

THE GENERAL ASSEMBLY TODAY
REPORT OF
THE COMMISSION ON THE LEGISLATIVE PROCESS



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COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
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THE GENERAL ASSEMBLY TODAY
REPORT OF THE
COMMISSION ON THE LEGISLATIVE PROCESS

Richmond, Virginia
November 12, 1969

TO: THE GENERAL ASSEMBLY OF VIRGINIA

I. INTRODUCTION

When Thomas Jefferson wrote that "with the change of circumstances, institutions must advance also to keep pace with the times," he stated a proposition which we have largely ignored in the area of legislative facilities and procedures. The General Assembly today operates in a manner not unlike that at the turn of the century. The basic structure of our law-making body framed by the Constitution of 1902 remains intact today.

Yet we need look no further back in time than one decade to see that circumstances have changed although the institution has not. In 1958 when the General Assembly adopted the appropriation bill which was one of the 1078 measures introduced and 642 finally enacted into law, it appropriated some \$365 million from the General Fund for the maintenance and operation of state government in the next biennium. In 1968 when the Legislature adopted House Bill No. 20 which was one of 1724 measures considered and 807 finally enacted, it appropriated over \$1.3 billion for maintenance and operation during the present biennium.

There is little need to garner statistics to prove what every member of the Legislature knows and what the 1968 General Assembly affirmed in adopting Senate Joint Resolution No. 20 which created this Commission—vast changes have taken place to increase the volume and complexity of the work of the General Assembly and it is proper and necessary to examine our legislative process, to tune it to present needs and circumstances and to revamp it where required. The Resolution under which this Commission has functioned states in part:

"Whereas, it is a matter of great concern that, under the existing legislative process, the members of the General Assembly no longer have the time, information or facilities to consider the vastly increased volume and complexity of subjects of legislation in the efficient and effective manner which the people of Virginia have a right to expect and demand; . . .

"Resolved by the Senate of Virginia, the House of Delegates concurring, That a commission is hereby created to be known as the Commission on the Legislative Process. . . . The Commission shall make a study of the legislative process in Virginia and shall make recommendations for its improvement. Such study shall include, without limitation, such matters as: (1) facilities and space for the performance of legislative functions; (2) compensation of the members of the General Assembly; (3) staff assistants to members of the General Assembly and to the committee of each house thereof; and (4) staffing of legislative service agencies. . . ."

The full text of this Resolution appears in Appendix I.

Our investigations pursuant to this Resolution have shown that the

means are at hand to accomplish many useful and desirable improvements in our legislative process. The activities of other states in fostering improved techniques and procedures for processing legislation and in modernizing legislative facilities have provided much valuable background for our study. The work done by national groups, such as the Citizens Conference on State Legislatures, concerned with the strengthening of the state legislative branch of government has been of much interest and assistance.

The Report which follows contains specific commentary on our recommendations concerning the constitutional provisions relating to the Legislature, the physical facilities of the Legislature, the processing of bills, staffing for the Legislature, compensation for legislators and the continuation and expansion of this study.

Before proceeding to a discussion of these various special fields, it is appropriate to review several basic conclusions reached in the course of our study.

II. BASIC CONCLUSIONS

- A. While there is much need to revise the legislative process to meet today's requirements, recognition should be given to sound advancements which have been made.

In the bulk of our Report we will deal with those areas in which we feel it is imperative that there be improvement, but we should recognize the areas in which the legislative process is functioning well today in order to present a balanced account of the workings of the General Assembly.

Recent recommendations in other states call for the establishment of many procedures already utilized in Virginia. Among these are:

- (1) Authority in the legislature, as well as in the Governor, to call for a special session.
- (2) Authority to fix legislative pay by statute rather than by constitutional amendment.
- (3) Printing of all bills upon introduction.
- (4) Prefiling of bills in advance of sessions.
- (5) Provision for deadlines for the introduction of special bills and for introduction of bills generally.
- (6) Utilization of a consent calendar of uncontested legislation under a one-objection rule.
- (7) Provision for bill drafting services on a permanent non-partisan basis.
- (8) Establishment of a legislative council to function during the interim between sessions for the purpose of conducting special studies.

Generally, we have found that there are many good features in our present system which have permitted the General Assembly to function successfully in the past and that it is desirable to retain these features and build on them.

The success of the existing system is the more amazing when consideration is given to the amount of money which Virginia has expended

in this area. The financing of the Legislature is the subject of our second conclusion.

- B. Virginia's past expenditures for the operation of the Legislature have been extremely low. The additional expenditures that are needed can be made within the framework of sound and economical budget practices.

The financing of the state legislative branch of government has been and is today low in comparison with that of the national legislative branch. In the latest biennium for which comparative figures are available (1966 and 1967 fiscal years), the total of the expenditures for all fifty state legislatures (\$258 million) was half of that for the Congress (\$519 million). Virginia's portion of the state expenditures was \$1,634,000 as compared with an average of \$5,169,700 for all states.

In looking at the states alone, Virginia ranks *last* in the amount of legislative expenditures as a percent of total state expenditures (.064%) and Virginia ranks *last* in the amount of the per capita expenditure for the legislative process (\$0.36). Consider that Virginia is the fourteenth largest state and ranks sixteenth in the amount of total expenditures for state government and you cannot avoid the conclusion that our financing of the legislative branch has been harshly restrictive.

Complete tables illustrating these figures are shown in Appendix II which consists of three tables of figures prepared by the Citizens Conference of State Legislatures printed in its Research Memorandum No. 4, Revised July, 1969, "Legislative Fiscal Support."

The additional legislative improvements needed in Virginia can be financed within an acceptable level of expenditure. We believe that our major concerns must be the strengthening of the legislative branch and the provision of improvements which will assure proper handling of legislation. The recommendations offered in this Report to that end do not, we believe, involve any additional expenditures which will result in an unwarranted burden on our taxpayers.

- C. Broad policy considerations as well as practical necessity dictate the need for improvements in the legislative process.

In the body of the Report, the discussion will focus on such practical matters as office space, data processing and compensation, but one overall theme ties these diverse and specific recommendations together—there is today an urgent need for effective state government—and it cannot be achieved without efficient legislative procedures.

The policy statement of the National Chamber of Commerce summarizes this need:

"The role of state government in the American federal system has been declining over the past several years. This is a disturbing trend for the federal system and for the health and future of political and social institutions and the free market economy. The revitalization of state government necessary to avoid further centralization of governmental authority calls for . . . Strengthening of State Legislatures by . . . easing of constitutional restrictions on length and frequency of legislative sessions . . . adequate provision of research and staff facilities to assist legislators . . . provision of adequate physical facilities . . . provision

of appropriate offices and secretarial help . . . provision of compensation for legislators in keeping with the demands and importance of the position and in accord with compensation for time invested in comparable work . . . adoption of modern organizational and procedural concepts. . . .”

Statements to the same effect can be found in numerous reports by study groups similar to this Commission. One bulletin (November, 1968) of the Citizens Conference on State Legislatures reported all but ten states were in the process of reviewing their legislative processes in 1968.

Basic considerations underlying the recommendations we offer relate to the need to strengthen government at the state level through an effective and efficient legislative branch to attend to the greatly increased volume and complexity of public business. For example, Virginia's expenditures have increased by seventeen times since World War II. We will not reiterate the importance of having a strong, effective legislative branch in discussing each recommendation; this premise applies with equal force to each item discussed below.

III. SUMMARY OF RECOMMENDATIONS

A. CONSTITUTIONAL PROVISIONS

Recommendation: That the 1970 General Assembly agree to the general amendment of the Constitution of Virginia proposed by the General Assembly in 1969 which includes important revisions respecting the legislative branch of government.

Recommendation: That this study be continued and that one aspect of the continuing study be consideration of appropriate legislative changes if the Constitutional revisions concerning the Legislature are finally adopted.

B. PHYSICAL FACILITIES OF THE LEGISLATURE

Recommendation: That the General Assembly make the fullest use possible of the temporary office space being made available for the 1970 General Assembly so that valuable experience may be gained for the future development of the type of office space and facilities best suited to meet the needs of the Legislature.

Recommendation: That this study be continued to examine further the matter of the need for additional physical facilities for the Legislature and that the directive for the study be expanded to provide an overall view of the future needs and proper development of the Capitol Square complex, in cooperation with the Public Buildings Commission.

C. THE PROCESSING OF BILLS

Recommendation: That the General Assembly take full advantage of the automated bill status system which is being installed for use during the 1970 Session of the General Assembly.

Recommendation: That the General Assembly amend the rules of the two Houses to provide for preparation of bills in a new form so that material deleted from the Code of Virginia will be shown in its entirety (with lines through it to indicate it is deleted) rather than the present system of omitting such material and using asterisks to show that something has been omitted.

Recommendation: That bills which have been amended by the House of introduction be photocopied to show such amendments for use by the members of the committees to which referred in the second House whenever necessary.

Recommendation: That members prefile legislative proposals—especially charter measures.

D. ORGANIZATION OF AND STAFFING FOR THE LEGISLATURE

Recommendation: That each House give favorable consideration to reducing the number of standing committees and streamlining committee organization.

Recommendation: That the major committees of the two Houses utilize counsel to assist them during the session.

Recommendation: That the Clerks proceed with their efforts to provide increased secretarial help for legislators.

Recommendation: That the staff of the Division of Statutory Research and Drafting be expanded and be classified for personnel purposes with other legislative employees such as the staff of the Virginia Advisory Legislative Council.

Recommendation: That one specific assignment for continuing study relate to means for providing research and non-legal staff assistance for legislators.

E. COMPENSATION FOR LEGISLATORS

Recommendation: That the expense allowances of legislators be increased so that average annual compensation will be approximately \$5,000, an amount sufficient to assist in offsetting the actual expenses involved in holding office.

Recommendation: That legislation be enacted, to take effect if the Constitution be amended, to establish a simple salary basis for legislative compensation at a level equivalent to that recommended above.

F. CONTINUATION OF THE STUDY

Recommendation: That this study be continued for the purposes of completing a review of the need for additional legislative facilities, continuing the investigation of methods to improve staffing and the legislative process and reviewing changes in the process which would be proper if proposed Constitutional amendments are adopted.

Recommendation: That the presiding officers of the two Houses be authorized to designate members of the General Assembly to attend interstate and regional conferences which promote the study of the legislative process and interchange of much valuable information.

IV. DISCUSSION OF RECOMMENDATIONS

A. CONSTITUTIONAL PROVISIONS

Recommendation: That the 1970 General Assembly agree to the general amendment of the Constitution of Virginia proposed by the General Assembly in 1969 which includes important revisions respecting the legislative branch of government.

Recommendation: That this study be continued and that one aspect of the continuing study be consideration of appropriate legislative changes if the Constitutional revisions concerning the Legislature are finally adopted.

The key revision proposed in the general amendment of the Constitution affecting the Legislature is that providing for annual rather than biennial sessions. There is no need to reiterate in this Report the reasons which were thoroughly examined at the 1969 Special Session why annual sessions are necessary today. The proposed revision provides for 60-day sessions in even numbered years and 30-day sessions in odd numbered years. Any regular session may be extended for up to an additional 30 days by a two-thirds vote of members elected to each House. The maximum number of regular session days in any biennium would be 150 in place of the present provision for a maximum of 90 days with pay.

During 1967 and 1968, ten states provided for the holding of sessions annually so that a total of 31 states were meeting annually. In a July, 1969 Information Bulletin, the Citizens Conference on State Legislatures (CCSL) reported that (in addition to Virginia) Connecticut, Delaware, Indiana, Kentucky, Maryland, Minnesota, Missouri, Nevada, Oregon, Texas, Washington and West Virginia took action to provide for annual sessions or sessions of longer duration. Appendix III carries a table showing the provisions of the various states on frequency and duration of sessions as of January 1, 1969.

The present provision whereby the Governor may call the General Assembly into special session if he deems it necessary or shall call the Assembly into special session if requested by two-thirds of the membership is carried forward without change in the Constitution as proposed.

Additional revisions in the proposed amendments to the Legislative Article include: (1) the modification of the requirement that all bills be read by their title on three different calendar days to permit printing in a daily calendar in lieu of such reading; (2) elimination of the requirement for the signing of bills by the presiding officer in the presence of each House and provision for the signing of bills not later than 20 days after adjournment to permit the discontinuance of constructive sessions; and (3) refinements in the language concerning the effective dates of bills and limitations on the fixing of salaries.

We believe these changes are in order and should be supported by the 1970 General Assembly.

Our second recommendation is based on the contingency that these proposed Constitutional revisions are enacted. If they are agreed to by the 1970 General Assembly and approved by the people, careful study of related changes in the statutes and House and Senate rules governing the legislative process should follow. This study should precede the 1971 special session of the Assembly called for in the Schedule of the amended Constitution. Such matters as the continuation of bills from one session to the next, the processing of bills during the session and the handling of budget matters should all be closely reexamined in light of the Constitutional amendments. We recommend that this assignment be part of a directive to continue this study. A study resolution carried in the Appendix of Legislative Proposals embodies this recommendation.

B. PHYSICAL FACILITIES OF THE LEGISLATURE

Recommendation: That the General Assembly make the fullest use possible of the temporary office space being made available for the 1970 General Assembly so that valuable experience may be gained for the future development of the type of office space and facilities best suited to meet the needs of the Legislature.

Recommendation: That this study be continued to examine further the matter of the need for additional physical facilities for the Legislature and that the directive for the study be expanded to provide an overall view of the future needs and proper development of the Capitol Square complex, in cooperation with the Public Buildings Commission.

This Commission, working with the Division of Engineering and Buildings, was able to make provision for temporary offices for each individual legislator to be utilized at least during the 1970 Session. That office space comprises six floors in the Eighth Street Office Building. Each floor will have 23 offices for individual legislators, a stenographer's room and rest rooms. Thus 138 offices will be made available for legislators in the Eighth Street Office Building with the Speaker of the House, Chairman of House Appropriations Committee and President of the Senate retaining offices in the Capitol. Proper provision has been made for office furniture, for a telephone in each office and for conference space in the new office building. Two conference rooms will be available in the area between the Eighth and Ninth Street Office Buildings. A third conference room is available on the second floor of the Eighth Street Office Building.

Plans have also been made (1) to provide insofar as possible every two members with a secretary who will work in the stenographers' rooms located in the Eighth Street Office Building, (2) to locate the post offices in the Eighth Street Office Building, (3) to have copying equipment there, and (4) to provide the services of the Division of Statutory Research and Drafting in the Ninth Street Office Building in close proximity to these new facilities. These four additional steps should help greatly in making the use of this new office space convenient and attractive.

These arrangements have been made largely in response to a statement circulated at the 1969 Session of the General Assembly and signed by the vast majority of the members which called for the making available of office space for legislators.

It is the hope of the Commission that every member of the Legislature will do his utmost to make full use of this new space and handle as much as possible of his correspondence, paper work and conferences in the new facilities. Unless the fullest use possible is made of these new facilities, confusion and congestion in the Capitol itself will not be alleviated and the program will not have succeeded. It is well known to all members that the conditions which exist during any session of the Legislature within the Capitol virtually prohibit efficient functioning. Lobbyists, school children, legislators, staff, and personnel of the offices of the Clerks and Division of Statutory Research and Drafting, as well as personnel of the executive branch, must work in the confines of one building. To add to the confusion, there is no provision for an auditorium in which large public hearings can be held in or convenient to the Capitol, with the result that it has been necessary to utilize the former Roof Garden in the Ninth Street Office Building or to set up make-shift arrangements to use two rooms with a closed circuit

television connection. Unless the new facilities help to relieve the burden on the Capitol, they will not provide a long-range solution.

It is the Commission's belief that these temporary arrangements are in a sense experimental and will require evaluation to determine whether they can suffice for any lengthy period of time. In this connection the Commission is recommending that the study be continued to provide a review of this program and a broad study, in cooperation with the Public Buildings Commission, of how to meet the future building requirements of the General Assembly in proper relation to the overall development of the Capitol Square area.

The Commission did not have the time and opportunity during this interim to make a thorough investigation of physical facilities for legislatures as they are being developed in other states. Such an investigation should be undertaken during the next interim and its results can then be compared with experience gained through utilizing the Eighth Street Office Building and a broader study of the Capitol Square area. There is much activity among the states in this field. Appendix IV carries a state-by-state account of recent state action concerning facilities provided by the CCSL. Major action includes new capitols or legislative buildings built or under construction in six states (Arizona, Hawaii, Nevada, New Mexico, New York and North Carolina), new office wings under construction (Delaware) and plans for construction in six states (California, Florida, Illinois, Maryland, Michigan and New Jersey).

Among possible approaches to which the Commission has given some preliminary consideration, in addition to the temporary solution found by use of the Eighth Street Office Building, are: (1) the building of a new legislative office building; (2) the utilization of existing buildings such as the State Finance Building, the Ninth Street Office Building, the old Richmond City Hall, or the State Library Building with tunnel connections to the Capitol; and (3) possible renovations of the Capitol itself. In connection with the latter suggestion, we note that the Capitol has been subject to extensive changes through the years and that a proposal for major expansion was developed by a Commission headed by Senator Garland Gray in 1951 as the result of a study called for by the 1950 General Assembly. That Commission proposed the addition of two wings to the Capitol consisting of four floors each which would have provided space on each of the eight floors of approximately 56 by 60 feet.

The continued study should be broad in scope to permit full evaluation of these alternatives and their impact on the Capitol Square area. The study should be coordinated with the activities of the Public Buildings Commission, which is charged by statute to assist in the preparation of the long-range site plan for the location of State buildings. The study resolution in the Appendix of Legislative Proposals embodies this approach.

C. THE PROCESSING OF BILLS

Recommendation: That the General Assembly take full advantage of the automated bill status system which is being installed for use during the 1970 Session of the General Assembly.

Recommendation: That the General Assembly amend the rules of the two Houses to provide for preparation of bills in a new form so that material deleted from the Code of Virginia will be

shown in its entirety (with lines through it to indicate it is deleted) rather than the present system of omitting such material and using asterisks to show that something has been omitted.

Recommendation: That bills which have been amended by the House of introduction be photocopied to show such amendments for use by the members of the committees to which referred in the second House whenever necessary.

Recommendation: That members prefile legislative proposals—especially charter measures.

The Commission gave careful consideration to the possible uses of data processing equipment and services to facilitate the smoother working of the legislative process and is convinced that automation can be of great value to the Legislature. A tour of facilities in Ohio and Pennsylvania brought forth much information on the possible benefits of computer techniques for the legislative process.

The Virginia Division of Automated Data Processing has developed a plan, which will be operational during the 1970 Session, for the showing of the status of every bill introduced in the House or Senate through computer facilities and terminals to be located in the Capitol itself and in proximity to the temporary office facilities.

The purpose of the system is to provide, in an easily accessible and up-to-date form, a complete history of every bill that has been introduced. This bill history will include a brief title, the sponsor, Code titles affected, and its status with respect to its passage through the General Assembly—that is, whether it is in committee, been amended, passed by one House, and so on down the line until final passage. It will be possible for any member of the General Assembly to obtain information as to a bill's current status through the use of visual terminals and by simply typing the number of the bill. A terminal will be provided on the ground floor of the Capitol in the new information center to supply such information to interested members of the public and press in addition to terminals elsewhere in the Capitol and in the office of the Division of Statutory Research and Drafting in the Ninth Street Office Building.

In the past this type of information has been obtainable only from the Clerks at the desks in the respective chambers through the device of card index files which carried no information on the content of the bill. To gain a complete picture of the status of a bill it has been necessary to check the Clerks' desks in both Houses—a time-consuming exercise.

The proposed computer system will have the advantages of combining House and Senate information in one file and of providing more points of access to such information. The new system will also give much more information. It will indicate Code titles affected by any bill and carry language identifying the subject matter of a bill. The system will provide information on the bills in each committee at any given time and information as to each legislator's sponsorship of bills.

When it is considered that the volume of legislation has grown to nearly 2,000 bills being considered within a 60-day period, the necessity for immediate accessibility to this information is vividly apparent.

We urge every legislator to familiarize himself thoroughly with the workings and advantages of the new system and to utilize it to the fullest extent possible. Orientation programs will be held to inform

every legislator of the uses of the system and each member should attend.

One other application of data processing techniques which has been instituted is relevant to the legislative process. Through the auspices of the Code Commission and Division of Statutory Research and Drafting, the Code of Virginia has been put on computer tape. This process permits rapid searching of the entire Code on a word by word basis for any phrase or word. It is an extremely useful research tool.

With respect to the preparation and content of legislation, it is our recommendation that each House adopt a proper change in its rules to provide that bills will show material deleted from the Code of Virginia rather than simply indicate by asterisks that there has been material deleted. The problem of determining the impact of bills as they are presently prepared and printed is well known to each member. There is no way to know from the face of the bill now what material is being omitted from existing law. Many states utilize the system whereby deleted material is printed with strike-out lines to show it is being deleted. For example a bill will be printed as follows under our present system:

“There shall be * *seven* judges in the first circuit.”

Under the proposed system the same amendment would appear:

“There shall be ~~two~~ *seven* judges in the first circuit.”

The additional cost of printing deleted material will not, we are convinced, amount to a material disadvantage when it is considered that the information provided in the bills will be far more complete and of far more value. At the beginning of the 1970 Session, each House should include appropriate provisions in their rules to permit this change.

The third suggested change involving the handling of bills concerns the reprinting or copying of bills. As it stands now, most bills are placed in each legislator's book in the form in which introduced. Bills which are amended by the House of introduction are left unaltered in the bill books. Only one engrossed copy is available which actually shows the bill as it reads with amendments by the House of introduction.

We would recommend that insofar as possible the Clerks of the two Houses make available to committee members photocopies of bills which have been acted on and amended by the House of introduction at the time they are referred to committee in the second House. These copies should be made available in the case of every bill involving major amendments. Action by committees in the second House on bills as amended by the first House becomes confused and difficult when committee members have before them only the bill as it was originally introduced while the chairman has the only copy which shows the amendments, the engrossed bill. This recommendation can be followed in the 1970 Session, and if the results are beneficial, further consideration should be given to a process whereby bills generally could be reprinted to show action by the first House during the time of their consideration by the second House.

The final item which should be covered concerns the prefiling of legislation. The bill recommended by this Commission in its interim report to the General Assembly at the 1969 Special Session was en-

acted. We will not repeat the reasons given in that report for adopting a prefiling procedure, but we do wish to take this opportunity to recommend to each member that he file legislation early so that bills may be circulated and committee dockets prepared in advance of the 1970 Session.

One important type of legislation that is particularly appropriate for prefiling is the bill which affects a municipal charter or a statute on optional forms of government. The cutoff date for introducing these measures was moved up from the twentieth to the tenth day of the session at the 1969 Session and it is particularly sensible to prefile these measures.

D. ORGANIZATION OF AND STAFFING FOR THE LEGISLATURE

Recommendation: That each House give favorable consideration to reducing the number of standing committees and streamlining committee organization.

Recommendation: That the major committees of the two Houses utilize counsel to assist them during the session.

Recommendation: That the Clerks proceed with their efforts to provide increased secretarial help for legislators.

Recommendation: That the staff of the Division of Statutory Research and Drafting be expanded and be classified for personnel purposes with other legislative employees such as the staff of the Virginia Advisory Legislative Council.

Recommendation: That one specific assignment for continuing study relate to means for providing research and non-legal staff assistance for legislators.

A basic organizational feature of the Legislature, second only to its bicameral structure, is the committee system. The committee system has its roots in the Constitution and provides the fundamental working unit for the consideration of legislation.

At the present time there are, including joint committees, 22 committees in the Senate and 34 committees in the House. Some of these committees have rarely, if ever, held a meeting. Others have no cause to meet—for example, the function of the members of the committees on enrolled bills is merely to sign the bills to authenticate their enrollment.

The proliferation of committees makes it difficult to organize the two Houses and in our judgment serves no useful purpose. There is a trend (described in Appendix V) among states which are attempting to reorganize their legislative process to streamline the committee system and in some instances to limit the number of committees on which each member can serve. This is a matter, of course, which is covered by the rules of the two Houses and lies solely within the control of each House. We urge, however, that the committee systems as presently existing be reexamined by each House and suggest that efficiency would be promoted by reducing the number of standing committees.

Our second recommendation also relates to the strengthening of the committee structure. Certain House and Senate standing committees utilized counsel to assist them at recent sessions with beneficial and satisfactory results. Procedures exist in both Houses whereby counsel can be

employed to assist committees and we recommend that every major standing committee employ counsel whenever it is possible to do so during the session. The importance of careful and informed committee scrutiny of legislation cannot be overemphasized and counsel can perform valuable work in reviewing and digesting legislation and preparing desired amendments for committees.

One basic staffing requirement is that for secretarial help during session. The Clerks of the two Houses are in the process of hiring secretarial help for the 1970 Session and plan to provide, if at all feasible, one secretary for every two members of the Legislature. Office space for the secretaries will be available in the Eighth Street Office Building. At the 1968 Session between 35 and 40 secretaries worked for legislators at a ratio of one for every four members. The plan in process at this time to hire at a ratio of one for two constitutes a real improvement and we hope the Clerks will be successful in their efforts.

Another recommendation we are making with respect to staffing concerns our basic research and bill drafting offices. The Division of Statutory Research and Drafting acts as the research and bill drafting service for individual legislators and for many interim study commissions. The Virginia Advisory Legislative Council which is comprised of legislators and conducts many of the interim studies has its own staff and payroll. The staff of these two legislative agencies are, in fact, completely integrated and operate from one office. This permits the fullest use of both staffs at all times—in conducting research during the interim and in drafting bills during the session.

This combined staff consists of seven full-time attorneys at present in addition to the Director. At the beginning of the 1966 Session the staff consisted of five full-time attorneys plus the Director. Part-time attorneys are retained for the session to assist in drafting. We recognize that there is present need to expand this staff further.

In addition we are recommending the adoption of a bill to correct an anomaly in the treatment of the two staffs. The Division's personnel are subject to the Personnel Act while the Council's are not. This discrepancy results from the fact that the Division evolved from the executive branch. It has long been a legislative agency, however, and its personnel should be employed on a basis to assure proper legislative control. We are recommending an amendment to delete the reference to the Personnel Act and to provide that the Division's employment procedures shall be subject to the advice of the Speaker of the House of Delegates. A related recommendation which we propose is to provide appropriations for the Division and Council on the same basis as appropriations are made to the Code Commission, other legislative agencies and the Legislature itself.

In addition to the staff services discussed so far, our attention was directed to several other areas relating to staff services for the Legislature in which it is possible that improvements might be made. Some of the more populous states have gone as far as providing research personnel for each member of the Legislature. We do not feel that this step is practical at this time in Virginia but do feel that the continuing study of the legislative process should consider what means might be established whereby a member of the Legislature having need of factual information on subjects under legislative consideration could obtain impartial assistance in providing the basis upon which he can reach a conclusion. The present facilities of the Division of Statutory Research and Drafting are not sufficient to provide such services and its per-

sonnel are trained in the law and do not have the experience to conduct research in other areas as well as would a specialist in a given field. We believe that this matter also should be on the agenda of the Commission continuing the study of improvements in the legislative process.

Our attention has also been called to the fact that the Legislature is deficient in the public relations field in that it has no staff trained in the arts of journalism and mass communication to explain the activities of the Legislature to the public and to translate into lay language the often complex and technical matters with which the Legislature must deal. Provision of this type of service is a matter which we believe should also have further study.

E. COMPENSATION FOR LEGISLATORS

Recommendation: That the expense allowances of legislators be increased so that average annual compensation will be approximately \$5,000, an amount sufficient to assist in offsetting the actual expenses involved in holding the office.

Recommendation: That legislation be enacted, to take effect if the Constitution be amended, to establish a simple salary basis for legislative compensation at a level equivalent to that recommended above.

The present statutes on salaries and allowances for General Assembly members provide a per diem of \$35 for each day of a legislative session plus an expense allowance of \$100 a month. This results in a total average compensation of \$2,250 annually when there is one 60-day session in a biennium. The Commission believes that this type of reimbursement discourages many qualified and able citizens from seeking to serve as members of the General Assembly. The year-round demands on the time of a member and the extra expense involved in attending a session combine to make the present system of reimbursement unrealistic.

It is our recommendation that the expense allowance for members be increased, effective for the next biennium, from \$100 to \$325 a month or from \$1,200 to \$3,900 a year. We are proposing an average annual reimbursement of \$4,950, the total for the biennium being \$9,900, when there is one 60-day session in the biennium. This is a substantial increase but one required to give fair reimbursement for expenses attendant upon legislative duties.

The Commission reviewed figures from other states relating to compensation and found that Virginia's compensation provisions are low as compared to other states'.

The figures reported by the CCSL on compensation provisions effective in other states as of January 1, 1969 showed Virginia's rank as 34 out of the 50 states. The increased compensation we are proposing ranks between that shown for Idaho and Louisiana which were ranked as 21 and 22 on the list. Those states are numbers 43 and 19 in terms of population compared to Virginia which is number 14. The average biennial compensation reported for all the states was \$11,573. In July, 1969 an Information Bulletin from the CCSL listed seven states which increased compensation after January 1, 1969—Florida, Indiana, Iowa, Massachusetts, North Dakota, South Dakota and Washington. New York and Texas initiated action looking toward increases. These steps, of course, will have increased the \$11,573 biennial average earlier reported.

The provision of a more realistic expense allowance at the level we are proposing may permit candidates to offer for the Legislature who could not otherwise afford to lose time from their full-time vocations. The prospect of an expense allowance of \$3,900 annually will not, we are certain, attract men for the money alone.

We are also proposing substantial increases in the expense allowances of the presiding officers—the Speaker of the House and President of the Senate. The annual expense allowance we propose for them is \$8,950 to provide proper reimbursement for the particularly heavy demands on their time occasioned by their special positions. Presently the Speaker has a \$4,200 annual allowance while the President of the Senate is appropriated a \$6,000 annual allowance. We recommend that the two presiding officers be reimbursed on the same basis.

Our second recommendation relates to the system for payment rather than the amount. The Constitution presently speaks in terms of “a salary for not exceeding sixty days at any regular session” and has led to our system of a salary on a per diem basis of \$35 for each day of a regular session, and a supplementary expense allowance. If the Constitution be amended and this language eliminated as is proposed, we believe that the present provisions should be simplified and members be paid an annual salary of an amount equivalent to the compensation which the present per diem and proposed expense allowances would provide. Legislation to accomplish this change is carried in the Appendix of Legislative Proposals and can be enacted this session to take effect if the Constitution be amended.

In addition we believe that there should be a fair provision for reimbursement of mileage expense for one trip each week to and from his home to the Capitol for each member during sessions.

F. CONTINUATION OF THE STUDY

Recommendation: That this study be continued for the purposes of completing a review of the need for additional legislative facilities, continuing the investigation of methods to improve staffing and the legislative process and reviewing changes in the process which would be proper if proposed Constitutional amendments are adopted.

Recommendation: That the presiding officers of the two Houses be authorized to designate members of the General Assembly to attend interstate and regional conferences which promote the study of the legislative process and interchange of much valuable information.

The final legislative proposal which we are recommending is to provide for the continuation of this study. There was time during this interim to accomplish much in the way of a review of our present process and in the initiation of and preparation of proposals for many worthwhile reforms. The interruption caused by the 1969 Special Session and the prospect of Constitutional changes are two factors which prevented a complete study this interim.

Many specific reasons for continuing the study have been cited throughout the Report concerning possible effects of Constitutional revision, the need for further attention to the matter of physical facilities, the desirability of further review of means to expand and improve

staffing for legislators, and the value of an opportunity to evaluate the effect of many of the reforms suggested now before expanding on them.

We recommend adoption of the joint study resolution in the Appendix of Legislative Proposals to provide for additional study.

A second means to promote useful study of the legislative process and an interchange of information which can benefit Virginia is attendance by legislators at certain regional and interstate conferences. There are several organizations which have been formed and exist to assist various agencies of state government by means of research and the collection and assembling of information. Two such organizations are the Council of State Governments, with headquarters in Lexington, Kentucky, and the Citizens Conference on State Legislatures which operates out of Kansas City, Missouri. In addition to performing research, these types of organizations sponsor meetings and conferences on both the national and regional levels at which discussions are held of pressing problems in state government.

Individual members of the Commission, attended several conferences of the nature referred to and found them to be helpful and informative. Members of two permanent agencies which have been created by the Legislature—the Virginia Advisory Legislative Council and the Commission on Interstate Cooperation—were frequently in attendance at such meetings and conferences. This Commission visited other states during the course of its study and held very helpful conferences with staff members in two such states.

We believe that this kind of interchange of ideas and views in attempting to solve common problems between members of state legislatures constitutes a very valuable and broadening experience and we feel that participation in such interstate activities should be encouraged and should not necessarily be limited to membership in the two organizations mentioned above.

We accordingly attach to this Report a resolution which would authorize the presiding officer of each House to designate members thereof to represent the Commonwealth at specific meetings or conferences which deal with matters within their special competence and interest and provide that reimbursement of expenses incurred by such members would be a proper charge against the contingent fund of the General Assembly.

V. CONCLUSION

The proposals which we are recommending constitute what we hope will be the sound beginning of a continuing effort to keep the General Assembly in pace with changing circumstances.

In the course of many Commission meetings leading to the preparation of these recommendations we were fortunate in being able to draw on the advice of C. Alden Baker of the Citizens Conference on State Legislatures. Much valuable assistance was also given to the Commission by Ben D. Lacy, Clerk of the Senate, George R. Rich, Clerk of the House of Delegates, Douglas H. Hamner, Jr., Director of the Division of Engineering and Buildings, and L. G. Hillquist, Assistant Director of that Division. We express our appreciation to these individuals, their organizations and staffs.

Respectfully submitted,

JOHN WARREN COOKE, *Chairman*
FRED G. POLLARD, *Vice-Chairman*
HUNTER B. ANDREWS
FITZGERALD BEMISS
DON E. EARMAN
GUY O. FARLEY, JR.
ROBERT C. FITZGERALD
BERNARD LEVIN
LEWIS A. MCMURRAN, JR.
J. LEWIS RAWLS, JR.
A. H. RICHARDSON