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THE LOUISIANA LEGISLATIVE COUNCIL

*Emmett Asseff**

INTRODUCTION

Louisiana is one of the thirty-six states in the United States which has a Legislative Council. Though no two councils are identical either in their procedure or in their functions, all have one characteristic in common, that is, each is established to assist the state legislature, its committees and members.¹ Just as the executive branch in the different states for many years has given increased attention to reorganization and staff aides as a means of increasing efficiency, economy, and responsibility in government, so too the legislatures have begun to take the same step and one of the most important steps in this direction has been the creation of the legislative council or a similar agency. It is the opinion of most authorities in the field of state government that the creation of legislative councils and similar agencies in the various states has been the most important single step taken in the last one hundred years to restore state legislatures to the efficiency and independence foreseen for those bodies by the founding fathers.

The Louisiana Legislative Council was established² in 1952 to meet this need by aiding the Legislature, its committees, and members in several ways. Its function is to provide legal assistance with respect to the drafting of bills, resolutions, and committee and floor amendments, in analyzing legal points and in indicating in brief form the changes bills introduced in the Legislature will make in existing law; make major and minor reports and spot research on governmental problems in Louisiana, including comparative data on the law and practice in other states; and furnish expert assistance, legal, research, and clerical, to all legislative committees and individual legislators. In brief, the Legislative Council serves as a tool and as an aid in strengthening the Legislature, in assisting it in the performance of its work and in making for a more informed Legislature, and

* Executive Director, Louisiana Legislative Council.

1. More detailed information concerning legislative councils and legislative service agencies may be found in COUNCIL OF STATE GOVERNMENTS, *THE BOOK OF THE STATES, 1956-1957*, 117-28 (1954).

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

this is done through furnishing the members with an impartial set of facts upon which they may decide policy and, once decided, bills drafted in proper form to set forth that policy.

ORGANIZATION

The Legislative Council is divided into two separate and distinct parts — the Council which determines policy and procedure and the professional staff whose responsibility it is to offer expert legal, research, and clerical assistance.

The Council is composed of eighteen members: the Lieutenant Governor and eight members of the Senate appointed by him, and the Speaker of the House of Representatives and eight members of the House appointed by him. One of the appointed members of each house must be from each of the state's eight congressional districts. The staff is headed by an Executive Director appointed by the Council and he, in turn, appoints the legal, research and clerical members of the staff.

FUNCTIONS

As a tool of the Legislature, the Council has performed many services for it, its committees and members since its creation in 1952. Among the many services it performs are the following:

1. It provides aid in the organization and operation of meetings held by the Council and legislative committees. The Council staff furnishes legal, research, and clerical assistance and prepares reports and performs other duties requested by the Council and the committees.
2. It prepares objective, factual reports on various topics of interest to the Legislature as a whole, to its committees, or to any of its members.
3. It does spot research on any point in which a legislator expresses interest.
4. It collects comparative information on what other states are doing or have done on a particular subject.
5. It checks and discusses legal points with legislators.
6. It drafts bills, resolutions, and constitutional amendments and prepares floor and committee amendments.

7. It digests all bills introduced at regular and special sessions, indicating the change each will make in existing law if adopted, and re-digests bills passed by the house of origin if a substantial change is made in the bill as digested when introduced.

8. It acts as a depository for all bills filed prior to the convening of the Legislature.

9. It prepares a resumé of all bills finally passed and enacted into law.

Reports

It is the responsibility of the staff to collect and analyze the facts on particular problems at the request of the Legislature or of either house, the Legislative Council, legislative committees, or any member of the Legislature. The completed report is submitted to the Legislature, the Council, or a legislative committee, whichever may have been directed to receive it, and the receiving body may make recommendations or take whatever action it deems necessary.

The staff of the Council has prepared more than a thousand major and minor reports and memoranda, some for general distribution and others only for the requesting party. The reports have ranged from comprehensive studies of legislative organization and procedure, constitutional revision, a legislator's manual, salaries of judicial personnel, and water problems in the southeastern states, to briefer reports on tests for drunken drivers, jury service by women, the Reed-Walter Resolution to change the federal amending procedure, printing by state agencies, parole and probation, general charity hospitals, qualifications to vote, open and closed primaries, the state general property tax, and homestead tax exemptions.³

Since the 1955 session, the Council staff has prepared three major reports. In December 1955 the Council released the first of these reports, *Louisiana, Its History, People, Government and Economy*, one of its most comprehensive reports and perhaps its greatest contribution to date. This book is the only available comprehensive source book which presents in brief, interesting,

3. For a more complete list of the reports prepared by the Louisiana Legislative Council during the first three years of its existence, see TRIENNIAL (1952-55) REPORT OF THE LEGISLATIVE COUNCIL TO THE LOUISIANA LEGISLATURE (July 22, 1955).

and readable, yet usable form detailed information and valuable statistical data in one place concerning the highlights of the development of Louisiana in all fields. Others are (1) *The Cost of the Adoption of Old Age and Survivor's Insurance by State and Local Retirement Systems*, and (2) *A Comparative Study of Insurance Rates and Investments by Insurance Companies*.

Legislative committees. The Council staff has furnished legal, research, and clerical assistance to the Council and to interim and legislative study committees. The Director and members of the staff have attended and furnished aid at the more than 130 separate meetings of the Council and legislative committees.

The legislative committees have made full use of the expert assistance furnished by the Council staff, and staff reports have in most instances served as the basis of the committee's study of a particular problem. Some far-reaching changes have resulted from the work of these committees. A few examples can be cited:

The Legislative Process Committee of the Legislative Council was created in 1952 as a result of legislative resolutions directing comprehensive studies of the session laws and procedure of the Louisiana Legislature with a mandate that the findings and recommendations of such studies be presented for its consideration at the 1954 regular session.

In complying with this legislative mandate, the Legislative Process Committee used as its guide and as the basis of its overall analysis of the problem in its numerous meetings a 98-page yellow-bound staff report entitled *The Legislative Process in Louisiana*, which thoroughly and objectively presented and analyzed the legislative process in Louisiana and in other states and reviewed and discussed alternative solutions to different legislative problems. The work of this committee resulted in the following major changes in legislative structure, organization, and procedure:

1. ANNUAL SESSION — Act 762 of 1954 provides for a 30-calendar day budgetary and fiscal session in the odd years, the first of which convened in 1955.

2. ORIENTATION CONFERENCE — Act 625 of 1954 provides for a voluntary orientation conference before each regular session to

be carried out by the Legislative Council and Louisiana State University to familiarize the new legislator with legislative processes.

3. COMMITTEES — House committees were reduced from 37 to 16 and Senate committees from 29 to 15.

4. PRE-SESSION FILING OF BILLS — Members of the Legislature were authorized to file bills with the Legislative Council sixty days prior to each session, and the Council authorized to print and number such bills and to file them with the Clerk of the House or Secretary of the Senate, as the case may be, when the Legislature convenes.

5. PRINTING OF BILLS — All House bills were directed to be printed.

6. JOINT HEARINGS — Joint hearings by committees were authorized in the discretion of the chairmen of the committees involved.

Another far-reaching result of the committee's work was the direction to the staff to prepare *A Manual for Louisiana Legislators*. The *Manual*, a 158-page pocket-size booklet bound in blue buckram, is the most complete and accurate compilation of data about the Louisiana Legislature that has been published. It received such wide acceptance that the Legislature adopted it in 1955 as its *Official Guidebook and Handbook*.

The 1954 Legislature gave recognition to the possible need for more and better accommodations for its committees, individual legislators, and employees of the Legislature by directing the Legislative Council to appoint a committee to study the situation and report its findings and recommendations to the 1955 regular session. The committee held several meetings and thoroughly reviewed the existing situation and alternative methods for obtaining better accommodations for legislators. As a result of the committee's work, the 1955 Legislature appropriated the necessary funds to renovate the basement floors and make necessary changes on the second floor in order that adequate committee rooms and offices will be available for legislative committees, individual legislators, and legislative employees.

Pre-session filing of bills. The Council serves as a depository for bills which members may file any time within sixty days

prior to each session, and the Council is authorized to print and number such bills and to file them with the Clerk of the House or Secretary of the Senate, as the case may be, when the Legislature convenes. This procedure relieves the legislator of another burdensome detail, inasmuch as the Council staff prepares the proper number of copies of the bill and files them with the proper legislative employees. It also accomplishes the important objective — considered one of the chief advantages of a split session — of having a bill drafted, introduced, and available for public discussion before the Legislature even convenes, thus giving the legislator an opportunity to gauge public reaction to the proposal and giving ample opportunity for a thorough discussion of the bill's merits.

Bill drafting services. Equally as important as the preparation of reports and the assistance furnished committees is the service of bill drafting. Most authorities agree that one of the most important, if not the most important, step in the legislative process is bill drafting; in fact, many legislators consider this the most important staff service they receive. Bills not only must be in the proper legal form but also must be in clear, simple, and unambiguous language, avoiding contradictions and confusion and expressing in unmistakable terms the intent of the author and the Legislature. Only in this way can the affected citizen know what is expected of him and comply therewith and, in like fashion, only by following such an approach can the administrative agency or agencies directed to enforce the law and the courts which are called upon to interpret it give full effect and force to the will of the Legislature.

Because the Council staff offers this service, bills generally have been better drafted and a more consistent form followed, making for more effective legislation and, in addition, leaving the legislator free to devote his full time to policy matters, since he knows he has a competent staff which will put his ideas into the required legal form to achieve the objective he desires.

With each session the staff is called upon to do an increasing amount of bill drafting. Prior to and during the 1954 and 1955 regular sessions the staff drafted approximately 1,250 bills and resolutions and committee and floor amendments and prepared some 135 memoranda totaling almost 400 pages.

Digest of bills. At each session of the Legislature hundreds

of bills and joint resolutions are introduced proposing changes in existing laws. At the 1954 and 1955 regular sessions almost 2,000 bills and joint resolutions were introduced. It is impossible for the legislator, and for that matter even the expert, in the short span of a session to determine the legal effect the proposals will have on existing law, but this he must know before he can decide the merits of the proposals.

Bills in many cases are very complex and cover a wide range of subjects; some make major revisions; some minor ones; and some completely rewrite the law. So complex are some bills and so far reaching in their effect are they, that even the expert must devote many hours to a study of their full impact on existing laws.

In order to relieve the legislator of the difficult problem of determining the full effect of a proposal, to leave him with more time to consider proposals on their merits, and to place the non-lawyer legislator on the same plane as the lawyer member, the Council staff prepares a brief, simple resumé of each bill introduced, explaining the changes each proposal will make in existing law if it is adopted. The bill is re-digested when passed by the house of origin if a substantial change has been made in the digest of the bill as introduced. At the conclusion of the session a resumé is prepared of all bills finally passed and enacted into law.⁴

CONCLUSION

This is the first Louisiana Legislature to have its own fact-finding agency, an agency charged with the responsibility of furnishing it with unbiased facts on the problems which it has to consider. It is the first Louisiana Legislature to have its own bill-drafting agency. Being a legislator necessarily is a part-time job. Legislators have time to determine policy and to analyze broad problems; they do not have time to collect facts on the thousands of problems upon which they must pass judgment during their tenure in office. Neither do they in the short space

4. See *Digest of Senate Bills at Introduction, July 8, 1954; Digest of House of Representatives Bills at Introduction, July 8, 1954; Resumé of Acts, Joint Resolutions, Vetoed Bills and Selected Resolutions Adopted at the 1954 Regular Session of the Louisiana Legislature, August 6, 1954; Digest of House of Representatives and Senate Bills at Introduction, June 7, 1955; Resumé of Acts, Joint Resolutions, Vetoed Bills and Selected Resolutions Adopted at the 1955 Regular Session of the Louisiana Legislature, June 24, 1955.*

of a session have time to analyze the changes in existing law which will be made by the hundreds of proposals they must consider at each regular session. It is the purpose of the Legislative Council to relieve the legislators of such problems by giving them factual reports on various subjects and by furnishing them with bill drafting facilities, thus leaving them with more time to make policy decisions.

In the words of the Kentucky Legislative Council: "Give the Legislature and the people the facts; trust them to make the decisions." It is the purpose of the Louisiana Legislative Council to do just this and in so doing to make for a better legislative product.