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1954 Acts Affecting Legislative Services

By Arthur Y. Lloyd*

Several Acts of the 1954 General Assembly which directly affected the scope and organization of legislative services in Kentucky are of considerable significance to State government. Four Senate Bills adopted last Session substantially amended the Legislative Research Commission's organic law, transferred to it the related staff functions of statute revision, bill drafting and compilation of administrative regulations, and assigned it additional duties subsequent to reorganization of the State Library. The Legislature also directed a number of research studies for submission to the next regular Session.

The action of the 1954 Legislature constitutes the culmination of the development of a permanent source of informational and technical services for Kentucky's legislators, a concept initially recognized in the establishment of a Legislative Council by the 1936 General Assembly. That Session, in creating a Council which initially included ten legislators with five administrative officials, reflected a desire to obtain the benefits other legislatures had derived from such a staff agency. The Council, without sufficient funds to employ an adequate staff, was unable to effectuate its purposes. Established largely as a "screening agency" for proposed legislation rather than placing emphasis upon "fact-finding," the Council gradually lost power and prestige and was finally abolished in 1948. In its place, the General Assembly created the present Legislative Research Commission and gave it both a financial and a statutory basis for operation.

The Commission is composed of the Lieutenant Governor, who, as presiding officer of the Senate, serves as ex-officio Chairman, the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of both Houses. Its primary duty is to "make or cause to be made such investigations into statute law, legislation, governmental agencies and institutions and matters of public policy as

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will aid the General Assembly in performing its duties in the most efficient and economical manner” and to afford to any legislator “such information and assistance as may be practicable.” In order to obviate any criticism of partiality or usurpation of the legislative prerogative, the Commission has not exercised directly its statutory right to make recommendations on the basis of its findings, confining its work to investigations and analysis. Appropriations have been adequate to employ a professional staff with appropriate graduate training and to publish research reports on a variety of subjects.

Chapter 7 of the Kentucky Revised Statutes, relating to the Commission, was extensively amended by Senate Bill 47, which was co-sponsored by the Senate Majority and Minority leaders and received the almost unanimous approval of both Houses. This Bill acknowledged the primacy of legislative control of the Commission by giving it exclusive jurisdiction over the organization and compensation of its staff. Previously, the Commission’s employees had been subject to regulation by the Division of Personnel, and a clearer delineation of its responsibility to the legislative branch was deemed desirable. A corresponding change enabled the Commission to contract with any individual or agency for the printing or publication of its reports, hitherto subject to regulations of the Department of Finance concerning state printing. Both of these changes serve to further remove the staff and functions of the Commission from possible influence or control by the executive branch.

Several totally new functions assigned the Commission reflect a broadening of legislators’ demand for staff assistance. The section of the Law defining the duties of the Commission’s “legislative reference room and working library” was amended to require the maintenance of an index of all bills introduced in the General Assembly. The Bill made permanent a function undertaken by the Commission at the beginning of the 1954 Session by directing it to prepare and publish a daily index and digest of the content of and legislative action on all measures introduced in the General Assembly. This work previously had been performed by a private publisher, and dissatisfaction with the results led legislators to assign the work to the Commission. The experience of the last Session indicates that the Commission can prepare the sum-
mary with a considerably higher degree of efficiency and economy than a private publisher.

Additional housekeeping functions were delegated to the Commission as the Legislature's interim staff. It was made custodian of all furniture, equipment, records, supplies and copies of bills of the House and Senate when not in session and, in addition, given jurisdiction over the allocation of all rooms used by the General Assembly while in session. Following renovation of the Capitol, it will resume its permanent location on the third floor of the Capitol, in proximity to the House and Senate chambers, and will be well situated for care of legislative property.

The Commission's role as a vehicle for cooperation with other states was greatly expanded by the new Act. It will now serve as Kentucky's Commission on Interstate Cooperation in carrying out the program of the Council of State Governments, and will designate persons to represent the State at the National Conference of Commissioners on Uniform State Laws and report the findings and recommendations of the Conference to the General Assembly. This facet of its duties follows logically from its composition, as the leadership of both branches of the General Assembly constitutes an effective and qualified channel for interstate cooperation. To conform with changes in the remuneration of legislators, the Bill fixed the compensation of Commission members at the same per diem as it provided per legislative day for General Assembly members, and provided that legislators serving on subcommittees of the Commission shall receive the same travel allowances and compensation for attending meetings as Commission members.

Two measures (S. B. Nos. 162 and 163) co-sponsored by the Senate Majority and Minority leaders provided for the integration of the Statute Revision function into the work of the Legislative Research Commission. The Statute Revision Commission, created in 1936, was responsible for continuing revision of the statutes, publishing a new edition after each legislative session, and served as the State's official bill drafting agency. It was composed of lawyers appointed by the Governor from a list recommended by the Board of Commissioners of the Kentucky State Bar Association. Impetus for assimilating its functions into the Legislative Research Commission developed from a recognition that they are
essentially part of the legislative process and should be performed under legislative direction.

Some opposition to these bills was expressed in debate on the floor, on the grounds that technical work of this nature should be subject to supervision by lawyers, not legislative leaders. However, participation of the legal profession is assured by provision for an Advisory Committee on Statute Revision, consisting of four members to be appointed by the Governor from a list submitted by the Kentucky Bar Association, and the requirement that the Revisor of Statutes must be a member of the Kentucky Bar or a person with at least two years of "responsible experience" in statute revision work in some other state. Responsibility for controlling the form, filing, publication and distribution of administrative regulations, a duty that had been assigned to Statute Revision by the 1952 State Agency law, devolved upon the Legislative Research Commission with the passage of Senate Bill 163.

The advantages of this consolidation of legislative services are two fold: first, it permits better coordination and utilization of staff, especially in the light of the fluctuating demands for particular services during and between sessions; second, it brings all legislative services together under the immediate direction of the General Assembly's elected leadership. The preparation of bills for consideration by the Legislature and the preparation of legislation for publication as statutes are clearly an extension of the legislative process and persons performing this work should be employed and supervised by an agency of the General Assembly. The legislative character of promulgation of administrative regulations had been recognized previously in making the Statute Revision Commission, rather than an administrative department, the central repository for regulations.

Among the duties of the Commission has been the maintenance of a small, specialized library for the use of legislators and its own research staff. Senate Bill 140, which abolished the existing State Legislative and Law Library and created in its place a State Law Library, also expanded the Commission's library responsibilities. Books not needed by the new Law Library are to be placed in the custody of either the Commission, the Kentucky Historical Society or the University of Kentucky. Existing statutes governing the printing and distribution of the Acts of the General
Assembly were amended to make the Commission responsible for furnishing a correct copy of the Acts to the printer. It is now the agent for distributing copies of the Acts and Journals to specified state and county officials, who are to receive copies without charge, and itself retains a number of copies for use by the Legislature. Funds appropriated to the Department of Library and Archives for distribution of books were transferred to the Commission for this purpose.

The new duties assigned the Commission did not deflect from the primacy of its research work. Twenty-two proposals for new research studies were introduced this Session. Twelve new research projects were authorized for the current biennium. The variety and scope of subjects on which the Commission is directed to report indicate that research can be of value in almost any field of legislative interest. Of major interest this biennium will be a comprehensive study of Kentucky's General Fund tax structure and potential tax sources, financed by a special appropriation of $25,000. A separate Resolution directed the Commission to investigate substituting a severance tax for existing taxes on timberland. Two studies involve whole branches of State Government. The Commission, in cooperation with the Judicial Council and the Kentucky State Bar Association, will investigate Kentucky's Judicial Department and Court system. The General Assembly itself will be the subject of a study of legislative processes and procedures. A legislative directive that the staff of the Commission summarize the enactments of the 1954 Session was complied with shortly after adjournment.

Three Resolutions concerned education, a major part of the state budget. The Commission will report on the feasibility of a state-financed program for college scholarships, the desirability of merging independent school districts with county units, and methods of distributing state aid for pupil transportation. The latter study was written into the Foundation Program Bill in recognition of the inadequacy of its formula for distributing State aid and the absence of factual data on the subject. A similar need for continued investigation appears in a section of the 1954 Act regulating water resources which directs the Commission to study and report on water resources, usage and rights. The feasibility of establishing area homes for the aged an disabled was the sub-
ject of another study directed by this session. The Commission was assigned two studies in the field of agriculture: an analysis of milk prices and production costs, and an investigation of laws regulating diseased livestock and poultry, both to be made in cooperation with the Commissioner of Agriculture and the Agricultural Experiment Station.

Considered together, the duties assigned the Commission by the 1954 General Assembly constitute a reaffirmation of the value of a permanent, bipartisan, and competent service agency directly responsible to the legislative branch. The diversification of the Commission’s functions brought about by the 1954 General Assembly make possible a concomitant growth in its utility as an agency through which the Legislature may increase its own effectiveness. Implicit in these Acts is an acknowledgment that such an agency can assume many of the time-consuming and technical burdens of our legislators, leaving them better prepared and better able to devote themselves to determining policy and representing the public.