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## Fifteen Years of Legislative Research; Report

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## FIFTEEN YEARS OF LEGISLATIVE RESEARCH

The 1980-81 academic year marks the fifteenth anniversary of the Notre Dame Legislative Research Service. Over the years, the Legislative Research Service (L.R.S.) has provided assistance to federal, state, territorial, and local legislators, civic organizations, and other interested groups across the country in the research and preparation of legislation.

The current staff of the L.R.S. is comprised of ten lead researchers who supervise approximately seventy-five student research assistants. Research service is offered to clients at no cost. This service provides its law student members with much needed experience in statutory interpretation, analysis, and drafting, and exposure to the entire legislative process, skills most necessary to their future practice of law.

The L.R.S. provides assistance in two, at times overlapping, areas: legislative research and bill drafting. With regard to the legislative research area, the L.R.S. assists clients in compiling information beyond the client's own resources, in analyzing public policy issues, and in interpreting judicial pronouncements regarding contemplated legislative acts. The L.R.S. also aids authors engaged in writing notes, articles, or books on topics of legislative significance. In the bill drafting area, L.R.S. members assist in drafting legislation and in providing both legislative and comparative analysis, including advisability, constitutionality, and effects of proposed legislation.

The L.R.S. currently operates under the auspices of the Notre Dame *Journal of Legislation*. In 1974 the *Journal* replaced *New Dimensions in Legislation*, which the L.R.S. published from 1971 to 1973. The prime benefit of this close interaction between the L.R.S. and the *Journal* consists in legislative projects which may provide the foundation for student notes which the *Journal of Legislation* publishes. Likewise, notes and articles published in the *Journal* have resulted in requests for studies or drafts of bills based on those notes and articles.

The L.R.S. solicits projects from the United States Congress, from the legislatures of the states and territories, and from local, state, and federal agencies. Between 1979 and 1981, the L.R.S. received more than twenty requests for research assistance from state and territorial legislatures and agencies. This marked a 400 percent increase in projects from previous years. In addition, the L.R.S. has been called upon to coordinate the latest revision of the *Legislative Research and Drafting Manual*, published by the Law Student Division of the American Bar Association.

Diversity has marked the subject matter of the projects the L.R.S. has undertaken during these years. Reflecting the stresses of developing self-government in the Pacific possessions of the United States, the

legislatures of Guam, American Samoa, and the Commonwealth of the Northern Marianas have submitted assignments to the L.R.S. These projects deal primarily with the limitation of the powers of territorial executives and mirror the struggle between them and their territorial legislatures. The devolution of government to the territories will require continued research in order to provide recommendations for definition of the legislatures' and executives' respective spheres of power.

State legislatures or agencies in Arizona, Louisiana, Indiana, Maine, Massachusetts, Missouri, New York, North Dakota, Washington, and Wisconsin have requested a total of thirteen research and drafting projects from the L.R.S. The subject matter of these requests has ranged from revision of the New York Presidential preference primary statutes to recommendations for repeal or revision of Wisconsin's special mining tax. It is evident from the following list of projects received by the L.R.S. that a broad spectrum of legislative matters has challenged its researchers.

JURISDICTION	ORGANIZATION	SUBJECT AREA
United States	F.C.C.	Propose regulation to prevent Cable Television from infringing on NCAA sports broadcasting.
Arizona	Senate	Provide study of state procedures in calling for a Constitutional Convention to amend the Federal Constitution.
Indiana	Senate	Provide study and propose legislation to remove income tax from interest and dividends to stimulate investment in state.
Louisiana	Senate	Provide study on the power of a state legislative committee to subpoena federal officials and documents.
Maine	Senate Committee on Public Utilities	Special study on decontamination and decommissioning of nuclear generating facilities and disposal of nuclear wastes.
Massachusetts	House Committee on Public Safety	Prepare legislation to clarify procedures and jurisdiction of the Commission on Judicial Conduct vis-à-vis the legislature to remove judges for misconduct.
	House	Study and propose legislation to impose mandatory additional sentences where crimes of violence victimize the elderly.
	House Counsel	Provide policy and judicial analysis of proposed constitutional amendments providing a right of privacy and protection from child abuse.
Missouri	Council on Legislative Research	Provide emergency study on effect of passage of bill with emergency clause without concurrence of required two-thirds majority in one house of the legislature.
New York	Covenant House	Propose legislation to provide assistance and protection to victims of juvenile pornography.

	Assembly Committee on Codes	Prepare revision of statutes dealing with criminal accessory conduct.
	Senate Majority Counsel	Provide study of Presidential preference primary statutes and propose appropriate revision of current statute.
North Dakota	Legislative Council	Provide opinion as to constitutionality of statute which does not require consent of father of illegitimate child to its adoption.
Washington	Office of Program Research	Provide study and recommendations for legislation to prevent gubernatorial vetoes of budgetary language which imposes conditions on spending of an appropriation which does not contain an appropriated amount.
Wisconsin	Senate Republican Caucus	Provide study and propose legislation to improve or repeal special mining tax statute.
American Samoa	Legislative Counsel	Provide study and recommendations concerning existence of a gubernatorial power to reduce amounts of an item in an appropriation bill by item veto.
Guam	Legislative Counsel	Provide study and propose legislation to replace gross receipts tax with value added tax.
Commonwealth of Northern Marianas	Senate	Provide study and recommendations on reprogramming of funds from previous fiscal year when new budget fails to be adopted in time.
	Public Auditor	Provide study on power of executive to veto entire appropriation of a constitutional office.
	Senate Counsel	Provide study and recommend legislation or constitutional amendment to limit powers of Governor to issue executive orders which infringe on prerogatives of Legislature.
	Senate Counsel	Provide study on powers of Legislature to conduct investigations, cite for contempt, and application of powers to executive branch.
Pennsylvania	American Philatelic Society	Repeal of carryover basis. I.R.C. § 1023.

Finished products from the Service have been well received by these clients. Feedback indicates that they have been favorably impressed by the high level of scholarship, research, and professionalism exhibited in these products. This satisfaction should result in a continuing number of projects assigned to Notre Dame from these and other legislatures.

The Notre Dame Legislative Research Service stands ready to assist legislators and researchers at any level of government. Requests for

assistance should be addressed to the Director, Legislative Research Service, Notre Dame Law School, Notre Dame, Indiana 46556.

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Legislative Research Service