

**REPORT OF THE
JOINT SUBCOMMITTEE STUDYING**

LEGISLATIVE MANAGEMENT

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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RICHMOND
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**Report of the Joint Subcommittee
Studying Legislative Management
To
The Governor and the General Assembly of Virginia
Richmond, Virginia
December, 1983**

To: The Honorable Charles S. Robb, Governor of Virginia
and
The General Assembly of Virginia

INTRODUCTION

The following resolution, House Joint Resolution No. 83, agreed to during the 1983 General Assembly Session, requested that a joint subcommittee study and analyze the legislative process for ways to lighten the work of the committees, increase public access to committee deliberations, make use of cost-effective technology, and improve the flow of legislative business.

HOUSE JOINT RESOLUTION NO. 83

Requesting a joint subcommittee to conduct a study to analyze the legislative process in order to improve the efficiency of the work of the General Assembly of Virginia.

Agreed to by the House of Delegates, February 11, 1983

Agreed to by the Senate, February 23, 1983

WHEREAS, it is the desire and the intent of the members of the General Assembly to preserve and maintain the part-time, "citizen" character of the Virginia General Assembly; and

WHEREAS, the increasing legislative workload strains and tests the citizen legislature, causing an impetus for longer legislative sessions; and

WHEREAS, it is the policy of the Virginia General Assembly to conduct its legislative affairs in an orderly and efficient manner, thereby securing and maintaining a legislative process that is both understandable and accessible to each citizen of Virginia; and

WHEREAS, previous attempts at resolving the present dilemma by means of amending the constitutional provisions controlling legislative sessions have failed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That there is hereby created the Joint Subcommittee on Legislative Management. The joint subcommittee shall consist of four members of the House appointed by the Speaker; three members of the Senate appointed by the Committee of Privileges and Elections of the Senate; and three citizen members appointed by the Governor from the State at large.

The Committee shall analyze the legislative process for ways to lighten the work of the committees, increase public access to committee deliberations, make use of cost-effective technology, and improve the flow of legislative business.

The Committee shall complete its work in time to submit any recommendations it deems appropriate to the 1984 Session of the General Assembly.

The cost of this study shall not exceed \$6,400.

The resolution provided that the subcommittee would be composed of four members of the House of Delegates, three members of the Senate and three citizen members. Legislative members appointed to serve on the subcommittee were: Speaker of the House, A. L. Philpott; House Majority Leader, Thomas W. Moss, Jr.; House Minority Leader, Vincent F. Callahan, Jr.;

Chairman of the House Appropriations Committee, Richard M. Bagley; Senate Majority Leader, Hunter B. Andrews; Senate Minority Leader, William R. Truban and Chairman of the Senate Education and Health Committee and former Majority Leader, Adelard L. Brault. Mr. Philip F. Abraham, an assistant to the Governor, Mr. John J. Alexander, Jr., and Mr. Melville Carico were appointed by the Governor to serve as citizen members. Speaker A. L. Philpott was elected chairman of the subcommittee and Delegate Moss served as vice-chairman.

BACKGROUND

Each year the Virginia legislature is confronted with numerous bills and resolutions, covering important and complex issues. With an ever-increasing volume of legislation to consider, the General Assembly found it necessary to pass House Joint Resolution No. 83 in 1983 authorizing a study on the legislative process for ways to improve the efficiency of the legislature.

The legislature has made tremendous strides in recent years toward improving all aspects of the legislative process. One important aspect, citizen participation, has greatly improved in the last decade. The deliberations of the legislature and its standing committees have been more accessible to citizens of the Commonwealth since the enactment of the Virginia Freedom of Information Act in 1968. Amendments made during the 1977 Session to that Act removed legislative standing, interim and study committees from the exemption provision in the Act. Standing committee meetings are scheduled and publicized at the beginning of each session. However, problems do arise with the scheduling and notice of subcommittee meetings during the session. General Assembly members and members of the public often do not receive adequate notice of subcommittee meetings.

The number of bills and resolutions introduced during recent sessions has increased to the point where it presents most committees with heavy dockets and workloads. During the 1982 General Assembly Session, 1743 bills and resolutions were introduced, and in 1983, a short session, 1530 pieces of legislation were considered. With few exceptions, legislation is not considered by either house until it has been reported by a standing committee. A backlog of committee work naturally leads to a "last minute crunch" on the floor.

In preparation from this study, the subcommittee members became familiar with the work of the Commission on the Legislative Process. That Commission was originally established pursuant to Senate Joint Resolution No. 20, passed during the 1968 General Assembly Session. The Commission produced several reports dating from 1969 to 1976. Pamphlets and magazine articles pertaining to effective legislative and committee management were also considered by the members.

ACTIVITIES

The subcommittee held several meetings, including a well-publicized public hearing, to ascertain the problems with the legislative process and to propose solutions to those problems. Members of the public and subcommittee members acknowledged that although problems are easily ascertainable, viable solutions are not. Often "solutions" would further aggravate a situation or cause a different set of problems to develop.

The subcommittee was fortunate to have Dr. Alan Rosenthal, Director of the Eagleton Institute of Politics at Rutgers University, attend one of its earlier meetings. Dr. Rosenthal told the subcommittee that every state and every state legislature are unique and reflect the differences of the culture, politics and history of that state. He noted that during the period between 1966 and 1975, legislatures made numerous improvements and modernizations. Since the mid-1970's, legislatures have concentrated on exercising their power and are experiencing problems. Dr. Rosenthal emphasized that there will always be problems with legislatures - once old problems are solved, new problems will be created. There is no solution which will eliminate all of the problems pertaining to the management of legislative institutions.

Dr. Rosenthal maintained that legislative reform and modernization have increased the expectations of the press, citizens and legislators. Many legislatures eliminated limited sessions and created constitutional unlimited sessions. The legislatures in New York, California,

Massachusetts, Michigan and Pennsylvania have become full time and professional. Other legislatures, such as those in Wisconsin, Minnesota and Iowa, have lost their citizen quality and become professional. Dr. Rosenthal noted that Virginia has a citizen legislature and that it is a quality worth preserving. The Virginia General Assembly expressed the desire to preserve and maintain its part-time, citizen character in House Joint Resolution No. 83, which authorized this study. Some of the states having professional legislatures regret the loss of the citizen legislature and are attempting with difficulty to revert to citizen legislatures again.

Many states have excessive staffs which create problems - such as management. The larger the staff, the more of a workload it creates for legislatures. Staff could gain too much independence and the role of staff and legislator may become reversed. Dr. Rosenthal stated that this would be unlikely to happen in Virginia. Virginia has developed at a reasonable pace in its staff.

Dr. Rosenthal also observed that legislatures are exercising power today as they never have before. They no longer act as a rubber-stamp for the Governor or for agency proposals. Therefore, legislatures are experiencing problems in relating to the Governor and in interactions between the House and Senate. The stronger and more responsible the legislature is, the more of these problems it will experience.

Legislatures continue to have a problem with public image because they are trying to resolve controversial issues and conflicts. Improvements could be made on the management of time by legislatures. Dr. Rosenthal noted that those legislatures which have extended the length of their sessions have a tendency to waste time. The logjam at the end of the session is a problem experienced by most legislatures.

During the public hearing and subsequent meetings, issues concerning the legislative process in Virginia were raised and discussed. Those issues included the encouragement of the pre-filing of bills; the possibility of a recess during the session; efficient utilization of the current "carry-over" system; elimination of duplicate bills; limitation on the introduction of bills in the short session which failed in the previous long session; an earlier passage date for the budget bill; the improvement of the current subcommittee system; the posting of a notice of the time and place of conference committee meetings; the feasibility of legislative days instead of calendar days; an extension of the length of the session; computerized voting boards for both chambers; reduction or limitation of the social calendar; simpler phrasing of proposed constitutional amendments; establishment of a Public Information Officer for the General Assembly; use of standard forms for commending and death resolutions; scheduling of legislative meetings during the interim; establishment of toll-free numbers for legislative information; elimination of the logjam at the end of the session; establishment of deadlines for conferee reports; greater utilization of computers; joint orientation for new Senators and Delegates and management seminars for chairmen of committees.

Speaker Philpott established the following four subcommittees to conduct further inquiries on the matters before them:

Technology

William A. Truban, Chairman
John J. Alexander, Jr.
Adelard L. Brault
Vincent F. Callahan, Jr.

Public Access

Thomas W. Moss, Jr., Chairman
Hunter B. Andrews
Adelard L. Brault
Melville Carico

Committee Deliberations and Legislative Flow

Hunter B. Andrews, Chairman
Philip F. Abraham
Richard M. Bagley
Vincent F. Callahan, Jr.

Thomas W. Moss, Jr.
William A. Truban

Length of Session

Melville Carrico, Chairman
Philip F. Abraham
John J. Alexander, Jr.

Joseph H. Holleman, Jr., Clerk of the House of Delegates, J. T. Shropshire, Clerk of the Senate, John A. Banks, Jr., Director of the Division of Legislative Services and Charles M. Hubbard, Director of the Division of Legislative Automated Systems served as ex-officio members of the four subcommittees. In addition, Donald J. Finley, Staff Director for the House Appropriations Committee, and E. M. Miller, Staff Director for the Senate Finance Committee, served as ex-officio members of the Committee Deliberations and Legislative Flow Subcommittee. Following the deliberations of the four subcommittees, their reports were presented to the full study subcommittee, modified and adopted as they are presented herein.

SUMMARY OF RECOMMENDATIONS

Technology

1. Establishment of a Legislative Automation Technology Committee and an Automation Technology Operations Group to evaluate the technological needs of the General Assembly and to recommend and sponsor necessary policies or legislation.

Public Access

2. Establishment of a Public Information Officer for the General Assembly to disseminate information regarding the General Assembly. Toll-free telephone lines to the Office of the Public Information Officer should be installed and publicized.

3. Wider distribution of summaries of the bills.

4. Consideration should be given to the publication of a detailed informational booklet pertaining to the House of Delegates and the Senate of Virginia.

5. Notice of conference committee meetings should be posted to allow increased public access.

Committee Deliberations and Legislative Flow

6. There should be uniform expense allowances for House and Senate aides.

7. All agency bills, charter bills, county government bills and claims bills should be filed by the first day of the session.

8. Constitutional amendments should be clearly written so that they are not misinterpreted by the public.

9. A better procedure for distribution of notice cards to chief patrons should be established and only those patrons whose bills are expected to be considered at the committee meeting should be sent patron cards.

10. House subcommittees should have no fewer than five members, a majority of which represents a quorum. Senate subcommittees should have no fewer than three members, a majority of which represents a quorum. There must be a quorum to convene a subcommittee meeting and to take action.

11. Chairmen of subcommittees should notify, whenever practical, the appropriate Clerk of the date, time and place of subcommittee meetings so that notice of the meetings will continue to be keyed into the computer bill status system. Information on scheduled subcommittee

meetings should be posted at a central point in the Capitol and the General Assembly Building, and where practical printed in the House and Senate Calendars.

12. Before the adjournment of a standing committee meeting, the chairman should have subcommittee chairmen announce their scheduled meetings.

13. Where practical, notice of subcommittee meetings should be posted on the office doors of the subcommittee chairmen.

14. A search should be made for additional conference rooms in the Capitol and the General Assembly Building.

15. There should be a limitation on the introduction of legislation in an odd-numbered year if the measure failed in the previous even-numbered year.

16. Standard resolution forms should be utilized for commending and death resolutions.

17. Consideration should be given to the further elimination of as many conflicts as possible in the scheduling of committee meetings.

18. There should be greater use of the consent calendar and voting in block.

19. Scheduling of legislative meetings during the interim should be limited to a certain set time each month to allow legislators to block off that time months in advance.

20. The General Assembly may wish to consider a recess after the start of the session to allow bills to be printed and to allow more time for constituent input to legislators.

21. The General Assembly may wish to consider a December meeting date for House and Senate organizational meetings and committee appointments.

Length of Session

22. The Constitution of Virginia should not be amended to extend the length of the session or to revert to biennial sessions.

23. No action should be taken to interpret the meaning of "days" in Section 6 of Article IV of the Constitution of Virginia.

The subcommittee also recommends that the study be continued to determine the effects of the recommendations adopted pursuant to this report and to propose additional recommendations as deemed necessary.

Discussion of Recommendations

Technology

1. Establishment of a Legislative Automation Technology Committee and an Automation Technology Operations Group to evaluate the technological needs of the General Assembly and to recommend and sponsor necessary policies or legislation. (See Attachment 1 in the Appendix)

Information is an essential component of the legislative process. Computers are increasingly recognized as effective tools for accelerating the flow of information, increasing the productivity of individuals and enhancing the dissemination of information to the public.

During the mid-1970's, Virginia was among the first states to use computers in the drafting, editing and photocomposition of legislation. In recent years, however, the legislature has given little attention to enhancing the established capabilities while the pace of technological change has accelerated. The cost of acquiring a given unit of electronic processing or storage ability has consistently decreased at the average of 20% per year. Public acceptance of electronics and expectation of information availability have risen.

It is time for the legislature of Virginia to dedicate an increased portion of its key personnel to planning, organizing and controlling the automation activities which support its operations. For these reasons a Legislative Automation Technology Committee and an Automation Technology Operations Group should be established.

The Operations Group should review annual automation plans of each of the agencies that support the legislative process. No automation activity or equipment acquisition should be initiated which has not been reviewed and recommended by the Operations Group and approved by the Technology Committee. In addition to plans and acquisitions, there are a number of issues which should also be addressed: standards for hardware, software and communications; access to files across agency lines; dissemination of information to the public and new legislative support systems.

Establishing standards for hardware, software and communications can improve the legislative process by easing the technical problems of connecting equipment, increasing the access to information and improving the productivity of the work force. Many agencies are establishing electronic files of information on budgets, projects, operations, performance and other information which can be helpful to the legislative process. These same files often contain sensitive information which should not be released or only released under appropriate controls. The Operations Group should establish a process to develop and maintain an inventory of the electronic files, the adequacy of their security and rules for obtaining access to information. Computers enhance the dissemination of information to the public about the legislative process, the status of bills under consideration and plans for hearings and meetings. The Operations Group should evaluate and develop improvements in the electronic dissemination of information.

New applications of technology for word processing, scheduling activities, preparing budgets and displaying information are continually being invented. At least annually, the Operations Group should review the new developments to determine what should be considered for inclusion in the systems which support the legislative process. An annual technology assessment should be prepared under the direction of the Operations Group for presentation to the Technology Committee. The Operations Group should be empowered to approve pilot tests of new technology before recommending and obtaining approval for full-scale implementation by the Technology Committee.

The joint subcommittee was especially impressed with the computerized vote tally machines utilized by some of the other states. Although Virginia has an electronic board used for tabulating floor votes, some other states have installed computerized vote tally machines which can project the votes of the members by their names in Yes/No columns, project short amendments and motions, and provide the daily journal almost immediately upon recess. The system also has the capability to be tied into word processing machines in the offices of the Clerks and into the computers of the Division of Legislative Automated Systems. It was estimated that it would cost the Commonwealth \$123,000 to install the system in the Senate chamber. A similar figure was contemplated for installation in the House chamber. The subcommittee felt that although this or a similar system was needed it could not adequately address this matter in the established time frame. This matter should be studied by the Operations and Technology Committees.

Electronic technology presents opportunities for improving the legislative process. Effective implementation requires strong policy guidance and good management, both of which require long-term commitment.

Public Access

2. Establishment of a Public Information Officer for the General Assembly to disseminate information regarding the General Assembly. Toll-free telephone lines to the Office of the Public Information Officer should be installed and publicized. (See Attachment 2 in the Appendix)

The subcommittee recommends the establishment of a Public Information Office which would be staffed by an experienced Public Information Officer. The legislative information services currently provided by the offices of the Clerks of the House and Senate will be incorporated under the Public Information Officer. Although information on legislative activities and bill status is currently provided, testimony before the subcommittee indicated that the average citizen of

Virginia does not know of the existence of this service. Therefore, the subcommittee also recommends that toll-free telephone lines be installed and publicized so that the citizens of Virginia may contact the Public Information Officer concerning a particular matter or receive legislative information from the other staff members in the office.

The subcommittee recognizes the fact that phrasing of proposed amendments to the Constitution of Virginia and the result of the adoption of the amendment are often confusing. The Public Information Officer would be responsible for preparing and distributing news releases and other information regarding proposed amendments.

3. Wider distribution of summaries of bills.

Currently bill summaries are available from the bill room in the General Assembly Building and through the subscription service offered by the Division of Legislative Automated Systems. Every bill, resolution and document for that legislative session is also included in the subscription. If the bills are mailed the subscription price is \$380. If the bills are obtained from the bill room the subscription price is \$280. Individual copies of bills, resolutions, documents or summaries are distributed by the bill room without charge upon request to interested citizens.

The summaries of the bills state the main object of the bill, but do not and cannot cover everything that would be accomplished by long and complex bills. The quality of the bill summaries has improved over recent years as the draftsmen of the bill attempt to state more about the object of the bill. The subcommittee felt that citizens would be able to easily determine the bills that are of concern to them if they had copies of the summaries. The Public Information Officer should consider ways in which the legislative summaries could be more widely distributed.

4. Consideration should be given to the publication of a detailed informational booklet pertaining to the House of Delegates and the Senate of Virginia.

Some states publish and distribute detailed informational booklets pertaining to the organization and operations of the two houses in the legislature. Florida, for example, publishes separate booklets on its House of Representatives and the Senate which include information on the organization, operations, procedures, duties and the entire legislative process of each house. They also explain how a bill becomes law and gives historical information about the Chambers. The subcommittee felt that the possibility of publishing a similar booklet in Virginia should be explored.

5. Notice of conference committee meetings should be posted to allow increased public access.

The subcommittee received numerous complaints regarding the difficulty members of the press, lobbyists and citizens have in obtaining information regarding conference committees. Although notices for many of the conference committees are published in the House and Senate calendars, time restraints often prohibit their inclusion on a timely basis. Information regarding conference committee membership and the date, time and place of the meeting will continue to be available from the appropriate Clerk's office. In addition, the subcommittee recommends that this information be posted in a central location in the Capitol which will be easily accessible. Members of the press, lobbyists and citizens of Virginia are encouraged to attend conference committee meetings.

Committee Deliberations and Legislative Flow

6. There should be uniform expense allowances for House and Senate aides.

The subcommittee determined that there should be uniform expense allowances for House and Senate aides. There had been some confusion pertaining to the differences in the allowances and this recommendation should remedy that problem.

7. All agency bills, charter bills, county government bills and claims bills should be filed by the first day of the session. (See Attachment 3 in the Appendix)

The subcommittee encourages all members to prefile their bills, but recommends that all

agency bills, charter bills, county government bills and claims bills be filed by the first day of the session. Currently, only charter bills and bills affecting any optional form of county government are required to be filed on the first day of the session. By requiring agency bills and claims bills to also be filed by the first day of the session, more printed bills will be available for distribution during the first week of the session.

8. Constitutional amendments should be clearly written so that they are not misinterpreted by the public.

The subcommittee feels that more care should be taken in the drafting of proposed amendments to the Constitution of Virginia. Many voters were confused by the phrasing of recent proposed amendments.

9. A better procedure for distribution of notice cards to chief patrons should be established and only those patrons whose bills are expected to be considered at the committee meeting should be sent patron cards.

Notice cards should be sent only to those chief patrons who, within the time constraints established by the standing committee or subcommittee, can reasonably be expected to present their legislation to the committee or subcommittee. A minimum of 24 hours' notice should be given to a patron, if feasible, prior to consideration of his or her bill by a committee or subcommittee. Such notice should contain the time for commencement and adjournment of the meeting and should include a copy of the meeting's agenda (as opposed to the committee's docket), if applicable. If a patron so notifies the committee clerk or other appropriate staff person, either immediately prior to or during the meeting, to contact such patron by telephone as his bill approaches consideration by the committee or subcommittee, such clerk or other staff shall make every reasonable effort to contact the patron at the telephone number so given.

This recommendation should eliminate the problems experienced by some legislators who were not notified that their bills were in subcommittee. This proposal would provide for the notification of chief patrons of those bills expected to be discussed during the committee or subcommittee meeting.

Subcommittees

10. House subcommittees should have no fewer than five members, a majority of which represents a quorum. Senate subcommittees should have no fewer than three members, a majority of which represents a quorum. There must be a quorum to convene a subcommittee meeting and to take action.

The study subcommittee recommends the establishment of quorums for subcommittees to eliminate the practice of subcommittees which take action with only one member present.

11. Chairmen of subcommittees should notify, whenever practical, the appropriate Clerk of the date, time and place of subcommittee meetings so that notice of the meetings will continue to be keyed into the computer bill status system. Information on scheduled subcommittee meetings should be posted at a central point in the Capitol and the General Assembly Building, and where practical printed in the House and Senate calendars.

12. Before the adjournment of a standing committee meeting, the chairman should have subcommittee chairmen announce their scheduled meetings.

13. Where practical, notice of subcommittee meetings should be posted on the office doors of the subcommittee chairmen.

The subcommittee received numerous complaints pertaining to the lack of notice for some subcommittees. The implementation of recommendations 11 through 13 should provide for better notification of subcommittee meetings.

14. A search should be made for additional conference rooms in the Capitol and the General Assembly Building.

The committees and subcommittees of both houses share the facilities of the Capitol and the General Assembly Building. If additional rooms for subcommittee meetings could be found, the problem of scheduling subcommittee meetings in a limited number of rooms would be alleviated to some extent.

15. There should be a limitation on the introduction of legislation in an odd-numbered year if the measure failed in the previous even-numbered year. (See Attachment 4 in the Appendix)

Each year numerous bills are introduced which failed in the previous session. The subcommittee does not feel it is appropriate to limit the number or type of legislation members can introduce. However, due to the overwhelming number of measures which are re-introduced each year and again fail, the subcommittee makes this recommendation which it felt was timely.

16. Standard resolution forms should be utilized for commending and death resolutions. (See Attachment 5 in the Appendix)

Numerous commending and death resolutions are introduced each session and referred to the Rules Committee of each house. The number of resolutions have continued to increase each year and are adding to the heavy workload of the Rules Committees.

The subcommittee proposes that only resolutions or joint resolutions honoring or commemorating former members of the General Assembly, former statewide elected officials or former members of the United States House of Representatives and Senate should be introduced. All other commemorating or honoring resolutions should conform to the form and procedure set forth by the Clerks of the House and Senate and should be placed on the Calendar of the appropriate body without being referred to the Committee on Rules. Any resolution may be referred to committee on the motion of a member.

This recommendation would reduce the number of resolutions the Rules Committees consider each year.

17. Consideration should be given to the further elimination of as many conflicts as possible in the scheduling of committee meetings.

Conflicts in the scheduling of committee meetings have been greatly reduced in recent years. The leadership of both houses will continue to mitigate scheduling problems as they occur.

18. There should be greater use of the consent calendar and voting in block.

Action could be taken quickly on noncontroversial matters through greater use of the consent calendar. This would allow more time for the consideration of complex or controversial matters.

19. Scheduling of legislative meetings during the interim should be limited to a certain set time each month to allow legislators to block off that time months in advance.

The adoption of this recommendation would allow better scheduling and attendance of legislative meetings during the interim. Currently most interim meetings are scheduled through polling of members. Inevitably, at least one member will have a conflict with the available dates of the chairman. This proposal will provide members with a certain time each month (for example the first or last week of the month) they could reserve months in advance for their legislative activities. The Rules Committee of each house should consider the implementation of this policy.

20. The General Assembly may wish to consider a recess after the start of the session to allow bills to be printed and to allow more time for constituent input to legislators. (See Attachment 6 in the Appendix)

The subcommittee heard testimony regarding the need for a recess during the session, which would in part allow for the printing of bills. During the first two weeks of the session, printed bills are returned at a slow rate. This is due largely to the fact that most bills are not introduced until the last days of cut-off for introduction. Testimony indicated that a majority of this time was wasted due to the delay in receiving the printed bill. A recess would allow time

for the printing of bills and give legislators more of an opportunity to confer with their constituents on matters before the General Assembly. It would not be necessary to increase the length of the session because the recess would not be considered in the determination of the days of the session. (See Attachment 6 of the Appendix)

21. The General Assembly may wish to consider a December meeting date for House and Senate organizational meetings and committee appointments. (See Attachment 7 of the Appendix)

Although orientation for new members is held during December, the subcommittee felt that the General Assembly may wish to explore the concept of establishing a December meeting date for organizational meetings of each house.

22. The Constitution of Virginia should not be amended to extend the length of the session or to revert to biennial sessions.

Despite large increases in the volumes of legislation introduced in each session since our current Constitution became effective in 1971, no session has yet required the maximum number of days permitted.

Keeping annual sessions as short as possible enables legislators to be away from their businesses, professions, families and constituents a minimum amount of time. Longer periods of time mitigate against an almost universal desire to keep our General Assembly a "citizen legislature."

If it becomes impossible for any regular session to finish its business within the time allocated, there is sufficient constitutional authority for the Assembly to call a special session to continue such business. However, the problem of insufficient time to complete the Assembly's business has never occurred and is not expected to occur.

23. No action should be taken to interpret the meaning of "days" in Section 6 of Article IV of the Constitution of Virginia.

In Virginia, the term has always been taken to mean "calendar days" as opposed to "legislative days." Suggestions to have the meaning changed included (i) obtaining an opinion of the Attorney General and (ii) a resolution of the General Assembly expressing its intent. However, a constitutional amendment would most likely be required.

The effect of interpreting the term to mean "legislative days" would be to substantially increase the permitted, and in most cases the actual, length of sessions. For example, in an even-year session, there are eight weekends in between the time that the session begins and the sixtieth calendar day thereafter when it ends. If only legislative days were counted and neither house in session on an intervening Saturday or Sunday, the session would have to be extended more than three weeks to meet the constitutional requirement of "sixty days." The General Assembly, once it convened for a regular session, could schedule out the legislative days so as to spread out the session over a major part of the calendar year. A legislator, therefore, would never know in advance how long he would be in Richmond, thereby creating problems with his business, profession, family and other interests at home.

This study should be continued so that the subcommittee members can monitor the implementation and results of their recommendations. It may be necessary to amend or supplement the recommendations contained in this report to achieve the most desirable legislative process possible. (See Attachment 8 in the Appendix)

CONCLUSION

The subcommittee conducted a thorough examination of Virginia's legislative process. Throughout the study, the subcommittee focused on improving public access and increasing public information regarding the legislative process and legislative activities. At the same time the subcommittee recognized the need to maintain the "citizen" quality of Virginia's legislature and to suggest changes to the current legislative process which would improve the efficiency of the legislature. It is hoped that the members of the General Assembly will give careful

consideration to the recommendations contained in this report. The subcommittee also urges the Rules Committees in the House and Senate to adopt the necessary rule changes to implement these recommendations.

Respectfully submitted,

Speaker A. L. Philpott, Chairman
Delegate Thomas W. Moss, Jr., Vice-Chairman
Mr. Philip F. Abraham
Mr. John J. Alexander, Jr.
Senator Hunter B. Andrews
Delegate Richard M. Bagley
Senator Adelard L. Brault
Delegate Vincent F. Callahan, Jr.
Mr. Melville Carico
Senator William A. Truban

APPENDIX

ATTACHMENT 1

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 3.3, consisting of sections numbered 30-34.15 through 30-34.18, to establish the Legislative Automation Technology Committee and the Automation Technology Operation Group.

WHEREAS, in 1973 the Virginia General Assembly began the development of computer-assisted systems for the preparation and printing of legislation and for reporting the status of various items of legislation as they were processed; and

WHEREAS, such systems have been extremely effective for the purposes for which they were designated; and

WHEREAS, in the meantime, the pace of technological change has accelerated, and it is anticipated that it will continue to accelerate: microcomputers have been invented and personal computers have been introduced; programs have been written to automate and speed up many tasks that have in the past slowly and laboriously been done by hand; costs of acquiring and operating electronic processing equipment have consistently decreased and public acceptance has consistently increased; and

WHEREAS, it seems reasonable that the Virginia General Assembly can ill afford not to continually evaluate changes that occur in automative technology that have a practical application to any process or procedure within the Virginia Legislature and to implement such changes as deemed appropriate; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 3.3, consisting of sections numbered 30-34.15 through 30-34.18 as follows:

CHAPTER 3.3.

LEGISLATIVE AUTOMATIVE TECHNOLOGY.

§ 30-34.15. *Legislative Automation Technology Committee.*—The Legislative Automation Technology Committee is created consisting of the Speaker of the House of Delegates, the President pro tempore of the Senate, the majority and minority leaders of both the House of Delegates and the Senate and the Chairman of the House Appropriations Committee. The Speaker of the House of Delegates shall serve as Chairman.

§ 30-34.16. *Duties of Committee.*—The Legislative Automation Technology Committee shall meet upon the call of the Chairman for the consideration of all recommendations submitted to it by the Automation Technology Operation Group. The Committee shall provide for the implementation of recommendations that it deems worthy by (i) the introduction of appropriate legislation, (ii) recommendations for changes in legislative policy or changes in Rules of the House of Delegates and Senate to the Rules Committees of the House of Delegates and Senate, and (iii) recommendations for appropriations as necessary.

§ 30-34.17. *Automation Technology Operation Group.*—The Automation Technology Operations Group is created consisting of the Clerks of the House of Delegates and Senate, the Auditor of Public Accounts, the Director of the Division of Legislative Automative Systems, the Director of the Division of Legislative Services, the Director of the Joint Legislative Audit and Review Commission, the Staff Director of the House Appropriations Committee, the Staff Director of the Senate Finance Committee, the Director of the Department of Computer Services and the Director of the Department of Management Analysis and Systems Development. The Director of the Division of Legislative Automative Systems shall serve as Chairman.

§ 30-34.18. Duties of the Group.—The Automation Technology Operations Group shall meet on the call of any three members for the purpose of evaluating changes that occur in automative technology that may have applicability for legislative functions, and evaluating the need for enhancing computer-assisted operations currently in effect within the legislative branch. All recommendations of the group shall forthwith be submitted to the Legislative Automation Technology Committee for approval.

ATTACHMENT 2

HOUSE JOINT RESOLUTION NO. ...

Directing the Clerks of the House of Delegates and Senate to employ a public information officer.

WHEREAS, public access to all legislative activities has been a major concern of the Virginia General Assembly; and

WHEREAS, it was one of the major reasons for creating the Joint Subcommittee on Legislative Management through the passage of House Joint Resolution No. 83 at the 1983 Session; and

WHEREAS, such joint subcommittee has recommended that an Office of Public Information be created within the General Assembly; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Clerks of the House of Delegates and Senate are directed to jointly employ an experienced public information officer whose salary shall be paid from funds appropriated for the operation of their offices. Such officer shall serve under the joint supervision of such clerks. He shall be in charge of the Legislative Information Office. His duties shall include, but not be limited to the following:

1. The preparation and distribution of all news releases announcing public hearings of legislative study groups,
2. The preparation and distribution of all news releases reporting all other legislative activities,
3. The development, operation and continued enhancement of a system to give timely and effective notice of all legislative activities, including meetings of subcommittees and conference committees, and
4. The preparation and distribution of news releases on proposed amendments to the Constitution of Virginia.

ATTACHMENT 3

§ 30-19.1. Limiting time for introduction of certain bills; preparation and distribution of summary.— ~~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 A.~~ *The following types of legislation shall not 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 except those accompanied by a written request of the Governor :*

- 1. Bills to provide a new charter, or amend an existing charter, of any city or town,*
- 2. Bills affecting any form of county organization and government,*
- 3. Legislation that is prepared and introduced at the request of any Governor's secretary or any state agency, and*
- 4. Bills involving a monetary claim against the Commonwealth.*

B. The Division of Legislative Services shall cause to be prepared a summary of each bill listed in items 1 and 2 of subsection A above 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.

ATTACHMENT 4

SENATE RESOLUTION NO. ...

26 (h). In accordance with Article IV, Section 7, of the Constitution, the General Assembly is a continuous body for the sessions commencing in even years continuing through the sessions in odd years.

Any bill, resolution or joint resolution which has been introduced in but has not passed the Senate in an even-numbered year shall not be introduced in the Senate in the immediately following odd-numbered year in the same or substantially the same form. The Clerk of the Senate, pursuant to Rule 8 (d), shall observe this rule and determine its applicability to the Committee on Rules. The chief patron of the proposed bill, resolution or joint resolution, if the Clerk of the Senate determines this rule applicable and the bill, resolution or joint resolution is not entitled to filing, may appeal the said Clerk's ruling under the provision of Rule 19 (b) to the Committee on Rules.

The Committee on Rules shall determine the issue on introduction or filing of said bill or resolution by permitting the same on the affirmative votes of at least the majority of the elected members.

The provisions of this rule shall be applicable to bills, resolutions and joint resolutions carried over pursuant to Article IV, Section 7, of the Constitution, and Rule 20 (e), and shall be applicable to any bill or resolution carried over from the even year to the odd year and which has not passed the Senate in an odd year.

The provisions of this rule shall not be applicable to appropriations or revenue bills or joint resolutions proposing to amend the Constitution of Virginia or the United States of America.

ATTACHMENT 5

26 (g). Only resolutions or joint resolutions honoring or commemorating former members of the General Assembly, former statewide elected officials, or former members of the United States House of Representatives and Senate, upon their demise shall be introduced. All other commemorating or honoring resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day provided any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules. No exception to this Rule 26 (g) shall be made, unless the Senator proposing such exception has first presented it at a meeting of the Committee on Rules and a majority of the members elected to such Committee has voted in favor of the exception.

ATTACHMENT 6

§ 6. Legislative sessions. The General Assembly shall meet once each year on the second Wednesday in January. Except as herein provided for reconvened sessions, no regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than ~~thirty~~ *forty-six* days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended for a period not exceeding thirty days. *With the concurrence of two-thirds of the members elected to each house, one or more recesses in any regular session, not to exceed a total of fifteen days, may be taken, which recesses shall not be considered in determining the total length of such session.* Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.

The General Assembly shall reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house.

ATTACHMENT 7

§ 6. Legislative sessions. The General Assembly shall meet once each year on the second Wednesday in January. Except as herein provided for reconvened sessions, no regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than ~~thirty~~ *forty-six* days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended for a period not exceeding thirty days. Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The General Assembly shall meet on the first Wednesday of December of each year for seven days in even-numbered years and for eleven days in odd-numbered years for organizational purposes and for the introduction of legislation that is to be considered in the next subsequent regular session. No bill or resolution shall be considered during a regular session except (i) those introduced during the most recent December meeting, or filed prior thereto as provided by general law, (ii) legislation that is carried over from an even-year session to an odd-year session, (iii) procedural resolutions, (iv) legislation introduced at the written request of the Governor, and (v) legislation introduced with the unanimous consent of the house of introduction.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house.

The General Assembly shall reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house.

ATTACHMENT 8

HOUSE JOINT RESOLUTION NO. ...

Continuing the Joint Subcommittee on Legislative Management.

WHEREAS, at the 1983 Session of the Virginia General Assembly, House Joint Resolution No. 83 was adopted creating a joint subcommittee to conduct a study to analyze the legislative process; and

WHEREAS, after numerous meetings and deliberate consideration, the joint subcommittee has made many recommendations which should be implemented during the 1984 Session and shortly thereafter; and

WHEREAS, it is felt that the implementation and results of these recommendations should be monitored with the view of amending and supplementing them so as to achieve the most desirable legislative process possible; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee on Legislative Management, created pursuant to House Joint Resolution No.83 of the 1983 Session, is continued for a period of two years. The membership of the present subcommittee appointed to conduct the study shall remain the same. Vacancies that may occur in the membership shall be filled by the appropriate appointing authority.

The costs of this study, both direct and indirect, are estimated to be \$28,685.