

CHAPTER IV

A Model Legislative Reference Bureau Act

IN October, of 1933 the leading Legislative Reference Bureaus and State Libraries met at a conference sponsored jointly by the American Legislators' Association, the National Association of State Libraries, and the American Association of Law Libraries. This conference was held the same week as the general session of the American Library Association. The most significant event

of the conference was the adoption of the report of a committee assigned to the drafting of a model statute for the establishment of state legislative reference services. The proposed model act will undoubtedly be used to establish or to re-establish several legislative reference bureaus during the current sessions of the legislatures which convened in January of this year. The model statute follows:

A BILL FOR AN ACT

TO CREATE A LEGISLATIVE REFERENCE BUREAU, AND TO PROVIDE FOR ITS OPERATION AND MAINTENANCE, AND FOR ITS COÖPERATION WITH OTHER AGENCIES

Be it enacted by the Legislature of the State of

(Insert the proper enacting clause for the state.)

SECTION 1. *Creation of Bureau.* There is hereby created a Legislative Reference Bureau [as an independent agency of the state government] for the use of the members of the Legislature, the Governor, and the various departments, institutions, and agencies of this state, as well as for a limited service for such citizens of this state as may desire to avail themselves of its reference facilities.

SECTION 2. *General Purposes.* The purpose of the said Legislative Reference Bureau shall be:

A. To assist the Legislature of this State in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before them; and by providing digests showing the practices of other states and of foreign nations in dealing with similar problems;

B. To secure information for the legis-

lators of this state by coöperating with the legislative reference services in other states, and with the Interstate Reference Bureau maintained by the American Legislators' Association and by the Council of State Governments;

C. To furnish to the members of the Legislature of this State the assistance of expert draftsmen, qualified to aid the legislators in the preparation of bills for introduction into this Legislature;

D. To prepare for the legislature measures which will improve the form and wording of and reduce the size of the statutes of this state, and clarify, reconcile, and codify their provisions;

E. To provide for this Legislature staff facilities which will be comparable in quality and adequacy to those which this Legislature provides for the other departments of the government of this State, and to provide the adequate expert assistance without which no legislature can properly perform its required functions.

SECTION 3. *Appointment of Director—Qualifications—Salary.* The Legislative Reference Bureau shall be in charge of a

director appointed by the Legislative Council.¹ He shall be chosen without reference to party affiliations, solely on the ground of fitness to perform the duties of the office. He shall be well versed in political science and law, and in the methods of research and bill drafting. He need not be a resident of the state. He shall hold his office for a term of ten years from the date of his appointment and may be chosen to succeed himself, but he may be removed at any time by a vote of the majority of the members elected to each house by the Legislature. He shall be paid a salary of \$0000² per annum and any necessary traveling expenses, payable monthly as the salaries and expenses of other state officers are paid.

SECTION 4. *Appointment of Regular and Temporary Employees.* The director shall appoint such technical, clerical, and stenographic assistants as may be necessary to carry out the provisions of this act, and shall fix the compensation of each within the appropriations made for the office. (Not essential: The regular employees of the office shall be employed subject to the civil service laws of this state.) For a period commencing one month prior to each session of the General Assembly, and ending one month thereafter, the Director may

¹ In several states Legislative Councils have been established. They are composed primarily of members representing each house of the Legislature. In some states, additional members are appointed by the Governor. This bill has been drawn to facilitate the coordination of the work of the legislative reference bureau with that of the Legislative Council.

If no legislative council exists, and if it is not thought desirable to establish one at the same time as the legislative reference service is established, it is suggested that the director of the legislative reference bureau be appointed by a committee of five, consisting of the President Pro Tem of the Senate, the Speaker of the House, the Governor, the Chief Justice of the State Supreme Court, and the President of the State University. (Or, if desired the director might be designated by a committee of five consisting of the President Pro Tem of the Senate, the Speaker of the House, the Chairman of the Senate Judiciary Committee, and the Chairman of the House Judiciary Committee, and one other state official.)

The Legislative Reference Section of the American Legislators' Association is agreed that the new legislative reference bureau should not be established as a division of the state library.

² Most of the annual salaries now paid range between \$3600 and \$10,000.

appoint and, within the appropriations provided therefor, may fix the compensation of such stenographic and emergency assistants as may be necessary to expedite the work of the bureau during the legislative session.³

SECTION 5. *Appropriations.* Adequate appropriations for carrying out the purposes of this act shall be made biennially by the Legislature in the general appropriation bill, but in the absence of any such appropriation the Director and regular employees of the bureau shall be paid their salaries and necessary expenses incurred in the performance of their duties as the executive officers of the state government are paid. The Auditor of the State is authorized and directed to draw warrants monthly in payment of the lawful salaries and expenditures of the office on vouchers signed by the director.⁴

SECTION 6. *Offices—Coöperation by and with Other Agencies.* The Legislative Reference Bureau shall be provided with adequate quarters in the State Capitol where the bureau will be conveniently accessible to the members of the Legislature and to other persons having official business with it. The bureau shall be kept open during the time provided by law for other state offices; and when the Legislature is in session, at such hours, day and night, as are most convenient to legislators. The facilities of the State Library, and of any other libraries maintained by the State, shall be available for the use of the bureau, subject to the rules of such libraries. Each State Department shall, to a reasonable extent and upon request, furnish to the Legislative Reference Bureau such documents, material, or information as may be requested by the members of the Legislature or by the director of the Legislative Ref-

³ The regular full-time staff should include the director with not less than two research assistants, two stenographers and a clerk. The authority to employ additional assistance when needed during the sessions, should extend to the employment of at least two temporary bill drafters and two temporary stenographers—unless other stenographers are definitely available.

⁴ In many states it will be advisable to insert an appropriation for the first biennium in this section. In other states the appropriation should be included in the general budget or appropriation bill.

erence Bureau. The Legislative Reference Bureau shall cooperate with the Legislative Reference Bureaus of the other states, and shall interchange information and research material with them through the Interstate Reference Bureau, and may, in the discretion of the Director, participate with other states in the maintenance of the Interstate Reference Bureau. Any service charges paid to the Interstate Reference Bureau or any reasonable expenditures for its maintenance shall be deemed a necessary expense of the Legislative Reference Bureau of this state.

SECTION 7. *Specific Functions.* The Legislative Reference Bureau shall endeavor to perform the following services:

A. Reference Service

- (1) Provide a comprehensive research and reference service on legislative problems;
- (2) Summarize and digest information relating to the legislation either of foreign countries, or of the federal government, or of the states of this country, or their political subdivisions.
- (3) Prepare reports setting forth the social and economic effects of statutes of the legislation enacted in this state or elsewhere;
- (4) Make such investigations into legislative and governmental institutions as will aid the Legislature;
- (5) Maintain a legislative reference room and a small working library, and purchase for such library any printed or written reference material relating to problems of the state or political subdivisions thereof, as may aid the members of the Legislature;
- (6) Keep and file copies of all bills, resolutions, amendments, memorials, reports of committees, journals, and other documents printed by order of either house of the Legislature unless readily available elsewhere; and collect, catalogue, and index, the same as soon as practicable after they have been printed; if appropriations are made therefor, keep an index of the action on each bill, resolution, memorial, amendment by each house

of the Legislature, by any committees of the Legislature, and by the Governor. Said digests and indexes shall be printed and distributed at such intervals as the Director may deem practicable.

- (7) Assist and cooperate with the Legislative Council and with any Interim Legislative Committee or Commission created by the Legislature or appointed by the Governor;
- (8) Cooperate with, and—as aforesaid—maintain an exchange service with, legislative reference bureaus and corresponding services of other states, when desirable; exchange information with the federal government, with foreign governments, and with local units of government in this state; cooperate as aforesaid with the Interstate Reference Bureau which is maintained jointly by the American Legislators' Association and by the Council of State Governments, and with other agencies which carry on research in governmental problems;
- (9) Advise the presiding officers or members of either house of the Legislature upon any question of parliamentary law or legislative procedure submitted by any of them;

B. Bill Drafting Service

- (10) Upon request, draft or aid in drafting bills, resolutions, memorials and amendments thereto, and render any other legal services in connection therewith, for any member of the Legislature or for the Governor.
- (11) Upon request advise members of the Legislature and the Governor as to the constitutionality, or as to the probable political, economic, or social effect, of any proposed legislation;

C. Statutory Revision Service

- (12) Conduct a systematic study of the statutes in effect in this state, in order to determine feasible ways for reducing their number and bulk, and for rendering them more consistent, and intelligible;

- (13) Upon request, assist any commission appointed to revise the statutes of this State, or any portion thereof; and, at the direction of such commission, draft appropriate bills to consolidate, revise, and clarify the statutes of this State;
- (14) Prepare and index for printing as promptly as possible after the adjournment of each session, the Session Laws therefor, which compilation shall include all acts, memorials, and resolutions, which the Legislature has adopted or passed during the session, and have received the approval of the Governor when such approval is necessary.

SECTION 8. *Written Requests Required for Bill Drafting Service—Unpublished Matters not to Be Revealed without Consent.* All requests for the drafting of bills or resolutions by the Legislative Reference Bureau and all requests for opinions on points of constitutional, administrative, or parliamentary law shall be submitted in writing. Requests for the drafting of bills or resolutions shall contain a general statement respecting the policies and purposes which the bill is designed to accomplish. Each such request and statement shall be signed by the person who submits it. The Bureau shall draft each requested bill to conform to the written instructions of the signer of the request.

SECTION 9. *Prohibitions.*

A. Neither the Director nor any em-

ployee of the Bureau shall reveal to any person outside of the Bureau the contents or nature of any request or statement for services, except with the consent of the person making such request or statement.

B. Neither the Director nor any employee of the Bureau shall urge or oppose any legislation, nor give to any member advice concerning the legal, economic or social effect of any bill or proposed bill except upon the request of such member.

C. Neither the Director nor any employee of the Bureau shall give any legal advice on any subject to any private individual or corporation.

D. Neither the Director nor any permanent employee of the Bureau shall, during his employment in this Bureau, be interested in the private practice of law in any manner, nor be personally engaged in any other business for profit.

A violation of any provision of this section by any member of the Bureau shall be sufficient cause for his or her immediate dismissal from public service.

SECTION 10. *Constitutionality Clause.* If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. *Effective Date.* This act shall take effect . . .