ORGANIZING THE LEGISLATIVE SERVICES

Legislative Reference Library
Research Report R104
State Capitol
Madison 2, Wisconsin

November 1950

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I. INTRODUCTION

During the interim period following the 1949 legislative session the Committee on Departmental Organization of the Joint Legislative Council initiated a study of the legislative services provided in Wisconsin. Several conditions made this study particularly timely.

1. Three significant agencies independent of each other and --except for the Council--independent of the legislature, existed to provide services for the legislature.

2. Stimulated to a large degree by the establishment of the Legislative Council continuous study of legislative problems seemed destined to be a permanent feature of the Wisconsin legislative process. This results in a need for a professional staff to prepare materials and to provide the continuity between the periodic sessions of the Council committees.

3. A vacancy in the position of chief of the Legislative Reference Library made a reappraisal of the organization more opportune.

Proposals of the Division of Departmental Research, Committee on Departmental Organization and the Free Library Commission failed to secure approval. An effort to find a solution through the use of a special committee of the Legislative Council Committee on Departmental Organization was also unsuccessful. The decision was therefore reached to recommend that the new chief of the Library "be instructed to conduct a study and research on the question of further strengthening, integrating and co-ordinating the legislative services in co-operation with the Committee on Departmental Administration, and that on the basis of such research and study, recommendations be submitted to the Legislative Council for consideration."

If we consider the Executive Council of the 1930s as the forerunner of the concept of the Legislative Council, Wisconsin had the three essential legislative services before any other state. Except for a strong permanent research staff, Wisconsin compares favorably with most of the states in this country in terms of services provided. In Wisconsin the problem is not one of initiation but of organization. How can we best organize the services to provide truly valuable service to the legislature?

It is necessary to point out that it is difficult for a new chief of the Legislative Reference Library to look objectively at a task which may, as a result of his inexperience, result in the dilution of some of the traditional great services heretofore provided. He cannot help but be impressed by the precedents which have become at least a minor symbol of Wisconsin's greatness. We must also point out that it is a distinct deviation

from the traditional function of the Legislative Reference Library to presume to propose policy.

We are however, all interested in providing the most effective service possible to the legislature. It is apparent that there are weaknesses in the present organization. The materials following are provided gladly as a point of departure for the enlightened discussion by those with whom the decision rests.

II. LIMITATIONS ON THE STUDY

In order to confine the report within reasonable limits it is necessary to make some assumptions.

1. The popularly elected legislature as the bulwark of representative government will continue.

2. The complexity and broad range of modern governmental activities makes continuous research into the nature of the problems confronting the Legislature and their possible solution not only desirable but imperative.

3. The availability of a group of unbiased technically trained state employees to provide the actual bill drafting service has proved its value in Wisconsin.

4. The function of continuous revision of statutes as practiced in Wisconsin is a service of inestimable value to the state.

5. The maintenance of a "working library" adequately staffed, geared to the problems of Wisconsin and organized to provide quick and effective service is essential to the legislative process.

6. The services provided to the legislature must be professional, unbiased and available to all.

7. While the proposals for inquiries in a large measure emanate from the legislators as a group or individually, the methods of inquiry should be left to the professional staff.

8. The Legislative Reference Library facilities, the research processes and bill drafting functions should be so organized that they can increasingly bring their combined services to play in implementing the proposals for legislation emanating from the legislators individually or collectively.

9. The integrating influence of the Joint Legislative Council in planning the interim program and conducting intensive study of specific problems provides a substantial foundation for the legislative program.

III. THE PROBLEM

1. Today the various legislative services are provided by a series of agencies partly under the legislature, partly responsible to administrative agencies, and partly responsible to the judiciary. There is no integrated legislative staff agency.

2. Today the legislature has no permanent staff although there are many services to the legislators which are continuous. For example, the legislative payroll must be made up each month and the flow of mail to the legislators is continuous. Pre-session organization of the facilities and the acquisition of session staff is also made difficult.

3. Although the legislature spends a good portion of its time reviewing the actual and proposed expenditures of administrative departments, it maintains no organization to provide the necessary data to permit it to carry out the same type of scrutiny of its own fiscal operations.

4. In the legislative process there is no permanent staff agency to provide comprehensive research studies for the legislature. It has long been the practice to appropriate sufficient funds to interim committees to permit their employment of temporary professional staffs to carry out such research projects. Neither the Legislative Reference Library nor the Legislative Council as now composed are adequately staffed to carry out this function.

5. The problem of a lack of professional research staff is particularly acute for the Legislative Council because its present small staff is burdened with the tremendous amount of operational detail in keeping the Council and its many committees operating effectively.

6. The need for a research staff is broader, however, because it involves research for individual legislators, groups of legislators and standing committees of the legislature.

7. A major problem involves the effective relationship between the legislator or legislative groups requesting studies, the research unit and the bill drafting process.

8. One of the major problems is to make the research so effective that it will be reflected in the character of the legislation recommended by the legislator or the legislative group requesting it.

9. Another major problem is to provide an automatic process whereby the results of research and the tremendous amount of information available will be utilized in a continuous bill drafting process. Recognizing that the drafting of more than 3,500 legislative proposals in the span of six months does not give the bill draftsmen time to utilize the background resources

available, it is apparent that the problem is to stimulate legislative proposals in the interim period in order that the draft may reflect all of the information available.

10. A major problem is to so organize the legislative service functions so that they will be closely tied to the legislative process and fully available to the legislators without losing any of their nonpartisan fact-finding traditions.

11. Another major problem is to so sift and winnow the mass of legislative proposals that the full impact of the available research and informational services may be brought to bear on the significant problems.

IV. THE LEGISLATIVE SERVICES--WHAT ARE THEY?

What are the legislative services which are or should be provided?

1. Operations: the implementation of the interim study of general and specific problems by individuals and groups of legislators. The Legislative Council and its committees are the major device whereby group studies are carried out, co-ordinated and geared into a legislative program. This is the function in which the facts assembled are tested against public opinion and existing conditions so that an effective proposal can be evolved.

2. Information: the search for, assembling, filing and distribution of available material on anticipated and existing problems of legislation. The Legislative Reference Library, the Legislative Council and to a limited degree the State Library carry out this function.

3. Research: search for, suggestion and compilation of data and the opinions of experts to form the basis for legislative study. This is carried out by the professional staffs of existing interim committees, the Legislative Reference Library, the Legislative Council and the Joint Survey Committee on Retirement Systems.

4. Bill drafting: the drafting of legislative proposals in accordance with a specific request of legislative study groups and individual legislators. Numerically most of it is done by the Legislative Reference Library, but in terms of major projects most of them emanate from the Legislative Council.

5. Revision: the adaptation of an act to the session laws and revised statutes and the preparation of bills to correct defects. This function is carried out by the Revisor of Statutes.

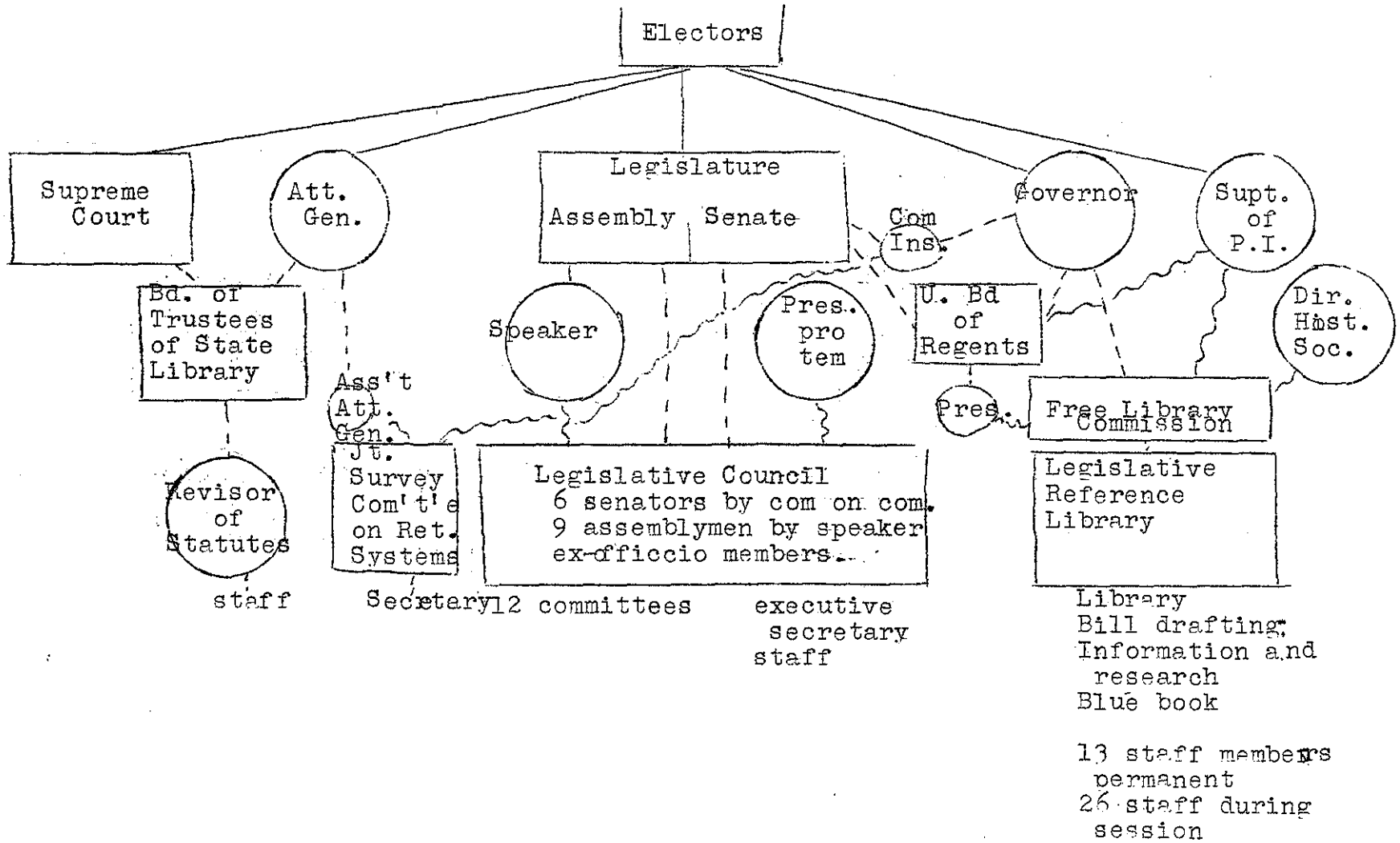
6. Administration: the procurement and management of a staff of legislative employees and the carrying out of the housekeeping functions for the legislature. This is carried out by the chief clerks and sergeants at arms of the two houses.

NOTE: While the State Library facilities are available to the legislators, the number of direct services which it provides to the legislators is small. Excellent liaison, however, exists between the State Library and the Legislative Reference Library and the services of the State Library are continuously used by the Reference Library in providing service to the legislators.

In expository fashion we might describe the services rendered to the legislature in this manner. To make the interim study of legislative problems most effective, it is necessary to

have an over-all secretariat to arrange the meetings, to keep account of the progress through agendas, minutes and reports, to make information available and to take care of the myriad of details necessary to assure results. Trained people and an organization are necessary to search for, procure, file and make available the wealth of information which may be helpful to individual legislators and groups in the study of legislative problems. Trained specialists are required to search for, assemble, and synthesize the facts in major studies for the consideration of individual legislators or groups. The legislators should be able to have their ideas translated into specific legislative proposals in proper form by legally trained bill draftsmen. As a final check on legislation before it is incorporated into the session laws and the revised statutes, professionally trained personnel should carry out the continuous function of revision. The multitude of housekeeping functions necessary to pave the way to successful legislative sessions must be carried out by legislative employees.

V. THE CURRENT ORGANIZATION OF WISCONSIN LEGISLATIVE SERVICE AGENCIES



VI. WHAT OTHER STATES ARE DOING

The number of states which are creating or expanding their legislative service agencies is increasing. A count made by the Council of State Governments in 1950 revealed:

28 states have Legislative Reference Libraries
26 states have Legislative Councils or their equivalent
4 states have Legislative Counsels
37 states have a bill drafting service. In 18 it is primarily a function of the Legislative Reference Library, in 7 it is primarily a function of the Legislative Council, in 4 states it is done by the Legislative Counsels and in 8 by the Revisor of Statutes
14 states maintain a legislative agency for the analysis of administrative and fiscal operations.

The pattern of organization varies a great deal among the states because of the historic incidents resulting in the development of the various agencies and because of differences in their approach to the problem. For example Kansas professes to have no Legislative Reference Library yet only Council proposals are drafted by the Council and only 20 per cent of reference work is done there. Most of their reference work is done in the State Library and all of the bill drafting is done by the Revisor except for Council bills. The only difference between the Kansas and Wisconsin set-up is that in Kansas research is under the Council and bill drafting is under the Revisor.

In Minnesota the Legislative Research Committee (Council) does research and reference work but no bill drafting, 50 per cent of which is done by the Revisor.

14 out of 26 Legislative Reference Libraries do extensive research, 26 out of 27 do spot research and 19 out of 26 do bill drafting. On the other hand only 9 out of 22 Legislative Councils do bill drafting and 20 out of 22 do extensive research and 17 out of 22 do spot research. In only 2 cases is the Legislative Reference Library under the Council, in Alabama and Florida.

Following data from The Shumate Report, of September 1950, mimeographed by the Council of State Governments.

SERVICES AVAILABLE IN VARIOUS STATES

	Legislative References Libraries	Legislative Councils	Legislative Counsels	Revison of Statutes
Alabama	Yes*	Yes		
Arizona	Yes**			
Arkansas		Yes		
California	Yes**		Yes	
Colorado	Yes			
Connecticut	Yes**	Yes		Yes
Delaware	No Information			
Florida	Yes*	Yes		Yes
Georgia				
Hawaii	Yes			
Idaho				
Illinois	Yes	Yes		
Indiana	Yes	Yes		Yes***
Iowa	Yes**			
Kansas		Yes		Yes
Kentucky		Yes		Yes
Louisiana				
Maine	Yes**	Yes		
Maryland	Yes	Yes		
Massachusetts	Yes**		Yes	
Michigan	Yes			
Minnesota		Yes		Yes
Mississippi				
Missouri		Yes		
Montana	Yes**			
Nebraska		Yes		Yes
Nevada		Yes		
New Hampshire	Yes			
New Jersey	Yes**			Yes****
New Mexico				
New York	Yes**			Yes
North Carolina				
North Dakota	Yes			
Ohio	Yes			Yes
Oklahoma	Yes**	Yes		
Oregon				Yes
Pennsylvania	Yes	Yes		
Rhode Island	Yes**			Yes
South Carolina		Yes		Yes
South Dakota				Yes
Tennessee	Yes			

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	Legislative Reference Libraries	Legislative Councils	Legislative Counsels	Revisor of Statutes
Texas	Yes**	Yes		Yes****
Utah		Yes		
Vermont	Yes**			
Virginia	Yes	Yes		Yes
Washington		Yes	Yes	
West Virginia				
Wisconsin	Yes	Yes		Yes
Wyoming		Yes	Yes	

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* Responsible to Council

** Part of Law or State Library

*** Director of Legislative Reference Library is ex officio

**** Bill drafting unit does it

VII. ORGANIZATION OF LEGISLATIVE SERVICES IN ALABAMA

ALABAMA - 1945

Organization		Functions
	LEGISLATURE	
4 Senators elected by Senate 6 members of House of Representatives elected by House of Representatives Presiding officer of the Senate ex officio Presiding officer of the House of Representatives ex officio	LEGISLATIVE COUNCIL 12 members meet once every 3 months	Supervise work of Legislative Reference Service Suggest research studies. Examine effects of constitution and statutes. Examine effectiveness of operation of state and local government. Prepare recommendations for Legislature in form of bills. Report to session on accomplishments.
Appointed by Legislative Council	Executive Secretary	Secretary of Legislative Council Director of Legislative Reference Service
Employes under merit system Appointed by Director	LEGISLATIVE REFERENCE SERVICE Research Revision Bill drafting Staff, May 1947 Chief attorney Principal research asst. Jr. attorney Principal stenographer Sr. typist Jr. stenographer	Answer inquiries on organization and administration of government of the state. Make studies and reports on problems of state and local government. Called to attention by Legislature, Governor, etc., or on own initiative. Draft bills at request of Governor, Legislature and departments. Report every 3 months on work done and in progress. Codification of statutes.

(See Report to the Legislature of Alabama concerning Legislative Council and Legislative Reference Service activities. 6/1/47)

VIII. ORGANIZATION OF LEGISLATIVE SERVICES IN VIRGINIA

LEGISLATURE

ADVISORY LEGISLATIVE COUNCIL

Investigate all matters referred by Legislature or Governor
Report findings and recommendations to Legislature and Governor

4 by President of the Senate
5 by Speaker of the House

DIRECTOR OF RESEARCH AND DRAFTING

Secretary — Director

Experienced Lawyer

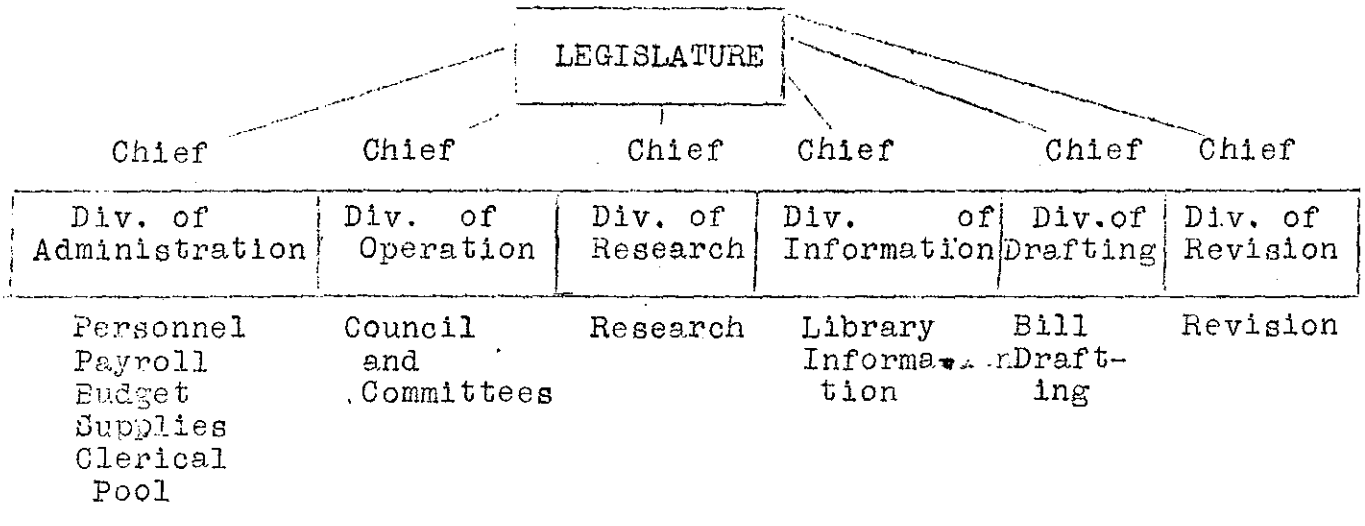
DIVISION OF STATUTORY RESEARCH AND DRAFTING

Assist in co-ordinating.
Provide information - research staff of Council by statute.
May use employes of Council.
Appoint draftsmen and clerks. ~~as to fitness~~.
Collect library on prospective and pending legislation.
Prepare lists, drafts, etc.
Publish bulletins.
File legislative documents.
Accumulate statistics on government.
Draft or aid in drafting bills for Governor or Legislature.
Advise on constitutionality and probable legal effect of legislation.
Do research on subjects of proposed legislation.
Catalog state publications - set price.

IX. BROAD ALTERNATIVE METHODS OF ORGANIZING THE LEGISLATIVE SERVICES

There are several methods whereby the legislative service agencies might be organized. Each of these methods has strengths and weaknesses. All of them would probably work. Following is a brief description of the several methods:

1. The legislative services might be organized in a single department responsible to the legislature. Six parallel divisions under division chiefs would carry out specific functions.



ADVANTAGES

A. All of the legislative services would be part of an integrated whole.

B. All of the legislative services would be on equal footing.

C. Housekeeping would be concentrated in a few well-trained persons.

DISADVANTAGES

A. A good portion of the work of the Legislative Reference Library and Revisor of Statutes is not directly concerned with the legislature.

B. The legislature as a group would be inadequate as a directing head because there might be 133 different opinions. Who would make the appointments?

C. The legislature is available as a group only one-fourth of the time.

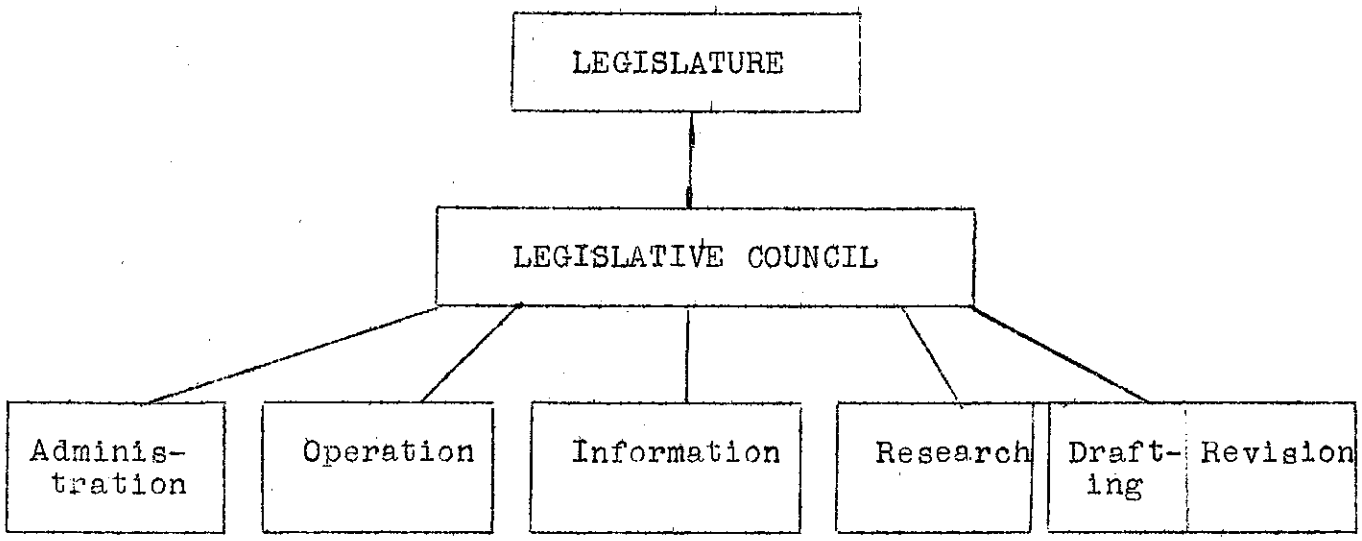
D. The creation of 6 divisions would not solve the problem of functional coordination.

E. If political considerations asserted themselves, the 50 year old tradition of non-partisan service would be lost.

F. This plan would probably require another administrator to coordinate the whole program. We need more soldiers and less generals to do the work.

G. If the personnel were under the classified service, the controls by the legislature would be reduced, and if the personnel were subject to legislative confirmation, a change in the complexion of the legislature might result in widespread turnover.

2. The legislative services might be made responsible to the Legislative Council and through them to the legislature.



ADVANTAGES

A. It would make the services available to the Council which considers most of the important matters coming before the legislature.

B. Such a plan would coordinate the services.

DISADVANTAGES

A. Many of the services provided by the Revisor of Statutes, Legislative Reference Library, Bill Drafting and Research are for members of the legislature not members of the Council.

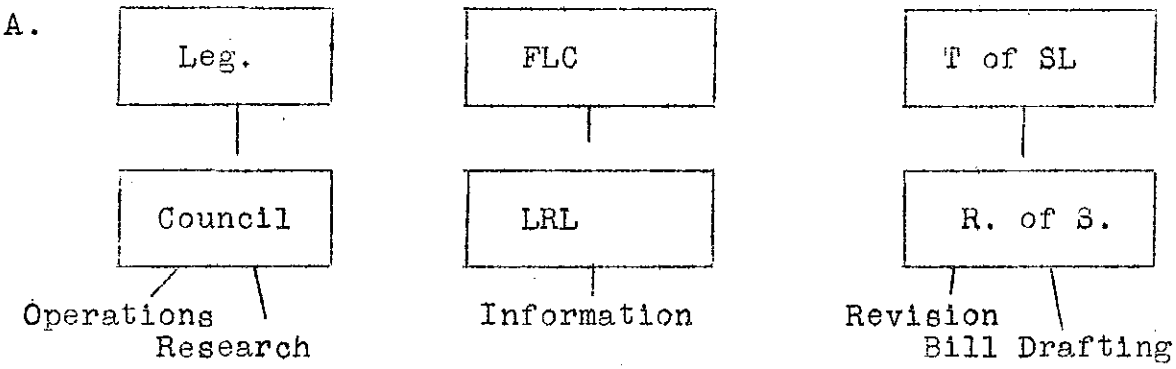
B. This proposal might seriously jeopardize the existence of the council on the grounds that it might be considered a device to dominate the legislature.

C. The council is not a full-time body. Prompt and top level decisions would not be forthcoming as quickly as necessary.

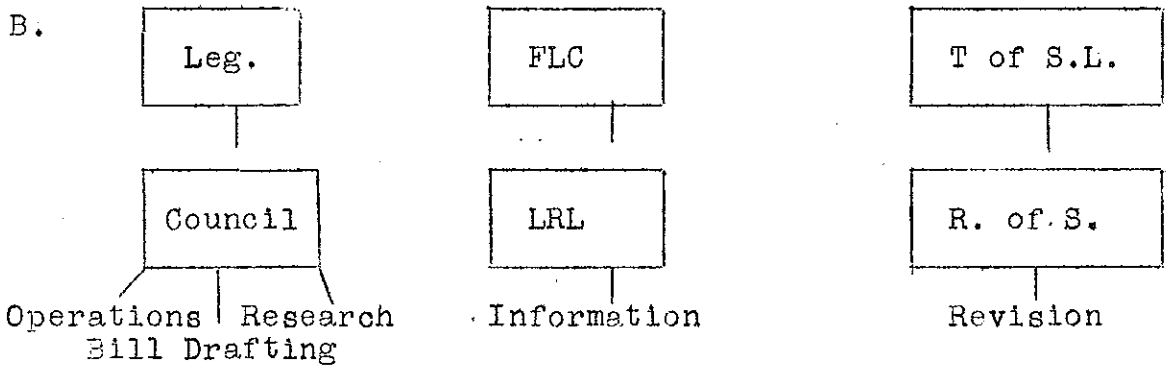
D. Political considerations might influence the administration by the council.

3. The legislative services might be rearranged within the existing pattern:

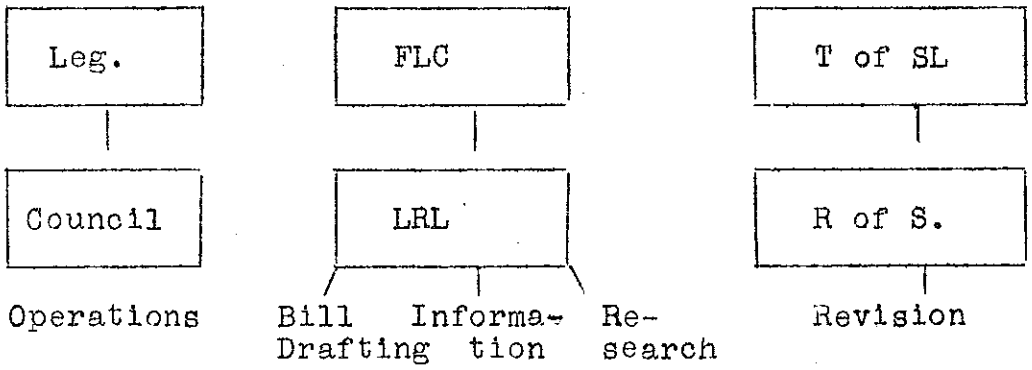
A.



B.



C.



ADVANTAGES

1. The plans do not require any drastic reorganization.
2. Fact-finding and bill drafting can be separated from policy-making.
3. Non-legislative services provided by these agencies can be continued most easily.

DISADVANTAGES

1. Integration of the services is difficult and must be done on the administrative level.
2. The responsible agencies for some of the services are not interested in legislative services.
3. The problem of deciding under which of these agencies to place the services still exists.

X. CONTROL OF THE LEGISLATIVE SERVICE AGENCIES

The Legislative Councils are with few exceptions chosen from and responsible to the legislature or consist of the whole legislature as in Oklahoma and Nebraska. There is no clear-cut pattern of the agency selecting the personnel in the other legislative services or the agency to which they are directly responsible. In many cases the executive or administrative departments have a part in the selection of personnel. In some cases the judicial branch of government is involved, especially in the bill drafting and revision function.

The fact that all three branches of government have some responsibility for the selection of legislative service agencies may not be strange when we consider that both the executive branch and the judicial branch have some functions which are at least closely parallel to the legislative function. The Governor proposes budget. He also submits one or more messages to the legislature, outlining a program, and he approves or vetoes all legislation. Similarly, the courts through their review of statutory enactments in specific cases are closely connected with the legislative process. The legislature in turn exercises many functions which directly affect the executive and judicial branches of government.

An analysis of the reasons for some legislative services being responsible to executive or judicial branches of government reveals the following facts:

1. In part this is because the functions were added to the existing agencies which the legislators had been using on an informal basis. An illustration of this is the New Jersey Revision Commission which acquired the bill drafting function because they had done some before on an informal basis.

2. In part the association of the legislative services with the administrative departments is because the trend was toward informational service which naturally gravitated toward a library.

3. One significant reason why legislative service agencies have been in part divorced from the direct control of the legislature is the fact that control within the legislature has fluctuated frequently. It is abnormal for the same party or faction to remain in control very long. Where party control of the legislature has shifted frequently, members of the majority party have realized that if they should lose control to another party or faction the legislative services which were closely geared to group control would probably be repudiated. Sensing the need for continuous service, these legislatures have divorced immediate control of the legislative services from the legislature.

4. Legislative services may have other functions. The Legislative Reference Library frequently attached to the State Law Library is an agency serving a much larger clientele than the legislature. In terms of the numbers of requestsfor information the Wisconsin Legislative Reference Library, for

example, serves administrative departments more than the legislature. The Wisconsin Revisor of Statutes has many functions not directly concerned with the legislature. Only the Legislative Council is concerned exclusively with the legislative process.

5. It must also be noted that the mechanics of an appointment by the legislature are difficult. Appointment by the full legislature would be difficult. Appointment by the same process as committees are appointed would be open to the objection that such appointments mightbe influenced by the particular group in control at the time. Appointment by the Council creates the danger that more and more legislators might desire to have a part in the process with the result that the Council would grow as it did in Oklahoma and Nebraska to include all of the legislators. Furthermore, if the legislative service agencies are to serve all the legislators it may be argued that selection by the Council is too narrow.

6. Originally, the legislature was just a part-time organization which assembled once in two years for some three to eight months and then dispersed for good. Modern transportation facilities have changed that to the degree that many legislators have occasion to come to Madison very frequently, but the legislature is not in session much more than many years ago. The fact that the legislature is in session only about one-fourth of the time would affect its ability to exercise appointive powers which may need to be exercised at any time during the year.

XI. THE RELATIONSHIP OF INFORMATION, RESEARCH AND BILL DRAFTING TO THE LEGISLATOR

In the last analysis it is the legislator who must decide what problem he wishes to attack, the policy the legislative proposal shall foster and how that policy shall be effected. The research and bill drafting must be geared to these decisions. Graphically we may represent these relationships thus.

Legislators	Research Organization	Bill Draftsmen
1. The legislator decides on the problem he intends to attack and refers it to →	2. where the data on the problem are developed and reported back to	
3. who decides on the basis of the information gathered how he wishes to approach the problem in a bill and refers his request to →		4. who, guided by the information developed and the legislator's instructions, drafts the proposal.

It is our opinion that it is the function of the reseacher to accumulate the information on the project set out by the legislator and for the legislator to supplement these basic facts, analyse public opinion, and decide upon the expedient manner of handling the problem which, at the legislator's direction is translated into a bill by the bill draftsman.

XII. THE IMPORTANCE OF MAINTAINING A STRONG SECRETARIAT FOR THE COUNCIL.

The problem of keeping account of the operations of more than 100 legislators and laymen composing 14 committees and the council and dealing with 14 major categories and an infinite number of subjects with these categories is a back breaking job. To do it systematically requires a person with an iron constitution.

Among the various functions which the office carries out are:

1. Arranging committee meetings.
2. Securing technical experts and citizens to appear at such meetings.
3. Keep accurate minutes of all meetings.
4. Cull the grist of the committee meetings and segregate proposals for legislators and mandates for study.
5. Participate in translating committee recommendations into specifications for legislation or actual drafts.
6. Keep the press and interested people informed of program.
7. Keep the Council apprised of committee activities.
8. Compile the reports and recommendations of committees and the Council.
9. Prepares summaries of information, copies of proposed bills and analyses of what bills propose to do for the Council and committees.
10. Maintain payroll and prepares expense accounts for the Council members and committee members.

While many of these functions involve extensive clerical work, the management of them requires a highly qualified person with particular talent. While this person is intimately concerned with the bill drafting, search for information, and research, the extent to which he can devote himself to the details of these processes is very limited. It is far more important that he devote himself to the overview of the whole process.

XIII. THE PROPOSAL TO COMBINE BILL DRAFTING AND REVISION

On several occasions the proposal has been made to combine bill drafting and revision, presumably in the Revisor of Statutes' office. The Griffenhagen Report No. 9 of December, 1946 made this proposal.

It is our opinion that this proposal is wrong for two basic reasons.

1. We feel very definitely that the crux of the whole process of serving the legislature lies in tying together more closely the ideas and decisions of the legislator, the research and information developed and the process of bill drafting. This proposal would in fact separate the final step in the process of preparing bills from all of the important work done in anticipation of a specific proposal.

2. We do not have enough bill draftsmen nor do they have enough time during the press of work during a session to give the necessary considerations to each matter to assure its perfection. Even though the bill is checked by the draftsman, his supervisor, the typist, the proof readers and the revision clerks, errors crop up. The volume of revision bills indicates this. It is true that an employee of the Revisor's office could provide a further check whether bill drafting was attached to that office or not , but the separation of the two functions permits the Revisor of Statutes to make a more independent check without becoming involved in the substance of the bill.

XIV. THE FUNCTION OF RESEARCH IN THE LEGISLATIVE SERVICES

It is highly probable that there never was a time when no research was conducted into the problems confronting the legislature. Many outstanding studies have been conducted by interim committees into such problems as industrial insurance, pensions, education, juvenile delinquency, public welfare organization and services, budgeting, county government, and the tax system. We know that from the very inception of the Legislative Reference Library Mr. McCarthy used every conceivable device to discover and bring together information regarding pertinent subjects for the legislature. On one occasion he went to Europe to get information on continuation schools.

During the period 1905-1909 the Legislative Reference Library published approximately 20 Comparative Legislative Bulletins most of which were prepared in co-operation with the Department of Political Science of the University. They contained summaries of the legislation in other jurisdictions on a particular subject such as the primary election laws, corrupt practices, juvenile courts, municipal home rule, interchange of telephone service, tenement house legislation, etc. In the intervening years many such reports were prepared in typewritten form, but none appear to have been published. Some of them were prepared for specific requests; others in anticipation of interest in the problem.

During the very first year of the existence of the Legislative Council its secretary prepared a comprehensive study on the local and state law enforcement agencies of the state. Since then the staff of the council has been too busy to do any more such comprehensive studies, but many less pretentious summaries of significant problems have been prepared.

During the past 6 months the Legislative Reference Library has begun the preparation of research studies in published form. The first such, initiated at the request of the secretary of the Legislative Council, dealt with the background information on the problem of legislative apportionment in Wisconsin. Others now in process deal with regulation of boats and a pre-session manual for new legislators.

Research may be done on 2 broad areas of problems; those recognized and initiated by the council or other legislators, and those which careful analysis of events indicates will arise. In the first category it is necessary to so define the problem that the research unit has a clear-cut area to study. In the second category the problem is to anticipate the significant problems. The legislative reference unit of the Library of Congress has done an outstanding job in estimating

the significant problems sufficiently far in advance to have materials available when the demand arises. In California this problem is partially solved by requesting the incoming legislators to enumerate the problems which they think will be significant.

In both California and Illinois an additional technique of value has been used. In addition to full-blown reports on major issues, the research units prepare shorter summaries of a larger number of problems. These are geared to provide some information on a specific subject in less than 10 pages. We suggest that this technique would probably meet with a good deal of approval in this state.

XV. THE ORGANIZATION OF A RESEARCH STAFF

We assume that it is clearly established that some professional staff to prepare factual data is essential.

It should be said at the outset that it would be uneconomical and impossible to maintain a permanent research staff capable of doing every research project proposed. Certain major projects such as the Tax Study and Highway Study authorized by the 1949 legislature will require additional technical and clerical personnel beyond the permanent needs.

The permanent staff should be adequate to meet ordinary needs. No one knows exactly what will be adequate. Kansas has 6, Minnesota has 5, Illinois has 7. The number of research people needed will depend upon the approach to the problems which is used. If every committee of the Council is given free rein to suggest research projects, it would probably take 20 people to do the job. If the Council itself screens the research proposals, and, if a special staff is used for full-blown projects, a staff of 5 or 6 should be adequate.

Research workers may be either generalists with broad training in Political Science Economics, Sociology, etc. or specialists with more highly developed training in one field. It is considered advisable to have generalists on the permanent research staff. An additional important qualification is the insatiable desire to get all the facts.

We propose, if the research function is assigned to the library, to utilize two of the existing research associates for the work. We would add one more research associate. This group, together with the chief, the bill drafter and two research fellows from the University would provide 5 people. We feel, however, that as the program develops the research people should be classified to Research Associate IV.

Another important adjunct to the research program is the possibility that the University may be persuaded to establish a more positive working arrangement to make graduate students available for research work. A beginning has been made in this direction. Two law school students have worked on the criminal code project during the past year. A graduate student in education did a project on payments in lieu of taxes ~~for people~~ on tax exempt property. It is our conviction that the broad field of potential legislation provides an almost inexhaustible supply of dynamic research projects in the social sciences which may challenge graduate students.

It should be said that considering the tremendous impact which research in the problems of government may have, the staff proposed is very conservative. It is just as important to do research in these areas as it is in the biological and physical sciences for which many times as much money is now expended.

XVI. SERVICES OF LEGISLATIVE REFERENCE LIBRARY OTHER THAN TO LEGISLATURE

While the Legislative Reference Library was created primarily as a legislative service agency and has consistently given priority to that group, its services are by no means confined to this.

Of 1,053 formal requests for reference help in 1948 only 119 came from legislators. In 1949 236 out of 1,278 requests came from them. The remainder came from administrative departments, private individuals, and out of state groups and individuals.

Of 4,296 requests for bill drafting services 1,060 came from sources other than individual assemblymen or senators. 345 came from state departments, 3 from the executive office.

During 1949 1,240 new items were cataloged, 2,013 continuations were added and 17,850 clippings were added.

The Blue Book is compiled and edited by the Legislative Reference Library under statutory authority.

The Chief of the Legislative Reference Library is by statute one of 2 commissioners on Uniform Laws for Wisconsin.

The Chief of the Legislative Reference Library has been appointed a member of the Commission on Interstate Cooperation.

By statute the Chief of the Legislative Reference Library is to assist the Revisor of Statutes in editing the Red Book.

XVII. DUTIES OF THE REVISOR OF STATUTES WHICH ARE NOT A DIRECT SERVICE TO THE LEGISLATURE AS COMPARED WITH THOSE WHICH ARE

The final step in the process of legislation is the compilation of the session laws and the integration of the new laws and existing statutes carried on by the Revisor of Statutes.

1. The preparation of the session laws requires this:

   Preparation of a dummy
   Proof reading
   Editing and making of minor corrections
   Indexing

2. The compilation of the revised statutes in which the same steps are taken.

3. The preparation of revision bills to correct errors, remove obsolete and unconstitutional provisions.

4. The co-operation with any group interested in revision of any part of the statutes.

All of the foregoing to some degree constitute a service to the judical and executive branches of the government as well, and also are of value to the lawyers. In addition the Revisor performs such services as:

1. Compilation, proof reading and editing the Red Book.

2. Preparation of the annotations, either as a separate volume or as an integral part of the revised statutes.

3. The preparation of indexes of statutes, session laws, town laws, special private and local laws.

4. Acts as secretary to the Judicial Council, arranges meetings, does research, prepares minutes and the reports.

5. He is one of 2 Wisconsin Commissioners on Uniform State Laws.

XVIII CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1. Except for a permanent research staff the legislative services provided in Wisconsin are equal to those provided in most states and better than in some. There are, however, various improvements which can be made within the existing services.

Recommendation 1. That a staff of full-time qualified research workers be built up gradually to be available to the legislature, Legislative Council, legislative committees and individual legislators.

Conclusion 2. A drastic reorganization of the legislative services to provide an ideal blueprint organization is not necessary to eliminate the gaps in existing services. Such reorganization would provide additional problems of reallocating existing non-legislative services provided by the agencies today. Existing legislative service agencies can provide effective service to the legislature and also provide substantial service to others under the existing organization.

Recommendation 2. That no drastic reorganization of the legislative services be made.

Conclusion 3. The real problem is to bring the legislator, the fact-finding group and the bill draftsman into such close working relationship that the activities of each will be brought to bear most effectively in the resulting legislative proposal. We conclude that these elements cannot be isolated from each other. They should not, however, be so closely allied that the responsibilities of one may be shifted to another. The fact-finder should develop the facts and at most draw the obvious conclusions which the facts disclose. The legislator should propose the problem, and when the facts are in, interpret them into what he considers proper legislative policy. The bill draftsman should translate the facts within the framework of policy laid out for him by the legislator into workable legislative proposals. We conclude that it is better to have some separation between the operation of deciding policy and the operation of getting facts.

Recommendation 3a. That the information service, research and bill drafting be concentrated in the Legislative Reference Library.

Recommendation 3b. That these services be available to all legislators as has been the custom in the past, but that the Legislative Council be given priority in the fulfillment of its research requests.

Recommendation 3c. That the informational and research requests made of the Legislative Reference Library by individual legislators and the Legislative Council be given the same confidential treatment now given requests for drafting service.

Conclusion 4. A separate agency to revise the statutes provides another worth-while check on the accuracy of the statutes. The Revisor acts much as does the State Auditor and should therefore be separate from the services he checks. This process begins the day the first act is passed.

Recommendation 4a. That the office of Revisor of Statutes remain as an independent agency.

Recommendation 4b. That bill drafting be continued in the Legislative Reference Library.

Conclusion 5. A complete and confidential bill drafting service should be available to the individual legislator, legislative committees and the Legislative Council providing each legislator with bills patterned to his exact specification. A request for a bill to abolish the Legislative Reference Library, for example, must be treated with the same thoroughness, secrecy and courteousness as a proposal carrying the unanimous endorsement of the Legislative Council. This type of service can best be provided in an organizational pattern in which the informational, research and drafting functions are apart from any agency dealing with legislative policy.

Recommendation 5a. That bill drafting be assigned to the fact-finding agency.

Recommendation 5b. That the confidential "custom built" tradition of bill drafting be continued.

Conclusion 6. There does not appear to be any feasible method whereby the legislature as a whole could administer the legislative services. The current organization imposes no known restrictions on the character of the services provided. The association of the Revisor of Statutes with the Trustees of the State Library and of the Legislative Reference Library with the Free Library Commission provides avenues of service which should not be cut off.

Recommendation 6. That the supervisory controls of the Trustees of the State Library over the Revisor of Statutes and of the Free Library Commission over the Legislative Reference Library be continued.

Conclusion 7. With the development of the Legislative Council and the unprecedented stability of legislative personnel in recent years an increasingly large number of requests for drafting service have been received prior to the session. This has been stimulated further by the opportunity to have bills printed in advance of the session. In view of this development and the need for greater utilization of the results of research in the bill drafting process, the need for a continuous bill drafting staff is developing.

Recommendation 7. That one permanent bill draftsman with no administrative duties be added to the staff of the Legislative Reference Library.

Conclusion 8. No permanent research staff can be created capable of doing every conceivable type and amount of research desired.

Recommendation 8. That in cases where the legislature authorizes extensive research projects requiring technical personnel or large amounts of manpower, provision be made by special appropriation for the hiring of sufficient personnel to carry out the particular project.

Conclusion 9. While the integration of special research staffs with the committees of the Legislative Council involved may be desirable in some cases, for the sake of continuity and the full utilization of available materials, some contact with the permanent research staff should be maintained.

Recommendation 9. That a member of the permanent research staff be assigned to each special research study on at least a part-time basis.

Conclusion 10. There are so many important problems which need to be studied that someone must screen the research requests and give them priorities.

Recommendation 10a. That early in the interim period the Legislative Council lay out a relatively small number of projects which should be the subject of substantial research projects by reason of legislative edict or evidence of interest.

Recommendation 10b. That all subsequent research projects requested by Council committees be screened by the Council.

Recommendation 10c. That some leeway be given to do projects for administrative departments or individual legislators, and that the person in charge of research be authorized to screen such requests.

Conclusion 11. The graduate school of the University is one of the largest in the country. Its resources ought to be used systematically by the state in the field of research.

Recommendation 11a. That the Legislative Reference Library request for two $900 fellowships yearly to award to graduate students for specific research projects be supported.

Recommendation 11b. That in making recommendations the Legislative Council consider the possibility of using graduate students for research.

Recommendation 11c. That the person in charge of research be authorized to consult with the proper authorities of the University with the view to establishing a continuous working arrangement in the field of research.

Conclusion 12. One of the factors working against effective liaison between the Legislative Reference Library and the Legislative Council is the lack of physical proximity. Completely adequate research cannot be done under the existing

physical conditions.

Recommendation 12a. The Legislative Council and the Legislative Reference Library be housed in the same wing of the capitol.

Recommendation 12b. Space must be found for the research staff sufficiently close to the Library so that they can use the stacks easily and so that they can work in an atmosphere conducive to concentrated effort.

Conclusion 13. The current housekeeping functions of the legislative services are completely decentralized, and they vary greatly in their nature. Complete realignment and centralization would create a whole new set of problems and organizational needs which may be even worse. The important problem is to take the burdensome housekeeping functions off the back of the Council secretariat and to provide some full-time continuity in the legislature itself. The latter is necessary because during the interim period the inevitable tasks which arise in connection with the legislature are carried on by the chief clerks in addition to their other duties.

Recommendation 13a. That a clerk be attached to the Legislative Council to handle the housekeeping functions of the Council and the routine interim housekeeping functions of the legislature as requested by the chief clerks.

Conclusion 14. Currently personnel of the Legislative Reference Library and legislative staff are selected under chapter 16, while the personnel of the Council and the Revisor's Office are outside the requirements of chapter 16.

Recommendation 14. That the extension of the benefits of chapter 16 be considered.

Conclusion 15. The maintenance of a strong secretariat responsible to the Council and highly sensitive to the needs and duties of the Council is imperative to the effective operation of this many-sided organization. The secretariat has a very important function in maintaining a systematic account of the activities and progress of the Council and its committees, and must of necessity be intimately associated with the policy-making activities of the Council. It is therefore physically impossible and organizationally unwise for it to operate as a major arm of the Council to develop basic facts. It is more nearly a device to help the Council mold policy around the facts.

Recommendation 15a. That, unless the Council specifically directs it to participate in the accumulation of basic facts, the Council secretariat farm out the fact-finding function to the Legislative Reference Library.

Recommendation 15b. That the current policy of carefully recording the activities of the Council and its committees be continued, and that the present policy of facilitating public information about and understanding of the problems being considered by the Council and its committees be continuously developed in order to facilitate the fullest possible understanding and consideration of the problems during the interim period.

Recommendation 15c. That efforts be made to identify the activities of the Council early in the interim period in order to relieve the tremendous pressure of the last four months of that period.

Conclusion 16. It is imperative that the present processes of distributing information used by the Legislative Council particularly be continued. The uneven flow of work and the need for maximum speed at certain times currently makes it necessary to impose on the printing organization for special consideration to get mimeographed copies of reports, summaries and bills out on time. The problems resulting create increased tension and strain which could be relieved.

Recommendation 16a. That the legislative services secure a mimeograph machine to be used when the work demands make it impossible for the existing agency to provide the quick service required.

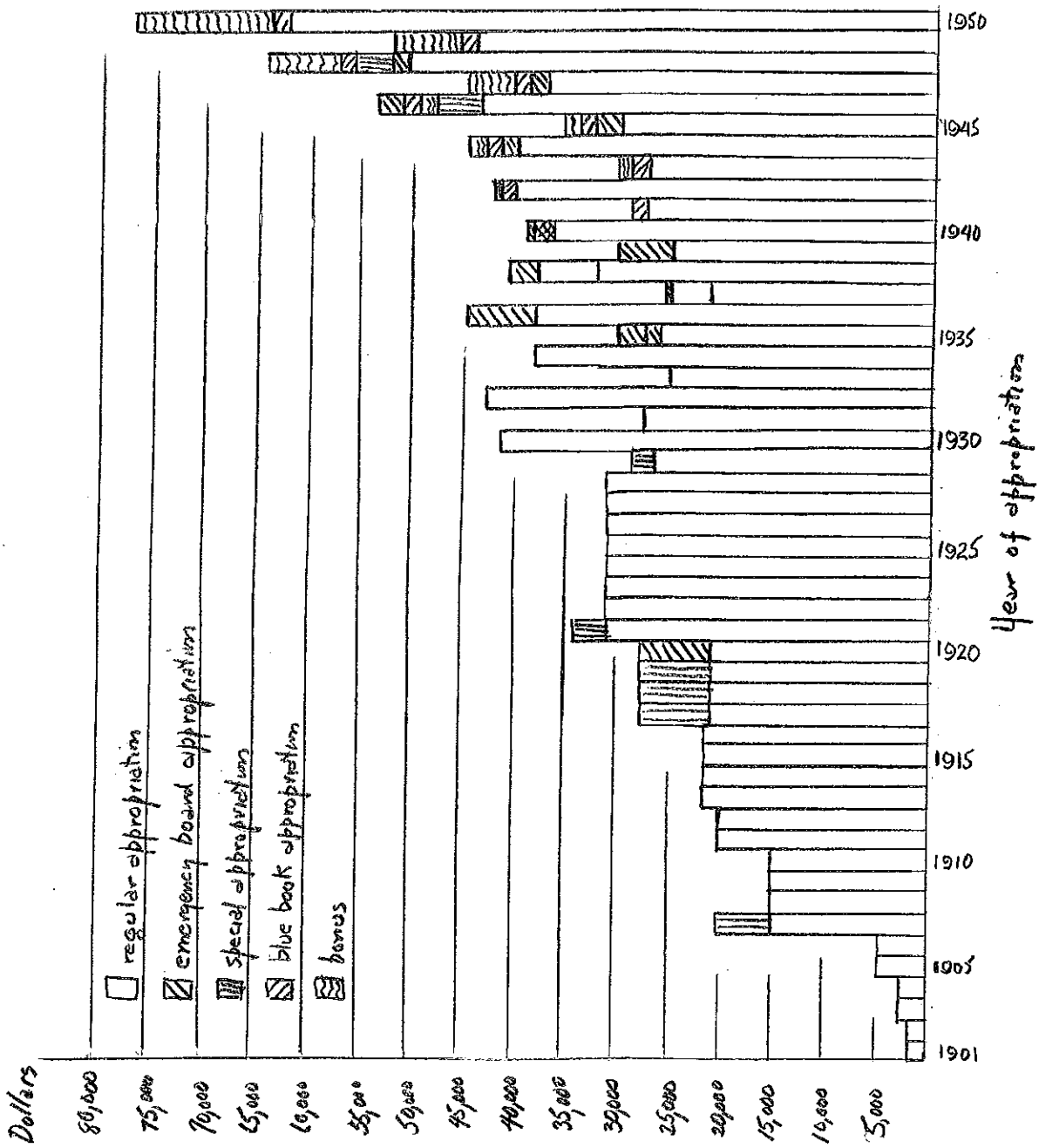
Conclusion 17. A more complex organization would probably cost more money. It is assumed that the additional costs would be justified by the broader services provided. We are of the opinion that by the proper utilization of the resources available, the costs could be kept within reason. We conclude that whatever increases in personnel are required should be confined to technical personnel and not include any administrative personnel in order to keep the costs down.

Recommendation 17. Spend the money on privates and lieutenants or maybe captains and not on generals.

1949-51 BUDGETS OF LEGISLATIVE SERVICES

	Personal Services	Materials & Supplies	Capital	Other	Total
Legislative Council					
20.015 (1)		$60,000			$60,000
20.015 (1)				$30,000 Highway Study	30,000
Emergency Board				15,000 Tax Study	15,000
Legislative Reference Library					
20.14 (3)	$100,852	3,748	$1,500		106,100
20.14 (4) (Blue Book)	2,040	1,160			3,200
Revisor of Statutes					
20.64 (1)	35,440	1,360			36,800
20.641 (Annotations)		7,500			7,500
TOTAL					258,600

Legislative Reference Library Appropriations 1901-1950



prepared by
Legislative Reference Library
10-12-50

LRL-A401

LRL-S104

NUMBER OF VOUCHERS ISSUED BY THE LEGISLATIVE SERVICE AGENCIES

	1948-49	1949-50	Total
Legislative Council			
Expenses	161	261	422
Supplies	53	41	94
Salaries	15	28	43
Legislative Reference Library			
Expenses	5	1	6
Supplies	127	110	237
Salaries	18	11	29
Revisor of Statutes			
Expenses	4	5	9
Supplies	25	29	54
Salary	12	12	24
Legislature			
Expenses	669	410	1,079
Supplies	147	123	270
Salary	109	76	185
Joint Committee on Retirement			
Expenses	17	6	23
Supplies	16	28	44
Salary	13	12	25
Total			
Expenses	856	683	1,539
Supplies	368	331	699
Salary	167	139	306
TOTAL	1,391	1,153	2,544