LEGISLATIVE COUNCILS AND COUNCIL-TYPE AGENCIES
IN THE UNITED STATES: AN EXPLORATORY STUDY

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Richard E. Zody
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CHAPTER I

THE PROBLEM AND DEFINITION OF TERMS USED

I. INTRODUCTION

The legislative council is a joint committee of the state legislature assisted by a research staff appointed by the council. The legislative council purports to expedite the legislative process by a variety of means.¹

Current studies of legislative councils are not usually concerned with evaluation, but are aimed at a much wider descriptive scope often called the "council movement." One addition to this is a recent study by Robert D. Seltzer of the Indiana Legislative Advisory Commission.²

Iyle C. Kyle, Director of the Colorado Legislative Council, has suggested that by answering several questions one could get an idea as to the role of the legislative councils and council-type agencies:

1) What do the councils or council-type agencies actually do; 2) how do councils or council-type agencies actually function; 3) the difference in attitude towards, or acceptance of councils or council-type agencies by legislators in states where councils recommend legislation as opposed to those states in which no recommendations are made; or 4) the difference in operations, success or acceptance of councils or council-type agencies, by legislators, in one


party states as opposed to two party states.³

This thesis will attempt to explore each of these questions (directly or indirectly) in the hope that a study such as this will yield some basis for the assertion that the role of the legislative council or council-type agency is one of expediting the legislative process.

Legislative councils have existed in the United States for over half a century. The legislatures and their councils vary from state to state as to the role they play in the political process. The legislative council occupies a unique position in the political process in that it has a model role of an intermediary between the administration and legislature, and between the two houses of the legislatures; in so doing, (and a result of its information-gathering activities), it serves as a collector for divergent opinions about public policies and it facilitates the political process.⁴

The idea of an agency which would aid the legislative process by making thorough scientific studies of continuing problems of public policy has its matrix in the "reformism" at the turn of the century. Although the matrix is "reformism," there are many practical needs for such an

³Letter from Mr. Lyle C. Kyle, Director of the Colorado Legislative Council, to Richard E. Zody, October 8, 1964, p. 1. Mr. Kyle was a student of Dr. Frederic H. Guild. Professor Guild is Emeritus Professor of Political Science, The University of Kansas, and was Director of the Kansas Legislative Council for twenty-seven years.

agency to facilitate the political process.

The overall need for the legislative council lies in the fact that there has been an increasing complexity to the work of the political institutions, and little increase in the time allowed to deal with the work. There seems to be a tradition in America that state legislatures should be "part-time" even when the work-load is full-time. As Harvey Walker, an eminent political scientist from Ohio State University, says:

> There is too little time available during the brief session to do any fundamental research on the subjects presented. There is even too little time to assemble the results of research already done by competent researchers in various parts of the country.5

Knowing as we do that few states provide assemblymen with a secretary, let alone a staff, and that often the assemblyman is only a "part-time" legislator, then it becomes evident that their decisions involve a "guessing game" on the facts of specific problems of legislatures.

The politician-political scientist T. V. Smith pointed to another need for legislative councils when he said:

> I was, and am, certain that, when factuality is required, nothing can be more important than the facts. Legislators do not generally have them, nor have they time to get them at the hour of need.6

Another basis for the existence of legislative councils lies in the

---


6T. V. Smith, "The Biography of a Bill," Address to the Legislative Service Conference, New Orleans, Louisiana, September 28, 1953. ( Mimeographed.)
realization of a **continuing agency** "to study the complicated problems with which a modern legislature must deal . . ."\(^7\) According to Walker, several states feel that "**legislation should be anticipated** and the subjects dealt with should be studied comprehensively and reported upon before the houses are asked to act."\(^8\)

In summary, we have presented eight basic needs for legislative councils: (1) fundamental research; (2) assembling of completed research; (3) making facts accessible through the utilization of scientific methodology; (4) development of a continuous agency to study continuing problems; (5) anticipating and developing legislative actions; (6) doing "spot" research during legislative sessions; (7) making objective reports; and (8) facilitating the legislator's work-load in order that he may do more than just "guess" as to the facts of specific problems. A manifestation of the fulfillment of these needs might be "the making of public reports on recommendations prior to the commencement of the regular sessions,"\(^9\) thus enabling the citizen to be aware of the alternatives to specific public policies. It is obvious then, too, that the legislative council is **unique** in a broader sense than that which was previously dis-

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\(^9\)*ibid.*, pp. 324 ff.
cussed. "It is a legislative committee which may consider any sub-
ject."\textsuperscript{10} Therefore, we find that the legislative council is an attempt
to handle legislative problems which are always continuous.

As the legislative council comes into existence, one must look at
what it does; herein we will be dealing with generalities due to the
diversity of functions from state to state. One must keep in mind the
eight previously mentioned major needs which give purpose to the legis-

clative councils.

In all, thirty-nine states have legislative councils and the appro-
pirations for these councils have risen steadily since World War II.\textsuperscript{11}
These councils can be generally characterized as being bipartisan and
generally have a representative of the administration taking some part
in the council; by being \textit{representational}, the council accomplishes sev-
eral things: (1) difficulties are "ironed out" beforehand; (2) the
council is usually made up of leaders in the bodies represented, thus in-
suring some correlation between the desires of the bodies; and (3) by
the close working relationship it develops which tends to break down the
traditional inter-governmental rivalries between the executive and legis-
lature, and intra-legislature.\textsuperscript{12}

Through its research reports and related activities, the legislative

\textsuperscript{10}\textit{Ibid.}, p. 326.

\textsuperscript{11}\textit{Legislative Councils," Book of the States, 1960–61, (Chicago, Il-

\textsuperscript{12}Walker, "Legislative Councils-An Appraisal," \textit{op. cit.}, pp. 834 ff.
council aids legislators in developing substantive legislation and
government policy; the net result being that they become more effective
legislators.13

Legislative councils provide accessible facts to the legislators
when needed through their reference library facilities. Through bill-
drafting services, the legislative councils provide bills drafted on the
basis of the known facts, thus enabling the legislator to rely on their
judgments.

Legislative councils, by means of their statutory revisions, cope
with the problem of changing laws to meet the times, thus enabling the
legislator to develop current legislation which is effective. By pre-
paring bill and law summaries, the legislative councils aid the legisla-
tor in knowing what laws or bills exist that are relevant to his bills,
therefore preventing duplicated efforts.

In recommending substantive legislative programs, the legislative
councils are anticipating and developing legislative actions, thus en-
abling the "part-time" legislator to do his job better in a minimal
amount of time.

In preparing research reports, legislative councils give to the
legislator (and the public) objective facts resulting from fundamental
research as well as possible alternative solutions to specific facts.
By doing "spot" research and counseling legislators, legislative councils

13"The Evaluation of Representative Type," Illinois Legislative
Council Publication, #4-572. ( Mimeographed.)
facilitate the legislative process in action by making the work-load of an over-worked legislator lighter.

In some states, legislative councils continually study state revenues and expenditures, thus enabling the executive as well as the legislative branches to ascertain what financial needs exist or what excesses exist, resulting in a financially efficient government. In a few states, the legislative councils also perform the tasks of budget analysis and review and perform legislative post audits; in so doing, the legislative council is an intermediary once again. Generally, the picture of the legislative council's function in the political process is one of research and advice based on gathered facts by an impersonal agency.

II. THE PROBLEM

Statement of the Problem. Inquiry by the author has shown that there is a great deal of diversification in legislative councils, and that as yet, no study has attempted to deal with the questions raised by Mr. Kyle. If the legislative councils are service agencies,¹⁴ they are fulfilling their function through expediting the legislative process. This study reviewed their service functions and analyzed the degree of acceptance by the legislators as a basis for the thesis that legislative councils and council-type agencies expedite the legislative process.

This thesis was limited to the study of the Kansas Legislative Council and the Indiana Legislative Advisory Commission. Therefore, the conclusions are limited to those two states. However, as Mr. Kyle pointed out, there is a need for limited studies of the legislative councils since there are so many differences between just two councils.¹⁵

Importance of the Study. The import of this study lies in several factors. First, almost all the studies (and these have been limited in number) have been very general in nature. Second, the only study specifically about the Indiana Legislative Advisory Commission is not documented; rather, it is based on personal observations over a sixteen year period.¹⁶ Third, the major treatments of legislative councils and council-type agencies suffer from certain defects which will be discussed in Chapter II. The fourth major factor is that none of the existing studies deal with the Indiana Legislative Advisory Commission in a scientific manner. Any discussion of legislative councils or council-type agencies must also consider the Kansas Legislative Council, not only because of its primacy, but more important because of its success.¹⁷

The conditions of modern state government demand an agency of some

¹⁵Letter, Kyle to Zody, loc. cit.
¹⁶Robert D. Seltzer, loc. cit. (This is not to be taken as a blanket criticism of the study; rather, the value of the study is diminished due to the lack of documentation.)
¹⁷Eille Zeller, op. cit., p. 126.
kind to facilitate the legislative process:

...; therefore, the making of laws needs more and more to be done by 'experienced and exercised minds' and 'by minds trained to the task through long and laborious study.' ... the problems of government can be solved today only by synthesizing the contributions of the expert and the legislator. Legislators also need assistance in bridging the long gap between sessions.18

The Kansas Legislative Council is one type of structure attempting to meet modern problems. The Indiana Advisory Commission is another type. As will become evident, the two are not similar, yet a study of parallel aspects of the two present sizable contrasts and a basis for an evaluation of the Indiana Advisory Commission. As one legislative council director has said:

Legislative council means different things in different states, and each has developed, progressed or waned in its own historical and political climate. Some council agencies ... have comprehensive integrated programs such as the Alaska Council ... down to the case of Illinois where the council restricts itself to the issuance of factual and not-too-controversial reports and that is all.19

The definitions used in this paper, therefore, do not "fit" all legislative councils and council-type agencies. They are at best rough classifications of existing structures in the legislative process. The data contained in this study will indicate the extent the Kansas Legislative Council and the Indiana Advisory Commission expedite the legislative pro-

18Ibid., pp. 125-126.

19Letter from Mr. John C. Doyle, Executive Director of the Alaska Legislative Council, to Richard E. Zody, October 6, 1964, p. 1.
III. DEFINITIONS OF TERMS USED

Legislative Council. A legislative council is "... a permanent [sic] joint committee of the state legislature, assisted by a full-time professional research staff appointed by the council on the basis of merit." The Kansas Legislative Council is illustrative of this definition.

Council-Type Agency. A council-type agency is a permanent joint committee of the state legislature assisted by a research staff appointed by the council. This represents a functional definition of council-type agencies based on a survey of council-type agencies in the United States by the author. Generally, council-type agencies do not meet the rigid definition of a legislative council. The Indiana Advisory Commission is illustrative of this definition.

Legislative Process. The legislative process may be defined as those means through which a policy may or may not become law through legislative action, either in session or out of session.

Expedite. The term expedite may be defined as that effect which is a more efficient use of legislative time. Generally, it connotes a shortening or reduction of the time required for some goal through coordinated efforts and advance preparation as a result of the work of the

council or council-type agency.

**Factionalized.** Factionalized may be defined as the lack of party discipline which results in a political party functioning as individuals rather than as a member of a cohesive voting group (rural-urban), and not as a unified whole.\(^{21}\)

These definitions are to be considered only in the light of this paper, for legislative councils in general are as different as the state legislatures which create them.

**IV. METHODS OF COLLECTING DATA**

This thesis originally was to deal with all legislative councils and council-type agencies in the United States. The author wrote to forty-two legislative service agencies which is the usual figure given for the number of legislative councils and council-type agencies. Thirty-six replies were received to the above, all except one containing helpful information. A majority of the thirty-six suggested that the author read two books, both of which are reviewed in Chapter II. Of the six which did not reply, at least two are non-operative. One of those which did reply, the Louisiana Legislative Council, has not met in four years.\(^{22}\)

It was discovered that there were too many problems inherent in the

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\(^{22}\)Letter, Kyle to Zody, loc. cit.
study as originally planned. The first major problem was definition. Some of the councils are called Legislative Councils; some Research Bureaus; some Advisory Commissions; some Research Counsels, etc. A second major problem was the determination of which "councils" were operative, inoperative, and non-operative. It also became evident, the Council of State Governments notwithstanding, that very few generalizations could be made about legislative councils and council-type agencies in the United States.

Therefore, the decision was made to focus on two states representing, respectively, a legislative council and a council-type agency - Kansas and Indiana. The two agencies are not comparable because they were created in two different political environments. Because they are so different, they offer an opportunity to contrast the legislative council with the legislative council-type agency.

The author became painfully aware that additional study is needed of "councils" and that this study is only a partial answer to the need for information on various aspects of state government in the United States. The need for more detailed studies of all "councils" has been well expressed by Mr. Lyle C. Kyle:

23 Cf., p. 7.

24 Inoperative means not formally in operation; non-operative means not activated. For example, Michigan (by law) has a council, yet this council has never received an appropriation and is, therefore, non-operative; on the other hand, the Louisiana Council, while not meeting, does maintain a staff and receives appropriations.
To me, the role has been defined fairly well, but whether the role is being carried out, how it is carried out and what has resulted from playing the role are the questions still unanswered on a comparative basis.\textsuperscript{25}

The study only partially answers some of Mr. Kyle's questions and is only about two states, but it is hopeful this study will add information concerning these two "councils" and will encourage further study in other states.

V. RESEARCH METHODS

The nature of an exploratory study implies that many methods of gaining data have been attempted. For example, this study has utilized all of the following data gathering methods: correspondence, personal interviews, statistical analysis, source readings, content analysis, original research, and at least one experimental statistical method.

Similar methods have been rather evenly utilized, making an evaluation possible of the two states studied on the basis of those results. Some of the methods were not fruitful in this study, but as will be pointed out, they may be of future value to other studies. The most significant results were obtained from original research in state documents and statistical analysis.\textsuperscript{26}

The methodological structure is based on the theorem that:

\textsuperscript{25}Letter, Kyle to Zody, p. 1.

\textsuperscript{26}See Chapters III and IV.
If the legislative "councils" are service agencies, then their function is to serve. If the legislative councils do serve, then they are expediting the legislative process by fulfilling their function.

Therefore, the following elements seem to be essential to the thesis:

(1) that some knowledge of the basis of a "council" is necessary to any discussion concerning itself with the effect of that agency upon the legislative and, hence, political process; (2) that a knowledge of the methods used by the "council" is necessary to an understanding of how they do function; (3) that a knowledge of their efforts at intra-governmental coordination is necessary by definition; and that (4) to evaluate their success or failure, one must deal ideally with readily quantifiable data such as appropriations, personal opinions, acceptance of the coordinating actions and preparatory efforts in comparison with those of non-"council" sources and deductive reasoning.

The broad outline of this study then consists of the following focal points of the Kansas Legislative Council and the Indiana Legislative Advisory Commission: their basis; their methods; their coordinating actions, their appropriations; and the evaluation of their results.
CHAPTER II

REVIEW OF LITERATURE

I. INTRODUCTION

The treatment of legislative councils in literature has been sparse with the majority of the literature contained in periodical literature. In the past six years there have been two major works produced on the general topic of legislative councils.¹

Only one article, to the author's knowledge, has appeared in periodical publication regarding the Indiana Legislative Advisory Commission.² In Chapter IV, this article and Dr. Siffin's book will be evaluated in terms of the author's research and the findings thereof.

Certain generalizations may be made concerning both Professors Siffin's and Guild's works. First, they give the general impression that they are dealing with the development of legislative councils in the United States. Second, they attempt to generalize about most legislative councils on the basis of the selected study of a few states. The last


and third generalization is that both studies fail to prove that the legislative council is a service organization of the legislature and legislators.

II. THE LEGISLATIVE COUNCIL IN AMERICAN STATES

Professor William J. Siffin, a member of the Indiana University Department of Government, has written the major study of legislative councils in the United States. The importance of this work to an understanding of legislative councils is underlined by the fact that almost all the respondents in the author's survey recommended this work as necessary to a basic understanding of legislative councils.

Professor Siffin set for himself a major task in attempting to critically evaluate legislative councils by way of answering the following questions:

What is the role of the legislative councils? To what extent and in what way does the council fulfill it? Does this role make sense—or, more precisely, how significant is it in the context of evident problems and needs effecting our contemporary legislatures? And what is the relation of the council to other types of legislative policy staff?3

By answering these questions, the councils would be "evaluated in terms of their effect upon the process of policy-making in the state legislatures."4 The difficulty of Professor Siffin's tasks has been succinctly put by the Director of the Alaska Legislative Council, Mr. John C. Doyle:

3Siffin, op. cit., pp. 2-3.  
4Ibid., p. 3.
It seems to me that legislative councils undergo some change every year or every two years. They are therefore hard to report on unless you pick a given year.\(^5\)

In tracing the background of legislatures, the decline of legislatures, the legislative reference bureau movement, and the legislative council movement, Professor Siffin has given the student of state legislatures an invaluable critique of the legislative system.

He has shown how legislative councils and reference bureaus are matrixed in the same source, e.g.-the decline of the state legislatures. He has demonstrated how the inadequacies of the legislative bureaus in attempting to overcome the problems of legislatures gave rise to the innovation known as the "legislative council," each building on the state legislatures which are composed of "citizen-legislators."\(^6\) Each attempted to compensate for a system of part-time legislators.

To focus on one legislative council (Kansas) and two council-type agencies (Illinois and Kentucky) is not a sound basis for generalization about the other thirty-seven service agencies; Professor Siffin has, for example, classified New Jersey as having a council-type agency.\(^7\) However,

\(^5\)Letter from Mr. John C. Doyle, Executive Director of the Alaska Legislative Council, to Richard E. Zody, October 6, 1964, p. 1.

\(^6\)According to Harold W. Davey, the originator of this term is Mr. Herbert Wiltsee, Southern Representative for the Council of State Governments; Cf., Harold W. Davey, "The Legislative Council Movement, 1933-1953," American Political Science Review, 47:789, September, 1953.

\(^7\)Siffin, op. cit., p. 111.
this service agency is in reality a law revising and bill drafting agency. As its present Chief Counsel has stated:

New Jersey does not have a Legislative Council and this agency has no responsibility for one of the most important functions of a Council, i.e.-formulation of policy and legislative programs. This portion of the work of some Councils is performed in New Jersey, in the main, by special study commissions and committees, usually joint, created by concurrent or joint resolutions of the Legislature.6

Although Professor Siffin has generally done an outstanding study on the three case studies which he presents, the New Jersey agency does not "fit" into any one of the three types which he ascertains (Kansas-"legislative-program planning," Illinois-"research and reference," and Kentucky-"research and policy-planning adjunct of the governor's office and to some extent as a means of linking . . ." the executive with the legislature).9 A rigid interpretation of the concept "legislative council and council-type agencies," would preclude one from considering Kentucky as a council since it is not "of, by, and for the legislature."10

In presenting the role of the Kansas Legislative Council, Professor Siffin has ascertained it as ". . . a matter of sorting, organizing,

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9Siffin, op. cit., p. 186.

10Ibid., p. 87. Professor Siffin implies such a definition while referring to the Kansas Legislative Council.
analyzing, and focusing . . . . 11 As he clearly shows, this is a very appropriate description of the role; however, to say that the fulfillment of this role is brought about by a "leadership process" seems to be avoiding the question. 12

Professor Siffin sees this "leadership process" as a subordination of the research function in connecting it with political decision and the operation of the Council with the legislature; in so doing, he is saying that the research is subordinated to the political considerations of the question under discussion. 13 The question which he should have answered is: Isn't the role fulfilled due to its consideration of things political in its research process? The author is of the opinion that it would since Professors Cape and Bay depict the research process as inherently involved with political considerations. 14

Additionally, the only data which Professor Siffin presents to support this conclusion covers an eleven year period, 1933-44. However, the Council did not receive research appropriations for four of these years (until 1937). 15

11Siffin, op. cit., p. 92.
12Ibid., pp. 92-93.
13Loc. cit.
14William H. Cape and John Paul Bay, An Analysis of the Kansas Legislative Council and Its Research Department, (Lawrence: Governmental Research Center, The University of Kansas, 1963), pp. 78-79. Professor Guild views the research process of the Kansas Legislative Council as the essential ingredient in its success; and Guild, op. cit., p. 16.
15Ibid., p. 96.
To assert, as Professor Siffin does, that the preparatory role of the Kansas Council is significant in terms of contemporary legislatures because it is a result of a "relative cohesive group" is a denial of the above statement concerning the source of leadership and the additional fact that Kansas is traditionally factionalized, with the latest study showing three major factions operating within the legislature. To the author, at least, faction implies the opposite of cohesiveness. 16 If the Kansas Council is a relatively cohesive group, then its success is due to this factor operating in factionalized legislature.

Often Professor Siffin has presented a point in his study, such as showing the reasons for the appointing of legislators to the council at a particular time, and then becomes opaque in drawing conclusions:

Inadventent failure to appoint the new council the mad hours of a sixty-day biennial session has never occurred. 17 The relationship of this statement seems to be of some importance to the overall topic of the Council's organization and specifically to the above mentioned idea.

To state that "the ultimate authority of the council has through its entire history rested upon its status, its processes and its product, rather than coercion," is contradictory to Professor Siffin's relating


17 Siffin, op. cit., p. 71.
that the existence of the subpoena power was sufficient to produce the
testimony desired from a witness at a council meeting.18

In discussing the council process of fulfilling its function, Pro-
fessor Siffin has made several errors which can mislead the reader.
First, the council proposals may be initiated in a number of ways, and
not "in only two ways." 19 Second, in asserting "the Kansas Council does
not operate on the fringes of the legislative process," and citing the
statement "'all our studies are controversial,' " 20 does not agree with
Professor Siffin's later statement in which he quotes Professor Guild:
"a high percentage of adoptions may mean that a council has had it [sic]
'too many minor proposals, not of a controversial nature." 21

Certainly, Professor Siffin's evaluation of the council is further
weakened when he states:

The ability of the council to tackle issues is further
evidenced by the fact that no interim legislative com-
mittees have been created in Kansas since 1935. 22

However, such an interim committee was created in 1957 (Legislative Com-
mittee on Economy and Efficiency); in addition, Professors Cape and Bay

18 Ibid., p. 76. Additional contradictory evidence stating that Kan-
sas has used the subpoena power once may be found in THE REPORT OF THE
COMMITTEE ON AMERICAN LEGISLATURES, American Political Science Associ-

19 Loc. cit. See Chapter III, this thesis.

20 Siffin, op. cit., pp. 77-78.

21 Ibid., p. 99.

22 Ibid., p. 79.
have shown the significant rise since 1955 of the use of Citizens' Com-
mitttees and other extra-legislative commissions and committees, although
these have tended to cooperate with the council and it with them.23

Professor Siffin has shown considerable insight in the Kansas Coun-
cil operation, however, when he delineates the size of the council as a
factor which insures "continuity in the operations and orientations of
the council."24 As Professors Cape and Bay have shown, the Council mem-
bbership has a normal turnover of about 60 percent; the remaining 40 per-
cent insure the continuity Professor Siffin foresaw.25

Professor Siffin has asserted that a legislative council can become
too large to function effectively and cites Oklahoma as an example; how-
ever, as the director of the Oklahoma Legislative Council states in a
letter to an Assistant Attorney General of Mississippi:

Oklahoma switched from a limited membership council (1947-49)
to a council which includes every member of the House and
Senate. Perhaps the most potent criticism in creating a
limited member council is the feeling of many members that
the council will become a 'little legislature.' In the 1949
session the hostility of non-council members came very close
to killing the program in Oklahoma.26

23Cape and Bay, op. cit., p. 103.

24Siffin, op. cit., p. 90.

25Cape and Bay, op. cit., p. 59.

26Letter from Mr. Jack A. Rhodes, Director of the Oklahoma Legisla-
tive Council, to Mr. R. Hugo Newcomb, Sr., Assistant Attorney General of
Mississippi, dated June 12, 1963, p. 3; copy sent to Richard E. Zody,
October 23, 1964.
In light of this, it seems that legislative leadership would rather have a large council than no council at all.

Professor Siffin again has overstated the case in concluding "the essence of the legislative council is not research but the synthesis of technical studies and political judgements in legislative policy proposals," for as he later states:

More than a third of the 'legislative councils and council-type agencies' in the United States are essentially research and reference agencies, often busily engaged in a type of service which began half a century ago... 27

In asserting that "in the newer research organizations such as the Illinois Legislative Council important topics of anticipated legislative deliberation receive careful and extensive treatment," Professor Siffin has given an impression that is misleading. 28 First, the Illinois Legislative Council was the fifth legislative council to be established (1937). 29 Second, the fact that "in Illinois three or four research memoranda are prepared for individual legislators for every major report submitted to the full assembly" 30 does not mean, nor say, that these are important; furthermore, Mr. John C. Doyle is of the opinion that the Illinois Legislative Council "restricts itself to the issuance of factual

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27 Siffin, op. cit., pp. 211-212.
28 Ibid., p. 213.
29 Book of the States 1964-65, p. 76.
and not-too-controversial reports and that is all."31

An earlier study of the Illinois Legislative Council by the author tends to verify the statement by Mr. Doyle, e.g.—although the Illinois Legislative Council is legally charged with the responsibility for providing a legislative program, it in fact has never fulfilled this requirement.32

Professor Siffin adopts the more rigid view that there "are no 'non-recommending councils,'" while Professor Guild classifies councils as recommending and non-recommending.33 Yet Professor Siffin points to a significant factor for considering councils in this manner: "the difference between legislative research and legislative program planning is more than a matter of degree."34

Professor Siffin's study is noteworthy for its insight and primacy. His most important contribution is the "positioning" of the legislative council in the legislative process; that this is based on only a few examples diminishes the value of his contribution somewhat, but it is not an abnegation of his idea that the councils are an outgrowth of the de-


34Siffin, loc. cit.
cline of the state legislatures.

The weaknesses of his study, some of which have been mentioned, affect his study to such an extent that his conclusions are unacceptable to the author. The weaknesses of Professor Siffin's study are not so much the result of his methods as they are a result of the diversity which characterizes American state legislatures. His major specific weakness then is over-generalization. What is needed are basic studies of individual legislative councils; then political scientists will be in a position to make system-wide generalizations concerning legislative councils and their overall relationships to the political system to which they are a part.35

Hopefully, this study does make a contribution to this lack of information, particularly with reference to the Indiana Advisory Commission.36

III. LEGISLATIVE COUNCILS AFTER THIRTY YEARS

Dr. Frederic H. Guild, a University of Kansas professor of political

35The political theorist, David Easton, maintains that such studies are essential to the development of a general theory of politics. Whether such a theory can be developed is another question altogether. The point is that these studies must be made to further one's knowledge of various aspects of the political system. Cf. David Easton, The Political System: An Inquiry into the State of Political Science, (New York: Alfred K. Knopf, 1953).

36Professor Siffin's two-paragraph treatment of the Indiana Advisory Commission can hardly be called adequate; Siffin, op. cit., p. 191.
science, served as the Director of the Kansas Legislative Council from 1933 to 1963. His influence in the legislative council movement has become legendary. Although his study is much briefer than Professor Siffin's, it contains insights which could only result from his thorough knowledge and experience with the subject matter.37

Professor Guild distinguishes two types of legislative council organizations in his study. First, the Kansas type, which may be delineated by its relationship to the legislature, i.e.-receiving specific instructions; its functioning as a multipurpose committee which may indicate its own course of action; and most significantly, the recommendations it makes to the legislature. Second, the Illinois type, which may be characterized by its making no recommendations to the legislature (even though it is required by law to do so); its relationship to the legislator, i.e.-its instructions generally coming from the individual rather than the group; and last, its functioning as a clearing house for the research staff, i.e.-specifying which studies should be major or minor in nature.38

In distinguishing the two through bipolarization, Professor Guild has given to the student a classification system which has a quality of definitiveness not available to us in Professor Siffin's triform. This system enjoys the additional advantage of simplicity over Professor Sif-

37Siffin, op. cit., p. 67.
38Guild, op. cit., pp. 3-4.
Regardless of the names or functions of the councils, it is Professor Guild's opinion that:

All of these council-type agencies are working ultimately for the same general objective but are using somewhat different channels of approach. All appear to have been quite successful in developing a legislative service of recognized value to the legislature within the circumscription of functions and activities which seem best to fit in with the situation in each particular state.

As the chapter on the Indiana Advisory Commission emphasizes, the "recognized value" of the service is somewhat in dispute.

Professor Guild cites the research function as the focal point of interest in councils. This research function is something that all councils in operation do; admittedly, the fulfillment of this function is carried out in varying degrees and is sometimes of dubious value.

One distinct insight which Professor Guild makes available to the student is his chronology of the legislative council movement. He sees the council movement in three stages: (1) Pioneering Experimentation, 1933-37; (2) Fears and Misconceptions, 1939-1945; and (3) Acceptance and Gradual Expansion, 1947-1963.

Professor Guild's experience in Kansas and in the council movement

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39Siffin, op. cit., p. 186.
40Guild, op. cit., p. 5.
41Cf., p. 6.
42Guild, op. cit., p. 7.
43Ibid., p. 10.
as a whole enables him to treat the three major criticisms of legislative councils with a thoroughness otherwise unavailable to us. The first major criticism, generally known as the "little-legislature" criticism, essentially involves the following: the fear that the council would "replace part of the function of the regular legislature, and otherwise interfere with the established structure of the legislative process." In Kansas, the seriousness of this criticism was sufficient to cause the council to change its basic procedure, e.g.-it submitted its recommendations to the appropriate regular standing committee rather than directly, in bill form, to the legislature.\(^4^4\)

The second major criticism, termed by Professor Guild as the "recommending 'Bugaboo,' " is an outgrowth of the "little-legislature" criticism. Essentially, the recommending provision was cited as proof that the Council would usurp the legislative functions. This criticism resolved itself for two reasons: the recommendations were based on substantive evidence; and the legislators themselves guided the researchers.\(^4^5\)

The third major criticism, that the council would be subservient to the dominant political party or individuals, was overcome by the fact that councils "must take a diagnostic approach."\(^4^6\) However, this charge has been leveled against the Indiana Advisory Commission and seems to be

\(^{4^4}\)Ibid., pp. 18-19.  
\(^{4^5}\)Ibid., pp. 20-23.  
\(^{4^6}\)Ibid., p. 26.
borne out by evidence.  

In distinguishing the legislative council from other interim committees, Professor Guild has further refined his bipolar system of classification. He cites the advantages of the council vis-a-vis an interim committee as: (1) its permanent staff enables it to begin studying problems at the earliest possible time; (2) it develops a potential program in the minds of the legislators and the people long before the legislative session; (3) it generally has adequate time to complete its reports; (4) it can usually initiate studies; (5) through its multi-purpose function it can deal with a variety of topics in greater depth at a nominal cost; and (6) it can provide the individual legislator with needed services both in and out of session.

Professor Guild's discussion of the Illinois Council is particularly illuminating on the last advantage listed above. He mentions that speech writing is often done by the council for the legislator; his comments thereof are worth noting:

At least the legislator is very appreciative of the service and substantial support for continuation of council activities arises from this individual appreciation.

Professor Guild has written a reflective study of his thirty years

\[47\] Cf. Siffin, op. cit., p. 191; Seltzer, op. cit., pp. 3-4.

\[48\] Guild, op. cit., pp. 34-36.

\[49\] Ibid., p. 41. Professor Guild, as well as Professor Siffin, does not clearly distinguish between a council per se and its research department.
in the Kansas Legislative Council. Although his study, in the main, is based on experiences with that Council, he has been actively involved in the council movement, participating as a member of the Committee on American Legislatures (cited), serving as Vice Chairman of the Committee on Organization of Legislative Services of the National Legislative Conference (which produced the report, "Mr. President . . . Mr. Speaker . . ."), and has published innumerable articles over the past thirty years on legislative councils.50

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50 "Mr. President . . . Mr. Speaker . . .," Report of the Committee on Organization of Legislative Services of the National Legislative Conference, (Chicago: Council of State Governments, 1963).
CHAPTER III

THE KANSAS LEGISLATIVE COUNCIL

I. INTRODUCTION

As has been discussed in Chapter I of this thesis, the matrix of councilism is the Kansas Legislative Council. It is essential then for one to make a thorough study of the Kansas Legislative Council and focus particularly on its methods and their affects. If we have treated the methods in a thorough manner, then perhaps we shall gain an insight as to how the Kansas Legislative Council expedites the legislative process in Kansas.

The basis for the Kansas Legislative Council is of importance to this thesis, and by studying its origins we may gain an insight as to the origins of other councils. In studying the Kansas Legislative Council, the first step is to determine what brought about its creation, or more precisely, what problems brought it into existence. Second, we must ascertain how the Kansas Legislative Council attempts to solve these problems. Third, we must attempt to discover which methods of problem solving seem to do the best job. The fourth and final step is to evaluate those methods. The best possible manner of evaluation for this study would be depth-interviewing with the Kansas Legislators. As this was not possible, the best manner possible was research by means of readings, personal interviews, interviews by correspondence, and statistical anal-
ysis.

One further note for clarity: none of the authorities clearly distinguish between the various parts of a legislative council. In this chapter the term Kansas Legislative Council means the entire council. The term Council means that body composed of legislators and ex officio members which meets as a council or a committee thereof. The term Research Department means that department of the Kansas Legislative Council charged with the primary responsibility of fact-finding composed of individuals who are not legislators nor members of the Council.

II. THE BASIS OF THE KANSAS LEGISLATIVE COUNCIL

The Kansas Legislative Council has two major bases for its existence: first, its origin in a lobbyist's mind; and second, its method of determining various means to achieve ends of public policy.

The idea for a body which would make legislatures more receptive "to the policy conclusions reached through the research process" belonged to Mr. Samuel Wilson. Mr. Wilson was, at that time, (in 1932) the manager of the Kansas Chamber of Commerce in Topeka, Kansas. The intuition was the result of a direct confrontation between legislators and a study involving thorough research which Mr. Wilson had guided.
receptive to the conclusions reached as a result of the thorough re-
search processes involved therein.

With this idea, which was similar to the Chamber of Commerce's re-
search committee, he went to Dr. A. R. Hatton of Northwestern University,
Chicago, Illinois and Dr. F. H. Guild, then Chairman of the Department
of Political Science at The University of Kansas, Lawrence, Kansas.
These two men gave to him the technical assistance which aided him in
the creation of what was to be called the Kansas Legislative Council.¹

Mr. Wilson next enlisted the support of one of the leaders of the
Kansas Legislature who agreed to sponsor a bill for the establishment of
a legislative council (it is pertinent that the legislator was the imme-
diate past Speaker of the House of Representatives).²

The political need for the Kansas Legislative Council was to be
found in the ever increasing role of state government. It was a "... de-
development growing out of legislative practices prevailing in the state
for more than half a century."³

¹William H. Cape and John Paul Bay, An Analysis of the Kansas Legis-
lative Council, (Lawrence: The University of Kansas, Governmental Re-

²Mr. Wilson, a civil engineer by profession, had been active as an
"outsider" to the governmental processes for a number of years. Cf.
William J. Siffin, The Legislative Council in American States, (Blooming-

³Camden S. Strain, "The Kansas Legislative Council," American Poli-
tical Science Review, 27:800, October, 1933.
Specifically, the political need found expression in the following facts: first, "comparatively few special sessions have been called in Kansas" in spite of increasing business and the constitutional requirement for fifty day biennial sessions; second, "each new legislature contains a number of members without previous legislative experience;" third, "most of the legislators arrive at the capitol with two or three pet bills in their pockets, but without having in mind a well worked-out program to meet the needs of the state as a whole;" and fourth, as a result "... the governmental system is thrown out of balance by the intermittent character of the legislative process." The Kansas Legislative Council, having a primary function of preparing a legislative program, "was created in the hope that some of these conditions might be remedied," and thereby improve the legislative process.4

The legislative council idea had to overcome an inherent problem in legislatures in establishing procedures which would alleviate legislators' fears that their membership on the council would not adversely effect their political careers.5 This was accomplished through the size and membership rules, the procedures of the Council, and eventually by its reputation.

The Council is composed of twenty-seven members: ten senators appointed by the Lieutenant Governor (who is also a member and the Chair-
man of the Council) and fifteen Representatives appointed by the Speaker of the House (who is a member and ex officio Vice-Chairman). The political membership of the Council is such that the minority party is always represented; and most importantly, in Kansas' case, is the fact that the members are required to have at least one prior term in the state legislature. 6

The size of the Council has its importance in that it "... must be large enough to carry back to the standing committees of the legislature a knowledge of the work of the council, and also be representative of the various geographical areas and economic interests of the state in order to maintain the confidence of the legislature and the public." 7

For the Council to have any degree of effectiveness, its make-up must be such that it includes the leadership of the state legislature. In Kansas, the Council has a requirement of tenure in the state legislature; this points in the direction of securing legislative leaders as members, and through their being on the Council it insures that most of the new legislators are receiving experienced leadership subtly.

The real test of whether the Council has included experienced lead-

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6 Cape and Bay, op. cit., p. 30.

7 Strain, loc. cit.; cf. Malcolm E. Jewell, The State Legislature, (New York: Random House, 1962). Professor Jewell's study shows Kansas to be a one-party state. As such, then one would expect factionalization. One practical means to diminish the effects of factionalization would be to place key legislators on a body which has a tradition of objective.
ers in its membership is time; over the period of 1933-63, the Council had a membership of which:

Roughly 60 percent of all council members . . . have been either chairmen or vice-chairmen of one of the ten most important committees in each House in terms of legislative workload at the time of their appointment to the Council. A typical council would include from 8 to 9 of the total 20 chairmen of the ten most important committees in each House, as well as from 5 to 6 vice-chairmen. Thus an average total of 15 chairmen and vice-chairmen of the ten most important committees in each house typically serve on the Council. Of course, leadership from other legislative committees is often also included among the Council membership.8

It is quite evident the Council meets the time test. It has been said that "the choice of leaders is important because many of them have extensive control over the organization and functioning of the legislature and particularly the appointment of committees."9

Although a little over half of each Council's appointees are new, they are not new to the legislature nor are they new to the workings of the Council. The turnover in Council membership, in the main, has been attributed to the fact that the legislators " . . . cannot devote sufficient time to its work."10

The Council operates under normal parliamentary procedures with modifications to suit the uniqueness of the Council. The regular order

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8 Cape and Bay, op. cit., p. 57.
9 Jewell, op. cit., p. 80.
10 Cape and Bay, op. cit., pp. 62-63.
of business has not been changed since 1941; the primary rule for all Council proceedings is informality. By removing the routine formality which is normally characteristic of legislative proceedings, the Council accomplished at least two gains: first, it eliminated to some extent the charge that it was a "super-legislature;" and secondly, it promoted non-partisanship, i.e.—the meetings lacked the atmosphere "of partisan debate common on the floor of the legislature and during hearings of legislative committees." In a state which is highly factionalized, this is significant to the political process, for it implies that rather than carry-over factionalization on the Council (with its connotations of irresponsibility), one has objective consideration of the problems.

III. THE KANSAS LEGISLATIVE COUNCIL'S METHODS

The primary function of the Kansas Legislative Council is to prepare a legislative program. If it accomplished this, in and of itself, then it would indeed have been, as the critics of Councils term it, a "super-legislature." Certainly, a surface consideration of its structural aspects would lead one to that conclusion, e.g.—the bringing together of the leaders of the important committees of the legislature on a non-partisan body such as the Council could result in a power clique. What is to prevent this from occurring? As Professor Davey has so aptly put

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11Jewell, p. 75.
12Jewell, op. cit., p. 46.
No governmental body is more jealous of its rights and prerogatives than a legislative assembly. The fastest way for a newly-established legislative council to commit suicide would be to provide some substance to the fear that it might become a super-legislature.13

In addition to the mores and traditions precluding such an eventuality, the Kansas Legislative Council has several inherent safeguards which prevent such a myth from becoming reality.

First of all, its members are appointed out of an expiring legislature, making them "lame-duck" appointees (this may have a negligible effect in that the Council tends to make its major decisions after the November elections). Second, although generally two-thirds of the Council members are reelected to office, less than fifty percent of the Council members are reappointed to the Council.14 Third, most of the work of the Council is done between sessions rather than during them, i.e.--the Council does not hold quarterly meetings during legislative sessions, in addition to which the various standing committees of the Council meet as their business requires (some of the committees often complete their tasks during a session).15 Fourth, the recommendations of the Council do not have to be passed when submitted to legislators; they are, at the


14 Cape and Bay, op. cit., pp. 68-69. The positive effect of the Council making decisions after the election is the greatest, however, for it ensures that the Council's decisions do not become a partisan or campaign issue.

15 Ibid.
most, recommendations and, at the least, factual memorandums containing alternative courses of action.

For example, in 1935 some sixty percent of the Council bills were passed while only twenty-seven percent of the total number of non-Council bills introduced were passed; in the 1937 session, twenty-six percent of the Council bills were passed while about twenty-seven percent of the Senate bills and thirty-one percent of the House bills were passed. 16 Although the trend in recent years has been toward an even greater acceptance of the Council bills, one must be careful in drawing definitive conclusions, e.g.—too great an acceptance of Council bills may mean the Council is dealing with too many non-controversial issues. 17

Fifth, the results of the Council's work presents both sides of the picture, thus giving an objectiveness which is advantageous to most views.

Sixth, although the Council composition is, in the main, of the major leaders of the legislature, the turnover is such that it is unlikely that it will become a "super-legislature."

The final reason it is unlikely the Council will become a "super-legislature" is that the sole procedural advantage of Council bills over other bills is their early submission (sometimes) to the legislature's

18. Cape and Bay, op. cit., p. 4.
standing committees. 18

The process by which the Kansas Legislative Council arrives at proposed policies can best be described through showing the movement of a proposal from its introduction to the Council through the Kansas Legislative Council's process to its submission to the appropriate legislative standing committee. It is illustrated in Figure 1. The major portion of the work of the Council itself consists of "referring proposals to committees, reviewing committee reports, and deliberating upon proposals, reports, or proposed bills." 19

The first step in the Kansas Legislative Council's process is the introduction of a proposal. There are five types of proposals (classified by the author on the basis of their source): legislator, Council member, non-legislator, Council, and concurrent resolution of the legislature. The latter takes precedence over all the other forms of proposals and is immediately placed in the appropriate committee for study by the Council.

The proposal is in writing and has a specific form. The forms are numbered in their order of presentation. If the Council is not in session, the proposal may be submitted to the Secretary of the Council. When a proposal is considered at a Council meeting, its author may appear and speak on its behalf. After deliberation, the Council then places the proposal in the appropriate committee.

18 Cape and Bay, op. cit., p. 8. 19 Ibid., p. 70.
Technically, research occurs throughout the process. However, the majority of the research department's efforts occurs at the committee phase.

Proposal: (1) direct further

**FIGURE 1**

FUNCTIONAL ORGANIZATIONAL CHART
OF THE KANSAS LEGISLATIVE COUNCIL PROCESS
and throughout the year as approved by the Council), the author again has the opportunity to appear and speak on behalf of his proposal (a non-Council member must pay his own expenses so this has become a rarely used advantage). Often, when it is advantageous and when the committee is studying an area which has a particular interest to one of the legislature's standing committees, both meet in joint session. The Council committee determines the main avenues of investigation and the pertinent facts to be accumulated, and the Research Department carries out the necessary research. In the case of a concurrent resolution proposal, the Research Department has begun preliminary research upon expression of the resolution by the legislature to expedite the process.

The research carried out by the Research Department is given to the committee in the form of memoranda, so the Department does research of a "spot" nature during the legislative session. The Research Department also maintains a permanent file of its work so that on any given topic the information on hand is readily available (this proves particularly valuable during the legislative sessions).

After consideration of the research conveyed to it by the Research Department, the committee then develops plans for further study or prepares recommendations and reports, as the case may be, for Council action. To maintain the proper lines of authority whenever a committee wishes to make a bill based on its recommendations, the committee requests the authority from the Council. A committee per se may on any proposal: (1) direct further study, (2) recommend legislation, (3)
recommend that a memorandum be submitted to the legislature, or (4) may support administrative action for solving the problem (vis-a-vis legislation or amendments). The Revisor of Statutes, who is an ex officio member of the Council and its Secretary, or one of his deputies, works closely with the committee and the Council in the preparation of legislation.

Council procedure requires that the committees make progress reports at the quarterly meetings on the various problems with which they are concerned. Whenever a committee ascertains its final recommendations, the proposal is then considered by the Council as a whole. The Council discusses the proposal and votes: whether to accept the committee results; whether to make a recommendation or a report to the upcoming legislature; or whether to draft a bill(s) or not. If the proposal has resulted in a bill or report, it is always submitted to the relevant standing committee of the legislature by roll call majority vote of the Council members.20

IV. THE KANSAS LEGISLATIVE COUNCIL'S COORDINATING ACTIONS

The importance of the Kansas Legislative Council's coordinating actions to the present thesis of expediting the legislative process is evident. It takes on even more significance when one realizes in a one-

20 The material presented above on the Kansas Legislative Council's process is based on Cape and Bay, op. cit., pp. 68-89 passim.
party state such as Kansas, the resultant factionalization (coupled with the problems discussed in Section II) can create legislative chaos.\footnote{21}

The effects of factionalization could, and often do, result in uncoordinated action and irresponsibility on the part of government officials. If there were a body which could offer impartial leadership, then it stands to reason that body would gain in legislative stature. Such a body would, by giving leadership, expedite the legislative process by offering factual information, proposed legislation, a legislative program, and other general services to the state government (although we are here concerned with only the legislature). One test of whether an agency of this order is successful is the amount of financial support it receives; this will be dealt with in the next section. The important aspect here is that there is a need for coordinated inter-governmental and intra-legislative action.

There were, in the 1961 Kansas Legislature, three main blocs of power: the "Major Republicans;" the "Minor Republicans;" and the Democrats. The first consists, in the main, of lawyers and realtors; the second, of businessmen and bankers; and the third, of farmers. The relationships of these three groups takes on more significance when the executive office is considered, \textquotedblleft... more friction between the Gover-
nor and Legislative Council leaders occurred during the administration
of an independent or minority Republican than during a Democratic ad-
ministration."22

Therefore, it is most important that effective lines of communica-
tion remain open in order that the business of the state may be carried
out in a satisfactory manner. The role of a legislative council in this
area should be one of cooperation. The means by which the Kansas Legis-
lative Council cooperates may be called coordination, for what is pri-
marily a coordinating activity. The Kansas Legislative Council has all
three factions represented on it, and has previously been shown to be
basically a nonpartisan affair. Structurally and traditionally, the
Kansas Legislative Council functions in such a manner as to coordinate
intra-legislative and inter-governmental policy activities.23

The Revisor of Statutes (a Kansas Supreme Court appointee) is an
*ex officio* member of the Council and serves as the Council's Secretary;
thus the Council is closely "tied-in" with legislative bill drafting and
statute revision. Members of the Revisor's staff participate in the com-
mittee meetings because "... it became apparent the Council's work
could be facilitated in that way."24 There is a carry-over benefit from
this latter point; what facilitates the Council's work facilitates the

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22 Cape and Bay, *op. cit.*, p. 21.
24 Cape and Bay, *op. cit.*, p. 34.
legislature's.

As has previously been shown, the committees often work closely with the legislative standing committees on matters with which they are mutually concerned. The importance of such coordination is a speed-up of the legislative process, i.e.-the legislative committee is involved with the Council's work.

Additionally, the facts that the executive branch often relays requests for studies through Council members, and that these requests are honored is further evidence of the coordinating action of the Council.25

A further indicator of the coordinating activity of the Kansas Legislative Council is that lobbyists' ideas are often acted upon by the Council (under the sponsorship of a Council member).26 This latter coordinating activity deserves amplification. In a factionalized state such as Kansas, one could theoretically expect to find more active and influential lobbyists of both the formal and informal variety than in a non-factionalized state. One would expect they would not receive consideration of a high order in an objective group such as a legislative council. That they do, and that they are accepted, is a realization of the structure and traditions of the nature of Kansas politics. The degree of their influence, or the lack of it, is illustrated well by Professor Cape and Bay when they say, "...in fact, the interest group supporting a study behind the scenes is more significant than the sponsor..."

25Ibid., p. 71.  
26Ibid., p. 72.
of the study."\textsuperscript{27} 

At the research level, the lobbyist groups are influential in that they provide information on problems which concern their particular group: they are "invited" and encouraged to cooperate and criticizethe Research Department's findings! If such criticisms are based on facts, then they bring about a modification of the findings; however, "if unreliable, the information is discarded."\textsuperscript{28}

The benefits of such cooperation are that it "tends to promote mutual understanding on the part of individual legislators, the Council itself, the Research Department staff, and the interest groups regarding Council studies."\textsuperscript{29}

More substantially, the legislator knows when he has his hands on a Council memorandum that the facts are there; and that if a particular viewpoint is not represented therein, then there is a good reason for it not being there, i.e.-the facts do not support that viewpoint. A legislative council can only expedite the legislative process, and in the end the decision is still the legislators' to make.

The coordinating action of the Council is at its greatest test whenever the Research Department is in operation. Although the Council itself meets quarterly, and the committees meet in addition to that, one must keep in mind the continuous operation of the Research Department.

The success or failure of a legislative council is, in part, contingent

\textsuperscript{27}loc. cit. \quad \textsuperscript{28}ibid., p. 79. \quad \textsuperscript{29}loc. cit.
upon the Research Department's quality of work. The reason is simple.
To develop a legislative program (as is required in Kansas) requires ex-
tensive research; to see that the program is given consideration, the
research must be factual, to the point, and nonpartisan.

The major problem faced by a legislative council research depart-
ment is "to present research findings in such a way that the legislature
will actually make immediate use of them." The Kansas Research Depart-
ment accomplishes this in a variety of manners. Before we elaborate on
this topic, it is in order to briefly trace the Research Department's
growth. With its growth, there is seemingly a corollary growth of the
stature of the Kansas Legislative Council.

When the Kansas Legislative Council was established in March of
1933, it was established without a Research Department. The statute es-
tablishing it merely gave the Council authority to hire assistants and
research agencies as it deemed necessary (and its appropriations permit-
ted). After considerable effort on the part of Mr. Wilson, a grant was
secured from the Spelman Fund in New York; by the means of a series of
grants from that organization, the Research Department, under the Direc-
torship of Dr. Frederic H. Guild, was operated until the legislature saw
fit to make appropriations for the Research Department beginning in

[30] Dr. Frederic H. Guild, Legislative Councils After Thirty Years,
(Carbondale: Southern Illinois University: Public Affairs Research
Through the efforts of Dr. Guild, the Research Department has established an unshakeable reputation over the years for objective and nonpartisan work. This reputation for objective and nonpartisan work is based on a tradition of thoroughness and preparedness which is best illustrated by example of the Research Department's early work. In 1935, after the bill for the establishment of the U.S. Social Security Act had passed the House, the Research Department submitted preliminary reports which were widely distributed for criticism and revision. The day after the signing of the bill into law by the President, the manuscript was ready to go to press. It was first printed in August, 1935, before the new Social Security Agency had even been established. It was the only material on the new piece of legislation available to answer questions about the Social Security Act. The Social Security Administration itself requested seventy-five copies of the report to use in familiarizing its new staff on their work. When the time came for the application of the bill in the state of Kansas (1937), the Research Department prepared two different colored reports on the Act (one dealt with the general welfare and assistance features, and the other with the payroll tax aspects), which

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31 Cape and Bay, op. cit., p. 35; Siffin, op. cit., pp. 66-67. vide section VI., Figure 1, this paper.
32 Guild, Legislative History of the Social Security Act, 14-16.
33 Cape and Bay, op. cit., p. 83; cf. Siffin, op. cit., p. 67.
34 Cape and Bay, op. cit., pp. 91-107.
were used extensively in debate on the floor of the Kansas Legislature.

This one report accomplished many things. First, it gave the Kansas Legislative Council an established reputation as a reliable source of information; second, it gave the legislators on the Council considerable political status; third, the use of the colored reports by the Kansas Legislature familiarized them with the work (and the value) of the Kansas Legislative Council; and last, but by no means least, after the 1937 session, there were no more bills calling for the abolishment of the Kansas Legislative Council.33

Let us return to our major problem of how the Research Department can present findings which will expedite the legislative process in the state of Kansas. In addition to the Council processes already mentioned, the Research Department expedites the legislative process through: doing spot research for legislators; sending out memorandums to legislators, interested citizens, and interest groups; working with other agencies of the state government, e.g.-citizens' committees (appointed by the Governor), commissions, interim committees (which are created due to the problem being studied having a scope too specialized or too large for the Kansas Legislative Council to undertake), and governmental departments.34

The major manner in which the Research Department solved the problem was by involving the legislators in the research process at every

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33Gatid, Legislative Councils After Thirty Years, op. cit., pp. 14-16.
34Cape and Bay, op. cit., pp. 91-107.
possible opportunity: first, the Council members determine what research should be done; second, they determine how it should be presented; third, the Council often works in conjunction with a legislative standing committee; and fourth, a reaction is secured immediately after a Council recommendation is made. As Professor Guild points out:

...most legislators do not have time to digest masses of fact-finding detail. They need guideposts and direction of interest to the particular portion of such research which of moment to them for immediate consideration. They need to have someone point this out to them, both to save their time and to focus their interest on the most important factors.

The Kansas Legislative Council does exactly that through its processes of sound recommendations based on objective evidence.

V. THE KANSAS LEGISLATIVE COUNCIL’S APPROPRIATIONS

The cost of the Kansas Legislative Council roughly amounts to twenty percent of the total legislative expense in the Kansas state government. Roughly, three-quarters of this twenty percent is expended for Research Department activities.

There are three types of appropriations for the Kansas Legislative Council; they have been tentatively classified by the author as: direct;
indirect; and special. 38

Direct appropriations are those appropriations which are made directly to the Council for expenses, i.e.—per diem compensation, mileage, and expenses of the Council members. At the present time, the Council members receive per diem the amount of ten dollars; mileage at the rate of seven cents per mile; and expenses at the rate of fifteen dollars per day. This is the same renumeration rate which is given to the legislators in the Kansas legislature (limited to a maximum ninety day regular session and up to thirty days for a budget session) during session. Additionally, all legislators receive fifty dollars per month when the legislature is not in session. 39

Indirect appropriations are those appropriations which are made to the Research Department for expenses, i.e.—salaries, contractual services, publication expenses, supplies, and equipment. The salaries paid for are those of the Director, Assistant Director, Secretary (Revisor of Statutes), and the line employees. Contractual expenses consist of those expenses incurred by utilizing outside (the Department) research sources. Publication expenses consist of those expenses incurred in publication of memorandums, reports, etc. Supply and equipment expenses

38 Professors Cape and Bay have not classified the appropriations; therefore, the author felt that by classifying the appropriations by their purpose, simplicity and clarity would be achieved. Cf. Cape and Bay, op. cit., p. 91.
are those expenses for supplies and equipment utilized by the Department in the research process. 40

Special appropriations are those appropriations made to the Kansas Legislative Council for the purpose of conducting special studies brought about by a concurrent resolution which the legislature felt required extensive expenditures. These funds are administered by the Kansas Legislative Council in general; specifically, the appropriation may be to the Council, the Research Department, or jointly or alone to Citizens' Committees or other extra-legislative groups; but the administration of the appropriation is still by the Kansas Legislative Council and maintained in separate accounts. More often as not, these special studies are contracted out to other research agencies, e.g.—the Governmental Research Center, the Business Research Center (both at the University of Kansas), or the above mentioned groups. When it is the latter case, there is generally a joint relationship between the Kansas Legislative Council and the extra-legislative groups. 41

Approximately two percent of the special studies expenditures are for materials and supplies (by comparison, the Research Department spends the same amount for supplies, equipment, and publication expenses). Approximately seventeen percent of the special studies expenditures are for salaries, wages, per diem, and travel expenses (again by comparison, the Research Department utilizes eighty-six percent of its

---

appropriations for salaries). Approximately sixty-nine percent of the special studies expenditures are for contractual services (by comparison, the Research Department utilizes twelve percent of its appropriations for contractual services). 42

VI. AN EVALUATION OF THE KANSAS LEGISLATIVE COUNCIL

In appraising the Kansas Legislative Council, one must keep in mind one question; does the Kansas Legislative Council expedite the legislative process in Kansas?

Having established that Kansas is a one-party state, it seems reasonable to assume that an opinion of the minority party would be meaningful. Although personal circumstances precluded the author visiting Kansas to interview prominent members of the Kansas Democratic party, the opportunity to discuss the Kansas Legislative Council with a former Kansas Democratic State Chairman and expert on political parties did occur. 43

Professor Marvin A. Harder, Political Science Department, Wichita State University, was of the opinion that the Kansas Legislative Council was successful in fulfilling its function; and that it did expedite the legislative process in Kansas through the fulfillment of that function. He also expressed the opinions that on the Kansas Legislative Council,
partisanship is non-existent and that the minority party (Democrats) "wished that they had more seats." This latter opinion carries with it the implication, which is important, that a seat on the Council carries considerable prestige and power. Although Professor Harder seemingly contradicts himself, such is not the case. The fact that the Democrats desire more seats is an indication of the status of the Council, and not partisan rivalry. 44

Another authority concludes that "by coordinated research activity between legislative sessions, council have facilitated the prompt and thorough treatment of major issues of state policy." 45 As has been shown, the Kansas Legislative Council engages in a considerable amount of coordinated research activity, which by the very nature of coordination, results in an avoidance of duplicated efforts and thus accelerates the legislative process.

Professor Frederic H. Guild, former Director of the Kansas Legislative Council Research Department states that:

"A permanent, continuing, central staff of technically trained 'generalists' is now considered indispensable for the provision of modern legislative services. Such a staff not only conducts the basic research for the Council, it develops an increasingly valuable file of information on legislative problems which is virtually put at the fingertips of the regular standing committees and permits direct service to individual members, both in and between sessions." 46

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44 Interview with Professor Marvin A. Harder, op. cit., April 23, 1965.
45 Davey, op. cit., p. 797. 46 Guild, op. cit., p. 37.
The Kansas Research Department, functioning in such a manner, does by its very nature expedite the legislative process. The fact that a legislator does not have to wait until the session begins to get the information he desires on a problem suggests that he would be better prepared to take an active, informed part in the session. The preparation of the legislative program solves, in part, some of the problems of the contemporary legislative process mentioned in Chapter I of this thesis.

Before an analysis of the appropriations of the Kansas Legislative Council is undertaken, one should be aware of several problems centered around special appropriations, which precludes a detailed evaluation of that body on the basis of its appropriations.

First, appropriations of a special nature are not classified as to whether they are for a special study or a special fund. Second, one does not know whether these funds were utilized in part or whole by the Council, the Research Department, or a special committee. Third, when special studies are handled by the Research Department, the funds for the studies are by special appropriation, yet the salaries of the Research Department are charged to the Department's budget (thus accounting for the high percentage of the Department's funds expended for salaries).

Fourth, a special appropriation may be made for committee expenses, etc., yet its research appropriation may be given to the Research Department.

Finally, the Council may have funds appropriated to it directly, which may or may not involve contractual expenditures, e.g.—there may already...
be substantial information on file in the Research Department. 47

With these caveats in mind, an analysis of the appropriations of the Kansas Legislative Council may be undertaken. Several methods of analysis may be utilized in evaluating the Kansas Legislative Council. The author attempted three types of statistical analysis.

The first method attempted was the construction of a scatter diagram. By utilizing this method, one can ascertain whether there are any statistical relationships between the variables included. The construction showed a wide scatter with no statistical relationship. 48

The second method utilized was a modified formulation of the statistical method of least squares. This method, in addition to showing a more precise statistical relationship than a scatter diagram, has the advantage of predictability, i.e. - a prediction of future relationships. The modified formulation was derived by the author through trial and error. The author was able to predict one year's appropriation to the Research Department within a five-hundred dollar margin of error. There is seemingly some type of statistical relationship existing between the variables utilized. Tentatively, the author feels that this statistical method might have some value, but that it must be verified through a

47 Cape and Bay, op. cit., pp. 98-99.

TABLE I

TOTAL APPROPRIATIONS AVAILABLE TO THE KANSAS LEGISLATIVE COUNCIL, 1933-1962*

<table>
<thead>
<tr>
<th>Year</th>
<th>Council</th>
<th>Special Appropriations</th>
<th>Research Department</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1961</td>
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<td>1955</td>
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<td>1949</td>
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<td></td>
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<td>1945</td>
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<td>1943</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Based on data presented in Cape and Bay, loc. cit., pp. 93-101.

**Thousands of dollars.
longer time period before any degree of validity can be attached thereto.

The third method utilized, and the most simple, was a graphical presentation of the appropriations to the Kansas Legislative Council. It is easy to understand and has the additional advantage that relationships and trends are readily apparent. Table I is a compilation of all appropriations to the Kansas Legislative Council from 1933 to 1962.

Table I readily shows the relative stableness of appropriations to the Council; yet there is an apparent growth rate. Second, it shows the appropriations to the Research Department have always been greater than those given to the Council, and the Research Department appropriations show a definite trend towards growth. Third, the Special appropriations show a trend of high growth since 1957, even greater than that of the Research Department. That the legislators in Kansas have recognized the value of the Kansas Legislative Council is emphasized by the overall trend for growth of all the appropriations thereto.

Several tentative conclusions may be drawn from Table I. The relative stableness of the Council appropriations seemingly implies that the legislators take a realistic view (accounting for the slow but steady growth) of the needs of the Council. Second, the ever-increasing growth rate of the appropriations to the Research Department seemingly implies a firm awareness on the part of the legislators regarding the value of the research of that Department and the financial needs necessary to the carrying out of that research. Third, the rapid growth rate of the Special appropriations implies that more and more, the legislators are
realizing the continuing need for long-range studies and studies outside
the present capabilities of the Kansas Legislative Council. Overall,
the major conclusion may be drawn that the success of the Kansas Legis-
lative Council in expediting the Kansas legislative process is shown by
the overall trend of increases in all the classified appropriations.
CHAPTER IV

THE INDIANA LEGISLATIVE ADVISORY COMMISSION

I. INTRODUCTION

The I.L.A.C. (Indiana Legislative Advisory Commission) has been the subject of two recent studies. Both of these studies offer opposing views of the value of the I.L.A.C.. One study evaluates the I.L.A.C. in two paragraphs. The other study offers considerably more material; however, the material has not yet been supported by data.

The first study concludes the I.L.A.C. "... has never functioned except as a device by which a lieutenant governor ... drew additional public attention to his persistent and successful campaign for the governorship between 1952 through 1956." The second study concludes the I.L.A.C. has been "revitalized" as a result of a limited overhaul of its structure and a new legislative attitude towards its function.

Both of these studies have similar characteristics; however, they present only a limited picture of the I.L.A.C..

The I.L.A.C. was established in 1945, and through the efforts of Mr.


\[3\] Sellen, *loc. cit.*

\[4\] Seltzer, *loc. cit.*
Herbert Kenney and Mr. Samuel Lesh, the I.L.A.C. and I.L.B. (Indiana Legislative Bureau) became operative.\(^5\) Since that time, I.L.A.C. has enjoyed cyclic success; recently it has shown an increasing amount of success in its legislative efforts which suggests that it is becoming politically more important in Indiana.

The I.L.A.C. is an excellent example of state agencies reflecting the political relationships within the state; its inconsistent structure reflecting the Jacksonian quality of Indiana political life and the "strong" executive idea of state government. This latter factor, as will be shown, results in limiting the effectiveness of the I.L.A.C. operating in a viable two-party system.

As will become evident, the I.L.A.C. functions only very roughly like a legislative council such as Kansas. Hopefully, the reader will agree with the author that the I.L.A.C. has further progress to make before it attains the status of the Kansas Legislative Council.

II. THE BASIS FOR THE I.L.A.C.

The I.L.A.C. was established on July 1, 1945. Its primary function is to act in advisory capacity to the Indiana Legislative Bureau.\(^6\) The I.L.A.B. has as its purposes the following:

\(\begin{align*}
\text{Act of the General Assembly, 1945, chapter 88, section 2, p. 186.}
\end{align*}\)
(a) To assist the general assembly 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; (b) To secure information for the legislators of the state by cooperating with the legislative service bureaus in other states, and with the council of state governments; (c) To furnish to the members of the general assembly of this state the assistance of expert draftsmen, qualified to aid the legislators in the preparation of bills for introduction into the general assembly; (d) To prepare for the general assembly measures which will improve the form and wording of and reduce the size of the statutes of this state, and classify, reconcile, and codify their provisions.7

These purposes, if performed, would result as a valuable service to the legislators; however, as Professor Seltzer relates, "the Legislative Bureau now becomes primarily a bill drafting agency."8

What has happened is that political considerations have overshadowed the I.L.B. to such an extent that it has withered away; additionally, the legislative leaders have allowed other state agencies to usurp the functions of the I.L.B. and permitted a lobbying organization to perform the research functions of the I.L.B.9

These two structures have evolved their own "rules of the game."

The I.L.A.C. is concerned primarily with political considerations, that is, the compromising of conflicting ideas. The I.L.B. is concerned with
proposed legislation (wording, revision, etc.) and legal research. Mr. Samuel T. Lesh has stated these "rules of the game" quite well:

The distribution between the advisory commission and the bureau has been political and capable of determining legislative policy of laws while the latter has been nonpolitical and specifically forbidden from attempting to determine and fix the policy of the legislative proposals.\(^\text{10}\)

Mr. Lesh has pinpointed the major reason for the ineffectiveness of the I.L.B.; the implication is if one steps outside the role of legal research and legislation revision, then the I.L.B. and its personnel will suffer political retribution. In the spoils system of Indiana state government, this retribution could result in the loss of a job. The fear of retribution, however, reflects a hypothesis of even greater significance - that the legislators in Indiana do not view the I.L.A.C. system as a status structure. Such a structure would be well worth claiming one's membership (in terms of accruing political benefits).

Significantly, although the I.L.A.C. and the I.L.B. are supposed to have a superior-subordinate relationship, this is not the case at all. One reason for this could be due to the fact that each is basically responsible to a different political unit.

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\(^\text{10}\)Letter from Mr. Samuel T. Lesh to Richard E. Zody, October 5, 1965, p. 1. Mr. Lesh began his career in state government as an attorney in the I.L.B. in 1946. He has served as secretary of the I.L.A.C., director of I.L.B., and is currently an attorney in the I.L.B.. His father was an active member of the Indiana Republican party, and no doubt his original appointment to his father's political influence. Mr. Lesh is illustrative of the fact the spoils system does not always have bad results... He is a capable and dedicated civil servant.
The I.L.B. has its director appointed by the Governor, yet the membership of the I.L.A.C. is determined by the Lieutenant Governor and the Speaker of the House. In Indiana, the fact that the Governor and the Lieutenant Governor can be of different political parties poses a potentially difficult relationship between the two agencies. The Lieutenant Governor, as President of the Senate and chairman of the I.L.A.C., could utilize the I.L.A.C. for his own political gain, or in cooperation with the Governor against a minority party. That this hypothetical reasoning only needs an ambitious Lieutenant Governor of the majority party in the Senate (and a Governor of the same party with a nonsuccessive executive being the case in Indiana) to become reality has been verified by the political situation in Indiana from 1952 to 1956. 11

Professor Seltzer's implicit assertion that the expansion of the membership of the I.L.A.C. from six to fourteen legislators affected a uniting of the responsibility and power does not meet with the above facts. The I.L.A.C. is structurally inconsistent. Professor Seltzer's thesis does not agree with the hypothesis above nor the fact that the same situation has re-occurred. 12

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12 Interview with a majority party Senate leader who wishes to remain anonymous, April 23, 1965. Additionally, the amendment did not change the power distribution; it only increased the size of the I.L.A.C.; cf. *Burns (Indiana) Annotated Statutes*, 60-1702, pp. 511-512, 1961. Professor Seltzer has overlooked the fact that the act was amended in 1957 increasing the membership from 6 to 10, and then again in 1957, from 10 to 14. In either case, his thesis does not agree with the facts.
The membership of the I.L.A.C. consists of fourteen legislators and three *ex officio* members. There are seven members of the Senate appointed by the President of the Senate, who is *ex officio* a member and chairman, and seven members of the House appointed by the Speaker of the House, who also is an *ex officio* member and vice-chairman. The seventeenth member, the secretary, is the Director of the I.L.B.  

This formal membership is supplemented by an eighteenth member, the Secretariat, who administers "the machinery of the Commission and its satellites . . . ." The establishment of the Secretariat and the separate budgetary consideration of the I.L.A.C. from the I.L.B. (since 1955) has been attributed to a conflict of personalities.

As in Kansas, the members of the I.L.A.C. are appointed out of a legislative session. This reputedly gives a continuity to the service agency which is advantageous to the new legislators in the next session. Additionally, the reports which the I.L.A.C. submit to the Indiana General Assembly present to the new citizen-legislators a summary of the findings of the I.L.A.C. and its satellites (assuming that those findings will be considered by the legislature).

One test of the sincerity of the legislative leadership in fulfilling these ideals would be to gather data on the appointments by the

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13 *Burns, loc. cit.*  
14 *Seltzer, op. cit., p. 4.*  
leaders to the I.L.A.C.. It seems reasonable to assume that if the leadership sincerely desired to make effective use of the I.L.A.C., they would make appointments with the view in mind of maximizing the potential of the I.L.A.C.. Certainly, one very important group of legislative leaders would be committee chairmen. At maximum idealization, this would mean appointing committee chairmen regardless of political party; at a minimum idealization, this would mean the appointing of committee chairmen.

In either of the above instances, the affect should be that the I.L.A.C. would have representative committee leadership as its membership; the effect should be a more receptive atmosphere to I.L.A.C. findings in committee hearings with an idealized goal of legislative acceptance in the form of passage into law of the I.L.A.C. findings.

Utilizing an ideal model of legislative leadership objectiveness, one would expect the following theorems to be of value in an analysis of the I.L.A.C. as an agency of legislative leadership:

1. That the appointing leaders will select legislators for the I.L.A.C. with the view in mind of maximizing the potential of that agency.
2. That the appointing leaders will select legislative committee chairmen for the I.L.A.C. to maximize the effectiveness of that body.
3. That the legislative leaders will maximize the effect—

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16 The author discovered, not unexpectedly, that not once in the last ten years (five regular legislative sessions) had an individual been appointed to the chair of a legislative standing committee who did not belong to the majority party of the house concerned; cf. Indiana Legislative Directory, (Indianapolis: The Indiana State Chamber of Commerce, 1957, 1959, 1961, 1963, 1965).
tiveness of the I.L.A.C. members by appointing them
to committee chairmanships in the next legislative
session.

Tables II and IV contain the results of data assembled by the author in
testing these theorems. The data available to the author covered five
sessions, 1957 through 1965. Before analyzing the data, one caveat is
necessary; it was discovered that in many instances, dual chairmanships
were held by one individual, and in one instance, an individual held
three chairmanships.

The members of the 1963-64 I.L.A.C. had a potential of holding thir-
ty chairs; in actuality, they held twelve chairs. The members of the
1961-62 I.L.A.C. had a potential of holding thirty chairs; in actuality,
they held fifteen chairs. The members of the 1959-60 I.L.A.C. had a po-
tential of holding thirty chairs; in reality, they held seventeen chairs.
The members of the 1957-58 I.L.A.C. had a potential of holding twenty-two
chairs; in actuality, they held seventeen chairs. In summary, the mem-
ers of the I.L.A.C., 1957-1964, had a potential total of holding one
hundred-twelve chairs; in reality, they held a total of sixty-one chairs.
Tentatively, one is able to state that the appointing leaders have se-
lected legislators for the I.L.A.C. with the view in mind of maximizing

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17 The author is indebted to Professor Robert D. Seltzer for indi-
rectly suggesting the above theorems by theorizing that an analysis of
the I.L.A.C. would yield considerable insight into the sincerity of the
legislative leadership's intent. Professor Seltzer's original hypotheses
proved to be outside the scope of this study, but the author was able to
derive theorems of a lower level from his original hypotheses.

18 *Indiana Legislative Directory*, loc. cit.
**TABLE II**

INDIANA ADVISORY COMMISSION MEMBERS
WHO HELD GENERAL ASSEMBLY COMMITTEE
CHAIRS*

<table>
<thead>
<tr>
<th>YEARS</th>
<th>SENATE</th>
<th>HOUSE</th>
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<tr>
<td>1963-64 members who held chairs:</td>
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</tr>
<tr>
<td>a. in 1965 session ....... 2 ....... 0</td>
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</tr>
<tr>
<td>b. in 1963 session ....... 7 ....... 3</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>a. in 1963 session ....... 5 ....... 2</td>
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</tr>
<tr>
<td>b. in 1961 session ....... 5 ....... 3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1959-60 members who held chairs:</td>
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<td></td>
</tr>
<tr>
<td>a. in 1961 session ....... 4 ....... 2</td>
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</tr>
<tr>
<td>b. in 1959 session ....... 5 ....... 6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957-58 members who held chairs:</td>
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<tr>
<td>b. in 1957 session ....... 6 ....... 5</td>
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</table>

*The data presented is based on information contained in the Reports to the General Assembly, Indiana Legislative Advisory Commission, years cited; and the Indiana Legislative Directory, loc. cit.
the potential of that agency at least fifty-four percent of the time.

In testing our second theorem, we find that the 1963-64 I.L.A.C. members had a potential of holding fifteen chairs in the 1963 session; in actuality, they held ten chairs. The 1961-62 I.L.A.C. members had a potential of fifteen chairs in the 1961 session; in reality, they held eight. The members of the 1959-60 I.L.A.C. had a potential of fifteen chairs in the 1959 session; in actuality, they held eleven chairs. The members of the 1957-58 I.L.A.C. had a potential of eleven chairs in the 1957 session; in actuality, they held eleven chairs. Summarizing, the members of the I.L.A.C., 1957-1964, had a potential of holding fifty-six chairs; in actuality, they held forty chairs. One is tentatively able to state that legislative leadership has attempted to maximize the effectiveness of the I.L.A.C. at least seventy-one percent of the time.

For the testing of the third theorem, we find that the 1963-64 I.L.A.C. members had a potential of holding fifteen chairs in the 1965 session; in reality, they held two chairs. The members of the 1961-62 I.L.A.C. had a potential of holding fifteen chairs in the 1963 session; in actuality, they held seven chairs. The 1959-60 I.L.A.C. members had a potential of fifteen chairs in the 1961 session; in reality, they held six chairs. The members of the 1957-58 I.L.A.C. had a potential of holding eleven chairs in the 1959 session; in actuality, they held six chairs. Summarizing, the members of the I.L.A.C., 1957-1964, had a potential of holding fifty-six chairs; in reality, they held thirty-seven chairs. One is tentatively able to state that at least forty percent of
TABLE III

MISCELLANEOUS DATA ON INDIANA ADVISORY COMMISSION MEMBERS
1957-1965*

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<tr>
<th>YEARS</th>
<th>SENATE</th>
<th>HOUSE</th>
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<tbody>
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<td>1963-64 members not reelected</td>
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<td>1961-62 members not reelected</td>
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<td>1</td>
</tr>
<tr>
<td>1957-58 members not reelected</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>1963-64 members reelected but not reappointed</td>
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<td>1</td>
</tr>
<tr>
<td>1961-62 members reelected but not reappointed</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1959-60 members reelected but not reappointed</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1957-58 members reelected but not reappointed</td>
<td>0</td>
<td>1**</td>
</tr>
<tr>
<td>1963-64 members reelected and reappointed</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1961-62 members reelected and reappointed</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1959-60 members reelected and reappointed</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1957-58 members reelected and reappointed</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1965-66 new appointees</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>1963-64 new appointees</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>1961-62 new appointees</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>1959-60 new appointees</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>1957-58 new appointees</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

Same officer appointed out of 1965 session as 1963 session .. No .. No
Same officer appointed out of 1963 session as 1961 session .. Yes .. Yes
Same officer appointed out of 1961 session as 1959 session .. No .. No
Same officer appointed out of 1959 session as 1957 session .. Yes .. No
Same officer appointed out of 1957 session as 1955 session .. No .. Yes

*The data presented is based on the Indiana Legislative Directory, loc. cit.; it excludes ex officio members.

**An additional House member of I.L.A.C. was reelected to the Senate, but not reappointed.
the time, legislative leadership has attempted to maximize the **effectiveness** of I.L.A.C. membership.

Other factors which should be considered in testing the theorems necessarily include: those members of each I.L.A.C. who were not re-elected to office; those members of each I.L.A.C. who were re-elected but not re-appointed; those members of each I.L.A.C. who were re-elected and re-appointed; those members of each I.L.A.C. who were new appointees; the continuity of leadership; and the distribution of party strength.

All of the factors except the latter are included in Table III; the latter factor, the distribution of party strength, is contained in Table IV. Through consideration of these factors and the data presented in Table II, we may hopefully attach a higher degree of validity to the conclusions reached through the testing of the theorems.

Of the fourteen members of the 1963-64 I.L.A.C. subject to re-election (excluding *ex officio* members), seven members or fifty percent were re-elected to the G.A.C.. The fourteen members of the 1961-62 I.L.A.C. fared somewhat better in that ten members or seventy-one percent were re-elected to the G.A.C.. Of the fourteen members of the 1959-60 I.L.A.C. subject to re-election, eleven members or seventy-eight percent were re-elected to the G.A.C.. Of the ten members of the 1957-58 I.L.A.C. subject to re-election, six members or sixty percent were re-elected to the G.A.C. *Continuing the data...*
reappointed to the 1965-66 I.L.A.C.. Of the ten members (seventy-one percent) of the 1961-62 I.L.A.C. reelected, four members or forty percent were reappointed to the 1963-64 I.L.A.C.. Of the eleven members (seventy-eight percent) of the 1959-60 I.L.A.C. reelected, five members or forty-five percent were reappointed to the 1961-62 I.L.A.C.. Of the six members (or sixty percent) of the 1957-58 I.L.A.C. reelected, four members or sixty-six percent were appointed to the 1959-60 I.L.A.C.. No comparable data was available on the 1955-56 I.L.A.C.; however, eight appointees to the 1957-58 I.L.A.C. were new appointees to that body.

Summarizing and correlating the data on the above two factors, one is able to state that the legislative leadership in thirty-four possibilities of reappointing I.L.A.C. members has reappointed sixteen members or forty-seven percent. It is possible our other factors might offer a tentative explanation to this low reappointment rate.

It seems reasonable to assume that if the rate of new appointments is shown to change when leadership and party strength changes, then party rivalry offers an excellent explanation for the low reappointment rate; and in an unmeasurable manner offers some idea of the extent of inter-party conflict in the Indiana General Assembly. One caveat is necessary here, however; by law, no more than four members from each house may be from the same political party.\(^{19}\)

Combining the data in Tables III and IV on new appointees, leader-

\(^{19}\)Burns, op. cit., 60-1702, pp. 511-512.
TABLE IV

DISTRIBUTION OF PARTY STRENGTH
IN INDIANA GENERAL ASSEMBLY*
1957-1965

<table>
<thead>
<tr>
<th>YEAR</th>
<th>SENATE</th>
<th>HOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Democrats</td>
<td>35</td>
</tr>
<tr>
<td>b.</td>
<td>Republicans</td>
<td>15</td>
</tr>
<tr>
<td>1963</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Republicans</td>
<td>25</td>
</tr>
<tr>
<td>b.</td>
<td>Democrats</td>
<td>24</td>
</tr>
<tr>
<td>1961</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Republicans</td>
<td>24</td>
</tr>
<tr>
<td>b.</td>
<td>Democrats</td>
<td>26</td>
</tr>
<tr>
<td>1959</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Democrats</td>
<td>23</td>
</tr>
<tr>
<td>b.</td>
<td>Republicans</td>
<td>27</td>
</tr>
<tr>
<td>1957</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Republicans</td>
<td>33</td>
</tr>
<tr>
<td>b.</td>
<td>Democrats</td>
<td>17</td>
</tr>
</tbody>
</table>

*The data presented is based on information presented in the Indiana Legislative Directory, loc. cit.

A discussion of this data reveals a trend where a focus on the reduction of the morass has been previously noted. However, an increasing emphasis has been placed upon the present.
ship changes, and party strength, one is able to evaluate to what extent these factors affect the I.L.A.C.

The 1965-66 I.L.A.C. had eleven new members (seventy-eight percent); at the same time there was a complete change of both leadership and party strength (from Republican to Democrat) over the previous legislature. The 1963-64 I.L.A.C. had nine new members (sixty-four percent); at the same time there was no change in leadership over the previous session, yet the party strength in the Senate had changed over the previous session (from Democrat to Republican). The 1961-62 I.L.A.C. had nine new members (sixty-four percent); at the same time the leadership of both houses had changed; the party strength (from the previous session) in the Senate had changed from Republican to Democrat.

The fact that in comparing the I.L.A.C.'s, none of the three factors are the same for any two I.L.A.C.'s prevents one from making a definitive statement; however, in light of the extreme displacement, it seems reasonable to assume that the high rate of new appointments to the I.L.A.C. reflects the political rivalry in the Indiana General Assembly.

III. THE RESPONSIBILITIES OF THE I.L.A.C.

A discussion of the responsibilities of the I.L.A.C. must include three focal points: duties and powers; structures; and evaluation. As has been previously stated, the primary function of the I.L.A.C. is to advise the I.L.B.; with the diminishment of the I.L.B.'s role, there has been an increasing emphasis placed upon the duties and powers of the
The duties of the I.L.A.C. are:

... to collect information concerning the government and general welfare of the state, examine the effects of previously enacted statutes and recommended amendments thereto, to instruct the director of the bureau as to what research and investigation shall be made by the bureau. Said commission shall advise the director as to the employment of such assistants and research agencies as it may deem desirable in the preparation of a program of legislative research and investigation, or in regard to any matters of state-wide public importance within the jurisdiction of the legislative branch. Said commission shall also make or cause to be made for the use of the legislative branch of the state government, studies seeking to improve legislative procedure, to improve administrative organizations of the state, to eliminate waste and overlapping functions, and to institute economics. 20

The powers of the I.L.A.C. which enable it to carry out these duties are:

... to call upon any department or agency of the state government for such information as it deems pertinent to the studies in which it is engaged ... to designate members of the general assembly to such sub-committees as it shall create, for the purpose of making investigations and studies, and said committees may call and examine witnesses. 21

The crux of the I.L.A.C. process then is supposed to be a committee system.

The supposition that the I.L.A.C. will operate as a committee system

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20 Burns, op. cit., 60-1706, p. 513.
21 ibid., 60-1706, pp. 513-514.
24 ibid., p. 76.
is borne out in fact. The statutory duties of the I.L.A.C. are fulfilled through the establishment by the I.L.A.C. of two types of committees. 22

The first of these committees are called I.L.A.C. standing committees, hereafter called A.C.C.. Generally, these committees bear the title listed above as a duty, e.g.-Legislative Process Study Committee. The distinguishing characteristics of the A.C.C. are their studying of general topics of current interest and importance relating to a statutory duty; and their membership, usually composed entirely of I.L.A.C. members. 23

The second type of committees are generally referred to simply as subcommittees, hereafter called S.C.. These committees are characterized by their studying very specific topics of current interest and importance relating to the previous, and hopefully, the forthcoming legislature. Their membership is generally mixed, i.e.-composed of I.L.A.C. members and other legislators, the I.L.A.C. members usually occupying the chair. One example of such a committee is the Committee on Jurisprudence created by the 1963-64 I.L.A.C. to:

... study the need for review and reform of our judicial system and the method for arriving at a solution of the problem with particular emphasis on budget and qualifications of personnel. 24

22 Interview, loc. cit.


24 Ibid., p. 38.
Both of these committees are creatures of the I.L.A.C.; as such, they are directly responsible to the I.L.A.C. The I.L.A.C. may accept, reject, or revise their findings, and may or may not include these findings in the Report. 25

There is a third type of interim committee, hereafter called G.A.C.. These committees are General Assembly committees, created by statute and generally studying general topics which are beyond the scope of the I.L.A.C. These committees are responsible solely to the Indiana General Assembly. Their nexus with the I.L.A.C. is through their findings submitted with those of the I.L.A.C. in the Report. 26 A further connection is their membership in that the appointing officials are the same; the significance of this, however, is open to speculation due to the fact that non-legislative members are appointed to the G.A.C.. G.A.C. may, and do, create subcommittees of their own to facilitate the study of the problem they are considering. An example of such an action was undertaken by the Criminal Code Study Committee (created by the 1961 General Assembly) in establishing three subcommittees. 27

The number of G.A.C. currently existing was not ascertained; however, in the 1963-1964 interim, nineteen such committees were in operation. 28 In the same interim, there were eight A.C.C. and four S.C. in

25 Interview, loc. cit.
26 Report, loc. cit.; some of these committees are financially dependent upon the I.L.A.C.
27 Ibid., p. 18.
28 Ibid., passim.
operation. By comparison, there are currently five A.C.C. and thirty-one S.C. in operation.

The meetings of the I.L.A.C. are held monthly. Attendance at these meetings is mandatory, as it is with the committees of the I.L.A.C. (committee meetings are held at the discretion of the committee chairmen). The rules of the I.L.A.C. are quite specific on attendance:

Any person appointed by the Lieutenant Governor, Speaker of the House of Representatives, or the Legislative Advisory Commission to serve on any study committee or commission who fails to attend regularly called meetings of such committee or commission for two successive meetings, without justifiable excuse for such absence, shall be automatically removed on affirmative vote of the other members in attendance and so notified.

Although no compensation is paid to members of the I.L.A.C., its committees or commissions, they do receive per diem and mileage. Per diem is paid at the rate of $20.00, mileage at the rate of $0.07 per mile.

The I.L.A.C. has usually decided what committees or commissions shall be established in its first regular meeting after the legislative session. This does not mean, however, that the I.L.A.C. is not flexible, e.g. immediately following the Palm Sunday tornado disaster of this year, the I.L.A.C. was called into an emergency meeting to facilitate the resolving of the problems brought about by the disaster.

29 Ibid. 30 Interview, loc. cit. 31 Report, loc. cit.
34 Interview with Jack Mankin, President Pro Tem 1965 Senate, Indiana General Assembly, Terre Haute, Indiana, April 15, 1965.
The I.L.A.C. does not have a system of proposals per se, rather items for discussion come from the following sources: legislators, I.L.A.C. members, the Governor, state departments and agencies, resolutions, and concurrent resolutions. On occasion, the I.L.A.C. has shown considerable initiative and awareness of a need for continuity by establishing committees to study a problem which was under consideration in the previous session but failed to become law. One example of such a situation and committee is the Legislative Process Study Committee.

In the 1963 Session, Senate Concurrent Resolution No. 20 was introduced. This resolution would have provided for the appointment of a special committee (the introduction of the resolution was a result of the Legislative Process Study Committee, 1961-62 recommendations) for the investigation of legislative printing. A legislative log-jam, primarily over budgetary and tax structure problems, prevented this resolution from passing the House. However, the 1963-1964 I.L.A.C. directed the Legislative Process Study Committee to "conduct a comprehensive inquiry into the printing needs of the General Assembly."

The inquiry therein yields an excellent example of the I.L.A.C. research process which occurs in the I.L.A.C. system. In carrying out the directions of the I.L.A.C. to conduct an extensive inquiry, the A.C.C. utilized the following research methods: reviewed material from other

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35 Interview with a majority party House leader who wishes to remain anonymous, April 29, 1965.

36 Report, op. cit., p. 5.
IV. THE COORDINATING ACTIONS OF THE I.L.A.C.

states; received testimony from concerned groups (printers' unions and publishers); consulted with Department of Administration representatives; observed different methods of printing; and received "estimates on the cost and efficiency of a reproducing section to be operated in the Indiana Legislative Bureau."37

As a result of this A.C.C. research process, several recommendations were made to the I.L.A.C. which were approved; additionally, the Department of Administration was advised to make specification changes in the legislative printing contract; and a new process of reproducing bills was evolved which will be pilot tested in the 1967 session to discover what savings and advantages do result.38

In this situation, at least, the I.L.A.C. research process contained the following elements: (1) consideration by the legislature; (2) consideration by the I.L.A.C.; (3) assignment to A.C.C.; (4) A.C.C. research process, i.e.-review of other states' actions in similar situations, interest group testimony, appropriate state agency testimony, cost and efficiency analysis, and recommendations; (5) reconsideration by the I.L.A.C.; (6) advisement to the concerned state agency on changes to be made; (7) establishing a pilot project; and (8) referral of the A.C.C. findings by the I.L.A.C. to the next General Assembly.

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37 Ibid.
38 Report, op. cit., pp. 5-6.
The major source of coordinating action by the I.L.A.C. is through its system, i.e.-the committee research process in which most viewpoints are given consideration. This consideration can take place at any level of the I.L.A.C. process, whereas in the Kansas Legislative Council, it most often occurs at the Research Department level.

The previous section illustrates where, and to some extent, in what manner this consideration occurs in the I.L.A.C. process. Dissatisfaction on the part of an interest group with their affect upon a topic can be overcome by talking to the legislators themselves during the legislative session or in legislative committee hearings. It becomes apparent that without a research department such as the Kansas Council has, the I.L.A.C. process cannot present comparatively objective studies.

The coordinating action in Kansas sometimes amounts to considering various interest groups' viewpoints and presenting them in the end-product research memorandums, coupled with the Kansas legislators' acceptance of this as objective; in Indiana, there is no research department and the legislators' attitude on the I.L.A.C. has not yet been determined.

Indiana, with its biennial sessions, "citizen-legislators," and inadequate research resources is not very different from many other American state governments.39

39Seltzer, op. cit., p. 1; cf. Siffin, op. cit., pp. 56-58; Manual on State Constitutional Provisions, (Honolulu: Legislative Reference Bureau, University of Hawaii, 1950), p. 85 ff; "Mr. President ... Mr. Speaker ...," Report of the Committee on Organization of Legislative Service of the National Legislative Conference, (Council of State Gov-
The I.L.A.C. offers some easement in the problem of "too much work and not enough time" through its studies which pertain to various departments and agencies in the state government. In many instances, it makes recommendations or "advises" departments or agencies to make changes in procedure, method, form, or content of work to overcome an inadequacy which the I.L.A.C. system has brought to light. This coordinating activity eliminates the task from the already overburdened legislative agenda.

The director of the I.L.B., who is ex officio a member of the I.L.A.C., is also the ex officio revisor of statutes. Further coordination is achieved in these capacities, if for no other reason than political ones, i.e.—for political reasons, there is coordination between these three functions. This coordination usually takes the form of statutory revision with the Revisor of Statutes (Director of I.L.B.) and an A.C.C. cooperating to make recommendations to the I.L.A.C. which then may convey them to the General Assembly by means of the Report.

A further major coordinating activity occurs due to the focal nature of the I.L.A.C.; as Professor Seltzer has succinctly stated:

The communication channel between the legislature, the

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40 Report, op. cit., p. 5.
41 Burns, op. cit., 60-1713, p. 515.
Advisory Commission, and the interim committee has become less hazardous as the institution has become better structured and administered. The legislature by concurrent resolution creates the interim committee, outlines its aims and objectives, defines the size of the bipartisan joint membership, specifies its relationship to the Advisory Commission, occasionally appropriates money for research and clerical help, refers to the opportunity to hold public hearings, mandates, the Legislative Bureau to supply information and/or draft bills, calls upon specific state agencies to cooperate, sets the time for submission of reports, determines the support it can expect from the Commission. 

As will be shown, appropriations are made to the I.L.A.C. specifically for an interim study committee. One means of determining the effectiveness of this "communication channel" to which Professor Seltzer refers, and more generally to the overall effectiveness of the I.L.A.C. system, would be to present data on the action taken by the General Assembly on the bills prepared for the I.L.A.C. by committees and departments.

Fortunately, this data has been gathered by the I.L.B. and is presented in Table V. The 1963-64 I.L.A.C. committees had 170 bills included in the Report, 151 or 88% of these bills were introduced in the 1965 General Assembly. The 1961-62 I.L.A.C. committees had 159 bills included in the Report, 157 or 98% of these were introduced in the 1963 General Assembly. The 1959-60 I.L.A.C. committees had 59 bills included in the Report, 38 or 64% of these were introduced in the 1961 General Assembly. The 1957-58 I.L.A.C. committees had 58 bills in the Report, 49 bills or 84% of these were introduced in the 1959 General Assembly.

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42 Seltzer, op. cit., p. 6.
<table>
<thead>
<tr>
<th>Number of bills included in report:</th>
<th>1965</th>
<th>1963</th>
<th>1961</th>
<th>1959</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Proposed by committees</td>
<td>170</td>
<td>159</td>
<td>59</td>
<td>58</td>
</tr>
<tr>
<td>(2) Proposed by departments</td>
<td>113</td>
<td>95</td>
<td>50</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>283</td>
<td>254</td>
<td>109</td>
<td>78</td>
</tr>
</tbody>
</table>

**Bills proposed by committees:**

| (1) Introduced                    | 151  | 157  | 38   | 49   |
| (2) Not introduced                | 19   | 2    | 21   |      |
| (3) Passed both Houses            | 75   | 135  | 17   |      |
| (4) Vetoed                        | 5    | 0    | 2    |      |
| (5) Enacted into law              | 70   | 135  | 15   | 31   |

Percentage of bills proposed by committees which were enacted into law: 41% 85% 25% 53%

Percentage of bills proposed by committees and introduced which were enacted into law: 46% 86% 40% 63%

**Bills proposed by departments:**

| (1) Introduced                    | 95   | 77   | 42   | 20   |
| (2) Not introduced                | 18   | 18   | 8    |      |
| (3) Passed both Houses            | 64   | 34   | 27   |      |
| (4) Vetoed                        | 8    | 1    | 0    |      |
| (5) Not enrolled                  | 1    | 0    | 0    |      |
| (6) Enacted into law              | 55   | 33   | 27   | 17   |

Percentage of bills proposed by departments which were enacted into law: 48% 35% 54% 85%

Percentage of bills proposed by departments and introduced which were enacted into law: 57% 43% 64% 85%

Percentage of bills proposed by both committees and departments which were enacted into law: 47% 66% 39% 69%

Percentage of bills proposed by both committees and departments and introduced which were enacted into law: 50% 72% 50% 74%

*Source: Indiana Legislative Bureau.*
One may make the generalization then that at least 83% of the time, there is effective communication between the I.L.A.C. system and the legislature by means of the Report. 43

Departmentally, there were 113 bills in the 1963-64 Report; 95 bills or 84% of these were introduced in the 1965 General Assembly. The 1961-62 Report contained 95 departmental bills; 77 bills or 81% of these were introduced in the 1963 General Assembly. The 50 bills proposed by departments in the 1959-60 Report did as well; 42 bills or 84% were introduced in the 1961 General Assembly. There were 20 departmental bills in the 1957-58 Report, all 20 bills or 100% of which were introduced in the 1959 General Assembly. One may make the generalization, therefore, that at least 86% of the time there is effective communication between the I.L.A.C. system and the legislature by means of the I.L.A.C. Report.

The effectiveness of I.L.A.C. had been subject to dispute. Professor Seltzer maintains:

The Legislative Advisor Commission's recommendations are often in non-controversial areas rather than divisive issues of public significant [sic] when you recall the stalemate in the 1963 Senate caused by lack of a constitutional voting majority in either political party. 44

This, of course, is based on one or both the assumptions that the I.L.A.C. has been effective or effective in the consideration received by its sys-

43 The I.L.A.C. system not only includes the A.C.C., subcommittees, and the research process at various levels, but also includes the Report which is the vehicle for communicating the findings of the I.L.A.C. system.

44 Seltzer, op. cit., p. 8.
tem's bills. This criticism is in reality a compliment to the value of the I.L.A.C. system, if one can demonstrate the system to be effective (in receiving legislative consideration) and effective (in producing legislation). We have shown the effectiveness of the system.

Professor Seltzer's underlying assertion that the effectiveness is not of major value is subject to dispute. Given the short Indiana biennial session, what would happen if there was no I.L.A.C. system to deal with the so-called non-controversial issues? They would only burden down the already over-burdened legislator with problems which do not necessitate extensive consideration in the deliberative process. Moreover, the existence of the I.L.A.C. system insures that these minor, but nonetheless significant, legislative problems receive analysis which would not otherwise be forthcoming. Additionally, this consideration allows more time to the legislators for the deliberation of the controversial issues that deserve the fullest possible consideration of the deliberative process.

The number of bills proposed by committees of the 1963-64 I.L.A.C. which were enacted in the 1965 General Assembly amounted to 70 bills or 41%. The number of bills proposed by committees of the 1961-62 I.L.A.C. that were enacted in the 1963 General Assembly totaled 135 bills or 85%. The bills proposed by the committees of the 1959-60 I.L.A.C. which were enacted in the 1961 General Assembly amounted to 15 bills or 25%. The number of bills proposed by committees of the 1957-58 I.L.A.C. which were enacted in the 1959 General Assembly totaled 31 bills or 53%.
The number of bills introduced by committees of the 1963-64 I.L.A.C. which were enacted in the 1965 General Assembly totaled 46%. In the 1961-62, 1959-60 and 1957-58 committees of the I.L.A.C., the percentages for the bills which were introduced and enacted were, respectively, 86%, 40%, and 63%.

We may offer the generalization that, on the average, 51% of the bills proposed by committees of the I.L.A.C. are enacted by the General Assembly. More objectively, one may make the generalization that, on the average, 58% of the bills proposed and introduced by the committees of the I.L.A.C. are enacted. We may only make the overall generalization that more than fifty percent of the bills proposed by the I.L.A.C. system are effectively communicated to the General Assembly.

The percentage of bills proposed by departments through the Report in the years 1965, 1963, 1961, and 1959 to the General Assembly and enacted were, respectively, 48%, 35%, 54%, and 85%. The percentage of bills introduced and enacted which were proposed by departments in the same periods amounted to, respectively, 57%, 43%, 64%, and 85%. Therefore, the generalization may be made that on the average, 55% of bills proposed by departments are effectively communicated to the legislature; and that, on the average, 62% of the departmental bills introduced are effectively communicated to the legislature. Again lacking a comparative basis, one can only generalize that more than fifty percent of the time, there is effective communication between the I.L.A.C. system and the General Assembly.
The year-by-year variation in effectiveness is not as great as the variation in effectiveness. One possible explanation for this may be that once the proposals of the I.L.A.C. system are introduced, the consideration given to the proposals is adequate for the legislators. Significant to Professor Seltzer's argument, the 1963 session saw the greatest acceptance by the legislators of the proposals resulting from the I.L.A.C. committees. Admittedly, that legislative session accomplished little, but 86% of the I.L.A.C. committee proposals which were introduced were enacted into law.

The fact that, on the average, less than seven percent of the I.L.A.C. system's proposals are not (introduced and) enacted into law seems to imply the I.L.A.C. is held in high esteem by the legislators. More importantly, the implication is present of the I.L.A.C. effectively fulfilling its role of service to the Indiana General Assembly.

V. AN ANALYSIS OF APPROPRIATIONS TO THE I.L.A.C.

An analysis of the appropriations to the I.L.A.C. is important to the thesis of the I.L.A.C. expediting the legislative process in Indiana for the following reasons: first, it shows the cost of research in Indiana; and secondly, if there is an overall trend of increasing appropriations, then one may ascertain this as a realization on the part of legislators that the I.L.A.C. is essential to their legislative process.

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45 Seltzer, loc. cit.
Table VI is based on data gathered by the author; at first glance, it appears that the appropriations have been highly erratic; however, closer examination of each year indicates a trend of increasing appropriations.

For the fiscal year beginning July 1, 1964, the 1963-64 I.L.A.C. received a total appropriation of $217,500. Of this sum, $67,500 was appropriated to the I.L.A.C. contingency fund; the remaining $150,000 was for the purchase or leasing of voting machines. For the fiscal year beginning July 1, 1963, the 1963-64 I.L.A.C. received a total appropriation of $217,500. Of this sum, $67,500 was appropriated to the I.L.A.C. contingency fund; the remaining $150,000 was for the purchase or lease of voting machines.46

For the fiscal year beginning July 1, 1962, the 1961-62 I.L.A.C. received a total appropriation (to the contingency fund) of $57,500. For the fiscal year beginning July 1, 1961, the 1961-62 I.L.A.C. received a total appropriation (to the contingency fund) of $57,500. A committee on criminal law was established in this year, accounting for a portion of the increase in appropriations.47

46 Acts of Indiana, 1963, Special Session, Chapter 35, section 2, p. 121; ibid., Chapter 36, section 3, p. 198; one reason for the increase in appropriations for this biennium is the increasement per diem from $15.00 to $20.00, ibid., Chapter 35, loc. cit. Additional reasons may be found in the creation of three additional committees by the General Assembly under the authority of the I.L.A.C., ibid., Chapter 26, sections 1-7, p. 39; ibid., Regular Session, Chapter 155, section 1-7, pp. 180-182; ibid., Chapter 167, section 1, p. 199.

TABLE VI*  
SUMMARY OF TOTAL APPROPRIATIONS TO THE I.L.A.C.  
1945-1965

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>APPROPRIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964</td>
<td>$217,500</td>
</tr>
<tr>
<td>1963</td>
<td>217,500</td>
</tr>
<tr>
<td>1962</td>
<td>57,500</td>
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<td>1961</td>
<td>57,500</td>
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<tr>
<td>1960</td>
<td>90,500</td>
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<tr>
<td>1959</td>
<td>90,500</td>
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<tr>
<td>1958</td>
<td>77,500</td>
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<tr>
<td>1957</td>
<td>77,500</td>
</tr>
<tr>
<td>1956</td>
<td>99,980</td>
</tr>
<tr>
<td>1955</td>
<td>91,240**</td>
</tr>
<tr>
<td>1954</td>
<td>47,070</td>
</tr>
<tr>
<td>1953</td>
<td>45,090</td>
</tr>
<tr>
<td>1952</td>
<td>51,325</td>
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<tr>
<td>1951</td>
<td>48,075</td>
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<tr>
<td>1950</td>
<td>43,850</td>
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<tr>
<td>1949</td>
<td>37,250</td>
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<tr>
<td>1948</td>
<td>33,000</td>
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<tr>
<td>1947</td>
<td>32,400</td>
</tr>
<tr>
<td>1946</td>
<td>68,500</td>
</tr>
<tr>
<td>1945</td>
<td>48,695</td>
</tr>
</tbody>
</table>

**1955 was the first fiscal year in which the I.L.A.C. was budgeted separately from the I.L.B.; prior to 1955, appropriations for both were made to the I.L.B.
During the fiscal year starting July 1, 1960, the 1959-60 I.L.A.C. received a total appropriation of $90,500. Of this sum: $50,000 was for the contingency fund and $7,500 was for per diem and travel allowances; 48 $25,000 was for expenditures arising from the State Reorganization Commission and County Reorganization Committees on School Corporation Reorganization; 49 and $8,000 was for expenditures arising from the creation of the Legislative Planning Committee on Retardation. 50

In the fiscal year beginning July 1, 1959, the 1959-60 I.L.A.C. received appropriations duplicating the figures for the fiscal year beginning July 1, 1960. 51

For the fiscal year beginning July 1, 1958, the 1957-58 I.L.A.C. received a total appropriation of $77,500. Of this sum: $50,000 was appropriated to the contingency fund; 52 and $27,500 was appropriated to the I.L.A.C. for the renovation and rehabilitation of the Governor's Mansion. 53

In the fiscal year beginning July 1, 1957, the 1957-58 I.L.A.C. received appropriations duplicating the figures for the fiscal year begin-

48 Ibid., 1959, Chapter 114, section 2, pp. 250-251.

49 Ibid., Chapter 202, section 15, p. 473.

50 Ibid., Chapter 90, sections 1-7, pp. 182-184.

51 Unless otherwise specified, appropriations to a committee for a biennium have been split over the two fiscal years of that biennium.


53 Ibid., Chapter 286, section 5, p. 731.
ning July 1, 1958.

During the fiscal year beginning July 1, 1956, the 1955-56 I.L.A.C. received a total appropriation of $99,980. Of this sum: $50,680 was appropriated for Personal Services (Operating Expenses); $3,050 was for all other operating expenses; $32,500 was appropriated to the I.L.A.C. for the preparation, repair, rehabilitation, and maintenance of the legislative chambers; 54 $1,250 was for salaries and expenses incurred by the Contract Study Committee created by Senate Concurrent Resolution (S.C.R.) #10; 55 and $12,500 was for the use of the I.L.A.C. in achieving standardized plans and specifications for the construction of reasonably priced elementary school buildings. 56

For the fiscal year beginning July 1, 1955, the 1955-56 I.L.A.C. received a total appropriation of $91,240. Of this sum: $42,940 was appropriated for Personal Services (Operating Expenses); and $2,050 was for all other operating expenses. 57 The remaining amount received by the 1955-56 I.L.A.C. is in duplication of the last three appropriations given for the fiscal year beginning July 1, 1956. 58

54 Ibid., Chapter 303, section 2, p. 859.
55 Ibid., Chapter 205, section 1, p. 548.
56 Ibid., Chapter 292, section 2, p. 838.
57 Ibid., Chapter 303, section 2, p. 859.
58 The 1955-1957 biennium was the first biennium in which the I.L.A.C. received separate budgetary consideration apart from the I.L.B.; prior to this period appropriations to both were made to the I.L.B.
In the fiscal year beginning July 1, 1954, the 1953-54 I.L.A.C.-I.L.B. received a joint total appropriation of $47,070. Of this sum: $39,870 was appropriated for Personal Services (Operating Expenses); $3,700 was for all other operating expenses; $3,000 was for the preparation, repair and maintenance of legislative chambers; and $500 for a codification of substantive criminal laws.

For the fiscal year starting July 1, 1953, the 1953-54 I.L.A.C.-I.L.B. received a joint total appropriation of $45,090. Of this sum: $35,290 was appropriated for Personal Services (Operating Expenses); $3,300 was for all other operating expenses; $6,000 was for the compilation and printing of the legislative manual; and $500 was for a codification of substantive criminal laws.

In the fiscal year beginning July 1, 1952, the 1951-52 I.L.A.C.-I.L.B. received a joint total appropriation of $51,325. Of this sum: $45,040 was for Personal Services (Operating Expenses); $3,285 was for all other operating expenses; and $3,000 was for the preparation, repair, and maintenance of the legislative chambers.

For the fiscal year beginning July 1, 1951, the 1951-52 I.L.A.C.-

60 Ibid., Chapter 184, section 3, p. 657.
61 Ibid., Chapter 152, loc. cit.
62 Ibid., Chapter 184, loc. cit.
63 Ibid., 1951, Chapter 217, section 2, p. 580.
I.L.B. received a joint total appropriation of $43,850. Of this sum:
$34,640 was appropriated for Personal Services (Operating Expenses);
$2,785 was for all other operating expenses; and $10,000 was for the pre-
paration, repair, and maintenance of the legislative chambers. 64

In the fiscal year beginning July 1, 1950, the 1949-50 I.L.A.C.-
I.L.B. received a joint total appropriation of $43,850. Of this sum:
$40,000 was appropriated for Personal Services (Operating Expenses); and
$3,850 was for all other operating expenses. 65

For the fiscal year beginning July 1, 1949, the 1949-50 I.L.A.C.-
I.L.B. received a total joint appropriation of $37,250. Of this sum:
$35,000 was appropriated for Personal Services (Operating Expenses); and
$2,250 was for all other operating expenses. 66

During the fiscal year beginning July 1, 1948, the 1947-48 I.L.A.C.-
I.L.B. received a joint total appropriation of $33,000. Of this sum:
$30,000 was appropriated for Personal Services (Operating Expenses); and
$3,000 was for all other operating expenses. 67

For the fiscal year beginning July 1, 1947, the 1947-48 I.L.A.C.-
I.L.B. received a joint total appropriation of $32,400. Of this sum:
$30,000 was appropriated for Personal Services (Operating Expenses); and
$2,400 was for all other operating expenses. 68

64 Ibid. 65 Ibid., 1949, Chapter 257, section 2(a), p. 882.
66 Ibid. 67 Ibid., 1947, Chapter 233, section 2, p. 845.
68 Ibid.
The higher appropriation for the 1945-46 biennium is somewhat misleading; the fact is that the I.L.A.C.-I.L.B. received two joint total appropriations. No explanation has been forthcoming over this rather unusual phenomena.

The joint total appropriation for the fiscal year beginning July 1, 1946 was $68,500. Of this sum: $60,000 was appropriated for Personal Services (Operating Expenses); and $8,500 was for all other operating expenses. 69

In the fiscal year beginning July 1, 1945, the 1945-46 I.L.A.C.-I.L.B. received a joint total appropriation of $48,695. Of this sum: $41,560 was appropriated for Personal Services (Operating Expenses); and $7,135 was for all other operating expenses. 70

If Professor Seltzer's hypothesis concerning the relationship of the I.L.A.C.'s size and the opportunity to give continuity to the legislature is to be given any degree of validity, then the analysis of the appropriations should present a rough indication of that validity. 71

69 Ibid., 1945, Chapter 186, section 2, p. 495; Chapter 88, section 17, p. 193.

70 Ibid.; Chapter 186, section 2 specifies for the fiscal year starting July 1, 1946 Personal Services appropriation of $30,000, and $2,500 for all other operating expenses; for fiscal year starting July 1, 1945, it specifies $11,560 for Personal Services and $1,135 for all other operating expenses. On the other hand, Chapter 88, section 17 shows a Personal Services appropriation of $30,000 and $6,000 for all other operating expenses for the fiscal year beginning July 1, 1946; for the fiscal year starting July 1, 1945, a Personal Services appropriation of $30,000 is specified and $6,000 for all other operating expenses.

71 Seltzer, op. cit., p. 3.
Since the separate budgetary consideration of the I.L.A.C. occurred in 1955, and the first increase in I.L.A.C. membership in 1957, one can only make rough indications. It seems there is the beginning of a trend of increased appropriations to the I.L.A.C., particularly with the emphasis on study committees created for a specific problem.

Prior to 1955, the data (although consisting of joint appropriations) clearly indicates a long range trend of ascending appropriations with the emphasis on the I.L.A.C.-I.L.B. and their satellites rather than special committees. The creation of the special study committees under the financial control of the I.L.A.C. is perhaps the greatest verification of the Seltzer hypothesis; their creation and the fact that they effect continued existence means that with the increased size of the I.L.A.C., there is also an increase in responsibility. That this responsibility is fiscal rather than informational responsibility is perhaps a weakness in the present system.

It would seem difficult to justify a lack of achieving information when the funds necessary for achieving that information have been appropriated and expended; yet this is exactly what could occur. Since a ready excuse is available due to a lack of research through no fault of the committee, it becomes apparent that the solution of this problem is the creation of an I.L.A.C. research department, i.e.-then fiscal responsibility would be coupled with informational responsibility. The nature of such a research department should depend on the following reasons, which are generalizations of the situation discussed above: (1)
such a research department, coupled with one overall committee (such as the I.L.A.C.), would give balance and coordination to the studies required during the interim; (2) such a research department would give long-run service based on their professional permanency at a lower cost as compared to the present "one-shot" method of hiring researchers; and (3) such a research department would improve the quality of the studies initiated by the I.L.A.C. adding a depth which is not currently existent.72

The cost of research in Indiana seems out of proportion to the results of that research in comparison with those of Kansas. Such a comparison is only very roughly possible due to differences in budgetary methods and, therefore, no definitive conclusion can be made. The cost of research in Indiana, in terms of the quantity of legislators involved, seems reasonable, but it only serves to highlight the fact that with roughly a thirty-three percent increase in appropriations, a research department similar to that of Kansas could exist. Certainly, the absence of continuity which is present on the I.L.A.C. itself would be compensated by such a department.

The increasing emphasis which the I.L.A.C. is receiving as a focal point of interim committees and the increased appropriations seems to speak for the legislators' attitude towards the I.L.A.C..

72"Mr. President . . . Mr. Speaker . . .," op. cit., pp. 53-54.
V. AN EVALUATION OF THE I.L.A.C.

As in the appraisal of the Kansas Legislative Council, one question must be kept in mind; does the I.L.A.C. expedite the legislative process in Indiana?

One former governor of Indiana expressed an opinion that "the Indiana Advisory Commission is about as far as we can go without running into legal difficulties, in light of our present constitution." In replying to a query on the value of the I.L.A.C., he stated, "the Indiana Advisory Commission is a very valuable asset to the legislator, providing continuity to the legislature and the program thereof." Asked what was the main value to the legislator, Mr. Welsh replied, "it gives the legislator a source of information and a means of interchange."\(^7^3\)

Mr. Jack Mankin, Democratic State Senator from Terre Haute and 1965 President Pro Tem of the Senate, expressed an opinion that the quality of men serving on the I.L.A.C. were of the highest, i.e.-they were sincere and diligent in their efforts to "get the job done."\(^7^4\)

Mr. Frederick T. Bauer, Democratic Representative in the 1965 General Assembly and House Democratic Floor Leader, felt the I.L.A.C. was good as far as it went, but that it lacked elements which were essential

\(^{73}\)Interview with Matthew E. Welsh, Governor of Indiana 1961-1965, at the Hotel Severin, April 3, 1965.

\(^{74}\)Interview, Terre Haute, Indiana, April 15, 1965. Mr. Mankin spent several hours with the author discussing I.L.A.C. and problems relevant thereto.
to its functioning more effectively. 75

The prestige of the I.L.A.C., somewhat deficient in years past, has shown considerable gain, particularly since 1957. One member with tenure has expressed the opinion that the I.L.A.C. has been weak in the past due to power manipulations by the appointing officials, i.e.-especially seeing that committee chairmen were not appointed so as to preclude any threat to their own political future (or where there was a committee chairman appointed, he did not represent a threat). He also was of the opinion that given the circumstances of the past, the I.L.A.C. had functioned in the best possible manner. 76

All of these comments directly assert or imply a lacking in the I.L.A.C.. This has never been as well stated as in the 1963-64 Report by an A.C.C. in summarizing its findings:

Because of its inability to obtain and analyze requisite information, the committee is unable to make definite recommendations as to advisable changes in the Indiana court system. 77

Such a finding succinctly states the need for the I.L.A.C. to have a research department of the quality of the Kansas Legislative Council.

In the 1965 General Assembly, Senate Bill #47 (itself an outgrowth

75Interview, Terre Haute, Indiana, April 20, 1965. Mr. Bauer spent considerable time with the author discussing the I.L.A.C. and the elements necessary to its betterment. Both he and Mr. Mankin were well versed on the I.L.A.C. and concerned over means to improve it.
76 Interview, op. cit., April 23, 1965.
of the I.L.A.C.'s Legislative Processes Study Committee) was concerned with the establishment of a Legislative Service Bureau, and the creation of a Legislative Service Council.\(^78\)

This bill was passed by both houses of the General Assembly, but vetoed by the Governor. The major weakness of this particular bill was that the Director of the Legislative Service Bureau and his assistant were to be politically appointed but neither could be of the same political party.\(^79\) What the 1965 legislature failed to recognize was that there is no Democratic or Republican way to do research. If such a body is to be established, it should be for the good of the legislature as a whole and not a part; to insure this and at the same time develop an aura of objectivity, such a service bureau demands that all members of the staff of such an agency be appointed on the basis of merit.\(^80\)

Such an agency could provide research which is needed in the present I.L.A.C.; additionally, it would give greater continuity to the I.L.A.C. system itself through its permanency, e.g.–the research department could begin studying the problem as soon as a concurrent resolution was passed in the legislature.\(^81\)

Some continuity is insured in the I.L.A.C. by its membership, but as Table III shows, this is minimal. The greatest amount of continuity is achieved by the pre-legislative conferences which are held to famili-

\(^78\)\textit{Ibid.}, pp. 9-15. \hspace{1cm} \(^79\)\textit{Report, op. cit.}, p. 10.
\(^80\)\textit{Siffin, op. cit.}, pp. 82-83. \hspace{1cm} \(^81\)As occurs in Kansas.
arize incoming legislators with the problems facing them. Held under the auspices of the I.L.A.C., these sessions are limited to five days and participants receive per diem and mileage. In these sessions, the guidelines are established by the Report. The benefit of such a conference is its orientation of the citizen-legislator. The Indiana pre-session conferences parallel the recommendations of the Council of State Governments as to scope, sponsorship, funds, and materials.

Continuity at its lowest level could be achieved by reappointing members to the I.L.A.C.; however, as our data shows, the political rivalry is such in Indiana that this type of continuity is minimal.

The affectiveness and effectiveness of the I.L.A.C. system upon the Indiana legislative process is more favorable in that overall, 55% of the bills proposed by both committees and departments were enacted into law; and 61% of the bills proposed by both committees and departments which were introduced were enacted into law. This suggests that through I.L.A.C. system, 58% of its proposals, regardless of content, are enacted into law. This does not mean the legislative load has been lightened, but it does imply that the I.L.A.C. facilitates the legislative process through the consideration of various problems which otherwise would take more time in the legislative session.

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83 "Mr. President . . . Mr. Speaker . . .," op. cit., pp. 6-7.
84 Based on data presented in Table III.
85 Based on data presented in Table V.
Certainly, the research process existing in the I.L.A.C. today is excellent, considering that no full-time research department is in existence. The Reports illustrate amply the proposals with comparative illustrations from similar legislation passed in other states. The research process considers most views, but a research department could give a more thorough consideration and present a summary of the various views. 86

The membership of the I.L.A.C. is representative of the political parties in Indiana, but as has been presented, it is not necessarily representative of the leadership of those parties. 87

In the Indiana legislative process, the focalization of the I.L.A.C. ensures to some extent the absence of duplicated efforts and waste. 88 This does not facilitate the legislative process in a measurable manner. However, one could postulate the turmoil if, for example, the legislature was forced to consider all the aspects of efficiency in administering the government of the state.

By having an ex officio membership which includes the Revisor of Statutes, the I.L.A.C. can facilitate the revision of laws by having the same done prior to the legislative session; such a service is an un-

86 The Report only presents the findings of the studies, and not the arguments pro and con of these findings. Cf. Report, 1963-1964.
87 Based on data presented in Tables II and III.
If we assume the I.L.A.C. system, in the main, considers non-controversial matters, then it can be stated that the value of the I.L.A.C. is in its facilitating the legislative process through such consideration. As Professor Jewell states, "most state legislatures deal with a much larger proportion of trivial and usually non-controversial bills than Congress, . . ."\(^9\) One authority has estimated that the Indiana General Assembly has, among other pressures, to consider " . . . approximately 1,000 bills . . ." in a legislative session.\(^9\) Assuredly, we do not know the nature of these bills nor those which were proposed by the I.L.A.C. system in each session, but we do know the I.L.A.C. system's proposals are enacted more than half the time; and these proposals do receive a consideration which would be lacking without the existence of the I.L.A.C. system.

If one were to characterize the I.L.A.C. in a high level generalization, it could only be as a service agency which is seemingly unbalanced and uncoordinated. This characterization is based on the facts that: (1) the I.L.A.C. is not the main focal point of legislative leadership; and (2) it lacks a full-time, professional research staff.

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\(^8\)Burns, op. cit.; 60-1713, p. 515; this revision, review and pre-writing of laws is well within the recommendations of the Council of State Governments; cf. "Mr. President . . . Mr. Speaker . . .," op. cit., pp. 4-5.


CHAPTER V

SUMMARY AND CONCLUSIONS

I. SUMMARY

In the introduction it was suggested legislative councils and council-type agencies may expedite the legislative process. The problem then becomes one of discerning the various aspects of this "expediting." Mr. Kyle gave the guideposts for the study which were outlined on the basis of the two agencies' bases, methods, coordinating actions, and appropriations.

Earlier studies of service agencies have been inadequate due to research methods, factual errors, over-generalization, and staleness. The study has attempted to overcome these inadequacies in focused study on Kansas and Indiana. By focusing on similar aspects of two similar organizations, some comparison and considerable contrast becomes apparent.

The essential difference between the two agencies seems to rest in their individual political environments. In Kansas, a one-party state, the Council performs its role of legislative program-planning with the aid of a significant research department; in Indiana, a viable two-party state, the I.L.A.C. performs as a concentric general interim committee through whose system other interim committees focus on the legislature, rather than into its statutory role of cynosure.

Arising out of these political differences is the further difference of research. The Kansas Legislative Council, on one hand, having a
research department which has become essential to that Council's operation while Indiana, on the other hand, has a deficiency which can be traced to the non-existence of a full-time, professional, permanent, research department. Certainly, this deficiency has contributory factors, e.g.-legislative leadership, representativeness in a power sense, and size; but a research department could overcome these factors (as occurred in Kansas).

The I.L.A.C. seems to be unbalanced and uncoordinated in its actions as compared with the Kansas Legislative Council. This may be due to an absence of intra-legislative leadership cohesiveness; however, it seems more likely a research department could overcome this through its concern with long-range legislative problems instead of short-range power struggles.

While it was not possible to accomplish a wide survey of legislators' attitudes towards the two agencies, the data that was gathered suggests the attitude towards both agencies was favorable, with the Kansas Council having the greatest status. There appears to be a recent trend in Indiana of viewing the I.L.A.C. as a status assignment, but it needs to occur over a longer time period before the definitiveness of this trend can be ascertained.

The appropriations to both agencies tend to indirectly verify this favorable attitude and also suggest the two agencies are receiving greater responsibility. However, the legislators in Indiana are still zealously guarding their traditional prerogatives, and not delegating the
necessary authority or means to be responsible, i.e.-research facilities.

Cost-wise, the I.L.A.C. seems to cost more than the Kansas Council. In terms of actual dollars, the Kansas Council receives more funds, but in terms of results, it produces proportionately far more than the I.L.A.C.; this also could be diminished with the introduction of a research department.

The general criticism of legislative councils and council-type agencies - that they would be subservient to the dominant political party or individuals - has been found to be true in Indiana. The legislative leadership, in so doing, has failed to consider the detriment to the state as a result of their irresponsibility. They have succumbed to partisan rivalry rather than appoint a minority party member to the chair of a legislative committee and then appoint him to the I.L.A.C., or appoint a minority party I.L.A.C. member to a chair in the next legislative session. The result has often been that insignificant legislators (in terms of legislative affectiveness or effectiveness) have been appointed to the I.L.A.C. - and who would take their advice?

Considering the reality of the political situation in Indiana, the legislative leaderships have usually attempted (on the assumption they would win a legislative majority in the next session) to maximize the potential of the I.L.A.C. at least fifty-four percent of the time; at least seventy-one percent of the time, the leadership has attempted to maximize the affectiveness of the I.L.A.C.; and at least forty percent
of the time, the leadership has attempted to maximize the effectiveness of I.L.A.C. membership. The average legislature leadership maximization is fifty-five percent; consideration of the relative significance of the effectiveness maximization, however, prevents one from concluding the legislative leaders value or attempt to utilize to the utmost I.L.A.C. membership.

The effectiveness of the I.L.A.C. system, in terms of legislation, has been shown to result in fifty-five percent of its proposed bills being enacted; and sixty-one percent of its bills which were proposed and introduced have been enacted.

The importance of legislative leadership to the I.L.A.C., its system, processes, and results can best be demonstrated by the fact that the 1963 General Assembly enacted at least eighty-five percent of the bills proposed by the I.L.A.C. system; this was the only General Assembly in which the legislative leaders who appointed legislators to the I.L.A.C. were the same as in the previous session.

II. CONCLUSIONS

Future studies could survey legislator attitudes towards the individual councils and council-type agencies. However, this study suggests the conclusions attained from such surveys would not be as valuable as an analysis of whether the councils and council-type agencies are foci of the leadership factors considered herein, and which this study suggests must be the case if the council or council-type agency is to expedite the
legislative process in the most effective manner.

The major manner in which the Kansas Legislative Council expedites the legislative process seems to be through coordinated program-planning coupled with thorough research; in Indiana, the I.L.A.C. expedites the legislative process through bill preparation at a minimal level.

At a higher level of generalization, one may discern the states studied as having their legislative process expedited through a three-fold process which occurs in their respective service agencies: (1) the introduction of topics; (2) the consideration of the topics; and (3) the action taken upon the topics. This process occurs, significantly, before the legislative session. Thus, one may tentatively state that such agencies affect and effect their legislative process due to their individual continuity of action; this further implies an increase in the legislative session length coupled with annual sessions might yield better state legislatures.
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