

**REPORT OF THE  
COMMISSION ON THE LEGISLATIVE PROCESS**

**TO  
THE GENERAL ASSEMBLY OF VIRGINIA**



**House Document No. 26**

**COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
Richmond  
1976**

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HOUSE OF DELEGATES

SPEAKER'S ROOM

RICHMOND 23219


January 9, 1976

To: The General Assembly of Virginia

The issuance of the following report brings to a close the activity of the Commission on the Legislative Process. Since its inception in 1968 the Commission has addressed itself to many phases of the legislative process. As a result many improvements have been effected, most noticeably in legislative staffing and our computer capability. In addition, work is now proceeding under the supervision of the Committees on Rules to provide increased office space and committee rooms for the General Assembly.

This final report of the Commission focuses on several recommendations which, if implemented, should enable the General Assembly to use its time and its staff to greater advantage. While these recommendations mark the end of the Commission's work, all of us recognize that improvement of the legislative process is ongoing. The Commission is confident that the General Assembly will continue to examine itself and make such changes as are deemed necessary.

Respectfully submitted,

  
John Warren Cooke

**Report of the  
Commission on the Legislative Process  
To  
The General Assembly of Virginia  
Richmond, Virginia  
December, 1975**

To: The General Assembly of Virginia

Since 1968, the Commission on the Legislative Process has worked diligently to improve techniques and procedures for processing legislation, modernizing legislative facilities, providing adequate staffing for the General Assembly, and properly compensating legislators for their service to the Commonwealth. This Commission report concludes eight years of the most thorough examination of the legislative process to date.<sup>1</sup>

The successful operation of the legislative machinery has been facilitated greatly by the General Assembly's implementation of the Commission's recommendations. Some of the major changes in the legislative process include: annual sessions; streamlining standing committees; full-time professional staff; better physical facilities for office space, committee rooms and staff quarters; increased compensation for legislators; computerized information services and bill preparation; control over the preparation of the legislative budget; the creation of the Joint Legislative Audit and Review Commission; and, administrative assistants for legislators. Several other changes, including those facilitating the processing of legislation, have enhanced the efficiency of the General Assembly.

In the Commission's Interim Report of 1975 to the General Assembly, certain recommendations regarding centralized staffing for standing committees from within the Division of Legislative Services were recognized as necessary steps for the optimum coordination and utilization of staff. To that end, House Joint Resolution No.196 of 1975 was passed by both houses of the General Assembly (see Appendix 1).

Further modifications, primarily procedural changes, are hereby recommended by the Commission which feels these changes will further the efficient conduct of legislative business and enhance the utilization of the permanent staffing arrangement recommended by the Commission and adopted by the General Assembly last session.

**RECOMMENDATIONS:**

1. The General Assembly should not accept any study report for

consideration if not submitted prior to October 1 of the preceding year.

2. No study bill or resolution shall be introduced later than the tenth day of the session, unless requested by the Governor or allowed by the unanimous consent of the house wherein such bill or resolution is sought.
3. No bill or resolution introduced for nonstudy purposes shall be amended into a study resolution or bill unless requested by the Governor or allowed by the unanimous consent of the house wherein such amendment is sought.
4. The rules of each house should incorporate a provision for the payment of a citizen's expenses when such citizen serves on a standing committee study.
5. The Rules Committees of the House and Senate should review carefully study requests and, as far as practicable, refer them to standing committees for study during the interim.

#### RATIONALE FOR RECOMMENDATIONS:

1. The General Assembly should not accept any study report for consideration if not submitted prior to October 1 of the preceding year.

During the past few sessions, efforts have been made to require earlier reporting dates for studies. These dates have been disregarded by many study commissions and committees. The result has been that legislators are deluged with volumes of reports just prior to and during sessions. With the ever increasing number of bills to be read by individual legislators, it has become impossible for them to digest these documents in the same time frame. An October 1 deadline would provide a reasonable period of time for members to scrutinize such documents before the session and to make informed judgments on the study reports. The Commission recommends the adoption of the bill contained in Appendix 2 to implement this recommendation.

2. No study bill or resolution shall be introduced later than the tenth day of the session, unless requested by the Governor or allowed by the unanimous consent of the house wherein such bill or resolution is sought.

In recent years, studies have proliferated to such an extent that the Legislature has attempted too many projects, many in overlapping areas, for serious time and consideration to be given them by legislators during the interim. The Rules Committees have found their task of reviewing study resolutions and bills difficult when each item must be considered separately as the resolutions and bills are introduced. Requiring a specific deadline would provide for the review and evaluation of all study requests simultaneously. A method of recommending studies should be devised whereby high priority studies could be given precedence, thereby more effectively regulating the ever increasing workload of the legislature. The

Commission submits a bill (Appendix 3) which it feels will remedy this situation.

3. No bill or resolution introduced for nonstudy purposes shall be amended into a study resolution or bill unless requested by the Governor or allowed by the unanimous consent of the house wherein such amendment is sought.

Last session the Assembly directed several studies by amending bills proposing Code changes. This type of procedural maneuvering should be prohibited. Otherwise, Recommendation 2 could be circumvented. Appendix 3 incorporates a solution to this problem.

4. The rules of each house should incorporate a provision for the payment of a citizen's expenses when a citizen serves on a standing committee study.

The General Assembly has long recognized the contributions made by the citizenry of the Commonwealth in serving on special commissions and VALC committees. Resolutions providing for the compensation and expense reimbursement of citizens lending their specialized knowledge and talents to the standing committees were passed by the Senate in 1974 and the House in 1975. However, these resolutions are not binding upon future Assemblies. In order to perpetuate this already accepted practice a provision to provide compensation and expense reimbursement for citizen members should be incorporated into the rules of each house (Appendices 4 and 5).

5. The Rules Committees of the House and Senate should review carefully study requests and, as far as practicable, refer them to standing committees for study during the interim.

The ad interim<sup>2</sup> committee system to conduct studies has come into use in many legislatures. It is a strongly definable trend that has been evaluated by many scholars knowledgeable in the legislative process. Organizations which have endorsed the utilization of the ad interim committee system as significantly improving effective legislative policy formulation include the Committee on American Legislatures, the American Political Science Association, the Citizens Conference on State Legislatures, the Center for State Legislative Research and Service, Eagleton Institute of Politics, Rutgers University, and the Committee on Organization of Legislative Services, National Legislative Conference. Through research directed by the above mentioned groups and others, the Commission presents the following documentation for its last recommendation.

Formulation of public policy and evaluation of existing State programs to determine whether the intent of the program is being administered properly are the two most important functions of a legislature during the interim.<sup>3</sup> The Virginia Legislature has recognized the importance of these functions and the need to conduct thorough research to obtain data on which to base recommendations. However, the employment of standing committees during the interim has not been widely utilized as a means of increasing the effectiveness of the General

Assembly's performance of its two most important tasks.

Interim operations vary greatly from state to state. Some states operate studies through legislative councils or special interim committees while others conduct research through individual or joint standing committees. A growing number of states are providing for standing committees to operate during the interim. Thirteen states work primarily through standing committees; 15 states rely heavily on special appointed commissions; and 12 states have a combination of the first two methods.<sup>4</sup>

A 1967-68 Eagleton Institute study on state legislatures was conducted in which 300 legislators from Maryland, Wisconsin, Connecticut and Florida expressed their opinions on interim work. Less than 50% of those polled were satisfied with the work of their study councils. Many legislators remarked that such councils had not been effective at all. Few legislators could name over half of the studies they were assigned to during the interim. A 1968 Florida legislative subcommittee proposed permanent standing committees be assigned interim study tasks and stated "there is such a diffusion of legislative effort resulting from the hydra-headed organizational structure, that most would concede that too much of the interim legislative work product is wasted".<sup>5</sup>

In order for the ad interim committee system to work effectively, standing committees need to be well organized, disciplined groups of legislators that respond critically to proposals during the session. Compared in terms of effectiveness of legislative study work those states with great reliance on standing committees to those with little reliance, the states were ranked as follows. Of the 19 states where great reliance was placed upon standing committees year round, 84% ranked as "most effective". Of the remaining 31 states, only 32% ranked "most effective" over other states in conducting legislative studies and other interim work.<sup>6</sup> Virginia's committee system ranks as a "medium performance" system.<sup>7</sup> "Medium performance" describes those states which either failed to meet important criteria (i.e., the judicious evolution of legislation in committee so that bills reported to the floor are passed without amendment) or failed to continue meeting during the interim. The Subcommittee believes that Virginia sessional committees perform well and the "medium" rating of Virginia is due to the fact that, like Florida, interim work consists of a "hydra-headed organization".

States which perform well during the session carry over their effectiveness in the interim. With Virginia's effective standing committees, it is highly probable that this effectiveness can be expanded into interim activity. Legislative studies should be placed in the standing committees which have experience and knowledge in their particular fields.

Under the existing structure, few standing committee members have the benefit of being members of an initial commission or committee making an investigation. A commission may be comprised of persons totally outside of the standing committee which must ultimately review a commission's proposals. The commission, after educating itself to the problems of the subject

area, must educate the committee to such problems. In the event the study is conducted by a committee of the Virginia Advisory Legislative Council, this educational process is removed even further from the standing committee.

Virginia's long history of continuity in its legislative and committee membership is an asset which the standing committees will find indispensable in fulfilling their interim role. The relationship between tenure and expertise is significant in developing the effectiveness of standing committees.<sup>8</sup> The General Assembly membership and individual committee memberships have one of the lowest turnover rates among the fifty states.<sup>9</sup> The continuity of the Legislature provides committees a core membership which gives the committee some experts in the particular subject area and establishes leadership throughout the year. The use of standing committees during the interim will provide the advantages of these previously untapped resources. Present commissions and committees have dispersed the workload on present members in such a fashion that senior members have become overburdened with interim assignments while freshmen members have few or no assignments. Utilizing the standing committee structure would ensure a more equal workload among the 140 members and develop a broad base of expertise in various legislative fields. This would eliminate the situation where some members have been overburdened with study committee assignments and find it difficult to serve adequately on so many committees.

The standing committee structure likewise lends itself to the operation of subcommittees containing both legislators and citizens. Citizens throughout the Commonwealth have excelled in every field of endeavor and should remain available to assist standing committees. These citizens have given freely of their valuable knowledge through their appointment to special committees and commissions and should be included in this phase of the legislative process.

Another benefit to be derived from this organization of interim work is the freeing of sessional time. Major policy review and evaluation, which has been previously conducted during the session, could be conducted during the interim and the resolution of major legislative issues concluded, thereby resulting in more time for other legislative matters. Once in session, additional time will be available to allow individual members to study legislation and attend to constituent demands.

In recent months, much publicity has been given to the State's financial difficulties. As previously noted the General Assembly has an important task to review policies and the executive administration of such policies. Assessment of administrative performance should be conducted by those legislators having the greatest knowledge of the establishment of certain policies. Standing committees, after recommending policies, should be more directly concerned with their implementation for the purpose of determining whether modification, extension or curtailment of policies or programs is necessary. This activity would logically fit into the interim operation of committees.



Effective and efficient government through legislative policy determinations is assured by a streamlined Legislature. This proposal for ad interim committees provides a method for the orderly, efficient organization of the Legislature on a year-round basis.

**CONCLUSION:**

The Commission recognizes the excellent strides made by the General Assembly to continue the tradition of excellence in Virginia government. The proposal follows other changes in the legislative process to strengthen the effectiveness and efficiency of the Legislature and to place it on a level of institutional power and capability equal to the executive branch.

Respectively submitted,

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John Warren Cooke, Chairman

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John N. Dalton, Vice Chairman

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Hunter B. Andrews

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Vincent F. Callahan, Jr.

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Joseph V. Gartlan, Jr.

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Robert R. Gwathmey, III

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Lewis A. McMurrin, Jr.

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Philip B. Morris

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William F. Parkerson, Jr.

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Ford C. Quillen

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**James M. Thomson**

.....  
**Edward E. Willey**

**APPENDIX 1**

**HOUSE JOINT RESOLUTION NO. 196**

**(1975)**

Directing the Division of Legislative Services to develop a staffing program for standing committees and to allocate funds

WHEREAS, in recent years the standing committees of the General Assembly have adopted the practice of retaining the services of legal counsel during legislative sessions; and

WHEREAS, the services thus provided have assisted the committees in more expeditiously discharging their duties; and

WHEREAS, despite the several merits of the present arrangement further improvement is possible if staff is provided on a year-round basis; and

WHEREAS, in addition to legal staff, much research of a non-legal nature is required by the committees; and

WHEREAS, in providing year-round legal and research staff the most efficient system will exist if staff is available from a central office which can direct and coordinate staff personnel thus maximizing the benefits offered and utilizing the time of staff personnel to the greatest extent; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Division of Legislative Services, under the direction of the Committees on Rules, is directed to proceed with the development, implementation and maintenance of a program to provide professional staff of the standing committees of the General Assembly.

The program shall be designed to:

1. Maximize the talents of current personnel;
2. Retain the services of only such additional persons whose activities can be coordinated with the present staff; and
3. Provide both legal and research capabilities during and between sessions.

The initial stages of the program shall be implemented by the time of the nineteen hundred seventy-six session of the General Assembly.

For the purpose of carrying out its duties as prescribed herein, the sum of sixty thousand dollars is allocated to the Division of Legislative Services from the general appropriation to the General

Assembly.

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## APPENDIX 2

A BILL to amend the Code of Virginia by adding a section numbered 30-19.8, relating to distribution of legislative study reports.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 30-19.8 as follows:

*§ 30-19.8. Distribution of study reports.—No report prepared and published in consequence of any directive, whether by statute or resolution, of the General Assembly or made by any standing committee of the General Assembly shall be distributed to the members of the General Assembly or any other person during the period of time between any October one and the next ensuing day on which the General Assembly shall adjourn sine die.*

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### APPENDIX 3

A BILL to amend and reenact § 30-19.1, as amended, of the Code of Virginia, relating to legislation and summaries.

Be it enacted by the General Assembly of Virginia:

1. That § 30-19.1, as amended, of the Code of Virginia is amended and reenacted as follows:

§ 30-19.1. Limiting time for introduction of certain bills; preparation and distribution of summary; amendment to create a study prohibited.— A. No bill to amend the charter of any city or town or to provide a new charter therefor, or affecting any optional form of county organization and government shall be introduced for consideration by the General Assembly of Virginia after the first calendar day of any session of the General Assembly unless requested by the Governor.

The Division of Legislative Services shall cause to be prepared a summary of each bill as to any unusual provisions contained therein or that would change any general law of the Commonwealth and distribute such summary to each member of the Committee on Counties, Cities and Towns of the House of Delegates and to each member of the Committee on Local Government of the Senate.

*B. No bill or resolution requesting or directing that a study for the benefit of the Governor and the General Assembly be made shall be introduced for consideration by the General Assembly after the tenth calendar day of any session of the General Assembly nor shall any bill or resolution introduced for a purpose other than to direct or request a study be amended for the purpose of requesting or directing a study, unless requested by the Governor or authorized by unanimous consent of the members of the house wherein introduction or amendment is sought.*

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## **APPENDIX 4**

### **HOUSE RESOLUTION NO.....**

**Amending the Rules of the House of Delegates to provide for citizen participation in standing committee activities.**

**RESOLVED** by the House of Delegates, That the Rules of the House of Delegates are amended by adding a section numbered 24(b) as follows:

24(b). The standing committees are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such committees or subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the committee or its chairman.

Persons appointed to serve shall receive a compensation allowance of thirty-five dollars per day and reimbursement for their actual expenses incurred in the performance of services for the committees. For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments shall be made from the general appropriations to the House of Delegates.

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**APPENDIX 5**

**SENATE RESOLUTION NO.....**

Amending Rule 20 of the Rules of the Senate to provide for citizen participation in standing committee activities.

RESOLVED by the Senate, That Rule 20 of the Rules of the Senate is amended by adding a subsection M. as follows:

20 (m). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such committees or subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the committee or its chairman.

Persons appointed to serve shall receive a compensation allowance of thirty-five dollars per day and reimbursement for their actual expenses incurred in the performance of services for the committees. For this purpose and for such other expenses as may be occasioned by the conduct of any Committee study, payments shall be made from the general appropriations to the Senate.

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## FOOTNOTES

1. Created in 1968 by Senate Joint Resolution No. 20, the Commission made reports to the General Assembly in 1970 (Senate Document No. 5), 1972 (House Document No. 28), 1973 (House Document No. 13), 1974 (House Document No. 35), and 1975 (House Document No. 32).
2. Ad interim - Referring to a legislative committee which is authorized to perform functions in the interval between sessions.
3. Alan Rosenthal, "Between Sessions: The Effectiveness of Legislative Study and Interim Work", State Governments, (Spring, 1971).
4. Karl T. Kurtz, "The State Legislatures", The Book of the States 1974-75, (Lexington, Kentucky, 1974), pp. 56-57.
5. Alan Rosenthal, "Between Sessions: The Effectiveness of Legislative Study and Interim Work", State Governments, (Spring, 1971), p. 97.
6. Alan Rosenthal, Legislative Performance in the States: Explorations of Committee Behavior, (New York: Free Press, 1974), p. 42.
7. Ibid., p. 43.
8. Ibid., p. 169.
9. Ibid., p. 171.

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