THE OHIO LEGISLATIVE SERVICE COMMISSION--A NONPOLITICAL POLITICAL INSTITUTION

David A. Johnston

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Any attempt to review the Ohio Legislative Service Commission's place in Ohio politics must begin with a seeming contradiction, that of placing a nonpolitical organization as a political institution. The seeming contradiction is similar to one with which most older students of public administration or of executive agency behavior are familiar. However, it is not my purpose to show how that thinking has changed over time to what is regarded as a more realistic appraisal of the place of politics in administration, but rather to look at the situation of an organization which was designed to help make policy by taking politics out of several of the basic services and decisions a policy-making body must use or make.

The Ohio Legislative Service Commission (LSC) was established in 1953 as "the consolidation of a diversity of governmental research services under one single agency to an extent previously untested in any other state."1 Its establishment involved the merger and elimination of the Ohio Program Commission which had been composed of some governor's appointees and some legislators, the Legislative Research Commission, and the Bureau of Code Revision.

Although the Commission was formed to be a source of "impartial and accurate information,"2 its formation was not void of political controversy. Ten of the eleven votes against passage of the bill (Am. S.B. 76) were cast by the Senate's ten Democrats. Similarly, all 20 House votes against the bill came from the House's 34-person minority. Governor Frank Lausche in a 1957 interview branded the LSC along with three other state boards or commissions as "mongrel satellite governments," and went on to say, "It will always be a source of pain to me that the legislature, in trying to thwart me, in truth hindered orderly state government in creating those boards."3 Lausche's opposition at the time of passage in 1953 is less readily documented but senators and representatives who recall the events say that Lausche was opposed and that a compromise which kept the Legislative Reference Bureau in business may have avoided a gubernatorial veto of the bill creating the Commission. The Legislative Reference Bureau which had responsibilities for research, bill drafting, and resolution writing, was subject to the general direction of a three-member committee consisting of the Governor and the House and Senate clerks.

Although there was opposition to the creation of the LSC, the new organization's governing body was a bipartisan commission consisting of 14 legislators; 7 senators including the President Pro-Tempore (since 1977, the President), and 7 representatives including the Speaker of the House. The remaining six members from each house were to be picked by the President Pro Tem and by the Speaker and were to include no more than four of the six from the same political party. Thus, the minority party was practically guaranteed two members from each house. In years when Republicans dominated the General Assembly, this was implemented as a partisan breakdown of ten Republicans and four Democrats. When Democrats were in control in 1959-60 and in the 1970s and '80s, the reverse was true. Divided control in 1973-74, 1981-82, and 1985 meant seven-seven partisan representation on the commission.

The new Commission was given a number of powers and duties.4 They included:

1. Create interim legislative study committees to study any problem or issue the commission approved;
2. Research, investigate, and
secure information on any subject and report thereon to the General Assembly;
(3) Ascertain facts and make reports on the state budget, the revenues and expenditures of the state, its departments, subdivisions, and agencies;
(4) Make surveys, investigations, and studies on any question referred by either House or any standing committee;
(5) Assist interim committees created by the General Assembly;
(6) Prepare or advise in the preparation of any bill when requested by any member of the General Assembly;
(7) Organize and index all rules and regulations of the state filed under the Administrative Procedure Act;
(8) Collect and classify the documents of the state and keep official legislative documents;
(9) Provide members of the General Assembly with impartial and accurate information and reports in accordance with Commission rules;
(10) Codify the laws of the state.

To implement its law, the Commission was given a number of powers, the most important of which were the responsibility to appoint a staff and authority to appoint legislators and citizens to the committees it authorized. In addition, the Commission and its committees could hold hearings, issue subpoenas, commandeer information, and take depositions.

In its origins, the LSC was seen as being an instrument to allow the legislature to study problems in depth during the lengthy (usually 18 months) interims between sessions which were then common. It was also to be a means whereby the use of special committees and commissions were to be avoided. Newspaper accounts and editorials as well as Reilly's article saw the Commission as doing significant studies and providing the legislature with information.

For the legislators involved, it was also to be a source of unbiased aid. Senate President Pro Tem Stan Mechem said, in speaking of Ohio legislators:

They need facts and they need data, and they need unbiased facts. So that's the main reason and the only reason that this Legislative Service Commission has been established. And I'm hopeful that in the years to come, we'll have better legislation and more intelligent legislation, based on facts.

How realistic they were and how well these hopes may have been realized is a topic to return to later. For the present, it may be useful to look at the early implementation of this legislation and a general history of the Commission and development of its staff. Following that we will consider LSC's history from a number of viewpoints. They include implementation of five functions: research studies, fiscal analysis, bill drafting, spot research, and bill analysis, and the element of staff organization.

I. Early Implementation and General History

The legislation establishing the LSC was passed through both houses and approved by the Governor on June 13, 1953, and went into effect on September 16, 1953. The new Commission was appointed on August 7, 1953, more than a month before the effective day of the law. A Temporary Executive Committee of the new Commission met on September 17, and appointed John Skipton as the LSC's first Director and, in what appears to be a concession to minority Democrats authorized him to hire one, John Murphy. The Commission held its first meeting on October 16, ratified the temporary committee's action, and split 7-7 on whether the Commission Chairman would be Senator Mechem or House Speaker Saxbe. One week later, they all agreed that Mechem would be the first LSC chairman.

The appointment of John Skipton to be the first LSC Director may have easily been looked upon as just more politics at work. Although his professional credentials for the job of
Commission Director were excellent (an Ohio State University law degree, a Harvard education in statistical research, and experience as a personnel manager), Skipton's most recent employments had been as an assistant to Attorney General C. William O'Neill and Director of Research for the Ohio Republican party. These political jobs could have disqualified Skipton from a job which was charged with doing unbiased research for the entire legislature. Skipton, however, had a reputation for candor and Republican party chairman, Ray Bliss, believed "Skip" would be "right down the middle." It is doubtful that Skipton's reputation or Bliss's assurances convinced Ohio Democrats. The appointment of "Murphy" (who in fact never worked for the Commission) or John O'Brien, a former Democratic representative, to the staff may have smoothed the way, however.

In spite of fears that the new Commission might be a political agency, Skipton tried to make certain that it was not. His earliest appointments were not based on partisan considerations; indeed, several of the earliest staffers came from out-of-state. He did not ask the politics of the staff and demanded that they do their job using only their professional skills and judgments. He would say that if any politicking had to be done he was the one to do it. He was quoted in the Plain Dealer as saying:

"Our sole purpose is to make certain that the legislature is informed on any subject in which it is interested. We don't try to make decisions. We just want to see that the legislator has the facts when he is making a decision...

There has not been nor will there be any interference with our fact-finding function, either political or personal."  

Certainly his attitude and approach to the job implanted in the staff a strongly nonpartisan approach to their jobs. This is not to say that the Commission was never used for partisan purposes; only that its staff approached each assignment in as objective and unbiased manner as they could.

At the end of the Commission's first year it employed a staff of seven. In 1955, the staff had reached 17. These early staff included specialists in code revision, legal analysis, and fiscal analysis as well as a researcher who also served as librarian. Most of the Commission's staff, however, were generalists; persons with a social science background who could work on any problem of state government. Typically, the professional staff held M.A. or law degrees; the proportion of generalists to lawyers was usually 2 or 3 to 1. Indeed, most LSC attorneys were also regarded and used as generalists rather than specialists in the law, only.

In December, 1956, Skipton resigned to take a position as incoming Governor C. William O'Neill's Director of Finance. Skipton's successor, Charles W. (Bill) Ingler, Jr., was named at the meeting at which Skipton's resignation was submitted. Ingler had been the Assistant Director of the LSC, having come to LSC from the Council of State Governments' staff in 1954. In a 1956 interview, Ingler was quoted as saying he had never told Skipton his politics. 10  Ingler, a native of Oklahoma, had once been a Democrat but he registered as a Republican in Ohio. He had not been active in party politics. The selection of Ingler meant a continuation of the policies inaugurated under Skipton. Selection of staff would be based solely on qualifications and, at most, there would be one politician (the Director) on the staff. In point of fact, Ingler was not that involved in politics.

Just before Skipton left, the Commission employed 20 persons. But Ingler had a lot of hiring to do. A number of staff persons had moved from the Commission staff to the Department of Finance with Skipton. Ingler
employed several persons including Lauren Glosser, former Executive Secretary of the Ohio Program Commission, whom he later named Assistant Director. Glosser, who had held jobs which identified him as a Democrat, was essentially an attorney-researcher who valued highly the Commission's nonpartisan role. Ingler also employed Alvin K. Peterjohn to handle the LSC's fiscal work. Peterjohn came to the Commission with a background in citizen's research (taxpayer groups) work. During Ingler's tenure, staff size was increased to a high of 25. This included a mostly temporary staff of 9 persons working on a major study of the state's classification and compensation system.

The 1958 elections changed the majority of the General Assembly for the first time in the LSC's five and one-quarter year existence. Although a majority of the members from each House were Democrats, they did not name new members to the LSC until the legislative session was completed in July, 1959. In August, Ingler announced his resignation to take a position in Dayton, effective September 21, 1959. Meeting in September, the LSC reorganized under the leadership of House Speaker James Lantz (D), accepted Ingler's resignation, praised him, and appointed Lauren Glosser as Director.

Glosser's appointment, like Ingler's, had come from the ranks of the staff. Some persons quickly pointed out that Glosser, a Democrat, had been appointed by a Democrat-dominated Commission. Except for a general belief that a Republican would not have been appointed to the position, those on the scene at the time did not feel that it had been a political appointment. Glosser, an attorney and a veteran statehouse researcher, was regarded by staff as the most logical replacement for Ingler. The 1958 election brought few changes to the Commission staff. John O'Brien left to work for the Attorney General as chief counsel, and, at incoming Governor DiSalle's request, Walter Quetsch was designated to work with the Governor's office reorganizing much of that office's paperwork procedures.

Although Glosser had to fill some vacancies, there was no politically motivated turnover nor hirings. The staff stayed at about the same numeric level in Glosser's first two years. When Republicans captured the General Assembly in 1961, they waited until August to assume control of the LSC. No effort was made to change the staff director; indeed, no staff changes were made. In September, 1962, the Commission authorized the Director to enter into an agreement with the Ford Foundation to establish an intern program for the 105th General Assembly. The program began in the fall of 1963 with five highly qualified interns. The position of Legislative Auditor which was created in the budget bill was filled by Al Peterjohn, the Commission's Chief of Fiscal Research in August, 1963. Peterjohn resigned in March, 1964, to take a position with the Ohio Chamber of Commerce and was succeeded by LSC staff member James Tully.

The 1964 elections resulted in a reduced Republican majority in the house and an even split (16-16) in the Senate. Lieutenant Governor John Brown cast the deciding vote to organize the Senate with Republicans in the leadership. The even split in the Senate created a situation in which Senate Democrats were able to push for more complete staff services. This led to the only significant and public political controversy involving staff in the LSC's history.

Early in the 1965 legislative session, Frank King, the Senate Democratic Leader, requested the Legislative Auditor, Jim Tully, to find some facts concerning the brochure printed by the state. Tully, in accepting the assignment, had not told Director Glosser of the assignment, but had cleared it with Everett Crawford, the Assistant Director. In seeking the
information, Tully asked a number of questions concerning the legality of the transactions including one which tired to find out in an undisguised form whether the Finance Director, a Republican, might have received kickbacks from the printing of the brochure. The recipient of the questions, instead of answering them, gave them to the administration, and they ultimately were received by Roger Cloud who was once again Chairman of the Commission. Cloud discussed them with Glosser, and they determined that the questions amounted to investigation rather than research. It was not Commission policy to do investigation (defined as attempting to determine facts to put blame on someone) as opposed to research (defined as finding facts to determine what might be done about a problem). When Glosser angrily confronted Crawford, and Tully ordered the assignment dropped, first Crawford, then Tully, resigned.

King reacted to Tully's resignation and the dropping of the assignment by calling for an investigation of the matter. King blamed both Speaker Cloud and Governor James Rhodes for taking actions aimed at breaking down the separation of powers and making the legislature subservient to the majority party. Cloud called a meeting of the LSC for April 19 to air out King's charges. At that meeting, he answered King by denying that he had recommended any staff member's employment, quoting the LSC policy which denied a staff role in investigation, and expressing confidence in Glosser and the staff. When King would not heed Cloud's warnings that further discussion would only enmesh the LSC in more politics, Cloud called for a follow-up meeting at which Crawford and Tully might testify. Crawford and Tully did not appear. When Senator King asked the Director to comment, Glosser said that confidences had been broken, the charges of political interference were unfounded, and that his position had been made untenable. Both Cloud and King then expressed a hope that the Director would remain in his position and King did not present his prepared statement.

The Tully and Crawford resignations and other staff resignations which occurred before the controversy left the Commission with a small staff of 16 persons. Glosser had no inclination to fill the vacancies. Although he did not know it at the time, he was very sick with a lung tumor.

In September, 1965, Glosser was hospitalized; and the new Assistant Director, David Johnston, became the Acting Director. In February, 1966, Glosser died. Johnston, who had been a member of the staff since 1958, was appointed Director in August, 1966. Although he had, as one of his friends put it, "made the mistake of voting in the primaries," he had never been active in partisan politics. He had voted as a Democrat, but both Republicans who dominated the Commission and Democrats supported him. Like his predecessors in the job, he was a strong advocate of nonpartisanship in the LSC.

Shortly after Glosser was hospitalized, Senator Ted Gray, who became Chairman after the session ended, called Johnston in and recommended that he start "staffing up." Once again, there were no attempts to influence who would be on the staff. Johnston was aware that there had been criticism of too many "Easterners" on the staff, so he concentrated his recruitment efforts in Ohio and the midwest.

In 1965, the Commission abandoned its traditional stance on bill drafting and accepted individual member requests. This policy change, plus the installation of computerized bill typing systems, led to much heavier work volumes and a new emphasis on session-related services. Moreover, as a result of one of his own studies, the Commission was asked to provide staff for the standing committees of the House and Senate in the next session. By the end of 1966, the staff had been increased to a total of 20
professionals. The relatively small clerical staff also was augmented to increase total staff to 33—more than a doubling of staff in a single year.

The 1966 elections, the first under the new one-man, one-vote, single-member district system, strengthened Republican control and brought in an unusually large influx of freshman legislators. The committee system was streamlined and staff were present at every committee meeting. A new Legislative Auditor, Joseph Marshall, was named by Johnston with Chairman Gray's approval. In 1967, the General Assembly took the first steps toward annual sessions by adjourning to a day certain in 1968 rather than adjourning sine die. When they returned in January, 1968, they worked only on bills which had been introduced the previous year. This annual session approach was first passed as a law and later made a constitutional amendment. No restrictions were placed on either session. Annual sessions changed greatly the focus and emphasis of LSC staff. Essentially, with no interim, interim studies and interim committees to work on, they would fade away. Demands for staff work would be more immediate, more frequent, and, of necessity, require less depth.

Three more developments led to further increases in staff in the late 1960s and throughout the 1970s. Committee chairpersons did not want staff assigned to their committees doubling up on some other committee. The original staffing plan assumed that one LSC staff person would work with either one major (heavy workload) committee or two lighter workload committees. As the committee chairmen began to understand the system, they pressed to have one person at the least for each committee. Since LSC workloads were increasing in every area, the Director adopted the policy excepting only a couple of situations where to do so would have created a ridiculously wasteful situation. As it was, some of the major committees were supplying enough work for two staffers. Moreover, as workloads increased, the LSC supervisors were forced to spend more time in supervision and less in taking a committee of their own. Each time a supervisor gave up committee work, a new staff person was needed.

The second development was an increase in the number of committees. This meant more staff work and coupled with the "no doubling up" philosophy led to increases in every biennium. The number of staff and the number of committees for each session from 1967 to 1985 is set forth below.

The demands of being constantly in session caused the LSC to try a new tactic in staffing. A separate research unit was created in 1971. The unit was to handle traditional LSC studies on a year-round basis, augmented by session staff in the off-session. A five-person unit was established. The experiment was not given enough time to work. When the staff had a high turnover, the experienced persons in research were taken out of the unit to handle committees. This, plus the inability to get interested legislators to work with the unit's personnel as study committees or at least as guiding lights to the studies, led to the Director's dropping the unit after only a two-year trial.

In 1973, the Legislative Budget Committee and Legislative Budget Office were created by the LSC. The new organization removed fiscal staff from the Director's charge placing them in an organization whose governing body was responsible to the Commission. The Commission retained for itself the authority to appoint the budget officer. Richard Sheridan became the Legislative Budget Officer under this arrangement and, taking staff from the LSC's fiscal operation and adding to them individuals of his own choosing, put together a new staff operation to concentrate on state finances. These actions reduced the LSC staff, but greatly increased the total staff.

Two years later, following national
trends to be highly involved in scientific and technological issues, the LSC added a science advisor. A variation on the Research Unit was attempted in 1977 when the Director designated part of the staff to be a Program Review Unit. That staff worked on two highly successful reviews, each of which took a national award as one of three outstanding research reports written by legislative staff in 1978 and 1979, respectively. A state fiscal crisis in 1979-80 and a more serious one in 1981 forced the LSC to use its special staff in regular session work. The unit was restored in the 1985 budget.

When state finances were at a low point in 1981, the General Assembly abolished the Legislative Reference Bureau and gave the LSC its duties and staff. To adjust to the financial crush, LSC used its committee staff to draft resolutions and congratulatory letters. While this step saved money, it also resulted in longer hours and greater discontent among LSC's highly trained staff. When funding returned to normal, the LSC did as the LRB had and hired college students and recent graduates to do its resolution drafting. The long-term savings realized by the merger were the salary of the LRB Director and one attorney. In all, the change resulted in an increase to the staff of LSC of ten positions.

The addition of the Legislative Reference Bureau and earlier actions which placed a Correctional Institution Inspection Committee in the LSC and specifically required LSC to do program evaluation gave the Commission all of the functions for which it is presently responsible. The staff has grown to a grand total of approximately 125 positions, of which 80 are under the supervision of the Director. At this writing, Director Johnston has announced his retirement, and in 1986, the Commission is facing the question of who will be its fifth Director.

II. Research Studies

In its first year, indeed in its first twelve years, the Commission was primarily concerned with studies and with the analysis of state finances and budget requests. From September, 1953, to August, 1954, the LSC met 11 times. The first four meetings, held over a six-week period, dealt with administrative and organizational matters in getting the new Commission operating and resolving a question concerning implementation of a highway bond issue which had just passed the electorate. In the next ten months, 18 study topics were approved and at least 16 study committees named. The approved topics included problems of the aged, water pollution, water rights, lobbying, workers' compensation, educational TV, the state highway program, local government aid distribution, municipal court procedures, bonuses for Korean War veterans, and the state's payroll system. By November 9, 1954, six reports were completed and published. In the next two months, nine more studies were completed.

LSC committee studies followed a consistent format. After the study was authorized, a committee of legislators was named. Staff were designated by the Director, and one staff person was primarily responsible for the study. That person prepared a study outline for the use of the study committee at its organizational meeting. Staff project officers usually consulted with the committee chairman while preparing their outline for study to be certain the study covered all of the areas of concern to the chair. At the initial meeting, parties with an interest in the study often appeared to express their interest and offer cooperation. The committee would accept the outline, sometimes asking for modifications to cover questions which concerned members. Staff would then proceed to do the research in phases. As each phase of the research was completed, the committee would meet, listen to a staff presentation, ask questions, and possibly, call for more information.
When all the parts of the study were finished, staff would put it all together in a single report and present that to the committee. The staff report carried no recommendations; however, it often pointed out possible solutions to problems either by listing alternatives, showing how other jurisdictions had dealt with the problem, or by laying out a logic of the situation which pointed in specific directions. Committees then often asked for public reaction to the staff report. At this juncture, interested parties would have more to say concerning their views of what the committees' recommendations should be.

A committee report would be developed in a number of ways. Frequently, the study committee chairman called in staff to outline what he wanted in a draft of a proposed committee report. Sometimes this meeting also involved other key members of the study committee, occasionally a key member of the legislature. The chairman would then take his draft before the study committee, and it would use that as the basis for its discussion of the final report. In other situations, the committee hammered out its own report in one or a series of meetings, requested the staff to write it up and came back to ratify the final document. A committee report typically consisted of a short summary of committee findings and recommendations for legislation. The LSC would then hear a summary of the staff report and the committee recommendations and approve them for publication.

The Commission itself did not endorse the recommendations nor did it take any position on the matter. The issue of Commission endorsement first arose when Speaker Saxbe moved with respect to a public utilities rate study report that the rate base formula be corrected by appropriate legislation. Senator Mechem indicated that the Commission's policy had been to review such reports for accuracy and completeness and to forward them without recommendation to the General Assembly. 12

The Commission's interim study workloads remained high. In 1955, 21 studies were approved; in 1957, 1959, 1961, and 1963 the numbers were 15, 18, 21, and 23, respectively. 13 By 1963, however, there were signs of new trends in research studies. Fewer studies involved study committees. Whereas all but two of the 1955 studies involved a study committee, 15 or the 23 studies handled in 1963 utilized a study committee. Without a study committee, there were fewer legislators who were well-informed concerning the content of the study, there were no recommendations forthcoming, and legislation was less likely to result from the study. One 1963 study, on budget procedures, was ignored for seven years until problems with the Controlling Board led some legislators to resurrect the study. The State's Finance Director, Howard Collier, used suggestions from it as the basis of a late night compromise on a budget bill.

Annual sessions changed greatly the significance of studies as a part of LSC staff work. Essentially, with no interim, interim studies and interim committees to work on them began to fade away. Demands for staff work were more immediate, more frequent, and of necessity, required less depth. This reduction in interim studies, however, did not happen all at once. Nor did studies disappear entirely. But they were less frequently attempted and were often done without benefit of a special study committee. Between 1965 and 1974, the number of studies in each biennium was about ten. Thereafter, it dropped to from four to seven per biennium.

Some of the most recent studies, such as the program review of the Medical Board, were done for a House or Senate committee, and were well-received. However, over a period of fifteen to twenty years, the notion that an issue could be studied in depth and an objective presentation of material related to it could lead to an agreed
upon legislative solution became a casualty to greater pressures of single-member district, constituency-oriented legislators, and continual legislative sessions.

The Legislative Service Commission has completed more than 150 research studies in its first 32 years. Those research studies, especially the ones done in conjunction with study committees, include some of the best staff work done in state legislatures during that time period. During eight of the years in which either the National Conference of State Legislative Leaders or National Conference of State Legislatures gave awards for the most outstanding research reports written by a state legislative agency, the LSC submitted six reports for consideration. Four of them were first prize winners; a fifth received an honorable mention award. No other state’s agency, indeed no other state, did so well. Many of the LSC’s finest reports have been used extensively in political debate and issue discussion. Perhaps the most widely utilized was a 1960 report on Capital Punishment, which documented many of the most often mentioned characteristics and presented most of the issues related to that controversial subject. A 1962 study of the coordination of higher education in Ohio led to the establishment of the Board of Regents and a 1966 study of legislative services, facilities, and procedures recommended and led to many changes in how the legislature handled its work. In 1985, the Medical Board study has resulted in a bill which will lead to significant changes in that Board’s law and actions.

The list of studies which either led to significant programs or program changes or which served as the center of information for debate on both sides of significant issues is too long to list here. in 1972, a count of reports and subsequent action indicated that more than 90 per cent of LSC reports had resulted in some kind of legislative action. Staff members who worked on a report frequently comment that their greatest job satisfaction comes from witnessing legislators utilizing their study to present facts and arguments for both sides of an issue.

III. Fiscal Analysis

The employment, in late 1953, of a fiscal analyst, followed by a second such analyst in 1954 meant the Commission was getting ready to look at state agency budgets. This function was given further impetus when, in November, 1954, the Commission asked the Director of Finance to provide copies of the executive budget requests to the LSC. It was given more emphasis and muscle in 1955. The Director was ordered to "survey the organization and the methods of administration in the various agencies of the State of Ohio, in conjunction with his regular and continuous analysis of the state budget..." In 1954-55, and again in 1956-57, it is probably fair to say that the LSC’s fiscal staff gave the budget as much scrutiny as did the executive budget agency. Indeed, in the last two months of 1956, Skipton added a number of budget and management specialists to the LSC staff who, in effect, prepared the budget request for incoming Republican Governor C. William O’Neill’s administration and then became the staff for a greatly enlarged Division of the Budget in the Department of Finance.

One of the LSC staffers who transferred to the Department of Finance was Sid Duncombe, the LSC’s chief fiscal analyst. To fill this important vacancy, the new Director appointed Alvin K. Peterjohn, who served as the Commission’s Chief of Fiscal Research until 1964. Peterjohn had one person assigned to work with him in session and on many fiscal studies. Another staffer was assigned to work part-time with the Public Improvements Inspection Committee, a joint committee which exercised some legislative oversight on state agencies.

In August, 1963, the position of Legislative Auditor was created in the
budget bill and was filled by Al Peterjohn. The creation of this title was an attempt to provide the legislature a means whereby it could receive on a routine basis fiscal information comparable to what the executive received. Although LSC's fiscal staff had always given members and leadership fiscal information on an "as requested" or "as needed" basis, the Legislative Auditor was to prepare and distribute periodic (quarterly) reports on state finances, including revenues and expenditures and comparisons with budget estimates routinely. The word "auditor" was a misnomer; the Legislative Auditor had no relation to either the state auditor's traditional roles nor did he have any special responsibility for program or performance audits. When Peterjohn resigned in March, 1964, to take a position with the Ohio Chamber of Commerce he was succeeded by LSC staff member James Tully. From then until 1973, the Commission's chief fiscal researcher was its Legislative Auditor.

In 1966, when the LSC conducted its study of staff services, majorities in both the House and Senate indicated dissatisfaction with the fiscal information they received.15 Although a consultant hired for the purpose of making staffing recommendations in conjunction with the study recommended a separate joint budget committee staff of three persons,16 the committee recommended instead that LSC add two staff persons, one for each finance committee.17 When added to the Legislative Auditor and his chief assistant, this provided the Commission a staff of four fiscal analysts. The number, however, was still not adequate to permit in-depth analysis of the state budget.

In spite of the limited staffing, the legislature's positions on fiscal matters was greatly influenced by the fiscal research and information provided by Commission staff. Although several interim studies were conducted on fiscal problems of state and local government, the greatest contributions came from work done during consideration of the budget bill. This included development of independent revenue estimates, analysis of current state financial status, and analysis of major spending proposals. One of the most important things that Legislative Auditors Peterjohn and Marshall did was to "discover" additional state moneys which might be used for budget projects. These would often be reserves of money which state budget directors tried to keep hidden from the sight of legislative spenders so that they might be a hedge against inaccurate revenue estimates. The legislative fiscal analysts almost always estimated revenues at higher levels than did the executive and were usually closer to the actual amounts realized. This greater accuracy in revenue estimating did not necessarily indicate a higher degree of expertise on the part of legislative staff, but rather, the absence of political constraints on the results they came up with. Since their estimates were always done privately, the actual estimate was supplied rather than an amount adjusted to save money for contingencies.

LSC fiscal staff work was almost always done on an as requested basis, and was conveyed to finance committee chairmen and majority and minority leaders privately. In making estimates, the staff would utilize assumptions given to them by their legislator clientele. For the most part, LSC fiscal work pleased the majority leadership and finance committee chairmen. Frequently, the Democrat minority was less well-pleased. The minority did not have staff assistants to help them formulate questions nor did they have the experience that the majority party members had. Moreover, the majority tended to monopolize LSC staff time. One exception occurred when Speaker Kurfess, wanting to rush a budget bill to the floor, had the LSC's fiscal staff brief the House Democrats in caucus concerning the contents of the bill and its underlying fiscal
assumptions. For the most part, however, such services were not available. Even within the majority, most of the work was conducted for the Speaker, the two finance committee chairmen, and subcommittee chairpersons.

A further attempt was made to get at the question of how best to provide adequate fiscal staffing for all parties and retain the concept of LSC staff objectivity and neutrality. This effort had its origins in a dispute that arose behind the closed doors of a House Finance Committee majority caucus meeting. In that meeting, the Legislative Auditor produced a combination of revenue estimates and information concerning some fiscal accounting which added up to the budget amount. The Finance Director did not deny the validity of the figures but attacked the idea that LSC used its reputation for nonpartisan objectivity to make his position untenable. Although the Speaker and some members of the committee backed the Legislative Auditor's position, the committee chairman attacked him and his credentials to do the job. One result was that the amounts in dispute were halved and the Speaker and Finance Director jointly announced the "discovery" of many millions of dollars. A second was that the LSC began to look for a better way to keep its staff out of such disputes.

Two strategies were adopted. The position of Legislative Budget Officer was created along with two minority budget analysts who were assigned from the Commission staff to each finance committee's minority. The Commission rehired Alvin Peterjohn as the new Budget Officer. It also turned to Alan Rosenthal, Director of the Center for State Legislative Research of the Eagleton Institute of Politics at Rutgers, who had participated in a number of legislative staff organization studies for further advice on fiscal staffing. Rosenthal recommended that each caucus employ a fiscal expert to work with its own finance committee members and that LSC supply additional, nonpartisan services through a fiscal division of about six persons. Before the recommendation could be acted upon, Peterjohn left the staff again, and the Commission leaders did not provide the independent caucus staff.

When, in 1973, the Legislative Budget Committee and Legislative Budget Office were created to concentrate on state finances, the new organization provided for four caucus liaisons who were LBO staff members. This liaison approach gave the caucuses people from whom they could get needed information.

The new Budget Officer, Richard Sheridan, proved to be highly innovative and aggressive. He introduced a monthly fiscal newsletter, and found ways to have his nonstatutory agency mentioned in a number of statutes. In 1977, state law was amended to require LBO to provide fiscal notes before a bill could be reported out of committee and again prior to floor consideration. Sheridan also inaugurated a number of budget office studies or reviews. Most of all, he and his staff were used extensively in the budget process and in helping the State Controlling Board which dealt with state finances after the appropriation process. Sheridan worked closely with House Finance Committee Chairman Myrl Shoemaker and other legislative leaders to develop legislative alternatives and approaches to revenue estimates and expenditure choices. He proved to be adept at finding sources of funding for legislator proposals and was successful at insisting that budgets hold to estimated balances rather than adjusting revenue estimates to get additional funds. He also broke with the LSC traditions of having staff keep silent on issues of the day, and was frequently quoted in the press.

Sheridan's ability to be in the spotlight proved to be both a strength and a weakness. While it gave him and the LBO a high level of visibility, it also led some legislators to take a negative view of the way he operated.
When experienced budget office personnel made significant errors and they were publicized, that reflected on the quality and integrity of his operation. When his public statements seemed to support one side of a controversy, he lost favor with those who were in the other camp. Eventually, he acquired more opposition and moved on. His successor, Matt Filipic, also was involved unwittingly in a public controversy, was unable to gain the confidence of the House Speaker, and also decided to leave.

Throughout its 12-year history, the LBO has been subject to high turnover of staff brought on by several factors. They include low salaries and very difficult working conditions and hours. Thus, throughout its history, the LBO has operated with a relatively inexperienced staff. They have, nevertheless, provided some most essential services in a more adequate, more comprehensive manner than had existed prior to their establishment.

IV. Bill Drafting

Although the LSC moved quickly to assume fiscal responsibilities, it did not do so with bill drafting. This service had been provided primarily by the Legislative Reference Bureau. When legislators began to request individual bill drafting services from the LSC, the Commission responded by adopting a policy stating that the LSC would not duplicate the services of the Legislative Reference Bureau; all requests would be referred to the Bureau. The Commission did reserve for its staff the right to prepare implementing legislation for its own studies. It also took responsibility for preparing legislation for special sessions held in those years. The Commission's first major piece of bill drafting came late in 1953, when highway bond issue implementing legislation was needed for a special session of the legislature.

The question of supplying drafting services to individual members surfaced again in 1956 when Senator Carney urged that the staff give individual legislators greater service in drafting and analyzing proposed legislation. At the time, the Chairman argued that the staff was limited in providing services by a heavy research workload and that the Reference Bureau provided bill drafting services. The essential effect of this policy was to do cause the commission staff to do its drafting primarily for the whole General Assembly rather than for individual members. In time it would do both.

One bill which was the Commission's responsibility from the beginning was the so-called "Code Revision" bill. This bill differs from all others in that (1) it is prepared and recommended by the LSC staff, and (2) it contains no substantive provisions; i.e., it merely cleans up the law. Originally, this was done in conjunction with a Code Revision committee of the commission whose responsibility was to look at H.B. 1 of the 100th General Assembly to determine if substantive changes had been made in that massive Code overhaul. When the committee discovered a number of nonsubstantive errors, it ordered a corrective bill to be drafted. In subsequent years, the committee, consisting of six members--three from each house--considered all proposals for inclusion in H.B. 1, a nonsubstantive Code revision bill, to determine whether the changes were substantive. House rules reserved the number "1" for this bill which was to be passed through both houses prior to any other legislation in order to guarantee that new bills would be free of the nonsubstantive errors that already had been introduced into the Code. The practice of designating an interim Code Revision Committee was discontinued in the early 1970's. Both houses became increasingly indifferent to the corrective bill, until in the 1981-82 session, the bill did not pass until July 2, 1981. In 1983, the House changed the rules to no longer require
that H.B. 1 be the corrective bill.

In September, 1958, the Commission considered submitting bills with its studies but decided that bill introduction is a prerogative of individual legislators that should not be usurped. It did indicate that legislation resulting from studies could be drafted by its staff.20 Senator Carney raised again the issue of supplying drafting services to individual members in December of the same year. In 1963, he returned to the theme once more, suggesting that LSC staff draft legislation prior to the session.21 Each time, Carney received the answer that LSC staff could draft bills related to studies only. Although the answer did not change, in fact, the LSC staff was drafting more member bills. Staff estimated that in 1963 they drafted about 400 bills.

In 1965, the Commission, without taking any formal action abandoned its traditional stance on bill drafting and accepted individual member requests. This change plus the installation of an automated bill typing system led to much heavier work volumes. That session, LSC staff drafted about 800 bills. Meanwhile, the LRB was drafting 1,300 bills.

The 1966 report on legislative services addressed the question of bill drafting.22 Bill drafting services were a lesser concern to members than fiscal and clerical services, but approximately half of them indicated some concern and desire for better bill drafting assistance. The consultant, Axelrod, recommended extension of the LSC's bill drafting capabilities.23 The subcommittee on staff services recommended the same number of staff as did Axelrod but was silent on the question of bill drafting.

In an effort to improve drafting services and to permit a small clerical staff to do more work, the Director planned to make bill draft typing a computerized operation. When, in 1965, he contracted for a code searching system, he required the Pittsburgh Health Law Service to prepare the computerized version of the code in a way that would permit it to be used for bill drafting. Since there were at the time no computer bill drafting programs, in 1966, he arranged with the IBM Service Center to provide a computer and a word processing usage system called Datatext to be used as a base for typing LSC bills. The new system obviated the need to type each section of a bill anew. The law section needed only to be retrieved from computer memory and the desired changes made on it. This saved untold hours of typing time, and, when put into effect in 1967 became the first truly computerized bill preparation system to be used in the country. The four clerical persons who prepared 400 bills in 1963 and 800 in the next session were eventually able to handle more than 4,100 bills in a single session.

Although the capacity of the Commission to type bills increased tenfold, there is no easy explanation of why the number done increased so much. To some extent, computerized bill typing permitted a great increase in substitute bills but the increases cannot be explained through that one factor. Indeed, in the most recent sessions when the total number of substitute bills went up, Commission drafting loads went down. The continuing presence of LSC staff in committees was undoubtedly a factor. Essentially, members stopped drafting their own bills; many lobbyists and state agency officials asked for bills as concepts rather than handing legislators completely drafted bills to introduce; and legislators who received drafted bills from agencies and interest groups for introduction asked LSC to go over them and redraft them as needed. These developments were furthered by House and Senate rules that required all bills introduced to be approved by the LSC or the LRB for form. This, too, was a result of the 1966 survey.

As the LSC's bill drafting load
increased, that of the LRB decreased. Although many observers saw the two agencies performing overlapping functions, Johnston and some legislative leaders preferred it that way. It gave members who could not get instant service from LSC a place to go to get their bills. When Rosenthal made his study in 1972, he found at least one member who felt that it took too long for members to get their bills drafted.24 And, although legislator confidence in LSC's discretion was high, it gave those who knew LRB's personnel better, an alternative source. In 1981, when the LRB was merged with LSC, that choice ended. Interestingly, despite the merger of the two agencies, the LSC's bill drafting workload went down. This has been explained in part as due to a shortage of state funds that may have discouraged some programmatic legislation.

The LSC acquired a good reputation for bill drafting competence. Its Director has been a member of an ACIR advisory panel on drafting model laws, and has appeared before legislative committees in other states to testify on how Ohio performs the function. One of the things which sets Ohio apart is that its bill drafters sit in and work for the committees that hear the bills they draft. As a result, they hear first hand criticisms and questions that are raised concerning the bills they draft. This tends to make them more sympathetic to, and understanding of, the implications of the words they use in drafting bills initially.

V. Spot Research

Another service provided by staff is "spot research." Spot research amounts to answering individual legislator inquiries concerning a problem in which the legislator is interested. Often, these take the form of a simple inquiry into the law (Does Ohio have any laws regulating acupuncture?), or the laws of other states (How many states have a seat belt law?), or practices of state agencies (Does the welfare agency require poor relief recipients to pick up their monthly check in person?), or appropriation amounts (Are there any state funds to help a high school build a science center?). Occasionally, they involve inquiries into social statistics (How many people would be affected if we provided Medicaid to persons whose income would be below the poverty line if medical expenses were deducted from income?) or technological matters (What is the best way to get rid of the emissions made by Ohio's high sulfur content coal?). They often reflect constituent concerns (Is there any law to require my neighbor to keep his dog from barking all night?). The constituent has a problem, brings it to the attention of her legislator, and the legislator asks LSC to see if it really is a widespread problem or if there really is such a law.

For years, both LSC and LRB handled such requests. However, it seems that members of the legislature tended to go primarily to the LSC. By 1981, the Reference Bureau was receiving only a few such requests. This tendency to utilize LSC even from the beginning was probably a legacy of the Legislative Research Commission, one of the agencies which was abolished to create the new LSC. The Commission never set forth in its rules the difference between a spot research request and a study project request; however, the Directors and the Commission chairmen have usually had an understanding based on the amount and complexity of work involved. Most often, any request involving more than two weeks of staff time would be passed on to either the chairman or the full LSC. If a member asked for a project that would take months of time, the Director suggested that the member introduce a study resolution or present his or her request to the whole Commission.

In reading the record, handling spot research requests did not seem to create any problems for the new agency. Neither Skipton nor Ingler cared much
for workload statistics (Statistics don't differentiate between the complex and lengthy and the very simple), so there are no statistics concerning the volume of such work prior to the late 1960s. Indeed, as long as the LSC had a small staff, it operated in a highly informal manner with very little record of what staff did. With only nine or ten professional employees, directors had few problems with keeping track of assignments. Later when the staff expanded, formal systems became necessary if only for the purpose of knowing who was working on what. After Dave Johnston became Director, two problems became more obvious and persistent.

First, assignments were "lost." A member asked that something be done; inquired about it; and the Director found that he could not track it down. The staff member to whom he thought he had assigned it would not recall the assignment and no other staff person would know of it. This happened only occasionally, but each occurrence was a real embarrassment. Second, staff members would take work assignments from members and do them without ever informing the Director or anyone else they had them. This created a number of problems. To deal with them, Johnston inaugurated an assignment control system, insisting that all assignments be initially allocated from his office. This processing requirement made it relatively easy to generate statistics. Based on what they have been, the large increase in staff and staff services in the late 1960s and early '70s was accompanied by a significant increase in spot research work.

The increased research workload peaked in 1975. In 1973, the Senate provided an aide to each Senator. The House also significantly increased its partisan staffs. At first, additional House and Senate staff meant more work for the LSC. The new partisan staff was simply not experienced enough to handle many of the inquiries that came their way. Legislators, especially those who had staff aides, encouraged better handling of constituent requests. As a result, everyone's workload increased. When the partisan staff became more familiar with matters, they and the interns were able to take on requests which in 1975 may have had to be handled by the LSC.

Through much of its history, the LSC was confronted with a small problem occasioned when legislators in attempting to sustain a position, proclaimed that they had "evidence" or information supplied by LSC. The use of the Legislative Service Commission name to support one side or another of an issue bothered staff, members of the Commission, and other legislators, especially when it came from a memo which only the member who used it possessed. The information used often was in a direct answer to a question posed by the legislator using it, and not a complete survey of the issue. Moreover, the item was often taken out of context. Although many members were annoyed by this practice, it particularly concerned Speaker Kurfess, who informed the House membership that a member should read what LSC gave them and determined whether or not he wanted to make it his own. If so, the member should present the information with no appeal to the authority and objectivity of LSC and take personal responsibility for it. Most members do what Kurfess requested; however the problem arises from time to time. Insofar as staff is concerned, it makes it even more imperative that work be done carefully and accurately, that no bias or value judgment be permitted, and that underlying assumptions and the nature of the request be stated in the document.

VI. Bill Analysis

One highly specialized form of spot research has become so important that it rates separate treatment here. From its earliest days, the Commission was asked by members, usually leaders, to examine bills and explain the contents. Members of the General Assembly were expected to
analyses merely explained how the bill changed present law.

Bill analysis has been a useful service to the General Assembly. It has engendered overwhelming problems, however. While the overwhelming number of them have been accurate and free of bias, an occasional mistake has been made or a prejudicial word chosen. When this happens, it is usually quietly corrected, but on occasion, the adversely affected sponsor or interest group has tried to impugn the motives of the Commission staff. The most effective response has been for the Director to concede the error, deny that any deliberate attempt was made to bias the analysis, apologize to the affected party, and let the storm blow over. On other occasions, the staff has been totally correct concerning what a bill does, but for some reason or other the sponsor disagrees. This most often occurs when a sponsor has been given a bill by an interest group representative who has not told the sponsor all that the bill does. When the LSC analysis comes, out it embarrasses the sponsor who has not known the whole story. In most cases this type of dispute is ironed out by going through the bill in detail and showing the member what the analysis is alluding to. In rare cases, the sponsor does not accept what the LSC has to say and they agree to disagree.

Analyses are a very important part of LSC's services. They have been very helpful to members in handling their work with legislation. But, the analyses are not as helpful as they might be. The information which was once supplied to Mecham and the Senate Rules Committee would be useful to all members. Moreover, lengthy bills generate lengthy analyses which tend to be no more read than the bills. Briefer analyses backed up by detailed expositions of all that the bill does would be preferable. Finally, for some few legislators, the presence of an analysis means that all is well with the bill even though the analysis may point out a problem. That has happened, and in a few cases, the bill has been reported out of committee even though the analysis pointed to an internal contradiction in it. This, of course, is more a problem with the members who have paid little attention than it is with the analysis, but it demonstrates that an analysis can serve as a placebo rather than a real tool with which to work.

VII. Organization

In its formative years, the LSC needed little in the way of formal organization. Skipton and his successors always had a form of organization even if it was rarely implemented in any formal sense. Skipton divided the staff into four main divisions, although the staff was interchangeable. The divisions were:

Information Service which included spot research, library reference documents, statistical information, and comparative data;

Legislative Service including code revision, administrative rules, bill drafting and legal documents;

Fiscal and Government Problems--budget analysis, revenue studies, expenditures reviews, government organization and procedures;

Research Problems--the larger research studies done in conjunction with study committees.

Since Skipton used staff interchangeably, these divisions reflected a functional way of looking at what staff was doing. However, they also served as a means of delineating staff expertise. Al Giles and Sid Duncombe, for example, were hired to do code revision and fiscal analysis work respectively; that they could and did do more than that reflected the small size of the staff and their capacities to handle a variety of assignments. They did not represent a highly formalized institutional structure. Most staff thought of themselves as reporting
ADDENDUM

The following pages are out of order in the Johnston article under Political science. Page 40 should be page 41; Page 42 should be page 40; Page 43 should be page 42; and page 41 unfortunately is a repeat of page 39.
When the General Assembly went to annual sessions and those sessions went on without a definite and early end, research project work tended to be shunted aside. Research projects did not receive the continuity they deserved. To combat this problem, in 1971 the Director created a separate project research division to handle projects while the legislature was in session and to plan projects so staff could work on them in the interims. The plan did not work as envisaged. Staff did not pick up on the projects as planned and project research was viewed as something "they" did as opposed to something for which all the staff were responsible. Moreover, when there was in-session turnover of committee staff persons, the Director reached into the research division to replace those who left with the division's experienced persons. In 1973, the unit was disbanded.

As discussed earlier, the Legislative Budget Office was created in 1973 to be responsible to the Budget Committee. Although these arrangements removed the LSC Director from supervision over and responsibility for the budget function, he participated in the formation of the proposal and favored the reorganization. His preferences were for the Rosenthal approach but he felt that issue had been settled otherwise.

In 1975, an effort was made by Citizen's Conference on State Legislatures, a Kansas City based, private organization concerned with legislative improvement, to show how Ohio could benefit from program review. The demonstration was successful in that an excellent report was generated showing the inadequacy of the state's random inspection of motor vehicle inspection program. The report was less successful in convincing legislators to abandon the apparently useless program. Nevertheless, it convinced the LSC Director of the value of program evaluation, and with LSC approval he formed a unit to work on the function.

The unit won two national awards in two years with reports on vocational education placement and state park lodges but was unable to get approval of fresh projects to work on.

In 1979, Sheridan requested legislation vesting in the Budget Office exclusive authority to do program evaluation. When Johnston resisted, the legislation was changed to place the responsibility in the LSC where it already resided and could be delegated to either staff. The new legislation enhanced the Commission's powers vis a vis this function by clarifying the obligation of state agencies to cooperate with the LSC.

The merger of the Legislative Reference Bureau with LSC precipitated the next major change in internal organization. The LSC had no problem in absorbing the small amounts of research and bill drafting then being done by the Bureau. But the Bureau's main functions were resolution and congratulatory letter drafting and rules filing. Both of these functions were high volume operations that could not be put off to times when LSC staff could handle them. They were temporarily taken care of by continuing to use the rules filing personnel as a unit within the Commission and by allocating two hours per week of each Commission staff person's time to the drafting of letters and resolutions. The resolutions and letters were reviewed and typed by persons who had worked in the Reference Bureau and who transferred to LSC under the bill. When funding was restored, a separate resolutions drafting staff was hired. During this same time period, the program evaluation unit was merged into the rest of the staff as positions were left vacant in an effort to save money. The Unit was restored in 1985.

LSC organization has another dimension, that of organizing for research projects. The LSC law was established at a time when the legislature met for six months in the odd-numbered year. Since committees
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directly to Skipton.

The structure did not change under Ingler. Divisions were paper entities more useful for describing the work of the LSC than for locating responsible supervisors and their subordinates. Indeed, functional titles, if taken too seriously, were disdained. One staff member, trying to impose his view of what was good prose demanded of Ingler, "Am I or am I not Research Editor?" Ingler's answer was a cool, "Who cares?"

During Glosser's tenure the basic organization did not change except for the creation in 1963 of the Legislative Auditor. For the most part, although an organization existed on paper and there was some functional delineation of duties, the staff operated on a highly informal basis with all staff members having easy access to the Director.

In 1966, the significant increase in staffing necessitated the first real change in staff internal organization. Faced with new functions of committee staffing and greatly enlarged bill analysis and bill drafting, the Director had to give up the simple, direct relation he and the Assistant Director had to all staff and create a workable subdivision of staff. The typical model of legislative staff organization was one of division by function; most legislative staffs were subdivided into separate bill drafting, code revision, research, library, and fiscal offices, if not separate agencies. No other state staffed standing committees from a central staff agency. The Ohio approach was a departure from traditional legislative staffing models.

Each LSC staff member had been performing a number of functions, bill drafting, research, and bill analysis as a minimum; few if any of them wanted to specialize in a single function. To resolve the problem, twelve members of the staff met with the Director and Assistant Director and discussed how best to organize. They decided to organize into five or six subject matter groups based on the committee structure of the legislature. Thus, there would be a judiciary group to handle house and senate judiciary committees and work related to those committees, a business regulation group to handle commerce and labor and insurance and financial institution committees and related work, a state and local government group, an agriculture and environment group, a taxation and education group, and a finance group. The library was a separate operation, code revision review a responsibility of the Assistant Director, and all clerical operations were centralized. Six supervisors were chosen and designated as group leaders. The selection process resulted in wounded egos, as some persons who thought they should have been designated supervisors were disappointed. Some of them sought employment elsewhere. Most staff accepted the selections, and the revised organization began to function under what were to be unprecedented workloads.

This organization served the Commission well. Assignments would be sent from the Director to the group leader (later called division chief), who would in turn give them to a staff member in the group. Each assignment was reviewed by the group leader and by the Director or the Assistant Director. This system of double review put a great strain on the Director and Assistant Director but it imposed a high degree of quality control and brought both inexperienced staff and inexperienced supervisors to a point where such extensive review could be shortened. In 1971 and again in 1973, the third review step was cut back, finally to a point where it was only utilized when something special about an assignment seemed to demand it. Although the groups and their supervisors changed over the years, the system is still the basic approach to staff organization. Although the formal organization was altered, the Commission continued to operate on a highly informal basis; the Director remained available to talk to any staff member.
could not legally meet out of session and member's expenses could not be paid by the General Assembly for meetings held outside of session or in session, the Commission was empowered to appoint committees of the LSC who could meet when session was adjourned and whose members could have their expenses paid. These committees would explore an issue with staff assistance and report their findings and recommendations to the LSC and the General Assembly. In the first two years of operation, the committees were created by the Commission when it passed the resolution authorizing the study. Thereafter, they were designated by the Commission Chairman after the study was authorized. Commission Chairman, who were usually either the Speaker or the President Pro Tem (after 1978, the President of the Senate), always deferred to the leader of the other house to designate members from that house and usually asked the minority leader to give them the name of the minority members in their house. Some committees had equal numbers of members from each house; in other situations the House was allowed to supply more members. This probably reflected how much political considerations or ideology might be expected to affect the way members viewed the topic under consideration. Originally, and for several years, the chairperson of a study committee was named by the Commission. By the late 1960s, however, the LSC chairman designated the committee chair. Although this may seem to be a departure, it probably was not. When the members of a Commission voted on the chair, they were confirming the leader's decisions as to who to receive the job.

The study commission approach worked fairly well until the late 1960s. The one man, one vote apportionment system also reduced the size of the General Assembly and made it somewhat more difficult to find legislators to serve on study commissions. The legislative sessions were switched to annual sessions which were rarely adjourned sine die. Members who were in Columbus almost every week had less interest in coming to serve on a special study committee. Some of the newer leaders believed that studies accomplished very little. Despite evidence suggesting that studies often led to legislation and were pertinent to legislation which was considered, they were reluctant to push interim studies. For a while in the mid 1970s, special committees were created by law and given their own staff. This tendency was reversed when the leaders looked around and saw a rather confusing array of special committees, each with a staff of its own and separate personnel and purchasing powers and policies. Many were abandoned, all but two of those that remained were brought under the LSC where the Director administered their personnel and purchasing. In time, all the special committee except for the Corrections Institution Inspection Committee and the Rules Review Committee were dropped.

However, with the General Assembly in session so much of the time, the Chairs of standing committees often preferred that a matter be referred to their committee rather than to an interim study committee. Members who thought they knew the solution to a problem before the problem was studied also preferred to control the process and have a separate interim committee with its own staff to do the study. As Senators and some House members were provided with their own aides, a new tendency emerged--to give the study to the aide to do and then when a report had to be written, ask the LSC to help. All of these factors led to a decline in the study committee until, in the period 1983 to 1985, no committees were appointed.

VIII. Conclusion: The Objective Service Agency

The belief that the Ohio Legislative Service Commission should be a source of unbiased information and service in one that is as strongly held today as it was
in 1953. It is as much a part of the staff ethic in 1986 as in 1956. But does the staff ethic represent the reality of the Commission? And, whether it represents the reality or not, what have the staff's services meant to the legislature? Is Ohio law or Ohio's legislature better off for all that the LSC has done? The writer may be the most biased observer one could find; however, by making an effort to transcend my prejudices and utilizing scraps of external evidence, I hope to provide some useful conclusions.

The LSC's work has changed since its inception in 1953. There has been a marked shift from interim studies to in-session services. The shift has, for the most part, been one of degree rather than kind. In the 1950's Commission staff drafted bills and analyzed bills, wrote amendments, analyzed fiscal effects, and even for a special purpose, staffed a committee or wrote a congratulatory resolution. In the 1980's, staff still work on interim studies and special committees which explore state problems in depth. The significant differences are that there are fewer projects and less time in which to do them, and there are many more bill drafts, analyses, spot research assignments, and committee meetings involving LSC staff.

Over the years, observers have accepted the news that LSC does objective nonpartisan work. In 1955, 27 1959, 28 1963, 29 and in 1973, 30 Ohio press articles clearly implied acceptance of this concept and of the quality of the Commission's staff work. In 1966, the consultant, Donald Axelrod, stated, "...the Legislative Service Commission... has won an enviable reputation throughout the country."

Legislators surveyed in the same year mostly endorsed the LSC with specific praise or by calling upon them to increase their services. Some of the strongest praise came from Alan Rosenthal:

The record of LSC has been good indeed.

To take one example, the agency's performance in conducting interim research is probably unparalleled by comparable staff in other states.39

The objectivity and quality of LSC services has been affirmed in a variety of ways since Rosenthal's writing. Several state legislatures have looked to Ohio or consulted its director to improve their staff services. When in 1978 and 1979, the National Conference of State Legislatures made six awards (three each year) for Outstanding Research Reports, the LSC was the only agency and Ohio was the only state to receive two of the awards. NCSL also has a state legislative information system, consisting of reports and memoranda submitted by state legislative offices. The choice reports received each month were highlighted in the magazine, State Legislatures. A disproportionate number of those highlighted were written by the LSC. And, of course, Ohio legislators have continued to be highly supportive of the LSC. The Director maintains a complaint file. It has always been very sparse and he has not received a written complaint in the last two years.

The picture isn't quite that good. There have been dissents. Lauche's complaint related more to the institution of an organization which, as he saw it, usurped traditional powers of the Executive. But, the 1966 survey turned up a very few members who perceived the LSC as either majority oriented, meaning Republican, or a bunch of liberals, meaning Democrats. These views, expressed by only four members, canceled each other out. More serious were some of the situations dealt with by the Director in private with staff and possibly a complaining member of the General Assembly. They range from allegations that a bill was altered to reflect a staff position to charges that bill analyses have been biased or wrong. Fortunately, this has been infrequent. When it has happened, the Director, affected staff member, and immediate supervisor review the work in question.

Johnston: THE OHIO LEGISLATIVE SERVICE COMMISSION--A NONPOLITICAL POLITICAL
to determine if it was accurate and without prejudicial wording or highlighting. Most of the time the staff has been accurate; on occasion a better selection of words has been found. In one instance, a staff member deliberately, and against orders to the contrary, inserted in an analysis what he believed his committee chairman would prefer to see. In a few other cases, staff seemed to get what they thought was good environmental or whatever policy was involved mixed up with what constituted an objective job. In no case was this permitted to continue.

The Commission has not had a known case where a staff effort was calculated to favor one party or the other. Such a charge was made in one instance when a highly controversial and political bill dealing with election laws was analyzed for a floor vote. The LSC analysis indicated that the bill had a serious flaw in not designating the official or office that was to perform a crucial function. Earlier analyses and a staff memo to the sponsor and to the committee chairman had pointed to the flaw, but nothing had been done about it. Nothing was done because the politics of the situation dictated that the section be deliberately vague. The LSC analysis of the item greatly upset majority staff and presumably their Democratic leaders. They felt that the LSC staff person was deliberately trying to kill the bill, a part of the Democrats legislative program, by commenting adversely on it. The staff person did not know of the intent to be vague, and could only assume the bill was defective. Majority staff felt that the staff member should have been politically sophisticated enough to have seen the problem. After some discussion, the political staff realized that the charge of political interference was not valid although there was no doubt in their minds that the wording of the analysis might have had political effects.

The LSC has also been occasionally faulted for not being as timely with its work as some legislators might wish. Some of this stems from an "I want it yesterday" approach to many things on the part of a few members. Others tend to forget that, while their bill is a "simple little thing" requiring very little work, their request is backed up behind those of several other members who made their requests at an earlier point in time. Occasionally, the magnitude of the request is not understood. The most significant criticisms of timeliness have come when staff have worked late into the night preparing conference reports or substitute versions of appropriations bills. In these cases the General Assembly has a true deadline and members are often asked to wait late into the evening for the bill or report. When the evening turns into late night and then the wee, small hours of the morning, members are understandably vexed. This happened in 1979, 1981, and 1983.

There are, of course, reasons for the lateness of appropriations bills and the failures to deliver other bills as fast as might be desired. In 1985, with the assistance of Speaker Riffe in containing the amount of material placed in the budget bill, LSC was able to deliver the product in timely fashion.

No answer is completely satisfactory to handling simple legislation rapidly. If LSC employs enough persons to guarantee that every bill will be worked on within 24 hours, they will be grossly overstaffed. Rosenthal tried to deal with the problem by recommending establishment of a "quick" bill drafting division within LSC.34 It was never tried, partly because his recommendation was predicated on the assumption that the Legislative Reference Bureau would cease to do bill drafting, and when that happened in a time of state fiscal crisis eight years later, there were no funds to implement such a recommendation. In the meantime, criticisms concerning the timeliness of work are less frequent and almost always relate to situations which could not be
resolved simply by adding staff.

Essentially then, the LSC has done a remarkable, but certainly not a perfect job, of walking the nonpartisan objective line, and doing so with work of outstanding quality. has it made a difference? In most respects, the answer is, "Yes." LSC has given members more and higher quality services than existed before its inception. Indeed, it has given them more and higher quality services than all but a few states can offer their legislatures. Moreover, it has done it at a very low cost. Ohio ranks between 48th and 50th among the states in the percentage of the state budget expended on the legislature, in per capita expenditures for the legislature, and in legislative spending as a per cent of personal income in the state.

Although the subjective nature of such an evaluation makes it hard to prove, many of Ohio's laws are better for having LSC's input, in the research necessary to develop the policy, the drafting to implement it, the analysis of what it does, and attendant work on improving the draftsmanship. State agency fiscal policies have been improved as a result of legislative budget analysis and considerations of options made clear through staff work. State agencies subjected to LSC performance reviews have improved their practices. Legislation resulting from studies has enabled them to do a better job. Legislators, freed from having to spend all their time of legislation, have greatly increased their constituent service, and to the extent that this makes the democracy more responsive, have added to their accomplishments. Moreover, because of the LSC's nonpartisan style, they have done it without turning over policy decision making to persons who have never been elected to any office.

The LSC has not changed the essential character of the legislature. It is still a political body, and nonpartisan staff work does no depoliticize decision making. Some arguments concerning facts may have been taken out of the political area, but few political interpretations of the meaning of facts have been altered by staff work. The political interplay of the Ohio General Assembly still involves the same cast of characters, the same forces. Lobbyists and lobbying do not roll over and play dead because there is an LSC or because LSC staff sit in committees and draft and analyze bills. State agencies and the Governor still have a lot to say about public problems and set forth and push their political programs. Political party affiliation probably determines more outcomes of disputed legislation than any work that staff does. Members continue to get ideas for legislation and advocate them or discard them as seem suitable. Leaders lead and perform their legislative broker roles with varying degrees of success. Constituency influences and campaign finance and its sources are still significant parts of the political equations which make for policy. Procedural requirements in the state Constitution and elsewhere can be, as ever, devices affecting the fate and timing of legislation.

LSC staff work may have altered some results or suggested some new solutions. But it has been within the framework of an essentially similar legislative process. Its primary impact has been to do what it was intended to do; give members a source of objective and impartial information and services. In the process this has helped members find time to devote to other legislative matters, primarily constituent services.

The acceptance of this source of objective and impartial staff service has led to some problems which are rooted not in the nature of the service but in the maladies of legislator and staff. Many legislators come to depend on staff to save them from error in what they do. Some even have assumed that because staff has worked on a matter all is well with it. In one worst case the
mure fact that an analysis was in front of them led a committee to recommend a bill without even knowing that the analysis pointed to a significant contradiction within the bill. To be sure such instances are rare and speak more to the failure of the members of the committee to do the thinking required of them than to the system itself.

Staff have often written analyses that were so lengthy, detailed, and undifferentiated that they would not be read by any but the most devoted members. Worse, some staff who have identified problems in bills have depended solely on the written word, often the analysis, to appraise members of the problem. They have not always followed through with a contact concerning such a problem. This has been done not only because of the temporary unavailability of a key legislator, but also because staff get too busy with other matters or feel that objectivity requires that they not press their points too vigorously. Fortunately, neither the instances of legislator neglect nor of staff failure to work on communications have been frequent. The service provided has been adequate, timely, and used.

This brings us back to the initial question...How does a nonpartisan, nonpolitical staff agency thrive in the highly political atmosphere of the Ohio legislature? Part of the answer has already been given. It does good work. It probably does better work than any similarly situated agency. But does that really explain it? Few legislators are in a position to know how outsiders rate the LSC. And even though they know they like what they are getting, might they not want a staff that "belongs to them?"

The Service Commission has been adaptable and innovative. While other states nonpartisan agencies were resisting staffing committees, LSC was providing the service. Enough computer systems were available to handle bill drafting, LSC led the nation, something which was only possible because it would settle for less than perfect, full-fledged drafting system. The LSC, through its intern program, supplied the first personal professional staff to members in Ohio and the Director recommended that leadership employ their own partisan aides. These approaches not only enhanced the capacity of LSC to do the work, but they also showed that the organization would not for its own aggrandizement be involved in trying to retard the needs of members. Moreover, in supporting caucus staffing, the Commission placed a buffer between its staff and political work and it created a situation in which partisan and nonpartisan staff regarded each other as necessary parts of one well-functioning legislature.

The ability of the Commission to provide a high level of services at low cost has undoubtedly been a factor in its favor. Ohio has thrift ethic, and when a significant service can be provided at relatively low cost its legislators will buy it. The alternative methods of staffing with each house having its own research, committee, and, in some instances, bill drafting staff is inherently inefficient. Moreover, while some few members may see reason to distrust a central nonpartisan agency, many more will suspect the work done by any alternative organization.

The strong support given to LSC by leadership throughout its history is probably the most significant element in its favor. While this support undoubtedly comes because leaders accept the concept, acknowledge the quality of the work, get the services they need and avoid the hassle of trying to manage separate staffs, I believe two other factors are at work. First, the members of the Commission are the legislative leaders. They control it. Although this control is not manifested in interference with personnel decisions nor in compromising the accuracy of staff work, it makes them feel more at

https://collected.jcu.edu/ep/doi:10.20817/3301022
ease with having a nonpartisan staff. The LSC does not represent an alternate source of power nor will it try to be one. Secondly, and related to the first, it keeps their members satisfied. Without it, leaders would face a variety of demands for staff services, especially for committee staff but also for additional aides to individual members. The present system is one in which a high degree of continuity is maintained and leaders do not have to contend with committee chairmen over how much staff support they can have and who their staff should be. One other factor favoring the LSC is institutional conservatism, found in leaders and members alike. "If it works, why fix it?" is an Ohio attitude. The Legislative Service Commission works very well.

Support for some of these ideas comes in part from Rosenthal in his work exploring committee behavior as an aspect of legislative performance in the states.36

On the staff side, the key to survival has been quality work and sympathetic projection. The staff is very good. They not only hold the requisite law or other post-graduate degree, but they also have been among the best in their classes. In its recruitment process, the Commission pays careful attention to scholastic, writing, and communication abilities and to the applicant's motivation in working for a nonpartisan legislative agency. Highly experienced supervisors who closely review each memo, bill, or analysis add to the quality of the work. But being good attorneys or social researchers is not enough. Staff have to be aware of what they are doing. The directors have emphasized that the LSC is working to help the legislature and its members. It is vital to look at matters from the standpoint of legislators and respond appropriately. If a dog's barking in the night disturbing a resident of a Dayton suburb seems like a trivial problem to put an experienced attorney to work on, it is not trivial to the harassed constituent, and accordingly, not trivial to a Dayton area state representative. As staff member with a PhD from Ohio State might not think that vegetable gardens along the highway right-of-ways are any answer to welfare problems, but if a member thinks they are, the PhD must draft a bill that would, if passed, effect that result. Staff have accepted this viewpoint, and act accordingly.

The Legislative Service Commission has function well in a political environment because it has been useful to those who thrive in that environment. By being as good as it is at the relatively low price it costs, it fits well into the Ohio political culture. It has met the changing needs of legislators by adapting to those needs and by refraining from activities which pose a threat to the political structure. If Ohio should move closer to what observers call the "Congressionalizing of state legislatures," the Commission, especially its committee staffing function, will be at risk. It's superb record as a bill drafting, research, and other services organization plus the preponderance of leadership among its members should, however, guarantee its survival into the 21st century.
### Staff and Committees 1967-1985

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*Includes interns and from 1973 on LBO staff.

### Bill Requests Assigned to LSC -- 1963 to 1984

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### Research Assignments 1968-85

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ENDNOTES

1. Archer Reilly, "The New Legislative Service Commission Gets Under Way," Ohio State Bar Association Report, No. 38, October 5, 1953, p. 666. Reilly may not have been aware that since 1948 Kentucky's Legislative Research Commission had been operating under a law identical to Ohio's.

2. Ohio Revised Code, section 103.13 (H).


4. Sections 103.13, 103.131, and 103.14 listed the major and minor duties or functions of the Commission. Other sections, 103.16 to 103.22, included powers to aid the Commission in performing its functions. Ironically, the new Commission law bypassed the rules of code revision and bill drafting its offspring was expected to implement when it stated in a somewhat confusing manner, "It shall be the duty of the Ohio legislative service commission and it shall have the power..." The...new style would say simply, "The commission shall" or, as applicable, "The...commission may."


6. Reilly, op.cit.

7. Address by the Hon. C. Stanley Mechem, before the joint convention of the County Commissioners Association of Ohio and the County Engineers Association of Ohio on December 10, 1953. Printed in the County Commissioners Association of Ohio Newsletter, Vol. 6, No. 1, Jan., 1954, p. 2.


9. Ibid.


13. These figures are subject to some question of what Commission actions related to studies; they reflect my count of study motions made and approved. The number of studies and information bulletins actually published in those years is 105.


15. Ohio Legislative Service Commission, Legislative Services, Facilities, and Procedures, Columbus, Ohio, December, 1966, pp. 18, 19.


17. Ibid, p. 60.


20. LSC Minutes, September 19, 1959.


23. Ibid, pp. 92, 97.

25. LSC, op.cit., pp. 75, 76.


27. "Legislative Service Commission Big Aid in Enacting Ohio's Laws," op.cit.


34. Ibid., p. 15.

35. I should emphasize the words "essentially similar" and "legislative process," because reapportionment and single member districts have led to significant changes in the members, their priorities, and their approach to the legislative job. That is a matter for another article.