Parochial Affairs; (14) Railroads, including (a) Railroads and Transportation; (15) Transportation and Public Works, including (a) Public Roads and Highways, (b) Aeronautics, (c) Parks, Public Buildings and Internal Improvements. The Joint Judiciary and Militia and Military Affairs committees were done away with entirely. For a discussion of the work load of each of the old committees, See, *The Legislative Process in Louisiana*, 62-65.

23. See note 9 *supra*. The new House committees and the old committees which were combined to make them are as follows: (1) Affairs of the City of New Or-

committee system under which each committee would perform more nearly its proportionate amount of work.<sup>24</sup> Insofar as this was accomplished, it was by (1) combining related minor committees, (2) not adding additional duties to those committees which were already overworked, and (3) entirely eliminating useless committees.<sup>25</sup> Although committee assignments are not limited, the drastic reduction in the number of committees acts as an effective limitation. In the House of Representatives there are now only 2.6 committee seats per representative to be filled in comparison with the 4.6 that existed before the reorganization.<sup>26</sup> The 1954 change also reduced the ratio of committee seats per senator from 6.8 to 3.6.<sup>27</sup> As there is no seniority rule and committee membership is filled by appointment of the presiding officer, presumably the most qualified persons will be appointed to each committee. The 1954 Legislature also authorized joint committee hearings at the discretion of the chairmen of the committees concerned,<sup>28</sup> and in 1955 funds were appropriated to provide more adequate committee rooms.<sup>29</sup> Finally, through the Legislative Council the reconstituted committee system is provided with adequate staff and clerical assistance.

Despite these significant advances in improving the committee system there still remains room for improvement. For example, the rules need to be strengthened to assure advance notice

leans; (2) Affairs of the House, including (a) Elections and Qualifications, (b) Organization, (c) Printing, (d) Rules; (3) Agriculture; (4) Appropriations, including (a) State Indebtedness, Bonded and Otherwise; (5) Conservation, including (a) Forestry; (6) Contingent Expense; (7) Enrollment; (8) Game, Fish and Oysters; (9) Judiciary "A", including (a) Banks and Banking; (10) Judiciary "B", including (a) Claims, (b) Registration, and Election Laws; (11) Judiciary "C", including (a) Corporations, (b) Liquidation of the Debt of the City of New Orleans, (c) Municipal Corporations, (d) Parochial Affairs; (12) Labor and Industry; (13) Public Education; (14) Public Health, Welfare and Public Institutions, including (a) Charitable Institutions and Public Welfare (apparently), (b) Militia and Pensions, (c) Penitentiary, (d) Public Health and Quarantine, (e) Public Works, Lands and Levees, (f) Veterans' Affairs; (15) Transportation and Highways, including (a) Aeronautics, (b) Public Roads and Highways, (c) Railroads; (16) Ways and Means. For a discussion of the work load of the old committees, see *The Legislative Process in Louisiana*, at 62-65.

24. See *id.* at 51-75 (The Committee System). See also REPORT OF THE LOUISIANA LEGISLATIVE COUNCIL 9-12 (April 21, 1954).

25. See notes 22 and 23 *supra*.

26. In 1952 there were 455 committee seats to be filled and 100 representatives. Now there are 268 seats to be filled by 101 representatives.

27. In 1952 there were 266 committee seats and 39 senators or 6.8 apiece; now there are 151 seats and 39 senators or 3.61 per senator.

28. LA. S. CON. RES. 2, 17th Reg. Sess. (1954).

29. La. Acts 1955, No. 118, p. 226.

of hearings; the number of committee assignments should be formally restricted; provision should be made for the keeping of some form of committee records.

In conclusion, it may be said that though there have been many definite improvements made in the legislative process in Louisiana, much remains to be done. Certainly the Legislature should periodically re-evaluate the existing system to insure that accomplished reforms are not lost and to make the necessary changes both as to reforms already achieved and others that are needed to increase its efficiency and responsibility in government so that it can continue to play its proper role in a modern-day society.