



TESTIMONY OF REP. DIANNE HESSELBEIN, DISTRICT 79

On AB641: Eliminating the Joint Survey Committee on Tax Exemptions

Assembly Committee on Local Affairs and Government Operations

January 20, 2016

Mr. Chairman, thank you for hearing my testimony today.

A few meetings ago, those of us on the Joint Survey Committee on Tax Exemptions asked ourselves, “Why are these meetings necessary? What are we doing here?”

We concluded that we were basically endorsing the hard work of the competent professionals of the Legislative Council. They – not we -- were doing the work required by law, analyzing the legality of bills and their fiscal effect, and compiling a report. Our only job was to sign off.

It was all pro forma. Suddenly, we saw an opportunity to downsize government without doing any harm.

We hope you will agree that this is a good opportunity to eliminate an obsolete committee, save legislator and staff time, and make the legislative process more efficient.



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# DEVIN LEMAHIEU

## STATE SENATOR

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DATE: January 20<sup>th</sup>, 2016  
RE: **Testimony on 2015 Assembly Bill 641**  
TO: The Assembly Committee on State Affairs & Government Operations  
FROM: Senator Devin LeMahieu

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Thank you Chairman Swearingen and Members of the Assembly Committee on State Affairs & Government Operations for hearing my testimony today on Assembly Bill 641. This bipartisan legislation eliminates the obsolete Joint Survey Committee on Tax Exemptions, of which I serve as the Senate co-chair.

As a freshman legislator, I am sometimes perplexed by the arcane rules that govern the Legislature. Too often, I am told that we do things a certain way because that is the way things have always been done. This is certainly the case with the process of the Joint Survey Committee on Tax Exemptions

This committee, first created in 1963, long ago outlived its usefulness. Today, the practical function of the committee is to approve a report prepared by Legislative Council, which addresses the legality of a bill and its fiscal effect. Legislators then attach a statement as to the “desirability” of the tax exemptions in the bill.

Under statute, there are nine members of the committee: Six legislators, as well as appointments by the Governor, the Secretary of Revenue, and the Attorney General. Presumably, the purpose of these appointments is to advise the committee on the fiscal effect and legality of the bill.

Perhaps in 1963 it was necessary to have these appointed individuals at the table to assist in crafting a report. Today, the Legislature has full-staffed agencies with professionals at LRB, LFB, and Legislative Council to assist it when considering a proposal. For example, a proposal that faces questions on “legality” has two opportunities to be flagged: Once by the drafting attorney at LRB, and then again by the Leg. Council attorney during the committee process.

In short, the Joint Survey Committee on Tax Exemptions complicates the legislative process without providing any discernible benefit to our constituents. Thank you for your consideration of AB 641. I would be happy to answer any questions.

## Brief Overview – Legislative Service Agencies 1963 and Today

	Reference Bureau		Leg. Council Employees	Fiscal Bureau Employees
	Employees	Full-time Attorneys		
1963	15	1 <sup>1</sup>	5 <sup>2</sup>	2
2016	52	20	24	30

### Noteworthy – In 1963:

- The Legislature was only part-time (it did not become full-time until 1971, after the constitution was amended)
- The Legislative Fiscal Bureau did not exist in 1963. It was referred to as legislative fiscal staff, and included one director and an analyst.
- At the time, LRB hired attorneys on a seasonal basis who were let go at the end of session. Law firms would often send new attorneys to LRB to learn the statutes.

### The Point:

- The Legislature did not have the resources in 1963 as it does today. Legislators have far more non-partisan attorneys and analysts to help it consider the legality and fiscal effects of a proposal.

<sup>1</sup> In 1964, additional drafting attorneys were hired on a seasonal basis.

<sup>2</sup> This figure is from a 1965 report. It includes one director and four research staff, and may not include administrative support staff.